

Civil Penalty Policy

Renters' Rights Act 2025 & Other Housing Legislation

Stevenage Borough Council

2026

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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/data-protection-act).

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/data-protection-act).

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

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
<p>Housing Act 2004 Section 234(3)</p> <p>Failure to comply with HMO management regulations: Duty to provide waste disposal facilities</p>	£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
<ul style="list-style-type: none"> - 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 of 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 be 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.