



TO COUNCILLOR:

S S Athwal
G A Boulter
M H Charlesworth

J K Chohan
H E Darling
F S Ghattoraya

J Kaufman
C D Kozlowski (Chair)
C J R Martin (Vice-Chair)

I summon you to attend the following meeting for the transaction of the business in the agenda below.

Meeting: Licensing & Regulatory Committee
Date & Time: Thursday, 5 March 2026, 6.30 pm
Venue: Civic Suite 2, Brocks Hill Council Offices, Washbrook Lane, Oadby, Leicester, LE2 5JJ
Contact: Democratic Services
t: (0116) 257 2775
e: democratic.services@oadby-wigston.gov.uk

Yours faithfully

Council Offices
Oadby
25 February 2026

Anne E Court
Chief Executive



Meeting ID: 2981

ITEM NO.

AGENDA

PAGE NO'S

Meeting Live Broadcast | Information & Link

This meeting will be broadcast live.

Press & Public Access:

A direct link to the live broadcast of the meeting's proceedings on the Council's Civico platform is below.

<https://civico.net/oadby-wigston/23543-Licensing-Regulatory-Committee>

1. Apologies for Absence

To receive apologies for absence from Members to determine the quorum of the meeting in accordance with Rule 7 of Part 4 of the Constitution.

2. Appointment of Substitutes



Postal Address: Brocks Hill Council Offices, Washbrook Lane, Oadby, Leicester, LE2 5JJ

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@Oadby_Wigston

To appoint substitute Members in accordance with Rule 26 of Part 4 of the Constitution and the Substitution Procedure Rules.

3. Declarations of Interest

Members are reminded that any declaration of interest should be made having regard to the Members' Code of Conduct. In particular, Members must make clear the nature of the interest and whether it is 'pecuniary' or 'non-pecuniary'.

4. Minutes of the Previous Meeting

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To read, confirm and approve the minutes of the previous meeting in accordance with Rule 19 of Part 4 of the Constitution.

5. Action List Arising from the Previous Meeting

To read, confirm and note the Action List arising from the previous meeting.

6. Petitions and Deputations

To receive any Petitions and, or, Deputations in accordance with Rule(s) 11 and 12 of Part 4 of the Constitution and the Petitions Procedure Rules respectively.

7. Housing Enforcement & Civil Penalty Policy (2026)

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Report of the Selective Licensing Team Leader

8. Harassment, Unlawful Eviction & Acceptable Behaviour Policy (2026 - 2031)

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Report of the Selective Licensing Team Leader

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Agenda Item 4

MINUTES OF THE MEETING OF THE LICENSING & REGULATORY COMMITTEE HELD AT CIVIC SUITE 2, BROCKS HILL COUNCIL OFFICES, WASHBROOK LANE, OADBY, LEICESTER, LE2 5JJ ON THURSDAY, 4 DECEMBER 2025 COMMENCING AT 6.30 PM

PRESENT

C D Kozlowski Chair
C J R Martin Vice-Chair



Meeting ID: 2948

COUNCILLORS

S S Athwal
G A Boulter
J Kaufman

OFFICERS IN ATTENDANCE

S J Ball Legal & Democratic Services Manager / Monitoring Officer (Solicitor)
B Clark-Monks Selective Licensing Team Leader
J Wells Senior Strategic Development Manager
S Wheeliker Senior Democratic & Electoral Services Officer

17. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Darling.

18. APPOINTMENT OF SUBSTITUTES

None.

19. DECLARATIONS OF INTEREST

None.

20. MINUTES OF THE PREVIOUS MEETING

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The minutes of the previous meeting held on 18 September 2025 be taken as read, confirmed and approved.

21. ACTION LIST ARISING FROM THE PREVIOUS MEETING

None.

22. PETITIONS AND DEPUTATIONS

None.

23. HOUSE IN MULTIPLE OCCUPATION (HMO) POLICY

The Committee gave consideration to the report and appendices (as set out at pages 5 –

71 of the agenda reports pack) which sought approval of the House in Multiple Occupation (HMO) Policy.

It was moved by Councillor G A Boulter, seconded by the Vice-Chair and

UNANIMOUSLY RESOLVED THAT:

- i) The House in Multiple Occupation (HMO) Policy attached at Appendix 1 be approved;**
- ii) The Fee Structure outlined in paragraph 4 be approved; and**
- iii) The Amenity and Space Standard for Private Rented Sector at Appendix 2 be approved.**

24. REVIEW OF STATEMENT OF LICENSING POLICY (2025-2030)

The Committee gave consideration to the report and appendix (as set out at pages 72 – 109 of the agenda reports pack) which sought approval to consult on the proposed Draft Statement of Licensing Policy (2025-2030).

It was moved by the Vice-Chair, seconded by Councillor J Kaufman and

UNANIMOUSLY RESOLVED THAT:

The revised Draft Statement of Licensing Policy shown at Appendix 1 be approved for the purpose of consultation with relevant parties.

THE MEETING CLOSED AT 6.38 pm

Agenda Item 7



Licensing and Regulatory Committee	Thursday, 05 March 2026	Matter for Information and Decision
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Report Title: **Housing Enforcement & Civil Penalty Policy (2026)**

Report Author(s): **Ben Clark-Monks (Selective Licensing Team Leader)**

Purpose of Report:	To provide Members with information regarding enforcement and civil penalty amendments enacted by the Renters' Rights Act 2025 and outline policies adopted to support this enforcement activity.
Report Summary:	The report details the changes outlined within the Renters' Rights Act 2025 and outlines supporting policies proposed at appendix 1 and 2 of this report, relating to Housing Enforcement and the use and level of Civil Penalties under the act and other housing legislation.
Recommendation(s):	<p>A. That the content of the report be noted;</p> <p>B. Approve the Housing and Licensing Team Enforcement Policy (2026 – 2031) outlined in paragraph 3 and attached at appendix 1 to become effective on 1st May 2026 with items highlighted in red to become operative upon enactment of relevant statutory instruments;</p> <p>C. Approve the Housing Civil Penalty Policy (2026–2031) outlined in paragraph 4 and attached at appendix 2 to become effective on 1st May 2026 with items highlighted in red to become operative upon enactment of relevant statutory instruments; and</p> <p>D. Note that income generated through the payment of Civil Penalties will be ring fenced for the delivery and improvement of front-line Environmental Health services.</p>
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	<p>Colleen Warren (Chief Finance Officer / Section 151 Officer) (0116) 257 2759 colleen.warren@oadby-wigston.gov.uk</p> <p>Minna Scott (Environmental Health Manager) (0116) 257 2779 minna.scott@oadby-wigston.gov.uk</p> <p>Ben Clark-Monks (Selective Licensing Team Leader) (0116) 257 2883 ben.clark-monks@oadby-wigston.gov.uk</p>
Strategic Objectives:	<p>Our Council (SO1)</p> <p>Our Communities (SO2)</p> <p>Our Economy (SO3)</p>
Vision and Values:	<p>"Our Borough - The Place To Be" (Vision)</p> <p>Customer & Community Focused (V1)</p> <p>Proud of Everything We Do (V2)</p> <p>Collaborative & Creative (V3)</p> <p>Resourceful & Resilient (V4)</p>

Report Implications:-	
Legal:	The implications are as set out at paragraph 5 of this report.
Financial:	The implications are as set out at paragraph 6 of this report.
Corporate Risk Management:	Decreasing Financial Resources / Increasing Financial Pressures (CR1) Key Supplier / Partnership Failure (CR2) Reputation Damage (CR4) Regulatory Governance (CR6) Organisational / Transformational Change (CR8)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. Initial EA Screening (See Appendices)
Human Rights:	There are no implications directly arising from this report.
Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	Unable to complete review.
Chief Finance Officer:	The report is satisfactory.
Interim Monitoring Officer:	The report is satisfactory.
Consultees:	None.
Background Papers:	<ul style="list-style-type: none"> • Implementing the Renters' Rights Act 2025: Our roadmap for reforming the private rented sector • Civil penalties under the Housing and Planning Act 2016 • UPPER TRIBUNAL (LANDS CHAMBER) - Leicester City Council V Mojaria
Appendices:	<ol style="list-style-type: none"> 1. Housing Enforcement Policy (2026–2031) 2. Civil Penalties under the Renters' Rights Act 2025 and Other Housing Legislation (2026 – 2031) 3. Equality Impact Screening Form

1. Background

- 1.1 The Ministry for Housing, Communities and Local Government (MHCLG) produced a road map for implementation of the Renters' Rights Act 2025 (The Act) in November 2025, which outlines how they intend to deliver new powers created by the Act.
- 1.2 The MHCLG document outlining the road map is appended to this report as a background paper.
- 1.3 The Housing enforcement policy has been developed with consideration of similar policies in existence within the County to maximise consistency with consideration of Local Government Reorganisation (LGR). Along with also having consideration of the sample policy developed by Justice for Tenants, again to increase consistency and transparency of enforcement activities.

1.4 The Civil Penalty Policy has been developed by Justice for Tenants; this policy has been selected due to the policy being widely adopted and tested nationally.

2. Relationship with Justice for Tenants

2.1 A relationship has been created with Justice for Tenants, who are a non-profit organisation who specialise in providing training and advice services to local authorities to allow for more effective and efficient enforcement against rogue landlords.

2.2 Justice for Tenants have also developed a Civil Penalty calculator to support consistent and transparent charging levels to reduce the risk of appeals and strengthen any case in the event of an appeal.

2.3 The Council also benefits from £2000.00 of free legal advice from Justice for Tenants.

2.4 Justice for Tenants also have a relationship with MHCLG and Operation Jigsaw which is a national project whose objective is to link Housing Professionals and prepare Authorities across England and Wales for the rollout of the Act.

3. Housing Enforcement and changes from existing enforcement policy

3.1 Historically the Council has not adopted a dedicated Housing enforcement policy instead falling back onto the generic enforcement policy and the code of practice outlined within the enforcement concordat.

3.2 The Act is intended to overhaul housing enforcement in England and Wales and significantly expand or amend existing enforcement powers available to officers, therefore the creation of a dedicated policy has become essential to both support officers with the consistent application of these powers and ensure transparency to landlords that could be subject to enforcement action.

4. Use of Civil Penalties and supporting policy

4.1 The Act also expands the number of offences that can be disposed of through the use of Civil Penalties in addition to the offences outlined within the Housing and Planning Act 2016.

4.2 Having a robust and tested Civil Penalty policy is essential to ensure that the correct level of penalty is applied and to minimise the risk of penalties being lost or reduced in the event of an appeal, as seen in the case of Leicester City v Mojaria.

4.3 The policy developed by Justice for Tenants is widely adopted across England and Wales and has been substantially tested.

4.4 The policy is also supported by the Civil Penalty calculator outlined in section 2 of this report ensuring maximum efficiency when notices are served and maximum effectiveness in relation to penalty levels and evidential value.

4.5 There have been 4 amendments made to Justice for Tenants standard Civil Penalty Policy, these are outlined and justified below:

- Where a property is subject to a selective licence, civil penalties will be served against the licence holder and not all responsible persons unless the case officer deems this to be appropriate. The justification to this amendment is to avoid delays by trying to ascertain who is responsible for a property as the licence holder volunteers themselves as a responsible person.

- A section has been added to the policy confirming that written representations will be reviewed by the issuing officers immediate line manager or their senior officer, but provision has been built in to allow Officers of an equivalent level to review representations to avoid capacity issues whilst remaining compliant and maintaining a high level of openness.
- Provision has been built in to allow officers an option not to proceed with a civil penalty when the landlord rectifies the issue and admits to the breach or offence and the case officer is confident of their genuine remorse and they feel that it is unlikely that a further breach would occur and there is no history of antecedent behaviour. This breach or offence could be disposed of through the issuing of a simple caution.
- The discount for early repayment has been increased from 15% to 20% this is to encourage engagement and early payment as an incentive for landlords to become compliant and clear balances on civil penalties quickly and efficiently, hopefully this action will also reduce the administrative and legal costs associated with collecting penalties

5. Legal Implications

- 5.1 The policies outline enforcement activity that will be undertaken by the team and when interventions and disposals will be enacted and appropriate.
- 5.2 The adoption of the proposed policies will support case officers and Legal Services with the management, enforcement and defence of actions taken in pursuit of promoting good quality safe homes within the Borough and penalising landlord non-compliance.

6. Financial Implications

- 6.1 Whilst there are no direct financial implications arising from the report, the Act creates additional offences that can be discharged through the service of a Civil Penalty which would generate income to support the delivery and enforcement of Housing Standards across the Borough and would need to be ring fenced accordingly, as outlined within recommendation D.
- 6.2 Applying a greater level of discount may decrease the value of penalties the Council is able to collect, however the decision has been made based on the associated cost of collection and enforcement of the debt, that would be offset by early payment or recouped through the increase level of the penalty should the landlords choose not to make the early payment, an example of this is illustrated below.

Offence	Starting Point	Early payment	Balance difference
Failure to obtain a selective licence - section 95(1) of the Housing Act 2004	£12,000	£9600	£2400

7. Conclusion

- 7.1 The adoption of the proposed policies would ensure greater compliance with the enforcement concordat and ensure proportionality and consistency is paramount whilst delivering services to landlords and tenants.

Housing and Licensing Team Enforcement Policy (2026 – 2031)

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

Section 3 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.

Section 107 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.

Section 110 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 Private Sector Housing (“PSH”) officers to ensure enforcement action is taken in line with the Regulators Code and the principles of good regulation where required by The Legislative and Regulatory Reform (Regulatory Functions) Order 2007. The following pieces of legislation are subject to The Legislative and Regulatory Reform (Regulatory Functions) Order 2007.

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

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 actions 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 comply with 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 formal enforcement action where a Category 1 hazard exists.

S7 Housing Act 2004 gives Councils a discretionary duty to take action where a Category 2 hazard exists. The Council will usually only take action where a significant Category 2 hazard exists.

In addition, Council officers will often investigate and identify the need to take enforcement action through 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
- Unlawful eviction or harassment (See the stand-alone tenant harassment and acceptable behaviour policy)

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

Tenure Groups

The Council have investigation and enforcement powers relating to all Private Sector Housing regardless of tenure; however, the approach taken will vary depending on the tenure of the household.

Private Tenants

Tenants occupying rented accommodation are reliant on their Landlord, or their Landlord's Agent, to maintain their homes in accordance with legal requirements. Where Landlords or Landlord's Agents are putting the Health or Safety of their Tenants or those occupying a neighbouring property at risk, or are failing to meet their statutory obligations, the Council will investigate and take action as required.

Owner Occupiers

Owner occupiers are responsible for the maintenance and safety issues of their own home. Therefore, formal enforcement action against Owner Occupiers will be limited, except for situations where neighbouring properties are being affected in some way, for example a defect leading to water penetration into a neighbouring property or where there is an 'Imminent Risk' to the Occupier or any visitors to their property.

Registered Providers

Registered Providers (RPs) are regulated by the Regulator of Social Housing (RSH). RPs have their own procedures in place for reporting problems and making complaints and usually have clear response times for addressing any issues.

The Private Sector Housing Team will not normally act against an RP unless the problem in question has been properly reported to the RP who has then failed to take appropriate action. The Council will consider enforcement action against an RP where there are significant risks to the Health and Safety of Tenants and or the wider Public.

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. A Notice may be given where it is suspected that an offence under the following Legislation may be being committed:

- 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 or to an officer who is who is exercising or seeking to exercise an investigatory power under Chapter 3 of the Renters Rights Act 2025,

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 does not comply 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 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.

Entry to Premises

Section 118 Renters' Rights Act 2025 permits Council officers to enter the business premises (without a warrant) of relevant people (including landlords, letting agents, and marketers) if it is necessary for the production or seizure of documents under s122-s123 Renters' Rights Act 2025.

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 wholly or mainly used as residential accommodation if there are documents on the premises which the officer could require under section 122 or seize under section 123. In addition, a warrant to exercise this power will only be issued where one of the following conditions is 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) of Section 126. Where required, the Council will give at least 24 hours' notice of this to the occupier and individuals with an interest in the property 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 specified premises in relation to 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 s240 Housing Act 2004.

Informal Action

Informal action taken by the Council may be written or verbal advice or in some circumstances, it may be appropriate to take no action. Additionally, a visit may be made at the outset by Council Officers in cases where the initial complaint 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, should the inspection highlight deficiencies written or verbal advice may be deemed sufficient, at the discretion of the inspecting officer.

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.

Statutory Notices

Section 11 and section 12 Housing Act 2004 permit the Council to issue a statutory Improvement Notice in respect of any Category 1 hazards and any Category 2 hazards on the property. This requires the person upon whom it is served to undertake the remedial action specified in 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.

Section 6A Housing Act 2004 allows the Council to impose a civil penalty where a Category 1 hazard exists. This power may be exercised separately or in addition to the issue of an Improvement Notice. The Council will usually exercise their power to impose a civil penalty in the first instance where a Category 1 hazard exists.

Section 30 Housing Act 2004 provides that failure to comply with a statutory Improvement Notice is a criminal offence, which will normally be followed by prosecution or the issue of a civil penalty. The Council views the offence of failing to comply with the requirements of an Improvement Notice as a significant issue, as it may expose tenants of a dwelling to one or more significant hazards.

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 and taking steps to recover any costs incurred, including costs incurred in administering the work in default, plus interest. 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. The costs and any interest may be entered as a charge against the property until paid.

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 will then seek reimbursement of the 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.

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 contained 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 Offences

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

The Council has the power to impose a Civil Financial Penalty for the following:

- Unlawful eviction and harassment of an occupier as defined under the Protection from Eviction Act 1997
- 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]
- Offences in relation to Regulation 3 of the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020
- Failure to comply with a banning order [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 re-marketing 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
- **Offences in relation to the PRS database [Part 2, Chapter 3 Renters' Rights Act 2025]**
- **Offences in relation to the landlord ombudsman [Part 2, Chapter 2 Renters' Rights Act 2025]**
- **Breach of the decent homes standard [Part 3, Renters' Rights Act 2025]**

Civil Financial Penalties in respect of these offences 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. S48 of the Housing and Planning Act 2016 places a duty on the Council to consider applying for Rent Repayment Orders.

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

This power will be considered for all qualifying offences where there is sufficient evidence for a successful application to the First Tier Tribunal.

The qualifying offences are:

- Unlawful eviction and harassment of an 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]
- Landlord's failure to become a member of a landlord redress scheme [Renters' Rights Act 2025, section 67]
- Landlord's failure to join a PRS database [section 92 Renters' Rights Act 2025]
- Landlord's failure to comply with the requirements of a PRS database, or in providing false or misleading information to the database operator [section 92 Renters' Rights Act 2025]
- Offences in relation to the landlord ombudsman [section 67 Renters' Rights Act 2025]

An application for a 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. The Council will usually assist tenants by referring or signposting them to Justice For Tenants.

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 consider 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 consider 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.

Entry onto the PRS Database

Under section 83(1) of the Renters' Rights Act 2025, the Authority has a duty to make an entry on the Private Rental Sector database in respect of a person where:

- A relevant Banning Order has been made against that person following an application by the authority;
- The person has been convicted of a relevant Banning Order offence following criminal proceedings brought by the authority; or
- The authority has imposed a Financial Penalty on the person in relation to a Banning Order offence.

Under section 83(2), the Authority has the power to make an entry where:

- The person has been convicted of a relevant Banning Order offence following criminal proceedings brought by someone other than a local housing authority, or
- A Financial Penalty has been imposed on the person in relation to a relevant Banning Order offence by a person other than a local housing authority.

Complaints

Contact may be made with the Council about any matters listed here by email at privatesectorhousing@oadby-wigston.gov.uk.

Should a service user wish to make a complaint this can be done by using the link provided below

https://myaccount.oadby-wigston.gov.uk/en/service/Complaints_Process

Other ways to do this

You can also make a compliment, comment or complaint by contacting our Customer Services Team:

Phone: 0116 288 8961

Email: csc@oadby-wigston.gov.uk

In person at our Brocks Hill Council Offices reception point at the address below. You can view our reception opening hours here.

Letter: Oadby and Wigston Borough Council, Brocks Hill Council Offices, Washbrook Lane, Oadby, Leicester, LE2 5JJ

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.

Appendices

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 that 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. A non-exhaustive list of methods that may be used to evidence compliance with these testing requirements includes, but is not limited to:

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

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

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

Determining the amount of the penalty charge for a first breach

The minimum amount of a penalty charge for a first breach of the Regulations will be £2500.

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

Aggravating factors include, but are not limited to:

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

Mitigating factors include, but are not limited to:

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

Determining the amount of the penalty charge for a subsequent breach

The penalty for subsequent breaches by the same landlord will be £5000.

Appendix 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.

Civil Penalties under the
Renters' Rights Act 2025 and
Other Housing Legislation
(2026 – 2031)

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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.

Civil Penalty Breach Levels and Guidance

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.

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 Section 16I, where within the preceding five years the landlord has either (i) had a relevant penalty (under section 16I or section 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 (section 16(E)(2) Housing Act 1988) or remarketing (section 16(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.

The exception to this will be when a property is subject to a valid and issued Selective Licence, in this case the civil penalty will initially only be imposed against the appointed licence holder, but at the discretion of the case officer a civil penalty can be imposed on any relevant person deemed to hold landlord responsibility for the property or be appointed to a position of responsibility in the event the property is held by a company, partnership, charity or trust.

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 in particular 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.

In particular, a higher degree of professionalism is expected of landlords who:

- Control, own, or manage a significant portfolio of properties;
- Have significant experience in the letting or management of property;

- Are or have been involved in the letting or management of Houses in Multiple Occupation (HMOs);
- Are corporate landlords; or
- Are or have been directors of corporate landlords.

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

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

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

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

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

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

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

Offence-specific mitigating factors:

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

Offence-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

Offence-specific mitigating factors:

- None.

Offence-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

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- Tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit.

Attempting to end a tenancy orally or requiring that it is ended orally - section 16E(1)(c) of the Housing Act 1988

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

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- Tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit.

Serving a possession notice that attempts to end a tenancy outside the prescribed section 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

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- Tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit.

Relying on a ground where the person does not reasonably believe that the landlord is, will, or may be able to obtain possession on that ground and the tenant(s) surrendered the tenancy within the period of four months beginning with the date of the contravention, without an order for possession of the dwelling-house being made - section 16E(1)(e) of the Housing Act 1988

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

Offence-specific mitigating factors:

- None.

Offence-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

Offence-specific mitigating factors:

- None.

Offence-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

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

Offence-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.

Offence-specific aggravating factors:

- None.

Continuation of conduct subject to a relevant penalty (under section 16I or section 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 section 16I, where within the preceding five years the person has either (i) had a relevant penalty (under section 16I or section 16K Housing Act 1988) imposed for different conduct and the final notice has not been withdrawn, or (ii) been convicted under section 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 (section 16(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

Offence-specific mitigating factors:

- None.

Offence-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

Offence-specific mitigating factors:

- None.

Offence-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

Offence-specific mitigating factors:

- None.

Offence-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

Offence-specific mitigating factors:

- None.

Offence-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

Offence-specific mitigating factors:

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

Offence-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

Offence-specific mitigating factors:

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

Offence-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

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

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

Housing Act 2004 offences

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 a selective licence - section 95(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
£12,000	£40,000	£9,600	£12,000	£14,400

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- The landlord has knowledge or experience of licensing requirements.

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 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
- 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

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

Breach of licence conditions – Section 95(2) Housing Act 2004

All granted selective 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
- Requirements to hold insurance
- The provision of insurance documentation
- 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 selective 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
£3,000	£40,000	£2,400	£3,000	£3,600

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

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£5,250	£40,000	£4,200	£5,250	£6,300

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
- Minimum floor areas
- Occupancy rates
- Occupancy of rooms 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
£9,375	£40,000	£7,500	£9,375	£11,250

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

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£15,000	£40,000	£12,000	£15,000	£18,000

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.

To ensure the promotion of the principals of good enforcement outlined within the Enforcement Concordat the Council will endeavour to ensure that written representations are reviewed by the issuing

officers immediate line manager, or the Environmental Health departmental manager. However, in exceptional circumstances written representations may be reviewed by an officer of equivalent seniority of the issuing officer to ensure that an independent review of written representations is undertaken.

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.

However, should a landlord both rectify the breach or offence and confirm admission of liability for the breach or offence within the representation period and demonstrate to the issuing officer behaviour in line with the mitigating factors outlined within this policy then it may be considered appropriate not to impose a civil penalty and instead dispose of this offence through the issuing of a simple caution. This decision will also be influenced by the aggravating factors outlined in this policy, any relevant antecedent behaviour and the number and severity of the breach or offence identified.

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

Discount for prompt payment

Where a civil penalty imposed by a final notice is paid in full within the period specified in that notice (normally 28 days beginning with the day after the final notice is given), the Council will apply a discount of 20% to the amount of the civil penalty.

The availability of the discount is conditional upon full payment being received within the specified period. The discount period will not be extended or suspended by the bringing of an appeal. A landlord who chooses to appeal may still benefit from the discount by paying the civil penalty in full within the specified period; however, where payment is not made within that period, the discount will not apply.

Illustrative example of the application of the discount

The landlord of an HMO property fails to obtain a licence. They only operate two HMO properties and there are no other relevant factors or aggravating features. The starting point for the offence under the Council's civil penalties matrix is £17,000.

Following the issue of a notice of intent proposing a civil penalty of £17,000, the landlord makes written representations. Having considered those representations, the Council determines to impose a civil penalty of £16,000, as set out in the final notice.

If the landlord pays the civil penalty in full within the payment period specified in the final notice, a 20% prompt payment discount is applied, resulting in a discounted payment of £12,800.

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).

This Equality Impact Screening Form will help you decide whether a full Equality Impact Assessment (EIA) is required for the development or review of a service, policy, strategy, or plan (referred to collectively as a 'workstream' in this form. Before completing the screening form), please refer to the 'Equality Impact Screening and Assessment Guidance' document. It should be completed by the OBWC employee leading this area of work.

1. Name of workstream	Housing Enforcement & Civil Penalty Policy
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2. Date of screening	03/02/2026
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3. Name and role of screener	Ben Clark-Monks (Selective Licensing Team Leader)
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4. What are the aims and objectives of the workstream?

The aim of the work stream is to define the legislative changes imposed by the Renters' Rights Act 2025 and introduces the policies that outline the process for the use of new enforcement powers and further defines the processes and procedures for existing enforcement powers. The objective of the workstream is to create greater transparency and consistency in relation to the use of enforcement powers.

5. Which stakeholders will be affected by the workstream? (i.e. residents, businesses, staff, contractors, visitors)

Landlords, Tenants, Property Owners, Staff

6. Is this a new or revised Workstream?

NEW	<input checked="" type="checkbox"/>	Go to Question 9
REVISED	<input type="checkbox"/>	Go to Question 7

7. Was an EIA carried out on the previous version?

YES	<input type="checkbox"/>	Go to Question 8
NO	<input type="checkbox"/>	Go to Question 9

8. Does the revised workstream include any elements not considered in the original EIA?

YES	<input type="checkbox"/>	Carry out a New EIA
NO	<input type="checkbox"/>	Revise the Existing EIA

Equality Impact Screening Form

9. Could the new or revised workstream have a negative effect on people with any of the following protected characteristics?	YES	NO
Age		X
Disability		X
Gender Reassignment		X
Marriage or Civil Partnership		X
Pregnancy and Maternity		X
Race		X
Religion or Belief		X
Sex		X
Sexual Orientation		X

If you have answered YES to any of the above, **carry out an EIA.**

If you have answered NO, go to Question 10.

	YES	NO
10. Have there been, or are there likely to be, any concerns about the workstream from stakeholders?		X
11. Could the workstream affect how services are commissioned or procured?		X
12. Could the workstream affect our staff or employment practices?		X

If you have answered YES to any of the above, **carry out an EIA.**

If you have answered NO, go to Question 13.

13. Will the proposed changes contribute to the following Public Sector Equality Duties?	YES	NO
Eliminating unlawful discrimination, harassment, and victimisation		X
Advancing equality of opportunity		X
Fostering good relations		X

If you have answered YES to any of the above, **carry out an EIA.**

14. If you have answered NO to questions 9 – 13 then you may not need to complete an EIA. Please explain whether you feel an EIA needs to be completed with your rationale.

As the policies themselves only outline proposed courses of action and there would there is an existing process in place to ensure that any enforcement decisions are fair and reasonable prior to enforcement activity is undertaken. The policies themselves also have provision which outlines the decision making process.

Please sign and retain a copy of this completed form for your records.

Name	Ben Clark-Monks
Job Role	Selective Licensing Team Leader
Service Area	Environmental Health and Licensing
Date	03/02/2026

An electronic copy of this form should be forwarded to equalities@oadby-wigston.gov.uk with a copy of any relevant information for further consideration. If you have any queries, please contact equalities@oadby-wigston.gov.uk.

FOR EDI LEAD ONLY

Is an EIA required?	No
Rationale	I concur with the rationale provided by the Selective Licensing Team Leader that there is existing guidance regarding fair and reasonable enforcement, and the policies covered by this Screening Form only outline proposed courses of action.

Name	Mark Smith
Signature	
Date	17/02/2026

Agenda Item 8



Licensing and Regulatory Committee	Thursday, 05 March 2026	Matter for Information and Decision
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Report Title: **Harassment, Unlawful Eviction & Acceptable Behaviour Policy (2026 -2031)**

Report Author(s): **Ben Clark-Monks (Selective Licensing Team Leader)**

Purpose of Report:	To provide Members with information regarding the procedures and processes in relation to landlord harassment and thresholds for enforcement of non-tenant like behaviour.
Report Summary:	The report details proposed procedural changes to the investigation, management and enforcement in relation to landlord harassment, tenant behaviour and sets out thresholds for action in cases of landlord harassment or untenant like behaviour that could support civil action by the landlord to end a tenancy.
Recommendation(s):	A. That the content of the report be noted; and B. Approve the Harassment, Unlawful Eviction & Acceptable Behaviour Policy (2026-2031) outlined in paragraph 5 and attached at appendix 1.
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	Colleen Warren (Chief Finance Officer / Section 151 Officer) (0116) 257 2759 colleen.warren@oadby-wigston.gov.uk Minna Scott (Environmental Health Manager) (0116) 257 2779 minna.scott@oadby-wigston.gov.uk Ben Clark-Monks (Selective Licensing Team Leader) (0116) 257 2883 ben.clark-monks@oadby-wigston.gov.uk
Strategic Objectives:	Our Council (SO1) Our Communities (SO2)
Vision and Values:	"Our Borough - The Place To Be" (Vision) Customer & Community Focused (V1) Proud of Everything We Do (V2) Collaborative & Creative (V3) Resourceful & Resilient (V4)
Report Implications:-	
Legal:	The implications are as set out at paragraphs 2 and 3 of this report.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	Decreasing Financial Resources / Increasing Financial Pressures (CR1) Reputation Damage (CR4) Regulatory Governance (CR6) Organisational / Transformational Change (CR8)

Equalities and Equalities Assessment (EA):	There are no implications arising from this report. Initial EA Screening (See Appendices)
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	Unable to complete review.
Chief Finance Officer:	The report is satisfactory.
Interim Monitoring Officer:	The report is satisfactory.
Consultees:	<ul style="list-style-type: none"> • Louise Taylor (Housing Options Manager) • Thomas Maccabe (Community Safety and Wellbeing Manager)
Background Papers:	None.
Appendices:	<ol style="list-style-type: none"> 1. Harassment, Unlawful Eviction & Acceptable Behaviour Policy (2026-2031) 2. Equality Impact Screening Form

1. Background

- 1.1 The Private Sector Housing and Housing Options team currently work in conjunction to manage, investigate and enforce cases of landlord harassment and illegal eviction.
- 1.2 The team are however conscious that housing issues are not always one sided, hence the appended policy relates to both landlord and tenant like behaviour.
- 1.3 This report and appended policy aim to formalise processes that have been informally trialled by the Private Sector Housing and Housing Options team and seek Member approval for formal adoption moving forward in anticipation of the legislative changes outlined within the Renters' Rights Act.

2. Existing Processes and Legislative Position

- 2.1 Currently unlawful eviction and harassment are criminal offences under the Protection from Eviction Act 1977, which can be tried in either the magistrates or crown court and can carry a £5000 or unlimited fine and/or 6 months or 2 years in prison respectively.
- 2.2 These powers are currently discretionary, and some Authorities choose to refer these cases to advice partners, the Police or independent legal advisors.

3. Changes Outlined by the Renters' Rights Act 2025

- 3.1 From the 1 May 2026, Section 106 of the Renters' Rights Act 2025 places a duty on Local Authorities to enforce Sections 1 and 1A of the Protection from Eviction Act 1977.
- 3.2 This change in conjunction with the repealing of Section 21 of the Housing Act 1988 which will remove a landlord's ability to evict their tenant on a "no fault" basis, could contribute to an increase in cases of unlawful eviction or harassment through landlords that wish to seek possession of their property before the legislation changes, a lack of knowledge of

the legislation change or not wishing to proceed through the correct legal channels to seek possession.

- 3.3 Section 58, Chapter 7 of part 1 of the Renters' Rights Act 2025 creates the ability for offences under section 1 and 1A of the Protection from Eviction Act 1977 to be disposed of through the use of a financial penalty as opposed to having to undertake a prosecution, although this option still remains available.

4. Outline of Procedures (Pre 1 May 2026)

- 4.1 Currently the team have one established enforcement route which is undertaking a prosecution under the Prevention of Eviction Act 1977, which is timely, cost intensive for the Council and can often be distressing for the tenant.

5. Outline of Proposed Procedures (Post 1 May 2026)

- 5.1 The policy at **Appendix 1** outlines the proposed action that will be taken by the team following 1 May 2026 in line with new duties.
- 5.2 The policy has been designed to act as an overarching guide to what the Council considers landlord and tenant-like behaviour and effective levels where the Council will become involved in a case.
- 5.3 The significant change is that a breach of 1 and 1A of the Prevention from Eviction Act 1977 can be disposed of through the service of a civil penalty, supported by the Council's civil penalty policy.
- 5.4 The proposed course of action for enforcement would start with a warning letter outlining what would constitute a further breach and what the Council considers acceptable behaviour; this would then be followed by the service of a notice of intent to serve a civil penalty or commencement of a prosecution file. This is outlined in greater detail within the appended policy.
- 5.5 The acceptable behaviour aspect of the policy will also assist Officers with clarifying to landlords when we are able to support them with action to aid a ground for possession under Section 8, Housing Act 1988 as amended by the Renters' Rights Act 2025.
- 5.6 The policy also outlines which grounds for possession the Council may be able to support at the discretion of the Case Officer, Housing Options and Legal Services. however, it is always the intention of the Council to try and maintain a tenancy wherever possible. The Council is aware there are isolated cases when the ending of a tenancy is the best course of action to protect the property, neighbours and the amenity of the area.

6. Conclusion

- 6.1 The new proposed process has been designed to allow officers to resolve cases as efficiently as possible and ensure the most effective outcome for the complainant.
- 6.2 Along with providing officers with an increased range of disposal options to deal with offences and ensuring efficient and impactful action.
- 6.3 The option to dispose of the offence through the use of a civil penalty will create an immediate financial deterrent to discourage harassment.

Harassment, Unlawful Eviction & Acceptable Behaviour Policy (2026 – 2031)

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Aims of the Policy

The purpose of this policy is to provide guidance for officers of the council to ensure enforcement action is taken in line with the Regulators' Code and the principles of good regulation where required by The Legislative and Regulatory Reform (Regulatory Functions) Order 2007.

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.

Harassment and Unlawful Eviction

Unlawful eviction and harassment are criminal offences under the Protection from Eviction Act 1977, as amended by the Renters' Rights Act 2025. The offence can be tried in a Magistrates Court or a Crown Court or disposed of through the service of a financial penalty under section 58 of the Renters' Rights Act 2025.

The Council has powers to investigate and prosecute offenders of harassment and illegal evictions. Initially the Council will make attempts to informally prevent any unlawful eviction or correct harassing behaviour, through advice and assistance to the landlord and tenant, with the intention of trying to secure the tenancy and ensure the tenants peace and comfort in the home whenever possible.

What is Harassment

It is an offence for a landlord to interfere with the peace or comfort of a tenant or anyone living with them or to persistently withhold services for which the tenant has a reasonable need to live in the premises as a home.

Examples of harassment include:

- Threats, abuse or physical violence
- Cutting off services such as water, gas or electricity
- Entering the home without permission
- Unreasonable levels of communication (i.e. Calls, emails, messages or visits to the property)
- Withholding keys
- Throwing away belongings or opening mail.

What is Unlawful Eviction

To end a tenancy, a landlord must follow a formal legal procedure. A tenant cannot be forcibly evicted without a warrant from court, executed by an appointed enforcement agent of the court, typically known as bailiff. Even if a tenant has been served with the correct notice and the landlord has a possession order from court, a warrant is required before a possession order can be enforced.

Examples of unlawful eviction include:

- Changing the locks while the tenant is out
- Removing the tenant using force, violence or intimidation,
- Blocking access to part of a property which the tenant has the right to occupy.

The Council has powers to investigate and prosecute offenders of illegal evictions. Initially the Council will make attempts to prevent any unlawful eviction or harassment, through advice and assistance to the landlord and tenant.

Enforcement

The enforcement of harassment and unlawful eviction cases will be enforced in line with provision outlined within the Housing and Licensing Team Enforcement Policy (2026-2031) and breaches will be determined by the case officer and the level of action taken will be at their discretion based on the available facts at the time of their decision.

Where appropriate the Council adopt a graduated enforcement approach, as outlined below.

- **Step 1** - initially providing the landlord with a warning letter outlining the inappropriate or unlawful behaviour and providing guidance on how to correct this and outlining consequences of continued non-compliance.
- **Step 2** – Should the landlord fail to adhere to the details of the warning letter, serve a notice of intention to serve a financial penalty for a breach of Section 1 of the Protection from Eviction Act 1977, as amended by the Renters' Rights Act 2025.
- **Step 3** – Serve a financial penalty for continued non-compliance
- Alternatively, should there be cases of multiple breaches, repeat offending, evidence of aggressive, violent or generally egregious behaviour towards the tenant the Council may choose to proceed with a criminal prosecution.

Details of how penalties or other enforcement action would be applied are outlined within the Council's Housing and Licensing Team Enforcement Policy (2026-2031).

In cases where the Council is satisfied that a tenant has been unlawfully evicted or deprived of access to a property they have a lawful right to reside in, and the landlord has refused to allow them re-occupation to the property the case officer in consultation with their immediate line manager or officer of an equivalent level or above and with the express written permission of the tenant can at their discretion authorise and undertake the use of the exception within Section 6 (1A) of the Criminal Law Act 1977 to use or threaten violence on the ground the tenant would be a displaced residential occupier.

The term "violence" includes both violence against persons and property, meaning that any form of aggressive action to gain entry.

This violence defined above shall only be directed against the property and under no circumstances a person and the definition of violence in this matter is outlined above and solely used to allow a tenant to re-occupy a property they have a lawful right to reside in.

Acceptable Behaviour for Tenants

Acting in a Tenant-like Manner

Whilst there are several regulations that define and impose duties on landlords in relation to the management of their properties and conduct, there is also a requirement for a tenant to act in a tenant-like manner as outlined in ruling of *Warren v Keen* (1954).

Examples of tenant like behaviour include;

- **Payment of rent** – Tenants are required to pay rent on time as specified within their tenancy agreement or licence.
- **Basic Maintenance of the property** – Tenants would be expected to undertake routine cleaning, changing light bulbs and maintaining any garden area, unless specifically excluded within the tenancy agreement or licence. With every effort being made to prevent avoidable damage or neglect of the property.
- **Report issues at the property promptly** – Where the property requires repairs or the tenant notes issues at the property these should be reported to the landlord or their representative as soon as possible to avoid further damage occurring.
- **Adhere to the terms of their tenancy agreement** – Tenants should comply with the terms of their tenancy agreement or licence.
- **Not to impact neighbouring properties or the amenity of an area** – Tenants should not act in such a way which harasses, intimidates or caused nuisance to neighbours or impacts the amenity of the surrounding area.
- **Not to use the property for illegal or immoral use** – Tenants should not perform illegal, unlawful or immoral acts from their properties.

Grounds for Possession

The Renters' Rights Act has amended the mandatory and discretionary grounds for taking re-possession of a property, as a Council there are limited cases when we would assist a landlord with a possession claim as it is the intention of the Council to try and maintain tenancies wherever possible and adjust undesirable behaviour.

However, the Council is conscious there are extreme occasions where a tenant's behaviour is so severe and there is no intention of adjusting behaviour, therefore the landlord has limited recourse available to them than to pursue possession of the property. In cases like this the Council may be able to provide supporting evidence of the following grounds.

Ground 7A: Antisocial behaviour.

Ground 14: Nuisance, annoyance, illegal or immoral use of the property.

It should be noted that the Council will not undertake possession proceedings on behalf of a landlord, but that would not preclude the Council from undertaking its own formal enforcement action or prosecution against the tenant. Supporting evidence would also only be potentially provided in cases where formal enforcement action has been undertaken by the Council.

The Council may also be unable to supply supporting evidence for any possession claim, when there are ongoing legal proceedings and providing supporting evidence may prejudice any ongoing enforcement or investigation.

Any information released will be at the discretion of the case officer and the Council's legal department and will be compliant with General Data Protection Regulations (GDPR).

When concerns or complaints are received, the assigned case officer will undertake an independent and impartial investigation and determine if the case warrants enforcement action, should the case officer decide that no enforcement action is required, the Council would be unable to support any possession proceedings.

Should the complainant be dissatisfied with outcome of the investigation, they can request an Anti-Social Behaviour Case Review by visiting the link provided. https://www.oadby-wigston.gov.uk/pages/community_trigger_process.

Enforcement

Enforcement against tenants would typically be undertaken using powers granted under the Anti-social Behaviour, Crime and Policing Act 2014 and use of these powers are defined within the Council's [Anti-Social Behaviour Policy \(2025\)](#).

Alternatively, enforcement action could be taken under Section 80 of the Environmental Protection Act 1990, should the issue be classified as a statutory nuisance by the investigating officer.

Should the Council undertake enforcement against a tenant and this results in eviction from their property, is it likely that they will be found intentionally homeless as defined within the Housing Act 1996 and could be precluded from joining the Council's housing register on the grounds of unacceptable acceptable behaviour as defined within the Council's [Housing Allocations Policy](#) under section 9.2.6. However, this will be at the discretion of the Housing Options team upon their assessment of the case.

This Equality Impact Screening Form will help you decide whether a full Equality Impact Assessment (EIA) is required for the development or review of a service, policy, strategy, or plan (referred to collectively as a 'workstream' in this form. Before completing the screening form), please refer to the 'Equality Impact Screening and Assessment Guidance' document. It should be completed by the OBWC employee leading this area of work.

1. Name of workstream	Landlord Harassment Policy (Renters' Rights Act)
2. Date of screening	05/02/2026
3. Name and role of screener	Ben Clark-Monks (Selective Licensing Team Leader)

4. What are the aims and objectives of the workstream?
The aim of the work stream is to ensure greater transparency and consistency in relation to investigation, management and enforcement of landlord harassment within the Borough and to outline the threshold for Council involvement in cases of non-tenant like behaviour or anti-social behaviour from tenants that could be used to support action to end a tenancy.
5. Which stakeholders will be affected by the workstream? (i.e. residents, businesses, staff, contractors, visitors)
Landlords, Tenants, Property Owners, Staff

6. Is this a new or revised Workstream?		
NEW	<input checked="" type="checkbox"/>	Go to Question 9
REVISED	<input type="checkbox"/>	Go to Question 7
7. Was an EIA carried out on the previous version?		
YES	<input type="checkbox"/>	Go to Question 8
NO	<input type="checkbox"/>	Go to Question 9
8. Does the revised workstream include any elements not considered in the original EIA?		
YES	<input type="checkbox"/>	Carry out a New EIA
NO	<input type="checkbox"/>	Revise the Existing EIA

Equality Impact Screening Form

9. Could the new or revised workstream have a negative effect on people with any of the following protected characteristics?	YES	NO
Age		X
Disability		X
Gender Reassignment		X
Marriage or Civil Partnership		X
Pregnancy and Maternity		X
Race		X
Religion or Belief		X
Sex		X
Sexual Orientation		X

If you have answered YES to any of the above, **carry out an EIA.**

If you have answered NO, go to Question 10.

	YES	NO
10. Have there been, or are there likely to be, any concerns about the workstream from stakeholders?		X
11. Could the workstream affect how services are commissioned or procured?		X
12. Could the workstream affect our staff or employment practices?		X

If you have answered YES to any of the above, **carry out an EIA.**

If you have answered NO, go to Question 13.

13. Will the proposed changes contribute to the following Public Sector Equality Duties?	YES	NO
Eliminating unlawful discrimination, harassment, and victimisation		X
Advancing equality of opportunity		X
Fostering good relations		X

If you have answered YES to any of the above, **carry out an EIA.**

14. If you have answered NO to questions 9 – 13 then you may not need to complete an EIA. Please explain whether you feel an EIA needs to be completed with your rationale.

The policy itself only outlines proposed enforcement decisions are fair and reasonable prior to enforcement activity is undertaken.

Please sign and retain a copy of this completed form for your records.

Name	Ben Clark-Monks
Job Role	Selective Licensing Team Leader
Service Area	Environmental Health and Licensing
Date	05/02/2026

An electronic copy of this form should be forwarded to equalities@oadby-wigston.gov.uk with a copy of any relevant information for further consideration. If you have any queries, please contact equalities@oadby-wigston.gov.uk.

FOR EDI LEAD ONLY

Is an EIA required?	No
Rationale	I concur with the rationale provided by the Selective Licensing Team Leader that the policy only outlines proposed enforcement decision, and is a supporting document for existing policies and guidance.

Name	Mark Smith
Signature	
Date	19/02/2026