



Havering
LONDON BOROUGH



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Public Protection

Private Sector Housing Enforcement Policy

January 2024

Document Control

Document details

Title	<i>Public Protection Private Sector Housing Enforcement Policy</i>
Version number	<i>V0.2</i>
Status	<i>Draft</i>
Author	<i>Anand Punj</i>
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Approved by	<i>TBC</i>
Approval date	
Review date	<i>TBC</i>

Supersedes	<i>Public Protection Private Sector Housing Enforcement Policy</i>
Target audience	<i>Members, Business and Residents</i>
Related to	<i>Enforcement Action taken under Council Constitution Public Protection Enforcement Policy</i>

Version history

Version	Status	Date	Dissemination/Change
V0.1	<i>Approved</i>	<i>17/01/2018</i>	
V0.2	<i>Draft</i>	<i>July 2022</i>	<i>Updated to incorporate MEES, Elect safety regs, selective licensing and appendix with financial penalty matrix</i>

Member Approval history

Version	Status	Date	Approved by
<i>V0.1</i>	<i>Final</i>	<i>17/01/2018</i>	<i>Cabinet</i>
<i>V0.2</i>			

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DRAFT

Introduction

- 1.1 This enforcement policy is drawn up in line with the principles of good enforcement outlined in the Enforcement Concordat, the Hampton Report and with specific regard to the Regulator's Code 2014, under the Legislative and Regulatory Reform Act 2006.
- 1.2 This policy sets out how Havering Council as the Local Housing Authority, specifically its Private Sector Housing team, will deal with breaches of housing law, other public health legislation and licensing regulations. The Council will aim to ensure the law is applied fairly and consistently, and to tackle offenders in proportion to any crime committed, whilst minimising the impact for the complainant.
- 1.3 This policy deals with the practical application of enforcement procedures that will be used to achieve compliance with housing, licensing and environmental standards. The full range of enforcement options can be found in Appendix 1.
- 1.4 Proper authorisation of officers will be ensured and applicable investigations will be carried out in accordance with the Human Rights Act 1998, Regulation of Investigatory Powers Act 2000, Police and Criminal Evidence Act 1984 and Criminal Procedure and Investigations Act 1996.
- 1.5 The Council expects landlords to comply with the law and proactively manage their properties. This is to ensure that the health and welfare of tenants are protected and their properties, and activities at their properties, are not having a negative effect on the neighbouring population.
- 1.6 The overall aim of our enforcement action is to protect health and improve housing standards by:
 - changing the behaviour and seeking legal punishment of those who flout the law;
 - eliminating financial gain or benefit from non-compliance;
 - providing transparent and consistent regulation within a private market;
 - promoting professionalism and resilience within the private rented sector.
 - providing a 'light touch' for compliant landlords and create a level playing field by tackling non-compliant landlords within the sector.
- 1.7 Enforcement action and resources will be applied proportionally based on the seriousness of the offence(s) and focused toward seeking the highest penalties for non-compliant offenders. This means taking legal action where we detect serious or systematic breaches of housing and public health legislation. This will always be in accordance with statutory codes of practice, council procedures and protocols and official guidance from central and local government bodies.
- 1.8 Additionally, we will consider equalities impacts arising from enforcement decisions by ensuring our approach is proportionate and we will seek to mitigate any adverse equalities impacts where possible.

- 1.9 Where less significant breaches of the law are witnessed and/or the risk to health is lower, we will attempt to resolve problems through the signposting of complainants, possibly using lesser civil legal routes or informally. This will enable economic growth for compliant businesses and allow the Council to focus on the worst landlords.

How we investigate

- 2.1 We will use data, intelligence and documentary audits to target proactive and reactive inspections at premises with suspected disrepair, overcrowding, nuisances and other public health issues, and also those without property licences those in breach of their licence.
- 2.2 In the first instance, for most cases, service users are expected to take their own action to resolve the problem. This will usually need to be in the form of a written complaint to their landlord (either via letter or electronic communication such as text, email or WhatsApp message), allowing them sufficient time to respond. Where service users approach the service with a complaint, we will ask to see a copy of any such correspondence prior to initiating action. For less serious or minor matters, where we are unable to take direct action, we will endeavour to point service users toward further help and advice wherever possible. In the case of emergency issues we will not require evidence of prior written complaints.
- 2.3 **Leaseholder complaints:** Havering Council is generally not able to respond to complaints by long leaseholders requesting assistance in taking action against other long leaseholders or freeholders (this includes all tenure types). Havering will only offer assistance in cases where there are exceptional circumstances; this may include cases where there is imminent risk to health or statutory nuisance.

In all other situations the leaseholder will be redirected to:

The Leasehold Advisory Service <http://www.lease-advice.org>
Telephone: 020 7832 2500.

General Enforcement Policy

- 3.1 The key principles we will apply to our enforcement activity are
- Consistency
 - Proportionality
 - Openness
 - Transparency
 - Accountability
- 3.1 Consistency: means taking a similar approach in similar circumstances to achieve similar ends. It does not mean uniformity, as officers will take into

account many factors such as the level of risk, culpability of the offender, the history of compliance and the attitudes and actions of those involved.

- 3.2 Proportionality: means relating enforcement action to the risks and severity of the breach of the law involved and to deter offenders from repeating the offence and discourage others from committing similar offences. This will ensure that the most serious risks are targeted first.
- 3.3 Openness: means explaining our actions clearly in plain language and discussing compliance failures or problems with anyone experiencing difficulties. A clear distinction will be made between legal requirements and advice or guidance.
- 3.4 Transparency: We will make it clear to those being regulated what their obligations are and give them time to comply where appropriate to do so. The consequences of non-compliance will be made clear. In some instances, it may be necessary to secure urgent compliance with notices etc. for example if public health and safety is a concern.
- 3.5 Accountability: all officers of the council will be fair, open, courteous and will identify themselves by an identification card. Where cases have been referred for further legal action, all decisions will be accurately recorded and justified on why that action has been taken.
- 3.6 We will ensure that Officers have the necessary knowledge and skills to support those they regulate which will enable them to choose proportionate and effective approaches.
- 3.7 We will endeavour to provide general information, advice and guidance to make it easier for landlords to understand and meet their regulatory obligations. We will also attempt to signpost those landlords who have more complex questions or require legal advice. Such information will be provided via the Council's website.
- 3.8 The Council's property licencing schemes will be 'light touch' for compliant landlords and its enforcement focus will be on non-compliant landlords. We will achieve this through the risk assessment of data from various sources, such as complaints, licencing audits and historical data.
- 3.9 The Council will assist landlords, licence holders and agents where possible on its licencing procedures and requirements. In most cases the Council will attempt to communicate with Landlords where contraventions are suspected unless the suspicions are serious or if the suspect has a history of poor standards and/or non-compliance. Where necessary property inspections will be carried out with a view to immediate enforcement.
- 3.10 Where property defects and evidence of poor management are identified, which are likely to significantly impact on health, the Council will take action. It will also take action where information is not provided or misleading information is given and when fraud is uncovered.

- 3.11 A significant health impact may be determined where there is a Category 1 hazard(s), statutory nuisance, significant or numerous management regulations breaches and other significant public health hazards with clear health effects, such as sewage leaks.
- 3.12 Where defects or hazards are judged to be of an emergency nature then the Council will respond in a maximum of 48 hours, with the aim of a 24-hour response in the majority of emergency cases.
- 3.13 The Council will usually serve a statutory Notice or Order where Category 1 hazard(s) or multiple Category 2 hazards are found. Reasonable time will be given to complete the works if a Notice is served.
- 3.14 Nuisances and other public health matters that are not abated by the responsible person before the Council witnesses the offence will result in the relevant statutory notice being served. Breaches of HMO management regulations and/or breach of the conditions of the property licence will normally lead to enforcement as detailed in Appendix 1.
- 3.15 Charges for each statutory notice served under the Housing Act 2004 will be imposed in accordance with Council's published fees and charges schedule, where applicable (see section 5, below).
- 3.16 Where landlords fail to comply with Notices, the Council will normally take legal action against the appropriate person. It may also carry out works in default of the property owner where this is considered to be the only viable means to secure completion of the necessary works. The cost of these works and associated administrative costs will be raised as an invoice and, if unpaid, will be registered as a charge against the property. Until repayment, the Council can levy interest on the amount outstanding.
- 3.17 Where legal action is necessary to address housing offences and crimes, Council will consider the appropriate enforcement tool for the circumstances. Financial penalties, under section 249A of the Housing Act 2004, will be used as the primary enforcement tool. Appendix 2 details the decision making process in determining the penalty amount, as set out in the Council's Financial Penalty Matrix.
- 3.18 Cases may be referred for prosecution where there has been:
- serious neglect of landlord/managing agent responsibilities, or
 - significant harm as a result of their action(s), or
 - where there have been previous criminal convictions or out of court disposals particularly for similar offences, or
 - poor history of compliance with housing and associated legislation, or
 - the action(s) has had significant adverse effects on tenants or other victims, or
 - Issuing a financial penalty is not likely to change perpetrator behaviour or improve housing conditions.
- 3.19 Whether or not the Authority issues a civil penalty or refers the case for a prosecution, in both instances they must be satisfied the case meets the

tests set out in Crown Prosecution Service 'Code for Crown Prosecutors' and that there is a 'realistic prospect of conviction'.

- 3.20 Council will investigate breaches of the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 as amended (also known as the MEES regulations), but also having other legislation available, such as the powers under Part 1 of the Housing Act 2004. These regulations are designed to tackle the least energy efficient properties, being those rated F or G on their energy performance certificate (EPC). This will also help to alleviate fuel poverty, reduce carbon emissions and contribute to other Council targets around climate change action.

From 1 April 2018, the MEES Regulations have made it unlawful for commercial landlords to grant a new tenancy, or to extend the lease of a property with an energy performance certificate (EPC) rating below "E" (known as a sub-standard property), unless an exemption applies, and has been validly registered.

If a private sector landlord continues to rent a property with an EPC rating of F or G, a Compliance Notice and a Penalty Notice may be issued to the landlord, with a maximum penalty of £5,000.

The EPC rating of a property will not be considered in isolation. Properties that are compliant under the MEES regulations, but which still pose a possible Excess Cold hazard, may also be subject to an assessment under the Housing Act 2004.

- 3.21 The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 requires all commercial residential landlords to ensure every electrical installation in the residential premises is inspected and tested by a qualified person at intervals of not more than 5 years; and to ensure the first inspection and testing is carried out before the tenancy commences in relation to a new specified tenancy; or by 1 April 2021 in relation to an existing specified tenancy.

Council may serve a remedial notice where it has reasonable grounds to believe that a private landlord is in breach of one or more of the duties under these regulations, and the most recent report does not indicate that urgent remedial action is required. In cases where the report indicates that urgent remedial action is required and the landlord fails to carry out the specified works, the Council may arrange to do so. The cost of these works and our administrative costs will be raised as an invoice and, if unpaid, registered as a charge against the property.

- 3.22 The Council may also, and in addition to other action, seek to obtain a Rent Repayment Order (RRO) from the offender to recover up to 12 months of Housing Benefit/Universal Credit that was paid to them by their tenant/s.
- 3.23 Where the financial penalty, RRO and/or charges are not repaid, civil action will be taken to recover outstanding debt and other charges incurred.

- 3.24 All information obtained will be treated in accordance with UK General Data Protection Regulation (GDPR) and the Data Protection Act 2018. The Council may share information securely with other internal and external agencies and law enforcement bodies where there is a lawful reason to do so. There may be circumstances where shared or complimentary enforcement action may be taken with other agencies to help target resources and activities and minimise duplication.
- 3.25 To reduce the likelihood of retaliatory eviction, enforcement action will continue until the property is brought up to a satisfactory condition, whether or not the original tenant remains in the property.
- 3.26 The Council may prosecute landlords where it is satisfied there is evidence of unlawful eviction of tenants.
- 3.27 To ensure consistency and adherence to the enforcement policy, internal procedures will be put in place to ensure legal actions are monitored and reviewed.
- 3.28 A list of enforcement options and outcomes can be found in appendix 1.

Complaints, Feedback or Compliments

- 4.1 Those persons and individuals who are regulated by this department should expect that they will be dealt with professionally and in a manner in accordance with the Council's code of conduct for officers.
- 4.2 In the event that an individual or company is not satisfied with the service or is not in agreement with the action taken by the investigating officer or wishes to give feedback about the service they have received, they should first contact the Team Manager.
- 4.3 If you wish to make a compliment you should also contact the Team Manager.
- 4.4 The Team Manager can be contacted by email at landlordlicensing@havering.gov.uk
- 4.5 If this does not resolve the issue, the Council has a formal complaints system. Please visit <https://www.havering.gov.uk/complaints> for information about Council's complaints procedure and to submit a complaint.
- 4.6 Contact can also be made in writing to:
Complaints and Member Enquiries
London Borough of Havering
Town Hall, Main Road
Romford, RM1 3SL
- 4.7 Please note you can still make a complaint in cases where the Council has instigated legal proceedings. **However, making a complaint will not stop any impending legal action.**

- 4.8 Where statutory notices have been served, making a complaint does not replace the statutory rights of appeal or the right to make representation. Nor does it allow extra time to comply with any notice or order.
- 4.9 If you disagree with a statutory notice then they should take action specified in the notice to make an appeal, if any exists. Reference should be made to the notes that accompany the notice or order for more detail.

If a summons or directions have been issued by a Court or Tribunal, the recipient of the notice or order must continue to follow these. As with all cases where legal action is being taken, it is strongly recommended that service users seek legal advice.

Charging, Fees and Compensation

- 5.1 There will be a charge for all Notices served and Orders made under the Housing Act 2004, excluding Hazard Awareness or Management Regulation Notices. Charges for each statutory notice will be imposed in accordance with Council's published fees and charges schedule, where applicable. The charge will usually be a fixed amount but for certain cases, ancillary costs may be added, which have been incurred when determining whether to serve a Notice or make an Order and identifying action to be taken in any Notice or Order e.g., where it has been necessary to commission fire safety reports in relation to the 'fire' hazard.
- 5.2 The proposed recipient of any charging notice can make representations as to their personal circumstances. The charge will only be waived in exceptional circumstances following consideration of the particular merits of any such representation received. If there is an appeal against the Notice or Order then the charge will not be applied until the appeal is resolved, and the Notice or Order is upheld.
- 5.3 There is no right of appeal against a charging notice; only to the Notice or Order to which the charging notice relates.
- 5.4 Where works are undertaken by the Council in default of a notice, an administrative charge equivalent to 30% of the value of costs will be added to the costs to be recovered.
- 5.5 Interest may be added to invoices that remain unpaid after 30 days.
- 5.6 The Council reserve the right to claim statutory interest at 8% above the Bank of England reference rate in force on the date the debt becomes overdue and at any subsequent rate where the reference rate changes and the debt remains unpaid in accordance with the Late Payment of Commercial Debts (Interest) Act 1998 as amended and supplemented by the Late Payment of Commercial Debts Regulations 2002 and SI395/2013.

Publicity

- 6.1 We will work with various media organisations and persons to promote and inform people about our enforcement regime. We may publish details of prosecutions on Council's website and/or social media pages. We may also seek to add details of rogue landlords to the Greater London Authority (GLA) rogue landlord and agent checker and/or the East of England Trading Standards Association Intelligence Database and/or any other statutory database operated by the UK government.

Media coverage will normally be sought in the following cases:

- The offence is a serious one or has significant factors such as the risk to health of tenants, visitors or neighbours, the exploitation of tenants, anti-social behaviour or an issue affecting the wider area or private rented sector.
- Coverage will assist in securing compliance by others or is in the public interest to demonstrate the Council's actions and to help inform issues in the wider housing sector.
- To draw attention to a particular issue or set of hazards.
- To provide potential renters and tenants with information that will enable them to check whether a landlord has a poor operating history. It will seek to ensure the private rented housing market operates in a fairer and more transparent way, and that tenants are protected from exploitation by unscrupulous landlords and letting agents.
- To support other local authorities and regulatory partners in their enforcement efforts, through information sharing, and increase awareness of criminal and rogue landlords who operate across borough boundaries to crack down on poor and criminal behaviour.
- The offence is serious and/or was committed wilfully and the Council wishes to draw attention to the enforcement activity to act as a deterrent.
- Coverage is otherwise in the public interest.
- A press release will also be issued about convictions where it is considered that publicity will bring in benefits by promoting compliance with those statutory requirements designed to protect the health, safety and welfare of customers, residents, workers and visitors, as well as the borough's environment.
- Media coverage will not be sought where the primary motive is to cause damage to the subject.

Further Information

- 7.1 If you would like more information on our service please visit our website at <https://www.havering.gov.uk>
- 7.2 If you are a Landlord and would like training and support on property management matters such as Housing Benefit rules, possession proceedings and changes in housing legislation you should visit Havering's Landlord Accreditation page at:

APPENDIX 1: Enforcement Options

Action	Circumstances
1. No action	<ul style="list-style-type: none"> Complaints or allegations of housing legislation breaches or statutory nuisances are of minor or low risk to health and the landlord has not been informed by the complainant, or allegations are unsubstantiated and unwitnessed. Formal action is inappropriate in the circumstances.
2. Advisory notices and letters	<ul style="list-style-type: none"> Where conditions are evidenced to justify action and investigation and it is appropriate to give opportunity to landlords, tenants or licence holders to make representations, provide information or effect change to meet compliance. No health impacts are present which poses a significant risk to occupants or the public as a whole. Previous history indicates that informal action can be expected to achieve full compliance. Officer's confidence in the premises management is high.
3. Formal notices or orders	<ul style="list-style-type: none"> The defect or conditions present a significant risk to health and/or a nuisance. There are previous failures of statutory requirements. Previous advisory notices/letters ignored or action was not taken in a timely manner or to the correct standard. There is a lack of confidence in the individual or management i.e. the willingness to respond to an informal approach. The Council is legally required to serve a statutory notice.
4. Financial Penalties (of up to £30,000 if under Housing & Planning Act 2016, The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 or Tenant Fees Act 2019, or up to £5,000 under other legislation.)	<p>The Council may serve notices imposing a civil penalty as an alternative to prosecution of up to a maximum of £30,000 in respect of the following offences:</p> <ol style="list-style-type: none"> Failure to comply with an Improvement Notice. Failure to license or other licensing offences relating to Houses in Multiple Occupation (HMOs). Failure to licence or other licensing offences under the Council's Selective Licensing Scheme. Failure to comply with an Overcrowding Notice. Failure to comply with a management regulation in respect of an HMO. Breaching a Banning Order. Breach of a duty under Regulation 3 of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020. Breach of one or more of regulation 23, 27, 37(4)(a), The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015. <p>The Council will determine, on a case-by-case basis, whether to instigate prosecution proceedings or to serve a civil penalty in respect of any of the offences listed above. Examples of</p>

	<p>situations in which a decision to prosecute would normally be taken include:</p> <ul style="list-style-type: none"> • Where the offence committed is judged to be particularly serious; • Where the offender has committed similar offences in the past; • Where offender's actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities.
5. Works in Default – Remedial Action Emergency Remedial Action & Emergency Prohibition Order	<ul style="list-style-type: none"> • There is an imminent risk to health and safety to the occupant and/or public. • Awaiting the service of a notice or a prosecution would not adequately protect the public interest. • However, this does not rule out subsequent action being taken in conjunction with a prosecution, financial penalty, RRO or other legal action.
6. Works in Default – non-compliance with a notice	<ul style="list-style-type: none"> • The Council may carry out works required by a notice if they have not been completed within the permitted time or are not likely to be completed within the permitted time. • This may be taken in conjunction with or followed by a prosecution, financial penalty and/or RRO.
7. Reducing the term (length) of a Property Licence.	<ul style="list-style-type: none"> • When assessing a Property Licence application, where appropriate and in conjunction with the Council's Fit and Proper and Cause for Concern policies, we may reduce the term of the licence. • Where correct planning permission has not been obtained, and is required, this will be a ground for reducing the term to a 1-year licence. • To allow owners and landlords time to remedy this breach and so they are compliant with the legal requirements of Property Licensing, in such circumstances where planning permission is not held, Private Sector Housing will typically issue only a one-year licence. All one-year licenses will be charged at full fee. • Should the licence holder have failed to regularise the use of the HMO in planning terms after the one year term expires, a further licence is unlikely to be granted. PSH will consult with Planning before refusing said licence • A licence holder may continue to stay on a 1-year licence if they still are a 'Cause for Concern' e.g., not fulfilling the training requirement, poor management etc.
8. Adding new property licence conditions	<ul style="list-style-type: none"> • When assessing a Property Licence application, where appropriate and in conjunction with the Council's 'Fit and Proper Person, Cause for Concern and Most Appropriate Person Policy', we may add further conditions to remedy poor landlord behaviour or standards e.g., not fulfilling the training requirement, poor management etc.
9. Refusal to grant a property licence, and Revocation of property licenses and approvals	<ul style="list-style-type: none"> • The Licence application is not made in accordance with the Council's application requirements; or • The Licence application is not accompanied by the appropriate fee; or • The proposed manager/licence holder is not a 'fit and proper' person; or • The proposed manager/licence holder is not the most appropriate person to hold the licence; or

	<ul style="list-style-type: none"> • The proposed manager/licence holder is not the person or an agent of a person who has control of the property; or • The proposed management arrangements are not satisfactory; or • The property is not reasonably suitable for occupation in regards the number of persons or households; or • The Council considers that the licence holder or any other person has committed a serious breach or repeated breaches of a condition of the licence; or • Planning permission has been refused and the applicant has exhausted the appeals process; or • Or A combination of the above.
10. Prosecution	<ul style="list-style-type: none"> • At the charging stage there must be sufficient evidence for a realistic prospect of conviction and it is in the public interest to prosecute under the Code for Crown Prosecutors. • Once the case is heard in Court, the Prosecution must prove the offences beyond all reasonable doubt. • See section 3.18 for more detail.
11. Rent Repayment Orders (RRO)	<ul style="list-style-type: none"> • RRO will be considered after every successful prosecution for failure to comply with an Improvement Notice (section 30); Prohibition Order, including Emergency Prohibition Orders (section 32); Offences in relation to licensing of HMOs (section 72) and in relation to licensing of houses under Part 3 of the Act (section 95). • Where a landlord fails to licence a licensable property and they received a significant amount of Housing Benefit or Universal Credit, a RRO application may be made to the First Tier Tribunal.
12. Banning Order	<p>Where a landlord has committed one or more offences specified in The Housing and Planning Act 2016 (Banning Order Offences) Regulations 2017, the Council may apply to the First Tier Tribunal for a banning order that bans a landlord from:</p> <ul style="list-style-type: none"> • Letting housing in England; • Engaging in English letting agency work; • Engaging in English property management work; or • Doing two or more of those things. <p>A banning order, if granted, must be for a minimum period of 12 months. There is no statutory maximum period for a banning order. The Council will generally pursue a banning order for the most serious offenders. It will take into account the seriousness of the offence(s), whether the landlord has committed other banning order offences (or received any civil penalty in relation to a banning order offence) and any history of failing to comply with their obligations or legal responsibilities. It will also take into account other relevant factors, including:</p> <ul style="list-style-type: none"> • The harm, or potential harm, caused to the tenant • The need to punish the offender

	<ul style="list-style-type: none"> • The need to deter the offender from repeating the offence • The need to deter others from committing similar offences
13. Interim Management Order (IMO)	<ul style="list-style-type: none"> • The Council may decide to seek an Interim Management Order (IMO), following certain licensing offences, where the health and safety or welfare of the occupants is at serious risk (the 'health and safety condition' section 104 Housing Act 2004) and/or breach of a banning order by landlords and/or agents. • An IMO lasts for a maximum of 12 months and gives control of the subject property to the Council. • The Council may delegate the management of the property to another organisation. An IMO ceases to have effect if a license is granted. There are provisions to vary, revoke and appeal against an IMO.
14. Final Management Order (FMO)	<ul style="list-style-type: none"> • At the end of the interim period, a Final Management Order (FMO) of up to 5 years may be sought, which follows the same principles of the IMO but on a longer term basis.
15. Compulsory Purchase Orders (CPO) / Empty Dwelling Management Orders (EDMO)	<ul style="list-style-type: none"> • Where long term empty dwellings are causing problems in their neighbourhood the council will use a suite of powers, including CPOs and EDMOs, to ultimately take ownership away from those who show no prospect of bringing their properties back into use. A systematic approach will be taken, with increasing use of stronger powers the longer cases are not adequately dealt with by owners.
16. Proceeds of Crime Act	<ul style="list-style-type: none"> • Where landlords or others have benefited from the proceeds of a criminal activity, an application may be made to recover any benefit, such as a Confiscation Order under the Proceeds of Crime Act 2002.

APPENDIX 2a: Financial Penalty Matrix – Penalty Amounts

The following matrix is used by officers in determining the penalty amounts for a Financial Penalty Notice under the Housing and Planning Act 2016. It has been created having specific regard to the Government Guidance for Local Authorities: Civil penalties under the Housing and Planning Act 2016, published April 2018.

Each of the rows in the matrix take into account certain criteria set out in the guidance. Each row produces a score dependent on the severity of the issue, being either 1, 5, 10, 15 or 20. At the end of every row the officer will have to justify the most appropriate score chosen based on evidence in the case. The sum of the scores of each of the 4 rows produce a total. This final total is then compared against the council's set fee ranges, which determines the exact penalty amount; see table below. For example, a matrix total of 17 would result in a penalty of £2,500, a score of 55 would result in a penalty of £12,000 etc.:

Score Range	Fee
1 – 5	£1,000
6 – 10	£1,500
11 – 20	£2,500
21 – 30	£3,500
31 – 40	£5,000
41 – 50	£8,000
51 – 60	£12,000
61 – 70	£16,000
71 – 80	£20,000
81 – 90	£25,000
91 – 100	£30,000

APPENDIX 2b: Financial Penalty Matrix – Decision Making

Name of Offender:		APP Reference:					
Factors	Score = 1	Score = 5	Score = 10	Score = 15	Score = 20	Total	Justification
Culpability and track record	Offender not aware of the offence but ought to have known; but there is no previous history of offending	No response to informal action; but there have been no previous warnings or civil penalties issued	Moderate level of enforcement taken in the previous 12 months, and there has been a previous warning; but no civil penalties	High level of enforcement taken during the previous 12 months and more than one warning ignored and one previous civil penalty issued for minor offence	Multiple enforcement taken during the previous twelve months, and more than one warning ignored, and a previous civil penalty issued for serious offence		
Deterrence of offender and others committing a similar offence	Any financial penalty will deter repeat offending	A minor financial penalty will deter repeat offending	A moderate financial penalty will deter repeat offending	A high financial penalty will deter repeat offending	Only a significant financial penalty will deter repeat offending.		
Removal of Financial Incentive	No significant assets. No or very low financial profit made by offender	Single property landlord. Little profit made by offender.	Small portfolio landlord (between 2-3 properties). Low asset value. Low profit made by offender.	Medium portfolio landlord (between 4-5 properties) or a small Managing Agent. Medium asset value. Medium profit made by offender.	Large portfolio landlord (over 5 properties) or a medium to large Managing Agent. Large asset value. Large profit made by offender.		

<p>Harm to Tenant(s) (Score is doubled on this section in line with guidance)</p>	<p>Very little or no harm caused. No vulnerable occupants. Tenant provides no information on impact.</p>	<p>Likely some low level health/harm risk(s) to occupant. No vulnerable occupants. Tenant provides poor quality information on impact.</p>	<p>Likely moderate level health/harm risk(s) to occupant. Vulnerable occupants potentially exposed. Tenant provides some information on impact but with no primary or secondary</p>	<p>High level of health/harm risk(s) to occupant. Tenant(s) will be affected frequently or by occasional high impact occurrences. Vulnerable occupants more than likely exposed. Small HMO (3-4 occupants), multiple occupants exposed. Tenant provides good information on impact with primary evidence (e.g. prescription drugs present, clear signs of poor health witnessed) but no secondary evidence.</p>	<p>Obvious high level health/harm risk(s) and evidence that tenant(s) are badly and/or continually affected. Multiple vulnerable occupants exposed. Large HMO (5+ occupants), multiple occupants exposed. Tenant provides excellent information on impact with primary and secondary evidence provided (e.g. medical, social services reports).</p>		
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Pick from Drop down boxes in Blue to Score

Total 0