

# Regulatory Services

# Private Rented Housing Enforcement Policy



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Appendix 1 – Statement of Principles to determine the amount of a Penalty Charge under Part 4 of The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 as amended by The Smoke and Carbon Monoxide (Amendment) Regulations 2022 ('The Regulations')

Appendix 2 – Statement of principles to determine the amount of a Penalty Charge for a breach of Minimum Energy Efficiency Standards (MEES) under The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015

Appendix 3 – Clauses to be added to the Private Rented Housing Policy when the new sections come into force

## 1. Introduction

- 1.1 The purpose of this policy is to give guidance to officers and outline the Council's approach to housing enforcement in relation to the private rented housing sector. The policy outlines how the council will deal with breaches of housing law and other public health legislation and how it will apply its enforcement procedures to achieve compliance with housing and environmental standards.
- 1.2 This policy document sets out what landlords and tenants of private rented sector properties can expect from officers when dealing with non-compliance.
- 1.3 In this policy, the term 'landlord' should be read as including letting agents, managing agents, licensors, property owners, superior landlords, directors of corporate landlords and any other person involved in the letting or management of privately rented accommodation. The term 'corporate landlord' should be read as referring to a body corporate that meets the definition of 'landlord' above.
- 1.4 Investigations and enforcement action will be conducted having regard to relevant statutory Codes of Practice and official guidance from central and local government bodies. It also follows the principles laid down in the Enforcement Concordat and the Regulators Code 2014 and the Legislative and Regulatory Reform (Regulatory Functions) Order 2007. Of particular note, the following legislation:
- Environmental Protection Act 1990
  - Local Government (Miscellaneous Provisions) Act 1976 & 1982
  - Parts 8, 9 and 10 of the Housing Act 1985
  - Part 8 of the Housing Act 1996
  - Parts 2 to 5 of the Housing Act 2004
  - Prevention of Damage by Pests Act 1949
  - Public Health Act 1936 & 1961
  - Regulatory Reform (Fire Safety) Order 2005
- 1.5 This policy also ensures compliance with section 107 of the Renters' Rights Act 2025, which imposes a duty on the Council to enforce the 'Landlord Legislation'. The Landlord Legislation is comprised of the following:
- Chapters 3 and 6 of Part 1 of the Renters' Rights Act 2025,
  - Part 2 of the Renters' Rights Act 2025,
  - Sections 1 and 1A of the Protection from Eviction Act 1977, and
  - Chapter 1 of Part 1 of the Housing Act 1988.
- 1.6 Where relevant this policy will set out where provisions do or do not apply in relation to the applicable legislation in the 2007 Order (including the approach set out in the Regulators' Code) or the Landlord Legislation. In essence the 2007 Order duties create a supportive and informal approach when initially dealing with breaches. Where this is not effective enforcement action will usually follow. In contrast the Landlord Legislation is based on an enforcement first approach.

- 1.7 Section 110 Renters' Rights Act 2025 imposes a duty on the Council to report to the Secretary of State on the exercise of its functions under the Landlord Legislation.
- 1.8 In this policy, the terms 'House in Multiple Occupation' or 'HMO' are as defined by s254 – s260 of the Housing Act 2004.

## 2. Scope

- 2.1 The range of enforcement matters dealt by the Council in this policy area is such that there may well be occasions when there is a need to work with other agencies, for example the London Fire Authority or the Health and Safety Executive, by carrying out joint inspections.
- 2.2 In determining the most appropriate form of investigation and enforcement action, officers will have regard, so far as they are aware, to any potential or existing action of other Council services or external agencies.
- 2.3 Where matters are identified by or reported to our officers that are the enforcement responsibility of another council service or external agency, persons involved will, so far as is reasonably practicable, be informed that the matter will be referred to the appropriate service or agency.
- 2.4 The Renters' Right Act does not prevent a local housing authority from taking enforcement action in respect of a breach of, or an offence under, the Landlord Legislation which occurs outside of its area. Such enforcement will be considered where applicable.

## 3. Tenure

- 3.1 In considering the most appropriate course of action, the Council will have regard to the extent of control that an occupier has over works required to the dwelling. The Housing Health Safety Rating System (HHSRS) provisions of The Housing Act 2004 apply to all housing whether in owner-occupation, privately rented or social housing and it is usually the owner's responsibility to carry out works to reduce or eliminate hazards. Action can be taken against an owner-occupier but as owner-occupiers have control over any hazards in the home and tenants in the main do not, most enforcement action will involve requiring a private landlord or a Registered Provider (Housing Association) to carry out works.
- 3.2 Housing Association tenants will be expected to liaise with their own Registered Provider using their formal repairs reporting procedure and if this does not achieve the required improvements, then the tenants will be advised to pursue the problem through their Registered provider's formal complaints procedure. All damp and mould and emergency issues fall under the scope of Awaab's Law, which sets out specific response times for Registered Providers to triage and respond to these issues, and we will advise tenants of their rights in this respect and expect them to utilise those rights. Additionally, the tenant will be advised that they will then be expected to report problems to the Housing Ombudsman when they have gone through the Registered provider's complaints procedure.

- 3.3 Where there is evidence that the Registered Provider has not responded to any of the formal processes described in paragraph 3.2 then the Council will investigate, albeit only where it is an emergency case or where the Council believes the case to be a significant public health risk. Where we have identified hazards and the Registered Provider has a programme of works to make their stock decent, the officer will take into account the programme when determining the most appropriate course of action and will liaise with the Registered Provider over any works necessary to deal with the hazards in advance of the planned improvements.
- 3.4 With owner occupiers, in most cases they will not be required to carry out works to their home, and informal action or a Hazard Awareness Notice is likely to be the most appropriate action.

#### **4. Situations where the Council will not act**

- 4.1 There may be situations where a service may not be provided in full by the Council. This may include but is not limited to:
- Where the tenant unreasonably refuses access for the works to be carried out;
  - Where the tenant, in the opinion of the Council, clearly caused damage to the property they are complaining about and there are no other issues with disrepair
  - Where there is found to be no justification for the complaint on visiting the property.

In these situations, the Council will ensure both the complainant and landlord are made fully aware of the decisions taken.

#### **5. Authorisation of Officers**

- 5.1 All Officers in the Private Rented Housing are authorised under delegated powers to exercise statutory powers and duties. Investigations will be carried out in accordance with the requirements of the:
- Criminal Procedure and Investigations Act 1996
  - Criminal Justice and Police Act 2001
  - Human Rights Act 1998
  - Investigatory Powers Act 2016 (as amended)
  - Police and Criminal Evidence Act 1984
  - Regulation of Investigatory Powers Act 2000
- 5.2 Entry to a property is required to enable officers to carry out their statutory functions. We will normally make an appointment to visit in the first instance and will give at least 24 hours' notice to the occupants and owners of our intention to enter properties to inspect them.
- 5.3 If officers fail to gain access to a property, they may exercise a right of entry under Section 239 of the Housing Act 2004. Powers of entry will allow an officer, at any reasonable stated time, to enter a property to carry out an inspection and gather evidence, take someone with them, take appropriate equipment or materials and take any measurements, photographs, recordings and samples as necessary.

- 5.4 Officers will exercise their statutory powers to gain access to a property without giving prior notice to investigate non-compliance with housing related law or to carry out a statutory duty where it is considered necessary to do so. Reasons for the use of these powers include:
- Protection of the health and safety of any person or to protect the environment without avoidable delay.
  - Prevent the obstruction of officers where this is anticipated.
  - To determine if a property is unlicensed or if there are breaches of HMO management regulations.
- 5.5 Officers will apply to the Magistrates Court for a Warrant to enter premises if entry has been consistently refused or giving notice of entry will defeat the purpose for which entry is.

## **6. The Council's Approach to Enforcement**

- 6.1 The Council expects landlords to have a good understanding of the housing standards and management issues that should be met in privately rented accommodation. However, where appropriate and necessary, the Council will instigate enforcement action against landlords who fail to comply with their legal requirements. This Policy gives clear guidance on the approach to be taken when considering a response to an investigation.
- 6.2 Officers will seek compliance with legislation through a combination of informal and formal actions, but these are not prescriptive and will be subject to the individual circumstances presenting at the time. In some cases, formal action is prescribed by legislation, and consideration must also be given to any statutory guidance.

### **Most appropriate course of action**

- 6.3 Council officers will investigate and identify the need to take enforcement action through a range of routes, including (but not limited to): proactive inspections of dwellings through licensing provisions; in response to a complaint or request for assistance; and referrals from other public bodies. All investigations will be carried out in accordance with the relevant statutory requirements.
- 6.4 When considering the most appropriate course of action in relation to hazards the Council will have regard to the statutory enforcement guidance. This may initially involve informal action in cases that warrant this approach, but otherwise formal action will be taken. Where there is a category 1 hazard, under section 5 of the Housing Act 2004 the Council is under a statutory duty to take the most appropriate enforcement action available as this is where the risk to health and/or safety is high. If a category 2 hazard is identified, where the risk to health and/or safety is not so significant, under section 7 of the Housing Act 2004 the Council has discretionary duty to exercise this power.
- 6.5 The Council may commence enforcement with formal action instead of informal action in the first instance. In deciding whether to do so, the circumstances of the case will be taken into account. Relevant factors may include, but are not limited to:

- Where there is a risk to public health
- Where there is a blatant or deliberate contravention of the law
- Where there is history of non-compliance

- 6.6 The Council will usually take formal action in the first instance if there has been:
- Non-compliance with previous formal or informal action
  - Offences in relation to the licensing of Houses in Multiple Occupations and properties under a discretionary licensing scheme.

### **Informal Approach**

- 6.7 Advice and guidance may be provided to help landlords meet their legal responsibilities. The Council may take informal action, such as giving written or verbal advice, where minor defects or breaches of the law are identified and it is not considered appropriate to take formal enforcement action, or where there is no legal requirement to serve a formal notice. Informal action may be used where non-compliance does not present a significant risk to health or safety, or where the Council is satisfied that informal action will achieve compliance.
- 6.8 Additionally, a visit may be made at the outset by Council Officers in cases where the initial complaint or contact indicates that an immediate investigation by a Council officer is warranted.
- 6.9 In cases where officers visit an address, whether this is as a result of a landlord's failure to adequately resolve a highlighted issue or as part of an audit or other investigation, written or verbal advice may be deemed sufficient should the inspection highlight only very minor deficiencies.
- 6.10 Where written advice is deemed appropriate by the Council and is provided, timescales will normally be included to undertake any specified work or actions.
- 6.11 While the Council will use its discretion on whether to carry out informal action for a Category 2 hazard, it does not need to provide written or verbal advice before commencing formal action.

### **Hazard Awareness Notice**

- 6.12 Hazard Awareness Notices give notification that a Category 1 hazard and/or a Category 2 hazard exists within a property and to highlight the need for remedial action. However, it does not place a requirement on the recipient to carry out the remedial action. Its primary purpose is to make the owner and occupiers aware of the hazards identified. As a Hazard Awareness Notice does not require risk-reducing works to be completed within a specified timeframe, it will not usually be the most appropriate course of action where remedial works are necessary to reduce the risk of harm to occupiers or potential occupiers. It might also be applicable where:
- It is judged appropriate to draw a landlord's attention to the need for remedial action
  - To notify a landlord about a hazard as part of a measured enforcement response.

- An occupant has expressed a particular view that this course is desirable (e.g. a private tenant who is concerned that service of an Improvement Notice will impact their health because of ill-health, might not be able to tolerate works).
- 6.13 The notice does not have to be acted upon and consequently there is no provision for appeal. However, a Hazard Awareness Notice that has been served may be escalated to more formal action should the hazards remain or have worsened to an unacceptable level.

### **Formal action**

- 6.14 Formal action will be taken when a landlord is failing to comply with housing or other environmental legislation. In relation to Part 1 offences under the Housing Act 2004, this will be in the form of a statutory notice and will normally require that necessary remedial action be taken at a specified property by the landlord/owner within a specified time period.
- 6.15 If formal action is considered appropriate, the following options are available to the Council.

## **Statutory Notices**

### **Improvement notice**

- 6.16 S11 and S12 of the Housing Act 2004 permits the Council to issue an Improvement Notice in respect of any Category 1 and/or Category 2 hazards on the property. This will require remedial works specified in the Notice to be carried out within a specified time that will either remove the hazard entirely, or will significantly reduce its effect, so it ceases to be a category 1 hazard. If the Council determines that the hazard can only be reduced to a Category 2 hazard rather than removed, it will require works to be carried out as far as is reasonably practical to reduce the likelihood of harm.
- 6.17 Under section 30 of the Housing Act 2004, failure to comply with the requirements of an Improvement Notice is a criminal offence for which the recipient of the Notice can be prosecuted, or a financial penalty imposed as an alternative to prosecution. The Council may also carry out the works in default of the owner and take steps to recover any costs incurred. This power may be exercised in addition to any prosecution proceedings taken or financial penalty imposed for non-compliance with this notice.
- 6.18 This Improvement Notice is registered as a local land charge, and an appeal can be made to a residential property tribunal within 21 days from the day of service of the notice if a landlord does not agree with the Notice.

### **Prohibition Order**

- 6.19 A Prohibition Order may be required to impose restrictions on the use of the whole or part of the property and /or who can use the property. This may be used where Category 1 and /or 2 hazards are found and the conditions present a risk, but remedial action is unreasonable or impractical, for example, to reduce overcrowding, or where there is inadequate natural lighting or there is no protected means of escape in case of fire.

- 6.20 Failure to comply with the requirements of a Prohibition Order is a criminal offence under Section 30 of the Housing Act 2004 for which the recipient of the prohibition order can be prosecuted. The Council may also carry out the works in default of the owner and take steps to recover any costs incurred. This power may be exercised in addition to any prosecution proceedings taken for non-compliance with this notice.
- 6.21 A prohibition order is registered as a local land charge and an appeal against an order can be made to a residential property tribunal within the period of 28 days beginning with the date specified in the order as the date on which it was made.

### **Suspended Enforcement action**

- 6.22 The Council has discretion to take Emergency Remedial Action where there are category 1 hazards which involve an imminent risk of serious harm to any of the occupiers of the property or any other residential premises, and no management order is in force under Chapter 1 or 2 of Part 4 of The Act.
- 6.23 Where there is a Category 1 hazard present, S40 Housing Act 2004 allows the Council to undertake Emergency Remedial Action on the Category 1 hazard without prior notice if the Council considers it is immediately necessary to remove the imminent risk of serious harm; there is no confidence in the integrity of any offer made by the owner, landlord or agent to immediately address the hazard, and the imminent risk of serious harm can be adequately addressed through remedial action to negate the need to use an Emergency Prohibition Order. This includes the power to force entry to a property if there is a Category 1 hazard.
- 6.24 If this action is taken, notice will be given to the occupier prior to the action being taken and formal notice will be served on the owner within seven days of taking the emergency remedial action, detailing the premises, the hazard, the deficiency, the nature of the remedial action, the date action was taken, and include information on rights of appeal.

### **Emergency Prohibition Order**

- 6.25 S43 of the Housing Act 2004 gives the Council power to immediately prohibit, by order, the use of all or part of a premises where category 1 hazards exist that involve an imminent risk of serious harm to the health or safety of the occupants or others. This is likely where the imminent risk of serious harm cannot be adequately addressed through the use of emergency remedial action for whatever reason.
- 6.26 Under Part 1 Housing Act 2004 in situations where it has the power or duty to take enforcement action through the service of an Improvement Notice or Prohibition Order, the Council has the discretion to suspend such action. Part 1 Housing Act 2004 in situations where it has the power or duty to take enforcement action through the service of an Improvement Notice or Prohibition Order.
- 6.27 This will be at the Council's discretion and will normally be considered for the purpose of minimising inconvenience to the current occupiers.

### **Suspended Prohibition Order**

- 6.27 The Council has the power to suspend a Prohibition Order where it is reasonable to do so, and it can be justified. A suspension of such action would usually be instigated where the circumstances of the current occupiers were such that other options were not practical.
- 6.28 A Prohibition Order may be suspended until a specified time or event. Failure to comply with the requirements of a Prohibition Order is a criminal offence for which the recipient of the notice can be prosecuted.

### **Suspended Improvement Notice**

- 6.29 The Council has the power to suspend action taken under Part 1 of The Housing Act 2004 in situations where it has the power or duty to take enforcement action through the service of an Improvement Notice. An improvement notice can be suspended where it is reasonable to do so, and enforcement action can be safely postponed until a specified event or time. The following are situations in which it may be appropriate to suspend an Improvement Notice:
- The need to obtain planning permission (or other appropriate consent) that is required before repairs and/or improvements can be undertaken
  - Works which cannot properly be undertaken whilst the premises are occupied, and which can be deferred until such time as the premises legally become vacant or temporary alternative accommodation for the occupiers can be provided
  - Personal circumstances of the occupants, such as temporary ill-health or if the occupants do not want the improvements or repairs carried out whilst they are in occupation.
- 6.30 When deciding whether it is appropriate to suspend an Improvement Notice the Council will have regard to:
- The level of risk presented by the hazard(s)
  - The turnover of tenants at the property
  - The response or otherwise of the landlord or owner
  - Any other relevant circumstances (e.g. whether the vulnerable age group is present)

### **Works in Default**

- 6.31 Works in Default can be carried out where specified work has not been carried out in compliance with a Notice and /or Order. The Council has no duty to undertake works in default and it will be at its discretion.
- 6.32 This power may be exercised in addition to other enforcement proceedings taken for non-compliance. The Council may use its powers to carry out the works in default of the owner where there are outstanding works of an urgent nature. The cost of these works and the administrative costs will be raised as a charge against the property reclaiming the costs. In some cases, it may also be in the public interest to prosecute.

## **Charges for works in default - Carrying out works without agreement**

- 6.33 The Council may exercise its right to carry out works in default without agreement from the person on whom the notice is served. This is to safeguard and protect tenants who may be living in substandard accommodation, where prolonged exposure to a category 1 hazard may be prejudicial to their health.
- 6.34 Any case where there is an immediate danger to a tenant would be dealt with by either using a Prohibition Order or taking Emergency Remedial action. Works can also be undertaken, without agreement, where the Council believes reasonable progress is not being made in completing repairs.
- 6.35 The Council will charge the full costs incurred and an administrative fee. This has been set at 20% of the costs of the total works. The Council considers this charge to be fair and reasonable.

## **Prosecution**

- 6.36 The Council will use discretion in deciding whether to instigate prosecution proceedings under Part 1 Housing Act 2004. This course of action will depend on the individual circumstances of each case and will usually only be considered if there has been a significant breach of statutory requirements or a failure to comply with a notice. The decision to prosecute will be determined by the evidential strength of the Council's case and the relevant public interest factors set down by the Director of Public Prosecutions in the Code for Crown Prosecutors.
- 6.37 The following factors will be taken into account:
- The seriousness of the offence
  - The previous history of noncompliance with housing and associated legislation, including previous criminal convictions
  - Significant harm as a result of the party's action(s),
  - The willingness of the party to prevent a recurrence of the problem
  - Whether the offence was committed deliberately, any evidence of obstruction of the officers in their lawful duty or of the investigation
  - Financial considerations - the benefit obtained from the alleged offending.
  - Whether the issuing of a financial penalty is likely to be effective in changing perpetrator behaviour or housing conditions.
  - It is not in the public interest to issue a Financial Penalty
- 6.38 In many circumstances, where an offence is committed by a body corporate, legislation enables local authorities to pursue persons involved with the body corporate in addition to, or instead of the body corporate. These include company officers and, where applicable, company members.
- 6.39 The Council will determine, on a case-by-case basis, whether to take enforcement action against any person or persons that they consider fall within the scope of this category in addition to prosecuting the body corporate.

## Simple Caution

- 6.40 A simple caution may be considered for less serious breaches of formal notices and statutory requirements. Simple Cautions will be kept on file for three years. A Simple Caution will only be issued if there is sufficient evidence of guilt, the offender is over eighteen years old, the offender admits the offence, and consents to the Simple Caution. If the offender refuses to accept a Simple Caution, a prosecution may be pursued. will be pursued.

## 7. Investigatory Powers

- 7.1 In addition to the Council's informal and formal powers of enforcement, there are investigatory powers relating to the collection of information and relating to the entry of premises including but not limited to the powers detailed below.

### Power to Investigate

- 7.2 S114 Renters' Rights Act 2025 gives the Council power to issue a notice to a relevant person to require the person to provide specified information to the Council.
- 7.3 This notice may be given to any person with an estate or interest in the land; the licensor; their agents; or a marketer of a property. It may be given in regard to any offence 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.
- 7.4 Failure to comply with a s114 notice is an offence under s131 Renters' Rights Act 2025, as being obstructive and intentionally or recklessly making false or misleading statements in response to a s.113 Notice.
- 7.5 S115 Renters' Rights Act 2025 permits the Council when it reasonably suspects a breach of the Rented Accommodation Legislation to issue a notice to any person requiring them to provide the information specified. This may only be done to investigate whether a breach has occurred under the Rented Accommodation Legislation, or to determine the amount of a penalty. For the purposes of this section, the Rented Accommodation Legislation means:
- Sections 1 and 1A of the Protection from Eviction Act 1977;
  - Chapter 1 of Part 1 of the Housing Act 1988;
  - Parts 1 to 4 and 7 of the Housing Act 2004 ;
  - 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.

- 7.6 Where an individual has not complied with a s115 notice, s116 Renters' Rights Act 2025 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.
- 7.7 S131 Renters' Rights Act provides that, in addition to the offence of non-compliance with a s114 notice, it is an offence for an individual to obstruct a Council officer seeking to exercise their powers without reasonable excuse. It is also an offence to fail to give an officer any additional assistance or information which they reasonably require without reasonable excuse.
- 7.8 S235 Housing Act 2004 allows the Council to issue a notice to relevant individuals, including occupiers, directing them to provide specified documents under their control for the purpose of investigating whether an offence has been committed under Parts 1 to 4 of the Housing Act 2004 or exercising the Council's functions under Parts 1 to 4 of the Housing Act 2004.
- 7.9 S16 Local Government (Miscellaneous Provisions) Act 1976 also permits the Council to issue a notice to an occupier, manager, or individual with an interest in the land to compel them to provide the Council with information on the nature of their interest and the names and addresses of current occupiers and of any others with an interest in the land.

### **Entry to Premises**

- 7.10 S118 Renters' Rights Act 2025 permits Council officers to enter business premises of relevant people (including landlords, letting agents, and marketers) without a warrant if it is necessary for the production or seizure of documents under s122 and s123 Renters' Rights Act 2025.
- 7.11 S121 Renters' Rights Act 2025 allows a Council officer named in a warrant to enter premises used for a rental sector business which is not mainly accommodation if there are documents on the premises which the officer could require under s122 or seize under s123. In addition, for this power to be exercised, one of the following conditions must be met:
- That 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.
  - Those documents on the premises would likely be concealed or interfered with if notice of entry were to be given.
  - That no occupier is present, and waiting for their return might defeat the purpose of the entry.
- 7.12 Following a s118 or s121 Renters' Rights Act 2025 entry, s122 allows an 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 of them. This may only be exercised to ascertain whether there has been a breach of the Rented Accommodation 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.

- 7.13 Following a s118 or s121 Renters' Rights Act 2025 entry, s123 authorises Council officers to seize and detain documents that the officer reasonably suspects may be required as evidence in proceedings relating to a breach of, or an offence under, the Rented Accommodation Legislation. When doing so, the officer will provide evidence of the officer's identity and authority if reasonably practicable. The officer will take reasonable steps to inform the person from whom documents have been seized that they have been seized and will provide that person with a written record of what has been taken.
- 7.14 S126 Renters' Rights Act 2025 permits the Council to enter residential premises used for a tenancy at a reasonable time if the officer considers it necessary as part of an investigation into potential offences specified in subsection 1(b). Where required, the Council will give at least 24 hours' notice of this to the occupier and individuals with an interest in the property as per subsection 1(c), detailing in writing why the entry is necessary and the suspected offences. Where there are occupiers found on the premises, the officer will provide evidence of the officer's identity and authority to at least one of the occupiers if reasonably practicable.
- 7.15 In addition, s239 Housing Act 2004 permits Council officers to enter, if necessary and at a reasonable time, a property in order to carry out a survey or examination. This may be done if any one of the following is met:
- to determine if any Part 1-4 enforcement functions should be exercised.
  - the premises are part of an Improvement Notice or Prohibition Order.
  - a management order is in force under Chapter 1 or 2 of Part 4 on the premises.
  - In certain circumstance the Council may obtain a warrant to enter, by force, if necessary, under s240 Housing Act 2004. This course of action will only be taken in cases where it is considered both necessary and proportionate to the matter under investigation.

## **8. Enforcement of Property Licensing Schemes**

- 8.1 The operation of Mandatory HMO and discretionary licensing schemes in the borough places a number of obligations on landlords, including the need to:
- Ensure that relevant properties are licensed with the Council
  - Carry out necessary safety checks and provide relevant documentation when necessary
  - Comply with a set of licence conditions, including the need to deal with any anti-social behaviour at their rented property and to keep the property in a good state of repair
- 8.2 Failure to meet one or more of the licensing requirements will be individually assessed but may result in one or more enforcement actions including:
- A written warning
  - The service of formal notices

- Refusal or revocation of a licence
- Granting a licence for a shorter period
- The imposition of a civil penalty
- Simple caution
- Prosecution
- Rent Repayment Order

### **Licence Conditions**

- 8.3 Conditions can be added to property licences to require work to meet specified standards or to address HMO Management Regulation requirements. In general, the Council will seek to identify, remove or reduce Category 1 or Category 2 hazards by the exercise of Part 1 functions and not by means of licence conditions however this does not prevent the Council from imposing licence conditions relating to the use, occupation and management of the property. Failure to comply with these conditions is a criminal offence, which may result in prosecution or the issuing of a civil penalty.
- 8.4 The council will take enforcement action where it gains evidence that there has been a failure to licence a property that is required to be licensed. In such cases where no licence application has been made and the Council has found the premises operating without a licence, the Council may apply one of more of the above enforcement actions at paragraph 8.2.

### **Refuse or revoke a property licence**

- 8.5 In order to secure a property licence, the Council must be satisfied that the proposed licence holder and any manager is a fit and proper person. Where there is a failure of a proposed licence holder or manager to meet the Fit and Proper Person test, a licence application will be refused (unless an appropriate alternative licence holder or manager is identified) and where an existing licence holder is no longer deemed to be a Fit and Proper Person, any existing licence will be revoked (unless the failure relates to just the property manager and an appropriate alternative manager is identified).
- 8.6 In applying the Fit and Proper Person test, the Council will consider a range of relevant factors. More than one contravention or conviction will normally carry more weight than isolated or one-off incidents, unless the single breaches are particularly serious. The following are examples, but not intended to be an exhaustive list:
- A conviction relating to fraud or running an unlicensed property
  - A landlord that has criminal convictions for harassment and/or illegal eviction is unlikely to be deemed fit and proper.
  - A conviction for failing to comply with an Improvement Notice served in respect of Category 1 hazards or where the Council has found it necessary to take Emergency Remedial Action at a licensed property.

### **Issuing a licence of shorter duration**

- 8.7 Where the Council identifies concerns relating to either the property to be licensed (for example a breach of planning regulations) or to the licence holder/manager (but

not such that the Fit and Proper Person test is failed outright) then a shorter licence term may be granted dependent upon the circumstances and nature of concerns.

### **Interim Management Order (IMO)**

- 8.8 The Council must make an IMO where the property is an HMO or a house that is required to be licensed but which is not licensed and:
- there is no reasonable prospect of it being licensed, or
  - the health and safety condition is satisfied (see below).
- 8.9 The Council can make an IMO to ensure that:
- immediate steps are taken to protect the health, safety or welfare of occupiers and adjoining occupiers/owners and
  - any other steps are taken to ensure the proper management of the house pending further action.
- 8.10 An IMO must also be made where the house or HMO is licensed, and:
- the licence has been revoked but the revocation is not yet in force, and once revocation is in force there is no foreseeable prospect of a licence being granted, or
  - the health and safety condition is satisfied (see below).
- 8.11 The health and safety condition is that the making of an IMO is necessary to protect the health, safety or welfare of persons occupying the house or persons occupying or having an estate or interest in any property in the vicinity. If there is a threat to evict persons occupying the house in order to avoid the house being required to be licensed, this may constitute a threat to the occupiers' welfare.
- 8.12 The health and safety condition is not satisfied where there is a category 1 hazard requiring the local authority to take enforcement action and where taking such action would adequately protect the health, safety and welfare of the people in question.

## **9. Civil Financial Penalties for Specified Offences**

- 9.1 Where legal action is necessary to address housing breaches and certain offences, financial penalties, under section 249A of the Housing Act 2004 and various sections of the Renters' Rights Act 2025, will be used as an enforcement tool as an alternative to a prosecution.
- 9.2 The Council will determine on a case-by-case basis, whether to instigate prosecution proceedings or to serve a civil penalty. The exact enforcement response will depend on the individual circumstances of each case.
- 9.3 This section relates exclusively to Civil Financial Penalties issued by the Council for breaches of the housing law below.
- 9.4 The Council has the power to impose a Civil Financial Penalty for the following:
- Unlawful eviction and harassment of occupier as defined under the Protection from Eviction Act 1997

- Failure to comply with an Improvement Notice [s30 Housing Act 2004]
- Offences in relation to licensing of Houses in Multiple Occupation (HMOs) [s72 Housing Act 2004]
- Offences in relation to the Selective Licensing of 'houses' [s95 Housing Act 2004]
- Failure to comply with an Overcrowding Notice [s139 Housing Act 2004]
- Failure to comply with a management regulation in respect of an HMO [s234 Housing Act 2004]
- Offences in relation to Regulation 3 of the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020
- Failure to comply with a Banning Order [s21 Housing and Planning Act 2016]
- Failure to give a written statement of terms under section 16D of the Housing Act 1988
- Failure to give an existing tenant information about changes made by the Renters' Rights Act under paragraph 7(2) of schedule 6 to the Renters' Rights Act 2025
- Attempting to let a property for a fixed term under section 16E of the Housing Act 1988
- Attempting to end a tenancy orally or by service of a notice to quit under section 16E of the Housing Act 1988
- Serving an eviction notice that attempts to end a tenancy outside the prescribed section 8 process under section 16E of the Housing Act 1988
- Relying on a ground where the person does not reasonably believe that the landlord is/will be able to obtain possession under section 16E of the Housing Act 1988
- Relying on a ground knowing the landlord would not be able to obtain possession or being reckless as to whether they would under section 16J of the Housing Act 1988
- 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
- Reletting or remarketing a property before expiry of the 12 month no-let period after using the moving and selling grounds under sections 16E and 16J of the Housing Act 1988
- Discriminating against prospective tenants during the letting process on the grounds that those tenants are in receipt of benefits or have children under sections 33 and 34 of the Renters' Rights Act 2025
- Marketing a letting without stating the proposed rent under section 56 of the Renters' Rights Act 2025
- Inviting or encouraging any person to offer to pay an amount of rent under the proposed letting that exceeds the stated rent under section 56 of the Renters' Rights Act 2025
- Accepting an offer from any person to pay an amount of rent under the proposed letting that exceeds the stated rent under section 56 of the Renters' Rights Act 2025

9.5 Civil Financial Penalties in respect of the above offences operate according to their own independent standalone policy.

- 9.6 The Council may also make use of other Financial Penalty Notices under different legislation, to deal with relevant Trading Standards related breaches. Private Rented Housing will work with Trading Standards to investigate landlords and letting agents to ensure that they are compliant with all trading standards legislation, including the Consumer Rights Act 2015. The Council will take action to enforce membership requirements for Redress and Client Money Protection Schemes and enforce regulations prohibiting the charging of unauthorised tenant fees. Enforcement measures include issuing Financial Penalty Notices for breaches set out in relevant Regulations. Prosecution is also a potential course of action under the Digital Markets, Competition and Consumers Act 2024 and the Tenant Fees Act 2019. Action in relation to deposits applies equally to landlords and any other breaches of tenancy deposit legislation may result in enforcement action or signposting to further advice where appropriate
- 9.7 The following Regulations provide for the issuing of a Penalty Charge Notice for non-compliance with the following Regulations.
- Smoke and Carbon Monoxide Alarm (England) Regulations 2015 as amended by The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 ('The Regulations') penalty notice for an offence under the regulations must not exceed £5,000.  
In circumstances where the Council has determined that it would be appropriate to impose a Penalty Charge Notice, the level of the penalty will be calculated in accordance with the Statement of Principles and guidance set out in **Appendix 1**.
  - The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 as amended (also known as the MEES Regulations). The total of one or more penalty notices for offences under the regulations must be no more than £5,000.  
In circumstances where the Council has determined that it would be appropriate to impose a Penalty Charge Notice, the level of the penalty will be calculated in accordance with the Statement of Principles and guidance set out in **Appendix 2**

## 10. Rent Repayment Order (RRO)

- 10.1 Part 2 of the Housing and Planning Act 2016 permits the Council to seek a Rent Repayment Order at the First Tier Tribunal Property Chamber to require the landlord of the property where the offence(s) has been committed to refund rent to the tenants or the Council. S48 of the Housing and Planning Act 2016 places a duty on the Council to consider applying for Rent Repayment Orders.
- 10.2 Where a landlord has been convicted or received a Civil Financial Penalty in respect of the offence, the Tribunal must award the maximum applicable amount, except in exceptional circumstances.
- 10.3 This power will be considered in response to all qualifying offences and where there is sufficient evidence for successful application to the First Tier Tribunal.

- 10.4 The qualifying offences are:
- Unlawful eviction and harassment of occupier as defined under the Protection from Eviction Act 1997
  - Failure to comply with an Improvement Notice [s30 Housing Act 2004]
  - Offences in relation to unlicensed HMOs [s72(1) Housing Act 2004]
  - Offences in relation to unlicensed houses [s95(1) Housing Act 2004]
  - Failure to comply with an Improvement Notice [s30(1) Housing Act 2004]
  - Failure to comply with a Prohibition Order [s32(1) Housing Act 2004]
  - Breach of a Banning Order [s21 Housing and Planning Act 2016]
  - Using violence to secure entry [s6(1) Criminal Law Act 1977]
  - Knowingly or recklessly misusing a possession ground which forces the tenant to surrender the tenancy [s16J(1) Housing Act 1988]
  - Letting or marketing of a property within twelve months of using the 'moving in' or 'selling' ground of eviction [s16J(2) Housing Act 1988]
  - Continuous breach of certain tenancy reform requirements [s16J(3) Housing Act 1988]
  - Tenancy breaches (section 16, Housing Act 1988)
  - Breach of landlord redress scheme (section 67, Renters' Rights Act 2025)
- 10.5 An application for an RRO may be in addition to other formal action, such as prosecution proceedings or the imposition of a Civil Penalty. Where the Council has issued a Civil Financial Penalty or pursued prosecution, it will usually apply for a Rent Repayment Order where public funds have been paid to a landlord who has committed a qualifying offence.
- 10.6 S49 of the Housing and Planning Act 2016 enables the Council to assist tenants in applying for Rent Repayment Orders. The Council will signpost tenants to third party organisations that can assist tenants with applying for a RRO for reclaiming up to 24 months of rent paid. The Council will usually provide further support in the form of providing evidence of the relevant offence.

## 11. Banning Order

- 11.1 Where a landlord has committed one or more offences specified in Part 2, Chapter 2 of the Housing and Planning Act 2016, the Council may apply to the First Tier Tribunal for a Banning Order against a person who has been convicted of one or more of the relevant offences. This would prevent a landlord from:
- Letting housing in England.
  - Engaging in English letting agency work.
  - Engaging in English property management work; or
  - Doing two or more of those things.
- 11.2 A banning order, if granted, must be for a minimum period of 12 months. There is no statutory maximum period for a banning order.
- 11.3 The Council will generally pursue a Banning Order for the most serious offenders. It will take into account the seriousness of the offence(s), whether the landlord has

committed other banning order offences (or received any civil penalty in relation to a banning order offence) and any history of failing to comply with their obligations or legal responsibilities. It will also take into account other relevant factors, including but not limited to:

- The harm, or potential harm, caused to the tenant
- The need to punish the offender
- The need to deter the offender from repeating the offence
- The need to deter others from committing similar offences.

### **The Proceeds of Crime Act (POCA)**

- 11.4 The Proceeds of Crime Act 2002 allows the courts to deprive perpetrators of criminal offences of any proceeds they have accrued as a result of their criminal activity. This legislation can be applied to criminal landlords and may be used, where appropriate, through investigation by an Accredited Financial Investigator following a successful conviction, and in consultation with legal services.

## **12. Residential Buildings and Fire Safety**

- 12.1 In conjunction with the Ministry of Housing, Communities and Local Government (MHCLG), the Council is responsible for collecting information on the materials and type of insulation used in external wall systems of specified residential buildings. Where a building's fire safety defects are identified which are likely to significantly impact occupiers' health, the Council may take enforcement action under Part 1 of the Housing Act 2004. Failure to comply with a Notice served under Housing Act 2004 may result in prosecution and in the case of conviction may result in an unlimited fine.
- 12.2 Additionally, the Building Safety Act 2022 allows the Council to apply for Remediation Orders and/or a Remediation Contribution Order to the First Tier Residential Tribunal (Property Chamber-Residential Property) where the relevant landlord fails to remedy specified relevant fire safety defects, in a timely manner. The Council will review the specific circumstances of each case and determine the most appropriate action to take, in consultation with the London Fire Brigade, where required.

## **13. Diversity and equal opportunities**

- 13.1 The Council is committed to equality of access to its services and aims to treat all people with dignity and respect. Enforcement decisions will be fair, impartial and objective and will not discriminate on grounds of age, colour, disability, ethnic origin, gender, HIV status, immigration status, marital status, social or economic status, nationality or national origins, race, faith, religious beliefs, responsibility for dependants, sexual orientation, gender identity, pregnancy and maternity, trade union membership or unrelated criminal conviction. The Council will promote equality of access and opportunity for those within our community who suffer from unfair treatment on any of these grounds including those disadvantaged through multiple forms of discrimination.

## 14. Rogue Landlord Database

- 14.1 Under section 30 of the Housing and Planning Act 2016, the Council must enter the details of a landlord onto the Rogue Landlord Database where:
- a landlord has received a banning order or
  - a landlord has been found guilty of committing a banning order offence (but no banning order has been made) or
  - a landlord has received two or more civil penalties in respect of banning order offences
- 14.2 When deciding whether to make an entry onto the rogue landlord database the Council will take into account the severity of the offence and any mitigating factors.
- 14.3 The Council also considers it appropriate to enter details of landlords and agents who have been successfully prosecuted or received civil penalties on the Greater London Authority (GLA) Landlord and Agent Checker, [Rogue Landlord Database](#)
- 14.4 The Council's default position is that, following an offence, details of relevant convictions should be made available on the above public database unless it is satisfied that there is a compelling reason as to why the data should not be made public and that any actual or potential damage and/or distress arising from publication outweighs the public interest.

## 15. Complaints

- 15.1 To discuss our approach to enforcement or a particular case (if you are involved), you can contact our team at [prsh@enfield.gov.uk](mailto:prsh@enfield.gov.uk)
- 15.2 We manage complaints about our service through the Enfield Council [Corporate Complaints process](#).
- 15.3 You can still make a complaint in cases where the Council has instigated legal proceedings. However, making a complaint will not stop any impending legal action.
- 15.4 Where statutory notices have been served, making a complaint does not replace the statutory rights of appeal or the right to make representations. It also does not allow extra time to comply with any notice or order.
- 15.5 If you disagree with a statutory notice, you should take action as specified in the notice or order to make an appeal, if any exists. Reference should be made to any notes that may accompany the notice or order for more detail.

## 16. Costs and Charges for Enforcement

- 16.1 The Council incurs costs in carrying out its functions. Where the legislation allows, the Council has the power to make a reasonable charge and recover certain expenses associated with its enforcement, licensing and wider regulatory activity. This may include (non-exhaustively) costs arising from inspections, investigation, evidence gathering, notices and other statutory documentation, follow-up action, compliance monitoring, and works or other interventions.
- 16.2 Under sections 49 & 50 of the Housing Act 2004, a charge will normally be made where it has been necessary to take enforcement actions. The charges for taking certain formal action can be found at

<https://www.enfield.gov.uk/services/housing/information-for-landlords#inspections-and-regulations>

- 16.3 These charges are reviewed annually, and changes will reflect current rates at time of service. Recovery may be pursued using all available lawful routes, which may include civil action, local land charges, and enforcement against the property. Where permitted, interest may be applied to outstanding sums until paid.

**Payment of costs and charges**

- 16.4 Payment for a notice/order, financial penalty, RRO and/or works in default costs are to be paid in full by their recipient(s) within the time specified on the relevant notice/invoice. Where a financial penalty, RRO and/or charges are not repaid civil action will be taken to recover any outstanding debt and other charges incurred, including a charge on the premises concerned registered as a land charge.

## Appendix 1

### Statement of principles to determine the amount of a penalty charge under Part 4 of The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 as amended by The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 (“the Regulations”)

- 1.0 Section 13 of the Regulations requires local housing authorities to prepare and publish a statement of principles which they propose to follow in determining the amount of a penalty charge.
- 1.1 The Regulations introduced legal requirements on relevant landlords to:
- Equip a smoke alarm on each storey of the premises on which there is a room used wholly or partly as living accommodation.
  - During any period when the premises were occupied under the tenancy, to ensure that a carbon monoxide alarm is equipped in any room of the premises which is used wholly or partly as living accommodation and which contains fixed combustion appliance other than a gas cooker.
  - Carry out checks by or on behalf of the landlord to ensure that each prescribed alarm is in proper working order on the day the tenancy begins if it is a new tenancy.
  - Where, following a report made on or after 1st October 2022 by a tenant or by their nominated representative to the landlord, a prescribed alarm is found not to be in proper working order, the alarm is repaired or replaced.
- (For the purposes of the legislation, living accommodation includes a bathroom or lavatory).
- 1.2 Where the Council believe that a landlord is in breach of one or more of the above duties, the Council must serve a remedial notice on the landlord. The remedial notice is a notice served under Regulation 5 of the Regulations.
- 1.3 If the landlord then fails to take the remedial action specified in the notice within the specified timescale, the Council can require a landlord to pay a penalty charge and can arrange for remedial action to be taken under certain circumstances. The power to charge a penalty arises from Regulation 8 of the Regulations. Failure to comply with each remedial notice can lead to a fine of up to £5,000. Fines will be applied per breach, rather than per landlord or property.
- 1.4 The Council will impose a penalty charge where it is satisfied, on the balance of probabilities, that the landlord has not complied with the action specified in the remedial notice within the required timescale.
- 1.5 A landlord will not be considered to be in breach of their duty to comply with the remedial notice if they can demonstrate they have taken all reasonable steps to comply. Where there is evidence, including written correspondence, of repeated and

consistent efforts to obtain access to the property, with access repeatedly being prevented by the occupant(s) of the property, a landlord will not be considered to be in breach of their duty to comply with the remedial notice. A landlord will be expected to have:

- Communicated the risk of harm that the lack of functioning alarms posed to all occupants in writing on multiple occasions
- Requested access to comply with the remedial notice on a regular basis of no longer than every seven days in writing

1.6 In considering the imposition of a penalty, the Council may look at the evidence concerning the breach of the requirement of the notice. A non-exhaustive list of methods that may be used to obtain relevant evidence includes, but is not limited to:

- Evidence obtained from a property inspection
- Evidence provided by the tenant or agent
- Evidence provided by the landlord demonstrating compliance with the Regulations by supplying dated photographs of alarms, together with installation records
- That all detector heads have not passed their expiration or replacement date

1.7 Landlords need to take steps to demonstrate that they have met the testing requirements at the start of the tenancy requirements. A non-exhaustive list of methods that may be used to evidence compliance with these testing requirements includes, but is not limited to:

- Tenants signing an inventory form which states that they observed the alarms being tested and confirming that the alarms were in working order at the start of the tenancy

1.8 Where a landlord is in breach, the local housing authority may serve a remedial notice. Failure to comply with each remedial notice can lead to a fine of up to £5,000. Fines will be applied per breach, rather than per landlord or property

1.9 When determining the amount of the penalty charge, regard will be had to whether this is a first breach under the Regulations.

### **Determining the amount of the penalty charge for a first breach**

1.10 The minimum amount of a penalty charge for a first breach of the Regulations will be £2500.

1.11 The starting level of a penalty charge for a first breach of the Regulations will be £3000. The penalty charge amount will then be varied depending on aggravating and mitigating factors.

1.12 **Aggravating factor include, but are not limited to:**

- The number of alarms not working or missing (the Regulations state there should be one per storey)
- Other fire safety concerns/defects in the property which increase the risk posed to the occupants

- The length of time the offence is believed to have been on-going
- The frequency of complaints by the occupiers to the landlord about the non-working or missing alarms
- The costs of any remedial work the Council have carried out in response to the breach
- Whether the property is let as a HMO (which increases the overall risk)
- The number of occupants living in the property
- Presence of vulnerable occupiers such as elderly, children or disabled people
- Any history of previous enforcement or non-compliance of the landlord
- Attempts to obstruct the investigation

**1.13 Mitigating factors include, but are not limited to:**

- The property being small and low-risk (for example a one-bedroom ground floor flat with a large number of fire escapes including large windows)
- A single occupant living in the property
- Evidence that all required alarms were checked and in working order at the start of the tenancy
- Written evidence that some efforts to gain access and comply with the remedial notice were made and access was prevented by the occupant

**1.14 Determining the amount of the penalty charge for a subsequent breach**

1.15 The penalty for subsequent breaches by the same landlord will be £5000.

## Appendix 2:

### Statement of principles to determine the amount of a penalty charge for a breach of minimum energy efficiency standards (MEES) with respect to domestic privately rented property

- 1.0 The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (“the Regulations”) make it unlawful to rent out a domestic property if it has an EPC (Energy Performance Certificate) rating of F or G (unless a valid exemption has been registered on the PRS Exemptions register).
- 1.1 The Regulations make it unlawful to fail to comply with a compliance notice served by the Council.
- 1.2 The Regulations cover all relevant properties, even where there has been no change of tenancy.
- 1.3 The Regulations were introduced to improve the energy efficiency of housing in the private rented sector and to reduce greenhouse gas emissions and tackle climate change. They should help make tenants’ homes more thermally efficient.
- 1.4 An energy performance certificate (EPC) gives the property an energy efficiency rating – A rated properties are the most energy efficient and G rated are the least efficient. It’s valid for 10 years and must be provided by the owner of a property, when it is rented or sold.
- 1.5 If you are a landlord and you fail, when requested, to provide an EPC for the start of a tenancy, you will be in breach of the Regulations.
- 1.6 An EPC contains information about the type of heating system and typical energy costs. It also gives recommendations about how the energy use could be reduced, lowering running costs. You can find the recommended energy efficiency improvements on the current EPC.
- 1.7 If you’re a private landlord, you must either:
  - ensure your rented properties have an EPC with a minimum ‘E’ rating
  - register a valid PRS exemption on the PRS exemptions register
- 1.8 Failure to do either of these is a breach of the Regulations.
- 1.9 The Council investigates any potential breaches of the regulations. If the Council is satisfied that you are, or have at any time in the 18 months preceding the date of service of the penalty notice, breached the Regulations, you may be subject to a penalty notice imposing a financial penalty. The Council may also impose a publication penalty.
- 1.10 The “publication penalty” means publication, for a minimum period of 12 months, or such longer period as the Council may decide, on the PRS Exemptions Register of such of the following information in relation to a penalty notice as the Council decides:
  - Where the landlord is not an individual, the landlord’s name

- Details of the breach of these Regulations in respect of which the penalty notice has been issued
- The address of the property in relation to which the breach has occurred, and
- The amount of any financial penalty imposed.

1.11 The Council will impose the following financial penalties:

- (a) letting a property with an F or G rating for less than 3 months: £2,000
- (b) letting a property with an F or G rating for more than 3 months: £4,000
- (c) registering false or misleading information on the PRS exemptions register: £1,000
- (d) failing to provide information to the Council demanded by a compliance notice: £2,000

1.12 The Council may not impose a financial penalty under both subsections (a) and (b) above in relation to the same breach of the Regulations. But they may impose a financial penalty under either paragraph (a) or paragraph (b), together with financial penalties under paragraphs (c) and (d), in relation to the same breach. Where penalties are imposed under more than one of these paragraphs, the total amount of the financial penalty may not be more than £5,000.

**END OF POLICY**

## Appendix 3:

### **Renters' Right Act 2025 - clauses to be added to the Private Rented Housing Enforcement Policy when they come into force.**

#### **Civil Financial Penalties for specified offences**

Additional offences to be added to list:

- Offences in relation to the PRS database [Part 2, Chapter 3 Renters' Rights Act 2025]
- Offences in relation to the landlord ombudsman [Part 2, Chapter 2 Renters' Rights Act 2025]
- Breach of the decent homes standard [Part 3, Renters' Rights Act 2025]

#### **Rent Repayment Orders**

Additional qualifying offences:

- Landlord's failure to become a member of a landlord redress scheme [Renters' Rights Act 2025, s67]
- Landlord's failure to join a PRS database [s92 Renters' Rights Act 2025]
- Landlord's failure to comply with the requirements of a PRS database, or in providing false or misleading information to the database operator [s92 Renters' Rights Act 2025]
- Offences in relation to the landlord ombudsman [s67 Renters' Rights Act 2025]

#### **Entry onto the PRS database**

Under s83(1) of the Renters' Rights Act 2025, the Authority has a duty to make an entry on the Private Rental Sector database in respect of a person where:

- A relevant Banning Order has been made against that person following an application by the authority;
- The person has been convicted of a relevant Banning Order offence following criminal proceedings brought by the authority;, or
- The authority has imposed a Financial Penalty on the person in relation to a Banning Order offence.

Under section 83(2), the Authority has the power to make an entry where:

- The person has been convicted of a relevant Banning Order offence following criminal proceedings brought by someone other than a local housing authority, or
- A Financial Penalty has been imposed on the person in relation to a relevant Banning Order offence by a person other than a local housing authority.

## **Document Version Control**

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**Version 3.0**

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**Notes:** Update of Policy following implementation of Renters' Right Act 2025