



Please reply to:

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Date: 22 May 2026

Notice of meeting

Community Wellbeing and Housing Committee

Date: Tuesday, 2 June 2026

Time: 7.00 pm

Place: Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames TW18 1XB

To the members of the Community Wellbeing and Housing Committee

Councillors:

S.M. Doran (Chair)	J.R. Boughtflower	K.M. Grant
M.M. Attewell (Vice-Chair)	M. Buck	S. Gyawali
M. Arnold	R. Chandler	
C. Bateson	R.V. Geach	

Substitute Members: Councillors J.T.F. Doran, H.S. Boparai, J.A. Turner, T. Burrell and K.E. Rutherford

Councillors are reminded that the Gifts and Hospitality Declaration book will be available outside the meeting room for you to record any gifts or hospitality offered to you since the last Committee meeting.

Spelthorne Borough Council, Council Offices, Knowle Green

Staines-upon-Thames TW18 1XB

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Agenda

Page nos.

- 1. Apologies and Substitutes**

To receive apologies of absence and notification of substitutions.
- 2. Minutes** **5 - 8**

To confirm the minutes of the meeting held on 24 March 2026 as a correct record.
- 3. Disclosures of Interest**

To receive any disclosures of interest from Councillors in accordance with the Council's Code of Conduct for members.
- 4. Questions from members of the Public**

The Chair, or their nominee, to answer any questions raised by members of the public in accordance with Standing Order 40.

At the time of publication of this agenda no questions were received.
- 5. Forward Plan** **9 - 12**

To consider the Forward Plan for committee business.
- 6. Environmental Health General Enforcement Policy: Housing Enforcement and Civil Penalties in Support of the Renters' Rights Act 2025** **13 - 108**

Committee is asked to:

 1. Approve the Environmental Health General Enforcement Policy 2026;
 2. Approve the Housing Enforcement Policy 2026;
 3. Approve the Civil Financial Penalty Policy 2026;
 4. Delegate authority to the Group Head of Place, Protection and Prosperity, in consultation with the Monitoring Officer, to make minor non-material amendments to the policies where required by changes in legislation or statutory guidance.
- 7. Monitoring and maintenance of Spelthorne CCTV assets** **109 - 120**

Committee is asked to:

 1. Approve the Council entering into an inter-authority agreement with Runnymede Borough Council for the delivery of CCTV monitoring and maintenance services, for a term of two (2) years with an option to extend for a further one (1) year, subject to mutual agreement between both parties;

2. Approve a maximum contract value referenced in 3.1 and as detailed with (exempt) Appendix A, in accordance with the appropriate level of delegation as set out in the Spelthorne Borough Council Constitution;
3. Delegate authority to the Group Head Corporate Governance to finalise and enter into the agreement and any ancillary documentation, including any minor amendments.

***Appendix A** contains exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to Information) (Variation) Order 2006 Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information) and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information because, disclosure to the public would prejudice the financial position of the authority in any lease, contract or other type of negotiation with the tenant or developer, who could then know the position of the Council*

8. Review of Disabled Facilities Grant (DFG) Policy - Re-Introduction of Means Testing for Level Access Showers **To Follow**

Committee is asked to consider an amendment to the Council's Disabled Facilities Grant Policy.

9. Nightly-paid temporary accommodation Delivery Plan targets **121 - 140**

Committee is asked to agree the targets set out in the Nightly Paid Accommodation Delivery Plan, and to make a recommendation to Corporate Policy and Resources Committee.

10. Proposed Council Transitional Plan 2026/27 **To Follow**

This report is on the agenda for the Corporate Policy and Resources Committee and may be recommended to this meeting.

A copy of the report and appendices can be viewed [here](#).

11. Presentation on MHCLG Review **Verbal Report**

The Committee will receive a presentation on the MHCLG Deep Dive into Homelessness.

12. Exclusion of Press/Public for Exempt Business

To move the exclusion of the Press/Public for the following item, in view of the likely disclosure of exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order

2006.

13. Eclipse Leisure Centre - Ventilation

141 - 152

Committee is asked to approve the commissioning of survey and investigatory work to optimise the performance of the existing ventilation system at the Eclipse Leisure Centre.

The Report and Appendix contains exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to Information) (Variation) Order 2006 Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information) and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information because, disclosure to the public would prejudice the financial position of the authority in any contract or other type of negotiation with a prospective purchaser who could then know the position of the Council.

**Minutes of the Community Wellbeing and Housing Committee
24 March 2026**

Present:

Councillor S.M. Doran (Chair)

Councillors:

M. Arnold

R. Chandler

K.M. Grant

C. Bateson

S.A. Dunn

M. Buck

R.V. Geach

Apologies: Councillors M.M. Attewell and J.R. Boughtflower

18/26 Minutes

The Committee **resolved** to agree that the minutes of the meeting held on 13 January 2026 and the extraordinary meeting held 27 January 2026 were a correct record of proceedings.

19/26 Disclosures of Interest

There were none.

20/26 Questions from members of the Public

There were none.

21/26 Food and Health and Safety Service Plan

The Committee considered a report from the Joint Senior Environmental Health Manager (JSEHM) that sought adoption of the two Service Plans for 2026/27, Food Safety and Health and Safety. They were advised that the Council had a statutory obligation to have both service plans in place.

The main objectives within both Service Plans were outlined to the Committee members. The Committee queried the reduction in infectious disease cases, down from 165 in 2023/24 to 58 in 2025/26 and were advised that the Council no longer needed to report cases of Campylobacter as this was normally contracted by food handling within the individual's home. Reports involving an imminent risk of health to others, such as e-coli, salmonella would be treated

as Red Cases and would be investigated within 24 hours of the complaint being received. The JSEHM advised that her team focussed on 3 national projects under the Health and Safety Service Plan in 2025/26, electrical safety, inflatable amusement devices and gas safety in commercial catering settings.

The Committee **resolved** to adopt both the Food Safety and Health and Safety Service Plans for 2026/27 as outlined in the report.

22/26 Community Services Social Impact Report

The Committee considered a report that sought to provide a clear, evidence-based understanding of the value for money and social impact delivered by the Council's Community Centres, Meals on Wheels and the OPAL services.

The Committee was advised that this report was written to highlight the excellent services provided by Spelthorne Borough Council and would be shared with the new West Surrey Health Board to give them a proper understanding of the services offered. Many of the services were considered preventative measures and savings could possibly be made within the NHS though, this would be hard to quantify without further information. Further work would be undertaken to identify not just any monetary savings but how our services positively impact the physical and mental health of the residents of the Borough.

Cases studies were to be compiled that would outline experiences of individual residents using the Community Centres, Meals on Wheel and the OPAL services provided by Spelthorne Borough Council.

The Committee **resolved** to:

1. Note the findings of the report; that it evidenced the social, health and economic value generated by the Council's Community Centre and Meals on Wheels Service (and associated provision) for residents and public sector partners,
2. Consider how the evidence could be used with partners to support investment and partnership opportunities, aligned to health and care priorities including prevention and healthy ageing. Agreed for report authors to share the report with the West Surrey Health Board, Neighbourhood Steering Group and The Surrey Health and Wellbeing Board and onward transmission to voluntary joint committees to highlight the positive long-term impact of our services,
3. Approve the request for the authors to develop a mini-series of case studies showcasing the experiences of individuals who access our community services. These will highlight the personal impact of the services and the broader, system wide impacts and cost savings for partner services, to be shared on social media and the Spelthorne Bulletin.

23/26 Forward Plan

The Committee received the forward plan for future Committee business.

Councillor Bateson proposed that “Eclipse Leisure Centre Monitoring” be added as a regular item on the committee’s agenda for the Committee to receive progress updates. The Committee agreed this proposal.

The Committee **resolved** to note the forward plan, subject to the inclusion of the proposed item.

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Spelthorne Borough Council Services Committees Forward Plan

This Forward Plan sets out the decisions which the Service Committees expect to take over the forthcoming months.

Please direct any enquiries about this Plan to CommitteeServices@spelthorne.gov.uk.

Spelthorne Borough Council

Service Committees Forward Plan for 1 May 2026 to 31 March 2027

Anticipated earliest (or next) date of decision and decision maker	Matter for consideration	Non-Key Decision	Decision to be taken in Public or Private	Lead Officer
Community Wellbeing and Housing Committee 02 06 2026	CCTV	Key Decision	Public	Jackie Taylor, Group Head - Neighbourhood Services
Community Wellbeing and Housing Committee 02 06 2026	Disabled Facility Grant Policy Update	Key Decision	Public	Stephen Mortimer-Cleevely, Strategic Lead, Independent Living
Community Wellbeing and Housing Committee 02 06 2026	Eclipse Leisure Centre Ventilation	Key Decision	Public	John Harris, Building Surveyor, Coralie Holman, Group Head - Assets
Community Wellbeing and Housing Committee 02 06 2026	Savings : Temporary Accommodation Action Plan	Key Decision	Public	Terry Collier, Deputy Chief Executive
Community Wellbeing and Housing Committee 02 06 2026	Transitional Corporate Plan	Key Decision	Public	Gordon Mitchell, Interim Chief Executive
Community Wellbeing and Housing Committee 02 06 2026	Update to Housing Enforcement and Civil Penalties Policies to Implement the Renters' Rights Act	Key Decision	Public	Fidelma Bahoshy, Senior Environmental Health Manager

Date of decision and decision maker	Matter for consideration	Key or non-Key Decision	Decision to be taken in Public or Private	Lead Officer
Community Wellbeing and Housing Committee 29 09 2026	Governance Assurance Register	Key Decision	Public	Lee O'Neil, Deputy Chief Executive
Community Wellbeing and Housing Committee 29 09 2026	Leisure Operating Contract Review April 2025-March 2026	Key Decision	Public	Kamal Mehmood, Strategic Lead for Leisure and Community Development
Community Wellbeing and Housing Committee 29 09 2026	MHCLG report on the Council's Homelessness Service	Key Decision	Public	Karen Sinclair, Group Head - Community Wellbeing
Community Wellbeing and Housing Committee 29 09 2026	Review of Community Safety	Key Decision	Public	Will Jack, Community Safety Manager
Community Wellbeing and Housing Committee 12 01 2027	Governance Assurance Register	Key Decision	Public	Lee O'Neil, Deputy Chief Executive

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Committee Report Checklist

Please submit the completed checklists with your report. If final draft report does not include all the information/sign offs required, your item will be delayed until the next meeting cycle.

Stage 1

Report checklist – responsibility of report owner

ITEM	Yes / No	Date
Councillor engagement / input from Chair prior to briefing	This will take place once the drafts are agreed internally	14/04/2026
Relevant Group Head review	DA	17/4/26
MAT+ review (to have been circulated at least 5 working days before Stage 2)	Yes	01/05/2026
This item is on the Forward Plan for the relevant committee	Yes	13/04/2026
	Reviewed by	
Finance comments (circulate to Finance)	AB	23/04/2026
Risk comments (circulate to Lee O’Neil)		
Legal comments (circulate to Legal team)	JC	30/4/26
HR comments (if applicable)	N/A	

For reports with material financial or legal implications the author should engage with the respective teams at the outset and receive input to their reports prior to asking for MO or s151 comments.

Do not forward to stage 2 unless all the above have been completed.

Stage 2

Report checklist – responsibility of report owner

ITEM	Completed by	Date rec’d
Monitoring Officer commentary – at least 5 working days before MAT	L Heron	30/04/26
S151 Officer commentary – at least 5 working days before MAT	T. Collier	23/4/26
Commissioner engagement.	J Kingston	30/05/2026
		No issues

	Delete as applicable:	
Confirm final report cleared by MAT		

Community Wellbeing and Housing Committee

Tuesday 02 June 2026

Title	Environmental Health General Enforcement Policy: Housing Enforcement and Civil Penalties in Support of the Renters' Rights Act 2025
Purpose of the report	To make a decision
Report Author	Fidelma Bahoshy, Joint Senior Environmental Health Manager
Ward(s) Affected	All Wards
Exempt	No
Corporate Priority	Addressing Housing Need Services Community
Recommendations	<p>Committee is asked to:</p> <ol style="list-style-type: none"> 1. Approve the Environmental Health General Enforcement Policy 2026. 2. Approve the Housing Enforcement Policy 2026. 3. Approve the Civil Financial Penalty Policy 2026. 4. Delegate authority to the Group Head of Place, Protection and Prosperity, in consultation with the Monitoring Officer, to make minor non-material amendments to the policies where required by changes in legislation or statutory guidance.
Reason for Recommendation	To ensure the Council has up-to-date, transparent and legally robust enforcement and penalty policies that align with the Renters' Rights Act 2025 and associated housing legislation, enabling proportionate, consistent and effective enforcement action.

1. Executive summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> • The Council has a statutory duty to enforce housing standards and landlord legislation. Existing enforcement and penalty frameworks require updating to reflect the Renters' Rights Act 2025 and current statutory guidance. 	<ul style="list-style-type: none"> • Without updated policies, enforcement decisions risk inconsistency, increased legal challenge and reduced effectiveness. Clear, up-to-date policies are required to ensure enforcement activity is fair, transparent and proportionate, and to ensure the Council's approach is fully aligned with the

	requirements and intent of the new Renters' Rights legislation.
This is what we want to do about it	These are the next steps
<p>Revise one current policy and adopt two new policies as follows:</p> <ul style="list-style-type: none"> • a revised Environmental Health General Enforcement Policy, • a new Housing Enforcement Policy, and • a new standalone Civil Financial Penalty Policy, <p>This will ensure the Council's enforcement framework is legally robust, transparent, consistent and aligned with the Renters' Rights Act 2025 and associated statutory guidance.</p>	<ul style="list-style-type: none"> • Formal adoption of the policies • Publication on the Council's website • Officer training and operational implementation

2. Key issues

- 2.1 The key issue for the Committee is ensuring that the Council has legally robust and defensible enforcement policies in place to support the implementation of the Renters' Rights Act 2025, and that these policies collectively provide a clear, coherent and interrelated framework for housing enforcement activity and the application of civil financial penalties.
- 2.2 The Renters' Rights Act 2025 introduces a significantly expanded enforcement and civil penalty framework and places new statutory duties on local housing authorities to enforce a broader range of landlord obligations. The Act includes new compliance requirements, enhanced penalties for repeat or serious non-compliance, and clearer expectations that enforcement activity must be fair, consistent and proportionate. To meet these duties, the Council must ensure that its enforcement policies are fully aligned with the new legislative framework.
- 2.3 The Council's existing Environmental Health Enforcement Policy (**Appendix 2**) was developed prior to the introduction of the Renters' Rights Act and reflects a regulatory environment in which local authorities retained broad discretion to resolve non-compliance through informal or advisory action, consistent with the principles of the Regulators' Code. While this approach remains appropriate for many Environmental Health functions, it does not adequately reflect the new statutory duties, offences, penalty thresholds or evidential requirements introduced by the Renters' Rights Act in relation to housing enforcement.
- 2.4 The Renters' Rights Act represents a fundamental shift in approach. Section 107 places a statutory duty on local housing authorities to enforce defined categories of landlord legislation, altering the balance between informal action and formal enforcement. Where breaches are identified, the Council must now actively consider enforcement action in order to meet this duty, rather than defaulting to advice or informal resolution as a starting point. As a result,

the Regulators' Code can no longer be relied upon to justify informal action as the primary approach to housing enforcement under the Act.

- 2.5 Historically, enforcement of private rented sector legislation has varied significantly between local authorities, leading to inconsistent outcomes for landlords and tenants and creating what has been described as a 'postcode lottery'. Such inconsistency increases uncertainty for landlords operating across multiple areas, risks undermining confidence in the regulatory system, and increases the likelihood of challenge to enforcement decisions, as well as discrepancies in levels of tenant protection.
- 2.6 In response to these concerns, the Association of Chief Environmental Health Officers (ACEHO) has developed a suite of national model policies, including a new Housing Enforcement Policy (**Appendix 1**) and a Civil Financial Penalty Policy (**Appendix 3**). These policies are intended to promote greater consistency, transparency and robustness in enforcement approaches, while still allowing for appropriate local discretion. Aligning the Council's policies with this nationally recognised framework supports a consistent and defensible approach to enforcement, strengthens governance and accountability, and assists the Council in meeting its statutory duties under the Renters' Rights Act.
- 2.7 Other district and borough councils across Surrey are also adopting these policies, supporting a consistent approach ahead of local government reorganisation and the establishment of the future West Surrey and East Surrey unitary authorities.

2.8 **Housing Enforcement Policy (Appendix 1 – New Housing Enforcement Policy 2026)**

The Housing Enforcement Policy has been developed to reflect the changes introduced by the Renters' Rights Act 2025 and related housing legislation. The policy sets out the Council's statutory duties and enforcement powers, including expanded investigatory powers, information gathering requirements, rights of entry, and offences relating to obstruction and non-compliance.

The policy establishes a clearer and more structured approach to enforcement activity, including when informal action may be appropriate and when the Council may proceed directly to formal enforcement, particularly where there are serious risks to health and safety, repeated non-compliance, or breaches of defined landlord legislation. The policy also strengthens governance, transparency and consistency in decision making, while reaffirming the Council's commitment to proportionality, fairness, and compliance with the Human Rights Act 1998.

2.9 **Environmental Health General Enforcement Policy (Appendix 2 – Amended Environmental Health Enforcement Policy 2026)**

The Environmental Health General Enforcement Policy has been reviewed and updated to provide a clear overarching framework for enforcement activity across all Environmental Health functions. A full summary of changes is set out in **Appendix 4 Summary of changes**.

Appendix 4 Summary of changes provides a comparative summary of amendments to the existing Environmental Health Enforcement Policy only; the Housing Authority Enforcement Policy and Civil Financial Penalty Policy are new policies and therefore are not subject to change analysis.

The revised policy ensures alignment with the Regulators' Code, the Council's corporate enforcement principles, and the new enforcement powers and duties arising from the Renters' Rights Act 2025 where relevant. It clearly sets out the Council's approach to compliance, proportionality, consistency, transparency and accountability, including criteria for informal action, formal enforcement and escalation, and provides the foundation within which the housing specific and civil penalty policies operate.

2.10 Civil Financial Penalty Policy (Appendix 3 – New Spelthorne Borough Council Civil Financial Penalty Policy 2026)

The Civil Financial Penalty Policy has been introduced as a standalone policy to provide a transparent and consistent framework for setting and imposing civil financial penalties where legislation allows an alternative to prosecution. The policy reflects statutory guidance and establishes a structured penalty setting methodology, including statutory starting points, landlord type adjustments, mitigating and aggravating factors, and applicable statutory maximums.

The policy also sets out a clear procedural framework, including notices of intent, representation stages, final notices, appeal rights, payment periods and prompt payment discounts. This provides greater clarity and certainty for landlords and agents and ensures that penalty decisions are fair, proportionate, transparent and legally defensible.

2.11 Relationship between the policies

Together, the three policies establish a clear and coherent enforcement framework:

- The Environmental Health General Enforcement Policy sets the overarching principles and approach to enforcement across Environmental Health functions;
- The Housing Enforcement Policy applies those principles to housing specific legislation and powers; and
- The Civil Financial Penalty Policy provides a structured and transparent framework for calculating and imposing financial penalties where legislation permits an alternative to prosecution.
- This integrated approach supports lawful, proportionate and consistent decision making, reduces the risk of challenge, and strengthens governance and accountability.

3. Options appraisal and proposal

3.1 Option 1 (Recommended) – Adopt the Environmental Health General Enforcement Policy 2026, Housing Enforcement Policy 2026, and Civil Financial Penalty Policy 2026.

3.2 Benefits

- Provides a clear, consistent and legally robust framework for housing enforcement and civil financial penalties in line with the Renters' Rights Act 2025 and associated legislation.

- Supports transparent, proportionate and defensible decision making, reducing the risk of legal challenge and inconsistency.
- Strengthens tenant protections and improves housing standards through effective enforcement.
- Provides clarity and certainty for enforcement officers, landlords and agents regarding expectations, enforcement approach and penalty-setting.
- Enables recovery of enforcement-related costs and supports deterrence of repeat noncompliance.
- Ensure full compliance with the Renters' Rights Act 2025
- Ensures consistency across teams within the boundary of the new West Surrey unitary authority.

3.3 Disbenefits

- Implementation will require officer training, procedural updates and supporting activity, including delivery of the Justice for Tenants training to 13 officers across Environmental Health (Residential), Business Support and Management Support. The training is expected to take less than one day and will be completed within four weeks of adoption of the policies. Contact has been made with the training provider to progress arrangements.
- May result in increased representations, appeals or complaints as civil penalties are more actively applied.

3.4 Option 2 – Do not adopt one, two or all three policies

There is an option for Members not to adopt the proposed policies. This is not recommended as this would mean the Council would not be compliant with the requirements of the Renters' Rights Act and unable to fulfil its statutory obligations.

3.5 Benefits

- No immediate implementation or training requirements.
- Avoids short term increases in enforcement-related challenges or appeals.

3.6 Disbenefits

- The Council would not be fully compliant with the Renters' Rights Act.
- Leaves the Council reliant on outdated or incomplete enforcement frameworks that do not fully reflect current legislation.
- Increases the risk of inconsistent decision making and successful legal challenge.
- Weakens the Council's ability to take effective, proportionate enforcement action and impose civil financial penalties.
- Undermines transparency and confidence in the Council's regulatory role.

3.7 Recommendation

That Members consider Option 1 and agree to adopt the Environmental Health General Enforcement Policy 2026, Housing Enforcement Policy 2026 and Civil Financial Penalty Policy 2026 to provide an updated enforcement framework aligned with the Renters' Rights Act 2025.

4. Risk implications

4.1 Without updated policies, there is a risk of inconsistent enforcement, legal challenge to decisions and reduced ability to demonstrate compliance with statutory guidance and best practice. Updating these policies is essential to ensure the Council can meet its statutory obligations.

4.2 Legal and Compliance Risk

There is a risk of legal challenge to enforcement action or the imposition of civil financial penalties if decisions are not taken consistently or in line with statutory requirements.

4.3 Mitigation: The adoption of clear, comprehensive and legally compliant policies provides a transparent framework for decision-making. Officer training, internal governance checks, and oversight by the Monitoring Officer will ensure consistent application aligned with statutory guidance.

4.4 Operational Risk

Implementation of the policies and training may increase the volume and complexity of enforcement activity, representations and appeals, placing additional demands on officers.

4.5 Mitigation: Clear procedural guidance, structured decision-making frameworks within the policies, and prioritisation of cases will support efficient use of resources. Enforcement activity will be managed within existing service capacity and reviewed as part of normal service planning. Implementation relies on timely officer training and procedural updates

4.6 Financial Risk

4.7 There is a risk that enforcement activity, appeals, and reliance on penalties and legal cost recovery could result in unanticipated legal or administrative costs. As this is a new and evolving area, not all cases will be successful and local data on recovery rates is currently limited.

4.8 Mitigation: A £133k growth bid has been approved to increase Environmental Health capacity. Policies support the recovery of enforcement costs through civil penalties where appropriate, and strengthened legislative powers improve the likelihood of success. Financial performance and case outcomes will be closely monitored through existing budget oversight arrangements, with assumptions refined as evidence develops.

4.9 Reputational Risk

Enforcement action and the use of civil penalties may be perceived negatively by some landlords or members of the public.

Mitigation: The policies emphasise proportionality, transparency and fairness. Clear communication of expectations, decision rationale and rights of representation will support public confidence in the Council's regulatory role.

4.10 Implementation Risk

Failure to embed the policies effectively could reduce their effectiveness or result in inconsistent application.

Mitigation: Following approval, the policies will be published, officers briefed and supporting internal guidance updated to ensure consistent implementation across the service.

5. Financial implications

- 5.1 The policies support recovery of enforcement costs and the imposition of civil penalties where legislation permits. Any income generated is intended to support enforcement activity and compliance monitoring. No additional budget growth is required. Confidence in cost recovery assumptions is currently moderate, reflecting the limited local data and the team's relatively limited experience in this area of enforcement. While strengthened legislative powers are expected to improve success rates, a measured approach has been taken given the variability in outcomes. This position will be kept under review as case evidence and recovery performance become clearer.
- 5.2 At this stage, no firm estimate of penalty income for 2026/27 is available due to variability in case outcomes. Income assumptions remain prudent and will be refined through in-year monitoring.

6. Legal comments

- 6.1 The Council is under a statutory duty to enforce the Housing Act 2004 and Renters' Rights Act 2025 and to report to the Secretary of State on the exercise of its functions
- 6.2 The Renters' Rights Act 2025 extends the Council's powers and duties in dealing with non-compliance by Private Rented Sector landlords. This includes the ability to commence prosecution proceedings for offences or issue a Civil Financial Penalty for breaches and offences. The Council's adoption of robust and legally compliant enforcement policies will enable the effective enforcement of the Housing Act 2004 and the Renters Rights Act 2025.

7. Corporate implications

- 7.1 Commissioners' comments
No issues from Commissioners 23/4/2026.

8. S151 Officer comments

- 8.1 The S151 Officer confirms that all financial implications have been taken into account and that the recommendations are fully funded from within the 2026-27 Budget on the basis that the cost of supporting enforcement activity will be covered by the income generated from civil enforcement penalties.

9. Monitoring Officer comments

- 9.1 The Monitoring Officer confirms that the relevant legal implications have been taken into account.

10. Procurement comments

- 10.1 There are no procurement implications in this report.

11. Equality and Diversity

11.1 The policies support fairness and non-discrimination, particularly protections for vulnerable tenants including children, benefit recipients, and those at risk of harassment or unlawful eviction.

12. Sustainability/Climate Change Implications

12.1 Enforcement of housing standards, including energy efficiency requirements, supports improved housing quality and reduced environmental impact.

13. Timetable for implementation

13.1 Committee approval: 3 June 2026

Publication and officer briefing: Immediate, following approval

It is proposed that the new policies take effect 48 hours from adoption with transitional arrangements in place to ensure legal and procedural continuity. For a limited period of approximately 6 months, both the existing and new policies will operate in tandem, with the applicable policy determined by the date on which the offence was committed. This approach ensures fairness and legal certainty for ongoing cases, avoids retrospective application of policy and allows the Council to conclude enforcement activities initiated under the current framework. Once legacy cases have resolved, the existing policies will be formally withdrawn, leaving a single updated policy framework in place.

14. Contact

Fidelma Bahoshy, Joint Senior Environmental Health Manager
f.bahoshy@spelthorne.gov.uk

Please submit any material questions to the Committee Chair and Officer Contact by two days in advance of the meeting.

Background papers: There are none.

Appendices:

Appendix 1: Housing Enforcement Policy 2026

Appendix 2: EH Enforcement Policy 2026

Appendix 3: Spelthorne BC Civil Financial Penalty Policy 2026

Appendix 4: Summary of Changes to the Environmental Health Enforcement Policy (2026)

Spelthorne Borough Council

Housing Enforcement Policy

This policy 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.

Aims of the Policy

The purpose of this enforcement policy is to provide guidance for Housing Authority officers to ensure enforcement action is taken in line with the provisions of the Renters' Rights Act 2025 and mandatory guidance to local authorities.

The Act and the 'Landlord Legislation' (as defined by S107) sit outside of the Regulators' Code, and its provisions do not apply.

Part 1 of the Housing Act 2004 is also outside of the Code's scope.

Notwithstanding this, the following legislation and its enforcement does come within the Legislative and Regulatory Reform (Regulatory Functions) Order 2007 and is therefore within the scope of the Regulators' Code and the principles of good regulation:

- 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

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

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 appropriate enforcement action where a Category 1 hazard (as defined within Section 2 of the Housing Act 2004) exists.

S7 Housing Act 2004 gives Councils a discretionary duty to take action where a Category 2 hazard (as defined within Section 2 of the Housing Act 2004) exists. The Council will usually take action where a Category 2 hazard exists.

In addition, Council officers will often investigate and identify the need to take enforcement action through a range of routes, including (but not limited to): proactive inspections of dwellings through licensing provisions; in response to a complaint or request for assistance; and referrals from other public bodies. All investigations will be carried out in accordance with the relevant statutory requirements. 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

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

Investigatory powers

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 s113 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 and of any others with an interest in the land.

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

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 or contact 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

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

Housing Act 2004 Part 1

- issue an 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.
- issue a Prohibition Order in respect of any Category 1 hazards and any Category 2 hazards on the property. This prevents occupation of whole or part of the property, or can be used to limit occupant numbers, within a specified time frame.
- issue a Hazard Awareness Notice in respect of any Category 1 hazards and any Category 2 hazards on the property. This makes the owner and occupiers aware of the hazards identified; however, it does not require remedial action. As a result, and because it does not secure risk-reducing works within a specified timeframe, a Hazard Awareness

Notice will not usually be the most appropriate course of action where remedial works are necessary to reduce the risk of harm to occupiers or potential occupiers.

- make 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.
- Where there is a Category 1 hazard present and an imminent risk of serious harm, S40 Housing Act 2004 allows the Council to undertake Emergency Remedial Action on the Category 1 hazard.
- Demolition and Clearance are options for both Category 1 or Category 2 hazards.
- S30 Housing Act 2004 provides that failure to comply with an Improvement Notice is a criminal offence, which will normally be followed by prosecution or the issuing of a civil penalty.
- S32 Housing Act 2004 provides that failure to comply with a Prohibition Order is a criminal offence, which will normally be followed by prosecution.
- 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. 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.

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. 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.

HMO Licence Conditions

Conditions can be added to HMO licences to require work to meet specified standards or to address HMO Management Regulation requirements. In general, authorities should seek to identify, remove or reduce Category 1 or Category 2 hazards in the house by the exercise of Part 1 functions and not by means of licence conditions however this does not prevent the authority

from imposing licence conditions relating to the installation or maintenance of facilities or equipment even if the same result could be achieved by the exercise of Part 1 functions;

Failure to comply with these conditions is a criminal offence, which may result in prosecution or the issuing of a civil penalty

Other Legislative alternatives

There may be other legislative alternatives available to remedy deficiencies that cause Category 2 hazards which an authority may choose as a more appropriate enforcement approach.

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]
- 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, please refer to the Civil Penalties 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. The Council will usually assist tenants by referring or signposting them to a relevant organisation.

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 letting agency work in England;
- Engaging in property management work in England; 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.

Costs and Charges

The Council incurs costs in carrying out its functions. Where legislation allows, the Council will seek to recover reasonable costs and expenses associated with its enforcement, licensing and wider regulatory activity. This may include (non-exhaustively) costs arising from inspections, investigation, evidence gathering, notices and other statutory documentation, follow-up action, compliance monitoring, and works or other interventions.

Recovery may be pursued using all available lawful routes, which may include civil action, local land charges, and enforcement against the property.

Where permitted, interest may be applied to outstanding sums until paid.

Complaints

Contact may be made with the Council about any matters listed here by email at complaints@spelthorne.gov.uk or by post to:

Spelthorne Borough Council

Knowle Green

Staines-upon-Thames

TW18 1XB

A service user can still make a complaint in cases where the Council has instigated legal proceedings. However, making a complaint will not stop any impending legal action.

Further details of the Council's complaints procedure can be found on our website:

[Complaints procedure | Spelthorne Borough Council](#).

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 grounds exists. Reference should be made to any notes that may accompany the notice or order for more detail.

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

Section 13 of the Regulations requires local housing authorities to prepare and publish a statement of principles which they propose to follow in determining the amount of a penalty charge.

The Regulations introduced legal requirements on relevant landlords to:

1. Equip a smoke alarm on each storey of the premises on which there is a room used wholly or partly as living accommodation.
2. During any period when the premises were occupied under the tenancy, to ensure that a carbon monoxide alarm is equipped in any room of the premises which is used wholly or partly as living accommodation and which contains fixed combustion appliance other than a gas cooker.
3. Carry out checks by or on behalf of the landlord to ensure that each prescribed alarm is in proper working order on the day the tenancy begins if it is a new tenancy.
4. Where, following a report made on or after 1st October 2022 by a tenant or by their nominated representative to the landlord, a prescribed alarm is found not to be in proper working order, repair or replace the alarm.

For the purposes of the legislation, living accommodation includes a bathroom or lavatory.

Where the Council believe that a landlord is in breach of one or more of the above duties, the Council must serve a remedial notice on the landlord. The remedial notice is a notice served under Regulation 5 of the Regulations.

If the landlord then fails to take the remedial action specified in the notice within the specified timescale, the Council can require a landlord to pay a penalty charge and can arrange for remedial action to be taken under certain circumstances. The power to charge a penalty arises from Regulation 8 of the Regulations. Failure to comply with each remedial notice can lead to a fine of up to £5,000. Fines will be applied per breach, rather than per landlord or property.

The Council will impose a penalty charge where it is satisfied, on the balance of probabilities, that the landlord has not complied with the action specified in the remedial notice within the required timescale.

A landlord will not be considered to be in breach of their duty to comply with the remedial notice if they can demonstrate they have taken all reasonable steps to comply. Where there is evidence, including written correspondence, of repeated and consistent efforts to obtain access to the property, with access repeatedly being prevented by the occupant(s) of the property, a landlord will

not be considered to be in breach of their duty to comply with the remedial notice. A landlord will be expected to have:

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

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

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

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

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

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

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

Determining the amount of the penalty charge for a first breach

The minimum amount of a penalty charge for a first breach of the Regulations will be £2500. Only in exceptional circumstances may the Council depart from the application of this statement of principles and issue a penalty charge for less than £2500. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple mitigating factors

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

Aggravating factors include, but are not limited to:

- The number of alarms not working or missing (the Regulations state there should be one per storey)
- Other fire safety concerns/defects in the property which increase the risk posed to the occupants
- The length of time the offence is believed to have been on-going
- The frequency of complaints by the occupiers to the landlord about the non-working or missing alarms

- The costs of any remedial work the Council have carried out in response to the breach
- Whether the property is let as an HMO (which increases the overall risk)
- The number of occupants living in the property
- Presence of vulnerable occupiers such as elderly, children or disabled people
- Any history of previous enforcement or non-compliance of the landlord
- Attempts to obstruct the investigation

Mitigating factors include, but are not limited to:

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

Determining the amount of the penalty charge for a subsequent breach

The penalty for subsequent breaches by the same landlord will be £5000. Only in exceptional circumstances may the Council depart from the application of this statement of principles and issue a penalty charge for less than £5000. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple mitigating factors.

Appendix 2: Statement of principles to determine the amount of a penalty charge for a breach of minimum energy efficiency standards (MEES) with respect to domestic privately rented property

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (“the Regulations”) make it unlawful to rent out a domestic property if it has an EPC (Energy Performance Certificate) rating of F or G (unless a valid exemption has been registered on the PRS Exemptions register).

The Regulations make it unlawful to fail to comply with a compliance notice served by the Council.

The Regulations cover all relevant properties, even where there has been no change of tenancy.

The Regulations were introduced to improve the energy efficiency of housing in the private rented sector and to reduce greenhouse gas emissions and tackle climate change. They should help make tenants’ homes more thermally efficient.

An energy performance certificate (EPC) gives the property an energy efficiency rating – A rated properties are the most energy efficient and G rated are the least efficient. It’s valid for 10 years and must be provided by the owner of a property, when it is rented or sold.

A landlord that fails, when requested, to provide an EPC for the start of a tenancy, will be in breach of the Regulations.

An EPC contains information about the type of heating system and typical energy costs. It also gives recommendations about how the energy use could be reduced, lowering running costs. The recommended energy efficiency improvements can be found on the current EPC.

Private landlords must either:

- ensure their rented properties have an EPC with a minimum ‘E’ rating
- register a valid PRS exemption on the PRS exemptions register
<https://prsregister.beis.gov.uk/NdsBeisUi/used-service-before>

Failure to do either of these is a breach of the Regulations.

The Council investigates any potential breaches of the Regulations. If the Council is satisfied that you are, or have at any time in the 18 months preceding the date of service of the penalty notice, breached the Regulations, you may be subject to a penalty notice imposing a financial penalty. The Council may also impose a publication penalty.

The “publication penalty” means publication, for a minimum period of 12 months, or such longer period as the Council may decide, on the PRS Exemptions Register of such of the following information in relation to a penalty notice as the Council decides:

- Where the landlord is not an individual, the landlord’s name
- Details of the breach of these Regulations in respect of which the penalty notice has been issued
- The address of the property in relation to which the breach has occurred, and
- The amount of any financial penalty imposed.

The Council will impose the following financial penalties:

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

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

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SPELTHORNE BOROUGH COUNCIL
ENVIRONMENTAL HEALTH & BUILDING CONTROL
ENFORCEMENT POLICY

1. EXECUTIVE SUMMARY

~~This policy sets out the general principles that inform the enforcement element of Environmental Health and Building Control Services.~~

1.1 This Enforcement Policy sets out how Spelthorne Borough Council carries out its regulatory and enforcement functions across the Environmental Health Service including Licensing. It works in conjunction with two additional policies: the Housing Enforcement Policy 2026 which specifically addresses the Council's principles for enforcing its duties as a Housing Authority under relevant housing law, and a Civil Penalties Policy under the Renters' Rights Act 2025 and other housing legislation which applies once a decision has been made to commence civil penalty proceedings.

1.2 The Council's primary aim is to protect the health, safety, welfare and overall quality of life of residents, visitors, workers and communities within the borough. The Council also ~~Our aims is~~ to achieve a level playing field of regulatory compliance within the Borough of Spelthorne. In doing so, the Council ensures that enforcement activity is fair, proportionate, accountable, targeted and consistent; that duty-holders clearly understand what is required of them; that serious, persistent or deliberate breaches of legislation are addressed firmly and effectively; and that vulnerable residents are safeguarded from harm, unsafe practices and unlawful housing conditions.

1.3 This policy will be reviewed at least every five years or sooner if legislation or national guidance changes.

~~Our aim is to achieve a level playing field of regulatory compliance within the Borough of Spelthorne.~~

~~We will achieve this through education, providing advice and by regulating activities. Providing clear advice and guidance will be our main approach to securing compliance; however, securing compliance by using enforcement powers is an important and sometimes necessary part of achieving this aim.~~

~~Where informal advice and guidance has not worked or where a breach of regulatory compliance is so serious as to cause harm to our communities, we will take formal enforcement action against businesses and / or members of the public.~~

Reviewed: April 2026
Next Review due: April 2031

~~When we do take enforcement action we will do so efficiently and effectively, and in a way which is open, clear, and helpful to those against whom action is taken. We will also ensure fair and objective enforcement in accordance with the Council's equality and diversity policy.~~

~~We believe that publishing information on our enforcement activities, where appropriate, raises awareness of the need to comply. Therefore, we will issue press releases and other publicity relating to offences and offenders, proportionate to the sanctions.~~

~~This policy will be reviewed every five years, or earlier, if necessary, in light of any legislative changes.~~

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1.0 Introduction

- 1.1 Spelthorne Borough Council aims to secure regulatory compliance.
- 1.2 Fair and effective enforcement is essential to protect the health, safety, and welfare interests of the residents, visitors, businesses, and employees in the district of Spelthorne.
- 1.3 ~~We~~The Council recognises that most individuals, businesses, and other groups want to comply with the law. ~~Its~~Our aim is to deliver regulatory enforcement functions in an enabling and supportive style, helping businesses and others meet their legal duty without unnecessary expense. However, ~~the a~~Authority ~~we~~ will take firm action, including prosecution where appropriate.
- 1.4 The Environmental Health ~~and Building Control~~ Service's' principal focus will be on those activities that give rise to the most serious risks to the safety and health of the public and/or the environment, or where the duty-holder seeks a commercial advantage by breaking the law.
- 1.5 This policy outlines the Environmental Health Service's' (EH Service) ~~and Building Control Service=s'~~ approach to securing regulatory compliance, along with the options available within the legislation covered by the remit of the services for achieving this.
- 1.6 Decisions about enforcement action can have serious implications for all involved. By applying the same principles, everyone involved in the process is helping to treat stakeholders fairly but effectively. This policy and the Housing Enforcement Policy will be applied so that decisions about enforcement action will be transparent, accountable, proportionate, and consistent.

2.0 Approval

- 2.1 This policy was adopted by the ~~Corporate Policy and Resources~~Community Wellbeing and Housing Committee of Spelthorne Borough Council on the ~~16 October 2023~~ 2 June 2026.

Minor changes to this policy can be made with the approval of the Group Head for Place, Protection and Prosperity ~~Deputy Chief Executive with responsibility for the Environmental Health and Building Control Services~~.

3.0 Scope

- 3.1 This policy applies to all legislation ~~_enforced by the EH nvironmental Health and Building Control S~~ervices. with the exception of housing law which is covered by a separate policy.
- 3.2 In relation to most areas of Environmental Health ~~and Building Control~~ legislation, the choice of action will be based on an assessment of the risk that the contravention poses to the health, safety, or welfare of the public, and/or employees, and/or the environment.
- 3.3 Enforcement, in the context of this policy includes action carried out in the exercise of or against the background of statutory enforcement powers. This is not limited to

formal enforcement action such as prosecution and civil [financial](#) penalties but includes for example the inspection of premises to check compliance with relevant ~~a~~Acts and ~~r~~Regulations, and the provision of advice to help duty-holders achieve compliance.

The term "duty-holder" has a wide meaning and applies to those persons on whom the law places duties (e.g. employers, self-employed, employees, and others).

- 3.4 Enforcement action will consider the full range of enforcement options available under the relevant legislation.
- 3.5 The Legislative and Regulatory Reform Act 2006 (section 22) requires regulators to have regard to the 'Code of Practice' when developing policies and operational procedures that guide their regulatory activities. The Code seeks to promote the above through the development of transparent effective dialogue, and understanding between regulators and those they regulate.
- 3.6 The Act (Section 21) imposes a duty on regulators to have regard to the five principles of good regulation so that regulatory activities are carried out in a way that is transparent, accountable, proportionate, consistent, and should be targeted at cases where action is needed.
- 3.7 [The EH Service](#) ~~We~~ believes ~~u~~ that prevention is better than cure and that ~~they~~~~we~~ should actively work with businesses, consumers, and other groups to advise and assist with compliance.
- 3.8 [The EH Service](#)~~We~~ undertakes ~~-their~~~~our~~ regulatory and enforcement activities fairly and without bias. [The EH Service](#)~~We~~ look to minimise bureaucracy and red tape, provide help to those who need it, but take firm action against people who flout the law.

4.0 The Regulators' Code - General Principles of Enforcement

- 4.1 Carry out [enforcement](#) ~~our~~ work so that it supports economic growth for compliant businesses. [The Service](#)~~We~~ will:
 - Avoid imposing unnecessary burdens through ~~their~~ ~~our~~ regulatory activities and choose proportionate approaches to those we regulate.
 - Support or enable economic growth for compliant businesses.
 - Ensure ~~their~~~~our~~ officers have the necessary knowledge and skills to support those they regulate.
 - Ensure ~~their~~ ~~our~~ officers understand the legal principles of good regulation.
- 4.2 Provide simple and straightforward ways to engage with those [the EH Service](#)~~we~~ regulate and hear their views. [The EH Service](#) ~~We~~ will: -
 - Consider the impact on business and engage with business representatives.
 - In responding to non-compliance, officers will clearly explain: -
 - what the non-compliant item/activity is
 - what actions are required to achieve compliance

- what advice is being given
- the decisions taken and reasons for these.
- officers will also provide an opportunity for dialogue, ensuring that they are acting in a way that is proportionate and consistent.

This paragraph does not apply where the officer can show that immediate enforcement action is required.

- Provide an independent and clearly explained route to appeal against a regulatory decision, or a failure to act in accordance with this policy.
- Provide a timely explanation in writing of any right to representation or right to appeal. This will be in plain language and include practical information on the process involved.
- Make available a clearly explained complaints procedure, so that complaints can easily be made about the conduct of an officer.
- Use a range of methods to receive and take on board customer feedback (e.g. customer satisfaction surveys).

4.3 Base ~~our~~ regulatory activities on risk. The Service We will:

- Take an evidence-based approach to determine ~~our~~ priorities and allocate ~~our~~ resources where they would be most effective in addressing ~~our~~ priorities.
- Consider risk at every stage of our decision-making processes.
- Consider the compliance record of businesses, including earned recognition and external verification approaches when assessing risk.
- Periodically review the effectiveness of our chosen activities in delivering the desired outcomes and make any necessary changes.

4.4 The EH Service We will use discretion in deciding what issues will be investigated. To maintain a proportionate response, most resources available for investigation of incidents will be devoted to the more serious circumstances. It is neither possible nor necessary to investigate every instance of non-compliance with the law. In selecting which incidents to investigate and in deciding the level of resources to be used, the following factors will be taken into consideration:

- the severity and scale of potential or actual harm/or nuisance
- the seriousness of any potential breach of the law
- knowledge of the duty holder's past performance
- the enforcement priorities
- the practicality of achieving results
- the wider relevance of the event, including serious public concern.

4.5 Sharing information about compliance and risk. The Service We will:

- Follow the principle of “collect once, use many times” when requesting information.

- The requirements of the General Data Protection Regulations 2018 will be considered prior to the sharing of data.
- Where appropriate, [the EH Service](#) ~~we~~ will share information, in a secure manner, with other regulators about those we regulate.
- As a public body the Council is subject to the regulations governing the provision of information under the 'Freedom of Information Regulations', [the 'General Data Protection Regulations'](#) and the 'Environmental Information Regulations'. This means that the Council must share information unless it is prohibited or exempt under other legislation.
- When providing information under the 'Environmental Information Regulations' permitted reasonable charges will be applied.

4.6 Clear information, guidance, and advice. [The EH Service](#) ~~We~~ will:

- When providing advice and guidance, clearly distinguish between legal requirements and good practice.
- Produce guidance and information in a clear, accessible, concise format, written in plain language.
- Periodically review the guidance we produce to ensure it meets the needs of those we regulate.
- Provide reliable and sound advice to those [they](#) ~~we~~ regulate.
- Where appropriate, work collaboratively with other regulators and have regard to their advice in reaching decisions.

4.7 Ensure transparency in our approach. [The EH Service](#) ~~We~~ will:

- Set and publish clear service standards so those [they](#) ~~we~~ regulate know what to expect ~~from us~~.
- ~~Regularly publish details of our performance against our service standards (including results of customer feedback).~~
- ~~Our~~ service standards will include clear information on the following issues: -
 - a) How [the service](#) ~~we~~ communicate with those [they](#) ~~we~~ regulate and vice versa.
 - b) ~~The~~ ~~Our~~ approach to providing information, guidance, and advice.
 - c) ~~The~~ ~~Our~~ approach to checks on compliance (e.g. inspections, audits, monitoring and sampling visits and test purchases).
 - d) ~~Their~~ ~~Our~~ enforcement policy, explaining how [they](#) ~~we~~ will respond to non-compliance.
 - e) ~~The~~ ~~Our~~ fees and charges and how they have been calculated.
 - f) How to comment or make a complaint against service provided and ways to appeal.

4.8 ~~Environmental Health~~ ~~The EH and Building Control~~ Service's staff must be fair, independent, and objective. They must not let any personal views about the suspect, victim, witness, or offender influence their decisions. Such issues would include age,

disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, sex, religion or beliefs, political views, or sexual orientation.

- 4.9 The ~~Environmental Health & Building Control~~ Service is a public authority for the purposes of the Human Rights Act 1998. Environmental Health ~~& Building Control~~ Service's staff must apply the principles of the European Convention on Human Rights in accordance with the Act.
- 4.10 ~~Environmental Health and Building Control~~ Service's staff must not be affected by improper or undue pressure from any source.
- 4.11 Each case is unique and must be considered on its own merits. However, there are general principles that apply in the way each case is approached; these are laid out in this Enforcement Policy.
- 4.12 The work ~~the EH Service~~ ~~we~~ ~~does~~ must be carried out in ways that are **transparent, accountable, proportionate, and consistent**, and should be **targeted** at cases in which action is needed: -

- **Proportionality** means relating enforcement action to the risks (in this policy 'risk' is defined broadly to include a source of possible harm, the likelihood of that harm occurring, and the severity of any harm).

The action taken by ~~the EH Environmental Health & Building Control~~ Services to achieve compliance with the law should be proportionate to any risks to health and safety, and to the seriousness of any breach, including actual or potential harm arising from the breach.

- **Consistency:** The consistency of approach does not mean uniformity. It means taking a similar approach in similar circumstances to achieve similar ends.
- **Transparency:** Transparency means helping duty holders to understand what is expected of them and what they should expect from the enforcing authority.

It also means making clear to duty holders not only what they have to do, but also where relevant what they do not have to do. This means distinguishing between "statutory requirements" which are their legal obligations, and "recommendations" which is generally advice or guidance given in terms of what is desirable but not compulsory.

- **Targeting:** Targeting means making sure that visits/inspections carried out are targeted primarily on those activities or premises that give rise to the most serious risks or where hazards are least well controlled, and that action is focused on the duty holder.
- **Accountable:** Regulators are accountable to the public for their actions. This means that the Council must have policies and standards (such as the four enforcement principles above) against which we can be judged, and an effective and easily accessible mechanism for dealing with comments and handling complaints. The Council's procedure for handling complaints is available on the Council website and will be made available to any duty holder on request. ~~;~~ ~~further information is available at section 17.10 below.~~

5.0 Training, Competency, and Authorisation

- 5.1 Only officers who are competent by training, qualification, and/or experience will be authorised to take enforcement action. Authorised officers will also have sufficient training and understanding of the departmental policies and procedures to ensure a consistent approach to service delivery. The Senior Environmental Health Manager (SEHM) will maintain a list of current authorisations for Environmental Health.
- 5.2 Officers who undertake criminal investigations will be conversant with the provisions of the Police and Criminal Evidence Act 1984, the Criminal Procedure and Investigations Act 1996, and the Regulation of Investigatory Powers Act 2000.

6.0 The Code for Crown Prosecutors - Deciding the action to take

- 6.1 Based upon the Code for Crown Prosecutors there are two issues to determine: -
- The first is what level of enforcement action to take, and
 - where the decision is to take formal enforcement action, the second is whether that action is viable and appropriate.
- 6.2 There are two stages in determining whether formal enforcement action is viable and appropriate. These are: -
- Stage 1: the evidential test
 - Stage 2: the public interest test
- 6.3 If the case **does not** pass the evidential test, it must not go ahead, no matter how important or serious it may be. If the case **does** meet the evidential test, depending on the type of formal action being considered (e.g. prosecution, civil penalty) the Council's Legal Service will decide if formal enforcement action is needed in the public interest.
- 6.4 Paragraphs 6.5 to 6.7 below detail how this policy applies to the consideration of taking a prosecution. The principles outlined apply equally to the other types of formal enforcement action that are available.

6.5 The Evidential Test

- 6.5.1 The Council's SEHM and Legal Services must be satisfied that there is enough evidence to provide a 'realistic prospect of conviction' against each defendant on each charge.
- 6.5.2 A realistic prospect of conviction is an objective test. It means that a jury or bench of magistrates, properly directed in accordance with the law, is more likely than not to convict the defendant of the charge alleged. This is a separate test from the one that the criminal courts themselves must apply. A jury or magistrates' court should only convict if satisfied it is sure of a defendant's guilt.
- 6.5.3 ~~When deciding whether there is enough evidence to prosecute, the SEHM and Legal Services must consider whether the evidence can be used, if it is reliable, and if it would be admissible as evidence in a court of law. When deciding whether there is sufficient evidence to prosecute, SEHM and Legal Services must consider whether there is a realistic prospect of conviction. In doing so, they should have regard to any lines of defence which are open to, or have been indicated by, the accused, as well as any other factors likely to affect the prospects of conviction. This includes~~

consideration of whether the evidence can be used, whether it is reliable, and whether it would be admissible in a court of law.

6.6 The Public Interest Test

~~6.6.1 The public interest test must be considered in each case where there is sufficient evidence to provide a realistic prospect of conviction. The Council's Legal Services will balance factors for and against prosecution carefully and fairly. Public interest factors that can affect the decision to prosecute usually depend on the seriousness of the offence or the circumstances of the suspect or defendant. Some factors may increase the need to prosecute, whilst others may suggest that an alternative course of action would be more appropriate. Deciding on the public interest is not simply a matter of adding up the number of factors on each side. The Council's Legal Services must decide how important each factor is in the circumstances of each case and go on to make an overall assessment.~~

~~6.6.2 The public interest must be considered in each case where there is enough evidence to provide a realistic prospect of conviction. A prosecution will usually take place unless there are public interest factors tending against prosecution that clearly outweigh those tending in favour. Although there may be public interest factors against prosecution in a particular case, often the prosecution should go ahead, and those factors should be put to the court for consideration when sentence is being passed.~~

~~6.6.3 The Council's Legal Services must balance factors for and against prosecution carefully and fairly. Public interest factors that can affect the decision to prosecute usually depend on the seriousness of the offence or the circumstances of the suspect. Some factors may increase the need to prosecute but others may suggest that another course of action would be better.~~

~~6.6.4 Detailed below are some of the common public interest factors that can generally be considered, both for and against prosecution, these are not exhaustive. The factors that apply will depend on the facts in each case.~~

6.7 Some common public interest factors in favour of prosecution.

~~6.7.1 The more serious the offence, the more likely it is considered that a prosecution will be needed in the public interest. A prosecution is likely to be required if: - The more serious the offence, the more likely it is that a prosecution will be required if:~~

- A conviction is likely to result in a significant sentence.
- The offence was committed against a person serving the public, e.g. an officer was obstructed whilst attempting to carry out his/her duties.
- The defendant was in a position of authority or trust.
- The evidence shows that the defendant was a ringleader or an organiser in the offence.
- There is evidence that the offence was premeditated.
- There is evidence that the offence was carried out by a group.

- The victim of the offence was vulnerable, has been put in considerable fear, or suffered personal damage, or disturbance.
- The offence was motivated by any form of discrimination against the victim's age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or beliefs, sex, sexual orientation, or if the suspect demonstrates hostility towards the victim based on any of those characteristics.
- There is a marked difference between the actual or mental ages of the defendant and the victim, or if there is any element of corruption.
- The defendant's previous convictions or cautions are relevant to the present offence.
- The defendant is alleged to have committed the offence whilst under an order of the court.
- There are grounds for believing that the offence is likely to be continued or repeated, for example, by a history of recurring conduct.
- The offence, although not serious in itself is widespread in the area where it was committed.
- The extent to which the defendant has benefitted from the criminal conduct.
- The circumstances of and harm caused to the victim, and the impact on the community.

6.7.2 Where inspectors are assaulted, enforcing authorities will seek police assistance, with a view to seeking the prosecution of offenders.

7.0 What level of enforcement action to take

7.1 Aside from taking prosecution proceedings, and out of court disposal may take the place of a prosecution, if it is an appropriate response to the offender and or the seriousness and consequences of the offending. Regard will be had to any relevant guidance, when deciding whether an alternative disposal, such as a simple caution, civil penalty or other appropriate regulatory proceedings should be administered.

7.2 Enforcement action can be one or more of the following actions: -

- Prosecution
- Civil penalties
- Simple Caution
- Closure powers
- Banning Order
- Rent Repayment Orders
- Management Orders (Empty Dwelling Management Orders, Interim Management Orders, Final Management Orders)
- Refusal, review, variation, suspension and/or revocation of licences, permits, consents, approval, and penalty points.
- Seizure, Detention or Destruction
- Works in default
- Formal Enforcement Notices & Orders (e.g. Improvement, ~~and~~ Prohibition [and Compliance](#) Notices)

- l. Fixed penalty notices
 - m. Informal Notice (written warning and advice)
 - n. Informal verbal warning and advice
 - o. Revisit of premises
 - p. No action
- 7.3 Not all regulatory provisions covered by EH Services have access to each of the above-mentioned enforcement actions. For example, there are no current powers available to officers under the Licensing Act 2003 to serve formal notices such as Improvement or Prohibition notices.
- 7.4 The enforcement options available in each area of Environmental Health ~~and Building Control~~'s work are listed in appendices 3 to ~~810~~, these cover the environmental health areas of food hygiene; health and safety; licensing; ~~housing~~; statutory nuisance; public health, land contamination; pollution prevention and control; ~~and building control, respectively~~. Housing enforcement options are included within the Housing Enforcement Policy.
- 7.5 A brief explanation of each enforcement action is given in **appendix 1**.

8.0 Liaison

- 8.1 The enforcement services (eg: noise, pollution, licensing etc) within the ~~Environmental Health and Building Control~~ EHh and Building Control Services will co-ordinate their enforcement activity to maximise the effective enforcement of any matters that are related to more than one of the services.
- 8.2 Where an enforcement matter affects a wide geographical area beyond the Borough's boundaries or involves enforcement by one or more other local authorities or organisations (e.g. Fire Authority, Police, Trading Standards, etc); all relevant authorities and organisations will be informed of the matter as soon as possible and all enforcement activity co-ordinated with them.
- 8.3 Where appropriate, the matter will be first discussed with the relevant 'Primary Authority' (if the business has a relevant Primary Authority Partnership arrangement in place) or other regulatory body before proceeding.
- 8.4 The SEHM ~~or Building Control Manager (BCM)~~ shall carry out monitoring (as appropriate) to ensure that appropriate and full liaison is being undertaken.

9.0 Death at Work

- 9.1 Where there has been a breach of the law leading to a work-related death, officers must consider whether the circumstances of the case might justify a charge of manslaughter.
- 9.2 To ensure that decisions on investigation and prosecution are closely co-ordinated following a work-related death, the Health and Safety Executive, the Association of Chief Police Officers (ACPO), Local Government Association and the Crown Prosecution Service (CPS) have jointly agreed and published "Work-related deaths: A protocol for liaison". The EH Service must therefore take account of the protocol when responding to work-related deaths.

9.3 In which case, officers shall liaise with the Police, Coroners [Office](#) and Crown Prosecution Service (CPS), and if they find evidence suggesting manslaughter, pass it on to the police. If the Police or the CPS decide not to pursue a manslaughter case, the officer will ~~normally consider taking~~[bring](#) a health and safety prosecution in accordance with the HSE [Enforcement Management Model \(EMM\)](#). ~~Enforcement Policy~~

10.0 Considering the best course of formal action

10.1 The best course of formal action to be taken will: -

- reflect the seriousness of the offence(s)
- give the court adequate sentencing powers
- pass the evidential and public interest tests, and
- enable the offence(s) to be presented in a clear and simple way

10.2 The agreement of the [Senior Environmental Health Manager](#) ~~or BCM (as appropriate)~~ must be obtained before cases are put forward for enforcement actions [7.21\(a\)](#) to [7.21\(j\)](#) as listed above.

11.0 Considering the views of those affected by offences

11.1 ~~The EH Environmental Health and Building Control Services~~ undertake enforcement on behalf of the public at large and not just in the interests of any particular individual or group. However, when considering the public interest test (~~see section 6 above~~), the consequences for those affected by the offence, the decision whether or not and how to take enforcement action, and any views expressed by those affected, will be taken into account.

11.2 Those people affected by the offence will be told about any decision that makes a significant difference to the case in which they are involved.

12.0 The interests of the Spelthorne's [Communities customers](#)

12.1 Where particular local circumstances dictate, enforcement activity will where practicable, take account of those circumstances to minimise any adverse effects of enforcement activity on legitimate businesses and individuals.

13.0 Re-starting a Prosecution

13.1 People should be able to rely on enforcement decisions taken by the Council. Normally, if a suspect or defendant is advised that there will not be a prosecution, or that the enforcement action has been stopped, that will normally be the end of the matter and the case will not start again. Occasionally there are special reasons why enforcement action will re-start, particularly if the case is serious. These reasons include:

- Rare cases where a new look at the original decision shows that it was clearly wrong and should not be allowed to stand.

- Cases which are stopped so that more evidence that is likely to become available in the fairly near future can be collected and prepared. In these cases, the defendant will be told that the enforcement action may well start again.
- Cases that have been stopped because of a lack of evidence but where more significant evidence is discovered later.
- Cases involving a death in which a review following the findings of an inquest concludes that a prosecution should be brought, notwithstanding any earlier decision not to prosecute.

14 Power of Entry

- 14.1 Environmental Health staff are provided with specific powers of entry by a wide range of legislation. This gives them a right (usually in the form of delegated authority from the Council to named officer/s) to legally enter defined premises, such as businesses, vehicles, or land for specific purposes. Powers of entry include enabling officers to undertake inspections and investigations for a wide range of regulatory responsibilities including food safety, health and safety, [licensing](#), environmental protection, and housing legislation, in addition to dealing with emergencies or searching for evidence during those investigations.
- 14.2 Often, the power to enter is accompanied by what are known as ‘associated powers’, which set out what the officers are allowed to do once they have entered the premises. This might include, for instance, conducting a search, seizing relevant items, or collecting samples.
- 14.3 In certain cases, ~~such as under Housing Act legislation~~, where entry is required to a residential property, then a period of notice is usually required to be given to the owner or occupier of the property before entry can be gained.
- 14.4 Officers also have the option to obtain a warrant from a magistrate and enter, at any time by force if necessary to ascertain if an offence has been committed, to gather evidence or to undertake emergency remedial work or works in default.
- 14.5 Officers of Environmental Health will have regard to the Code of Practice - Powers of Entry (issued under section 48 of the Protection of Freedoms Act 2012) when exercising any functions to which the Code relates. The purpose of the Code is to ensure greater consistency in the exercise of powers of entry and greater clarity for those affected by them while upholding effective enforcement.

15 Enforcement Policy Implementation

- 15.1 Officers must abide by this enforcement policy [and the Housing Enforcement Policy](#) when making all enforcement decisions. Any departure from the policy must be exceptional, capable of justification, and be fully considered by the SEHM ~~or BCM (as appropriate)~~ before a decision is taken, unless it is considered that there is sufficient risk in delaying the decision, under which circumstances the officer must take the most appropriate course of action, as they see fit.
- 15.2 Should any departure from the policy result in an officer considering taking enforcement action that may be inconsistent with action being taken by other

authorities then this will be discussed with the SEHM ~~or BCM (as appropriate)~~. Where appropriate the matter will be discussed with relevant primary authority and/or other regulator, if necessary, before proceeding.

15.3 Scheduled internal performance review meetings will be undertaken to ensure that all enforcement activity is carried out in accordance with this policy.

15.4 Instances of non-compliance with this policy will be recorded and reported to the SEHM ~~or BCM (as appropriate)~~, who will instigate appropriate action.

~~15.5 Where legislation permits financial charges will be made for formal enforcement action taken (e.g. The Housing Act 2004 – service of notices, and recovery of costs).~~

16.0 Guidance Documents

16.1 This policy considers various Guidance and Approved Codes of Practice issued by Central Government departments, and national regulators such as the Health and Safety Executive and the Food Standards Agency.

16.2 The Council fully acknowledges and endorses the rights of individuals and will ensure that all enforcement action occurs in strict accordance with the Police and Criminal Evidence Act 1984, the Human Rights Act 1998, the Equalities Act 2010, and other relevant legislation and guidance.

16.3 Directed covert surveillance will only be used in relation to the investigation of serious offences, defined as those with a penalty of six months imprisonment or more.

16.4 This policy has been written with regards to the ~~content of the takes account~~ Regulators' Code 2014 and all the relevant parts of the Code for Crown Prosecutors 2018; the Ministry of Justice's Simple Caution for Adult Offender guidance 2015; the Criminal Procedures and Investigations Act 1996; the Regulation of Investigatory Powers Act 2000.

17.0 Publicity

17.1 The Council may publicise cases of businesses, licensees, landlords, and individuals it successfully prosecutes for relevant offences as well as those it rewards for implementing very high standards. Names of companies and individuals convicted of offences may be published on the Council's website or through social media. Cases subject to an active appeal will not usually be published until the applicable appeals process has elapsed.

17.2 Information related to enforcement notices issued by the Council may appear on the Council's website or social media outlets. Notices that are withdrawn or subject to an active appeal will not be published.

18.0 Further Information

18.1 The Code for Crown Prosecutors – (The Code) is issued by the Director of Public Prosecutions under section 10 of the Prosecution of Offences Act 1985. It sets out the basic principles Crown Prosecutors should follow when they make case decisions.

It is a public document, and although it's written for members of the Crown Prosecution Service it is widely used by others to understand the way in which Crown Prosecutors make decisions. The Code for Crown Prosecutors can be downloaded on the Crown Prosecution's website, at: www.cps.gov.uk
<http://cps.gov.uk/publications/code-for-crown-prosecutors/index.html>

- 18.2 The Regulators' Code is available for download from <https://www.gov.uk/government/publications/regulators-code>
- 18.3 Ministry of Justice - Simple Caution for Adult Offender guidance is available for download from <https://www.gov.uk/government/publications/simple-cautions-guidance-for-police-and-prosecutors>
- 18.4 Guidance Powers of entry: code of practice. The code provides guidance and sets out considerations that apply to the exercise of powers of entry including, where appropriate, the need to minimise disruption to business. It will ensure greater consistency in the exercise of powers of entry, and greater clarity for those affected by them, while upholding effective enforcement. Available for download from [Powers of entry: code of practice - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- ~~18.5 Ministry of Housing, Communities and Local Government - Statutory Guidance (April 2018), Civil penalties under the Housing and Planning Act 2016~~
- ~~18.6 Ministry of Housing, Communities and Local Government - Statutory Guidance (April 2017), Rent repayment orders under the Housing and Planning Act 2016~~
- ~~18.7 Ministry of Housing, Communities and Local Government - Non-statutory guidance (April 2018), Banning orders for landlords and property agents under the Housing and Planning Act 2016.~~
- ~~18.8 Ministry of Housing, Communities and Local Government - Statutory Guidance (April 2019), Database of rogue landlords and property agents under the Housing and Planning Act 2016~~
- ~~18.9~~ 18.5 This Enforcement Policy is available on the Council's website at: www.spelthorne.gov.uk, and can be viewed in hardcopy at the Council offices.
- ~~18.10~~ 18.6 Leaflet entitled "Enforcement Policy - Advice to Businesses". Spelthorne Borough Council's Environmental Health Service has produced a leaflet that provides basic information about the enforcement policy, and the range of enforcement actions available to enforcement officers. This leaflet ~~is given out routinely by all officers to proprietors/managers of commercial premises when carrying out inspections~~ and is available on the Council's web site at www.spelthorne.gov.uk and in hardcopy at the Council's offices. It can be ordered by telephoning 01784 446291, emailing environmental.health.commercial@spelthorne.gov.uk or eh.commercial@spelthorne.gov.uk, or by writing to the Environmental Health Service at Spelthorne Borough Council Offices, Knowle Green, Staines-Upon-Thames, TW18 1XB.
- ~~18.11~~ 18.7 The Council's complaint procedure is available on the Council's web site at www.spelthorne.gov.uk. It can be ordered by telephoning 01784 446291, emailing ehenvironmental.health.commercial@spelthorne.gov.uk, or by writing to the

Environmental Health Service, at Spelthorne Borough Council Offices, Knowle Green,
Staines-Upon-Thames, TW18 1XB.

APPENDIX 1 - ENFORCEMENT ACTION OPTIONS

The Openness of Local Government Bodies Regulations 2014 requires certain decisions made to be available to the public. Such decisions include the issued licences, permits and enforcement notices. Information made available includes: -

- the date the decision was taken
- details of the decision taken along with the reasons for the decision
- details of alternative options, if any, considered and rejected
- where the decision falls in the paragraph 7(2)(a) of the Regulations, the names of any member of the relevant local government body who has declared a conflict of interest in relation to the decision.

Environmental Health decision notices are [available upon request by telephoning 01784 446291, emailing eh.commercial@spelthorne.gov.uk, or by writing to the Environmental Health Service, at Spelthorne Borough Council Offices, Knowle Green, Staines-Upon-Thames, TW18 1XB.](#)
found at <https://www.spelthorne.gov.uk/xxxxx>

Enforcement officers must seek to secure compliance with the law. Most of their dealings with those on whom the law places duties (businesses, landlords, occupiers, and individuals) are informal – officers offer information, advice, and support, both verbally and in writing.

Enforcement officers may also use formal enforcement mechanisms as set out in law, including fixed penalty notices; enforcement notices where a contravention needs to be remedied; prohibition notices where there is a risk of serious personal injury, damage to the environment, or injury to health; revocation of authorisations; withdrawal of approvals; refusal of registration; variations of licences or conditions or of exemptions; or ultimately caution, prosecution, and injunction.

1. Prosecution

This involves offender(s) being summoned by Spelthorne Council to a criminal court to answer a charge(s) for a breach(es) of legislation enforced by this department.

When consideration is given to prosecute, regard shall be taken of the guidance contained within this Enforcement Policy, the Code for Crown Prosecutors, applicable Acts and Regulations, and relevant guidance produced by national regulators (such as the Health and Safety Executive, Food Standards Agency, Environment Agency, or specific government department).

Officers must exercise their discretion in deciding whether to initiate a prosecution. Prosecution without warning and recourse to alternative sanctions may be appropriate in certain circumstances.

In terms of the Public Interest Test, the list of factors stated in section 6.7 of this policy will be taken into account when making a decision.

For non-payment of certain licence fees, or where the Council has not received payment of costs for carrying out works to remove a serious imminent risk or remedy pollution, it will

pursue debts through the appropriate court, and where appropriate it will suspend/cancel the licence.

2. Civil Penalties Notices

Penalty notices for animal health and welfare offences can be issued under the Animals (Penalty Notices) Act 2022. A penalty notice under the act gives an individual or body corporate (such as a company or charity) the opportunity to avoid prosecution for a criminal offence by paying a fee. Payment of a penalty notice does not require an admission of guilt and will not result in a criminal record.

Penalty notices are not designed for serious offences or for minor breaches where advice and guidance in the first instance would be sufficient in rectifying the issue.

Advice and guidance should be the investigating officer's primary enforcement action to promote compliance in most cases followed by warning letters or statutory notices. Issuing a penalty notice could supplement these actions or be the next enforcement step if the officer thinks providing advice and guidance only would be insufficient in redirecting behaviour or previous advice and guidance has not been followed and the issue remains unresolved.

The officer should consider whether prosecution would be the most appropriate enforcement action in the first instance where there is evidence of:

- a serious animal welfare offence
- a significant threat to the human food chain or national biosecurity

An officer may only issue a penalty notice in relation to offences specified in regulations made under the act.

The Council must consider the following factors set out in section 4(2) of the act:

- the seriousness of the conduct to which the proposed notice relates (the 'relevant conduct')
- the duration of the relevant conduct
- any evidence of intention behind the relevant conduct
- any evidence of previous acts or omissions by the person similar to the relevant conduct
- any action taken by the person to eliminate or reduce any risk of harm resulting from the relevant conduct
- any action taken by the person to remedy or mitigate any harm resulting from the relevant conduct
- whether the person reported the relevant conduct to the enforcement authority or constable
- the conduct of the person after the relevant conduct is drawn to their attention by the enforcement authority or constable

The EH Service in conjunction with Legal Services may decide that other forms of sanctions, or advice and guidance in the first instance, may be more effective and proportionate.

Raising revenue should never be an objective of enforcement.

The Council must pay sums received from penalty notices into the Consolidated Fund, the government's general bank account at the Bank of England,

Before paying sums into the Consolidated Fund, the Council can deduct the costs of investigating the offence and issuing the penalty notice.

The maximum penalty notice amount will be whichever is the lower of:

- £5,000
- the maximum fine the offender could be liable to pay if convicted for the same offence

The factors set out in section 4(2) of the act must be considered in every case. This guidance sets out how to consider those factors, and other relevant factors.

Step 1: Assess culpability and harm

Assess the offender's culpability and the harm caused by the offence. Use the list of 'harm' factors to consider the seriousness of the offence for the purpose of section 4(2)(a). Use the list of 'culpability' factors to consider intention for the purpose of section 4(2)(c).

Factors indicating low culpability:

- well-intentioned but incompetent care
- momentary or brief lapse in judgement
- involved through coercion, intimidation or exploitation
- mental health disorder or learning disability

Factors indicating low to medium culpability:

- failure to follow good practice to ensure the needs of an animal has been met
- not followed statutory guidance to ensure that animal health rules have been met
- disregard for rules regarding responsible ownership
- not sought veterinary advice
- unaware of up-to-date statutory guidance
- operating without a licence

Factors indicating medium to high culpability:

- deliberate disregard for welfare of the animal (including by failure to seek treatment)
- deliberate attempt to avoid duty of care of animals
- deliberate breach of animal health rules
- deliberately avoiding operating under a licensing scheme
- prolonged or repeated incidents of animal health (breaches)
- deliberate disregard for the disease control principles including standstill requirements
- deliberately ignored requirements regarding responsible ownership and keepership of kept animals

- ignoring previously issued advice or guidance
- obstructive behaviour
- obstructing an inspector or investigator
- role in organised illegal activity
- level of planning
- involvement of others through coercion, intimidation or exploitation

Factors indicating greater harm:

- greater detriment to the physical or mental wellbeing of animals
- greater detriment to the health of the animals
- greater detriment to consumer
- greater impact to the food chain
- greater impact to public health
- greater impact to local or national biosecurity
- greater risk of spreading disease
- greater risk to public health
- greater risk to public safety
- no animal traceability or significant period lack of traceability
- prolonged period without microchipping

Factors indicating lesser harm:

- lesser detriment to the physical or mental wellbeing of animals
- lesser detriment to the health of the animals
- lesser detriment to consumer
- lesser impact to the food chain
- lesser impact to public health
- lesser impact to local or national biosecurity
- lesser risk of spreading disease
- lesser impact to public health
- lesser impact to public safety
- shorter period of lack of animal traceability
- shorter period without microchipping

Where an offence does not fall into a harm or culpability category, the EH Service may consider other factors, but you must provide justification for this decision.

When the culpability and harm levels have been identified, the officer should find the relevant starting point and range for the penalty amount.

If the maximum fine the offender could be liable to pay if convicted for the same offence is £5,000 or more, you should use these tables to determine the starting point and range of the penalty notice amount.

Low culpability

<u>Harm factor</u>	<u>Starting point</u>	<u>Minimum amount</u>	<u>Maximum amount</u>
<u>Lesser harm</u>	<u>£400</u>	<u>£350</u>	<u>£1,000</u>
<u>Greater harm</u>	<u>£750</u>	<u>£600</u>	<u>£1,250</u>

Low to medium culpability

<u>Harm factor</u>	<u>Starting point</u>	<u>Minimum amount</u>	<u>Maximum amount</u>
<u>Lesser harm</u>	<u>30%</u>	<u>25%</u>	<u>40%</u>
<u>Greater harm</u>	<u>40%</u>	<u>30%</u>	<u>60%</u>

Medium to high culpability

<u>Harm factor</u>	<u>Starting point</u>	<u>Minimum amount</u>	<u>Maximum amount</u>
<u>Lesser harm</u>	<u>50%</u>	<u>40%</u>	<u>80%</u>
<u>Greater harm</u>	<u>70%</u>	<u>60%</u>	<u>100%</u>

Step 2: Assess aggravating and mitigating factors

The EH Service may take any aggravating or mitigating factors into account to adjust the penalty notice amount from the relevant starting point. The amount must not go beyond the minimum or maximum for the range as set out in the relevant table. This will give the final penalty amount.

This list of aggravating and mitigating factors incorporates the factors in section 4(2)(b), (d), (e), (f), (g), (h) of the act:

Aggravating factors

- evidence of previous acts or omissions by the person similar to the relevant conduct
- distress caused to others
- failure to comply with current court orders

- offence committed on licence or post sentence supervision
- publicised or promoted animal cruelty including via the use of technology
- ignored warning or professional advice on current offence
- declines to obtain professional advice
- animal required intervention to bring under control
- financial gain from the offence committed
- number of animals involved
- duration of the relevant conduct
- poor conduct by the person after the relevant conduct is drawn to their attention by the enforcement authority or constable
- threatening or abusive to staff or inspectors and investigators
- poor record keeping

Mitigating factors

- no evidence of previous acts or omissions by the person similar to the relevant conduct
- action taken to eliminate or reduce any risk of harm resulting from the relevant conduct
- action taken to remedy or mitigate any harm resulting from the relevant conduct
- offender reported relevant conduct to the enforcement authority or constable
- good conduct by the person after the relevant conduct is drawn to their attention by the enforcement authority or constable
- inability to pay
- offender has a mental health disorder or learning disability
- offender has been given an inappropriate level of trust or responsibility
- offender sought and implemented professional advice

Further guidance on the use of penalty notices can be found in - Statutory guidance on the use of penalty notices for animal health and welfare offences - GOV.UK

~~The Housing and Planning Act 2016 provides powers permitting local authorities to impose a civil penalty of up to £30,000 per offence as an alternative to prosecution for a range of specified offences under the Housing Act 2004, and where a landlord or property agent has breached a banning order under the Housing and Planning Act 2016.~~

~~Ministers have made it very clear that they expected this power to be used robustly as a way of clamping down on rogue landlords.~~

~~Civil penalties can be used against landlords who are in breach of one or more of the sections of the Housing Act 2004 relating to:-~~

- Failure to comply with an improvement notice
- Offences in relation to the licensing of a House in Multiple Occupation (HMO)
- Offences in relation to selective licensing under part 3 of the Housing Act 2004
- Contravention of an overcrowding notice
- Failure to comply with management regulations for HMOs Compliance Code
- Breach of a banning order (section 21 of the Housing and Planning Act 2016)

The same criminal standard of proof (beyond reasonable doubt) is required for the issuing of a civil penalty as for prosecution. Before taking issuing a civil penalty, Environmental Health Services will satisfy itself that if the case were to be prosecuted there would be a realistic prospect of conviction. To this end, Environmental Health will work with the Council's Legal Service as set down in section 6.0 of this report.

Where a civil penalty is imposed the recipient has the right of appeal through the First tier Tribunal. Environmental Health Services would defend their decision with a view to demonstrating beyond reasonable doubt that the offence had been committed.

In determining an appropriate level of penalty, local housing authorities will have regard to the statutory guidance issued by the Ministry of Housing, Communities, and Local Government (MHCLG) (Civil penalties under the Housing and Planning Act 2016 – Guidance for Local Housing which sets out the factors to consider when deciding on the appropriate level of penalty, however, the following factors will be considered when deciding on the amount:–

- Severity of the offence
- Culpability and track record of the offender
- The harm caused to the tenant
- Punishment of the offender
- Deter the offender from repeating the offence
- Deterring others from committing similar offences
- Remove any financial benefit the offender may have obtained as a result of committing the offence

Environmental Health Service will have regard to the requirements of the statutory guidance issued by the Ministry of Housing, Communities, and Local Government (MHCLG) (Civil penalties under the Housing and Planning Act 2016 – Guidance for Local Housing Authorities).

2.3. Closure powers

The powers to close certain premises, both commercial and domestic, or prohibit processes, are available to authorised officers under various legislation enforced by the Services. This option is taken when there is a serious and imminent risk to health or safety to the occupants, neighbouring premises' occupants, employees, customers, or visitors.

Decisions of this nature will be based on the professional judgement of authorised officers and relevant legislation and government guidance. All cases are to be discussed with the SEHM.

3. Rent Repayment Orders

Local authorities and tenants can apply to the First-tier Tribunal[‡] for repayment of up to 12-months' rent, housing benefit, or universal credit where they can prove beyond reasonable doubt that the landlord is guilty of one of the qualifying offences, as listed below:—

- Using violence to secure entry
- Illegal eviction or harassment of tenants
- Failure to comply with an improvement notice
- Failure to comply with a prohibition order
- Control or management of unlicensed house/HMO
- Breach of banning order

Rent repayment orders are limited to money paid by the body or person making the application.

A rent repayment order can be applied for when the landlord has committed an offence regardless of whether or not the landlord has been convicted of the offence. Where an application for a rent repayment order is made and the landlord has not been convicted of the offence the First-tier Tribunal will need to be satisfied beyond reasonable doubt that the landlord has committed the offence.

If successful and the tenant paid their rent themselves, then the rent will be repaid to the tenant. If rent was paid through housing benefit or through universal credit, then the rent will be repaid to the local housing authority. If the rent was paid partially by the tenant with the remainder paid through housing benefit/universal credit, then the rent would be repaid on an equivalent basis.

Environmental Health Services and the Local Housing Authority will have regard to the requirements of the statutory guidance issued by the MHCLG (Rent repayment orders under the Housing and Planning Act 2016 – Guidance for Local Housing Authorities).

4. Banning Orders

The Housing and Planning Act 2016 (Banning Order Offences) Regulations 2018 makes provision for housing authorities to apply to the First-tier Tribunal for a banning order against a person who has been convicted of banning order offence. The Schedule of Offences to the Regulations lists the offences; these include—

- Illegally evicting or harassing a residential occupier in contravention of the Protection from Eviction Act 1977
- Using violence to secure entry under the Criminal Law Act 1977
- Offences under the Housing Act 2004
- Offence under the Health and Safety at work Act 1974, and the Gas Safety (Installation and Use) Regulations 1998 (r.36)
- Offence under the Regulatory Reform (Fire Safety) Order 2005 (a.32)

Banning orders are designed to tackle the most serious and prolific offenders by preventing them from being involved in renting out or management of housing in the private rented sector. Banning orders are made for a minimum period of 12 months; there is no upper limit on the length of a banning order.

[‡]The Residential Property Tribunal

~~Environmental Health Services and the Housing Services will have regard to the requirements of the statutory guidance issued by the MHCLG.~~

~~5. — Property Management Orders~~

~~Part 4 of the Housing Act 2004 provides local authorities with duties and powers to make an Interim Management Order (IMO) in respect of residential property. Their functions can be exercised where a landlord (or their managing agent) fails to obtain a licence, or where it is necessary due to the hazardous condition of the property. Upon the expiry of an IMO the local authority can make an application to the Residential Property Tribunal to make a Final Management Order and take over the management of the property for a period of up to 5 years. This disables the landlord's ability to manage the property and can also have a significant financial impact on its operation.~~

~~Interim Management Orders—Local authorities are under a statutory duty to make an IMO under s.102 Housing Act 2004 where:~~

- ~~a) The property is a House in Multiple Occupation (HMO) or other licensable dwelling, and the relevant person has failed to obtain a licence and the LA considers that there is no reasonable prospect of it being licensed in the near future.~~
- ~~b) It is necessary for the purposes of protecting the health, safety or welfare of persons occupying the property (s.104).~~

~~An IMO can be in place for up to 12 months after which it ceases to have effect unless it is revoked before the end of the period. The IMO allows the local authority to:~~

- ~~• Have the right to possession of the property.~~
- ~~• Have the right to do, in relation to the property, anything that a person having an estate or interest in the property would be entitled to do such as repairs and collection of rent etc.~~
- ~~• To spend monies received through the collection of rent for carrying out its responsibilities of management and administration.~~
- ~~• To create new tenancies (with the consent of the landlord).~~

~~Final Management Orders—On expiry of an Interim Management Order the local authority has the power to make a Final Management Order (FMO) under s.113 Housing Act 2004 by application to the RPT. Once the FMO is made, it usually takes effect for a period of up to 5 years. This means that the landlord has no control of the property for duration of that period. The general effects of an FMO are similar to those of an IMO. IMOs and FMOs have extensive consequences on the management of a landlord's property, the most noticeable effect will be the financial consequences of the order as the landlord will not directly receive rental income from the property for that period. Rental monies can be used by the local authority to subsidise any relevant expenditure that is reasonably incurred in connection to it performing its duties under the legislation.~~

~~Through the duration of the FMO the LA must periodically review the operation of the order and the management scheme and consider whether keeping the order in force is the best alternative available to it.~~

~~6. — Database of rogue landlords and property agents~~

~~A database of criminal landlords and letting agents has been created and will be held by the MHCLG. The database will be updated by local authorities. Landlords or letting agents who receive banning orders will automatically be listed on the register.~~

7.4. Review, variation, suspension and/or revocation of licences or permits.

These powers are contained in legislation where local authorities issue licences or permits to businesses. Examples include the Licensing Act 2003, the Gambling Act 2005, [the Caravan Sites and Control of Development Act 1960](#), the Pollution Prevention and Control Regulations 1999, and the Local Government (Miscellaneous) Provisions) Acts 1982 and 1976.

Powers to review, suspend, or revoke licences or permits are contained in the Council's "Delegations to Officers". These are generally held by the Council's Licensing Sub-committees. In terms of deciding to review, vary, suspend, or revoke licences or permits, one or more of the following non-exhaustive criteria will be used:

- a) The operator or personal licence holder has been convicted of a relevant offence(s).
- b) The potential for considerable harm.
- c) The seriousness of the offence(s).
- d) The history of compliance of the offender(s), i.e. apparent reckless disregard to the law, persistent poor standards, repeated breaches, etc.
- e) A person/organisation has been engaged in fraudulent activity.
- f) The operation is no longer being managed by a technically competent person.
- g) Failure of the operator, licence holder, to pay the Council any annual or subsistence fee.
- h) Where a licensed premises has been temporarily closed by the Police or Council for related reasons.
- i) Where a successful prosecution has been obtained for a breach(es) of licence condition(s).

8.5. Seizure, detention, destruction powers

Authorised officers have powers to formally seize items, such as food, and equipment (including musical systems) which will or could cause an imminent risk to health, safety, or a nuisance to any person(s).

Decisions of this nature will be based on the professional judgement of authorised officers and relevant legislation and government guidance.

We will always give full details of our actions to the offender(s) when we exercise this power.

9.6. Works in default

This power exists where an authorised officer considers a relevant and serious issue requires urgent work to be carried out. This can occur in relation to statutory nuisances, actual or imminent risks of serious environmental pollution, public health issues or serious housing defects where non-compliance exists and persists.

10.7. Simple caution

This option is used as a formal warning and as an alternative to prosecution. Guidance has been issued by the Ministry of Justice entitled 'Simple Cautions or Adult Offenders' (April 2015). For a formal caution to be issued the following criteria must be satisfied: -

- a) Sufficient evidence must be available to prove the case.
- b) The offender must admit the offence.
- c) The offender must agree to be cautioned.
- d) The offence must not have been committed by the offender before.

If the offender commits a further offence within 3-years of receiving a formal caution, this may influence our decision to take a prosecution. If during the time the caution is in force the offender pleads guilty to, or is found guilty of, committing another offence anywhere in England or Wales, the caution may be cited in court, and this may influence the severity of the sentence that the court imposes.

11.8. Formal notices

Formal or legal notices are available to use in most Environmental Health legislation. They are served on the offenders requiring them to stop the contravention of their statutory duties.

Some notices allow an offender a reasonable length of time to remedy the contravention(s). Other notices may require a business, process, or state of affairs to cease immediately, or cease trading/operating immediately, where there is an imminent risk to health, safety, or environmental pollution to employees, members of the public, etc.

Where legislation permits (e.g. The Housing Act 2004) financial charges will be made for any formal enforcement action that the Council takes.

[This may also include Notices of Intent under Schedule 1A of the Clean Air Act 1993 as amended by the Environmental Act 2021.](#)

12.9. Community Protection Notices

Community protection notices (CPNs) are designed to stop a person aged 16 or over, business or organisation committing antisocial behaviour (ASB) which spoils the community's quality of life. This can include offences such as noise nuisance, eyesore rubbish on private land and antisocial behaviour. Grounds for issuing a CPN include instances in which an individual's behaviour: -

- has a detrimental effect on the quality of life of those in the locality.
- is unreasonable and
- is of a persistent nature.

Before a CPN can be issued, the person, business or organisation suspected of causing the problem must be given a written warning (CPW) stating that a community protection notice will be issued unless their conduct changes and ceases to have a detrimental effect on the community. The warning must also detail that a breach of a CPN is a criminal offence.

Failure to comply with the warning can lead to the issue of a community protection notice. The notice will list the following requirements: -

- to stop doing something specified and/or to do some specified action.
- to take reasonable steps to achieve a specified result - this will be aimed at either preventing the effect of the unacceptable conduct continuing or preventing the likelihood of it recurring.

An appeal against a CPN or its terms can be made to a magistrates' court within 21 days of issue.

If a recipient of a CPN fails to comply with the requirements, the Council may take action to ensure that the failure is remedied and may recover the cost of doing so from the person concerned.

Failure to comply with a CPN can lead to a court summons and, on conviction, can result in a fine of up to Level 4, currently £2,500 for individuals, or £20,000 for businesses. On conviction the Magistrates' have power to order forfeiture and destruction of any item used in the commission of the offence

13. Penalty Charge Notice

~~The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 make provision for the service of Penalty Charge Notices (PCN), up to a maximum of £5,000, on landlords who breach a remedial notice served on them under regulations.~~

~~When Environmental Health has reason to believe that a landlord is in breach of the duties relating to smoke alarms or carbon monoxide alarms, it will serve a Remediation Action Notice (RAN) on the landlord within 21 days of the breach being identified.~~

~~The RAN will specify the actions that the landlord must take to remedy the breach/es. The landlords will have 28 days from the date the RAN was served to carry out the works. If the landlord does not carry out the works specified on the RAN the Council will ensure compliance by undertaking the work in default within 28 days if it has the necessary consent to do so. In addition to doing the works the Council may serve a PCN, which must be served within six weeks. Where the landlord does not pay the FPN, consideration will be given to prosecution for the original offence.~~

~~The landlord has a right to request the Council to review the PCN and has 28 days to make their representation to the Senior Environmental Health Manager. If the landlord is dissatisfied with the review they may appeal to the First Tier Tribunal.~~

14.10. Fixed penalty notices

Fixed penalty notices (FPNs) exist in Environmental Health enforcement areas including noise, smoke free legislation, and smoke control area enforcement (Clean Air Act 1993 as amended by the Environment Act 2021). They are legal notices served on a business or individual in relation to observed contraventions of legislation law. FPNs offer a person the opportunity to discharge any liability to conviction for the offence to which the notice relates by paying a fixed penalty charge within the time specified in the notice. If the

penalty is paid in accordance with the penalty notice, then no proceedings for the offence can be brought.

15.11. Penalty Points Scheme (taxi/hackney carriages)

A Penalty Points Scheme (PPS) has been in place since 2011 in relation to private hire (PH) and hackney carriage (HC) licensing enforcement issues. Penalty Points (PPs) are issued to PH and HC drivers, vehicle owners and PH operators for specified minor breaches of the Council's PH and HC licence conditions. Once a licensee has accumulated 12 PPs in any one calendar year he/she is referred to the Council's Licensing Sub-committee for a decision to be made whether to suspend or revoke their licence.

16.12. Informal notices (written warning)

For some contraventions, we will send the offender a firm but polite letter clearly identifying the contraventions, giving advice on how to put them right and including a deadline by which this must be done. Informal notices/letters are not part of the statutory procedure, and no offences are committed by not complying with them.

Although, failure to comply could result in a formal notice(s) being served or more severe enforcement action being taken, depending on the seriousness of the breach(es).

The time allowed must be reasonable but must also consider the implications of the contravention(s) in respect of the legislation being enforced.

17.13. Informal verbal warning

For minor breaches of legislation, we verbally advise the offender clearly identifying the contravention(s), giving advice on how to put them right and including a deadline by which this must be done. Failure to comply could result in more severe enforcement action being taken. The time allowed must be reasonable but must also take into account the implications of the contravention in respect of the legislation being enforced.

This course of action will only be appropriate where the breach is not serious; the history is good and/or the consequences of non-compliance do not pose a significant risk.

18.14. Revisits

Following the service of a Formal Notice, we ~~may~~ revisit the premises to check compliance has been achieved.

Following the service of an Informal Notice the investigating officer shall use their professional judgement to follow up the matter and depending upon the legislative implications of the contravention, and the perceived likely response of the offender, shall where necessary revisit the premises to check compliance has been achieved.

Following the provision of verbal warning and advice, the investigating officer shall use their professional judgement to follow up the matter, and depending upon the legislative implications of the contravention, and the perceived likely response of the offender, shall where necessary revisit the premises to check compliance has been achieved.

19.15. No action

In exceptional circumstances, contraventions may not warrant any action. This can be where the cost of compliance to the offender outweighs the detrimental impact of the contravention on the community, or the cost of the required enforcement action to the Council outweighs the detrimental impact of the contravention on the community.

A decision of no action may also be taken where formal enforcement is inappropriate in the circumstances, such as where a trader has ceased to trade, or the offender is elderly and frail and formal action would seriously damage their well-being.

A decision to take no action must be recorded in writing and must consider the legislative implications of the contravention.

APPENDIX 2 - FOOD HYGIENE ENFORCEMENT ACTION OPTIONS

The range of enforcement action options available includes:

- a) Prosecution
- b) Closure powers
- c) Seizure
- d) Simple cautions
- e) Formal notices
- f) Informal notices
- g) Informal verbal warnings
- h) Revisits
- i) No action

APPENDIX 3 - HEALTH AND SAFETY ENFORCEMENT ACTION OPTIONS

The range of enforcement action options available includes:

- a) Prosecution
- b) Closure powers
- c) Seizure
- d) simple cautions
- e) Formal notices
- f) Fixed penalty notices (under smoke free legislation)
- g) Informal notices
- h) Informal verbal warnings
- i) Revisits
- j) No action

APPENDIX 4 - LICENSING ENFORCEMENT ACTION OPTIONS

This Appendix relates to enforcement options available to authorised officers under the Licensing Act 2003, Gambling Act 2005, the Town Police Clauses Act 1847, and Local Government (Miscellaneous) Provisions Acts of 1976 (taxi, and private hire driver and vehicle licences), and 1982 (“special treatment” licences), Street and House to House Collection licensing, and various animal welfare legislation.

The range of licensing enforcement action options available includes:

- a) Prosecution
- ~~a)~~b) Civil Penalties (animal activities licensing)
- ~~b)~~c) Closure powers
- ~~e)~~d) Review, variation, suspension or revocation of licences and consents
- ~~e)~~e) Simple cautions
- f) Penalty points
- ~~e)~~g) Targeted and agreed Actions Plans with licensed premises
- ~~f)~~h) Informal notices
- ~~g)~~i) Informal verbal warnings
- ~~h)~~j) Revisits

~~h)k)~~ No action

~~APPENDIX 5 – HOUSING ENFORCEMENT ACTION OPTIONS~~

~~The range of enforcement action options available includes:~~

- ~~a) Prosecution~~
- ~~b) Civil Penalties~~
- ~~c) Banning orders~~
- ~~d) Revocation of HMO licences~~
- ~~e) Rent Repayment Orders~~
- ~~f) Closure powers~~
- ~~g) Penalty charge notices~~
- ~~h) Works in default~~
- ~~i) HMO/property Management orders~~
- ~~j) Simple cautions~~
- ~~k) Formal notices~~
- ~~l) Informal notices~~
- ~~m) Informal verbal warnings~~
- ~~n) Revisits~~
- ~~o) No action~~

APPENDIX 56 - STATUTORY NUISANCE ENFORCEMENT ACTION OPTIONS

The range of enforcement action options available includes:

- a) Prosecution
- b) Seizure
- c) Works in default
- d) Simple cautions
- e) Formal notices
- f) Fixed penalty notices
- g) Informal notices
- h) Informal verbal warnings
- i) Revisits
- j) No action

APPENDIX 67 - LAND CONTAMINATION ENFORCEMENT ACTION OPTIONS

This appendix relates to enforcement options available to authorised officers under Sections 78A to 78YC (inclusive) of Part IIA of the Environmental Protection Act 1990 and Regulations made under it; the Environment Act 1995; and the Law of Property Act 1925.

The range of enforcement action options available include:

- a) Prosecution
- b) simple cautions
- c) Formal notices
- d) Works in default
- e) Informal notices
- f) Informal verbal warnings

- g) Revisits
- h) No action

APPENDIX 78 - POLLUTION CONTROL ENFORCEMENT ACTION OPTIONS

This appendix relates to enforcement options available to authorised officers under the Pollution Prevention and Control Act 1999 and Regulations made under it, and the Environmental Protection Act 1990 and Regulations made under it. Provisions relating to enforcement options applicable to Part IIA of the Environmental Protection Act 1990 are detailed within appendix 8.

The range of pollution control enforcement action options available includes:

- a) Prosecution
- b) Review, variation, suspension, and revocation of licence/permit
- c) Works in default
- d) Simple cautions
- e) Formal notices
- f) Informal notices
- g) Informal verbal warnings
- h) Revisits
- i) No action

APPENDIX 89 - SMOKE CONTROL AREA ENFORCEMENT ACTION OPTIONS

This appendix relates to enforcement options available to authorised officers under the Clean Air Act 1993 as amended by the Environment Act 2021 and regulations made under it.

The range of smoke control area enforcement action options available includes:

- a) Fixed penalty notices/final notices
- b) Simple notices
- c) Informal notices
- d) Informal verbal warnings
- e) Formal written warnings/notices of intent
- f) Revisits
- g) No action

~~APPENDIX 10 – BUILDING CONTROL ENFORCEMENT ACTION OPTIONS~~

~~SCOPE AND OBJECTIVES~~

~~To detect contraventions, record them and ensure compliance with the requirements of the Building Act 1984, Building Regulations 2010 (as amended), and associated legislation. This will be done in an equitable, practical, and consistent manner.~~

~~RESPONSIBILITIES~~

~~All Building Control staff are responsible for recording any reports received of contraventions / breaches of the Building Regulations and, where necessary, passing them to the Building Control Manager within 6 working days for appropriate action if not resolved within that time.~~

~~All staff detecting contraventions are responsible for:–~~

~~Recording them~~

~~Notifying the appropriate person of the contravention (owner, builder, etc.)~~

~~Recommending enforcement action where considered necessary~~

~~Preparing evidence and attending court if required~~

~~The Technical Support staff are responsible for inputting data onto the computer system.~~

~~The Building Control Manager, in liaison with the Deputy Chief Executive with responsibility for Environmental Health and Building Control, is responsible for:–~~

~~Determining the need for formal enforcement action~~

~~Monitoring and maintaining records of unauthorised works / contraventions~~

~~The Deputy Chief Executive with responsibility for Environmental Health and Building Control is responsible for authorising the formal Enforcement action in line with Standing Orders.~~

~~DOCUMENTS REQUIRED TO BE PREPARED AND PRODUCED IN SUPPORT OF ENFORCEMENT ACTION~~

~~Application case file~~

~~Evidence such as correspondence, photographs, witness statements, etc.~~

~~Site inspection records (either handwritten or computer records)~~

~~Record sheet detailing contravention~~

~~Copy of enforcement notice~~

~~Record of service of enforcement notice~~

~~All correspondence~~

DEALING WITH CONTRAVENTIONS

~~On identification or on report of unauthorised works, Building Control staff will:–~~

~~Check records to ascertain whether a valid Building Regulations application has been received.~~

~~Investigate the matter to determine if a contravention has occurred.~~

~~If necessary, advise the appropriate person (owner, builder, etc.) of the contravention and issue formal caution.~~

~~Advise the Building Control Manager of contravention to enable evaluation of appropriate measures.~~

~~Prepare file (if required) and record all details on computer.~~

~~The Building Control Manager will determine the course of action, i.e. whether informal or formal enforcement action is necessary. If informal action is required, the report will be passed to the relevant Building Control Surveyor for action. Where formal action is determined appropriate, the matter will be referred to the Deputy Chief Executive with responsibility for Environmental Health and Building Control.~~

~~If informal action is appropriate:–~~

~~The Building Control Surveyor writes to the person concerned requesting rectification works and submission of all necessary supporting details.~~

~~The information is passed to the technical support staff for recording on computer system.~~

~~If formal action is required:–~~

~~In line with Standing Orders, the information is passed to the Legal Section with a request for legal action. The Chief Executive's and Solicitor's procedure is then followed. The file is passed to the technical support staff for recording on computer system.~~

CONTRAVENTIONS

Minor contraventions

~~A minor contravention occurs when work which is subject of a formal application:–~~

~~is not carried out in accordance with Building Regulations requirements.~~

~~is carried out incorrectly.~~

~~When a Building Control Surveyor is made aware of, or observes minor contraventions on site:~~

~~The appropriate person on site is advised of contravention.~~

~~An agreed time period is given to the appropriate person to resolve the matter.~~

~~The details are recorded on the site inspection record and on the computer.~~

~~If the contravention has not been satisfactorily attended to by the expiry of the agreed time the matter is passed to the Building Control Manager for appropriate action~~

Major contraventions

~~A major contravention occurs when work that has been subject of a formal application:—
Has not been rectified in accordance with Building Regulations requirements, or
Cannot be inspected due to lack of or inadequate notice having been given of works, or
Requires extensive alteration to achieve compliance.~~

~~A major contravention may also occur where works have been carried out without a formal application having been submitted and:—~~

~~Works are at an advanced stage.~~

~~Aspects of the works have been permanently covered prior to having been inspected.~~

~~Works do not achieve compliance with the requirements of the Building Regulations and result in the means of escape provision and / or the structural integrity being obviously inadequate.~~

~~When a Building Control Surveyor is made aware of major contraventions, he / she shall:—~~

~~Inform the relevant person (owner, builder, etc.) of the contravention and formally caution that person.~~

~~Record all relevant details using handwritten notes, thereafter, signing and dating the notes.~~

~~On return to the office the Building Control Surveyor discusses the matter with the Building Control Manager and, if appropriate, prepares an enforcement notice for serving on the relevant person, giving an appropriate period for rectification based on the severity of the contravention.~~

~~The enforcement notice and any necessary documents are produced by the technical support staff and are submitted to the Building Control Manager for authorisation.~~

~~The enforcement notice is reviewed by the Building Control Manager and if all details are in order, the notice is signed and dispatched to the offender, either by registered / recorded post or served by hand.~~

~~A copy of the notice is placed in the case file and the date entered on the site inspection record. The technical support staff record a reminder in the progress filing system for further action. If no corrective action is taken by the offender within the specified period the Building Control Surveyor will:—~~

~~Consult with the Building Control Manager on a further course of action.~~

~~If legal action is necessary, in line with Standing Orders, pass the file to the Legal section for enforcement action to be instigated under the Chief Executive's and Solicitor's rules.~~

~~Update the case file after which the technical support staff will update the computer records.~~

COURT PROCEEDINGS

~~Should matters progress to Court, each Building Control Surveyor will attend as required by the Chief Executive and Solicitor. All findings / rulings will be recorded on the site inspection record.~~

~~Follow up enforcement action will be taken as necessary, on further advice or instruction from Solicitor. All details will be recorded on the site inspection record.~~

FILING

~~On satisfactory resolution of the case, the following additional information is retained in the case file:—~~

~~All correspondence~~

~~Copy of enforcement notice~~

~~Copies of all evidence and witness statements~~

~~Details of Court action (if appropriate)~~

~~Ultimately the case file is returned and retained within main case file system.~~

Spelthorne Borough Council

Civil Penalties Policy under the Renters' Rights Act 2025 and other housing legislation.

This policy applies once the Council has made a decision to commence civil penalty 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 £7,000:

- 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 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 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 to be of primary importance to ensure fairness in the discharge of its functions. The general objective of this policy is, therefore, to promote both transparency and consistency in the imposition of financial penalties so that those involved in the letting or management of accommodation (a) know how the Council will generally penalise relevant breaches and offences and (b) are assured that, generally, like cases will be penalised similarly, and different cases penalised differently.

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 to justify a lower civil penalty.

The further objectives of using financial penalties 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 key 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 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.

Starting point based of seriousness of the breach or offence

The Ministry of Housing, Communities & Local Government has provided statutory guidance that prescribes starting points for all breaches and offences based on the seriousness of the breach or offence. The exception to this prescription is for breaches of licensing conditions under sections 72(3) and 95(2) of the Housing Act 2004, where the Council has determined its own starting levels based on the seriousness of the specific licence condition or type of licence condition that has not be complied with.

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 concurrently or otherwise.
- 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, extensive experience in the letting or management of property.

A downward adjustment of 20% of the applicable starting point will be applied only where all 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 more than 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 taken 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 evidence 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 more than 20%. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple aggravating factors.

The following generic aggravating factors will be considered in respect of each breach or offence:

1. Previous history of non-compliance.

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.

2. 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.

Where multiple civil penalties are imposed against the same landlord at the same time, this aggravating factor will be applied only to the civil penalty with the highest starting point, unless there is a clear and reasoned basis for applying it differently.

3. Deliberate intent or negligence 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.

4. The number of occupants affected.

Non-exhaustive examples include:

- 3-5 occupants affected.

5. Duration of non-compliance.

Non-exhaustive examples include:

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

6. 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 crypto-asset 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
£35,000	£40,000	£28,000	£35,000	£42,000

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

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 evidence 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 evidence 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

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
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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 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

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).

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Summary of Changes

Enforcement Policy:

Area	Current Policy	Proposed Policy	Change Detail
Legislative Framework and Offence Coverage	Based on Housing Act 2004, Housing & Planning Act 2016 and general civil penalty powers	Aligned with Renters' Rights Act 2025 as implemented up to 1 st May 2026	Amendments to reflect incoming powers and duties
Regulators' Code	Council commits to operating in accordance with the Regulators Code unless high risk or history of non-compliance	Removed in regard to Section 107 of the Renters' Rights Act imposing a statutory duty to take enforcement action on 'landlord legislation'. Still in place for legislation that falls outside of 'landlord legislation'	Enforcement change – no longer appropriate to consider informal approach in the first instance where breach/offence of 'landlord legislation'. Code is still applicable where outside of 'landlord legislation'
Enforcement Approach	Graduated approach promoting support and voluntary compliance in most cases unless high risk or history of non-compliance	Allows formal action as the first step where 'landlord legislation' breach/offence committed.	Stronger early intervention powers in adherence with section 107
Investigatory Powers	General overview of current provisions	Adds extensive Renters' Rights investigatory powers	Expansion of powers
Rent Repayment Orders & Banning Orders	Included but less detailed	Expansion to align with RRA	Expansion to align with RRA
Scope of Enforcement / Offence Coverage (Environmental Health functions)	General reference to Environmental Health enforcement powers, with limited explicit reference to animal licensing penalty notices.	Scope of Enforcement / Offence Coverage (Environmental Health functions)	General reference to Environmental Health enforcement powers, with limited explicit reference to animal licensing penalty notices.

Civil Penalty Information amendments within EH Policy:

Area	Current Policy (General EH Enforcement Policy)	Proposed Policy	Change Detail
Legislative Framework and Offence Coverage	Based on Housing Act 2004, Housing & Planning Act 2016 and general civil penalty powers	Aligned with Renters' Rights Act 2025 as implemented up to 1 st May 2026	Amendments to reflect incoming powers and duties
Regulators' Code	Council commits to operating in accordance with the Regulators Code unless high risk or history of non-compliance	Removed entirely due to Section 107 of the Renters' Rights Act imposing a statutory duty to take enforcement action on 'landlord legislation'	Enforcement change – no longer appropriate to consider informal approach in the first instance where breach/offence of 'landlord legislation'
Penalty Calculation	Locally determined matrix considering number of factors	Replaced with statutory matrix including set starting points and other structured factors including landlord type	Introduction of statutory starting points and a nationally consistent calculation method
Aggravating/Mitigating Factors	List of general considerations	Significantly expanded list including vulnerability factors, duration, severity, obstruction and harm level	More structured and transparent penalty adjustments
Financial Assessment/Representation Consideration	Minimal reference, not prescriptive	Detailed evidence requirements	Stronger evidential basis required
Public Interest Test (Section 6.6)	The policy includes a detailed and prescriptive explanation of the public interest	The section has been shortened to a concise, principle-based statement aligned with the CPS Code (2018).	Simplified wording to align with current CPS guidance and remove outdated, prescriptive language.

	test.		
	<p>Public Interest Factors (Section 6.7)</p> <p>Current Policy: The policy sets out a list of public interest factors in favour of prosecution.</p>	<p>Proposed Policy: The list has been retained with minor drafting changes to improve clarity and consistency.</p>	<p>Minor drafting changes only; no substantive amendments to the factors.</p>

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Committee Report Checklist

Please submit the completed checklists with your report. If final draft report does not include all the information/sign offs required, your item will be delayed until the next meeting cycle.

Stage 1

Report checklist – responsibility of report owner

ITEM	Yes / No	Date
Councillor engagement / input from Chair prior to briefing	yes	14.4.26
Commissioner engagement (if report focused on issues of concern to Commissioners such as Finance, Assets etc)	yes	14.4.26
Relevant Group Head review	yes	14.4.26
MAT+ review (to have been circulated at least 5 working days before Stage 2)	yes	14.4.26
This item is on the Forward Plan for the relevant committee	yes	14.4.26
	Reviewed by	
Finance comments (circulate to Finance)	A.Sood	14Apr.26
Risk comments (circulate to Lee O'Neil)	LO	14/04/26
Legal comments (circulate to Legal team)	LH	19/04/26
HR comments (if applicable)	n/a	

For reports with material financial or legal implications the author should engage with the respective teams at the outset and receive input to their reports prior to asking for MO or s151 comments.

Do not forward to stage 2 unless all the above have been completed.

Stage 2

Report checklist – responsibility of report owner

ITEM	Completed by	Date
Monitoring Officer commentary – at least 5 working days before MAT	L.Heron	19/4/26
S151 Officer commentary – at least 5 working days before MAT	T.Collier	17/4/26
Commissioner engagement	Delete as applicable	No issues 08/05/26
Confirm final report cleared by MAT	MAT	05/05/26

Community Wellbeing and Housing Committee

Tuesday 2 June 2026

Title	Monitoring and maintenance of Spelthorne CCTV assets
Purpose of the report	To make a decision
Report Author	<i>Jackie Taylor Group Head Neighbourhood Services</i>
Ward(s) Affected	All Wards
Exempt	Report – No Appendix A – Yes
Exemption Reason	Appendix A contains exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to Information) (Variation) Order 2006 Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information) and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information because, disclosure to the public would prejudice the financial position of the authority in any lease, contract or other type of negotiation with the tenant or developer, who could then know the position of the Council
Corporate Priority	Community Environment Services
Recommendations	Committee is asked to: <ul style="list-style-type: none"> • Approve the Council entering into an inter-authority agreement with Runnymede Borough Council for the delivery of CCTV monitoring and maintenance services, for a term of two (2) years with an option to extend for a further one (1) year, subject to mutual agreement between both parties. • Approve a maximum contract value referenced in 3.1 and as detailed within (Exempt) Appendix A, in accordance with the appropriate level of delegation as set out in the Spelthorne Borough Council Constitution • Delegate authority to the Group Head Corporate Governance to finalise and enter into the agreement and any ancillary documentation, including any minor amendments.

Reason for Recommendation	Spelthorne have been receiving CCTV monitoring services from Runnymede Borough Council (RBC) via Safer Runnymede, since 2003. The most recent contract in place between authorities commenced in 2023 and has now ended. Entering the final year of both Council's before amalgamation into the West Surrey Unitary Authority, both parties are keen to ensure an agreed contract is in place for 2026/2027.
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1. Executive summary of the report

What is the situation	Why we want to do something
The contract that SBC had with Runnymede Borough Council for CCTV monitoring and maintenance which is delivered via Safer Runnymede ended in March 2026, and a new agreement is required to ensure continuity of service during the transition to the West Surrey Unitary Authority.	A new contract is needed to maintain compliance, safeguard service continuity, and ensure that CCTV operations remain functional as both councils move toward amalgamation into the West Surrey Unitary Authority in 2026/27. Without an agreed contract, Spelthorne's CCTV network, dependent on Runnymede's wireless infrastructure, would be at risk of operational disruption and potential additional cost to the future unitary authority.
This is what we want to do about it	These are the next steps
Secure a new inter authority agreement with RBC for continued CCTV monitoring, maintenance, and supporting services. This includes 24/7 monitoring, proactive maintenance, fault response, and out- of- -hours support.	<ul style="list-style-type: none"> • Finalise the new contract for a two-year term with the option of a further one-year extension. • Delegate authority to the Group Head Corporate Governance to finalise and sign the agreement. • Commence the new contract from May 2026 or as soon as possible thereafter.

2. Key issues

- 2.1 Safer Runnymede currently provides CCTV monitoring to a range of public sector partners, including Spelthorne Borough Council, Surrey Heath Borough Council, Hart District Council and Rushmoor Borough Council, and Ashford & St Peters Hospital Trust.
- 2.2 Spelthorne has received these services since 2003, however the contract with Runnymede Borough Council (RBC) ended in March 2026.
- 2.3 A new agreement is therefore required to ensure continued compliance and to confirm service arrangements during the transition to the West Surrey Council. Entering into an inter-authority agreement with RBC for an initial **two (2) year period**, with an option to extend for a **further one (1) year**, will

enable the Council to maintain a resilient, cost-effective, and high-quality CCTV service.

- 2.4 This approach capitalises on Runnymede's established expertise, infrastructure, and operational capacity, avoiding the need for significant internal investment while ensuring continuity of service and compliance and regulatory compliance.
- 2.5 The proposed arrangement supports collaborative working between neighbouring authorities, aligns with best value principles, and provides flexibility to review performance and service outcomes before committing to any longer-term arrangement.
- 2.6 The report sets out the services to be delivered under the agreement, with the associated fee schedule detailed in **exempt Appendix A**.
- 2.7 Under the agreement, RBC will provide the following services to Spelthorne through Safer Runnymede.
- 24/7 CCTV monitoring services across 56 camera assets
 - Two proactive maintenance visits per annum to all CCTV equipment assets
 - Fault identification and response/repair via the maintenance contractor
 - Out-of-hours call handling services
- 2.8 RBC has confirmed that this approach has been formally approved through its committee process.
- 2.9 A table itemising the charges for each element of the contract can be found in **exempt Appendix A**. Whilst the impending West Surrey unitary authority will bring both Runnymede and Spelthorne Boroughs together, effectively superseding this contractual arrangement, for completeness as two sovereign authorities, it is proposed that the contract duration will be recorded as being for a two year term plus an optional further one year, although this will be subject to further discussions.

3. Options appraisal and proposal

3.1 Option 1 (preferred)

- Enter a new contract with Runnymede Borough Council for the provision of CCTV monitoring and maintenance services for an initial **two (2) year period**, with an option to extend for a **further one (1) year**, at an estimated total contract value of **£449,387** over the full **2+1-year term**.
- This option ensures continuity of service during the final year before both council's transition into the West Surrey Unitary Authority
- Maintains uninterrupted CCTV monitoring services.
- Avoids operational and financial risks associated with not having a contract in place during the transition period.
- Reflects both councils' desire to have a formal agreement in place for 2026/27.

Entering the final year of both Council's before amalgamation into the West Surrey Unitary Authority, both parties are keen to ensure an agreed contract is in place for the 2026/2027 budget year.

3.2 Option 2 (not recommended)

- Do Nothing / Do Not Enter into a New Contract

- Not entering into a new agreement with Runnymede Borough Council creates several risks:

Summary of key risks Option 2

- Immediate risk to the future West Surrey Unitary Authority
- No viable monitoring and maintenance framework
- Risk of temporary loss of CCTV services
- CCTV assets may become redundant.

4. Risk implications

- 4.1 Failure to reach an agreement with Runnymede Borough Council presents a strategic risk which, whilst not posing an immediate impact to Spelthorne Borough Council, would likely transfer as a financial and operational pressure to the future West Surrey Unitary Authority.
- 4.2 This risk arises from the longstanding collaborative arrangements between Spelthorne and Runnymede, through which most Spelthorne's CCTV infrastructure has become integrated with the Safer Runnymede system, primarily via wireless technology.
- 4.3 In the absence of a formal agreement, Spelthorne's CCTV network, currently reliant on Safer Runnymede's wireless infrastructure, would lack a sustainable monitoring and maintenance solution. This could lead to a temporary loss of CCTV coverage and a reduction in service capability.
- 4.4 Furthermore, failure to establish a new contractual arrangement, risks rendering the existing CCTV network in Spelthorne inoperable until alternative service provision and transmission solutions are procured and implemented. Such interim arrangements are likely to result in increased costs, which would be borne by the future West Surrey Unitary Authority.

5. Risk Mitigation

- 5.1 The proposed inter-authority agreement mitigates all identified risks by:
- Securing continuity of monitoring and maintenance through a trusted, long-standing delivery partner (Safer Runnymede).
 - Ensuring that the surveillance network remains operational during the transition to West Surrey Council.
 - Locking in a stable service and financial arrangement for the 2026/27 period, avoiding emergency procurement or unplanned technical interventions.

6. Financial implications

- 6.1 Spelthorne's estimated cost of continuing CCTV monitoring, out-of-hours call handling and preventative maintenance through Runnymede Borough Council (via Safer Runnymede) is forecast at £145,390 in 2026/27, rising to £149,752 in 2027/28 and £154,245 in 2028/29 in total over the three year proposed contract period this equates to approximately £449,400. These projections assume a 3% annual CPI uplift on relevant cost lines.
- 6.2 The forecast includes the annual CCTV monitoring contract, service maintenance agreement and storage costs, proactive maintenance visits, and an annual fault repair and replacement allowance which is also subject to CPI uplift in future years.

- 6.3 The 2026/27 budget for CCTV services is £147,500, which is sufficient to meet the projected cost for that year. Additional fault call-out charges may arise where urgent or reactive works are required, in line with the contract pricing schedule.
- 6.4 To support the Council's "safe and legal" objective, it is important to ensure compliant contract arrangements are in place by Vesting Day for transfer to West Surrey. As a result, the procurement is likely to require Section 24 approval from the West Surrey Shadow Council. This does not preclude approval, provided the proposal demonstrates value for money.

7. Legal comments

- 7.1 Under the provisions of Local Authorities (Goods and Services) Act 1970 a local authority may enter into an agreement with another local authority to supply that other local authority with any administrative, professional, or technical services. Any such agreement may contain such terms as to payment or otherwise as the parties consider appropriate.
- 7.2 The Council has appropriate powers to enter the proposed contract with RBC.
- 7.3 Community safety falls within the remit of the Community Wellbeing and Housing Committee (part 3(b) of the Constitution).
- 7.4 The proposed contract with RBC must comply with the Council's Contract Standing Orders and all other applicable rules and regulations. Legal Services will assist in the preparation, negotiation, and the formal completion of the proposed contract.

Corporate implications

8. Commissioners' comments

- 8.1 Commissioners raise no objection to this report proceeding to committee.

9. S151 Officer comments

- 9.1 The S151 Officer confirms that all financial implications have been taken into account and that the recommendations are fully funded from within the 2026/27 budget.

10. Monitoring Officer comments

- 10.1 The Monitoring Officer confirms that the relevant legal implications have been taken into account.

11. Procurement comments

- 11.1 In accordance with the Council's Contract Standing Orders, approval from the relevant service Committee and the Procurement Board is required where the value of the proposed contract exceeds £100,000.00 prior to the commencement of the procurement.

12. Equality and Diversity

- 12.1 The proposal maintains an existing CCTV monitoring service rather than introducing new policies, procedures, or operational changes. Service continuation ensures that all protected groups (including age, disability, race, religion or belief, sex, sexual orientation, gender reassignment, pregnancy and maternity, and marriage and civil partnership) are not adversely affected by changes in safety infrastructure.

12.2 The agreement is between two local authorities and concerns back-end operational arrangements. It does not change how residents access services, does not involve eligibility criteria, and does not reduce any service provision for groups with protected characteristics.

12.3 Maintaining effective CCTV monitoring contributes to community safety and crime prevention across the borough. These benefits are universal, and evidence suggests that community safety measures can be particularly important for vulnerable groups, including older residents, people with disabilities, and those at risk of hate crime.

13. Sustainability/Climate Change Implications

13.1 No sustainability or climate related impacts have been identified in relation to this proposal.

14. Local Government reorganisation (LGR)

14.1 A short-term inter-authority agreement is required to maintain CCTV service continuity during the transition to Local Government Reorganisation (LGR). Although the West Surrey Unitary Authority is expected to assume responsibility in 2026/27, Spelthorne Borough Council remains accountable for service delivery in the interim.

14.2 Without a replacement contract, there is a significant risk of service disruption, non-compliance, and increased costs. A time-limited agreement ensures continued operation, supports legal and regulatory compliance, and provides stability ahead of transfer to the new authority, without constraining future service design.

14.3 The contract will include provisions to address Local Government Reorganisation (LGR), ensuring that on the vesting day (when functions transfer to the West Surrey Unitary Authority), the agreement can either novate to the new authority or be terminated without penalty. This provides flexibility, protects both parties, and ensures continuity of service while avoiding unnecessary financial or legal risk during transition.

15. Other considerations

15.1 The agreement of a new contract with Spelthorne Borough Council, supports the continued delivery of services by Safer Runnymede, which contributes to the Healthy Communities objective within the Health and Wellbeing Strategy.

16. Timetable for implementation

Time Period	Key Activities	Notes
June 2026	Completion of final contract drafting and execution by both parties Delegated authority exercised to sign agreement	Aligned with requirement to begin contract “as soon as possible after the contract documents are agreed and signed.” Inter-authority agreement for the provision of CCTV services.
June 2026	Target contract commencement date	Intended start date for the new inter-authority agreement Inter-authority agreement for the provision of CCTV services.

Time Period	Key Activities	Notes
2026–2028 (Initial 2+1-year term)	Delivery of services including: <ul style="list-style-type: none"> • 24/7 CCTV monitoring • Proactive maintenance visits • Fault identification and repair • Out of hours support 	Inter-authority agreement for the provision of CCTV services.
2028–2029 (Optional 1-year extension)	Extension period available subject to review and agreement of both authorities	

17. Contact

17.1 Jackie Taylor Group Head Neighbourhood Services
j.taylor@spelthorne.gov.uk

Background papers: There are none.

Appendices: Exempt Appendix A

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Committee Report Checklist

Please submit the completed checklists with your report. If final draft report does not include all the information/sign offs required, your item will be delayed until the next meeting cycle.

Stage 1

Report checklist – responsibility of report owner

ITEM	Yes / No	Date
Councillor engagement / input from Chair prior to briefing	Y	
Relevant Group Head review	Yes	5/5
MAT+ review (to have been circulated at least 5 working days before Stage 2)	Y	
This item is on the Forward Plan for the relevant committee	Y	
	Reviewed by	
Finance comments (circulate to Finance)	SF	6.05.2026
Risk comments (circulate to Lee O’Neil)	LO	11.05.2026
Legal comments (circulate to Legal team)	JC	08.05.2026
HR comments (if applicable)		

For reports with material financial or legal implications the author should engage with the respective teams at the outset and receive input to their reports prior to asking for MO or s151 comments.

Do not forward to stage 2 unless all the above have been completed.

Stage 2

Report checklist – responsibility of report owner

ITEM	Completed by	Date rec’d
Monitoring Officer commentary – at least 5 working days before MAT	L Heron	11/05/26
S151 Officer commentary – at least 5 working days before MAT	T.Collier	6.05.26
Commissioner engagement		
		No issues
Confirm final report cleared by MAT		

Community Wellbeing and Housing Committee

2nd June 2026

Title	Nightly-paid temporary accommodation Delivery Plan targets
Purpose of the report	To make a recommendation
Report Author	Terry Collier, Chief Finance Officer and Karen Sinclair Group Head Community Wellbeing
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	NA
Corporate Priority	Addressing Housing Need Resilience
Recommendations	<p>Committee is asked to:</p> <ol style="list-style-type: none"> 1. Agree the targets set out in the Nightly Paid Accommodation Delivery Plan Target 1: reduce the total number of households in nightly-paid accommodation to fewer than 35 by April 2027 – the target for budgetary purposes is 50 to allow for contingency in the 2026/27 budget; Target 2: reduce the average nightly cost of accommodation by 5%. Target 3 : the average length of time households spend in nightly-paid accommodation to reduce from 215 days in 2025/2026 to 120 days by March 2027 <p style="text-align: center;">and</p> 2. Recommend to Corporate Policy and Resources Committee that the anticipated savings of £600k arising from the Nightly Paid Accommodation Delivery Plan to be incorporated into the overall Budget Savings Plan for 2026/27.
Reason for Recommendation	The Council approved as part of the Budget for 2026/27 an overall Savings target of £1m for 2026/27. Expenditure on

	temporary accommodation, and particularly nightly-paid accommodation, by the Council has increased significantly in recent years. The delivery of the Nightly Paid Accommodation Delivery Plan has the potential to deliver a significant proportion of the overall target, approximately £600k. The Best Value Improvement and Recovery Plan includes a focus on delivering a reduction in spend on Temporary Accommodation.
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1. Executive summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> In 2025/26 gross expenditure by the Council on nightly paid accommodation totalled almost £3m gross, and net cost after recovery of rental income via housing benefits was £1.77m The Council has approved an Improvement and Recovery action plan to help reduce numbers in expensive nightly paid accommodation. MHCLG in their recent deep dive on the Council's approach to homelessness highlighted a view that they felt there was over reliance on nightly paid temporary accommodation. The Best Value Directions included a requirement for "a plan to reconfigure the Authority's services commensurate with the Authority's available financial resources." 	<ul style="list-style-type: none"> extended periods in temporary accommodation are generally associated with poorer outcomes for homeless households, particularly families with children and vulnerable individuals. The Council has a £1m in year savings target for 2026-27 across all services and committees. Progressing the Nightly Paid Accommodation Savings Action Plan will contribute towards a significant proportion of the overall Savings target
This is what we want to do about it	These are the next steps
<ul style="list-style-type: none"> That we continue to resource delivery of the Nightly Paid Accommodation Action Plan including the savings element of £600k, and that progress against the target savings is monitored and reported regularly both to this Committee and Corporate Policy and Resources Committee (CPRC) 	<ul style="list-style-type: none"> That CPRC is asked to support inclusion of the Nightly Paid Accommodation savings of £600k into the overall Council savings plan That officers monitor progress against the savings targets and report back regularly to both this Committee and CPRC

2. Key issues

- 2.1 Benchmarking analysis in autumn 2025 identified that Spelthorne, relative to its statistical nearest neighbours, is an outlier in terms of spend on temporary accommodation and that this is correlated to high numbers in nightly paid accommodation. In 2025/26 gross expenditure by the Council on nightly paid accommodation totalled almost £3m gross, and net cost after recovery of rental income via housing benefits was £1.77m. This accounts for 7.3% of the total net service expenditure of the Council. Benchmarking has highlighted that the Council is spending significantly more than “nearest neighbour” councils on Temporary Accommodation (TA) and in particular nightly accommodation. Whilst some of this is partly due to the location of the borough a, it has been identified that there is scope to make significant savings through a focused Delivery Plan designed to reduce both the rate paid per nightly accommodation and the numbers of households placed in nightly accommodation
- 2.2 We recognise that extended periods in temporary accommodation are generally associated with poorer outcomes for homeless households, particularly families with children and vulnerable individuals. The provision of stable and settled accommodation is therefore considered integral to promoting wellbeing, safeguarding, educational continuity, and long-term tenancy sustainment aligned with the Council’s strategic priorities
- 2.3 In order to reduce the numbers in nightly paid accommodation, it necessarily involves focusing on moving households onto better housing and life outcomes. Whilst in recent years the Council has actively engaged with the national Local Authority Housing Fund grant scheme to acquire approximately 80 temporary accommodation units, which has eased some pressures on numbers in nightly paid accommodation, the Council needs to take more steps to tackle the issue.
- 2.4 The recent deep dive by MHCLG identified a lot of really good practice by the Housing Options team but suggested an over reliance on nightly paid accommodation and recommended identifying “suitable and appropriate TA options provided with strong focus on resettlement”.
- 2.5 A focus on achieving savings through a different approach to nightly accommodation, is not the only focus on delivering savings on the Council’s budget and following a savings analysis across all services, significant savings were built into the base budget for 2026-27 and a number of specific areas for savings are being targeted which will be reported to the various relevant Committees.
- 2.6 Led by the Strategic Housing Lead, the Housing Options team have worked up a detailed delivery plan (please see Appendix A). The plan focuses on the following three key targets:
- 2.7 Target 1: reduce the total number of households in nightly-paid accommodation to fewer than 35 by April 2027 -the target for budgetary purposes is 50 to allow for contingency in the 2026/27 budget;
Target 2: reduce the average nightly cost of accommodation by 5%.

Target 3 : the average length of time households spend in nightly-paid accommodation to reduce from 215 days in 2025/2026 to 120 days by March 2027.

- 2.8 The delivery plan lists a number of actions and names the owner of each of the actions, sets timeframes and outlines the key delivery risks. Further details can be found at Appendix A.
- 2.9 Good progress has already been made in reducing the numbers in nightly accommodation by roughly 20% to 78 households per night. If a 5% reduction in nightly rates can be negotiated (and other factors were unchanged) there would be a weekly saving of £2.4k and a yearly saving of £121k. For budget savings purposes, the plan assumes a 50% reduction in the number of households accommodated in nightly accommodation to 50 households per night by year end, this is estimated to deliver a saving for 2026/27 of approximately £600k. .

3. Options appraisal and proposal

- 3.1 Option 1 (preferred): To agree the targets set out in recommendation 1 and make the recommendation to CPRC as set out in recommendation 2. This option is preferred as it delivers a significant saving which is already underpinned by a detailed and resourced delivery plan.
- 3.2 Option 2: To suggest amendments to the planned approach.
- 3.3 Option 3: Do not support the plan – this would leave expenditure on this service area uncontrolled passing on a significant liability and risk to West Surrey and failing to progress an important element of the Improvement and Recovery Plan.

4. Risk implications

- 4.1 We are in the midst of a national housing crisis, in an economy facing uncertain times. We are doing significant work to prevent homelessness in the first place, as well as finding accommodation for those who are already homeless, but we cannot control the number of households presenting themselves as already homeless.
- 4.2 The impacts of the national Renters' Rights Act is likely to result in landlords withdrawing from the market resulting in fewer rental properties for households to move on to.
- 4.3 Whilst good progress has been made initially in reducing numbers in nightly accommodation in three months by roughly, 20% there is a risk that this rate of progress may not be sustained.
- 4.4 In order to seek to mitigate the above risks, a detailed delivery plan has been prepared, with additional resources brought in to support key elements, such as negotiating improved nightly rates, regular biweekly meetings to focus on

numbers in Nightly paid accommodation; targeting resource to focus supporting move on activity etc.

5. Financial implications

- 5.1 The Finance and Housing Options teams have worked together to model options and scenarios as to how expenditure on nightly accommodation could reduce over the remainder of the current financial year if the initial progress is maintained.
- 5.2 They have calculated that if the number in nightly accommodation can be reduced down to 50 by the end of the year, this is estimated to deliver a saving of between £0.555m and £0.684m by the end of the year. See Appendix B for a summary of the financial model projections.
- 5.3 In order to resource this, some additional expertise is being brought in, including consultants reviewing how the Rent Assure Scheme is working. These costs have been factored into the estimated savings.
- 5.4 The financial savings delivered by the Temporary Accommodation action plan will be monitored as part of the quarterly budget monitoring reported to CPRC. If the monitoring identifies emerging issues with the level of savings being delivered then options for altering the focus of the plan, for example bringing in additional resource maybe considered. If this was felt not to be effective the target savings might need to be modified.

6. Legal comments

- 6.1 The Council has a duty under the Housing Act 1996 (Part VII) as amended to ensure that accommodation is made available for homeless applicants who are owed a full housing duty by the Council.
- 6.2 The Council has a statutory Best Value Duty under the Local Government Act 1999.
- 6.3 The Secretary of State's Best Value Directions include a requirement for a plan to reconfigure the Council's Services commensurate with the Council's available financial resources
- 6.4 The inclusion of the Temporary Accommodation Savings Plan as part of the overall Budget Savings Plan 2026/2027 demonstrates that the Council is taking steps to meet the requirements within the Secretary of State's Best Value Directions and supports the Council to meet its statutory obligations.

Corporate implications

7. Commissioners' comments

- 7.1 No issues.

8. S151 Officer comments

8.1 The S151 Officer confirms that all financial implications have been taken into account and that the recommendations are anticipated to make a significant contribution towards the savings targets for 2026/27.

9. Monitoring Officer comments

9.1 The Monitoring Officer confirms that the relevant legal implications have been taken into account.

10. Procurement comments

10.1 There is a parallel issue around whether the approach to date of spot purchasing temporary accommodation, is caught by the public sector procurement rules, and is as a result non-compliant. The Council is commissioning counsel advise on the issue and is exploring putting in place an appropriate framework.

11. Equality and Diversity

11.1 An equalities impact assessment will be undertaken.

12. Sustainability/Climate Change Implications

12.1 Often the accommodation used does not always meet good environmental ratings so reducing use would improve environmental situation and moving people into more sustainable accommodation would benefit the health and welfare of tenants.

13. Other considerations

13.1 Good practice from elsewhere around management of nightly accommodation pressures has been considered by the team. Emily Corfield is happy to talk through the action plan in more detail with any councillor who wishes to discuss.

14. Timetable for implementation

14.1 The Action Plan has already been worked up and is being implemented. Subject to the comments of the Committee the plan will continue to be implemented and monitored.

15. Contact

15.1 Terry Collier, Susan Faure, and Emily Corfield

Please submit any material questions to the Committee Chair and Officer Contact by two days in advance of the meeting.

Background papers: are none.

Appendices:

Appendix A: Nightly paid accommodation delivery plan

Appendix A

Delivery Plan

Reducing Spelthorne's spend on nightly-paid accommodation

Last year the Council spent nearly £3 million on nightly-paid accommodation. This is unsustainable and significant savings are required in FY 2026/27.

This note should be viewed alongside the [Nightly-paid accommodation Action Plan.xlsx](#), and asks three questions to help us deliver a reduction in the Council's spend on nightly-paid accommodation:

1. What are we trying to deliver?
2. How are we going to deliver it?
3. Do we know whether delivery is on track?

1. What are we trying to deliver?

a) A saving of between £555,000 and £679,000 in FY 2026/27.

- In FY 2025/26, the Council spent **£2.99 million** on nightly-paid accommodation. **£1.22 million** of this was recovered through rents, meaning the net cost to the Council was **£1.77 million**.
- In FY 2025/26, there were an average of 100 households in emergency accommodation at any one time. The average stay per placement was 215 days (note this does include where households had multiple emergency placements) at an average nightly rate of £84.50.
- So, to reduce the costs to the Council, we need to reduce the number of households in nightly-paid accommodation (Target 1), the nightly rates we pay for the accommodation (Target 2), and the length of time households remains in nightly-paid accommodation (Target 3).

b) An excellent homeless service that supports people who really need help.

We will continue to ensure we are meeting all our legal duties to provide emergency accommodation.

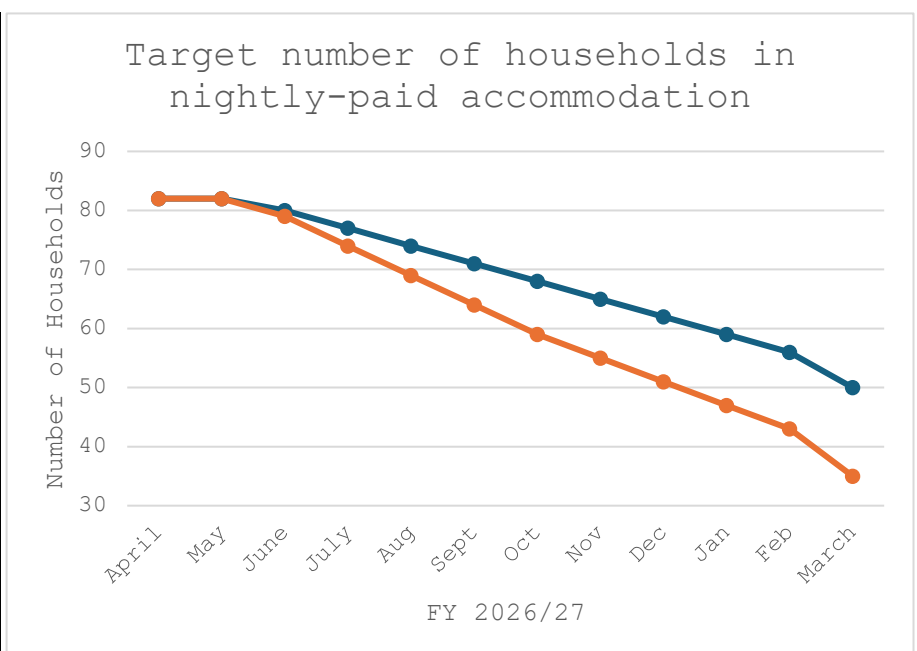
- **Section 188** of the Housing Act 1996 requires Councils to provide emergency accommodation immediately if a person is homeless, eligible and *may be* in priority need. This is a low threshold.
- The **Relief Duty**, under the Homelessness Reduction Act 2017, means that if a household is already homeless, councils owe a 56-day duty to relieve homelessness, including securing emergency accommodation for households in priority need.
- **Main Duties** are accepted if, after all enquiries are made, a household is:
 - Homeless
 - Eligible
 - In priority need
 - Not intentionally homeless
 - With a local connection (or accepted after a referral)

The Council must secure longer-term accommodation, such as social housing or private rented accommodation for at least two years, but emergency accommodation may continue while this is arranged.

Headline targets

Target 1: reduce the total number of households in nightly-paid accommodation to fewer than 50 by April 2027 (note the target for budgetary purposes is 50 to allow for contingency in the 2026/27 budget).

Month	Target for budget	Internal delivery target
April	82	82
May	82	82
June	80	79
July	77	74
Aug	74	69
Sept	71	64
Oct	68	59
Nov	65	55
Dec	62	51
Jan	59	47
Feb	56	43
March	50	35



If we achieve a reduction to 50 households in nightly-paid accommodation by end of March 2027, the expected net savings would be **£555k in FY26/27**.

If we achieve a reduction to 35 households in nightly-paid accommodation by end of March 2027, the expected net savings would be **£684k in FY26/27**.

For these savings to be met, the reductions will need to be equal across different groups of households. For example, if we just focus on moving on single people, we won't save as much as if we also manage to move on larger households. The targets should therefore be split as follows:

Single people (studio or 1 bedroom need)	45%
Small households (2 bedroom need)	27%
Larger households (3+ bedroom need)	28%

These percentages translate as follows:

When overall target is...	Single people (studio or 1 bedroom need)	Small households (2 bedroom need)	Larger households (3+ bedroom need)
70	32	19	19
60	27	16	17
50	22	14	14
35	15	10	10

See Annex A for all cost saving calculations.

Target 2: reduce the average nightly cost of accommodation by 5%.

Our current average nightly rates are:

Property Type	Avg Nightly Charge	Mix %
Studio	£63.50	4%
1 Bed	£64.82	41%
2 Bed	£95.19	27%
3 Beds	£101.60	22%
4 Beds	£110.00	5%
5 Beds	£130.00	1%

PeopleToo are supporting our rate negotiations with an initial view of saving 5%, but we will have a better understanding of what is achievable once the work has commenced.

If Target 1 is achieved (reducing the number of households in nightly-paid accommodation to **50** by April 2027), we could expect to save the following with these different rate reductions:

Rate reduction %	Saving Forecast £'000
1%	567
5%	617
10%	679

Target 3: the average length of time households spend in nightly-paid accommodation to reduce from 215 days in 2025/2026 to 120 days by March 2027.

Of the 178 households who left nightly-paid accommodation in FY25/26, the mean length of time spent in nightly-paid accommodation was 215 days. This includes households funded by the Rough Sleeper Initiative, and under the Home Office's Afghan and Asylum schemes.

Significantly reducing the length of time households stay in nightly-paid accommodation will rely on an increase in move-on properties available, and continued excellent casework.

To ensure focus is not only on moving on single-person households, we meet with the Housing Commissioner fortnightly to review move on plans for the ten households who have been in nightly-paid accommodation the longest. These are currently:

UAI	No. of weeks accommodated	Situation	Action as of 1 May
SPEL/NAT09021982	157	Eviction with legal	Still with legal. Arrears.
SPEL/50076	152	Direct let requested - no property available yet. (4 bed, accessible property needed)	No change since April
SPEL/999524443	142	Under offer	Offered accommodation with A2D.
SPEL/52054	130	Arrears have prevented them from receiving offers	Support in place to review household circumstance and get benefits back into payment.
SPEL/52188	128	End of duty due to refusal of a TA offer.	Review to be overturned due to new diagnosis

SPEL/52442	124	1 bed need - young person needing fully wheelchair adapted home	Direct let identified - 1 bedroom bungalow fully, verification starting.
SPEL/999524549	121	3/4 bed need, top 20 for bids, struggling with debt, poor credit history.	Has been offered social housing but wants to refuse on grounds of suitability. Currently under review, may accept property and move in.
SPEL/52776	113	3-bed need, children's services involvement, benefit cap.	Was going to be offered an A2D TA property but the property went to a more costly decant. Nothing else in pipeline.
SPEL/53764	93	10 children, one passed away from illness March 2026, child arrangements are uncertain.	Waiting for children's services as household uncertain. Visiting family within 2 weeks.
SPEL/52610	83	Direct let requested - no property available yet	Still waiting for a suitable direct let to be offered.

If this target is met this financial year, the target should be lowered in 2027/28, possibly to 90.

Supporting targets

There are also supporting targets which correspond to some of the actions in the action plan. These are:

Supporting targets	Status
95% of all B&B households visited each month.	Completed for 3 months. Resource now focusing on TA.
The 10 households who have been in nightly-paid accommodation the longest (as of 1 May 2026) to have all received an offer by 19 June.	6 out of the 10 longest staying households as of January remain in nightly-paid accommodation. Target deadline extended to 19 June, with 10 new target households (the longest stayers as of May 2026.)
<15% of prevention cases should progress to relief duty. (Preventing households being put into nightly-paid).	Accepted prevention cases progressing to relief duty: Relief duty cases progressing to main duty: Jan –

Of those in relief duty, <50% should progress to main duty. (where we accept the need to find longer-term, permanent accommodation).	Jan – 14% Feb – 7% March – 14% April – 9%	Feb – March – April –
Average number of days void for A2Dominion Temporary Accommodation (note includes time for repairs and lettable void time) - <10%	This is calculated based on number of days per month a temporary accommodation property is unoccupied for. A2D's figure is currently 12-14% (out of 49 units). Note this is difficult for us to influence, but including for monitoring purposes. KGE's figure is currently 0-6% (out of 63 units)	
Average number of days void for KGE Temporary Accommodation (note includes time for repairs and lettable void time) - <5%		
TBC - X% of settled accommodation placements outside the borough. (Target to be agreed at later date once more evidence available).	Work underway to review opportunities with Cedar Housing and Bridge Housing.	

2. How are we going to deliver it?

We have an action plan to address the issue which can be found on the 'Action plan' tab of the [Nightly-paid accommodation Action Plan.xlsx](#). Some of the actions include:

- a) **Tighter sign-off process for nightly-paid placements.** Before a placement is made, the Group Head, with the Housing Options Manager, will have to be satisfied that the placing officer has made enough enquiries to genuinely believe that a household is homeless, eligible and may be in priority need.
- b) Prioritising households in Temporary Accommodation (TA) for **direct social housing lets**, enabling us to reuse vacated TA units for families currently in nightly-paid accommodation.
- c) **Visits** to all households in TA to confirm homelessness application details are correct and to promote private rented sector move on opportunities.
- d) **Strengthening our engagement with the private rented sector**, including by reviewing our incentives scheme and exploring suitable out of borough options where appropriate.
- e) **Working closely with A2Dominion** to reduce the length of void periods in their properties and bring homes back into use more quickly, and renegotiating the A2D's TA offer.

- f) Assessing the need for a **procurement framework** for nightly-paid accommodation to ensure we consistently secure best value for money.
- g) **Collaborating with developers and Registered Providers** to increase the supply of affordable housing in Spelthorne.
- h) **Purchasing street properties for TA or social housing** with commuted sums and Local Authority Housing Fund (LAHF) funding.

The Action plan names the owner of each of the actions, sets timeframes and outlines the key delivery risks.

3. How will we know whether delivery is on track?

a) Data

Currently, at the beginning of each month, the Data and System Management team leader and finance business partner extract data from Locata and the ledger for the tracker in the [Nightly-paid accommodation Action Plan.xlsx](#). Data is also extracted fortnightly for use at operational level to identify issues in progress.

The data we track includes:

- Number of households in nightly-paid accommodation broken down by Relief Duty (including s188 interim duty), Main Duty and Rough Sleeper Initiative.
- Homeless cases prevented, (ie. not progressing to relief duty and therefore avoiding the need for households to be placed in interim, nightly-paid accommodation)
- Relief duty cases which progress to main duty (ie. where we accept the need to find longer-term, permanent accommodation).
- The costs of nightly-paid accommodation, shown as a three-month rolling average to mitigate outlier data from late invoicing.

However, we need more visible, accessible data. We are currently trying to resource some work to create a dashboard that can clearly show data accurate to the day.

It will be important that any corporate KPIs align with the data we're already collecting and using. MHCLG specifies which data must be provided for HCLic, and we cannot deviate from this format.

b) Delivery routine:

- The team of delivery officers meet fortnightly to identify next steps for each of the actions and track progress.
- We provide updates on this work at the monthly Strategic Housing Group meetings.
- As part of the IRP, this work is also monitored through IRB processes. Each month, we feed into the IRP dashboard, sharing progress from the previous period, planned activities and key risks and issues.

	Progress in previous month	Priorities for this month
April	<ul style="list-style-type: none"> • Consolidated action plan. • Briefed Cllrs and got senior support / buy in for way of working. • Recruited strategic housing officer 	<ul style="list-style-type: none"> • Obtain data needed • Agree targets in this document • Consultant support to start
May	<ul style="list-style-type: none"> • Consultant support started – Campbell Tickell, PeopleToo and Red Loft 	<ul style="list-style-type: none"> • Agree targets in this document • Secure additional data resource • Begin purchase of properties with LAHF and Commuted sum

Appendix A – Cost-saving calculations

The tables below show the potential savings generate by reducing cohort numbers and rates.

- Rent Recoverable is calculated as 41% of gross costs, for all scenarios.
- Cohort reduction profile is the same for all scenarios , 82-50-35. These represent end of year cohort as the reduction during the year is gradual.
- Rate reduction is shown at 1% and 10% to help in creating a multiples trend idea.
- Rate change extra saving is calculated as difference against the scenario with no rent change (A.)

Scenario A): Savings - Reduction in Households No Change in Rate			
	82 Households	50 Households	35 Households
Costs-Zero based	£'000	£'000	£'000
Studio	70	58	52
1 Bed	804	676	606
2 Bed	764	642	575
3 Beds	667	561	502
4 Beds	161	135	121

5 Beds	47	40	36
	2,514	2,112	1,892
Budget			
FY26 B&B Budget	3,044	3,044	3,044
Gross Savings	(530)	(933)	(1,152)
Rent Recoverable Budget	1,244	1,244	1,244
Potential Rent Recoverable	1,031	866	776
Reduced Income	213	378	468
Net savings	(317)	(555)	(684)

Scenario B): Savings - Reduction in Households 10% Reduction in Rate

	82 Households	50 Households	35 Households
	£'000	£'000	£'000
Costs-Zero based			
Studio	63	53	47
1 Bed	724	608	545
2 Bed	688	578	518
3 Beds	601	505	452
4 Beds	145	121	109
5 Beds	43	36	32
	2,263	1,900	1,703
Budget			
2026-27 B&B Budget	3,044	3,044	3,044
Gross Savings	(782)	(1,144)	(1,341)
Income			
Rent Recoverable Budget	1,244	1,244	1,244
Potential Rent Recoverable	928	779	698
Reduced Income	316	465	546
Net savings	(466)	(679)	(796)
Extra saving	(148)	(125)	(112)

Scenario C): Savings - Reduction in Households 1% Reduction in Rate

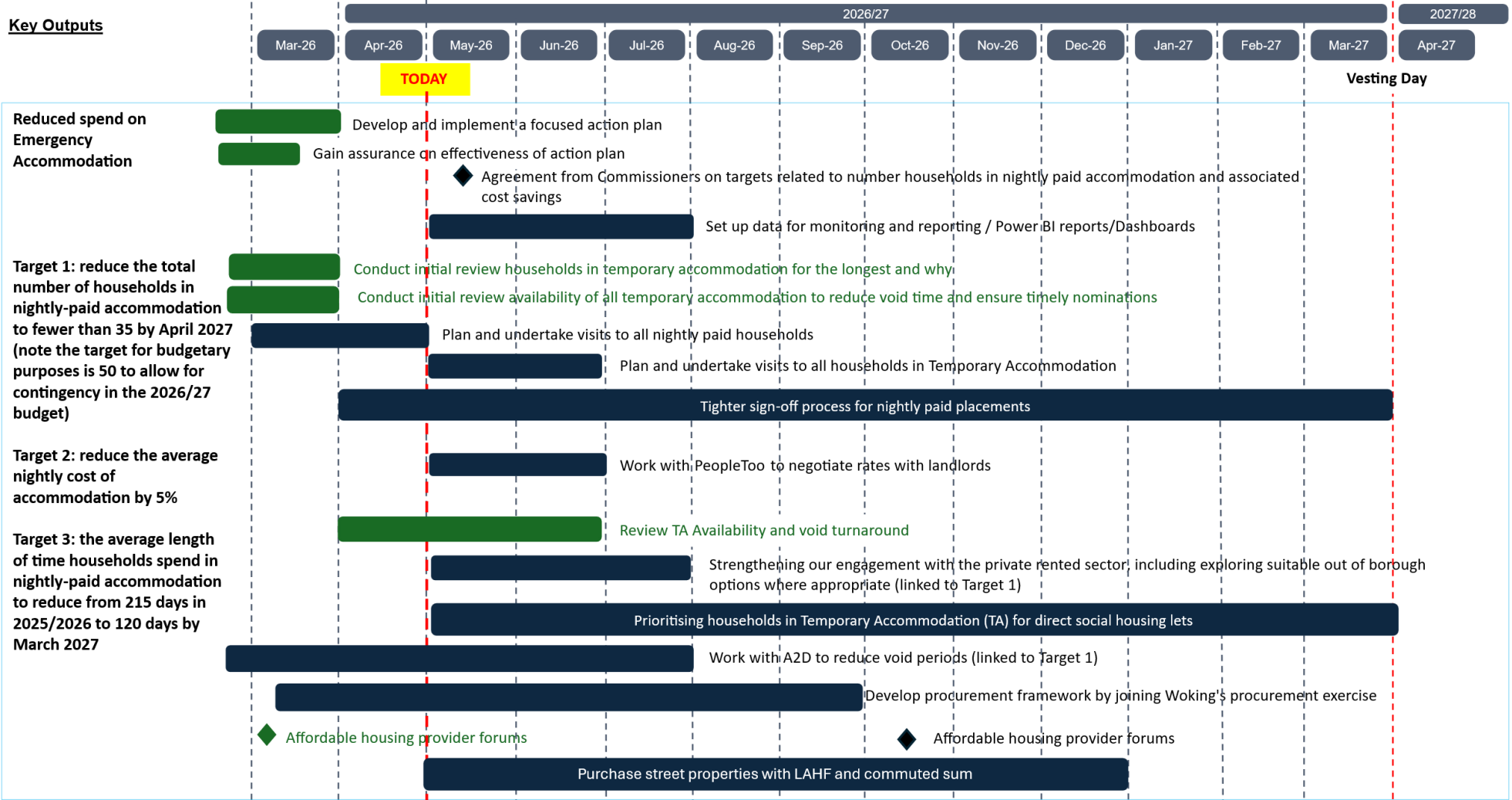
	82 Households	50 Households	35 Households
	£'000	£'000	£'000
Costs-Zero based			
Studio	69	58	52
1 Bed	796	669	599
2 Bed	757	636	570

3 Beds	661	555	497
4 Beds	159	134	120
5 Beds	47	39	35
	2,489	2,090	1,874
<u>Budget</u>			
2026-27 B&B Budget	3,044	3,044	3,044
Gross Savings	(556)	(954)	(1,171)
<u>Income</u>			
Rent Recoverable Budget	1,244	1,244	1,244
Potential Rent Recoverable	1,020	857	768
Reduced Income	224	387	476
Net savings	(332)	(567)	(695)
Extra saving	(15)	(12)	(11)

Appendix B – IRB plan on a page

WORKSTREAM 3: IMPROVING OUR PLAN TO DELIVER THE HOUSING NUMBERS SET OUT IN THE LOCAL PLAN

Key Outputs



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