Civil Penalties and Rent Repayment Order Policy

1. Crawley Borough Council (the 'Council') has developed and published this policy in accordance with statutory legislation and guidance. This policy aligns with the principals within the Council's 'General Enforcement Policy' and Government 'Regulators Code' where possible, however acknowledges that certain legislation is prescriptive and does not give the option to act informally before enforcement action (either prosecution or service of a civil penalty) is taken.

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

3. In this policy the term 'breach' is used to refer to non-compliance by landlords where the local authority may impose a civil penalty of up to £7,000 and there is not an option to prosecute. The term 'offence' is used to refer to non-compliance by landlords where a local authority may either prosecute or impose a civil penalty of up to £40,000.

Civil Penalties

4. The following breach is subject to a civil penalty with a statutory maximum of £5,000:

   (a) Schedule 1, Tenant Fees Act 2019 – Inviting, encouraging or accepting rent before a tenancy agreement has been signed

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

   (a) Section 16, Housing Act 1988 – Failure to provide a written statement of terms

   (b) Section 16, Housing Act 1988 – Failure to provide prescribed information

   (c) Section 16, Housing Act 1988 – Attempting to let a property for a fixed term

   (d) Section 16, Housing Act 1988 – Attempting to end a tenancy by service of a notice to quit

   (e) Section 16, Housing Act 1988 – Attempting to end a tenancy orally or requiring that it is ended orally

   (f) Section 16, Housing Act 1988 – Serving an eviction notice that attempts to end a tenancy outside the prescribed section 8 process

   (g) Section 16, Housing Act 1988 – Relying on a ground where the landlord does not reasonably believe that the landlord is/will be able to obtain possession

(h) Section 16, Housing Act 1988 – Failing to provide a tenant with prior notice that a ground which requires it may be used

(i) Schedule 6, Renters Rights Act 2025 – Failure to give an existing tenant prescribed information about the changes made by the Renters Rights Act 2025

(j) Section 33, Renters Rights Act 2025 – Discrimination relating to children in the lettings process

(k) Section 34, Renters Rights Act 2025 – Discrimination relating to benefits in the lettings process

(l) Section 56, Renters Rights Act 2025 – Failure to specify proposed rent within a written advertisement or offer

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

6. The following breach is subject to a civil penalty with a statutory maximum of £40,000:

(a) 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

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

(a) Section 1, Protection from Eviction Act 1977 – Unlawful eviction and harassment of occupier

(b) Section 16, Housing Act 1988 - 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

(c) Section 16, Housing Act 1988 - Conduct giving rise to liability under s.16I, where within the preceding five years the landlord has either (i) had a relevant penalty (under s.16I or s.16K Housing Act 1988) imposed for different conduct and the final notice has not been withdrawn, or (ii) been convicted under s.16J for different conduct under section 16(J) of the Housing Act 1988

(d) Section 16, 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

(e) Section 16, Housing Act 1988 - Breach of restrictions relating to reletting (s16(E)(2) Housing Act 1988) or remarketing (s16(E)(3) Housing Act 1988) a property within restricted period after using Grounds 1 or 1A of Schedule 2 Housing Act 1988

(f) Section 23, Housing and Planning Act 2016 – Breach of a banning order

(g) Section 30, Housing Act 2004 - Failure to comply with an improvement notice

(h) Section 139, Housing Act 2004 - Failure to comply with an overcrowding notice

(i) Section 95, Housing Act 2004 – Failure to obtain a selective licence

(j) Section 72, Housing Act 2004 – Failure to obtain an HMO licence

(k) Section 72, Housing Act 2024 – Knowingly permitting over-occupation of an HMO

(l) Section 234, Housing Act 2004 - Failure to comply with a management regulation in respect of an HMO

(m) Section 72, Housing Act 2004 – Failure to comply with an HMO licence condition

(n) Section 95, Housing Act 2004 – Failure to comply with a selective HMO licence condition

8. 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.

9. 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 penal□es 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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

15. 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 policy to help ensure that the civil penalty is set at an appropriate level.

    (a) **Severity of the breach or offence.** The more serious the breach or offence, the higher the penalty should be.

    (b) **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.

    (c) **The harm caused to the tenant.** This is a very important factor when determining the level of penalty. The greater the harm or the potential for harm, principally to the tenant but also potentially the local community, the higher the penalty should be.

    (d) **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.

(e) **Deter the offender from repeating breaches or offences.** The ultimate goal is to prevent any further offending and help ensure that the landlord fully complies with all their legal responsibilities in future. The level of the penalty should therefore be set at a level that is likely to have a very significant deterrent effect.

(f) **Deter others from committing similar breaches or offences.** While the fact that someone has received a civil penalty may not be, the 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 level of civil penalty will be set at a high enough level such that operating lawfully will be the sensible financial choice.

(g) **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 offenders 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 over-crowding. The absence of any financial benefit to the landlord does not mean though that the penalty should be reduced.

Civil Penalties Matrix

16. 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:

(a) Determining the starting point based on the seriousness of the breach or offence.

(b) Adjustment for factors relating to the type of landlord: size and type of portfolio controlled, owned or managed; experience of the landlord.

(c) 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.

(d) Financial considerations.

(e) Applying the totality principal.

Starting point based on the seriousness of the breach or offence

17. The Ministry of Housing, Communities and 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 been complied with.

Adjustment for factors relating to the type of landlord, size and type of portfolio controlled, owned or managed, experience of the landlord

18. 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.

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

    (a) Control, own, or manage a significant portfolio of properties;

    (b) Have significant experience in the letting or management of property;

    (c) Are or have been involved in the letting or management of Houses in Multiple Occupation (HMOs);

    (d) Are corporate landlords; or

    (e) Are or have been directors of corporate landlords.

20. 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:

    (a) 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.

    (b) The landlord has, at any point in time, controlled, owned, or managed three or more properties that operated as HMOs, whether or not concurrently.

    (c) The landlord is, or has previously been, a director of a corporate landlord.

    (d) The landlord is a corporate landlord.

    (e) The landlord has, in the Council's assessment and by reference to the available evidence, significant experience in the letting or management of property.

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

    (a) The landlord has, at any point in time, controlled, owned, or managed no more than two properties.

    (b) The landlord has controlled, owned, or managed no more than one property that has operated as an HMO, at any point in time.

    (c) 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

22. 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 sum of any civil penalty.

General approach

23. 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 sum of each penalty.

Mitigating factors

24. 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

25. Non-exhaustive examples include:

    (a) Promptly remedying all elements of the breach or offence after receiving communication from the Council.

    (b) 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

26. Non-exhaustive examples include:

    (a) Proactive provision of significant information the Council reasonably considers relevant beyond that required by statutory notice.

Acceptance of liability

27. Non-exhaustive examples include:

    (a) Accepting liability before or within the period for representations

Health circumstances

28. Non-exhaustive examples include:

(a) 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)

29. Non-exhaustive examples include:

(a) 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.

(b) 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.

30. The instruction of a managing agent or letting agent, or reliance on an agents actions or omissions, will not of itself constitute diminished culpability.

Aggravating factors

31. 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:

Precious history of non-compliance

32. Non-exhaustive examples include:

(a) Previous successful prosecutions (including relevant spent convictions), previous civil penalties, previous rent repayment orders, previous works in default, previous simple cautions.

33. 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

34. Non-exhaustive examples include:

(a) 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.

(b) Failing to provide a substantive response to a letter of alleged offence.

(c) Failing to attend previously agreed meetings.

35. 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.

36. 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

37. Non-exhaustive examples include:

(a) Knowledge that the breach or offence was occurring.

(b) Continuation of offending after communication from the Council.

(c) Premeditation or planning, including steps taken to prevent detection or effective investigation.

(d) Providing false or misleading information to the Council.

(e) Applying pressure to occupants to deter cooperation with the Council.

The number of occupants affected

38. Non-exhaustive examples include:

(a) Three to five occupants affected

Duration of non-compliance

39. Non-exhaustive examples include:

(a) The offence or breach occurred over a three-six month period

Vulnerability of occupants

40. 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

41. The Council will review the sum 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.

42. 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.

43. 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.

44. At a minimum, and where such information exists, the following should be provided as part of any written representations:

    (a) The last three full tax years full self-assessment tax returns filed with HMRC, including all additional and supplemental pages;

    (b) The last three full tax years' SA302 documents & tax year overviews;

    (c) The last three months' payslips;

    (d) The last three years P60 certificates;

    (e) The last twelve months' Universal Credit payment statements;

    (f) A list of all property assets owned or jointly owned (not limited to rental properties), together with corresponding Land Registry title documents;

    (g) 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;

    (h) 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;

    (i) Valuation statements for all ISAs held;

    (j) Statements from any cryptoasset exchange accounts showing balances and valuations;

    (k) A list of all shareholdings;

    (l) Recent bank statements for any account holding a balance in excess of £5,000;

    (m) Recent statements for all secured and unsecured loans;

(n) Bankruptcy orders and official notifications of bankruptcy.

45. 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 principal

46. 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.

47. 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.

48. 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.

49. 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.

50. 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.

51. 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

Section 1, Protection from Eviction Act 1977 - Unlawful eviction or harassment of occupier

Starting point	Statutory maximum	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£35,000	£40,000	£28,000	£35,000	£40,000

52. Offence specific mitigating factors:

    (a) None

53. Offence specific aggravating factors:

    (a) Violence or threats of violence

    (b) Disposal of possessions or threats to dispose of possessions

    (c) Breach or evasion of an injunction or undertaking

    (d) Loss of home

Section 16, Housing Act 1988 – Failure to give a written statement of terms and any other prescribed information

Starting point	Statutory maximum	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

54. Offence specific mitigating factors:

    (a) Provision of some of the required terms and prescribed information within the required period

55. Offence specific aggravating factors:

    (a) None

Section 16, Housing Act 1988 – Attempting to let a property for a fixed term

Starting point	Statutory maximum	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

56. Offence specific mitigating factors:

    (a) None

57. Offence specific aggravating factors:

    (a) None

Section 16, Housing Act 1988 – Attempting to end a tenancy by service of a notice to quit

Starting point	Statutory maximum	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£4,000	£7,000	£4,800	£6,000	£7,000

58. Offence specific mitigating factors:

    (a) None

59. Offence specific aggravating factors:

    (a) Tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit

Section 16, Housing Act 1988 – Attempting to end a tenancy orally or requiring that it is ended orally

Starting point	Statutory maximum	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£4,000	£7,000	£4,800	£6,000	£7,000

60. Offence specific mitigating factors:

    (a) None

61. Offence specific aggravating factors:

    (a) Tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit

Section 16, Housing Act 1988 – Serving an eviction notice that attempts to end a tenancy outside the prescribed section 8 process

Starting point	Statutory maximum	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£4,000	£7,000	£4,800	£6,000	£7,000

62. Offence specific mitigating factors:

    (a) None

63. Offence specific aggravating factors:

    (a) Tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit

Section 16, Housing Act 1988 – Relying on a ground where the landlord does not reasonably believe that the landlord is/will be able to obtain possession

Starting point	Statutory maximum	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£4,000	£7,000	£4,800	£6,000	£7,000

64. Offence specific mitigating factors:

    (a) None

65. Offence specific aggravating factors:

    (a) None

Section 16, Housing Act 1988 – Failing to provide a tenant with prior notice that a ground which requires it may be used

Starting point	Statutory maximum	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£4,000	£7,000	£2,400	£3,000	£3,600

66. Offence specific mitigating factors:

    (a) None

67. Offence specific aggravating factors:

    (a) None

Section 16, Housing Act 1988 - 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

Starting point	Statutory maximum	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

68. Offence specific mitigating factors:

    (a) None

69. Offence specific aggravating factors:

    (a) None

Section 16, Housing Act 1988 - Conduct giving rise to liability under s.16I, where within the preceding five years the landlord has either (i) had a relevant penalty (under s.16I or s.16K Housing Act 1988) imposed for different conduct and the final notice has not been withdrawn, or (ii) been convicted under s.16J for different conduct under section 16(J) of the Housing Act 1988

Starting point	Statutory maximum	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

70. Offence specific mitigating factors:

    (a) Dependent on the most recent conduct giving rise to liability to a civil penalty under section 16I of the Housing Act 1988

71. Offence specific aggravating factors:

    (a) Dependent on the most recent conduct giving rise to liability to a civil penalty under section 16I of the Housing Act 1988

Section 16, 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 be able to do so

Starting point	Statutory maximum	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£30,000	£40,000	£24,000	£30,000	£36,000

72. Offence specific mitigating factors:

    (a) None

73. Offence specific aggravating factors:

    (a) None

Section 16, Housing Act 1988 - Breach of restrictions relating to reletting (s16(E)(2) Housing Act 1988) or remarketing (s16(E)(3) Housing Act 1988) a property within restricted period after using Grounds 1 or 1A of Schedule 2 Housing Act 1988

Starting point	Statutory maximum	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

74. Offence specific mitigating factors:

    (a) None

75. Offence specific aggravating factors:

    (a) None

Section 23, Housing and Planning Act 2016 – Breach of a banning order

Starting point	Statutory maximum	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£35,000	£40,000	£28,000	£55,000	£40,000

76. Offence specific mitigating factors:

    (a) A single isolated incident

77. Offence specific aggravating factors:

    (a) Concealment or evasion

Schedule 6, Renters Rights Act 2025 – Failure to give an existing tenant prescribed information about the changes made by the Renters Rights Act 2025

Starting point	Statutory maximum	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

78. Offence specific mitigating factors:

    (a) Provision of some of the required prescribed information within the required period

    (b) Provision of prescribed information but not in the prescribed form

79. Offence specific aggravating factors:

    (a) None

Section 33, Renters Rights Act 2025 – Discrimination relating to children in the lettings process

Starting point	Statutory maximum	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,000

80. Offence specific mitigating factors:

    (a) None

81. Offence specific aggravating factors:

    (a) None

Section 34, Renters Rights Act 2025 – Discrimination relating to benefits in the lettings process

Starting point	Statutory maximum	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,000

82. Offence specific mitigating factors:

    (a) None

83. Offence specific aggravating factors:

    (a) None

Section 56, Renters Rights Act 2025 – Failure to specify proposed rent within a written advertisement or offer

Starting point	Statutory maximum	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£3,000	£7,000	£2,400	£3,000	£3,600

84. Offence specific mitigating factors:

    (a) None

85. Offence specific aggravating factors:

    (a) None

Section 56, renters Rights Act 2025 – Inviting, encouraging or accepting any offer of rent greater than the stated rate

Starting point	Statutory maximum	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

86. Offence specific mitigating factors:

    (a) None

87. Offence specific aggravating factors:

    (a) None

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	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£5,000	£40,000	£4,000	£5,000	£6,000

88. Offence specific mitigating factors:

    (a) The report or record evidences that the electrical installations were compliant at all points

89. Offence specific aggravating factors:

    (a) 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	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£12,500	£40,000	£10,000	£12,500	£15,000

90. Offence specific mitigating factors:

    (a) The report or record evidences that the electrical installations were compliant at all points

91. Offence specific aggravating factors:

    (a) 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	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

92. Offence specific mitigating factors:

    (a) None

93. Offence specific aggravating factors:

    (a) The number or nature or severity of the issues observed on the report or record

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

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	£7,000

94. Offence specific mitigating factors:

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

95. Offence specific aggravating factors:

(a) None.

Section 30, Housing Act 2004 - Failure to comply with an improvement notice

Starting point	Statutory maximum	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

96. Offence specific mitigating factors:

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

(b) Whether the property is unoccupied once the deadline for compliance has passed

(c) 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

97. Offence specific aggravating factors:

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

Section 139, Housing Act 2004 - Failure to comply with an overcrowding notice

Starting point	Statutory maximum	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

98. Offence specific mitigating factors:

(a) None

99. Offence specific aggravating factors:

(a) The level of overcrowding present

Section 95, Housing Act 2004 – Failure to obtain a selective licence

Starting point	Statutory maximum	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£12,000	£40,000	£9,600	£12,000	£14,400

100. Offence specific mitigating factors:

(a) None

101. Offence specific aggravating factors:

(a) The landlord has knowledge or experience of licensing requirements

Section 72, Housing Act 2004 – Failure to obtain a House in Multiple Occupation (HMO) licence

Starting point	Statutory maximum	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£17,000	£40,000	£13,600	£17,000	£20,400

102. Offence specific mitigating factors:

(a) None

103. Offence specific aggravating factors:

(a) The landlord has knowledge or experience of licensing requirements

(b) The condition of the unlicensed property

Section 72, Housing Act 2004 – Knowingly permitting over-occupation of an HMO

Starting point	Statutory maximum	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

104. Offence specific mitigating factors:

(a) There are suitable amenity and space provisions in the HMO

105. Offence specific aggravating factors:

(a) 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

106. The management of Houses in Multiple Occupation (England Regulations) 2006 impose duties on the persons managing a HMO in respect of:

(a) Providing information to occupiers [Regulation 3]

(b) Taking safety measures, including fire safety measures [Regulation 4]

(c) Maintaining the water supply and drainage [Regulation 5]

(d) Supplying and maintaining gas and electricity, including having these services/ appliances regularly inspected [Regulation 6]

(e) Maintaining common parts [Regulation 7]

(f) Maintaining living accommodation [Regulation 8]

(g) Providing sufficient waste disposal facilities [Regulation 9]

107. The Licensing and management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2027 impose duties on the persons managing HMOs as defined by section 257 of the Housing Act 2004 in respect of:

(a) Providing information to occupiers [regulation 4]

(b) Taking safety measures, including fire safety measures [regulation 5]

(c) Maintaining the water supply and drainage [regulation 6]

(d) Supplying and maintaining gas and electricity, including having these services/ appliances regularly inspected [regulation 7]

(e) Maintaining common parts [regulation 8]

(f) Maintaining living accommodation [regulation 9]

(g) Providing sufficient waste disposal facilities [regulation 10]

108. 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.

109. 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.

Regulation 3, Houses in Multiple Occupation (England Regulations) 2006 - Duty of manager to provide information to occupiers

Starting point	Statutory maximum	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£3,000	£40,000	£2,400	£3,000	£3,600

110. Offence specific mitigating factors:

(a) The nature and extent of offences within the specific regulation

111. Offence specific aggravating factors:

(a) The nature and extent of offences within the specific regulation

(b) 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

Regulation 4, Houses in Multiple Occupation (England Regulations) 2006 - Duty of manager to take safety measures

Starting point	Statutory maximum	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

112. Offence specific mitigating factors:

(a) The number, nature and extent of offences within the specific regulation

113. Offence specific aggravating factors:

(a) The number, nature and extent of offences within the specific regulation

Regulation 5, Houses in Multiple Occupation (England Regulations) 2006 - Duty of manager to maintain water supply and drainage

Starting point	Statutory maximum	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£10,000	£40,000	£8,000	£10,000	£12,000

114. Offence specific mitigating factors:

(a) The number, nature and extent of offences within the specific regulation

115. Offence specific aggravating factors:

(a) The number, nature and extent of offences within the specific regulation

Regulation 6, Houses in Multiple Occupation (England Regulations) 2006 - Duty of manager to maintain gas and electricity

Starting point	Statutory maximum	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£12,000	£40,000	£9,600	£12,000	£14,400

116. Offence specific mitigating factors:

(a) The number, nature and extent of offences within the specific regulation

117. Offence specific aggravating factors:

(a) The number, nature and extent of offences within the specific regulation

Regulation 7, Houses in Multiple Occupation (England Regulations) 2006 - Duty of manager to maintain common parts, fixtures, fittings and appliances

Starting point	Statutory maximum	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£7,000	£40,000	£5,600	£7,000	£8,400

118. Offence specific mitigating factors:

(a) The number, nature and extent of offences within the specific regulation

119. Offence specific aggravating factors:

(a) The number, nature and extent of offences within the specific regulation

Regulation 8, Houses in Multiple Occupation (England Regulations) 2006 - Duty of manager to maintain living accommodation

Starting point	Statutory maximum	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£7,000	£40,000	£5,600	£7,000	£8,400

120. Offence specific mitigating factors:

(a) The number, nature and extent of offences within the specific regulation

121. Offence specific aggravating factors:

(a) The number, nature and extent of offences within the specific regulation

Regulation 9, Houses in Multiple Occupation (England Regulations) 2006 - Duty of manager to provide waste disposal facilities

Starting point	Statutory maximum	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£7,000	£40,000	£5,600	£7,000	£8,400

122. Offence specific mitigating factors:

(a) The number, nature and extent of offences within the specific regulation

123. Offence specific aggravating factors:

(a) The number, nature and extent of offences within the specific regulation

(b) The lack of sufficient refuse and/or litter containers inside and/or outside the property has been previously reported

(c) The refuse ad/or little that requires disposal includes hazardous materials

Section 72, Housing Act 2004 – Breach of licence conditions

124. 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.

125. 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 shall apply.

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

127. Failure to comply with licence conditions related to:

(a) Signage or the provision of information for tenants

(b) Provision of written terms of occupancy for tenants

(c) Procedures regarding complaints

(d) Procedures regarding vetting of incoming tenants

(e) Compliance with deposit protection legislation

(f) The recording and provision of information regarding rent payments

(g) Procedures relating to rent collection

(h) The provision of information regarding occupancy of the property

(i) The provision of information regarding change of managers or licence holder details

(j) The provision of information related to changes in the property

(k) Requirements relating to the sale of the property

(l) Attending training courses

(m) Requirements to hold insurance

(n) The provision of insurance documentation

(o) The provision of or obtaining of suitable references

(p) The provision of keys and alarm codes

(q) Security provisions for access to the property

(r) The provision of suitable means for occupiers to regulate temperature

(s) Carrying out items on a schedule 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	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£4,000	£40,000	£3,200	£4,000	£4,800

128. Offence specific mitigating factors:

(a) The nature and extent of offences within the specific regulation

129. Offence specific aggravating factors:

(a) The nature and extent of offences within the specific regulation

130. Failure to comply with licence conditions related to:

(a) Procedures and actions regarding Inspections

(b) Procedures regarding Repair issues

(c) Maintenance and use of common parts (including gardens, outbuildings and property exterior) and living areas

(d) Safeguarding occupiers and minimising disruption during works

(e) The provision of information regarding alterations and construction works

(f) Procedures regarding emergency issues

(g) Waste and waste receptacles, pests, minor repairs, alterations or decoration.

(h) Giving written notice prior to entry

(i) Allowing access for inspections

(j) Minimising risk of water contamination

(k) The compliance of furnishings or furniture with fire safety regulations

(l) Carrying out items on a schedule of works in relation to provision of mechanical extractions or electrical sockets

Starting point	Statutory maximum	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£7,000	£40,000	£5,600	£7,000	£8,400

131. Offence specific mitigating factors:

(a) The nature and extent of offences within the specific regulation

132. Offence specific aggravating factors:

(a) The nature and extent of offences within the specific regulation

133. Failure to comply with licence conditions related to:

(a) 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

(b) Notification of legal proceedings, contraventions and other relevant information that may affect a fit and proper person status

(c) Procedures and actions regarding ASB

(d) 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	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£12,500	£40,000	£10,000	£12,500	£15,000

134. Offence specific mitigating factors:

(a) The nature and extent of offences within the specific regulation

135. Offence specific aggravating factors:

(a) The nature and extent of offences within the specific regulation

136. Failure to comply with licence conditions related to:

(a) 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

(b) The provision and maintenance of safe means of escape, including requirements to keep escape routes and exits free from obstruction

(c) 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	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

137. Offence specific mitigating factors:

(a) The nature and extent of offences within the specific regulation

138. Offence specific aggravating factors:

(a) The nature and extent of offences within the specific regulation

Section 95, Housing Act 2004 – Breach of Selective licence conditions

139. 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.

140. 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.

141. 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.

142. Failure to comply with licence conditions related to:

(a) Signage or the provision of information for tenants

(b) Provision of written terms of occupancy for tenants

(c) Procedures regarding complaints

(d) Procedures regarding vetting of incoming tenants

(e) Compliance with deposit protection legislation

(f) The recording and provision of information regarding rent payments

(g) Procedures relating to rent collection

(h) The provision of information regarding occupancy of the property

(i) The provision of information regarding change of managers or licence holder details

(j) The provision of information related to changes in the property

(k) Requirements relating to the sale of the property

(l) Attending training courses

(m) Requirements to hold insurance

(n) The provision of insurance documentation

(o) The provision of keys and alarm codes

(p) Security provisions for access to the property

(q) The provision of suitable means for occupiers to regulate temperature

(r) 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	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£3,000	£40,000	£2,400	£3,000	£3,600

143. Offence specific mitigating factors:

(a) The nature and extent of offences within the specific regulation

144. Offence specific aggravating factors:

(a) The nature and extent of offences within the specific regulation

145. Failure to comply with licence conditions related to:

(a) Procedures and actions regarding Inspections

(b) Procedures regarding Repair issues

(c) Maintenance and use of common parts (including gardens, outbuildings and property exterior) and living areas

(d) Safeguarding occupiers and minimising disruption during works

(e) The provision of information regarding alterations and construction works,

(f) Procedures regarding emergency issues

(g) Waste and waste receptacles, pests, minor repairs, alterations or decoration.

(h) Giving written notice prior to entry

(i) Allowing access for inspections

(j) Minimising risk of water contamination

Starting point	Statutory maximum	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£5,200	£40,000	£4,200	£5,250	£6,300

146. Offence specific mitigating factors:

(a) The nature and extent of offences within the specific regulation

147. Offence specific aggravating factors:

(a) The nature and extent of offences within the specific regulation

148. Failure to comply with licence conditions related to:

(a) 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

(b) Notification of legal proceedings, contraventions and other relevant information that may affect a fit and proper person status

(c) Procedures and actions regarding ASB

(d) Minimum floor areas

(e) Occupancy rates

(f) Occupancy of rooms that are not to be used as sleeping accommodation

(g) Limits on number of households allowed to occupy the property or part of the property

Starting point	Statutory maximum	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£9,375	£40,000	£7,500	£9,375	£11,250

149. Offence specific mitigating factors:

(a) The nature and extent of offences within the specific regulation

150. Offence specific aggravating factors:

(a) The nature and extent of offences within the specific regulation

151. Failure to comply with licence conditions related to:

(a) 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

(b) The provision and maintenance of safe means of escape, including requirements to keep escape routes and exits free from obstruction

Starting point	Statutory maximum	Landlord type downward adjustment	No landlord type adjustment	Landlord type upward adjustment
£15,000	£40,000	£12,000	£15,000	£18,000

152. Offence specific mitigating factors:

(a) The nature and extent of offences within the specific regulation

153. Offence specific aggravating factors:

(a) The nature and extent of offences within the specific regulation

Schedule 1, Tenant Fees Act 2019 – Inviting, encouraging or accepting rent before a tenancy agreement has been signed

154. The Council are able to issue civil penalties of up to £5,000 (for a first offence) for inviting, encouraging or accepting rent before a tenancy is signed. The Government has issued statutory guidance entitled 'Tenant Fees Act amended by the Renters Rights Act 2025'. The Council has regard to this guidance in the exercise of their functions in respect of civil penalties served under the Tenant Fees Act 2019, noting that the process of investigating and enforcing breaches under this legislation will be in accordance with the statutory guidance and may differ to that outlined in this policy.

Process for imposing a civil penalty and the right to make written representations

Notice of intent

155. 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:

(a) The amount of the proposed civil penalty

(b) The reasons for proposing to impose the civil penalty

(c) Information about their right to make written representations

Right to make written representations

156. A landlord who is given a notice of intent may make written representations to the Council about the proposal to impose a civil penalty. Any representations must be made within a period of 28 days beginning with the day after the date on which the notice of intent was given.

Decision after the representations period

157. After the end of the period for representations the Council will:

(a) Decide whether to impose a civil penalty on the landlord; and

(b) If it decides to impose a civil penalty, decide the amount of the penalty. the amount can be higher or lower than the amount stated in the notice of intent

158. 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.

159. Similarly, an admission of liability will rarely, of itself, lead the Council to conclude that the imposition of a civil penalty is inappropriate. An admission of liability will, however, usually be relevant to the assessment of mitigating factors that may reduce the level of any civil penalty imposed.

Final notice

160. 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.

161. The final notice will set out:

(a) The amount of the civil penalty

(b) The reasons for imposing the penalty

(c) Information about how to pay the penalty

(d) The period for payment of the penalty

(e) Information about the rights of appeal

(f) The consequences of failure to comply with the notice

Discount for prompt payment

162. 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 15% to the amount of the civil penalty.

163. 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

164. The landlord of an HMO property fails to obtain a licence. They only operate two HMO p roperties and there are no other relevant factors or aggravating features. The starting p oint 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 not ice, a 15% prompt payment discount is applied, resulting in a discounted payment of £13,600.

Appeals

165. 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.

166. 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.

167. 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 conditions outside the policy framework would risk undermining consistency and the Council's enforcement objectives.

168. On determination of an appeal, the tribunal may:

(a) Confirm the civil penalty

(b) Vary the amount of the civil penalty (whether by increase or reduction)

(c) Cancel the civil penalty

169. Where the tribunal varies a civil penalty by increasing the 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).

Rent Repayment Orders

170. Local authorities have the power to apply for a rent repayment order in respect of the following offences:

(a) Section 72, Housing Act 2004 – Having control or management of an unlicensed House in Multiple Occupation (HMO) which is required to be licensed under Part 2 of the Housing Act 2004

(b) Section 95, Housing Act 2004 – Having control or management of an unlicensed house which is required to be licensed under Part 3 of the Housing Act 2004

(c) Section 30, Housing Act 2004 – Failure to comply with an Improvement Notice

(d) Section 32, Housing Act 2004 – Failure to comply with a Prohibition Order

(e) Section 21, Housing Act 2004 – Breach of a Banning Order

(f) Section 6, Criminal Law Act 1977 - Using violence to secure entry to a property

(g) Section 1, Protection from Eviction Act 1977 - Unlawful eviction or harassment of occupiers of a property

(h) Section 16, Housing Act 1988 – Knowingly or recklessly misusing a possession ground

(i) Section 16, Housing Act 1988 – Letting or marketing of a property within twelve months of using the 'moving in' or 'selling' ground of eviction

(j) Section 16, Housing Act 1988 – Continuous breach of certain tenancy reform requirements

Statutory Guidance

171. The Government has issued statutory guidance entitled 'Rent repayment orders: guidance for local authorities'. The Council has regard to this guidance in the exercise of their functions in respect of rent repayment orders.

Applying for a Rent Repayment Order

172. Local authorities can apply for a rent repayment order where any rent was paid through housing benefit or universal credit (regardless of whether it was paid directly or

indirectly, in advance or in instalments), and where the offence was committed no more than two years before service of a notice of intended proceedings.

173. If a landlord has been convicted of an offence for which a rent repayment order (RRO) can be made and the offence was committed in their area, the Council *must consider* applying for a rent repayment order. Where there has not been a prior conviction, the Council *may consider* applying for a rent repayment order.

174. If a conviction for a relevant offence has been obtained then it is normally expected that a rent repayment order will be pursued. The Tribunal must, in these cases, order that the maximum amount (of 12 months' rent) be repaid in these circumstances.

175. Where no conviction has taken place, the matrix below should be followed to help determine whether to pursue a RRO and the amount of rent to reclaim:

Step	Question	Outcome
1.	Has evidence been obtained to confirm that housing benefit/universal credit was paid directly or indirectly over the relevant period?	If no – no case for RRO. If yes, proceed to step 2.
2.	Is there sufficient evidence to prove 'beyond reasonable doubt' that a relevant offence has been committed? (Is the evidence reliable? Is there no credible defence?)	If no – no case for RRO. If yes, proceed to step 3.
3.	Is it in the public interest to proceed to apply for an RRO? (consider the level of harm that has been caused)	If no – no case for RRO. If yes, proceed to step 4.
4.	Is pursuing an RRO proportionate to the offence?	If no – no case for RRO. If yes, proceed to 170 below.

176. Where the table indicates that the Council ought to proceed with an RRO, the Council should consider whether there are any mitigating factors (such as an RRO being likely to cause substantial hardship) or aggravating factors (such as any previous offence(s)).

Decision

177. The final decision as to whether to apply for an RRO will be made on a case by case basis. Each decision should be carefully considered, proportionate and balanced and should take all factors into account.

178. Although the Council will consider how much rent to request, it is the responsibility of the tribunal to determine and make the award.

Approval

This policy was approved and adopted by Cabinet on 24th June 2026.