South Holland District Council

Private Sector Housing

Enforcement Policy

Contents

1. Introduction

Local authorities have powers and responsibilities to assess housing conditions and enforce minimum standards through a range of measures. South Holland District Council ("The Council") will seek to tackle poor housing conditions using actions that are appropriate to individual situations. The purpose of this policy is to outline how the Council will work to improve private sector housing standards, by providing advice and guidance or, if necessary, by means of appropriate formal action to improve, repair, close or demolish dwellings that are not fit for purpose.

The Council recognises the importance of the private rented housing sector in providing valuable good quality accommodation and meeting housing need. The Council recognises that the majority of landlords maintain their properties to a good standard, however there are some who neglect their responsibilities and put their tenants at risk due to the poor condition of their properties. Substandard housing can have a profound impact on mental and physical health of its occupants, and poorly maintained property also negatively impacts on its surrounding neighbourhood.

The Council's primary role is to educate and advise owners, landlords and agents on the standards they are expected to meet in their properties, to seek to assist tenants in understanding their rights and responsibilities, and to encourage dialogue between parties to resolve issues amicably and without recourse to formal action.

2. Scope of the policy and service standards

This policy details the way the Council will deliver private sector housing enforcement under respective legislation and what landlords and tenants can expect from the service.

The Corporate Enforcement Policy is the overarching policy for all enforcement functions of the Council. The Private Sector Housing Enforcement Policy covers specific functions in more detail but will at all times meet the overall aims and objectives of the Corporate Enforcement Policy.

Revisions to this policy and relevant dates are at Appendix C.

3. Providing assistance, information and education

The Council will work with our service users to help them comply with all relevant regulatory requirements before considering formal enforcement action. The Council will provide clear, accessible advice and guidance and provide contact details where further information is required. Information will be provided in a range of formats such as newsletters, guides, local events and on the Council's website.

4. Accreditation

The Council will support and work closely with DASH (Decent and Safe Homes) landlord accreditation scheme and will actively encourage landlords to join the scheme. The scheme provides a number of industry relevant benefits including landlord newsletters, training, events, and guidance, so helping the Council to achieve the aim in section 3 above.

5. Housing Health and Safety Rating System

Assessment of housing standards shall be in accordance with the Housing Health and Safety Rating System (HHSRS). This is a risk based assessment which rates the extent of hazards to health and safety.

The underlying principle of HHSRS is that any residential premises should provide a safe and healthy environment for any potential occupier or visitor. An assessment of a dwelling will involve a physical survey that will include the identification and rating of hazards in the building. The technical guidance for the system includes a wealth of statistical information on the various hazards. The application of the system will result in a score which will be the basis of the Council's action to deal with the hazards identified.

Where a category 1 hazard exists (high risk of likely occurrence within the next 12 months resulting in harm) the Council has a duty to take enforcement action relating to the hazard.

Where a category 2 hazard exists (above average risk of a likely occurrence within the next 12 months resulting in harm) the Council has a discretionary power to take enforcement action. The Council will use this power in situations where there is a permanent and persistent risk to the health, safety and/or comfort of the occupiers, where the vulnerability of residents is a particular factor which needs to be considered or the number or extent of hazards are such that cumulatively, action to formally secure improvements are warranted.

6. Outline of enforcement options

The Council will start from the position of working with our service users to help them comply with their regulatory requirements. Subsequently the Housing Act 2004 ("the Act") gives housing enforcement authorities options to formally secure improvements. This will be on the basis of the principles set out in the Corporate Enforcement Policy. Enforcement can be affected by:

- Service of an improvement notice requiring remedial works in accordance with section 11 and/or section 12 of the Act.
- Making a prohibition order, preventing the use of the whole or part of a dwelling or restricting the number or class of permitted occupants in accordance with section 20 and/or section 21 of the Act.
- Suspension of either of the above until such time as directed in the order.

- Service of a hazard awareness notice in accordance with section 28 and/or section 29 of the Act.
- Making a demolition order in accordance with section 265 of the Housing Act 1985.
- Declaring a clearance area in accordance with section 289 of the Housing Act 1985.
- Taking emergency remedial action under section 40 of the Act.
- Service of an emergency prohibition order under section 43 of the Act.

7. Power to charge for enforcement action

The Council will make a reasonable charge as specified in section 49 of the Act, to recover certain administrative and other expenses incurred in taking enforcement action.

At the time of writing (April 2018), the charge is £285, plus any additional costs incurred where works are carried out. Any annual review of a notice where applied will be charged at £55. Where suspended notices are served, the full charge will be liable on breach of the notice. Additional costs may also be payable if external specialist advice is needed, eg a structural report. All charges will be the subject of annual review.
Details of current charges are given on the website. Enforcement action which will Incur a charge are deemed to be:

- Serving an improvement notice
- Serving a prohibition order
- Notice of emergency remedial action
- Serving an emergency prohibition order
- Making a demolition order

The Council will charge for taking enforcement action unless there are extenuating circumstances. Where this occurs the Head of Housing will make the final decision. All requests for this consideration should be put in writing and a response will be given within 21 calendar days of receipt.

On appeal of any such notice, the charge will be suspended pending the outcome of the appeal. If the notice is upheld, charges will be pursued.

8. Additional charges

Should works in default be carried out, the Council will endeavor to ensure that the costs of works are reasonable and recovered from the relevant person. The costs will be in addition to the administrative and any other relevant expenses.

When the Council carries out work in default, an invoice requesting payment for the work will be sent to the appropriate person. If this is not paid within the required period the matter will be pursued through our corporate debt recovery processes and may result in County Court action.

9. Non-compliance with notices

If a notice is complied with, no further action will be necessary. However if the notice is not complied with the Council will consider the following options:

- Prosecution
- Civil penalty
- Carrying out the works in default
- A combination of the above
- Administering a simple caution
- Granting of additional time for compliance. This will only be for extenuating circumstances and must be requested and formally agreed with the Council.

Determination of the most appropriate course of action will be in accordance with this policy and the Corporate Enforcement Policy.

10. Enforcement

Where enforcement action is considered necessary, and in deciding the course of enforcement to take, the Council will have regard to circumstances including, but not restricted to, those listed below:

- The statutory obligations of the Council
- The seriousness of the offence committed
- The consequences of non-compliance
- The level of culpability of the offender
- The track record of the offender
- The likely effectiveness of the various enforcement options
- Whether the enforcement option is a proportionate response
- Public interest and concern
- The views of other relevant service departments within the Council
- The views of other organisations such as the Police and Fire and Rescue.

11. Civil penalties

The Housing and Planning Act 2016 has amended the Act to introduce the ability for the Council to seek to impose a civil penalty as an alternative to prosecution. The offences within the Act where a civil penalty can be imposed are:

- Failing to comply with an improvement notice under section 30
- Offences relating to the licensing of a house in multiple occupation under section 72
- Offences relating to the contravention of overcrowding notices (section 139)
- Failure to comply with the Management of Houses in Multiple Occupation (England) Regulations 2006 in respect of HMOs (section 234)

The same criminal standard of proof is required for a civil penalty as for prosecution. This means that before taking formal action, the Council will be satisfied that if the case were to be prosecuted, there would be a realistic prospect of conviction, having regard to the Crown Prosecution's Service Code for Crown Prosecutors[12].

When making the decision to issue a civil penalty as an alternative to prosecution, and what level of penalty would be appropriate, the Council will make that determination in line with the guidance at Appendix A.

A civil penalty will not be applied if a person has already been convicted of that offence or where criminal proceedings have already been instigated. Income received from a civil penalty will be used to maintain the Council's statutory functions in relation to the private rented housing sector.

12. Owner occupiers

Where a charge is being considered for action against an owner occupier, hardship factors will be taken into consideration and payment of the fee may be considered at the discretion of the Head of Housing.

13. Outline of the licensing of houses in multiple occupation

The Act provides a mandatory system of licensing for all houses in multiple occupation (HMOs) of three or more stories and five or more occupants who constitute more than one household. This policy sets out how the Council will license relevant HMOs and how enforcement powers available to the Council will be used to ensure the health, safety and welfare of occupants.

To be eligible for licensing, the HMO must be reasonably suitable for occupation by the number of persons permitted under the license and having regard to the minimum prescribed standards of amenities and facilities. These include the number, type and quality of shared bathrooms, toilets and cooking facilities. Adopted standards will be advertised and communicated to landlords and agents. The Council may also attach additional conditions to a license to ensure the HMO is suitable for occupation. The license holder must also be a fit and proper person. Controlling or managing an HMO which ought to be licensed, but is not licensed, without a reasonable excuse for doing so, is a criminal offence and the Council will take action as detailed above.

13.1. Licensing and the HHSRS

The HHSRS does not need to be considered before a license is issued. The issue of a license does not imply that housing standards are acceptable and that no subsequent enforcement action will be taken to secure standards in health, safety or amenity of that property. If the Council becomes aware of potential hazards during the licensing process, action will be taken at the earliest opportunity as detailed in this policy.

The license will specify the conditions that the licensee must meet. A breach of conditions may result in the licence being withdrawn. The operation of an HMO in contravention of a licensing requirement is an offence.

The Council will consider whether any licence applicant is a 'fit and proper person' as required by the Act. Landlords applying for an HMO licence will be required to declare that they have no unspent convictions for relevant offences. The Council may investigate suspected breaches of this declaration. Written evidence in support of the declaration will be sought from the applicant where the Council has reasonable suspicion that an unspent conviction exists or in the case of particular property uses such as that provided for vulnerable adults. Where the Council has evidence that a landlord is no longer a fit and proper person, licence(s) will be revoked.

A licence fee will be charged to cover the administrative costs. The fee will be reviewed annually.

Enforcement of housing and management standards of all HNMOs (including non-licensable HMOs) will be in accordance with this policy.

The Council will consider alternative works proposed by the responsible person for the property (as defined by legislation) where these will achieve the same end as those required by the Council.

From 1st October 2018 mandatory licensing of Houses in Multiple Occupation (HMOs) will apply to all HMOs if they are occupied by five or more persons in two or more separate households. This is in addition to the current requirement for those of three storeys or more.

13.2. Unlicensed HMOs

When an HMO is brought to the attention of the Council it will investigate whether the property should be licensed.

It is an offence for properties with three or more storeys and five or more persons in more than one household that is required to have a licence, to operate without a licence. Where such premises are found, the owner/person having control will be invited to submit a valid licence application within 28 calendar days. All practical steps will be taken to assist the owner of the property to satisfy the licensing requirements except in the case of deliberate, repeat or persistent contravention where formal action will be pursued.

Licences will only be issued following receipt of a valid application, a verification visit to the premises and satisfactory fit and proper person checks.

13.3. Non-licensable HMOs

HMOs that do not require a licence are still subject to legislation governing how they are managed and standards that must be met. These type of properties can include houses made into bedsits and common areas of flats. All non-licensed HMOs known to the Council will be regularly inspected having regard to the management regulations[14]. The frequency of inspections will be on the basis of an assessment of risk, taking into account such factors as property type and condition, number of households within the property, amenities, fire precautions, and confidence in management. The inspection frequency will be dependent on risk.

The regulations set out the expected standards of management in relation to providing information, standards of accommodation, safety measures and waste disposal facilities. The Council will inspect properties and carry out actions to ensure that HMO management standards are maintained.

13.4. Management Orders

If a property should be licensed, but there is no reasonable prospect of granting a licence, the Council may apply a Management Order. The Council will make an order where the health and safety condition as described in the Act is met.

The Council may consider using the same power to take over the management of an empty property or properties in order to bring them back into use. Management orders may also be made on properties where anti-social behaviour is occurring. Management orders will result in the Council (or an appointed agent) operating as if it were the landlord, including collecting rents, forming tenancies, carrying out improvements and repairs and other related management matters depending on the order granted. Relevant costs are recoverable.

The following orders are available:

- An interim management order

- A final management order
- A special interim management order
- An interim or final empty dwelling management order

All orders can be varied or revoked in accordance with the provisions of the Act where determined necessary by the Council.

13.5. Selective licensing of other residential accommodation

Part 2 of the Act also gives a power for local authorities to introduce additional licensing of other HMOs as the local authority deems appropriate. In addition, under Part 3 of the Act, local authorities can introduce selective licensing to deal with particular issues in its area as the local authority deems necessary or desirable.

At the time of writing there are no additional or selective licensing requirements in place in the district. The introduction of any such schemes will only take place following, and in accordance with, the necessary consultations.

13.6. Overcrowding

The Act provides local authorities with power to investigate complaints in respect of overcrowded living conditions of any HMO where no interim or final management order is in force and it is not required to be licenced under Part 2. Such complaints may be received from private sector tenants, third parties concerned about children or vulnerable adults living in overcrowded conditions, or where overcrowded conditions are legitimately impacting on a neighbours' health, safety or welfare.

Council officers will liaise as necessary where enforcement action could likely result in a family having to move out of their home, to mitigate the impact of any subsequent action.

14. Rent Repayment Orders

The Housing and Planning Act 2016 confers power on the First-Tier Tribunal to make a rent repayment order where a landlord has committed one of the following offences:

- Have been prosecuted for operating an unlicensed HMO;
- Have failed to comply with an improvement notice;
- Has failed to comply with a prohibition order;
- Is in breach of a banning order;
- Has used violence to secure entry to a property; or
- Illegal eviction or harassment of the occupiers

A rent repayment order will require the landlord to repay an amount of rent paid by the tenant or pay the Council an amount in respect of a relevant award of Universal Credit/Housing Benefit paid.

If a person is convicted of an offence as a consequence of action brought by the Council, application for a rent repayment order will be considered. The Council may also help a tenant to apply for a rent repayment order where legislation permits.

15. Banning Orders

A Banning Order offence is an offence of a description specified in The Housing and Planning Act 2016 (Banning Order Offences) Regulation 2017.

Rogue Landlords who ignore their legal obligations and rent out accommodation which are substandard may find themselves receiving a Banning Order.

A banning order is an order by the First Tier Tribunal that bans a 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

16. Database of Rogue Landlords and Letting Agents

The Housing and Planning Act 2016 ("The Act") introduced a range of measures to help local housing authorities tackle rogue landlords and drive up standards in the private rented sector. There measures include establishing and operating a database of rogue landlords and property agents.

Local housing authorities must make an entry on the database for a person or organisation who has received a Banning Order. Section 30 of The Housing and Planning Act 2016 allows local authorities to make entries for a person who has:

- Been convicted of a banning order that has committed at a time when the person was a residential landlord or property agent; and/or
- Received two or more financial penalties in respect of a banning order offence within a period of 12 months committed at a time when the person was a residential landlord or a property agent

17. Energy efficiency in private rented property

Energy efficiency regulations ("the Regulations") establish a minimum standard for domestic privately rented property, subject to certain requirements and exemptions:

- From the 1 April 2018, landlords of relevant domestic private rented properties may not grant a tenancy to new or existing tenants if their property has an Energy Performance Certificate (EPC) rating of band F or G.
- From 1 April 2020, landlords must not continue letting a relevant domestic property which is already let if that property has an EPC rating

of F or G (as shown on a valid EPC for the property).

Where a landlord wishes to continue letting property which is sub-standard, they will need to ensure that energy efficiency improvements are made which raise the EPC rating to a minimum of E.

Under prescribed circumstances within the Regulations, the landlord may claim an exemption from prohibition on letting a sub-standard property. Where a valid exemption applies the landlord must register the exemption on the national Private Rented Sector Exemptions Register.

The minimum standard will apply to any domestic privately rented property which is legally required to have an EPC and which is let on certain tenancy types. Landlords of property for which an EPC is not a legal requirement are not bound by the prohibition on letting sub-standard property.

The Council will:

- Check that properties in the district falling within the scope of the Regulations meet minimum levels of energy efficiency.
- Issue a compliance notice requesting information where it appears that a property has been let in breach of the Regulations.
- Serve a penalty notice where satisfied that the landlord is, or has in the past 18 months, been in breach of the requirement to comply with a compliance notice or has provided false or misleading information on the exemptions register.

The Council will have regard to guidance in the application of this legislation, the penalty amount and the publication of the penalty.

The Council will adhere to Government guidance for this legislation with regard to the penalty amount and the publication of the penalty.

18. Electrical Safety Standards in the Private Rented Sector Regulations

On 1 June 2020, a new set of regulations came into force under the Housing and Planning Act 2016 (the Act) to formalise the requirement for improved electrical safety standards in privately rented properties (including HMOs).

The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 (the Regulations) require landlords to keep their properties free from electrical hazards and to arrange periodic electrical inspections and testing in their properties. The regulations apply to all tenancies issued on or after 1 June 2020. Any properties with tenancies that predate that date, will have to comply with these regulations from 1st April 2021.

Appendix C is the policy providing guidance in relation to the above legislation, allowing the Council to exercise its powers requiring a relevant landlord to pay a financial penalty, which it will follow when determining the amount of a penalty charge.

19. Smoke and carbon monoxide alarm regulations

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 require

landlords of private rented accommodation to:

- Have at least one smoke alarm installed on every storey of their rental property which is used as living accommodation, and
- Have a carbon monoxide alarm in any room used as living accommodation which contains a solid fuel burning appliance.
- Ensure that each prescribed alarm is in proper working order on the day the tenancy begins if it is a new tenancy.

This policy gives specific consideration in relation to the above legislation, and Appendix B provides a statement of principles that the Council will apply in exercising its powers to require a relevant landlord to pay a financial penalty, which it will follow when determining the amount of a penalty charge.

20. Illegal eviction and harassment

The Council will consider action under the Protection from Eviction Act 1977 which makes it an offence to:

- Do acts likely to interfere with the peace or comfort of a tenant or anyone living with them;
- Persistently withdraw or withhold services for which the tenant has a reasonable need to live in the premises as a home; or
- Unlawfully deprive or attempt to deprive the residential occupier of any premises they occupy or any part thereof.

For any tenancies started on or after 1 October 2015 where a tenant makes a genuine complaint about the condition of their property that has not been addressed by their landlord, the Council will inspect and may serve a notice requiring works to be carried out, following which, for a period of six months, a section 21 notice requiring vacant possession may be deemed invalid.

The Council will both support tenants and deal with landlords and agents where these issues arise.

21. Redress schemes for lettings agency and property management work

All letting agents and property managers must belong to one of three Government approved schemes:

- Ombudsman Services Property (www.ombudsman- services.org/property.html)
- Property Redress Scheme (www.theprs.co.uk)
- The Property Ombudsman (www.tpos.co.uk)

The Council will take action where is it satisfied that, on the balance of probability, someone is engaged in letting or management work and is required to be a member of a redress scheme but has not joined.

The Council may impose further penalties if a lettings agent or property manager

continues to fail to join a redress scheme despite having previously had a penalty imposed. There is no limit to the number of penalties that may be imposed on an individual lettings agent or property manager and further penalties may be applied if they continue to be in breach of the legislation.

22. Retaliatory Eviction and the Deregulation Act 2015

Retaliatory eviction is where a tenant makes a legitimate complaint to their landlord about the condition of their property and, in response, instead of making the repair, their landlord serves them with an eviction notice.

Retaliatory eviction is an unacceptable practice and no tenant should fear becoming homeless because they have asked for a necessary repair.

These rules apply to all new assured shorthold tenancies that have started on or after 1 October 2015.

The tenant will be expected to follow due process as outlined in the government guidance relating to this act.

23. Empty Properties

Where a residential property is found empty, the Council's Empty Homes Policy will apply. Owners of empty dwellings will be encouraged to bring them back in to use through a range of informal action but where this is not successful then enforcement will be considered to address the problems and bring the property back into use. Examples of such powers include the use of empty dwelling management orders, compulsory purchase orders, and enforced sale.

24. Boarding up properties

The Council has powers to board up properties that are insecure after all efforts have been made to contact and work with the owner, to make the property safe and correct any hazards found in the properties. When deemed appropriate to do so, the Council will consider taking such action and will detail works required and the reason(s) why, eg prevention of unauthorised entry. The Council will look to recover expenses reasonably incurred where such works are undertaken.

25. Other enforcement powers

The Council will consider the use of statutory powers to deal with various housing issues, including statutory nuisance, dangerous structures, filthy and verminous premises, defective drainage and, specifically, the Antisocial Behaviour, Crime and Policing Act 2014 on a case-by-case basis in accordance with legislation, approved guidance and codes of practice etc., and in accordance with the Corporate Enforcement Policy and Enforcement Service Standards.

26. Powers of entry

Entry to a property is usually required to enable authorised officers to carry out statutory functions. Apart from in emergency situations, or where otherwise deemed counterproductive, the Council will make an appointment in the first instance and will give 24 hours' notice to the occupants and owners of the intention to inspect the property.

Powers of entry allow an officer, at any reasonable time, to enter a property to carry out an inspection and gather evidence, take someone with them, take appropriate equipment or materials and take any measurements, photographs, recordings and samples as necessary. In some cases, powers of entry will be used to carry out works.

The Council will exercise its statutory powers to gain entry without giving prior notice to investigate an alleged offence or to carry out a statutory duty where it is necessary to protect the health and safety of any person or to protect the environment without avoidable delay. Application will be made to a Magistrates Court for a warrant to enter the premises if necessary.

27. Housing immigration – inspections and accommodation certificates

When an immigration application is made to come to the UK, one of the documents that must be provided is a letter confirming:

- The property the applicant intends to live in has been inspected
- The property is of an acceptable for occupation
- The property will not become overcrowded if they live there

As this is not a statutory function, the Council will provide this service taking into consideration other operational demands. A fee will be payable in advance for the inspection and the letter[27]. The current fee is charged is given on our website and will be subject to annual review.

28. Delegated authority and competency of officers

All officers involved with the enforcement of legislation covered by the policy will be competent to perform their duties in accordance with the legislation and agreed internal procedures and will carry out continuous professional development to do so.

The Council has delegated the authority to serve notices under various Acts, including the Housing Act 2004, to the Head of Housing who has in turn delegated the service of some of these directly to enforcement officers. All notices will be served having regard to this delegation scheme.

Feedback and review of this policy

This policy will be reviewed from time to time and refreshed should any changes in legislation or relevant codes of practice or guidance require it to be updated. The Council will publish this and our service standards on our website and welcomes and will respond to any comments on the content of the policy at any time. This policy and any updates or changes to it will be ratified in accordance with our constitution and changes will be listed in Appendix D.

Details of our general service standards and what you can expect from our officers can be found on our website. If an alleged offender is being prosecuted or subject to formal legal action then in most cases the court process has its own channels for legally challenging the action of the Council or the outcome, through a court appeal.

If a matter has not yet reached court or in any other case where a person is dissatisfied, see our Customer Feedback Policy for further advice on how to proceed.

You can contact the Council by the following means:

Address: South Holland District Council Offices, Priory Road, Spalding, Lincolnshire, PE11 2XE

Email: privatehousing@sholland.gov.uk

Telephone 01775 761161

Website: www.sholland.gov.uk/article/5182/Private-Sector-Housing

Appendix A - Civil Penalties

Prior to taking formal action against a relevant person, consideration will be given to current enforcement policies and the two-stage test contained in the Code for Crown Prosecutors:

- The evidential test: that there is sufficient evidence to provide a realistic prospect of a conviction for each offence, having regard to any potential defence.
- The public interest test: that it is in the public interest to pursue legal sanction and what sanction would be the most appropriate given the circumstances.

At the conclusion of this decision making process, the Council may determine that one of the following outcomes is most appropriate:

- Pursue a prosecution for the offence(s)
- Impose a civil penalty
- Apply a simple caution
- Gather additional evidence so that it can be further considered
- Find resolution using informal methods
- Take no further action

If the Council decide that the imposition of a civil penalty is the most appropriate course of action, then the Council will determine the level of penalty based on the cumulative sum of penalties for each offence, plus the sum of penalties for any additional offences, plus a level of penalty determined by an impact scoring matrix, as shown in table 1.

Table 1: Civil penalty level for Housing Act 2004 offences

(Column 1 + column 2 + column 3 = column 4).

<table>
<tr><th>1</th><th>2</th><th colspan="2">3</th><th>4</th></tr>
<tr><th>Offence specific penalties</th><th>Further penalties (if any)</th><th>Table 3 impact matrix score</th><th>Level of penalty</th><th>Cumulative total</th></tr>
<tr><td rowspan="4">Total for each penalty shown in Table 2, column A</td><td rowspan="4">Total for each penalty shown in Table 2, columns B and / or C</td><td>60 - 110</td><td>£1,000</td><td rowspan="4">Level of civil penalty to be applied
(maximum £30,000)</td></tr>
<tr><td>120 - 170</td><td>£5,000</td></tr>
<tr><td>180 - 230</td><td>£10,000</td></tr>
<tr><td>240</td><td>£20,000</td></tr>
</table>

Table 2: Offence specific penalty and other penalties

	A		B		C	
s.30	Non-compliance with improvement notice.	**£500**	There are 2 or more category 1 hazards.	**£2,000**	Where there are 3 or more high scoring category 2 hazards.[29]	**£1,000**
s.72	Failure to obtain a property licence.	**£10,000**	The licence holder/manager permits more persons or households to occupy than authorised by the licence.	**£2,000**	The HMO is licenced under this section and there is a breach of licence conditions (penalty per breach).	**£1,000**
s.95	Failure to obtain a property licence.[30]	**£3,000**	The HMO is licenced under this section and there is a breach of licence conditions (penalty per breach).	**£1,000**		
s.139	Non-compliance with an overcrowding notice.	**£500**	Penalty added for every person the property is overcrowded by.	**£200**		
s.234	Failure to comply with management regulations in respect of HMOs (penalty per breach).	**£500**				

[29] A high scoring category 2 hazard is defined as a hazard achieving a score rating of D or E under the HHSRS

[30] SHDC does not operate an additional property licensing scheme. The implementation of such a scheme will be in accordance with local policy and statutory requirement

Table 3: Impacts scoring matrix

Answer each of the questions 1 – 5 below and apply the score shown in the column header.

	Score	***10***	***20***	***30***	***40***
1	**Severity of harm or potential harm caused x 2** **(the relevant column score is double)**	**Low** No harm caused. Potential harm unchanged in HHSRS assessment. Previous/current occupant not in vulnerable category.	**Moderate** Moderate level health risk(s) to relevant persons. Previous/current occupant in vulnerable category.	**High** High level health risk(s) to relevant persons. Potential harm outcome increased in HHSRS assessment. Previous/current occupant in vulnerable category. Occupants affected frequently or by occasional high impact occurrences.	**Severe** High level of health risk(s) to relevant persons. Previous/current occupant in vulnerable category. Multiple occupants at risk. Potential harm outcome increase in HHSRS assessment. Occupants are severely and/or continually effected.
2	**Number of properties owned/managed**	1-2	3-4	5-8	8+
3	**Enforcement history**	No previous enforcement history.	1 previous enforcement notice served. Moderate severity.	1 or more enforcement notice served previously. Moderate to large severity.	Serial offender. Multiple enforcement notices served previously. Moderate to large severity.
4	**Removal of financial incentive**	Little or no income received	Low income received	Moderate income received	High income received
5	**Deterrence and prevention**	High confidence that penalty will deter repeat offence.	Medium confidence that penalty will deter repeat offence.	Low confidence that penalty will deter repeat offence.	No confidence that penalty will deter repeat offence.

Table 3 guidance

The principle aim of imposing a financial penalty on landlords and or agents is to help prevent the exposure of tenants to health risks as a consequence of poor housing conditions which are in the control of their landlord or agent. It is for this reason a weighted score has been applied to the severity of harm outcome (question 1).

The number of properties owned by the landlord or managed by the agent will be indicative of their culpability in respect of the offence. It is assumed that a person owning, managing or letting properties is aware of any legal responsibilities or obligations.

In consideration of enforcement history, cases which were closed within the previous 7 years will be used in determination of this question.

The term ‘serial offender’ will be applied at the discretion of the Council in consideration of the overall number of property enforcement-related issues brought to the attention of the Council in respect of the person/company over the previous 7 years. Issues believed by the Council to be false or malicious will not be taken into account.

The investigation of a relevant person’s/company’s financial means will involve using all investigatory powers available to the Council and will take into consideration all assets including personal assets both within and outside of the district.

In determination of the confidence level that the penalty will act as a deterrent, this will be to deter both the relevant person/company and other persons in the business of letting properties in the area from causing offences under the Act. Council records and First-tier Tribunal cases will be considered and a written justification retained on our record for future reference.

A person in a vulnerable category is defined as someone who forms part of a vulnerable group under the HHSRS relating to the hazard(s) present in the property, or an occupant or group of occupants considered by the Council to be at particular risk of harm that the offender ought to have regard to.

The class of harm/health risks is defined as a physical or mental illness or injury that corresponds to one of the four classes of harm under Schedule 2 of the Housing Health and Safety Rating System (England) Regulations 2005. These four classes of harm will be used in consideration of both the actual or potential severity of harm and justification of that calculation in respect of the scoring matrix and will be held within the Council’s records.

The financial circumstances of an individual/company will enable the Council to both determine the ability of the relevant person/company to pay the penalty and ensure the level of the penalty will act as a deterrent against the occurrence of future offences. In calculation of an offender’s income level, the national average gross income level will be considered a moderate income, and 10% increments above/below will determine their level of income for the purpose of the scoring matrix. If the Council has insufficient information to make a determination of the financial circumstances of the offender, it may make such a determination as it thinks fit. Where an offender can demonstrate that their income is less than £400 per week by providing sufficient documented evidence of their income, the overall financial penalty will be reduced by 50%, subject to the discretion of the Council.

Appendix B – Smoke and CO alarm

Legislative background

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 came into force on 1st October 2015 and introduced the following duties for "relevant landlords" when premises are occupied under a "specified tenancy":

- a smoke alarm is equipped on each storey of the premises on which there is a room used wholly or partly as living accommodation; and
- a carbon monoxide alarm is equipped in any room of the premises which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance; and
- checks are made 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.

Where the Council has reasonable grounds to believe that a relevant landlord is in breach of one or more of these duties, the Council will serve a remedial notice on the landlord. Reasonable grounds include evidence from an officer of the Council, Lincolnshire Fire and Rescue, Lincolnshire Police etc. The Council will take a staged approach, in line with our Corporate Enforcement Policy, giving the landlord 7 days to comply where there is no history of non-compliance. If there is a history of non-compliance or compliance is not achieved within 7 days a remedial notice will be served.

Where a remedial notice has been served and the Council is satisfied on the balance of probabilities that the landlord on whom a remedial notice was served has failed to take the remedial action specified in the notice within the specified period, the Council will (where the occupier consents) arrange for the remedial action to be undertaken and will require the landlord to pay a penalty charge.

Principles followed in determining the amount of Penalty Charge

The purpose is to protect the safety of residents in rented accommodation. Where legislation is not complied with the financial penalty aims to:

- Change the behaviour of the landlord and deter future non-compliance;
- Eliminate any financial gain associated with non-compliance;
- Be proportionate (give consideration to seriousness, past performance; risk and relevant government guidance); and
- Reimburse the Council for costs incurred in enforcement.

Penalty Charge

The Regulations allow a civil penalty of up to £5,000 to be imposed on landlords who fail to comply with a remedial notice. Having regard to proportionality and the Corporate Enforcement Policy, a lesser penalty will be merited on the occasion of a first offence and that prompt payment of the penalty on that first occasion should attract a reduced penalty in recognition of early admission of liability.

However, repeat offences shall attract a higher penalty in view of an offenders continuing disregard for the legal requirements and tenant safety.

The level of penalty covers the cost of all works in default, officer costs, inspections and administration, and on a basic cost recovery basis. In addition to this an appropriate and proportionate penalty fine will be levied.

Level of Penalty Charge

	Penalty charge	Discount for payment within 14 days
First Offence	£700	£200
Second Offence	£2500	None
Third and Subsequent Offences	£5000	None

Recovery of Penalty Charge

The Council may recover the penalty charge as laid out in the Regulations on the order of a Court, as if payable under a Court Order.

Appeals in relation to a penalty charge notice

The landlord may request in writing, in a period that must not be less than 28 days beginning with the day on which the penalty notice was served, that the Council review the penalty charge notice. The Council will consider any representation and decide whether to confirm, vary or withdraw the penalty charge notice. This review will be carried out by the Head of Environment and Public Protection. In the event of an appeal the penalty notice will be suspended until such time the matter has been reviewed.

A landlord who is served with a notice confirming or varying a penalty charge notice may appeal to the First Tier Tribunal against the Council's decision.

Appendix C – Electrical Safety Standards in the Private Rented Sector

1.0 Introduction

The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 give the Local Authority significant powers. This policy is to inform landlords (as defined in S.122(6) of the Housing and Planning Act 2016), tenants and other stakeholders in the Private Rented Sector about how South Holland District Council (SHDC) will exercise these powers, and how decisions will be taken in this process.

On 1 June 2020, a new set of regulations came into force under the Housing and Planning Act 2016 (the Act) to formalise the requirement for improved electrical safety standards in privately rented properties (including HMOs).

The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 (the Regulations) require landlords to keep their properties free from electrical hazards and to arrange periodic electrical inspections and testing in their properties. The regulations apply to all tenancies issued on or after 1 June 2020. Any properties with tenancies that predate that date, will have to comply with these regulations from 1st April 2021.

The regulations give Local Authorities the power to request that a landlord has the electrical installation in their rental properties inspected and tested by a qualified and competent person at least every five years. They must provide a copy of the inspection report to the tenant or prospective tenant and to the Local Authority on request.

The Local Authority has the power to arrange for vital remedial works to be carried out and can recover the cost of this work from the landlord. Failure to comply with the regulations can result in the landlord being charged a financial penalty of up to £30,000.

These regulations do not apply to:

- Registered providers of social housing
- Private sector landlords who share their homes with their tenants
- Tenancies with registered providers of social housing
- Long leases
- Student halls of residence
- Hostels and refuges
- Care homes
- Hospitals and hospices
- Other accommodation relating to health care provision

The regulations do not cover electrical appliances, however, it is recommended that landlords carry out regular portable appliance testing (PAT). This will ensure that all electrical appliances within the property are safe.

2.0 Landlord Duties and Responsibilities

Regulation 3 make landlords responsible for the following duties:

1. Ensuring that minimum electrical safety standards are met during any period that the property is occupied.
2. Ensuring fixed electrical cables or fixed electrical equipment located on the consumer's side of the electricity supply meter is inspected and tested at least every 5 years by a qualified person.
3. Carrying out the first inspection and test, before the tenancy commences

(new tenancies) or by 1st April 2021 (existing tenancies).

To comply with the Regulations, landlords **must**:

- Get a written Electrical Installation Condition Report (EICR) from the qualified person who carried out the inspection and test, that provides the result and date of the next inspection and test.
- Supply a copy of the report to tenants within 28 days of the inspection and test.
- Supply a copy of the report to the Local Authority within 7 days of a written request from the Authority.
- Retain a copy of the report and supply this to the qualified person carrying out the next inspection and test.
- Supply a copy of the most recent report to new tenants before they occupy the property.
- Supply a copy of the report to prospective tenants within 28 days of a written request.
- If the EICR indicates a code C1, C2 or FI* the landlord is, or potentially is, in breach of the duty to ensure that minimum electrical safety standards are met, and requires the landlord to undertake further work to be carried out to bring the property up to standard, the landlord **must**:
    i. ensure that the work is carried out by a qualified person within 28 days, or the period in the report if less than 28 days;
    ii. get written confirmation from a qualified person that the standards have been met;
    iii. supply the written confirmation and a copy of the report to all tenants and the Local Authority within 28 days of completion.
    - If work undertaken reveals further issues that require further remedial work or further investigation, this should be addressed within a further period of 28 days (or shorter period where required).

*EICR codes

- C1: Danger present – immediate remedial action required
- C2: Potentially dangerous – urgent remedial action required
- C3: Improvement recommended – no time limit provided
- FI: Further investigation required without delay

2.1 South Holland District Council (SHDC) will make all requests electronically where an email address for the landlord is known to us. In the absence of an electronic address, requests will be made in writing to the address that the landlord has either provided to his tenants or can be otherwise determined by our officers. It is the responsibility of the landlord to ensure that their current address is known and provided to tenants, as is legally required.

3.0 Local Authority Powers

The Local Authority have powers to sanction a landlord who has not complied with their duties under the Regulations. These include:

- To serve a **Remedial Notice** on the landlord
- To take **Remedial Action**
- To take **Urgent Remedial Action**
- To issue a **Civil Penalty Notice** of up to £30,000

SHDC will decide which action to take, when there are reasonable grounds to suspect that a landlord has breached at least one of the duties under the Regulations.

The information that may lead to this conclusion includes:

- Where SHDC have evidence from a qualified person that the landlord is in breach of any duty under the Regulations.
- tenant or prospective tenant reports that they have not been provided with the qualified person's report and/or the written confirmation from a qualified person informing that remedial works recommended in that report have been carried out. In addition, the tenant or prospective tenant can demonstrate that the time limit for the landlord to supply this documentation, has expired.
- SHDC have requested that the landlord supply us with the qualified person's report and/or written confirmation from a qualified person that remedial works recommended in that report have been carried out and have received no response.

3.1 Remedial Notice

SHDC will serve a Remedial Notice when there are reasonable grounds to suspect that a landlord is in breach of at least one of the duties under the Regulations and that any defects identified do not require urgent Remedial Action. Landlords have a duty to comply with the Remedial Notice within 28 days or less if this is specified in the report. The authorised person selected to do the work must give 48 hours' notice to the tenant before works commence.

Once the work is completed, the landlord must provide written confirmation to the tenant and SHDC that it has been done within the required 28 days.

The Remedial Notice will be served within 21 days of the date upon which SHDC decides on reasonable grounds that a breach has occurred.

The Remedial Notice includes:

- The Remedial Action required to be taken within 28 days of service
- Information on the right of appeal
- Information regarding the penalties that may result from non-compliance

Landlords have a right to make representations within 21 days; these suspend the duty to comply with the Remedial Notice. SHDC will only consider representations that are in writing (including via email). We are unable to consider representations that refer to other documents and/or material unless copies are attached.

SHDC will respond to representations within 7 days. The response will always be in writing via email or by post. We will confirm the outcome and when the period of suspension ends.

Landlords must comply with the Remedial Notice within 28 days of service, or within 7 days of the end of the suspension period if representations have been received; unless they are able to claim that they have taken all reasonable steps (eg tenant has prevented access).

If a landlord does not comply with a Remedial Notice, SHDC may take one or more of the following actions:

- Notice of Intention to take Remedial Action
- Urgent Remedial Action Notice
- Impose a Civil Financial Penalty

3.2 Notice of Intention to take Remedial Action

If a landlord fails to comply with a Remedial Notice, we may take Remedial Action. The information SHDC will consider before deciding whether to take Remedial Action includes:

- The nature of the Remedial Action required and the danger to tenants, neighbours and visitors if no action is taken.
- Any attempts to comply with the Remedial Notice.

- The likelihood of future compliance and the timescales involved.
- The landlord's level of compliance with the Regulations prior to issuing the Remedial Notice.
- The landlord's general history of engagement and compliance.
- Any previous orders or notices served on the landlord and their response.

We will serve a **Notice of Intention to take Remedial Action** (NIRA) when:

- SHDC have served a Remedial Notice;
- SHDC believe that the landlord has not carried out the work required to comply with the Remedial Notice;
- The tenants consent.

The NIRA includes:

- The nature of the proposed remedial work
- The date the work will be undertaken
- Information on the right of appeal

A landlord can appeal against a NIRA to the First Tier Tribunal within 28 days of service. An appeal suspends the NIRA until the appeal has been determined. The tribunal may affirm, vary or quash the NIRA.

There are 2 grounds to appeal against Remedial Action:

- All reasonable steps have been taken to comply with regulations
- Reasonable progress has been made towards compliance.

3.3 Urgent Remedial Action Notice

If an EICR identifies that remedial work is urgently required, the landlord must ensure the works are competed in the timescales given in the report.

SHDC can issue an **Urgent Remedial Action Notice** (URAN) when:

- A report recommends urgent remedial action;
- SHDC believe that the landlord has not carried out the work required;
- The tenants consent.

A Remedial Notice is not required to be served before issuing an URAN.

An URAN must be served on the landlord and all occupiers of the premises that we are taking urgent remedial action on within 7 days of the authorised person starting the work. A copy of the notice must be fixed to the premises.

The URAN includes:

- The nature of the urgent remedial action required
- The date the urgent work will commence or started
- Information on the right of appeal

A landlord can appeal against an URAN to the First Tier Tribunal within 28 days of either the date the work started or was planned to start (whichever is first).

There are 2 grounds to appeal against Urgent Remedial Action:

- All reasonable steps have been taken to comply with regulations
- Reasonable progress has been made towards compliance.

An URAN is not suspended on appeal.

3.4 Costs

SHDC will always attempt to recover any costs incurred taking Remedial Action or Urgent Remedial Action. The money spent on making a premises safe is made possible using public money. SHDC will provide landlords with an invoice for our costs and a demand for payment. Costs become payable at the end of the period of 21 days

beginning with the day on which the demand is served (unless an appeal is lodged).
An appeal can be made against costs to the First Tier Tribunal within 21 days of the date of issue.

4.0 Financial Penalties

If we are satisfied beyond reasonable doubt that a landlord has breached a duty under Regulation 3, SHDC may impose a financial penalty of up to £30,000 (or more than one penalty in the event of a continuing failure) in respect of the breach. A financial penalty can be issued as well as taking Remedial Action.
A **Notice of Intention to Issue a Financial Penalty** (NOI) must be served on the landlord, within 6 months from the first day we were satisfied there was a breach, advising we intend to charge a financial penalty for the breach.
The NOI includes:

- The amount of the proposed penalty
- The reasons for imposing the penalty
- Information on the right of appeal

The information that we will consider before deciding to issue a NOI includes:

- Landlord's attempts (if any) to comply with the Remedial Action Notice (NIRA or URAN).
- Landlord's history of compliance with the Regulations.
- Landlord's general history of engagement and compliance.
- Any previous orders or notices served on the landlord and their response.
- Any convictions or cautions for housing offences.
- The level of potential or actual harm caused to tenants, neighbours and visitors.

If we decide to serve a NOI, the amount will be calculated using the matrix and score range table we have designed in accordance with the guidance (see Appendix 1).
If we decide to issue a **Final Notice to Issue a Financial Penalty**, this will be served on the landlord.
The Final Notice includes:

- The amount of the financial penalty
- The reason for imposing the penalty
- How to pay
- The date the penalty must be paid by (within 28 days of issue)
- Information about rights of appeal
- Consequences of failure to comply

SHDC may at any time withdraw a NOI or Final Notice or vary the penalty amount specified by doing so in writing.
We will register any unpaid Final Notices as County Court Judgments and enforce these through the courts if no or partial payment is made.

4.1 Appeal against a financial penalty

A landlord has 28 days to make any written representations to SHDC (including via email) from the date the NOI is served.
Landlords are encouraged to provide us with evidence and details of any personal or financial information they consider relevant to the issue of whether to impose a financial penalty and to the level of any such penalty. We will consider this information, along with the facts directly relating to the breach of duty, when deciding whether to uphold the

financial penalty and the amount.
We are unable to consider representations that refer to other documents and/or material unless copies are attached.
We will reply in writing, by email or post, within 28 days of receipt of representations to advise the landlord if we intend to uphold the financial penalty and how much it will be. Depending on the information we receive from the landlord, we may confirm or vary the amount or withdraw the NOI.
If we decide to impose the financial penalty, we must then serve a Final Notice to Issue a Financial Penalty confirming our intention to the landlord.

A landlord can appeal against a Final Notice to the First Tier Tribunal. This must be within 28 days from the date the Final Notice was served. An appeal suspends a Final Notice until the tribunal decides on it or we withdraw it. The First Tier Tribunal may confirm, vary or quash the Final Notice.

5.0 Publicity

SHDC will aim to publicise details of action taken in enforcing these regulations to increase awareness of the obligations of the legislation and to deter others from offending.

To ensure landlords and other interested parties are aware of this policy it will be published on the Council's internet web pages.

6.0 Appendix 1: Calculation of financial penalties

SHDC will decide the amount of penalty up to the maximum of £30,000 limit, as set within the regulations. The matrix must be scored using the information provided in this policy and can be used to determine a financial penalty that is fair, consistent and transparent.

The factors we will consider as part of the matrix are:

FACTOR 1	• Severity of breach • Risk of harm caused to tenant
FACTOR 2	• Culpability of landlord • History of housing offences
FACTOR 3	• Suitable financial punishment for the offence • Removal of financial gain for non-compliance • Consideration of landlord's income and assets
FACTOR 4	• Deter the offender from repeat housing offences • Deter other landlords from committing similar housing offences

Each factor is broken down into four levels. The higher score resulting in a higher financial penalty. This provides a clear and transparent process in determining the amount of financial penalty to be charged.

FACTOR 1		
• **Severity of breach** • **Risk of harm caused to the tenant**		
Consider how severe the breach is and how it will affect the tenant's health and wellbeing. Use the harm outcomes set out in the HHSRS (Housing Health and Safety Rating System – Housing Act 2004) to help to determine the likely risk of harm to the tenant from the breach.		
Level 1	**Minor / moderate impact**	May cause risk of injury to occupier but no intervention of health practitioner required
Level 2	**Serious impact**	Serious impact: may cause risk of more serious injury to occupier requiring treatment by health practitioner
Level 3	**Severe impact**	May cause a risk of severe injury to occupier requiring hospital treatment
Level 4	**Extreme impact**	May cause death or life-threatening injury

FACTOR 2	
• **Culpability of landlord** • **History of housing offences**	
Consider how much is the landlord's culpability and any previous convictions. Consider whether they have a history of running poor quality accommodation, deliberately letting out sub-standard properties and not complying with housing standards.	
Level 1	Landlord • Makes significant effort to address disrepair issues • Has little or no history of previous offences
Level 2	Landlord • Has insufficient systems in place to ensure good housing standards in the property • Does not comply with, or implement, regulations • May have record of previous minor housing offences
Level 3	Landlord • Failed to maintain property to required housing standards • Ignored requests from tenants and council to comply with regulations • Failed to improve conditions over a long period of time • Has a history of more serious housing offences
Level 4	Landlord • Deliberately breached housing standards • Has a long and recent history of housing offences • Has total disregard for the law

FACTOR 3	
• **Suitable financial punishment for the offence** • **Removal of financial gain for non-compliance** • **Consideration of landlord's income and assets**	
Consider the most appropriate financial punishment for the offence committed, making sure it is high enough to have an economic impact on the landlord. This will demonstrate the consequences of not complying with their responsibilities. The financial penalty should remove any financial benefit that the landlord may have had from renting out a sub-standard property. Ask the landlord for information about the properties that they own, their rental income and any other assets for consideration when looking at this aspect of the matrix. Use the information provided to determine the landlord's financial status. However, if they fail to provide information, calculate a best estimate of income and assets from records held. Based on this information, assume that they are likely to be able to pay the financial penalty. The landlord is responsible for disclosing all relevant information and if they fail to do so, set the penalty based on the information that is available.	
Level 1	Landlord • Has no significant assets and makes little or no financial profit for renting out a single property • Has tried to comply with regulations but is unable to complete them due to lack of finances or other restrictions • May not be able to pay any financial penalty imposed
Level 2	Landlord • Has a small portfolio of 2-3 properties and makes minimal profit from rental income • Runs the properties as a business but is also in full time employment • Can pay the financial penalty based on disclosed income and assets
Level 3	Landlord • Has a medium sized portfolio of 4-5 properties or is a small managing agent • Runs the properties as a business and makes a reasonable profit from rental income • Has other assets eg business premises
Level 4	Landlord • Is a professional landlord with a large portfolio of 5+ properties or is a large managing agent • Runs the properties as a high asset value business and makes significant profit

FACTOR 4	
• **Deter the offender from repeat housing offences** • **Deter other landlords from committing similar housing offences**	
Consider the effect that a financial penalty will have on the landlord, including whether this will deter them from committing further offences and make sure that they comply with their legal responsibilities in the future. Consider the effect that the financial penalty will have on other landlords and the way that they carry out their businesses. Make sure that the message to landlords is that we have a pro-active approach to giving financial penalties and will not tolerate poor standards of maintenance and management. Landlords should know that financial penalties are set high enough to punish them for any breach and to deter repeat offending.	
Level 1	Landlord • Will be deterred from repeat offending • Has fully co-operated with the investigation, accepted responsibility and has a good record of compliance. • May have extenuating circumstances resulting in non-compliance
Level 2	Landlord • Will be deterred from repeat offending • May be encouraged to comply in future • Landlord has complied in the past with informal intervention but not with this offence
Level 3	Landlord • Is unlikely to be deterred from repeat offending and will require publicity of our action as a deterrent • Is fully aware of housing standards required and chosen not to comply in order to save money • Has regularly offended and been convicted of housing offences in the past
Level 4	Landlord • Is highly unlikely to be deterred from repeat offending if a low-level financial penalty is issued • Has a history of past housing offences and of failing to comply with requirements • Has falsified documentation and tried to avoid scrutiny of their business by the council • Houses vulnerable tenants and deliberately tries to avoid access to property for housing inspections

7.0 Matrix scoring

1. Using the matrix for guidance, tick one option from each row between Level 1 and 4 (1 being the lowest and 4 being the highest).
2. Write your score in the far-right hand column.
3. Consideration must be given to all factors within the policy to determine the score.

4. All rows must be scored.
5. There is additional weighting to Factor 1 due to effect of the defects on any tenants' health and wellbeing along with their vulnerability.
6. Add up all the scores in the right-hand column and put the total scored in the bottom right-hand box.
7. Use the score range table to determine a sliding scale of financial penalties to be levied dependent on the total score.

Factors to consider when determining amount of financial penalty	Level 1 Score = 10	Level 2 Score = 20	Level 3 Score = 30	Level 4 Score = 40	Score per Factor
Factor 1 • Severity of breach • Risk of harm caused to the tenant					
Factors to consider when determining amount of financial penalty	Level 1 Score = 5	Level 2 Score = 10	Level 3 Score = 15	Level 4 Score = 20	Score per Factor
Factor 2 • Culpability of landlord • History of housing offences					
Factor 3 • Suitable financial punishment for the offence • Removal of financial gain for non-compliance • Consideration of landlord's income and assets					
Factor 4 • Deter the offender from repeat housing offences • Deter other landlords from committing similar housing offences					
				TOTAL SCORE	

8.0 Score range table

Sliding scale of financial penalties to be given for breach of the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

Score range	Financial penalty to be applied
25-35	£100 - £2,499
40-45	£2,500 - £4,999
50-55	£5,000 - £9,999
60-65	£10,000 - £14,999
70-75	£15,000 - £19,999
80-85	£20,000 - £24,999
90-95	£25,000 - £29,999
100	£30000

Appendix D – Policy revisions

	Date	Revisions
Final Version	11.11.2021	Addition of Electrical Safety Standards in the Private Rented Sector
Revision A		

Policy Name:	***Private Sector Housing Enforcement Policy***		
Responsible Executive:		***Date of signing:***	
Responsible Officer:		***Date of signing:***	
Policy Register Number:		***Service Area:***	
Adopted:		***Reviewed:***	