CABINET | **COUNCILLOR KEITH DIBBLE**
HOUSING & PLANNING PORTFOLIO HOLDER

4TH AUGUST 2026 | **REPORT NO. OS2620**

KEY DECISION: YES

UPDATED CIVIL PENALTIES POLICY FOR HOUSING ENFORCEMENT

SUMMARY AND RECOMMENDATIONS

This report seeks Cabinet approval for the Council's updated Civil Penalties Policy, which provides the framework for issuing civil penalties for housing related offences under the Housing Act 2004, Housing and Planning Act 2016, and the Renters' Rights Act 2025.

The Renters' Rights Act 2025 has significantly changed the landscape for the private rented sector and introduced specific duties on Local Housing Authorities with respect to enforcement protocols and mandatory reporting of enforcement interventions into central government. The implementation of the Renters' Rights Act requires an update to the Council's Civil Penalties Policy to ensure compliance with the new statutory duties.

The policy sets out how the Council will determine penalty levels, assess aggravating and mitigating factors, issue notices, consider representations, and enforce penalties. The updated policy ensures the Council can lawfully exercise its expanded enforcement powers from 1 May 2026, when the Renters' Rights Act enforcement regime commenced. Statutory guidance requires councils to adopt and publish a civil penalties policy before issuing penalties.

Where penalties for existing offences are issued which are committed prior to 1 May 2026, the civil penalty policy in force when the offence was committed and statutory guidance on civil penalties published by the Ministry of Housing, Communities & Local Government (MHCLG) in April 2018 continue to apply. In practice therefore the Council will need to operate the existing and new civil penalty policies in parallel for a transitional period.

Cabinet is recommended to:

- Approve the Civil Penalties Policy attached at Appendix 1.
- Delegate authority to the Executive Head of Operations to make minor amendments to the policy to reflect future legislative or regulatory changes.
- Agree that the policy be published and implemented with immediate effect.
- Approve that the two policies run in parallel for a transitional period.

1. INTRODUCTION

1.1 The private rented sector is an essential part of the Council's housing supply, and there is a statutory duty to ensure that homes are safe, managed and compliant with housing legislation. The strengthened enforcement powers introduced by the Renters' Rights Act 2025 came into force on 1 May 2026, and the Council must have an updated Civil Penalties Policy in place to use these powers lawfully.

1.2 This report presents the updated Civil Penalties Policy for approval. The policy provides a clear and consistent framework for issuing civil penalties as an alternative to prosecution and ensures the Council can take effective action against noncompliant landlords. Approval is required to protect tenants, support fair standards in the private rented sector and mitigate legal and financial risks to the Council.

1.3 This is a key decision because it establishes the Council's formal enforcement framework for the private rented sector, applies Boroughwide and carries financial and strategic implication for the authority.

2. BACKGROUND

2.1 Civil penalties were introduced as an alternative to prosecution for certain housing offences to allow councils to take proportionate enforcement action without the cost and delay of court proceedings.

2.2 The Renters' Rights Act 2025 significantly expands the range of offences for which civil penalties may be issued, including:

- unlawful rent increases
- discrimination against tenants with children or benefits
- breaches of tenancy information requirements
- failure to comply with safety standards
- breaches of the new tenancy structure

To issue civil penalties lawfully, the Council must have a published Civil Penalties Policy that:

- explains how penalties are calculated
- sets out the decision-making process
- ensures consistency and fairness
- complies with statutory guidance

2.3 The Council's existing policy predates the Renters' Rights Act 2025 and is no longer sufficient.

The updated policy supports the Council's priorities by:

- improving housing conditions
- protecting vulnerable residents
- supporting fair and lawful private renting
- enabling effective enforcement against rogue landlords
- contributing to safer, healthier neighbourhoods

2.4 The Renters' Rights Act introduces a strengthened enforcement regime. Civil penalties are a central tool within this framework, enabling councils to take swift and proportionate action against noncompliant landlords.

2.5 Local housing authorities are under a duty to enforce the landlord legislation under section 107 of the Renters' Rights Act 2025. This defines taking enforcement action as imposing a financial penalty or instituting proceedings against a person for an offence in their area. Local housing authorities fulfil that duty by acting in accordance with their enforcement policies, which must be developed considering the MHCLG guidance.

A published policy is required to:

- ensure transparency
- support consistent decision-making
- withstand legal challenge
- comply with statutory guidance
- enable the Council to retain income from penalties

2.6 This policy primarily supports the Council's *Homes for All: Quality Living, Affordable Housing* priority through improving standards within the private rented sector and protecting tenants from poor housing conditions. It also contributes to *Community and Wellbeing*, *Pride in Place* and *The Future and Financial Sustainability* by promoting healthier homes, supporting neighbourhood quality, and enabling effective enforcement activity.

2.7 This report seeks approval for the updated Civil Penalties Policy to ensure the Council can lawfully and effectively enforce housing standards

2.8 This is a key decision due to the Boroughwide impact and financial implications.

3. PROPOSAL

3.1 Cabinet approval is sought for the updated Civil Penalties Policy (Appendix 1). The policy provides a clear framework for:

- determining penalty levels
- assessing culpability and harm
- issuing notices of intent and final notices
- considering representations

- enforcing unpaid penalties
- using penalty income to support further enforcement

3.2 The policy implements enforcement powers under:

- Housing Act 2004
- Housing and Planning Act 2016
- Renters' Rights Act 2025
- Smoke and Carbon Monoxide Alarm Regulations
- Electrical Safety Standards Regulations

Statutory guidance requires councils to adopt and publish a civil penalties policy before issuing penalties.

3.3 The main body of the policy which is being recommended to be adopted in this report has been approved by the Association of Chief Environmental Health Officers (ACEHO) and has been sent to all authorities to consider adopting which will bring uniformity between authorities on practices and processes and will ensure penalties are applied consistently across local authorities.

3.4 The policy applies across the whole Borough and affects all private rented sector landlords, property agents, and tenants.

3.5 The following options have been considered:

- *Do nothing* – This option would see no accommodation made for the implementation of the Renters' Rights Act 2025 and would carry significant risk for the Council when enforcing the Act. The Council would be unable to issue civil penalties under the new legislation, exposing the Council to legal and financial risk.

- *Minimal update* – The policy would not adequately reflect the statutory duty to enforce under Section 107 of the Act, would not provide sufficient clarity for officers, landlords and tenants and present a higher risk of legal challenge and policy failure.

- *Adopt the proposed comprehensive policy* – This is the recommended option as it ensures the Council can meet its statutory duties under the Renters' Rights Act 2025. It provides a clear and consistent framework for enforcement decision making, minimises the risk of legal challenge and ensures that the Council is implementing the Renters' Rights Act effectively and that the intended tenant protections are driven forward.

3.6 The recommended option ensures:

- legal compliance
- consistent enforcement
- protection for tenants
- income retention for further enforcement
- alignment with statutory guidance

4. CONSULTATION

4.1 As this policy reflects statutory requirements and establishes the Council's enforcement approach, consultation has been undertaken with relevant internal services:

- Housing Team
- Executive Head of Operations
- Legal Services
- Finance
- Community Safety
- Portfolio Holder for Housing & Planning

5. RISKS

5.1 Failure to adopt an updated policy would risk inconsistency in enforcement decisions and activities, prevent the Council from issuing civil penalties, expose the Council to legal challenge, and undermine the Council's ability to protect tenants and regulate the private rented sector.

6. LEGAL

6.1 There is a risk that failure to update the Civil Penalties Policy aligned with the Renters' Rights Act 2025 could result in the Council being unable to demonstrate compliance with our statutory duty to enforce landlord legislation under section 107 of the 2025 Act.

6.2 This may increase the likelihood of successful challenge to enforcement decisions, particularly where there is a lack of a transparent and consistent framework.

6.3 Approval of the proposed policy with clear decision-making criteria will provide a defensible and legally robust basis for enforcement action.

6.4 The proposed policy provides a transparent and consistent enforcement framework and assists in ensuring decisions are proportionate, reasonable, and capable of withstanding legal challenge.

6.5 There are limited risks associated with the implementation of the proposed Civil Penalties Policy. The principal risk is that enforcement decisions may be subject to challenge by landlords or managing agents. This risk has been mitigated through the development of a clear, transparent, and proportionate policy that aligns with current legislation and statutory guidance.

6.6 The implementation of the Renters’ Rights Act 2025 may also increase demand for enforcement activity; however, this will be supported through New Burdens Funding and the retention of civil penalty income to support future enforcement work. Failure to approve the policy would present a significantly greater risk, as the Council would be unable to utilise its civil penalty powers under the current legislative framework, reducing its ability to protect tenants and enforce housing standards effectively.

7. FINANCE

7.1 Civil penalties income may be retained by the Council and used to fund further enforcement activity. Adoption of the policy supports a self-financing enforcement model. There are no direct adverse financial implications arising from the adoption of this policy. The policy enables the Council to retain income generated from civil penalties, which can be used to support future private sector housing enforcement activities. This will assist in maintaining an effective enforcement service and contribute towards the cost of implementing the Council's statutory housing functions.

8. RESOURCE IMPLICATIONS

8.1 Additional income will support future enforcement capacity. New burdens funding has been used to recruit a new officer to help in this area of enforcement.

8.2 **Equalities Impact Implications** - The policy supports fair treatment of tenants, including those with protected characteristics. Enforcement action will prioritise cases involving vulnerable households. An Equalities Impact Assessment has been completed.(Appendix 2)

8.3 **Other** - There are no direct IT, property or crime and disorder implications. The policy supports wider community safety objectives and aligns with safeguarding responsibilities.

9. CONCLUSIONS

9.1 The updated policy is required to ensure the Council can lawfully and effectively enforce housing standards and exercise its expanded powers under the Renters’ Rights Act 2025.

9.2 Adopting the policy strengthens enforcement, protects residents, improves housing conditions, and supports the Council’s strategic priorities.

BACKGROUND DOCUMENTS:
None

APPENDICES:
Appendix 1: Civil Penalties Policy
Appendix 2: EIA screening

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APPENDIX 1

Civil Penalties Policy: Renters' Rights and Other Housing Legislation

August 2026

RUSHMOOR BOROUGH COUNCIL

Table of Contents

Civil Penalties Policy

Introduction

This policy sets out the Council's approach to the use of civil penalties under the Renters' Rights Act 2025 and other relevant housing legislation. The policy establishes a transparent, fair and consistent framework for determining the level of financial penalties imposed for breaches and offences relating to the letting and management of residential accommodation.

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. The term "corporate landlord" refers to a body corporate that meets the definition of "landlord" above. The terms "House in Multiple Occupation" or "HMO" are defined by the Housing Act 2004.

Purpose and Objectives

The Council considers transparency and consistency to be of primary importance to ensure fairness in the discharge of its functions. The general objective of this policy is to promote both transparency and consistency in the imposition of financial penalties so that those involved in the letting or management of accommodation:

- know how the Council will generally penalise relevant breaches and offences; and
- are assured that, generally, like cases will be penalised similarly, and different cases penalised differently.

The Council recognises that 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 is financially disadvantageous when compared to operating lawfully.

The further objectives of using financial penalties are:

- Punishment of the offender.
- Deterrence of the offender from repeating breaches or offences.
- Deterrence of others from committing similar breaches or offences.

- Removal of any financial benefit the offender may have obtained as a result of committing the breach or offence.

Roles and Responsibilities

The Council's Private Sector Housing and Environmental Health teams are responsible for the implementation and enforcement of this policy. Legal Services will provide advice on relevant legislation and enforcement processes. Finance officers may support consideration of financial implications and recovery of penalties. Landlords, letting agents and managing agents are expected to comply with all relevant legal obligations.

Policy detail

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 its functions in respect of civil penalties.

Breaches 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 be 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 or 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.

Breaches and offences subject to a civil penalty with a statutory maximum of £40,000

- Breach of duties under Regulations 3, 3B, 3C and 3D of the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.
- Unlawful eviction and harassment of occupier under section 1 of the Protection from Eviction Act 1977.
- Continuation of conduct subject to a relevant penalty after the 28-day period where the final notice has not been withdrawn under section 16J of the Housing Act 1988.
- Conduct giving rise to liability where within the preceding five years the landlord has had a relevant penalty imposed or been convicted for different conduct under section 16J 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 or remarketing a property within the restricted period after using Grounds 1 or 1A of Schedule 2 to the 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.

For the full list of starting points, statutory maxima, and offence-specific mitigating and aggravating factors for each of the above breaches and offences, see Appendix 1.

Multiple breaches and multiple landlords

If a landlord has committed multiple breaches or offences, a separate civil penalty can, and usually will, be imposed for each breach or offence. If multiple landlords have committed the same breach or offence at the same property, a separate civil penalty can, and usually will, be imposed on each offender. The level of any civil penalty imposed will be determined in accordance with this policy.

Civil penalties matrix

In determining the level of a civil penalty, officers will have regard to 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; and experience of the landlord ("Landlord Type").
3. Mitigating and aggravating factors the Council deems significant, including 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 on seriousness

The Ministry of Housing, Communities & Local Government has provided statutory guidance that prescribes starting points for all breaches and offences based on seriousness, except for breaches of licence conditions under sections 72(3) and 95(2) of the Housing Act 2004, where the Council has determined its own starting levels.

For all prescribed starting points, see Appendix 1.

Landlord type adjustment

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 controlled, owned or managed six or more properties (not necessarily concurrently).
- The landlord has at any point controlled, owned or managed three or more properties that operated as HMOs.
- 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, significant experience in the letting or management of property.

A downward adjustment of 20% of the applicable starting point will be applied only where all of the following criteria are met:

- The landlord has at any point controlled, owned or managed no more than two properties.
- The landlord has controlled, owned or managed no more than one HMO.
- The landlord has, in the Council's assessment, very limited experience in the letting or management of property.

Mitigating factors (up to 20% reduction)

The Council may reduce the level of a civil penalty by up to 20% to reflect mitigating factors, including:

- Prompt remediation of the breach or offence.
- A high level of cooperation with the Council.

- Acceptance of liability before or within the representations period.
- Serious health circumstances directly impacting compliance.
- Diminished culpability (e.g., where compliance arrangements were directed by another joint landlord).

Aggravating factors (up to 20% increase)

The Council may increase the level of a civil penalty by up to 20% to reflect aggravating factors, including:

- Previous history of non-compliance (prosecutions, civil penalties, rent repayment orders, etc.).
- Non-cooperation with the Council (e.g., failure to respond to notices or attend meetings).
- Deliberate intent or negligence (e.g., continuing offending after contact from the Council, providing false information).
- Duration of non-compliance (e.g., 3–6 months).
- Vulnerability of occupants (e.g., children, disabled persons, non-English speakers).

For offence-specific mitigating and aggravating factors, see Appendix 1.

Financial considerations

The Council will review the quantum of the civil penalty and consider whether it is sufficient to act as an effective deterrent. Where a landlord seeks to rely on a limited financial position as a basis for reducing the penalty, that position must be supported by verifiable evidence, including tax returns, bank statements, property and mortgage details, and asset lists. A claimed inability to pay will not of itself outweigh the need for effective deterrence.

The totality principle

The Council will consider whether multiple civil penalties imposed against the same landlord at the same time result in an aggregate amount that is just and proportionate. Where the aggregate amount would not be just and proportionate, the Council may apply a proportionate reduction.

Process for imposing a civil penalty

Notice of intent

Before imposing a civil penalty, the Council will give the landlord a notice of intent setting out:

- The amount of the proposed civil penalty.
- The reasons for proposing to impose the civil penalty.
- Information about the 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 representations period, the Council will decide whether to impose a civil penalty and the amount. The final amount may be higher or lower than the amount stated in the notice of intent.

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).

Legal implications

The policy provides a transparent and consistent enforcement framework and assists in ensuring decisions are proportionate, reasonable, and capable of withstanding legal challenge.
Financial ImplicationsCivil penalties income may be retained by the Council and used to fund further enforcement activity. Adoption of the policy supports a self-financing enforcement model. There are no direct adverse financial implications arising from the adoption of this policy. The policy enables the Council to retain income generated from civil penalties, which can be used to support future private sector housing enforcement activities. This will assist in maintaining an effective enforcement service and contribute towards the cost of implementing the Council's statutory housing functions.

Resource implications

Additional income from civil penalties will support future enforcement capacity. New burdens funding has been used to recruit a new officer to help in this area of enforcement.

Impact assessment (IA) record

Data Privacy IA required?	(No)
Equalities IA required?	A screening assessment was undertaken, and it was determined that a full Equalities Impact Assessment is not required because the impacts are positive or neutral.
Climate Change IA required?	(No)

Document control information	
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Appendices

Appendix 1

***This appendix contains the complete list of starting points, statutory maxima, Landlord Type adjustments, and offence-specific mitigating and aggravating factors for all breaches and offences covered by this policy.** *

Protection from Eviction Act 1977 offences

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

Category	Amount
Starting point	£35,000
Statutory maximum	£40,000
Landlord Type downward adjustment (-20%)	£28,000
No Landlord Type adjustment	£35,000
Landlord Type upward adjustment (+20%)	£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

Category	Amount
Starting point	£4,000
Statutory maximum	£7,000
Landlord Type downward adjustment (-20%)	£3,200
No Landlord Type adjustment	£4,000
Landlord Type upward adjustment (+20%)	£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

Category	Amount
Starting point	£4,000
Statutory maximum	£7,000
Landlord Type downward adjustment (-20%)	£3,200
No Landlord Type adjustment	£4,000
Landlord Type upward adjustment (+20%)	£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

Category	Amount
Starting point	£6,000
Statutory maximum	£7,000
Landlord Type downward adjustment (-20%)	£4,800
No Landlord Type adjustment	£6,000
Landlord Type upward adjustment (+20%)	£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

Category	Amount
Starting point	£6,000
Statutory maximum	£7,000
Landlord Type downward adjustment (-20%)	£4,800
No Landlord Type adjustment	£6,000
Landlord Type upward adjustment (+20%)	£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

Category	Amount
Starting point	£6,000
Statutory maximum	£7,000
Landlord Type downward adjustment (-20%)	£4,800
No Landlord Type adjustment	£6,000
Landlord Type upward adjustment (+20%)	£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 – section 16E(1)(e) of the Housing Act 1988

Category	Amount
Starting point	£6,000
Statutory maximum	£7,000
Landlord Type downward adjustment (-20%)	£4,800
No Landlord Type adjustment	£6,000
Landlord Type upward adjustment (+20%)	£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

Category	Amount
Starting point	£3,000
Statutory maximum	£7,000
Landlord Type downward adjustment (-20%)	£2,400
No Landlord Type adjustment	£3,000
Landlord Type upward adjustment (+20%)	£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 – paragraph 7(2) of Schedule 6 to the Renters' Rights Act 2025

Category	Amount
Starting point	£4,000
Statutory maximum	£7,000
Landlord Type downward adjustment (-20%)	£3,200
No Landlord Type adjustment	£4,000
Landlord Type upward adjustment (+20%)	£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 after the 28-day period – section 16J(3) of the Housing Act 1988

Category	Amount
Starting point	Double the starting level for the two constituent breaches added together
Statutory maximum	£40,000
Landlord Type adjustments	Dependent on the constituent breaches

Offence-specific mitigating factors: None.

Offence-specific aggravating factors: None.

Conduct giving rise to liability where within the preceding five years the person has had a relevant penalty imposed or been convicted for different conduct – section 16J(4) of the Housing Act 1988

Category	Amount
Starting point	Double the starting level for the two constituent breaches added together
Statutory maximum	£40,000
Landlord Type adjustments	Dependent on the constituent breaches

Offence-specific mitigating factors: Dependent on the most recent conduct giving rise to liability.

Offence-specific aggravating factors: Dependent on the most recent conduct giving rise to liability.

Relying on a ground knowing the landlord would not be able to obtain possession, or being reckless – section 16J(1) of the Housing Act 1988

Category	Amount
Starting point	£30,000
Statutory maximum	£40,000
Landlord Type downward adjustment (-20%)	£24,000
No Landlord Type adjustment	£30,000
Landlord Type upward adjustment (+20%)	£36,000

Offence-specific mitigating factors: None.

Offence-specific aggravating factors: None.

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

Category	Amount
Starting point	£25,000
Statutory maximum	£40,000
Landlord Type downward adjustment (-20%)	£20,000
No Landlord Type adjustment	£25,000

Category	Amount
Landlord Type upward adjustment (+20%)	£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

Category	Amount
Starting point	£35,000
Statutory maximum	£40,000
Landlord Type downward adjustment (-20%)	£28,000
No Landlord Type adjustment	£35,000
Landlord Type upward adjustment (+20%)	£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

Category	Amount
Starting point	£6,000

Category	Amount
Statutory maximum	£7,000
Landlord Type downward adjustment (-20%)	£4,800
No Landlord Type adjustment	£6,000
Landlord Type upward adjustment (+20%)	£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

Category	Amount
Starting point	£6,000
Statutory maximum	£7,000
Landlord Type downward adjustment (-20%)	£4,800
No Landlord Type adjustment	£6,000
Landlord Type upward adjustment (+20%)	£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

Category	Amount
Starting point	£3,000
Statutory maximum	£7,000
Landlord Type downward adjustment (-20%)	£2,400
No Landlord Type adjustment	£3,000
Landlord Type upward adjustment (+20%)	£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

Category	Amount
Starting point	£4,000
Statutory maximum	£7,000
Landlord Type downward adjustment (-20%)	£3,200
No Landlord Type adjustment	£4,000

Category	Amount
Landlord Type upward adjustment (+20%)	£4,800

Offence-specific mitigating factors: None.

Offence-specific aggravating factors: None.

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

Failure to comply with Regulations 3(3)(b), (3)(d), (3)(e), 3D(a), (b), (c), (f)

Category	Amount
Starting point	£5,000
Statutory maximum	£40,000
Landlord Type downward adjustment (-20%)	£4,000
No Landlord Type adjustment	£5,000
Landlord Type upward adjustment (+20%)	£6,000

Offence-specific mitigating factors: The report or record evidences that the electrical installations were compliant at all points.

Offence-specific aggravating factors: The number, nature or severity of the issues observed on the report or record.

Failure to comply with Regulations 3(1)(a), (1)(b), (1)(c), (3)(a), (3)(c), (3)(ca), (5)(b), (5)(c), 3B(1)(a), (1)(b), (1)(c), 3C(1), (2)(a), 3D(d), (e)

Category	Amount
Starting point	£12,500

Category	Amount
Statutory maximum	£40,000
Landlord Type downward adjustment (-20%)	£10,000
No Landlord Type adjustment	£12,500
Landlord Type upward adjustment (+20%)	£15,000

Offence-specific mitigating factors: The report or record evidences that the electrical installations were compliant at all points.

Offence-specific aggravating factors: The number, nature or severity of the issues observed on the report or record.

Failure to comply with Regulations 3(4), (5a), (6), 3C(2)(b), (4)

Category	Amount
Starting point	£20,000
Statutory maximum	£40,000
Landlord Type downward adjustment (-20%)	£16,000
No Landlord Type adjustment	£20,000
Landlord Type upward adjustment (+20%)	£24,000

Offence-specific mitigating factors: None.

Offence-specific aggravating factors: The number, 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

Category	Amount
Starting point	£25,000
Statutory maximum	£40,000
Landlord Type downward adjustment (-20%)	£20,000
No Landlord Type adjustment	£25,000
Landlord Type upward adjustment (+20%)	£30,000

Offence-specific mitigating factors:

- The nature and extent of hazards present once the deadline for compliance has passed.
- Whether the property is unoccupied once the deadline for compliance has passed.
- Access was prevented by occupants, and the landlord took steps to obtain access.

Offence-specific aggravating factors: The nature and extent of hazards present once the deadline for compliance has passed.

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

Category	Amount
Starting point	£20,000
Statutory maximum	£40,000
Landlord Type downward adjustment (-20%)	£16,000
No Landlord Type adjustment	£20,000

Category	Amount
Landlord Type upward adjustment (+20%)	£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

Category	Amount
Starting point	£12,000
Statutory maximum	£40,000
Landlord Type downward adjustment (-20%)	£9,600
No Landlord Type adjustment	£12,000
Landlord Type upward adjustment (+20%)	£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

Category	Amount
Starting point	£17,000
Statutory maximum	£40,000
Landlord Type downward adjustment (-20%)	£13,600
No Landlord Type adjustment	£17,000

Category	Amount
Landlord Type upward adjustment (+20%)	£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

Category	Amount
Starting point	£20,000
Statutory maximum	£40,000
Landlord Type downward adjustment (-20%)	£16,000
No Landlord Type adjustment	£20,000
Landlord Type upward adjustment (+20%)	£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 HMO management regulations – section 234(3) of the Housing Act 2004

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 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.

Duty of manager to provide information to occupier

Category	Amount
Starting point	£3,000
Statutory maximum	£40,000
Landlord Type downward adjustment (-20%)	£2,400
No Landlord Type adjustment	£3,000
Landlord Type upward adjustment (+20%)	£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.

Duty of manager to take safety measures

Category	Amount
Starting point	£20,000
Statutory maximum	£40,000
Landlord Type downward adjustment (-20%)	£16,000
No Landlord Type adjustment	£20,000
Landlord Type upward adjustment (+20%)	£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.

Duty of manager to maintain water supply and drainage

Category	Amount
Starting point	£10,000
Statutory maximum	£40,000
Landlord Type downward adjustment (-20%)	£8,000
No Landlord Type adjustment	£10,000

Category	Amount
Landlord Type upward adjustment (+20%)	£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.

Duty of manager to supply and maintain gas and electricity

Category	Amount
Starting point	£12,000
Statutory maximum	£40,000
Landlord Type downward adjustment (-20%)	£9,600
No Landlord Type adjustment	£12,000
Landlord Type upward adjustment (+20%)	£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.

Duty of manager to maintain common parts, fixtures, fittings and appliances

Category	Amount
Starting point	£7,000
Statutory maximum	£40,000

Category	Amount
Landlord Type downward adjustment (-20%)	£5,600
No Landlord Type adjustment	£7,000
Landlord Type upward adjustment (+20%)	£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.

Duty of manager to maintain living accommodation

Category	Amount
Starting point	£7,000
Statutory maximum	£40,000
Landlord Type downward adjustment (-20%)	£5,600
No Landlord Type adjustment	£7,000
Landlord Type upward adjustment (+20%)	£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.

Duty to provide waste disposal facilities

Category	Amount
Starting point	£7,000
Statutory maximum	£40,000
Landlord Type downward adjustment (-20%)	£5,600
No Landlord Type adjustment	£7,000
Landlord Type upward adjustment (+20%)	£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) of the 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 on regarding rent payments
- Procedures relating to rent collection
- The provision of information on regarding occupancy of the property
- The provision of information on regarding change of managers or licence holder details
- The provision of information on related to changes in the property
- Requirements relating to the sale of the property
- Attending ending training courses
- Requirements to hold insurance
- The provision of insurance documenta on
- 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 sec on of this policy, relating to non-compliance with items on a schedule of works

Category	Amount
Starting point	£4,000
Landlord Type downward adjustment (-20%)	£3,200
No Landlord Type adjustment	£4,000
Landlord Type upward adjustment (+20%)	£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:

- 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

Category	Amount
Starting point	£7,000
Landlord Type downward adjustment (-20%)	£5,600
No Landlord Type adjustment	£7,000
Landlord Type upward adjustment (+20%)	£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
- 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.

Category	Amount
Starting point	£12,500
Landlord Type downward adjustment (-20%)	£10,000
No Landlord Type adjustment	£12,500
Landlord Type upward adjustment (+20%)	£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.

Category	Amount
Starting point	£20,000
Landlord Type downward adjustment (-20%)	£16,000
No Landlord Type adjustment	£20,000
Landlord Type upward adjustment (+20%)	£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.

Category	Amount
Starting point	£25,000
Landlord Type downward adjustment (-20%)	£20,000
No Landlord Type adjustment	£25,000
Landlord Type upward adjustment (+20%)	£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) of the 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 veĖng 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

Category	Amount
Starting point	£3,000
Landlord Type downward adjustment (-20%)	£2,400
No Landlord Type adjustment	£3,000
Landlord Type upward adjustment (+20%)	£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

Category	Amount
Starting point	£5,250
Landlord Type downward adjustment (-20%)	£4,200
No Landlord Type adjustment	£5,250
Landlord Type upward adjustment (+20%)	£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

Category	Amount
Starting point	£9,375
Landlord Type downward adjustment (-20%)	£7,500
No Landlord Type adjustment	£9,375
Landlord Type upward adjustment (+20%)	£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

Category	Amount
Starting point	£15,000
Landlord Type downward adjustment (-20%)	£12,000
No Landlord Type adjustment	£15,000
Landlord Type upward adjustment (+20%)	£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.

APPENDIX 2

Equality Impact Assessment: Screening Tool

The **Equality Impact Assessment (EIA) Screening Tool** should be completed for any new proposal, plan or project. It helps staff check if their proposal will positively, neutrally, or negatively affect residents, staff, or service users. If the impact is positive or neutral, a full EIA isn't needed.

A **full EIA** is required if the screening shows a negative impact on specific groups. We also advise that a full EIA should completed when a key decision is being made. Key decisions are executive actions likely to:

- Significantly affect Council tax, budget balances, or contingencies.
- Have a major impact on communities across two or more Borough wards.
- Expenditure or savings over £100,000 qualify as significant, with a £250,000 threshold for property transactions.

Furthermore, for staff, we generally consider the impact on more than 25 people as significant, which would require a full EIA. If you're unsure, you can seek guidance from the Policy Team.

***After screening, if you identify the need for a full Equality Impact Assessment, you can use your existing answers as a foundation for the full assessment.**

Name of Project	Civil Penalties Policy
Reference number (if applicable)	
Service Area	Operational Services
Date screening completed	06/07/2026
Screening author name	Suzannah Hellicar
Policy Team sign off	Martin Iyawe
Authorising Director/Head of Service name	David Phillips

1. Please provide a summary of the proposal
Please outline: **What are the aims / objectives of this proposal?** • **To provide a clear, consistent and transparent approach** to when and how civil penalties are used. • **To support effective enforcement** where landlords, property owners, agents or other relevant parties fail to meet legal responsibilities. • **To improve housing standards and protect residents**, particularly tenants living in poor, unsafe or non-compliant accommodation. • **To deter non-compliance** by ensuring penalties are proportionate, fair and sufficiently robust. • **To promote fairness and accountability** by setting out how penalty levels are calculated and what factors are considered. • **To encourage early compliance** and reduce the need for repeated enforcement action. • **To make best use of council enforcement powers** under relevant housing legislation.

• **To support wider council priorities**, such as improving private rented sector standards, protecting vulnerable residents and maintaining safe communities.

Will this deliver any savings?

No but will generate income

What benefits or change will we see from this proposal?

- Improved consistency and transparency in enforcement decisions.
- Better protection for tenants living in unsafe or poorly managed accommodation.
- Increased landlord and agent compliance with housing legislation.
- Reduced repeat offences through stronger deterrence.
- Ability to use income from penalties to support further enforcement work.
- Improved confidence among residents that poor housing standards are being addressed.
- Fairer treatment of landlords and agents because the policy sets out how penalties are calculated.
- Contribution to wider improvements in the private rented sector across the borough.

Which key groups of people or areas of the borough are involved?

The main groups involved are private sector tenants, landlords, letting and managing agents, property owners, and residents affected by poorly managed rented properties. The policy applies across the borough and is likely to have the greatest positive impact on tenants living in poor-quality or unsafe private rented accommodation, including low-income households, vulnerable residents, families with children, older people, disabled people and residents who may face language or access barriers.

2. Who will the proposal impact? Please indicate Yes or No

Group of people	Impacted?
Residents	Yes
Businesses	Yes
Visitors to Rushmoor	No
Voluntary or community groups	Yes
Council staff	Yes
Trade unions	No
Other public sector Organisations	Yes

Others	Please specify: Private landlords, letting agents and managing agents.

3. What impact will this change have on staff? Please complete where relevant:
Please outline in brief: **<u>Who will be impacted? For example, which services, teams, or buildings?</u>** • Housing, Legal, Finance, Community Safety **<u>How many staff members?</u>** • 20 **<u>What will the impact be? (e.g., changes to structure, staffing levels, responsibilities, relocation, or new working methods)</u>** • Additional resources will be required within housing up to two members of staff. Should be paid for by income generated through the fines.

4. What consultation or engagement will you be leading (with residents, staff, or other stakeholders) as part of this project?
Please outline in brief: **Which groups will you consult (residents, staff, other stakeholders)?** **Internal stakeholders** **Will you collect personal no** **How will you engage (e.g., surveys, focus groups)?** Sharing the policy and discussion with internal colleagues **How will you use the feedback?** No wider engagement is planned because the policy is required to support the council's use of existing statutory enforcement powers. The policy provides a transparent framework for how those powers will be applied, rather than creating new powers or making changes to services used by residents. Internal engagement will be undertaken with relevant teams to ensure the policy is robust, proportionate and deliverable.

RUSHMOOR BOROUGH COUNCIL

5. What impact will this change have on people with protected characteristics and/or from disadvantaged groups?

Direct and indirect impacts

When completing this table, please consider both **direct and indirect impacts**, see helpful guidance.

Direct discrimination occurs when someone is treated less favourably than another person because of a **protected characteristic**. This includes:

- **Actual possession** of a protected characteristic.
- **Perceived possession** of a protected characteristic (discrimination by perception).
- **Association** with someone who has a protected characteristic (discrimination by association).

A valid comparison must show that someone without the protected characteristic would have been treated better in similar circumstances. It can still be direct discrimination even if the person treating you unfairly shares the same characteristic.

Note: Age discrimination may be lawful if it can be objectively justified. For other protected characteristics, direct discrimination is unlawful regardless of intent or justification.

Indirect discrimination happens when a **policy, rule, or practice** applies to everyone but puts people with a protected characteristic at a **particular disadvantage**. It occurs when:

- A policy is applied equally to all.
- It disadvantages a group sharing a protected characteristic.
- You are personally disadvantaged by it.
- The organisation cannot justify the policy as a proportionate means of achieving a legitimate aim.

If the policy can be objectively justified, it is not considered indirect discrimination.

For example: Closing public toilets may be an example of indirect discrimination, as it affects everyone but disproportionately disadvantages women, due to toilet frequency, alternative options and safety/hygiene factors.

Likely impact

For the groups identified earlier, tick the likely impact (both direct and indirect) on people with protected characteristics (e.g., age, disability, race, etc.):

- **Neutral:** No impact.
- **Positive:** Benefits people with protected characteristics.
- **Negative:** Harms people with protected characteristics.
- **Not Sure:** It's unclear how this affects people with protected characteristics, or more information is needed.

Rate the negative impact as **low**, **medium**, or **high**. Also, consider whether the proposal may be seen as controversial or negative by some groups. See the guidance for help.

COLLABORATE INNOVATE BRAVE INTEGRITY

Protected characteristic - Age

(for example, young people under 25, older people over 65)

Positive impact	Neutral impact	Negative impact	Not Sure	Description of the impact (if applicable) *Consider both direct and indirect impacts when completing this table*
Yes		Choose an item.		Older residents and families with children may benefit from improved enforcement against poor housing conditions, overcrowding and unsafe accommodation.

Protected characteristic – Disability

(include people with physical disabilities, people with learning disabilities, blind and partially sighted people, Deaf or hard of hearing people, neurodiverse people. This also includes carers.)

Positive impact	Neutral impact	Negative impact	Not Sure	Description of the impact (if applicable) *Consider both direct and indirect impacts when completing this table*
Yes		Choose an item.		The policy is expected to have an indirect impact on disabled residents and tenants, including people with physical disabilities, learning disabilities, sensory impairments, neurodiverse people, people with mental health conditions and carers. The policy does not provide a specific service only for disabled people, so the impact is not direct. However, stronger and more consistent enforcement of housing standards may indirectly benefit disabled residents who may be more affected by poor housing conditions, unsafe accommodation, damp, mould, excess cold, poor repairs or inaccessible property management.

Protected characteristic - Gender reassignment and identity

(Include people who identify across the trans* umbrella, not only those who have undergone gender reassignment surgery. This is inclusive of girls and or/women, men and/or boys, non-binary and genderfluid people and people who are transitioning) *Trans is an umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth.

Positive impact	Neutral impact	Negative impact	Not Sure	Description of the impact (if applicable) *Consider both direct and indirect impacts when completing this table*
Yes		Choose an item.		The policy is expected to have an indirect impact on gender reassignment and identity The policy does not provide a specific service only for this group, so the impact is not direct. However, stronger and more consistent enforcement of housing standards may indirectly benefit these residents with more security of tenure.

Protected characteristic - Marriage and Civil Partnership

Positive impact	Neutral impact	Negative impact	Not Sure	Description of the impact (if applicable) *Consider both direct and indirect impacts when completing this table*
	Yes	Choose an item.		No specific impacts have been identified in relation to marriage or civil partnership status.

Protected characteristic – Pregnancy and Maternity

(Include people who are pregnant in or returning to the workplace after pregnancy. Could also include working parents.)

Positive impact	Neutral impact	Negative impact	Not Sure	Description of the impact (if applicable) *Consider both direct and indirect impacts when completing this table*
Yes		Choose an item.		Families with young children and pregnant residents may benefit from improved enforcement against unsafe, overcrowded or poorly maintained accommodation.

Protected characteristic – Race or ethnicity

(include on the basis of colour, nationality, citizenship, ethnic or national origins)

Positive impact	Neutral impact	Negative impact	Not Sure	Description of the impact (if applicable) *Consider both direct and indirect impacts when completing this table*
Yes		Choose an item.		Residents from ethnic minority communities, including those facing language barriers, may benefit from improved enforcement where poor housing conditions have previously gone unreported or unresolved.

Protected characteristic – Religion or belief

(include no faith)

Positive impact	Neutral impact	Negative impact	Not Sure	Description of the impact (if applicable) *Consider both direct and indirect impacts when completing this table*
Yes		Choose an item.		The policy is expected to have a positive indirect impact in relation to religion or belief. Stronger and more consistent enforcement of housing standards may improve living conditions for residents of all faiths and beliefs. No negative impacts have been identified.

Protected characteristic - Sex

(Under the Equality Act 2010 and following the 2025 Supreme Court ruling on 15 April 20205, a person's legal sex is defined as their biological sex as recorded at birth. Trans individuals are still protected from discrimination under the characteristic of gender reassignment.)

Positive impact	Neutral impact	Negative impact	Not Sure	Description of the impact (if applicable) *Consider both direct and indirect impacts when completing this table*
Yes	Yes or	Choose an item.		The policy is expected to have a positive indirect impact in relation to sex. The policy does not provide a specific service only for women or men, so the impact is not direct. However, stronger and more consistent enforcement of housing standards may indirectly benefit residents of all sexes by improving safety, security and living conditions in private rented accommodation. This may be particularly relevant for women, including single parents and those experiencing domestic abuse or housing insecurity, who may be more vulnerable to poor housing conditions or less able to challenge landlords. No negative impact has been identified.

Protected characteristic - Sexual Orientation

(Include people from across the LGBTQ+ umbrella, for example, people who identify as lesbian, gay, bisexual, pansexual or asexual.)

Positive impact	Neutral impact	Negative impact	Not Sure	Description of the impact (if applicable) *Consider both direct and indirect impacts when completing this table*
Yes		Choose an item.		The policy is expected to have a positive indirect impact in relation to sexual orientation. The policy does not provide a specific service only for LGBTQ+ residents, so the impact is not direct. However, stronger and more consistent enforcement of housing standards may indirectly benefit LGBTQ+ residents by improving safety, security and living conditions in private rented accommodation. This may be particularly relevant where residents may feel less confident reporting poor housing conditions because of previous experiences of discrimination, harassment or concerns about being treated unfairly. No negative impact has been identified.

Protected characteristic - Other

(e.g. people on low incomes, people living in poverty, looked after children, people with care experience, people who are homeless, people with mental health problems, people who are prison leavers, people affected by menopause, people affected by menstruation and/or period poverty)

Positive impact	Neutral impact	Negative impact	Not Sure	Description of the impact (if applicable) *Consider both direct and indirect impacts when completing this table*
Yes		Choose an item.		The policy is expected to have a positive indirect impact on disadvantaged groups, including people on low incomes, people living in poverty, people who are homeless or at risk of homelessness, people with mental health problems, people with care experience, prison leavers, and people affected by menopause, menstruation and/or period poverty. The policy does not provide a specific service only for these groups, so the impact is not direct. However, stronger and more consistent enforcement of housing standards may indirectly benefit residents who are more likely to live in poor-quality, unsafe or insecure private rented accommodation, or who may find it harder to challenge landlords or report poor conditions. Improved enforcement should help improve safety, security and living conditions and may reduce the risk of further hardship caused by poor housing. No negative impact has been identified.

6. Screening Decision

Outcome	Yes or No
Neutral or Positive – no full EIA needed*.	Yes
Negative – Low Impact – full EIA at the service director's discretion*.	No
Negative – Medium or High Impact – must complete a full EIA.	No
Is a full EIA required? Service decision:	No
Is a full EIA required? [Policy Team] sign off recommendation:	No
Flag for DPIA (will include engagement that collects personal data). [Policy Team]:	No
Flag for ethics (high risk / will involve engagement with vulnerable residents):	No

Once you've completed the screening tool and determined that the proposal is likely to have a positive or neutral impact on people with protected characteristics, the following can be included in the 'Equality Impact Assessment" part of the report. ***'An equality impact check found that this proposal would have a positive or neutral impact on people with protected characteristics. Therefore, a full assessment is not required.'***

Please send this completed EIA Screening Tool to Policy@rushmoor.gov.uk

for quality checking by the policy team.

If required, please continue to the full assessment below.