



# South Holland District Council

The Energy Efficiency (Private Rented Property)  
(England and Wales) Regulations 2015

## **Guidance for determining the level of a financial penalty**

The maximum level of penalty varied on the type of breach under the regulations  
Financial penalties (Regulation 40) <https://www.gov.uk/guidance/domestic-private-rented-property-minimum-energy-efficiency-standard-landlord-guidance>

*Where the local authority decides to impose a financial penalty, they have the discretion to decide on the amount of the penalty, up to maximum limits set by the Regulations. The maximum penalties are as follows:*

- (a) Where the landlord has let a sub-standard property in breach of the Regulations for a period of less than 3 months, the Local Authority may impose a financial penalty of up to £2,000 and may impose a publication penalty*
- (b) Where the landlord has let a sub-standard property in breach of the regulations for 3 months or more, the Local Authority may impose a financial penalty of up to £4,000 and may impose a publication penalty*
- (c) Where the landlord has registered false or misleading information on the PRS Exemptions register, the local authority may impose a financial penalty of up to £1,000 and may impose the publication penalty.*
- (d) Where the landlord has failed to comply with compliance notice, the Local Authority may impose a financial penalty of up to £2,000 and may impose a publication penalty.*

### **Notes:**

If two or more Penalty Notices apply, the combined maximum per property per breach will be £5,000.

If there are multiple landlords per property, each landlord shall be issued with the Penalty Notice.

Officers may wish to adjust the penalty if there are particularly aggravating or mitigating factors. These may come to light during an investigation and will be included in the Penalty Notice.

Also, factors may be provided in representations from a landlord's request to review after the Penalty Notice has been served. Officers will have regard to these factors and may adjust the penalty as they feel appropriate.

The landlord will be served a notice after the review with an explanation of the outcome and any adjustment made (if applicable).

**If a local authority confirms that a property is (or has been) let in breach of the Regulations, they may serve a financial penalty up to 18 months after the breach and/or publish details of the breach for at least 12 months.**