BROMSGROVE DISTRICT COUNCIL

PRIVATE SECTOR HOUSING ENFORCEMENT & CIVIL PENALTY POLICY 2026

1. Background

Bromsgrove District Council ("the Council") has statutory duties to keep housing conditions in its area under review and to take appropriate action where residential accommodation presents risks to health, safety or welfare, or where housing related legislation is not being complied with. This policy sets out the Council's principles for enforcing and exercising its duties as a Local Housing Authority under the relevant legislation. It has been developed having regard to government statutory guidance and recognised good practice frameworks including the Association of Chief Environmental Health Officers (ACEHO) model.

Local authorities exercising regulatory functions are required by section 5 of the Legislative and Regulatory Reform Act 2006 to publish an enforcement policy. Where regulatory functions fall within the scope of the Regulators Code, the Council is also required to have regard to that Code in the exercising of those functions. This policy provides transparency and consistency in the way the Council carries out its enforcement functions and ensures that regulatory activity is proportionate, targeted and accountable in regard to private sector housing enforcement.

This policy explains how the Council will approach housing enforcement across the private sector and how enforcement decisions will be made. It establishes the principles that guide enforcement activity and provides clarity to landlords, tenants, managing agents and other stakeholders about what can be expected from the Council when regulatory intervention is considered necessary. This policy does not apply to housing stock owned by Bromsgrove District Council.

In developing this policy, the Council has had regard to relevant statutory guidance and good practise. The Council will support compliance through advice and engagement where this is appropriate and likely to be effective. However, the Council is not required to take informal action before exercising its statutory enforcement powers and may take formal action where this is necessary and proportionate to protect residents, address serious risks, and secure compliance with legal requirements.

The need for a clear and robust enforcement approach is informed by local housing conditions. Evidence indicates that a higher proportion of private rented properties contain serious hazards or fail to meet minimum standards compared with owner occupied housing throughout the Borough. The Private Sector Housing Stock Condition Survey 2024 indicates that approximately 9.1% of private rented sector dwellings contain a Category 1 hazard, compared with 5.9% of owner-occupied properties.

The same survey identified that approximately 14.3% of private rented homes and 9.7% of owner-occupied homes do not meet the Decent Homes Standard. By comparison, the English Housing Survey (2020) estimates that 17.5% of private rented homes and 15.1% of owner-occupied homes across the West Midlands do not meet the Decent Homes Standard. While overall housing conditions in the Borough compare favourably with regional averages, a significant number of properties still require intervention to address risks to occupants. This evidence supports the Councils use of a targeted and risk-based approach to enforcement activity. Detailed information on enforcement tools, procedures, penalties and officer decision making is set out in the sections that follow.

For the purposes of this policy, the term *"landlord"* includes letting agents, managing agents, licensors, property owners, directors of corporate landlords and any other person involved in the letting or management of privately rented accommodation. The terms *"House in Multiple Occupation"* (HMO) have the meaning set out in the Housing Act 2004. The term 'corporate landlord' should be read as referring to a corporate body that meets the definition of 'landlord' above.

For the avoidance of doubt, references in this policy to a "dwelling" have the meaning given by section 99 of the Housing Act 2004. The Housing Health and Safety Rating System applies only to premises that fall within that statutory definition. Caravans and mobile homes do not generally constitute dwellings for the purposes of Part 1 of the Housing Act 2004 and are not assessed under the HHSRS. Such accommodation is instead subject to regulation and enforcement under other applicable legislation, including the Caravan Sites and Control of Development Act 1960 and the Mobile Homes Act 2013.

2. Aims

The aim of this policy is to ensure housing enforcement action is taken lawfully, fairly and proportionately, in accordance with relevant legislation and statutory guidance, while supporting the Council's wider housing objectives. Through effective regulation and enforcement detailed within this policy provides a framework through which the Council seeks to: -

- Improve the quality of housing across the Borough
- Tackle fuel poverty and poor housing conditions
- Reduce the number of empty homes
- Support wider public health objectives and reducing health inequalities
- Support tenancy sustainment and reducing homelessness, particularly for vulnerable households
- Ensure landlords comply with their legal responsibilities
- Prevent the exploitation and poor treatment of tenants
- Contribute to safer, healthier local communities

The Council recognises that most landlords operate responsibly. The Council will therefore seek to support compliance through advice and engagement where this is appropriate and likely to be effective. However, where legal requirements are not met or risks to health or safety persist, the Council will take proportionate and effective enforcement action. Effective enforcement is essential to maintaining confidence in the private rented sector and ensuring that responsible landlords are not undercut by those who choose to operate unlawfully.

3. Scope

This policy applies to all private sector housing enforcement activity undertaken by the Council within its administrative area. It applies to all residential accommodation with the exception of Bromsgrove District Council owned buildings where statutory hazards or nuisances arise. The Councils private sector housing enforcement functions includes the following areas: -

- **Housing Standards and Property Conditions**
  - Privately rented properties and Housing Association properties
  - Houses in Multiple Occupation (HMOs), including licensable and non-licensable HMOs for licensing and management standards
  - Owner occupied housing where hazards or statutory nuisances may arise
  - Empty properties
  - Buildings or structures used or intended to be used for human habitation, including outbuildings, sheds, garages or other non-traditional structures where occupation gives rise to risks to health, safety or welfare.

- **Tenancy Regulations and Landlord Conduct**
  - Enforcement of landlord obligations, tenancy requirements and tenant protections introduced by the Renters Rights Act 2025
  - Illegal eviction and harassment offences

- **Other Private Sector Housing Enforcement**
  - Residential mobile homes and caravan sites including licensing and site standards
  - Unauthorised encampments where the Council acts in its capacity as a land owner

All enforcement action will be carried out in accordance with relevant statutory Codes of Practice, Council procedures and protocols, and official guidance issued by central and local government bodies. In exercising its enforcement functions, the Council will act in accordance with the Equality Act 2010.

The Council recognises that certain aspects of housing-related enforcement fall under the remit of other regulatory services. In particular, enforcement of tenancy fees and prohibited payments under the Tenant Fees Act 2019 is primarily undertaken by Trading Standards. However, Private Sector Housing may identify potential breaches during the course of their duties. Where such matters are identified, cases will be referred to Trading Standards for investigation where appropriate. The Council will work collaboratively with partner services to ensure a coordinated and proportionate enforcement response.

4. Roles and Responsibilities

The effective regulation of private sector housing requires cooperation between the Council, landlords, agents, tenants and partner agencies. The following sets out the general expectations of each party.

Authorised Officers

Authorised officers will: -

- Act in accordance with this Policy, relevant legislation and statutory guidance
- Exercise professional judgement in determining appropriate enforcement action
- Act proportionately, consistently and transparently
- Ensure that decisions are properly evidenced, recorded and capable of withstanding legal scrutiny;
- Have regard to vulnerability, safeguarding considerations and equality duties when exercising enforcement functions

Landlords, Letting Agents and Managing Agents

Landlords and agents are expected to: -

- Maintain properties in compliance with all relevant legal requirements
- Respond promptly to tenant reports of disrepair or hazards
- Engage constructively with the Council and comply with statutory notices and requests for information
- Ensure that letting and management practices comply with all relevant tenancy and consumer protection legislation
- Take proactive steps to prevent risks to health and safety

Tenants and Occupiers

Tenants are expected to: -

- Report defects and hazards to their landlord or managing agent in the first instance, where it is safe and reasonable to do so
- Provide access for inspections and works where required
- Act in a tenant-like manner and not cause damage or contribute to unsafe conditions

Partner Agencies
The Council will work with partner agencies, including the Police, Fire Service, Trading Standards, Housing Options and safeguarding services, to ensure a coordinated and effective response to housing-related risks.

5. Legislative Framework

Bromsgrove District Council acts as the Local Housing Authority responsible for regulating housing conditions and tenancy practices within the District. Under section 3 of the Housing Act 2004, the Council has a statutory duty to keep housing conditions in its district under review with a view to identifying any action that may need to be taken. Where hazards are identified (as defined by the Housing Act), the Council has powers and duties to take appropriate enforcement action in accordance with Part 1 of the Act.

Section 5 Housing Act 2004 places a duty on Local Authorities to take appropriate enforcement action where a Category 1 hazard exists. Section 7 of the Housing Act 2004 gives the Council a discretionary power to take enforcement action where a Category 2 hazard exists. The Council will usually act where a Category 2 hazard presents a significant risk to health or safety.

The Housing Health and Safety Rating System (HHSRS) is the statutory risk assessment framework used by the Council when assessing housing conditions under Part 1 of the Housing Act 2004. In carrying out HHSRS assessments and determining the appropriate enforcement response, the Council will have regard to the current statutory HHSRS Operating Guidance and HHSRS Enforcement Guidance issued by the Secretary of State.

Section 107 of the Renters' Rights Act 2025 places a duty on the Council to enforce the landlord legislation including statutory duties and offences relating to tenancy standards, security of tenure, eviction practices, information requirements, rent practices and discrimination, as set out in the Act and associated legislation comprising of the following: -

- Chapters 3 and 6 of Part 1 of the Renters Rights Act 2025;
- Part 2 of the Renters' Rights Act 2025;
- Sections 1 and 1A of the Protection from Eviction Act 1977; and
- Chapter 1 of Part 1 of the Housing Act 1988.

Section 110, which places a duty on the Council to report to the Secretary of State on the exercise of its functions under the Landlord Legislation.

Section 107 of the Renters' Rights Act 2025 places a duty on the Council to enforce the landlord legislation including statutory duties and offences relating to tenancy standards, security of tenure, eviction practices, information requirements, rent practices and discrimination, as set out in the Act and associated legislation comprising of the following: -

- Chapters 3 and 6 of Part 1 of the Renters' Rights Act 2025;
- Part 2 of the Renters' Rights Act 2025;
- Sections 1 and 1A of the Protection from Eviction Act 1977; and
- Chapter 1 of Part 1 of the Housing Act 1988.

Section 110 of the Renters' Rights Act 2025 places a duty on the Council to report to the Secretary of State on the exercise of its functions under the landlord legislation.
In exercising its functions under Part 1 of the Housing Act 2004, the Council will have regard to the current statutory HHSRS Operating Guidance and HHSRS Enforcement Guidance. In accordance with the HHSRS Enforcement Guidance, the Council will apply the principles of the Regulators' Code when taking enforcement action under Part 1 of the Housing Act 2004. The application of these principles does not limit or override any statutory duty placed upon the Council, including the duty under section 5 of the Housing Act 2004 to take appropriate enforcement action where a Category 1 hazard exists.

Where the Regulators' Code applies to other housing legislation enforced by the Council, the Council will act in accordance with the Code and the principles of good regulation where applicable. Legislation within the scope of the Regulators' Code includes (but is not limited to): -

- Parts 8, 9 and 10 of the Housing Act 1985;
- Part 8 of the Housing Act 1996; and
- Parts 2 to 5 of the Housing Act 2004.

Where the Regulators' Code does not apply to a particular regulatory function, the Council will nevertheless seek to act in accordance with the principles of good regulation unless statutory duties require otherwise

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5.1 Primary Legislation

When exercising its housing enforcement functions, the Council may rely on the following primary legislation, where relevant (this list is not exhaustive): -

- Housing Act 2004
- Housing Act 1985
- Housing Act 1988
- Renters Rights Act 2025

- Housing and Planning Act 2016
- Protection from Eviction Act 1977
- Environmental Protection Act 1990
- Building Act 1984
- Caravan Sites and Control of Development Act 1960
- Mobile Homes Act 2013
- Police and Criminal Evidence Act 1984
- Criminal Justice & Public Order Act 1994
- Public Health Act 1961
- Prevention of Damage by Pests Act 1949
- Proceeds of Crime Act 2002
- Local Government (Miscellaneous Provisions) Act 1976
- Local Government (Miscellaneous Provisions) Act 1982
- Legislative and Regulatory Reform Act 2006
- Regulation of Investigatory Powers Act 2000

5.2 Secondary Legislation

Relevant secondary legislation includes (but is not limited to): -

- Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020
- Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (as amended)
- Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (as amended)
- Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006
- Management of Houses in Multiple Occupation (England) Regulations 2006
- Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007
- Mandatory Licensing of Houses in Multiple Occupation (England) Order 2018
- Any regulations made under or associated with the Renters Rights Act 2025 relevant to the Council's enforcement functions

The Council's enforcement responsibilities include both housing condition and tenancy related regulatory functions. All enforcement action will be taken in accordance with relevant statutory Codes of Practice, Council procedures, and official guidance. In exercising its functions, the Council will act in accordance with the Human Rights Act 1998 and the Equality Act 2010. All enforcement powers under the legislation referred to in this policy are exercised by officers authorised by the Council in accordance with its Constitution, scheme of delegation, and officer authorisation procedures.

6. Regulatory Principles

The Council fulfils its regulatory role through a combination of proactive inspection, intelligence-led investigation, reactive complaint response and multi-agency working. The Council may investigate: -

- The physical condition of residential accommodation
- Management of the residential accommodation/mobile home site
- The conduct of landlords, agents and other relevant persons
- Compliance with relevant legislation.

In order to secure compliance, the Council may use the full range of statutory powers where available, necessary and proportionate to protect occupants and improve housing conditions. In carrying out its regulatory functions, the Council will act in accordance with the following principles of good regulation: -

- **Proportionate** – Enforcement action will reflect the seriousness of the breach and the risks posed to occupants.
- **Targeted** – Resources will be directed towards the most serious housing hazards, the highest risks to health and safety, and the most serious or repeated breaches of landlord obligations.
- **Consistent** – Similar cases will be treated in a consistent manner, while recognising the specific circumstances of each case.
- **Transparent** – Landlords, tenants and property owners will be provided with clear information about legal requirements and enforcement decisions.
- **Accountable** – Officers will explain enforcement decisions and provide information on rights of appeal and complaint procedures.

Advice, guidance and engagement may be used where appropriate and likely to be effective, but nothing in this policy requires the Council to take informal action before exercising formal enforcement powers.

7. Prioritisation and Use of Discretion

The Council has a duty to regulate housing conditions and tenancy practices across the Borough; however, it is not required to investigate every potential breach. Enforcement activity will be prioritised based on: -

- The level of risk to health or safety
- Evidence of non-compliance
- The potential harm to occupants or the wider community.

Nothing in this policy creates a duty on the Council to take enforcement action in any particular case, nor does it confer a right on any person to require the Council to

investigate or act. The Council retains discretion to determine whether to investigate and whether to exercise any of its statutory powers, having regard to the available evidence, the relevant legal framework, and the professional judgement of authorised officers.

The Council may only exercise enforcement powers in respect of properties located within its district, unless another Local Housing Authority has formally delegated functions to Bromsgrove District Council. Where a landlord or business is subject to a Primary Authority partnership, the Council will have regard to the applicable Primary Authority and its advice in accordance with statutory requirements. For the purposes of this policy, a *Primary Authority partnership* is an arrangement under Part 2 of the Regulatory Enforcement and Sanctions Act 2008 under which a business receives assured advice from a nominated enforcing authority.

The Council may have regard to patterns of conduct across a landlord's property portfolio, including evidence of repeated breaches, systemic non-compliance or failure to respond to previous enforcement action. This may include reviewing enforcement history, regulatory datasets, licensing records, housing benefit, council tax or information lawfully shared by partner agencies.

Where a complaint has been investigated and inspected and an authorised officer is satisfied, that no actionable hazard or breach of housing legislation exists, the case will be closed with no further action. The Council is not required to carry out repeated inspections where issues have already been assessed and no breach identified. The local authority will not normally undertake further investigation unless new evidence or materially changed circumstances are presented. The Council retains discretion to determine whether further investigation is appropriate in any individual case.

Where landlords or property owners fail to meet their legal responsibilities, or where housing conditions or tenancy practices present a risk to the health or safety of occupiers, the Council will take proportionate enforcement action. The Council recognises that poor housing conditions and unsafe tenancy practices can have a disproportionate impact on vulnerable residents and will prioritise enforcement action where serious hazards affect those at greatest risk. In deciding whether, when, and how to pursue enforcement and recovery action, the Council will have regard to any known vulnerability, health needs or welfare concerns, while ensuring that legal requirements are enforced and unlawful conduct is not left unaddressed.

In exercising its discretion, the Council may have regard not only to the underlying breach, but also to a person's conduct following enforcement action, including any failure to engage, delay, or comply with requirements such as the payment of civil financial penalties.

8. Initial Complaints and Informal Resolution

The Council will normally expect that, where appropriate and safe to do so, tenants will first raise concerns regarding housing conditions with their landlord or managing agent. Landlords are expected to take reasonable steps to investigate and address reported issues within a reasonable timeframe. The Council may take this into account when determining whether to intervene; however, this will not prevent the Council from taking immediate action where: -

- there is a serious risk to health or safety;
- there is evidence of harassment, illegal eviction or retaliatory action;
- the occupier is vulnerable; or
- there is clear evidence of non-compliance.

Nothing in this section limits the Council's discretion to take formal enforcement action at any stage where it considers it necessary and proportionate.

9. Investigatory powers and powers of entry

In addition to the Council's informal and formal powers of enforcement, there are investigatory powers relating to the collection of information and relating to the entry of premises. Investigatory powers will only be exercised where it is necessary and proportionate to do so for the purposes of enforcing housing legislation and in accordance with statutory safeguards. For the purposes of this section, *rented accommodation legislation* means: -

- Sections 1 and 1A of the Protection from Eviction Act 1977;
- Chapter 1 of Part 1 of the Housing Act 1988;
- Parts 1 to 4 and 7 of the Housing Act 2004 ;
- Section 83(1) or 84(1) of the Enterprise and Regulatory Reform Act 2013;
- Sections 21 to 23 of the Housing and Planning Act 2016;
- Chapter 3 of Part 1 and Part 2 of the Renters' Rights Act 2025.

9.1 Power to Investigate

Section 114 Renters Rights Act 2025 gives the Council power to issue a notice to a relevant person to require that person to provide specified information to the Council. This notice may be given to any person with an estate or interest in the land, the licensor, their agents, or a marketer of a property. It may be served for the investigation relating to the rented accommodation legislation.

Failure to comply with section 114 notice is an offence under section 131 Renters Rights Act 2025, as is being obstructive and intentionally or recklessly making false or misleading statements in response to a section 113 notice. Section 115 Renters

Rights Act 2025 permits the Council when it reasonably suspects a breach of the rented accommodation legislation to issue a notice to any person requiring them to provide the information specified. This may only be done to investigate whether a breach has occurred under rented accommodation legislation, or to determine the amount of a penalty.

Where an individual has not complied with a section 115 notice, section 116 Renters Rights Act 2025 enables the Council to make an application to the Court to enforce the provisions of the notice and seek reimbursement for the costs of the application. Section 131 Renters Rights Act provides that, in addition to the offence of non-compliance with a Section 114 notice, it is an offence for an individual to obstruct a Council officer seeking to exercise their powers without reasonable excuse. It is also an offence to fail to give an officer any additional assistance or information which they reasonably require without reasonable excuse.

Section 235 Housing Act 2004 allows the Council to issue a notice to relevant individuals, including occupiers, directing them to provide specified documents under their control for the purpose of investigating whether an offence has been committed under Parts 1 to 4 of the Housing Act 2004 or exercising the Council's functions under Parts 1 to 4 of the Housing Act 2004.

Section 16 Local Government (Miscellaneous Provisions) Act 1976 also permits the Council to issue a notice to an occupier, manager, or individual with an interest in the land to compel them to provide the Council with information on the nature of their interest and the names and addresses of current occupiers and of any others with an interest in the land.

Where relevant to the Council's housing enforcement functions, investigatory powers may also be exercised under the Environmental Protection Act 1990 and the Prevention of Damage by Pests Act 1949 for the purposes of investigating statutory nuisances or pest-related conditions affecting residential premises.

10. Decision Making Framework

The Council adopts a structured and proportionate approach to decision-making in all enforcement cases. The purpose of this framework is to ensure that enforcement action is consistent, transparent, evidence-based and proportionate to the risk posed. Enforcement decisions will be informed by a range of factors including: -

- The seriousness of the breach
- The level of risk or harm to occupants or the wider community
- The vulnerability of those affected
- The conduct, culpability and compliance history of the landlord or responsible person

- The likelihood of achieving compliance through different forms of intervention.

To support consistency in decision-making, the Council applies a structured escalation approach which reflects the severity of the case.

Band 1 – Informal Resolution
Cases involving minor deficiencies or low risk where there is no immediate threat to health or safety. Action is likely to include advice, guidance, or informal engagement.

Band 2 – Non-Punitive Formal Action
Cases where there is evidence of non-compliance but the risk remains moderate and can be addressed without punitive action. Action may include formal notices, licence conditions, or other regulatory interventions designed to secure compliance.

Band 3 – Formal Enforcement
More serious cases involving significant non-compliance, elevated risk, or failure to respond to previous interventions. Action may include civil financial penalties, formal investigations, or other enforcement measures.

Band 4 – Serious / High Harm Cases
The most serious cases involving significant harm, deliberate or reckless conduct, or repeated non-compliance. Action is likely to include prosecution, banning order applications, or the imposition of substantial financial penalties.

The bands are intended to guide and support officer decision-making. Each case will be considered on its individual merits, and authorised officers retain discretion to depart from this framework where justified, provided that the reasons for doing so are properly recorded.

Recording of Decisions
All enforcement decisions will be documented in accordance with the Council's procedures and governance arrangements. Records will include the evidence relied upon, the options considered, and the reasons for the decision taken. Where prosecution or other formal legal action is proposed, cases will be reviewed in accordance with the Code for Crown Prosecutors and, where required, in consultation with Legal Services.

Records will, where appropriate, include: -

- the nature of the breach or hazard identified
- the evidence relied upon
- the relevant legislative provisions
- the enforcement options considered
- the reasons for selecting the chosen course of action

- consideration of proportionality, vulnerability and public interest
- details of officer authorisation and, where required, legal advice

This ensures transparency, consistency and that decisions are capable of withstanding challenge through appeal, complaint or legal proceedings.

11. Entry to Premises

Section 118 Renters Rights Act 2025 permits Council officers to enter business premises of relevant people (including landlords, letting agents, and marketers) if it is necessary for the production or seizure of documents under section 122-123 Renters Rights Act 2025. This power will be exercised without a warrant.

Section 121 Renters Rights Act 2025 allows an authorised Council officer named in a warrant to enter premises used for a rental sector business which is not mainly accommodation if there are documents on the premises which the officer could require under section 122 or seize under section 123. In addition, for this power to be exercised, one of the following conditions must be met: -

- That access to the premises has been or is likely to be refused, and the Council has provided notice of their intention to apply for a warrant to the occupier
- Those documents on the premises would likely be concealed or interfered with if notice of entry were to be given
- That no occupier is present, and waiting for their return might defeat the purpose of the entry

Following a section 118 or section 121 Renters Rights Act 2025 entry, section 122 allows an officer at any reasonable time to require a relevant person on the premises to produce any documents relating to the business and to take copies of them. This may only be exercised to ascertain whether there has been a breach of the rented accommodation legislation where an officer reasonably suspects there has been a breach or an offence; or to ascertain whether the documents may be required in evidence for proceedings regarding a breach or offence.

Following a section 118 or section 121 Renters Rights Act 2025 entry, section 123 authorises Council officers to seize and detain documents that the officer reasonably suspects may be required as evidence in proceedings relating to a breach of, or an offence under, the rented accommodation legislation. When doing so, the officer will provide evidence of the officer's identity and authority if reasonably practicable. The officer will take reasonable steps to inform the person from whom documents have been seized that they have been seized and will provide that person with a written record of what has been taken. Documents seized will be retained only for as long as

reasonably necessary for the purposes of the investigation or any related proceedings and will be returned as soon as practicable thereafter, unless lawfully retained.

Section 126 Renters Rights Act 2025 permits the Council to enter residential premises used for a tenancy at a reasonable time if the officer considers it necessary as part of an investigation into potential offences specified in subsection 1(b). Where required, the Council will give at least 24 hours' notice of this to the occupier and individuals with an interest in the property as per subsection 1(c), detailing in writing why the entry is necessary and the suspected offences. Where there are occupiers found on the premises, the officer will provide evidence of the officer's identity and authority to at least one of the occupiers if reasonably practicable.

In addition, section 239 Housing Act 2004 permits Council officers to enter, if necessary and at a reasonable time, a property to carry out a survey or examination. This may be done if any one of the following is met: -

- to determine if any Part 1-4 enforcement functions should be exercised
- the premises are part of an Improvement Notice or Prohibition Order
- a management order is in force under Chapter 1 or 2 of Part 4 on the premises

In certain circumstances the Council may obtain a warrant to enter by force, if necessary, under section 240 Housing Act 2004.

11.2 Other Statutory Powers of Entry

In addition to the investigatory powers contained within the Renters Rights Act 2025 and the Housing Act 2004, the Council has powers under a range of other primary legislation to enter premises, obtain information and carry out inspections for the purposes of enforcing housing, public health and related regulatory requirements.

Under section 81 of the Environmental Protection Act 1990 and associated provisions of that Act, the Council has powers of entry for the purposes of investigating and dealing with statutory nuisances, including conditions that may be prejudicial to health or constitute a nuisance. Council officers may enter premises at reasonable times to investigate complaints, carry out inspections, assess conditions, take measurements or gather evidence for the purposes of determining whether a statutory nuisance exists or for taking enforcement action under the Act. Where required by the legislation, advance notice will be given. Where entry is refused or otherwise obstructed, the Council may apply to the court for a warrant authorising entry.

Under the section 4 of the Prevention of Damage by Pests Act 1949 and associated provisions of that Act, the Council has powers to enter land or premises for the purpose of inspecting for, preventing or dealing with infestations of rats or mice. These powers

may be exercised to establish whether treatment or works are required, to monitor compliance with statutory notices, or to carry out works in default where appropriate. Entry will normally be at reasonable times and in accordance with the procedural requirements of the Act.

Under section 95 of the Building Act 1984, the Council may exercise powers of entry for the purpose of carrying out functions under the Act, subject to the statutory requirements relating to notice and warrants. These powers may be used in connection with those building-related functions and delegations exercised by the Council, such as inspections relating to drainage, defective buildings or dangerous land. Where necessary and permitted by law, the Council may apply to the court for a warrant authorising entry, including entry by force.

The Caravan Sites and Control of Development Act 1960 and the Mobile Homes Act 2013 operate together to regulate residential caravan and mobile home sites. The Mobile Homes Act 2013 strengthens the site licensing and enforcement regime under the 1960 Act, including compliance notices, emergency action and works in default.

Under section 26 of the Caravan Sites and Control of Development Act 1960, authorised Council officers have powers to enter land used as a caravan site, including licensed residential caravan sites, at reasonable times and on production of authority if required. Entry may be exercised for the purposes of inspecting sites, assessing compliance with site licence conditions, investigating potential contraventions and taking enforcement action where permitted. Where required by law, at least 24 hours' notice of entry will be given to the occupier. Where entry is refused, anticipated to be refused, or where giving notice would defeat the purpose of entry, the Council may apply to the court for a warrant authorising entry, including entry by force where permitted by statute.

In relation to empty or unoccupied residential premises, the Council may exercise powers of entry where authorised by relevant legislation and where inspections are necessary to assess risks to neighbouring properties or the wider community. Such entry may be undertaken, where statutory requirements are met, under provisions including the Housing Act 2004, the Environmental Protection Act 1990, the Building Act 1984, or the Local Government (Miscellaneous Provisions) Act 1982. These powers may be used, for example, to investigate potential housing hazards, statutory nuisances, dangerous conditions, or to secure unoccupied buildings where this is necessary in the interests of public safety.

Any powers of entry in relation to empty or unoccupied premises will be exercised in accordance with the specific procedural requirements of the relevant legislation, including notice and warrant provisions where applicable.

11.3 General Provisions

Where legislation requires notice to be given prior to entry, the Council will comply with those requirements. Where consent to enter is refused, or where entry is otherwise impracticable, the Council may apply to the court for a warrant authorising entry, including entry by force where permitted by law. All powers of entry will be exercised reasonably and proportionately, and in accordance with: -

- Relevant statutory provisions and safeguards
- Applicable Codes of Practice
- Council procedures and governance arrangements
- The Human Rights Act 1998 and the Equality Act 2010.

Entry powers will be exercised only where necessary and proportionate for the purposes of enforcing relevant legislation and securing compliance.

12. Enforcement Action

The Council aims to support responsible landlords and property owners to raise and maintain housing standards. Landlords are expected to have an appropriate understanding of the legal requirements relating to the condition and management of privately rented accommodation and to take proactive steps to ensure compliance.

The Council will seek to secure compliance through advice, guidance and engagement wherever this is appropriate and likely to be effective. However, the Council is not required to take informal action before taking formal enforcement action and may proceed directly to formal measures where it considers this necessary and proportionate, having regard to the seriousness of the breach and the risk of harm.

In deciding the most appropriate course of action, officers will have regard to the circumstances of the case, the nature and extent of any breach, the degree of risk posed to occupiers or others, and the likelihood of achieving compliance within a reasonable timeframe.

12.1 Informal action

Informal enforcement action may include the provision of written or verbal advice, guidance, warnings, or requests for voluntary compliance. In some cases, a visit by authorised officers may be undertaken at the outset where an initial complaint, referral or other information indicates that an inspection or investigation is warranted.

Where officers visit a property, whether following a complaint, as part of a planned audit, or because of a landlord’s failure to adequately resolve a reported issue informal action may be considered sufficient where only very minor deficiencies are identified

and there is no immediate risk to health or safety. Where written advice is provided, this will normally specify the action required and include reasonable timescales for compliance.

While the Council will use its discretion on whether to take informal action in cases involving Category 2 hazards, it is not required to provide written or verbal advice before commencing formal enforcement action and may proceed directly to statutory measures where this is considered appropriate.

In relation to matters regulated under legislation other than the Housing Act 2004 and the Renters Rights Act 2025, the Council may also seek to secure compliance through informal enforcement action where it considers this appropriate. Informal engagement may be used where inspections or investigations identify minor deficiencies, low level breaches, or matters that do not present an immediate risk to health or safety.

12.2 Formal action

Formal enforcement action may be taken where informal action is ineffective, inappropriate, or insufficient to address risks to health, safety or the environment, or where the Council considers that informal engagement is unlikely to secure compliance. Formal enforcement action may be taken without prior informal action where, for example: -

- there are serious risks to health or safety
- there is deliberate, reckless or blatant non-compliance
- there is a history of previous breaches or failures to comply, or
- informal engagement is unlikely to achieve timely or effective compliance

The Council will therefore select the most appropriate enforcement tool having regard to the relevant legislation, the circumstances of the case, and the principle of proportionality.

The following sections describe the principal statutory enforcement powers available to the Council under specific legislative regimes. The choice of enforcement tool in any case will depend on the nature of the breach, the level of risk, the evidence available, and what is necessary and proportionate to secure compliance and protect occupants.

12.3 Enforcement

12.3.1 Housing Act 2004 Part 1

The Council will assess housing conditions under Part 1 of the Housing Act 2004 using the Housing Health and Safety Rating System (HHSRS) and in accordance with the current statutory HHSRS Operating Guidance.

From 22nd June 2026, the HHSRS comprises 21 prescribed hazards and uses the descriptive hazard bands Low, Medium and High. The statutory distinction between Category 1 and Category 2 hazards remains. A hazard score of 1,000 or more is a Category 1 hazard; a score below 1,000 is a Category 2 hazard.

When carrying out HHSRS inspections and assessments, the Council will have regard to the current statutory HHSRS Operating Guidance. When determining the appropriate enforcement response, the Council will have regard to the current statutory HHSRS Enforcement Guidance, the circumstances of the case, the level of risk and the principles of proportionality. When determining the appropriate enforcement response, the Council will have regard to the current statutory HHSRS Enforcement Guidance, the circumstances of the case, the level of risk and the principles of proportionality. In selecting the appropriate enforcement action, the Council will consider the full range of statutory options available. Only one course of action under Part 1 may be taken in relation to a particular hazard, although different courses of action may be taken in relation to different hazards at the same premises where each is justified as the appropriate course of action.

Where hazards are identified, the Council may exercise its powers under Part 1 of the Housing Act 2004. These powers include the service of the following notices and orders: -

- **Improvement Notice** – Improvement Notice – In respect of a Category 1 or Category 2 hazard, an Improvement Notice requires the person on whom it is served to undertake specified remedial action. The notice will specify the date on which remedial action is to start, which cannot be earlier than 28 days after service of the notice, and the period within which the works, or each part of them, must be completed.
- **Prohibition Order** - In respect of any Category 1 hazards and any Category 2 hazards on the property. This prevents occupation of whole or part of the property, or can be used to limit occupant numbers, within a specified time frame.
- **Hazard Awareness Notice** - In respect of any Category 1 hazards and any Category 2 hazards on the property. This makes the owner and occupiers aware of the hazards identified however, it does not require remedial action. As

a result, and because it does not secure risk reducing works within a specified timeframe, a Hazard Awareness Notice will not usually be the most appropriate course of action where remedial works are necessary to reduce the risk of harm to occupiers or potential occupiers.

- **Emergency Prohibition Order** – To immediately prohibit the use of all or part of a dwelling where there is an imminent risk of serious harm to the health or safety of the occupants or others.
- **Emergency Remedial Action** - Where there is a Category 1 hazard present, section 40 of the Housing Act 2004 allows the Council to undertake Emergency Remedial Action on the Category 1 hazard without prior notice.
- **Suspended Improvement/Prohibition Order** - The Council also has the power to suspend action taken under Part 1 Housing Act 2004 in situations where it has the power or duty to take enforcement action. This will be at the Council's discretion and will normally be considered for the purpose of minimising inconvenience to the current occupiers.
- **Demolition and Clearance** - Where the statutory criteria are met, the Council may consider action under Parts 9 and 10 of the Housing Act 2004 in respect of dwellings that are unfit for human habitation or areas containing multiple such dwellings.

Where the Council takes enforcement action under Part 1 of the Housing Act 2004, it will provide a statement of reasons for its decision in accordance with section 8 of the Act. The reasons will identify why the selected course of action is considered appropriate having regard to the hazards identified, the circumstances of the case and the available enforcement options.

Section 6A Financial Penalty

When first taking appropriate enforcement action under section 5 of the Housing Act 2004 in respect of a Category 1 hazard at qualifying residential premises, the Council will consider whether the statutory conditions for imposing a financial penalty under section 6A are satisfied.

A section 6A financial penalty is additional to the appropriate enforcement action taken under section 5 and does not replace the Council's duty to take that action. Section 6A does not apply in respect of a Category 1 hazard in the common parts of a building containing one or more flats. Further details are set out at section 14.3.

Non Compliance with Housing Act 2004

- Failure to comply with an Improvement Notice under section 30, or a Prohibition Order under section 32, of the Housing Act 2004 is a criminal offence. The Council may consider prosecution or the imposition of a civil financial penalty, having regard to the circumstances of the case and statutory guidance.

Other formal notices served by the Council may not relate to the landlord undertaking remedial works but may cover a range of other matters including, but not limited to, exercising a right of entry under section 239 of the Housing Act 2004 and a request to provide information or the need to abate or avoid overcrowding.

12.3.2 Renters Rights Act 2025

The Council has specific statutory duties to enforce landlord obligations and tenant protection provisions introduced by the Renters Rights Act 2025. In exercising its functions under the Renters Rights Act 2025, the Council may investigate and take enforcement action in relation to breaches of the landlord legislation, including (but not limited to): -

- Failures to comply with prescribed tenancy requirements
- Unlawful eviction and harassment offences
- Attempts to end tenancies otherwise than in accordance with the prescribed statutory process
- Misuse or abuse of possession grounds
- Failures to provide required information to tenants
- Breaches of restrictions on reletting, remarketing or rent practices
- Unlawful discrimination against prospective tenants in breach of the Renters Rights Act 2025. The Council recognises that other forms of discrimination in the letting process may arise under separate legislative frameworks. These are addressed elsewhere in this policy.

Enforcement action under the Renters Rights Act 2025 may include the service of statutory Notices, the requirement to provide information, the imposition of civil financial penalties, prosecution, applications for rent repayment orders, or other regulatory action permitted by law. Enforcement under the Renters' Rights Act 2025 is primarily offence-based and may be addressed through civil penalties, prosecution and other statutory remedies rather than through prescriptive notice regimes.

In determining the most appropriate enforcement response, the Council will have regard to the circumstances of the case, including the seriousness of the breach, the impact on the tenant, any evidence of deliberate, reckless or repeated non-compliance, and the need to protect tenants from unfair or unlawful practices.

12.3.3 Right to Rent Avoidance of Discrimination

The Council recognises the requirements placed on landlords under the Immigration Act 2014 and associated secondary legislation in relation to Right to Rent checks. Section 23 of the Act provides for a Code of Practice issued by the Home Office to ensure that such checks are carried out without unlawful discrimination.

Enforcement of immigration legislation does not fall within the remit of the Council's Private Sector Housing functions. However, the Council recognises that discriminatory letting practices may impact access to accommodation and contribute to housing need. Where such practices are identified, the Council may: -

- provide advice and guidance to landlords on lawful letting practices
- signpost to relevant statutory codes of practice
- consider whether wider housing enforcement powers are engaged
- work with partner agencies where appropriate.

12.4 Other Housing and Public Health and Environmental Legislation

12.4.1 Environmental Protection Act 1990

Under the Section 79 to 80 of the Environmental Protection Act 1990, the Council has powers to take enforcement action in relation to statutory nuisances, including conditions that are prejudicial to health or constitute a nuisance.

Where a statutory nuisance is identified, or is likely to occur, the Council may serve an Abatement Notice requiring the nuisance to be discontinued, restricted or prevented, or requiring works to be carried out. Failure to comply with an Abatement Notice is a criminal offence and may result in prosecution or further enforcement action, including works in default where appropriate.

12.4.2 Prevention of Damage by Pests Act 1949

Under section 4 of the Prevention of Damage by Pests Act 1949, the Council has powers to require owners or occupiers of land or premises to take steps to prevent or eradicate infestations of rats or mice.
Enforcement action may include the service of statutory notices requiring treatment or works to be carried out, monitoring compliance, and the carrying out of works in default where necessary. Failure to comply with a notice may lead to prosecution and/or the recovery of costs incurred by the Council.

12.4.3 Building Act 1984

Under the Building Act 1984, the Council may take enforcement action in connection with those building-related functions delegated to it under the Act, where statutory conditions are met. This may include action in respect of buildings or land presenting risks to persons or property, or where works are required to address defective conditions within the Council's remit.

Formal enforcement action may include the service of statutory notices requiring remedial works to be carried out, the taking of emergency action where there is an

imminent risk of serious harm, or the carrying out of works in default, in accordance with the provisions of the Act. Any enforcement action will be taken only where authorised by law and where other regulatory powers are not more appropriate.

12.4.4 Caravan Sites and Control of Development Act 1960 & Mobile Homes Act 2013

In relation to licensed residential caravan sites and protected mobile home sites, the Council has enforcement powers under the Caravan Sites and Control of Development Act 1960 and the Mobile Homes Act 2013.

Formal enforcement action may be taken where a site is operating without a licence, site licence conditions are not complied with, where site management standards are deficient, or where offences are identified. Enforcement action may include the service of statutory or compliance notices, emergency action where permitted, the carrying out of works in default, and the prosecution of offences in accordance with the relevant legislation.

12.4.5 Empty Properties

The Council will take a proactive and risk-based approach to the identification and management of empty private residential properties, recognising the impact that long-term vacant dwellings can have on housing supply, neighbourhood amenity and community wellbeing.

Where empty or unoccupied properties give rise to housing hazards, statutory nuisances, anti-social behaviour or other breaches of housing-related legislation, the Council may take proportionate enforcement action using the relevant statutory powers available to it.

The Council's approach to empty properties is supported by its adopted Empty Homes Strategy 2026, which sets out the Council's wider objectives, priorities and non-statutory interventions for bringing empty homes back into use. This Enforcement Policy provides the framework through which statutory enforcement and regulatory powers may be exercised, where appropriate, to support the delivery of those objectives.

The Council will seek, in the first instance, to work with owners to bring empty properties back into use through advice, engagement and voluntary measures. However, where voluntary action is not achieved, the Council may consider proportionate enforcement action in accordance with this policy and the relevant statutory framework.

Enforcement options may include: -

- service of statutory notices to address housing hazards, statutory nuisances, waste accumulation or defective conditions;
- action to secure properties where they present a risk to public safety;
- carrying out works in default where required works are not undertaken;
- recovery of costs incurred by the Council, including through local land charges; and
- consideration of enforced sale procedures where debts are secured against a property.
- Consideration of compulsory purchase orders

Where statutory criteria are met, the Council may also consider the use of Interim or Final Empty Dwelling Management Orders under Part 4 of the Housing Act 2004, or compulsory purchase powers, in accordance with adopted policies, corporate governance arrangements and decision-making procedures. The Council will prioritise long-term empty properties that have a significant adverse effect on the local community and may adopt a coordinated approach involving internal services and external partners to support their return to occupation.

12.4.6 Electrical safety / smoke and carbon monoxide / energy efficiency

The Council may take enforcement action to secure compliance with statutory private rented sector safety and energy efficiency requirements. This includes duties relating to electrical safety standards, smoke and carbon monoxide alarms, and minimum energy efficiency standards.

In relation to energy efficiency, the Council enforces the Minimum Energy Efficiency Standards under the *Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (as amended)*. Where landlords fail to comply with the prescribed minimum energy efficiency standard or other regulatory requirements, the Council may take enforcement action, which may include the service of compliance notices, the requirement to provide information, and the imposition of civil financial penalties.
Enforcement of electrical safety requirements and smoke and carbon monoxide alarm standards may also include the service of statutory notices and the imposition of civil financial penalties in accordance with the relevant regulations. Further detail on the Council's approach, including statutory statements of principles for determining penalties, is set out in Appendix 2 and Appendix 3.

12.4.7 HMO licensing and management

The Council may take enforcement action to secure compliance with Houses in Multiple Occupation (HMO) licensing requirements, licence conditions and

management standards, including the imposition of civil financial penalties or prosecution where appropriate. Enforcement action may include the service and enforcement of licence conditions and requirements imposed under the Housing Act 2004 and associated Management Regulations.

HMO licences may include conditions requiring works to be carried out or measures to be taken to meet prescribed standards, including compliance with the Management of Houses in Multiple Occupation (England) Regulations. In general, the Council will seek to address Category 1 and Category 2 hazards through the exercise of its powers under Part 1 of the Housing Act 2004. This does not prevent the Council from imposing licence conditions relating to the provision, installation or maintenance of facilities or equipment, even where similar outcomes could be achieved through Part 1 enforcement.

Failure to comply with HMO licence conditions or management requirements is a criminal offence and may result in prosecution or the imposition of a civil financial penalty, having regard to the circumstances of the case and relevant statutory guidance.

The Council has adopted local amenity standards for HMOs, published as “Amenity Standards”, which set out minimum requirements for facilities and space. Compliance with these standards forms a condition of all HMO licences issued within the Borough.

12.4.8 Illegal eviction and harassment

The Council will investigate and take enforcement action in relation to illegal eviction and harassment offences, including offences under the Protection from Eviction Act 1977 and related tenant-protection provisions. Such action will be taken in accordance with the applicable evidential tests and public interest considerations.

Enforcement action may include the imposition of civil financial penalties, prosecution, or other regulatory action permitted by law, including enforcement of relevant duties and offences introduced by the Renters’ Rights Act 2025. In determining the appropriate response, the Council will have regard to the seriousness of the conduct, the impact on the occupier, and the need to protect tenants from unlawful interference with their occupation of residential premises.

12.4.9 Traveller Incursions on Local Authority Land

This section sets out the Council’s approach to unauthorised encampments on land it owns or manages. In dealing with unauthorised encampments, the Council is acting primarily in its capacity as a landowner rather than as a housing regulator.

Where an unauthorised encampment occurs on Bromsgrove District Council land, the Council will adopt a lawful, proportionate and case-specific approach. In determining the appropriate response, the Council will have regard to all relevant circumstances, including:

- the location, use and characteristics of the land occupied;
- any risks to health, safety or public amenity;
- the presence of children, elderly persons or individuals with health, welfare or support needs;
- any evidence of criminal activity, significant disruption or environmental harm; and
- the availability of alternative authorised sites or appropriate support.

The Council recognises the need to balance the rights and welfare of individuals occupying land without authorisation with the rights of the wider community and its responsibilities to protect public land, public safety and amenity. When considering any action in relation to unauthorised encampments, the Council will have due regard to its duties under the Equality Act 2010 and the Human Rights Act 1998.

Where appropriate, and having considered all relevant circumstances, the Council may take enforcement action as a landowner. This may include, but is not limited to:

- seeking possession of land through civil proceedings;
- the service of notices or the taking of action under relevant housing, public health or environmental legislation where statutory criteria are met;
- the recovery of costs associated with enforcement or remediation, where lawful to do so; and
- working with the Police or other agencies where statutory thresholds for involvement are met.

Matters relating to unauthorised encampments will normally involve joint working with partner agencies, which may include the Police, Legal Services, Housing, Environmental Health, Public Health and safeguarding services. Where welfare needs or safeguarding concerns are identified, the Council will ensure that appropriate enquiries are made and that relevant support services are engaged before, or alongside, any enforcement action.

The Council retains discretion as to whether, and how, enforcement action is taken in relation to unauthorised encampments. Nothing in this policy creates a duty on the Council to take enforcement action in any particular case, nor does it confer any right on any person to require the Council to act. Any action taken will be proportionate, justified and recorded, with decisions made by authorised officers in accordance with the Council's governance arrangements.

13. Work in default

Where legislation permits, the Council may carry out works in default where a person has failed to comply with the requirements of a statutory notice or with licence conditions, or where urgent action is required and the relevant statutory criteria are met. Works in default may be undertaken under a range of legislative regimes, including housing, public health, environmental and site licensing legislation.

The carrying out of works in default is an enforcement option available to the Council in addition to other action for non-compliance, such as prosecution or the imposition of civil financial penalties. The Council is under no duty to undertake works in default and will do so only where it considers this necessary, appropriate and proportionate to secure compliance or to remove or reduce risks to health, safety or amenity.

Where works in default are undertaken, the Council will seek to recover its reasonable costs in accordance with the relevant statutory provisions. This may include the application of local land charges or other lawful cost-recovery mechanisms.

Decisions to carry out works in default will be taken by authorised officers having regard to the circumstances of the case, the seriousness of the breach, the risk posed, the availability of alternative enforcement options, and the Council's governance and financial procedures.

14. Enforcement Outcomes for Non-Compliance

14.1 Prosecution

Prosecution is a formal enforcement option available to the Council in respect of criminal offences under housing and related legislation. Where legislation provides an alternative of a civil financial penalty, the Council will normally consider prosecution only in more serious cases.

Prosecution will normally be considered where one or more of the following circumstances apply: -

- A breach has resulted in serious harm or risk of serious harm to occupants or others
- There is evidence of deliberate, reckless or persistent non-compliance
- There have been repeated breaches or a history of non-compliance
- There has been a failure to comply with a statutory notice
- False or misleading information has been provided to the Council
- An individual has obstructed officers in the course of their duties
- The offence is of such seriousness that a financial penalty would not be an appropriate response

- It is necessary to act as a deterrent and protect the wider community

The decision to prosecute will be made having regard to the evidential sufficiency of the case and the public interest factors set out in the Code for Crown Prosecutors, issued by the Director of Public Prosecutions. In determining whether prosecution is appropriate, the Council will consider the seriousness of the offence, any evidence of deliberate or reckless conduct, the harm caused, and the deterrent effect of formal legal proceedings.

In circumstances where an offence has been committed by a corporate body, relevant legislation may permit enforcement action to be taken against company officers or, where applicable, company members, in addition to or instead of the corporate body itself. The Council will determine, on a case-by-case basis, whether enforcement action against individuals is appropriate, having regard to their level of responsibility and involvement in the offence. The Council may, where appropriate following conviction, consider the use of confiscation proceedings under the Proceeds of Crime Act 2002 to recover financial benefit obtained as a result of criminal conduct.

14.2 Civil Financial Penalties for specified offences

The Council may impose civil financial penalties for specified breaches and offences where legislation provides for such a penalty, including where a civil financial penalty is available as an alternative to prosecution. Such penalties will be imposed in accordance with the relevant statutory provisions, statutory guidance and this Policy.

This section applies to offence and breach-based civil financial penalties. Financial penalties imposed under section 6A of the Housing Act 2004 are subject to the separate framework at section 14.3.

If a landlord has committed multiple breaches or offences, a separate civil penalty can, and usually will, be imposed for each breach and offence. In each case, the level of any civil penalty imposed will be determined in accordance with this policy. If multiple landlords have committed the same breach or offence at the same property, a separate civil penalty can, and usually will, be imposed on each offender. In each case, the level of civil penalty imposed on each offender will be in accordance with this policy.

This section of the policy outlines the Council's methodology and mechanism for assessing and setting the level of a civil penalty at all stages where a civil penalty is under consideration, including the preparation of a notice of intent, and where a final decision has been made to impose a civil penalty.

When applying the civil penalties matrix, interim calculations at individual stages may result in figures that exceed the statutory maximum. Where the final amount reached

following application of all relevant steps exceeds the statutory maximum, the civil penalty will be reduced to the applicable statutory maximum.

The Council considers the need for transparency and consistency to be of primary importance to ensure fairness in the discharge of its functions. The general objective of this policy is, therefore, to promote both transparency and consistency in the imposition of financial penalties so that those involved in the letting or management of accommodation

(a) know how the Council will generally penalise relevant breaches and offences and;
(b) are assured that, generally, like cases will be penalised similarly, and different cases penalised differently.

The Council recognises that, despite its best efforts, landlords may operate unlawfully for a significant period without detection, and that only a proportion of those committing relevant breaches and offences will be identified. Accordingly, the Council seeks to ensure that civil penalties are set at a level that makes it clear to the landlord concerned and to others that operating unlawfully as a landlord is financially disadvantageous when compared to operating lawfully.

The Council has a duty to act fairly, transparently and consistently when assessing civil penalties. To maintain fairness between all landlords, the Council will not give weight to claims advanced as factors that might reduce the amount of a civil penalty unless those claims are supported by evidence that the Council reasonably considers to be relevant, reliable, credible, and sufficient in scope and detail to enable proper assessment of the claim, having regard to the nature of the claim, the information ordinarily available to the landlord, and the need for consistent and fair decision-making. Allowing inadequately evidenced assertions to influence outcomes would risk rewarding those who provide incomplete or misleading information and would create an unfair advantage over landlords who provide a full and properly evidenced account.

Accordingly, the Council expects landlords against whom a civil penalty is being considered to provide all documents and records that would ordinarily exist if their account were accurate. Where such evidence is not provided, and no explanation that the Council considers adequate is given, the Council may draw an adverse inference.

Where claims are advanced without sufficient supporting evidence, the Council may request specified supporting material before determining whether to issue a final notice or whether any mitigation has been sufficiently evidenced so as to justify a lower civil penalty. The Council has the power to impose a Civil Financial Penalty for the following: -

- Unlawful eviction and harassment of occupier as defined under the Protection from Eviction Act 1977
- Failure to comply with an Improvement Notice [s30 Housing Act 2004]
- Offences in relation to licensing of Houses in Multiple Occupation (HMOs) [s72 Housing Act 2004]
- Offences in relation to the Selective Licensing of 'houses' [s95 Housing Act 2004]
- Failure to comply with an Overcrowding Notice [s139 Housing Act 2004]
- Failure to comply with a management regulation in respect of an HMO [s234 Housing Act 2004]
- Offences in relation to Regulation 3 of the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020
- Failure to comply with a banning order [s21 Housing and Planning Act 2016]
- Failure to give a written statement of terms under section 16D of the Housing Act 1988
- Failure to give an existing tenant information about changes made by the Renters' Rights Act under paragraph 7(2) of schedule 6 to the Renters' Rights Act 2025
- Attempting to let a property for a fixed term under section 16E of the Housing Act 1988
- Attempting to end a tenancy orally or by service of a notice to quit under section 16E of the Housing Act 1988
- Serving an eviction notice that attempts to end a tenancy outside the prescribed section 8 process under section 16E of the Housing Act 1988
- Relying on a ground where the person does not reasonably believe that the landlord is/will be able to obtain possession under section 16E of the Housing Act 1988
- Relying on a ground knowing the landlord would not be able to obtain possession or being reckless as to whether they would under section 16J of the Housing Act 1988
- Failing to provide a tenant with prior notice that a ground which requires it may be used under section 16E of the Housing Act 1988
- Reletting or remarketing a property before expiry of the 12 month no-let period after using the moving and selling grounds under sections 16E and 16J of the Housing Act 1988
- Discriminating against prospective tenants during the letting process on the grounds that those tenants are in receipt of benefits or have children under sections 33 and 34 of the Renters Rights Act 2025
- Marketing a letting without stating the proposed rent under section 56 of the Renters Rights Act 2025

- Inviting or encouraging any person to offer to pay an amount of rent under the proposed letting that exceeds the stated rent under section 56 of the Renters Rights Act 2025
- Accepting an offer from any person to pay an amount of rent under the proposed letting that exceeds the stated rent under section 56 of the Renters Rights Act 2025

The Government has issued statutory guidance entitled “Civil penalties under the Renters' Rights Act 2025 and other housing legislation”. The Council has regard to this guidance in the exercise of their functions in respect of civil penalties. The Council has considered the following factors in developing this civil penalty policy to help ensure that the civil penalty is set at an appropriate level.

14.2.1 Persons Liable for Civil Penalties

Civil financial penalties may be imposed on any person who has committed a relevant breach or offence under the legislation outlined in this policy. In determining who is liable, the Council will consider the available evidence and identify the person or persons responsible for the breach or offence. Liability will be determined on a case-by-case basis and may include landlords, agents, licence holders, or other persons involved in the letting or management of residential accommodation. The following table provides a general guide to responsibility for common breaches and offences: -

Summary of Offence Responsibilities

Breach or Offence	**Person(s) Liable**
Rent to Rent arrangements	Landlord and/or superior landlord
Illegal eviction and harassment	Any person who has committed the offence
Assured tenancy duties (Renters Rights Act 2025)	Landlord or person acting on their behalf
Discrimination in breach of the Renters Rights Act 2025	Landlord or person acting on their behalf
Unlicensed HMOs	Person having control and/or person managing (section 263 Housing Act 2004)
Overcrowded HMOs	Person having control and/or person managing
Breach of HMO licence conditions	Licence holder
Breach of HMO Management Regulations	Person having control and/or person managing
Failure to comply with a statutory notice	Person on whom the notice was served
Smoke and Carbon Monoxide Regulations	Relevant landlord
Electrical Safety Regulations	Private landlord or registered provider

The table above is intended as a general guide only. The Council will determine liability based on the specific facts of each case. Where a breach or offence is committed by a body corporate, and it is shown to have been committed with the consent, participation or neglect of an officer of that body, the Council may impose a civil penalty on that individual as well as, or instead of, the corporate body.

Where more than one person is liable for the same breach or offence, the Council may impose a civil penalty on more than one person. The amount imposed on each person may differ depending on the circumstances of the case.

Once the Council has identified the appropriate person or persons against whom enforcement action should be taken, it will determine the level of any civil financial penalty in accordance with statutory guidance and this Policy. In doing so, the Council will have regard to a range of factors such as: -

- **Severity of the breach or offence.** The more serious the breach or offence, the higher the penalty should be.
- **Culpability and track record of the offender.** A higher penalty will be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities.
- **The harm caused to the tenant.** This is a very important factor when determining the level of penalty. The greater the actual harm or the potential for harm, principally to the tenant but also potentially the local community, the higher the penalty should be.
- **Punishment of the offender.** The penalty should, in a way that is fair, both punish the offender and demonstrate the consequences of not complying with their responsibilities.
- **Deter the offender from repeating breaches or offences.** The ultimate goal is to prevent any further offending and help ensure that the offender fully complies with all of their legal responsibilities in future. The level of the penalty should therefore be set at a level that it is likely to have a very significant deterrent effect.
- **Deter others from committing similar breaches or offences.** While the fact that someone has received a civil penalty may not be in the public domain, the civil penalty policy itself will be and local authorities should consider how their formal enforcement activity can be effectively publicised. An important part of deterrence is the realisation on the part of landlords that the local housing authority is proactive in levying civil penalties where the need to do so exists and the civil penalty will be set at a high enough level such that operating lawfully will be the sensible financial choice.
- **Remove any financial benefit the offender may have obtained as a result of committing the breach or offence.** The principle here is that it should not be in

the offender's financial interest to commit a breach or offence rather than comply, for example that the penalty for breaching licensing conditions in respect of occupancy of a property is less than the additional rent received as a result of the over-crowding. The absence of any financial benefit to the landlord does not mean though that the penalty should be reduced.

The factors set out above will be applied through the Council's civil penalties matrix to determine an appropriate starting point and any subsequent adjustments to the level of the penalty. The matrix provide a structured framework to promote consistency, but does not remove the Council's discretion to depart from starting points where justified by the particular circumstances of a case, subject to statutory limits and guidance. Once the level of the civil financial penalty has been determined, the Council will apply the relevant statutory process for imposing the penalty.

14.2.2 Statutory requirements for Imposing Civil Penalties

The table below sets out the statutory requirements applicable to different civil penalty regimes. It is intended as a general guide only. The Council will ensure that all enforcement action is taken in accordance with the specific statutory provisions applicable to each case, including any requirements relating to notices, representations, appeals and publication.

Legislation	**Relevant Provision**	**Notice of Intent Required?**	**Publication / Transparency**
Housing and Planning Act 2016	Civil penalties (including banning order breaches)	Yes – Notice of Intent must be served before imposing a civil penalty	Details may be recorded on the Rogue Landlord Database (where applicable)
Housing Act 2004	Civil penalties under s.249A	Yes – Notice of Intent required before imposing a civil penalty	Publication at the Council's discretion and/or on relevant databases
Protection from Eviction Act 1977	Illegal eviction and harassment (civil penalty alternative)	Yes – where a civil penalty is imposed instead of prosecution	Publication discretionary via Council reporting or enforcement transparency
Renters' Rights Act 2025	Civil penalty provisions	Yes – Notice of Intent required	Publication may include national PRS database and Council transparency reporting

Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015	Regulations 33–42	No – Compliance Notice issued first	Publication on PRS Exemptions Register
Electrical Safety Standards Regulations 2020	Regulations 3–11	Yes – following Remedial Notice	Publication discretionary
Smoke and Carbon Monoxide Alarm Regulations 2015	Regulations 5–8	No – Remedial Notice precedes penalty	Statement of Principles must be published
Consumer Rights Act 2015	Letting agent transparency	Yes	No statutory publication requirement

14.2.3 Civil Penalties Matrix

In determining the level of a civil penalty, officers will have regard to the matrix set out in Appendix 1 and the following sequential steps: -

1. Determining the starting point based on the seriousness of the breach or offence.
2. Adjustment for factors relating to the type of landlord; size and type of portfolio controlled, owned or managed; experience of the landlord ("Landlord Type")
3. Mitigating and aggravating factors the Council deems significant including, but not limited to, factors relating to the track record and culpability of the landlord and the actual or potential harm to the occupants.
4. Financial considerations.
5. Applying the totality principle.

Where legislation requires the Council to publish a separate statement of principles for determining penalty charges, including the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (as amended) and the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015, the offence-specific factors and starting points set out in the relevant appendix will apply in place of those in Appendix 1. In all other respects, the methodology set out in this policy, including landlord-type adjustments, financial consideration and the totality principle, will continue to apply.

Where a civil financial penalty is imposed in respect of an offence under section 234(3) of the Housing Act 2004 (failure to comply with HMO Management Regulations), or section 72(3) of the Housing Act 2004 (breach of licence conditions), the offence-specific duties, factors and starting points set out in Appendix 1 will apply. The Council will determine whether a separate civil penalty is appropriate for each

breached regulation or licence condition having regard to the facts of the case, statutory guidance, and the totality principle.

Starting point based of seriousness of the breach or offence

The Ministry of Housing, Communities & Local Government has provided statutory guidance that prescribes starting points for all breaches and offences based on the seriousness of the breach or offence. Where the Council has determined its own starting points for specific offences, including breaches of licence conditions under sections 72(3) and 95(2) of the Housing Act 2004, these are set out in the relevant matrices appended to this policy.

Adjustment for factors relating to the type of landlord; size and type of portfolio controlled, owned or managed; experience of the landlord ("Landlord Type")

While all landlords are expected to comply fully with their legal obligations, the Council considers that a higher standard of professionalism and regulatory awareness is reasonably expected of landlords who operate at greater scale, who have greater experience, or who are involved in more complex forms of letting. Where such landlords fail to comply with their obligations, this will ordinarily justify a higher civil penalty. In particular, a higher degree of professionalism is expected of landlords who:

- Control, own, or manage a significant portfolio of properties
- Have significant experience in the letting or management of property
- Are or have been involved in the letting or management of Houses in Multiple Occupation (HMOs)
- Are corporate landlords, or
- Are or have been directors of corporate landlords

An upward adjustment of 20% of the applicable starting point will be applied where the landlord meets any one or more of the following criteria: -

- The landlord has, at any point in time, controlled, owned, or managed six or more properties. These properties need not have been held concurrently or at the time civil penalty proceedings are brought
- The landlord has, at any point in time, controlled, owned, or managed three or more properties that operated as HMOs, whether or not concurrently
- The landlord is, or has previously been, a director of a corporate landlord
- The landlord is a corporate landlord
- The landlord has, in the Council's assessment and by reference to the available evidence, significant experience in the letting or management of property.

A downward adjustment of 20% of the applicable starting point will be applied only where all of the following criteria are met: -

- The landlord has, at any point in time, controlled, owned, or managed no more than two properties
- The landlord has controlled, owned, or managed no more than one property that has operated as an HMO, at any point in time
- The landlord has, in the Council's assessment and by reference to the available evidence, very limited experience in the letting or management of property

Mitigating and aggravating factors the Council deems significant including, but not limited to, factors relating to the track record and culpability of the landlord and the actual or potential harm to the occupants

To promote fairness and consistency in the administration of civil penalties, the Council will apply a structured and consistent framework when determining the extent to which mitigating and aggravating factors affect the quantum of any civil penalty.

14.2.3 General approach

Each breach or offence may have offence-specific mitigating and/or aggravating factors, which will be considered alongside the generic factors set out below. Where multiple civil penalties are issued under this policy against the same landlord at the same time, and except where expressly stated otherwise, mitigating and aggravating factors will be considered and applied separately to each civil penalty when determining the quantum of each penalty.

Mitigating factors

The Council may reduce the level of a civil penalty by up to 20% of the applicable starting point to reflect the presence of mitigating factors. Only in exceptional circumstances may the Council depart from the application of this policy in respect of mitigating factors and apply a reduction in excess of 20%. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple mitigating factors.

Within the framework of this policy, the Council has not sought to provide an exhaustive list of mitigating factors, recognising that a wide range of circumstances may potentially give rise to mitigation. However, the following generic mitigating factors will be considered in respect of each breach or offence: -

Steps taken to remedy the basis of the breach or offence
Non-exhaustive examples include: -

- Promptly remedying all elements of the breach or offence after receiving communication from the Council.
- Promptly remedying all the significant elements of the breach or offence leaving only less significant elements of the breach or offence.

A high level of cooperation
Non-exhaustive examples include:

- Proactive provision of significant information the Council reasonably considers relevant beyond that required by statutory notice.

Acceptance of liability
Non-exhaustive examples include: -

- Accepting liability before or within the period for representations.

Where a landlord relies on a reasonable excuse defence or otherwise contests liability, this mitigating factor will not usually apply.

Health circumstances
Non-exhaustive examples include:

- A serious health condition or medical incident experienced by the landlord during, or in the period immediately preceding, the breach or offence, where there is clear and reliable evidence that the condition had a direct and material impact on the landlord's ability to comply with the relevant legal obligation. Examples may include, but are not limited to, a heart attack, stroke, cancer diagnosis, or other acute or serious medical event causing significant incapacity or impairment.

Diminished culpability (limited responsibility)
Non-exhaustive examples include: -

- A joint landlord who has evidenced that compliance arrangements for the subject property were directed and controlled by another joint landlord, and not by them.
- A landlord who became involved only after an unforeseen change in circumstances (such as the death of the previous landlord) and who committed the breach or offence only for a limited period while putting their affairs in order.

The instruction of a managing or letting agent, or reliance on an agent's actions or omissions, will not of itself constitute diminished culpability.

Aggravating factors
The Council may increase the level of a civil penalty by up to 20% of the applicable starting point to reflect the presence of aggravating factors. Only in exceptional circumstances may the Council depart from the application of this policy in respect of aggravating factors and apply an increase in excess of 20%. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple aggravating factors. The following generic aggravating factors will be considered in respect of each breach or offence: -

Previous history of non-compliance.

Non-exhaustive examples include: -

- Previous successful prosecutions (including relevant spent convictions), previous civil penalties, previous rent repayment orders, previous works in default, previous simple cautions.

Concurrent investigations or proceedings relating to other civil penalties, prosecutions, or rent repayment orders will not be treated as previous non-compliance.

Non-cooperation with the Council.

Non-exhaustive examples include: -

- Failure to comply with notices issued under section 16 of the Local Government (Miscellaneous Provisions) Act 1976, section 235 of the Housing Act 2004, or section 114 of the Renters Rights Act 2025.
- Failing to provide a substantive response to a letter of alleged offence.
- Failing to attend previously agreed meetings.

Where the Council considers that steps have been taken to avoid payment or enforcement (including asset transfer, company dissolution, or re-structuring), this may be treated as an aggravating factor and pursued through appropriate legal routes. Where the Council has prosecuted, or is pursuing a prosecution, in respect of the same act or omission involving failure to provide legally required information (including failure to comply with a statutory notice), that conduct will not also be treated as an aggravating factor for the purposes of setting the civil penalty, in order to avoid double counting. Where multiple civil penalties are imposed against the same landlord at the same time, this aggravating factor will be applied only to the civil penalty with the highest starting point, unless there is a clear and reasoned basis for applying it differently.

Deliberate intent or negligence when committing the offence.

Non-exhaustive examples include: -

- Knowledge that the breach or offence was occurring.
- Continuation of offending after communication from the Council.
- Premeditation or planning, including steps taken to prevent detection or effective investigation.
- Providing false or misleading information to the Council.
- Applying pressure to occupants to deter cooperation with the Council.

The number of occupants affected.

Non-exhaustive examples include: -

- 3-5 occupants affected.

Duration of non-compliance.

Non-exhaustive examples include: -

- The offence or breach occurred over a 3–6 month period.

Vulnerability of occupants
Non-exhaustive examples include children and young adults, persons vulnerable by reason of age, disability or sensory impairment, persons with drug or alcohol dependency, victims of domestic abuse, children in care, persons with complex health needs, persons who do not speak English as a first language, victims of trafficking or sexual exploitation, refugees, asylum seekers, and pregnant women.

14.2.4 Financial considerations

The Council will review the quantum of the civil penalty and consider whether it is sufficient to act as an effective deterrent to future non-compliance. Where the Council has evidence that it considers to be sufficiently reliable regarding rental income and/or asset value from the landlord's, it may determine that an increase in the level of the penalty is appropriate in order to achieve effective deterrence. It is essential that, as an absolute minimum, landlords do not financially benefit from their offending behaviour.

Financial circumstances will ordinarily be considered after any written representations have been received and as part of the determination of any final notice. Where a landlord seeks to rely on a strained or limited financial position as a basis for reducing the level of a civil penalty, that position must be supported by appropriate and verifiable evidence sufficient to enable the Council to assess the landlord's financial position consistently, objectively, and transparently. A distinction will be drawn between evidenced financial hardship and deliberate or strategic non-payment. A claimed inability to pay will not prevent enforcement or recovery action where the Council is satisfied that non-payment is avoidable or part of a pattern of non-compliance.
Unsupported assertions, partial disclosure, or selective provision of information will not be given weight. At a minimum, and where such information exists, the following should be provided as part of any written representations: -

- The last three full tax years full self-assessment tax returns filed with HMRC, including all additional and supplemental pages
- The last three full tax years SA302 documents & tax year overviews
- The last three months payslips
- The last three years P60 certificates
- The last twelve months Universal Credit payment statements
- A list of all property assets owned or jointly owned (not limited to rental properties), together with corresponding Land Registry title documents
- A list of all property assets owned, or held on a long lease, by any corporate entity in which the landlord has a beneficial interest, together with corresponding Land Registry documentation
- The most recent annual mortgage statement for each property, or the last twelve months mortgage statements where the mortgage has been in place for less than twelve months

- Valuation statements for all ISAs held
- Statements from any cryptoasset exchange accounts showing balances and valuations
- A list of all shareholdings
- Recent bank statements for any account holding a balance in excess of £5,000
- Recent statements for all secured and unsecured loans
- Bankruptcy orders and official notifications of bankruptcy

Where the Council is not satisfied that it has been provided with sufficiently reliable, complete, and accurate information to assess the landlord's financial position, the Council may draw the inference that the landlord is able to pay the civil penalty as imposed.

A claimed inability to pay will not, of itself, outweigh the need to ensure effective deterrence or to remove any financial benefit obtained as a result of the breach or offence.

14.2.5 The Totality Principle

The Council will have regard to the totality principle to ensure that the overall outcome of its enforcement action is just and proportionate. In exceptional cases and having regard to the particular circumstances of the case, the Council may take account of totality at an earlier stage by deciding not to pursue a civil penalty in respect of a specific breach or offence where doing so would render the overall outcome disproportionate.

In general, however, the application of the totality principle will form the final step in the Council's decision-making process, undertaken after any written representations have been considered and before final notices are issued, once the level of each individual civil penalty has been assessed in accordance with this policy.

As a final step before issuing final notices, the Council will consider whether multiple civil penalties being imposed under this policy against the same landlord at the same time result in an aggregate amount that is just and proportionate. Where the Council concludes that the aggregate amount would not be just and proportionate, it will consider whether a proportionate reduction of the penalties is appropriate.

The totality principle does not operate across different legal persons who are separately liable in law, nor does it operate across civil penalties imposed at different times. In general, it applies only to multiple civil penalties imposed under this policy on the same person at the same time. Where, however, legislation provides that an officer of a body corporate, or a person concerned in its management, may be separately liable in relation to the same conduct as the body corporate, and that officer

also holds a shareholding interest in the body corporate, the Council will, where civil penalties are imposed at the same time on both the body corporate and the officer arising from that same conduct, consider whether the combined outcome results in punitive duplication and is therefore not just and proportionate.

Where a reduction is applied under the totality principle, the Council will ordinarily do so by applying a uniform percentage reduction across all relevant civil penalties being issued at the same time, being those civil penalties that form part of the same totality assessment. Where, however, the application of the totality principle is required to address punitive duplication arising from a shared economic interest between a body corporate and an officer, the Council may apply a differential adjustment to ensure that the overall outcome is just and proportionate.

This approach reflects the statutory guidance on the application of the totality principle and is intended to promote consistency, transparency, and proportionality, while avoiding arbitrary or selective adjustment of individual penalties.

In accordance with the statutory guidance, any rent repayment orders made in respect of the same breach or offence will be disregarded for the purposes of assessing the totality of civil penalties under this policy.

14.2.6 Process for imposing a civil penalty and the right to make written representations

Notice of intent

Before imposing a civil penalty on a landlord, the Council will give the landlord a notice of intent. The notice of intent will set out: -

- The amount of the proposed civil penalty
- The reasons for proposing to impose the civil penalty
- Information about their right to make written representations

Right to make written representations

A landlord who is given a notice of intent may make written representations to the Council about the proposal to impose a civil penalty. Any representations must be made within a period of 28 days beginning with the day after the date on which the notice of intent was given.

Decision after the representations period

After the end of the period for representations the Council will: -

- Decide whether to impose a civil penalty on the landlord, and
- If it decides to impose a civil penalty, decide the amount of the penalty. This amount can be higher or lower than the amount stated in the notice of intent.

A landlord's rectification of the identified breach or offence during the representations period will rarely, of itself, lead the Council to conclude that the imposition of a civil penalty is inappropriate. However, compliance at that stage will usually be relevant to the assessment of mitigating factors that may reduce the level of any civil penalty imposed.

Similarly, an admission of liability will rarely, of itself, lead the Council to conclude that the imposition of a civil penalty is inappropriate. An admission of liability will, however, usually be relevant to the assessment of mitigating factors that may reduce the level of any civil penalty imposed.

Final notice

If, following the receipt of written representations and/or the expiry of the time period to make written representations, the Council decides to impose a civil penalty on the landlord, it will give the landlord a final notice imposing that penalty. The final notice will set out: -

- The amount of the civil penalty
- The reasons for imposing the penalty
- Information about how to pay the penalty
- Explain the consequences of non-payment and the Council's powers to recover unpaid civil financial penalties.
- The period for payment of the penalty
- Information about rights of appeal
- The consequences of failure to comply with the notice

Discount for prompt payment

Where a civil penalty imposed by a Final Notice is paid in full within the period specified in that notice (normally 28 days beginning with the day after the Final Notice is given), the Council will apply a discount of 15% to the amount of the civil penalty. The discount is intended to encourage prompt payment and early resolution. To qualify, the full discounted amount must be received within the specified period.

Where a statutory appeal is lodged, the Final Notice will be suspended in accordance with the relevant legislation. However, the lodging of an appeal will not automatically extend or renew the discretionary discount period. Where the discount period expires during an appeal, the discount will not ordinarily be available following the conclusion of proceedings.

The Council may consider extending or reinstating the discount in exceptional circumstances, having regard to fairness, proportionality and the individual circumstances of the case. The application of any discount will be subject to the Council's internal approval and financial governance procedures. Nothing in this provision affects the recipient's statutory right of appeal.

Illustrative example of the application of the discount

A landlord operating two HMO properties fails to obtain a licence for a property that is subject to mandatory HMO licensing. There are no additional aggravating factors, and the starting point for the offence under the Council's civil penalties matrix is £17,000. The Council issues a Notice of Intent proposing a civil penalty of £17,000. Following consideration of the landlord's written representations, the Council determines that a penalty of £16,000 is appropriate and issues a Final Notice accordingly.

Where the landlord pays the discounted amount within the period specified in the Final Notice, a 15% prompt payment discount is applied, reducing the amount payable to **£13,600**, representing a saving of £2,400. If payment is not received within the specified discount period, the full penalty of £16,000 remains payable, subject to any statutory appeal and the Council's discretion to consider exceptional circumstances in accordance with this policy.

Appeals

Where an appeal is brought, the final notice is suspended in accordance with legislation. Where no appeal is brought, payment remains due in accordance with the final notice and recovery action may commence after the payment period expires.

A landlord who is given a final notice may appeal to the First-tier Tribunal (Property Chamber) against the decision to impose a civil penalty and/or the amount of the civil penalty. Any appeal must be made within 28 days beginning with the day after the date on which the final notice was given. Where an appeal is brought, the final notice is suspended until the appeal is finally determined or withdrawn.

An appeal to the First-tier Tribunal (Property Chamber)is by way of a re-hearing of the Council’s decision. In determining an appeal, the Tribunal may have regard to matters of which the Council was unaware at the time the decision to impose the civil penalty was made. The Tribunal may dismiss an appeal if it is satisfied that the appeal is frivolous, vexatious, an abuse of process, or has no reasonable prospect of success.

The First-tier Tribunal may invite the parties to consider mediation or another form of alternative dispute resolution. The Council will not generally agree to mediation in relation to the level of a civil penalty, as civil penalties are determined by reference to this Policy to promote fair, consistent, and proportionate outcomes. Agreeing reductions outside the Policy framework would risk undermining consistency and the Council’s enforcement objectives.

On determination of an appeal, the Tribunal may: -

- Confirm the civil penalty
- Vary the amount of the civil penalty (whether by increase or reduction)
- Cancel the civil penalty

Where the Tribunal varies a civil penalty by increasing its amount, it may do so only up to the applicable statutory maximum for the relevant breach or offence (£7,000 or £40,000, as applicable). A party to the appeal may apply for permission to appeal the decision of the First-tier Tribunal to the Upper Tribunal (Lands Chamber).

14.3 Financial Penalties under Section 6A Housing Act 2004

Section 6A of the Housing Act 2004 enables the Council, when first taking appropriate enforcement action under section 5 in respect of a Category 1 hazard, to impose a financial penalty on a Responsible Person where the statutory conditions are satisfied.

A financial penalty under section 6A is distinct from a civil financial penalty imposed as an alternative to prosecution for a criminal offence. It is imposed in addition to the appropriate enforcement action taken under section 5 and does not replace that action. The offence-based civil penalty methodology at section 14.2 does not apply to a section 6A penalty. Section 6A penalties will instead be determined in accordance with this section, the statutory HHSRS Enforcement Guidance and the section 6A financial penalty framework contained within Appendix 1.

14.3.1 When a Section 6A Financial Penalty May Be Imposed

The Council may impose a financial penalty under section 6A where:

- a Category 1 hazard exists at qualifying residential premises;
- the Council is first taking appropriate enforcement action under section 5 of the Housing Act 2004 in respect of that hazard;
- the person is a Responsible Person for the purposes of section 6A; and
- the Council is satisfied, on the balance of probabilities, that it would have been reasonably practicable for that person to secure the removal of the Category 1 hazard.

A section 6A financial penalty cannot be imposed where the Category 1 hazard exists in the common parts of a building containing one or more flats.

14.3.2 Responsible Person

For the purposes of section 6A, the “Responsible Person” is the person upon whom an Improvement Notice in respect of the Category 1 hazard may be served in accordance with the Housing Act 2004.

The Council will identify the Responsible Person having regard to the nature and tenure of the premises, whether the premises are licensed under Part 2 or Part 3 of the Housing Act 2004, and the statutory provisions governing the person upon whom an Improvement Notice may be served.

The Council will determine liability on the particular facts of each case and will not assume that a person is a Responsible Person solely because they have an interest in the premises.

14.3.3 Reasonably Practicable

In determining whether it would have been reasonably practicable for the Responsible Person to secure removal of the Category 1 hazard, the Council will consider all relevant circumstances. These may include, but are not limited to:

- the nature and seriousness of the hazard;
- the period for which the hazard existed;
- the Responsible Person's knowledge, or the point at which they ought reasonably to have become aware, of the relevant condition;
- the steps taken to investigate and remedy the hazard;
- attempts made to obtain access to the premises;
- evidence that access was refused or otherwise prevented for reasons outside the Responsible Person's control;
- the availability of contractors, materials or specialist services;
- any permissions, consents or approvals required before works could reasonably be undertaken; and
- any other matter relevant to whether removal of the hazard was reasonably practicable.
- whether practical steps could have been taken to remove the hazard without disproportionate expense or disruption

The Council will consider the evidence available in each individual case and will not impose a financial penalty solely because a Category 1 hazard exists.

14.3.4 Determining the Amount of the Penalty

Where the Council determines that a financial penalty under section 6A is appropriate, a starting point of £6,000 will be used, subject to the statutory maximum of £7,000.

The Council may adjust the penalty above or below the indicative starting point having regard to all relevant circumstances, including:

- the seriousness and duration of the Category 1 hazard;
- the degree of responsibility attributable to the Responsible Person;
- the extent to which the hazard could reasonably have been prevented or removed;
- the Responsible Person's response after becoming aware of the hazard;
- any relevant history of non-compliance;
- mitigating or aggravating circumstances;
- the need for the penalty to be proportionate; and
- the need to encourage compliance and deter future failure to address serious housing hazards.

The Council will record the reasons for the amount selected in each case.

14.3.5 Procedure

Financial penalties under section 6A of the Housing Act 2004 will be imposed in accordance with Schedule A1 to the Housing Act 2004 and the current statutory HHSRS Enforcement Guidance.

Notice of Intent
Where the Council proposes to impose a financial penalty under section 6A, it will serve a Notice of Intent on the person on whom it proposes to impose the penalty. The Notice of Intent will be given within six months beginning with the first day on which the Council has sufficient evidence requiring it to take the appropriate enforcement action in respect of the Category 1 hazard. The Notice of Intent will set out:

- the amount of the proposed financial penalty;
- the reasons for proposing to impose the financial penalty; and
- information about the right to make representations to the Council.

Representations
A person who receives a Notice of Intent may make written representations to the Council about the proposal to impose a financial penalty, including the proposed amount. Representations must be made within 28 days beginning with the day after the day on which the Notice of Intent is given. The Council will consider any representations received within the statutory period before determining whether to impose a financial penalty and, if so, the amount of that penalty.

Final Notice
Where, following consideration of any representations received, the Council determines that a financial penalty should be imposed, it will serve a Final Notice in accordance with Schedule A1 to the Housing Act 2004.
The Final Notice will set out:

- the amount of the financial penalty;
- the reasons for imposing the penalty;
- information about how and when the penalty must be paid;
- information about the right of appeal; and
- the consequences of failing to comply with the Final Notice.

The financial penalty must be paid within 28 days beginning with the day after the day on which the Final Notice is given, unless the Final Notice is suspended as a result of an appeal.

Appeals
A person on whom a Final Notice is served may appeal to the First-tier Tribunal against the decision to impose the financial penalty and/or the amount of the penalty. An appeal must be made within 28 days beginning with the day after the day on which the Final Notice is given.

Where an appeal is made, the Final Notice is suspended until the appeal is finally determined or withdrawn.

The First-tier Tribunal may confirm, vary or cancel the Final Notice. Any variation of the amount of the financial penalty will remain subject to the statutory maximum applicable to a financial penalty imposed under section 6A.

Recovery
Where a financial penalty has become payable and remains unpaid, the Council may recover the amount in accordance with the statutory enforcement and recovery provisions applicable to section 6A financial penalties.

14.3.6 Transitional Arrangements
Where a Category 1 hazard was identified before 22nd June 2026 but the Council had not, before that date, taken appropriate enforcement action under section 5, a section 6A financial penalty may be considered where the hazard continues to exist. The Council will take appropriate steps to satisfy itself that the Category 1 hazard continues to exist.
When determining whether to impose a section 6A financial penalty, and the amount of any penalty, the Council will not take into account the actions or inactions of the Responsible Person before 22nd June 2026.

14.4 Rent Repayment Orders

Part 2 of the Housing and Planning Act 2016 permits the Council to seek a Rent Repayment Order at the First-tier Tribunal (Property Chamber)to require the landlord of the property where the offence(s) has been committed to refund rent to the tenants or the Council. S48 of the Housing and Planning Act 2016 places a duty on the Council to consider applying for Rent Repayment Orders.

Where a landlord has been convicted or received a Civil Financial Penalty in respect of the offence, the Tribunal must award the maximum applicable amount, except in exceptional circumstances.

This power will be considered in response to all qualifying offences and where there is sufficient evidence for a successful application to the First-tier Tribunal (Property Chamber). The qualifying offences are: -

- Unlawful eviction and harassment of occupier as defined under the Protection from Eviction Act 1977
- Offences in relation to unlicensed HMOs [s72(1) Housing Act 2004]
- Offences in relation to unlicensed houses [s95(1) Housing Act 2004]
- Failure to comply with an Improvement Notice [s30(1) Housing Act 2004]
- Failure to comply with a Prohibition Order [s32(1) Housing Act 2004]
- Breach of a Banning Order [s21 Housing and Planning Act 2016]
- Using Violence to secure entry [s6(1) Criminal Law Act 1977]
- Knowingly or recklessly misusing a possession ground [s16J(1) Housing Act 1988]
- Letting or marketing of a property within twelve months of using the ‘moving in’ or ‘selling’ ground of eviction [s16J(2) Housing Act 1988]
- Continuous breach of certain tenancy reform requirements [s16J(3) Housing Act 1988]

An application for an RRO may be in addition to other formal action, such as prosecution proceedings or the imposition of a Civil Penalty. Where the Council has issued a Civil Financial Penalty or pursued prosecution, it will usually apply for a Rent Repayment Order where public funds have been paid to a landlord who has committed a qualifying offence.

S49 of the Housing and Planning Act 2016 enables the Council to assist tenants in applying for Rent Repayment Orders. The Council will usually assist tenants by referring or signposting them to a relevant organisation. An application for a Rent Repayment Order may be made in addition to, or alongside, other enforcement action where legislation permits.

14.5 Simple Cautions

A simple caution may be used as an alternative to prosecution in appropriate cases where: -

- there is sufficient evidence to provide a realistic prospect of conviction;
- the offender admits the offence; and
- the offender agrees to accept a caution.

Simple cautions will generally be considered where offences are less serious and where it is proportionate to do so, having regard to the circumstances of the case. A record of a simple caution may be taken into account in any future enforcement action. Where an offender declines to accept a simple caution, the Council will normally consider prosecution.

14.6 Banning Orders

Part 2, Chapter 2 of the Housing and Planning Act 2016 permits a Council to apply for a Banning Order against a person who has been convicted of one or more of the relevant offences. This would prevent the landlord from:

- Letting housing in England
- Engaging in English letting agency work
- Engaging in English property management work
- Doing two or more of those things

The Council may consider a Banning Order for the more serious offenders. It will take into account the seriousness of the offence(s), whether the landlord has committed other offences (or received any Civil Penalty in relation to a Banning Order offence) and any history of failing to comply with their obligations or legal responsibilities. It will also take into account other relevant factors, including but not limited to: -

- The harm, or potential harm, caused to the tenant
- The need to punish the offender
- The need to deter the offender from repeating the offence
- The need to deter others from committing similar offences

Persistent non-compliance, including failure to pay civil financial penalties or comply with enforcement outcomes, may form part of the evidence considered when determining whether an application for a banning order is appropriate.

15. Costs and Charges

The Council incurs costs in carrying out its functions. Where legislation allows, the Council will seek to recover reasonable costs and expenses associated with its

enforcement, licensing and wider regulatory activity. This may include (non-exhaustively) costs arising from inspections, investigation, evidence gathering, notices and other statutory documentation, follow-up action, compliance monitoring, and works or other interventions. Further detail on the recovery of unpaid civil financial penalties is set out at section 16 of this policy.

Recovery may be pursued using all available lawful routes, which may include civil action, local land charges, and enforcement against the property. Where permitted by legislation, interest may be applied to outstanding sums until paid.

16. Recovery of Unpaid Civil Financial Penalties

Where a civil financial penalty remains unpaid following the expiry of the period for payment specified in the final notice, and where no appeal is outstanding, the penalty may be recovered by the Council as a civil debt. The Council will actively pursue the recovery of unpaid civil financial penalties where it is lawful, proportionate and appropriate to do so. Recovery action is an important element of ensuring effective enforcement and maintaining public confidence in the Council's regulatory role.

The method of recovery pursued in any individual case will be determined having regard to the value of the debt, the conduct of the debtor, any history of non-payment or non-compliance, vulnerability considerations, and what is reasonable and proportionate in the circumstances.

16.1 Ways to Enforce the Debt

Potential routes to recover an unpaid civil financial penalty include (but are not limited to): -

- **Warrant or writ of control**
  This authorises court enforcement agents to take control of goods from the debtor's home or business to satisfy the judgment debt.
- **Attachment of earnings order**
  This allows deductions to be made directly from the debtor's earnings by their employer and paid to the Council.
- **Third party debt order**
  This enables money held in a debtor's bank or building society account to be frozen and paid to the Council to satisfy the debt.
- **Charging order**
  This secures the debt against an asset (usually a property), preventing its sale without payment of the outstanding amount and potentially enabling the Council to seek an order for sale.
- **Bankruptcy proceedings**

This may be pursued where the statutory threshold is met (currently £5,000), enabling a trustee-in-bankruptcy to realise assets and distribute funds to creditors in accordance with insolvency law.

16.2 Costs and Interest

Where permitted by law, the Council may seek to recover reasonable court fees, enforcement costs, and associated expenses incurred in the recovery of unpaid civil financial penalties. Interest may also be applied to outstanding sums until paid.

16.3 Relationship to Wider Enforcement Action

Failure to pay a civil financial penalty may be regarded as evidence of ongoing non-compliance and may be taken into account in future enforcement decisions, including but not limited to decisions to prosecute, to impose further civil penalties, to refuse or revoke licences, or to consider banning order proceedings where the statutory criteria are met.

16.4 Governance and Write-Off

Any decision not to pursue, or to discontinue, recovery action will be taken in accordance with the Council's financial regulations and governance arrangements and will be properly recorded with reasons. Decisions to pursue enforcement beyond initial recovery action, or to commence insolvency proceedings, will be taken or endorsed by a senior officer in accordance with the Council's scheme of delegation.

17. Joint Working and Information Sharing

The Council recognises that effective regulation of the private rented sector requires a coordinated and multi-agency approach. Many cases involve overlapping issues, including housing conditions, tenancy rights, safeguarding, financial exploitation, and criminal behaviour. The Private Sector Housing Team will work in partnership with a range of internal and external agencies to ensure that risks to tenants are identified at the earliest opportunity and addressed through appropriate and proportionate intervention. The Council may work jointly with other agencies including (this list is not exhaustive): -

- Hereford and Worcester Fire and Rescue Service
- Police
- Planning and Building Control
- Worcestershire Regulatory Services
- Trading Standards
- Home Office
- Worcestershire County Council

17.1 Internal Collaboration

The Council will work closely across internal services to ensure a joined-up approach to prevention and enforcement, including: -

- Housing Options and Homelessness Services - To support early intervention, prevent homelessness, and ensure effective case handover where enforcement action may be required.
- Legal Services - To support the use of formal enforcement powers, including civil penalties, prosecutions, and injunctions.
- Customer Services and Revenues and Benefits - To support intelligence gathering, identify vulnerable households, and ensure coordinated responses to tenant concerns.

17.2 External Partnership Working

The Council will work collaboratively with external partners to address risks within the private rented sector, including:

- Police - In relation to criminal matters such as unlawful eviction, harassment, violence, or organised criminal activity.
- Fire and Rescue Authority -To address fire safety risks, including Houses in Multiple Occupation (HMOs), means of escape, and fire protection measures.
- Worcestershire Regulatory Services (WRS) - In relation to environmental protection, statutory nuisance, public health, and wider regulatory functions.
- Trading Standards -In relation to unfair trading practices, letting agent regulation, and financial or consumer protection issues affecting tenants.

17.3 Letting Agents and Property Agent Regulation

The Council recognises that the regulation of letting agents and property managers forms an important part of protecting tenants within the private rented sector. The legislative framework includes the Consumer Rights Act 2015, the Tenant Fees Act 2019, and associated requirements relating to client money protection and redress schemes. Enforcement responsibilities in this area are shared across regulatory services. The Private Sector Housing Team will identify potential breaches through inspections, complaints, and casework, and will work collaboratively with Trading Standards and other partners to ensure appropriate enforcement action is taken.

17.4 Coordinated Enforcement Approach

The Council will adopt a coordinated and intelligence-led approach to enforcement, including:

- sharing information lawfully between partners

- undertaking joint inspections where appropriate
- coordinating enforcement action across agencies
- ensuring clear referral pathways between services
- prioritising cases involving vulnerable households or serious risk.

This approach ensures that enforcement action is effective, proportionate, and targeted at the most serious and high-risk cases.

17.5 Safeguarding and Vulnerability

The Council recognises that many cases involve vulnerable individuals or households at risk of harm. Officers will work with safeguarding partners and relevant agencies to ensure that appropriate support is provided alongside any enforcement action. Joint working arrangements applied in relation to unauthorised encampments are addressed in Section 9.4.9 of this policy.

18. Monitoring of Enforcement Activity

The Council will monitor the use of its housing enforcement powers to ensure enforcement activity is lawful, proportionate, consistent and effective. Information may be recorded and reviewed relating to:

- Inspections and investigations undertaken
- Statutory notices served
- Civil financial penalties issued
- Prosecutions and legal proceedings
- Works in default undertaken
- Rent repayment orders and banning orders pursued
- Enforcement activity undertaken under the Renters Rights Act 2025, including any statutory reporting requirements or Government data returns.
- Recovery action taken in respect of unpaid civil financial penalties, including outcomes and sums recovered.

This information will be used to: -

- Review enforcement practices
- Identify emerging risks within the private rented sector
- Inform future housing policy and regulatory activity
- Ensure consistency and fairness in enforcement decisions.

Summary information may be reported through internal governance processes or published, where appropriate and in accordance with transparency requirements. The Council may publish anonymised or summary information relating to enforcement activity, including civil penalties imposed and recovery outcomes, where lawful and appropriate.

19. Communication and Training

This Policy will be made publicly available and will be communicated to relevant stakeholders. The Council will: -

- ensure that authorised officers receive appropriate training in housing enforcement and relevant legislation;
- provide internal guidance, procedures and templates to support consistent application of this Policy; and
- engage with landlords, agents and partner organisations where appropriate to promote compliance and awareness of legal requirements.

20. Complaints

Contact may be made with the Council about any matters listed here by email at pshteam@bromsgroveandredditch.gov.uk or by post at: -Bromsgrove District Council, Parkside, Market Street, Bromsgrove, Worcestershire, B60 8DA

A service user can still make a complaint in cases where the Council has instigated legal proceedings. However, making a complaint will not stop any impending legal action. Where statutory notices have been served, making a complaint does not replace the statutory rights of appeal or the right to make representations. It also does not allow extra time to comply with any notice or order. If a service user disagrees with a statutory notice, they should take action as specified in the notice or order to make an appeal, if any exists. Reference should be made to any notes that may accompany the notice or order for more detail.

21. Policy Review

This policy will normally be reviewed every five years, or sooner where there are significant legislative, regulatory or operational changes.

Version Control

Title		Enforcement and Civil Penalties Policy		
Description		Private Sector Housing Policy		
Created by		Miss Katie Sharp-Fisher Private Sector Housing Manager		
Date created		June 2026		
Maintained by		Private Sector Housing		
Next Review Date		June 2030		
Version number	**Modified by**	**Modifications made**	**Date modified**	**Status**
V2	Katie Sharp-Fisher	Update information relating to HHSRS and 6A as per legislative changes	04/09/2026	Completed

Appendix 1 – Civil Penalties Tables

1. Purpose of this Appendix

This appendix provides an indicative framework to support the Council in determining the level of civil penalty for relevant housing offences under:

- Housing Act 2004
- Housing Act 1988
- Protection from Eviction Act 1977
- Housing and Planning Act 2016
- Renters' Rights Act 2025
- Electrical Safety Regulations

This matrix must be applied alongside the main Enforcement Policy, including the Council's approach to:

- culpability
- harm
- proportionality
- deterrence

2. Landlord Adjustment (Applied Across All Offences)

The ranges within this table reflect indicative adjustments: -

- **Downward adjustment (up to –20%)** may apply where:
  - First offence
  - Small-scale landlord
  - Evidence of cooperation or engagement

- **Upward adjustment (up to +20%)** may apply where:
  - Portfolio or professional landlord
  - Previous enforcement history
  - Deliberate or reckless conduct

Officers must exercise discretion. The figures shown are indicative and must not be applied mechanistically.

3. General Principles

- "No specific factors identified" means no additional factors beyond the Council's standard policy framework apply
- Where multiple offences arise, penalties may be considered individually or in combination
- Where offences are particularly serious, the Council may consider prosecution as an alternative to a civil penalty

Appendix 1

Matrix Tables

1. Protection from Eviction Act 1977

Offence	1st Offence/ starting point	2nd Offence (Statutory Maximum)	Landlord Type downward adjustment	Landlord Type upward adjustment	Offence-specific mitigating factors	Offence-specific aggravating factors:
Unlawful eviction and harassment of occupier - section 1 of the Protection from Eviction Act 1977	£35,000	£40,000	£28,000	£42,000	No specific factors identified.	• Violence or threats of violence. • Disposal of possessions or threats to dispose of possessions. • Breach or evasion of an injunction or undertaking. • Loss of home.

2. Housing Act 1988 breaches and offences

Offence	1st Offence/ starting point	2nd Offence (Statutory Maximum)	Landlord Type downward adjustment	Landlord Type upward adjustment	Offence-specific mitigating factors	Offence-specific aggravating factors:
Failure to give a written statement of terms and any other prescribed information - section 16D of the Housing Act 1988	£4,000	£7,000	£3,200	£4,800	Provision of some of the required terms and prescribed information within the required period.	No specific factors identified
Attempting to let a property for a fixed term - section 16E(1)(a) of the Housing Act 1988	£4,000	£7,000	£3,200	£4,800	No specific factors identified.	No specific factors identified beyond the standard policy framework.
Attempting to end a tenancy by service of a notice to quit - section 16E(1)(b) of the Housing Act 1988	£6,000	£7,000	£4,800	£7,200	No specific factors identified.	Tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit.
Attempting to end a tenancy orally or requiring that it is ended orally - section 16E(1)(c) of the Housing Act 1988	£6,000	£7,000	£4,800	£7,200	No specific factors identified.	Tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit.
Serving a possession notice that attempts to end a tenancy outside the prescribed section	£6,000	£7,000	£4,800	£7,200	No specific factors identified	Tenant vacates property within four months of the date of

8 process - section 16E(1)(d) of the Housing Act 1988						vacation or equivalent specified in the notice to quit.
Relying on a ground where the person does not reasonably believe that the landlord is, will, or may be able to obtain possession on that ground and the tenant(s) surrendered the tenancy within the period of four months beginning with the date of the contravention, without an order for possession of the dwelling-house being made - section 16E(1)(e) of the Housing Act 1988	£6,000	£7,000	£4,800	£7,200	No specific factors identified	No specific factors identified
Failing to provide a tenant with prior notice that a ground which requires it may be used - section 16E(1)(f) of the Housing Act 1988	£3,000	£7,000	£2,400	£3,600	No specific factors identified.	No specific factors identified
Failure to give an existing tenant prescribed information about changes made by the Renters' Rights Act 2025 in the prescribed form and timeframe - paragraph 7(2) of schedule 6 to the Renters' Rights Act 2025	£4,000	£7,000	£3,200	£4,800	Provision of some of the required prescribed information within the required period. Provision of prescribed information but not in the prescribed form.	No specific factors identified
Continuation of conduct subject to a relevant penalty (under s.16I or s.16K Housing Act 1988) after the 28-day period (or, if appealed, after conclusion of the appeal) where the final notice has not been withdrawn — section 16J(3) of the Housing Act 1988	Double the starting level for the two constituent breaches added together	£40,000	Dependent on the constituent breaches	Dependent on the constituent breaches	No specific factors identified.	No specific factors identified
Conduct giving rise to liability under s.16I, where within the preceding five years the person has either (i) had a relevant penalty (under s.16I or s.16K Housing Act 1988) imposed for different conduct and the final notice has not been withdrawn, or (ii) been convicted under s.16J for different conduct – section 16(J)(4) of the Housing Act 1988	Double the starting level for the two constituent breaches added together	£40,000	Dependent on the constituent breaches	Dependent on the constituent breaches	Dependent on the most recent conduct giving rise to liability to a civil penalty under section 16I of the Housing Act 1988.	Dependent on the most recent conduct giving rise to liability to a civil penalty under section 16I of the Housing Act 1988.
Relying on a ground where the person knows that the landlord would not be able to obtain an order for possession on that ground, or being reckless as to whether the landlord would be able to do so and the	£30,000	£40,000	£24,000	£36,000	No specific factors identified	No specific factors identified

tenant(s) surrendered the tenancy within the period of four months beginning with the date the ground was relied on, without an order for possession of the dwelling-house being made – section 16J(1) of the Housing Act 1988						
Breach of restrictions relating to reletting (s16(E)(2) Housing Act 1988) or remarketing (s16(E)(3) Housing Act 1988) a property within restricted period after using Grounds 1 or 1A of Schedule 2 Housing Act 1988 - section 16J(2) of the Housing Act 1988	£25,000	£40,000	£20,000	£30,000	No specific factors identified.	No specific factors identified.

3. Renters Rights Act 2025

Offence	1st Offence/ starting point	2nd Offence (Statutory Maximum)	Landlord Type downward adjustment	Landlord Type upward adjustment	Offence-specific mitigating factors	Offence-specific aggravating factors:
Discrimination relating to children in the lettings process – section 33(1) of the Renters' Rights Act 2025	£6,000	£7,000	£4,800	£7,200	No specific factors identified	No specific factors identified
Discrimination relating to benefits in the lettings process – section 34(1) of the Renters' Rights Act 2025	£6,000	£7,000	£4,800	£7,200	No specific factors identified	No specific factors identified
Failure to specify proposed rent within a written advertisement or offer – section 56(2) of the Renters' Rights Act 2025	£3,000	£7,000	£2,400	£3,600	No specific factors identified	No specific factors identified
Inviting, encouraging or accepting any offer of rent greater than the stated rate – section 56(3) of the Renters' Rights Act 2025	£4,000	£7,000	£3,200	£4,800	No specific factors identified	No specific factors identified

4. Housing and Planning Act 2016

Offence	1st Offence/ starting point	2nd Offence (Statutory Maximum)	Landlord Type downward adjustment	Landlord Type upward adjustment	Offence-specific mitigating factors	Offence-specific aggravating factors:
Breach of a banning order - section 21(1) of the Housing and Planning Act 2016	£35,000	£40,000	£28,000	£42,000	A single, isolated incident	Concealment or evasion

5. The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 breach of duties

Offence	1st Offence/ starting point	2nd Offence (Statutory Maximum)	Landlord Type downward adjustment	Landlord Type upward adjustment	Offence-specific mitigating factors	Offence-specific aggravating factors:
Failure to comply with The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 Regulation 3: (3)(b), (3)(d), (3)(e). Regulation 3D: (a), (b), (c), (f)	£5,000	£40,000	£4,000	£6,000	The report or record evidences that the electrical installations were compliant at all points.	The number or nature or severity of the issues observed on the report or record.
Failure to comply with The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 Regulation 3: (1)(a), (1)(b), (1)(c), (3)(a), (3)(c), (3)(ca), (5)(b), (5)(c). Regulation 3B: (1)(a), (1)(b), (1)(c). Regulation 3C: (1), (2)(a). Regulation 3D: (d), (e)	£12,500	£40,000	£10,000	£15,000	The report or record evidences that the electrical installations were compliant at all points.	The number or nature or severity of the issues observed on the report or record.
Failure to comply with The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 Regulation 3: (4), (5a), (6). Regulation 3C: (2)(b), (4)	£20,000	£40,000	£16,000	£24,000	No specific factors identified.	The number or nature or severity of the issues observed on the report or record.

6. Housing Act 2004 offences

	1st Offence/ starting point	2nd Offence (Statutory Maximum)	Landlord Type downward adjustment	Landlord Type upward adjustment	Offence-specific mitigating factors	Offence-specific aggravating factors:
Failure to comply with an improvement notice - section 30(1) of the Housing Act 2004	£25,000	£40,000	£25,000	£30,000	The nature and extent of hazard(s) that are present once the deadline for compliance has passed. Whether the property is unoccupied once the deadline for compliance has passed. Access to the property was prevented by the actions or	The nature and extent of hazard(s) that are present once the deadline for compliance has passed.

					refusal of the occupant(s) and a landlord can evidence that they took steps to obtain access to the property for the purpose of carrying out the required works, but those steps fell short of establishing a reasonable excuse for non-compliance.	
Failure to comply with an overcrowding notice - section 139(7) of the Housing Act 2004	£20,000	£40,000	£16,000	£24,000	No specific factors identified.	The level of overcrowding present.
Failure to obtain an HMO licence - section 72(1) of the Housing Act 2004	£17,000	£40,000	£13,600	£20,400	No specific factors identified	The landlord has knowledge or experience of licensing requirements. The condition of the unlicensed property.
Knowingly permitting over-occupation of an HMO - section 72(2) of the Housing Act 2004	£20,000	£40,000	£16,000	£24,000	There are suitable amenity and space provisions in the HMO.	The level of over-occupation present.

Housing Act 6A Financial Penalties

	Indicative starting point	Statutory Maximum	Downward adjustment	Upward adjustment	Penalty specific mitigating factors	Penalty-specific aggravating factors:
Failure to secure the removal of one or more Category 1 hazards where the statutory conditions in section 6A of the Housing Act 2004 are met	£6,000	£7,000	Up to -20%	N/A	Prompt action to address the hazard once identified. Effective interim measures taken to reduce the risk pending removal of the hazard. Cooperation with the Council and timely action to secure removal of the hazard. Other circumstances reducing the Responsible Person's responsibility for the	Serious and/or prolonged Category 1 hazard. Multiple Category 1 hazards. Failure to take reasonable steps despite awareness of the hazard. Previous relevant history of failing to address housing hazards. Particularly vulnerable occupiers exposed to the hazard. Unreasonable delay or failure to engage with the Council.

					continued presence of the hazard.	

Application of the Section 6A penalty framework

The Council will determine the amount of a section 6A financial penalty using the following sequential approach:

Step 1 – Starting point: A starting point of £6,000 will be applied.

Step 2 – Aggravating and mitigating factors: The Council will consider case-specific factors relating to culpability and harm, including the length of time the Responsible Person knew of the hazard, steps taken to remove it, the actual or potential level of harm, previous relevant non-compliance, the number of properties owned or managed and any admission of responsibility.

Step 3 – Financial considerations: The Council will consider whether the resulting amount fairly achieves the objectives of punishment, deterrence and removal of financial benefit and may have regard to reliable evidence concerning rental income, assets and the Responsible Person's financial circumstances.

Step 4 – Totality: Where more than one financial penalty is being imposed on the same Responsible Person, the Council will consider whether the aggregate amount is just and proportionate and may make an appropriate adjustment where necessary.

Multiple Category 1 Hazards

Where more than one Category 1 hazard exists at the same premises, the Council may impose a separate financial penalty in respect of each hazard or a single financial penalty covering more than one hazard. In determining the appropriate approach, the Council will consider the circumstances of the case, including whether the hazards arise from a single underlying deficiency or from separate deficiencies.

Where multiple penalties are imposed, the Council will consider the totality of the penalties to ensure that the aggregate amount is just and proportionate.

7. Failure to Comply with The Management of Houses in Multiple Occupation [England] Regulations 2006 and The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 – section 234(3) of the Housing Act 2004

	1st Offence/ starting point	2nd Offence (Statutory Maximum)	Landlord Type downward adjustment	Landlord Type upward adjustment	Offence-specific mitigating factors	Offence-specific aggravating factors:
Duty of Manager to provide information to occupier	£3,000	£40,000	£2,400	£3,600	The nature and extent of offences within the specific regulation	The nature and extent of offences within the specific regulation The landlord has refused to provide any outstanding contact information more than 48 hours after it has been requested by an occupant or on behalf of an occupant.
Duty of manager to take safety measures	£20,000	£40,000	£16,000	£24,000	The number, nature and extent of offences within the specific regulation	The number, nature and extent of offences within the specific regulation
Duty of manager to maintain water supply and drainage	£10,000	£40,000	£8,000	£12,000	The number, nature and extent of offences within the specific regulation	The number, nature and extent of offences within the specific regulation
Duty of manager to supply and maintain gas and electricity	£12,000	£40,000	£9,600	£14,400	The number, nature and extent of offences within the specific regulation	The number, nature and extent of offences within the specific regulation
Duty of manager to maintain common parts, fixtures, fittings and appliances	£7,000	£40,000	£5,600	£8,400	The number, nature and extent of offences within the specific regulation	The number, nature and extent of offences within the specific regulation
Duty of manager to maintain living accommodation	£7,000	£40,000	£5,600	£8,400	The number, nature and extent of offences within the specific regulation	The number, nature and extent of offences within the specific regulation

Duty to provide waste disposal facilities	£7,000	£40,000	£5,600	£8,400	The number, nature and extent of offences within the specific regulation	The nature and extent of offences within the specific regulation The lack of sufficient refuse and/or litter containers either inside and/or outside the property has been previously reported The refuse and/or litter that requires disposal includes hazardous materials

8. Housing Act 2004 - Section 72(3) - Breach of licence conditions

	1st Offence/ starting point	**2nd Offence (Statutory Maximum)**	**Landlord Type downward adjustment**	**Landlord Type upward adjustment**	**Offence-specific mitigating factors**	**Offence-specific aggravating factors:**
Failure to comply with licence conditions related to: - • Signage or the provision of information for tenants • Provision of written terms of occupancy for tenants • 21 • Procedures regarding complaints • Procedures regarding vetting of incoming tenants • Compliance with deposit protection legislation • The recording and provision of information regarding rent payments • Procedures relating to rent collection • The provision of information regarding occupancy of the property • The provision of information regarding change of managers or licence holder details • The provision of information related to changes in the property	£4,000	£40,000	£3,200	£4,800	The nature and extent of the licence condition breach	The nature and extent of the licence condition breach

• Requirements relating to the sale of the property • Attending training courses • Requirements to hold insurance • The provision of insurance documentation • The provision of or obtaining of suitable references • The provision of keys and alarm codes • Security provisions for access to the property • The provision of suitable means for occupiers to regulate temperature • Carrying out items on a schedule of works not otherwise mentioned in the HMO licence conditions section of this policy, relating to non-compliance with items on a schedule of works						
• Failure to comply with licence conditions related to: • Procedures and actions regarding Inspections • Procedures regarding Repair issues • Maintenance and use of common parts (including gardens, outbuildings and property exterior) and living areas • Safeguarding occupiers and minimising disruption during works • The provision of information regarding alterations and construction works • Procedures regarding emergency issues • Waste and waste receptacles, pests, minor repairs, alterations or decoration. • Giving written notice prior to entry • Allowing access for inspections • Minimising risk of water contamination • The compliance of furnishings or furniture with fire safety regulations • Carrying out items on a schedule of works in relation to provision of mechanical extraction or electrical sockets	£7,000	£40,000	£5,600	£8,400	The nature and extent of the licence condition breach	The nature and extent of the licence condition breach
• Failure to comply with licence conditions related to:	£12,500	£40,000	£10,000	£15,000		

• The provision of documentation regarding energy performance certificates, fire detection and prevention, emergency lighting, carbon monoxide detection, fire risk assessments, gas installations, electric installations and appliances • Notification of legal proceedings, contraventions and other relevant information that may affect a fit and proper person status • Procedures and actions regarding ASB • Carrying out items on a schedule of works in relation to the provision of personal hygiene facilities, kitchen facilities or heating					The nature and extent of the licence condition breach	The nature and extent of the licence condition breach
• Failure to comply with licence conditions related to: • Minimum floor areas • Occupancy rates • Occupancy of rooms or areas that are not to be used as sleeping accommodation • Limits on number of households allowed to occupy the property or part of the property	£20,000	£40,000	£16,000	£24,000	The nature and extent of the licence condition breach	The nature and extent of the licence condition breach
• Failure to comply with licence conditions related to: • The condition or existence of smoke alarms, carbon monoxide alarms, emergency lighting, gas installations, electric installations and appliances, fire detection or other fire safety features or requirements • The provision and maintenance of safe means of escape, including requirements to keep escape routes and exits free from obstruction • Carrying out items on a schedule of works in relation to fire safety or the provision of a Carbon Monoxide detector	£25,000	£40,000	£20,000	£30,000	The nature and extent of the licence condition breach	The nature and extent of the licence condition breach

Appendix 2

Statement of principles to determine the amount of a penalty charge under Part 4 of The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 as amended by The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 ("the Regulations")

Section 13 of the Regulations requires local housing authorities to prepare and publish a statement of principles which they propose to follow in determining the amount of a penalty charge.

The Regulations introduced legal requirements on relevant landlords to:

1. Equip a smoke alarm on each storey of the premises on which there is a room used wholly or partly as living accommodation.

2. During any period when the premises were occupied under the tenancy, to ensure that a carbon monoxide alarm is equipped in any room of the premises which is used wholly or partly as living accommodation and which contains fixed combustion appliance other than a gas cooker.

3. Carry out checks by or on behalf of the landlord to ensure that each prescribed alarm is in proper working order on the day the tenancy begins if it is a new tenancy.

4. Where, following a report made on or after 1st October 2022 by a tenant or by their nominated representative to the landlord, a prescribed alarm is found not to be in proper working order, the alarm is repaired or replaced.

For the purposes of the legislation, living accommodation includes a bathroom or lavatory.

Where the Council believe that a landlord is in breach of one or more of the above duties, the Council must serve a remedial notice on the landlord. The remedial notice is a notice served under Regulation 5 of the Regulations.

If the landlord then fails to take the remedial action specified in the notice within the specified timescale, the Council can require a landlord to pay a penalty charge and can arrange for remedial action to be taken under certain circumstances. The power to charge a penalty arises from Regulation 8 of the Regulations. Failure to comply with each remedial notice can lead to a fine of up to £5,000. Fines will be applied per breach, rather than per landlord or property.

The Council will impose a penalty charge where it is satisfied, on the balance of probabilities, that the landlord has not complied with the action specified in the remedial notice within the required timescale.

A landlord will not be considered to be in breach of their duty to comply with the remedial notice if they can demonstrate they have taken all reasonable steps to comply. Where there is evidence, including written correspondence, of repeated and consistent efforts to obtain access to the property, with access repeatedly being prevented by the occupant(s) of the property, a landlord will not be considered to be in breach of their duty to comply with the remedial notice. A landlord will be expected to have:

- Communicated the risk of harm that the lack of functioning alarms posed to all occupants in writing on multiple occasions
- Requested access to comply with the remedial notice on a regular basis of no longer than every seven days in writing

In considering the imposition of a penalty, the Council may look at the evidence concerning the breach of the requirement of the notice. A non-exhaustive list of methods that may be used to obtain relevant evidence includes, but is not limited to:

- Evidence obtained from a property inspection
- Evidence provided by the tenant or agent
- Evidence provided by the landlord demonstrating compliance with the Regulations by supplying dated photographs of alarms, together with installation records
- That all detector heads have not passed their expiration or replacement date

Landlords need to take steps to demonstrate that they have met the testing requirements at the start of the tenancy requirements. A non-exhaustive list of methods that may be used to evidence compliance with these testing requirements includes, but is not limited to:

- Tenants signing an inventory form which states that they observed the alarms being tested and confirming that the alarms were in working order at the start of the tenancy

Where a landlord is in breach, the local housing authority may serve a remedial notice. Failure to comply with each remedial notice can lead to a fine of up to £5,000. Fines will be applied per breach, rather than per landlord or property

When determining the amount of the penalty charge, regard will be had to whether this is a first breach under the Regulations.

Determining the amount of the penalty charge for a first breach

The minimum amount of a penalty charge for a first breach of the Regulations will be £2500. Only in exceptional circumstances may the Council depart from the application of this statement of principles and issue a penalty charge for less than £2500. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple mitigating factors

The starting level of a penalty charge for a first breach of the Regulations will be £3000. The penalty charge amount will then be varied depending on aggravating and mitigating factors.

Aggravating factor include, but are not limited to:

- The number of alarms not working or missing (the Regulations state there should be one per storey)
- Other fire safety concerns/defects in the property which increase the risk posed to the occupants
- The length of time the offence is believed to have been on-going
- The frequency of complaints by the occupiers to the landlord about the non-working or missing alarms
- The costs of any remedial work the Council have carried out in response to the breach
- Whether the property is let as a HMO (which increases the overall risk)
- The number of occupants living in the property
- Presence of vulnerable occupiers such as elderly, children or disabled people
- Any history of previous enforcement or non-compliance of the landlord
- Attempts to obstruct the investigation

Mitigating factors include, but are not limited to:

- The property being small and low-risk (for example a one-bedroom ground floor flat with a large number of fire escapes including large windows)
- A single occupant living in the property
- Evidence that all required alarms were checked and in working order at the start of the tenancy
- Written evidence that some efforts to gain access and comply with the remedial notice were made and access was prevented by the occupant

Determining the amount of the penalty charge for a subsequent breach

The penalty for subsequent breaches by the same landlord will be £5000. Only in exceptional circumstances may the Council depart from the application of this statement of principles and issue a penalty charge for less than £5000. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple mitigating factors.

Appendix 3

Statement of principles to determine the amount of a penalty charge for a breach of minimum energy efficiency standards (MEES) with respect to domestic privately rented property

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 ("the Regulations") make it unlawful to rent out a domestic property if it has an EPC (Energy Performance Certificate) rating of F or G (unless a valid exemption has been registered on the PRS Exemptions register).

The Regulations make it unlawful to fail to comply with a compliance notice served by the Council.

The Regulations cover all relevant properties, even where there has been no change of tenancy.

The Regulations were introduced to improve the energy efficiency of housing in the private rented sector and to reduce greenhouse gas emissions and tackle climate change. They should help make tenants' homes more thermally efficient.

An energy performance certificate (EPC) gives the property an energy efficiency rating – A rated properties are the most energy efficient and G rated are the least efficient. It's valid for 10 years and must be provided by the owner of a property, when it is rented or sold.

If you are a landlord and you fail, when requested, to provide an EPC for the start of a tenancy, you will be in breach of the Regulations.

An EPC contains information about the type of heating system and typical energy costs. It also gives recommendations about how the energy use could be reduced, lowering running costs. You can find the recommended energy efficiency improvements on the current EPC.

If you're a private landlord, you must either:

- ensure your rented properties have an EPC with a minimum 'E' rating
- register a valid PRS exemption on the PRS exemptions register

Failure to do either of these is a breach of the Regulations.

The Council investigates any potential breaches of the regulations. If the Council is satisfied that you are, or have at any time in the 18 months preceding the date of service of the penalty notice, breached the Regulations, you may be subject to a penalty notice imposing a financial penalty. The Council may also impose a publication penalty.

The "publication penalty" means publication, for a minimum period of 12 months, or such longer period as the Council may decide, on the PRS Exemptions Register of such of the following information in relation to a penalty notice as the Council decides:

- Where the landlord is not an individual, the landlord's name
- Details of the breach of these Regulations in respect of which the penalty notice has been issued
- The address of the property in relation to which the breach has occurred, and
- The amount of any financial penalty imposed.

The Council will impose the following financial penalties:

(a) letting a property with an F or G rating for less than 3 months: £2,000
(b) letting a property with an F or G rating for more than 3 months: £4,000
(c) registering false or misleading information on the PRS exemptions register: £1,000
(d) failing to provide information to the Council demanded by a compliance notice: £2,000

The Council may not impose a financial penalty under both subsections (a) and (b) above in relation to the same breach of the Regulations. But they may impose a financial penalty under either paragraph (a) or paragraph (b), together with financial penalties under paragraphs (c) and (d), in relation to the same breach. Where penalties are imposed under more than one of these paragraphs, the total amount of the financial penalty may not be more than £5,000.