

HMO Licensing – Frequently Asked Questions

1) What does HMO stand for?

HMO stands for 'House in Multiple Occupation'.

2) What is a House in Multiple Occupation (HMO)?

It is an entire house or flat which is let to three or more tenants who form two or more households and who share a kitchen, bathroom, toilet or laundry facilities.

It includes "Section 257" HMOs which are converted blocks of flats where the conversion work was not done in accordance with the appropriate building regulations (please see the question below).

The full definition and exclusions can be found in the Housing Act 2004, Section 254 to 264 and Schedule 14.

Examples would be shared houses with 3 or more occupants, converted flats with 3 or more occupants within a building and owner occupiers with 3 or more lodgers.

3) What is a household?

A household can be one person or several people provided that they are **all** members of the same family. Half-relatives will be treated as full relatives. A foster child living with his foster parent is treated as living in the same household as his foster parent. Domestic staff members are also included in the household if they are living rent-free in accommodation provided by the person for whom they are working.

4) What is a main residence?

In order to be an HMO the property must be used as the tenants' only or main residence. Properties let to students and migrant workers will be treated as their only or main residence and the same will apply to properties which are used as domestic refuges.

5) What is a section 257 HMO?

Under section 257 of the Housing Act 2004, certain converted blocks of flats may be classed as an HMO.

A purpose built block of flats is not an HMO because the building was **not** “converted” into self-contained flats. However an individual flat within the block could be a HMO.

A converted block of flats is an HMO if it meets the following criteria:

- Building work undertaken in connection with the conversion did not comply with the Building Regulations 1991 (or regulations that applied after if the conversion was after 1st June 1992) and still does not comply with them; and
- More than one-third (over 33%) of the self-contained flats are privately rented.

'Appropriate building standards' usually means the 1991 Building Regulations or whichever later Building Regulations applied at the time the work was done.
www.legislation.gov.uk/ukxi/1991/2768/contents/made

6) How do I know if my property is an HMO?

Below is a table to show some examples of what does and does not constitute a HMO

Description	HMO?
2 bedroom house or flat with 2 unrelated tenants	No
2 bedroom flat, 1 cohabiting couple and 1 unrelated tenant	Yes
3 bedroom house, 3 unrelated tenants	Yes
3 bedroom house, brother, sister and cousin sharing	No
Converted block consisting of 3 flats, conversion does not meet Building Regulations 1991, all 3 are privately rented with at least 1 tenant in each flat (100% privately rented)	Yes
Converted block consisting of 4 single-occupant flats, conversion does not meet Building Regulations 1991, 2 owner occupied and 2 privately rented (50% privately rented)	Yes
Converted block consisting of 2 single-occupant flats, conversion does not meet Building Regulations 1991, 1 owner occupied and 1 privately rented (50% privately rented)	Yes
Converted block consisting of 3 single-occupant flats, conversion does not meet Building Regulations 1991, 2 owner occupied and 1 privately rented (33% privately rented)	No

7) What is additional licensing?

The Housing Act 2004 requires local housing authorities to licence HMOs if they accommodate more than five people who form two or more households. This is called **mandatory licensing**. Mandatory licensing is applicable to any HMO in England that meets the national criteria.

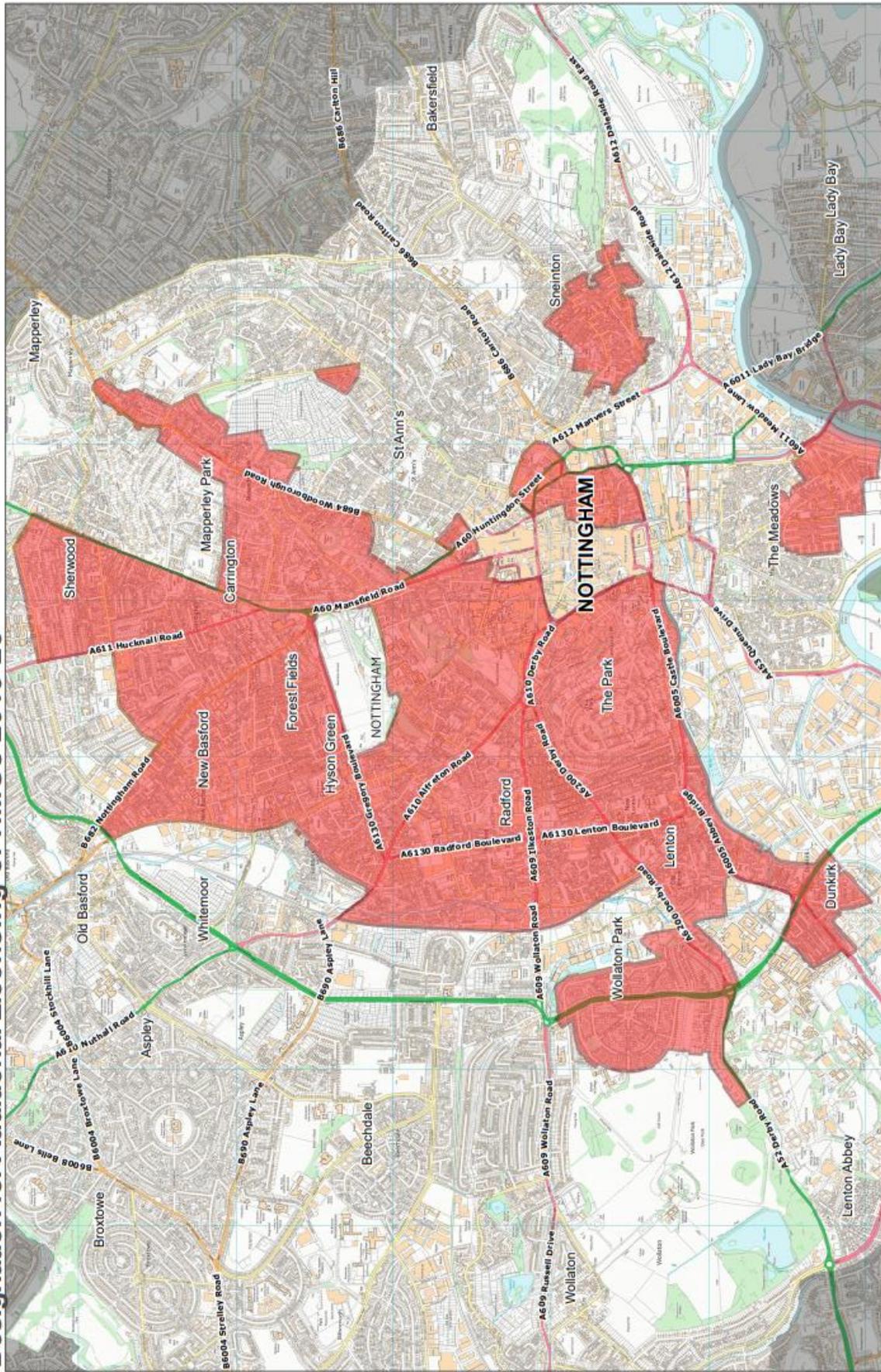
The Act also gives authorities the power to introduce licensing schemes for other HMOs if certain conditions are met. This is called **additional licensing** and the council has been operating schemes in designated parts of the city since 2014.

It is a discretionary scheme that Councils can introduce to help to deal with the problems associated with HMOs that are not already covered by mandatory licensing. This can be that safety standards are not being met or that properties are not being managed properly. This will include typically smaller privately rented shared houses and flats and some substandard property conversions.

The second scheme has been approved to operate from the 1st January 2019 to 31st December 2023. The new designation map can be viewed below.

By requiring landlords to license their properties, the council is able to ensure they are a 'fit and proper' person and through compliance with the licence conditions, are providing well managed homes. The aim of the scheme's is to raise standards in HMOs to ensure Quality housing for all and that all citizens can live in well managed homes.

Designation for Additional Licensing of HMOs 2019-23



8) What are the current requirements for a mandatory licensed HMO?

As from the 1st October 2018, HMOs that occupied by five or more people, forming two or more households are required to be licensed.

This is called mandatory licensing and the Housing Act 2004 is the legislation that requires this licensing to be carried out by the Council. There are approximately 2500 properties current mandatory licensed by Nottingham City Council.

There is a requirement to meet guidance and regulations for the number of people living in the accommodation, the size of the rooms they occupy, the number of shared amenities per person e.g. bathrooms and kitchens and fire safety measures e.g. fire alarms, fire extinguishers, smoke detectors, fire doors, fire exits and signage and thermal comfort and energy efficiency measures.

The HMOs also have to be managed properly and checks are carried out to make sure that landlords/managers are “fit and proper” and do not have unspent criminal convictions. This licensing would continue alongside additional licensing as it is a national scheme.

9) I already hold a mandatory licence for my properties; do I need to apply for an additional licences as well?

No, property can only have one licence. If your property has a mandatory licence, you do not need to apply for an additional licence.

If your property has five or more occupants forming two or more households, then your property is already subject to the Mandatory Licensing scheme and you will not need to apply again under the Additional Licensing scheme.

However, you must hold a separate licence for each property that meets the licensing criteria, whether under either the Mandatory or the Additional Licensing Scheme. A property can only be licensed under one scheme.

10) I already run a licensed HMO; do I require a licence for my other houses?

Yes. You must hold a separate licence for each property that meets the licensing criteria, whether under either the Mandatory, Additional or the Selective Licensing Scheme.

11) What about good landlords who already manage their properties well?

We recognise that a number of landlords already deliver good quality accommodation, that is well managed. We could not exempt them from the schemes but, because the process of licensing their properties could be considered easier than with less compliant landlords, we have introduced a range of fees.

A 'Standard' fee, a 'Less Complaint' fee and a reduced fee where they are accredited under the Nottingham Standard scheme who meet and promote national standards of good practice.

A "Less compliant Landlord" is one that is a misinformed, unaware or accidental landlord who operates without proper knowledge of legislative requirements and who may only comply with requirements once prompted and guided.

12) Does the council make any money out of licensing?

No. The council is only allowed to charge a fee which would cover the costs to administer and run the scheme. The council has set a fee at a level that would ensure full cost recovery for the scheme and be a balance between a reasonable cost for landlords, whilst also seeking to ensure the scheme would be successful, properly funded and adequately resourced for compliance and enforcement work.

13) When does the additional licensing scheme start?

The new Additional Licensing Scheme will begin on 1st January 2019 and will last five years. With a few statutory exemptions it would affect all HMOs (excluding those that need to be licensed through the mandatory national scheme and the NCC Selective licensing scheme operating since the 1st August 2018) Applications can be made by following the link to our online licensing application form [here](#).

14) What happens to the existing licensing schemes?

The existing mandatory scheme is a National Licensing Scheme and will continue to run alongside the new additional scheme. The Additional Licensing Scheme covers a designated area and includes several wards in the city. Properties licensed under the old Additional scheme may now be passported into the most appropriate scheme and landlords will be notified of any such changes as they occur.

15) What types of HMO does additional licensing cover?

Additional licensing covers smaller HMOs or those that fall out of the other schemes: this is generally properties occupied by three or more people who are not from the same family and who share a kitchen, bathroom or toilet.

16) Is it true that houses converted into flats are not covered by the HMO schemes?

Section 257 Converted properties are not part of the Additional scheme as such. However, part of a converted building, for example a large flat within a converted house would be a Section 254 HMO, will need a licence if it meets the relevant occupancy and amenity sharing criteria.

17) Are purpose built blocks of flats included in the additional licensing scheme?

Purpose built blocks are included in the scheme as such individual flats could be subject to additional licensing depending on their occupation.

18) Is a single storey flat above commercial premises subject to additional licensing?

As in the national mandatory licensing scheme, any commercial storey in the building would be considered a storey, however for licensing purposes the storey requirement has now been removed, so is no longer counted. For example, a flat above a shop would be considered subject to mandatory and/or additional licensing if it satisfied the occupation and amenity sharing criteria of each scheme.

19) How much does an HMO licence cost?

The fees for the licences for HMOs are available on our webpages. The license fee is reviewed on an annual basis and fees may be subject to change from the 1st April 2020.

20) Can I pay the licensing fee in instalments?

The fee has to be paid in two parts, the first payment is made as part of the application online process and the second payment is made when the application is determined and a proposal to grant notice is served. Please note an application is deemed incomplete unless the correct fee is paid.

21) If I have more than one licensable HMO, do I have to make an application for them?

Yes. A landlord has to make an application for **each** HMO meeting the schemes criteria.

22) How do I apply for a licence?

All landlords or their managing agents will need to make a licence application on our online application portal and pay a fee online at the time of application. This move to all applications being online is in recognition of the improvements that have been made to our online application form making it easier to apply.

For anyone who may find this online application process difficult please contact hmo@nottinghamcity.gov.uk in the first instance.

A paper application can be downloaded and printed by landlords and agents from the website [here](#), however the processing of paper applications attracts an additional fee for manual processing the information.

23) Do I need to provide evidence of training?

Yes – training records demonstrate that the license holder and managers of the property are competent and have undertaken relevant training in the past three years.

This requirement of the licence condition for Licence Holder Training (Section F) can be satisfied by the completion of a one-day training course or online equivalent covering the law and legal requirements relating to managing privately rented houses. Once completed, submit a certificate or other confirmation to the Council following this training. The following are recognised as providing a suitable course to satisfy this condition.

Organisation	Course	Contact Details / Websites
DASH Services	Landlord Development Course	Web: www.dashservices.org.uk Contact: linda.cobb@derby.gov.uk Tel: 01332 641111
East Midlands Property Owners (EMPO)	Basic Law for Lettings	Web: www.empo.co.uk/training-courses.html Contact: www.empo.co.uk/contact-us.html Tel: 0115 9502639
National Landlords Association (NLA)	Foundation Course	Web: www.landlords.org.uk/foundation Contact: www.landlords.org.uk/contact-nla Tel: 020 7840 8920
Residential Landlords Association (RLA)	Landlords Principles of Letting or Agents Principles of Lettings (e-Learning also available)	Web: www.rla.org.uk/landlord/courses/landlord_training_courses.shtml Contact: info@rla.org.uk Tel: 03330 142998
National Approved Letting Scheme (NALS)	Foundation Lettings Course	Web: www.nalscheme.co.uk/nals-professional-development/ Contact: info@nalscheme.co.uk Tel: 01242 581712
Unipol – Unipol members only	Unipol online or classroom based landlord course	Web: www.unipol.org.uk/ Email: code@unipol.org.uk Tel: 0115 9345020

24) What happens if my HMO should be licensed but I don't apply for one?

A person commits an offence under Section 72 of the Housing Act 2004 if he or she is a person having control of, or managing an HMO which is required to be licensed under the Additional or Mandatory Licensing Schemes, but which is not so licensed.

You would be committing a criminal offence and run the risk of prosecution, with an unlimited maximum fine or a civil penalty of up to £30,000. Other things to consider the tenant and council can make a Rent Repayment Order to the First Tier Tribunal who may order you to repay 12 month's rent to the tenants. You would be unable to recover possession of the property using a Section 21, Housing Act 1988 notice. If the council

were to have to do more than the normal amount of work to ensure a licence application is made a finder's fee and higher licence fee would also be charged.

25) Why do I need to tell interested third parties, such as my mortgage provider, about my HMO application?

Licences are legally enforceable and may require changes to the house. People with a legal interest in the property have a statutory right to know how the HMO licence may affect them. This would include mortgage providers, other owners, or managers.

26) How does HMO licensing work?

Mandatory and Additional licensing works in exactly the same way. Owners of properties that need to be licensed must proactively make an application and pay the appropriate fee.

Following that application, the property may be inspected and the applicant may be sent a draft licence together with conditions that must be met or a refusal notification. The owner can make representations at this stage and, if agreed, they will be incorporated in the full licence conditions or rejected. If no agreement can be reached, the applicant has the right of appeal to First Tier Tribunal.

27) Once I have applied for a licence, when will my property be inspected and how often?

As part of the application process to make a valid application a risk assessment is carried out and if we have concerns an officers for from the council will make an appointment to visit to carry out the inspection.

If the finder's fee and less compliant fee are applied to any application, a visit will always be carried out prior to the determination of the licence application.

The length of time between the application and inspection will depend on the number of applications received at the time of your application. Any required revisits would take place as appropriate.

Within the life time of the license a compliance inspection may be carried out at any time usually by prior arrangement and service of a notice of entry. Unannounced inspections may be carried out where intelligence suggests that an offence may be occurring; no notification is required for an inspection in these circumstances.

28) What standards are applied to an HMO licence?

There are a number of mandatory standards applied to HMO licences under the Housing Act 2004 and national regulations. The law also allows councils to apply discretionary conditions to regulate the management, use and occupation of the property. The council's guidance standards are available to view or download [here](#).

29) Can I appeal a decision?

Yes. When giving a decision on licensing the council would give details of the rights of appeal. Appeals are in the first instance to a First Tier Tribunal, which is an independent body from local councils and the government.

30) As a freeholder, am I expected to carry out work within individual flats over which I have no control, e.g. those owned by lessees and sub-let as an HMO, as part of the process?

No. The person receiving the rent from the HMO is the person responsible within the unit. However, as freeholder you would need to ensure that the safer standards in the common parts and fire safety in the common walk ways is adequate. You will also require a Fire Risk Assessment for the building.

If a freeholder applies to be the licence holder for a flat where they cannot exercise control, the Council might refuse to grant a licence on the grounds that the proposed licence holder is not the most appropriate person, of those available, to be the licence holder.

31) Will wash hand basins in bedrooms be required?

Wash hand basins are not required in all bedrooms. However, where the number or location of bathrooms falls short of what would be expected in an HMO of a particular size, it may be appropriate to install wash hand basins in some or all bedrooms as a compensatory factor. This will not be appropriate in all cases and it should only be done where the basins are in addition to a suitable provision of bathrooms or where it has been agreed with the Council in advance.

32) As a landlord, how might I be expected to tackle anti-social behaviour?

You are expected to have a suitable ASB plan and engage appropriately with your tenants if they cause ongoing problems and take appropriate action to enforce tenancy conditions relating to nuisance prevention.

There is also a management duty to ensure that the front and rear of an HMO property is kept clean and tidy. To meet this duty, landlords may have to arrange for clearance and disposal of rubbish and unwanted items if left there by tenants.

A guide to anti-social behavior has been developed by the Council to further assist landlords and is available upon request.

33) What happens if I don't comply with the conditions of the HMO licence?

It is an offence to fail to comply with any of the conditions on a licence and the licence holder should read the conditions on the licence carefully and take steps to ensure they are complied with. Where there is a reasonable excuse for the breach occurring, the Council may give you an opportunity to rectify the breach but, in most cases, the Council will look to take further enforcement action.

Such action can be easily avoided by ensuring that you understand the conditions on your licence and make sure that measures are put in place to comply with them. If you are unsure what is required to comply with the conditions, information and additional training is available through organizations such as DASH Services, EMPO, NLA, RLA etc.

You run the risk of prosecution and a possible civil penalty of up to £30,000 per individual condition. It may also affect your 'fit and proper' status and your licences could be revoked.

34) Are any properties exempt from HMO licensing?

The following types of property are exempt from HMO licensing:

- a building occupied by only two people who do not form a single household
- a building occupied by a single family
- Buildings managed by educational establishments, local housing authorities, registered social landlords, police, fire service, health authority or regulated by other legislation such as residential care homes, etc.
- some buildings occupied by religious communities
- buildings predominantly owner occupied, including residential landlords where the owner occupier (and family members) occupies the building (or flat) with no more than two other people
- buildings wholly converted into self-contained flats (although individual flats within the building may be licensable)
- buildings controlled or managed by certain co-operative societies
- the additional scheme exempts ANUK accredited properties but they will require a licence under the Mandatory scheme if they meet the criteria.

35) If I get an HMO Licence will I still need planning permission?

Yes - you may still need planning permission. Processing an HMO licence application and issuing a licence does not grant any planning consent that might be required for the property to be used as a house in multiple occupation. Additional planning controls exist in Nottingham City, meaning that full planning permission may be required to rent a property as an HMO, irrespective of whether or not it has an HMO licence. If you are unsure if any planning consent is needed, please contact the council's Development Control team on **0115 876 4447**, Monday to Friday between 9pm - 5pm, for advice.

36) I have planning permission for my HMO; do I also need a licence?

Yes. If you do receive planning permission you will still need to obtain a licence. Planning and Licensing have different objectives and separate legislation. You will need to comply with both.

37) Please can you explain the different terms of reference surrounding HMOs, licensing and planning permission?

HMO (House in Multiple Occupation) – This is a housing classification, for a house (or flat) with 3 or more tenants, forming 2 or more households. For example, a two-bed flat with a couple in one room and an unrelated friend in the other would be an HMO.

Mandatory Licensing – As the name suggests, this is a mandatory legislation that covers HMOs that have 5 or more people sharing facilities. This is regulated under the Housing Act 2004 and has been in force since 2006. With the requirement for three story's being removed in October 2018.

Additional Licensing – This is discretionary scheme that is introduced by a local council. This scheme covers all other HMOs that are not covered by the Mandatory Licensing scheme within a designated area of the city, also including the 2-bed flat example that we mentioned in the HMO definition above. Nottingham City Council is beginning the new scheme on 1 January 2018.

Planning Permission – Sui Generis – Planning permission is (and always has been) required to convert a single family house into a large HMO (with 7 or more unrelated persons sharing). This is legislation and is not a new requirement.

Planning Permission – Article 4 – Beginning on 12th March 2012, planning permission is required to convert a single family house into all other smaller HMOs (not covered by the existing sui generis use classification) in Nottingham City. So, if you currently rent your 2-bed flat to a couple with a child, they move out and you wish to rent it to a couple and an unrelated friend, you will need to apply for planning permission before the 3 people occupy the property.

So, the term HMO refers to all HMOs and within that a HMO in Nottingham City will be subject to Licensing **AND** require Planning permission. The type of licence or type of planning permission is dependent on the location and size of the HMO (as broken down above).

38) I have lodgers in my own residence, do I require a Licence?

A resident landlord and family can have up to two lodgers living in the house before it becomes an HMO.

If you have three or more lodgers the house will require a licence under either the Additional Licensing Scheme or the Mandatory Licensing scheme.

HMOs with 4 occupants will require a licence under the Additional Licensing scheme, as long as they are inside the designated area.

HMOs with 5 or more occupants, but where the HMO is a flat in a purpose built block of 3 or more flats, will require a licence under the Additional Licensing scheme, as long as they are inside the designated area.

HMOs with 5 or more occupants, but not including flats in purpose built blocks or 3 or more flats, will require a licence under the Mandatory Licensing scheme.

Occupants above includes the resident landlords, members of their household and any lodgers.

39) What can I do if I suspect that a property should be licensed or if there are more people living in an HMO than are permitted under the licence?

It is an offence to fail to apply for a HMO Licence or be non-compliant with a HMO Licence.

If you have any concerns you can:

- Check the Current Register of Licensed HMOs [here](#).
- You can report an unlicensed or non-compliant HMO online [here](#).

The fine for operating an unlicensed HMO is unlimited. A breach of any conditions of the licence carries an unlimited fine per individual condition. Civil penalties can also be served for up to £30,000 per offence.

40) How can I find out the contact details of a landlord or agent for a licensed HMO?

Information about the licence holder and the agent are available on the Register of HMO licences. You can check this [here](#).

41) I am selling the HMO soon what do I need to do?

Licences are non-transferable. When you sell a licensed HMO you should inform Nottingham City Council that you have done so because the licence will remain in force until it is revoked and you are liable for any breaches of the licence while it is still in force. Failing to notify us of any change in the management of the property is also a breach of condition on the licence and could result in further enforcement action.

If the property remains licensable, you should tell the prospective purchaser that they will have to apply for a licence in their own name.

42)What if my property does not meet the amenities guidance when I apply?

The HMO amenities guidance, which the Council has published, applies to both licenced and non-licenced HMOs. As such, efforts should be made to comply with the guidance at all times. The guidance can be found [here](#).

If an HMO does not meet the amenities guidance when the licence application is submitted, additional conditions will be added to the licence, if one is granted, that require the licence holder to carry out works to improve the amenities provision. It would be an offence to fail to comply with these additional conditions.

If the provision of amenities falls during the term of a licence, the Council can vary the licence to include new conditions that require the licence holder to carry out works to improve the amenities provision.

43)What documents do I need to support my licence application?

You will be required to provide the following as part of your application:

- Gas Safety Certificate (required for properties with a gas supply).
- Electrical Safety Certificate (required for all properties).
- Fire Alarm Test Certificate (where applicable).
- Fire Extinguishers Test Certificate (or proof of purchase if extinguishers are less than 12-months old).
- Emergency Lighting Certificate (where emergency lighting is present)
- Portable Appliance Testing (PAT) Certificate (required for appliances over 12 months old).
- Energy Performance Certificate (EPC) (required unless your property is exempt from the legal requirement).
- Clear and complete floorplans.

You are encouraged to provide the following as part of your application:

- Fire Risk Assessment.
- Proof of landlord's insurance.
- DBS check.

44)Do I need a DBS check with my application?

Basic Disclosure is desirable and can be submitted with your application but is not mandatory.

A Basic Disclosure contains only convictions considered unspent under The Rehabilitation of Offenders Act 1974. Disclosure Scotland was established in 2002 to provide criminal records checks under Part V of the Police Act 1997. Disclosure Scotland issues certificates - known as 'Disclosures' - which give details of an individual's criminal convictions, or state that they have none.

Declaration - you **MUST** complete the declaration at the end of the application and submission of the form will constitute your agreement in the absence of a signature. Please note that it is a criminal offence to make a false statement in an application for an HMO licence or fail to comply with any condition of the licence.

Fee payment - the correct fee **MUST** be paid when the application is submitted. You will be able to submit your first part payment online whilst completing the application. Alternative payment can be arranged upon request, however we no longer accept cheques.

Please be aware that incomplete applications will not be processed and will be rejected and returned. Where an application is received incomplete, one opportunity will be allowed free of charge to advise of missing documents or information. If the necessary documents or information are not received the application will be rejected. If any further correspondence is necessary, an additional fee will be charged per contact.

45) Do I need to send new certificates to the Council as I get them during the term of the licence?

You do not need to send certificates to the Council as you get them but there are conditions on all licences that require licence holders to provide certificates when they are requested by the Council. This will usually happen part way through the licence as part of the compliance visit that the Council will do.

For non-licensed properties, the Council can still request certificates under the powers of the Housing Act 2004.

46) Do I need tenancy agreements

All licences include a condition that requires the licence holder to provide the tenants with a written copy of the terms on which they occupy the HMO.

For non-licensed HMOs, landlord should still provide tenants with a written copy of the terms on which they occupy the property. Even where this has not been done, if the occupation meets the description of an Assured Short Hold Tenancy, it will be treated as such for enforcement purposes.

47)Some of my certificates expire soon; do I need to move our annual inspections to one month of the year or can I send existing certificates as long as they are in date at the time of the application?

As long as the certificates are in date at the time of the application, then that will be fine. We will not be requesting to see certificates on an annual basis but we will be carrying out periodic spot checks to ensure that landlords are performing the relevant safety checks and keeping their certificates up to date, certificates will always be required.as part of a compliance inspections

48)Once I have submitted my application, what happens next?

- You submit online application for HMO licence.
- The application is processed once ALL relevant information and ALL documents have been received.
- If you start or abandon an application and do not complete it your property will be deemed 'unlicensed'.
- If the information you provide is satisfactory a licence is issued provisionally and sent to all interested parties. Licence is subject to the licence holder's declaration that the property complies with the Standards, Conditions and Management Regulations. If the property is deemed to be non-compliant at the time of inspection, the licence may be revoked and the licence holder may face an enforcement action. (The licence may be refused or issued with additional conditions. There is a right for appeal against a decision).
- An officer may arrange an inspection to assess the property's compliance with the Standards, Conditions and Management Regulations. Further mandatory conditions to carry out certain work may be included as part of the licence.
- You need to then consider representation to further conditions if made.
- If you the licence holder does not respond within 28 days, the licence is deemed to have been accepted.
- It is an offence to make a signed declaration at the time of your application which states that your property complies with current legal requirements, regulation and standards. If at the time of inspection your property is non-compliant enforcement action may be taken.

Nottingham City Councils Enforcement policy and Nottingham City Councils Standards, Conditions and management Regulations can be viewed and downloaded [here](#).

49)I noticed in the Standards, Conditions and Management Regulations that I may be required to carry out a fire risk assessment. Do I have to pay someone do this for me?

As the owner, landlord or occupier of a business or non-domestic premises you are responsible for ensuring it is safe from fire. This includes ensuring that a risk assessment has been carried out by a competent person.

We recommend that you read the guidance and information provided by Nottinghamshire Fire and Rescue Service on carrying out risk assessments and choosing a competent risk assessor. The website also includes a fire risk assessment template, which can be used or adapted for your purposes. If after reading the guidance notes, you decide that you as the landlord are a competent person to carry out the risk assessment, then you will not need to pay for someone to do this assessment.

<https://www.notts-fire.gov.uk/business-safety/fire-risk-assessment>

The Guidance from the Fire Risk Assessment Competency Council on choosing a competent fire risk assessor also includes a checklist under the section “Can I do it myself?”

<https://www.hwfire.org.uk/assets/files/competentfireriskassessorguide-version2-29-05-14.pdf>

The Government has also produced Guidance on Fire Risk Assessments in Sleeping Accommodation. There is a template on page 120 for recording significant findings from the risk assessment.

Fire Safety Risk Assessment - Sleeping Accommodation

<https://www.gov.uk/government/publications/fire-safety-risk-assessment-sleeping-accommodation#history>

50) What is our duty as a landlord with respect to legionnaire’s disease? Do we need to have a risk assessment done to our property in order to get a licence?

If you are an employer, or someone in control of premises, including landlords; you must understand the health risks associated with legionella bacteria. Carrying out a risk assessment is your responsibility. If you consider yourself to be competent, you may carry out this assessment yourself or you can contact a specialist to conduct the risk assessment for you.

You or the person responsible for managing risks, need to understand the water systems, the equipment associated with the system such as pumps, heat exchangers, showers etc., and its constituent parts.

The HSE has published an Approved Code of Practice for duty holders in respect of managing the risk of legionella bacteria. Please see Legionnaires' disease - The control of legionella bacteria in water systems.

<http://www.hse.gov.uk/pubns/priced/l8.pdf>

We do not request this information to upload as part of the licence process. It is covered under the Health and Safety at Work Act 1974 and something that all landlords have a duty to manage regardless of whether they rent out licensed HMOs or unlicensed HMOs/single family dwellings.

That being said, this would be checked during a property inspection under the Housing Health & Safety Rating System (HHSRS). If a property is considered to be high risk, you may be asked to provide proof that that risk has already been identified and is being appropriately managed

51)What does the Council want to achieve through its Additional Licensing Scheme?

The aim of the scheme is to ensure that landlords are meeting their; legal obligations, duties and responsibilities to provide safety measures, for the property to be in good condition, well managed and maintained to improve the quality housing stock available to citizens. There is a desire for there to be a level playing field and all HMOs providing consistent standards irrespective of the size of the dwelling

52)Will landlords pass on this cost to tenants?

It is not anticipated that the cost will be passed on to tenants and in other areas of the country where similar schemes have been introduced it has not happened and the local market determines the rental rates.

Where a landlord does increase the rent, there are legal processes that the landlord **MUST** follow. Where a tenant has their rent increased, they can contact the Council to check whether the landlord has followed the correct procedure and whether the rent increase is legal. Tenants can do this clicking [here](#).

53)How do I contact the Safer Housing & Licensing team?

Anyone who would like to make an application for a licence or require general advice should contact:

In writing;

Nottingham City Council

Safer Housing & Licensing Team

Nottingham City Council, Loxley House, Station Street Nottingham, NG2 3NG.

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Website: <https://www.nottinghamcity.gov.uk/housing/landlords-guide-to-licensing-your-rented-properties/>

54)Where can I find your GDPR Privacy Statement for Housing Licensing

<https://www.nottinghamcity.gov.uk/privacy-statement/individual-privacy-notice/>