

## Epsom & Ewell Borough Council Housing Civil Penalties Charging Structure

Step 1: Score the offence using the scoring table

Step 2: Compare the score with the penalty table

Step 3: Make any adjustments necessary taking into account the Totality Principle

<b>Scoring Table</b>				
<b>Factors</b>	<b>Low</b> Score 1-10	<b>Medium</b> Score 11-21	<b>High</b> Score 22-32	<b>Score Selected</b>
<b>Severity of Offence</b> <ul style="list-style-type: none"> <li>• Seriousness of offence</li> <li>• Blatancy of offence/intent</li> <li>• Persistency of offence</li> </ul>				
<b>Previous History</b> <ul style="list-style-type: none"> <li>• Previous history of non-compliance with this or other obligations</li> <li>• Offender knew or ought to have known they were in breach</li> <li>• Deliberate breach</li> </ul>				
<b>Deter and prevent</b> <ul style="list-style-type: none"> <li>• Deterrence of the offender from repeating the offence</li> <li>• Deterrence to others committing similar offences</li> </ul>				
<b>Harm to Tenants</b> <ul style="list-style-type: none"> <li>• Impact to tenant's health including mental health</li> <li>• Vulnerability of the tenant(s)</li> <li>• Evidence of discrimination</li> </ul>				
<b>Removal of financial benefit</b> <ul style="list-style-type: none"> <li>• Level of financial benefit gained from offence including asset values, savings and rental income</li> <li>• Elimination of any financial benefit from having committed the offence (ie it should not be cheaper to offend than ensure the property is well maintained and properly managed)</li> </ul>				
<b>Total Score</b>				

Penalty Table			
Score	Fine	Score	Fine
5-7	£300	74-79	£5,000
8-10	£400	80-85	£5,500
11-13	£500	86-92	£6,000
14-16	£600	93-98	£6,500
17-19	£700	99-104	£7,000
20-22	£800	105-110	£7,500
23-25	£900	111-116	£8,000
26-31	£1,000	117-122	£8,500
32-37	£1,500	123-128	£9,000
38-43	£2,000	129-134	£9,500
44-49	£2,500	135-140	£10,000
50-55	£3,000	141-146	£15,000
56-61	£3,500	147-152	£20,000
62-67	£4,000	153-158	£25,000
68-73	£4,500	159+	£30,000

### **Totality Principle**

Where a penalty has been applied to more than one offence, consideration is to be given to ensure this amount is just and proportionate. If it is found not to be just and proportionate the following alternative course of actions will be considered

- Where an offender is to be penalised for two or more offences that arose out of the same incident or where there are multiple offences of a repetitive kind, especially when committed against the same person, it will often be appropriate to impose for the most serious offence a financial penalty. This should reflect the totality of the offending where this can be achieved within the maximum penalty for that offence. No separate penalty should be imposed for the other offences.
- Where an offender is to be penalised for two or more offences that arose out of different incidents, it will often be appropriate to impose a separate financial penalties for each of the offences. The Council should add up the financial penalties for each offence and consider if they are just and proportionate. If the aggregate amount is not just and proportionate the Council should consider whether all of the financial penalties can be proportionately reduced. Separate financial penalties should then be passed.