

# Public Document Pack

Democratic Services



## COMMUNITY AND WELLBEING COMMITTEE

Thursday 5 March 2026 at 7.30 pm

Place: Council Chamber, Epsom Town Hall

Online access to this meeting is available on YouTube: [Link to online broadcast](#)

The members listed below are summoned to attend the Community and Wellbeing Committee meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillor Clive Woodbridge (Chair)	Councillor Rachel King
Councillor Bernice Froud (Vice-Chair)	Councillor Bernie Muir
Councillor Rob Geleit	Councillor Humphrey Reynolds
Councillor Graham Jones	Councillor Kim Spickett

Yours sincerely

Chief Executive

For further information, please contact [democraticservices@epsom-ewell.gov.uk](mailto:democraticservices@epsom-ewell.gov.uk) or tel: 01372 732000

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- Do not stop to collect personal belongings;
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- Do not re-enter the building until told that it is safe to do so.

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## Exclusion of the Press and the Public

There are no matters scheduled to be discussed at this meeting that would appear to disclose confidential or exempt information under the provisions Schedule 12A of the Local Government Act 1972 (as amended). Should any such matters arise during the course of discussion of the below items or should the Chair agree to discuss any other such matters on the grounds of urgency, the Committee may wish to resolve to exclude the press and public by virtue of the private nature of the business to be transacted.

## Questions and statements from the Public

Up to 30 minutes will be set aside for questions and statements from members of the public at meetings of this Committee. Any member of the public who lives, works, attends an educational establishment or owns or leases land in the Borough may ask a question or make a statement on matters within the Terms of Reference of the Committee.

All questions must consist of one question only and cannot consist of multiple parts. Questions and statements cannot relate to planning or licensing committees matters, the personal affairs of an individual, or a matter which is exempt from disclosure or confidential under the Local Government Act 1972. Questions which in the view of the Chair are defamatory, offensive, vexatious or frivolous will not be accepted. Each question or statement will be limited to 3 minutes in length.

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Questions must be received in writing by Democratic Services by noon on the fifth working day before the day of the meeting. For this meeting this is **Noon, Thursday 26th February 2026**.

A written copy of statements must be received by Democratic Services by noon on the working day before the day of the meeting. For this meeting this is **Noon, Wednesday 4th March 2026**.

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## **AGENDA**

**1. QUESTIONS AND STATEMENTS FROM THE PUBLIC** (Pages 5 - 6)

To take any questions or statements from members of the Public.

**2. DECLARATIONS OF INTEREST**

To receive declarations of any Disclosable Pecuniary Interests or other registrable or non-registrable interests from Members in respect of any item to be considered at the meeting.

**3. MINUTES OF THE PREVIOUS MEETING** (Pages 7 - 14)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Committee held on 13 January 2026 (attached) and to authorise the Chair to sign them.

**4. ARMED FORCES COUNCILLOR CHAMPION ANNUAL STATEMENT 2025/26** (Pages 15 - 22)

To report to the committee the annual statement of the Armed Forces Councillor Champion.

**5. ADOPTION OF A REVISED HOUSING CIVIL SANCTIONS POLICY** (Pages 23 - 58)

As a consequence of the implementation timeline for the Renters Rights Act, it is necessary to adopt a revised Civil Penalty Policy to take into account the new offences which have been created.

**6. AMENDMENTS TO THE ENFORCEMENT AND COMPLIANCE POLICY**  
(Pages 59 - 72)

A report recommending the adoption of a housing enforcement policy to ensure the Council's enforcement decisions remain compliant with the Renters Rights Act.

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**Community and Wellbeing Committee – 5 March 2026**

**Agenda Item 1 – Questions and Statements from the Public**

**Question 1**

“Given the Council’s 'Health & Wellbeing' aim to reduce inequalities in access to fitness, will the Committee agree to request the operator of the Rainbow Leisure Centre to introduce a 'Gym Only' membership tier?

This tier could be priced higher than budget gyms to reflect the Centre's higher quality, but lower than the full bundle, creating a fair middle-ground that prevents younger and lower-income residents from being priced out.”

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**Minutes of the Meeting of the COMMUNITY AND WELLBEING COMMITTEE held at the Council Chamber, Epsom Town Hall on 13 January 2026**

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**PRESENT -**

Councillor Clive Woodbridge (Chair); Councillor Bernice Froud (Vice-Chair); Councillors Rob Geleit, Rachel King, Bernie Muir and Phil Neale (as nominated substitute for Councillor Humphrey Reynolds)

Absent: Councillor Graham Jones, Councillor Humphrey Reynolds and Councillor Kim Spickett

Officers present: Rod Brown (Head of Housing and Community), Rachel Epton (Community Development Manager), Linda Scott (Interim Assistant Head of Service - Venues), Susan Dalloe (Bourne Hall Museum Curator), Sue Emmons (Chief Accountant), Richard Appiah-Ampofo (Senior Accountant) and Dan Clackson (Democratic Services Officer)

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**21 QUESTIONS AND STATEMENTS FROM THE PUBLIC**

No questions or statements from members of the public were received.

**22 DECLARATIONS OF INTEREST**

**Voluntary Sector Funding 2026-2027**

Councillor Phil Neale, Other Interest: Councillor Phil Neale declared that he was a member of the Citizens Advice Management Committee as a representative of the Council and did not take part in the debate or voting for this agenda item.

**23 MINUTES OF THE PREVIOUS MEETING**

The Committee confirmed as a true record the Minutes of the Meeting of the Committee held on 19 November 2025 and authorised the Chair to sign them.

**24 OPTIONS FOR THE FUTURE OF THE MUSEUM**

The Committee received a report presenting an appraisal of three strategic options for the future of Bourne Hall museum, drawing on findings from the Bourne Hall museum service review and the culture peer challenge report.

The Committee considered the following matters:

- a) **Cultural Peer Review.** In response to comments from Members, the Chair stated that the general messaging and outcomes from the Cultural Peer Challenge ('CPC') had been captured effectively within the report and its appendices. He read out the recommendations from the CPC, which were noted by the Committee, and stated that the full CPC would be shared with Members following the meeting.
- b) **Communicating with Local Schools.** The Committee considered that the Museum could benefit from working and communicating closely with local universities, colleges and schools. It was suggested that the Museum could liaise with local schools with respect to the subjects they will be covering over the coming year, and for a fee could put on educational events for the students in relation to those subjects.
- c) **Marketing and Promotion.** The Committee considered that the Museum could benefit from increased/improved signposting and marketing. The Museum Curator stated that there had been a recent effort to boost marketing of the museum on social media, and that museum exhibitions and events were promoted in 'What's On In Epsom' and other newsletters. She stated that the museum did not currently have an established marketing plan and explained that conversations with Communications were ongoing regarding the development of one.
- d) **Preference for Option 2.** The Committee expressed their view that the Museum was a valuable asset to the Borough and expressed a preference for Option 2 of the report (to invest in improvement of the Museum), and conversely expressed an aversion to Option 3 (to close the Museum).

Following consideration, Councillor Bernice Froud proposed that the wording to recommendation (1) b) of the report should be amended as follows (proposed amendment underlined):

(1) b) Option 2: Invest in improvement of the Museum (should option 2 be agreed a funding request will go to Strategy and Resources Committee March 2026 for consideration). In the event that Strategy and Resources Committee do not approve said funding, instead do nothing and carry on with business as usual.

Councillor Bernie Muir seconded the proposal. The Committee voted unanimously in favour of the amendment.

Subsequently, the Committee unanimously resolved to:

- (1) Option 2: Invest in improvement of the Museum (should option 2 be agreed a funding request will go to Strategy and Resources Committee March 2026 for consideration). In the event that Strategy and Resources Committee do not approve said funding, instead do nothing and carry on with business as usual.**

**25 VOLUNTARY SECTOR FUNDING 2026-2027**

The Committee received a report considering the continued support of voluntary sector organisations and setting out the proposed funding arrangements for 2026/2027. The report also considered the impact of Local Government Reorganisation and presented a funding proposal for the financial year 2027/2028.

Further to his declaration of interest, Councillor Phil Neale did not participate in the Committee's debate on this item.

The Committee considered the following matters:

- a) **Implications for Council in the Event of Reduced Funding.** In response to a question from a Member, the Community Development Manager advised that, should the Committee decide to reduce funding for the Voluntary organisations, there would likely be a resulting increased pressure on Council services. The Chair stated that it would be very challenging to define an accurate financial breakdown of the effect this would have on the Council owing to too many variables and unknowns.
- b) **Funding Arrangements Following Demise of Epsom & Ewell.** The Committee considered that it could not commit to any funding for the voluntary organisations beyond 2026/27, owing to the forthcoming demise of Epsom & Ewell Borough Council as part of Local Government Reorganisation, and noted that funding arrangements for the 2027/28 period would ultimately be for the new Unitary Authority to decide. It was noted however that, should the Committee agree to the funding arrangements for 2027/28 as set out in option 2 of the report, it would provide a Committee-supported decision for the new Unitary to consider when agreeing their arrangements.
- c) **Voluntary Services Expertise.** The Committee considered the important work carried out by the Voluntary Services and the valuable experience and expertise of the people who work for them.

Prior to voting, Councillor Phil Neale withdrew from the meeting room.

Following consideration, Councillor Bernie Muir proposed that the Committee go to a vote on recommendation 1 b) of the report, for Option 2. The proposal was seconded by Councillor Rachel King.

Subsequently, the Committee unanimously resolved to:

- (1) Agree to the financial support of the voluntary sector organisations as detailed in Option 2 (section 3.9 of the report).**

Councillor Phil Neale returned to the room following the conclusion of this agenda item.

**26 END POVERTY PLEDGE**

The Committee received a report considering whether to recommend to Full Council that the council makes the End Poverty Pledge (EPP) and agrees supporting the general statement and associated commitments.

The Committee considered the following matters:

- a) **Real Living Wage for Council Staff.** In response to a question from a Member, the Chief Accountant confirmed that the Real Living Wage would be implemented for all Council Staff from 1 April 2026, including agency staff.
- b) **Venues as Community Hubs.** In response to a question from a member, the Head of Housing and Community stated that the report had a particular focus on Bourne Hall, owing to its importance and accessibility as a community hub. He stated that, should the Council agree to sign the pledge, there may be opportunity down the line to explore how other venues, such as the Playhouse, could be made more accessible to those living in poverty.

Following consideration, the Committee unanimously resolved to:

- (1) Recommend to Full Council to sign the End Poverty Pledge, including agreeing the general statement and specific commitments set out in section 4 of the report.**
- (2) Recommend to Full Council to nominate and authorise the Chief Executive to sign the Poverty Pledge on behalf of the council.**

**27 FEES AND CHARGES 2026/27**

The Committee received a report recommending fees and charges for which the Committee is responsible, with the new charges being effective from 1 April 2026.

The Committee considered the following matters:

- a) **Antisocial Behaviour in Vicinity of Wellbeing Centre.** The Committee noted that bookings for the Wellbeing Centre had seen a decrease in relation to antisocial behaviour in the Centre's vicinity and considered the importance of this matter being addressed. The Head of Housing and Community stated that the matter was known to the Police and was a point of focus for them.

Following consideration, the Committee unanimously resolved to:

- (1) Agree the fees and charges for the Community and Wellbeing Committee for 2026/27.**

**28 CAPITAL PROGRAMME 2026/27**

The Committee received a report summarising the proposed 2026/27 capital programme and a provisional programme for 2027/28 to 2030/31. The Committee's approval is sought for the programme to be submitted to Council in February 2026.

The Committee considered the following matters:

- a) **Lift at Bourne Hall.** In response to a question from a Member, the Chief Accountant confirmed that the proposed works to the lift at Bourne Hall were in relation to replacement of the lift's controls in order to remain legally compliant. There was a suggestion from the Committee that events requiring large equipment were currently unable to be held at Bourne Hall owing to the size of the lift, and that the venue could benefit from increased revenue by upsizing the lift. It was advised that increasing the size of the lift would likely be greatly challenging, if not impossible, owing to the structure of the building. The Chair stated that he would discuss the matter with the Senior Surveyor and Head of Venues for guidance on the matter.

Following consideration, it was resolved:

- (1) **Submit the capital programme for 2026/27 as identified in section 3.1 of the report to Full Council for approval on 10 February 2026;**
- (2) **Submit the additional schemes identified in section 3.4 of the report to Full Council for approval on 10 February 2026 assuming funding is identified;**
- (3) **Note the provisional forecast of schemes for the capital programme for 2027/28 to 2030/31;**
- (4) **Note that schemes subject to external funding from Disabled Facilities Grants will only proceed once funding has been received.**

**29 REVENUE BUDGET 2026/27**

The Committee received a report setting out estimates for income and expenditure on services in 2026/27.

The Committee considered the following matters:

- a) **Cost of Homelessness.** The Committee considered that homelessness in the Borough remained a high expense for the Council. The Head of Housing and Community stated, following the introduction of the Renters Reform Act and the abolishment of s.21 evictions, it was forecast that there would be a significant reduction in people presenting as homeless. The Chief Accountant stated that the s.151 Officer had been working to

put contingencies in place to account for unforeseen financial challenges that might arise in relation to homelessness.

- b) **Verbal Update from the Chief Accountant.** The Chief Accountant provided the Committee with a verbal update in respect of the Community & Wellbeing Budget to be recommended to Full Council on 10 February 2026. In accompaniment to her verbal update, she provided to Members a supplementary document (subsequently published as a supplement to the agenda item) setting out the information in print. The update set out the following:

Grant funding for Rough Sleeping had been mistakenly double counted in the 2026/27 budget for Community & Wellbeing Committee as detailed within the Draft Budget Book 2026/27 and the Committee papers for the meeting on 13 January 2026. This error had arisen because for 2026/27 the government had rolled it into the Homelessness Prevention Grant, so it had mistakenly been included within that grant figure as well.

To ensure the correct budget figures were considered at Full Council on 10 February 2026, the double counted grant figure of £42,790 had been removed from the Committee budget. No expenditure budgets had changed. The impact was that the budget for the Housing service, and for C&W committee overall, had increased by £42,790.

The table from 4.2 of the Revenue Budget report had been provided within the supplementary document with an additional column showing how the removal of the grant affected the Community & Wellbeing Committee budget for 2026/27.

Members were asked to consider recommending the revised base position to Full Council in February 2026 (as detailed within the table included within the supplementary document). The only changes were to the Housing service and the overall total for the Committee. This change to the budget would be offset by a reduction in the corporate contingency held within Strategy & Resources committee.

The update from the Chief Accountant was noted by the Committee.

Following consideration, Councillor Bernice Froud proposed that the recommendation be amended as follows:

- 1) *Recommend the 2026/27 service estimates, as amended by the Chief Accountant verbally at the meeting, for approval at the budget meeting of Full Council in February 2026.*

The proposal was seconded by Councillor Rob Geleit. The Committee voted unanimously in favour of the amendment.

Subsequently, the Committee unanimously resolved to:

- (1) Recommend the 2026/27 service estimates, as amended by the Chief Accountant verbally at the meeting, for approval at the budget meeting of Full Council in February 2026.**

*The meeting began at 7.30 pm and ended at 9.10 pm*

COUNCILLOR CLIVE WOODBRIDGE (CHAIR)

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## **ARMED FORCES COUNCILLOR CHAMPION ANNUAL STATEMENT 2025/26**

<b>Head of Service:</b>	Rod Brown, Head of Housing & Community
<b>Report Author</b>	Dan Clackson
<b>Wards affected:</b>	(All Wards);
<b>Urgent Decision?(yes/no)</b>	
<b>If yes, reason urgent decision required:</b>	
<b>Appendices (attached):</b>	Appendix 1 – Annual Statement of the Armed Forces Councillor Champion

### **Summary**

To report to the committee the annual statement of the Armed Forces Councillor Champion.

### **Recommendation (s)**

#### **The Committee is asked to:**

- (1) Receive and note the annual statement of the Armed Forces Councillor Champion.**

## **1 Reason for Recommendation**

- 1.1 Section 8.3.1 of Annex 2.1 of the Operating Framework requires councillor champions to produce an annual statement to the relevant policy committee. This report presents the annual statement of the Armed Forces Councillor Champion to the committee in compliance with that requirement.

## **2 Background**

- 2.1 Councillor champions are appointed annually by the Council in accordance with Annex 2.1 of the Operating Framework, to promote the cause for which they are a champion.
- 2.2 Section 8.2 of Annex 2.1 sets out that councillor champions will achieve this through:

- i. Being outward-facing, enthusiastic, and focused on raising the profile of the area they champion.
  - ii. Developing in-depth knowledge and understanding of the issue(s) they champion.
  - iii. Using their in-depth knowledge to support the relevant committee Chair(s) and Vice Chair(s).
  - iv. Represent their area both within and outside the council, in line with council policies.
  - v. Engaging relevant stakeholders to include them in the council's work.
  - vi. Acting as an advocate or spokesperson for the council's business and activities.
  - vii. Providing positive support, and on occasions, constructive challenge to officers in driving forward the council agenda on relevant issues.
  - viii. Acting as the council's representative on relevant external bodies where appointed to by the council.
  - ix. Encouraging communications and positive action over the issue(s) they represent.
- 2.3 The annual statement of the Armed Forces councillor champion, Councillor Graham Jones, is attached at appendix 1 to this report. The statement is presented to this Committee as it falls within the committee's terms of reference.

### **3 Risk Assessment**

#### Legal or other duties

##### 3.1 Equality Impact Assessment

3.1.1 No comments are provided on councillor champion annual statements.

##### 3.2 Crime & Disorder

3.2.1 No comments are provided on councillor champion annual statements.

##### 3.3 Safeguarding

3.3.1 No comments are provided on councillor champion annual statements.

##### 3.4 Dependencies

3.4.1 No comments are provided on councillor champion annual statements.

3.5 Other

3.5.1 No comments are provided on councillor champion annual statements.

#### 4 Financial Implications

4.1 No comments are provided on councillor champion annual statements.

4.2 **Section 151 Officer's comments:** None for the purposes of this report.

#### 5 Legal Implications

5.1 No comments are provided on councillor champion annual statements.

5.2 **Legal Officer's comments:** None for the purposes of this report.

#### 6 Policies, Plans & Partnerships

6.1 **Council's Key Priorities:** No comments are provided on councillor champion annual statements.

6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.

6.3 **Climate & Environmental Impact of recommendations:** No comments are provided on councillor champion annual statements.

6.4 **Sustainability Policy & Community Safety Implications:** No comments are provided on councillor champion annual statements.

6.5 **Partnerships:** No comments are provided on councillor champion annual statements.

6.6 **Local Government Reorganisation Implications:** No comments are provided on councillor champion annual statements.

#### 7 Background papers

7.1 The documents referred to in compiling this report are as follows:

**Previous reports:**

- Representation on External bodies, report and minutes of Council meeting 13/05/2025

**Other papers:**

- Annex 2.1 of the Operating Framework – Further information on Councillors
- Appendix 3 of the Constitution – Terms of Reference of the Full Council and Committees

ANNUAL STATEMENT OF THE ARMED FORCES COUNCILLOR CHAMPION  
2025/2026

Councillor Graham Jones MBE

Armed Forces Councillor Champion

The Role:

Underlying all actions is the objective to raise the profile and needs of the Armed Forces community (serving personnel, both regular and reserve, their families, veterans and Cadets), within the Council and the Borough. It will be essential that the Champion is kept informed of all relevant developments through the Surrey Leaders' representatives on the Surrey Civilian Military Partnership Board and its associated Task Groups, and through the SCC Community Partnerships Team. Close liaison with the Armed Forces Covenant Officer, with particular reference to the Council's actions undertaken through the Armed Forces Covenant and the Community Covenant. Close liaison with the Executive Office on all ceremonial Armed Forces matters in which the Mayor should be involved. (e.g., ranging from Armed Forces Day flag raising, attendance at local Armed Forces events, to Freedom Marches). The Champion is encouraged to keep the local Member/s of Parliament apprised of the activity within the Borough in relation to the Armed Forces community. To liaise as appropriate with local members of the Armed Forces, in particular the appropriate Task Force Commander (appointed by 11 Infantry Brigade) to assist in understanding where help may be most needed and to enable in return a better understanding within the Armed Forces of the limitations and different responsibilities of Local Government and its decision-making processes. To be the primary focal point for liaison with businesses/local organisations within the Borough to promote the Armed Forces Corporate Covenant and encourage engagement with the Armed Forces, in particular Reservists and Cadets. To support local Cadet units by acting as the key link with the local authority, and to look to provide local ceremonial, remembrance and volunteering opportunities. To sponsor an Annual statement to the Community & Wellbeing Committee detailing the Champion's actions over the past year in respect of the Covenants.

#### Remembrance Day:

##### Mission:

To continue to support the Royal British Legion (RBL) in the planning and preparation of Epsom and Ewell Borough Council's Remembrance Parade and act as Parade Marshall.

##### Outcome:

The Parade is now well established and runs very efficiently. The parade continues to grow in terms of community organisations taking part and the crowds attending to watch the parade has grown significantly. The 2025 Parade saw the largest residents attendance since the parade was reformatted three years ago.

#### Veterans Hub

##### Mission:

To continue to support both Rotary and RBL in the running of the Hub.

##### Outcome:

To support RBL in the running of the hub. During the past year there has been a change in that Rotary have now stepped back from the running of the hub.

##### Outcome:

Epsom and Ewell Veterans Hub continues to be the most successful hub Surrey. While the membership is still high sadly a few Veterans have passed away and recruiting continues to be an issue. A number of organisations visit the hub, recently Surrey Police gave a most informative presentation on Fraud and Scams. During the past 12 months away visits have been organised to the Poppy Factory in Richmond and the Aviation Museum in Gatwick. Once again the ever popular Christmas Lunch was a great success.

#### Military Band Concert

##### Mission:

Produce an annual Military Band Concert at Epsom Playhouse to create awareness of our armed forces and raise funds to support RBL in Epsom and Ewell and local Charities.

##### Outcome

Because of the success of the first Gala concert was such a success I organised two concerts in 2025. The first, in in January performed by the Scots Guards and the second in June performed by the Band of His Majesty's Royal Marines, Collingwood. For 2026 we have two mor concerts. In February the Band of the Irish Guards and in June the Band of His Majesty's Royal Marines Portsmouth.

## Armed Forces Covenant Award Scheme

### Mission:

To work towards moving up from the existing Bronze award held by EEBC to the Silver Award.

### Outcome:

Due to the formation of the new Unitary Councils and the incredible workload of officers within EEBC it has been decided to put this work on hold. I do continue to attend the Surrey conferences on regarding the development of the Armed Forces Scheme.

## Form an Armed Forces Advisory Group

### Mission:

To set up an advisory group consisting of Veterans charitable support groups from around the Borough.

### Outcome:

Meetings are now taking place quarterly within EEBC. We are making slow progress with creating a complete Borough wide diary, this is because there are so many charities to work with, however it is still part of the mission.

## 2026 Objectives

To continue to support the Armed Forces and Veterans community in Epsom and Ewell by supporting:

Remembrance Day

Veterans Hub

Armed Forces Advisory Group

The Military Band Concert series

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## **ADOPTION OF A REVISED HOUSING CIVIL SANCTIONS POLICY**

<b>Head of Service:</b>	Rod Brown, Head of Housing & Community
<b>Report Author</b>	Oliver Nelson
<b>Wards affected:</b>	(All Wards);
<b>Urgent Decision?(yes/no)</b>	No
<b>If yes, reason urgent decision required:</b>	
<b>Appendices (attached):</b>	Appendix 1 – Proposed revised Civil Penalty Policy

### **Summary**

As a consequence of the implementation timeline for the Renters Rights Act, it is necessary to adopt a revised Civil Penalty Policy to take into account the new offences which have been created.

### **Recommendation (s)**

#### **The Committee is asked to:**

- (1) Approve and adopt the revised policy as set out in appendix 1 with effect from 1 May 2026.**
- (2) Nominate and Authorise the Head of Housing and Community, in consultation with the Chair of the Community and Wellbeing Committee to make future amendments to the policy arising from changes to legislation, guidance and case precedents being set.**
- (3) Nominate and Authorise the Head of Housing and Community, Public Protection Manager, Principal Environmental Health Officer and Environmental Health Officers to determine individual financial penalties in accordance with this, and any future revisions of this policy.**

### **1 Reason for Recommendation**

- 1.1 To ensure the Council continues to have a compliant policy which is fully defensible in any appeal against the application of a housing civil sanction.

- 1.2 To have the facility for Officers to make rapid changes to the policy in response to the developing body of case law generated by tribunal decisions nationally and through any changes to legislation or guidance.
- 1.3 To ensure that the necessary officer delegations are in place in perpetuity and throughout any future adjustments which might be required.

## **2 Background**

- 2.1 Having gained Royal Assent in the Autumn, the government have published the implementation roadmap for the Renters Rights Act which extends to the early 2030s for the long lead time items, but which also contains new duties on Local Housing Authorities from 1 May 2026.
- 2.2 Importantly the May 2026 changes introduce a duty for the Local Housing Authority to take enforcement action in respect of a range existing and new offences and contraventions. Enforcement is defined as either a prosecution, or the imposition of a financial penalty. Consequently, it is vital for the Council to hold a robust and defensible Civil Sanctions Policy in anticipation of it being used much more extensively than previously.
- 2.3 The proposed revised policy in appendix 1 is the product of 900 hours of work by the legal team from the not for profit organisation “Justice for Tenants” who have worked with around 140 councils in England, including Epsom & Ewell, to draft the policy. The policy has been designed using experience gained nationally in the use of such policies and is fully updated to reflect the changes in legislation, guidance and case law precedents.
- 2.4 The changes between the two versions are
  - 1..1 Setting out the policy in respect of the new breaches of tenancy arrangements such as attempting to enforce a fixed term tenancy or increasing the rent outside of the statutory process within the Housing Act 1988 (inserted by Renters Rights Act 2025).
  - 1..2 Setting out the policy in respect of breaches of Protection of Eviction Act 1977.
  - 1..3 Setting out the policy in respect of breaches of the new provisions included in the Renters Rights Act itself such as discrimination and rental bidding.

## **3 Risk Assessment**

Legal or other duties

- 3.1 Equality Impact Assessment

3.1.1 It is not expected that the implementation of this policy will impact on the Council's public sector equality duty.

3.2 Crime & Disorder

3.2.1 No expected additional considerations

3.3 Safeguarding

3.3.1 None for the purposes of this report

3.4 Dependencies

3.4.1 The use of this policy is dependant on changes to the Council's enforcement and compliance policy also on the agenda for this committee meeting.

#### 4 Financial Implications

4.1 The Council has received limited new burdens funding in 2025/2026 and expects to do so again in 2026/2027 although at the time of this report it is uncertain as to the value of this.

4.2 Had the Council continued to exist, the increase in the workload arising from these new statutory duties would almost certainly have required additional long term staffing and a likely restructure of the Environmental Health team. At the time of this report discussions are underway as to what additional resource may be required prior to vesting day in recognition that the increase in work will lag the implementation of the Act. There is a chronic skills shortage in this area of work and a fixed term position is unlikely to be attractive to possible candidates. Instead discussions are being held around optional temporary agency support, and with future East Surrey counterpart councils around the possibilities of shared posts which would then roll into the new council structure when it becomes operational.

4.3 It is increasingly plausible that the enforcement in the private sector housing sector could in the future become self funding, particularly for larger authorities with an effective and efficient pipeline of civil sanctions. However, Epsom & Ewell Borough Council is not of a sufficient size nor has sufficient time left to it to fully achieve this.

4.4 Nevertheless, in 2025-2026 the use of the existing and previous policy has generated provisional ringfenced income totalling £88,300 however much of this income is currently subject to the outcome of tribunal appeals and cost recovery exercises for those who have failed to pay.

4.5 **Section 151 Officer's comments:** While limited New Burdens funding may continue in 2026/27, it may not fully offset the additional workload. Any additional cost pressures should be monitored as implementation progresses to inform resource planning ahead of vesting day.

## 5 Legal Implications

5.1 The Council will have a statutory obligation to take enforcement action in respect of a wide range of breaches and offences, which dictates the requirement for a robust and defensible policy.

5.2 **Legal Officer's comments: None save as outlined in this report**

## 6 Policies, Plans & Partnerships

6.1 **Council's Key Priorities:** The following Key Priorities are engaged:

- Safe and Well

6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.

6.3 **Climate & Environmental Impact of recommendations:** None

6.4 **Sustainability Policy & Community Safety Implications:** None

6.5 **Partnerships:** None at this stage

6.6 **Local Government Reorganisation Implications:** Contained within the body of the report.

## 7 Background papers

7.1 The documents referred to in compiling this report are as follows:

### **Previous reports:**

- [Adoption of a Revised Housing Civil Penalty Policy – Epsom & Ewell Borough Council Community and Wellbeing Committee 8 July 2025.](#)

### **Other papers:**

- “Implementing the Renters' Rights Act 2025: Our roadmap for reforming the Private Rented Sector” Ministry of Housing, Communities and Local Government (online) [accessed 21/1/26].



**Civil Penalties  
under the  
Housing and  
Planning Act  
2016 and The  
Electrical  
Safety  
Standards in  
the Private  
Rented Sector  
(England)  
Regulations  
2020**



## Document Information and Approvals

**Policy title:** Civil Penalties under the Housing and Planning Act 2016 and The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

**Review frequency:** Every 2 years or as new case law precedents are made

**Review due date:** March 2028

**Service owner:** Oliver Nelson

**Corporate Plan Theme:** Effective Council, Safe and Well

## Document Approvals

Each revision requires the following approvals:

- Non-administrative updates: **Community and Wellbeing Committee**
- Administrative updates: **Public Protection Manager**

## Revision History

Version No.	Revision Date	Revisor	Previous Version	Description of Revision
2	1 February 2026	O Nelson	1	Updated to take account of revised statutory guidance
1	1 May 2025	O Nelson	-	Initial version

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## Introduction

This document outlines the Council's policy in setting the level of a civil penalty in each case where it has been determined to issue a civil penalty as an alternative to prosecution proceedings.

In this policy, the term 'landlord' should be read as including letting agents, managing agents, licensors, property owners, corporate landlords, directors of corporate landlords, registered providers of social housing and any other person involved in the letting or management of accommodation.

In this policy, the term 'corporate landlord' should be read as referring to a body corporate that meets the definition of 'landlord' above.

In this policy, the terms 'House in Multiple Occupation' or 'HMO' are defined by the Housing Act 2004.

The following breaches are subject to a civil penalty with a statutory maximum of £7000:

- Failure to give a written statement of terms and any other prescribed information under section 16D of the Housing Act 1988.
- Attempting to let a property for a fixed term under section 16E of the Housing Act 1988.
- Attempting to end a tenancy by service of a notice to quit under section 16E of the Housing Act 1988.
- Attempting to end a tenancy orally or requiring that it is ended orally under section 16E of the Housing Act 1988.
- Serving an section 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 landlord does not reasonably believe that the landlord is/will be able to obtain possession under section 16E 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.
- 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.
- Discrimination relating to children in the lettings process under section 33 of the Renters' Rights Act 2025.
- Discrimination relating to benefits in the lettings process under section 34 of the Renters' Rights Act 2025.
- Failure to specify proposed rent within a written advertisement or offer under section 56 of the Renters' Rights Act 2025.
- 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:

- 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.

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

- Unlawful eviction and harassment of occupier under section 1 of the Protection from Eviction Act 1977.
- Continuation of conduct subject to a relevant penalty (under s.16I or s.16K Housing Act 1988) after the 28-day period (or, if appealed, after conclusion of the appeal) where the final notice has not been withdrawn under section 16J of the Housing Act 1988.
- Conduct giving rise to liability under s.16I, where within the preceding five years the landlord has either (i) had a relevant penalty (under s.16I or s.16K Housing Act 1988) imposed for different conduct and the final notice has not been withdrawn, or (ii) been convicted under s.16J for different conduct under section 16(J) of the Housing Act 1988.
- 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.
- Breach of restrictions relating to reletting (s16(E)(2) Housing Act 1988) or remarketing (s16(E)(3) Housing Act 1988) a property within restricted period after using Grounds 1 or 1A of Schedule 2 Housing Act 1988 under section 16J of the Housing Act 1988.
- Breach of a banning order under section 21 of the Housing and Planning Act 2016.
- Failure to comply with an Improvement Notice under section 30 of the Housing Act 2004.
- Contravention of an overcrowding notice under section 139 of the Housing Act 2004.
- Failure to obtain a selective licence under section 95 of the Housing Act 2004.
- Failure to obtain an HMO licence under section 72 of the Housing Act 2004.
- Knowingly permitting over-occupation of an HMO under section 72 of the Housing Act 2004
- Failure to comply with management regulations in respect of HMOs under section 234 of the Housing Act 2004.
- Failure to comply with HMO licence conditions under section 72 of the Housing Act 2004.
- Failure to comply with selective licence conditions under section 95 of the Housing Act 2004.

If a landlord has committed multiple breaches or offences, a separate civil penalty can, and usually will, be imposed for each breach and offence. In each case, the level of any civil penalty imposed will be determined in accordance with this policy.

If multiple landlords have committed the same breach or offence at the same property, a separate civil penalty can, and usually will, be imposed on each offender. In each case, the level of civil penalty imposed on each offender will be in accordance with this policy.

This policy outlines the Council's methodology and mechanism for assessing and setting the level of a civil penalty at all stages where a civil penalty is under consideration, including the preparation of a notice of intent, and where a final decision has been made to impose a civil penalty.

When applying the civil 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.

The Council considers the need for transparency and consistency in the discharge of its functions under the Housing Act 2004 to be of primary importance. The general objective of this policy is, therefore, to promote both transparency and consistency in the imposition of financial penalties under the 2004 and any successor Acts or regulations so that, for example, those managing and having control of rented properties in the Council (a) know how the Council will generally penalise relevant offences and (b) are assured that, generally, like cases will be penalised similarly, and different cases penalised differently.

The Council recognises that, despite its best efforts, landlords may operate unlawfully for a significant period without detection, and that only a proportion of those committing relevant breaches and offences will be identified. Accordingly, the Council seeks to ensure that civil penalties are set at a level that makes it clear to the landlord concerned and to others that operating unlawfully as a landlord is financially disadvantageous when compared to operating lawfully.

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. Accordingly, the Council expects landlords against whom a civil penalty is being considered to provide all documents and records that would ordinarily exist if their account were accurate. Where such evidence is not provided, and no explanation that the Council considers adequate is given, the Council may draw an adverse inference.

Where claims are advanced without sufficient supporting evidence, the Council may request specified supporting material before determining whether to issue a final notice or whether any mitigation has been sufficiently evidenced so as to justify a lower civil penalty.

The further objectives of using financial penalties in particular as a means of enforcing the above breaches and offences are explained below.

### **Statutory Guidance**

The Government has issued statutory guidance entitled “Civil penalties under the Renters' Rights Act 2025 and other housing legislation”. The Council has regard to this guidance in the exercise of their functions in respect of civil penalties.

The Council has considered the following factors in developing this civil penalty policy to help ensure that the civil penalty is set at an appropriate level.

**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.

**Deter 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, for example that the penalty for breaching licensing conditions in respect of occupancy of a property is less than the additional rent received as a result of the over-crowding. The absence of any financial benefit to the landlord does not mean though that the penalty should be reduced.

## Civil Penalties Matrix

In determining the level of a civil penalty, officers will have regard to the matrix set out below. The matrix consists of the following sequential steps:

1. Determining the starting point based on the seriousness of the breach or offence.
2. Adjustment for factors relating to the type of landlord; size and type of portfolio controlled, owned or managed; experience of the landlord ("Landlord Type")
3. Mitigating and aggravating factors the Council deems significant including, but not limited to, factors relating to the track record and culpability of the landlord and the actual or potential harm to the occupants.
4. Financial considerations.
5. Applying the totality principle.

### **Adjustment for factors relating to the type of landlord, size and type of portfolio controlled, owned or managed, experience of the landlord ("Landlord Type")**

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 Houses in Multiple Occupation (HMOs)
- Are corporate landlords; or
- 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:

- The landlord has, at any point in time, controlled, owned, or managed six or more properties. These properties need not have been held concurrently or at the time civil penalty proceedings are brought.
- The landlord has, at any point in time, controlled, owned, or managed three or more properties that operated as HMOs, whether or not concurrently.
- The landlord is, or has previously been, a director of a corporate landlord.
- The landlord is a corporate landlord.
- 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:

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

- The landlord has controlled, owned, or managed no more than one property that has operated as an HMO, at any point in time.
- The landlord has, in the Council's assessment and by reference to the available evidence, very limited experience in the letting or management of property.

**Mitigating and aggravating factors the Council deems significant including, but not limited to, factors relating to the track record and culpability of the landlord and the actual or potential harm to the occupants**

To promote fairness and consistency in the administration of civil penalties, the Council will apply a structured and consistent framework when determining the extent to which mitigating and aggravating factors affect the 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:

Steps take to remedy the basis of the breach or offence

Non-exhaustive examples include:

- Promptly remedying all elements of the breach or offence after receiving communication from the Council.
- Promptly remedying all the significant elements of the breach or offence leaving only less significant elements of the breach or offence.

A high level of cooperation

Non-exhaustive examples include:

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

Acceptance of liability

Non-exhaustive examples include:

- 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.

#### Health circumstances

Non-exhaustive examples include:

- A serious health condition or medical incident experienced by the landlord during, or in the period immediately preceding, the breach or offence, where there is clear and reliable evidence that the condition had a direct and material impact on the landlord's ability to comply with the relevant legal obligation. Examples may include, but are not limited to, a heart attack, stroke, cancer diagnosis, or other acute or serious medical event causing significant incapacity or impairment.

#### Diminished culpability (limited responsibility)

Non-exhaustive examples include:

- 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:

#### Previous history of non-compliance

Non-exhaustive examples include:

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

Concurrent investigations or proceedings relating to other civil penalties, prosecutions, or rent repayment orders will not be treated as previous non-compliance.

#### Non-cooperation with the Council.

Non-exhaustive examples include:

- Failure to comply with notices issued under section 16 of the Local Government (Miscellaneous Provisions) Act 1976, section 235 of the Housing Act 2004, or section 114 of the Renters' Rights Act 2025.
- Failing to provide a substantive response to a letter of alleged offence.
- Failing to attend previously agreed meetings.

Where the Council has prosecuted, or is pursuing a prosecution, in respect of the same act or omission involving failure to provide legally required information (including failure to comply with a statutory notice), that conduct will not also be treated as an aggravating factor for the purposes of setting the civil penalty, in order to avoid double counting.

Deliberate intent or negligence when committing the offence.

Non-exhaustive examples include:

- Knowledge that the breach or offence was occurring.
- Continuation of offending after communication from the Council.
- Premeditation or planning, including steps taken to prevent detection or effective investigation.
- Providing false or misleading information to the Council.
- Applying pressure to occupants to deter cooperation with the Council.

The number of occupants affected.

Non-exhaustive examples include:

- 3-5 occupants affected.

Duration of non-compliance.

Non-exhaustive examples include:

- The offence or breach occurred over a 3–6 month period.

Vulnerability of occupants

Non-exhaustive examples include children and young adults, persons vulnerable by reason of age, disability or sensory impairment, persons with drug or alcohol dependency, victims of domestic abuse, children in care, persons with complex health needs, persons who do not speak English as a first language, victims of trafficking or sexual exploitation, refugees, asylum seekers, and pregnant women.

**Financial Considerations**

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. Where the Council has evidence that it considers to be sufficiently reliable regarding rental income and/or asset value from the landlord's, it may determine that an increase in the level of the penalty is appropriate in order to achieve effective deterrence.

It is essential that, as an absolute minimum, landlords do not financially benefit from their offending behaviour.

Financial circumstances will ordinarily be considered after any written representations have been received and as part of the determination of any final notice.

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.

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

- The last three full tax years full self-assessment tax returns filed with HMRC, including all additional and supplemental pages;
- The last three full tax years' SA302 documents & tax year overviews;
- The last three months' payslips;
- The last three years P60 certificates;
- The last twelve months' Universal Credit payment statements;
- A list of all property assets owned or jointly owned (not limited to rental properties), together with corresponding Land Registry title documents;
- 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;
- The most recent annual mortgage statement for each property, or the last twelve months' mortgage statements where the mortgage has been in place for less than twelve months;
- Valuation statements for all ISAs held;
- Statements from any cryptoasset exchange accounts showing balances and valuations;
- A list of all shareholdings;
- Recent bank statements for any account holding a balance in excess of £5,000;
- Recent statements for all secured and unsecured loans;
- 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.

### **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.

## **Offences and breaches where a civil penalty may be levied and relevant considerations as to the level of that penalty**

### **Protection from Eviction Act 1977 offences**

#### **Unlawful eviction and harassment of occupier – section 1 of the Protection from Eviction Act 1977**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
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£35,000	£40,000	£28,000	£35,000	£42,000
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Offence-specific mitigating factors:

- None

Offence-specific aggravating factors:

- 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 breaches and offences

### Failure to give a written statement of terms and any other prescribed information - section 16D of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- Provision of some of the required terms and prescribed information within the required period.

Offence-specific aggravating factors:

- None.

### Attempting to let a property for a fixed term - section 16E(1)(a) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

### Attempting to end a tenancy by service of a notice to quit - section 16E(1)(b) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- Tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit.

**Attempting to end a tenancy orally or requiring that it is ended orally - section 16E(1)(c) of the Housing Act 1988**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- Tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit.

**Serving a possession notice that attempts to end a tenancy outside the prescribed section 8 process - section 16E(1)(d) of the Housing Act 1988**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- Tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit.

**Relying on a ground where the person does not reasonably believe that the landlord is, will, or may be able to obtain possession on that ground and the tenant(s) surrendered the tenancy within the period of four months beginning with the date of the contravention, without an order for possession of the dwelling-house being made - section 16E(1)(e) of the Housing Act 1988**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

**Failing to provide a tenant with prior notice that a ground which requires it may be used - section 16E(1)(f) of the Housing Act 1988**

## Agenda Item 5 Appendix 1

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£3,000	£7,000	£2,400	£3,000	£3,600

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

**Failure to give an existing tenant prescribed information about changes made by the Renters' Rights Act 2025 in the prescribed form and timeframe - paragraph 7(2) of schedule 6 to the Renters' Rights Act 2025**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- Provision of some of the required prescribed information within the required period.
- Provision of prescribed information but not in the prescribed form.

Offence-specific aggravating factors:

- None.

**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(3) of the Housing Act 1988**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Double the starting level for the two constituent breaches added together	£40,000	Dependent on the constituent breaches	Dependent on the constituent breaches	Dependent on the constituent breaches

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

**Conduct giving rise to liability under s.16I, where within the preceding five years the person 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)(4) of the Housing Act 1988**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Double the starting level for the two constituent breaches added together	£40,000	Dependent on the constituent breaches	Dependent on the constituent breaches	Dependent on the constituent breaches

Offence-specific mitigating factors:

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

Offence-specific aggravating factors:

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

**Relying on a ground where the person knows that the landlord would not be able to obtain an order for possession on that ground, or being reckless as to whether the landlord would be able to do so and the tenant(s) surrendered the tenancy within the period of four months beginning with the date the ground was relied on, without an order for possession of the dwelling-house being made – section 16J(1) of the Housing Act 1988**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£30,000	£40,000	£24,000	£30,000	£36,000

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

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

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

## Housing and Planning Act 2016 offences

### Breach of a banning order - section 21(1) of the Housing and Planning Act 2016

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£35,000	£40,000	£28,000	£35,000	£42,000

Offence-specific mitigating factors:

- A single, isolated incident.

Offence-specific aggravating factors:

- Concealment or evasion.

## Renters Rights Act 2025 breaches

### Discrimination relating to children in the lettings process – section 33(1) of the Renters’ Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

### Discrimination relating to benefits in the lettings process – section 34(1) of the Renters’ Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

### Failure to specify proposed rent within a written advertisement or offer – section 56(2) of the Renters’ Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£3,000	£7,000	£2,400	£3,000	£3,600

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

**Inviting, encouraging or accepting any offer of rent greater than the stated rate – section 56(3) of the Renters’ Rights Act 2025**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

**The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 breach of duties**

***Failure to comply with The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 Regulation 3: (3)(b), (3)(d), (3)(e).***

***Regulation 3D: (a), (b), (c), (f)***

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£5,000	£40,000	£4,000	£5,000	£6,000

Offence-specific mitigating factors:

- The report or record evidences that the electrical installations were compliant at all points.

Offence-specific aggravating factors:

- The number or nature or severity of the issues observed on the report or record.

***Failure to comply with The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 Regulation 3: (1)(a), (1)(b), (1)(c), (3)(a), (3)(c), (3)(ca),***

***(5)(b), (5)(c). Regulation 3B: (1)(a), (1)(b), (1)(c). Regulation 3C: (1), (2)(a). Regulation 3D: (d), (e)***

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£12,500	£40,000	£10,000	£12,500	£15,000

Offence-specific mitigating factors:

- The report or record evidences that the electrical installations were compliant at all points.

Offence-specific aggravating factors:

- The number or nature or severity of the issues observed on the report or record.

**Failure to comply with The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 Regulation 3: (4), (5a), (6). Regulation 3C: (2)(b), (4)**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- The number or nature or severity of the issues observed on the report or record.

## Housing Act 2004 offences

**Failure to comply with an improvement notice - section 30(1) of the Housing Act 2004**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

Offence-specific mitigating factors:

- The nature and extent of hazard(s) that are present once the deadline for compliance has passed.
- Whether the property is unoccupied once the deadline for compliance has passed.
- Access to the property was prevented by the actions or refusal of the occupant(s) and a landlord can evidence that they took steps to obtain access to the property for the purpose of carrying out the required works, but those steps fell short of establishing a reasonable excuse for non-compliance.

Offence-specific aggravating factors:

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

**Failure to comply with an overcrowding notice - section 139(7) of the Housing Act 2004**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- The level of overcrowding present.

**Failure to obtain a selective licence - section 95(1) of the Housing Act 2004**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£12,000	£40,000	£9,600	£12,000	£14,400

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- The landlord has knowledge or experience of licensing requirements.

**Failure to obtain an HMO licence - section 72(1) of the Housing Act 2004**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£17,000	£40,000	£13,600	£17,000	£20,400

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- The landlord has knowledge or experience of licensing requirements.
- The condition of the unlicensed property.

**Knowingly permitting over-occupation of an HMO - section 72(2) of the Housing Act 2004**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- There are suitable amenity and space provisions in the HMO.

Offence-specific aggravating factors:

- The level of over-occupation present.

**Failure to Comply with The Management of Houses in Multiple Occupation [England] Regulations 2006 and The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 – section 234(3) of the Housing Act 2004**

The Management of Houses in Multiple Occupation (England) Regulations 2006 impose duties on the persons managing HMOs in respect of:

- Providing information to occupiers [Regulation 3]
- Taking safety measures, including fire safety measures [Regulation 4]

- Maintaining the water supply and drainage [Regulation 5]
- Supplying and maintaining gas and electricity, including having these services/appliances regularly inspected [Regulation 6]
- Maintaining common parts [Regulation 7]
- Maintaining living accommodation [Regulation 8]
- Providing sufficient waste disposal facilities [Regulation 9]

The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 impose duties on the persons managing HMOs as defined by Section 257 Housing Act 2004 in respect of:

- Providing information to occupiers [regulation 4]
- Taking safety measures, including fire safety measures [regulation 5]
- Maintaining the water supply and drainage [regulation 6]
- Supplying and maintaining gas and electricity, including having these services/appliances regularly inspected [regulation 7]
- Maintaining common parts [regulation 8]
- Maintaining living accommodation [regulation 9]
- Providing sufficient waste disposal facilities [regulation 10]

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.

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to provide information to occupier	£3,000	£40,000	£2,400	£3,000	£3,600

Offence-specific mitigating factors:

- The nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The nature and extent of offences within the specific regulation
- The landlord has refused to provide any outstanding contact information more than 48 hours after it has been requested by an occupant or on behalf of an occupant.

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment

Duty of manager to take safety measures	£20,000	£40,000	£16,000	£20,000	£24,000
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Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to maintain water supply and drainage	£10,000	£40,000	£8,000	£10,000	£12,000

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to supply and maintain gas and electricity	£12,000	£40,000	£9,600	£12,000	£14,400

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to maintain common parts, fixtures, fittings and appliances	£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to maintain living accommodation	£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty to provide waste disposal facilities	£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:

- The nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The nature and extent of offences within the specific regulation
- The 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

#### **Breach of licence conditions – Section 72(3) Housing Act 2004**

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.

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

#### ***Failure to comply with licence conditions related to:***

- ***Signage or the provision of information for tenants***
- ***Provision of written terms of occupancy for tenants***
- ***Procedures regarding complaints***

- *Procedures regarding vetting of incoming tenants*
- *Compliance with deposit protection legislation*
- *The recording and provision of information regarding rent payments*
- *Procedures relating to rent collection*
- *The provision of information regarding occupancy of the property*
- *The provision of information regarding change of managers or licence holder details*
- *The provision of information related to changes in the property*
- *Requirements relating to the sale of the property*
- *Attending training courses*
- *Requirements to hold insurance*
- *The provision of insurance documentation*
- *The provision of or obtaining of suitable references*
- *The provision of keys and alarm codes*
- *Security provisions for access to the property*
- *The provision of suitable means for occupiers to regulate temperature*
- *Carrying out items on a schedule of works not otherwise mentioned in the HMO licence conditions section of this policy, relating to non-compliance with items on a schedule of works*

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£40,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach

***Failure to comply with licence conditions related to:***

- *Procedures and actions regarding Inspections*
- *Procedures regarding Repair issues*
- *Maintenance and use of common parts (including gardens, outbuildings and property exterior) and living areas*
- *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*
- *Carrying out items on a schedule of works in relation to provision of mechanical extraction or electrical sockets*

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment

£7,000	£40,000	£5,600	£7,000	£8,400
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Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach

**Failure to comply with licence conditions related to:**

- **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**
- **Carrying out items on a schedule of works in relation to the provision of personal hygiene facilities, kitchen facilities or heating**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£12,500	£40,000	£10,000	£12,500	£15,000

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach

**Failure to comply with licence conditions related to:**

- **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**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach

**Failure to comply with licence conditions related to:**

- **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*

- *Carrying out items on a schedule of works in relation to fire safety or the provision of a Carbon Monoxide detector*

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach
- 

#### **Breach of licence conditions – Section 95(2) Housing Act 2004**

All granted selective licences impose a set of conditions on the licence holder. It is important that the licence holder of a licensed property complies with all imposed conditions, but the Council recognises that a failure to comply with certain licence conditions is likely to have a much bigger impact on the safety and comfort of residents than others.

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.

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

#### ***Failure to comply with licence conditions related to:***

- ***Signage or the provision of information for tenants***
- ***Provision of written terms of occupancy for tenants***
- ***Procedures regarding complaints***
- ***Procedures regarding vetting of incoming tenants***
- ***Compliance with deposit protection legislation***
- ***The recording and provision of information regarding rent payments***
- ***Procedures relating to rent collection***
- ***The provision of information regarding occupancy of the property***
- ***The provision of information regarding change of managers or licence holder details***
- ***The provision of information related to changes in the property***
- ***Requirements relating to the sale of the property***
- ***Attending training courses***
- ***Requirements to hold insurance***
- ***The provision of insurance documentation***
- ***The provision of keys and alarm codes***
- ***Security provisions for access to the property***
- ***The provision of suitable means for occupiers to regulate temperature***
- ***Carrying out items on a schedule of works not otherwise mentioned in the selective licence conditions section of this policy, relating to non-compliance with items on a schedule of works***

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£3,000	£40,000	£2,400	£3,000	£3,600

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach

***Failure to comply with licence conditions related to:***

- ***Procedures and actions regarding Inspections***
- ***Procedures regarding Repair issues***
- ***Maintenance and use of common parts (including gardens, outbuildings and property exterior) and living areas***
- ***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***

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£5,250	£40,000	£4,200	£5,250	£6,300

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach

***Failure to comply with licence conditions related to:***

- ***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***
- ***Minimum floor areas***
- ***Occupancy rates***
- ***Occupancy of rooms that are not to be used as sleeping accommodation***
- ***Limits on number of households allowed to occupy the property or part of the property***

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£9,375	£40,000	£7,500	£9,375	£11,250

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach

**Failure to comply with licence conditions related to:**

- **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**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£15,000	£40,000	£12,000	£15,000	£18,000

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach

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

### Notice of intent

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

### Right to make written representations

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

### Decision after the representations period

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.

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.

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**

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**

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.

The availability of the discount is conditional upon full payment being received within the specified period. The discount period will not be extended or suspended by the bringing of an appeal. A landlord who chooses to appeal may still benefit from the discount by paying the civil penalty in full within the specified period; however, where payment is not made within that period, the discount will not apply.

### **Illustrative example of the application of the discount**

The landlord of an HMO property fails to obtain a licence. They only operate two HMO properties and there are no other relevant factors or aggravating features. The starting point for the offence under the Council's civil penalties matrix is £17,000.

Following the issue of a notice of intent proposing a civil penalty of £17,000, the landlord makes written representations. Having considered those representations, the Council determines to impose a civil penalty of £16,000, as set out in the final notice.

If the landlord pays the civil penalty in full within the payment period specified in the final notice, a 15% prompt payment discount is applied, resulting in a discounted payment of £13,600.

## Appeals

A landlord who is given a final notice may appeal to the First-tier Tribunal (Property Chamber) against the decision to impose a civil penalty and/or the amount of the civil penalty. Any appeal must be made within 28 days beginning with the day after the date on which the final notice was given.

Where an appeal is brought, the final notice is suspended until the appeal is finally determined or withdrawn.

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.

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.

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

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 (£7,000 or £40,000, as applicable).

A party to the appeal may apply for permission to appeal the decision of the First-tier Tribunal to the Upper Tribunal (Lands Chamber).

## **AMENDMENTS TO THE ENFORCEMENT AND COMPLIANCE POLICY**

<b>Head of Service:</b>	Rod Brown, Head of Housing & Community
<b>Report Author</b>	Oliver Nelson
<b>Wards affected:</b>	(All Wards);
<b>Urgent Decision?(yes/no)</b>	No
<b>If yes, reason urgent decision required:</b>	
<b>Appendices (attached):</b>	Appendix 1 – Housing Enforcement Policy

### **Summary**

A report recommending the adoption of a housing enforcement policy to ensure the Council's enforcement decisions remain compliant with the Renters Rights Act.

### **Recommendation (s)**

#### **The Committee is asked to:**

- (1) Approve and adopt the Housing Enforcement Policy in appendix 1 to this report**
- (2) Nominate and Authorise the Public Protection Manager to carry out consequential amendments to the existing Compliance and Enforcement Policy so as to remove elements relating to housing enforcement.**

### **1 Reason for Recommendation**

- 1.1 Owing to the new duties on the Council as a Local Housing Authority it is necessary to adopt an enforcement policy specific to the housing enforcement service area. Currently the Council operates a broader, more generic policy covering many different service areas but the complexities involved in the Renters Rights Act 2025 demand a bespoke approach.
- 1.2 It is proposed that the policy will replace the housing elements of the existing Compliance and Enforcement Policy and this earlier policy to be amended accordingly under delegated authority.

- 1.3 The results of these adjustments will be an enforcement policy for housing whilst preserving the separate enforcement and compliance policy for other matters.

## 2 Background

- 2.1 The reform of the private rented sector is being delivered via the Renters Rights Act 2025 (The Act), with an implementation timeframe stretching into the early 2030s. Whilst several of the new duties fall to landlords, councils in their capacity as Local Housing Authorities are having to consider new duties coupled with greater powers of investigation.
- 2.2 One significant change is the introduction of a general duty to enforce contained within section 107 of the Act, which requires the authority to either prosecute or impose a financial penalty in respect of offences contained within certain sections of the Act, parts of the Housing Act 1988 and the Protection from Eviction Act 1977.
- 2.3 This is a departure from previous arrangements whereby the authority had a greater flexibility in how it carried out its duties and where enforcement could be guided by locally adopted policy. This is the first time a Local Housing Authority has been required to take a particular course of action in the context of the regulation of the sector.
- 2.4 Importantly however, it is still necessary to satisfy the evidential test at a criminal standard, even if, in the case of a financial penalty, it results in a civil debt.
- 2.5 The proposed policy in appendix 1 of this report is derived from a standardised approach being adopted by many authorities which satisfies the requirements of the Act and which sets out the Council's approach to the enforcement of housing matters whilst accommodating the situation described in paragraph 2.2.

## 3 Risk Assessment

### Legal or other duties

- 3.1 Equality Impact Assessment
  - 3.1.1 none
- 3.2 Crime & Disorder
  - 3.2.1 none
- 3.3 Safeguarding
  - 3.3.1 none
- 3.4 Dependencies

- 3.4.1 Successful delivery of civil sanctions is dependant on a robust and defensible civil sanctions policy which is on the committee's agenda.

#### 4 Financial Implications

- 4.1 The housing enforcement service is delivered by the Environmental Health Team with approximately 1.2 FTE officer time allocated (of which 0.58 is currently an agency member of staff). From this resource the Council delivers the statutory HMO licensing programme as well as responding to approximately 100 complaints of disrepair and housing conditions in the area per year.
- 4.2 There is no certainty of the impact on work volumes arising from the creation of many new offences and the expectation, outlined in paragraph 2.2, that these be prosecuted or subject to a civil sanction. However there is no scenario resulting in a reduced workload and it is likely that additional staff resource will be required. Discussions are underway as to how best achieve this in view of Local Government Reorganisation taking place along similar timeframes to the Renters Rights Act.
- 4.3 The impact on supporting services, notably legal, is mitigated by access to the Justice for Tenants legal team, a not for profit organisation who are supporting local authorities and with which the Council has signed a Memorandum of Understanding.
- 4.4 Finally owing to the close working relationships between the Council's Environmental Health Service and Housing Service, arrangements have been made by which referrals can be made and joint training given.
- 4.5 **Section 151 Officer's comments:** Finance will work with service officers to monitor any additional resource pressures and manage these through the regular budget monitoring process.

#### 5 Legal Implications

- 5.1 The Council may be subject to legal challenge if it does not comply with the new section 107 duty to take enforcement action for a range of offences.
- 5.2 **Legal Officer's comments:** none other than as set out in the above report.

#### 6 Policies, Plans & Partnerships

- 6.1 **Council's Key Priorities:** The following Key Priorities are engaged:
- Safe and well
- 6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.

- 6.3 **Climate & Environmental Impact of recommendations:** None
- 6.4 **Sustainability Policy & Community Safety Implications:** None
- 6.5 **Partnerships:** The provisions partially engage the local trading standards service operating through the joint Surrey County Council / Buckinghamshire Council shared arrangements. All Surrey boroughs and districts participate in a joint coordination group together with trading standards colleagues.
- 6.6 **Local Government Reorganisation Implications:** Contained within the body of the report.

## 7 Background papers

- 7.1 The documents referred to in compiling this report are as follows:

### **Previous reports:**

- Epsom & Ewell Borough Council Strategy and Resources Committee 25 September 2025 “Revised Compliance and Enforcement Policy”.

### **Other papers:**

- “Implementing the Renters' Rights Act 2025: Our roadmap for reforming the Private Rented Sector” Ministry of Housing, Communities and Local Government (online) [accessed 21/1/26].



## Housing Enforcement Policy

Version number: 1.0  
Date: March 2026

**Revision History**

<b>Version No.</b>	<b>Revision Date</b>	<b>Revisor</b>	<b>Previous Version</b>	<b>Description of Revision</b>
1	26/1/26	O Nelson	-	Initial version

## **Introduction**

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This document sets out the Council's principles for enforcing and executing its duties as a Housing Authority under the relevant statute.

S3 Housing Act 2004 imposes a duty on Councils to keep housing conditions in their district under review with a view to identifying any action that may need to be taken by them.

S107 Renters' Rights Act 2025 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.

S110 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.

In this policy, the term 'landlord' should be read as including letting agents, managing agents, licensors, property owners, directors of corporate landlords and any other person involved in the letting or management of privately rented accommodation.

In this policy, the terms 'House of Multiple Occupation' or 'HMO' are defined by the Housing Act 2004.

This policy replaces the elements of the Council's Compliance and Enforcement Policy relating to housing as a decision has been taken to express Council policy in respect of these matters in this stand alone policy.

## **Aims of the Policy**

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The purpose of this enforcement policy is to provide guidance for Private Sector Housing ("PSH") officers to ensure enforcement action is taken in line with the Regulators Code and the principles of good regulation where required by The Legislative and Regulatory Reform (Regulatory Functions) Order 2007. Of particular note, the following pieces of legislation:

- 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

Are subject to The Legislative and Regulatory Reform (Regulatory Functions) Order 2007. This policy document sets out what owners, landlords, their agents or any other person involved in the letting or management of privately rented accommodation, and tenants of private rented sector properties, can expect from officers when dealing with non-compliance. All enforcement action taken will be in accordance with relevant statutory Codes of Practice, Council procedures and protocols, and official guidance from central and local government bodies.

As a public body under the Human Rights Act 1998, the Council will apply the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

## **Approach to Enforcement**

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The Council wants to support responsible landlords to raise housing standards. However, the Council expects landlords to have a good understanding of the housing standards and management issues that should be met in privately rented accommodation.

S5 Housing Act 2004 places a duty on Councils to take formal enforcement action where a Category 1 hazard exists.

S7 Housing Act 2004 gives Councils a discretionary duty to take action where a Category 2 hazard exists. The Council will usually take action where a significant Category 2 hazard exists.

In addition, Council officers will often investigate and identify the need to take enforcement action through 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. The Council will ensure that appropriate governance is in place to ensure that action is taken in accordance with appropriate policies.

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

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 HMOs
- Unlawful eviction or harassment

The Council will take formal enforcement action in the first instance for breaches of the Landlord Legislation.

## **Investigatory powers**

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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

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.

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.

Failure to comply with a s114 notice is an offence under s131 Renters' Rights Act 2025, as is being obstructive and intentionally or recklessly making false or misleading statements in response to a s.113 notice.

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.

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.

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.

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.

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.

#### Entry to Premises

S118 Renters' Rights Act 2025 permits Council officers to enter business premises of relevant people (including landlords, letting agents, and marketers) if it is necessary for the production or seizure of documents under s122-s123 Renters' Rights Act 2025. This power will be exercised without a warrant.

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.

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.

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.

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.

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.

### **Informal Action**

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Informal action taken by the Council may be written or verbal advice. Additionally, a visit may be made at the outset by Council Officers in cases where the initial complaint indicates that an immediate investigation by a Council officer is warranted.

In cases where officers visit an address, whether this is 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.

Where written advice is deemed appropriate by the Council and is provided, timescales will normally be included to undertake any specified work or actions.

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.

### **Formal Action**

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If formal action is considered appropriate, the following options are available to the Council.

### Statutory notices

S11 and s12 Housing Act 2004 permit the Council to issue a statutory Improvement Notice in respect of any Category 1 hazards and any Category 2 hazards on the property. This requires the person to whom it is served to undertake the remedial action specified on the Notice within a given timeframe. The mandated work and the timeframe will be determined by the Council depending on the nature and scale of the work.

S6A Housing Act 2004 allows the Council to impose a civil penalty where a Category 1 hazard exists. This power may be exercised separately or in addition to the issuance of an Improvement Notice. The Council will usually exercise their power to impose a civil penalty in the first instance where a Category 1 hazard exists.

S30 Housing Act 2004 provides that failure to comply with a statutory Improvement Notice is a criminal offence, which will normally be followed by prosecution or the issuing of a civil penalty. The Council would view the offence of failing to comply with the requirements of an Improvement Notice as a significant issue, as it may expose tenants of a dwelling to one or more significant hazards.

Other formal notices served by the Council may not relate to the landlord undertaking remedial works but may cover a range of other matters including, but not limited to, exercising a right of entry under s.239 of the Housing Act 2004 and a request to provide information or the need to abate or avoid overcrowding.

### Work in default

The enforcement options for non-compliance with formal Notices or breach of licence conditions include the carrying out of works specified in the Notice and taking steps to recover any costs incurred, including costs incurred in administering the work in default, plus interest. This power may be exercised in addition to other enforcement proceedings taken for non-compliance. The Council has no duty to undertake works in default and it will be at its discretion. The costs and any interest may be held as a charge against the property until paid.

### Emergency or suspended enforcement action

Where there is a Category 1 hazard present, s43 Housing Act 2004 permits the Council to issue an Emergency Prohibition Order. This immediately prohibits the use of all or part of a dwelling if there is an imminent risk of serious harm to the health or safety of the occupants or others.

S40 Housing Act 2004 allows the Council to undertake Emergency Remedial Action on the Category 1 hazard without prior notice. The Council may then seek reimbursement of costs incurred on the work and the administration of the scheme.

The Council also has the power to suspend action taken 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. This will be at the Council's discretion and will normally be considered for the purpose of minimising inconvenience to the current occupiers.

### Prosecution

Where a Civil Financial Penalty is an available alternative to prosecution, the Council will only consider using its power to prosecute under Part 1 Housing Act 2004 in more serious cases.

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.

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.

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.

### Civil Financial Penalties for specified offences

This section relates exclusively to Civil Financial Penalties issued by the Council for breaches of the below housing law.

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

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

### Rent Repayment Orders

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.

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.

This power will be considered in response to all qualifying offences and where there is sufficient evidence for a successful application to the First Tier Tribunal.

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 [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]

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.

S49 of the Housing and Planning Act 2016 enables the Council to assist tenants in applying for Rent Repayment Orders. It may chose to do this via signposting to appropriate tenant's rights organisations, private solicitors or Citizens Advice.

### Banning Orders

Part 2, Chapter 2 of the Housing and Planning Act 2016 permits a Council to apply for a Banning Order against a person who has been convicted of one or more of the relevant offences. This would prevent the 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.

The Council may consider a Banning Order for the more serious offenders. It will take into account the seriousness of the offence(s), whether the landlord has committed other 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.

### **Comments and Complaints**

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A service user can still make a comment or a complaint in cases where the Council has instigated legal proceedings. However, making a complaint will not stop any impending legal action. Complaints and comments can be made via the Council's website at [www.epsom-ewell.gov.uk](http://www.epsom-ewell.gov.uk) .

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.

If a service user disagrees with a statutory notice, they 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.