

**EASTSUFFOLK**  
COUNCIL

# **Private Sector Housing Review**

2021



## Foreword by Cabinet Member for Housing



"I am pleased to endorse this first review of the East Suffolk Private Sector Housing strategy. Substantial progress has been made towards delivering the action plan, despite the challenges of working through the pandemic. Housing becomes more important than ever, when we are forced to spend extra time at home, and the work of the Private Sector Housing team in protecting the health and safety of residents has never been more important.

Key highlights include launching Independent Living-East Suffolk; adapting the Renovation Grant programme to support the Councils strategic aims to reduce carbon emissions; delivering a pilot programme on self-neglect and hoarding; the agreement to establish Stepping Home hospital as a permanent service; and proactive work to improve housing standards in the Heritage Action Zones. The programme of work outlined in the strategy will continue, to improve the quality and versatility of the private sector housing service to meet the varied needs of our community, in line with East Suffolk's Strategic Plan".

**Richard Kerry, Cabinet member for housing**

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# Executive Summary

This review document should be read in conjunction with the original Private Sector Housing strategy.

Areas which have been updated are identified in the index. Any areas not mentioned in this document remain unchanged in the original strategy.

The East Suffolk Strategic Plan which replaced the East Suffolk Business Plan, sets out a roadmap which aims to deliver the highest quality of life possible for everyone who lives in, works in and visits East Suffolk.

## We are East Suffolk

Our aim is to deliver the highest quality of life possible for everyone who lives in, works in and visits East Suffolk. To help us achieve this, we will use this strategic plan as our compass to guide all our decisions. The plan has 5 strategic themes:



**GROWING OUR ECONOMY**

**ENABLING OUR COMMUNITIES**

**REMAINING FINANCIALLY SUSTAINABLE**

**DELIVERING DIGITAL TRANSFORMATION**

**CARING FOR OUR ENVIRONMENT**

The updated Private Sector Housing strategy recognises this new direction and is aligned in appropriate ways to the themes.

## Area Action

Working alongside the aims of the North Lowestoft Heritage Action Zone scheme, residential apartments and communal areas to a number of properties have recently been improved following proactive inspections and interventions. Works are underway to improve the residential accommodation in the High Street to provide safe and affordably warm living, in buildings where the historic character is also being preserved and restored.

Within the first 12 months and despite the pandemic, 72 active cases registered, 39 dwellings inspected, 33 enforcement actions taken and 19 improvements completed, 22 schedules issued.



## Housing Standards & Enforcement

Enforcement Action remains an important tool to ensure the improvement of housing conditions but is balanced with education. The team will always try and work with landlords to achieve necessary improvements within a reasonable timescale but where this isn't successful and tenant's health and safety is at risk, then the legal course will be taken.

### Successful enforcement

The Council's Civil Penalty policy has been modified and a new matrix produced for Houses in Multiple Occupation. These are reproduced at Appendix A.

## Electrical safety - changes in the law

The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 have brought in new requirements for landlords to have electrical installations inspected and tested by a competent and qualified person at least every 5 years. This new responsibility on landlords comes fully into force on 1 April 2021 and the team will be requesting these documents along with gas safety certificates as a matter of course.



## Renovation Grants

The extension of the renovation grants to all parts of East Suffolk has proved popular. The funding available to provide financial support for improvements to homes is however very limited and there is a very real chance that the money will run out if we do not take steps to modify the policy to best support the need for this funding and deliver towards the Council's strategic aims. Every opportunity will also be taken to utilise and signpost grant applicants to other funds to support specific works such as insulation.

Under the revised policy there are four renovation grants available:

Owner's Improvement Grant, Landlord's Affordable Rent Grant, First Time Buyer's Grant and Empty Homes Grant. Full details are included in the table below and more information is given on the relevant section of the website. Changes to policy include removing Council tax Band D properties from eligibility, reducing landlord's grant to 50% of the costs for works that could be required by enforcement and setting a target of EPC band C for energy efficiency. These new grants come into force for applications received after 31 March 2021.

## Empty Homes Update

There are a number of ways of defining Empty Homes. Councils report on all empty homes that are unoccupied **and** unfurnished, and then further define them by the length of time they have been empty. Unoccupied homes that remain furnished are not part of this recording process but can also be significant and problematic.

Empty homes are a normal phenomenon in the housing market as they are empty for reasons such as being under renovation; for sale; or recently re-occupied, but the Council have not been notified by the new occupants. The numbers fluctuate throughout the year and during the pandemic, rose to reflect the extended time matters such as probate and selling were taking.

Long-term empty homes (LTEH), those empty for more than 2 years, are more problematic. They tend to be unoccupied for a variety of complex and specific reasons. Owners tell us of family disputes, sentimental attachment, apathy, “too hard” to dispose of, planning to renovate when they retire, they are too old to cope with doing anything or the owner is living abroad or occasionally can’t be traced. The longer the situation has remained, the more difficult owners are to engage with and persuade to act and the costs of remediation rise. A whole variety of incentivised tools have been developed by East Suffolk to support owners in these situations, from private sector leasing schemes, discounted auction fees and renovation grants, all of which have been successful in resolving some cases but, the remaining LTEHs are very challenging and require significant resources to resolve.

Continues over the page



## Empty Homes Update - continued

### East Suffolk figures for long term empty homes in 2020/21

Empty homes 2020/21	Number
Empty between 2 and 5 years	212
Empty between 5 and 10 years	59
Empty 10+ years	45
<b>TOTAL</b>	<b>316</b>

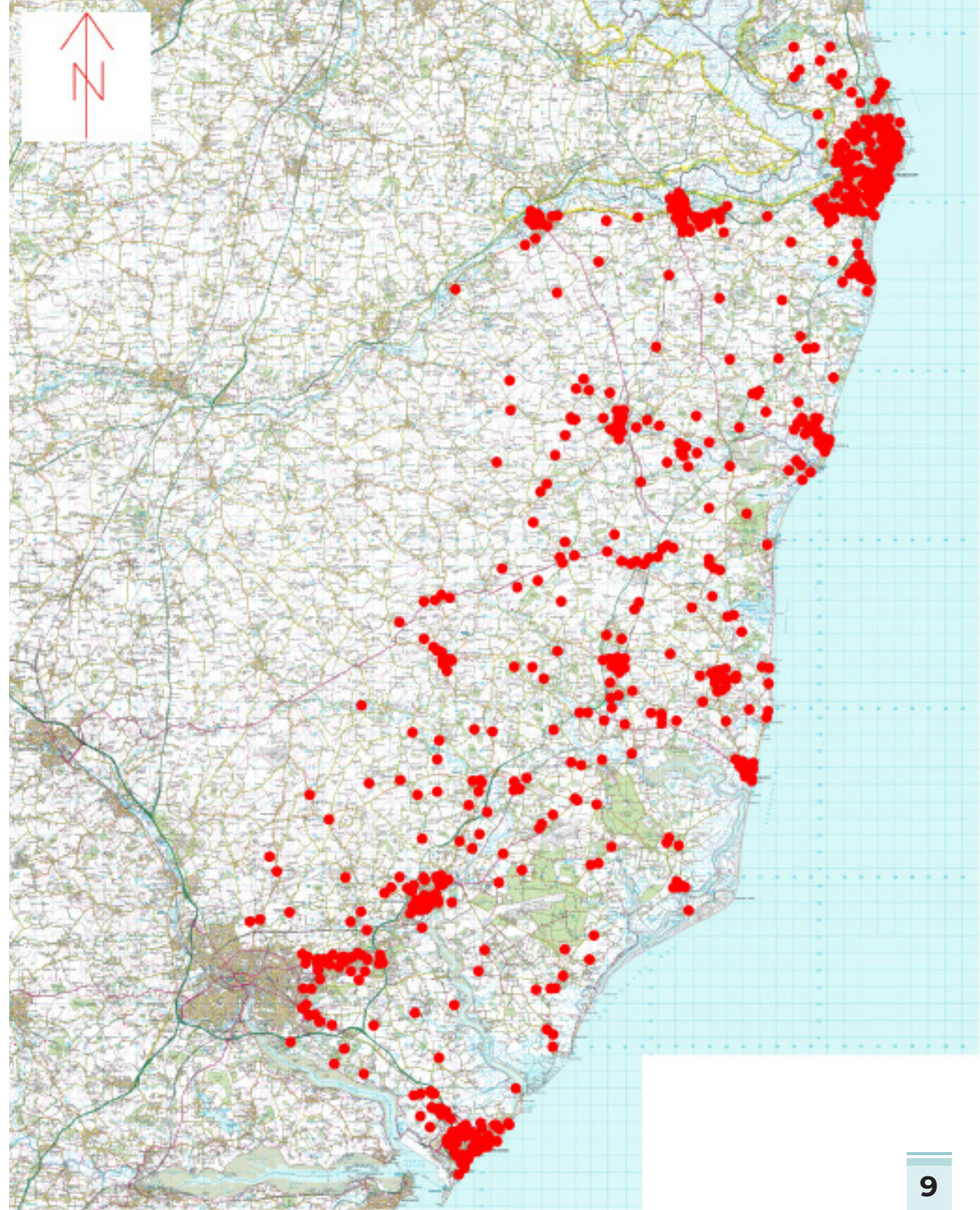
At the same time the **total number of homes** identified as empty across the District were 1,976. (Empty in this context is for any length of time). Most of these are empty due to normal flux in the housing market. The pandemic has led to higher numbers due to an increase in the time taken for disposal of property and re-occupation. In 2019/20 the number was approximately 1,158 LTEH in total.

Of the 316 LTEH, the majority are in council tax bands A, B and C.

Total Dwelling Numbers	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Totals
Empty 2 years +	64	45	49	20	16	8	9	1	212
Empty 5 years +	22	16	9	6	3	2	0	1	59
Empty 10 years +	20	12	8	3	1	0	1	0	45
<b>Total</b>	<b>106</b>	<b>73</b>	<b>66</b>	<b>29</b>	<b>20</b>	<b>10</b>	<b>10</b>	<b>2</b>	<b>316</b>



The map to the right shows the distribution of the LTEH across East Suffolk.



# Adaptations for residents with disabilities

East Suffolk is working with Suffolk County Council and the other District and Borough Councils in Suffolk, to establish a new model for effective and efficient delivery of services to residents living with a disability, replacing the contracted service delivered historically on a County-wide basis by Orbit

The primary purpose of the Independent Living Agency is assisting with adaptations via disabled facilities grants (DFG). Agency services support vulnerable residents through complex processes and, in areas where no agency exists, the take up of DFG is low.

The new model has been designed very much with the customer at the centre and looks to streamline the customer journey and speed up delivery. An independent review of DFG delivery was conducted in 2018. Some of its findings are shaping the new service including:

- Evidence that too many people drop out due to having a contribution to make.
- An identified need for joining up the process and shifting the thinking from 'welfare' to 'investment' so that decisions are taken in a more preventative way that is based on the long-term health and wellbeing of disabled people and their families.

East Suffolk is piloting many of the new ways of working due to the Council leaving the previous Orbit partnership 6 months ahead of other local authorities.

40 % of all Suffolk DFG grants originate in East Suffolk. DFGs are mandatory for certain adaptations and are subject to a test of financial resources. East Suffolk has adopted a policy under Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (which allows us to offer discretionary grants). The details of these are reproduced over the page.



## East Suffolk disabled adaptations and independent living

Provision	Priority grants	Fast Track Disabled Facilities Grants	Mandatory Disabled Facilities Grants	Discretionary, Supplementary Disabled Facilities Grants
<b>Works for</b>	Discharged from hospital to a safe home; acute admission avoidance and for palliative cases	General adaptations; providing adequate heating; remaining at home for terminally ill (not in palliative stages); out of hospital - but not acute need; help to move and dementia support.	Usual	All applicants for a mandatory DFG can apply for this grant in addition to the statutory DFG to fund the first £5000 of works to incentivise them having adaptations done, rather than remaining at risk. Any applications for persons under 18 years of age, and not subject to a means test, can also apply for this supplementary grant, where the costs are over £30k
<b>Fast track</b>	Yes	Yes	No	No
<b>Eligibility</b>	Works must be supported by a health or care practitioner	Works must be supported by a health or care practitioner	Usual DFG conditions	OT or OTA recommendations
<b>Maximum grant</b>	£10,000	£10,000	£30,000	£5,000
<b>Usual fees</b>	10% ffee	10%	15%	15%
<b>Means test</b>	No	Receipt of a means tested benefit or CTR, and each adult has capital of less than £10,000 or are under 18 years of age (no means test).	Yes but passport benefits extended to include CTR	No
<b>Support</b>	Yes	Yes	Yes	Yes
<b>Option for fees</b>	Mandatory	Mandatory	DIY application £145 Technical support only, 10% Full agency 15%	DIY applications £145 Technical support only, 10% Full agency 15%
<b>Repayment conditions</b>	None	Yes as for major DFG above £5k	Yes	Yes other than for children's cases
<b>Private Works</b>	The agency will also offer a fee based support service for clients who do not qualify for grant aid or who wish to have works carried out, outside of the grant scheme, subject to resources, at a fee rate of 15% of cost of works before VAT.			



# Action Plan

Reviewing the strategy	Planned Action	Date of completion
<b>Area Action</b>		
<b>1</b> Adopt a new Renovation Grant policy to deliver improvements in the district	New renovation grant policy adopted by East Suffolk Council	November 2020
<b>2</b> Develop a robust enforcement policy against landlords where financial incentives, education and encouragement fail	Civil penalties policy reviewed and enforcement protocol utilised in appropriate cases	Ongoing
<b>3</b> Coordinated improvements to assist with area improvement and challenging the private sector to “keep up with the Council”	Work in the HAZ includes purchase of properties by the Council for renovation and retention	Ongoing
<b>Housing Standards &amp; Enforcement Policy</b>		
<b>4</b> Monitor, review and publicise outcomes as a deterrent to other landlords	Ongoing action as cases arise	ongoing
<b>5</b> Continue to develop good working relationships with landlords including through Landlord Associations.	Regular attendance and briefing sessions at Eastern Landlord Association meetings. Participation in Government pilot Generation Rent to build contacts with tenants.	Ongoing
<b>Renovation Grants</b>		
<b>6</b> Monitor and review uptake to ensure fit for purpose particularly with regard to grant condition period	New Renovation grant Policy adopted	April 2021
<b>7</b> Link to Affordable Rents and nominated tenants to assist with Homelessness	Affordable rent link to grants for landlords established	April 2021
<b>Empty Homes</b>		
<b>8</b> Develop business case to employ additional staff to address long term empty homes	Ongoing and potential for link to other funded, larger corporate workstreams	Ongoing

Reviewing the strategy	Planned Action	Date of completion
<b>Adaptations</b>		
<b>9</b> Work with our Suffolk district councils colleagues to develop a mechanism for future delivery of DFGs in East Suffolk.	New Independent Living Suffolk Agency established following earlier launch of Independent Living -East Suffolk	December 2020
<b>10</b> Develop work with Health partners, particularly local hospitals and community teams, to fast track adaptations to assist people home from hospital and avoid hospital admissions.	New fast track policy developed in response to pandemic and continues for wider needs under new DFG policy	April 2020
<b>HMO'S &amp; Licensing</b>		
<b>11</b> Proactively work to identify properties in multiple occupation that are licensable.	Ongoing work with colleges and employers to identify new HMOs	Not yet started
<b>12</b> Educate landlords and letting agents on the risk of shared accommodation the circumstances where licensing is required.		
<b>13</b> Review resource requirements to continue to licence HMOs in September 2019.	No additional resources warranted due to lower number of HMOs identified in district than anticipated	November 2019
<b>Caravans Sites and Gypsy &amp; Traveller</b>		
<b>14</b> Work to progress the identification of a short-stay stopping site within East Suffolk for operation by 2021	Two sites identified in West and Mid Suffolk. A site for East Suffolk still under investigation	
<b>15</b> To continue to work with agencies to effectively deal with unauthorised encampments	Partnership with Norfolk and Suffolk Gypsy Roma Traveller Service every productive.	
<b>16</b> To review standards at Romany Lane site to ensure they are relevant to the usage.	Funding obtained to support Covid Winter grant, heating repairs and the Green Homes Grant	
<b>Warm Homes Healthy People</b>		
<b>17</b> To continue to identify and bid for funds to support the work of the service.		

# Appendix A

## East Suffolk Renovation Grant Policy

### Introduction

East Suffolk is a diverse district with an existing housing stock of approximately 115,000 dwellings. The majority of these are well maintained and are owned by people who have the financial means to keep them in good repair. The Council has a grant policy to support those who; • cannot afford to carry out essential works; • are first time buyers who are prepared to take on renovation projects and have used their resources for purchasing the property; • landlords who are prepared to let their renovated properties at an affordable rent in return for grant investment. The overall aim of the policy is to prevent loss of and deterioration of existing housing from the stock at a time of housing crisis and to take whatever opportunities present during works to improve the energy efficiency of dwellings.

# Eligibility criteria for Renovation Grants

	Owners improvement grant - subject to financial assessment of resources.	Affordable rent grant for landlords	First Time Buyer Grant	Empty Homes Grant
Works for	100% of the cost of remedying significant hazards in the home (less any assessed contribution) including dampness, excess cold and electrical safety; structural repair works, where the costs of repair for one major item of repair are £1,000 or above; providing full or top up funding after application of any Government or other externally funded schemes, for renewable energy installations, high cost insulation, LED lighting and other energy efficiency measures towards a target EPC C;	50% of the cost of: remedying category 1 and high 2 hazards; structural repair works, where the costs of repair for one major item of repair are £1,000 or above;  Plus 100% funding (subject to max grant) or top up funding, after application of any Government or other externally funded schemes, for the additional cost towards a target EPC C or above, including LED lighting, renewable heating or high cost insulation.	Remedying category 1 and high 2 hazards, repair works, where the costs are £1,000 or above	All works to make safe, provide amenities, put in good repair and bring to a lettable standard any home that has been empty for more than 5 years. LL can apply to convert vacant buildings into new dwellings, maximum grant per building is £40,000 for two or more units but LHA conditions apply to all units created in the building.
Fast track	OO	LL	FTB	LL
Eligibility	Council tax banding of A,B,C Owned/occupied least 3 years	Landlord being prepared to let at the local housing allowance throughout grant condition period	Council tax banding of A or B All parties first time buyers, less than £7,000 in capital and savings and have borrowed at least 80% of purchase price. Purchased the property no more than two years before application	Home demonstrated as being empty for more than 5 years.  Must be let at LHA for 15 years
Minimum Grant	£1,000	£1,000	£1,000	£1,000
Maximum grant	£15,000.00	£15,000.00	£15,000.00	£15,000.00
Exceptional cases can be considered for £5000 of additional grant subject to agreement by Principal EHO				
Usual fees	15% for full agency in exceptional where client cannot manage the process unaided, only			15% for full agency in exceptional where client cannot manage the process unaided, only.
Means test	Yes	No	Yes	No
Support	Yes	No	Yes	No
Repayment conditions/local land charge.	20 years; grants must be repaid in full if the property is sold or otherwise transferred	15 years grants must be repaid in full if the property is sold or otherwise transferred or no longer let at LHA	20 years Grants must be repaid in full if the property is sold or otherwise transferred	20 years Grants must be repaid in full if the property is sold or otherwise transferred



## Eligibility for Minor Works Grants

**Warm homes grants as a top up to other funding; emergency repairs grants including for heating, (costs between £500 and £5000); works to support hospital admission avoidance or discharge; and decluttering for hoarded properties at**

Fast track	No
Eligibility	Means tested benefits, Council Tax reduction or household income below £30K per year gross.
Maximum grant	£5,000
Usual fees	
Means test	Receiving a means tested benefit or has a low income (household income less than £30,000 per annum) and savings of less than £10,000.
Support	Yes
Options for fees-minimum/unsupported/full	10%
Repayment conditions/local land charge.	5 year-local land charge.

### Discretion to vary

In cases of hardship or other unanticipated circumstances which meet the spirit of this policy but fall outside for one or more reasons, a request can be made to the Cabinet member for Housing to approve a grant outside of policy, including approving grant above the maximum level with and extended grant condition period, or where eligibility criteria are not met but the circumstances warrant financial support.

## Application Conditions

All applications must be made on the designated application form and be supported by all the required documentation (see application pack).

Land registry checks will be used to confirm ownership and, where a charge is registered, the charge holder will be required to consent to the works and the grant being registered as a local land charge.

The grant application must be accompanied by quotes covering all the works from at least two contractors. In the case of Warm Homes and Decluttering Grants and other specialist works, a single quote may be agreed by the Officer administering the grant.

If required, a single specialist condition report will be acceptable.

Works that are the subject of the grant, must not be commenced until the applicant has received written grant approval. In exceptional circumstances the PEHO may confirm in writing that the works can be commenced prior to grant approval, with no detriment to the outcome of the application, but at the applicant's sole financial risk as no guarantee of grant funding can be given before formal grant approval.

All works that are subject to Building Control, Planning Consent or professional/industry warranty must have any appropriate certification to confirm compliance with good practise and industry standards before the final grant payment is made.

One interim payment per grant application can be requested once at least 30% of the works have been satisfactorily completed. Payment will not be made against materials on site. Grant payments will only be made on production of a proper invoice made out to the applicant at the grant address. Payment will be made directly to the contractor unless a receipted invoice is submitted in which case costs can be reimbursed to the person paying the bill. Payments will be made in accordance with the Council's standard terms and conditions and ONLY where all other required documentation has been supplied and the works have been agreed by the Grant Officer as satisfactorily completed. Exceptions to this procedure may be granted at the discretion of the PEHO.

## **Unforeseen Works**

In the event of works arising or costs increasing, that could not have reasonably been foreseen at the application stage, the grants officer has the discretion to increase the grant by up to 20% of the sum originally approved subject to grant maxima. Any increase above this must be referred to the PEHO.

## **Deed of Agreement**

Every grant is secured by means of a Deed of Agreement that the applicant(s) must sign prior to approval. Copies of the different deeds are attached as an appendix.

## **Grant Expiry**

All grants will be valid for 12 months unless otherwise stated and all works must be completed in this time or the grant will expire and a reapplication will be necessary if the applicant still wishes to proceed. In exceptional circumstances the grant may be extended by the PEHO for a further 6 months as long as a request supported by the grants officer is agreed with the PEHO prior to expiry of the initial approval.

## **Repayment of Grant**

Grants must be repaid in full if the property is sold or otherwise transferred to a third party within the grants condition period. In cases of exceptional hardship a repayment plan may be agreed by the PEHO. The repaid grant monies will be returned to support a continuing grant programme.

Landlord's grants will also become repayable where the property is no longer let at an affordable rent during the grant condition period or where they fail to meet the conditions relating to nomination rights.

# **Appendix B**

**The civil penalties policy  
has been amended and is  
reproduced in full below.**

## Civil Penalties Policy February 2021

East Suffolk Council (ESC) has adopted a policy under the Housing and Planning Act 2016 to enable the imposition of Civil Penalties on private landlords who are found to have committed offences. The policy is set out below.

### **What is a civil penalty?**

Civil penalties are fines imposed by the Council as an alternative to prosecution. There is a need to demonstrate “beyond reasonable doubt” that an offence has been committed, so the burden of proof is similar to a prosecution case. The maximum fine that can be imposed is £30,000.

### **When can a civil penalty be imposed?**

A landlord, or letting agent, or both, may face a civil penalty if they:

- Fail to comply with improvement notice served under section 11 and/or 12 of the Housing Act 2004. These notices are served when there are significant hazards in premises that can be resolved in a reasonable and practicable way.
- Fail to apply for a licence for Houses in Multiple Occupation (HMOs). Councils currently license all HMOs housing 5 or more people, forming 2 or more households. Other HMOs are currently exempt from licensing.
- Contravene an overcrowding notice served on an (HMO) under section 139 of the Housing Act 2004.
- Breach the Management of Houses in Multiple Occupation (England) Regulations 2006. These cover matters such as maintenance of gas and electrical supplies, disrepair and safety.

## How is the amount of the fine determined?

The Ministry for Homes, Communities and Local Government (MHCLG) published statutory guidance on civil penalties under the Housing and Planning Act 2016 (HPA). This guidance has been followed in establishing this policy.

The ESC has adopted a scoring matrix to determine the level of penalty to be imposed and broadly cases will fall within three categories, which have their own matrix:

- Housing Disrepair and Overcrowding
- Electrical Safety
- Houses in Multiple Occupation

Each case will be reviewed against one or more of the matrices, but it is recognized that it may be more appropriate to refer the matter for prosecution in the following circumstances:

- If there have been two or more previous offences by the same landlord or letting agent within 3 years.
- If the landlord has been listed on the Rogue Landlords database. This is a national database of landlords who have been subject to a banning order (imposed by the Courts to ban them from renting our properties) or received two or more civil penalties.

The following pages show each scoring matrix and a worked example of a housing disrepair case to show how a score may be considered.

## Civil Penalty Review

The Principal Environmental Health Officer (PEHO) will review the case in conjunction with the Council's Legal Team to determine if there is sufficient evidence to be satisfied that, if the case were taken to the Magistrates Court, there would be a realistic prospect of conviction. Regard will be had to the Crown Prosecution Service Code for Crown Prosecutors for this purpose as it provides advice on the extent to which there is likely to be sufficient evidence to secure a conviction. The Code has two stages: (i) the evidential stage and (ii) the public interest stage.

Once satisfied that the appropriate action is a Civil Penalty, the Council will serve a Notice of Intention to impose a Civil Penalty which will be signed by the PEHO.

There is a 28 day appeal period during which the recipient can appeal in writing. Any appeal would be heard by the Head of Housing, another Head of Service or Director.

After the Appeal period if the Council still consider the issue of a Civil Penalty is correct a Final Notice will be served, signed by the PEHO. This Notice will include the following information: The following pages show each scoring matrix and a worked example of a housing disrepair case to show how a score may be considered.

- the amount of the financial penalty;
- the reasons for imposing the penalty;
- information about how to pay the penalty;
- the period for payment of the penalty (28 days);
- information about rights of appeal; and
- the consequences of failure to comply with the notice.
- The local housing authority may at any time:
  - withdraw a notice of intent or final notice; or
  - reduce the amount specified in a notice of intent or final notice.

On receipt of a final notice imposing a financial penalty a landlord can appeal to the First-tier Tribunal against the decision to impose a penalty and/or the amount of the penalty. The appeal must be made within 28 days of the date the final notice was issued. The final notice is suspended until the appeal is determined or withdrawn.



## Date of Policy Adoption

5 September 2017 – Suffolk Coastal DC 13 September 2017 Waveney District Council

Amended following transfer to East Suffolk Council: 1 September 2019

Amended following Cabinet approval to the introduction of an HMO matrix: 6 October 2020

Amended following Cabinet approval: 2 February 2021

Civil Penalty Charge	£500	£1000	£2000	£5000	£7000	£15,000	£30,000
Severity of offence <i>How significant was the offence?</i>	Moderate scoring category 2 hazard(s) only <b>Score 0</b>	One cat 1 hazard or at least one significant category 2 <b>Score 1</b>	Two or more cat 1 hazards or breaches <b>Score 2</b>	Multiple cat 1 hazards B or C, or breaches <b>Score 3</b>	Multiple cat 1 hazards A and B or breaches <b>Score 4</b>	Multiple cat 1 hazards band A and B or breaches <b>Score 5</b>	Multiple cat 1 hazards band A or breaches <b>Score 6</b>
Harm or potential harm to tenant <i>(Class of Harm taken from HHSRS guidance) What was / could have been the result?</i>	Likely to be comparatively minor. <b>Score 1</b>	Moderate e.g. occasional slight pneumonia, regular serious coughs and cold, broken finger, mild concussion <b>Score 2</b>	Moderate/ serious e.g. occasional slight pneumonia, regular serious coughs and cold, broken finger, mild concussion <b>Score 5</b>	Serious e.g. fractured skull, concussion, loss of finger, gastroenteritis, serious puncture wounds <b>Score 7</b>	Serious/ severe e.g. fractured skull, concussion, loss of finger, gastroenteritis, serious puncture wounds <b>Score 10</b>	Severe e.g. serious burns, serious fractures, anaphylactic shock, cardio respiratory disease <b>Score 15</b>	Extreme e.g. death <b>Score 25</b>
Track record of landlord / agent. <i>Previous experience with the landlord</i>	First dealings with landlord <b>Score 0</b>	Good track record of high standards <b>Score 1</b>	Notices previously served and complied with <b>Score 2</b>	Enforcement action previously taken and prosecution or works in default (WID) for moderate or serious risks <b>Score 3</b>	Enforcement action previously taken including prosecution or WID for severe or extreme risks <b>Score 4</b>	Repeated enforcement action previously taken including prosecution or WID <b>Score 5</b>	Repeated enforcement action previously taken including prosecution or WID <b>Score 6</b>
Economic impact on offender <i>what is their income?</i>	Landlord with single property <b>Score 0</b>	Landlord with 2 properties <b>Score 1</b>	Landlord with 3-4 properties <b>Score 2</b>	Landlord with small portfolio 5 - 10 <b>Score 3</b>	Large landlord 10+ properties <b>Score 4</b>	Large landlord 20+ properties <b>Score 5</b>	Large landlord 50+ properties <b>Score 6</b>
Deterrent to offender	Noticeable <b>Score 1</b>	Noticeable <b>Score 2</b>	Noticeable <b>Score 3</b>	Moderate <b>Score 4</b>	Significant <b>Score 5</b>	High <b>Score 6</b>	High <b>Score 7</b>
Proportionate punishment compared to prosecution	Level 1 to 3 - <b>Score 1</b>	Level 4 - <b>Score 2</b>			Level 5 - <b>Score 4</b>		
Deterrent to others	Possible <b>Score 1</b>	Noticeable <b>Score 2</b>	Moderate <b>Score 3</b>	Moderate <b>Score 4</b>	Significant <b>Score 5</b>	High <b>Score 6</b>	High <b>Score 7</b>
Eliminate financial benefit of offence. <i>The penalty should exceed savings to the landlord of not doing works</i>	Penalty equivalent to cost of works <b>Score 1</b>	Penalty equivalent to cost of works <b>Score 2</b>	Penalty slightly higher than cost of works <b>Score 3</b>	Penalty 2x cost of works <b>Score 4</b>	Penalty 3x cost of works <b>Score 5</b>	Penalty 5x cost of work <b>Score 6</b>	Penalty more than 5x cost of works <b>Score 7</b>

## Matrix Scoring Sheet – Housing Disrepair and Overcrowding

								Officer scoring
Severity of offence	0	1	2	3	4	5	6	
Harm or potential harm to tenant	1	2	5	7	10	15	25	
Track record of landlord / agent	0	1	2	3	4	5	6	
Economic impact on offender	0	1	2	3	4	5	6	
Deterrent to offender	1	2	3	4	5	6	7	
Proportionate punishment compared to prosecution	1	2			4			Total points:
Deterrent to others	0-9	10-15	16-20	21-30	31-40	41-50	50+	Score range:
Eliminate financial benefit of the offence	£500	£1000	£2000	£5000	£7,000	£10,000	£30,000	Financial Penalty: £

## Electrical Safety Matrix

Electrical Installation Condition Reports (EICR) should be completed by a qualified electrician, and provide a guide to officers as to the severity of any hazardous elements of an electrical installation. The EICR, categorises hazards into risk-based classification codes. These are:

C1 – Danger present – Risk of injury. Immediate remedial action required

C2 – Potentially Dangerous – Urgent remedial action required

C3 – Improvement Recommended

First Offence	Second Offence	Subsequent Offences for C1 and / or multiple C2
C1 Codes present - £5,000	C1 code present - £15,000	£30,000
C2 codes present (4+) - £2,500		
C2 codes present (1-3) - £1,000	C2 codes (no C1 codes) - £10,000	
Failure to obtain EICR, with a satisfactory report being produced by the LHA under remedial action (no remedial works required) - £500		

This electrical matrix also takes into account the culpability of offender as penalties increase for subsequent offences. Offences under other Acts, such as the Housing Act 2004, have been considered, but will not impact on penalties for these Regulations as LHAs are already able to charge penalties specifically for those offences.

The severity of the offence, incorporating the harm posed to the occupants, is linked to the condition reported by the qualified electrician and the relevant penalty increases to reflect the number and/or type of hazardous conditions found.

Where a landlord has failed to provide a report, where the LHA takes remedial action to commission such a report, with the installation found to be in a satisfactory condition, a penalty will be imposed to reflect:

- the attitude of the landlord
- failure to comply with the requirement for the report to be carried out
- the cost of obtaining a report, with the penalty being a deterrent with a £500 maximum fine for this offence.

## SCORING MATRICES FOR OFFENCES RELATING TO HMOs:

### Matrix 1: Culpability/ Severity:

Offence:	Low	Medium	High
Not having an HMO licence	<p>Responsible person unaware of licensing requirement and had not been previously advised/ prompted by the LHA.</p> <p>Licence application and fee submitted quickly after offence identified.</p> <p>Responsible person a first time (inexperienced) landlord who is not a member of the RLA or working via an agent and HMO has been operational for less than 3-months.</p> <p>Responsible person unaware that his property has become an HMO and applies for a TEN when notified by the LHA.</p>	<p>Responsible person not a first-time landlord but does not have any HMOs within his portfolio.</p> <p>HMO has drifted into the mandatory licensing criteria due to a lack of proactive management by the responsible person.</p> <p>Responsible person is a member of the RLA/ELA and/ or is working in conjunction with a recognised estate agent.</p> <p>Responsible person has not been prompted by LHA to licence the HMO but is regarded as having sufficient experience of being a landlord to have known of the mandatory licensing criteria.</p>	<p>Responsible person has been notified of the need to licence the HMO or has previously been made aware of the mandatory licensing criteria by the Council or other agency but has failed to apply for a licence before it became occupied by 5 or more persons.</p> <p>Responsible person has provided false or misleading information in an attempt to obstruct/ deceive the LHA.</p> <p>Responsible person has provided false or misleading information or failed to provide adequate information that invalidates his licence application and continues not to provide the required information after being requested to do so.</p> <p>Responsible person continues to operate the house as a licensable HMO after the expiry of a TEN.</p> <p>Responsible person avoids applying for an HMO licence because they are not legally considered to be a fit and proper person.</p> <p>Responsible person is an experienced landlord that has or has had other HMOs in his portfolio.</p> <p>Responsible person wilfully obstructs the LHA and licensable HMO determination made by exercising a warrant of entry.</p> <p>Responsible person has been prosecuted previously for operate a house as an HMO without the requisite licence.</p> <p>The unlicensed HMO is being used to provide accommodation for persons who do not have the right to rent/ remain in the country and/ or have been victims of modern day slavery/ human trafficking.</p> <p>Responsible person is the subject of a Banning Order.</p>
<b>Financial Penalty</b> (as a stand-alone offence):	<b>£1,000</b>	<b>£2,000</b>	<b>£5,000</b>

## Matrix 2: Severity & Potential for Harm:

Offence:	Low	Medium	High
Failure to comply with the HMO Management Regulations:	<p>1 – 2 minor regulation breaches that do not pose a serious risk to the health, safety &amp; well-being of the occupants of the HMO and HMO otherwise in a good condition. For example, not displaying contact information; untidy gardens.</p> <p>1 – 2 regulation breaches that contribute to low scoring category 2 hazards when assessed using the HHSRS.</p>	<p>1 – 3 regulation breaches that could cause moderate or serious harm to the occupants of the HMO if not attended to.</p> <p>1 – 3 regulation breaches that have not been adequately addressed after being brought to the attention of the responsible person.</p> <p>Persistent mismanagement of the HMO that gives rise to repeated regulation breaches, that is, the same breaches occur time and time again and are only addressed when brought to the attention of the responsible person.</p> <p>1 – 3 regulation breaches that contribute to category 2 hazards when assessed using the HHSRS.</p>	<p>4 or more regulation breaches of any description.</p> <p>1 or more serious regulation breaches that contributes to a category 1 hazard when assessed using the HHSRS.</p> <p>4 or more regulation breaches that have not been adequately addressed after being brought to the attention of the responsible person.</p> <p>Failure to maintain fire safety equipment or implement adequate fire safety precautions.</p> <p>Serious and regular mismanagement of the HMO by the responsible person leading to frequent breaches of the HMO management regulations.</p>
<b>Financial Penalty</b> (as a stand-alone offence):	<b>£500</b>	<b>£1,500</b>	<b>£2,500</b>

## Matrix 3: Combined Offences:

Offence:		Not having a licence		
		Low	Medium	High
HMO Regulation breaches	Low	£1,500	£2,500	£5,500
	Medium	£2,000	£3,500	£6,500
	High	£3,500	£4,500	£7,500

## Matrix 4: Additional Considerations:

Factor to be considered:		Factor to be considered:
Responsible person has received a financial penalty within last 3-years.		Responsible person has received a financial penalty within last 3-years.
Responsible person has been previously prosecuted for Housing Act offences.		Responsible person has been previously prosecuted for Housing Act offences.
Responsible person has received a financial penalty within previous 12-months		Responsible person has received a financial penalty within previous 12-months
Case HMO was found to be in such a condition that warranted the service of an Emergency Prohibition Order		Case HMO was found to be in such a condition that warranted the service of an Emergency Prohibition Order
Case HMO was found to be in such a condition that warranted the taking of Emergency Remedial Action		Case HMO was found to be in such a condition that warranted the taking of Emergency Remedial Action
Responsible person is in breach of an Overcrowding Notice		Add £1000  Plus 2x the benefit received from additional rents collected or + £250 per person over the maximum occupancy stated in the Order, whichever is the greater sum.
Level of co-operation received following LHA's intervention:	First-time offender who co-operates fully with LHA with minimal intervention and follow-up action necessary.	Minus £1000
	Significant involvement by the LHA to achieve compliance.	Add £1000
	Significant lack of co-operation received from the responsible person resulting in further enforcement action.	Add £2500

## Matrix 2: Severity & Potential for Harm:

Matrix	Band/ Consideration:	Penalty Value (£):	Notes:
Culpability/ Severity			
Severity			
Matrix 3: Combined sub-total			
Additional Considerations	Responsible person has received a financial penalty within last 3-years.		
	Responsible person has been previously prosecuted for Housing Act offences.		
	Responsible person has received a financial penalty within previous 12-months		
	Case HMO was found to be in such a condition that warranted the service of an Emergency Prohibition Order		
	Case HMO was found to be in such a condition that warranted the taking of Emergency Remedial Action		
	Responsible person is in breach of an Overcrowding Notice		
Level of co-operation received following LHA's intervention:	First-time offender who co-operates fully with LHA with minimal intervention and follow-up action necessary.		
	Significant involvement by the LHA to achieve compliance.		
	Significant lack of co-operation received from the responsible person resulting in further enforcement action.		
Total penalty amount:			