Private Sector Housing Enforcement Policy 2026-2031

This document contains the Private Sector Housing Enforcement Policy and explains when and how we will use our enforcement powers to enforce landlord legislation and housing standards.

Document Control

- Responsible Department: Private Sector Housing
- Responsible Manager: Head of Community Protection
- Revision Timeframe: 5 years
- Version 1

Contents

Introduction 4
Policy Scope 4
Purpose of the Policy 4
Regulatory Framework 5
General principles 5
Tenure 6
Advice and guidance 6
Liaison with other regulatory bodies and enforcement agencies 6
Housing, Health and Safety Rating System 6
Powers of Entry and Investigatory powers 7
Power to Investigate 7
Entry to Premises and Seizure 8
Approach to Enforcement 9
Deciding what enforcement action is appropriate 10
Informal action 10
Formal action 10
No action 13
Advice and information 13
Variable monetary penalty 13
Civil penalty 13
Simple caution 14
Statutory notices 14
Costs, Charges and Fees 15
Prosecution 15
Evidential stage 16
Public interest stage 16
Rent repayment orders 17
Management and licensing of houses in multiple occupation 17
HMO License Conditions 18
Management orders 18
Empty dwelling management orders 19
Banning orders 19
Injunctive actions 19
Enforced sales 20

Caravan site licensing 20
UK Entry Clearance Inspections 20
Temporary Accommodation 20
Home Loss Payments 21
Covid-19 and other outbreaks 21
Rights of Appeal 21
Complaints Procedure 21
Review of Policy 21
Contact 22
Appendix 1 – Statement of principles to determine the amount of a penalty charge under Part 4 of The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 as amended by The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 (“the Regulations”) 23
Appendix 2: Statement of principles to determine the amount of a penalty charge for a breach of minimum energy efficiency standards (MEES) with respect to domestic privately rented property 26

Introduction

Gravesham Borough Council (the Council) has a duty to enforce a wide range of statutory provisions relating to private sector housing standards, landlord legislation, management practices, and environmental conditions which affect the health, safety and welfare of occupants, neighbours and the wider community.

The Renters' Rights Act 2025 introduces new enforcement duties and enhanced powers for local authorities, focusing on improved housing standards and strengthening tenant rights.

This policy sets out the Council's principles for enforcing and executing its duties as a Housing Authority under the relevant statute.

Section 3 Housing Act 2004 imposes a duty on Councils to keep housing conditions in their district under review with a view to identifying any action that may need to be taken by them.

Section 107 Renters' Rights Act 2025 imposes a duty on the Council to enforce the Landlord Legislation. The Landlord Legislation is comprised of the following:

- Chapters 3 and 6 of Part 1 of the Renters' Rights Act 2025,
- Part 2 of the Renters' Rights Act 2025,
- Sections 1 and 1A of the Protection from Eviction Act 1977, and
- Chapter 1 of Part 1 of the Housing Act 1988.

Section 110 Renters' Rights Act 2025 imposes a duty on the Council to report to the Secretary of State on the exercise of its functions under the Landlord Legislation.

In this policy, the term 'landlord' should be read as including letting agents, managing agents, licensors, property owners, directors of corporate landlords and any other person involved in the letting or management of privately rented accommodation.

In this policy, the terms 'House of Multiple Occupation' or 'HMO' are defined by the Housing Act 2004.

In this policy, the term 'Landlord Legislation', is used to refer to the legislation the Council has a duty to enforce under Section 107 of the RRA.

Policy Scope

This Policy applies to enforcement action taken under all private sector housing legislation. This includes, but is not limited to:

- Protection from Eviction Act 1977
- Environmental Protection Act 1990
- Housing Act 1985
- Housing Act 1988
- Housing Act 2004
- Housing and Planning Act 2016
- Tenant Fees Act 2019
- Renters' Rights Act 2025

Purpose of the Policy

The purpose of this enforcement policy is to provide guidance for Housing Authority officers to ensure enforcement action is taken in line with the provisions of the Renters' Rights Act 2025 and mandatory guidance to local authorities.

The Act and the 'Landlord Legislation' (as defined by Section 107 Renters' Rights Act 2025) and Part 1 of the Housing Act 2004 are not listed in the Schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007 and therefore sit outside of the Regulators' Code, and its provisions do not apply.

This policy document sets out what owners, landlords, their agents or any other person involved in the letting or management of privately rented accommodation, and tenants of private rented sector properties, can expect from officers when dealing with non-compliance.

By providing a clear and transparent framework for how the Council exercises its private sector housing enforcement functions, it sets out what owners, landlords, their agents or other persons involved in the letting or management of private rented accommodation, and tenants, can expect from the Council when non-compliance is identified.

All enforcement action taken will be in accordance with relevant statutory Codes of Practice, Council procedures and protocols, and official guidance from central and local government bodies. Read the Regulators' Code.

As a public body under the Human Rights Act 1998, the Council will apply the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Regulatory Framework

The Act and the Landlord Legislation sit outside of the Regulators' Code, and its provisions do not apply.

Part 1 of the Housing Act 2004 is also outside of the code's scope.

Notwithstanding this, the following legislation and its enforcement does come within the Legislative and Regulatory Reform (Regulatory Functions) Order 2007 and is therefore within the scope of the Regulators Code and the principles of good regulation:

- Parts 8, 9 and 10 of the Housing Act 1985
- Part 8 of the Housing Act 1996
- Parts 2 to 5 of the Housing Act 2004

General principles

The Council wants to support responsible landlords to raise housing standards. However, the Council expects landlords to have a good understanding of the housing standards and management issues that should be met in privately rented accommodation

We actively work with businesses and the public to advise on and assist with compliance. Where we consider enforcement action is necessary, each case will be considered on its merits. However, general principles apply to the way that each case will be approached.

The Council's Responsibility for Functions and Scheme of Delegations, is known as the constitution and officers authorised to act under relevant legislation will do so in accordance with the Scheme and this policy. Only officers who are competent by training, qualification and/or experience will be authorised to undertake enforcement action.

Cases involving regulatory action can involve businesses or individuals and they will be treated in the same way.

General principles about proportionality of action will be followed, for example where appropriate providing advice and information before resorting to enforcement action.

Enforcement decisions will be fair, independent, and objective and will not be influenced by issues such as ethnicity or national origin, gender or gender identity, religion or belief, political views, disability, age or the sexual orientation of the suspect, victim, witness or offender. Such decisions will not be affected by improper or undue pressure from any source. Where applicable, we will consider the views of any injured party or relevant person to establish the nature and extent of any harm or loss and its significance, in making the decision whether to take enforcement action.

It is our expectation that businesses are aware of the statutory obligations placed upon them given that they provide and manage accommodation and so have responsibility for the health, safety, and welfare of occupants.

Tenure

In considering the most appropriate course of action, we will have regard to the extent of control that an occupier has over works required to the dwelling. In normal circumstances, this will mean taking the most appropriate course of action against a business (including a registered social landlord) and in most cases this will involve requiring works to be carried out.

Owner occupiers will not ordinarily be required to carry out works to their own home and the requirement to take the most appropriate course of action will be satisfied by the service of a hazard awareness notice. However, in certain circumstances we may require works to be carried out or use emergency remedial action or serve an emergency prohibition order.

This is likely to be where there is an imminent risk of serious harm to the occupiers themselves or to others outside the household, or where the condition of the dwelling is such that it may adversely affect the health and safety of others outside the household. This may be because of a serious and/or dangerous deficiency at the property.

Advice and guidance

We will provide general information, advice, and guidance to make it easier for businesses to understand and meet their obligations. This will be provided promptly, in clear and concise language, using a range of appropriate formats and media.

When offering advice, we will clearly distinguish between statutory requirements and advice, or guidance aimed at improvements above minimum legal standards.

A lack of advice and guidance would not be considered as a mitigating factor for the Council to depart from taking enforcement activities.

Liaison with other regulatory bodies and enforcement agencies

Where we and other regulators have a shared interest in a property, we will work together to co-ordinate our activities to minimise any burdens for the business, providing this is of benefit and does not harm the standard of enforcement for either regulator. This will be done in accordance with any joint protocols that may be in place.

We will place significant weight on advice provided by other regulators and enforcement agencies. Where a matter involves enforcement by one or more regulator and/or enforcement agency, where appropriate they will be informed as soon as possible.

Relevant intelligence relating to regulatory matters will be shared with other regulatory bodies and enforcement agencies, for example government agencies, the police, the fire authority, other statutory bodies, and local authorities.

Housing, Health and Safety Rating System

The Housing Health and Safety Rating System (HHSRS) is set out in Part 1 of the Housing Act 2004, amended 2026 and it assesses 21 housing hazards, the effect that each may have on the health and

safety of current or future occupants and the best way of dealing with them. Enforcement decisions are made using a three-stage process:

a. the hazard rating determined under HHSRS following government operating guidance and worked examples.
b. whether the Council has a duty or power to act, determined by the presence of a hazard above or below certain thresholds. If a hazard is a serious and poses an immediate risk to a person's health and safety, it is a category 1 hazard and if it is less serious or urgent, it is a category 2 hazard.
c. the Council's judgement as to the most appropriate course of action to deal with the hazard, having regard to the options in statutory enforcement guidance.

Powers of Entry and Investigatory powers

In addition to the Council's informal and formal powers of enforcement, there are investigatory powers relating to the collection of information and relating to the entry of premises including, but not limited to, the powers detailed below.

Power to Investigate

Section 114 Renters' Rights Act 2025 gives the Council power to issue a notice to a relevant person to require the person to provide specified information to the Council.

This notice may be given to any person with an estate or interest in the land; the licensor; their agents; or a marketer of a property. It may be given in regard to any offence under the following Legislation:

- Sections 1 and 1A of the Protection from Eviction Act 1977;
- Chapter 1 of Part 1 of the Housing Act 1988;
- Section 83(1) or 84(1) of the Enterprise and Regulatory Reform Act 2013;
- Sections 21 to 23 of the Housing and Planning Act 2016;
- Chapter 3 of Part 1 and Part 2 of the Renters' Rights Act 2025.

Failure to comply with a section 114 notice is an offence under section 131 Renters' Rights Act 2025, as is being obstructive and intentionally or recklessly making false or misleading statements in response to a section 114 notice.

Section 115 Renters' Rights Act 2025 permits the Council when it reasonably suspects a breach of the Rented Accommodation Legislation to issue a notice to any person requiring them to provide the information specified. This may only be done to investigate whether a breach has occurred under the Rented Accommodation Legislation, or to determine the amount of a penalty. For the purposes of this section, the Rented Accommodation Legislation means:

- Sections 1 and 1A of the Protection from Eviction Act 1977;
- Chapter 1 of Part 1 of the Housing Act 1988;
- Parts 1 to 4 and 7 of the Housing Act 2004 ;
- Section 83(1) or 84(1) of the Enterprise and Regulatory Reform Act 2013;
- Sections 21 to 23 of the Housing and Planning Act 2016;
- Chapter 3 of Part 1 and Part 2 of the Renters' Rights Act 2025.

Where an individual has not complied with a section 115 notice, section 116 Renters' Rights Act 2025 enables the Council to make an application to the Court to enforce the provisions of the notice and seek reimbursement for the costs of the application.

Section 131 Renters' Rights Act provides that, in addition to the offence of non-compliance with a section 114 notice, it is an offence for an individual to obstruct a Council officer seeking to exercise

their powers without reasonable excuse. It is also an offence to fail to give an officer any additional assistance or information which they reasonably require without reasonable excuse.

Section 235 Housing Act 2004 allows the Council to issue a notice to relevant individuals, including occupiers, directing them to provide specified documents under their control for the purpose of investigating whether an offence has been committed under Parts 1 to 4 of the Housing Act 2004 or exercising the Council's functions under Parts 1 to 4 of the Housing Act 2004.

Section 16 Local Government (Miscellaneous Provisions) Act 1976 also permits the Council to issue a notice to an occupier, manager, or individual with an interest in the land to compel them to provide the Council with information on the nature of their interest and the names and addresses of current occupiers and of any others with an interest in the land.

Entry to Premises and Seizure

In circumstances where access to premises or records is necessary to carry out an investigation, the Council may use statutory powers of entry and, where permitted, seize relevant documents or materials.

Entry to business premises for documents (without warrant) (s118) –

Section 118 Renters' Rights Act 2025 permits Council officers to enter business premises of relevant people (including landlords, letting agents, and marketers) if it is necessary for the production or seizure of documents under sections 122 and/or 123 Renters' Rights Act 2025. This power will be exercised without a warrant.

Entry to other non-residential premises under warrant (s121) –

Section 121 Renters' Rights Act 2025 allows a Council officer named in a warrant to enter premises used for a rental sector business which is not mainly accommodation if there are documents on the premises which the officer could require under section 122 or seize under section 123. In addition, for this power to be exercised, one of the following conditions must be met:

- That access to the premises has been or is likely to be refused, and the Council has provided notice of their intention to apply for a warrant to the occupier;
- Those documents on the premises would likely be concealed or interfered with if notice of entry were to be given;
- That no occupier is present, and waiting for their return might defeat the purpose of the entry.

Power to require production of documents (s122) –

Following a section 118 or section 121 Renters' Rights Act 2025 entry, section 122 allows an officer at any reasonable time to require a relevant person on the premises to produce any documents relating to the business and to take copies of them. This may only be exercised to ascertain whether there has been a breach of the Rented Accommodation Legislation where an officer reasonably suspects there has been a breach or an offence; or to ascertain whether the documents may be required in evidence for proceedings regarding a breach or offence.

Power to seize documents (s123) –

Following a section 118 or section 121 Renters' Rights Act 2025 entry, section 123 authorises Council officers to seize and detain documents that the officer reasonably suspects may be required as evidence in proceedings relating to a breach of, or an offence under, the Rented Accommodation Legislation. When doing so, the officer will provide evidence of the officer's identity and authority if reasonably practicable. The officer will take reasonable steps to inform the person from whom

documents have been seized that they have been seized, and will provide that person with a written record of what has been taken.

Entry to residential premises as part of an investigation (normally with 24 hours' notice) unless an exception applies (s126) –

Permits the Council to enter residential premises used for a tenancy at a reasonable time if the officer considers it necessary as part of an investigation into potential offences specified in subsection 1(b). Where required, the Council will give at least 24 hours' notice of this to the occupier and individuals with an interest in the property as per subsection 1(c), detailing in writing why the entry is necessary and the suspected offences. Where there are occupiers found on the premises, the officer will provide evidence of the officer's identity and authority to at least one of the occupiers if reasonably practicable.

Entry for survey or examination with notice (s239) –

In addition, section 239 Housing Act 2004 permits Council officers to enter, if necessary and at a reasonable time, a property in order to carry out a survey or examination. This may be done if any one of the following is met:

- to determine if any Part 1-4 enforcement functions should be exercised;
- the premises are part of an Improvement Notice or Prohibition Order;
- a management order is in force under Chapter 1 or 2 of Part 4 on the premises.

No notice is needed if the property is entered for the purpose of ascertaining whether an offence has been committed under section 72 (relating to licensing of HMOs), section 95 (relating to selective licensing), or section 234 (relating to HMO Management Regulations); or where the person having control or managing the premises has waived the requirement to give notice in relation to qualifying residential premises.

Warrants authorising entry where access is refused or where giving notice would defeat the purpose (s240) –

In certain circumstances, such as where entry under section 239 is refused or the property is temporarily empty, the Council may obtain a warrant to enter, by force if necessary, under section 240 Housing Act 2004.

The Police will accompany officers where appropriate. It is an offence to obstruct an officer in the course of their duty. Officers exercising their power of entry will carry identification which includes the details of their authorisation.

Approach to Enforcement

The Council wants to support responsible landlords to raise housing standards. However, the Council expects landlords to have a good understanding of the housing standards and management issues that should be met in privately rented accommodation.

Section 5 Housing Act 2004 places a duty on Councils to take appropriate enforcement action where a Category 1 hazard exists.

Section 6A Housing Act 2004 permits the Council, when first taking appropriate enforcement action under Section 5 Housing Act 2004 in relation to a Category 1 hazard or a failure to meet a Type 1 requirement on qualifying residential premises, to impose a Civil Financial Penalty on the responsible person where, in the Council's opinion, it would have been reasonably practicable for that person to secure the removal of the hazard or the meeting of the requirement. This power applies to qualifying residential premises other than the common parts of a building containing one or more flats.

Section 7 Housing Act 2004 gives Councils a discretionary duty to take action where a Category 2 hazard exists. An Offence Case Report will be completed to authenticate this decision.

In addition, Council officers will often investigate and identify the need to take enforcement action through a range of routes, including (but not limited to): proactive inspections of dwellings through licensing provisions; in response to a complaint or request for assistance; and referrals from other public bodies. All investigations will be carried out in accordance with the relevant statutory requirements. The Council will ensure that appropriate governance is in place to ensure that action is taken in accordance with appropriate policies.

The Council may commence enforcement with formal action instead of informal action in the first instance. In deciding whether to do so, the circumstances of the case will be taken into account. Relevant factors may include, but are not limited to:

- Where there is a risk to public health
- Where there is a blatant or deliberate contravention of the law
- Where there is history of non-compliance

The Council will usually take formal action in the first instance if there has been:

- Non-compliance with previous formal or informal action
- Offences in relation to the licensing of HMOs or houses if Selective Licensing is in force

The Council will take formal enforcement action in the first instance for breaches of the Landlord Legislation.

We will ensure that clear reasons for any enforcement action are given at the time the action is taken and confirmed in writing at the earliest opportunity. Complaints and relevant appeals procedures will be explained at the same time

Deciding what enforcement action is appropriate

Informal action

Informal action taken by the Council may be written or verbal advice. Additionally, a visit may be made at the outset by Council Officers in cases where the initial complaint or contact indicates that an immediate investigation by a Council officer is warranted.

In cases where officers visit an address, whether this is a result of a landlord’s failure to adequately resolve a highlighted issue or as part of an audit or other investigation, written or verbal advice may be deemed sufficient should the inspection highlight only very minor deficiencies.

Where written advice is deemed appropriate by the Council and is provided, timescales will normally be included to undertake any specified work or actions.

While the Council will use its discretion on whether to carry out informal action for a Category 2 hazard, it does not need to provide written or verbal advice before commencing formal action.

For breaches and offences covered by the section 107 enforcement duty under the Renters’ Rights Act 2025, there is no expectation that we will issue informal advice or warnings before taking formal action (civil penalties or prosecution), in line with MHCLG guidance

Formal action

If formal action is considered appropriate, the following options are available to the Council.

Housing Act 2004 Part 1

- Issue an Improvement Notice in respect of any Category 1 hazards and any Category 2 hazards on the property. This requires the person to whom it is served to undertake the remedial action specified on the Notice within a given timeframe. The mandated work and the timeframe will be determined by the Council depending on the nature and scale of the work.
- Issue a Prohibition Order in respect of any Category 1 hazards and any Category 2 hazards on the property. This prevents occupation of whole or part of the property, or can be used to limit occupant numbers, within a specified time frame.
- Issue a Hazard Awareness Notice in respect of any Category 1 hazards and any Category 2 hazards on the property. This makes the owner and occupiers aware of the hazards identified; however, it does not require remedial action. As a result, and because it does not secure risk-reducing works within a specified timeframe, a Hazard Awareness Notice will not usually be the most appropriate course of action where remedial works are necessary to reduce the risk of harm to occupiers or potential occupiers.
- Make an Emergency Prohibition Order. This immediately prohibits the use of all or part of a dwelling if there is an imminent risk of serious harm to the health or safety of the occupants or others.
- Where there is a Category 1 hazard present, Section 40 Housing Act 2004 allows the Council to undertake Emergency Remedial Action on the Category 1 hazard without prior notice.
- Impose a Civil Financial Penalty under Section 6A Housing Act 2004, when first taking the appropriate enforcement action required by Section 5 Housing Act 2004, in relation to a Category 1 hazard or a failure to meet a Type 1 requirement on qualifying residential premises, where the Council considers that it would have been reasonably practicable for the responsible person to secure the removal of the hazard or the meeting of the requirement.
- The Council also has the power to suspend action taken under Part 1 Housing Act 2004 in situations where it has the power or duty to take enforcement action through the service of an Improvement Notice or Prohibition Order. This will be at the Council's discretion and will normally be considered for the purpose of minimising inconvenience to the current occupiers.
- Demolition and Clearance are options for both Category One and Category Two hazards.
- Section 30 Housing Act 2004 provides that failure to comply with an Improvement Notice is a criminal offence, which will normally be followed by prosecution or the issuing of a civil penalty.
- Section 32 Housing Act 2004 provides that failure to comply with a Prohibition Order is a criminal offence, which will normally be followed by prosecution.
- Other formal notices served by the Council may not relate to the landlord undertaking remedial works but may cover a range of other matters including, but not limited to, exercising a right of entry under s239 of the Housing Act 2004 and a request to provide information or the need to abate or avoid overcrowding.

Section 6A Housing Act 2004 civil financial penalties

Where the Council is required to take appropriate enforcement action under Section 5 Housing Act 2004 in relation to a Category 1 hazard, or a failure to meet a Type 1 requirement, on qualifying residential premises, it may also impose a Civil Financial Penalty under Section 6A Housing Act 2004 when first taking that action. The Council will impose a penalty where it is satisfied, on the balance of probabilities, that the statutory conditions are met and that it would have been reasonably practicable for the responsible person to secure the removal of the hazard or the meeting of the requirement. When considering whether removal of the hazard would have been reasonably practicable the Council may consider:

- How long has the responsible person has known about the existence of the hazard;
- Whether practical steps could have been taken to remedy the hazard without disproportionate expense or disruption
- What steps the responsible person has taken to remove the hazard or reduce its impact, including any efforts made to secure the services of specialist tradespeople
- Whether permission from other parties is needed to remove the hazard and the steps the responsible person has taken to secure that permission
- Whether tenants have provided access to the property in order for remedial works to be carried out
- Whether any failure by tenants or occupiers to provide access was beyond the responsible person's control, or whether the responsible person could reasonably have taken further steps to secure access, such as: explaining in writing the existence and seriousness of the Category 1 hazard, the required remedial works, the need for access, the tenants' or occupiers' legal obligations, and the potential consequences of continued refusal; offering a reasonable range of dates and times for access; and serving appropriate formal notices where reasonable and lawful

Work in default

The enforcement options for non-compliance with formal Notices or breach of licence conditions include the carrying out of works specified in the Notice. This power may be exercised in addition to other enforcement proceedings taken for non-compliance. The Council has no duty to undertake works in default nor emergency remedial action and it will be at its discretion.

The cost to the landlord will usually be more than if the landlord carries out the works, because we will seek to recover all costs incurred, including the cost of the works, officer time, and our administrative costs. Until cleared the debt will be registered on the local land charges register as a financial charge and once registered, the charge will accrue compound interest.

Emergency or suspended enforcement action

Where there is a Category 1 hazard present, s43 Housing Act 2004 permits the Council to issue an Emergency Prohibition Order. This immediately prohibits the use of all or part of a dwelling if there is an imminent risk of serious harm to the health or safety of the occupants or others.

Section 40 Housing Act 2004 allows the Council to undertake Emergency Remedial Action on the Category 1 hazard without prior notice. The Council may then seek reimbursement of costs incurred on the work and the administration of the scheme.

The Council also has the power to suspend action taken under Part 1 Housing Act 2004 in situations where it has the power or duty to take enforcement action through the service of an Improvement Notice or Prohibition Order. This will be at the Council's discretion and will normally be considered for the purpose of minimising inconvenience to the current occupiers.

Other Legislative alternatives

There may be other legislative alternatives available to remedy deficiencies which an authority may choose as a more appropriate enforcement approach.

No action

There will be circumstances where a contravention does not warrant action, or it may be inappropriate.

Advice and information

For certain minor breaches of the law, we will give advice on how to put them right, including a deadline by which this must be done. The time allowed will be reasonable and will consider the seriousness of the contravention and the implications of the non-compliance.

This includes:

- providing advice.
- giving verbal and written warnings.
- negotiating agreements between complainants and businesses.
- negotiating specific conditions regarding licences.

It is generally considered appropriate to take this approach in one or more of the following circumstances:

- the act or omission is not serious enough to warrant enforcement action.
- from the past history of the business, it can be reasonably expected that this approach will achieve compliance with the law.
- the consequences of non-compliance will not pose a significant risk.

Failure to comply will usually result in an escalation of enforcement action.

Variable monetary penalties

The Council has powers to issue a variable monetary penalty (also known as a penalty charge) for breaches of specific areas of legislation.

Under the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014, local authorities can impose a fine of up to £5,000 where a lettings agent or property manager who should have joined a scheme has not done so

We can impose a penalty charge of up to £5,000 where we are satisfied that an offence has occurred. The Government's guidance is that a £5,000 fine should be considered the norm and that a lower fine should only be imposed if we are satisfied that there are extenuating circumstances.

Civil penalties

We have the ability to impose civil penalties under certain Regulations. We are required to have our own policy to set out how we will determine the appropriate level of a financial penalty. The policy includes full details of the requirements placed on landlords and our powers and responsibilities.

The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020

These regulations require landlords to have the electrical installations in their properties inspected and tested by a qualified and competent person at least every five years, obtain reports, supply copies of the report to tenants and the local authority, and complete investigative and remedial work. For non-compliance, the Regulations provide powers for the imposition of a civil penalty with a statutory maximum amount of £40,000.

Read the Government's Guide for Landlords.

Statement of principles to determine the amount of a penalty charge under Part 4 of The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 as amended by The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 ("the Regulations")

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 came into force on 1 October 2015. The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 came into force on 1 October 2022. The requirements are enforced by local authorities who can impose a fine of up to £5,000 where a landlord fails to comply with a remedial notice. **APPENDIX 1**

Minimum Energy Efficiency Standards (Private Rented Property) (England and Wales) Regulations 2015

There are four breaches under the Regulations where a financial penalty can be imposed, and these relate to letting or continuing to let properties with a low (F or G rating) on an Energy Performance Certificate, registering false information on the Exemptions Register or failing to provide information. Each of these breaches have statutory maximum amounts for civil penalties, ranging from £1,000 to £4,000. **APPENDIX 2**

Simple cautions

Where the public interest justifies it, we will consider offering a simple caution (also known as a formal caution), taking into account the Home Office guidelines in relation to the cautioning of offenders and the Code for Crown Prosecutors.

A caution requires an admission of guilt by the offender, however there is no sentence and there is no recorded conviction. A caution will remain on record and may be cited in court should a further offence be committed and prosecuted. Where a simple caution is offered and declined, we will consider prosecution or a civil penalty notice.

Statutory notices

Housing and relevant legislation contains provisions for the use of statutory notices. These may be served to require the execution of works, the removal of statutory nuisances or the protection of public health and/or safety.

Notices will normally be served where:

- providing advice and information has not achieved the desired effect.
- there is a reason to believe that the business will not respond to the provision of advice and information.
- there is a history of non-compliance.
- standards are generally poor with little management awareness of statutory requirements.
- the consequences of non-compliance could be potentially serious to the health and safety of the occupants or their neighbours.
- there is an imminent risk to health.

Realistic time limits will be attached to notices and wherever possible these will be agreed with the business in advance. In some circumstances, requests for extension of time can be made in writing to the officer issuing the notice, prior to the expiry date, explaining the reason for the request.

All notices issued will contain the details of any appeals process available to the recipient.

Costs, Charges and Fees

The Council incurs costs in carrying out its functions. Where legislation allows, the Council will seek to recover reasonable costs and expenses associated with its enforcement, licensing and wider regulatory activity. This may include (non-exhaustively) costs arising from inspections, investigation, evidence gathering, notices and other statutory documentation, follow-up action, compliance monitoring, and works or other interventions. Having regard to officers' time and costs reasonably incurred. Fees and charges are subject to change.

Recovery may be pursued using all available lawful routes, which may include civil action, local land charges, and enforcement against the property.

Where permitted, interest may be applied to outstanding sums until paid.

Prosecution

Where a Civil Financial Penalty is an available alternative to prosecution, the Council will only consider using its power to prosecute under Part 1 Housing Act 2004 in more serious cases.

The decision to prosecute will be determined by the evidential strength of the Council's case an Offence Case Report will be completed to authenticate this decision**,** and the relevant public interest factors set down by the Director of Public Prosecutions in the Code for Crown Prosecutors.

In many circumstances, where an offence is committed by a body corporate, legislation enables local authorities to pursue persons involved with the body corporate in addition to, or instead of, the body corporate. These include company officers and, where applicable, company members.

The Council will determine, on a case-by-case basis, whether to take enforcement action against any person or persons that they consider fall within the scope of this category in addition to prosecuting the body corporate.

Civil Financial Penalties for specified breaches and offences

This section relates exclusively to Civil Financial Penalties issued by the Council for breaches of the below housing law.

The Council has the power to impose a Civil Financial Penalty for the following:

- Unlawful eviction and harassment of occupier as defined under the Protection from Eviction Act 1997
- Failure to comply with an Improvement Notice [Section 30 Housing Act 2004]
- Offences in relation to licensing of Houses in Multiple Occupation (HMOs) [Section 72 Housing Act 2004]
- Offences in relation to the Selective Licensing of 'houses' [Section 95 Housing Act 2004]
- Failure to comply with an Overcrowding Notice [Section 139 Housing Act 2004]
- Failure to comply with a management regulation in respect of an HMO [Section 234 Housing Act 2004]
- Failure to secure the removal of a category 1 hazard and failure to meet Type 1 requirements on qualifying residential premises, where it would have been reasonably practicable to do so [Section 6A Housing Act 2004]
- Breach of duty under Regulation 3, 3B, 3C, and 3D of The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020
- Failure to comply with a banning order [Section 21 Housing and Planning Act 2016]
- Failure to give a written statement of terms under Section 16D of the Housing Act 1988

- Failure to give an existing tenant information about changes made by the Renters' Rights Act under paragraph 7(2) of schedule 6 to the Renters' Rights Act 2025
- Attempting to let a property for a fixed term under Section 16E of the Housing Act 1988
- Attempting to end a tenancy orally or by service of a notice to quit under Section 16E of the Housing Act 1988
- Serving an eviction notice that attempts to end a tenancy outside the prescribed section 8 process under Section 16E of the Housing Act 1988
- Relying on a ground where the person does not reasonably believe that the landlord is/will be able to obtain possession under section 16E of the Housing Act 1988
- Relying on a ground knowing the landlord would not be able to obtain possession or being reckless as to whether they would under section 16J of the Housing Act 1988
- Failing to provide a tenant with prior notice that a ground which requires it may be used under section 16E of the Housing Act 1988
- Reletting or remarketing a property before expiry of the 12 month no-let period after using the moving and selling grounds under sections 16E and 16J of the Housing Act 1988
- Discriminating against prospective tenants during the letting process on the grounds that those tenants are in receipt of benefits or have children under sections 33 and 34 of the Renters' Rights Act 2025
- Marketing a letting without stating the proposed rent under section 56 of the Renters' Rights Act 2025
- Inviting or encouraging any person to offer to pay an amount of rent under the proposed letting that exceeds the stated rent under section 56 of the Renters' Rights Act 2025
- Accepting an offer from any person to pay an amount of rent under the proposed letting that exceeds the stated rent under section 56 of the Renters' Rights Act 2025

Civil Financial Penalties in respect of these offences operate according to their own independent standalone policy.

Evidential stage

There must be sufficient evidence to provide a realistic prospect of conviction against each suspect on each charge and consideration must be given to the defence case and how it is likely to affect the prospects of conviction. A case which does not pass the evidential stage must not proceed, no matter how serious or sensitive it may be.

When deciding whether there is sufficient evidence to prosecute, prosecutors should ask themselves the following:

- can the evidence be used in court?
- is the evidence reliable?
- is the evidence credible?
- is there any other material that might affect the sufficiency of evidence?

If the evidential test has been satisfied, the public interest test will be considered.

Public interest stage

In every case where there is sufficient evidence to justify a prosecution, the officer will then consider whether a prosecution is required in the public interest. It has never been the rule that a prosecution will automatically take place once the evidential stage is met, but it will usually take place unless the prosecutor is satisfied that there are public interest factors against prosecution which outweigh those in favour.

When deciding the public interest, prosecutors should consider each of the questions set out below:

- how serious is the offence committed? (The more serious, the more likely that prosecution is required)
- what is the level of culpability of the suspect? (The greater the level, the more likely that a prosecution is required)
- what are the circumstances of, and the harm caused to the victim?
- what was the suspect's age and maturity at the time of the offence?
- what is the impact on the community?
- is prosecution a proportionate response?
- do sources of information require protecting?

The questions are not exhaustive and not all may be relevant in every case. The weight attached to each of the questions and the factors identified will vary according to the facts and merits of each case.

Rent Repayment Orders

Part 2 of the Housing and Planning Act 2016 permits the Council to seek a Rent Repayment Order (RRO) at the First-Tier Tribunal Property Chamber to require the landlord of the property where the offence(s) has been committed to refund rent to the tenants or the Council. S48 of the Housing and Planning Act 2016 places a duty on the Council to consider applying for RROs.

Where a landlord has been convicted or received a Civil Financial Penalty in respect of the offence, the Tribunal must award the maximum applicable amount, except in exceptional circumstances.

This power will be considered in response to all qualifying offences. Where the Council identifies a qualifying offence and is satisfied that there is sufficient evidence to make a successful application to the First-Tier Tribunal, it will pursue a Rent Repayment Order unless there are exceptional case-specific reasons not to do so.

The qualifying offences are:

- Unlawful eviction and harassment of occupier as defined under the Protection from Eviction Act 1997
- Failure to comply with an Improvement Notice [s30 Housing Act 2004]
- Offences in relation to unlicensed HMOs [s72(1) Housing Act 2004]
- Offences in relation to unlicensed houses [s95(1) Housing Act 2004]
- Failure to comply with an Improvement Notice [s30(1) Housing Act 2004]
- Failure to comply with a Prohibition Order [s32(1) Housing Act 2004]
- Breach of a Banning Order [s21 Housing and Planning Act 2016]
- Using Violence to secure entry [s6(1) Criminal Law Act 1977]
- Knowingly or recklessly misusing a possession ground [s16J(1) Housing Act 1988]
- Letting or marketing of a property within twelve months of using the 'moving in' or 'selling' ground of eviction [s16J(2) Housing Act 1988]
- Continuous breach of certain tenancy reform requirements [s16J(3) Housing Act 1988]

An application for an RRO may be in addition to other formal action, such as prosecution proceedings or the imposition of a Civil Penalty. Where the Council has issued a Civil Financial Penalty or pursued prosecution, it will usually apply for a Rent Repayment Order where public funds have been paid to a landlord who has committed a qualifying offence.

Section 49 of the Housing and Planning Act 2016 enables the Council to assist tenants in applying for Rent Repayment Orders. Where appropriate, the Council will usually support tenants by referring or signposting them to a relevant advice or representation service, such as Justice for Tenants, and by

providing relevant evidence which may assist tenants in preparing, pursuing or participating in Rent Repayment Order proceedings.

Management and licensing of houses in multiple occupation

We have powers to ensure that adequate standards in houses in multiple occupation (HMOs) are met and maintained. The Housing Act 2004 introduced a mandatory scheme to licence HMOs, and this was extended in 2018 to include an HMO occupied by five or more people, comprising two or more households. Read our HMO Licencing Policy 2022.

HMO licensing covers:

- procedures to assess the fitness of a person to be a licence holder.
- the potential management arrangements for the property.
- the suitability of the property for the number of occupants, including the provision of relevant and adequate facilities.

It is a criminal offence for a person controlling or managing an HMO not to have the required licence. Breaking any condition of a licence is also an offence. The Housing Act 2004 addresses the management of unlicensed or problem HMOs, with a view to protecting occupiers and those in the vicinity, and having properties licensed and properly managed.

Management Regulations made under the Housing Act 2004 impose duties on landlords and managers of HMOs, whether they are subject to licensing (occupiers also have duties). There are no notice serving provisions where there are contraventions, enabling the Council to prosecute straight away for a breach, or to issue a civil penalty notice.

In a licensed HMO, overcrowding is dealt with by enforcing the licence conditions, as the licence states the number of occupants for the HMO. For HMOs that are not required to be licensed, an overcrowding notice can be served (see statutory notices) which will prohibit new residents or limit the number of people sleeping in the HMO.

HMO License Conditions

Conditions can be added to HMO licenses to require work to meet specified standards or to address HMO Management Regulation requirements. In general, authorities should seek to identify, remove or reduce category 1 or category 2 hazards in the house by the exercise of Part 1 functions and not by means of license conditions however this does not prevent the authority from imposing license conditions relating to the installation or maintenance of facilities or equipment even if the same result could be achieved by the exercise of Part 1 functions;

Failure to comply with these conditions is a is a criminal offence, which may result in prosecution or the issuing of a civil penalty

Report a suspected unlicensed HMO | Houses in Multiple Occupation.

Management orders

The Housing Act 2004 enables the Council to take over the management of an HMO, where there is no fit and proper person available to manage it. Management orders are used where an HMO must be licensed but where a licence cannot be issued because the property does not meet the right criteria. The Council takes on all responsibility for the property such as management, repairs and collecting rents, but the business retains ownership.

Management orders must be made where:

- there is no reasonable prospect of an HMO being licensed in the near future; and

- it is necessary to protect the health and safety or welfare of persons occupying it or having an estate or interest in any premises in the vicinity.

An interim management order (IMO) that lasts for 12 months can be made to ensure that:

- immediate steps are taken to protect the health, safety and welfare of occupiers and adjoining occupiers/owners; and
- any other steps are taken to ensure the proper management of the house pending further action.

On expiry of the IMO and where the HMO is required to be licensed but officers consider that they are unable to grant a licence, a final management order (FMO) will be made, which would be in place for up to five years.

Empty dwelling management orders

Empty dwelling management orders (EDMOs) enable councils to take control of and manage an empty residential property. The key points are:

- the dwelling has been unoccupied for at least two years.
- there is no prospect of the dwelling becoming occupied in the near future.
- all attempts to contact the owner or negotiations to bring the property back into use have failed.

There are two stages, an interim EDMO, and a final EDMO.

Find out further information about empty dwelling management orders.

Read our Empty Homes Strategy.

Banning orders

Part 2, Chapter 2 of the Housing and Planning Act 2016 permits a Council to apply for a Banning Order against a person who has been convicted of one or more of the relevant offences. This would prevent the landlord from:

- Letting housing in England;
- Engaging in English letting agency work;
- Engaging in English property management work; or
- Doing two or more of those things.

The Council may consider a Banning Order for the more serious offenders. It will take into account the seriousness of the offence(s), whether the landlord has committed other 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 but not limited to:

- The harm, or potential harm, caused to the tenant;
- The need to punish the offender;
- The need to deter the offender from repeating the offence;
- The need to deter others from committing similar offences.

Injunctive actions

In some circumstances we may seek a direction from the court (an order or an injunction) that a breach is rectified and/or prevented from recurring. The court may also direct that specified activities

be suspended until the breach has been rectified and/or safeguards have been put in place to prevent future breaches.

Enforced sales

If a charge has been recorded in the local land charges register, we may opt to recover the charged debt by way of an enforced sale of the property. The criteria for this course of action are:

- the total debt on the property should normally exceed £500.
- the property is vacant and has been empty for more than one year.
- the necessary enforcement notices and documents have been served.

If the first two criteria are not met, then a compulsory purchase order or an empty dwelling management order may be considered. However, if an empty property is derelict and causing a major problem but does not meet the above criteria, the owner is missing or refusing to co-operate, the use of an enforced sale would still be considered providing there was justification for doing so.

Upon disposal of the property we will recover all debts and costs from the sale proceeds. The balance will be held by the Council until it is claimed by the owner.

Caravan site licensing

The use of land as a caravan site usually requires a licence under the Caravan Sites and Control of Development Act 1960 and the Mobile Homes Act 2013. We may impose site licence conditions and take enforcement action should a site be operating without a licence or where site licence conditions are not being met

UK Entry Clearance Inspections

Prior to allowing entry clearance into this country, confirmation is required that the proposed accommodation is safe and suitable for human habitation, and that the property will not become statutorily overcrowded with the additional occupant(s) living there.

The property will be inspected by a member of the Private Sector Housing Team and the officer must be able to confirm that the property:

- Is free from Category 1 and significant Category 2 Hazards under the Housing Act 2004;
- Is in a good state of repair; and has sufficient space to accommodate both the current occupants and any additional people who propose to live there.
- If the property is rented your landlord/agent may be contacted in connection with your application.

Read guidance and request for sponsorship service.

The fee for this service will be assessed in accordance with officer's time, in the same way as fees are calculated for enforcement action. *Fees are subject to change.*

Temporary Accommodation

All temporary accommodation properties offered to the authority will be inspected in accordance with HHSRS, Housing Act 2004. Providers are required to declare the property is free from Category 1 hazards at the time of placement. The provider will supply the authority with a valid & satisfactory Gas Safety Certificate, a valid & satisfactory Electrical Installation Condition Report (EICR) and a valid Energy Performance Certificate (EPC).

Where disrepair is highlighted the temporary accommodation team will in the first instance attempt to remedy with the provider. Enforcement action will be instigated where a Category 1 hazard is identified.

Home Loss Payments

The Council will have a duty to make a home loss payment when a person is displaced from their dwelling because of a Prohibition Order made under Section 20 or 21 of the Housing Act 2004.

To qualify for a home loss payment, a person must have occupied the land as their only or main residence for at least one year up to the date of displacement and have an interest or right to occupy the dwelling.

Payment will be made following the making of a claim in writing from the tenants of the property.

Where a Prohibition Order becomes operative in respect of any premises, the local housing authority shall pay an amount determined by the legislation.

There is no duty to make a home loss payment nor disturbance payment where a person is displaced because of an Emergency Prohibition Order.

Covid-19 and other outbreaks

Our duties and powers still exist in the event of other future outbreaks, as they are important to protect tenants. Inspections will take place in line with relevant government guidance on the enforcement of standards in rented properties (or similar) and in line with our risk assessments.

Rights of Appeal

All recipients of notices and orders made by the Council will be informed of their rights to appeal to the First-Tier Tribunal where applicable, if they believe the notice or order has been served in error, or if the recipient believes the proposed course of action is unjustified.

Southern Property Tribunal, First-tier Tribunal (Property Chamber) Residential Property
Havant Justice Centre, The Court House, Elmleigh Road, Havant, Hampshire PO9 2AL
Tel: 0845 100 2617 or 01243 779394 Fax: 01243 779389
Email: rpsouthern@hmcts.gsi.gov.uk

You can also visit their website at: First-tier Tribunal (Property Chamber) - GOV.UK for information on how to appeal.

Complaints Procedure

The council has a formal complaints procedure, although many complaints can be dealt with directly by a senior manager within the relevant service department.

Read the formal complaints procedure.

In addition to the council's own complaints procedures, the Local Government Ombudsman hears complaints regarding local government maladministration.

Review of Policy

This policy will be reviewed at least every 5 years and updated, if necessary, to consider any legislative and policy changes.

Notable pending changes:

- Late 2026 -
    - Phased implementation of the digital Private Rented Sector Database
- 2030 - EPCs to achieve C rating
- 2035-2037 - Phased introduction of the Decent Homes Standard

Contact

Private Sector Housing Team, Gravesham Borough Council, Civic Centre, Windmill Street, Gravesend, Kent DA12 1AU

Tel: 01474 337960 Email: private.housing@gravesham.gov.uk

Appendix 1 – Statement of principles to determine the amount of a penalty charge under Part 4 of The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 as amended by The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 ("the Regulations")

Section 13 of the Regulations requires local housing authorities to prepare and publish a statement of principles which they propose to follow in determining the amount of a penalty charge.

The Regulations introduced legal requirements on relevant landlords 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. During any period when the premises were occupied under the tenancy, to ensure that a carbon monoxide alarm is equipped in any room of the premises which is used wholly or partly as living accommodation and which contains fixed combustion appliance other than a gas cooker.
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.
4. Where, following a report made on or after 1st October 2022 by a tenant or by their nominated representative to the landlord, a prescribed alarm is found not to be in proper working order, the alarm is repaired or replaced.

For the purposes of the legislation, living accommodation includes a bathroom or lavatory.

Where the Council believe that a landlord is in breach of one or more of the above duties, the Council must serve a remedial notice on the landlord. The remedial notice is a notice served under Regulation 5 of the Regulations.

If the landlord then fails to take the remedial action specified in the notice within the specified timescale, the Council can require a landlord to pay a penalty charge and can arrange for remedial action to be taken under certain circumstances. The power to charge a penalty arises from Regulation 8 of the Regulations. Failure to comply with each remedial notice can lead to a fine of up to £5,000. Fines will be applied per breach, rather than per landlord or property.

The Council will impose a penalty charge where it is satisfied, on the balance of probabilities, that the landlord has not complied with the action specified in the remedial notice within the required timescale.

A landlord will not be considered to be in breach of their duty to comply with the remedial notice if they can demonstrate they have taken all reasonable steps to comply. Where there is evidence, including written correspondence, of repeated and consistent efforts to obtain access to the property, with access repeatedly being prevented by the occupant(s) of the property, a landlord will not be considered to be in breach of their duty to comply with the remedial notice. A landlord will be expected to have:

- Communicated the risk of harm that the lack of functioning alarms posed to all occupants in writing on multiple occasions
- Requested access to comply with the remedial notice on a regular basis of no longer than every seven days in writing

In considering the imposition of a penalty, the Council may look at the evidence concerning the breach of the requirement of the notice. A non-exhaustive list of methods that may be used to obtain relevant evidence includes, but is not limited to:

- Evidence obtained from a property inspection
- Evidence provided by the tenant or agent
- Evidence provided by the landlord demonstrating compliance with the Regulations by supplying dated photographs of alarms, together with installation records
- That all detector heads have not passed their expiration or replacement date

Landlords need to take steps to demonstrate that they have met the testing requirements at the start of the tenancy requirements. A non-exhaustive list of methods that may be used to evidence compliance with these testing requirements includes, but is not limited to:

- Tenants signing an inventory form which states that they observed the alarms being tested and confirming that the alarms were in working order at the start of the tenancy

Where a landlord is in breach, the local housing authority may serve a remedial notice. Failure to comply with each remedial notice can lead to a fine of up to £5,000. Fines will be applied per breach, rather than per landlord or property

When determining the amount of the penalty charge, regard will be had to whether this is a first breach under the Regulations.

Determining the amount of the penalty charge for a first breach

The minimum amount of a penalty charge for a first breach of the Regulations will be £2500. Only in exceptional circumstances may the Council depart from the application of this statement of principles and issue a penalty charge for less than £2500. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple mitigating factors

The starting level of a penalty charge for a first breach of the Regulations will be £3000. The penalty charge amount will then be varied depending on aggravating and mitigating factors.

Aggravating factors include, but are not limited to:

- The number of alarms not working or missing (the Regulations state there should be one per storey)
- Other fire safety concerns/defects in the property which increase the risk posed to the occupants
- The length of time the offence is believed to have been on-going
- The frequency of complaints by the occupiers to the landlord about the non-working or missing alarms
- The costs of any remedial work the Council have carried out in response to the breach
- Whether the property is let as a HMO (which increases the overall risk)
- The number of occupants living in the property
- Presence of vulnerable occupiers such as elderly, children or disabled people
- Any history of previous enforcement or non-compliance of the landlord
- Attempts to obstruct the investigation

Mitigating factors include, but are not limited to:

- The property being small and low-risk (for example a one-bedroom ground floor flat with a large number of fire escapes including large windows)
- A single occupant living in the property
- Evidence that all required alarms were checked and in working order at the start of the tenancy

- Written evidence that some efforts to gain access and comply with the remedial notice were made and access was prevented by the occupant

Determining the amount of the penalty charge for a subsequent breach

The penalty for subsequent breaches by the same landlord will be £5000. Only in exceptional circumstances may the Council depart from the application of this statement of principles and issue a penalty charge for less than £5000. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple mitigating factors.

Appendix 2: Statement of principles to determine the amount of a penalty charge for a breach of minimum energy efficiency standards (MEES) with respect to domestic privately rented property

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 ("the Regulations") make it unlawful to rent out a domestic property if it has an EPC (Energy Performance Certificate) rating of F or G (unless a valid exemption has been registered on the PRS Exemptions register).

The Regulations make it unlawful to fail to comply with a compliance notice served by the Council.

The Regulations cover all relevant properties, even where there has been no change of tenancy.

The Regulations were introduced to improve the energy efficiency of housing in the private rented sector and to reduce greenhouse gas emissions and tackle climate change. They should help make tenants' homes more thermally efficient.

An energy performance certificate (EPC) gives the property an energy efficiency rating – A rated properties are the most energy efficient and G rated are the least efficient. It's valid for 10 years and must be provided by the owner of a property, when it is rented or sold.

If you are a landlord and you fail, when requested, to provide an EPC for the start of a tenancy, you will be in breach of the Regulations.

An EPC contains information about the type of heating system and typical energy costs. It also gives recommendations about how the energy use could be reduced, lowering running costs. You can find the recommended energy efficiency improvements on the current EPC.

If you're a private landlord, you must either:

- ensure your rented properties have an EPC with a minimum 'E' rating
- register a valid PRS exemption on the PRS exemptions register

Failure to do either of these is a breach of the Regulations.

The Council investigates any potential breaches of the regulations. If the Council is satisfied that you are, or have at any time in the 18 months preceding the date of service of the penalty notice, breached the Regulations, you may be subject to a penalty notice imposing a financial penalty. The Council may also impose a publication penalty.

The "publication penalty" means publication, for a minimum period of 12 months, or such longer period as the Council may decide, on the PRS Exemptions Register of such of the following information in relation to a penalty notice as the Council decides:

- Where the landlord is not an individual, the landlord's name
- Details of the breach of these Regulations in respect of which the penalty notice has been issued
- The address of the property in relation to which the breach has occurred, and
- The amount of any financial penalty imposed.

The Council will impose the following financial penalties:

(a) letting a property with an F or G rating for less than 3 months: £2,000
(b) letting a property with an F or G rating for more than 3 months: £4,000
(c) registering false or misleading information on the PRS exemptions register: £1,000
(d) failing to provide information to the Council demanded by a compliance notice: £2,000

The Council may not impose a financial penalty under both subsections (a) and (b) above in relation to the same breach of the Regulations. But they may impose a financial penalty under either paragraph (a) or paragraph (b), together with financial penalties under paragraphs (c) and (d), in relation to the same breach. Where penalties are imposed under more than one of these paragraphs, the total amount of the financial penalty may not be more than £5,000.
https://www.gravesham.gov.uk/downloads/file/715/private-sector-housing-mees-policy