



Service Enforcement Policy (Part 1)

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Introduction

Fair and effective enforcement is essential to protect the health, safety and interests of the residents, visitors and businesses of Redcar and Cleveland.

This Service Enforcement Policy is designed to make sure that everyone knows the principles that the Service will apply when carrying out enforcement work, ensuring that the same principles are routinely applied, and that everyone involved in the process is treated fairly, consistently, and effectively.

The primary aim of enforcement activities is to achieve regulatory compliance to protect the general public, legitimate businesses, the environment, and groups such as consumers, residents and workers.

Enforcement includes actions aimed at ensuring that individuals or businesses comply with the law, carried out in the exercise of, or against the background of, appropriate statutory powers. This is not limited to formal enforcement action such as prosecution but includes, for example, the provision of warnings and advice to aid compliance.

Part 1: Common Enforcement Policy

The Authorities Enforcement Policy consists of two distinct parts:

Part 1 is an 'umbrella' policy which contains information that is common to all enforcement activities across the Service.

Part 2 is a Team specific policy which includes details of enforcement options and the circumstances where each option will be used. The specific Team areas covered by Part 2 are:

- Environmental Protection
- Environmental Health (Commercial)
- Trading Standards and
- Housing Standards.

Part 2 policies are available separately on request.

This Policy applies to all Teams within the Service. The purpose of this Part of the policy is to summarize the Authority's approach to the enforcement of legislation. This part should be read in conjunction with the relevant team specific policies (see Part 2).

"Enforcement" is defined as including any advice, inspection, action, instruction or warning, caution, prosecution (or other types of court action) taken in relation to a person or organisation who is or is believed to be acting unlawfully.

The Authority will take a graduated approach to enforcement of legislation, where this is permitted. All person(s) and Businesses will be encouraged to understand the nature and extent of their responsibilities and comply voluntarily. The Authority

will pursue prosecution where circumstances indicate a significant risk or crime or where formal action is otherwise in the public interest.

There may be limited circumstances where the Authority will decide to prosecute without prior warning.

Any departure from the policy or decision to prosecute without prior warning will be capable of justification and be fully considered by the Head of Service or the Assistant Director, before a decision is made, unless it is considered that there is a significant risk in delaying the decision.

This policy commits the Service to good enforcement practice, in considering whether to initiate enforcement action the Authority will take account of the following:

- the Code for Crown Prosecutors.
- the Enforcement Concordat.
- the Regulators Compliance Code.
- Police and Criminal Evidence Act 1984 (and associated Code of Practice).
- Criminal Procedure and Investigations Act 1996 - Attorney General's Guidelines on Disclosure. – made under the Criminal Procedure and Investigations Act 1996, Code of Practice Order 2020
- The Regulation of Investigatory Powers Act 2000 (RIPA)
- Criminal Justice and Police Act 2001.
- Regulatory Enforcement and Sanctions Act 2008.
- Investigatory Powers Act 2016.
- Forensic Science Regulator Code of Practice.
- Council procedures: codes of conduct & Corporate Complaints Procedure.
- Investigation Process: Legal process guidelines.
- UK General Data Protection Regulation and The Data Protection Act 2018.
- Have regard to the provisions of any other Code of Practice published by a Government Department or other advisory body as necessary and
- other service specific codes or guidance.

Further information on individual documents is provided in Part 2.

Principles of Enforcement

The Service is committed to firm but fair regulation. Underlying this policy are the principles of:

- **Proportionality** in the application of the law and in securing compliance.
- **Consistency** of approach and application
- **Transparency** about how the Service operates and what those regulated may expect from the Service, and
- **Targeting** of enforcement action.

Proportionality

Any enforcement action taken to achieve compliance or bring duty holders/ individuals to account for non-compliance action will be proportionate to the seriousness of the breach. This does not preclude court action as a first step, although no prosecution will be undertaken without subjecting the case to the tests outlined in the Code for Crown Prosecutors published by the Crown Prosecution Service.

Consistency

The Service will endeavor to carry out activities in a fair, equitable and consistent manner. However, consistency is not a simple matter. In each case officers will consider a few variables including:

- the degree of risk.
- the attitude and competence of management/duty holder.
- the previous history of the duty holder and
- the seriousness of the breach/offence.

The Service has systems in place to promote consistency between officers and other authorities and enforcement bodies.

Transparency

Officers will help duty holders to understand what is expected of them and what they should expect from the Service.

Individuals or businesses may have a right to query or appeal against enforcement action where there are statutory appeal mechanisms. Details of these will be provided where appropriate.

Targeted

Targeting means making sure that regulatory effort is directed primarily towards those whose activities give rise to the most serious risk or where the risks are less well controlled. Action will be primarily focused on those directly responsible for any breach and who are best placed to control it.

Where necessary, statutory powers that exist to enable investigations to continue outside the Council's boundary will be used.

Authorisation of Officers

The Authority has a system for delegating authorisation to individual officers. This delegation is contained in the Authority's constitution which is available online.

It is the Council's procedure that only officers authorised through the delegated powers described in the Council's Constitution will take enforcement action.

Only officers who are competent by training, qualification and/or experience will be authorised to take enforcement action.

Penalties and Offences

The courts have considerable scope to punish offenders and to deter others, including imprisonment or unlimited fines for some offences. The offences will be made clear to prospective defendants throughout the investigation.

Where enforcement includes the issuing of civil penalties, officers will have regard to any applicable statutory guidance when determining the appropriate level of those penalties, and the council's adopted policy. Each breach will be considered on a case by case basis, and the maximum penalty amount will only be reserved for the worst offenders.

Primary Authority Scheme

The Authority is committed to the Primary Authority Scheme, that gives companies the right to form a statutory partnership with a single local authority, which then provides robust and reliable advice for other councils to take into account when carrying out inspections or dealing with non-compliance.

In taking enforcement action officers will notify and agree any legal action with the Primary Authority associated with a business (if such a partnership exists) before taking action unless enforcement action is required to deal with an imminent risk e.g. health and safety prohibition notice.

More information on the Primary Authority scheme is available from:

[Local regulation: Primary Authority - GOV.UK](#)

Investigation with other Agencies

Where an enforcement role is shared with another Agency, it is the policy of this authority to undertake joint enforcement activity in order to minimise any unnecessary duplication and delay. Joint working may be undertaken with agencies including other local authorities, other council services, the Police and HM Revenue & Customs Office for Product Safety and Standards (OPSS), National Trading Standards Teams or any other relevant agency as appropriate.

Equality and Diversity

The Authority has a firm commitment to ensuring full and equal access to all services. This may include:

- The provision of translators for interviews where the interviewee's first language is not English.
- The carrying out of enforcement visits outside normal office hours when the business concerned operates at those times.

- The explanation of actions to fulfil commitments under the UK General Data Protection Regulations under the Data Protection Act 2018.

All enforcement decisions will be fair, independent, and objective. They will not be influenced by issues such as the ethnicity or national origin, gender, religious beliefs, political views, or the sexual orientation of the suspect, victim, witness, or offender.

When dealing with juveniles or people who are vulnerable due to learning difficulties, mental illness or any other factor, due regard will be taken of this.

The Council is a public authority for the purposes of the Human Rights Act 1998 and will apply the principles of The European Convention of Human Rights with particular regard to the right of a fair trial and the right to respect for private and family life, home, and correspondence.

Status and Review

This policy will be reviewed on a regular basis but any interim need to make amendments, such as in the case of a change in legislation, addition of any new civil penalty policies, will not trigger a full review.

Should you have any queries about this policy please contact:

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Enforcement Policy (Part 2)

Housing Standards

this is Redcar & Cleveland

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Aim

This document must be read in conjunction with **Service Enforcement Policy Part 1** which is an 'umbrella' policy which contains information that is common to all enforcement activities.

Part 2 of the Enforcement Policy is service specific. This policy also sets out the Council's principles for enforcing and executing its duties as a Housing Authority under the relevant statute.

The policy covers areas of the Housing Standards Team's work where enforcement of legislation may be involved, including:- Private Sector Housing (conditions in rented properties, including multi-occupied houses, and mobile homes and Protection from Eviction and Harrassment); Public health (statutory nuisances, filthy properties, accumulations of rubbish, pest infestations building defects etc.).

The primary objective is to achieve regulatory compliance and we do this mainly through advice and information. Where it becomes necessary to take formal action this will be done. There are a wide range of tools available, and this Policy aims to ensure that a sanction that is relevant and proportionate to the offence or contravention will always be chosen. The policy explains the objectives and methods for achieving compliance and the criteria considered when deciding what the most appropriate response is to a breach of legislation.

Primary Legislation

Housing Act 1985

Housing Act 1988

Housing Act 2004

Housing and Planning Act 2016

Supported Housing (Regulatory Oversight) Act 2023

Renters' Rights Act 2025

Protection from Eviction Act 1977

Environmental Protection Act 1990

Building Act 1984

Prevention of Damage by Pests Act 1949

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

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

The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022

Local Government (Miscellaneous Provisions) Act 1976

Local Government (Miscellaneous Provisions) Act 1982

Public Health Act 1936

Public Health Act 1961

Local Government and Housing Act 1989

Local Government Act 1972

Caravan Sites and Control of Development Act 1960

Anti-social Behaviour, Crime and Policing Act 2014

Human Rights Act 2003

Regulation of Investigatory Powers Act 2000

Criminal Procedures and Investigation Act 1996 – Code of Practice

Data Protection Act 2018

Freedom of Information Act 2000

Environmental Information Regulations (EIR) 2004

Enforcement Options

The Authority may choose to pursue more than one enforcement option for example

1. The service of a Community Protection Warning (CPW)/Community Protection Notice (CPN) at the same time as a Section 80 (S.80) abatement notice.
2. Service of an Emergency Prohibition Notice while also considering prosecution procedures.

ENFORCEMENT OPTIONS – HOUSING CONDITIONS

A purpose of this enforcement policy is to provide guidance for officers in Housing Standards Team to ensure enforcement action is taken in line with the provisions of the Renters' Rights Act 2025 (RRA) and mandatory guidance to local authorities.

The Act and the 'Landlord Legislation' (as defined by S.107 of the RRA) 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

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.

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.

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

S.7 Housing Act 2004 gives Councils a discretionary duty to act where a Category 2 hazard exists.

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 service request or a request for assistance; and referrals from other public bodies. All investigations will be carried out in accordance with the relevant statutory requirements.

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 individual case/investigation will be considered. 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 by the responsible person (i.e. landlord).
- Offences in relation to the licensing of HMOs (and licensing of properties in Selective Licensing where a designation is in place).

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

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 are detailed below.

Power to Investigate

S.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 S.114 notice is an offence under S.131 Renters' Rights Act 2025, as is being obstructive and intentionally or recklessly making false or misleading statements in response to a S.113 notice.

S.115 Renters' Rights Act 2025 permits the Council, when it reasonably suspects a breach of the rented accommodation legislation (listed below) 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 legislation, or to determine the amount of a financial 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 S.115 notice, S.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.

S.131 Renters' Rights Act provides that, in addition to the offence of non-compliance with a S.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.

S.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.

S.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

S.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 S.122-S.123 Renters' Rights Act 2025. This power will be exercised without a warrant.

S.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 S.122 or seize under S.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.

Following a S.118 or S.121 Renters' Rights Act 2025 entry, S.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.

Following a S.118 or S.121 Renters' Rights Act 2025 entry, S.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.

S.126 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 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.

In addition, S.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.

In certain circumstance the Council may obtain a warrant to enter, by force if necessary, under S.240 Housing Act 2004.

Informal action

Informal action taken by the Council may be written or verbal advice. Additionally, a visit may be made at the outset by officers in cases where the initial service request or contact indicates that an immediate investigation by an 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.

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, S.40 Housing Act 2004 allows the Council to undertake Emergency Remedial Action on the Category 1 hazard without prior notice.

- 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 1 or Category 2 hazards.
- S.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.
- S.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 S.239 of the Housing Act 2004 and a request to provide information or the need to abate or avoid overcrowding.

Emergency or suspended enforcement action

Where there is a Category 1 hazard present, S.43 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.

S.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.

HMO Licence Conditions

Conditions can be added to HMO licences 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 licence conditions however this does not prevent the authority from imposing licence 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 criminal offence, which may result in prosecution or the issuing of a civil penalty.

Other Legislative alternatives

There may be other legislative alternatives available to remedy deficiencies that cause Category 2 hazards which an authority may choose as a more appropriate enforcement approach.

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 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 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 an occupier as defined under the Protection from Eviction Act 1977.
- Failure to comply with an Improvement Notice [S.30 Housing Act 2004].
- Offences in relation to licensing of Houses in Multiple Occupation (HMOs) [S.72 Housing Act 2004].
- Offences in relation to the Selective Licensing of 'houses' [S.95 Housing Act 2004].
- Failure to comply with an Overcrowding Notice [S.139 Housing Act 2004].
- Failure to comply with a management regulation in respect of an HMO [S.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 [S.21 Housing and Planning Act 2016].
- Failure to give a written statement of terms under S.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 S.16e of the Housing Act 1988.
- Attempting to end a tenancy orally or by service of a notice to quit under S.16e of the Housing Act 1988.
- Serving an eviction notice that attempts to end a tenancy outside the prescribed s8 process under S.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 S.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 S.16j of the Housing Act 1988.
- Failing to provide a tenant with prior notice that a ground which requires it may be used under S.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 S.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 S.33 and S.34 of the Renters' Rights Act 2025.
- Marketing a letting without stating the proposed rent under S.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 S.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 S.56 of the Renters' Rights Act 2025.

Civil Financial Penalties (CFP) in respect of these offences operate according to the council's CFP policy.

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. S.48 of the Housing and Planning Act 2016 places a duty on the Council to consider applying for Rent Repayment Orders.

Where a landlord has been convicted or received a CFP 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 and where there is sufficient evidence for a successful application to the First Tier Tribunal.

The qualifying offences are:

- Unlawful eviction and harassment of an occupier as defined under the Protection from Eviction Act 1977.
- Failure to comply with an Improvement Notice [S.30 Housing Act 2004].
- Offences in relation to unlicensed HMOs [S.72(1) Housing Act 2004].
- Offences in relation to unlicensed houses [S.95(1) Housing Act 2004].
- Failure to comply with an Improvement Notice [S.30(1) Housing Act 2004].
- Failure to comply with a Prohibition Order [S.32(1) Housing Act 2004].
- Breach of a Banning Order [S.21 Housing and Planning Act 2016].
- Using Violence to secure entry [S.6(1) Criminal Law Act 1977].
- Knowingly or recklessly misusing a possession ground [S.16j(1) Housing Act 1988].
- Letting or marketing of a property within twelve months of using the 'moving in' or 'selling' ground of eviction [S.16j(2) Housing Act 1988].
- Continuous breach of certain tenancy reform requirements [S.16j(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 CFP or pursued prosecution, it will usually apply for a RRO where public funds have been paid to a landlord who has committed a qualifying offence.

S.49 of the Housing and Planning Act 2016 enables the Council to assist tenants in applying for RRO. The Council will usually assist tenants by referring or signposting them to a relevant organisation.

Banning Orders

Part 2, Chapter 2 of the Housing and Planning Act 2016 permits a Council to apply for a Banning Order (BO) 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 BO 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 BO 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.

Enforcement Options –Nuisance

Enforcement Option	Qualifying Criteria for Option (please note the use of each option will only be considered when one or more of the criteria apply)
No action	• Anonymous complaints or unsubstantiated allegation.
Informal action – verbal or written advice	• Advice will be provided where allegations of nuisance are unsubstantiated. • In the first instance we will try and resolve complaints informally.
Warning letters/CPW and / or visits	• There is evidence of a potential nuisance/statutory nuisance e.g. diary sheets or witnessed by an officer. • The officer utilises a warning letter/CPW and/or visit in effort to resolve the matter informally as the proportionate first step to prevent formal enforcement action being taken.
Service of CPN/S80 notices	• A nuisance/statutory nuisance has been substantiated. • The offender or premises causing the nuisance has been identified. • An informal approach has failed or has been tried in past complaints. • The nuisance/statutory nuisance is continuing or likely to recur. • The seriousness of the nuisance/statutory nuisance is such that immediate action is required to abate the nuisance. • To allow the Council to carry out works in default.
Simple caution (non-statutory method to dispose of first-time, low-level offences)	• To deal quickly and simply with less serious offences. • To divert offenders where appropriate from appearing in criminal courts. • To reduce the likelihood of re-offending. • Applied in consideration of the public interest test. • The person who signs the caution agrees they have committed an offence and accept the caution. • If a person refuses to sign a caution they will be prosecuted.

Enforcement Option	Qualifying Criteria for Option (please note the use of each option will only be considered when one or more of the criteria apply)
Service of Fixed Penalty Notices	• A Fixed Penalty Notice may be served following a breach of a CPN to resolve the matter outside of court proceedings.
Prosecution	• The terms of an abatement notice have been breached and there is sufficient evidence to demonstrate that the notice has not been complied with. • Actioned in consideration of the public interest test.
High Court Injunction	• For serious and persistent breaches of an abatement notice where the nuisance is affecting multiple complainants.

Enforcement Options- Other Legislation

Enforcement Option	Qualifying Criteria for Option (please note the use of each option will only be considered when one or more of the criteria apply)
No action	Anonymous complaints or unsubstantiated allegation.
Informal action – verbal or written advice	This may include advice, verbal or written warnings and information. This action will be considered if: • The act or omission is relatively minor. • From the individual/business' history it can be reasonably expected that informal action will achieve compliance. • Confidence in the individual/business's management practices is high. • The consequence of non-compliance will not pose a significant risk to those affected by the activities of the business.
Statutory Notice	• Formal action is proportionate to the risk to public health. • There is a record of non-compliance. • The authorised officer has reason to believe that an informal approach will not be successful. • Officers have been intentionally obstructed in the lawful course of their duties.

Enforcement Option	Qualifying Criteria for Option (please note the use of each option will only be considered when one or more of the criteria apply)
Simple caution (non-statutory method to dispose of first-time, low-level offences)	• To deal quickly and simply with less serious offences. • To divert offenders where appropriate from appearing in criminal courts; and • To reduce the likelihood of re-offending. • Applied in consideration of the public interest test. • The person who signs the caution agrees they have committed an offence and accept the caution. • If a person refuses to sign a caution they will be prosecuted.
Prosecution	• The offence is serious. • There is a poor history of compliance. • There has been a failure to comply with a Prohibition Notice, or there has been a repetition of a breach. • False information has been supplied wilfully, or there has been an intent to deceive, in relation to a matter which gives rise to significant risk.

Work in Default (WID)

The enforcement options for non-compliance with formal Notices or breach of licence conditions include the carrying out of works specified in the Notice (i.e. WID). 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 and it will be at its discretion. The cost of WID will be recovered from the relevant person(s).

Costs and Charges

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.

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 in full.

Complaints

Contact may be made with the Council about any matters listed here by email at housing.eho@redcar-cleveland.gov.uk or by post at:

Redcar & Cleveland Council,
Housing Standards Team,
Redcar and Cleveland House,
Kirkleatham Street,
Redcar
TS10 1SP

A service user can still make a complaint in cases where the Council has instigated legal proceedings. However, making a complaint will not stop any impending legal action.

Where statutory notices have been served, making a complaint does not replace the statutory rights of appeal or the right to make representations. It also does not allow extra time to comply with any notice or order.

If a service user disagrees with a statutory notice, they should take action as specified in the notice or order to make an appeal, if any exist. Reference should be made to any notes that may accompany the notice or order for more detail.

Appendix 1 - Definitions

S.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.

S.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.

Appendix 2

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 £2,500. Only in exceptional circumstances may the Council depart from the application of this statement of principles and issue a penalty charge for less than £2,500. 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 £3,000. 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 £5,000. Only in exceptional circumstances may the Council depart from the application of this statement of principles and issue a penalty charge for less than £5,000. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple mitigating factors.

Appendix 3

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.