

Housing Standards and Tenancy Rights Enforcement Policy

1 May 2026

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1. Introduction

This policy comes into force on the 1 May 2026. It will remain in force until it is amended or revoked. The policy will be subject to review no later than the 30 April 2029.

This policy sets out Dorset Council's (the Council's) principles for undertaking and enforcing its duties as a Local Housing Authority (LHA) under the relevant statutory provisions associated with the Private Rented Sector (PRS).

Section 3 of the Housing Act 2004 imposes a duty on Councils to keep housing conditions in their area under review, to identify any action that may be needed.

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

Landlord Legislation	Description
Chapter 3 Renters Rights Act 2025	Discrimination in the Rental Market: England
Chapter 6 Renters Rights Act 2025	Stating the Proposed Rent and Rental Bidding
Part 2 of the Renters Rights Act 2025	Landlord Redress Scheme and Private Rented Sector Database (once enacted)
Sections 1 and 1A of the Protection from Eviction Act 1977	Unlawful eviction and harassment of occupier
Chapter 1 of Part 1 of the Housing Act 1988	Assured Tenancies and Tenancy Reform

Section 110 of the 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.

2. Policy Aims

This policy sets out what renters, owners, landlords, letting agents or any other person involved in the letting or management of residential accommodation, can expect from authorised officers of the Council, when we are dealing with non-compliance with the relevant statutory provisions associated with the PRS.

The policy also provides guidance for authorised officers to ensure enforcement action is taken in line with the relevant statutory provisions and statutory guidance associated with the PRS

3. The Regulators Code

The 'Regulators' Code' made under the Legislative and Regulatory Reform Act 2006 provides a flexible, principles-based framework for how regulators should engage with those they regulate. The Regulators Code does not apply to all statutory provisions covered by this policy.

The Regulators Code applies to the following legislation and its associated enforcement under this policy

Regulators Code applies	Description
Parts 8, 9 and 10 of the Housing Act 1985	Area Improvement, Slum Clearance, Overcrowding
Part 8 of the Housing Act 1996	Miscellaneous and General Provisions
Parts 2 to 5 of the Housing Act 2004	Licensing of Houses in Multiple Occupation, Selective Licensing of other Residential Accommodation, Additional Control Provisions in relation to Residential Accommodation

The Regulators Code does not apply to enforcement action under the following provisions:

Regulators Code does not apply	Description
the 'Landlord Legislation' (as defined by Section 107 above)	Unlawful eviction and harassment of occupier, Assured Tenancies and Tenancy Reform, Discrimination in the Rental Market: England, Stating the Proposed Rent and Rental Bidding, Landlord Redress Scheme and Private Rented Sector Database (once enacted)
Part 1 of the Housing Act 2004	Housing Conditions

All enforcement action taken under this policy will be in accordance with the statutory guidance, the Council's procedures, and other guidance from central and local government bodies.

4. Human Rights and Equality

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 to its decisions about enforcement action.

In undertaking enforcement action, the Council will comply with the requirements of the Equality Act 2010. The Council is also subject to the Public Sector Equality Duty. The Duty means the Council must 'have due regard' to equality considerations when exercising all public functions.

5. Approach to Enforcement

The Council aims to support responsible landlords to improve housing standards and ensure tenants' rights are met. The Council expects landlords to have a good understanding of the relevant statutory provisions for the PRS covering housing standards, housing management and tenants' rights.

5.1 Housing Conditions

The Housing Act 2004 introduced the Housing Health & Safety Rating System (HHSRS). This is a risk-based assessment which Councils are required to use when assessing the condition of residential premises and taking associated enforcement action.

The HHSRS enables housing deficiencies to be identified, assessed and ranked by risk. The associated regulatory provisions contained in the Housing Act 2004 provide duties and powers that enable deficiencies which pose a risk to be reduced or removed entirely.

The HHSRS introduced the concept of a 'Category 1 Hazard' (higher risk housing deficiencies) and 'Category 2 Hazards' (lower risk housing deficiencies).

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

Section 7 of the Housing Act 2004 gives Councils discretionary power to take appropriate enforcement action where a Category 2 hazard exists. The Council will normally take appropriate enforcement action where a higher rated Category 2 hazard exists.

5.2 Renters Rights

The Renters Rights Act 2025 received Royal Assent on the 27 October 2025. The Act introduces a new tenancy system, underpinned by a new enforcement framework. The provisions will apply to assured tenancies in the private rented sector from 1 May 2026.

5.3 Taking Action

The Council will investigate and identify the need to take enforcement action through various contacts including:

- a) in response to an enquiry or request for help from an occupant or renter,
- b) proactive inspections of dwellings through the licensing provisions of the Housing Act 2004;
- c) referrals from other relevant bodies and organisations.

All investigations will be carried out in accordance with the relevant statutory requirements. The Council has appropriate governance in place to ensure that action taken is in accordance with the appropriate legislation and policies.

The Council may commence the enforcement process with formal action instead of informal action in the first instance.

In deciding whether to do so, the circumstances of the case will be considered. Relevant factors may include, but are not limited to:

- the level of risk to public health
- the seriousness of the deficiency, non-compliance, alleged breach or offence
- Where there is a blatant or deliberate contravention of the law
- Where there is history of non-compliance

The Council will normally take formal action in the first instance if:

- We are under a legal duty to act
- The proposed response is in the public interest, and the evidential test has been met
- There has been non-compliance with previous formal or informal action
- The breaches relate to the licensing of HMOs

5.4 Investigatory powers

In addition to the Council's informal and formal powers of enforcement, authorised officers have investigatory powers relating to the collection of information and right of entry to premises (more details are provided in Appendix 2).

5.5 Informal action

If the Council's investigation highlights only very minor non-compliance, then informal action can be taken, which can include written or verbal advice. Where written advice is deemed appropriate, timescales will normally be included to undertake any recommended work or actions.

5.6 Formal action

If formal action is considered appropriate or the Council is under a duty to act, the following options are available to the Council. These powers apply to all residential premises including Houses in Multiple Occupation (HMO).

6. Housing Act 2004 ('the 2004 Act') - Part 1

6.1 Improvement Notice.

An improvement notice under section 11 or 12 of the 2004 Act is a possible response to a category 1 or a category 2 hazard. This notice requires the person on whom it is served to undertake the necessary remedial action within a specified timeframe. The required remedial work and timeframe is determined by the Council having regard to a range of factors including the risk posed, and the nature and scale of the remedial work needed.

Failure to comply with an Improvement Notice is a criminal offence liable to prosecution or a Civil Financial Penalty

6.2 Prohibition Order

A prohibition order under section 20 or 21 of the 2004 Act is a possible response to a category 1 or a category 2 hazard. Within a specified timeframe the order can prevent occupation of the whole or part of a property, or it can restrict the number of occupants.

Failure to comply with a Prohibition Order is a criminal offence liable to prosecution.

6.3 Suspended Action (Improvement Notice and/or Prohibition Order)

Normally, an improvement notice becomes operative 21 days after its service, while a prohibition order becomes operative after 28 days. However, an authority may suspend the action specified in an improvement notice or a prohibition order. Suspended Action may be appropriate for example where the deficiency is not sufficiently minor to be addressed by a Hazard Awareness Notice and the current occupiers are not members of the vulnerable group for the hazard in question.

Failure to comply with a Suspended Improvement Notice is a criminal offence liable to prosecution or a Civil Financial Penalty. Failure to comply with a Suspended Prohibition Order is a criminal offence liable to prosecution.

6.4 Emergency Prohibition Order

Under section 43 of the 2004 Act, if there is an imminent risk of serious harm to the health or safety of the occupants or others, an authority may make an Emergency Prohibition Order. This order prohibits the use of all or any part of the premises with immediate effect.

Failure to comply with an Emergency Prohibition Order is a criminal offence liable to prosecution.

6.5 Emergency Remedial Action

Where the requirements of section 40(1) of the 2004 Act are fulfilled, an authority may enter the premises at any time to take emergency remedial action. The action will consist of whatever remedial action the authority considers necessary to remove an imminent risk of serious harm.

6.6 Hazard Awareness Notice

A hazard awareness notice under section 29 of the 2004 Act may be a reasonable response to a less serious hazard, where the authority wishes to draw attention to the desirability of remedial action. This notice makes the owner and occupiers aware of the hazards identified. It does not require remedial action.

6.7 Demolition Orders and Clearance Areas

Where deemed the most appropriate course of action, Demolition Orders under Part 9 of the Housing Act 1985 (as amended) are a possible response to a category 1 hazard.

The provisions of Part 9 of the Housing Act 1985 are retained in respect of Clearance Areas. The Council can declare a clearance area if it is satisfied on a range of factors including that each of the residential buildings in the area contains one or more category 1 hazards.

6.8 Charging for enforcement action

As a means of recovering certain administrative and other expenses incurred in taking certain formal action, the Council may make a reasonable charge. The formal action for which expenses can be charged are the serving an improvement notice, making a prohibition order, serving a hazard awareness notice, taking emergency remedial action, making an emergency prohibition order or making a demolition order.

In taking the above action, the Council will normally recover its administrative and other expenses by charging a minimum fee.

6.9 Houses in Multiple Occupation (HMO)

HMOs are residential properties occupied by persons who do not form a single household, in that they are not members of the same family. Occupants will share one or more basic amenities such as a toilet, personal washing facilities, or cooking facilities.

All managers of HMOs must comply with the Management of Houses in Multiple Occupation (England) Regulations 2006. Managers of certain converted blocks of flats (under section 257 of the Housing Act 2004) must comply with the Licensing and Management of Houses in Multiple Occupation (additional provisions) (England) Regulations 2007. These regulations are often referred to as the 'HMO Management Regulations'.

Failure to comply with these regulations is an offence liable to prosecution or a Civil Financial Penalty.

Serious non-compliance with the HMO Management Regulations will normally be met with prosecution or a Civil Financial Penalty.

6.10 HMO Licensing

The Housing Act 2004 introduced a national mandatory licensing system for Houses in Multiple Occupation (HMO) occupied by 5 or more people, who share basic facilities. The 2004 Act creates a number of HMO licensing offences liable to prosecution or a Civil Financial Penalty including:

- Offences in relation to unlicensed HMO's (section 72(1) of the Housing Act 2004)
- Knowingly permitting over-occupation of an HMO (section 72(2) Housing Act 2004)

- Breaching licensing conditions (sections 72(3) Housing Act 2004)

Offences in relation to HMO Licensing will normally result in prosecution proceedings or a Civil Financial Penalty

6.11 HMO Management Orders - Interim and Final Management Orders

Part 4 of the Housing Act 2004 sets out the powers available to a local housing authority to apply to a First Tier Tribunal (Property Chamber) to make an Interim and Final Management Orders (I/FMO) for an HMO.

The authority must make an interim management order in respect of a house if it is an HMO which is required to be licensed but is not so licensed, and they consider either that there is no reasonable prospect of it being so licensed in the near future, or that the health and safety condition is satisfied, in that the making of an interim management order is necessary for the purpose of protecting the health, safety or welfare of persons occupying the house, or persons occupying or having an estate or interest in any premises in the vicinity.

If granted, the I/FMO enables the Council to take action to protect the health, safety or welfare of occupants, or any other steps which the authority think appropriate, with a view to ensuring proper management.

7. Dealing with non-compliance

7.1 Civil Financial Penalties

The Council has the power to issue a Civil Financial Penalty in the following circumstances:

- 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 the Management of Houses in Multiple Occupation (England) Regulations 2006 in respect of an HMO (section 234 Housing Act 2004)
- Offences in relation to Regulation 3 of the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020
- Failure to comply with a banning order (s21 Housing and Planning Act 2016)
- Failure to give a written statement of terms (section 16D of the Housing Act 1988)
- Failure to give an existing tenant information about changes made by the Renters' Rights Act (paragraph 7(2) of schedule 6 to the Renters' Rights Act 2025)
- Attempting to let a property for a fixed term (section 16E of the Housing Act 1988)
- Attempting to end a tenancy orally or by service of a notice to quit (section 16E of the Housing Act 1988)
- Serving an eviction notice that attempts to end a tenancy outside the prescribed section 8 process (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 (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 (section 16J of the Housing Act 1988)
- Failing to provide a tenant with prior notice that a ground which requires it may be used (section 16E of the Housing Act 1988)
- Letting or marketing of a property within twelve months of using the 'moving in' or 'selling' ground of eviction (section 16J(2) 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 (sections 33 and 34 of the Renters' Rights Act 2025)
- Marketing a letting without stating the proposed rent (section 56 of the Renters' Rights Act 2025)
- Inviting, encouraging or accepting an offer from any person to pay an amount of rent under the proposed letting that exceeds the stated rent (section 56 of the Renters' Rights Act 2025)
- Unlawful eviction and/or harassment of an occupier as defined under the Protection from Eviction Act 1997

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

7.2 Prosecution

The Council has the power to prosecute in the following circumstances

- Unlawful eviction and/or harassment of an occupier as defined under the Protection from Eviction Act 1997
- Failure to comply with an Improvement Notice (section 30 Housing Act 2004)
- Failure to comply with a Prohibition Order or Emergency Prohibition Order (section 32 Housing Act 2024)
- Offences in relation to licensing of Houses in Multiple Occupation (HMOs) (section 72 and 95 Housing Act 2004)
- Failure to comply with an Overcrowding Notice (section 139 Housing Act 2004)
- Failure to comply with the Management of Houses in Multiple Occupation (England) Regulations 2006 in respect of an HMO (section 234 Housing Act 2004)
- Offences in relation to the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 (applicable to certain converted blocks of flats under section 257 of the Housing Act 2004) (section 234 Housing Act 2004)
- Failure to comply with a banning order (s21 Housing and Planning Act 2016)
- Relying on a ground knowing the landlord would not be able to obtain possession or being reckless as to whether they would (section 16J(1) Renters Rights Act 2025)
- Letting or marketing of a property within twelve months of using the 'moving in' or 'selling' ground of eviction (section 16J(2) Housing Act 1988)
- Continuing breach, or repeat breach committed within 5 years of receiving a penalty for first breach (sections 16J(3) and (4) Renters Right Act 2025)

7.3 Deciding to issue a Civil Financial Penalty or to Prosecute

Before considering the use of a Civil Financial Penalty or deciding to prosecute, the Council must be satisfied that the evidential test and public interest test are met. Regard will be had to the Code for Crown Prosecutors (Crown Prosecution Service).

Where a Civil Financial Penalty is available as an alternative to prosecution, the Council will normally consider using its power to prosecute in more serious cases.

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.

7.4 Works in default

If an Improvement Notice is not complied with, Section 31 and Schedule 3 to the 2004 Act enables the Council to take the action required by the notice itself, with or without the agreement of the person on whom the notice was served. The Council has no duty to undertake works in default and it will be undertaken at the Councils discretion.

7.5 Rent Repayment Orders

A rent repayment order (RRO) allows tenants and local authorities to apply to a First Tier Tribunal (Property Chamber) to receive up to 2 years' worth of rent from a landlord who has committed certain housing related offences.

The Council can pursue an RRO if it can prove a landlord has committed one of the following offences:

- 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 unlicensed HMOs (section 72(1) Housing Act 2004)
- Offences in relation to unlicensed houses (section 95(1) Housing Act 2004)
- Failure to comply with an Improvement Notice (section 30(1) Housing Act 2004)
- Failure to comply with a Prohibition Order (section 32(1) Housing Act 2004)
- Breach of a Banning Order (section 21 Housing and Planning Act 2016)
- Using Violence to secure entry (section 6(1) Criminal Law Act 1977)
- Knowingly or recklessly misusing a possession ground (section 16J(1) Housing Act 1988)
- Letting or marketing of a property within twelve months of using the 'moving in' or 'selling' ground of eviction (section 16J(2) Housing Act 1988)
- Continuous breach of certain tenancy reform requirements (section 16J(3) Housing Act 1988)

The Council can pursue an RRO if all the following conditions apply:

- a landlord operating in the Dorset area committed an offence listed above
- the offence was committed no more than 2 years before the serve of notice of intended RRO proceedings
- any rent was paid through Housing Benefit or Universal Credit in respect of the relevant period

Councils can keep any rent paid through Housing Benefit or Universal Credit received through an RRO, as long as it is used for PRS enforcement activities.

To be eligible to apply, the landlord does not need to have been convicted of or given a financial penalty for the offence. However, where a landlord has been convicted or received a Civil Financial Penalty in respect of the offence, except in exceptional circumstances, the Tribunal must award the maximum applicable amount repayable.

An application for an RRO may be in addition to other formal action, such as prosecution proceedings or the imposition of a Civil Financial Penalty.

In relevant cases, section 48 of the Housing and Planning Act 2016 places a duty on the Council to consider applying for Rent Repayment Orders.

The Council will consider the use of this power in response to all qualifying offences where there is sufficient evidence to provide a realistic prospect of a successful application and the action is in the public interest. Where the Council has issued a Civil Financial Penalty or pursued prosecution, it will normally apply for a Rent Repayment Order especially where Housing Benefit or Universal Credit has been paid to the landlord who has committed the qualifying offence.

Section 49 of the Housing and Planning Act 2016 enables the Council to assist tenants in applying for a RRO. The Council will usually assist tenants in relevant cases by providing advice, sharing data (subject to Data Protection requirements) and referring renters to relevant organisations who specialise in supporting renters with RRO applications.

7.6 Banning Orders

Part 2, Chapter 2 of the Housing and Planning Act 2016 permits a Council to apply to the First Tier Tribunal (Property Chamber) for a Banning Order against a person who has been convicted of one or more of the relevant Banning Order Offences (a list of Banning Order Offences is provided in Appendix 3).

Breach of a banning order is a criminal offence liable to possible prosecution or a Civil Financial Penalty.

The Council will normally consider a Banning Order for more serious offenders and will consider the following factors:

- the seriousness of the offence(s),
- whether the landlord has committed other banning order offences or has received any civil penalties in relation to banning order offences
- the harm caused to the tenant
- the need to punish the offender, deterring the offender from repeating the offence, and
- deterring others from committing similar offences.

8. Statement of Principles for specific penalty charges

8.1 Smoke and Carbon Monoxide Alarm Regulations

Section 13 of these Regulations requires local housing authorities to prepare and publish a statement of principles which they will follow in determining the amount of a penalty charge. Appendix 4 details the Councils Statement of Principles for these specific Regulations. This is a separate penalty charge process to that detailed in the Civil Financial Penalties standalone policy.

8.2 Minimum Energy Efficiency Standards (MEES)

Appendix 5 details the Councils Statement of Principles for penalty charges under the MEES. This is a separate penalty charge process to that detailed in the Civil Financial Penalties standalone policy.

9. Future legislative amendments and additions

Appendix 6 details future legislative amendments and additions which are to be introduced as part of the Renters Rights Act 2025 phased implementation.

10. Complaints, Comments and Feedback

We believe in continuously improving our services, so if you have a comment, compliment or a complaint we would like you to tell us.

www.dorsetcouncil.gov.uk/your-council/comments-compliments-and-complaints

Housing Standards
Dorset Council
County Hall
Colliton Park, Dorchester
DT1 1DY

A landlord, renter or other stakeholder can make a complaint to the Council about the application of this policy at any time.

If the Council has started enforcement action, a complaint will not normally stop that process or allow extra time to comply.

In most cases, those affected by our enforcement action have a right to make representation and/or the right to make a formal statutory appeal. Further information about your rights will always accompany the documentation that we send.

Appendix 1

Definition of terms and meaning

Landlord	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.
House in Multiple Occupation (HMO)	In this policy, the terms 'House in Multiple Occupation' and HMO are defined in section 254 of the Housing Act 2004.
Local Housing Authority (LHA)	In the Housing Act the "local housing authority" includes in relation to England a unitary authority, a district council so far as it is not a unitary authority, a London borough council. Dorset Council is a Local Housing Authority.
'the Council'	Dorset Council
'the 2004 Act'	The Housing Act 2004
Housing Health & Safety Rating System (HHSRS).	This is a risk-based assessment to identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. The HHSRS assesses 29 categories of housing hazard. Local authorities are required to use it when assessing and enforcing housing conditions.
Category 1 Hazard	a hazard assessed under the HHSRS for which the local housing authority has a duty to take remedial action to remove the category 1 hazard
Category 2 Hazard	a hazard assessed under the HHSRS for which local housing authority has a power to take remedial action to reduce the category 2 hazard
Private Rented Sector (PRS)	Dwellings providing accommodation to renters which are owned and managed by private individuals or institutions.
Authorised Officer	Any officer of Dorset Council authorised in writing to exercise powers included in this policy.

Appendix 2

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 entry of premises including, but not limited to, the powers detailed below.

Power to Investigate

Section 114 of the Renters' Rights Act 2025 gives the Council the 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 regarding 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, including being obstructive, intentionally or recklessly making false or misleading statements is an offence under the Renters' Rights Act 2025.

Section 115 of the 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. 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 a person fails to comply with a section 115 notice, the 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 of the Renters' Rights Act 2025 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 of the 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 exercising the Council's functions under Parts 1 to 4 of the Housing Act 2004.

Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 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 about the nature of their interest in the land and the names and addresses of any current occupiers and of any others with an interest in the land.

Entry to Premises

Section 118 of the Renters' Rights Act 2025 permits an authorised officer 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. This power can be exercised without a warrant.

Section 121 of the Renters' Rights Act 2025 permits an authorised officer named in a warrant to enter premises used for a rental sector business if there are documents on the premises which the officer could require. 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.

Following a section 118 or section 121 entry under the Renters' Rights Act 2025, 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.

Following a section 118 or section 121 entry under the Renters' Rights Act 2025, section 123 authorises 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 authorised officer will provide evidence of their identity and authority if reasonably practicable.

Section 126 of the Renters' Rights Act 2025 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 specified offences. Where required, the Council will give at least 24 hours' notice to the occupier and individuals with an interest in the property, 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.

In addition, section 239 of the 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 enforcement functions should be exercised under Part 1-4 of the Housing Act 2004;
- the premises is subject to an Improvement Notice or Prohibition Order under the Housing Act 2004;

- a management order is in force under Chapter 1 or 2 of Part 4 of the Housing Act 2004.

In certain circumstance in order to exercise powers under the Housing Act 2004 the Council may obtain a warrant to enter, by force if necessary.

Appendix 3

Banning Order Offences under the Housing and Planning Act 2016 (Banning Order Offences) Regulations 2018

Relevant housing offences

Protection from Eviction Act 1977	section 1(2), (3) and (3A)	Unlawful eviction and harassment of occupier
Criminal Law Act 1977	section 6(1)	Violence for securing entry
Housing Act 2004	section 30(1)	Failing to comply with an Improvement Notice
Housing Act 2004	section 32(1)	Failing to comply with a prohibition order
Housing Act 2004	section 72(1), (2) and (3)	Offences in relation to licensing of Houses in Multiple Occupation
Housing Act 2004	section 95(1) and (2)	Offences in relation to licensing of houses under part 3 of the Act
Housing Act 2004	section 139(7)	Contravention of an overcrowding notice
Housing Act 2004	section 234(3)	Failure to comply with management regulations in respect of Houses in Multiple Occupation
Housing Act 2004	section 238(1)	False or misleading information
Regulatory Reform (Fire Safety) Order 2005	article 32 paragraphs (1) and (2)	Fire safety offences
Health and Safety at Work Act 1974	section 33(1)(c) where a person contravenes regulation 36 of the Gas Safety (Installation and Use) Regulations 1998(6)	Gas safety offences- duties on landlords

Immigration offences

Letting to someone disqualified from renting as a result of their immigration status, resulting in an offence under Part 3 of the Immigration Act 2014 (as amended).

Immigration Act 2014	section 33A(1) and (10)	Residential tenancies – landlord offences
Immigration Act 2014	section 33B(2) and (4)	Residential tenancies – agent offences

Serious criminal offences

These are serious criminal offences for which an offender may have received a custodial sentence upon conviction.

Fraud Act 2006	section 1(1) section 6(1) section 7(1) section 9(1) section 11(1) section 12(2)	Fraud offences
Criminal Justice Act 2003	schedule 15	Specified violent and sexual offences
Misuse of Drugs Act 1971	section 8 Section 9 section 9A(1) and (3) section 18(1), (2), (3) and (4) section 19 section 20 section 21	Offences involving the misuse of drugs
Proceeds of Crime Act 2002	section 327	Concealing criminal property
Proceeds of Crime Act 2002	section 328	Arrangements
Proceeds of Crime Act 2002	section 239	Acquisition, use and possession
Protection from Harassment Act 1997	section 2	Offence of harassment
Protection from Harassment Act 1997	section 2A	Offence of Stalking
Anti-social behaviour, Crime and Policing Act 2014	section 30	Breach of criminal behaviour order

Anti-social behaviour, Crime and Policing Act 2014	Section 48	Failure to comply with Community Protection Notice
Criminal Damage Act 1971	section 1(1)	Destroying or damaging property
Criminal Damage Act 1971	section 2	Threats to destroy or damage property
Criminal Damage Act 1971	section 3	Possessing anything with intent to destroy or damage property
Theft Act 1968	section 7	Theft
Theft Act 1968	section 9	Burglary
Theft Act 1968	section 21	Blackmail
Theft Act 1968	section 22	Handling stolen goods

Appendix 4

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 will 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 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 factor 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

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

Determining the amount of the penalty charge for a subsequent breach

The penalty for further breaches of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (as amended) by the same landlord will normally be £5,000. The penalty charge amount will then be varied depending on any relevant mitigating factors as detailed above.

A 'Further Breach' shall include any penalty charge notice issued on the same landlord (and not withdrawn) related to the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (as amended), within a period of 5 calendar years, starting on the date of the first or most recent previous penalty charge notice.

Appendix 5

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 normally 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.

Appendix 6

Future legislative amendments and additions

Civil Financial Penalties - Pending Enactment

- Financial penalties relating to category 1 hazards (Schedule 4 Renters Rights Act 2025, Section 6A Housing Act 2004).
- Breaches and offences in relation to the PRS database (Sections 82 and 92 Renters Rights Act 2025)
- Breaches and offences in relation to the landlord redress scheme (Sections 64 and 67 Renters Rights Act 2025)
- Financial penalties relating to type 1 requirements (Decent Homes Standard) (Schedule 4, Renters Rights Act 2025)

New Rent Repayment Order Offences - Pending Enactment

- Landlord's failure to become a member of a landlord redress scheme (Renters Rights Act 2025, s67)
- Landlord's failure to join a PRS database (s92 Renters Rights Act 2025)
- Landlord's failure to comply with the requirements of a PRS database, or in providing false or misleading information to the database operator (s92 Renters Rights Act 2025)
- Offences in relation to the landlord ombudsman (s67 Renters Rights Act 2025)

Local Housing Authority duty to make entries onto the PRS database - Pending Enactment

Under section 83(1) of the Renters' Rights Act 2025, the Authority has a duty to make an entry on the Private Rental Sector database in respect of a person where:

- A relevant Banning Order has been made against that person following an application by the authority;
- The person has been convicted of a relevant Banning Order offence following criminal proceedings brought by the authority; or
- The authority has imposed a Financial Penalty on the person in relation to a Banning Order offence.

Under section 83(2), the Authority has the power to make an entry where:

- The person has been convicted of a relevant Banning Order offence following criminal proceedings brought by someone other than a local housing authority, or
- A Financial Penalty has been imposed on the person in relation to a relevant Banning Order offence by a person other than a local housing authority.