

Private Sector Housing
**Enforcement
Strategy
2020**



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

Introduction

The Environmental Health Department's Private Sector Housing Team aims to protect the health, safety and welfare of residents and the public, who are affected by poor housing conditions and deficient property management by,

- Seeking a behaviour change and pursuing legal punishment of those who flout the law;
- Making a fairer private rented sector (PRS) market by eliminating the financial gain or benefit from those who are non-compliant;
- Providing transparent and consistent regulation within the PRS market;
- Promoting professionalism and resilience within the PRS.

They do this by enforcing housing law, mainly in the Housing Act 2004 ("the Act"), the Housing and Planning Act 2016, Public Health Acts and other legislation.

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](#) (Legislative and Regulatory Reform Act 2006), Regulatory Enforcement and Sanctions Act 2008, and [COVID-19 and renting: guidance for landlords, tenants and local authorities](#). This policy is specific to the enforcement action taken by the Private Sector Housing Team and takes precedence.

Enforcement action initiated by Private Sector Housing will normally be taken in accordance with this specific policy, rather than the Environmental Health Enforcement Policy. This avoids any confusion between some similar terminology used across environmental health disciplines which have different definitions and meanings.

This policy sets out the practical application of enforcement and the available powers we have at our disposal to regulate and manage non-compliance, predominantly within the private rented sector, as found in Appendix 1.

To avoid unnecessary regulatory burdens, 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, their properties, and activities at their properties, are not having a negative effect on the neighbourhood and compliant businesses operating in the private rented sector can operate fairly and grow economically.

Enforcement action and resources will be applied proportionally based on the seriousness of the offence/s and focused toward seeking the highest penalties for the worst offenders. This means taking legal action where we detect serious or systematic breaches of housing and public health legislation.

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, possible

using lesser civil legal routes or informally. This will enable economic growth for compliant businesses.

Our enforcement policy contributes to the Council's values of Putting Our Communities First, Integrity, Respect and Working Together. With the aim of making the Borough a great place to live, work and learn, to assist in the Grenfell Recovery and to make it a place where vulnerable residents are supported and the PRS is healthy, clean and safe.

Coronavirus (COVID-19)

During this unprecedented time some enforcement action may not be possible in the same way as expected or previously carried out. As a Private Sector Housing Team, we are required to meet the changing circumstances caused by COVID-19, such as implementing new laws and policies at short notice, assisting colleagues in other departments and other public health work. Therefore we may have to prioritise COVID-19 work over what was classed as business as usual. This to ensure we can act to help prevent and deal with COVID-19 issues, to protect the PRS and the wider community.

- Therefore we will take a pragmatic, proportionate, risk-based approach. This may mean, Low risk, routine enforcement action may be temporarily postponed.
- We may ask for you to help organise virtual inspections instead of physical visits.
- Legal notices may take longer to be served and adjusted to allow any difficulties in completing the works.
- Non urgent work in default may be deferred.

This list is only intended as an example. Decisions will be made on the merits of the individual case and based on an assessment of risk and the latest government advice. Our officers will endeavour to keep you updated on your case.

How will we investigate?

When a complaint had been received, it will normally be responded to within 2 working days by an officer in the Private Sector Housing Team. The case will be allocated a case officer (CO) and they will be responsible for keeping the complainant up to date, contacting all other interested parties (landlords, residential providers, etc), they will follow reasonable lines of enquiry and investigate to obtain accurate and reliable information and evidence, to enable themselves to progress the case to conclusion.

In the first instance for most cases, service users are expected to take their own action to resolve the problem by contacting their landlord and allowing them adequate time to respond.

Leaseholder/Freeholder complaints: The Private Sector Housing Team is generally not able to respond to complaints by leaseholders requesting assistance in taking action against other leaseholders or freeholders for breach of contract or civil disputes (this includes all tenure types). We will only offer assistance in cases where there are exceptional circumstances; this may include cases where there is imminent risk to health.

Leaseholders are advised to contact; The Leasehold Advisory Service - Fleetbank House, 2-6 Salisbury Square, London, EC4Y 8JX. Telephone: 020 7832 2500. <http://www.lease-advice.org>

Residential Providers (RP) (Housing Associations) complaints. The PSH team will deal with, and enforce, Residential Providers (Housing Association) complaints in the same way as any normal private sector housing disrepair complaints.

Where the complaint is concerning the RP act or conduct outside of our powers we will try to assist wherever possible. However in these circumstances outside of PSH powers we would advise the complainant to contact the Housing Ombudsman Service (HOS) after using the RPs own internal complaints process.

The HOS details are (<https://www.housing-ombudsman.org.uk/>) on 0300 111 3000 or email to info@housing-ombudsman.org.uk written enquires to Housing Ombudsman Service, Exchange Tower, Harbour Exchange Square, London E14 9GE.

Enforcement Approach

The PSH Team's enforcement activity is guided by three key principles

Consistency: This means taking a similar approach in similar circumstances to achieve similar ends. It does not mean uniformity. Officers will take into account many factors such as the level of risk, culpability of the offender, the history of compliance and the attitude and actions of those involved.

Openness: We will explain our actions clearly, in appropriate language and discuss compliance failures or problems. A clear distinction will be made between legal requirements and advice or guidance.

Proportionality: We will endeavour to balance the punishment of an offender against the direct risks to the persons effected, the effect on the wider community and severity of the breach of the law involved, in order to deter offenders from repeating the offence and discouraging others from committing similar offences.

The Private Sector Housing Team (PSH Team) will operate in a supportive 'light touch' manner for compliant landlords, owners, agents and tenants. We will endeavour to provide general information, advice and guidance to make it easier for landlords to understand and meet their regulatory obligations. Our enforcement focus will be on those who are non-compliant. We will use data from various sources, such as complaints, licensing audits and historical data to target our interventions.

Where property defects and evidence of poor management are identified and are likely to significantly impact on health, the PSH Team will take action. We will also take action where information is not provided or misleading information is given and when fraud is uncovered. A significant health impact is related to the existence of Category 1 hazards,

statutory nuisances, management regulations breaches and other significant public health hazards.

The PSH Team will usually serve a statutory Notice or Order where Category 1 hazards are found and reasonable time will be given to complete the works. For nuisances and other public health matters that are not abated by the responsible person before the Council witnesses the offence, this will normally result in the relevant statutory notice being served. Breaches of HMO management regulations and/or breach of the conditions of a property licence will normally lead to enforcement as detailed appendix 1.

Where legislation allows, charges for the service of each notice will normally be made.

Failure to comply with notices served, will normally lead to legal action being taken against the appropriate person. Where legal action is necessary to address housing offences and crimes, financial penalties will normally be used as the primary enforcement tool. Prosecutions will be taken as an alternative where there have been,

- serious neglect of their responsibilities as a landlord/agent, or
- significant harm as a result of their criminality, or
- where there have been previous criminal convictions or out of court disposals, or
- Poor history of compliance with housing and associated legislation, or
- the criminality has had significant adverse effects on tenants or other victims, or
- Issuing a Financial Penalty is not likely to change perpetrator behaviour or housing conditions.

The PSH Team may also carry out works in default of the owner. The cost of these works and the administrative costs will be raised as a charge against the property.

All information obtained will be treated in confidence and in accordance with the The Data Protection Act 2018 and the General Data Protection Regulations (GDPR). However, it must be recognised that the Council operate secure mechanisms to share information with other internal and external agencies and law enforcement bodies. There will be circumstances where shared or complimentary enforcement action may be taken with other agencies to help target resources and activities and minimise duplication.

A list of enforcement options and outcomes can be found in appendix 1.

Contacting Private Sector Housing Team

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](#).

If an individual or company is not satisfied with the service or if not in agreement with the action taken by the investigating officer or wish to give feedback about the service they have received, they should first contact the Team Manager. If you wish to make a compliment you should also contact the Team Manager at,

11th November 2020

Royal Borough of Kensington and Chelsea
Private Sector Housing Team Manager
Council Offices
37 Pembroke Road
London
W8 6PW

Tel: 0207 361 3002

Email: environmentalhealth@rbkc.gov.uk

If this does not resolve the complaint, the Council also has a formal complaints system. Please visit https://www.rbkc.gov.uk/footer-links/contact-us/complaints-comments-and-compliments#Corporate_complaints_process or call 0207 361 3000.

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. Where statutory notices have been served, making a complaint does not replace your statutory rights of appeal or your right to make representation. Nor does it allow you extra time to comply with any notice.

If you disagree with a statutory notice then you should take the action specified in the notice to make an appeal, if any exists. Please read the notes that accompany the notice for more detail.

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

Deterrence through publicity

We will work with various media organisations and persons to deter, promote and inform people about our enforcement regime.

We will publish prosecutions and civil penalty charge notices on the Greater London Authority (GLA) Rogue Landlord Database and the Ministry Housing, Communities and Local Government (MHCLG) statutory database.

Media coverage will normally be sought where the offence/s are serious 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.

We will seek media coverage to assist in securing compliance by others or is in the public interest to demonstrate the Councils actions and to help inform issues in the wider housing sector.

Publicity will also be sought to support other local authorities and regulatory partners in their enforcement efforts, especially where the perpetrator/s operate across borough boundaries.

Coverage will be sought to provide potential renters and tenants with information to enable them to check whether a landlords history of non-compliance. This to ensure the private rented housing market operates in a fair, equal and open way. In order to prevent tenants from being exploited by dishonest landlords/letting agents, and to create a level playing field for the good, compliant landlords/agents.

Press releases may 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.

Media coverage will not be sought where the primary motive is to cause damage to the subject.

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 and tenants to make representations, provide information or effect change to meet compliance. No health impacts are present which poses a risk to health or nuisance.
3. Formal notices or orders	<ul style="list-style-type: none"> The defect/conditions presents a 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.
3. Financial Penalties (of up to £30,000.)	<ul style="list-style-type: none"> Non-compliance with an improvement or overcrowding notice. Failure to obtain a property licence (Both parts 2 and 3 Housing Act 2004). Significant and/or repeated breaches of HMO management regulations. Breaches of the conditions of the property licence. For certain Housing Act 2004 breaches, amount of penalty decided by financial penalty Matrix (see appendix 2) Used as alternative to a prosecution. The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020: We may issue a penalty charge of up to £30,000 where a landlord has breached their duty. Smoke & Carbon Monoxide Regulations 2015: We may issue a penalty charge of up to £5,000 where a landlord has breached their duty. (see appendix 3) Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (MEES regs): We may issue a penalty charge of up to £5,000 where a landlord has breached their duty.
4. Works in Default - 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. Examples include serious pest infestation, waste on land, filthy and verminous /hoarding cases. 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.
5. Works in Default – non-compliance with a notice	<ul style="list-style-type: none"> We may choose to 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.

Action	Circumstances
	<ul style="list-style-type: none"> This may be taken in conjunction or followed with a prosecution or financial penalty and/or RRO.
6. 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. 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;
7. 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 and Cause for Concern policies, we may add further conditions to remedy poor landlord behaviour or standards e.g. not fulfilling the training requirement, poor management etc.;
8. Formal (Simple) Caution	<ul style="list-style-type: none"> Where a prosecution or Financial Penalty is determined not to be in the public interest.
9. Refusal to grant a property licence and Revocation of property licenses and approvals	<ul style="list-style-type: none"> Where the Licence application is not made in accordance with the Council's application requirements; or Where the Licence application is not accompanied by the appropriate fee; or Where the proposed manager/licence holder is not a 'fit and proper' person; or Where the proposed manager/licence holder is not the most appropriate person to hold a licence; or Where the proposed manager/licence holder is not the person or an agent of a person who has control of the property; or Where the proposed management arrangements are not satisfactory; or Where the property is not reasonably suitable of occupation in regards the number of persons or households. Where the Council consider that the licence holder or any other person has committed a serious breach or repeated breaches of a condition of the licence. Or a combination of the above.
10. Prosecution	<ul style="list-style-type: none"> There is sufficient and reliable evidence beyond all reasonable doubt that an offence has been committed. There is a realistic prospect of conviction. The prosecution is in the public interest. See section 3.15 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 i 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, a RRO application may be made to the First Tier Tribunal
12. Banning Order	<ul style="list-style-type: none"> The Council may decide 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 their own properties

Action	Circumstances
	or being involved in the lettings and property management industry across England. (Due to come into force by October 2017)
13..Proceeds of Crime Act	<ul style="list-style-type: none">• Where landlords or others have benefited from the proceeds of a criminal activity a Proceeds of Crime application may be made.

APPENDIX 2: HOUSING ACT 2004: Process for issuing a civil penalty.

STATEMENT OF PRINCIPLES

The Housing and Planning Act 2016 amended the Housing Act 2004 gives a local housing authority power to impose a civil penalty as an alternative to prosecution for a number of offences under the Housing Act 2004. Those offences are as follows:

- Failure to comply with an Improvement Notice
- Offences in relation to licensing of houses in multiple occupation (HMO) under Part 2 of the Housing Act and other residential accommodation under Part 3 of the Act.
- Offences of contravention of an overcrowding notice
- Failure to comply with management regulations in respect of Houses in Multiple Occupation
- Breach of a banning order (section 21 of the Housing and Planning Act 2016)

Civil Penalties Matrix

Officers will use the RBKC's Private Sector Housing Team Financial Penalty Matrix, as set out on next page. This matrix is designed to focus on the wrongdoing of the offender and calculating an appropriate penalty. It is not intended to generate specific income, nor to provide a prescriptive tariff applicable in every case. It has been designed taking into account many variable as set out in the statutory guidance.

(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/697644/Civil_penalty_guidance.pdf)

In cases where there have been no relevant or aggravating factors, as outlined in each case above, the Council will retain the discretion to apply a discounted rate to any civil penalty in the following circumstances: In the event that the offender complied with the identified breach (for example by making an application to license a previously unlicensed address) within the representation period at the 'Notice of Intent stage, the Council will consider reducing the level of penalty by 20%.

The maximum penalty that can be set is £30,000 per offence. The Council will consider the following factors and use the matrix to help ensure that the civil penalty is set at an appropriate level:

- Severity of the offence.
- Culpability and track record of the offender
- The harm caused to the tenant.
- Punishment of the offender.
- Deter the offender from repeating the offence.
- Deter others from committing similar offences.
- Remove any financial benefit the offender may have obtained as a result of committing the offence, i.e so profit is not made from wrongdoing.

The Council will follow the statutory legal process if issuing a Civil Penalty Notice (CPN). We will give the person a 'Notice of intent. Setting the amount, the reasons for the CPN and how to make representations. The recipient may make written representations directly to the Council. Any representations must be made within 28 days. After the end of the period for representations the Council will,

- Respond to any representation received in writing
- Decide whether to impose a financial penalty on the person, and
- If it decides to impose a financial penalty, decide the amount of the penalty.

In determining whether to impose a financial penalty and the level of any penalty, the Council will consider any representations received. Where an offender remedies a breach during the representation period this would not, in itself, be reason for the Council to determine that the imposition of a financial penalty was inappropriate.

If the Council decides to impose a financial penalty on the person, it will give the person a notice (a “final notice”) imposing that penalty. The final notice will set out—

- The amount of the financial 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, and
- The consequences of failure to comply with the notice

RBKC's Private Sector Housing Team Financial Penalty Matrix		The Financial Penalty is: £ #VALUE!		MATRIX NOT SCORED CORRECTLY, PLEASE CHECK		PICK FROM DROP DOWN BOXES BELOW	
Name of Offender:	Accolid Ref:	Score = 1	Score = 5	Score = 10	Score = 15	Score = 20	Total
1 - Deterrence & Prevention		High confidence that a financial penalty will discourage repeat offending.	Medium confidence that a financial penalty will discourage repeat offending. (Minor informal publicity may be required for mild deterrence in the landlord community.	Low confidence that a small financial penalty will deter repeat offending (e.g. no contact from offender). Informal publicity may be required to prevent similar offending in the landlord community.	Little confidence that a small financial penalty will discourage repeat offending. Likely informal publicity will be required to prevent similar offending in the landlord community.	Very Little confidence that a small financial penalty will discourage repeat offending. Informal publicity will be required to prevent similar offending in the landlord community.	Total
2 - Removal of Financial Incentive Assessment		No significant assets found. No, or very low, financial profit made by offender.	Little asset value found. Little profit made by offender.	Small portfolio landlord (between 2-3 properties). Lower asset value. Small profit made by offender.	Medium portfolio landlord (between 4-5 properties) or a smaller/local based Managing Agent. Medium asset value. Medium profit made by offender.	Large portfolio landlord (over 5 properties) or a medium to large (London wide/National) Managing Agent. Large asset value. Large profit made by offender.	Justification
3 - Previous Offences & Compliance History		No previous enforcement history. Single low level offence.	Minor previous enforcement. Warnings/advice given but ignored/missed deadline. Single offence.	Recent second time offender. Recent written warnings given, deadlines missed. Offence/s have moderate severity or have caused/dealing small but frequent impact(s).	Multiple offender. Ongoing offences of moderate to large severity or a single instance of a very severe offence.	Serial offender. Multiple enforcement over recent times. Continuing serious offence.	
4 - Harm (Body from 4.7.18) Score is based on the section in the matrix with statutory guidance		Very little caused. No vulnerable occupants. Tenant provides no information on how its impacted them.	Likely some low level health/harm risks(s) to occupant. No vulnerable occupants. Tenant provides poor quality information on impact.	Likely moderate level health/harm risks(s) to occupant. Vulnerable occupants potentially exposed. Tenant provides some information on impact but with little evidence.	High level of health/harm risks to occupant. Tenant(s) will be affected frequently or by occasional high impact occurrences. Vulnerable occupants more than likely exposed. Small HMO (3-5 occupants), multiple information on impact with primary evidence (e.g. prescription drugs present, clear signs of poor health witnessed).	Obvious high level health/harm risk(s) and evidence that tenant(s) are badly and/or continually affected. Multiple vulnerable occupants exposed. Large HMO (6+ occupants), multiple occupants exposed. Tenant provides excellent information on impact with primary and secondary evidence provided (e.g. medical, social services reports).	
TOTAL 0							
							Discount?
							NO
ENTER JUSTIFICATION AND REASONING FOR EACH FACTOR BELOW							

Score Range	Fee
1 - 5	£500
6 - 10	£750
11 - 20	£1,000
21 - 30	£2,500
31 - 40	£5,000
41 - 50	£7,500
51 - 60	£10,000
61 - 70	£15,000
71 - 80	£20,000
81 - 90	£25,000
91 - 100	£30,000

Scoring Procedure- On this calculator please only fill in all GREEN Cells/Boxes
 Each row should be scored in order. Only one option should be chosen per row.
 Please choose the best fit option. Not all the statements will apply 100% to your particular offender/situation.
 All rows MUST be scored.
 Note the score in the Total column, which will automatically calculate the amount for the civil penalty notice.
 The score should then be compared to the sliding scale of enforcement fee to be levied in the final cell at the bottom of this column insert the final total.
NOTE: Factor 4 - Harm to Tenants. This has an additional weighting as per govt. guidance, which doubles the selected score.

This Matrix is designed to focus on the crime, wrongdoing and the impact of breaking Housing Law and not the generation of income. The specific reasons for issuing the level of fine should be recorded on the spreadsheet and then it should be saved for future reference as evidence in any appeal hearing. If you have multiple defendants you must work out the fine individually and separately per defendant. (Different levels of fines may apply to separate defendants for the same offence).

APPENDIX 3: THE SMOKE AND CARBON MONOXIDE ALARM (ENGLAND) REGULATIONS 2015

STATEMENT OF PRINCIPLES (under regulation 13)

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 introduced legal duties on private sector landlords from the 1st October 2015 in respect of premises occupied under tenancies starting on or after that date. The requirements are to:

- 1. Equip a smoke alarm on each storey of the premises on which there is a room used wholly or partly as living accommodation;*
- 2. Equip a carbon monoxide alarm in any room of the premises which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance; and*
- 3. Carry out checks by or on behalf of the landlord to ensure that each prescribed alarm is in proper working order on the day the tenancy begins if it is a new tenancy.*

Enforcement

Where the council has reasonable grounds for believing that the relevant landlord has breached one or more of their legal duties, then the Royal Borough of Kensington and Chelsea (RBKC) shall, within 21 days, serve on the landlord a Remedial Notice detailing the actions that must be taken to comply with the regulations.

Within 28 days of becoming aware the remedial notice has not been complied with, will

- 1) If the necessary consent is given, arrange for an authorised person to take the remedial action specified in the remedial notice.
- 2) And a Penalty Charge will be levied by means of a Penalty Charge Notice on the responsible landlord.

Penalty Charge Principles

The absence of working smoke alarms and carbon monoxide alarms in residential premises in RBKC is a serious and significant risk to the occupants, adjacent properties and the surrounding neighbourhood.

The provision of smoke detectors and carbon monoxide alarms does not place an excessive burden on a landlord. The cost of the alarms is low and in many cases they can be self-installed without the need for a professional contractor. The impact on occupiers, damage to property and financial costs resulting from a fire or Carbon Monoxide poisoning event are far out of proportion to the cost of installing alarms.

Therefore the imposition of the maximum potential fixed penalty charge, being £5,000 under the regulations is justified and will be the usual charged.

In some cases this could present an excessive financial burden but this is balanced against the risk, the low cost of compliance and the fact that all reasonable opportunity will have been given, through the remedial notice process, to comply prior to any penalty charge being levied. The council may exercise discretion and reduce the penalty charge if there are extenuating circumstances following a representation made by the landlord.

In the year ending June 2019, 215 people lost their lives due to a fire at home. Occupiers are around 8 times more likely to die from a fire if they don't have a working smoke alarm in your home¹. Working smoke alarms alert occupiers to a fire at an early stage before it prevents physical escape to safety.

Appeals in relation to a penalty charge notice

The landlord has a right to make a representation in regards the service of a penalty charge notice. This should be in writing to the Council (details will be found on the Notice) and made within 28 days of the Penalty Charge Notice being issued. Any representation shall be considered on its individual merit. Any extenuating circumstances will be considered by the Council in deciding whether to reduce the cost of the penalty charge. On consideration of any representation and accompanying evidence, the council may confirm, vary or withdraw the penalty charge notice. This decision is then confirmed by issuing a decision notice on the landlord. If the penalty charge is confirmed or varied, the notice shall state a further appeal can be made to a Residential Property Tribunal.

Recovery of Penalty Charge

The Council will normally recover unpaid penalty charges on the order of a court, as if payable under a court order.

Review of Statement

This Statement of Principles shall be reviewed and amended to reflect any change in legislation, corporate policy or official guidance. Any amendment shall be in line with meeting the requirements of the legislation and in the public interest.

References

- 1) [Regulator's Code](#)
- 2) <https://firekills.campaign.gov.uk/>
- 3) [COVID-19 and renting: guidance for landlords, tenants and local authorities](#)
- 4) [Civil Penalty Guidance: Housing Act 2004](#)

Document Control

Version number*	Author	Purpose/change	Date
0.1	AQ	First draft	24/4/2020
0.2	AQ	Second draft	10/7/2020
0.3	AQ	Third Draft	6/10/2020
0.4	AQ	Fourth Draft	20/10/2020
1.0	HN	HN Purpose of change "reformatted to aid accessibility and publishing on website	

*Each successive draft of a document is numbered sequentially from 0-1, 0-2, 0-3... until a finalised or approved version is complete. The first final/approved version should be numbered 1-0.

If version 1-0 is revised, drafts are numbered as 1-1, 1-2... until version 2-0 is complete, and so on.