London Borough of Hounslow

Private Sector Housing Enforcement Policy

Introduction

The council has a range of statutory duties and powers relating to private sector housing conditions and regulation. This policy sets out the general principles which will be applied in relation to the Council's approach to enforcement of private housing in Hounslow.

All action is taken with due regard to the circumstances of the individual property, the residents and the landlord. We will seek to ensure compliance whilst ensuring that the rights of individuals and organisations are safeguarded.

Inspection and Tenant Engagement

We will prioritise responding to the most urgent and serious housing hazards. An inspection will be carried out where there is a statutory duty to do so, or where we consider it appropriate based on the circumstances of the case.

Tenants are normally expected to raise concerns about disrepair with their landlord or managing agent in the first instance before seeking assistance from the Council. However, we recognise that this may not always be possible in every case.

Where appropriate, tenants should notify their landlord in writing of any disrepair, ensuring that correspondence is dated. They should retain copies of all communications, including any responses received, and where possible provide photographic evidence of the issues. A reasonable period should be allowed for the landlord to undertake the necessary repairs. Tenants may also wish to inform the landlord that they have requested assistance from the Council.

If there is no record of prior communication, tenants should contact their landlord or managing agent in writing at the earliest opportunity. This correspondence should include

- The date the issue first arose
- A clear description of the problem
- Details of when access can be provided for inspection and repair

All officers carry official identification confirming their authorisation to exercise enforcement powers in relation to private sector housing.

Targeted action

As well as responding to complaints from tenants and other residents regarding problem private sector properties, we will need to target our enforcement activity from time to time. This is to ensure that we meet our policy and enforcement objectives effectively. Examples (this is not an exhaustive list) of how we may target action include:

- Houses in multiple occupation
- Outbuildings and annexes
- Landlords and agents who seek to evade or persistently fail to comply with legal requirements relating to private sector housing
- Portfolio landlords and managing agents
- Mixed use properties (e.g. residential use associated with retail/commercial property)
- Localities where there are particular problems, including wards, streets, and buildings
- To provide a co-ordinated approach with other agencies, alongside other initiatives; for example, fire safety, illegal immigration, anti-social behaviour, breach of planning or building control legislation.
- Landlords whose tenants receive Local Housing Allowance/Universal credit.
- Surveys to consider housing conditions and identify what action to take.
- Properties with a low energy efficiency rating on their Energy Performance Certificate (EPC).

To ensure that there are checks and balances in our enforcement approach any targeted action will be authorised by a manager before it is undertaken.

Enforcement Options

There are several types of action that can be taken in relation to any given case, and in some instances, different action may be necessary at different stages of the regulatory process. Outlined below are the main enforcement options available to officers, and regardless of the circumstances, officers will always record the reasons for their choice of action.

Informal Action and Enforcement Approach

In relation to assessments carried out under the Housing Health and Safety Rating System (HHSRS) pursuant to Part 1 of the Housing Act 2004, the Council will take a proportionate approach to enforcement.

Where identified deficiencies give rise solely to minor or moderate Category 2 hazards, the Council will not normally take formal enforcement action and will instead seek to secure compliance through informal measures, having regard to the principles of proportionality, consistency, and risk.

The Council will adopt a graduated and proportionate approach to enforcement, escalating action where necessary, as follows:

Stage 1 – Advice and Informal Action

- Provision of advice, guidance, and/or written notification to the landlord identifying hazards and required remedial works.
- Agreement of reasonable timescales for compliance.

Typically applied where hazards are low-risk, including minor or moderate Category 2 hazards.

Stage 2 – Monitoring and Engagement

Where an owner has agreed to carry out works within a reasonable time.

- Follow-up inspections or correspondence to assess progress.

- Continued informal engagement where there is evidence of cooperation or works in progress.

If an informal approach does not result in a satisfactory improvement, it may be appropriate to shorten the time period for compliance with a subsequent statutory notice.

Stage 3 – Formal Enforcement Action

Where there is non-compliance, escalation to formal action under the Housing Act 2004, including but not limited to:

- Improvement Notices (sections 11 and 12).
- Hazard Awareness Notices (section 28).
- Prohibition Orders (sections 20 and 21).
- Emergency Remedial Action (section 40), where applicable.
- Impose a Civil Financial Penalty under s6A Housing Act 2004, when first taking the appropriate enforcement action required by s5 Housing Act 2004, in relation to a Category 1 hazard or a failure to meet a Type 1 requirement on qualifying residential premises, where the Council considers that the landlord knew or ought to have known and it would have been reasonably practicable for the responsible person to secure the removal of the hazard or the meeting of the requirement.

- Demolition and Clearance are options for both Category One or Category Two hazards.

In most cases, the Council will issue a pre-formal consultation letter prior to serving any statutory notice or order. This will provide the recipient with an opportunity to remedy the identified deficiencies within a specified period.

The issue of a consultation letter indicates that the case is progressing towards formal enforcement action, and failure to respond adequately may result in the service of statutory notices and/or legal proceedings.

Notwithstanding the above, the Council reserves the right to commence formal enforcement action without prior informal engagement where circumstances warrant it, including where there is a serious risk to the health, safety, or wellbeing of occupants. In such cases, the relevant person will be notified of the decision and the reasons for it.

Statutory Notices or Orders will be served where:

- the Council has a legal duty or power to do so.
- there has been a breach of statutory requirements.
- remedial action is necessary to protect the health, safety, or wellbeing of occupants.
- adequate works have not been undertaken within a reasonable period following informal action; or
- there is evidence of previous non-compliance or attempts to evade legal obligations.

Reasonable and realistic timescales will be specified within any statutory notice. The Council will seek to agree these with the relevant parties where practicable; however, the final determination rests with the authorised officer. The Council will use the most appropriate legislative provision, and in some cases, it may be necessary to serve multiple notices in respect of a single property.

In all cases, the Council will ensure that any person upon whom a notice or order is served is provided with:

- the reasons for the action being taken.
- details of the required works and compliance timescales.
- information regarding rights of representation and appeal.
- details of any applicable charges; and
- the consequences of non-compliance.
- appropriate contact details will also be provided to enable further clarification.

Stage 4 – Sanctions and Prosecution

Consideration of civil penalties under section 249A of the Housing Act 2004 or prosecution for relevant offences, in accordance with the Council's enforcement policies.

Notwithstanding the above, the Council reserves the right to bypass informal stages and proceed directly to formal enforcement where the circumstances warrant it, including where there is a serious hazard, risk to health or safety, vulnerability, or a history of non-compliance.

Emergency Action

In certain emergency situations we may take enforcement action that will involve carrying out work without the prior need to serve legal notice. For example, where it is not possible to contact the relevant person and there is an imminent risk of serious harm to the health or safety of occupiers or others (e.g. emergency remedial action under the Housing Act 2004).

Penalty Charge Notice

This power can be used where a landlord has failed to comply with a statutory requirement to provide a smoke or carbon monoxide alarm. Failure to pay will result in recovery of the debt through the County Court.

Licensing of Houses in Multiple Occupation (HMOs)

The Council will adopt a graduated and proportionate approach to the regulation and enforcement of Houses in Multiple Occupation (HMOs), in accordance with the Housing Act 2004 and associated regulations.

Relevant offences include (but are not limited to):

- Operating an unlicensed HMO (Part 2, Housing Act 2004).
- Breach of licence conditions, including permitting occupation in excess of the authorised number.
- Providing false or misleading information in connection with a licence application.

In exercising its functions, the Council will also have regard to the requirements of:

- 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.

Staged Approach to HMO Licensing Enforcement

Stage 1 – Identification and Initial Assessment

Where a potentially licensable HMO is identified, the Council will undertake enquiries to establish whether a licence is required and whether an application has been submitted. An assessment will be made as to whether there are reasonable grounds for any failure to licence.

Stage 2 – Advice and Informal Action

Where appropriate, the Council will provide advice and guidance and invite the owner or managing agent to submit a licence application within a specified timescale. Informal engagement may also be used to address minor breaches of licence conditions or management standards.

Stage 3 – Formal Enforcement Action

Where there is no reasonable excuse for non-compliance, or where informal action has failed to secure compliance, the Council will consider formal enforcement action, where:

- an HMO is being operated without the required licence.
- there is a serious or persistent breach of licence conditions or management regulations.
- there is evidence of deliberate non-compliance or provision of false information.
- there is evidence of previous non-compliance; or
- there is evidence of poor property management practices, including persistent or unaddressed anti-social behaviour (ASB) associated with the property, or inadequate waste management arrangements giving rise to nuisance, environmental harm, or public health concerns.

Stage 4 – Sanctions and Prosecution

The Council will consider the use of civil penalties (under sections 30–37 of the Housing and Planning Act 2016) or prosecution for relevant offences under the Housing Act 2004.

Additional measures may include Rent Repayment Orders (RROs) and the application of licensing restrictions or conditions where appropriate.

Notwithstanding the above, the Council reserves the right to bypass informal stages and proceed directly to formal enforcement where justified, including where there is a serious risk to tenant safety, significant management failures, or evidence of intentional avoidance of licensing requirements.

Simple Caution

Simple Cautions may be appropriate where someone has admitted to an offence, where it is their first offence of this type, and they have as far as practical assisted officers in remedying the situation that led to the offence; for example, applying for a licence as soon as they are able or quickly complying with the requirements of a notice. Simple Cautions warn people that their behaviour has been unlawful and makes them aware of the legal consequences should they commit further offences.

Prosecution

Prosecution may be taken in instances where there is a failure to comply with a notice within the specified time period or there is a subsequent breach of the statutory notice.

- Whether there is sufficient and reliable evidence that an offence has been committed
- whether prosecution in the public interest test
- Whether there is a realistic prospect of conviction
- Whether there is a reasonable excuse

In deciding whether to take a prosecution in relation to any offence deemed to have been committed under any legislation enforced we will consider the following, in accordance with the Code for Crown Prosecutors:

In all instances, the decision to initiate a prosecution will be authorised by a manager, and the decision to start prosecution proceedings in court is taken by the Head of Legal Practice of the council's solicitors.

We will normally publicise details of any convictions which could help to publicise the action taken by the council, and the need to comply with the law or to deter others. We may provide information to the media about charges that have been laid before the Courts.

Civil Penalties

The Council may serve notices imposing Civil Penalties, as an alternative to prosecution, of up to a maximum of £30,000 in respect of the following offences:

- Failure to comply with an Improvement Notice
- Failure to license or other licensing offences relating to Houses in Multiple Occupation (HMOs)
- Failure to licence or other licensing offences under Selective Licensing
- Failure to comply with an Overcrowding Notice
- Failure to comply with a regulation in respect of an HMO
- Breaching a Banning Order
- The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

The council's policy about civil penalties is set out in the attached Appendix1 "Civil penalties policy"

Civil Penalties – Transitional Arrangements

The Council's Civil Penalty Policy (Appendix 1) applies to all relevant offences committed prior to 1 May 2026.

From 1 May 2026, the Council has adopted a Supplementary Enforcement Policy, which sets out its approach to meeting statutory duties and enforcing landlord obligations introduced under the Renters' Rights Act 2025.
In addition, the Council has implemented a revised standalone Civil Penalty Policy and Framework, which incorporates updated enforcement powers, revised penalty thresholds, and enhanced enforcement practices arising from legislative changes effective from 1 May 2026.

Accordingly:

Alleged offences committed before 1 May 2026 will be assessed and determined in accordance with Appendix 1 – Civil Penalties Policy.

Alleged offences committed on or after 1 May 2026 will be dealt with in accordance with the new Civil Penalty Policy and Framework, and the Supplementary Enforcement Policy where applicable.

This approach ensures a clear and consistent application of the appropriate legislative and policy framework based on the date the offence was committed.

Rent Repayment Orders

The council can apply to the First-Tier Tribunal (FTT) for a rent repayment order (RRO) when the landlord has committed the following offences.

- Failure to comply with an Improvement Notice under section 30 of the Housing Act 2004.
- Failure to comply with a Prohibition Order under section 32 of the Housing Act 2004.
- Breach of a banning order made under section 21 of the Housing and Planning Act 2016,3
- Using violence to secure entry to a property under section 6 of the Criminal Law Act 1977; and
- Illegal eviction or harassment of the occupiers of a property under section 1 of the Protection from Eviction Act 1977.
- Failure to licence of Houses in Multiple Occupation (section 72(1)) of the Housing Act 2004
- Failure to licence under Part 3 of the Housing Act 2004 (section 95(1)).

The landlord does not have to have been convicted of the offence in Court for a RRO application to be successful but if there is no conviction the LA will need to convince the FTT beyond reasonable doubt that the landlord has committed the offence.

The decision to apply for a RRO will be made on a case-by-case basis. The council will consider applying for a RRO were

- a landlord has been convicted of any of the above offences and or
- the landlord has received rent that has been paid by Housing Benefit.

When determining how much rent should be recovered the council will have regard to the DCLG guidance "Rent Repayment Orders under the Housing and Planning Act" and will consider the following factors

- punishment of the offender
- deterrent to the offender and others from committing similar offences
- removal of any financial benefit
- the conduct of the landlord
- the financial circumstances of the landlord and
- whether the landlord has at any other time been convicted of a relevant offence.

Where the landlord fails to pay a rent repayment order, the council will apply to the county court for an Order of that Court. If necessary, the council will use county court bailiffs to enforce the order and recover the debt.

Works in Default

Works in Default will be considered as an option in cases of non-compliance with a statutory notice. We will normally give a person notice of the Council's intention to carry out works in their default. Once we have started works it is an offence for that person to obstruct us or any of the contractors we have employed to carry out the works. We will seek to recover the full cost of the works including the cost of our time and expenses in accordance with the relevant statutory provisions.

We may carry out works in default as well as prosecution, particularly in cases where occupiers of a property are exposed to poor housing conditions for an unreasonable time pending a court hearing.

Recovery of expenses

The Housing Act 2004 allows councils to make a reasonable charge to recover administrative and other expenses for taking certain enforcement action. We will notify the amount of any charges prior to serving notices which involve charging for our action. Where we levy a charge for enforcement action this will be registered as a local land charge against the owner's property. This means that when the property is sold the debt has to be repaid including any interest accrued on the initial charge. We are also entitled to recover costs covering officers' time and expenses accrued in the case of works in default under various legislation.

We will recover all costs and fees when formal action is taken when we think it is reasonable to expect the owner to pay. The full costs of all officers' time, including overheads and any relevant expenses, will be charged.

The Council will seek recovery of all debts owed as a result of enforcement charges or charges for carrying out works in default (as well as any other charges). To recover debts the Council will use the following means:

- Registering Local Land Charges
- The enforced sale procedure under the Law and Property Act 1925. This allows the Council to force the owner to sell their property in order to recover its costs.
- Use of tracing services to track down debtors and secure judgments to recover debts.
- Require rents to be paid to the Council instead of the landlord to recover outstanding debts, in appropriate cases where the legislation allows this.

Circumstances where we may take no action

Registered Providers of Social Housing (including Housing Associations)

The Council will not normally intervene in matters concerning tenants of Registered Providers of Social Housing (including Housing Associations).
Tenants are expected to exhaust their landlord's formal complaints procedure; and Refer unresolved matters to the Housing Ombudsman Service (www.housing-ombudsman.org.uk | 0300 111 3000 | info@housing-ombudsman.org.uk).

Leaseholders

Leaseholders have their own alternative remedies under their lease, which are not available to a private tenant. Where leaseholder requests assistance in taking action against other leaseholders or freeholders, our assistance will be limited to:

- Category 1 and high Category 2 hazards where leasehold flat is tenanted.
- Contraventions of the HMO Management Regulations (this may necessitate action being taken against the leaseholder themselves).
- Statutory nuisances, serious or emergency situations affecting either the common parts or multiple flats in a leasehold block.

It other situations leaseholders are advised to contact: The Leasehold Advisory Service - 31 Worship Street, London E2CA 2DX,
Telephone 020 7374 5380 info@lease-advice.org.uk , or a solicitor who specialises in leasehold law.

Owner Occupiers the Council will only take enforcement action against owner occupiers in exceptional situations. Examples include:

- Where a problem is adversely impacting someone else, e.g. a drainage problem also affecting another property.
- Where tenants are living at the property of a resident landlord,
- Where conditions at a property pose a danger to the health and safety of the public or visitors to the property.
- Where action is necessary to protect the health and safety of a vulnerable or elderly owner occupier, and there is no alternative means to resolve the problem (including referral to other agencies).

Other Circumstances Where the Council May Take No Further Action

The Council may decide not to take enforcement action, or to discontinue an investigation, in the following circumstances:

- where a tenant(s) seeks assistance primarily in support of their own legal proceedings.
- where the tenant(s) no longer reside at the property.
- where an allegation cannot be substantiated or there is insufficient evidence to justify further action.

- where the reported issues fall outside the statutory remit of the Private Sector Housing Service, including landlord and tenant disputes of a civil or contractual nature.

The Council may also decline to provide, or cease to provide, a service where:

- the tenant(s) unreasonably refuse access to the landlord, managing agent, or contractors to carry out necessary works.
- the disrepair has been caused by the tenant(s) and there are no other significant hazards present.
- the tenant(s) do not wish for the property to be brought up to the relevant standard.
- the tenant(s) fail to engage, including missing appointments without reasonable explanation or failing to respond to follow-up contact.

the tenant(s) fail to provide relevant information or documentation, such as tenancy agreements or notices.
the tenant(s) engage in unacceptable behaviour, including abusive, threatening, or discriminatory conduct towards officers.

Where a property meets the minimum standards under the Housing Health and Safety Rating System (HHSRS) (Housing Act 2004), the Council will not normally take further enforcement action.

The Council will not intervene in matters outside its statutory powers, including rehousing issues, possession proceedings, or certain private legal disputes. In such cases, tenants will be signposted to appropriate Council services or external organisations, such as Citizens Advice or Shelter.

General

We will use all available powers to meet our enforcement objectives. These include powers of entry, and powers relating requiring the production of documents, information about a person's identity or interest in land, and the power to require certificates regarding gas, fire and electrical safety in Houses in Multiple Occupation.

When considering or taking enforcement activity, we will have regard to any relevant Government guidance, and other legal requirements that might apply, or example, the Data Protection Act 1998, Regulation of Investigatory Powers Act 2000 and the codes of practice under the Police and Criminal Evidence Act 1984.

If a property becomes empty during the course of an investigation or after enforcement activity has begun, the council will normally continue to proceed with action where a statutory nuisance or Category 1 hazard exists, in order to secure compliance with legislative requirements. Evicting a tenant, for example, will not necessarily stop enforcement action.

Complaints

Anyone wishing to complain about Housing Enforcement action may do so by contacting the relevant case officer or manager.

Contact - For general enquiries about the services we provide, or to request assistance, please contact housing.enforcement@hounslow.gov.uk

Appendix 1

Civil Penalties Policy

1. Introduction and background

1.1 Section 126 and Schedule 9 of the Housing and Planning Act 2016 provides local housing authorities with the power to impose a financial civil penalty as an alternative to prosecution in respect of the following offences under the Housing Act 2004:

- Failure to comply with an Improvement Notice [section 30]
- Offences in relation to licensing of Houses in Multiple Occupation (HMOs) under part 2 [section 72]
- Offences in relation to the Selective Licensing of 'houses' under part 3 [section 95]
- Failure to comply with an Overcrowding Notice [section 139]
- Failure to comply with a regulation in respect of an HMO [section 234]
- Breaching a Banning Order
- The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

1.2 The Government has issued statutory guidance. - Civil Penalties under the Housing and Planning Act 2016. Guidance for Local Housing Authorities April 2017. "The Guidance". The council must have regard to this guidance in the exercise of their functions in respect of civil penalties.

1.3 A civil penalty is a financial penalty imposed by the Local Housing authority as an alternative to prosecution. The authority can impose a civil penalty up to a maximum level of £30,000. There is no minimum level of penalty. The guidance states that the authority should develop and document their own policy on setting the appropriate level of civil penalty in a particular case.

2. Deciding whether to prosecute or impose a civil penalty

2.1 The council will take into consideration paragraph 3.3 of the guidance when deciding whether to prosecute or impose a civil penalty. The decision

whether to prosecute will be decided on a case-by-case basis. Prosecution will be considered the preferred option where an offence is particularly serious or where the offender has committed similar offences in the past. More serious offences will be where there has been harm caused or an adverse impact on tenants or the wider community.

2.2 When deciding on whether to prosecute consideration will be given to working together with other local authorities where a landlord has committed offences in more than one local authority area.

2.3 Civil penalties may still be imposed for serious offences which fall into the higher banded offences in the matrix in 3.3 below where significant penalties can be imposed up to the maximum level of £30,000.

3. Deciding on the Level of Civil Penalty

3.1 The council will take into consideration paragraph 3.5 of the Guidance when deciding on the level of civil penalty to impose. The following factors will be considered to ensure that the civil penalty is set at the appropriate level; The severity of the offence; the culpability and track record of the offender; the harm caused to the tenant; the punishment of the offender; to deter the offender from repeating the offence; to deter others from committing similar offences and to remove any financial benefit the offender may have obtained as a result of committing the offence.

3.2 When setting the amount of civil penalty, the council will have regard to the following two stage assessment.

Stage 1 - banding the offence in accordance with the penalty matrix in table 1 below.
Stage 2 - adjusting the level of fine to take account of other aggravating or mitigating factors

3.3 Table 1 matrix below combines the culpability of the offender with the severity of the offence and harm caused to give a starting point for the level of civil penalty to be issued. The following banding has been applied.

Band 1 = £0 – £2000 ASP £1000
Band 2 = £2,000 – £4,000 ASP £3,000
Band 3 = £4,000 – £6,000 ASP £5,000
Band 4 = £6,000 - £10,000 ASP £8,000
Band 5 = £10,000 – 20,000 ASP 15,000
Band 6 = £20,000 – 30,000 ASP 25,000

Table 1 Penalty Matrix to band offence				
Potential for harm and severity	high	Band 4	Band 5	Band 6

	medium	Band 2	Band 3	Band 4
	low	Band 1	Band 2	Band 3
		Low	Medium	high
	Level of Culpability			

4. Factors to be considered for each of the Relevant Offences

4.1 The council will have regard to the following factors for Stage 1 - banding the offence in accordance with the penalty matrix and for Stage 2 - adjusting the level of fine to take account of other aggravating or mitigating factors. These examples are not mandatory or exhaustive and are for indicative purposes only.

4.2 FACTORS TO BE CONSIDERED FOR LEVEL OF CULPABILITY

Relevant Offences **1. section 30 (failure to comply with improvement notice)** **2. section 72 (offences in relation to licensing of HMOs)** **3. section 95 (offences in relation to licensing of houses under Part 3 selective licensing)** **4. section 139(7) (failure to comply with overcrowding notice); or** **5. section 234 (failure to comply with HMO management regulations).** **6. The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020**	
High	Where acting wilfully and deliberately in total disregard of legal requirements and causing harm.
	Where tenants' complaints or council intervention has resulted in harassment and or retaliatory eviction.
	Where there has been concealment of the offense.
	Where access has been obstructed.
	Where there has been provision of false information on occupancy.
	Where no reasonable precautions taken.
	landlords and agents who have a significant portfolio of properties. where renting properties is their main occupation. Large profit made by offender. Knowledge of legal requirements.

Medium	Where acting carelessly about compliance with legal duties or preventing harm.
	Failure to take reasonable precautions for avoiding commission of the offence.
	Failure to take all necessary steps to comply with requirements such as action against an obstructing or disruptive tenant or initiate court proceedings for possession.
	Where warning letters have been sent on legal requirements and landlord or agent has knowledge of offence but failed to act in a timely manner.
	Landlords and agents who have only control of a few properties (2-3). Where renting properties is not their only occupation.
Low	Landlord does not have complete control or responsibility for ensuring compliance.
	Where some reasonable precautions in place but not completely adequate.
	Where there has been partial compliance with legal requirements.
	Landlord is only involved in 1-2 properties. Where renting properties is not their only occupation. Low profit made by offender.

4.3 FACTORS TO BE CONSIDERED FOR LEVEL OF HARM AND SEVERITY

FAILURE TO COMPLY WITH AN IMPROVEMENT NOTICE [SECTION 30]	
High	Defect(s) which gives rise to high level risk of harm with evidence to show actual impact on health safety and welfare of occupiers or visitors. Where multiple persons are affected such as large HMOs with 7+ occupiers. Where there is an Impact on vulnerable people such as young children or elderly or people with disabilities.
Medium	Defect(s) which give rise to moderate level risk of of harm with evidence of potential impact on the health safety or welfare of occupiers or visitors. Where multiple persons are affected such as dwellings or HMOs with 3-6 occupiers.
Low	Defect(s) which give rise to low level risk of of harm with little evidence of impact on the health safety or welfare of occupiers or visitors. Single person or family affected no vulnerable occupants. Smaller shared HMOs with 3-6 occupiers.
OFFENCES FOR FAILING TO LICENCE - Houses in Multiple Occupation under part 2 section 72 and Selective Licensing of 'houses' under part 3 [section 95]	
High	Severe overcrowding in respect of space and amenities, multiple beds in rooms. Defect(s) which gives rise to high level risk of harm with evidence of serious impact on the health safety and welfare of tenants.

	Where there is an Impact on vulnerable people such as young children or elderly or people with disabilities. Failure to address management issues with evidence of substantial harm and or disturbance to neighbours from ASB, noise and nuisance.
Medium	Moderate overcrowding in respect of space and amenities. Defect(s) which give rise to moderate level risk of of harm with evidence of potential impact on the health safety or welfare of tenants. Failure to address management issues with evidence of continued disturbance to neighbours from ASB, noise and nuisance.
Low	No overcrowding in respect of space and amenities. No defect(s) or defects which give rise to low level risk of of harm with little evidence of impact on the health safety or welfare of occupiers or visitors.
OFFENCES FOR NON-COMPLIANCE WITH LICENCE REQUIREMENTS Knowingly permits occupation above the limit imposed by licence S72(2); Breach of Licence conditions S72 (3);	
High	Serious levels of overcrowding above the limit imposed by the licence. Serious and persistent breaches of licence conditions such as failing to provide gas and electrical safety certificates, failing to maintain fire safety precautions, failure to address serious ASB issues, failure to address property management issues resulting in substantial disrepair and hygiene hazards. Persistently failing to comply with the council's waste and recycling requirements. large accumulations of waste in external areas. Evidence of pest infestations.
Medium	Moderate levels of overcrowding above the limit imposed by the licence. Renting a room which was prohibited by the licence conditions. Failure to address property management issues resulting in moderate levels of disrepair and hygiene hazards. Breaches of tenancy management issues and failure to address low level ASB. Evidence of Ad hoc failure to comply with the council's waste and recycling requirements and or failing to keep external areas in a clean, tidy and safe condition.
Low	Failure to display the licence or address relatively minor property or tenancy management issues.
FAILURE TO COMPLY WITH AN OVERCROWDING NOTICE [SECTION 139]	
High	Over-occupation of multiple rooms or extreme over-occupation of an

	individual room that has a serious impact on the tenants. Overcrowding that causes substantial harm and disturbance to neighbours from ASB, noise and nuisance
Medium	Moderate overcrowding where the impact on the tenants is less serious.
Low	Low level overcrowding with little impact on tenants
FAILURE TO COMPLY WITH A REGULATION IN RESPECT OF AN HMO [SECTION 234]	
High	Serious breaches of HMO Management regulations such as failure to provide gas and electrical safety certificates, failure to maintain fire safety precautions, failure to maintain essential services, failure to address property management issues resulting in substantial disrepair and hygiene hazards. Persistently failing to comply with the council's waste and recycling requirements. large accumulations of waste in external areas. Evidence of pest infestations.
Medium	Failure to address property management issues resulting in moderate levels of disrepair and hygiene hazards. Evidence of Ad hoc failure to comply with the council's waste and recycling requirements and or failing to keep external areas in a clean, tidy and safe condition.
Low	Failure to display the manager contact details or relatively minor property management issues.
Breach of any duties under the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020	
High	An electrical report indicates that C1 defects are present and where the works haven't been undertaken in accordance with the regulations. A remedial notice has been served by the Local Authority and the landlord has failed to take all reasonable steps to comply with it and the regulations have been breached. Defects which gives rise to high level risk of harm with evidence to show actual impact on health safety and welfare of occupiers or visitors. Where multiple persons are affected such as large HMOs with 7+ occupiers. Where there is an Impact on vulnerable people such as young children or elderly or people with disabilities.
Medium	Electrical safety standards not met; failure to carry out remedial work required by an inspection report; failure to comply with a Remedial Notice Defect(s) which give rise to moderate level risk of of harm with evidence of potential impact on the health safety or welfare of occupiers or visitors. Inspection and testing not completed at intervals of no more than 5

	years; before tenancy commences; by 1/4/2021 Where multiple persons are affected such as dwellings or HMOs with 3-6 occupiers.
Low	Reports not obtained and supplied within required timescales Electrical safety standards not met; failure to carry out remedial work required by an inspection report; failure to comply with a Remedial Notice Defect(s) which give rise to low level risk of harm with little evidence of impact on the health safety or welfare of occupiers or visitors. Single person or family affected no vulnerable occupants. Smaller shared HMOs with 3-6 occupiers.

4.4 FACTORS TO BE CONSIDERED FOR ADJUSTING THE LEVEL OF FINE TO TAKE ACCOUNT OF OTHER AGGRAVATING OR MITIGATING FACTORS

Aggravating circumstances where the civil penalty may be adjusted upwards	**Mitigating circumstances where the civil penalty may be adjusted downwards**
Where the offender has gained financially from • Not carrying out remedial action. • lack of management arrangements • increased rental income from overcrowded conditions • non-payment of licence fee	Where some arrangements were in place for property and tenancy management arrangements, but they we not adequate
Where there has been no action taken to remedy the offence or cooperation in the investigation of the offence	Where there has been a degree of cooperation
Where an offender has a history of non-compliance	Where this is a first offence and no serious harm impact
links to other crimes	
Where the offence impacts adversely on the council's priorities	

The burden to demonstrate inability to pay as with the burden on demonstrating mitigating circumstances rests on the offender.

4.5 Failure to Comply with a Banning Order

4.5.1 Banning Orders are reserved for what are recognised as being the most serious housing- related offences. In the event that the Council was satisfied that the offence of breaching a Banning Order had occurred, this would normally be the subject of prosecution proceedings.

4.5.2 Where it was determined that a civil penalty would be appropriate in respect of a breach of a Banning Order, this would normally be set at the maximum level of £30,000 to reflect the severity of the offence.

5. Review of Penalty

5.1 Objective 1: to check that provisional assessment meets the aims of the sentencing principles:

- Punishment of offender
- Reduction of/stopping crime
- Deterrent for other potential offenders
- Reform of offender
- Protection of public
- Reparation by offender to victim(s)
- Reparation by offender to community

5.2 Objective 2: to check that provisional assessment is proportionate and will have an appropriate impact.

5.3 This step should take account of the offender's income and assets and adjust within band or change band accordingly. The general presumption should be that a penalty should not be revised downwards simply because an offender has (or claims to have) a low income. The Crown and Courts Act 2013 expressly permits the value of an offender's assets, e.g., their rental portfolio, to be taken into account when determining an appropriate penalty.

5.4 For example, if a landlord with a large portfolio was assessed to warrant a low penalty it might require adjustment to have sufficient impact, and to conform to sentencing principles above.

6. Procedure

6.1 Before imposing a civil penalty on a person, the Council will give the person notice of the authority's proposal to do so [a 'Notice of intent']

6.2 A person who is given a notice of intent may make written representations to the Council about the proposal to impose a financial penalty. Any representations must be made within a 28-day period, this period starting the day after the date on which the Notice of intent was given

6.3 After the end of the period for representations the Council will—

1) Decide whether to impose a financial penalty on the person, and
2) If it decides to impose a financial penalty, decide the amount of the penalty

6.4 In determining whether to impose a financial penalty, and the level of any penalty, the Council will consider any representations received.

6.5 An offender's compliance with the identified breach during the representation period would not, in itself, be reason for the Council to determine that the imposition of a financial penalty was inappropriate i.e. compliance at that stage would be relevant to the amount of any imposed financial penalty [See 'Discounts' below]

6.6 If the Council decides to impose a financial penalty on the person, it will give the person a notice (a "final notice") imposing that penalty. The final notice will set out—

1) The amount of the financial penalty,
2) The reasons for imposing the penalty,
3) Information about how to pay the penalty,
4) The period for payment of the penalty,
5) Information about rights of appeal, and
6) The consequences of failure to comply with the notice

Discounts

6.7 The Council will automatically apply the following discounted rates to any imposed financial penalties in the following circumstances:

6.8 In the event that the offender complied with the identified breach [for example by
making an application to licence a previously unlicensed property] within the representation period at the 'Notice of Intent' stage, the Council would reduce the
level of any imposed civil penalty by 20%.

6.9 A discount of 20% of the original calculated financial penalty should the penalty be paid within a specified time period [normally 28 days]. This discount would be in addition to any reduction applied as a result of compliance at the Notice of Intent stage

Illustrative example

6.10. The landlord of an HMO property fails to obtain a licence. There are no other relevant factors or aggravating features. The offence is regarded as a band 3 offence, attracting a civil penalty of £7500. Upon receipt of the 'Notice of Intent' to impose a £7500 financial penalty, the landlord makes a complete application for the HMO licence within the period allowed for representations. No other representations [or representations that are upheld] are made to the Council.

6.11 The Council issues a 'Final Notice' imposing a financial penalty of £6000 [£7,500 with a 20% discount having been deducted due to compliance during the representation period]. In the event the landlord pays within 28 days of the date of the Final Notice a further 20% discount is given so that the landlord makes a discounted payment of £4,500.

7. Enforcement

7.1 Where the landlord or agent fails to pay a civil penalty the Council will refer the case to the county court for an Order of that Court. If necessary the Council will use county court bailiffs to enforce the Order and recover the debt.

7.2 where a landlord or agent receives two or more civil penalties over a 12-month period, the Council may include that person's details in the database of rogue landlords and property agents

7.3 If a landlord receives a civil penalty, that fact may be taken into account if considering whether the landlord is a fit and proper person to be the licence holder for an HMO or any other property subject to licensing.

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.
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 factors 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.

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.

END OF POLICY