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GENERAL PURPOSES COMMITTEE

Date: Tuesday, 14 April 2026

Time: 6.00pm,

Location: Autun Room - Daneshill House, Danestrete

Contact: Gemma O'Donnell (01438) 242216

committees@stevenage.gov.uk

Members: Councillors: Lin Martin-Haugh (Chair), Lloyd Briscoe, Peter Clark, Coleen DeFreitas, Alistair Gordon, Lynda Guy, Robin Parker CC, Claire Parris, Ellie Plater, Tom Plater, Ceara Roopchand, Lorraine Rossati, Carolina Veres and Tom Wren

AGENDA

PART 1

1. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

2. MINUTES - 27 NOVEMBER 2025

To approve as a correct record the Minutes of the meeting of the General Purposes Committee held on 27 November 2025.

3 – 6

3. PAVEMENT LICENSING POLICY

To consider the Council's draft pavement licensing policy which sets out the Council's approach in the granting, monitoring and enforcement of Pavement Licences within the Borough of Stevenage (excluding the Town Centre), in accordance with the Business and Planning Act 2020.

7 – 70

4. RENTERS' RIGHTS ACT 2025 ENFORCEMENT POLICY

To consider the Council's draft Renters' Rights Act 2025 Enforcement Policy which sets out the Council's approach to regulation and enforcement relating to private rented sector housing under the new provisions of the Renters' Rights Act 2025.

71 – 110

5. CIVIL PENALTY POLICY

To consider the Council's revised Civil Penalty Policy which sets out 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 for regulatory breaches and offences established under the Renters' Rights Act 2025 and for existing offences under other legislation relating to private rented sector housing standards.

111 – 184

6. URGENT PART I BUSINESS

To consider any Part I business accepted by the Chair as urgent.

7. EXCLUSION OF PRESS AND PUBLIC

To consider the following motions:

1. That under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as described in paragraphs 1 – 7 of Part 1 of Schedule 12A of the Act as amended by Local Government (Access to Information) (Variation) Order 2006.

2. That Members consider the reasons for the following reports being in Part II and determine whether or not maintaining the exemption from disclosure of the information contained therein outweighs the public interest in disclosure.

8. URGENT PART II BUSINESS

To consider any Part II business accepted by the Chair as urgent.

STEVENAGE BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE MINUTES

Date: Thursday, 27 November 2025

Time: 6.00pm

Place: Council Chamber

Present: Councillors: Lin Martin-Haugh (Chair), Peter Clark, Alistair Gordon, Claire Parris, Ceara Roopchand and Carolina Veres

Start / End Time: Start Time: 6.00pm
End Time: 6.20pm

1 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Lloyd Briscoe, Coleen De Freitas, Lynda Guy, Robin Parker, Ellie Plater, Tom Plater, Lorraine Rossati and Tom Wren.

There were no declarations of interest.

2 **MINUTES - 4 DECEMBER 2024**

It was **RESOLVED** that the Minutes of the meeting of the General Purposes Committee held on 4 December 2024 be approved as a correct record and signed by the Chair.

3 **HACKNEY CARRIAGE TARIFF REVIEW**

The Licensing Officer presented a report to the Committee to conduct the annual review of the Hackney Carriage Tariff Review report.

The purpose of the report was to determine whether the current fare structure should be increased or remain the same, ensuring a fair balance for both passengers and drivers. It was noted that the proposed tariffs reflected the current operating costs, while aiming to keep the service accessible and affordable for the community.

The Licensing Officer noted that the annual review process had been established by the General Purposes Committee in March 2022. The Committee were informed that this year's review had been delayed due to aligning with the Council's wider review of all licensing fees.

A preliminary consultation had taken place with all Hackney Carriage and private hire drivers between 18 July 2025 to 1 August 2025, with key feedback including a request to round final fare amounts for ease of cash payments. This option had been incorporated into the public consultation.

A formal 28-day public consultation had been undertaken from 15 October 2025 to 12 November 2025, which presented four tariff options for consideration. It was noted that summaries of responses were included in Appendix 9 of the report.

The Committee were asked to approve one of the four proposed options and for this to be implemented from 15 December 2025.

A question was raised regarding reviews of the tariffs and officers confirmed that tariffs were reviewed annually unless the Committee decided otherwise.

Members discussed the comparisons with neighbouring authorities. It was noted that while Stevenage appeared higher than some areas, the published rankings did not specify when other authorities had last reviewed their tariffs and therefore some may reflect outdated fares.

A question was raised regarding the response rate to the consultation. Officers reported that 20 responses had been received. This included nine Hackney drivers (45%), three private hire drivers (15%) and the remainder from operators or members of the public.

Members discussed the limited engagement in the consultation and asked whether response levels could be improved. Officers confirmed that all licensed drivers and operators received direct communications via email or post. Drivers had also been invited to a Taxi Forum early in the consultation period. Despite extended consultation periods, social media promotion, website publication and outreach to community venues, engagement remained low.

Officers explained that efforts were underway to establish a WhatsApp group to improve direct contact with the Licence holders. Members acknowledged and thanked officers for their efforts to reach licence holders.

The Committee then proceeded to review the four tariff options.

It was **RESOLVED** that, Option 2 in the report be approved.

This was to increase the initial fare by 5p (£3.85 to £3.90) for the first 528 yards, then a 5p increase of each additional 220 yards (or part thereof) amended from 194 yards, and to increase Tariffs 1,2 and 3 by an average of 4%.

Changes to the tariff will take effect from 15 December 2025.

4 **URGENT PART I BUSINESS**

There was no Urgent Part I Business.

5 **EXCLUSION OF PRESS AND PUBLIC**

It was **RESOLVED** that:

1. Under Section 100(A) of the Local Government Act 1972, the press and public be

excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as described in paragraphs 1-7 of Part 1 of Schedule 12A of the Act as amended by Local Government (Access to information) (Variation) Order 2006.

2. That Members consider the reasons for the following reports (if any) being in Part II and determine whether or not maintaining the exemption from disclosure of the information contained therein outweighs the public interest in disclosure.

6 URGENT PART II BUSINESS

There was no Urgent Part II Business.

CHAIR

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Meeting	General Purposes Committee
Portfolio Area	Communities, Community Safety and Equalities
Date	14 th April 2026

BUSINESS & PLANNING ACT 2020 - NEW PAVEMENT LICENSING POLICY

NON-KEY DECISION

Authors	Julie Dwan 2493
Lead Officers	Rory Cosgrove 2888 & Alex Robinson 2288
Contact Officer	Julie Dwan 2493

1 PURPOSE

- 1.1 To consider the Council's draft pavement licensing policy which sets out the Council's approach in the granting, monitoring and enforcement of Pavement Licences within the Borough of Stevenage (excluding the Town Centre), in accordance with the Business and Planning Act 2020.

2 RECOMMENDATIONS

- 2.1 That the General Purposes Committee agrees to recommend the proposed Stevenage Borough Council Pavement Licensing Policy 2026 (attached at **appendix A**) to Cabinet.
- 2.2 That the General Purposes committee agrees that minor inconsequential amendments to this policy may be made by the Assistant Director of Planning and Regulation, in consultation with the Cabinet Member/Portfolio Holder for the relevant service area.

3 BACKGROUND

3.1 The draft policy has been written following the Levelling Up and Regeneration Act 2023 which made permanent the provisions set out in the Business and Planning Act 2020 which was originally enacted to help businesses, particularly in the hospitality sector, operate safely during the COVID-19 pandemic.

3.2 This policy sets out how Stevenage Borough Council will comply with the requirements of the Business and Planning Act 2020, in the provision of pavement licences for the following activities:

- Use of furniture by the licence holder to sell or serve food or drink supplied from, or in connection with, the relevant use of the premises.
- Use of the furniture by other persons for the purpose of consuming food or drink supplied from, or in connection with, the relevant use of the premises.

Consultation

3.3 Before determining its policy, the Licensing Authority has consulted informally by email with the following persons for comment:

- Hertfordshire County Council Highways
- The Local Planning Authority
- Hertfordshire Constabulary
- Environmental Health
- Stevenage Borough Council Engineering Services
- Stevenage Borough Council Town Centre Management Team
- Stevenage Borough Council Estates Team.
- Stevenage Borough Council Street Scene and Amenities
- All existing holders of a Stevenage Borough Council Pavement Licence.

3.4 The consultation was open for comment between **30th May** and **13th June 2025**. A copy of the consultation email is provided within the background documents attached to this report.

3.5 Consultation responses on the draft policy focused on improving clarity and operational detail, including the need to better distinguish between pavement licensing and outside seating arrangements, and to confirm that landowner permission is still required where a licence is not. Respondents also called for clearer definitions, particularly of “furniture,” and for explicit confirmation that fixed structures fall outside the scope of the policy. Stronger wording was recommended to emphasise licence holders’ responsibilities, including the removal of items outside permitted hours and the maintenance of clean and

tidy trading areas. Additional clarification was also sought on the policy's application to privately owned retail areas, along with queries regarding fee arrangements, including the potential for partial refunds where businesses cease trading or cannot use licensed areas due to external works. Copies of the responses are attached at **Appendix B**.

- 3.6 All consultation responses and comments have been carefully reviewed. All recommendations have been addressed and incorporated into version 2 of the draft policy attached at **Appendix A**, all amendments made are outlined in Section 12 (Version History) of the draft policy document.
- 3.7 A further informal consultation was undertaken on version 2 of the draft policy with all existing holders of a Stevenage Borough Council Pavement Licences. This consultation took place between **28 January** and **25 February 2026**.
- 3.8 No further comments were received.

4 REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS

- 4.1 The Council recognises the importance of pavement licensing to businesses and value their contribution towards the local economy. 'Café Culture' is a growing trend, with an increasing demand for eating and drinking outdoors. Many pubs, restaurants and cafes want to provide facilities to meet this demand by using the pavement area outside of their premises.
- 4.2 The Pavement Licensing Policy will be used to create an alfresco dining environment which:
- Ensures fair trading between all licence holders in the Borough of Stevenage.
 - Protects the amenity of the residents by ensuring that licence holders do not cause nuisance, damage, disturbance or annoyance.
 - Ensures the safety of the people using the dining areas and the pavements.
 - Provides applicants and licence holders with advice and guidance on the Council's approach to the administration and enforcement in relation to pavement licences.

5 IMPLICATIONS

Financial Implications

- 5.1 Expenditure associated with the pavement licensing policy is likely to include:
- Administration and processing of applications
 - Consultation and engagement activities

- Enforcement and compliance monitoring
 - Initial policy development
- 5.2 There is also potential for reduced income if refunds or fee adjustments are applied.
- 5.3 Overall, the scheme is intended to be cost-neutral, although a net cost may arise depending on licence demand and enforcement requirements.

Legal Implications

- 5.4 The pavement licensing policy must comply with the statutory and regulatory requirements governed by the Business and Planning Act 2020 as amended, which sets out the framework for issuing, renewing and enforcing pavement licences. The legal framework ensures licences are issued fairly, safely and transparently, balancing business interests with public safety and amenity.
- Inadequate implementation of the Act would result in lack of clarity and direction for businesses and residents. Licences must also align with existing planning regulations, highway regulations and local bylaws.

Equalities and Diversity Implications

- 5.5 An Equalities Impact Assessment was carried out in May 2025. The policy promotes the importance of safety and accessibility of the public highway, particularly for those with disabilities and those who are visually impaired
- 5.6 A copy of the Equalities Impact Assessment can be found at **Appendix 4** of the draft policy document.

Community Safety Implications

- 5.7 The introduction of a pavement licensing policy can have several positive impacts on community safety. Licences ensure that outdoor trading areas are properly managed, keeping pavements clear and accessible for pedestrians, including those with disabilities or pushchairs. The policy also allows the Council to revoke or modify licences if safety standards are not met, ensuring ongoing compliance.

BACKGROUND DOCUMENTS

All documents that have been used in compiling this report, that may be available to the public, i.e. they do not contain exempt information, should be listed here:

- BD1 [Business and Planning Act 2020](#)
- BD2 [Pavement licences: guidance - GOV.UK](#)
- BD3 Informal Consultation Emails
- BD4 SBC pavement licence fees calculation sheet.

APPENDICES

- A Pavement Licensing Policy (version 2)
- B All Informal Consultation Responses

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Pavement Licensing Policy

Stevenage Borough Council

2026

Date created	April 2025
Approved by	Full Council
Owner	Rory Cosgrove (Head of Environmental Health & Licensing)
Version	Version 2
Author	Julie Dwan (Licensing Manager)
Business Unit and Team	Planning & Regulation (Environmental Health & Licensing)
Policy Review Date	April 2027
Equality Impact Assessment Date	May 2025

For translations, braille or large print versions of this document please email equalities@stevenage.gov.uk.

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DRAFT

1. Purpose

- 1.1 This policy sets out the approach of Stevenage Borough Council to the granting of pavement licences in accordance with the Business and Planning Act 2020. The purpose of this policy is to set out the standards, expectations and application procedures associated with the granting, monitoring and enforcement of Pavement Licences within the Borough of Stevenage (excluding the Town Centre). It ensures a consistent, fair and transparent approach in managing the use of public highways for commercial purposes while safeguarding public safety, accessibility and amenity. It also provides guidance to applicants, existing licence holders and authorised Officers of the Council, detailing how compliance will be regulated and what measures will be taken in cases of non-compliance or breaches of licence conditions. Applicants and members of the public are advised to contact the Licensing Authority in the event of an enquiry for appropriate advice.
- 1.2 This policy is introduced following the Levelling Up and Regeneration Act 2023 which made permanent the provisions set out in the business and Planning Act 2020. This policy will be reviewed every 2 years or earlier if there are changes in legislation or guidance.

2. Scope

- 2.1 Stevenage Borough Council, as the Licensing Authority recognises the importance of pavement licensing to businesses and value their contribution towards the local economy. 'Café Culture' is a growing trend, with an increasing demand for eating and drinking outdoors. Many pubs, restaurants and cafes want to provide facilities to meet this demand by using the pavement area outside of their premises.
- 2.2 The Pavement Licensing Policy (hereafter referred to as 'The Policy') will be used to create an alfresco dining environment which:
- Ensures fair trading between all licence holders in the Borough of Stevenage;
 - Protects the amenity of the residents by ensuring that licence holders do not cause nuisance, damage, disturbance or annoyance;
 - Ensures the safety of the people using the dining areas and the pavements;

- Provides applicants and licence holders with advice and guidance on the Council's approach to the administration and enforcement in relation to pavement licences.

2.3 In determining an application for a pavement licence, the principle adopted by the Licensing Authority, will be that each application will be determined on its own merits. All applications will be considered, under the terms of this policy, and regard will be given to the list of objectives outlined below:

2.3.1 **Public Safety**

The proposed licensed area of the street should not present a significant risk to the public in terms of an obstruction or safety on the highway. All applicants should consider the following which will help the Licensing Authority assess the suitability of the proposed site:

- Interference with the line of sight for road users
- Access to pedestrian crossings,
- Space for those with disabilities to pass by unhindered, and
- Proximity to roads or cycle paths

2.3.2 **Prevention of Crime and Disorder**

All applicants/licence holders are expected to operate in such a way as to promote the Prevention of Crime and Disorder, particularly those applicants/licence holders who intend to trade during later hours.

2.3.3 **Prevention of Public Nuisance**

All applicants/licence holders should consider measures to mitigate the risk of nuisance from noise, refuse, vermin, fumes and smells. Licence holders have an obligation to ensure that the licensed area does not impede those using the highway, particularly those with prams, wheelchairs or persons with disabilities.

2.3.4 **Sustainability**

All applicants/licence holders should consider steps which they intend to follow to reduce the environmental impact of the activity. i.e. the use of reusable/ recyclable products and energy efficient processes.

2.3.5 Suitability of Street Furniture

All applicants/licence holders must ensure that street furniture is able to be removed from the licensed pavement area at the end of the period for which it is licensed. Furniture should be strong, safe and well maintained.

3. Legal Framework

3.1 This policy sets out how Stevenage Borough Council will comply with the requirements of the Business and Planning Act 2020, in the provision of a pavement licences for the following activities:

- Use of furniture by the licence holder to sell or serve food or drink supplied from, or in connection with, the relevant use of the premises;
- Use of the furniture by other persons for the purpose of consuming food or drink supplied from, or in connection with, the relevant use of the premises.

3.2 The Levelling Up and Regeneration Act 2023 came into effect on 31st March 2024 and made permanent the provisions set out in the Business and Planning Act (BPA) 2020 with a number of changes. The Levelling Up and Regeneration Act introduced a standard cap on fees for both new and renewals of licences as well as increased consultation and determination periods, the lengthening of the maximum duration of licences and provides Local Authorities with new powers to remove unlicensed furniture.

3.3 The Highways Act 1980 is no longer used to provide pavement licences for the activities specified in 3.1 and 3.2.

3.4 The Licensing Authority will exercise its functions with respect to pavement licensing in accordance with the provisions of the Business and Planning Act 2020, as amended. These functions will be carried out under the delegated authority granted by Stevenage Borough Council

3.5 All decisions made under this policy will be taken by Officers designated through the Council's approved scheme of delegations.

3.6 The Licensing Authority will only grant a pavement licence in respect of highways listed in section 115A (1) of the Highways Act 1980, these are generally footways restricted to pedestrians or are roads and places where vehicle access is restricted or prohibited. Highways maintained by Network Rail are exempt and a licence cannot be granted.

- 3.7 The granting of a pavement licence does not grant the right to permanently close a road. This would require a pedestrian planning order to be made under section 249 (2) or 249 (2A) of the Town and Country Planning Act 1990, to extinguish the right to use vehicles on the highway.
- 3.8 The granting of a pavement licence only permits the placing of furniture on the highway and does not negate the need for businesses to obtain approvals under other regulatory frameworks, such as the need for a licence to sell alcohol (Licensing Act 2003) and the need to comply with the registration requirements for food businesses.
- 3.9 The Local Authority has regard for the Public Sector Equality Duty, under the Equality Act 2010 in the implementation of this policy which includes the need to have due regard to eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Act. Any businesses which apply for a pavement licence will also need to have regard to their own duties under the Equality Act 2010, such as their duty under section 29 of the Act not to discriminate in providing their service and the duty to make reasonable adjustments.

3.10 **Changes to this Policy**

Minor inconsequential amendments to this policy may be made by the Assistant Director of Planning and Regulation, in consultation with the Cabinet Member/Portfolio Holder for the relevant service area. These amendments are limited to updates that reflect changes in legislation or other insignificant adjustments that do not materially alter the original intent or impact of the policy. These amendments will help keep the policy up to date, while ensuring that its core objectives and effectiveness remain unchanged.

4. Equalities

- 4.1 Under the Equality Act (2010), the Council has a legal duty to fulfil the requirements of the Public Sector Equality Duty (PSED). Through this duty and in the application of this policy, the Council will carry out its functions in a way that:
- a. Removes discrimination, harassment, victimisation and any other conduct that is unlawful under the Equality Act (2010)
 - b. Promotes equal opportunities between people who have a protected characteristic(s) and those who don't

- c. Encourages good relations between people who have a protected characteristic(s) and those who don't

Further information on the Council's fulfilment of the Equality Act (2010) is set out in the Equality, Diversity and Inclusion (EDI) Policy (2022) and Reasonable Adjustment Policy (2024).

5. Data Protection

- 5.1 The Council regards respect for the privacy of individuals and the lawful and careful treatment of personal information as very important to delivery of services.
- 5.2 The Council will ensure that it treats personal information lawfully and proportionately as set out in the General Data Protection Regulation (GDPR) and Data Protection Act (2018). For further information on the Council's approach to handling information please see [Data Protection Act \(stevenage.gov.uk\)](https://www.stevenage.gov.uk)

6. Policy

- 6.1 A pavement licence is a licence which is granted by the Licensing Authority. It permits the licence holder to place removeable furniture on designated highways adjacent to the premises in relation to which the application was made. Typically, these licences support hospitality businesses such as cafes, restaurants and pubs, enabling them to utilise outdoor areas for customer seating and service.
- 6.1.1 To be suitable for a pavement licence, the area must be a public highway as defined by section 115 of the Highways Act 1980:
 - A highway in relation to which a pedestrian planning order is in force;
 - A restricted byway;
 - A bridleway;
 - A footpath (including a walkway as defined in section 35 (2) of the highways Act 1980);
 - A footway
 - A subway constructed under section 69 of the Highways Act 1980;
 - A footbridge constructed under section 70 of the Highways Act 1980;

- A highway where the use of vehicular traffic is prohibited by a traffic order but the use by other traffic is not prohibited, restricted or regulated by such an order.

6.1.2 Seating areas that are located on privately owned land, land to the rear of buildings, or within the defined boundary of Stevenage Town Centre do not require a licence under this Policy. However, if you do not own the land, you will need to obtain permission from the landowner.

6.1.3 Those persons wishing to apply for outdoor seating within the area defined as Stevenage Town Centre, must contact the Town Centre Management team in the first instance at tcm@stevenage.gov.uk

6.2 Eligibility

6.2.1 A business which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises) can apply for a licence. Businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours including where such uses form an ancillary aspect of another use, for example supermarkets, or entertainment venues which sell food and drink.

6.2.2 A licence permits the business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the premises.

6.2.3 Businesses that do not use their premises for the sale of food or drink, for example hair or beauty salons, are ineligible, though they can apply for permission to place furniture on the pavement through Hertfordshire County Council under the Highways Act 1980.

6.3 A Suitable Location

6.3.1 Before applying for a new or renewal of a pavement licence, applicants must ensure that the proposed licensed area is in a suitable location, and must meet all of the following criteria:

6.3.2

- A minimum width of 2 meters of clear, unobstructed access to the footpath must be maintained for the movement of pedestrians. This means there must be at least 2 meters of space between the edge of the licensable area

and either the Highway, or any fixed objects such as trees, benches, bollards, or lampposts. This is to ensure, safe and unimpeded pedestrian movement at all times. In certain constrained locations, a reduced clear width of no less than 1.5 metres may be considered at the discretion of the licensing authority, provided it can be demonstrated that pedestrian access and public safety will not be compromised. In such cases where the licensable area extends across the entire width of a footpath, abutting the highway, the above space criteria is still required, but can be achieved by the pedestrian access sub-dividing the licensable area.

- Must not present a significant risk to the public in terms of an obstruction or safety on the highway such as interference with the line of sight for road users, access to pedestrian crossings, and space for those with disabilities to pass by unhindered.
- Must be suitably lit (particularly after dark) to promote the safe access and egress of customers and to be visible to other users of the public highway.
- Does not impede the passage of emergency vehicles.
- Does not impede the use of underground apparatus such as water valves, stopcocks, Fire Hydrants, and meter chambers.
- Will not cause a disturbance, damage, interference, annoyance, inconvenience (e.g. noise nuisance, litter, odour etc) to residents or other businesses.

6.3.3 Licence holders must ensure that members of the public using the licensed areas, or walking past the licensed area, are adequately protected from encountering hot surfaces (such as cookware or appliances).

6.3.4 Licence holders must ensure that any wires or cabling to the licensed area does not pose a tripping hazard to members of the public.

6.4 Furniture permitted by a pavement licence

6.4.1 Furniture is required to be removeable and related to the serving, sale and consumption of food or drink.

Furniture which may be placed on the pavement includes:

- Counters or stalls selling or serving food or drink
- Tables, counters or shelves on which food or drink can be placed
- Chairs, benches or other forms of seating; and

- Umbrellas, barriers, heaters and other articles used in connection with the outdoor consumption of food or drink

All furniture must be easily moveable and remain non-fixed at all times.

- 6.4.2 The licence holder must ensure that all furniture is removed from the highway and, securely stored away outside of the licensed operating hours and each night

Umbrellas

- 6.4.3 Applicants wishing to include umbrellas as part of the furniture in their pavement licence application must clearly state the number of umbrellas to be used. In addition, the application must provide full details of the method by which each umbrella will be safely secured to prevent movement or detachment in adverse weather conditions, particularly high winds. This is to ensure public safety and to avoid any hazard to pedestrians or other users of the highway. Failure to maintain umbrellas safely may result in them being removed from the licence.

- 6.4.4 **Permanent fixed structures and furniture which is not removable and used in connection with the outdoor selling or consumption of food or drink are not permitted by a pavement licence.**

- 6.4.5 Advertising boards are not included under the definition of furniture within the pavement licensing regime. Consent for Advertising boards will be required under the Highways Act 1980 and will also require express advertising consent under the Town and Country Planning Regulations 2007.

- 6.4.6 **Applicants wishing to place Advertising boards or non-removeable furniture onto the highway must apply for permission from Hertfordshire County Council, under the Highways Act 1980.**

6.5 Licensed Premises – Licensing Act 2003

- 6.5.1 If an applicant/licence holder intends to carry out a licensable activity, i.e. the sale of alcohol, within the pavement license area, they should contact licensing@stevenage.gov.uk to find out if they need to vary their current premises licence to include the pavement licence area.

6.5.2 If using a pavement licence in conjunction with a premises licence under the Licensing Act 2003, licence holders should be aware of their obligations to promote the four licensing objectives;

- The prevention of crime and disorder
- The prevention of public nuisance
- The promotion of public safety, and
- The protection of children from harm

6.6 Public Spaces Protection Order (PSPO)

6.6.1 A Public Spaces Protection Order (PSPO) can be used by the Council or the Police to deal with problems with alcohol related anti-social behaviour in public places. Failure to comply with an order is a criminal offence punishable by way of a fine or fixed penalty notice.

6.6.2 A PSPO will not apply to an area operating under a premises licence issued under the Licensing Act 2003, or if the area of highway is covered by a pavement licence.

6.7 Planning Permission

6.7.1 Once a pavement licence is granted, or deemed to be granted, applicants will also benefit from deemed planning permission to use the land for activities pursuant to the licence, for the duration of that licence.

6.7.2 Applicants are strongly encouraged to consult with the Stevenage Planning Authority prior to applying for a pavement licence. This is to determine whether any existing planning restrictions are in place for the premises, such as conditions relating to operating hours, permitted activities or land use that may impact the eligibility for a pavement licence. Failure to consider such restrictions may result in the refusal of the application.

6.8 Smoke Free

- 6.6.1 All tables and chairs provided under a pavement licence must be smoke free. Licence holders who place seating on the highway, for the purpose of the consumption of food and drink, must take reasonable steps to ensure smoking does not take place in the licensed area.

6.9 Public Liability Insurance

- 6.9.1 All applicants/licence holders must hold a valid public liability insurance policy with a minimum cover of £5 million.
- 6.9.2 It is the sole responsibility of the licence holder to ensure that the Public Liability Insurance remains valid and in force for the entire duration of the pavement licence.
- 6.9.3 Licence holders must provide copies of the current insurance certificate upon request of an officer of the Licensing Authority.
- 6.9.4 Any lapse or gap in the Public Liability Insurance coverage may result in enforcement action, including the immediate revocation of the pavement licence.

6.10 Accessibility

- 6.10.1 The Local Authority recognises that street and café furniture, such as tables, chairs planters, hanging baskets and barriers can contribute positively to the vibrancy and appeal of public spaces, however if these items are overused, poorly positioned or inadequately managed, they can become significant obstacles, particularly for disabled people and others with limited mobility.
- 6.10.2 A clear, unobstructed footway must be maintained at all times, with particular consideration given to wheelchair users and those with visual impairments.
- 6.10.3 Furniture must not block tactile paving, dropped kerbs or crossings.
- 6.10.4 Temporary or seasonal installations must be regularly monitored to ensure continued compliance.
- 6.10.5 Applicants must ensure the safety and accessibility of the public highway, particularly for those who are visually impaired. The use of tap barriers (also known as tapping rails or detectable barriers) is recommended to meet this requirement.
- 6.10.6 Businesses and individuals are responsible for maintaining their installations and responding promptly to any concerns raised.

6.10.7 The Council will work collaboratively with stakeholders to support outdoor activity and business growth while safeguarding public access and inclusivity.

6.11 Sustainability

6.11.1 Stevenage Borough Council are committed to battling climate change by setting a target for Stevenage to be net-zero emissions by 2030. Tackling climate change and improving sustainability must be a key foundation for all activities by the Council, local businesses, and residents. The Council encourages licence holders to recycle where possible and reduce the use of single use plastics and polystyrene which includes the following:

- Plastic and polystyrene cups
- Plastic cutlery and coffee stirrers
- Plastic plates
- Plastic drinks bottles
- Plastic bags
- Plastic straws
- Plastic and polystyrene takeaway packaging

6.11.2 For further information regarding Climate Change and Sustainability please click on the following link [Climate Change and Sustainability](#). If you have any questions, please direct them via email to the Climate Change team at climatechange@stevenage.gov.uk.

6.11.3 The licence holder must ensure that outdoor heaters used in the pavement area are infrared and are controlled by the customer, by timer or motion sensors. Gas heaters are not permitted.

6.12 Enforcement

6.12.1 The Legislative and Regulatory Reform Act 2006, Part 2, requires Stevenage Borough Council to have regard to the principles of good regulation when exercising its regulatory functions.

6.12.2 The Licensing Authority is committed to monitoring pavement licences issued under the provisions of the Business and Planning Act 2020. It will ensure that licence holders comply with the terms and conditions of their licence, as well as relevant statutory requirements.

6.12.3 Enforcement action will be undertaken where necessary to protect public safety, maintain accessibility, and uphold the amenity of public spaces.

- 6.12.4 The Licensing Authority will exercise its enforcement powers fairly, consistently and proportionately, taking into account the individual circumstances of each case.
- 6.12.5 The Licensing Authority aims to resolve issues through engagement and advice where appropriate but will not hesitate to take formal action where conditions are breached or if it is in the public interest to do so.

Dealing with complaints

- 6.12.6 All complaints received by the Council in relation to pavement licensing will be fully investigated and in carrying out investigations, the Council will consider the nature of the complaint, the evidence available and the relevant provisions of this policy.
- 6.12.7 Each case will be assessed on its own merits to determine the most appropriate course of action. The Council will take proportionate steps to resolve any issues identified, which may include providing advice, issuing a warning, or taking formal enforcement action where necessary.
- 6.12.8 The Council is committed to ensuring transparency, fairness and consistency in how complaints are handled and resolved.

Placing furniture on the highway without a licence

- 6.12.9 Any individual or business that places tables, chairs or any other items of furniture, as defined in section 6.4 of this policy, on the public highway without appropriate authorisation is considered to be in breach of the Business and Planning Act 2020.
- 6.12.10 Where such a breach occurs, the Council will serve a notice to the licence holder under Section 7A of the Business and Planning Act 2020. This notice will require the removal of the unauthorised furniture by a specified date.
- 6.12.11 Upon receipt of the notice, the licence holder must remove the furniture in accordance with the terms of the notice and must refrain from placing any such furniture on the highway unless duly authorised by a valid pavement licence.
- 6.12.12 Failure to comply with the notice may result in further enforcement action, including the removal of the furniture by the Council and the recovery of costs associated with the removal and storage of the furniture.
- 6.12.13 Furniture which has been removed as a result of enforcement action will not be returned to the licence holder until associated costs have been paid.

6.12.14 If, within a period of three months, beginning on the day the notice is served, the individual does not pay the associated costs and recover the furniture, the Council may dispose of the furniture by sale or by any other means it considers appropriate.

6.12.15 The Council reserves the right to retain the proceeds of any sale and apply them for any purpose it deems appropriate, including but not limited to covering enforcement and administrative costs.

Breaching pavement licence conditions

6.12.16 Should a pavement licence holder breach any of the conditions set out in their licence, the Licensing Authority may take enforcement action in accordance with the Business and Planning Act 2020. In response to a breach, the Licensing Authority may:

- Revoke the licence, where the breach is serious, repeated or where the licence holder fails to comply with remedial action; or
- Serve a notice on the licence holder requiring them to take specific steps to remedy the breach. The notice will detail the actions required and the time within which those actions must be completed.

6.12.17 Failure to comply with a notice may result in further enforcement action, including the removal of any unauthorised furniture from the highway.

Revocation of a Pavement Licence

6.12.18 The Licensing Authority reserves the right to revoke a pavement licence in accordance with relevant legislation. A licence may be revoked where the Licensing Authority considers that:

- a) Some or all of the part of the relevant highway to which the licence relates has become unsuitable for any purpose in relation to which the licence was granted.
- b) The granting of a licence has resulted in:
 - i. A risk to public health or safety;
 - ii. Anti-social behaviour or public nuisance; or
 - iii. Obstruction of the highway i.e. the arrangement of street furniture prevents disabled people, older people or wheelchair users to pass along the highway unimpeded.
- c) The licence holder has provided information in their application which was materially false or misleading.

d) The licence-holder has failed to comply with the requirement to display the notice of application as prescribed by the relevant regulations.

6.12.19 Where the Council makes the decision to revoke a pavement licence, the licence holder will be informed of the Council's decision and the reason for that decision within 5 working days.

Enforcement by other agencies

6.12.20 In addition to any action taken by the Licensing Authority, licence-holders are reminded that they are required to comply with all relevant legislation and regulatory requirements enforced by other statutory bodies.

6.12.21 Where a licence holder fails to comply with legislation outside the scope of the Licensing Authority's remit, other enforcement agencies may take appropriate action. This may include, but is not limited to:

- **Trading Standards:** for breaches relating to fair trading, counterfeit goods, pricing, or unsafe products.
- **Highway Authority:** for unlawful obstruction, damage, or unauthorised use of the public highway.
- **Environmental Health:** for public health and safety concerns, including noise nuisance or food hygiene breaches.
- **Police and Community Safety Teams:** for anti-social behaviour, disorder, or breaches of public order.
- **Planning Authority:** for issues relating to unauthorised development or change of use.

6.12.22 Licence holders are expected to ensure full compliance with all relevant legal and regulatory frameworks. Failure to do so may result in enforcement action by the appropriate authority, which may also inform the Licensing Authority's decision on the continued suitability of the licence holder.

6.13 Making an application

6.13.1 A New Pavement Licence

6.13.2 New applicants are advised to read this Pavement Licence Policy before submitting an application to ensure they meet the criteria for the granting of a pavement licence.

6.13.3 Applicants must complete the application form attached at **Appendix 1** and must submit a complete application which includes the following:

- a) A completed application form, which is signed and dated
- b) A plan which must be in line with this policy (see section 6.23)
- c) Colour photographs of the proposed street furniture to be used (including barriers, planters or similar)
- d) A certificate of Public Liability Insurance, which covers the pavement licence activity. The insurance policy must provide cover for third-party and public liability risks arising from the use of the licensed area. The minimum amount of insurance cover shall be £5,000,000.

6.14 Consultation

6.14.1 Once a complete application for a pavement licence has been validated and deemed complete, and before a consent is granted, the Council will consult with the following:

- a) Hertfordshire County Council Highways
- b) The Local Planning Authority
- c) Hertfordshire Constabulary
- d) Environmental Health
- e) Stevenage Borough Council Engineering Services

6.14.2 During the consultation period the Licensing Authority and/or consultees may visit the premises to inspect the proposed licence area.

6.15 Public Notice

6.15.1 In accordance with statutory requirements and to ensure transparency in the decision-making process, applicants are required to notify the public of their pavement licence application.

6.15.2 Applicants must complete the public notice template provided at **Appendix 2** and display it prominently on or near the premises to which the application relates. The notice must:

- Be placed in a clearly visible and accessible location, such as a window or external wall facing the street.

- Be displayed for a continuous period of 14 days, starting from the date the applicant receives written confirmation from the Council that the application has been deemed complete.
- Remain legible and intact throughout the full 14-day consultation period.

6.16. Determination of an application for pavement licence

6.16.1 The Council is committed to ensuring a timely determination of pavement licence applications. Following the completion of the 14-day public consultation period the Council have a further 14-day decision period where it must decide whether to:

- Grant the application as it was applied for.
- Grant the application with conditions or amendments to the proposed area (reduce the size of the area or the number of tables and/or chairs)
- Refuse the application.

6.16.2 If the applicant has not received formal notification of the Council's decision by the end of the 14-day decision period, the licence will be automatically deemed granted, subject to the terms, conditions and layout specified in the original application.

6.16.3 This 'deemed grant' will be valid as if the licence had been formally issued by the Council, and the applicant may operate in accordance with its terms.

6.17 Pavement Licence conditions

6.17.1 All pavement licences granted by the Council will include standard conditions as set out in **Appendix 3** of this policy document. These conditions apply uniformly to all licences and are designed to uphold the Council's responsibilities with respect to public health, safety and the protection of the local amenity.

6.17.2 In addition to the standard conditions, the Council may impose further specific conditions on a case-by-case basis. These may be considered necessary and proportionate for the promotion of one or more of the licensing objective:

- Prevention of Crime and Disorder
- The Prevention of Public Nuisance and
- The promotion of Public Safety

6.17.3 Licence holders are required to comply with all conditions attached to their licence. Failure to do so may result in enforcement action, including modification, suspension or revocation of the licence.

6.18 Variation of conditions

6.18.1 The Council may, at any time with the permission of the licence holder, vary the conditions of a pavement licence. This will happen if some or all of the relevant highway, to which the licence relates, has become unsuitable for any purpose in relation to which the licence was granted or deemed to be granted.

6.19. The Licence

6.19.1 Details on the licence will include:

- a) A unique licence number
- b) The name of the licence holder
- c) The number of tables, chairs, umbrellas etc. permitted by the licence
- d) The days and times permitted by the licence
- e) The plan
- f) The conditions of licence

6.19.2. All licences will remain in force for a period of **2 years**, unless there is good reason for granting a licence for a shorter period i.e. there are plans in place for future changes in the use of the proposed space, or the licence is surrendered or revoked.

6.20 Renewal of a pavement licence

6.20.1 All renewal applications for a pavement licence will be reviewed in accordance with the provision of this policy. This requirement applies to all licences including those granted prior to the adoption of this policy.

6.20.2. Applicants wishing to renew a pavement licence must complete the application form attached at Appendix 1 and must submit a complete application which includes the following:

- a) A completed application form, which is signed and dated
- b) A plan which must be in line with this policy (see section 6.23)
- c) Colour photographs of the proposed street furniture to be used (including barriers, planters or similar)
- d) A certificate of Public Liability Insurance, which covers the pavement licence activity. The insurance policy must provide cover for third- party and public

liability risks arising from the use of the licensed area. The minimum amount of insurance cover shall be £5,000,000.

- 6.20.3. Applications to renew a pavement licence must be submitted two (2) full calendar months before the expiry date of an existing licence. If a valid renewal application is received prior to the licence's expiration, the licence holder will be permitted to continue operating under the existing terms until the application is determined.
- 6.20.4 If a renewal application is not submitted before the expiry date, the licence will lapse, and the licence holder must cease all related operations. In such cases, all tables, chairs and any other associated furniture must be removed from the licensed area until a new licence is granted.

Consultation

- 6.20.5 Applications for the renewal of a pavement licence are subject to the same consultation process as a new application, as explained in section 6.13 of this policy.

Public notice

- 6.20.6. Applications for the renewal of a pavement licence must include the completion and display of a public notice following the same process as a new application, as explained section 6.14.

Determination of an application to renew a pavement licence

- 6.20.6 Applications for the renewal of a pavement licence will be determined using the same decision-making process as a new application, as explained in section 6.16.

6.21. Applications previously granted under the Highways Act 1980

- 6.21.1 All pavement licences previously granted under the Highways Act 1980 for activities licensable under the pavement licensing legislation in the Business and Planning Act 2020 must be granted under the Business and Planning Act 2020 (as amended by section 229 and schedule 22 of the levelling Up and Regeneration Act) and should not be granted under the Highways Act 1980.

6.22 Existing Pavement Licences

6.22.1 Existing pavement licences granted after 31 March 2024 and prior to the adoption of this policy, will remain valid until the expiration date on the licence issued by the Licensing Authority. Once this has expired, businesses will be required to submit an application for a new licence and all applications will be assessed in accordance with the criteria set out in this policy and the legislative framework.

6.23 The Plan

6.23.1 All applications for a new or renewal of a pavement licence must be accompanied by an A4 plan clearly showing:

- The location of the premises to which the application relates.
- The precise area of the public highway that is proposed to be used for the placing of furniture. This must be clearly outlined in red to ensure it is easily identifiable.
- Access points, building lines and boundaries.
- The measurements of the area of the public highway that is proposed to be used for the placing of furniture, including measurements from the edge of the proposed seating area to obstacles or roads.
- The precise location/layout of the tables, chairs and any other furniture (including barriers) as defined in section 6.4 of this policy.

6.24. Appealing a decision

6.24.1 There is no statutory right of appeal against decisions made under the Business and Planning Act 2020 in relation to pavement licensing. As such decisions made under this Act and this policy are final.

6.24.2 Persons aggrieved by any decision made under this policy should follow the Council's formal complaints procedure, details of which can be found using this link [Compliments and Complaints](#).

6.25 Licence fees

6.25.1 The fees payable for the grant or renewal of a pavement licence are:

	Grant	Renewal
Pavement Licence under the BPA 2020	£500	£350

6.26 Refunding of fees

6.26.1 Fees and charges for pavement licences are set on a cost recovery basis, in accordance with the provisions of the Business and Planning Act 2020 and do not exceed the maximum amount set by government. As such, the Licensing Authority is limited in the circumstances under which it can offer refunds. Refunds **will only** be considered in the following situations:

- Where an application has been withdrawn before the application is determined and before any substantive processing has taken place.
- Where a duplicate payment has been made in error.

6.26.2 Refunds **will not** normally be issued in the following cases:

- Where an application has been processed and has been subsequently refused.
- Where a licence is granted for a shorter period than requested. (see section 6.19.2 of this policy).
- Where a licence is surrendered or revoked before the expiry date.
- Where the applicant no longer wishes to proceed after processing has commenced.

6.26.3 All requests for refunds must be made in writing to licensing@stevenage.gov.uk Refund requests will be assessed on a case-by-case basis, taking into account the circumstances of each application. The Licensing Authority reserves the right to determine eligibility for a refund, and its decision will be final. Any approved refund will be subject to the deduction of administration fees.

7 Consultation

7.1 The Licensing Authority has consulted informally with the following persons for comment in relation to this policy which includes persons listed in section 6.14 of this policy, these include:

- a) Hertfordshire County Council Highways
- b) The Local Planning Authority
- c) Hertfordshire Constabulary
- d) Environmental Health
- e) Stevenage Borough Council Engineering Services
- f) Stevenage borough Council Town Centre Management Team
- g) Stevenage Borough Council Estates team
- h) Stevenage Borough Council Street Scene and Amenities
- i) All existing holders of a Stevenage Borough Council Pavement Licence

8 Monitoring and Review

8.1 This policy will be reviewed by the relevant Business Unit's Head of Service or Service Manager every 2 years (see page 1 for details of Business Unit) or earlier if there is a change in legislation. Where more than 10% of the policy content is changed the Assistant Director and appropriate Portfolio Holder will be required to decide if the policy needs to be formally reconsidered by the Executive or appropriate decision-making body.

8.2 Where there is a request for the content of the policy to be reviewed in response to a complaint, the relevant Business Unit's Assistant Director will be notified. If the Assistant Director agrees that a review of policy is required, this will be discussed with the appropriate Portfolio Holder. The Head of Service or Service Manager will be responsible for implementing a subsequent policy review.

9 References and Resources

[Pavement licences: guidance - GOV.UK](#)
[Business and Planning Act 2020](#)
[Licensing Act 2003](#)
[Highways Act 1980](#)
[Climate Change and Sustainability](#)
[Stevenage Climate Action Plan](#)
[Climate Change Strategy - September 2020](#)
[Equality Act 2010](#)
[Home | Stevenage Town Centre](#)
[Health Act 2006](#)

10 Abbreviations and Definitions

EDI	Equality, Diversity and Inclusion
GDPR	General Data Protection Regulation
PSED	Public Sector Equality Duty
SBC	Stevenage Borough Council
BPA2020	Business and Planning Act 2020

Licensed area the area where tables, chairs and other authorised removeable furniture can be placed.

Furniture For the purpose of this policy, furniture refers to moveable items placed on the highway for the purpose of a pavement licence, this may include, tables and chairs, barriers (used for demarcating licensed area), umbrellas or parasols, planters, heaters, waste bins associated with the licensed use) other items intended to be used by customers, such as benches or serving stands.

District the area covered by Stevenage Borough Council.

Pavement licence a licence which permits a business to place removeable furniture on the highway adjacent to their premises for the purpose of selling/consuming food and drink.

Public Highway refers to public areas such as footpaths or pedestrianised streets, carriage ways excluding trunk roads and motorways.

Licensing Authority the Local Authority responsible for carrying out licensing functions under various legislative frameworks including the Business and Planning Act 2020.

- Public Nuisance** An act that affects the reasonable comfort and convenience of the public or section of the community. i.e. excessive noise, obstruction of the highway or rights of way, littering, odours, or antisocial behaviour.
- Appeals** a formal process to review the decision made by the Licensing Authority under the grounds of unfairness, or a disagreement with the outcome.

11 Appendices

Appendix 1 - Application form

Appendix 2 – Public Notice

Appendix 3 – Pavement Licence Standard Conditions

Appendix 4 – Equality Impact Assessment (EqIA) May 2025

12 Version History

Date	Outlined Amendments	Author
April 2025	First Draft - Version 1	Julie Dwan
June 2025	Amendments following consultation	Julie Dwan
	Paragraph 6.1.2, wording amended from: ‘Seating areas that are located on privately owned land, land to the rear of buildings, or in the Town Centre do not require a licence under this Policy. However, you may need permission from the landowner if you do not own the land’. To: Seating areas that are located on privately owned land, land to the rear of buildings, or within the defined boundary of Stevenage Town Centre do not require a licence under this Policy. However, if you do not own the land, you will need to obtain permission from the landowner.	

	Paragraph 6.1.3 added which states: Those persons wishing to apply for outdoor seating within the area defined as Stevenage Town Centre, must contact the Town Centre Management team in the first instance at tcm@stevenage.gov.uk	
	Section 10 Abbreviations and Definitions – Definition of furniture added for the purpose of this policy with examples.	
	Paragraph 6.4.5 – ‘Applicants wishing to place Advertising boards or non-removeable furniture onto the highway must apply for permission from Hertfordshire County Council, under the Highways Act 1980’. Has been put in bold .	
	Paragraph 6.4.3 - ‘Permanent fixed structures and furniture which is not removable and used in connection with the outdoor selling or consumption of food or drink are not permitted by a pavement licence’. Has been put in bold .	
	Paragraph 6.4.1 – ‘Furniture must be able to be moved easily and stored away at night’. Amended to ‘All furniture must be easily moveable and remain non-fixed at all times.’ This has been put in bold .	
	Paragraph added at 6.4.2 – ‘The licence holder must ensure that all furniture is removed from the highway and, securely stored away outside of the licensed operating hours and each night’.	
	Standard Pavement Licence Conditions – The addition of two conditions, Condition 7 – ‘The Licence Holder shall keep the licensed area, together with the immediately adjacent area, in a clean and tidy condition at all times during the permitted hours. The Licence Holder shall also provide and maintain suitable litter bins or similar receptacles for the proper disposal of waste arising from the licensed activity’ and Condition 8 – ‘The Licence Holder shall ensure the prompt removal of litter, spillages, food waste, cigarette ends, and any other debris arising from the use of the licensed area’.	
26.09.2025	Following consultation with Cllr Rob Broom (Portfolio holder)	Julie Dwan
	Paragraph 6.26.3 - ‘All requests for refunds must be made in writing to licensing@stevenage.gov.uk and will be considered on a case-by-case basis. The Licensing Authority’s decision on refund eligibility is final’. Amended to: ‘All requests	

	<p>for refunds must be made in writing to licensing@stevenage.gov.uk Refund requests will be assessed on a case-by-case basis, taking into account the circumstances of each application. The Licensing Authority reserves the right to determine eligibility for a refund, and it's decision will be final. Any approved refund will be subject to the deduction of administration fees'.</p>	
	<p>Paragraph 6.26.2 – 'Refunds will not be issued in the following cases': Amended to: 'Refunds will not normally be issued in the following cases':</p>	

DRAFT

From: [REDACTED]
Sent: 03 June 2025 12:33
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Informal Consultation - Stevenage Borough Council Pavement Licensing Policy

I'm happy with that, thanks [REDACTED]

[REDACTED] – can we edit that section please

Thanks
[REDACTED]

From: [REDACTED]
Sent: 03 June 2025 12:28
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Informal Consultation - Stevenage Borough Council Pavement Licensing Policy

Hi All,

Happy for 6.1.2 to be more precise to avoid any issues in the future. We could add the wordings in red if everyone is fine with it.

Seating areas located on privately owned land, land to the rear of buildings, or within the defined boundary of Stevenage Town Centre do not require a licence under this Policy. However, if you do not own the land, you may still need to obtain permission from the landowner.

If you wish to apply for outdoor seating within the area defined as Stevenage Town Centre, please contact the Town Centre Management team in the first instance at (tcm@stevenage.gov.uk/ whatever is the best generic TC email to use)

Thanks [REDACTED]

From: [REDACTED]
Sent: 03 June 2025 10:04
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Informal Consultation - Stevenage Borough Council Pavement Licensing Policy

Hi all

I find that paragraph a little confusing . Sorry I know what they are like, and they would say it reads like they don't need a licence?

Kind Regards

[REDACTED]
[REDACTED] | Town Centre & Market Support Officer
[REDACTED] Stevenage Borough Council, Daneshill House, Danestrete, Stevenage, Hertfordshire, SG1 1HN
[REDACTED] [REDACTED]

[Events](#) | [Stevenage Town Centre](#)



From: [Redacted]
Se [Redacted]
Cc [Redacted]
Subject: FW: Informal Consultation - Stevenage Borough Council Pavement Licensing Policy
Importance: High

Hi all
Page 8, 6.1.2 – I think we're all happy with what's written right? Vague enough but people know outdoor seating in the town centre doesn't fall within this policy..
Please confirm you are ok with it

Thanks
[Redacted]

From: [Redacted]
Sent: Friday, May 30, 2025 8:34 AM
To: County Wide Licence and Enforcement <countywide.licenceandenforcement@hertfordshire.gov.uk>; Plan Devcon <Plan.Devcon@stevenage.gov.uk>; R Licensing Eastern Area <licensingeasternarea@herts.police.uk> [Redacted] Environmental Health SBC <Env.Health@stevenage.gov.uk>; Engineers <Engineers@stevenage.gov.uk> [Redacted] Commercial Estates <CommercialEstates@stevenage.gov.uk> [Redacted] TCM_SBC <tcmsbc@stevenage.gov.uk> [Redacted]
Cc: [Redacted] Licensing <licensing@stevenage.gov.uk>
Subject: Informal Consultation - Stevenage Borough Council Pavement Licensing Policy
Importance: High

Dear All
Stevenage Borough Council, as the Licensing Authority, is responsible for granting Pavement Licences in accordance with the Business and Planning Act 2020.
We have developed a draft Pavement Licence Policy which sets out the standards, expectations and application procedures associated with the granting, monitoring and enforcement of Pavement Licences across the Borough of Stevenage (excluding the Town Centre).
The Policy aims to provide a consistent, fair and transparent approach to managing the use of public highways for commercial purposes, while ensuring public safety, accessibility and amenity are protected. It also offers guidance to applicants, existing licence holders, and authorised Council officers, explaining how compliance will be monitored and what actions will be taken in the event of non-compliance or breaches of licence conditions.
The draft Policy is now open to informal consultation from Friday 30th May to Friday 13th June 2025. A copy of the document is attached for your review.

We welcome any comments or feedback you may have. Please send your responses to licensing@stevenage.gov.uk by the end of the consultation period.

Kind Regards

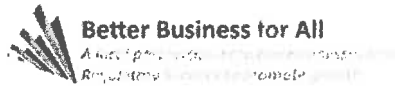
[Redacted]
Licensing Manager

Environmental Health and Licensing
Stevenage Borough Council, Daneshill House, Danestrete, Stevenage, SG1 1HN

Email: [Redacted]

Direct Line: [Redacted]

Mobile: [Redacted]



Our Privacy Policy has been updated to reflect changes to data protection legislation and can be viewed at the following link <http://www.stevenage.gov.uk/privacy-policy>



From: [REDACTED]
Sent: 30 May 2025 13:52
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Informal Consultation - Stevenage Borough Council
Pavement Licensing Policy

Thanks [REDACTED]

I think this all looks pretty good. I was confused at first by some clauses that referred both "the Licensing Authority" and "Stevenage Borough Council" in one sentence as if the two were separate parties. And I wondered if the licence conditions should be explicit on minimum footway clearances, but maybe it is better to leave this out so that we have more discretion on a case by case basis.

Interesting that this policy clarifies that S115a will no longer be used for furniture on the highway. [REDACTED] Do we need "furniture" to be defined in Section 10? It would be useful if the policy was explicit that structures [REDACTED] in the High Street) are beyond the scope of the pavement licenses and still rest with HCC under s115a. I couldn't see that in there but might have missed it.

[REDACTED]
*Engineering Services Manager
Stevenage Borough Council*
[REDACTED]

I am currently hybrid working from home and office. My normal working hours are Monday - Friday [9am-5pm] although this may vary. The best way to reach me is by email but if you require an urgent response please call me on 07810 154918.
Our Privacy Policy has been updated to reflect changes to data protection legislation and can be viewed at the following link
<http://www.stevenage.gov.uk/privacy-policy>

From: Engineers
Sent: Friday, May 30, 2025 9:17 AM
To: [REDACTED]
Subject: FW: Informal Consultation - Stevenage Borough Council Pavement Licensing Policy
Importance: High

Regards

[REDACTED]
Technical Support Manager
Planning & Regulation

From: [REDACTED]
Sent: 30 May 2025 08:34
To: County Wide Licence and Enforcement
<countywide.licenceandenforcement@hertfordshire.gov.uk>; Plan Devcon
<Plan.Devcon@stevenage.gov.uk>; R Licensing Eastern Area <licensingeasternarea@herts.police.uk>;
[REDACTED] Environmental Health SBC

<Env.Health@stevenage.gov.uk>; Engineers <Engineers@stevenage.gov.uk>; [REDACTED] Commercial Estates <CommercialEstates@stevenage.gov.uk> [REDACTED]; TCM_SBC <tcm@stevenage.gov.uk> [REDACTED]
Cc [REDACTED]; Licensing <Licensing@stevenage.gov.uk>
Subject: Informal Consultation - Stevenage Borough Council Pavement Licensing Policy
Importance: High

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The Policy aims to provide a consistent, fair and transparent approach to managing the use of public highways for commercial purposes, while ensuring public safety, accessibility and amenity are protected. It also offers guidance to applicants, existing licence holders, and authorised Council officers, explaining how compliance will be monitored and what actions will be taken in the event of non-compliance or breaches of licence conditions.

The draft Policy is now open to informal consultation from **Friday 30th May to Friday 13th June 2025**. A copy of the document is attached for your review.

We welcome any comments or feedback you may have. Please send your responses to licensing@stevenage.gov.uk by the end of the consultation period.

Kind Regards

[REDACTED]
Licensing Manager

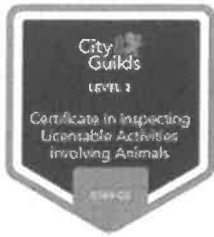
Environmental Health and Licensing

Stevenage Borough Council, Daneshill House, Danestrete, Stevenage, SG1 1HN

Email: [REDACTED]

Direct Line: 01438 242493

Mobile: [REDACTED]



Better Business for All

At the heart of the Council's Better Business for All strategy is a commitment to providing a high quality service to our residents and businesses.



Our Privacy Policy has been updated to reflect changes to data protection legislation and can be viewed at the following link <http://www.stevenage.gov.uk/privacy-policy>.



From: Licensing
Sent: 11 June 2025 16:42
To: [REDACTED]
Subject: PAVEMENT LICENCE CONSULTATION Rep - Informal Consultation - Stevenage Borough Council Pavement Licensing Policy

Hi,
EVI

[REDACTED] | Licensing Officer | Stevenage Borough Council | Daneshill House, Danestrete, Stevenage, Herts., SG1 1HN
Web: www.stevenage.gov.uk



Our Privacy Policy has been updated to reflect changes to data protection legislation and can be viewed at the following link <http://www.stevenage.gov.uk/privacy-policy>

From: [REDACTED]
Sent: 11 June 2025 09:12
To: Licensing
Subject: [External] Re: Informal Consultation - Stevenage Borough Council Pavement Licensing Policy

Good morning

In relation to the attached, I have liaised with our Licence and Enforcement team for comments.

Main comment was around possibly placing a bit more emphasis on licence holders' duties for removing all associated apparatus from the highway outside of licensing hours. ("must remove" etc)

Other than that, no significant concerns around the document raised

Kind regards

[REDACTED]
Assistant Network Manager | Highways Network Management Strategy & Compliance | Growth & environment
Hertfordshire County Council
Address: Farnham House, Six Hills Way, Stevenage, SG1 2ST, Postal Point: CHN115.

[REDACTED]

Our vision is to create a cleaner, greener and healthier Hertfordshire, guided by our RISE values

We improve Residents' lives	We work with Integrity	We act Sustainably	We champion Equality & fairness
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From: [REDACTED]
Sent: 30 May 2025 08:34

To: County Wide Licence and Enforcement <[redacted]>; Plan Devcon <Plan.Devcon@stevenage.gov.uk>; R
Licensing Eastern Area <licensingeasternarea@herts.police.uk>; [redacted] Environmental Health SBC
<Env.Health@stevenage.gov.uk>; Engineers <Engineers@stevenage.gov.uk>; [redacted]
[redacted] Commercial Estates <CommercialEstates@stevenage.gov.uk>
[redacted] TCM SBC <tcmsbc@stevenage.gov.uk>; [redacted]
Cc: [redacted] Licensing <licensing@stevenage.gov.uk>
Subject: Informal Consultation - Stevenage Borough Council Pavement Licensing Policy
Importance: High

Dear All

Stevenage Borough Council, as the Licensing Authority, is responsible for granting Pavement Licences in accordance with the Business and Planning Act 2020.

We have developed a draft Pavement Licence Policy which sets out the standards, expectations and application procedures associated with the granting, monitoring and enforcement of Pavement Licences across the Borough of Stevenage (excluding the Town Centre).

The Policy aims to provide a consistent, fair and transparent approach to managing the use of public highways for commercial purposes, while ensuring public safety, accessibility and amenity are protected. It also offers guidance to applicants, existing licence holders, and authorised Council officers, explaining how compliance will be monitored and what actions will be taken in the event of non-compliance or breaches of licence conditions.

The draft Policy is now open to informal consultation from **Friday 30th May to Friday 13th June 2025**. A copy of the document is attached for your review.

We welcome any comments or feedback you may have. Please send your responses to licensing@stevenage.gov.uk by the end of the consultation period.

Kind Regards

[redacted]
Licensing Manager

Environmental Health and Licensing

Stevenage Borough Council, Daneshill House, Danestrete, Stevenage, SG1 1HN

Email: [redacted]

Direct Line: [redacted]

Mobile: [redacted]



Our Privacy Policy has been updated to reflect changes to data protection legislation and can be viewed at the following link <http://www.stevenage.gov.uk/privacy-policy>

From: [REDACTED]
Sent: 06 February 2026 10:37
To: [REDACTED]
Subject: RE: ****CONSULTATION**** Stevenage Borough Council Draft Street Trading Policy

Hi [REDACTED]

Just a thought. I cannot see anything within the documentation about pitch traders or traders that have been allowed to use the paving in front of the shops, to make sure they keep them clean. Too many 'café' areas are not clearing their spillages or cigarette ends at the end of each day. Also weeds / debris builds up under trader trailers, that should be their responsibility to keep clean.

Kind regards,

[REDACTED]

[REDACTED]
Street Scene Manager | Environment & Leisure | [Stevenage Borough Council](#)

Our Privacy Policy has been updated to reflect changes to data protection legislation and can be viewed at the following link <http://www.stevenage.gov.uk/privacy-policy>



From: [REDACTED]
Sent: 28 January 2026 12:50
To: Plan Devcon <Plan.Devcon@stevenage.gov.uk>; R Licensing Eastern Area <licensingeasternarea@herts.police.uk>; [REDACTED] Engineers <Engineers@stevenage.gov.uk>; TCM_SBC <tcm@stevenage.gov.uk> [REDACTED]
[REDACTED]
[REDACTED] County Wide Licence and Enforcement <countywide.licenceandenforcement@hertfordshire.gov.uk>
Subject: Re: ****CONSULTATION**** Stevenage Borough Council Draft Street Trading Policy
Importance: High

Good Afternoon

Further to my previous email dated 14th January 2026. The consultation period has been extended by a further 2 weeks. The last date for comments will now be Wednesday 11th February.

Kind Regards

[REDACTED]
Licensing Manager

Environmental Health and Licensing
Stevenage Borough Council, Daneshill House, Danestrete, Stevenage, SG1 1HN
Email: [REDACTED]
Direct Line: [REDACTED]
Mobile: [REDACTED]



Our Privacy Policy has been updated to reflect changes to data protection legislation and can be viewed at the following link <http://www.stevenage.gov.uk/privacy-policy>.

From [REDACTED]
Sent: 14 January 2026 14:37
To: Plan Devcon <Plan.Devcon@stevenage.gov.uk>; R Licensing Eastern Area <licensingeasternarea@herts.police.uk> [REDACTED] Engineers <Engineers@stevenage.gov.uk>; TCM_SBC <tcm@stevenage.gov.uk>; [REDACTED]
[REDACTED]; County Wide Licence and Enforcement <countywide.licenceandenforcement@hertfordshire.gov.uk>
Subject: ****CONSULTATION**** Stevenage Borough Council Draft Street Trading Policy
Importance: High

Dear Stakeholder

Stevenage Borough Council has developed a draft Street Trading Policy to provide a clear consistent framework for the regulation of street trading within the borough. As this will be the Council's first dedicated Street Trading Policy, we are keen to ensure that the final version reflects local needs, supports businesses and promotes public safety and community wellbeing.

We are now inviting views from key stakeholders as part of a 14-day consultation period. The purpose of this consultation is to gather feedback on the proposed policy prior to formal adoption by the Council.

Please find attached a copy of the draft Street Trading Policy for your consideration. We would be grateful if any comments, observations or suggestions could be submitted in writing no later than **Wednesday 28th January 2026**.

Responses may be sent to licensing@stevenage.gov.uk . All representations received will be reviewed and considered before the final version of the policy is presented for approval.

Thank you in advance for taking the time to contribute to this consultation. Should you have any questions or require clarification on any aspect of the policy, please do not hesitate to contact us.

Kind Regards

[Redacted Signature]

Licensing Manager

Environmental Health and Licensing

Stevenage Borough Council, Daneshill House, Danestrete, Stevenage, SG1 1HN

Email: [Redacted]

Direct Line: [Redacted]

Mobile: [Redacted]



Our Privacy Policy has been updated to reflect changes to data protection legislation and can be viewed at the following link <http://www.stevenage.gov.uk/privacy-policy>.

From: [REDACTED]
Sent: 28 September 2025 12:19
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Re: Sign off of Pavement Licence Policy

Hello [REDACTED]

Thank you for feedback and listening on my point about refunds and clarifying around privately owned land and the policy . This will help greatly for businesses and sets out clear guidance and expectations . Thank you again for sight of the policy.

[REDACTED]



[REDACTED]
Cabinet Member for Environment
Councillor for Shephall Ward
Stevenage Borough Council
Daneshill House,
Danestrete,
Stevenage SG1 1HN

[REDACTED]
www.stevenage.gov.uk

[REDACTED]
Sent: 26
September 2025
16:29

To: [REDACTED]
[REDACTED]

Cc: [REDACTED]
[REDACTED]
[REDACTED]

Subject: RE: Re:
Sign off of

Importance: High

Good afternoon, [REDACTED]

Thank you for your recent email and for raising some helpful points regarding the pavement licence policy.

To clarify, the pavement licence policy does not apply to privately owned land. This includes areas such as private retail spaces, land to the rear of buildings, or any locations within the town centre that do not form part of the public highway.

For outdoor seating located within the defined town centre area, management falls under the remit of the Town Centre Management Team. This process is outlined in paragraphs 6.1.2 and 6.1.3 of the policy.

You also raised an important question regarding refunds — specifically whether a partial fee refund could be considered in cases where a business closes mid-year or is unable to use the licensed area due to unavoidable works (e.g. resurfacing or utility works). While paragraph 6.26.3 already states that refunds will be determined on a case-by-case basis, we agree this could be made clearer. Following discussions with [REDACTED] we have now included a sentence to confirm that any approved refund would be subject to the deduction of administration fees, in order to ensure cost recovery on works the Council have already carried out.

Additionally, in paragraph 6.26.2, we have added the word “normally” to provide some flexibility in the rare instances where a refund might otherwise be considered.

Finally, just to confirm, I have received advice from [REDACTED] in Shared Legal Services (by email dated 18th May) that this policy decision can be made via delegated decision and does not need to go to Cabinet.

I hope this helps clarify the position, I have attached the amended policy to this email along with associated appendices ready for sign off, but please don't hesitate to get in touch if you have any further questions.

Kind Regards

[REDACTED]

[REDACTED]

Licensing Manager

Environmental Health and Licensing

Stevenage Borough Council, Daneshill House, Danestrete, Stevenage, SG1 1HN

Email: [REDACTED]

Direct Line: [REDACTED]

Mobile: [REDACTED]



Better Business for All

A local partnership between Business and Regulatory Services to provide growth



Our Privacy Policy has been updated to reflect changes to data protection legislation and can be viewed at the following link <http://www.stevenage.gov.uk/privacy-policy>.

From: [REDACTED]
Sent: 24 September 2025 21:06
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Re: Sign off of Pavement Licence Policy

Hello [REDACTED]

I am well, and hope that you [REDACTED] and the team are doing well.

Thank you for sight of this policy , which I know to be important to the safe management of the public realm , in the town centre , old town , and elsewhere in our neighbourhood precincts . I am assuming this does not apply to privately owned retail areas.?

Are there any circumstances under which we would refund part of a fee, if the business closed , halfway through a year , or was unable to use the public realm for this purpose , whilst work is being done on it: resurfacing , laying of utilities etc. ?

Will this policy be coming to cabinet ?

Apart from the above, good to clear for approval.

Best Wishes
[REDACTED]



[REDACTED]
Cabinet member for Environment
Councillor for Shephall Ward
Stevenage Borough Council
Daneshill House,
Danestrete,
Stevenage SG1 1HN

[REDACTED]
www.stevenage.gov.uk

From: [REDACTED]

Sent: 22
September 2025
12:03

To: [REDACTED]

Cc: [REDACTED]

Subject: Re: Sign
off of Pavement
Licence Policy

Good morning, Cllr [REDACTED]

I hope this email finds you well.

Please see attached, final version of our proposed Pavement Licensing Policy for your attention. Though this will require sign off, the plan is that we don't finalise it just yet as [REDACTED] is wanting to resolve the High Street situation first.

Please don't hesitate to get in contact with me should you have any questions.

Kind Regards

[REDACTED]

[REDACTED]

Licensing Manager

Environmental Health and Licensing

Stevenage Borough Council, Daneshill House, Danestrete, Stevenage, SG1 1HN

Email: [REDACTED]

Direct Line: [REDACTED]

Mobile: [REDACTED]



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Appendix 1 – Application form

Application for the Grant/Renewal of a Pavement Licence
(Section 2 of the Business and Planning Act 2020)

All Applicants are advised to read the Council's [Pavement Licence](#) policy before completing/submitting an application to ensure they meet the criteria for the granting of a pavement licence.

APPLICATION TYPE (please tick the relevant box)	
Grant of a Pavement Licence	<input type="checkbox"/>
Renewal of pavement licence	<input type="checkbox"/>

Applicant's name:	
Address & Postcode:	
Telephone:	
E-mail:	

Agent Details (if applicable):	
Address & Postcode:	
Telephone:	
E-mail:	

Name & Address of the premises to which this application relates:	
Telephone Number:	

Name of contact at the premises (if this differs from the applicant)	

Do you, the applicant occupy these premises as:

Freeholder Leaseholder Tenant Other (please specify)

Purpose of the application (please tick one or both)	
To sell or serve food or drink supplied from, or in connection with relevant use of, the premises.	
Use of the furniture by other persons for the purpose of consuming food or drink supplied from, or in connection with relevant use of, the premises	

Relevant use of the premises (please tick one or both)	
Use as a public house, wine bar or other drinking establishment	
Use for the sale of food or drink for consumption on or off the premises	

What is the nature of the business at these premises? (please be specific)

Location (include photographs if possible):	
Size of area (m), Length:	Width

Number of tables, chairs and other items of removeable furniture proposed for use in the licensed area:	
Number of Tables	
Number of Chairs	
Number of Umbrellas	
Number of Heaters	

Other (please specify)	

Details of furniture and barriers e.g. type, colour, material, size (include photographs/images/brochures where possible)

Please indicate below the proposed days and times of operation for tables and chairs (please use 24-hour clock):

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Start							
End							

Checklist:

- Completed Application form.
- A valid Public Liability Insurance Certificate to the sum of at least £5 million
- A scale plan of the area (showing the location of all items to be placed in the licensed area)
- A location plan (showing both the area to be licensed and the premises relating to the application outlined in **RED**)
- A copy of your completed public notice (must be displayed on the premises for 14 days)
- Once your application has been received a member of the licensing team will contact you to make payment.

Your Signature

Date

Please return the completed application form to: licensing@stevenage.gov.uk or post to: Licensing Team, Stevenage Borough Council, Daneshill House, Danestrete, Stevenage, Hertfordshire, SG1 1HN.

Our Privacy Policy has been updated to reflect changes to data protection legislation and can be viewed at the following link <http://www.stevenage.gov.uk/privacy-policy>

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Appendix 2 – Public Notice



**NOTICE for display by an applicant for a Pavement Licence.
(Section 2 Business and Planning Act 2020).**

I/We (1), give notice that on (2) I/we applied to Stevenage Borough Council for a 'Pavement Licence' at: (3)

known as (4)

The application is for: (5)

Proposed days and times of operation:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Start							
End							

Any person wishing to make representations regarding this application may do so by writing to:

Stevenage Borough Council, Daneshill House, Danestrete, Stevenage, SG1 1HN or by Email to: licensing@stevenage.gov.uk

by: (6)

The application and information submitted can be viewed at www.stevenage.gov.uk

Signed

Dated (10)

Guidance notes for applicants:

Substitute the numbers with the following information:

- (1) name of applicant
- (2) date the application was made (i.e. submitted)
- (3) postal address of premises
- (4) name premises is known by
- (5) brief description of application (for example outdoor seating to the front of the premises for serving of food and drink]). Include the proposed times of operation in the table provided.
- (6) last date for representations being the date 7 days after the date that a valid application was submitted to the local authority (excluding public holidays)
- (7) date the notice was first displayed (must be the same date as (2))

A copy of this notice must accompany your application when it is made.

This notice must be clearly visible and readable during the entire consultation period. It will be checked during the consultation and if it is not displayed correctly then it is likely that the consultation period will be extended.

If it comes to light that the notice was not displayed properly after a licence has been granted, then the granted licence will be revoked.

Appendix 3 - Pavement Licence Standard Conditions

These conditions apply to all licences issued under the Business and Planning Act 2020

“Licence Holder” – for the purposes of these conditions a licence holder is the person named on the licence or anyone managing or employed at the premises in any capacity that allows them to carry out the benefits of the licence.

1. The Licence Holder shall not cause any unnecessary obstruction of the highway or danger to persons using it. The Licence holder must have particular regard to the needs of disabled people, and the recommended distances required for access by disabled people as set out in guidance issued by the Secretary of State.
2. The Licence Holder shall not permit persons to cause a public nuisance or anti-social behaviour.
3. The Licence Holder shall not use, or permit to be used, any apparatus for the reproduction of sound, including but not limited to musical instruments, radios, televisions, or public address systems, while exercising any of the privileges granted by this licence.
4. The Licence Holder shall not make, or cause to be made, any excavation, indentation, or other alteration of any kind to the surface of the highway. Furthermore, the Licence Holder shall not place, install, or fix any equipment or apparatus of any description into or onto the surface of the highway without the prior written consent of the Highway Authority.
5. The Licence Holder shall not use the highway for any purpose other than that expressly permitted by this Licence, and only during the permitted hours specified herein. At all other times, the Licence Holder shall not make any use of the highway under the terms of this Licence, except for the lawful purpose of passing and repassing over it as a member of the public.
6. The Licence Holder shall ensure that any advertisement is placed strictly within the licensed area as indicated on the approved plan. Any such advertisement must not, under any circumstances, cause obstruction to the highway or interfere with the safe and convenient passage of pedestrians.
7. The Licence Holder shall keep the licensed area, together with the immediately adjacent area, in a clean and tidy condition at all times during the permitted hours. The Licence Holder shall also provide and maintain suitable litter bins or similar receptacles for the proper disposal of waste arising from the licensed activity.
8. Upon the expiry, surrender, or revocation of this Licence, the Licence Holder shall remove all furniture, equipment, litter bins, and any other articles placed on the highway under the authority of this Licence. The Licence Holder shall ensure that the highway is left in a clean, neat, and tidy condition to the satisfaction of the Council.
9. Nothing in this Licence shall be construed as granting, or purporting to grant, any tenancy or right of occupation to the Licence Holder under the Landlord and Tenant Act 1954, or any statutory modification or re-enactment thereof for the time being in force,

except as may be expressly provided for under the provisions of the Business and Planning Act 2020

10. In the event of an emergency, and upon request by an authorised officer of the Local Authority, a Police Officer, Fire Officer, Paramedic, or a representative of a statutory undertaker, the Licence Holder shall immediately remove the permitted furniture from the highway to facilitate access or ensure public safety.
11. If requested to do so by the Highway Authority, where the licensed area is required for maintenance, repair, or any other operational purpose, the Licence Holder shall promptly remove all permitted obstructions from the highway as directed.
12. The Council reserves the right to remove, store, or dispose of:
 - (i) any structures or items placed on the highway by the Licence Holder that are not authorised under the terms of this Licence; and
 - (ii) any structures or items authorised by this Licence but placed on the highway by the Licence Holder outside the permitted hours or outside the designated licensed area. The Council shall not be liable to the Licence Holder for the condition, loss, or safe keeping of any such structures or items so removed.
13. The Licence Holder shall display a copy of this Licence, or a Notice of its grant as approved by the Council, in a clear and prominent position at the premises to which the Licence relates, so as to be visible to members of the public at all times during the permitted hours.
14. The Licence Holder shall observe and comply with any reasonable directions relating to the use of the highway given by or on behalf of the Council.
15. The Licence Holder shall provide suitable barriers around the permitted area, subject to prior approval by the Council. Only barriers approved in writing by the Council shall be used.
16. The Licence Holder shall comply with the “no-obstruction condition” as set out in section 5(5) of the Business and Planning Act 2020. This means that any activity carried out by the Licence Holder pursuant to this Licence, or any activity of other persons enabled by this Licence, must not cause any of the effects specified in section 3(6) of this Act. In particular, the Licence Holder must not:
 - (a) prevent traffic, other than vehicular traffic, from:
 - (i) entering the relevant highway at any point where such traffic could otherwise enter it (Disregarding any pedestrian planning order or traffic order applicable to the Highway);
 - (ii) passing along the relevant highway; or
 - (iii) having normal access to premises adjoining the relevant highway.
 - (b) prevent any use of vehicles permitted by a pedestrian planning order or not prohibited by a traffic order.
 - (c) prevent statutory undertakers from having access to any apparatus belonging to them under, in, on, or over the highway; or
 - (d) prevent operators of electronic communications code networks from having access to any electronic communications apparatus installed for the purposes of their network under, in, on, or over the highway.

- |
17. The Licence Holder shall comply with the “smoke-free seating condition” as set out in section 5(6) of the Business and Planning Act 2020. This requires that where seating is placed on the highway for the purpose of the consumption of food or drink, the Licence Holder must make reasonable provision for seating areas where smoking is not permitted.
 18. The Licence Holder must ensure that any outdoor heaters used within the licensed area are infrared heaters that can be controlled by the customer, a timer, or motion sensors. The use of gas heaters is strictly prohibited.

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Meeting General Purposes Committee
Portfolio Area Housing and Housing Development
Date 14th April 2026

RENTERS RIGHTS ACT 2025 – NEW ENFORCEMENT POLICY

NON-KEY DECISION

Authors Geoff Hammond | 2906
Lead Officers Rory Cosgrove| 2888 & Alex Robinson| 2257
Contact Officer Geoff Hammond | 2906

1 PURPOSE

1.1 To consider the Council’s draft Renters’ Rights Act 2025 Enforcement Policy which sets out the Councils approach to regulation and enforcement relating to private rented sector housing under the new provisions of the Renters’ Rights Act 2025.

2 RECOMMENDATIONS

2.1 That the General Purposes Committee agrees the proposed Stevenage Borough Council draft Renters’ Rights Act 2025 Enforcement Policy (attached at **Appendix A**).

2.2 That the General Purposes Committee recommend the Stevenage Borough Council draft Renters’ Rights Act 2025 Enforcement Policy to Cabinet.

3 BACKGROUND

- 3.1 The Renters' Rights Act 2025 ('the Act') gained Royal Assent on 27th October 2025. The Act makes substantial changes to the law concerning rented homes, including provisions abolishing fixed term assured tenancies and assured shorthold tenancies and imposing new obligations on landlords and others in relation to the marketing and letting of rented homes.
- 3.2 The Act places a statutory duty on local housing authorities to enforce the 'landlord legislation' as defined under the Act and confers on them new investigatory and enforcement powers.
- 3.3 This policy sets out how Stevenage Borough Council will enforce the new provisions and how it will apply the new regulatory powers under the Act. The aims of this policy are to:
- Ensure that, where landlords are not complying with their obligations under the Act which fall within the remit of local housing authorities, effective regulatory action is taken by the Council using the enforcement powers available.
 - Ensure that enforcement powers are applied in a fair, transparent, proportionate and consistent manner.
 - Provide clarity to tenants, landlords and other interested parties on the approach that the Council will take in the regulation and enforcement of private sector housing standards under the Act.
- 3.4 The policy has been developed having regard to the new statutory enforcement guidance published by the Government, which local housing authorities must have regard to in carrying out their duties under the Act. A link to the enforcement guidance (comprised of a set of separate online publications) is provided under Background Documents. Further detail on the legislative framework is set out in the policy.
- 3.5 The new provisions under the Act are being brought into effect in stages. The policy relates to those provisions coming into effect on 1st May 2026, in respect of which the statutory enforcement guidance has been produced. Other parts of the Act will come into effect later, notably those relating to a new Private Rented Sector Database (see Section 6) and redress scheme for private tenants. Updates to the policy will therefore be needed later in 2026/27 as further secondary legislation and statutory guidance is published. The policy makes provision for these further updates to be made by the Director for Planning and Regulation in consultation with the portfolio holder for Housing and Housing Development.

4 CONSULTATION

- 4.1 In developing this policy, consultation was limited to internal consultation within the Environmental Health and Licensing and Housing Options services which are primarily responsible, respectively, for enforcing the legislation and providing advice and assistance to tenants. No comments were received that necessitated consideration of any changes to the policy.
- 4.2 It was not considered necessary to conduct a public consultation exercise given that much of the policy content relates to matters prescribed by the legislation and statutory guidance. As stated above, the Council has a statutory duty to enforce the legislation to which this policy relates. The policy sets out how the Council will fulfil its functions under the Act within the framework established by the legislation and the statutory guidance.

5 REASONS FOR RECOMMENDED COURSE OF ACTION

- 5.1 Section 107 of the Act states that *'it is the duty of every local housing authority to enforce the landlord legislation in its area.'* Section 107 then goes on to define the term 'landlord legislation' as including the other relevant provisions of the Act.
- 5.2 The implementation of and adherence to the proposed policy will ensure consistency of the Council's approach in enforcing the legislation and compliance with the statutory enforcement guidance in doing so. It will also give assurance to tenants and those operating rental businesses as to the response that they can expect from the Council where non-compliance with the landlord duties under the Act arises.
- 5.3 A key consideration for local housing authorities in setting enforcement policy is the stage at which enforcement action should be initiated after non-compliance is first identified. This is addressed in the draft policy content (section 6 of the policy) which, in summary, sets out the position as follows:
- Landlords are expected to conduct their rental business in a professional manner and in full compliance with the law.
 - The statutory enforcement guidance makes clear that local housing authorities:
 - (a) Need not take informal steps to address non-compliance before commencing formal action (i.e. issuing a civil penalty notice or commencing prosecution proceedings).
 - (b) Should take account of the need for effective deterrence and punishment and what is in the best interests of tenants.

- Therefore, where non-compliance with the landlord legislation is established, the Council will normally take formal action, without recourse first to informal action.
- Informal action may be taken to achieve compliance in the first instance where there are considered to be good reasons for doing so which outweigh the considerations in favour of immediate formal action, having regard to the reasons for non-compliance and the other relevant circumstances of the case.
- Where a decision is made to take informal action first, clear timescales for compliance will be given to the landlord. The investigating officer will then follow up promptly to determine whether the non-compliance has ceased and will proceed to formal action if necessary.

5.4 It is proposed that the approach outlined above, which outlines an 'enforcement first' approach in general but does not preclude informal action in the first instance where there is strong justification for this, achieves a suitable balance between the need to ensure the protection of tenants and the safeguarding of their rights, and the importance of ensuring a fair and consistent approach to enforcement action and that any decision to initiate prosecution proceedings is in the public interest. It is noted that the Regulator's Code does not apply to the Renter's Right Act 2025, as it does to much of the other legislation that the Environmental Health service is required to enforce and a 'graduated' approach to enforcement whereby informal action is taken first is not required. This is made expressly clear within the statutory enforcement guidance.

6 FINANCIAL IMPLICATIONS

- 6.1 The need for additional resource within the Council's Environmental Health and Licensing Service has been identified, to meet the additional regulatory burden in enforcing the provisions of the Act addressed in the policy – and further provisions under the Act due to come into enforce later in 2026/27.
- 6.2 New burdens funding from the Government totalling £98,191 for the period up until the end of 2027/28, in addition to £37,000 of the Revenue Support Grant for 2026/27 has been allocated for this purpose. Recruitment of two additional officers to the Environmental Health and Licensing Service began in March 2026.
- 6.3 Part 2, Chapter 3 of the Act makes provision for the Government to introduce a Private Rented Sector Database. All private sector landlords will be required to register themselves and their properties on this database, which is expected to be rolled out from Autumn 2026. Registration fees paid by landlords will in part be rebated to local housing authorities and ring-fenced for the enforcement of private sector housing legislation. This will therefore generate

income for local housing authorities for this purpose, but the amount of the fees that landlords will pay and the proportion to be rebated to local housing authorities is unknown at the time of writing this report.

- 6.4 It is possible that additional resource may be needed after 2027/28 to maintain the required level of regulatory activity within the Environmental Health and Licensing service, given that no further new burdens funding from the Government is expected after this period and that income from the Private Rented Sector Database registration fees may be insufficient for this purpose. A future growth bid for the service may therefore be required.

7 LEGAL IMPLICATIONS

- 7.1 As stated, the Council has a statutory duty under Section 107 of the Act to enforce the landlord legislation. This policy sets out a consistent approach in how the Council will meet this duty.

- 7.2 In doing so, the Council must also have regard to the aforementioned statutory enforcement guidance. The policy has been developed with reference to this guidance.

- 7.3 Prior to and following the Act gaining Royal Assent, the changes made by the Act to strengthen rights and protections for tenants have had a high profile, including in national media. There is also significant interest among organisations which have campaigned for these additional rights and protections for tenants.

- 7.4 The performance of local housing authorities in terms of implementing the new legislation is therefore likely to be under significant public scrutiny, particularly as the Act includes a statutory requirement for them to report to Government on their housing enforcement activity, on a quarterly and annual basis. Requests for this data from interested parties under the Freedom of Information Act are likely to be received by local authorities. As well as adverse publicity, there is a potential for local authorities to face legal challenges where they fail to meet their duty under Section 107 of the Act.

8 EQUALITIES AND DIVERSITY IMPLICATIONS

- 8.1 An Equalities Impact Assessment was carried out in March 2026. This concluded that the policy aims to result in a consistent and transparent approach to the enforcement of the Renters' Rights Act 2025, which will apply equally to private rented sector landlords, rental businesses and other persons acting on a landlord's behalf in the course of such a business.

- 8.2 The assessment further concluded that having a clear, consistent and transparent approach helps to ensure confidence that the approach that the Council will take will be fair and applied on an equal and impartial basis to those with duties as landlords under the legislation.
- 8.3 In addition, the strengthened rights and protections for tenants within the private rented sector is expected to have an overall positive effect for those in disadvantaged groups or with certain protected characteristics.
- 8.4 A copy of the Equalities Impact Assessment can be found at **Appendix B** of the draft policy document.

9 BACKGROUND DOCUMENTS

BD1 [Renters' Rights Act: guidance for local authorities and councils - GOV.UK](#)

BD2 [Renters' Rights Act 2025](#)

10 APPENDICES

A Renters' Rights Act 2025 Enforcement Policy

B Equalities Impact Assessment

Renters' Rights Act 2025

Enforcement Policy

Stevenage Borough Council

2026

Date created	March 2026
Approved by	For approval by Full Council
Owner	Rory Cosgrove Head of Service for Environmental Health and Licensing
Version	1.0
Author	Geoff Hammond Residential and Animal Control Manager
Business Unit and Team	Planning and Regulation Environmental Health and Licensing
Policy Review Date	12 months from date of policy approval
Equality Impact Assessment Date	12 months from date of policy approval

For translations, braille or large print versions of this document please email equalities@stevenage.gov.uk.

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1 Purpose

- 1.1 The purpose of this policy is to set out the Council's approach to regulation and enforcement of the Renters' Rights Act 2025. The policy details how the Council will apply the legislative provisions concerning the Renters' Rights Act 2025 and how the Council will fulfil its statutory duties under this Act to regulate the private rented sector.
- 1.2 The Renters' Rights Act 2025 brought in significant changes to the law concerning the provision of tenancies and the steps that landlords must follow to lawfully engage in the letting of accommodation, and in seeking possession of accommodation where there are grounds to do so. Local authorities were given new enforcement duties and powers to require that landlords comply with their obligations under the Renters' Rights Act 2025 and to sanction landlords who fail to comply.
- 1.3 The aims of this policy are therefore to:
- Ensure that, where landlords are not complying with their obligations under the Renters' Rights Act 2025 which fall within the remit of local housing authorities, effective regulatory action is taken by the Council using the enforcement powers available.
 - Ensure that enforcement powers are applied in a fair, transparent, proportionate and consistent manner.
 - Provide clarity to tenants, landlords and other interested parties on the approach that the Council will take in the regulation and enforcement of private sector housing standards under the Renters' Rights Act 2025.

2 Scope

- 2.1 The policy is specific to the Planning and Regulation Business Unit. Its implementation will be overseen by the Head of Service for Environmental Health and Licensing.
- 2.2 The policy will impact primarily on private sector landlords and the occupiers of privately rented accommodation. 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.
- 2.3 In addition, certain provisions of the Renters' Rights Act 2025 also affect social landlords. For example, prior to the Act assured tenancies were used by some landlords in the sector.
- 2.4 While the Act generally applies a wide scope in terms of who can potentially be held responsible for a breach of landlord duties under the legislation, legal representatives acting on behalf of landlords are expressly exempt from the enforcement measures.

3 Legal Framework

- 3.1 The Renters' Rights Act 2025 ('the Act') was enacted on 27th October 2025. The Act brought in substantial changes to the law relating to the private rented sector, aimed at providing tenants of privately rented accommodation with increased security and stability, through reforming private sector tenancies including the grounds for possession, preventing retaliatory evictions and strengthening tenants' rights and protections in a number of other areas.
- 3.2 With effect from 1st May 2026, the Act abolished all fixed-term tenancies, replacing them with statutory assured periodic tenancies, allowing a tenant to give their landlord two months' notice to end their tenancy at any time after their tenancy agreement is entered into. The Act made substantial reforms to the grounds for possession under the Housing Act 1988, meaning that landlords can no longer issue a 'Section 21' notice to obtain possession of their property without giving a reason – formerly known as 'no fault evictions' – and may only seek possession on the grounds specified in the amended Schedule 2 to the Housing Act 1988.
- 3.3 The Act amended the Tenant Fees Act 2019 to prohibit landlords or letting agents from requiring or accepting any payment of rent in advance of a tenancy being entered into and limiting the amount that can be required to be paid in advance once a tenancy agreement has been signed to one month's rent. In addition, the Act prohibits the practice of 'rental bidding' by requiring landlords and letting agents to publish an asking rent for their properties and by prohibiting them from asking for, encouraging, or accepting any offer to pay rent above the specified published amount.
- 3.4 Under the Act, landlords are required to provide tenants with a written statement of terms on which their tenants occupy the property. In addition, the Act brought in new provisions to prohibit landlords or letting agents from discriminating against prospective tenants in receipt of benefits or with children, by preventing or deterring them from viewing or letting properties.
- 3.5 With respect to private sector housing enforcement, Section 107 of the Act places a statutory duty on local housing authorities (LHAs) to enforce the 'landlord legislation,' which is defined as the provisions under:
- Chapters 3 and 6 of Part 1 of the Act
 - Part 2 of the Act
 - Sections 1 and 1A of the Protection from Eviction Act 1977
 - Chapter 1 of Part 1 of the Housing Act 1988
- 3.6 Section 110 of the Act imposes a duty on LHAs to report to the Secretary of State on the exercise of its functions under the landlord legislation.
- 3.7 The Act provides LHAs with new investigative powers to obtain information from relevant persons and powers of entry onto both residential and business premises. In

terms of sanctions for non-compliance with the 'landlord legislation,' the Act provides for LHAs to issue civil penalties (financial penalties) and, for specified offences, to prosecute landlords. The Act also widened the scope and extent of Rent Repayment Orders as set out under the Housing Act 2004 and the Housing and Planning Act 2016, under which LHAs and tenants can apply to a First Tier Tribunal for an order to recover rent or Housing Benefit or the housing element of Universal Credit paid, where a landlord has committed a specified housing offence.

3.8 The Act makes provision for further substantial changes to the regulation of private sector housing which are yet to come into force, including new requirements for all private landlords to register with their local housing authority via a national 'Private Rented Sector Database' and to register with a new 'Private Rented Sector Landlord Ombudsman,' which will provide a means of redress where disputes between private landlords and their tenants arise.

3.9 The Act also makes future provision for a new Decent Homes Standard to apply to the private rented sector, based on the standard which applies to the social housing sector. This will require private landlords to ensure that their properties are free from significant hazards and disrepair, meet adequate standards relating to energy efficiency and have reasonably modern facilities.

4 Equalities

4.1 Under the Equality Act (2010) the Council has a legal duty to fulfil the requirements of the Public Sector Equality Duty (PSED). Through this duty and in the application of this policy, the council will carry out its functions in a way that:

- a. Removes discrimination, harassment, victimisation and any other conduct that is unlawful under the Equality Act (2010)
- b. Promotes equal opportunities between people who have a protected characteristic(s) and those who don't
- c. Encourages good relations between people who have a protected characteristic(s) and those who don't

4.2 Further information on the Council's fulfilment of the Equality Act (2010) is set out in the Equality, Diversity and Inclusion (EDI) Policy (2022) and Reasonable Adjustment Policy (2024).

5 Data Protection

5.1 The Council regards respect for the privacy of individuals and the lawful and careful treatment of personal information as very important to delivery of services.

5.2 The Council will ensure that it treats personal information lawfully and proportionately as set out in the General Data Protection Regulation (GDPR) and Data Protection

Act (2018). For further information on the Councils approach to handling information please see: [Data Protection Act \(stevenage.gov.uk\)](https://www.stevenage.gov.uk).

- 5.3 The Council will ensure that it treats personal information lawfully and proportionately as set out in the General Data Protection Regulation (GDPR) and Data Protection Act (2018). For further information on the Councils approach to handling information please see: [Data Protection Act \(stevenage.gov.uk\)](https://www.stevenage.gov.uk).

6 Policy

Approach to Enforcement

- 6.1 As a local housing authority, the Council is under a duty to enforce the landlord legislation in its area. In doing so, the Council will have regard to the government-produced statutory enforcement guidance relating to the Act. This enforcement policy has been developed taking this enforcement guidance into account.
- 6.2 The Council wants to support responsible landlords to raise housing standards. However, the Council expects landlords to have a good understanding of their obligations under the Act and of the housing and management standards that should be met in privately rented accommodation. The Council considers that landlords, in renting their properties, are running a business, whether they have one property or multiple properties. Landlords are expected to conduct their rental business in a professional manner and in full compliance with the law.
- 6.3 It is noted that the Act and therefore the landlord legislation, as defined by Section 107 of the Act, do not fall within the scope of the Regulators' Code. The statutory enforcement guidance relating to the Act makes clear that LHAs need not take informal steps to address non-compliance first, for example by issuing warning letters, before commencing formal action i.e. issuing a civil penalty notice (CPN) or commencing prosecution proceedings.
- 6.4 The statutory guidance further states, *'In determining what steps to take to address the breach or offence, local housing authorities should take account of the need for effective deterrence and punishment and what is in the best interests of tenants.'*
- 6.5 Having regard to the above considerations, where non-compliance with the landlord legislation is established, the Council will normally take formal action, without recourse first to informal action. However, informal action may be taken to achieve compliance in the first instance where there are considered to be good reasons for doing so which outweigh the considerations in favour of immediate formal action, having regard to the reasons for non-compliance and the other relevant circumstances of the case,

including whether the landlord has a previous record of non-compliance with relevant legislation.

- 6.6 Where a decision is made to take informal action first, clear timescales for compliance will be given to the landlord. The investigating officer will then follow up promptly to determine whether the non-compliance has ceased. Where any steps to end the non-compliance have failed to do so, or where it is not possible to remove the non-compliance e.g. because tenants have already been illegally evicted, and the necessary evidential threshold is reached and proceeding is in the public interest, the Council will either issue a CPN or start prosecution proceedings.
- 6.7 Officers of the Council with responsibility for enforcing the relevant provisions of the Act may become aware of a suspected case of non-compliance in a number of ways, e.g. from complaints received from tenants, from proactive inspections undertaken or from other intelligence. Where non-compliance with the landlord legislation is suspected, officers will consider what steps may be reasonably necessary, within the limits of the Council's statutory powers and officers' delegated authority, to establish that a contravention of the Act has occurred.
- 6.8 Both the Council's Housing Options team and Environmental Health & Licensing team provide a frontline service for private rented sector tenants. In terms of the respective responsibilities between these teams, Housing Options will lead in assisting tenants to prevent homelessness and in advising both tenants and landlords respectively about their rights and responsibilities under the Act. Environmental Health & Licensing will be responsible for enforcing all of the provisions under the Act which fall under Section 107, i.e. the landlord legislation. Where a tenant approaches the Housing Options team and there are grounds to suspect that a contravention of the Act has occurred, the Housing Options team will refer the matter to the Environmental Health & Licensing team for investigation. In relation to cases of suspected illegal eviction or harassment falling under the Protection from Eviction Act 1977, officers should refer to the agreed protocols under *Protection From Eviction, Environmental Health & Housing Options - Joint Procedure*.

Enforcement by Trading Standards

- 6.9 The Act places the statutory duty to enforce the landlord legislation, as defined by Section 107, on LHAs. The Council is therefore the regulator with primary responsibility for investigating suspected contraventions under the Act.
- 6.10 However, Section 107 also provides County Councils with the same powers as LHAs to enforce the landlord legislation. Weights and Measures Authorities have existing enforcement duties and powers relating to the marketing and letting of private rented sector properties, including under the Tenant Fees Act 2019 and the legislation relating to Client Money Protection Schemes and the requirement for Energy Performance Certificates when rental properties are marketed.

- 6.11 Where County Councils choose to exercise their discretionary powers under the Act, they must notify the LHA in whose area the breach or offence occurred. If a County Council receives a report of a suspected contravention of the Act but does not take action, it must notify the LHA.
- 6.12 Where officers receive a report about suspected contraventions of certain provisions under the Act that relate to the marketing stage of a private rented sector property, before a tenancy agreement is signed, the officer may initially refer the matter to Hertfordshire County Council Trading Standards. The officer referring the matter should look to agree with Trading Standards which service will take the lead in investigating the suspected contravention. If Trading Standards agree to lead in the investigation, the officer can inform the tenant or person reporting the matter and need not take further action. If it is not possible for the officer to get timely confirmation that Trading Standards will take on the case, having regard to the urgency of the matter and the need to avoid undue delay in responding to the report, the officer should assume the lead role in investigating the complaint.
- 6.13 The provisions to which paragraph 6.12 applies are as follows (see below under Breaches and Offences for further detail):
- Section 16E(1)(a) of the Housing Act 1988 ('the 1988 Act') – as amended by the Renters' Rights Act 2025: Purporting to let a dwelling-house on the tenancy for a fixed term, at the stage where a fixed-term letting is being advertised.
 - Section 16E(3) of the 1988 Act, where the landlord, having used Ground 1 or 1A to obtain possession (see Appendix 1), markets the dwelling-house for re-letting within the 12-month restricted period.
 - Sections 33 and 34 of the Act relating to discrimination, where this occurs at the marketing stage i.e. before a tenancy agreement is signed.
 - Section 56 of the Act relating to the requirement to specify the proposed rent and not to engage in rental bidding when marketing a property.
- 6.14 In relation to suspected offences under the Tenant Fees Act 2019, the Renters' Rights Act 2025 makes amendments to the 2019 Act, bringing in prohibitions relating to rental payments in advance of a tenancy agreement being entered into. Local Weights and Measures Authorities i.e. Trading Standards continue to have the statutory duty to enforce the provisions of the Tenant Fees Act 2019. The Council, as a local authority, has discretionary powers to enforce these measures. However, complaints will normally be referred to Trading Standards to take the lead in investigating suspected offences.

Breaches and Offences

- 6.15 Enforcement of the new measures relates to two categories of conduct: breaches and offences. The term 'breach' is used to refer to non-compliance by landlords where the council may impose a civil penalty, with no option to prosecute. The term 'offence' is

used to refer to non-compliance by landlords where the council may either impose a civil penalty or initiate prosecution proceedings.

- 6.16 A list of breaches and offences under the Act is provided in Appendix 2. Officers must refer to the Civil Penalty Policy once a decision has been made to issue a CPN for a breach or offence under the Act (or for offences under other housing legislation to which CPNs apply).
- 6.17 Further detail on the investigation of specific breaches and offences under the Act, including factors that officers should take into account in their investigations, is set out below.

Assured Tenancies: Requirements and Prohibitions

- 6.18 Part 1, Chapter 1 of the Act made substantial changes to the law affecting private rented sector tenancies, through amendments to the Housing Act 1988 ('the 1988 Act') and additional provisions under the new Act. These changes took effect on 1st May 2026.
- 6.19 The Act abolished fixed-term tenancies and made new and existing tenancies Assured Tenancies. There are limited exceptions, such as for short-term lets or where the occupiers are lodgers.
- 6.20 The Act abolished evictions under Section 21 of the 1988 Act, known as 'no fault' evictions, which allowed landlords to serve notice of possession with two months' notice (to expire after any fixed-term period had ended) without specifying a reason. Under the new Act as it applies to Assured Tenancies, landlords can only seek possession on the grounds set out in Schedule 2 of the 1988 Act (as amended), as summarised in Appendix 1.
- 6.21 The Act created new regulatory breaches in giving effect to the changes, through amendments to the 1988 Act. In relation to the standard of evidence for taking formal action for these breaches and offences, officers must be satisfied beyond a reasonable doubt that a landlord or person acting on their behalf has committed the breach or offence in question.
- 6.22 Under Section 16D of the 1988 Act, landlords are required to provide a written tenancy agreement. For new tenancies, this applied from 1st May 2026 and for existing tenancies it applied from the 31st May 2026. Under Section 16D of the 1988 Act landlords must also provide prescribed information to new tenants (as specified in the *Assured Tenancies (Private Rented Sector) (Written Statement of Terms etc and Information Sheet) (England) Regulations 2026*). Landlords had to provide prescribed information to existing tenants by 31st May 2026 under Schedule 6, 7(2) of the Renters' Rights Act 2025. Failure to comply with either of these requirements is a regulatory breach.

6.23 Section 16E of the amended 1988 Act provides that landlords must not, in relation to an assured tenancy:

- (a) Purport to let a dwelling-house on the tenancy for a fixed term
- (b) Purport to bring the tenancy to an end by service of a notice to quit
- (c) Purport to bring the tenancy to an end, or require that it is brought to an end, orally
- (d) Serve on the tenant a purported notice of possession
- (e) Rely on a ground for possession in Schedule 2 of the 1988 Act, where the person does not reasonably believe that the landlord is, will or may be able to obtain an order for possession on that ground, or
- (f) Rely on possession grounds 1B, 2ZA to 2ZD, 4, 5 to 5H, 6A or 18 in Schedule 2 of the 1988 Act (see Appendix 1), if no prior statement was given to the tenant under section 16D(3) of the landlord's intention to use the possession ground being relied on.

6.24 In terms of using a 'notice to quit' or a 'purported notice of possession':

- A notice to quit is a written document which, for example, can include texts or WhatsApp messages, and may state that it is a 'notice to quit,' may specify a date when the tenancy will end and that the tenant must vacate the property by this date.
- A purported notice of possession is a written document, which can include various forms of written communication (as for notices to quit), which may wrongly claim to be a valid section 8 notice given before possession proceedings, or may claim to bring a tenancy to an end or require the tenant to leave, but is not a claim form or a document produced for the purpose of court proceedings.
- It should be noted that for possession notices, landlords must use the form prescribed by the government – 'Form 3A.'
- When assessing whether a section 8 notice is valid, regard should be had to any court determination on that matter.

6.25 Offences under Section 16J of the amended 1988 Act concerning the rules on Assured Tenancies include the following:

- Reletting or remarketing a property within the 12 month 'restricted period' after using statutory grounds for possession 1 or 1A (**see Appendix 1**), unless the landlord took all reasonable steps to avoid this, or an exception applies.
- Knowingly using a ground for possession despite knowing that a court would not order possession on this ground, or being reckless about that, resulting in the tenant leaving within 4 months without an order for possession being made.
- Committing a breach within 5 years of a previous offence, or within 5 years of receiving a CPN for a previous breach that has not been withdrawn.
- Continuing to commit a breach for more than 28 days after receiving a CPN that has not been withdrawn and is not the subject of an ongoing appeal.

6.26 In terms of the exceptions to the 12 month 'restricted period' referred to above during which a property cannot be relet or remarketed:

- This does not apply or ends early if:
 - the landlord or a close family member (as defined in ground 1) moves in and uses the property as their only or main home
 - a licence to occupy is entered into where the licensee has agreed to buy the property or lease it for more than 21 years
 - the new lease being marketed or granted will be for more than 21 years
 - the court makes an order for possession of the property on a ground other than ground 1 or 1A

- 'Remarketing' includes:
 - advertising that the property is or may be available to let, for example, posting an advert online (the restrictions do not apply to businesses that host property adverts but aren't themselves involved in lettings agency work)
 - while conducting lettings agency work, telling someone that the property is or may be available to let

Discrimination in the Rental Market

- 6.27 Chapter 3 of the Act sets out the regulatory breaches concerning discrimination by landlords against tenants or prospective tenants in the private rented sector who have children or receive benefits.
- 6.28 The provisions on discrimination apply to landlords who let out properties on assured and regulated tenancies. This includes tenancies offered by or on behalf of the Crown Estate, but not the Parliamentary Estate, nor those of social or supported housing.
- 6.29 Formal action for breaches under the discrimination provisions require evidence to the civil standard. Officers must therefore decide on the balance of probabilities whether a breach has taken place, i.e. that it is more likely to have occurred than not. Officers must have credible, reliable and sufficient documentary or other evidence to determine this.
- 6.30 Sections 33 and 34 of the Act relate respectively to discrimination against those with children living with or visiting them and against those in receipt of benefits, by a landlord applying a provision, criterion or practice in order to make such people less likely to enter into a tenancy of the dwelling. For example, by preventing them from accessing information about a property (including its availability), or viewing a property, or signing a tenancy agreement.
- 6.31 'Children' means anyone under 18 years old who would either visit or live at the property. The term 'benefits' has a wide definition: officers should refer to the statutory guidance and Chapter 3 of the Act for the full definition, which includes:
1. Universal Credit
 2. Jobseeker's Allowance
 3. Personal Independence Payment

4. Employment and Support Allowance
5. Income Support
6. Housing Benefit
7. State Pension or Pension Credit
8. Council Tax Support
9. Tax Credits (Child and Working)
10. Child Benefit
11. Guardian's Allowance
12. Carer's Allowance

6.32 Landlords and anybody acting on their behalf may be found liable for a breach of the provisions under Chapter 3 of the Act, whether formally contracted or where someone (e.g. a family member) is acting for the landlord on an informal basis. A person or firm cannot be liable for discrimination if they only publish adverts for rental properties or provide a means for landlords and prospective tenants to communicate directly. This means that websites which host property adverts only are not caught by the rental discrimination restrictions.

6.33 Discriminatory terms in tenancies and mortgages are invalidated by the Act. Discriminatory terms in insurance contracts that predate 1st May 2026 only have effect until the insurance contract ends or is renewed.

6.34 Discrimination based on a belief that a tenant or prospective tenant has children or receives benefits, even if that belief is false, is still discrimination under the Act. Therefore, in investigating suspected breaches, evidence that the prospective tenant receives benefits or has children is not necessarily required where it is evident that the landlord had such a belief.

6.35 The following are **not** considered discrimination under the Act:

- **Consideration by a landlord of a prospective tenant's income in assessing whether the rent is affordable.** Landlords are not liable for a breach if a set income requirement is not met, regardless of whether the prospective tenant receives benefits, provided that the same income requirement is applied to all prospective tenants. However, in assessing rent affordability, landlords must take into account any income that a prospective tenant receives from state benefits and treat them as being of equal value. Officers investigating a complaint from a tenant should consider if:
 - the prospective tenant has demonstrated that they could meet the set income requirement
 - the landlord has accounted for any income from benefits and treated them as being of equal value as other forms of income
 - the requirement has been raised because the person has children or receives benefits
- **Where preventing children from living in a property is a proportionate means of achieving a legitimate aim.** There is no such exception made for discrimination

against benefits claimants. To be considered legitimate, the limit has to be genuine: someone other than the landlord must benefit and it must not in itself aim to discriminate against families with children. Examples may include where a property would be unsuitable for children e.g. in a HMO with shared facilities, or to comply with HMO licensing conditions limiting occupancy of a property. Further examples are included in annexes A and B of the statutory guidance. When deciding if an aim is proportionate, officers should consider whether there are reasonably alternative ways of achieving the same aim, or whether the restriction could be limited, e.g. whether it is proportionate to ban all children from living in a property rather than those in certain age groups.

Stating the Proposed Rent and Rental Bidding

- 6.36 Section 56(2) of the Act requires that a prospective landlord must not advertise in writing, or otherwise offer in writing, a proposed letting unless the proposed rent is stated in the advertisement or offer. A written advert or offer may include an online property advert, a printed advert, social media post, handwritten advert/offer or digital communication including emails, texts and direct messaging. The requirement does not apply to a sign displayed at the relevant premises which merely advertises that the dwelling is to let.
- 6.37 Section 56(3) of the Act prohibits a prospective landlord from inviting, encouraging or accepting an offer from any person to pay an amount of rent that exceeds the stated rent.
- 6.38 The effect of Section 56 is that there must be a single, specified rent amount. Publishing another advert with a higher advertised price for the same letting, or publishing a price range for the property, is not permitted. The statutory enforcement guidance contains further examples of practices that may amount to breaches under Section 56, and practices that would not amount to breaches.
- 6.39 The above provisions apply to landlords and any person acting on a landlord's behalf, such as a letting agent. This includes tenancies offered by or on behalf of the Crown Estate, but not social or supported housing. Websites that only host rental adverts cannot be found liable for rental bidding breaches.
- 6.40 In terms of the burden of proof, formal action for breaches under Section 56 of the Act requires evidence to the civil standard.

Investigatory Powers

- 6.41 Chapter 3 of the Act provides investigatory powers for authorised officers of LHAs to investigate whether a landlord or an agent letting out private rented housing has broken certain laws. These powers came into effect on 27th December 2025.

6.42 Officers of the Council authorised to use these investigatory powers will use them when it is necessary and proportionate to do so and having regard to the statutory guidance on their use.

6.43 **Appendix 3** provides further detail on the investigatory powers under the Act.

Advice and Guidance for Tenants

6.44 Not all of the new provisions under the Act relating to the duties of landlords and rights of tenants are enforced by local authorities. Instead, tenants have alternative recourse to resolve disputes. These provisions include:

- **Section 6 – Statutory procedure for increases of rent.** This limits rent increases to once per year (and not within the first year of the tenancy). Landlords will need to follow the process under Section 13 of the 1988 Act (as amended), which requires that they give their tenant at least two months' notice of a proposed rent increase, using the form prescribed by the government (Form 4A). Tenants have the right to challenge a rent increase if they think it's above the open market rent, by applying to the First-Tier Tribunal, which will then determine what the rent amount should be.
- **Section 11 – Right to request permission to keep a pet:** this section of the Act inserts implied clauses into all assured tenancy agreements, with the effect that tenants are entitled to make a written request to keep a pet (including a description of the pet they wish to keep), following which the landlord must respond in writing within 28 days. Landlords must not unreasonably refuse such requests. Where a landlord does refuse permission to keep a pet, they must have a fair reason for refusing which takes account of the circumstances. Landlords cannot have a blanket policy of refusing permission. Landlords will be able to ask for more information from their tenant e.g. about the type or size of pet, but must then respond within 7 days of receiving the additional information. If a tenant keeps a pet without permission, they may be breaching the terms of the tenancy agreement. If a landlord doesn't follow the procedure, the tenant can apply to the county court to enforce the implied terms of the tenancy agreement. They may also complain to the Private Rented Sector Landlord Ombudsman – once this service is operational.
- Where tenants contact the Council's Environmental Health & Licensing team about these matters, officers may provide advice directly to tenants about their rights. Officers may also signpost tenants to other sources of information and advice, e.g. Government guidance for tenants, Stevenage Citizens Advice Bureau or Shelter.

7 Consultation

7.1 In developing this policy, it was not considered necessary to conduct a public consultation exercise. Much of what the policy covers relates to matters prescribed by

the legislation and statutory guidance, as opposed to the Council consulting on options for delivering a service. The Council has a statutory duty to enforce the landlord legislation to which this policy relates. This policy sets out how the Council will fulfil its functions under the Act within the framework established by the legislation and the statutory guidance.

7.2 Consultation has taken place within the Council, with those services responsible for providing frontline advice and support to tenants and for enforcing the new legislation. This includes the Housing Options service and enforcement officers within the Environmental Health and Licensing service.

8 Monitoring and Review

8.1 This policy will initially be reviewed by the Head of Service for Environmental Health and Licensing or Service Manager after 12 months, in anticipation of further provisions under the Act coming into effect. If necessary, this review will take place sooner. The policy will then be reviewed every 2 years by the Head of Service for Environmental Health and Licensing or Service Manager, or earlier if there is a change in legislation.

8.2 Minor changes to the policy may be made by the Head of Service for Environmental Health and Licensing or Service Manager in consultation with the relevant Business Unit's Director. Where more than 10% of the policy content is changed the Director and appropriate Portfolio Holder will decide if the policy needs to be formally reconsidered by Cabinet or the appropriate decision-making body.

8.3 Where there is a request for the content of the policy to be reviewed in response to a complaint, the relevant Business Unit's Director will be notified. If the Director agrees that a review of policy is required, this will be discussed with the appropriate Portfolio Holder. The Head of Service or Service Manager will be responsible for implementing a subsequent policy review.

9 References and Resources

- Renters' Rights Act 2025
<https://www.legislation.gov.uk/ukpga/2025/26/contents/enacted>
- Renters' Rights Act: guidance for local authorities and councils
<https://www.gov.uk/government/collections/renters-rights-act-guidance-for-local-authorities-and-councils>
- Renters' Rights Act: changes for private tenants
https://england.shelter.org.uk/housing_advice/private_renting/renters_rights_act_changes_for_private_renters

- Renting out your property: guidance for landlords and letting agents
<https://www.gov.uk/guidance/renting-out-your-property-guidance-for-landlords-and-letting-agents>
- Guide to the Renters’ Rights Act
<https://www.gov.uk/government/publications/guide-to-the-renters-rights-act/guide-to-the-renters-rights-act>
- Renters’ Rights Act 2025 (Stevenage Borough Council webpage)
<https://www.stevenage.gov.uk/housing/private-sector-housing/renters-rights-act-2025>

10 Abbreviations and Definitions

- CPN: Civil Penalty Notice
- EDI: Equality, Diversity and Inclusion
- GDPR: General Data Protection Regulation
- LHA: Local housing authority
- PSED: Public Sector Equality Duty

11 Version History

Date	Outlined Amendments	Author
March 2026	Original version – 1.0	Geoff Hammond Residential and Animal Control Manager

Appendices

Appendix 1 – Grounds for Possession under Schedule 2 of the Housing Act 1988 (as amended by the Renters’ Rights Act 2025)

Grounds for possession are separated below into mandatory grounds (Table 1) and discretionary grounds (Table 2). Refer to the government guidance on possession grounds for further detail.

Where a mandatory ground is proven, the court must grant a possession order. Where evidence is provided in support of a discretionary ground, the court will consider if it is reasonable to grant a possession order.

Table 1 – Mandatory grounds

Ground	When it Applies	Notice Period
1	Occupation by landlord or family: Where the landlord or a close family member needs to move into the property. Only available after the first 12 months of a new tenancy.	4 months
1A	Sale of dwelling house: Where the landlord intends to sell the property. Only available after the first 12 months of a new tenancy.	4 months
1B	Sale of dwelling house that is part of Rent to Buy: where the landlord has offered the tenant the opportunity to buy the property at the end of the scheme but the tenant has declined.	4 months
2	Sale by mortgagee: where a lender is taking steps to gain possession of a property due to missed mortgage payments. A court order will determine the date when the tenant must leave.	4 months
2ZA	Possession when superior lease ends: applies only to landlords who are agricultural landlords, rent out supported accommodation or represent a company that a council owns half of or more.	4 months
2ZB	Possession when fixed term superior lease ends: Where the immediate landlord is a leaseholder and the lease is not going to be extended and has ended or will end within 12 months. This ground only applies if the lease was for a fixed term of over 21 years.	4 months

2ZC	Possession by superior landlord: applies only to an agricultural landlord, supported accommodation, a company that the council owns half of or more or a private registered provider of social housing.	4 months
2ZD	Possession by superior landlord (fixed term): Where a lease ends but remains tenanted, the superior landlord will be able to apply to court for a possession order to evict the tenant. This ground only applies if the lease was for a fixed term of over 21 years and the possession order application is made within six months from reversion of the lease.	4 months
4	Student accommodation: applies to universities and colleges only.	2 weeks
4A	Properties rented to students for occupation by new students: applies only to house of multiple occupation with shared facilities let to full-time students. Available where the property is needed for a new group of students in line with the academic year between 1 June and 30 September. This ground is not available if the tenancy was agreed more than six months before the tenancy started. Landlords must have given advance notice under S.16D Housing Act 1988.	4 months
5	Ministers of religion	2 months
5A	Occupation by agricultural worker	2 months
5B	Occupation by person who meets employment requirements: Where a property is let to a tenant based on their employment, for example, key workers, and the tenant no longer meets the employment criteria.	2 months
5C	End of employment by the landlord: where accommodation is tied to the employment.	2 months
5D	End of employment: social landlords only.	2 months
5E	Occupation as supported accommodation	4 weeks
5F	Dwelling-house occupied as supported accommodation: where the support has stopped, funding for the support has ended or the supported accommodation is no longer	4 weeks

	suitable for the tenant because their support needs have changed.	
5G	Tenancy granted for homelessness duty: Where the property was temporary accommodation used to house a tenant when they were statutorily homeless and the council has told the landlord that the housing is no longer needed.	4 weeks
5H	Occupation as 'stepping stone accommodation'	2 months
6	Redevelopment: Where the property needs to be redeveloped or demolished and the tenant cannot live there whilst this takes place. Usually not available within the first six months of the tenancy but the exact requirements can vary.	4 months
6A	Decant accommodation: applicable to social housing only.	4 months
6B	Compliance with enforcement action. Under this ground, the court will be able to order the landlord to pay compensation to their tenant.	4 months
7	Death of tenant: where a person inherits a tenancy and they were not living at the property immediately before the former tenant's death.	2 months
7A	Severe antisocial or criminal behaviour: where the tenant or a person living with them or visiting them is convicted of criminal behaviour or breached an order to prevent antisocial behaviour, or the police have applied for a closure order lasting for more than 48 hours.	No notice period applies but the court will not be able to make a possession order for 14 days from the date of the Section 8 notice.
7B	No right to rent: where the landlord receives notification from the Home Office that the tenant has no right to rent under immigration law.	2 weeks
8	Rent arrears: Where the tenant owes at least 3 months' rent, if they pay rent monthly or at least 13 weeks' rent, if the rent is paid weekly or fortnightly. The amount must still be owed at the date of the court hearing.	4 weeks

Table 2 – Discretionary grounds

Ground	When it Applies	Notice Period
9	Suitable alternative accommodation Where the tenant has been offered accommodation that is suitable for them.	2 months
10	Any rent arrears	4 weeks
11	Persistent rent arrears	4 weeks
12	Breach of tenancy condition(s)	2 weeks
13	Deterioration of property	2 weeks
14	Antisocial behaviour: where the tenant, a person that lives with them or a person who visits them commits antisocial behaviour or has committed a serious offence near to the property.	No notice period applies but the court will not be able to make a possession order for 14 days from the date of the Section 8 notice.
14A	Domestic abuse: Where the tenant has perpetrated domestic abuse against their partner or a person living with them who has left the property and is unlikely to come back.	2 weeks
14ZA	Rioting: where the tenant or another adult living with them has been convicted of an offence during a riot.	2 weeks
15	Deterioration of furniture	2 weeks
17	False statement: Where the tenant or someone acting on their behalf gave false information to get the property.	2 weeks
18	Supported accommodation: Where the tenant is in supported accommodation and does not engage with the support.	4 weeks

Appendix 2 – List of Breaches and Offences under the Renters’ Rights Act 2025

Breaches:

1. Failure to give a written statement of terms and any other prescribed information under section 16D of the Housing Act 1988
2. Attempting to let a property for a fixed term under section 16E of the Housing Act 1988
3. Attempting to end a tenancy by service of a notice to quit under section 16E of the Housing Act 1988
4. Attempting to end a tenancy orally or requiring that it is ended orally under section 16E of the Housing Act 1988
5. Serving an eviction notice that attempts to end a tenancy outside the prescribed section 8 process under section 16E of the Housing Act 1988.
6. Relying on a ground where the landlord does not reasonably believe that the landlord is/will be able to obtain possession under section 16E of the Housing Act 1988.
7. Failing to provide a tenant with prior notice that a ground which requires it may be used under section 16E of the Housing Act 1988.
8. Failure to give an existing tenant prescribed information about changes made by the Renters’ Rights Act 2025 in the prescribed form and timeframe under paragraph 7(2) of schedule 6 to the Renters’ Rights Act 2025.
9. Discrimination relating to children in the lettings process under section 33 of the Renters’ Rights Act 2025.
10. Discrimination relating to benefits in the lettings process under section 34 of the Renters’ Rights Act 2025.
11. Failure to specify proposed rent within a written advertisement or offer under section 56 of the Renters’ Rights Act 2025.
12. Inviting, encouraging or accepting any offer of rent greater than the stated rate under section 56 of the Renters’ Rights Act 2025.

Offences:

1. Continuation of conduct subject to a relevant penalty (under s.16I or s.16K Housing Act 1988) after the 28-day period (or, if appealed, after conclusion of the appeal) where the final notice has not been withdrawn under section 16J of the Housing Act 1988
2. 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.
3. Relying on a ground knowing the landlord would not be able to obtain possession or being reckless as to whether they would under section 16J of the Housing Act 1988.
4. Breach of restrictions relating to reletting (s16(E)(2) Housing Act 1988) or remarketing (s16(E)(3) Housing Act 1988) a property within the restricted period after using Grounds 1 or 1A of Schedule 2 Housing Act 1988 under section 16J of the Housing Act 1988.

Appendix 3 – Investigatory Powers under the Renters’ Rights Act 2025

Powers to Require Information

1. Under Chapter 3 of the Act, authorised officers can require information from a ‘relevant person,’ meaning a person who has, in the preceding 12 months:
 - Had an estate or interest in residential accommodation in relation to which the investigatory powers are being exercised (excluding a mortgagee not in possession)
 - Held a licence relating to that accommodation
 - Acted or purported to act on behalf of a person to whom either of the above applies
 - Marketed any relevant accommodation for the purposes of creating a residential tenancy

2. Section 114 of the Act gives an authorised officer power to issue a notice to a relevant person to require that person to provide the specified information. It may be given in regard to any of the LHA’s functions under the following Legislation:
 - Sections 1 and 1A of the Protection from Eviction Act 1977
 - Chapter 1 of Part 1 of the Housing Act 1988
 - Section 83(1) or 84(1) of the Enterprise and Regulatory Reform Act 2013
 - Sections 21 to 23 of the Housing and Planning Act 2016
 - Chapter 3 of Part 1 and Part 2 of the Renters’ Rights Act 2025

3. Section 115 of the Act permits an authorised officer to issue a notice to **any** person requiring them to provide the information specified, when the officer reasonably suspects a breach/offence under the ‘rented accommodation legislation’ or to determine the amount of a CPN. The rented accommodation legislation includes the legislation listed above in relation to S.114 notices and also includes the Housing Act 2004, parts 1 to 4 and 7.

4. Notices served under either S.114 or S.115 of the Act must include information about the possible consequences of not complying with the notice and may specify:
 - The time period for compliance
 - The manner in which the relevant person to must comply e.g. to who the information must be given.
 - The form in which information must be provided. The required information must be provided in legible form.
 - Requirements for the creation of documents of a description specified in the notice and the provision of those documents to an enforcement authority or officer

5. Failure to comply with a S.114 notice without reasonable excuse is an offence under S.131 of the Act, as is intentionally or recklessly making false or misleading statements in response to the notice. Where an individual has not complied with a S.115 notice, S.116 of the Act enables the Council to make an application to the court to enforce the provisions of the notice and seek reimbursement for the costs of the application.

6. There are limitations on the powers to require information under S.114 and S.115:
 - A notice served under S.114 does not require a person to provide information or documents that might incriminate them or which they could refuse to provide in High Court proceedings due to legal professional privilege.
 - If someone provides information in compliance with a notice served under S.115, that information may not be used against the person who provided it in any criminal proceedings.

Powers to Obtain and Seize Documents on Business Premises

7. S.122 allows an authorized officer at any reasonable time to require a relevant person on the premises to produce any documents relating to the business and to take copies. This may only be exercised to ascertain whether there has been a breach of relevant legislation, where an officer reasonably suspects there has been a breach or an offence, or to ascertain whether the documents may be required in evidence for proceedings regarding a breach or offence. Copies of the documents produced can be taken and if a document is electronic, it can be required to be produced in a format that allows it to be taken away e.g. a hard copy.
8. S.123 of the Act enables an authorised officer to seize and detain documents that the officer reasonably suspects may be required as evidence in proceedings relating to a breach/offence under the relevant legislation. Officers must provide evidence of their identity and authority if reasonably practicable and must take reasonable steps to inform the person from whom documents have been seized that they have been seized, and provide that person with a written record of what has been taken.
9. Officers cannot seize documents that are legally confidential, such as communications between a lawyer and their client. Retention periods apply to keeping documents: generally, documents can be kept for up to three months, unless needed for legal proceedings – in which case they can be kept for longer but only for as long as necessary for those proceedings.
10. If there are electronic devices on the premises which it is suspected may hold information that the officer may wish to seize under S.123, the officer can require someone with approved access to access that information if that is reasonably necessary. If such a person does not access the device after being required to do so, the officer can access the device.
11. Where officers reasonably believe that a document is something they are allowed to search for or seize, but it's not reasonably practical to decide this on the premises or to separate it on the premises, officers can take the document using additional powers under Section 50 of the Criminal Justice and Police Act 2001. Where this power is used, officers will then need to assess if the document is relevant as soon as reasonably practicable afterwards and return it promptly if it is determined not to be relevant. In using this power, officers must comply with the prior notice requirements to the occupier under 52 of that Act.
12. Where documents are seized under S.123 of the Act, the person who had possession or control of the document has rights to request access to the documents. There are also rights of appeal to a magistrate's court against the detention of seized documents.

Powers to Enter Business and Residential Premises

13. Section 118 of the Act permits authorised council officers to enter business premises occupied by a relevant person for the purposes of a rental sector business, at any reasonable time, if there are reasonable grounds to suspect a breach or offence has been committed under the rented accommodation legislation (as defined above) and entry is necessary to require documents to be produced (under S.122) or to seize documents which are on the business premises (under S.123) which could help the investigation. The power under Section 118 is exercised without a warrant. It may not be used where the premises is wholly or mainly used as a residential dwelling.
14. The occupier of the business premises must be given at least 24 hours' written notice of the intended entry (setting out why the entry is necessary and explaining the offences of non-compliance and obstruction under Section 131[1] and [2] of the Act) **unless**:
 - It is not reasonably practical to give notice, or
 - Doing so would defeat the purpose of entry, or
 - At least one occupier has waived their right to be given notice.
15. Where entry to business premises takes place otherwise than in the course of a routine inspection, unless it is not reasonably practicable to do so, the officer must:
 - Provide evidence of their identity and authority to at least one occupier present
 - Provide to at least one occupier present a document that sets out why the entry is necessary and indicates the nature of the offences under Section 131(1) and (2) of the Act.
16. Section 121 of the Act allows an authorised council officer named in a warrant to enter premises used for a rental sector business if there are documents on the premises which the officer could require under S.122 or seize under S.123 of the Act. The warrant permits reasonable force if necessary to enter the premises. For a court to grant a warrant, one of the following conditions must be met:
 - Access to the premises has been or is likely to be refused and the Council has provided notice of their intention to apply for a warrant to the occupier
 - Documents on the premises would likely be concealed or interfered with if notice of entry were to be given
 - No occupier is present and waiting for their return might defeat the purpose of the entry
17. When applying for a warrant, officers must be able to show that there are reasonable grounds to suspect the premises are used by a relevant person for a rental sector business, are not wholly or mainly residential accommodation and that relevant documents to be produced/seized are expected to be on the premises. Once granted, the warrant will be valid for one month starting on the day it is issued.
18. Section 126 of the Act permits specially authorised officers to enter residential premises used for a residential tenancy at any reasonable time where necessary to investigate suspected

offences under Section 1 of the Protection from Eviction Act 1977, or the provisions under the Renters' Rights Act that relate to the Private Rented Sector Database

19. Before exercising the power under Section 126, the Council must give at least 24 hours' written notice to:
 - the occupier of the premises concerned (unless all occupiers waive their right to receive this notice)
 - to persons with an estate or interest in the premises (other than a mortgagee not in possession) who have supplied the council with an address for this purpose – unless any such persons waive their right to receive this notice.
20. **NB:** the requirement for prior notice does **not** extend to residential landlords (as defined by Part 2, S.63 of the Act) but landlords must be informed within a reasonable period after the inspection has taken place.
21. Section 128 of the Act provides for application to the court for a warrant to enter residential premises on specified grounds. A warrant under S.128 authorises the officer named in the warrant to enter the premises at any reasonable time, using reasonable force if necessary. The warrant ceases to have effect when the inspection of the premises has been completed.
22. As with entry to business premises, officers entering residential premises in exercise of their power of entry must produce evidence of their identification and authorisation, unless it is not reasonably practicable to do so.
23. An officer entering residential or business premises (with or without a warrant) may be accompanied by such persons, and may take onto the premises such equipment, as the officer thinks necessary, and may take photographs or make recordings.
24. On entry under warrant to both business and residential premises, the officer must produce the warrant for inspection to at least one of the occupiers present. Where no occupier is present, the officer must:
 - Leave a notice on the premises stating that the premises has been entered under a warrant under the relevant section of the Act, and
 - Leave the premises as effectively secured against trespassers as the officer found them.
25. Under Section 131 of the Act, it is an offence for an individual to obstruct a council officer seeking to exercise their powers, or to fail to give an officer any additional assistance or information which they reasonably require, without reasonable excuse.

Appendix 4 – Equality Impact Assessment

Equality Impact Assessment Form

For a policy, project, strategy, staff or service change, or other decision that is new, changing or under review

What is being assessed?		Renters' Rights Act 2025 – Enforcement Policy			
Lead Assessor	Geoff Hammond Residential and Animal Control Manager			Assessment team	Environmental Health and Licensing
Start date	March 2026	End date	March 2027		
When will the EqIA be reviewed? (Typically every 2 years)	March 2027, unless the policy to which it relates requires review at an earlier date.				

Who may be affected by the proposed project?	Tenants living in private sector rented dwellings in Stevenage. Landlords of private sector rented dwellings in Stevenage. Private rental sector businesses in Stevenage, i.e. managing agents and letting agents.
What are the key aims of the proposed project?	To set out the Council's approach to regulation and enforcement of the Renters' Rights Act 2025. To detail how the Council will apply the legislative provisions under the Renters' Rights Act 2025 To set out how the Council will fulfil its statutory duties under this Act to regulate the private rented sector.

What positive measures are in place (if any) to help fulfil our legislative duties to:					
Remove discrimination & harassment	The policy supports the effective enforcement of the legislative provisions concerning discrimination against certain groups of residential occupier.	Promote equal opportunities	The policy supports the effective enforcement of legislative provisions that benefit disadvantaged groups such as low-income tenants.	Encourage good relations	The policy aims to ensure consistency and transparency in enforcement and thereby give confidence to private sector tenants, landlords and rental businesses.
What sources of data / information are you using to inform your assessment?	UK legislation and associated Government guidance.				

In assessing the potential impact on people, are there any overall comments that you would like to make?	The policy aims to support the effective enforcement of new legislation which increases rights and protections for private rented sector tenants, which includes disadvantaged groups. Landlords and businesses will benefit from a transparent and consistent approach by the Council to regulation, which the policy aims to set out. The policy is therefore expected to have an overall positive impact in relation to equalities.
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Evidence and Impact Assessment

Explain the potential impact and opportunities it could have for people in terms of the following characteristics, where applicable:

Age					
Positive impact	✓	Negative impact		Unequal impact	
Please evidence the data and information you used to	The legislation to which the policy relates includes provisions prohibiting the discrimination by private rented sector landlords against prospective tenants with children. The policy is therefore expected to have an overall positive impact.				

support this assessment			
What opportunities are there to promote equality and inclusion?	Engagement with tenants to promote their rights under the legislation and how they can access advice and support. Engagement with landlords about their new duties.	What do you still need to find out? Include in actions (last page)	N/A – engagement with these groups has already begun, e.g. Landlord Forum, website resources for tenants

Disability e.g., physical impairment, mental ill health, learning difficulties, long-standing illness				
Positive impact	✓	Negative impact		Unequal impact
Please evidence the data and information you used to support this assessment	Residents living within the private rented sector include those in disadvantaged groups, including those with disabilities such as mental ill health. The policy is concerned with the effective enforcement of new legislation which strengthens the rights and protections for private rented sector tenants.			
What opportunities are there to promote equality and inclusion?	See above under Age		What do you still need to find out? Include in actions (last page)	See above under Age

Gender Reassignment				
Positive impact		Negative impact		Unequal impact
Please evidence the data and information you used to support this assessment	No differential impact. Where known, preferred pronouns of those using the services to which this policy relates will be honoured during all communication.			

What opportunities are there to promote equality and inclusion?	N/A	What do you still need to find out? Include in actions (last page)	N/A
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Marriage or Civil Partnership					
Positive impact		Negative impact		Unequal impact	
Please evidence the data and information you used to support this assessment	No differential impact.				
What opportunities are there to promote equality and inclusion?	N/A	What do you still need to find out? Include in actions (last page)	N/A		

Pregnancy & Maternity					
Positive impact		Negative impact		Unequal impact	
Please evidence the data and information you used to support this assessment	✓				
	The legislation to which the policy relates includes provisions prohibiting the discrimination by private rented sector landlords against prospective tenants with children – or who will have children living with them during their tenancy. The policy is therefore expected to have an overall positive impact.				
What opportunities are there to promote equality and inclusion?	See above comments under Age	What do you still need to find out? Include in actions (last page)	See above comments under Age.		

Race					
Positive impact		Negative impact		Unequal impact	

Please evidence the data and information you used to support this assessment	<p>No differential impact.</p> <p>The discrimination provisions of the legislation to which this policy relates are concerned specifically with prospective tenants with children or who receive income from state benefits. Other forms of discrimination are not addressed by the Act.</p>		
What opportunities are there to promote equality and inclusion?	N/A	What do you still need to find out? Include in actions (last page)	N/A

Religion or Belief					
Positive impact		Negative impact		Unequal impact	
Please evidence the data and information you used to support this assessment	<p>No differential impact.</p> <p>The discrimination provisions of the legislation to which this policy relates are concerned specifically with prospective tenants with children or who receive income from state benefits. Other forms of discrimination are not addressed by the Act.</p>				
What opportunities are there to promote equality and inclusion?	N/A	What do you still need to find out? Include in actions (last page)	N/A		
Sex					
Positive impact		Negative impact		Unequal impact	
Please evidence the data and information you used to support this assessment	<p>No differential impact.</p> <p>The discrimination provisions of the legislation to which this policy relates are concerned specifically with prospective tenants with children or who receive income from state benefits. Other forms of discrimination are not addressed by the Act.</p>				

What opportunities are there to promote equality and inclusion?	N/A	What do you still need to find out? Include in actions (last page)	N/A
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Sexual Orientation e.g., straight, lesbian / gay, bisexual					
Positive impact		Negative impact		Unequal impact	
Please evidence the data and information you used to support this assessment	<p>No differential impact.</p> <p>The discrimination provisions of the legislation to which this policy relates are concerned specifically with prospective tenants with children or who receive income from state benefits. Other forms of discrimination are not addressed by the Act.</p> <p>Property owners' preferred pronouns, where this known, will be honoured during all communication.</p>				
What opportunities are there to promote equality and inclusion?	N/A		What do you still need to find out? Include in actions (last page)	N/A	

Socio-economic¹					
e.g., low income, unemployed, homelessness, caring responsibilities, access to internet, public transport users, social value in procurement					
Positive impact		Negative impact		Unequal impact	
Please evidence the data and information you used to support this assessment	✓				
	<p>The legislation to which the policy relates includes provisions prohibiting the discrimination by private rented sector landlords against prospective tenants who receive income from benefits. The policy is therefore expected to have an overall positive impact for low-income tenants (or prospective tenants) within the private rented sector.</p> <p>In addition, the legislation to which the policy relates makes substantial changes to the existing law affecting private rented sector tenancies. This includes making most tenancies Assured Tenancies (with effect from 1st May 2026), which provides</p>				

¹Although non-statutory, the council has chosen to implement the Socio-Economic Duty and so decision-makers should use their discretion to consider the impact on people with a socio-economic disadvantage.

	increased security of tenure. Landlords can no longer evict tenants without a reason and there are limitations on what grounds for eviction can be used. This is expected to have an overall positive impact in terms of the prevention of homelessness among existing private rented sector tenants.		
What opportunities are there to promote equality and inclusion?	See above under Age.	What do you still need to find out? Include in actions (last page)	See above under Age.

Additional Considerations				
Please outline any other potential impact on people in any other contexts				
Positive impact		Negative impact		Unequal impact
Please evidence the data and information you used to support this assessment	Those using the services to which this policy relates may not speak English as their first language and may require additional language support services. While the Council is not obliged to translate written communications including statutory notices into other languages, options to facilitate communication in such cases will be considered. This may include the use of the Language Line service to provide an interpreter. Depending on the circumstances, it may also involve officers facilitating meetings with an interpreter present. Where there is sufficient justification for using translation services for written communications in a particular case, this option may also be considered.			
What opportunities are there to promote equality and inclusion?			What do you still need to find out? Include in actions (last page)	

Consultation Findings

Document any feedback gained from the following groups of people:

Staff?	N/A	Residents?	N/A
Voluntary & community sector?	N/A	Partners?	N/A
Other stakeholders?	N/A		

Overall Conclusion & Future Activity

Explain the overall findings of the assessment and reasons for outcome (please choose one) :		
<p>1. No inequality, inclusion issues or opportunities to further improve have been identified</p>		<p>The policy aims to result in a consistent and transparent approach to the enforcement of the Renters' Rights Act 2025. This approach will apply equally to private rented sector landlords, rental businesses and other persons acting on a landlord's behalf in the course of such a business. Having a clear, consistent and transparent approach to regulation is beneficial to landlords and others in the sector. It helps to ensure confidence that the approach that the Council will take will be fair and applied on an equal and impartial basis to those with duties as landlords under the legislation.</p> <p>As set out above, the strengthened rights and protections for tenants within the private rented sector is expected to have an overall positive effect for those in disadvantaged groups or with certain protected characteristics.</p>
<p>Negative / unequal impact, barriers to inclusion or improvement opportunities identified</p>	<p>2a. Adjustments made</p>	<p>N/A</p>
	<p>2b. Continue as planned</p>	<p>N/A</p>
	<p>2c. Stop and remove</p>	<p>N/A</p>

Detail the actions that are needed as a result of this assessment and how they will help to remove discrimination & harassment, promote equal opportunities and / or encourage good relations :				
Action	Will this help to remove, promote and / or encourage?	Responsible officer	Deadline	How will this be embedded as business as usual?
N/A				

Meeting General Purposes Committee
Portfolio Area Housing and Housing Development
Date 14th April 2026

CIVIL PENALTIES UNDER THE RENTERS' RIGHTS ACT 2025 & OTHER HOUSING LEGISLATION – REVISED ENFORCEMENT POLICY

NON-KEY DECISION

Authors Geoff Hammond | 2906
Lead Officers Rory Cosgrove| 2888 & Alex Robinson| 2257
Contact Officer Geoff Hammond | 2906

1 PURPOSE

- 1.1 To consider the Council's revised Civil Penalty Policy which sets out 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 for regulatory breaches and offences established under the Renters' Rights Act 2025 and for existing offences under other legislation relating to private rented sector housing standards.

2 RECOMMENDATIONS

- 2.1 That the General Purposes Committee agrees the proposed Stevenage Borough Council Civil Penalty Policy (attached at **Appendix A**).
- 2.2 That the General Purposes Committee recommend the Stevenage Borough Council Civil Penalty Policy to Cabinet.

3 BACKGROUND

- 3.1 The Housing Act 2004 (as amended by the Housing and Planning Act 2016) makes provision for local housing authorities to impose financial penalties (civil penalties) on landlords of private rented housing, as an alternative to prosecution, where specified offences have occurred. The Renters Rights Act 2025 makes further provision for civil penalties to be issued for regulatory breaches and criminal offences set out in the Act. Civil penalties may also be issued under other housing legislation as summarised in the policy.
- 3.2 The applicable legislation sets out the maximum fine amounts imposed under a civil penalty. From 1st May 2026, local housing authorities must also have regard to the statutory guidance, *Civil penalties under the Renters' Rights Act 2025 and other housing legislation*. The guidance sets out the factors which local housing authorities should take into account and the applicable starting points when deciding on the level of a civil penalty.
- 3.3 However, it is for local housing authorities to determine the civil penalty amount in each case and the statutory guidance makes clear that they are required to have their own policy in place to set out how civil penalties will be levied in a consistent and transparent manner.
- 3.4 The Civil Penalty Policy updates the Council's "Civil penalties under the Housing and Planning Act 2016 – policy and procedure" which was introduced on 20th September 2017 and revised in 2022. The changes in the Civil Penalty Policy reflect the substantial changes affecting the range of matters for which civil penalties can now be issued as a result of the Renters' Rights Act 2025. The policy has also been updated having regard to the updated statutory enforcement guidance.

4 CONSULTATION

- 4.1 In developing this policy, consultation was limited to internal consultation within the Environmental Health and Licensing service which is responsible for enforcing the relevant legislation and issuing civil penalties. No comments were received that necessitated consideration of any changes to the policy.
- 4.2 It was not considered necessary to conduct a public consultation exercise. The policy is a revised form of the previous policy relating to civil penalties. Much of what the policy covers relates to matters prescribed by the legislation and statutory guidance. The statutory guidance sets out the starting levels, i.e. the fine amounts, for most civil penalties depending on the specific breach or contravention that has occurred. The factors to consider in determining a civil

penalty and the methodology for doing so are also established, to a large extent, by the statutory guidance.

5 REASONS FOR RECOMMENDED COURSE OF ACTION

- 5.1 As stated above, the Council is required to have a policy in place setting out how it will determine civil penalty fine levels, where a decision has been made (under separate enforcement policy) to issue a civil penalty. The existing policy requires substantial amendments commensurate with the changes brought in by the Renters' Rights Act 2025.
- 5.2 While the statutory guidance that applies from 1st May 2026 prescribes many of the starting points at which fines for particular regulatory breaches and offences should be set, Local housing authorities still have considerable discretion to set minimum fine levels and to determine the range of fines within the limits set by the statutory guidance.
- 5.3 The Association of Chief Environmental Health Officers (ACEHO) has published policy recommendations which have been made available to local authorities nationally, which set out a recommended approach to applying this discretion. The aim is to achieve consistency of approach between local housing authorities in terms of the level at which fines for specific contraventions are set.
- 5.4 A significant number of landlords operate across local authority boundaries. The intention of the ACEHO policy recommendations is to avoid the type of scenario where, for instance, one local authority has a policy which results in significantly lower fines being issued than a neighbouring authority – and therefore has a significantly lower deterrent in place to discourage criminal landlords from operating in its area. Having a consistent approach between local authorities has the potential to reduce disparities in the robustness of the enforcement response depending on which local authority area a tenant happens to live within.
- 5.5 The Civil Penalty Policy has therefore been developed with adherence to the recommended fine levels and means of determining the appropriate fine level set out by the ACEHO, to the extent that this is not already prescribed by the statutory enforcement guidance.
- 5.6 The starting points for fine levels and the further methodology for determining the amount of a civil penalty as set out in the policy can be seen as a robust enforcement approach. This should be seen in the context of the statutory enforcement guidance which states the following: *An important part of deterrence is the realisation that the local housing authority is proactive in*

levying civil penalties where the need to do so exists and the civil penalty will be set at a high enough level such that operating lawfully will be the sensible financial choice.

- 5.7 Application of the methodology as set out in the policy will lead to civil penalties that will be substantially higher than if the method in the 2017 version of the policy – as set out in Section 8 of that policy – was applied. For example, under that policy the maximum level of fine that would be issued for offences involving low or medium culpability range from £350 to £4,500. Whereas under the Civil Penalty Policy the offence with the lowest starting point would start with a fine level of £3,000, which may then be adjusted upwards or downwards depending on mitigating or aggravating factors present. The most serious offences under the Civil Penalty Policy, such as offences under the Protection from Eviction Act 1977 or breaching a banning order, set the starting fine level at £35,000, compared to £25,000 until the 2017 policy.
- 5.8 As previously noted though, the higher starting points for fine levels under the policy are mostly prescribed by the revised statutory guidance. In addition, they reflect the fact that the maximum fine levels under statute for existing offences (such as under the Housing Act 2004) have been increased by legislative amendments made under the Renters' Rights Act 2025.
- 5.9 For further reference, the 2017 version of the policy that is to be replaced with the revised version is included under Background Documents.

6 FINANCIAL IMPLICATIONS

- 6.1 Where the Council issues a civil penalty it has powers to recover the sum owed through debt recovery proceedings. The legislation also enables the Council to retain the income from the payment of civil penalties. The legislation prescribes that this income must be used to meet the Council's costs and expenses incurred in or associated with its private rented sector enforcement functions.
- 6.2 Provided the Council has efficient procedures in place for the recovery of debts arising from unpaid civil penalties, the robust enforcement of the new and existing legislation relating to private rented housing has the potential to bring in a significant amount of income over time, particularly given the higher potential fine levels under the revised policy. Civil penalty payments, whether or not these are paid after debt recovery proceedings are initiated, are expected to be received on a sporadic basis rather than as a continuing income stream, so should not be viewed as a reliable source of income. Any income recovered will however contribute to the funding of the Council's ongoing enforcement activities in this area.

- 6.3 Financial considerations relating to the need to ensure sufficient enforcement capacity within the Environmental Health and Licensing Service are addressed in the separate report (dated 14th April 2026) for General Purpose Committee on the Renters Rights Act 2025 – New Enforcement Policy. These considerations have not been duplicated here.

7 LEGAL IMPLICATIONS

- 7.1 The Council has a statutory duty under Section 107 of the Renters’ Rights Act 2025 to enforce the ‘landlord legislation’ as defined under that Act. The use of civil penalties as an enforcement sanction and the policy setting out the approach to their use will underpin the Council’s regulatory activities in meeting its statutory enforcement duty.

- 7.2 Where a civil penalty is issued by a local housing authority, the recipient has a legal right of appeal to the First-tier Tribunal (FTT) and potentially a further right of appeal to the Upper Tier Tribunal, whose decisions set a legal precedent which is binding on the FTT. It should be noted that, as a result of such appeals, there have been a number of developments in case law since the introduction of the 2017 policy. As a result, the approach set out in that policy (incorporating the 2022 amendments) is not compliant with the caselaw as it stands. The policy under consideration adheres to both the revised statutory guidance and the aforementioned ACEHO policy recommendations which was developed in consultation with housing law professionals. As such, the approach set out in the policy is compliant with the caselaw as it stands at the time of producing this report.

- 7.3 A further point in relation to appeals is that, given the higher potential fine levels under the policy and given that the Renters’ Rights Act 2025 has substantially increased the number of regulatory breaches and offences for which local authorities will now be able to issue a civil penalty, it is likely that the Council will be required to respond to an increased number of appeals to the FTT in future. Having a robust policy in place which is compliant with the statutory guidance and case law will decrease the risk of appeals succeeding.

8 EQUALITIES AND DIVERSITY IMPLICATIONS

- 8.1 An Equalities Impact Assessment was carried out in March 2026. This concluded that adherence to the policy will ensure that civil penalties are issued in a fair, transparent and consistent manner that does not unfairly discriminate against any disadvantaged group or against those with protected characteristics.

- 8.2 The assessment further concluded that the policy allows for certain relevant factors that may affect such groups to be considered in the Council's decision making, including disability and socio-economic factors. As stated above, those affected have recourse to appeal to an independent tribunal where they consider that the Council has acted unfairly in issuing a civil penalty.
- 8.3 A copy of the Equalities Impact Assessment can be found at **Appendix B** of the policy document.

9 BACKGROUND DOCUMENTS

- BD1 *Civil and Financial Penalty Policy – as an alternative to prosecution under the Housing Act 2004 and calculation of financial penalties as prescribed in associated housing legislation (2017, incorporating 2022 amendments)*
- BD2 [Civil penalties under the Renters' Rights Act 2025 and other housing legislation - GOV.UK](#)
- BD3 [Renters' Rights Act 2025](#)

10 APPENDICES

- A Civil Penalty Policy – Renters Rights Act 2025 & Other Housing Legislation
- B Equalities Impact Assessment

Civil Penalty Policy

Renters' Rights Act 2025 & Other Housing Legislation

Stevenage Borough Council

2026

Date created	March 2026
Approved by	Council
Owner	Rory Cosgrove Head of Environmental Health & Licensing
Version	1.0
Author	Geoff Hammond Residential and Ainnimal Control Manager
Business Unit and Team	Planning and Regulation Environmental Health & Licensing
Policy Review Date	12 months from date of policy approval
Equality Impact Assessment Date	12 months from date of policy approval

For translations, braille or large print versions of this document please email equalities@stevenage.gov.uk.

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1 Purpose

- 1.1 The Housing Act 2004 (as amended by the Housing and Planning Act 2016) makes provision for local housing authorities (LHAs) to impose financial penalties (civil penalties) on landlords of private rented housing, as an alternative to prosecution, where specified offences have occurred.
- 1.2 The Renters Rights Act 2025, which gained Royal Assent on 27th October 2025, makes further provision for civil penalties to be issued to landlords by LHAs for new regulatory breaches and criminal offences set out in the Act. There is further provision for civil penalties to be issued to landlords by LHAs under other legislation as summarised below.
- 1.3 The applicable legislation sets out the maximum amounts that a civil penalty can require a landlord to pay, depending on the specific contravention that has occurred. LHAs are required to have their own policy in place to set out how civil penalties will be levied in a consistent and transparent manner.
- 1.4 In setting policy and determining civil penalty amounts, LHAs must have regard to the statutory guidance, *Civil penalties under the Renters' Rights Act 2025 and other housing legislation* (referred to in this policy as 'the statutory guidance'). This policy has been reviewed and updated having regard to that guidance.
- 1.5 While the statutory guidance sets out the factors which LHAs should take into account and the applicable starting points when deciding on the level of a civil penalty, it is for LHAs to determine the civil penalty amount in each case. Stevenage Borough Council ('the Council') therefore has wide discretion in determining the appropriate level of civil penalty in any particular case and seeks to set out further guidance through this policy as to how it will do so.
- 1.6 The Council introduced the "Civil penalties under the Housing and Planning Act 2016 – policy and procedure" on 20th September 2017, which incorporated principles set out in the Sentencing Guidelines for use in the Magistrates' Court published by the Sentencing Council in October 2019. The 2017 version of the policy is now revised to reflect the substantial changes affecting the range of matters for which civil penalties can now be issued, as a result of the Renters' Rights Act 2025, and the updates to the statutory guidance as a result of the Act.
- 1.7 This policy sets out 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.
- 1.8 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.

- 1.9 This policy should be read in conjunction with the Council's Private Sector Housing Enforcement Policy (Housing Act 2004) and Renters' Rights Act 2025 Enforcement Policy.
- 1.10 Due to the nature of cases, there may be circumstances that justify departure from the policy and therefore each case will be dealt with on its own merits, having regard to the specific circumstances.
- 1.11 The term 'landlord' in this policy applies to any person who may be issued with a civil penalty for any specified breach of legislation, and as such can apply to both immediate and superior landlords and to persons acting on their behalf, including managing agents.

2 Scope

- 2.1 This policy is specific to the Planning and Regulation Business Unit. Its implementation will be overseen by the Head of Service for Environmental Health and Licensing.
- 2.2 This policy applies after 30th April 2026, when the provisions in the Renters' Right Act 2025 covered by the policy come into effect. The policy is applicable once the Council has made a decision to commence civil penalty proceedings in accordance with the Council's relevant enforcement policies.
- 2.3 The policy will impact primarily on landlords of privately rented properties in Stevenage and on the tenants of such properties. Some of the provisions of the Renters' Rights Act 2025, in particular the abolition of assured and fixed-term tenancies, also affect registered providers of social housing who have housing stock in Stevenage and the tenants of such properties. Accordingly, this policy will also affect landlords and tenants within the social housing sector.

3 Legal Framework

3.1 Schedule 9 of the Housing and Planning Act 2016 ('the 2016 Act') introduced amendments to the Housing Act 2004 ('the 2004 Act') that allow LHAs to impose financial penalties as an alternative to prosecution for the following relevant housing offences under the 2004 Act:

- Section 30 – offence of failing to comply with an improvement notice
- Section 72 – offences in relation to licensing of Houses in Multiple Occupation (HMOs)

- Section 95 – licensing of houses under Part 3
- Section 139(7) – failure to comply with overcrowding notice
- Section 234 – management regulations in respect of HMOs

3.2 Section 14 of the 2016 Act made provision for LHAs to apply to the First-tier Tribunal for a banning order against a landlord following a conviction for a specified offence (a 'banning order offence'). Section 23 of that Act provides for LHAs to issue a financial penalty where a banning order has been contravened, as an alternative to prosecution.

3.3 As stated above, the Renters' Rights Act 2025 introduced new regulatory breaches and offences for which LHAs may issue civil penalties. The Act also brought in changes to the maximum civil penalty amounts for existing housing offences under section 249A of the Housing Act 2004 and section 23 of the Housing and Planning Act 2016.

3.4 The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 require landlords to ensure minimum electrical safety standards are met. This includes inspection and testing of the electrical installation in a property every 5 years. Where the Council finds that a landlord is in breach of one or more specified duties under these regulations, it may issue the landlord with a financial penalty and may apply the proceeds to meet the cost and expenses in, or associated with, carrying out any of its enforcement functions in relation to the private rented sector. Financial penalties issued under these regulations will be determined by the Council in accordance with this policy.

3.5 The term 'breach' in this policy is used to refer to non-compliance by landlords where the Council may impose a civil penalty but there is no 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.

3.6 The list of breaches and offences covered by this policy is provided in **Appendix 1**.

4 Equalities

4.1 Under the Equality Act (2010) the Council has a legal duty to fulfil the requirements of the Public Sector Equality Duty (PSED). Through this duty and in the application of this policy, the council will carry out its functions in a way that:

- a. Removes discrimination, harassment, victimisation and any other conduct that is unlawful under the Equality Act (2010)
- b. Promotes equal opportunities between people who have a protected characteristic(s) and those who don't
- c. Encourages good relations between people who have a protected characteristic(s) and those who don't

4.2 Further information on the Council's fulfilment of the Equality Act (2010) is set out in the Equality, Diversity and Inclusion (EDI) Policy (2022) and Reasonable Adjustment Policy (2024).

5 Data Protection

5.1 The Council regards respect for the privacy of individuals and the lawful and careful treatment of personal information as very important to delivery of services.

5.2 The Council will ensure that it treats personal information lawfully and proportionately as set out in the General Data Protection Regulation (GDPR) and Data Protection Act (2018). For further information on the Councils approach to handling information please see [Data Protection Act \(stevenage.gov.uk\)](https://www.stevenage.gov.uk).

5.3 The Council will ensure that it treats personal information lawfully and proportionately as set out in the General Data Protection Regulation (GDPR) and Data Protection Act (2018). For further information on the Councils approach to handling information please see [Data Protection Act \(stevenage.gov.uk\)](https://www.stevenage.gov.uk).

6 Policy

Determining the level of Civil Penalty

6.1 In accordance with the statutory guidance, the Council has considered the following factors in developing this policy to help ensure that civil penalties are set at an appropriate level in each case:

- **Severity of the breach or offence:** the more serious the breach or offence, the higher the penalty should be.
- **Culpability and track record of the offender:** a higher penalty will be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities.
- **The harm caused to the tenant:** This is a very important factor when determining the level of penalty. The greater the actual harm or the potential for harm, principally to the tenant but also potentially the local community, the higher the penalty should be.
- **Punishment of the offender:** The penalty should, in a way that is fair, both punish the offender and demonstrate the consequences of not complying with their responsibilities.
- **Detering the offender from repeating breaches or offences:** The ultimate goal is to prevent any further offending and help ensure that the offender fully complies

with all of their legal responsibilities in future. The level of the penalty should therefore be set at a level that it is likely to have a very significant deterrent effect.

- **Deter others from committing similar breaches or offences:** While the fact that someone has received a civil penalty may not be in the public domain, the civil penalty policy itself will be and local authorities should consider how their formal enforcement activity can be effectively publicised. An important part of deterrence is the realisation on the part of landlords that the local housing authority is proactive in levying civil penalties where the need to do so exists and the civil penalty will be set at a high enough level such that operating lawfully will be the sensible financial choice.
- **Remove any financial benefit the offender may have obtained as a result of committing the breach or offence:** The principle here is that it should not be in the offender's financial interest to commit a breach or offence rather than comply. The absence of any financial benefit to the landlord does not mean though that the penalty should be reduced.

6.2 In determining the level of a civil penalty, officers will:

1. **Determine the starting point:** based on the seriousness of the breach or offence
2. **Consider the 'landlord type:'** adjust for factors relating to the size and type of portfolio controlled, owned or managed and the experience of the landlord
3. **Consider mitigating and aggravating factors:** including, but not limited to, factors relating to the track record and culpability of the landlord and the actual or potential harm to the occupants.
4. **Take account of financial considerations:** i.e. any information supplied by the landlord about their financial circumstances.
5. **Apply the totality principle:** If a landlord has committed multiple breaches or offences for which separate civil penalties are being issued, consider whether the aggregate amount is just and proportionate.

6.3 In following this process, officers will apply the Civil Penalty Matrix set out in **Appendix 2** of this policy and will have regard to the guidance set out in **Appendix 3**.

6.4 When applying the civil penalties matrix, interim calculations at individual stages may result in figures that exceed the statutory maximum. Where the final amount reached following application of all relevant steps exceeds the statutory maximum, the civil penalty will be reduced to the applicable statutory maximum.

6.5 With regard to multiple breaches:

- If a landlord has committed multiple breaches or offences, a separate civil penalty can, and usually will, be imposed for each breach and offence.
- 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 all

cases, the level of civil penalty imposed on each offender will be in accordance with this policy.

- Where there are multiple breaches of a single Management Regulation at a single HMO, a single civil penalty will be imposed which will cover all the breaches of that Management Regulation.
- Where multiple Management Regulations have been breached at a single HMO, a separate civil penalty will be imposed for each Management Regulation that has been breached.
- Where multiple HMO licence conditions have been breached at a single property, a separate civil penalty will be imposed for each licence condition that has been breached.

6.6 The Council has a duty to act fairly, transparently and consistently when assessing civil penalties. To maintain fairness between all landlords, the Council will not give weight to claims advanced as factors that might reduce the amount of a civil penalty unless those claims are supported by evidence that the Council reasonably considers to be relevant, reliable, credible, and sufficient in scope and detail to enable proper assessment of the claim, having regard to the nature of the claim, the information ordinarily available to the landlord, and the need for consistent and fair decision-making. Allowing inadequately evidenced assertions to influence outcomes would risk rewarding those who provide incomplete or misleading information and would create an unfair advantage over landlords who provide a full and properly evidenced account.

6.7 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 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 to justify a lower civil penalty. In the absence of such information, or where the Council is not satisfied that it has been given sufficiently reliable information, it will draw the inference that the landlord is able to pay the civil penalty.

Process for imposing a civil penalty

Notice of Intent:

6.8 Before imposing a civil penalty on a landlord, the Council will give the landlord a notice of intent. The notice of intent will set out:

- The amount of the proposed civil penalty
- The reasons for proposing to impose the civil penalty
- Information about their right to make written representations

Representations:

6.9 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.

6.10 After the end of the period for representations the Council will:

- Decide whether to impose a civil penalty on the landlord; and
- If it decides to impose a civil penalty, decide the amount of the penalty. This amount can be higher or lower than the amount stated in the notice of intent.

6.11 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.

6.12 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:

6.13 If, following the receipt of written representations and/or the expiry of the time period to make written representations, the Council decides to impose a civil penalty on the landlord, it will give the landlord a final notice imposing that penalty. The final notice will set out:

- The amount of the civil penalty
- The reasons for imposing the penalty
- Information about how to pay the penalty
- The period for payment of the penalty
- Information about rights of appeal
- The consequences of failure to comply with the notice

Discount for Prompt Payment:

6.14 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.

6.15 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.

Appeals:

- 6.16 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.
- 6.17 Where an appeal is brought, the final notice is suspended until the appeal is finally determined or withdrawn.
- 6.18 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.
- 6.19 The First-tier Tribunal may invite the parties to consider mediation or another form of alternative dispute resolution. The Council will not generally agree to mediation in relation to the level of a civil penalty, as civil penalties are determined by reference to this policy to promote fair, consistent, and proportionate outcomes. Agreeing reductions outside the policy framework would risk undermining consistency and the Council's enforcement objectives.
- 6.20 On determination of an appeal, the Tribunal may:
- Confirm the civil penalty
 - Vary the amount of the civil penalty (whether by increase or reduction)
 - Cancel the civil penalty
- 6.21 Where the Tribunal varies a civil penalty by increasing its amount, it may do so only up to the applicable statutory maximum for the relevant breach or offence.
- 6.22 A party to the appeal may apply for permission to appeal the decision of the First-tier Tribunal to the Upper Tribunal (Lands Chamber).

7 Consultation

- 7.1 In developing this policy, it was not considered necessary to conduct a public consultation exercise. This policy is a revised form of the previous policy relating to civil penalties. Much of what the policy covers relates to matters prescribed by the legislation and statutory guidance. The statutory guidance sets out the starting levels, i.e. the fine amounts, for civil penalties (with the exception of offences relating to HMO licence conditions) depending on the specific breach or contravention that has occurred. The factors to consider in determining a civil penalty and the methodology for doing so are also established, to a large extent by the statutory guidance. LHAs have discretion to set minimum fine levels and determine the range of fines within the limits set by the statutory

guidance. For that purpose, this policy adopts the approach set out by the Association of Chief Environmental Health Officers.

7.2 Consultation has taken place within the Council, with those officers within the Environmental Health and Licensing service who are responsible for enforcing the relevant legislation.

8 Monitoring and Review

8.1 This policy will initially be reviewed by the Head of Service for Environmental Health and Licensing or Service Manager after 12 months, in anticipation of further provisions under the Act coming into effect. If necessary, this review will take place sooner. The policy will then be reviewed every 2 years by the Head of Service for Environmental Health and Licensing or Service Manager, or earlier if there is a change in legislation.

8.2 Minor changes to the policy may be made by the Head of Service for Environmental Health and Licensing or Service Manager in consultation with the relevant Business Unit's Director. Where more than 10% of the policy content is changed the Director and appropriate Portfolio Holder will decide if the policy needs to be formally reconsidered by Cabinet or the appropriate decision-making body.

8.3 Where there is a request for the content of the policy to be reviewed in response to a complaint, the relevant Business Unit's Director will be notified. If the Director agrees that a review of policy is required, this will be discussed with the appropriate Portfolio Holder. The Head of Service or Service Manager will be responsible for implementing a subsequent policy review.

9. References and Resources

- Statutory guidance: *Civil penalties under the Renters' Rights Act 2025 and other housing legislation*. 13th November 2025:
<https://www.gov.uk/government/publications>
- Guide to the Renters' Rights Act
<https://www.gov.uk/government/publications/guide-to-the-renters-rights-act/guide-to-the-renters-rights-act>

10. Abbreviations and Definitions

CPN	Civil Penalty Notice
EDI	Equality, Diversity and Inclusion
GDPR	General Data Protection Regulation

HMO House in Multiple Occupation
 LHA Local Housing Authority
 PSED Public Sector Equality Duty

11. Version History

Date	Outlined Amendments	Author
February 2022 Version 1.0	N/A	Rachel Wells
March 2026 Version 2.0	Revision of the method and guidance for determining the level of civil penalties in light of new legislation and revised statutory enforcement guidance. Updating of references to legislation, policy and guidance.	Geoff Hammond

Appendices

Appendix 1 – List of Breaches and Offences

Breaches:

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

1. Failure to give a written statement of terms and any other prescribed information under section 16D of the Housing Act 1988
2. Attempting to let a property for a fixed term under section 16E of the Housing Act 1988
3. Attempting to end a tenancy by service of a notice to quit under section 16E of the Housing Act 1988
4. Attempting to end a tenancy orally or requiring that it is ended orally under section 16E of the Housing Act 1988
5. Serving an eviction notice that attempts to end a tenancy outside the prescribed section 8 process under section 16E of the Housing Act 1988.
6. Relying on a ground where the landlord does not reasonably believe that the landlord is/will be able to obtain possession under section 16E of the Housing Act 1988.
7. Failing to provide a tenant with prior notice that a ground which requires it may be used under section 16E of the Housing Act 1988.
8. Failure to give an existing tenant prescribed information about changes made by the Renters' Rights Act 2025 in the prescribed form and timeframe under paragraph 7(2) of schedule 6 to the Renters' Rights Act 2025.
9. Discrimination relating to children in the lettings process under section 33 of the Renters' Rights Act 2025.
10. Discrimination relating to benefits in the lettings process under section 34 of the Renters' Rights Act 2025.
11. Failure to specify proposed rent within a written advertisement or offer under section 56 of the Renters' Rights Act 2025.
12. Inviting, encouraging or accepting any offer of rent greater than the stated rate under section 56 of the Renters' Rights Act 2025.

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

1. 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.

Offences:

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

1. Unlawful eviction and harassment of occupier – section 1 of the Protection from Eviction Act 1977.
2. Continuation of conduct subject to a relevant penalty (under s.16I or s.16K Housing Act 1988) after the 28-day period (or, if appealed, after conclusion of the appeal) where the final notice has not been withdrawn – section 16J of the Housing Act 1988
3. 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 – section 16(J) of the Housing Act 1988.

4. Relying on a ground knowing the landlord would not be able to obtain possession or being reckless as to whether they would – section 16J of the Housing Act 1988.
5. Breach of restrictions relating to reletting (s16(E)(2) Housing Act 1988) or remarketing (s16(E)(3) Housing Act 1988) a property within the restricted period after using Grounds 1 or 1A of Schedule 2 Housing Act 1988 – section 16J of the Housing Act 1988.
6. Breach of a banning order – section 21 of the Housing and Planning Act 2016.
7. Failure to comply with an Improvement Notice – section 30 of the Housing Act 2004.
8. Contravention of an overcrowding notice – section 139 of the Housing Act 2004.
9. Failure to obtain a selective licence – section 95 of the Housing Act 2004.
10. Failure to obtain an HMO licence – section 72 of the Housing Act 2004.
11. Knowingly permitting over-occupation of an HMO – section 72 of the Housing Act 2004.
12. Failure to comply with management regulations in respect of HMOs – section 234 of the Housing Act 2004.
13. Failure to comply with HMO licence conditions – section 72 of the Housing Act 2004.
14. Failure to comply with selective licence conditions – section 95 of the Housing Act 2004.

Appendix 2 - Civil Penalty Matrix

SECTION A: OFFENCES AND BREACHES – EXCLUDING BREACH OF HMO LICENCE CONDITIONS

Breach / Offence	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment	Offence-specific mitigating factors	Offence-specific aggravating factors
Protection from Eviction Act 1977 Section 1 Unlawful eviction and harassment of occupier	£35,000	£40,000	£28,000	£35,000	£42,000	None	<ul style="list-style-type: none"> - Violence or threats of violence. - Disposal of possessions or threats to dispose of possessions. - Breach or evasion of an injunction or undertaking. - Loss of home
Housing Act 1988 Section 16D Failure to give a written statement of terms and any other prescribed information	£4,000	£7,000	£3,200	£4,000	£4,800	Provision of some of the required terms and prescribed information within the required period.	None
Housing Act 1988 Section 16E(1)(a) Attempting to let a property for a fixed term	£4,000	£7,000	£3,200	£4,000	£4,800	None	None
Housing Act 1988 Section 16E(1)(b) Attempting to end a tenancy by service of a notice to quit	£6,000	£7,000	£4,800	£6,000	£7,200	None	Tenant vacates property within four months of the date of service of the notice

Breach / Offence	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment	Offence-specific mitigating factors	Offence-specific aggravating factors
Housing Act 1988 Section 16E(1)(c) Attempting to end a tenancy orally or requiring that it is ended orally	£6,000	£7,000	£4,800	£6,000	£7,200	None	Tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit
Housing Act 1988 Section 16E(1)(d) Serving a possession notice that attempts to end a tenancy outside the prescribed section 8 process	£6,000	£7,000	£4,800	£6,000	£7,200	None	Tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit
Housing Act 1988 Section 16E(1)(e) Misuse of grounds for possession	£6,000	£7,000	£4,800	£6,000	£7,200	None	None
Housing Act 1988 Section 16E(1)(f) Failing to provide a tenant with prior notice that a ground which requires it may be used	£3,000	£7,000	£2,400	£3,000	£3,600	None	None

Breach / Offence	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment	Offence-specific mitigating factors	Offence-specific aggravating factors
Renter's Rights Act 2025 Sch. 6, 7(2) Failure to give prescribed information	£4,000	£7,000	£3,200	£4,000	£4,800	<ul style="list-style-type: none"> - Provision of some of the required information within the prescribed period - Provision of prescribed information but not in the prescribed form 	None
Housing Act 1988 Section 16J(3) Continuation of conduct subject to a relevant penalty	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	None	None
Housing Act 1988 Section 16(J)(4) Repeat offences (previous CPN or conviction in last five years)	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	Dependent on the most recent conduct giving rise to liability to a civil penalty under section 16I of the Housing Act 1988	Dependent on the most recent conduct giving rise to liability to a civil penalty under section 16I of the Housing Act 1988
Housing Act 1988 Section 16J(1) Misuse of grounds for possession resulting in surrender of tenancy within four months	£30,000	£40,000	£24,000	£30,000	£36,000	None	None

Breach / Offence	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment	Offence-specific mitigating factors	Offence-specific aggravating factors
Housing Act 1988 Section 16J(2) Breach of restrictions relating to reletting or remarketing a property within the restricted period	£25,000	£40,000	£20,000	£25,000	£30,000	None	None
Housing and Planning Act 2016 Section 21(1) Breach of a banning order	£35,000	£40,000	£28,000	£35,000	£42,000	A single, isolated incident	Concealment or evasion
Renters' Rights Act 2025 Section 33(1) Discrimination relating to children in the lettings process	£6,000	£7,000	£4,800	£6,000	£7,200	None	None
Renters' Rights Act 2025 Section 34(1) Discrimination relating to benefits in the lettings process	£6,000	£7,000	£4,800	£6,000	£7,200	None	None
Renters' Rights Act 2025 Section 56(2) Failure to specify proposed rent within a written advertisement or offer	£3,000	£7,000	£2,400	£3,000	£3,600	None	None

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Breach / Offence	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment	Offence-specific mitigating factors	Offence-specific aggravating factors
Renters' Rights Act 2025 Section 56(3) Inviting, encouraging or accepting any offer of rent greater than the stated rate	£4,000	£7,000	£3,200	£4,000	£4,800	None	None
The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 Breach of duty under Regulation 3: (3)(b), (3)(d), (3)(e), or Regulation 3D: (a), (b), (c), (f)	£5,000	£40,000	£4,000	£5,000	£6,000	The report or record evidences that the electrical installations were compliant at all points	The number or nature or severity of the issues observed on the report or record
The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 Breach of duty under Regulation 3: (1)(a), (1)(b), (1)(c), (3)(a), (3)(c), (3)(ca), (5)(b), (5)(c). or Regulation 3B: (1)(a), (1)(b), (1)(c) or Regulation 3C: (1), (2)(a) or Regulation 3D: (d), (e)	£12,500	£40,000	£10,000	£12,500	£15,000	The report or record evidences that the electrical installations were compliant at all points	The number or nature or severity of the issues observed on the report or record

Breach / Offence	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment	Offence-specific mitigating factors	Offence-specific aggravating factors
The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 Breach of duty under Regulation 3: (4), (5a), (6) or Regulation 3C: (2)(b), (4)	£20,000	£40,000	£16,000	£20,000	£24,000	None	The number or nature or severity of the issues observed on the report or record
Housing Act 2004 Section 30(1) Failure to comply with an improvement notice	£25,000	£40,000	£20,000	£25,000	£30,000	<ul style="list-style-type: none"> - Reduced nature / extent of hazard(s) on expiry of notice - Property vacated by expiry of notice - Access to the property was obstructed by the occupant(s) but the landlord's actions fall short of establishing a reasonable excuse 	The nature and extent of hazard(s) that are present once the deadline for compliance has passed
Housing Act 2004 Section 139(7) Failure to comply with an overcrowding notice	£20,000	£40,000	£16,000	£20,000	£24,000	None	The level of overcrowding present
Housing Act 2004 Section 72(1) Failure to obtain an HMO licence	£17,000	£40,000	£13,600	£17,000	£20,400	None	<ul style="list-style-type: none"> - The landlord has knowledge or experience of licensing requirements - The condition of the unlicensed property

Breach / Offence	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment	Offence-specific mitigating factors	Offence-specific aggravating factors
Housing Act 2004 Section 72(2) Knowingly permitting over-occupation of an HMO	20,000	£40,000	£16,000	£20,000	£24,000	There are suitable amenity and space provisions in the HMO	The level of over-occupation present
Housing Act 2004 Section 234(3) Failure to comply with HMO management regulations: Duty of manager to provide information to occupier	£3,000	£40,000	£2,400	£3,000	£3,600	The number, nature and extent of offences within the specific regulation	<ul style="list-style-type: none"> - The number, nature and extent of offences within the specific regulation - Failure to comply more than 48 hours after the specified information has been requested by an occupant or on their behalf
Housing Act 2004 Section 234(3) Failure to comply with HMO management regulations: Duty of manager to take safety measures	£20,000	£40,000	£16,000	£20,000	£24,000	The number, nature and extent of offences within the specific regulation	The number, nature and extent of offences within the specific regulation
Housing Act 2004 Section 234(3) Failure to comply with HMO management regulations: Duty of manager to maintain water supply and drainage	£10,000	£40,000	£8,000	£10,000	£12,000	The number, nature and extent of offences within the specific regulation	The number, nature and extent of offences within the specific regulation

Breach / Offence	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment	Offence-specific mitigating factors	Offence-specific aggravating factors
Housing Act 2004 Section 234(3) Failure to comply with HMO management regulations: Duty of manager to supply and maintain gas and electricity	£12,000	£40,000	£9,600	£12,000	£14,400	The number, nature and extent of offences within the specific regulation	The number, nature and extent of offences within the specific regulation
Housing Act 2004 Section 234(3) Failure to comply with HMO management regulations: Duty of manager to maintain common parts, fixtures, fittings and appliances	£7,000	£40,000	£5,600	£7,000	£8,400	The number, nature and extent of offences within the specific regulation	The number, nature and extent of offences within the specific regulation
Housing Act 2004 Section 234(3) Failure to comply with HMO management regulations: Duty of manager to maintain living accommodation	£7,000	£40,000	£5,600	£7,000	£8,400	The number, nature and extent of offences within the specific regulation	The number, nature and extent of offences within the specific regulation

Breach / Offence	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment	Offence-specific mitigating factors	Offence-specific aggravating factors
Housing Act 2004 Section 234(3) Failure to comply with HMO management regulations: Duty to provide waste disposal facilities	£7,000	£40,000	£5,600	£7,000	£8,400	The nature and extent of offences within the specific regulation	<ul style="list-style-type: none"> - The nature and extent of offences within the specific regulation - Lack of sufficient refuse and/or litter containers either inside and/or outside the property has been previously reported - The refuse and/or litter that requires disposal includes hazardous materials

SECTION B: BREACH OF HMO LICENCE CONDITIONS

- All granted HMO licences impose a set of conditions on the licence holder. It is important that the licence holder of a licensed property complies with all imposed conditions, but the Council recognises that a failure to comply with certain licence conditions is likely to have a much bigger impact on the safety and comfort of residents than others.
- The starting levels for each different type of licence condition breach is set out below based on the seriousness of the offence.
- Where a licence condition could be interpreted to fall within two different potential starting levels, the higher starting level will be chosen.
- The nature and extent of any licence condition breach may be either a mitigating or aggravating factor in determining the civil penalty amount

Matters Relating to the Breach	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
- Provision for signage - Provision of information for tenants - Provision of written terms of occupancy - Procedures regarding complaints - Procedures for vetting tenants - Deposit protection - Recording and provision of information about rent payments - Procedures relating to rent collection - Provision of information regarding occupancy of the property - Provision of information regarding change of managers or licence holder details - Provision of information related to changes in the property - Requirements relating to sale of property - Attending training courses - Requirements to hold insurance - Provision of insurance documentation - Provision/obtaining of suitable references - Provision of keys and alarm codes - Security provisions for access to the property - Provision of suitable means for occupiers to regulate temperature - Non-compliance with items on a schedule of works other than those specified below	£4,000	£40,000	£3,200	£4,000	£4,800

Matters Relating to the Breach	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
<ul style="list-style-type: none"> - Procedures/actions regarding management inspections - Procedures regarding repairs - Maintenance and use of common parts - Safeguarding occupiers and minimising disruption during works - The provision of information regarding alterations and construction works - Procedures regarding emergency issues - Waste and waste receptacles, pests, minor repairs, alterations or decoration - Giving written notice prior to entry - Allowing access for inspections - Minimising risk of water contamination - The compliance of furnishings or furniture with fire safety regulations - Non-compliance with a schedule of works in relation to provision of mechanical extraction or electrical sockets 	£7,000	£40,000	£5,600	£7,000	£8,400
<ul style="list-style-type: none"> - The provision of documentation regarding energy performance certificates, fire detection and prevention, emergency lighting, carbon monoxide detection, fire risk assessments, gas installations, electric installations and appliances - Notification of legal proceedings, contraventions and other relevant information that may affect a fit and proper person status - Procedures and actions regarding ASB - Non-compliance with a schedule of works in relation to the provision of personal hygiene facilities, kitchen facilities or heating 	£12,500	£40,000	£10,000	£12,500	£15,000

Matters Relating to the Breach	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
<ul style="list-style-type: none"> - Minimum floor areas - Occupancy rates - Occupancy of rooms or areas that are not to be used as sleeping accommodation - Limits on number of households allowed to occupy the property or part of the property 	£20,000	£40,000	£16,000	£20,000	£24,000
<ul style="list-style-type: none"> - The condition or existence of smoke alarms, carbon monoxide alarms, emergency lighting, gas installations, electric installations and appliances, fire detection or other fire safety features or requirements - The provision and maintenance of safe means of escape, including requirements to keep escape routes and exits free from obstruction - Non-compliance with a schedule of works in relation to fire safety or the provision of a carbon monoxide detector 	£25,000	£40,000	£20,000	£25,000	£30,000

Appendix 3 – Factors in Determining the Level of Civil Penalty

1. Starting point based on seriousness of the breach or offence

- The 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 HMO licensing conditions under section 72(3) 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.

2. Adjustment for “landlord type”

- Factors relating to the type of landlord include the size and type of portfolio controlled, owned or managed and the experience of the landlord
- While all landlords are expected to comply fully with their legal obligations, the Council considers that a higher standard of professionalism and regulatory awareness is reasonably expected of landlords who operate at greater scale, who have greater experience, or who are involved in more complex forms of letting. Where such landlords fail to comply with their obligations, this will ordinarily justify a higher civil penalty.
- In particular, a higher degree of professionalism is expected of landlords who:
 - Control, own, or manage a significant portfolio of properties
 - Have significant experience in the letting or management of property
 - Are or have been involved in the letting or management of HMOs
 - Are corporate landlords
 - Are or have been directors of corporate landlords.
- **An upward adjustment of 20% of the applicable starting point will be applied where the landlord meets any one or more of the following criteria:**
 1. The landlord has 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
 2. The landlord has controlled, owned, or managed three or more properties that operated as HMOs, whether or not concurrently
 3. The landlord is, or has previously been, a director of a corporate landlord
 4. The landlord is a corporate landlord
 5. The landlord has, in the Council’s assessment and by reference to the available evidence, significant experience in the letting or management of property.
- **A downward adjustment of 20% of the applicable starting point will be applied only where all of the following criteria are met:**

1. The landlord has, at any point in time, controlled, owned, or managed no more than two properties
2. The landlord has controlled, owned, or managed no more than one property that has operated as an HMO, at any point in time.
3. 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.

3. Mitigating and aggravating factors

- Factors that the Council deems significant include, but are not limited to, the track record and culpability of the landlord and the actual or potential harm to the occupants
- To promote fairness and consistency in the administration of civil penalties, the Council will apply a structured framework when determining the extent to which mitigating and aggravating factors affect the quantum of any civil penalty.

General approach

- Each breach or offence may have offence-specific mitigating and/or aggravating factors, which will be considered alongside the generic factors set out below.
- Where multiple civil penalties are issued under this policy against the same landlord at the same time, and except where expressly stated otherwise, mitigating and aggravating factors will be considered and applied separately to each civil penalty when determining the quantum of each penalty.

Mitigating factors

- **The Council may reduce the level of a civil penalty by up to 20% of the applicable starting point to reflect the presence of mitigating factors.**
- Only in exceptional circumstances may the Council depart from the application of this policy in respect of mitigating factors and apply a reduction in excess of 20%. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple mitigating factors.
- Within the framework of this policy, the Council has not sought to provide an exhaustive list of mitigating factors, recognising that a wide range of circumstances may potentially give rise to mitigation. However, the following generic mitigating factors will be considered in respect of each breach or offence:
 1. **Steps taken to remedy the basis of the breach or offence:** e.g. promptly remedying all (or all significant) elements of the breach or offence after receiving communication from the Council.
 2. **High level of cooperation:** e.g. proactive provision of significant relevant information beyond that required by statutory notice.

3. **Early acceptance of liability:** Accepting liability before or within the period for representations. Where a landlord relies on a reasonable excuse defence or otherwise contests liability, this mitigating factor will not usually apply.
4. **Health circumstances:** e.g. 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.
5. **Diminished culpability (limited responsibility), for example:**
 - A joint landlord who has evidenced that compliance arrangements for the subject property were directed and controlled by another joint landlord, and not by them.
 - A landlord who became involved only after an unforeseen change in circumstances (such as the death of the previous landlord) and who committed the breach or offence only for a limited period while putting their affairs in order.
 - The instruction of a managing or letting agent, or reliance on an agent's actions or omissions, will not of itself constitute diminished culpability.

Aggravating factors

- **The Council may increase the level of a civil penalty by up to 20% of the applicable starting point to reflect the presence of aggravating factors.**
- Only in exceptional circumstances may the Council depart from the application of this policy in respect of aggravating factors and apply an increase in excess of 20%. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple aggravating factors.
- The following generic aggravating factors will be considered in respect of each breach or offence:
 1. **Previous history of non-compliance:** e.g. previous successful prosecutions (including relevant spent convictions), previous civil penalties, rent repayment orders, works in default or simple cautions. Concurrent investigations or proceedings will not be treated as previous non-compliance.
 2. **Non-cooperation with the Council:** e.g. –
 - Failing to provide a substantive response to a letter of alleged offence
 - Failing to attend previously agreed meetings.
 - Failure to comply with notices requiring information – i.e. issued under section 16 of the Local Government (Miscellaneous Provisions) Act 1976, section 235 of the Housing Act 2004, or sections 114 or 115 of the Renters' Rights Act 2025 – **except** where the Council is prosecuting for the failure to comply with such a notice (to avoid double counting).

NB: 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.

3. Deliberate intent or negligence: e.g. –

- Knowledge that the breach or offence was occurring.
- Continuation of offending after communication from the Council
- Evidence that a breach or offence was premeditated or planned
- Providing false or misleading information to the Council
- Applying pressure to occupants to deter cooperation with the Council
- Any other steps taken to evade detection or impede effective investigation of breaches or offences by the Council

4. The number of occupants affected

5. Duration of non-compliance

6. Vulnerability of occupants: e.g. –

- 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 and asylum seekers
- Pregnant women

4. Financial Considerations

- It is essential that, as an absolute minimum, landlords do not financially benefit from their offending behaviour.
- The Council will review the quantum of the civil penalty and consider whether it is sufficient to act as an effective deterrent to future non-compliance.
- Financial circumstances will ordinarily be considered after any written representations have been received and as part of the determination of any final notice.
- Where the Council has evidence that it considers to be sufficiently reliable regarding rental income and/or asset value from the landlord, it may determine that an increase in the level of the penalty is appropriate in order to achieve effective deterrence.
- 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. As a minimum, and where such information exists, the following should be provided as part of any written representations:

- 1) The last three months' bank statements for any account holding a balance in excess of £5,000
 - 2) The last three months' payslips
 - 3) P60 certificate for the most recent full tax year
 - 4) The most recent full tax year's full self-assessment tax return filed with HMRC, including all additional and supplemental pages
 - 5) The most recent full tax year's SA302 document & tax year overview
 - 6) Valuation statements for all ISAs and other savings accounts held (dated within the last three months)
 - 7) The most recent statements (dated within the last three months) for all secured and unsecured loans and credit card accounts
 - 8) A list of all property assets owned or jointly owned (not limited to rental properties), together with corresponding Land Registry title documents
 - 9) 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
 - 10) The most recent annual mortgage statement for each property to which 8) and 9) apply, or all monthly mortgage statements where the mortgage has been in place for less than twelve months
 - 11) A list of all shareholdings
 - 12) The last twelve months' Universal Credit payment statements
 - 13) Statements (dated within the last twelve months) of other state benefit payments
 - 14) Statements from any crypto asset exchange accounts showing balances and valuations
 - 15) Bankruptcy orders and official notifications of bankruptcy
- Where the Council is not satisfied that it has been provided with sufficiently reliable, complete, and accurate information to assess the landlord's financial position, the Council may draw the inference that the landlord is able to pay the civil penalty as imposed.
 - A claimed inability to pay will not, of itself, outweigh the need to ensure effective deterrence or to remove any financial benefit obtained as a result of the breach or offence.

5. The Totality Principle

- The Council will have regard to the totality principle to ensure that the overall outcome of its enforcement action is just and proportionate.
- In exceptional cases and having regard to the particular circumstances of the case, the Council may take account of totality at an earlier stage by deciding not to pursue a civil penalty in respect of a specific breach or offence where doing so would render the overall outcome disproportionate.
- In general, however, the application of the totality principle will form the final step in the Council's decision-making process, undertaken after any written representations

have been considered and before final notices are issued, once the level of each individual civil penalty has been assessed in accordance with this policy.

- As a final step before issuing final notices, the Council will consider whether multiple civil penalties being imposed under this policy against the same landlord at the same time result in an aggregate amount that is just and proportionate. Where the Council concludes that the aggregate amount would not be just and proportionate, it will consider whether a proportionate reduction of the penalties is appropriate.
- The totality principle does not operate across different legal persons who are separately liable in law, nor does it operate across civil penalties imposed at different times. In general, it applies only to multiple civil penalties imposed under this policy on the same person at the same time. Where, however, legislation provides that an officer of a body corporate, or a person concerned in its management, may be separately liable in relation to the same conduct as the body corporate, and that officer also holds a shareholding interest in the body corporate, the Council will, where civil penalties are imposed at the same time on both the body corporate and the officer arising from that same conduct, consider whether the combined outcome results in punitive duplication and is therefore not just and proportionate.
- Where a reduction is applied under the totality principle, the Council will ordinarily do so by applying a uniform percentage reduction across all relevant civil penalties being issued at the same time, being those civil penalties that form part of the same totality assessment.
- Where, however, the application of the totality principle is required to address punitive duplication arising from a shared economic interest between a body corporate and an officer, the Council may apply a differential adjustment to ensure that the overall outcome is just and proportionate.
- This approach reflects the statutory guidance on the application of the totality principle and is intended to promote consistency, transparency, and proportionality, while avoiding arbitrary or selective adjustment of individual penalties.
- In accordance with the statutory guidance, any rent repayment orders made in respect of the same breach or offence will be disregarded for the purposes of assessing the totality of civil penalties under this policy.

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Equality Impact Assessment – Civil Penalty Policy

Equality Impact Assessment Form

For a policy, project, strategy, staff or service change, or other decision that is new, changing or under review

What is being assessed?		Civil Penalty Policy	
Lead Assessor	Geoff Hammond Residential and Animal Control Manager		Assessment team Environmental Health and Licensing
Start date	March 2026	End date	March 2027
When will the EqIA be reviewed? (Typically every 2 years)	March 2027, unless the policy to which it relates requires review at an earlier date.		

Who may be affected by the proposed project?	Landlords of private sector rented dwellings in Stevenage and persons acting on their behalf such as managing agents and letting agents, who may be liable to be issued with a civil penalty notice in accordance with this policy. Landlords who are registered providers of social housing may also be subject to civil penalty notices.
What are the key aims of the proposed project?	<p>To set out the Council's methodology and mechanism for assessing and setting the level of a civil penalty, as an enforcement sanction against a landlord where a contravention of relevant housing legislation has occurred.</p> <p>To ensure that civil penalties are issued in accordance with the relevant legislation and the statutory enforcement guidance.</p> <p>To ensure that civil penalties are issued in a fair, transparent and consistent manner.</p>

What positive measures are in place (if any) to help fulfil our legislative duties to:					
Remove discrimination & harassment	See comment below.	Promote equal opportunities	See comment below.	Encourage good relations	The policy will enable landlords and those acting on their behalf to have confidence that the Council will apply the law concerning civil penalties in a fair, consistent and transparent manner.
What sources of data / information are you using to inform your assessment?	UK legislation and associated Government guidance.				

In assessing the potential impact on people, are there any overall comments that you would like to make?	<p>The policy sets out a clear and consistent approach to the setting and issuing of civil penalties which is applied equally to landlords or persons acting on their behalf or who have failed to comply with their legal obligations. It is supported by separate housing enforcement policies which set out a consistent approach to investigating contraventions of relevant housing law and the making of enforcement decisions, including decisions to issue a civil penalty where there is sufficient evidence of a breach or offence of the relevant legislation.</p> <p>It is important to note that persons issued with a civil penalty have a legal right of appeal against the Council's decision to take this course of action, or against the amount of the civil penalty. This could include where a recipient of a civil penalty believes that they have been unfairly treated or were subject to discrimination.</p> <p>Appeals are heard by an independent body, the First Tier Tribunal. Landlords would have opportunity to put forward any evidence or argument as to why they believe the Council has acted unfairly or has not acted in accordance with the law or the associated statutory guidance. The First Tier Tribunal would then determine the outcome of the appeal.</p> <p>Persons affected by this policy therefore have clear recourse set out in law where they believe the Council has not acted fairly.</p>
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Evidence and Impact Assessment

Explain the potential impact and opportunities it could have for people in terms of the following characteristics, where applicable:

Age					
Positive impact		Negative impact		Neutral impact	✓
Please evidence the data and information you used to support this assessment	<p>No differential impact.</p> <p>The policy sets out a clear, consistent and transparent approach to setting the level of civil penalty fines which is applied in all cases where a decision has been made – in accordance with separate housing enforcement policies – to issue a landlord or person acting on their behalf with a civil penalty.</p>				
What opportunities are there to promote equality and inclusion?	N/A		What do you still need to find out? Include in actions (last page)	N/A	

Disability e.g., physical impairment, mental ill health, learning difficulties, long-standing illness					
Positive impact		Negative impact		Neutral impact	✓
Please evidence the data and information you used to support this assessment	<p>No differential impact.</p> <p>The policy sets out a clear, consistent and transparent approach to setting the level of civil penalty fines which is applied in all cases where a decision has been made – in accordance with separate housing enforcement policies – to issue a landlord or person acting on their behalf with a civil penalty.</p> <p>In setting the level of a civil penalty fine, the policy allows the Council to take account of circumstances that may be a mitigating factor where a contravention of relevant housing legislation has occurred, where satisfactory evidence of such circumstances is provided. This may include evidence that ill health was a contributing factor in the act/omission that led to the breach/offence in question.</p>				

What opportunities are there to promote equality and inclusion?	N/A	What do you still need to find out? Include in actions (last page)	N/A
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Gender Reassignment					
Positive impact		Negative impact		Neutral impact	✓
Please evidence the data and information you used to support this assessment	<p>No differential impact.</p> <p>The policy sets out a clear, consistent and transparent approach to setting the level of civil penalty fines which is applied in all cases where a decision has been made – in accordance with separate housing enforcement policies – to issue a landlord or person acting on their behalf with a civil penalty.</p> <p>Where known, preferred pronouns of those using the services to which this policy relates will be honoured during all communication.</p>				
What opportunities are there to promote equality and inclusion?	N/A	What do you still need to find out? Include in actions (last page)	N/A		

Marriage or Civil Partnership					
Positive impact		Negative impact		Neutral impact	✓
Please evidence the data and information you used to support this assessment	<p>No differential impact.</p> <p>The policy sets out a clear, consistent and transparent approach to setting the level of civil penalty fines which is applied in all cases where a decision has been made – in accordance with separate housing enforcement policies – to issue a landlord or person acting on their behalf with a civil penalty.</p>				

What opportunities are there to promote equality and inclusion?	N/A	What do you still need to find out? Include in actions (last page)	N/A
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Pregnancy & Maternity					
Positive impact		Negative impact		Neutral impact	✓
Please evidence the data and information you used to support this assessment	<p>No differential impact.</p> <p>The policy sets out a clear, consistent and transparent approach to setting the level of civil penalty fines which is applied in all cases where a decision has been made – in accordance with separate housing enforcement policies – to issue a landlord or person acting on their behalf with a civil penalty.</p>				
What opportunities are there to promote equality and inclusion?	N/A	What do you still need to find out? Include in actions (last page)	N/A		

Race					
Positive impact		Negative impact		Neutral impact	✓
Please evidence the data and information you used to support this assessment	<p>No differential impact.</p> <p>The policy sets out a clear, consistent and transparent approach to setting the level of civil penalty fines which is applied in all cases where a decision has been made – in accordance with separate housing enforcement policies – to issue a landlord or person acting on their behalf with a civil penalty.</p>				
What opportunities are there to promote equality and inclusion?	N/A	What do you still need to find out? Include in actions (last page)	N/A		

Religion or Belief					
Positive impact		Negative impact		Neutral impact	✓

Please evidence the data and information you used to support this assessment	<p>No differential impact.</p> <p>The policy sets out a clear, consistent and transparent approach to setting the level of civil penalty fines which is applied in all cases where a decision has been made – in accordance with separate housing enforcement policies – to issue a landlord or person acting on their behalf with a civil penalty.</p>				
What opportunities are there to promote equality and inclusion?	N/A	What do you still need to find out? Include in actions (last page)	N/A		
Sex					
Positive impact		Negative impact		Neutral impact	✓
Please evidence the data and information you used to support this assessment	<p>No differential impact.</p> <p>The policy sets out a clear, consistent and transparent approach to setting the level of civil penalty fines which is applied in all cases where a decision has been made – in accordance with separate housing enforcement policies – to issue a landlord or person acting on their behalf with a civil penalty.</p>				
What opportunities are there to promote equality and inclusion?	N/A	What do you still need to find out? Include in actions (last page)	N/A		

Sexual Orientation e.g., straight, lesbian / gay, bisexual					
Positive impact		Negative impact		Neutral impact	✓
Please evidence the data and information you used to	<p>No differential impact.</p> <p>The policy sets out a clear, consistent and transparent approach to setting the level of civil penalty fines which is applied in all cases where a decision has been made – in accordance with separate housing enforcement policies – to issue a landlord or person acting on their behalf with a civil penalty.</p>				

support this assessment			
What opportunities are there to promote equality and inclusion?	N/A	What do you still need to find out? Include in actions (last page)	N/A

Socio-economic¹ e.g., low income, unemployed, homelessness, caring responsibilities, access to internet, public transport users, social value in procurement					
Positive impact		Negative impact		Unequal impact	✓
Please evidence the data and information you used to support this assessment	<p>No differential impact.</p> <p>The policy sets out a clear, consistent and transparent approach to setting the level of civil penalty fines which is applied in all cases where a decision has been made – in accordance with separate housing enforcement policies – to issue a landlord or person acting on their behalf with a civil penalty.</p> <p>Under this policy, assessment of a landlord’s financial circumstances is a key stage in determining the level of civil penalty fine that should be issued. A landlord or any other person who has been issued with a notice of the Council’s intention to issue a civil penalty (which is a preliminary step in all cases), will have a period as specified in the policy within which to make representations to the Council, which the Council must consider before determining the level of fine to be issued. At the point of making representations, the landlord will be able to submit evidence of their financial circumstances to the Council. The Council will proactively request this information from landlords before determining the final level of civil penalty.</p>				
What opportunities are there to promote equality and inclusion?	N/A		What do you still need to find out? Include in actions (last page)	N/A	

Additional Considerations Please outline any other potential impact on people in any other contexts					
Positive impact		Negative impact		Unequal impact	✓

¹Although non-statutory, the council has chosen to implement the Socio-Economic Duty and so decision-makers should use their discretion to consider the impact on people with a socio-economic disadvantage.

Please evidence the data and information you used to support this assessment	Those using the services to which this policy relates may not speak English as their first language and may require additional language support services. While the Council is not obliged to translate written communications including statutory notices into other languages, options to facilitate communication in such cases will be considered. This may include the use of the Language Line service to provide an interpreter. Depending on the circumstances, it may also involve officers facilitating meetings with an interpreter present. Where there is sufficient justification for using translation services for written communications in a particular case, this option may also be considered.		
What opportunities are there to promote equality and inclusion?	N/A	What do you still need to find out? Include in actions (last page)	N/A

Consultation Findings

Document any feedback gained from the following groups of people:

Staff?	N/A	Residents?	N/A
Voluntary & community sector?	N/A	Partners?	N/A
Other stakeholders?	N/A		

Overall Conclusion & Future Activity

Explain the overall findings of the assessment and reasons for outcome (please choose one) :	
1. No inequality, inclusion issues or opportunities to further improve have been identified	Adherence to the policy will ensure that civil penalties are issued in a fair, transparent and consistent manner that does not unfairly discriminate against any disadvantaged group or against those with protected characteristics. The policy allows for certain relevant factors that may affect such groups to be considered in the Council's decision making, including disability and socio-economic factors. Those affected by this policy have recourse to appeal to an independent tribunal where they consider that the Council has acted unfairly in issuing a civil penalty.

Negative / unequal impact, barriers to inclusion or improvement opportunities identified	2a. Adjustments made	N/A
	2b. Continue as planned	N/A
	2c. Stop and remove	N/A

Detail the **actions that are needed** as a result of this assessment and how they will help to **remove discrimination & harassment, promote equal opportunities** and / or **encourage good relations**:

Action	Will this help to remove, promote and / or encourage?	Responsible officer	Deadline	How will this be embedded as business as usual?
N/A				

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Stevenage

BOROUGH COUNCIL

ENVIRONMENTAL HEALTH & LICENSING

Civil and Financial Penalty Policy – as an alternative to prosecution under the Housing Act 2004 and calculation of financial penalties as prescribed in associated housing legislation

**You can comment on this policy:
By writing to:**

**Environmental Health & Licensing Unit
Stevenage Borough Council
Daneshill House
Danestrete
Stevenage SG1 1HN**

By telephone on: (01438) 242908

By e-mail on: env.health@stevenage.gov.uk

**Adopted –
Date of last review: n/a
Next review date:**

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Rachel Wells	07/02/2022	1.0	Final

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Appendix A	Aggravating and mitigating factors to be considered
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1. Background

The Housing and Planning Act 2016 enables a local housing authority to impose a financial penalty of up to £30,000, as an alternative to prosecution for specific breaches of the Housing Act 2004. The Council adopted “Civil penalties under the Housing and Planning Act 2016 – policy and procedure” on 20 September 2017. Throughout this policy the terms “financial penalty” and “civil penalty” are interchangeable.

The scope of financial penalties was extended in 2020 with the introduction of the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020; breaches of regulation 3 allow for a financial penalty to be imposed up to £30,000.

In accordance with the new section 249A(4) of the 2004 Act, as amended, the amount of a financial penalty is to be determined by the local housing authority. Although the statutory guidance recommends factors a local authority should take into account when deciding on the level of penalty, it does not go into any level of detail in this regard. This revised policy is largely based on the principles set out in the Sentencing Guidelines for use in Magistrate’s Court published by the Sentencing Council in October 2019

The Council therefore has wide discretion in determining the appropriate level of civil penalty in a particular case and seeks to set out further guidance through this policy as to how it will do so.

2. Relevant guidance

The policy is produced in accordance with the following guidance:

- MHCLG Civil Penalties under the Housing and Planning Act 2016 - Guidance for Local Housing Authorities, published in April 2018 which sets out the factors which must be taken into account when deciding on the appropriate level of penalty
- Sentencing Guidelines for use in Magistrate’s Court – Sentencing Council October 2019
- Guide for local authorities: electrical safety standards in the private rented sector, a non- statutory government guide which advises that the local housing authority may wish to consider existing policies developed for financial penalties under the Housing Planning Act 2016

3. Legal references

- a. Schedule 9 of the Housing and Planning Act 2016 introduced amendments to the Housing Act 2004 that allow local housing authorities to impose financial penalties, up to a maximum of £30,000, as an alternative to prosecution for the following relevant housing offences under the 2004 Act:

- section 30 (failure to comply with improvement notice),
 - section 72 (licensing of Houses in multiple occupation (HMOs)),
 - section 95 (licensing of houses under Part 3),
 - section 139(7) (failure to comply with overcrowding notice), or
 - section 234 (management regulations in respect of HMOs).
- b. The Housing and Planning Act 2016 section 14 introduced Banning Orders for the worst offending landlords. Section 15 of the Act confers powers on local authorities to apply to the First-tier Tribunal for a banning order against a person who has been convicted of a Banning Order offence. The Housing and Planning Act (Banning Order Offences) Regulations 2018 list Banning Order offences. A Banning Order precludes a person 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
- c. Section 21 states that a person breaching a Banning Order commits an offence while section 23 allows the local authority to issue a financial penalty, up to the maximum of £30,000, as an alternative to prosecution.
- d. The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 (ESSR 2020) require private rented sector landlords to ensure minimum electrical safety standards are met; this includes inspection and testing of the electrical installation every 5 years. Where the local housing authority find that landlords are in breach of their duties under regulation 3 of the ESSR 2020 they allow for a financial penalty to be imposed, up to £30,000, and may apply the proceeds to meet the cost and expenses in, or associated with, carrying out any of its enforcement functions in relation to the private rented sector.

4. Decision to issue a financial penalty

The decision to issue a financial penalty comprises two stages:

- determine whether a financial penalty is an appropriate sanction in accordance with this policy, and, if appropriate
- determine the level of the proposed financial penalty.

5. Factors to be considered when deciding the level of the financial penalty

It may be that more than one of the following considerations is relevant and the importance of each must be weighed against the particular offence and offender characteristics when determining sentence:

- i. *Severity of the offence* – The more serious the offence the higher the penalty should be.
- ii. *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. Landlords are running a business and should be expected to be aware of their legal obligations.
- iii. *Punishment of the offender* – A financial penalty should not be regarded as an easy or lesser option compared to prosecution. While the penalty should be proportionate and reflect both severity of the offence and whether there is a pattern of previous offending, it is important that it is set at a high enough level to have real economic impact on the offender and demonstrates the consequences of not complying with their responsibilities.
- iv. *Deter the offender from repeating the offence* – The ultimate goal is to prevent any further offending and help ensure that the landlord fully complies with all of their legal responsibilities in future. The level of the penalty should therefore be set sufficiently high that it is likely to deter the offender from repeating the offence.
- v. *Deter others from committing similar offences* - While the fact that someone has received a civil penalty will not be in the public domain, it is possible that other landlords in the local area will become aware through informal channels when someone has received a financial penalty. An important part of deterrence is the realisation that a) the local housing authority is proactive in levying civil penalties where the need to do so exists and b) that the financial penalty will be set at a high enough level to both punish the offender and deter repeat offending.
- vi. *Removal of any financial benefit* - The offender may have obtained as a result of committing the offence. The guiding principle should be to ensure there is no benefit as a result of committing an offence. ie it should not be cheaper to offend than to ensure the property is well maintained and properly managed.

6. General principles to follow in setting a financial penalty

The Council will finalise the appropriate level of penalty so that it reflects the seriousness of the offence and will take into account the financial circumstances of the offender.

The level of financial penalty should reflect the extent to which the offender fell below the required standard. The financial penalty should meet, in a fair and proportionate way, the objectives of punishment, deterrence and the removal of gain derived through the commission of the offence; it should not be cheaper to offend than to take the appropriate precautions. The principle behind issuing civil penalty notices is that there is no financial gain to the alleged perpetrator of the relevant offences.

To cover the costs of the work involved in serving any financial penalty notice, the costs incurred will be added to the overall penalty, where those costs have not been recovered under other powers. The costs incurred will be calculated for each case using the officer time spent multiplied by the officer hourly rate (published in Environmental Health and Licensing “Fees and Charges”). Part hours will be rounded up to the full hour. Any other costs incurred as part of the enforcement action, not already recovered, will also be added to the overall penalty.

7. Determining the level of financial penalty

STEP ONE – Determining the offence category

The seriousness of the offence is assessed by considering:

- the culpability of the offender and;
- the harm caused by the offending

a. Culpability

Culpability is assessed with reference to the offender’s role, level of intention and/or premeditation and the extent and sophistication of planning:

Very High Culpability Deliberate	<ul style="list-style-type: none"> • intentional act or omission – the offender intentionally breached, or flagrantly disregarded the law or • Who was in high public profile and know their actions were unlawful
High Culpability Reckless	<ul style="list-style-type: none"> • acted or failed to act regardless of the foreseeable risk • Actual foresight of, or wilful blindness to, risk of offending but risk nevertheless taken
Medium Culpability Negligent	<ul style="list-style-type: none"> • failed to take steps to guard against the act or omission ; • offence committed through act or omission which a person exercising reasonable care would not commit
Low culpability	<ul style="list-style-type: none"> • act or omission with none of the above features and little fault. For example: <ul style="list-style-type: none"> a) Significant efforts were made to address the risk although inadequate on this occasion.

	<p>b) There was no warning/circumstances indicating a risk</p> <p>Failings were minor and occurred as an isolated incident</p>
--	--

b. *Harm*

Harm was intended to have been caused, or might foreseeably have been caused (real and perceived). The factors relate to both realised harm and risk of harm. The Council will apply the following definition of harm taken from the Housing HHSRS guidance published in February 2006.

“Harm is an adverse physical or mental effect on the health of a person. It includes for example, physical injury, and illness, condition or symptoms where physical or mental. It also includes both permanent and temporary harm.”

<p>High likelihood of harm Harm Category 1</p>	<p>Adverse effect on/caused to individual victims, including where persons are vulnerable or to wider public /environmental etc. and/or having widespread impact.</p>
<p>Medium likelihood of Harm Harm Category 2</p>	<ul style="list-style-type: none"> • Adverse effects on individual(s) (not amounting to category 1) • Medium risk of an adverse effect on individual(s) or low risk of serious adverse effect • The Council and/or legitimate landlords or agents substantially undermined by offender’s activities • The Council’s work as a regulator to address risks to health is inhibited • Consumer/tenant misled
<p>Low likelihood of harm Harm category 3</p>	<ul style="list-style-type: none"> • Low risk of an adverse effect on individual(s) • Public misled but little or no risk of actual adverse effect on individual(s)

The initial assessment of harm and culpability should take no account of plea or previous convictions.

STEP TWO - Starting point and category range

Having determined the category, the Council should refer to the starting points of the Financial Matrix in section 9 below to reach an appropriate level of financial penalty within the category range.

Further adjustment can be considered within the category range for aggravating and mitigating features, as listed in Appendix A - Aggravating and Mitigating Factors to be considered.

- Identify whether a combination of these or other relevant factors should result in any upward or downward adjustment from the sentence arrived at so far.
- It is for the investigating officer to determine how much weight should be assigned to the aggravating and mitigating factors taking into account all of the circumstances of the offence and the offender. The justification of all decisions to be fully documented and available for scrutiny.
- Not all factors that apply will necessarily influence the sentence.

8. Financial Penalty Matrix

The table below gives the starting points, minimum and maximum financial penalties for each harm category and level of culpability.

	Starting point	Range	
		Min	Max

• Low Culpability

Harm category 3	£300	£250	£350
Harm category 2	£425	£350	£500
Harm Category 1	£625	£500	£750

• Medium Culpability (Negligent)

Harm category 3	£875	£750	£1000
Harm category 2	£1500	£1000	£2000
Harm Category 1	£3250	£2000	£4500

• High Culpability (Reckless)

Harm category 3	£5250	£4500	£6000
Harm category 2	£7000	£6000	£8000
Harm Category 1	£10250	£8000	£12500

• Very High Culpability (Deliberate)

Harm category 3	£13750	£12500	£15000
Harm category 2	£17500	£15000	£20000
Harm Category 1	£25000	£20000	£30000

9. Financial Assessment

Criminal Justice Act 2003 s164(1) – “before fixing the amount of fine the court must inquire into his financial circumstances.”

The level of fine must be proportionate to the seriousness of the offence and the financial circumstances of the offender.

It is for the offender to disclose to the Council such information as is relevant to his/her financial position on representation following service of the Notice of Intention. Where an offender fails to provide such information the Council may conclude the offender is able to pay any penalty imposed.

The officer must have consideration of rental income, market value of the property, ownership of other properties and their rental income and any other available financial information. The Council may undertake its own financial investigation within the means available to it. Please see Appendix C- Assessment of financial circumstances form to be sent with Notice of Intention.

10. Reductions

Consider any factors which indicate a reduction in the penalty and in so doing the Council should have regard to the following factors relating to the wider impacts of the financial penalty on innocent third parties; such as (but not limited to):

- impact of the financial penalty on offender’s ability to comply with the law or make restitution to victims;
- impact of the financial penalty on employment of staff, service users, customers and local economy.

Reduction for early admission of guilt

The Council will take into account a potential reduction in penalty for an admission of guilt. The following factors will be considered in setting the level of reduction.

- The stage in the investigation or thereafter when the offender admitted guilt
- The circumstances in which they admitted guilt
- The degree of co-operation with the investigation
- The maximum level of reduction in a penalty for an admission of guilt will be one-third.

In some circumstances there will be a reduced or no level of discount. For example where the evidence of the offence is overwhelming or there is a pattern of criminal behaviour. Any reduction should not result in a penalty which is less than the amount of gain from the commission of the offence itself. For example the penalty must not be less than the cost of remedial work

11. Total principle

If there is more than one offence and multiple civil penalty fines are being issued the general principles of totality must be considered:

- a. Is the total fine just and proportionate to the overall offending behaviour; however, if a civil penalty is being served for each offence each penalty must be assessed individually.
- b. Simply adding the total fines together may not give a just and proportionate penalty fine. It is necessary to have regard to offending behaviour.

12. Review of Penalty

The Council should review the penalty and, if necessary adjust the initial amount reached at step two (see Section 7 above) to ensure that it fulfils the general principles set out above. The Council may increase or reduce the proposed fine reached at step two, if necessary moving outside of the range in the Financial Penalty Matrix. Any quantifiable economic benefit derived from the offence, including through avoided costs or operating savings, should normally be added to the total financial penalty arrived at in step two. Where such information is not readily available, the Council may draw on information available from enforcing authorities and others about the general costs of operating within the law. The risk that the penalty will have the effect of putting the offender out of business will be relevant but in some serious cases this might be an acceptable outcome.

13. Recording the decision

The officer making a decision about a financial penalty will record their decision giving reasons for coming to the amount of financial penalty that will be imposed. See Appendix D

14. Recovery of non-payment of a financial penalty notice

Where a person fails to pay whole or any part of a financial penalty the person is liable to pay, the Council may instigate proceedings before the County Court.

15. Costs incurred as the result of an appeal

The financial penalty does not include any sum to account for additional costs that may be incurred in responding to an appeal against the decision to impose a penalty or the amount of the penalty itself. Rule 13 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 allows the Tribunal discretion to award costs where a party has acted unreasonably in bringing an appeal. The Council may seek to recover its legal costs in defending any appeal which is brought unreasonably.”

Appendix A - Aggravating and mitigating factors to be considered

Care should be taken to avoid double counting factors including those already taken into account in assessing culpability or harm

Statutory aggravating factors:

Previous convictions, having regard to:

- a) The nature of the offence* to which the conviction relates and its relevance to the current offence; and
- b) The time that has lapsed since the conviction.

***See Appendix B for non- exhaustive list of relevant convictions**

Discretionary aggravating factors include:

(Factors are not in any particular order and are not exhaustive)

Factors	
Motivated by financial gain	Where the offending is committed in a commercial context for financial gain or the avoidance of cost, this will normally indicate a higher level of culpability e.g. failing to obtain a HMO licence. Where an offence has been committed wholly or in part for financial gain or the avoidance of cost this will increase the seriousness.
Deliberate concealment of illegal nature of activity	The more sophisticated, extensive or persistent the actions to conceal the actions, the more likely it is to increase the seriousness of the offence.
Established evidence of wider/community impact	This should be supported by a Community Impact Statement
Obstruction of justice	Supporting evidence – file notes, warrant application etc
Record of providing sub-standard accommodation	Supporting evidence, consider history of landlord in respect of standard of accommodation
Record of poor management or not meeting legal requirements	Supporting evidence

Refusal of free advice or training	Supporting evidence
Exploiting the vulnerability of occupant	<p>An offence is more serious if the victim is vulnerable because of personal circumstances such as (but not limited to) age, illness, physical disability or serious medical condition requiring urgent, intensive or long term treatment or disability (unless the vulnerability of the victim is an element of the offence).</p> <p>Other factors such as the victim being isolated , incapacitated through drink or being in an unfamiliar situation may lead to the Council considering the offence is more serious.</p> <p>The extent to which any vulnerability may impact on the sentence is a matter for the Council to weigh up on each case.</p> <p>Culpability will increase if the offender targeted a victim because of an actual or perceived vulnerability. The level of harm (physical, psychological or financial) is likely to be increased if the victim is vulnerable.</p>
Blame wrongly placed on other(s)	Where the investigation has been hindered and /or others have suffered as a result of being wrongly blamed by the offender, this will make the offence more serious.
Failure to respond to warnings or concerns expressed by others about the offender's behaviour	<p>Where an offender has had the benefit of warnings or advice about their conduct but has failed to heed it, this would make the offender more blameworthy.</p> <p>This may particularly be the case when:</p> <ul style="list-style-type: none"> • Such warning(s) or advice were of an official nature or from a professional source and /or <p>The warning(s) were made at the time of or shortly before the commission of the offence</p> <p>This factor will NOT be engaged where an offender has simply exercised their right not to assist the investigation or accept responsibility for the offending.</p>

Factors reducing seriousness or reflection personal mitigation

(factors are not in any particular order and are not exhaustive)

Factors	Consideration
No previous conviction or no relevant/recent convictions	First time offenders usually represent a lower rate of reoffending; and considered as less blameworthy. See list Appendix A for list of relevant offences. Consider time gap between offences
Remorse	Need to be satisfied of genuine remorse for the offending behaviour in order to reduce the penalty. Lack of remorse must not be treated as aggravating factor.
Self- reporting	Where an offender has self- reported to the authorities, particularly where the offence may have otherwise gone undetected, this should reduce the penalty.
Cooperation with the investigation/early admissions	Assisting or cooperating with the investigation
Little or no planning	Where an offender has committed the offence with little or no prior thought, this is likely to indicate a lower level of culpability and therefore justify a reduction in fine.
The offender was in a lesser or subordinate role if action with others/ performed limited role under direction. /involved through coercion, intimidation or exploitation	Where this applies it will reduce the culpability of the offender. This may of particular relevance where the offender has been the victim of domestic abuse, trafficking or modern slavery, but my also apply in other context.
Limited awareness or understanding of the offence	Where an offender lacks capacity to understand the full extent of the offending – may reduce culpability.
Little or no financial gain	Where an offence is committed in a context where financial gain could arise, the capability of the offender may be reduced where it can be shown that the offender did not seek to gain financially from the conduct and did not in fact do so.
Activity originally legitimate	Where the offending arose from an activity which was originally legitimate but became unlawful, this may indicate

	<p>lower culpability and thereby a reduction in find.</p> <p>This factor will not apply where the offender has used a legitimate activity to mask breaches of the legislation.</p>
<p>Physical disability or serious medical condition requiring urgent, intensive or long term treatment</p>	<p>There will always be a need to balance issues personal to an offender against the gravity of the offending and the public interest in imposing appropriate punishment.</p> <p>A terminal prognosis is not in itself a reason to reduce the sentence even further. The Council must ensure the level of fine meets the aims of the civil penalty.</p> <p>Mental disorders and learning disabilities are different things, although an individual may suffer from both. A learning disability is a permanent condition developing in childhood, whereas a mental illness can develop at any time, and is not necessarily permanent; people can get better and resolve mental health problems with the help of treatment. In consider these issues officers must refer to the Sentencing Guidelines for use in Magistrates' Court – Sentencing Council October 2019 Magistrate – or most recent published guidance.</p>

Appendix B - Non-exhaustive list of relevant offences

Housing law or landlord and tenant:

Offences under:

- The Public Health Acts of 1936 and 1961
- The Building Act 1984
- The Environmental Protection Act 1990
- The Town and Country Planning Act 1990
- The Prevention of Damage by Pests Act 1949
- The Protection from Eviction Act 1977
- The Local Government (Miscellaneous Provisions) Acts of 1982 and 1976
- The Local Government and Housing Act 1989
- The Housing Act 2004

Offences involving fraud

Offences in which the victim has been deprived of money, property or other benefit by misrepresentation/deception on the part of the offender including:

- Theft
- Burglary
- Fraud
- Benefit fraud (particularly when tenants are in receipt of Housing Benefit/Universal Credit when it includes an element of housing benefit)
- Conspiracy to defraud
- Obtaining money or property by deception
- People trafficking
- Being struck off as the company director.

Offences involving violence

The conviction for the offence of:

- Murder
- Manslaughter
- Arson
- Malicious wounding or grievous bodily harm
- Grievous bodily harm with intent
- Actual bodily harm
- Robbery
- Racially aggravated criminal damage
- Common assault
- Common assault which is racially aggravated

- Assault occasioning actual bodily harm
- Possession of an offensive weapon
- Possession of a firearm

Offences involving drugs

Consideration should be given to the nature of the offence and what bearing it could have on the management of a private rented property. The nature, quantity and class of drug should be taken into account.

Offences involving sexual offences

- An offence contained in schedule 3 of the Sexual Offences Act 2003

Unlawful discrimination

- Unlawful discrimination can include findings of an Industrial Tribunal on unlawful employment and practice such as discrimination under the Disability Discrimination Act. Consideration should be given to the nature of the unlawful discrimination and what bearing it could have on the management of a licensable property.

Appendix C - Statement assets and other financial circumstances

You should complete this form and return it to Environmental Health and Licensing at Stevenage Borough Council. If you fail to provide the Council with your statement of assets and other financial circumstances, or the Council is not satisfied that it has been given enough reliable information, it is entitled to make such a decision as it thinks fit about your financial circumstances.

Please use BLOCK CAPITALS

For all your income and outgoings, please indicate if the figures are:

Weekly

Fortnightly

Monthly

I understand that if I knowingly make a statement which is false or knowingly fail to disclose any relevant fact, this will be taken into consideration when reviewing the level of the civil/financial penalty fine.

Signed

Date: ___/___/_____

1. Personal details:

First name(s)

Family name

Address where you live

Postcode

Home telephone number

--	--	--	--	--	--	--	--	--	--	--

Mobile telephone number

--	--	--	--	--	--	--	--	--	--	--

Email

Date of birth ___/___/_____

National Insurance number:

--	--	--	--	--	--	--	--	--	--	--

2. Income details

If you are employed

Occupation

Employer's name

Employer's address

Postcode

Employer's telephone number

I am self-employed as

Your take home pay	£							
Any other income	£							
Total income	£							

If you are NOT employed

Please state since when

Are you in receipt of benefits Yes No

If Yes, please state below which benefit(s) you receive.

Income from property and land

List the full address and postcode and the rental income of all properties and land, (freehold or leasehold) both in UK and overseas, where you have an interest.

(Interest is registered owner/part owner, tenants in common, shareholder, company director of company owning property, manager, company director of company managing property, receipt of rental income from property, receipt of income paid as rent to a managing agent)

Address of property/land including postcode	Number of lets (if HMO each sleeping unit= 1 let) if single family dwelling whole house = 1 let	Total monthly rent for whole property	Estimated market value of property/land

3. Outgoings

You may ask the Council for extra time to pay. If you want to ask for more time, you will need to provide details and proof of your outgoings. The Council will consider your request but may not grant it.

Rent, mortgage or lodgings	£								
Council tax	£								
Insurance (home, life etc)	£								
Child maintenance	£								
Travel expenses (fuel car , public transport etc.)	£								
Utility bills (gas, water, electricity etc,)	£								
Telephone incl mobile	£								
Television subscription (licence, satellite etc.)	£								
Other fines (please specify court	£								
County court orders	£								
Loan repayments (credit card, bank etc.)	£								
Other outgoings (please specify)	£								
TOTAL OUTGOINGS	£								

4. Other information

Total savings(incl. shares, annuities, savings bonds etc)	£								
Partner's income including benefits	£								

Number of dependent children

Please add any other information (for example any assets not mentioned above) you believe the courts should know about.

Your legal obligations

This is an official request from Stevenage Borough Council. Every defendant who is issued with a notice of intention to serve a civil/financial penalty as an alternative to prosecution needs to provide financial information when asked.

In deciding the amount of any fine(s) the Council will take into account the information you have given about your financial circumstances including your assets. Any other outstanding fines that you have will be taken into account when imposing and enforcing a fine. The rest of the information on

the outgoing section is only relevant if you are unable to make full payment when the civil/financial penalty is served and ask the Council for additional time to pay. You may ask the Council for additional time to pay, which the Council will consider but not necessarily approve. If you do not pay the Council will apply to the Court to recover the fine and any expenses incurred.

External advice

If you need impartial, external advice on your rights, managing your debt or the possible consequences of not paying your fines, you can contact:

- National Debt Line: 0808 8084000 or www.nationaldebtline.co.uk
- Citizens Advice: www.citizensadvice.org.uk

Appendix D - Justification of decision

Statute:

Offence(s):

Date of offence (s)

Is it less than 6 months since SBC had evidence of the offence YES/NO

Culpability (mark as necessary)

Very High Culpability Deliberate	High Culpability Reckless	Medium Culpability Negligent	Low culpability
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Harm (mark as necessary)

High likelihood of harm Harm Category 1	Medium likelihood of Harm Harm Category 2	Low likelihood of harm Harm category 3
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Financial penalty

Starting point	Minimum	Maximum
£	£	£

Consideration of financial assessment

Reductions

Justification of level of penalty – (consider aggravating and mitigation factors Appendix A& B & total Principle, factors if moving outside of matrix etc)

Level of penalty: £

Total officer time £

TOTAL FINANCIAL PENALTY £

Additional adjustments

Name:

Signature:

Designation: Environmental Health Officer (Case officer)

Date:

Civil penalty recorded on Uniform YES/NO

Review of penalty

Does the penalty meet the general principles of the policy? YES/NO

Any additional comments:

Line manager (delete as appropriate)

- Agree with the level of the financial penalty and justification
- Disagree with the level of the financial penalty and justification.

Record of decision justification and reasoning to authorise/refuse authorisation:

Name:

Signature:

Designation: Residential and Animal Control Manager, Environmental Health and Licensing.

Date:

Senior Environmental Health and Licensing Manager

- Agree with the level of the financial penalty and justification
- Disagree with the level of the financial penalty and justification.

Additional comments:

Name:

Signature:

Designation: Senior Environmental Health and Licensing Manager

Date:

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