

## Appendix 1 – General Summary of Regulatory Options.

Action	Circumstances
1. No action	<p>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.</p> <p>Formal action is inappropriate in the circumstances.</p> <p>Referral to partner service/agency with more appropriate regulatory function.</p>
2. Advisory warnings, letters & Consultation	<p>Where conditions are evidenced to justify action and investigation and it is appropriate to give opportunity to landlords and tenants to make representations, provide information or effect change to meet compliance.</p> <p>No health impacts are present which poses a risk to health or nuisance.</p> <p>Landlords and individuals will be presented with an opportunity to engage with the case officer before and during and visits to inform what enforcement options are taken.</p>
3. Formal notices or orders	<p>The defect/conditions/behaviour presents a public health risk and/or a nuisance.</p> <p>Informal/advisory option not appropriate.</p> <p>The 'offence' is a strict offence.</p> <p>There are previous failures of statutory requirements.</p> <p>Previous advisory notices/letters ignored or action was not taken in a timely manner or to the correct standard.</p> <p>The landlord or agent has failed to take action following a complaint from their tenant.</p> <p>There is a lack of confidence in the individual, business or management i.e. the willingness to respond to an informal approach.</p> <p>The Council is legally required to serve a statutory notice.</p> <p>There is aggravating and contributory factors and culpability.</p> <p>Enforcement notices will be registered as a land charge.</p>
4. Financial Penalties	<p>For certain Housing Act 2004 breaches, amount of penalty decided by civil financial penalty Matrix (Appendix - 3).</p> <p>Used as alternative to a prosecution. Offences include:</p> <ul style="list-style-type: none"> <li>• Non-compliance with an improvement or overcrowding notice.</li> <li>• Failure to obtain a property licence (Both parts 2 and 3 Housing Act 2004).</li> <li>• Breaches of HMO management regulations.</li> <li>• Breaches of the conditions of the property licence.</li> <li>• The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020: We will issue a penalty charges of up to £30,000. (Appendix - 7)</li> </ul>

	<ul style="list-style-type: none"> <li>• Smoke &amp; Carbon Monoxide Regulations 2015: We will issue a penalty charges of up to £5,000. (Appendix - 8).</li> <li>• Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (MEES regs): We may issue a penalty charges of up to £5,000. (Appendix - 6)</li> </ul> <p>Financial penalties will be registered as a land charge.</p>
5. Emergency Action	<p>There is an imminent risk to health and safety to the occupant and/or public. Examples include but are not exclusive to: collapsing ceiling, sewerage and water leaks, dangerous electrics, no heating cases.</p> <p>Awaiting the service of a notice would not adequately protect the public interest.</p> <p>Emergency action may include the following statutory action:</p> <ul style="list-style-type: none"> <li>• Emergency remedial action to remedy immediate risk hazards.</li> <li>• Emergency prohibition action restricting the use of a premises.</li> </ul> <p>Emergency action will be registered as a land charge.</p>
6. Works in Default	<p>We may choose to carry out works in default 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. Fees and charges will apply.</p> <p>We may choose to carry out works with agreement with the consent of the recipient of a Notice if they are unable to comply with the notice and want the Council to carry out the works on their behalf. Fees and charges will apply.</p> <p>Works in default will be registered as a land charge.</p>
7. Reduce Licence Duration	<p>When assessing a Licence application, where appropriate and in conjunction with the Council's Fit and Proper and Cause for Concern policy, we may reduce the duration of the licence. (Appendix - 5)</p>
8. Varying Licence Conditions	<p>When assessing a Licence application or varying an existing licence, where appropriate and in conjunction with the Council's Fit and Proper and Cause for Concern policy, we may add further conditions to a licence to remedy poor landlord behaviour or management standards. (Appendix - 5)</p>
9. Refusal to Grant a Licence	<p>When assessing a Licence application, where appropriate and in conjunction with the Council's Fit and Proper and Cause for Concern policy we may refuse to grant a licence. (Appendix - 5)</p>
10. Revoke a Licence	<p>When assessing a Licence, where appropriate and in conjunction with the Council's Fit and Proper and Cause for Concern policy we may revoke a licence. (Appendix - 5)</p>
11. Formal (Simple) Caution	<p>Where a prosecution or Financial Penalty is determined not to be in the public interest and it is the individuals first offence and admits guilt. (Appendix - 4)</p>

12. Prosecution	<p>Where the offence is serious enough to justify prosecution.</p> <p>Where it is a serious offence and or another consideration justifies prosecution.</p> <p>Where there is sufficient evidence to prove that an offence has been committed.</p> <p>Where there is a realistic prospect of conviction.</p> <p>Where the public Interest test is met.</p> <p>Where a landlord has committed the offence of illegal eviction or harassment.</p> <p>(Appendix - 4)</p>
13. Banning Order	<p>Where the relevant offences, convictions and/or contraventions are serious enough to warrant the Council to seek a Banning Order following the breach of 'banning order offences' by landlords and agents. A banning order last for a minimum of 12 months and prevent landlords or agents from letting properties or being involved in the lettings and property management industry across England.</p>
14. Proceeds of Crime	<p>To be considered where, upon successful conviction, landlords or others have financially benefited from the proceeds of a criminal activity a Proceeds of Crime Order application may be made.</p>
15. Warrant to Enter a Premises	<p>Where there is a duty to inspect a property as part of an investigation and access has been previously refused by the owner or occupier.</p> <p>Seeking informal access to the property would negatively impact the evidence gathering for an offence, for example – inspecting a HMO, unlicensed HMO's, illegal conversion of a property.</p> <p>To carry out works in default to safeguard and protect the health and wellbeing of a resident and to remove any imminent risk hazards.</p>
16. Rent Repayment Order	<p>Rent Repayment Orders can be made in the First Tier Tribunal where landlords have committed certain offences. The landlord may be required to repay up to 12-months rent back to a tenant or local authority for housing benefit or universal credit.</p> <p>The offences are:</p> <ul style="list-style-type: none"> <li>Violence for securing entry into a property</li> <li>Illegal eviction or harassment of tenants</li> <li>Failure to comply with an Improvement Notice or Prohibition Order (HA04)</li> <li>Failure to licence a property that requires a licence.</li> <li>Breach of a Banning Order.</li> </ul>
17. Management Orders	<p>The decision to apply for a Management Order as set out in Part 4 of the Housing Act 2004. It is a complex decision that may only be considered on a case by case basis.</p> <p>They can be applied in circumstances to bring Empty Properties back into use (EDMO), take management control of HMO's that require to be licensed or properties</p>

	where there are significant hazards and there is no likelihood of the HMO being licensed or repairs carried out.
17. Enforced Sale and debt recovery	Enforcement charges, broader Council debts (Council Tax), fines, costs of works and administrative costs will be raised as a charge against the property whilst repayment opportunities and debt recovery methods are exhausted. If there is no likelihood of a debt being recovered the Council will consider an enforced sale of the asset.
18. Community Protection Notices (CPN)	<p>A CPN can only be issued where the Council is satisfied on reasonable grounds that the conduct of an individual (aged 16 or over), a business or an organisation is:</p> <ul style="list-style-type: none"> <li>• having a detrimental effect on the quality of life of those in the locality</li> <li>• persistent or continuing in nature, and</li> <li>• unreasonable.</li> </ul> <p>For clarification, references to "conduct" include a failure to act. The Council will consider where the above threshold is met on a <b>case by case</b> basis and is guided by the community trigger policy.</p> <p>A warning letter is issued as a first step.</p> <p>A community protection notice is issued as a final step.</p> <p>Failure to comply with a CPN is a criminal offence. There are a number of options available; however, consideration should be given to the victims' wishes. A Fixed Penalty Notice may be appropriate, but it does not alleviate the impact on the community.</p> <p>Remedial action can also be taken.</p>
19. Injunctions and Closure Orders	Injunctions and closure orders may be sought in consultation with wider multi agency partners when the behaviour/conduct of an individual is negatively impacting on the amenity of an area or resulting in ASB complaints from a premises.

This list of options is a general summary and other regulatory options may be considered based on the facts and circumstances of the case.