



NOTTINGHAMSHIRE
Fire & Rescue Service
Creating Safer Communities

JOINT WORKING AGREEMENT

IMPROVING FIRE SAFETY IN RESIDENTIAL ACCOMMODATION



**Joint Working Principles and Enforcement Protocol
between the Regulators of the Housing Act 2004 and
Regulatory Reform (Fire Safety) Order 2005**

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1. Introduction

1.1 This agreement establishes the principles and describes the joint working arrangements between the Nottinghamshire Local Housing Authorities (collectively described as the Local Housing Authority or LHA) and Nottinghamshire Fire & Rescue Service (NFRS) to deliver the objective of improved fire safety in residential accommodation. It is a framework which provides the basis for detailed local arrangements whilst encouraging collaboration throughout the County of Nottinghamshire, based upon the 'Protocol between Local Housing Authorities and Fire and Rescue Authorities to improve Fire Safety (2007).

1.2 The introduction of the Housing Act 2004 and the Regulatory Reform (Fire Safety) Order 2005 (RRO) has imposed an analogous duty of two statutory authorities to enforce certain fire safety provisions within such housing. (A summary of the respective legislation is available as Appendix A).

1.3 NFRS has a statutory duty to enforce the provisions of the RRO, which are applicable in the common areas of all residential accommodation not forming a single private dwelling. (The RRO applies to all parts of a House in Multiple Occupation (HMO), specifically if a Prohibition Notice is required to be served, under Article 31 of the RRO for serious fire safety matters immediately effecting life safety). When a prohibition is served, it does not necessarily need to only be served on the parts that relate to the fire service but can be served on the whole building.

1.4 Where reasonably practicable the lead enforcing Authority should serve the appropriate prohibition notice/order. Where notices/orders are served by an Authority that do not have primacy with regard to the legislation, notices/orders must be retracted and replaced by the lead Authority at the earliest available opportunity.

1.5 Conversely, LHA's are responsible for implementing the various licensing requirements of the Housing Act 2004 ('The Act') and utilising the Housing Health & Safety Rating System (HHSRS) to identify and if necessary act upon, significant hazards found within all housing.

1.6 This agreement seeks to provide the efficient use of resources, implement appropriate review and monitoring arrangements, identify the separate areas of inspection and enforcement and provide for urgent or complex requests for assistance from either party. It seeks to provide both parties, as far as is reasonably practical, with a measure of confidence that they are discharging their respective, legislative duties.

1.7 These collaborative working arrangements, which support the Governments broader agenda for partnership working, will enable both authorities to promote fire and certain other safety provisions within a broader range of premises than would have not been possible if they had acted independently or undertaken joint inspections.

1.8 Nothing in this agreement shall be considered as creating a contractual relationship, a contract of employment or a relationship of principal and agent between the parties and shall not add to in any way the existing statutory duties of the parties. No party to this agreement shall hold itself out as being authorised to enter any contract on behalf of any other party or in any other way bind any other party to the performance, variation, release or discharge of any other obligation otherwise than in circumstances expressly or implicitly permitted by this agreement.

1.9 This document does not cover Fire Safety in Mobile Homes and Licensed Park Sites. This is covered by a separate document which is part of ongoing work.

1.10 The signatories to this protocol are shown in Appendix B.

2. Underlying Principles

2.1 The underlying principles of this agreement are as follows;

- To provide clarity relating to the enforcement role of each Authority, thereby preventing duplication of effort and ensuring a more effective approach.
- To ensure that specialist skills, advice and support mechanisms are available to each Authority.
- To ensure that the current national guidance, on the appropriate standards of fire and other safety provisions are provided and maintained in residential accommodation.
- To develop data sharing arrangements through established paths.
- To encourage closer working arrangements between the Authorities.
- To assist landlords and other providers with the appropriate level of support and guidance.
- To ensure that only one lead Authority exists for each relevant section of a premises.

3. Lead Enforcing Roles

3.1 The lead enforcing roles table below provides a general guide; discussions and consultation between the Authorities may need to take place to ensure compliance with appropriate legislation is attained whilst offering clarity to the 'responsible person'. The lead authorities table reflects the local housing stock within Nottinghamshire.

3.2 Enforcing authorities may wish to consider the opportunities afforded by The Local Government Act 1972 Section 101 in appropriate cases. This is detailed in Appendix D

3.3 Whilst it is appreciated that the legislative position and the provision and management of Supported Housing is complex, this category of premises does fall within the scope of this agreement and joint collaboration will take place as appropriate. Supported Housing is deemed to be classed as housing where there is 24 hours of care provided on site by a live-in carer.

3.4 There will also be special circumstances in which Local Authorities refer 'vulnerable persons' to a range of commercial premises. This will particularly include Hotel type accommodation and Local Authorities will inform the NFRS of these lists of premises. This will further help to inform the NFRS risk based inspection programme.

3.5 NFRS undertake planned inspections as determined by their risk based inspection programme in any identified type of premises or in a particular locality as they deem necessary. Prior to starting any such series of inspection programmes, consultation should take place to ensure that duplication of inspection and enforcement does not occur. Any such programmes may, subject to local agreement take place individually, collaboratively or jointly and should complement the inspection programme of the Local Housing Authority and should have cognisance of the Regulators Code.

3.6 Where necessary emergency action will be taken by either Authority to reduce any immediate risk. However, further remedial enforcement will only be undertaken following consultation with the designated lead Authority. Nothing in this protocol will prevent either Authority undertaking specific individual monitoring or enforcement action if appropriate.

3.7 The table below lists the Authority that will normally take the appropriate actions as it relates to inspection, enforcement and prosecution in different types

of property; this table provides a general guide and cannot cover every possible situation and certain premises may fall under more than one category.

i.	Single family dwellings (whether or not subject to selective licensing)	LHA
ii.	Houses in Multiple Occupation as defined in s254 Housing Act 2004 (for definition see Appendix E) whether or not subject to licensing under Part 2 of the Housing Act.	LHA
iii.	Houses in Multiple Occupation as defined in s257 Housing Act 2004 (for definition see Appendix E) 1 – 5 storeys (whether licensable or not)	LHA
iv.	Houses in Multiple Occupation as defined in s257 Housing Act 2004 6 or above storeys (whether licensable or not). If below 6 storeys but a complex layout consult with NFRS where appropriate.	LHA lead with mandatory consultation with NFRS
v.	<p>Purpose built blocks of self-contained flats 6 storeys or above and/or where the means of escape to the final exit extends over 45 metres to an ultimate place of safety.</p> <p>If below 6 storeys but a complex layout consult with NFRS where appropriate.</p> <p>Where this property is regulated by ANUK this must be referred back to ANUK for an initial investigation but where necessary LHA enforce as appropriate.</p>	LHA lead with a joint inspection and mandatory consultation with NFRS
vi.	Individual commercial premises with 60 minutes' fire separation between that and residential accommodation above and there are other 'relevant persons' living within the accommodation.	NFRS lead with consultation to LHA in instances of non-compliance
vii.	<p>Commercial Premises with residential above where there is shared means of escape</p> <p>NB: The door leading from the commercial unit to the</p>	Commercial NFRS Residential LHA

	<p>shared means of escape forms part of the commercial unit and enforcement falls to NFRS.</p> <p>If there is a commercial element located on first (or above) floors then consult NFRS.</p>	
viii	<p>Commercial premises with persons sleeping within the commercial element of the property utilising it as a dwelling.</p> <p>NB: Once works have been completed to make safe NFRS will hand over the residential premises to LHA</p>	NFRS
ix	Sheltered Housing	NFRS
x	Supported Living – premises where 24 hour care is provided to the occupant by an employee who is on site at all times.	NFRS
xi	<p>Hotels – premises used solely as a hotel and the following criteria are met:</p> <ul style="list-style-type: none"> ▪ Guests can book online ▪ Booked in and out using a booking system which can be inspected by the enforcing Authority ▪ Guests staying on a short term basis i.e. less than 3 months on a continuous basis; ▪ Cooking facilities are not provided within the rooms apart from occasional facilities such as tea and coffee making facilities ▪ Housing Benefit or other consideration is NOT paid for the person in relation to the premises 	NFRS
xii	Hotels – dual usage as a hotel and permanent (3 months plus) accommodation with clearly defined separation between hotel and private dwellings. The use of the premises brings it within the definition of a s254 HMO (see points 3.10 and 3.11 below).	LHA

	If there is not clear separation the refer to point xi above.	
xiii	Hostel used for temporary accommodation (1 – 3 months)	NFRS
ix	Hostel used for 'permanent accommodation' and significant used is determined to be a HMO see 3.10 and 3.11 below.	LHA
xv	Refuge (unless occupied as a shared house) <ul style="list-style-type: none"> ▪ Booked in and out using a register system which can be inspected by the enforcing Authority ▪ Residents staying on a short term basis i.e. less than 3 months on a continuous basis; 	NFRS
xvi	B&B used solely as bed and breakfast accommodation and the following criteria are met: <ul style="list-style-type: none"> ▪ Guests can book online ▪ Booked in and out using a booking system which can be inspected by the enforcing Authority ▪ Guests staying on a short term basis i.e. less than 3 months on a continuous basis; ▪ Cooking facilities are not provided within the rooms apart from occasional facilities such as tea and coffee making facilities ▪ Housing Benefit or other consideration is NOT paid for the person in relation to the premises 	NFRS
xvii	B&B type accommodation such as AirBNB, rent a room or similar set up that is used as permanent accommodation i.e. 3 months on a continuous basis and significant used is determined to be a HMO see 3.10 and 3.11 below.	LHA
xvii	Multi-occupied residential accommodation that is owned or managed by; <ul style="list-style-type: none"> • The LHA • Registered Social Landlords 	NFRS

xviii	Registered Social Landlords	NFRS to do Fire Safety LHA Part 1 of the Act
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3.8 Consultation should also take place to ensure that duplication of inspection and enforcement does not occur. Where practicable this would be conducted in a face to face meeting however, where resources do not permit this then this may be conducted via skype, email or telephone.

3.9 Where there is doubt over who is the lead enforcing Authority is, it may be necessary to have case management meeting between NFRS and LHA and/or seek legal clarity. Following this decision there must be a formal handover of the property to the lead Authority and decision-making document signed off by manager(s).

3.10 Where it becomes apparent that a property may have a dual usage (commercial and residential including Airbnb; rent-a-room and similar style accommodation) then it will be necessary for the LHA to undertake investigations in order to ascertain the significant usage of that property. Where the LHA is satisfied that there is significant usage of that property is as an s254 HMO they must consult with NFRS on this before taking enforcement action. Following this consultation, a Housing Act 2004 s255 Declaration will be served which will formalise the LHA’s opinion of this fact. In this instance, the lead Authority will be the LHA, however, consultation over fire safety standards will be sought with NFRS and it is likely that a higher level of fire safety requirements will be required depending on the needs of the building and level of risk posed.

3.11 Where the property has dual usage, but is not declared to be an HMO using provisions of s255 of the Act then the enforcement will remain with NFRS and H&S. However, where there are private dwelling(s) contained within the hotel which are used for permanent accommodation then provisions of Part 1 of the Act apply to that room and LHA will enforce using HHSRS as is

appropriate. NFRS will enforce RRO for the whole building including the room(s) used as a private dwelling.

3.12 For purpose built blocks of flats where building elements such as entrance doors are inadequate for fire safety, work should be undertaken by NFRS and LHA to establish the terms of the lease between the landlord and tenant/leaseholder. Appropriate intervention should be undertaken to ensure that the protection of escape routes is maintained by the responsible person. Where access is required to the private dwelling to inspect the door, NFRS will liaise with LHA to arrange access.

4. What will Local Housing Authorities do?

4.1 Undertake, in line with their statutory requirements, monitoring and inspection of premises identified in Section 3 of this agreement.

4.2 Enforce fire safety standards in accordance with the provisions of the Act, having regard to relevant published documents including the statutory operating and enforcement guidance on the Housing Health and Safety Rating System and in accordance with any guidance jointly agreed with the Fire & Rescue Authority for example the National Fire Safety Guidance 2008, LACORS Housing Fire Safety Guidance on Fire Safety provisions for certain types of existing housing (2008).

4.3 LHA will, when taking enforcement action under the Act, have regard to the principles and requirements of the Fire Safety Order.

4.4 Although LHA may offer a suitable alternative means of complying with fire safety requirements in residential accommodation they will also:

- Ensure that guidance is provided for landlords of relevant multi occupied properties on undertaking their own fire risk assessments in accordance with the Fire Safety Order.

- Ensure that the owner/landlord is given in writing the opportunity to propose alternative means of complying with the fire safety requirements in accordance with their own fire risk assessment. In most cases, it is expected that this will be discussed with the owner/landlord prior to the service of any relevant housing notice.
- Where such alternatives are brought forward by the owner/landlord in respect of HMO's and buildings converted to flats, consult with the NFRS.

4.5 Undertake consultation with NFRS in line with the criteria detailed in section 6 of this agreement.

4.6 Provide NFRS with relevant, timely and comprehensive data in an agreed format to enable those authorities to maintain adequate property and risk based data sets.

4.7 Use the full range of powers under the Act, including Emergency Prohibition Orders, where appropriate.

4.8 Provide NFRS with suitable out of hours contact details, for their homelessness unit, so that where appropriate consideration is given to ensure vulnerable persons are not left homeless as a result of emergency enforcement action.

4.9 Where NFRS serves a Prohibition Notice on a premises the LHA housing/emergency planning department may be able to assist with the rehousing of the displaced persons if there is a statutory duty to do so.

5. What will Nottinghamshire Fire & Rescue Service do?

5.1 Undertake, in line with their risk inspection programme, monitoring and auditing of premises identified in Section 3 of this agreement which fall under the scope of the RRO.

5.2 Enforce fire safety standards in accordance with the RRO, having regard to relevant published documents and in accordance with any guidance, jointly agreed with the LHA.

5.3 Undertake consultation with LHA and will provide them with relevant, timely and comprehensive data to enable those authorities to maintain adequate property and risk-based data sets.

5.4 Provide LHA with relevant information that should assist matters to be addressed by those authorities. (This may include such information as apparent overcrowding, poor management or unsafe practices by tenants).

5.5 Undertake to inform the LHA of any relevant fire incident in premises covered by the agreement that are privately rented and require an NFRS Level 2 fire investigation. Joint investigations between the partners may be undertaken as appropriate.

5.6 NFRS is an emergency organisation which provides twenty-four-hour cover. Information about dangerous fire safety conditions may come via complaints or post incident and may occur outside normal working hours. NFRS are under an obligation to take action in such situations. Where possible, and especially outside of normal office hours, efforts will be made to mitigate the dangerous conditions and LHA will be informed as soon as practicably possible.

5.7 Provide LHA with relevant contact details and detail relating to other specialism's that are held within the service that may assist partners. This will

particularly include detail and awareness relating to the Arson Reduction and Investigation Team and other Fire Prevention and/or Protection facilities.

5.8 NFRS have no duty to re-house occupants following the serving of a Prohibition Notice under the RRO.

6. Consultation

6.1 All Authorities are committed to work together to ensure safer premises and regular consultation is seen to be an essential part of those processes, as follows:

6.2 Strategic Level Consultation

6.2.1 The principal meeting for discussion will be the Chief Officers Housing Working Group, hosted by the Local Authorities. NFRS will attend 3 meetings (every other meeting) and a specific agenda item relating to fire safety will form a part of those meetings.

6.2.2 Further meetings may be arranged, as deemed appropriate by both partners.

6.3 Tactical Level Consultation

6.3.1 As required, consultation between Local Housing Standards Officer and the Fire Protection Inspecting Officer, should take place to discuss and resolve emergency issues and more complex situations.

6.4 Individual Consultation

6.4.1 If a scheme of works for an individual property is in compliance with legislative requirements and any jointly agreed guidance such as the LACORS Guidance (2008); then consultation is deemed to have taken place under section 10 of the Act. A document will be signed by the LHA to state the property is in

compliance with the agreed guidance and therefore consultation is not required (see Appendix D).

6.4.2 Where alternatives to schemes are offered that are seen to be outside national guidance or problematic/non-standard premises are involved (complex layout; 6 storeys or above, the travel distance to an ultimate place of safety extends beyond 45 meters), full consultation should take place. Each Authority will aim to respond to consultation requests within 7 days, this will take place via a formal consultation form (see Appendix E)

6.4.3 Where practicable it will be considered best practice for face to face consultation to occur. However due to resources this may not be feasible in all circumstances and therefore this may be undertaken via virtual means such as email, skype, telephone etc.

6.4.4 Where necessary, in complex premises, joint inspections may be undertaken to agree a suitable standard prior to the taking of enforcement action by the most appropriate Authority.

7. Communication

7.1 Local communication channels will be established between NFRS and the respective LHA.

7.2 Each Authority undertakes, so far as they are able, to provide the other with assistance and information about their respective legislation to promote mutual understanding and efficient working.

7.3 Each partner is committed to encourage opportunities for offering joint training and awareness raising toward each other and between partners and landlords.

8. Monitoring and Evaluation

8.1 Any changes to this agreement, other than minor administrative changes, will be subject to approval at strategic level and the signatories to the agreement.

8.2 This agreement will commence on the 1st September 2018.

8.3 An annual review of this agreement will be undertaken jointly by the parties and in September 2019 this will be facilitated by NFRS.

9. Data Exchange

9.1 Each LHA and NFRS will establish a local Information Sharing Agreement in order to share information lawfully and in compliance with the General Data Protection Regulations 2018. This may include the provision of information (as detailed in Appendix D & E) to NFRS, enabling them to populate their premises databases and should particularly include;

- Premises that comprise commercial premises, with associated residential accommodation (For example Public Houses where there is accommodation associated with the employment conditions) and sheltered housing.
- Hostels/ B&B/ Hotels
- Multi-occupied residential accommodation that is owned or managed by;
 - The LHA
 - Registered Social Landlords
- Those commercial type premises to which Local Authorities refer 'vulnerable persons'.

9.2 LHA and NFRS will provide six monthly updates of this data.

9.3 Both authorities will ensure that the information is marked as confidential and will not disclose it to other organisations without consent. Authorities will not use or disclose information supplied pursuant to this agreement without consulting the originating Authority. All information whether held on paper, files or computer/digital media will be disposed of as confidential waste.

10. Approval

10.1 The agreement will be approved and endorsed at a suitable strategic management level by both the LHA and NFRS.

11. Appendix A: Summary of Relevant Legislation

Regulatory Reform (Fire Safety) Order 2005

The Regulatory Reform (Fire Safety) Order 2005 (Fire Safety Order) requires responsible persons to undertake a fire risk assessment to identify the general fire precautions they need to take to ensure as far as is reasonably practicable, the safety of relevant persons from fire. This does not apply in single residential accommodation.

Having identified the general fire precautions necessary, the responsible person must implement them. Where five or more persons are employed or any form of license or certification or an Article 29 Alterations Notice has been issued to the premises, the significant findings of the fire risk assessment must be recorded.

The responsible person is identified as the employer, the occupier, or the owner as far as their control extends. In premises covered by this agreement which are not workplaces, the landlord or managing agent is likely to be the responsible person. Tenants must cooperate with the person responsible.

In most cases, NFRS is charged with a duty to enforce the RRO and have a range of enforcement options, from education and advice, through to formal enforcement notices and prohibition notices. Failure to comply with the RRO may constitute a criminal offence.

In general, the RRO applies to all areas of premises except those areas occupied as private domestic dwellings. Where there are areas used in common by the occupants of more than one such dwelling, the RRO applies.

The Housing Act 2004

The Housing Act 2004 includes the requirement for the local authorities to review housing conditions within their area with a view to identifying any action that may need to be taken about those conditions under the provisions contained within the Act.

In relation to this, Part 1 of the Housing Act 2004 replaces existing housing fitness standard with an evidence based risk assessment procedure called the Housing Health and Safety Rating System.

The Housing Health and Rating System is used to assess twenty nine categories of housing hazard and to provide a rating for each hazard. A hazard rating is indicated by a numerical score which is placed within one of ten bands from A to J. Numerical scores within bands A to Care Category 1 hazards and scores in bands D to J are Category 2 hazards.

The rating and category of hazard are used to inform decisions about what type of enforcement action a Local Authority may need to take in relation to the hazard. The types of enforcement action which are available to local authorities are outlined in the Act and include improvement notices, prohibition orders, hazard awareness notices, emergency remedial action, emergency prohibition orders and demolition orders, and slum clearance declarations.

'Fire' is one of the categories of hazard which is assessed under the system. It includes threats from exposure to uncontrolled fire and associated smoke at a dwelling.

Where a LHA has identified a prescribed "Category 1 or 2" fire hazard in a House in Multiple Occupation or in many common parts of a building continuing one or more flats and intend to take enforcement action, section 10 of the Act requires the local Authority to consult the Fire and Rescue Authority for the area in which the House in Multiple Occupation or building is situated, unless it has already deemed to have consulted. In the event of the Authority proposing to carry out emergency measures the need to consult the NFRS is a duty so far as it is practicable before carrying out those emergency measures:

S 10: Consultation with fire and rescue authorities in certain cases

(1) This section applies where a Local Housing Authority—

(a) Are satisfied that a prescribed fire hazard exists in an HMO or in any common parts of a building containing one or more flats, and

(b) Intend to take in relation to the hazard one of the kinds of enforcement action mentioned in section 5(2) or section 7(2).

(2) Before taking the enforcement action in question, the Authority must consult the Fire and Rescue Authority for the area in which the HMO or building is situated.

(3) In the case of any proposed emergency measures, the Authority's duty under subsection (2) is a duty to consult that Fire and Rescue Authority so far as it is practicable to do so before taking those measures.

(4) In this section—

- “emergency measures” means emergency remedial action under section 40 or an emergency prohibition order under section 43;
- “Fire and Rescue Authority” means a fire and rescue Authority under the Fire and Rescue Services Act 2004 (c. 21);
- “Prescribed fire hazard” means a category 1 or 2 hazard which is prescribed as a fire hazard for the purposes of this section by regulations under section 2.

Part 2 of the Housing Act 2004 introduces a licensing scheme for Houses in Multiple Occupation. The Act introduces three types of licensing scheme which local authorities can use. These are mandatory licensing, additional licensing of properties not covered by the mandatory scheme and, under certain circumstances, selective licensing of all private rented property within a neighbourhood.

The Act outlines the conditions for the granting or refusal of licenses by a Local Authority and this includes the suitability of a property for multiple occupations.

With regard to the fire safety, this is further elaborated in the Licensing and Management of Houses in Multiple occupation and other Houses (Miscellaneous Provisions) (England) Regulations 2006 No.373, schedule 3 which states that appropriate fire precaution facilities and equipment must be provided of such type

number and location as is considered necessary' and also in the Management of HMO (England) Regulations 2006 No.272, "the duty of the manager to the safety measures within the premises".

12. Appendix B: Signatories to Agreement

Authority	Title	Name	Signature & Date
Nottinghamshire Fire & Rescue Service Bestwood Lodge Drive Arnold Nottingham NG5 8PD 0115 9670880	Chief Fire Officer	John Buckley	
Bassetlaw District Council 17b The Square Retford Nottinghamshire DN22 6DB 01777 706741			
Newark & Sherwood District Council Newark and Sherwood District Council Castle House Great North Road Newark Nottinghamshire NG24 1BY			
Mansfield District Council Civic Centre Chesterfield Road South Mansfield Nottinghamshire NG19 7BH 01623 463463			
Ashfield District Council Urban Road Kirkby-In-Ashfield Nottinghamshire NG17 8DA 01623 450000			
Rushcliffe Borough Council Rectory Road West Bridgford Nottingham NG2 6BU			
Gedling Borough Council Civic Centre Arnot Hill Park Arnold Nottingham NG5 6LU 0115 901 3901			
Broxtowe Borough Council Council Offices Foster Avenue Beeston Nottingham NG9 1AB			

0115 917 3438			
Nottingham City Council Loxley House Station Street NG2 2NG 0115 915 555			

12. Appendix C: Local Authority Team Contacts

Authority	Team Name	Team Email	Telephone Number
Bassetlaw District Council			
Newark & Sherwood District Council			
Ashfield District Council			
Rushcliffe Borough Council			
Gedling Borough Council			
Broxtowe Borough Council			
Nottingham City Council	Safer Housing Team	saferhousing@nottinghamcity.gov.uk	
Mansfield District Council			
Nottinghamshire Fire and Rescue	Persons at Risk Team	personsatrisk@notts-fire.gov.uk	01158388222
	District Prevention (City and South)	communitysafetycityandsouth@notts-fire.gov.uk	
	District Prevention (North)	Communitysafetynorth@notts-fire.gov.uk	
	Education Team	Education.team@notts-fire.gov.uk	
	Fire Investigation	FireInvestigationTeam2@notts-fire.gov.uk	0115 8388228

	Fire Protection Team North	fireprotectionnorth@notts-fire.gov.uk	0115 8388207
	Fire Protection Team South	fireprotectionsouth@notts-fire.gov.uk	0115 9575257

14. Appendix D: S10 Housing Act 2004 Deemed Consultation

Address of Property:

I can confirm that this property meets one of the standard layouts contained within the Case Studies (D1 to D15 on pages 37 to 51) of the the LACORS Fire Safety document. Therefore it is deemed that consultation with NFRS as required by section 10 of the Housing Act 2004 has taken place.

The case study D.... on page(s) ss relevant to this property

Name:

Signature:

Designation:

Date:

15. Appendix E: Consultation Document

Ref: «no_off_c»/Flare/«no_ref»

LA Ref: «no_laref»

CONSULTATION	
Address:	
Consultee(s):	
Date of Consultation:	
Licensed Property:	
Number of Storeys:	
Layout:	
DETAIL OF CONSULTATION	
INSPECTION DETAILS	
Date:	
Met with:	
Findings:	
RECOMMENDATION(S)	

I «Ac_off_name_full» confirm that I have considered the consultation in relation to «no_prem_addr_all»

Officer Signature:

Dated:

16. Appendix F: The Local Government Act 1972 Section 101

101 Arrangements for discharge of functions by local authorities

(1) Subject to any express provision contained in this Act or any Act passed after this Act, a local Authority may arrange for the discharge of any of their functions—

(a) By a committee, a sub-committee or an officer of the Authority; or

(b) By any other local Authority.

[F1(1A)A local Authority may not under subsection (1)(b) above arrange for the discharge of any of their functions by another local Authority if, or to the extent that, that function is also a function of the other local Authority and is the responsibility of the other Authority's executive.

(1B) Arrangements made under subsection (1)(b) above by a local Authority ("the first Authority") with respect to the discharge of any of their functions shall cease to have effect with respect to that function if, or to the extent that,—

(a) The first Authority are operating or begin to operate executive arrangements, and that function becomes the responsibility of the executive of that Authority; or

(b) The Authority with whom the arrangements are made ("the second Authority") are operating or begin to operate executive arrangements, that function is also a function of the second Authority and that function becomes the responsibility of the second Authority's executive.

(1C) Subsections (1A) and (1B) above do not affect arrangements made by virtue of section 19 of the Local Government Act 2000 (discharge of functions of and by another Authority).]

(2) Where by virtue of this section any functions of a local Authority may be discharged by a committee of theirs, then, unless the local Authority otherwise direct, the committee may arrange for the discharge of any of those functions by a sub-committee or an officer of the Authority and where by virtue of this section any functions of a local Authority may be discharged by a sub-committee of the Authority, then, unless the local Authority or the committee otherwise direct, the sub-committee may arrange for the discharge of any of those functions by an officer of the Authority.

(3) Where arrangements are in force under this section for the discharge of any functions of a local Authority by another local Authority, then, subject to the terms of the arrangements, that other Authority may arrange for the discharge of those functions by a committee, sub-committee or officer of theirs and subsection (2) above shall apply in relation to those functions as it applies in relation to the functions of that other Authority.

(4) Any arrangements made by a local Authority or committee under this section for the discharge of any functions by a committee, sub-committee, officer or local Authority shall not prevent the Authority or committee by whom the arrangements are made from exercising those functions.

(5) Two or more local authorities may discharge any of their functions jointly and, where arrangements are in force for them to do so,—

(a) they may also arrange for the discharge of those functions by a joint committee of theirs or by an officer of one of them and subsection (2) above shall apply in relation to those functions as it applies in relation to the functions of the individual authorities; and

(b) any enactment relating to those functions or the authorities by whom or the areas in respect of which they are to be discharged shall have effect subject to all necessary modifications in its application in relation to those functions and the authorities by whom and the areas in respect of which (whether in pursuance of the arrangements or otherwise) they are to be discharged.

[F2 (5A) Arrangements made under subsection (5) above by two or more local authorities with respect to the discharge of any of their functions shall cease to have effect with respect to that function if, or to the extent that, the function becomes the responsibility of an executive of any of the authorities.

(5B) Subsection (5A) above does not affect arrangements made by virtue of section 20 of the Local Government Act 2000 (joint exercise of functions).]

(6) A local Authority's functions with respect to levying, or issuing a precept for, a rate **F3** . . shall be discharged only by the Authority.

[F4 (6A) Community Infrastructure Levy under Part 11 of the Planning Act 2008 is not a rate for the purposes of subsection (6).]

(7) **F5**

(7A) **F6**

(8) Any enactment, except one mentioned in subsection (9) below, which contains any provision—

(a) Which empowers or requires local authorities or any class of local authorities to establish committees (including joint committees) for any purpose or enables a Minister to make an instrument establishing committees of local authorities for any purpose or empowering or requiring a local Authority or any class of local authorities to establish committees for any purpose; or

(b) Which empowers or requires local authorities or any class of local authorities to arrange or to join with other authorities in arranging for the exercise by committees so established or by officers of theirs of any of their functions, or provides that any specified functions of theirs shall be discharged by such committees or officers, or enables any Minister to make an instrument conferring such a power, imposing such a requirement or containing such a provision;

shall, to the extent that it makes any such provision, cease to have effect.

(9)The following enactments, that is to say—

F7(a).

F8(b).

F9(c).

(d)**F10**.

F11(e).

(f)**F12**.

F13(g).

F14(h).

are exempted from subsection (8) above.

(10) This section shall not authorise a local Authority to arrange for the discharge by any committee, sub-committee or local Authority of any functions which by any enactment mentioned in subsection (9) above are required or authorised to be discharged by a specified committee, but the foregoing provision shall not prevent a local Authority who are required by or under any such enactment to establish, or delegate functions to, a committee established by or under any such enactment from arranging under this section for the discharge of their functions by an officer of the local Authority or committee, as the case may be.

[F15 (10A) In determining what arrangements to make for the discharge of any functions, a principal council in Wales may act as if paragraph (f) were omitted from subsection (9) above.]

F16 (11).

(12)References in this section and section 102 below to the discharge of any of the functions of a local Authority include references to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of those functions.

(13) In this Part of this Act “local Authority” includes the Common Council, the Sub-Treasurer of the Inner Temple, the Under Treasurer of the Middle Temple, **[F17]** the London Fire and Emergency Planning Authority, **[F18]** any joint Authority except a police Authority, **[F19]** an economic prosperity board, a combined Authority, **[F20]** a joint waste Authority, **[F21]** . . .] a joint board on which a local Authority within the meaning of this Act or any of the foregoing authorities are represented and, without prejudice to the foregoing, any port health Authority.

(14) Nothing in this section affects the operation of section 5 of the 1963 Act or the **M1** Local Authorities (Goods and Services) Act 1970.

[F22] (15) Nothing in this section applies in relation to any function under the Licensing Act 2003 of a licensing Authority (within the meaning of that Act).]

17. Appendix G Definition of a section 254 House in Multiple Occupation as contained within the Housing Act 2004

254 Meaning of “house in multiple occupation”

(1) For the purposes of this Act a building or a part of a building is a “house in multiple occupation” if—

- (a) it meets the conditions in subsection (2) (“the standard test”);
- (b) it meets the conditions in subsection (3) (“the self-contained flat test”);
- (c) it meets the conditions in subsection (4) (“the converted building test”);
- (d) an HMO declaration is in force in respect of it under section 255; or
- (e) it is a converted block of flats to which section 257 applies.

(2) A building or a part of a building meets the standard test if—

- (a) it consists of one or more units of living accommodation not consisting of a self-contained flat or flats;
- (b) the living accommodation is occupied by persons who do not form a single household (see section 258);
- (c) the living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it (see section 259);
- (d) their occupation of the living accommodation constitutes the only use of that accommodation;
- (e) rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation; and
- (f) two or more of the households who occupy the living accommodation share one or more basic amenities or the living accommodation is lacking in one or more basic amenities.

(3) A part of a building meets the self-contained flat test if—

- (a) it consists of a self-contained flat; and
- (b) paragraphs (b) to (f) of subsection (2) apply (reading references to the living accommodation concerned as references to the flat).

(4) A building or a part of a building meets the converted building test if—

- (a) it is a converted building;

(b) it contains one or more units of living accommodation that do not consist of a self-contained flat or flats (whether or not it also contains any such flat or flats);

(c) the living accommodation is occupied by persons who do not form a single household (see section 258);

(d) the living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it (see section 259);

(e) their occupation of the living accommodation constitutes the only use of that accommodation; and

(f) rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation.

(5) But for any purposes of this Act (other than those of Part 1) a building or part of a building within subsection (1) is not a house in multiple occupation if it is listed in Schedule 14.

(6) The appropriate national Authority may by regulations—

(a) make such amendments of this section and sections 255 to 259 as the Authority considers appropriate with a view to securing that any building or part of a building of a description specified in the regulations is or is not to be a house in multiple occupation for any specified purposes of this Act;

(b) provide for such amendments to have effect also for the purposes of definitions in other enactments that operate by reference to this Act;

(c) make such consequential amendments of any provision of this Act, or any other enactment, as the Authority considers appropriate.

(7) Regulations under subsection (6) may frame any description by reference to any matters or circumstances whatever.

(8) In this section—

- “basic amenities” means—

(a)

a toilet,

(b)

personal washing facilities, or

(c)

cooking facilities;

- “converted building” means a building or part of a building consisting of living accommodation in which one or more units of such accommodation have been created since the building or part was constructed;
- “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30));
- “self-contained flat” means a separate set of premises (whether or not on the same floor)—
 - (a) which forms part of a building;
 - (b) either the whole or a material part of which lies above or below some other part of the building; and
 - (c) in which all three basic amenities are available for the exclusive use of its occupants.

18. Appendix H Definition of a section 257 House in Multiple Occupation as contained within the Housing Act 2004

257HMOs: certain converted blocks of flats

(1) For the purposes of this section a “converted block of flats” means a building or part of a building which—

(a) has been converted into, and

(b) consists of,

self-contained flats.

(2) 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.

(3) In subsection (2) “appropriate building standards” means—

(a) in the case of a converted block of flats—

(i) on which building work was completed before 1st June 1992 or which is dealt with by regulation 20 of the Building Regulations 1991 (S.I. 1991/2768), and

(ii) which would not have been exempt under those Regulations,

building standards equivalent to those imposed, in relation to a building or part of a building to which those Regulations applied, by those Regulations as they had effect on 1st June 1992; and

(b) in the case of any other converted block of flats, the requirements imposed at the time in relation to it by regulations under section 1 of the Building Act 1984 (c. 55).

(4) For the purposes of subsection (2) a flat is “owner-occupied” if it is occupied—

(a) by a person who has a lease of the flat which has been granted for a term of more than 21 years,

(b) by a person who has the freehold estate in the converted block of flats, or

(c) by a member of the household of a person within paragraph (a) or (b).

(5) The fact that this section applies to a converted block of flats (with the result that it is a house in multiple occupation under section 254(1)(e)), does not affect the status of any flat in the block as a house in multiple occupation.

(6) In this section “self-contained flat” has the same meaning as in section 254.

