Shropshire Council
Legal and Democratic Services
Guildhall
Frankwell Quay
Shrewsbury
SY3 8HQ

Date: 18th November 2026

Committee:
Housing Overview and Scrutiny Committee

Date: Thursday, 26 November 2026
Time: 2.00 pm
Venue: The Shrewsbury Room, The Guildhall, Frankwell Quay, Shrewsbury, SY3 8HQ

You are requested to attend the above meeting. The Agenda is attached

There will be some access to the meeting room for members of the press and public, but this will be limited. If you wish to attend the meeting please email democracy@shropshire.gov.uk to check that a seat will be available for you.

Please click here to view the livestream of the meeting on the date and time stated on the agenda*

The recording of the event will also be made available shortly after the meeting on the Shropshire Council Youtube Channel Here

Richard Phillips
Director – Legal and Governance (Monitoring Officer)

Members of Housing Overview and Scrutiny Committee

Rosemary Dartnall (Vice Chairman)	Vicky Moore
Sam Walmsley	Vivienne Parry
Jeremy Blandford	Carl Rowley
Harry Hancock-Davies	Jon Tandy
Duncan Kerr	Beverley Waite
Nigel Lumby	

Your Committee Officer is:

Shelley Davies Committee Officer
Tel: 01743 257718
Email: shelley.davies@shropshire.gov.uk

When attending this meeting, Members are reminded of the three principles of the Jo Cox Foundation and Compassion in Politics Civility Pledge:

1. *Use a civil and constructive tone in debate*
2. *Act with integrity, honesty and compassion*
3. *Behave respectfully towards others, including those I disagree with*

*(Please note that while we strive to live stream meetings, technical issues may occasionally occur. In the event of a technical disruption, the meeting will be paused to try to resolve the issue. Should it not be possible to resume the live stream, the meeting will proceed as scheduled, and a backup recording will be made available after the meeting. Any disruption to the live stream does not affect the legality of the meeting).

AGENDA

1 Election of Chairman

To elect a Chairman for the remainder of the municipal year.

2 Apologies for Absence

3 Disclosable Interests

Members are reminded that they must declare their disclosable pecuniary interests and other registrable or non-registrable interests in any matter being considered at the meeting as set out in Appendix B of the Members' Code of Conduct and consider if they should leave the room prior to the item being considered. Further advice can be sought from the Monitoring Officer in advance of the meeting.

4 Minutes (Pages 1 - 6)

To confirm the minutes of the meeting held on 23rd September 2026. [Minutes attached]

Contact: Shelley Davies – Committee Officer.

5 Public Questions

To receive any questions from members of the public of which notice has been given. The deadline for this meeting is 12.00 pm, Friday 20th November 2026.

6 Member Questions

To receive any question of which Members of the Council have given notice. The deadline for this meeting is 12.00 pm, Friday 20th November 2026.

7 Shropshire Housing Authority Enforcement & Civil Penalty Policies (Pages 7 - 58)

To receive the Shropshire Housing Authority Enforcement & Civil Penalty Policies Report. [Report attached]

Contact: Wendi Shepherd - Service Director Service Director/Deputy Director of Public Health

8 Allocations Policy Task & Finish Group

To receive a verbal update on the Allocations Policy Task & Finish Group.

Contact: Claire Braddock – Overview & Scrutiny Officer.

9 Work Programme (Pages 59 - 60)

To receive a verbal update on the work programme of the Committee. [Work Programme attached]

Contact: Claire Braddock – Overview and Scrutiny Officer.

10 Date of next meeting

To note that the next meeting of the Housing Overview and Scrutiny Committee will be held at 2.00 p.m. on Thursday 18th March 2027.

Shropshire Council

Committee and Date

Housing Overview and Scrutiny Committee

26 November 2026

HOUSING OVERVIEW AND SCRUTINY COMMITTEE

Minutes of the meeting held on 23 September 2026
In the Council Chamber, The Guildhall, Frankwell Quay, Shrewsbury, SY3 8HQ
10.00 am - 12.17 pm

Responsible Officer: Shelley Davies
Email: shelley.davies@shropshire.gov.uk Tel: 01743 257718

Present
Councillor Andy Davis (Chairman)
Councillors Rosemary Dartnall (Vice Chairman), Duncan Kerr, Vicky Moore, Carl Rowley and Chris Naylor (Substitute for Teri Trickett).

Other Members in Attendance:
Councillor James Owen – Portfolio Holder for Housing
Councillor Heather Kidd – Leader
Dawn Husemann – Group Leader

Officers in Attendance:
Claire Braddock – Overview and Scrutiny Officer
Paula Mawson - Service Director Communities & Customer
Laura Fisher - Head of Service - Housing, Resettlement and Independent Living
Fiona Whitaker-Stranks - Homelessness Operations Manager
Mannie Ketley - Interim Director of Finance Improvement (remotely)

23 **Apologies for Absence**

Apologies were received from Councillors Jeremy Blandford, Harry Hancock-Davies, Nigel Lumby, Jon Tandy and Terri Trickett (Substitute: Chris Naylor).

24 **Disclosable Interests**

None received.

25 **Minutes**

RESOLVED:

That the minutes of the meeting held on 3rd September 2026 be confirmed as an accurate record.

26 **Public Questions**

There were no public questions.

27 Member Questions

There were no member questions.

28 Housing Revenue Account Business Plan

Paula Mawson, Service Director for Communities and Customer, introduced the draft Housing Revenue Account (HRA) Business Plan Policy, explaining that it had been developed following an independent review to provide a clear framework for the long-term management of the Council's housing stock. She highlighted that the HRA was a ring-fenced, tenant-funded account and outlined the key policy principles, including maintaining safe and compliant homes, protecting the HRA's financial sustainability, and supporting investment decisions through a 30-year planning approach.

In response to questions from the Chairman on the policy's "golden rules", Mannie Ketley, Interim Director of Finance Improvement explained that the HRA was currently fully compliant with these financial rules, which act as safeguards to ensure the account remains financially viable. She noted that the rules allow the Council to model future investment requirements, borrowing and regulatory pressures and provide early warnings if adjustments to the business plan become necessary.

Members also asked how the Council would monitor performance by STAR Housing. Paula Mawson explained that this would be achieved through regular contract and performance meetings, detailed financial monitoring, attendance at STAR Board and subcommittee meetings, and ongoing collaboration on the development of the HRA business plan. She added that issues could be escalated through formal contractual arrangements if required, although relationships with STAR had generally been positive and constructive.

Questions were raised regarding the £174 million borrowing cap, future inspections and the treatment of debt within the HRA. Paula Mawson advised that the regulator would inspect the Council rather than STAR Housing, with approximately six weeks' notice expected before an inspection. She stressed that the Council's approach was to embed compliance requirements into everyday operations rather than simply prepare for inspections. Mannie Ketley explained that the borrowing cap represented the upper limit of affordable debt for the HRA and was routinely reviewed to ensure financial sustainability.

Members sought clarification on borrowing arrangements and principal debt repayments. Mannie Ketley explained that while interest payments were mandatory, repayment of principal debt within the HRA was discretionary, allowing resources to be prioritised towards maintaining homes and meeting regulatory requirements. She noted that loans could be refinanced where appropriate and that future principal repayments would be considered when financial capacity allowed.

Significant discussion focused on how recent regulatory changes were affecting the HRA's ability to deliver new homes. Members questioned the previously stated aspiration to build 500 Council homes and requested more detailed data on housing stock numbers, capital expenditure, borrowing assumptions and future housing delivery. Paula Mawson explained that there were currently 4,073 homes within the

HRA and that ongoing stock condition surveys were informing future investment requirements. Mannie Ketley advised that increased regulatory obligations, including compliance with Awaab's Law and housing quality standards, had increased investment pressures, and further detailed information would be brought back to the Committee in November.

James Owen, Portfolio Holder for Housing, advised that the report focused on establishing the HRA Policy and its financial principles ahead of detailed consideration of the Business Plan in November. He emphasised the need to balance investment in existing housing stock, regulatory compliance and future housing development within a financially sustainable framework, while maintaining an ambition to maximise the delivery of new council homes and protect the Council's housing stock.

Members expressed concerns about balancing investment in existing homes against the need to provide additional housing, the use of reserves, borrowing costs and governance arrangements. Officers acknowledged these concerns and agreed to provide further breakdowns of investment requirements, including distinctions between statutory obligations and discretionary improvements.

Recommended:

That the Committee note the draft Housing Revenue Account Policy and receive a further report in November setting out the detailed HRA Business Plan, including financial assumptions, stock projections, investment requirements, borrowing implications and housing delivery ambitions, to enable further scrutiny before consideration by Cabinet and Council.

29 **Shropshire Council Allocations Policy and Scheme**

Councillor James Owen, Portfolio Holder for Housing, introduced the Shropshire Council Allocations Policy and Scheme, explaining that the purpose of the report was to seek members' views before consultation on a revised policy. He highlighted several key issues for consideration, including whether the housing register should remain open to applicants from outside Shropshire, the suitability of the current choice-based lettings system, the role of local and rural connections in allocations, and whether the existing £50,000 household income threshold remained appropriate given current housing costs and affordability pressures. He noted that demand for social housing continued to exceed supply, with almost 5,000 households on the register and only 855 lettings in the previous year.

The Chairman welcomed the report but agreed that the issues raised were too complex for a single discussion and suggested that a Task and Finish Group be set up. Members stressed that any changes would have a significant impact on residents' lives and should therefore be based on evidence and careful consideration of the potential consequences. Concerns were raised about the need to understand practices adopted by other councils, the interaction between housing need and income thresholds, and the implications of any changes to local connection requirements.

Councillor Heather Kidd, Leader, supported the proposal to establish a Task and Finish Group and highlighted concerns that some working households on modest incomes were unable to access the housing register despite facing significant affordability challenges. She also discussed the importance of supporting sustainable rural communities, retaining local people within their communities and ensuring that affordable housing met local needs.

Questions were raised about consultation arrangements, the accuracy of housing register figures and the role of local and rural connection criteria. Officers advised that any significant policy changes would require public consultation and explained that the housing register was regularly reviewed to ensure applicants still wished to remain registered. Councillor James Owen advised that approximately 1,200 applicants on the register did not have a local connection to Shropshire and that around 500 applicants had previously been assessed as not meeting the financial need criteria, illustrating the potential impact of any policy changes.

Members further discussed the relationship between the Allocations Policy, the Local Plan and the role of Registered Social Landlords. There was support for hearing evidence from housing providers and other local authorities as part of the review. Concerns were also raised about ensuring local allocations were honoured, particularly on rural exception sites, and about balancing statutory housing duties with wider objectives such as supporting rural sustainability, family networks and local services. Officers confirmed that nomination agreements with housing providers would be an important consideration within the review.

Recommended:

That a Task and Finish Group be established to undertake a detailed review of the Housing Allocations Policy, including local connection criteria, income thresholds, rural housing needs and nomination arrangements, and that its findings be reported back to the Committee for further consideration.

30 **Statutory Duties: Homelessness - A National Plan for Homelessness**

Councillor James Owen, Portfolio Holder for Housing, introduced the report on the Government's national plan to end homelessness, explaining that while the report provided an overview of national reforms, its primary purpose was to seek members' views on what success should look like in Shropshire and the level of ambition that should be reflected in future local targets. He emphasised that homelessness remained a significant challenge, requiring continued focus on prevention, reducing rough sleeping and improving pathways into sustainable accommodation.

Fiona Whitaker-Stranks, Homelessness Operations Manager, outlined progress made since implementing service improvements in 2025, including the removal of historic backlogs, improved triage arrangements and a stronger emphasis on prevention. Members were advised that the proportion of successful prevention outcomes had increased and that the Council had significantly reduced its reliance on bed and breakfast accommodation, with no families exceeding the statutory six-week limit. However, it was acknowledged that challenges remained, particularly around rough sleeping and supporting individuals with multiple and complex needs.

Members welcomed the positive progress but asked how Shropshire's performance compared with similar authorities and whether sufficient context could be provided when future targets were brought forward. Questions were also raised regarding the methodology used to measure rough sleeping in a predominantly rural county and whether official figures fully reflected the scale of the issue. Officers acknowledged the difficulties in accurately identifying all rough sleepers in rural areas but advised that dedicated outreach teams worked continuously across the county and responded to reports from communities.

Questions were raised about funding and the financial implications of delivering the national plan. In response, officers advised that Shropshire would receive additional funding through the Government's Rough Sleeping Programme, including approximately £950,000 over three years. It was explained that while some funding was linked to the Government's objective of reducing rough sleeping by Christmas, there was flexibility in how future funding could be used locally to support accommodation, prevention and long-term solutions.

Members stressed the importance of treating homelessness as a whole-council issue rather than solely a housing matter. Concerns were raised about the links between homelessness, mental health, substance misuse, adult social care and wider support services. Officers confirmed that the report was being considered by other committees and partnership bodies and that a whole-system approach, supported by health partners and council services, would underpin the development of the local delivery plan and future targets.

In summary, the Chairman welcomed the positive progress made in reducing the use of bed and breakfast accommodation and strengthening homelessness prevention. He acknowledged that challenges remained but commended officers for their transparent reporting and emphasis on partnership working, expressing confidence that realistic and ambitious targets would be developed to further improve outcomes for residents.

Recommended:

That the Committee note the report and receive a further update on progress against the homelessness action plan and associated outcomes at a future meeting.

31 **Work Programme**

Members considered the Committee's future work programme and agreed that the following items be included:

- Housing Revenue Account (HRA) Business Plan to include detailed scrutiny of the business plan, supporting financial information and investment proposals.

- Housing Allocations Policy Task and Finish Group to undertake a detailed review of the Allocations Policy and report back to the Committee.

- Fostering and Housing - focusing on the housing-related barriers faced by foster carers, including housing size requirements and links with planning and children's services.

- Houses in Multiple Occupation (HMOs) including consideration of HMO licensing, the scale and location of HMOs in Shropshire, and the potential implications of an Article 4 Direction.

Recommended:

That the Work Programme be updated to include the additional items noted above.

32 **Exclusion of the Public and Press**

RESOLVED:

That in accordance with the provisions of Schedule 12A of the Local Government Act 1972, and paragraph 10.4(3) of the Council's Access to Information Procedure Rules, the press and public be excluded during consideration of the following items.

33 **Exempt Minutes**

RESOLVED:

That the exempt minutes of the meeting held on 3rd September 2026 be confirmed as an accurate record.

34 **Date of next meeting**

Members noted that the next meeting of the Housing Overview and Scrutiny Meeting will be held at 2.00 p.m. on Thursday 26th November 2026.

Signed ..... (Chairman)

Date: .....

Committee	Housing Overview and Scrutiny
Date and Time	26 November 2026 2pm
	Public

Shropshire Housing Authority Enforcement & Civil Penalty Policies

Cabinet Member:	Councillor James Owen – Portfolio Holder for Housing
Lead Director:	Wendi Shepherd – Service Director/Deputy Director of Public Health
Service Area:	Housing Enforcement
Report Author	Kieron Smith – Environmental Protection and Housing Manager Joanne Millward – Principal Housing Enforcement Officer
Officer contact details	Kieron.smith@shropshire.gov.uk Joanne.millward@shropshire.gov.uk
Electoral Divisions Affected	All
Key Decision?	N/A
Cabinet Forward Plan	N/A
Report considered by	N/A

1 Purpose of Report

On 10 June 2026, Cabinet approved the updated Shropshire Housing Authority Enforcement Policy and Civil Penalty Policy to align the Council's approach with the Renters' Rights Act 2025. Cabinet delegated authority to the Service Director to make necessary amendments as the legislative framework developed, in consultation with the Portfolio Holder for Housing, and directed that delegated changes be reported to the Housing Overview and Scrutiny Committee.

This report provides assurance on two amendments: the addition of financial penalties under section 6A of the Housing Act 2004 for relevant failures to remove Category 1 hazards, and the introduction of the national Register your rental property service, which forms part of the Private Rented Sector Database framework

2 Executive Summary

2.1 The updated policies as per “purpose of report” now include the Council’s power to impose a financial penalty where a responsible person fails to secure the removal of a Category 1 hazard at qualifying residential premises when it would have been reasonably practicable to do so. This is an additional enforcement mechanism and does not replace the Council’s duty to take appropriate enforcement action where a Category 1 hazard is identified.

2.2 The Enforcement and Civil Penalty Policies were developed as a national framework for adoption by local authorities in accordance with statutory guidance. The statutory guidance sets the starting points for each offence. The amendments have followed the statutory guidance and national framework. The statutory maximum is £7000. Shropshire Council will adopt the national framework and follow the principals of the statutory guidance to have a starting point of £6,000 for section 6A penalties. The process for determining any adjustments from this starting point will continue to follow the civil penalty policy and guidance. Decisions will remain evidence-based and subject to the guidance, statutory notice, representation, and appeal processes.

2.3 The Register - Your Rental Property Service - was enacted through the Renters Rights Act 2025, with a regional roll-out. Private landlords within scope will be required to register themselves and each relevant rented property, maintain the information and renew registration annually. The database will support transparency, landlord accountability, and intelligence-led enforcement.

2.4 Where landlords fail to comply with the requirements of the Register, Civil Penalties can be served. The Private Rented Sector Database Regulations 2026 have been laid before Parliament but, as of 17 November 2026, remain draft Regulations and have not yet been made. Subject to Parliamentary approval, the registration requirements are intended to commence in the West Midlands, including Shropshire, on 15 December 2026. Amendments to the Civil Penalty Policy will be made to reflect the Parliamentary approval and any updated statutory guidance and national framework. Further amendments in respect of the register are expected on 15 September 2027.

2.6 Amendments maintain the policies in line with the developing national framework and strengthen the Council’s ability to protect tenants, support compliant landlords and discharge its statutory enforcement responsibilities. Implementation will require continued officer training, legal and procedural oversight, communications, data management and monitoring of capacity and demand.

3 Recommendations

3.1 That the Housing Overview and Scrutiny Committee notes the amendments made to the Shropshire Housing Authority Enforcement Policy and Civil Penalty Policy under the authority delegated by Cabinet on 10 June 2026.

3.2 That the Committee notes:

the addition of the financial penalty provisions under section 6A of the Housing Act 2004 relating to Category 1 hazards.

continuing amendments required for the introduction of the Register -Your Rental Property Service and the commencement of the West Midlands registration phase from 15 December 2026.

the operational implications for the Housing Enforcement Service and supports continued monitoring, with implementation evidence informing the formal review of the policies in June 2027.

4 Risk Assessment and Opportunities Appraisal

4.1 The amendments provide an opportunity to strengthen tenant protection, improve landlord accountability, and support earlier intervention where serious hazards or non-compliance are identified. The national database should also improve information about the private rented sector and enable more targeted, risk-based regulatory activity.

Legal and compliance risk

There is a risk of unlawful, inconsistent, or disproportionate action if the statutory tests for section 6A are not properly evidenced or if the policies do not remain aligned with legislation, statutory guidance, and Tribunal decisions. This will be mitigated through a documented decision framework, legal oversight where appropriate, management authorisation, officer training, and periodic policy review.

Operational and implementation risk

The new penalty power and database duties may increase enquiries, investigations, representations, appeals, and debt recovery activity. Clear procedures, standard documents, case management controls, and phased implementation will support consistent delivery.

Capacity and workforce risk

The expanded regulatory framework will place additional pressure on officer capacity and create dependencies across Legal Services, Finance, Debt Recovery, Customer Services, Communications, Information Technology, Housing Options and Trading Standards. Demand, workload, skills, retention, and staff wellbeing will require continued review.

Reputation and consistency risk

Inconsistent use of the new powers could undermine confidence among tenants and responsible landlords. Alignment with the national framework, transparent decision-making and performance reporting will support fairness, consistency, and defensibility.

4.2 **Risk Table**

Risk	Mitigation	Assurance / monitoring
Legal challenge	Section 6A decision record; evidential review; legal advice where required.	Representations, appeals, and outcomes reviewed.
Procedural inconsistency	Officer guidance, training, authorisation, and standard templates.	Management audit and case sampling.
Increased demand	Workload monitoring, prioritisation, and cross-service working.	Quarterly demand and capacity review.
Database non-compliance	Landlord communications and intelligence-led enforcement.	Registration and enforcement data reviewed as available.

5 Financial Implications

5.1 Implementation may create additional costs through officer time, training, legal support, information management, customer contact, appeals, and debt recovery. New Burdens funding has been provided nationally for implementation of the Renters' Rights reforms, but the adequacy of funding will need to be monitored against actual demand.

5.2 Income may arise from civil financial penalties and national database arrangements where legislation permits funds to support enforcement activity. Income is uncertain and enforcement decisions must not be influenced by income-generation considerations. Any retained income will be managed in accordance with legislative requirements and the Council's financial procedures.

5.3 The section 6A Civil Penalty Policy provides a £6,000 starting point and a maximum penalty of £7,000. The final amount in an individual case will depend on the statutory framework, the evidence and the applicable aggravating, mitigating and landlord-type adjustments.

6 Climate Change Appraisal

6.1 Effective housing-condition enforcement can support warmer and more energy-efficient homes by addressing deficiencies such as excess cold, damp and mould, inadequate insulation, and inefficient heating. These benefits must be balanced against the need for proportionate, technically appropriate works and the statutory basis for each enforcement decision.

7 Legal Considerations

7.1 Cabinet approved the updated policies on 10 June 2026. The decision recognised that further amendments would be required as the Renters' Rights Act 2025 was implemented through commencement provisions, regulations, guidance, and emerging case law. Authority was delegated to the Service Director – Communities and Customer, in consultation with the Portfolio Holder for Housing, with delegated

changes to be reported to this Committee and a formal policy review scheduled for June 2027.

Section 6A financial penalties for Category 1 hazards

7.2 Part 1 of the Housing Act 2004 requires the Council to take appropriate enforcement action where a Category 1 hazard is identified. Section 6A enables a financial penalty to be imposed where the responsible person has failed to secure removal of the hazard, in circumstances where it would have been reasonably practicable to do so.

7.3 Before imposing a penalty, officers must establish the statutory gateway, including that the premises and hazard fall within scope, identify the responsible person, demonstrate what could reasonably have been done and record the associated action being taken under the Housing Act 2004. The penalty supplements rather than replaces action to address the hazard.

Register - Your Rental Property Service

7.4 The national service requires private landlords within scope to register themselves and their relevant rented properties. Registration is being introduced regionally, beginning in the West Midlands on 15 December 2026, with the initial regional registration period ending on 14 March 2027.

7.5 Landlords will provide identity, contact, property, and compliance information and will renew registration annually. A paper-based route is available where digital access is not suitable. During the initial rollout, the requirement principally applies to properties let under an assured or regulated tenancy, subject to statutory exceptions.

7.6 The database should improve transparency and intelligence, assist the identification of landlords and rented homes, and support a more targeted response to non-compliance. It will also generate additional communication, advice, investigation, and enforcement requirements for the Council.

Summary of Policy Changes

Area	Previous position	Updated position	Practical effect
Category 1 hazards	Housing Act enforcement action available for Category 1 hazards.	Section 6A financial penalty included where statutory conditions are met.	Additional direct sanction alongside action to remove or control the hazard.
Penalty methodology	No section 6A tariff.	£6,000 starting point; £7,000 statutory maximum, subject to the policy methodology.	Transparent and consistent calculation framework.
Landlord and property information	Information obtained from complaints, inspections, licensing, and other intelligence.	National registration of landlords and relevant rented properties.	Improved intelligence and ability to identify potential non-compliance.

Governance	Policies approved in June 2026 with delegated amendment authority.	Delegated amendments reported to Overview and Scrutiny.	Member assurance before the formal June 2027 review.

8 Additional Information

8.1 Proposed implementation monitoring will include the number and outcome of section 6A cases; Category 1 hazards and subsequent compliance; representations and appeals; financial penalty recovery; database-related enquiries and enforcement; service demand; officer capacity; and any further legislative, guidance, or case-law changes.

The first data will need to be interpreted cautiously because implementation is phased and early volumes may not indicate mature demand or long-term compliance trends

9 Conclusions

9.1 The amendments are a planned and necessary continuation of the policy framework approved by Cabinet. Section 6A strengthens the Council's response where those responsible fail to address the most serious housing hazards, while the Register your rental property service should improve transparency and the information available to support proportionate enforcement.

9.2 The principal issues for scrutiny are whether implementation is consistent and legally robust, whether the service has sufficient capacity and supporting systems, and whether the new arrangements deliver improved compliance and tenant protection. Continued monitoring will provide evidence for the formal review of the policies in June 2027.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet report: Shropshire Housing Authority Enforcement & Civil Penalty Policies, 10 June 2026; Shropshire Housing Authority Enforcement Policy; Shropshire Housing Authority Civil Penalty Policy; Renters' Rights Act 2025; Housing Act 2004.

Appendices

Updated Shropshire Housing Authority Enforcement Policy

Updated Shropshire Housing Authority Civil Penalty Policy

Shropshire Housing Authority Enforcement Policy.

Policy for adoption by Local Housing Authorities in England

Version 2/Enf/2026

This policy sets out the Council's principles for enforcing and executing its duties as a Housing Authority under the relevant statute.

S3 Housing Act 2004 imposes a duty on Councils to keep housing conditions in their district under review with a view to identifying any action that may need to be taken by them.

S107 Renters' Rights Act 2025 imposes a duty on the Council to enforce the Landlord Legislation. The Landlord Legislation is comprised 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.

S110 Renters' Rights Act 2025 imposes a duty on the Council to report to the Secretary of State on the exercise of its functions under the Landlord Legislation.
In this policy, the term 'landlord' should be read as including 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.

In this policy, the terms 'House of Multiple Occupation' or 'HMO' are defined by the Housing Act 2004.

Aims of the Policy

The purpose of this enforcement policy is to provide guidance for Housing Authority officers to ensure enforcement action is taken in line with the provisions of the Renters' Rights Act 2025 and mandatory guidance to local authorities.
The Act and the 'Landlord Legislation' (as defined by Section 107 Renters' Rights Act 2025) and Part 1 of the Housing Act 2004 are not listed in the Schedule to the

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Legislative and Regulatory Reform (Regulatory Functions) Order 2007 and therefore sit outside of the Regulators' Code, and its provisions do not apply.
This policy document sets out what owners, landlords, their agents or any other person involved in the letting or management of privately rented accommodation, and tenants of private rented sector properties, can expect from officers when dealing with non-compliance.

All enforcement action taken will be in accordance with relevant statutory Codes of Practice, Council procedures and protocols, and official guidance from central and local government bodies.

As a public body under the Human Rights Act 1998, the Council will apply the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Approach to Enforcement

The Council wants to support responsible landlords to raise housing standards. However, the Council expects landlords to have a good understanding of the housing standards and management issues that should be met in privately rented accommodation.

Section 5 Housing Act 2004 places a duty on Councils to take appropriate enforcement action where a Category 1 hazard exists.

Section 6A Housing Act 2004 permits the Council, when first taking appropriate enforcement action under Section 5 Housing Act 2004 in relation to a Category 1 hazard or a failure to meet a Type 1 requirement on qualifying residential premises, to impose a Civil Financial Penalty on the responsible person where, in the Council's opinion, it would have been reasonably practicable for that person to secure the removal of the hazard or the meeting of the requirement. This power applies to qualifying residential premises other than the common parts of a building containing one or more flats.

Section 7 Housing Act 2004 gives Councils a discretionary duty to take action where a Category 2 hazard exists. The Council will usually take action where a Category 2 hazard exists.

In addition, Council officers will often investigate and identify the need to take enforcement action through a range of routes, including (but not limited to): proactive inspections of dwellings through licensing provisions; in response to a complaint or request for assistance; and referrals from other public bodies. All investigations will be carried out in accordance with the relevant statutory requirements. The Council will ensure that appropriate governance is in place to ensure that action is taken in accordance with appropriate policies.

The Council may commence enforcement with formal action instead of informal action in the first instance. In deciding whether to do so, the circumstances of the case will be taken into account. Relevant factors may include, but are not limited to:

- Where there is a risk to public health
- Where there is a blatant or deliberate contravention of the law
- Where there is history of non-compliance

The Council will usually take formal action in the first instance if there has been:

- Non-compliance with previous formal or informal action
- Offences in relation to the licensing of HMOs

The Council will take formal enforcement action in the first instance for breaches of the Landlord Legislation.

Investigatory powers

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 including, but not limited to, the powers detailed below.

Power to Investigate

Section 114 Renters' Rights Act 2025 gives the Council power to issue a notice to a relevant person to require the 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 given in regard to any offence under the following Legislation:

- Sections 1 and 1A of the Protection from Eviction Act 1977;
- Chapter 1 of Part 1 of the Housing Act 1988;
- 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.

Failure to comply with a 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 114 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 the Rented Accommodation Legislation, or to determine the amount of a penalty. For the purposes of this section, the 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.

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.

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 Sections 122 and 123 Renters' Rights Act 2025. This power will be exercised without a warrant.

Section 121 Renters' Rights Act 2025 allows a 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.

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 in order 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 circumstance the Council may obtain a warrant to enter, by force if necessary, under Section 240 Housing Act 2004.

Informal action

Informal action taken by the Council may be written or verbal advice. Additionally, a visit may be made at the outset by Council Officers in cases where the initial complaint or contact indicates that an immediate investigation by a Council officer is warranted.

In cases where officers visit an address, whether this is a result of a landlord's failure to adequately resolve a highlighted issue or as part of an audit or other investigation, written or verbal advice may be deemed sufficient should the inspection highlight only very minor deficiencies.

Where written advice is deemed appropriate by the Council and is provided, timescales will normally be included to undertake any specified work or actions. While the Council will use its discretion on whether to carry out informal action for a Category 2 hazard, it does not need to provide written or verbal advice before commencing formal action.

Formal action

If formal action is considered appropriate, the following options are available to the Council.

Housing Act 2004 Part 1

- Issue an Improvement Notice in respect of any Category 1 hazards and any Category 2 hazards on the property. This requires the person to whom it is served to undertake the remedial action specified on the Notice within a given timeframe. The mandated work and the timeframe will be determined by the Council depending on the nature and scale of the work.
- Issue a 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.
- Issue a 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.

- Make an Emergency Prohibition Order. This immediately prohibits the use of all or part of a dwelling if there is an imminent risk of serious harm to the health or safety of the occupants or others.
- Where there is a Category 1 hazard present, Section 40 Housing Act 2004 allows the Council to undertake Emergency Remedial Action on the Category 1 hazard without prior notice.
- 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 it would have been reasonably practicable for the responsible person to secure the removal of the hazard or the meeting of the requirement.
- 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 through the service of an Improvement Notice or Prohibition Order. 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 are options for both Category One or Category Two hazards.
- Section 30 Housing Act 2004 provides that failure to comply with a Improvement Notice is a criminal offence, which will normally be followed by prosecution or the issuing of a civil penalty.
- Section 32 Housing Act 2004 provides that failure to comply with a Prohibition Order is a criminal offence, which will normally be followed by prosecution.
- 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.

Work in default

The enforcement options for non-compliance with formal Notices or breach of licence conditions include the carrying out of works specified in the Notice. This power may be exercised in addition to other enforcement proceedings taken for non-compliance. The Council has no duty to undertake works in default and it will be at its discretion.

Section 6A Housing Act 2004 civil financial penalties

Where the Council is required to take appropriate enforcement action under Section 5 Housing Act 2004 in relation to a Category 1 hazard, or a failure to meet a Type 1 requirement, on qualifying residential premises, it may also impose a Civil Financial Penalty under Section 6A Housing Act 2004 when first taking that action. The Council will impose a penalty where it is satisfied, on the balance of probabilities, that the statutory conditions are met and that it would have been reasonably practicable for the responsible person to secure the removal of the hazard or the meeting of the requirement. When considering whether removal of the hazard would have been reasonably practicable the Council may consider:

- How long the responsible person has known about the existence of the hazard;
- Whether practical steps could have been taken to remedy the hazard without disproportionate expense or disruption
- What steps the responsible person has taken to remove the hazard or reduce its impact, including any efforts made to secure the services of specialist tradespeople
- Whether permission from other parties is needed to remove the hazard and the steps the responsible person has taken to secure that permission
- Whether tenants have provided access to the property in order for remedial works to be carried out
- Whether any failure by tenants or occupiers to provide access was beyond the responsible person's control, or whether the responsible person could reasonably have taken further steps to secure access, such as: explaining in writing the existence and seriousness of the Category 1 hazard, the required remedial works, the need for access, the tenants' or occupiers' legal obligations, and the potential consequences of continued refusal; offering a reasonable range of dates and times for access; and serving appropriate formal notices where reasonable and lawful

Emergency or suspended enforcement action

Where there is a Category 1 hazard present, Section 43 Housing Act 2004 permits the Council to issue an Emergency Prohibition Order. This immediately prohibits the use of all or part of a dwelling if there is an imminent risk of serious harm to the health or safety of the occupants or others.

Section 40 Housing Act 2004 allows the Council to undertake Emergency Remedial Action on the Category 1 hazard without prior notice. The Council may then seek reimbursement of costs incurred on the work and the administration of the scheme. 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 through the service of an Improvement Notice or Prohibition Order. This will be at the Council's discretion and will normally be considered for the purpose of minimising inconvenience to the current occupiers.

HMO Licence Conditions

Conditions can be added to HMO licences to require work to meet specified standards or to address HMO Management Regulation requirements. In general, authorities should seek to identify, remove or reduce category 1 or category 2 hazards in the house by the exercise of Part 1 functions and not by means of licence conditions however this does not prevent the authority from imposing licence conditions relating to the installation or maintenance of facilities or equipment even if the same result could be achieved by the exercise of Part 1 functions;
Failure to comply with these conditions is a is a criminal offence, which may result in prosecution or the issuing of a civil penalty.

Other Legislative alternatives

There may be other legislative alternatives available to remedy deficiencies that cause Category Two hazards which an authority may choose as a more appropriate enforcement approach.

Prosecution

Where a Civil Financial Penalty is an available alternative to prosecution, the Council will only consider using its power to prosecute under Part 1 Housing Act 2004 in more serious cases.

The decision to prosecute will be determined by the evidential strength of the Council's case and the relevant public interest factors set down by the Director of Public Prosecutions in the Code for Crown Prosecutors.
In many circumstances, where an offence is committed by a body corporate, legislation enables local authorities to pursue persons involved with the body corporate in addition to, or instead of, the body corporate. These include company officers and, where applicable, company members.

The Council will determine, on a case-by-case basis, whether to take enforcement action against any person or persons that they consider fall within the scope of this category in addition to prosecuting the body corporate.

Civil Financial Penalties for specified breaches and offences

This section relates exclusively to Civil Financial Penalties issued by the Council for the below offences and breaches of housing law.

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 [Section 30 Housing Act 2004]
- Offences in relation to licensing of Houses in Multiple Occupation (HMOs) [Section 72 Housing Act 2004]
- Offences in relation to the Selective Licensing of 'houses' [Section 95 Housing Act 2004]
- Failure to comply with an Overcrowding Notice [Section 139 Housing Act 2004]
- Failure to comply with a management regulation in respect of an HMO [Section 234 Housing Act 2004]
- Failure to secure the removal of a category 1 hazard and failure to meet Type 1 requirements on qualifying residential premises, where it would have been reasonably practicable to do so [s6A Housing Act 2004]
- Breach of duty under Regulation 3, 3B, 3C, and 3D of The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020
- Failure to comply with a banning order [Section 21 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

Civil Financial Penalties in respect of these offences and breaches operate according to their own independent standalone policy.

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. Section 48 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. Where the Council identifies a qualifying offence and is satisfied that there is sufficient evidence to make a successful application, it will pursue a Rent Repayment Order unless there are exceptional case-specific reasons not to do so.

The qualifying offences are:

- Unlawful eviction and harassment of occupier as defined under the Protection from Eviction Act 1977
- Failure to comply with an Improvement Notice [Section 30 Housing Act 2004]
- Offences in relation to unlicensed HMOs [Section 72(1) Housing Act 2004]
- Offences in relation to unlicensed houses [Section 95(1) Housing Act 2004]

- Failure to comply with an Improvement Notice [Section 30(1) Housing Act 2004]
- Failure to comply with a Prohibition Order [Section 32(1) Housing Act 2004]
- Breach of a Banning Order [Section 21 Housing and Planning Act 2016]
- Using Violence to secure entry [Section 6(1) Criminal Law Act 1977]
- Knowingly or recklessly misusing a possession ground [Section 16J(1) Housing Act 1988]
- Letting or marketing of a property within twelve months of using the 'moving in' or 'selling' ground of eviction [Section 16J(2) Housing Act 1988]
- Continuous breach of certain tenancy reform requirements [Section 16J(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.

Section 49 of the Housing and Planning Act 2016 enables the Council to assist tenants in applying for Rent Repayment Orders. Where appropriate, the Council will usually support tenants by referring or signposting them to a relevant advice or representation service, such as Justice for Tenants, and by providing relevant evidence which may assist tenants in preparing, pursuing or participating in Rent Repayment Order proceedings.

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; or
- 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.

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.

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

Complaints

Contact may be made with the Council about any matters listed here by email at customer.feedback@shropshire.gov.uk or by post at:
Feedback and Insight Team, Shropshire Council, PO Box 4826, Shrewsbury SY1 9LJ

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.

Appendix 1 – 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 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. 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 2: 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

Civil Penalties under the Renters Rights Act 2025 and other housing legislation Policy.

Version 2/CivilPenalty/2026.

Policy for adoption by local authorities in England (no selective licensing areas).

Civil penalties under the Renters' Rights Act 2025 and other housing legislation

This policy applies once the Council has made a decision to commence civil penalty proceedings.

In this policy, the term ‘landlord’ should be read as including letting agents, managing agents, licensors, property owners, corporate landlords, directors of corporate landlords, registered providers of social housing and any other person involved in the letting or management of accommodation.

In this policy, the term ‘corporate landlord’ should be read as referring to a body corporate that meets the definition of ‘landlord’ above.
In this policy, the terms ‘House in Multiple Occupation’ or ‘HMO’ are defined by the Housing Act 2004.

The following breaches are subject to a civil penalty with a statutory maximum of £7,000:

- Failure to give a written statement of terms and any other prescribed information under Section 16D of the Housing Act 1988.
- Attempting to let a property for a fixed term under Section 16E of the Housing Act 1988.
- Attempting to end a tenancy by service of a notice to quit under Section 16E of the Housing Act 1988.
- Attempting to end a tenancy orally or requiring that it is ended orally 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 landlord does not reasonably believe that the landlord is/will be able to obtain possession under Section 16E 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.
- Failure to give an existing tenant prescribed information about changes made by the Renters' Rights Act 2025 in the prescribed form and timeframe under paragraph 7(2) of schedule 6 to the Renters' Rights Act 2025.
- Discrimination relating to children in the lettings process under Section 33 of the Renters' Rights Act 2025.
- Discrimination relating to benefits in the lettings process under Section 34 of the Renters' Rights Act 2025.
- Failure to specify proposed rent within a written advertisement or offer under Section 56 of the Renters' Rights Act 2025.
- Inviting, encouraging or accepting any offer of rent greater than the stated rate under Section 56 of the Renters' Rights Act 2025.
- Failure by the responsible person to secure the removal of a Category 1 hazard at qualifying residential premises, other than the common parts of a building containing one or more flats, where it would have been reasonably practicable for them to do so, under Section 6A of the Housing Act 2004.

The following breaches are subject to a civil penalty with a statutory maximum of £40,000:

- Breach of duty under Regulation 3, 3B, 3C, and 3D of The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020.

The following offences are subject to a civil penalty with a statutory maximum of £40,000:

- Unlawful eviction and harassment of occupier under Section 1 of the Protection from Eviction Act 1977.
- 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 under Section 16J of the Housing Act 1988
- Conduct giving rise to liability under s.16I, where within the preceding five years the landlord 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 under Section 16(J) 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.
- 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 under Section 16J of the Housing Act 1988.
- Breach of a banning order under Section 21 of the Housing and Planning Act 2016.
- Failure to comply with an Improvement Notice under Section 30 of the Housing Act 2004.
- Contravention of an overcrowding notice under Section 139 of the Housing Act 2004.
- Failure to obtain a selective licence under Section 95 of the Housing Act 2004.
- Failure to obtain an HMO licence under Section 72 of the Housing Act 2004.
- Knowingly permitting over-occupation of an HMO under Section 72 of the Housing Act 2004.
- Failure to comply with management regulations in respect of HMOs under Section 234 of the Housing Act 2004.
- Failure to comply with HMO licence conditions under Section 72 of the Housing Act 2004.
- Failure to comply with selective licence conditions under Section 95 of the Housing Act 2004.

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 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 further objectives of using financial penalties as a means of enforcing the above breaches and offences are explained below.

Statutory Guidance

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.

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.

Civil Penalties Matrix

In determining the level of a civil penalty, officers will have regard to the matrix set out below. The matrix consists of 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.

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. The exception to this prescription is for breaches of licensing conditions under sections 72(3) and 95(2) of the Housing Act 2004, where the Council has determined its own starting levels based on the seriousness of the specific licence condition or type of licence condition that has not be complied with.

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.
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.

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 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.

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. 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.

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.

Offences and breaches where a civil penalty may be levied and relevant considerations as to the level of that penalty

Protection from Eviction Act 1977 offences

Unlawful eviction and harassment of occupier - Section 1 of the Protection from Eviction Act 1977

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£35,000	£40,000	£28,000	£35,000	£42,000

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- 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.

Housing Act 1988 breaches and offences

Failure to give a written statement of terms and any other prescribed information - Section 16D of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Breach-specific mitigating factors:

- Provision of some of the required terms and prescribed information within the required period.

Breach-specific aggravating factors:

- None.

Attempting to let a property for a fixed term - Section 16E(1)(a) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Breach-specific mitigating factors:

- None.

Breach-specific aggravating factors:

- None.

Attempting to end a tenancy by service of a notice to quit - Section 16E(1)(b) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Breach-specific mitigating factors:

- None.

Breach-specific aggravating factors:

- Tenant vacates property within four months of the attempt to end a tenancy by service of a 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

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Breach-specific mitigating factors:

- None.

Breach-specific aggravating factors:

- Tenant vacates property within four months of the attempt to end a tenancy orally.

Serving a possession notice that attempts to end a tenancy outside the prescribed Section 8 process - Section 16E(1)(d) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Breach-specific mitigating factors:

- None.

Breach-specific aggravating factors:

- Tenant vacates property within four months of the attempt to end a tenancy outside the prescribed Section 8 process.

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

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Breach-specific mitigating factors:

- None.

Breach-specific aggravating factors:

- None.

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

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£3,000	£7,000	£2,400	£3,000	£3,600

Breach-specific mitigating factors:

- None.

Breach-specific aggravating factors:

- None.

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 (The power to impose a civil penalty for this breach is contained in Section 16I(1) of the Housing Act 1988, as amended by paragraph 7(1) of Schedule 6 to the Renters' Rights Act 2025)

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Breach-specific mitigating factors:

- Provision of some of the required prescribed information within the required period.
- Provision of prescribed information but not in the prescribed form.

Breach-specific aggravating factors:

- None.

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

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
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 constituent breaches

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

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

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
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 constituent breaches

Offence-specific mitigating factors:

- Dependent on the most recent conduct giving rise to liability to a civil penalty under Section 16I of the Housing Act 1988.

Offence-specific aggravating factors:

- 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 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

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£30,000	£40,000	£24,000	£30,000	£36,000

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

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

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

Housing and Planning Act 2016 offences

Breach of a banning order - Section 21(1) of the Housing and Planning Act 2016

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£35,000	£40,000	£28,000	£35,000	£42,000

Offence-specific mitigating factors:

- A single, isolated incident.

Offence-specific aggravating factors:

- Concealment or evasion.

Renters Rights Act 2025 breaches

Discrimination relating to children in the lettings process – Section 33(1) of the Renters' Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Breach-specific mitigating factors:

- None.

Breach-specific aggravating factors:

- None.

Discrimination relating to benefits in the lettings process – Section 34(1) of the Renters' Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Breach-specific mitigating factors:

- None.

Breach-specific aggravating factors:

- None.

Failure to specify proposed rent within a written advertisement or offer – Section 56(2) of the Renters' Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£3,000	£7,000	£2,400	£3,000	£3,600

Breach-specific mitigating factors:

- None.

Breach-specific aggravating factors:

- None.

Inviting, encouraging or accepting any offer of rent greater than the stated rate – Section 56(3) of the Renters' Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Breach-specific mitigating factors:

- None.

Breach-specific aggravating factors:

- None.

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

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)

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£5,000	£40,000	£4,000	£5,000	£6,000

Breach-specific mitigating factors:

- The report or record evidences that the electrical installations were compliant at all points.

Breach-specific aggravating factors:

- 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)

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£12,500	£40,000	£10,000	£12,500	£15,000

Breach-specific mitigating factors:

- The report or record evidences that the electrical installations were compliant at all points.

Breach-specific aggravating factors:

- 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)

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Breach-specific mitigating factors:

- None.

Breach-specific aggravating factors:

- The number or nature or severity of the issues observed on the report or record.

Housing Act 2004 breaches and offences

Failure by the responsible person to secure the removal of a Category 1 hazard at qualifying residential premises, other than the common parts of a building containing one or more flats, where it would have been reasonably practicable for them to do so - Section 6A of the Housing Act 2004.

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Breach-specific mitigating factors:

- Access prevented by occupant(s) despite appropriate landlord steps

Breach-specific aggravating factors:

- None.

Failure to comply with an improvement notice - Section 30(1) of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

Offence-specific mitigating factors:

- 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 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.

Offence-specific aggravating factors:

- The nature and extent of hazard(s) that are present once the deadline for compliance has passed.

Failure to comply with an overcrowding notice - Section 139(7) of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- The level of overcrowding present.

Failure to obtain an HMO licence - Section 72(1) of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£17,000	£40,000	£13,600	£17,000	£20,400

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- The landlord has knowledge or experience of licensing requirements.
- The condition and/or facilities of the unlicensed property.

Knowingly permitting over-occupation of an HMO - Section 72(2) of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- There are suitable amenity and space provisions in the HMO.

Offence-specific aggravating factors:

- The level of over-occupation present.

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

The Management of Houses in Multiple Occupation (England) Regulations 2006 impose duties on the persons managing HMOs in respect of:

- Providing information to occupiers [Regulation 3]
- Taking safety measures, including fire safety measures [Regulation 4]
- Maintaining the water supply and drainage [Regulation 5]
- Supplying and maintaining gas and electricity, including having these services/appliances regularly inspected [Regulation 6]
- Maintaining common parts [Regulation 7]
- Maintaining living accommodation [Regulation 8]
- Providing sufficient waste disposal facilities [Regulation 9]

The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 impose duties on the persons managing HMOs as defined by Section 257 Housing Act 2004 in respect of:

- Providing information to occupiers [regulation 4]
- Taking safety measures, including fire safety measures [regulation 5]
- Maintaining the water supply and drainage [regulation 6]
- Supplying and maintaining gas and electricity, including having these services/appliances regularly inspected [regulation 7]
- Maintaining common parts [regulation 8]
- Maintaining living accommodation [regulation 9]
- Providing sufficient waste disposal facilities [regulation 10]

Where there are multiple breaches of a single Management Regulation at a single HMO, a single civil penalty will be imposed which will cover all the breaches of that Management Regulation.

Where multiple Management Regulations have been breached at a single HMO, a separate civil penalty will be imposed for each Management Regulation that has been breached.

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to provide information to occupier	£3,000	£40,000	£2,400	£3,000	£3,600

Offence-specific mitigating factors:

- The nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- 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.

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to take safety measures	£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to maintain water supply and drainage	£10,000	£40,000	£8,000	£10,000	£12,000

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to supply and maintain gas and electricity	£12,000	£40,000	£9,600	£12,000	£14,400

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to maintain common parts, fixtures, fittings and appliances	£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to maintain living accommodation	£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty to provide waste disposal facilities	£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:

- The nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- 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

Breach of licence conditions – Section 72(3) Housing Act 2004

All granted HMO licences impose a set of conditions on the licence holder. It is important that the licence holder of a licensed property complies with all imposed conditions, but the Council recognises that a failure to comply with certain licence conditions is likely to have a much bigger impact on the safety and comfort of residents than others.

The starting levels for each different type of licence condition breach is set out below based on the seriousness of the offence. Where a licence condition could be interpreted to fall within two different potential starting levels, the higher starting level will be chosen.

Where multiple licence conditions have been breached at a single property, a separate civil penalty will be imposed for each licence condition that has been breached.

Failure to comply with licence conditions related to:

- Signage or the provision of information for tenants
- Provision of written terms of occupancy for tenants
- 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
- Requirements relating to the sale of the property
- Attending training courses

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- 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

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£40,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach

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

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach

Failure to comply with licence conditions related to:

- 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
-

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£12,500	£40,000	£10,000	£12,500	£15,000

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- 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

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- 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

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Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach

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
- The period for payment of the penalty
- Information about rights of appeal
- The consequences of failure to comply with the notice

Appeals

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 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).

Housing Overview and Scrutiny Committee Work Programme – 2026/2027

COMMITTEE MEETING AGENDA ITEMS

Date	Topic	Responsible Officer	Portfolio Holders	All Member Briefing	Task and Finish Group followed by a report to Committee	Report straight to committee	Previous topic of review - an update against the action plan
~~25-Jun-26~~	~~Local Plan~~	~~Eddie West~~	~~David Walker~~			☑	
~~25-Jun-26~~	~~Social Housing Regulator - update presentation~~	~~Paula Mawson / Laura Fisher~~	~~David Walker~~			☑	
~~25-Jun-26~~	~~Work programme 2026-27~~	~~Claire Braddock~~					
~~23-Sep-26~~	~~Housing Revenue Account Business Plan~~	~~Laura Fisher~~	~~James Owen~~			☑	
~~23-Sep-26~~	~~Shropshire Council Allocations Policy & Scheme~~	~~Laura Fisher~~	~~James Owen~~			☑	
~~23-Sep-26~~	~~Statutory Duties - National Plan for Homelessness~~	~~Laura Fisher~~	~~James Owen~~			☑	
26-Nov-26	Shropshire Housing Authority Enforcement & Civil Penalty Policies	Joanne Millward / Wendi Shepherd / Kieron Smith	James Owen			☑	
26-Nov-26	Allocations Policy T&F Group Verbal Briefing	Claire Braddock	James Owen		☑		
Jan - date tbc	Housing Strategy	Laura Fisher	James Owen			☑	
Jan - date tbc	STAR Housing Overview	Laura Fisher	James Owen			☑	
Jan - date tbc	Housing Revenue Account Business Plan (follow up from Sept mtg)	Paula Mawson / Laura Fisher	James Owen			☑	
Jan - date tbc	Progress of CIL Task and Finish group recommendations at 6 months	Eddie West	David Walker				☑
18-Mar-27							
18-Mar-27							

Other identified areas of interest from Committee discussions, including topics for briefings and potential Task and Finish Groups:

Planned Task and Finish groups	
Allocations Policy	underway
Planned Member Briefings	

Traveller Sites	tbc
Other items for consideration	
Houses in Multiple Occupation (HMOs)	date TBC - when new SD is in post
Fostering and Housing	Discussions with officers underway