

Blaby District Council **Policy**

Private Sector Housing Civil Penalty Policy

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Review History			
Version*	Reviewed By (Job Title)	Review Completion Date	Brief Description of Changes (add 'no changes required' if applicable)

*Version number remains the same if no significant changes are made upon review.

Document Definition / Approval & Review

Defining the document type and how it is approved and reviewed

Blaby District Council policies **‘outline a set of rules or principles that govern how the council (or services within the council) will operate’**.

Key published documents are approved for publication in line with the approval matrix illustrated in the Key Published Document Procedure.

Unless agreed by exception, key published documents must be reviewed at least **every 3 years** from the date of approval.

Significant updates/changes must also seek reapproval in line with the approval matrix.

Scope

To what and to whom this policy applies

This policy applies to private rented sector properties in Blaby District Council and the landlord responsible for them (whether or not the landlord is based in Blaby District).

Terms & Definitions

Definition of any acronyms, jargon, or terms that might have multiple meanings.

Term	Definition
The Council	Blaby District Council
Landlord	Includes 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
Corporate Landlord	A corporate body that meets the definition of landlord above.
HMO	House in Multiple Occupation
PSH	Private Sector Housing
PRS	Private Rented Sector
CPN	Civil Penalty Notice

Policy Sections

Section 1 Introduction –

This document sets out Blaby District Council's policy for the imposition of civil penalties under the Renters' Rights Act 2025, the Housing Act 2004, Housing Act 1998 and Protection from Eviction Act 1977.

The policy sets out the Council's methodology and mechanism for setting the level of a civil penalty at all stages that a civil penalty is under consideration, including preparation of a notice of intent and where a final decision has been made to issue a civil penalty.

Section 2 – Overview of Civil Penalty Types and Enforcement Principles

2.1 Civil Penalties and Statutory Maximums

The Renters' Rights Act 2025 changed the statutory maximum penalty the Council can impose to £7,000 or £40,000 depending on the breach or offence. These penalties provide an alternative to prosecution and enable proportionate enforcement.

When applying the civil penalties matrix, individual calculations at individual stages may exceed the statutory maximum. Where the final amount reached exceeds the statutory maximum after all the steps have been applied, the final amount of penalty will be capped at the statutory maximum for the offence.

2.2 Enforcement Principles

The Council applies fairness, consistency, transparency, deterrence, and removal of financial gain as core principles in its discharge of functions under this policy.

2.3 Fairness

To maintain fairness between 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, reliant and sufficient to enable proper assessment of the claim. The Council may request specific supporting material before deciding whether to issue a final notice or whether any mitigation has been sufficiently evidenced.

2.4 Consistency and Transparency

Landlords should understand how the Council will generally penalise relevant breaches and offences and be assured that, generally, like cases will be dealt with similarly and within the scope of this policy.

2.5 Deterrence and Removal of Financial Gain

The Council seeks to ensure that Civil Penalties are set at a level that makes it clear to the landlord and to others that operating unlawfully as a landlord is not financially advantageous. Deterrence means both deterring the specific offender and the wider sector from behavior that is unlawful

Section 3 – Civil Penalties Matrix: Methodology and Calculation

[The Council uses a structured, sequential process to determine the level of a civil penalty. This ensures consistency, fairness, and transparency across all cases. Each civil penalty is assessed individually using the steps below.

3.1 Overview of the Civil Penalties Matrix

The calculation process consists of the following sequential steps:

1. Determine the starting point based on the seriousness of the breach or offence.
2. Apply adjustments for landlord type, including scale of portfolio and experience.
3. Apply mitigating and aggravating factors, each assessed separately.
4. Apply financial considerations to remove financial gain and ensure deterrence.
5. Apply the totality principle where multiple penalties are issued at the same time.

Each step is addressed in detail below.

3.2 Step 1 Determining the Starting Point

Starting points for each breach or offence are set according to:

- Statutory guidance issued by Government; and
- The Council's own assessment, where the legislation allows local discretion.

The starting point reflects the inherent seriousness of the breach or offence before any individual case factors are applied.

For most offences, the Government provides a prescribed starting point.

However, for breaches of licence conditions under sections 72(3) and 95(2) of the Housing Act 2004, the Council sets starting points based on:

- the seriousness of the breach
- its potential or actual impact on tenants
- the risks created for health, safety, or welfare

The starting points for each specific offence or breach appear later in this policy.

3.3 Step 2 — Adjustment for Landlord Type

The Council recognises that landlords vary in experience, portfolio size, and professionalism.

The Council therefore adjusts penalties upwards or downwards depending on landlord type.

The underlying principle is:

Greater professionalism = higher expectations = higher penalties

Very limited experience = potentially lower culpability = potential downward adjustment

3.3.1 Upward Adjustment (20%)

An additional 20% of the applicable starting point will be added where ANY of the following apply:

- The landlord has ever controlled, owned, or managed six or more properties
- The landlord has ever controlled, owned, or managed three or more HMOs
- The landlord is or has been a director of a corporate landlord
- The landlord is a corporate landlord
- The landlord has, in the Council's assessment, considerable experience in property letting or management

These factors reflect higher expected competency and awareness of legal obligations.

3.3.2 Downward Adjustment (20%)

A reduction of 20% will be applied only where ALL the following criteria are met:

- The landlord has never controlled, owned, or managed more than two properties
- The landlord has controlled, owned, or managed no more than one HMO
- The landlord has limited experience in letting or property management

This adjustment applies only to genuinely small-scale, inexperienced landlords.

3.4 Step 3 Mitigating and Aggravating Factors

After adjusting for landlord type, the Council considers case-specific mitigating and aggravating factors.

To maintain fairness:

- Mitigation may reduce the penalty by up to 20%
- Aggravation may increase the penalty by up to 20%
- Only exceptional circumstances justify exceeding these limits
- Each civil penalty is assessed individually, even where multiple penalties are issued

The Council requires robust, relevant, and credible evidence for any mitigation claimed. Unsupported assertions will not be accepted.

3.4.1 Mitigating Factors (Up to –20%)

Mitigating factors may include:

A. Steps Taken to Remedy the Breach

Non exhaustive examples:

- Promptly remedying all elements of the breach after initial Council contact
- Remedying most significant elements quickly, leaving only minimal outstanding issues

B. High Level of Cooperation

Non exhaustive examples:

- Proactively providing significant, relevant information
- Fully engaging with inspection or investigation processes

C. Acceptance of Liability

Non exhaustive examples:

- Accepting responsibility before or during the representation period

(Cannot apply where the landlord denies liability or relies on a statutory excuse).

D. Health Circumstances

Only applies where the landlord provides unambiguous evidence that an acute medical condition directly impacted their ability to comply.

Non exhaustive examples:

- Heart attack
- Stroke
- Cancer diagnosis
- Other unexpected, serious medical events causing incapacity

E. Diminished Culpability

Non exhaustive examples:

- A joint landlord not responsible for day-to-day management
- A landlord who inherited responsibility unexpectedly (e.g., death of previous landlord) and who committed the breach only briefly

Important: Use of a letting or managing agent does not automatically reduce culpability.

3.4.2 Aggravating Factors (Up to +20%)

Aggravating factors include:

A. Previous Non-Compliance

Examples:

- Prior civil penalties
- Previous prosecutions (including spent convictions)
- Previous rent repayment orders
- Works in default
- Cautions

Concurrent investigations do not count as previous non-compliance.

B. non-cooperation

Examples:

- Ignoring statutory notices
- Failing to provide required information
- Missing agreed meetings without justification

Where non-cooperation is prosecuted separately, it will not also be used as an aggravating factor.

C. Deliberate Behaviour or Negligence

Examples:

- Knowing the breach was occurring
- Continuing non-compliance after being warned
- Attempting to conceal evidence
- Providing false or misleading information
- Pressuring tenants not to co-operate

D. Number of Occupants Affected

Typically, where 3–5 occupants are affected. Larger numbers may justify the full 20% uplift.

E. Duration of Non-Compliance

Examples:

- Breach continuing for 3–6 months or more

F. Vulnerable Occupants

Examples:

- Children
- Elderly people
- Disabled tenants
- People with addiction issues
- Victims of domestic abuse
- Non-native English speakers
- Refugees or asylum seekers
- Pregnant women

3.5 Step 4 Financial Considerations

After considering mitigation/aggravation, the Council assesses whether the proposed penalty:

- removes any financial gain
- provides an effective deterrent
- remains proportionate

3.5.1 When Penalties May Be Increased

If evidence suggests a landlord has gained financially through:

- rental income
- avoidance of repair costs
- unlawful eviction
- overcrowding
- licensing avoidance

The Council may increase the penalty (within statutory limits) to ensure compliance is financially preferable to non-compliance.

3.5.3 Claims of Financial Hardship

Any claim of inability to pay must be supported by verifiable evidence, including:

- 3 years of tax returns
- SA302s
- Payslips
- Mortgage statements
- Bank/ISA/crypto/share statements
- statements
- Property asset lists
- Company asset information
- Loan statements
- Bankruptcy documents
-

Selective or incomplete disclosure will carry no evidential weight. If a landlord refuses or does not provide adequate evidence, the Council may infer they can pay the penalty.

3.6 Step 5 Totality Principle

Where multiple penalties are issued against the same individual or entity at the same time, the Council considers the aggregate financial impact.

3.6.1 Possible Adjustments

Where the combined total would be disproportionate, the Council may:

- apply a uniform percentage reduction across relevant penalties, or
- apply a differential reduction where a corporate landlord and its officer share financial interest (to avoid punitive duplication)

3.6.2 The totality principle does not:

- apply to penalties issued at separate times
- apply across different legal persons
- reduce penalties where doing so would undermine deterrence

3.6.3 Rent Repayment Orders

Rent repayment orders are disregarded when applying the totality principle.

Section 4 – Offences, Breaches and Penalty Levels

This section sets out:

- The specific breaches and offences for which the Council may impose a civil penalty
- The starting point for each civil penalty
- The statutory maximum penalty permitted by law
- Adjustments for landlord type (upward, downward, none)
- Any offence-specific mitigating or aggravating factors

4.1 Protection from Eviction Act 1977 Offences

Unlawful eviction and harassment of occupiers

Section 1, Protection from Eviction Act 1977

Starting Point	Statutory Maximum	Downward Adjustment	No Adjustment	Upward Adjustment
£35,000	£40,000	£28,000	£35,000	£42,000

Mitigating Factors

- *None.*

Aggravating Factors

- *Use or threat of violence*
- *Disposal or threatened disposal of a tenant's belongings*
- *Evading an injunction or undertaking*
- *Loss of the tenant's home*

4.2 Housing Act 1988 Breaches and Offences

4.2.1 Failure to provide written terms and prescribed information

Section 16D, Housing Act 1988

Starting Point	Statutory Maximum	Downward Adjustment	No Adjustment	Upward Adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Mitigating Factors

- *Some prescribed terms or information provided on time.*

4.2.2 Attempting to let on a fixed term

Section 16E(1)(a), Housing Act 1988

Starting Point	Statutory Maximum	Downward Adjustment	No Adjustment	Upward Adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

4.2.3 Attempting to end a tenancy by notice to quit or attempting to end a tenancy orally or serving a possession notice outside the prescribed Section 8 process

Section 16E(1)(b), Section 16E(1)(c), Section 16E(1)(d) Housing Act 1988

Starting Point	Statutory Maximum	Downward Adjustment	No Adjustment	Upward Adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Aggravating Factors

- *Tenant vacates within 4 months of the date in the notice.*

4.2.4 Relying on a ground without a reasonable belief possession could be obtained

Section 16E(1)(e) Housing Act 1988

Starting Point	Statutory Maximum	Downward Adjustment	No Adjustment	Upward Adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

4.2.5 Failure to provide required pre-notice information

Section 16E(1)(f) Housing Act 1988

Starting Point	Statutory Maximum	Downward Adjustment	No Adjustment	Upward Adjustment
£3,000	£7,000	£2,400	£3,000	£3,600

4.2.6 Failure to provide existing tenants prescribed RRA 2025 information

Schedule 6(7)(2), Renters' Rights Act 2025

Starting Point	Statutory Maximum	Downward Adjustment	No Adjustment	Upward Adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Mitigating Factors

- Partial information provided
- Information provided in incorrect form

4.2.7 Continuation of conduct after a penalty period

Section 16J(3), Housing Act 1988

Starting Point	Max
Double the starting levels of constituent breaches	£40,000

No specific aggravating or mitigating factors; adjustments depend on underlying breaches.

4.2.8 Repeat offending after previous penalty or conviction

Section 16J(4), Housing Act 1988

Starting Point	Max
Double the starting levels of constituent breaches	£40,000

4.2.9 Knowingly relying on an impossible ground for possession

Section 16J(1)

Starting Point	Statutory Maximum	Downward Adjustment	No Adjustment	Upward Adjustment
£30,000	£40,000	£24,000	£30,000	£36,000

4.2.10 Breach of restrictions on reletting or remarketing

Section 16J(2)

Starting Point	Statutory Maximum	Downward Adjustment	No Adjustment	Upward Adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

No offence-specific factors.

4.3 Housing and Planning Act 2016

4.3.1 Breach of a banning order

Section 21(1)

Starting Point	Statutory Maximum	Downward Adjustment	No Adjustment	Upward Adjustment
£35,000	£40,000	£28,000	£35,000	£42,000

Mitigating Factor

- Truly isolated incident

Aggravating Factor

- Deliberate concealment

4.4 Renters' Rights Act 2025 Breaches

4.4.1 Discrimination relating to children Or Discrimination relating to benefits

Renters' Rights Section 33(1), Section 34(1)

Starting Point	Statutory Maximum	Downward Adjustment	No Adjustment	Upward Adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

4.4.2 Failure to specify rent in advertisements

Section 56(2)

Starting Point	Statutory Maximum	Downward Adjustment	No Adjustment	Upward Adjustment
£3,000	£7,000	£2,400	£3,000	£3,600

4.4.3 Inviting or accepting rent above the advertised level

Section 56(3)

Starting Point	Statutory Maximum	Downward Adjustment	No Adjustment	Upward Adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

4.5 Electrical Safety Standards (Private and Social Rented Sector) Regulations 2020

This section has three tiers of seriousness.

4.5.1 Tier 1 Failures under Reg 3(3)(b),(d),(e) and Reg 3D(a),(b),(c),(f)

Starting Point	Statutory Maximum	Downward Adjustment	No Adjustment	Upward Adjustment
£5,000	£40,000	£4,000	£5,000	£6,000

Mitigating Factor

- report shows installations fully compliant

Aggravating Factor

- number and severity of issues

4.5.2 Tier 2 Failures under Reg 3(1), (3), (5), Reg 3B(1), Reg 3C(1), (2)(a), Reg 3D(d), (e)

Starting Point	Statutory Maximum	Downward Adjustment	No Adjustment	Upward Adjustment
£12,500	£40,000	£10,000	£12,500	£15,000

4.5.3 Tier 3 Failures under Reg 3(4),(5A),(6), Reg 3C(2)(b),(4)

Starting Point	Statutory Maximum	Downward Adjustment	No Adjustment	Upward Adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

4.6 Housing Act 2004

4.6.1 Presence of Type 1 requirements (Category 1 Hazards)

Section 6a, Housing Act 2004

Starting Point	Statutory Maximum	Downward Adjustment	No Adjustment	Upward Adjustment
£3,000	£7,000	£2,400	£7,000	£3,600

4.6.2 Failure to Comply with an Improvement Notice

Section 30(1), Housing Act 2004

Starting Point	Statutory Maximum	Downward Adjustment	No Adjustment	Upward Adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

Mitigating Factor

- The nature and severity of hazards remaining after the compliance deadline
- The property being unoccupied after the deadline
- Access being prevented by tenants, where the landlord can show genuine attempts to gain access (but not enough to amount to a "reasonable excuse" in law)

Aggravating Factor

- Nature and extent of hazards present after the compliance deadline

4.6.3 Failure to Comply with an Overcrowding Notice

Section 139(7), Housing Act 2004

Starting Point	Statutory Maximum	Downward Adjustment	No Adjustment	Upward Adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Aggravating Factor

- *Severity of overcrowding*

4.6.4 Failure to Obtain an HMO Licence

Section 72(1), Housing Act 2004

Starting Point	Statutory Maximum	Downward Adjustment	No Adjustment	Upward Adjustment
£17,000	£40,000	£13,000	£25,000	£30,000

Aggravating Factors

- *Landlord has experience/knowledge of licensing requirements*
- *Poor condition of the unlicensed property*

4.6.5 Knowingly Permitting Over-Occupation of an HMO

Section 72(2), Housing Act 2004

Starting Point	Statutory Maximum	Downward Adjustment	No Adjustment	Upward Adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Mitigating

- *Adequate space and amenity standards despite over-occupation*

Aggravating

- *Level of over-occupation*

4.7 HMO Management Regulations Breaches

Section 234(3), Housing Act 2004

(Management of Houses in Multiple Occupation (England) Regulations 2006 and 2007)

General Principles

- One civil penalty per regulation breached
- If multiple breaches occur within one regulation, a single penalty covers all those breaches
- If several regulations are breached, separate penalties apply to each

4.7.1 Management Regulation: Duty to Provide Information to Occupiers

Starting Point	Statutory Maximum	Downward Adjustment	No Adjustment	Upward Adjustment
£3,000	£40,000	£2,400	£3,000	£3,600

Aggravating Factor

- *Nature and extent of failures*
- *Landlord refuses to provide required information within 48 hours of request*

4.7.2 Management Regulation: Duty to Take Safety Measures

(Fire safety, structural safety, etc.)

Starting Point	Statutory Maximum	Downward Adjustment	No Adjustment	Upward Adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Aggravating Factor

- *Number, nature and seriousness of breaches*

4.7.3 Management Regulation: Duty to Maintain Water Supply & Drainage

Starting Point	Statutory Maximum	Downward Adjustment	No Adjustment	Upward Adjustment
£10,000	£40,000	£8,000	£10,000	£12,000

4.7.4 Management Regulation: Duty to Supply & Maintain Gas and Electricity

Starting Point	Statutory Maximum	Downward Adjustment	No Adjustment	Upward Adjustment
£12,000	£40,000	£9,600	£12,000	£14,400

4.7.5 Management Regulation: Duty to Maintain Common Parts

(Including shared rooms, stairs, external areas, fixtures/fittings)

Starting Point	Statutory Maximum	Downward Adjustment	No Adjustment	Upward Adjustment
£7,000	£40,000	£5,600	£7,000	£8,400

4.7.6 Management Regulation: Duty to Maintain Living Accommodation

Starting Point	Statutory Maximum	Downward Adjustment	No Adjustment	Upward Adjustment
£7,000	£40,000	£5,600	£7,000	£8,400

4.7.7 Management Regulation: Duty to Provide Waste Disposal Facilities

Starting Point	Statutory Maximum	Downward Adjustment	No Adjustment	Upward Adjustment
£7,000	£40,000	£5,600	£7,000	£8,400

Aggravating Factor

- Previous warnings were issued about insufficient bins
- Hazardous waste is involved

4.8 Breach of HMO Licence Conditions

Section 72(3), Housing Act 2004

The Council sets its own starting levels based on the seriousness of the condition breached. A separate civil penalty will be imposed per licence condition breached. There are four categories, increasing in seriousness:

4.8.1 Category A — Administrative & Information-Based Conditions

(E.g., signage, tenant information, written terms, complaints procedures, rent records, references, keys, insurance docs, vetting procedures)

Starting Point	Statutory Maximum	Downward Adjustment	No Adjustment	Upward Adjustment
£4,000	£40,000	£3,200	£4,000	£4,800

Aggravating Factors

- Nature and extent of breach

4.8.2 Category B — Maintenance, Repairs, Access, Waste, Minor Works

(E.g., inspections, repairs, works schedules for sockets/extraction, notices before entry, water safety, fire-safe furnishings)

Starting Point	Statutory Maximum	Downward Adjustment	No Adjustment	Upward Adjustment
£7,000	£40,000	£5,600	£7,000	£8,400

4.8.3 Category C — Safety Documentation & Major Compliance

(E.g., EPCs, fire alarms, emergency lighting, gas & electrical certificates, fire risk assessments, ASB procedures, major hygiene/kitchen/heating works)

Starting Point	Statutory Maximum	Downward Adjustment	No Adjustment	Upward Adjustment
£12,500	£40,000	£10,000	£12,500	£15,000

4.8.4 Category — Highest-Risk Conditions: Fire Safety & Overcrowding Controls

(E.g., smoke alarms, CO alarms, fire doors, escape routes, emergency lighting, minimum room sizes, occupancy limits)

Starting Point	Statutory Maximum	Downward Adjustment	No Adjustment	Upward Adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Section 5 – Process for Imposing Civil Penalties

5.1 Notice of Intent

Before imposing a civil penalty, the Council issues a Notice of Intent setting out the proposed amount, reasons, and the landlord's right to make written representations within 28 days.

5.2 Representations

Landlords may provide evidence, mitigation, or financial information. The Council reviews all submissions and may adjust the proposed penalty up or down.

5.3 Final Notice

If a penalty is imposed, the Final Notice states the amount, reasons, payment deadline, appeal rights, and consequences of non-payment.

5.4 Prompt Payment Discount

A 15% discount applies if the penalty is fully paid within a specified period (normally 28 days). Appeals do not pause the discount period.

5.5 Appeals

Landlords may appeal to the First-tier Tribunal within 28 days. The Tribunal may confirm, vary, or cancel the penalty. New evidence may be considered.

Section 6 – Equalities Impact Assessment

An Equalities Impact Assessment for this policy has been carried out.

Section 7 – Carbon Neutral / Net Zero Benefits

A Net Zero Impact Assessment for this policy has been carried out

Appendices

Appendix A — Origin of the Model Policy

This civil penalty policy is based on a national model originally developed by the Association of Chief Environmental Health Officers in England (ACEHO). Blaby District Council has adapted the model to reflect local enforcement arrangements, operational practices, and statutory duties. The Council assumes full responsibility for interpretation, use, and ongoing review of this policy.