

Nottingham City Council
Community Protection
Trading Standards
Central Police Station
Byron House
Maid Marian Way
Nottingham
NG1 6HS

Tel 0115 8445018

Email

trading.standards@nottinghamcity.gov.uk

Dear Sir / Madam,

Nottingham City Council Trading Standards Service is writing to landlords and letting agents to provide advice and support on relevant consumer protection legislation. This letter has not been sent to you in response to a complaint or particular findings of non-compliance, but rather to provide guidance on legislation that affects how you operate.

This letter provides a brief outline of some of the legislation which we have a responsibility to enforce. The advice is not intended to be a definitive guide to, or substitute for, the relevant law. Independent legal advice should be sought where appropriate.

Some pieces of legislation in this letter apply only to those engaging in letting agency or property management work. As such, landlords managing their own properties are generally exempt from some of the below requirements.

Tenant Fees Act 2019 and Housing Act 2004

It's illegal for landlords and letting agents to charge certain fees to tenants, unless they are classed as 'permitted payments'. The only permitted payments are:

- Rent
- Holding deposits (capped at one week's rent)
- Security deposits (capped at five weeks' rent)
Security deposits must be protected in a registered scheme within 30 days of receiving them. Statutory information must also be provided to the consumer.
- Utility bills and council tax
- Default fees – including key loss, rent arrears and damages (reasonable charges)
- Changes to a tenancy at the tenant's request – (capped at £50 or reasonable charges if higher)
- Fees for leaving a tenancy early, known as termination charges (to cover actual loss suffered by the landlord).

All other fees are illegal and must not be charged, even where they are contained within an existing tenancy agreement.



Nottingham
City Council

Further guidance is available at <https://www.gov.uk/government/publications/tenant-fees-act-2019-guidance>

Consumer Rights Act 2015

Persons engaging in letting agency or property management work must display certain information. Most landlords are exempt from this requirement.

Despite the Tenant Fees Act 2019 prohibiting many fees charged to tenants, relevant fees payable by both tenants and landlords must be published, together with a statement that you are a member of a Client Money Protection scheme (if applicable), a Redress Scheme, and the schemes' names.

This information must be displayed:

- At each of your premises where you see customers and clients, in a place where it is likely to be seen
- On your website
- On any third party websites you advertise or list on (or provide a link back to your own website where the information is shown)

Further guidance is available at <https://www.businesscompanion.info/en/quick-guides/services/landlords-letting-agents-and-property-management#Displayoffees>

The Redress Schemes for Letting Agency work and Property Management Work (Requirement to belong to a scheme) (England) Order 2014

Persons engaging in letting agency or property management work must be a member of an authorised redress scheme. Most landlords are exempt from this requirement.

Further guidance is available at <https://www.businesscompanion.info/en/quick-guides/services/landlords-letting-agents-and-property-management#Complaintredressscheme>

The Client Money Protection Schemes for Property Agents (Requirement to Belong to a Scheme etc.) Regulations 2019

Persons engaging in letting agency or property management work who hold client money must be a member of an authorised Client Money Protection (CMP) scheme. Most landlords are exempt from this requirement.

Client money can include rent, holding deposits, and maintenance floats.

Where the CMP scheme administrator provides a certificate of membership you must:

- Display the certificate in your premises where it is likely to be seen

- Publish the certificate on your website
- Provide a copy of the certificate to anyone who reasonably requests it

Further guidance is available at <https://www.businesscompanion.info/en/quick-guides/services/landlords-letting-agents-and-property-management#Clientmoneyprotection>

The Energy Performance of Buildings (England and Wales) Regulations 2012

Subject to statutory exemptions, landlords and letting agents must provide an EPC at the earliest opportunity to prospective tenants. Where appropriate, the rating must be stated in any advertisement of the property in commercial media.

If a building doesn't already have a valid EPC, (subject to exemptions) landlords must ensure that an EPC is commissioned before it is put on the market.

Further guidance is available at <https://www.gov.uk/buy-sell-your-home/energy-performance-certificates>

I hope that the advice in this letter is helpful. Please note that in offering this advice, myself and Nottingham City Council Trading Standards Service wish to make it clear that:

- Only the courts can interpret statutory legislation with any authority, and
- The advice given is the best available, based on evidence to hand at the time, and is subject to revision or amendment in the light of further evidence, and
- The advice is not intended to be a definitive guide to, or substitute for, the relevant law. Independent legal advice should be sought where appropriate

Yours faithfully,

Nottingham City Council Trading Standards Service