

# Housing Overview and Scrutiny Committee



SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL

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Tuesday, 31 March 2026 at 2.00 pm  
Council Chamber, South Kesteven House,  
St Peter's Hill, Grantham NG31 6PY

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**Committee Members:** Councillor Lee Steptoe (Chairman)  
Councillor Zoe Lane (Vice-Chairman)

Councillor Kyle Abel, Councillor Emma Baker, Councillor Gloria Johnson, Councillor Anna Kelly, Councillor Bridget Ley, Councillor Charmaine Morgan and Councillor Susan Sandall

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## Agenda

This meeting can be watched as a live stream, or at a later date, [via the SKDC Public-I Channel](#)

- 1. Public Speaking**  
The Council welcomes engagement from members of the public. To speak at this meeting please register no later than 24 hours prior to the date of the meeting via [democracy@southkesteven.gov.uk](mailto:democracy@southkesteven.gov.uk)
- 2. Apologies for absence**
- 3. Disclosure of Interest**  
Members are asked to disclose any interests in matters for consideration at the meeting.
- 4. Minutes of the meeting held on 5 February 2026** (Pages 3 - 21)
- 5. Announcements or updates from the Leader of the Council, Cabinet Members or the Head of Paid Service**
- 6. New Build and Acquisitions Update** (Pages 23 - 28)

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† 01476 406080

Karen Bradford, Chief Executive

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To provide the Committee with an update on the new build and acquisitions pipeline.

- 7. Homelessness and Rough Sleeper Update** (Pages 29 - 34)  
To update the committee on the status and recent activity in SKDC's Homelessness and Rough Sleeper services
- 8. Garage Site Update** (Pages 35 - 38)  
To provide an update to the committee on the Councils district wide garage site stock condition survey.
- 9. Housing Performance Data February 2026** (Pages 39 - 69)  
To present the Housing Overview and Scrutiny Committee with the Housing Performance Data to 28 February 2026.
- 10. Corporate Enforcement Policy Update - Private Sector Housing** (Pages 71 - 140)  
The report details the amendments to Appendix C - Private Sector Housing Approach to Investigation and Enforcement of the Corporate Enforcement Policy following the introduction of new legislation and associated Government Guidance, for approval by Housing Overview and Scrutiny
- 11. Tenant Satisfaction Measures Survey** (Pages 141 - 160)  
To update the Housing Overview and Scrutiny Committee with the results from the annual Tenant Satisfaction Measures Survey
- 12. Work Programme 2025/26** (Pages 161 - 162)
- 13. Any other business which the Chairman, by reason of special circumstances, decides is urgent**

## Meeting of the Housing Overview and Scrutiny Committee



SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL

Thursday, 5 February 2026, 2.00  
pm

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### Committee Members present

Councillor Lee Steptoe (Chairman)  
Councillor Zoe Lane (Vice-Chairman)  
Councillor Emma Baker  
Councillor Gloria Johnson  
Councillor Bridget Ley  
Councillor Charmaine Morgan  
Councillor Tim Harrison

### Other Members present

Councillor Ben Green

### Cabinet Members

Councillor Virginia Moran, Cabinet Member Housing

### Officers

Alison Hall-Wright, Director of Housing and Projects  
Sarah McQueen, Head of Service, Housing  
Mark Rogers, Head of Service, Technical  
Phil Swinton, Head of Service (Health & Safety, Emergency Planning and Housing Compliance)  
Tom Amblin-Lightowler, Environmental Health Manager, Environmental Protection and Private Sector Housing  
Suniel Pillai, New Builds Project Officer  
Lucy Bonshor, Democratic Officer

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The Chairman of the Committee stated that with the Committee's permission, he intended to change the order of the agenda. Members had been circulated with the proposed new agenda order and he asked if any Member objected to the proposed changes. No objections were received.

### 45. Public Speaking

There were no public speakers.

#### **46. Apologies for absence**

An apology for absence was received from Councillor Anna Kelly, who was substituted by Councillor Tim Harrison.

#### **47. Disclosure of Interest**

None disclosed.

#### **48. Minutes of the meeting held on 4 December 2025**

The minutes of the meeting held on 4 December 2025 were proposed, seconded and agreed.

#### **49. Announcements or updates from the Leader of the Council, Cabinet Members or the Head of Paid Service**

On behalf of the Leader of the Council, the Cabinet Member for Housing stated that housing enquiries from Councillors were recorded and the number of enquiries had reduced from 288 in 2024/25 to 144 in 2025/26 with two months of the year still to go. It was requested that any enquires made direct to any Cabinet Member or Officer in respect of housing should also be sent to [housingenquiry@southkesteven.gov.uk](mailto:housingenquiry@southkesteven.gov.uk) to enable the enquiry to be given a reference number to enable the enquiry to be logged. One Member asked if multiple enquiries should be sent individually and made reference to a submitted enquiry that had four or five "questions". It was stated that the Head of Service (Housing) would look into this and respond back to Members.

#### **Agenda reordered from that published originally**

#### **50. South Kesteven District Council Tenancy Agreement**

The Cabinet Member for Housing presented the report which detailed the review of the Tenancy Agreement which had been undertaken, it had last been reviewed in 2020. Several changes had been made and these were shown at paragraph 3.1 of the report and included changes to chapter headings and their content. Changes had been made to comply with current legislation, support the effective management of tenancies, properties and neighbourhoods and improve clarity and accessibility for tenants.

A workshop had been held with Members in September 2025 where proposed changes had been discussed in detail. Throughout the review and the revisions made, Council Officers from different departments had been consulted so the Cabinet Member for Housing asked the Committee to recommend the document to Cabinet for approval.

The following comments in respect of the document were made:

- Common themes reported by those accessing the Citizens Advice Bureau for advice related to information regarding how to contact the Council so could key contact details be reproduced on a card. It was noted that the Tenants Handbook contained all relevant information and if a tenant had lost their copy replacements could be made on request.
- It was noted that the SKyline magazine, was available to all Council tenants and regularly updated tenants with information.
- A question was asked about what had changed in respect of pets. It was noted that the heading had been changed to Pets and Animals with more clarity around permissions required.

The Tenancy Agreement was proposed, seconded and agreed for recommendation to Cabinet.

**Recommendation**

***That the Housing OSC recommends the draft South Kesteven District Council Tenancy Agreement to Cabinet for approval.***

**51. New Asset Management Strategy**

The Cabinet Member for Housing presented the report on the New Housing Asset Management Strategy. All social landlords are required to have an up to date asset management strategy which sets out how they will ensure that their properties remained safe, suitable, affordable and efficient in the long term.

An asset management strategy identifies the key priorities for the effective management of the Council's housing assets balancing tenants need with financial viability and provided a strategic framework for making decisions from repairs and improvements which ensured that Council's housing assets supported the wider corporate plan objectives.

The purpose of the Strategy was highlighted at paragraph 3.1 of the report. Consultation had been undertaken with the Housing OSC, the Housing Management Team and a resident workshop and online consultation had also been carried out, although the take had been poor with only three respondents.

The Assessment Management Strategy set out how the Council would ensure that properties remained safe, suitable, affordable and efficient in the long term improving the quality of homes and having governance structures in place.

Questions were asked about how the disabled adaptations budget was allocated from Lincolnshire County Council, to which both the Head of Service, Technical and the Head of Service, Housing responded.

A further question was asked about the replacement of bathrooms and kitchens and the numbers involved year on year to which the Head of Service, Technical replied.

Following comments made by the Committee the New Asset Management Strategy was proposed, seconded and recommended for approval to Cabinet.

### **Recommendation**

***That the New Asset Management Strategy was recommended to Cabinet for approval.***

## **52. New Voids Policy**

The Cabinet Member for Housing presented the report which concerned a review of the Voids Policy. Social landlords needed a Voids Policy in place to manage properties between tenancies to minimise financial losses, maintain home quality and support a quick turnaround for new tenants.

The key considerations of the Policy were:

- Minimise the length of time a property is empty, and the amount of rental income lost.
- Let the property in a clean and safe condition that meets the Council lettable standard.
- Meets residents needs and maximises resident satisfaction.
- Provides value for money to the Council.

Social landlords must adhere to several regulations as listed in the policy. Lack of compliance could place a landlord at risk of prosecution or financial penalties and reputational damage.

Consultation on the policy had been carried out with the Housing OSC, the Housing Management Team, the Voids Team and residents had been consulted via a workshop and online.

Reference was made to the tenancy terms and conditions and it was highlighted that in instances of bereavement the Council gave 28 days.

Comments on the policy followed with the following being raised:

- Replacement of flooring - in some instances flooring had been asked to be kept by new tenants but on moving in the flooring had been removed. It was stated that flexibility needed to be managed better in some areas of the Policy, however in some cases it was for health and safety reasons that flooring had been removed.

- The improvement of turnaround times – it was noted that Internal Audit had requested that the Voids Policy be reviewed.
- Checking of components left behind in a property such as blinds – all components left behind would be checked from a health and safety perspective, anything that failed would be removed.

The improvement in the turnaround in the time taken to process void properties was wonderful to see and the Team should be congratulated on the work to reduce the vacant time period.

Members were thanked for their comments and it was proposed, seconded and recommended that the Voids Policy be submitted to Cabinet for approval.

### **Recommendation**

***That the Housing Overview and Scrutiny Committee recommends the Voids Policy to Cabinet for approval.***

## **53. Homelessness and Rough Sleeper Update**

The Cabinet Member for Housing presented the regular update report in respect of homelessness and rough sleepers in the District. The report highlighted the service pressures, partnership working and funding received. The report also highlighted the work undertaken by Change4Lincs, the outreach services, temporary accommodation levels and the continued focus on homelessness prevention.

During the winter period the Council in partnership with the Ark had again opened the Night Shelter. The shelter had opened on 10 November 2025 and had been accessed by 18 individuals whilst it had been open. Of these 12 had been successfully supported into more permanent accommodation through collaborative partnership working between South Kesteven District Council and Living Concepts. The cost of opening the Night Shelter had been £15,200, however if the Night Shelter had not been utilised the Council would have incurred approximately £27,000 in costs for nightly paid accommodation over the same period. The use of the Night Shelter had therefore delivered a significant cost saving in addition to the housing outcomes achieved.

One Member asked if the costs around homelessness were increasing or decreasing. The Head of Service, Housing stated that it was difficult to know until year end spending was known as it is a demand driven service.

Officers were thanked for including veteran numbers in the figures but a question was asked about whether any had been referred by the criminal justice system and whether any were homeless or on the streets.

The Head of Service, Housing stated that she would take the question away as she didn't currently have the information to hand, as each were assessed on a case by case basis.

The Director of Housing and Projects indicated that people were signposted to additional information and support available.

Thanks were given to the work undertaken in respect of the Night Shelter with reference being made to the homeless problem in Skegness and the option of supplying pods for the homelessness. The Head of Service, Housing stated that she was aware of the work being done in Skegness, however each area had different demands and when the temperatures rose there appeared to be less demand for accommodation like the Night Shelter, therefore it was felt that an all year provision would be less cost effective. The homelessness team had to balance the needs of the individual against the budgets available and anything that was put in place had to be cost effective. Further discussion followed in respect of those who were rough sleeping in tents and the complex needs that they had. The Chairman advised the Member who was interested in topic to talk directly with the Head of Service, Housing.

A comment was made in respect of the number of local properties used for the national resettlement scheme and what pressures this put on the Council's housing stock. It was noted that this figure was not part of the report before Members as the properties were managed by the Home Office and their collective contractors. Therefore it was not a duty placed on the Council.

Members noted the report.

#### **54. New Build and Acquisitions Update**

Members received a verbal update from the Cabinet Member for Housing on the new build and acquisition programme. The supply of housing continued to be a core corporate priority and the programme directly supported the Council's commitment to supplying homes that were safe, high quality, sustainable and suitable for resident's needs.

**Larch Close, Grantham** – Construction was moving forward, a short delay had been encountered in respect of a sewer diversion but this had been resolved and the development was on track for completion in December 2026.

**Wellington Way, Market Deeping** – Further ground investigations had found unforeseen conditions due to the historic use of the site. Additional remedial work would be required and a separate report would be going to Cabinet requesting an increase in the budget.

**Toller Court, Horbling** – The development was for a three accessible bungalows. Cabinet had awarded the contract at their meeting in January 2026. The scheme would incorporate low carbon heating, solar PV and EV charging.

Pipeline schemes were progressing at Kesteven Road, Stamford and Bourne Road, Colsterworth with design, development and early engagement further consultation was planned before the submission of planning permission.

The Council continue to take a hybrid approach combining construction with selective acquisitions where appropriate. Homes England funding had been secured to support future feasibility work.

The Lumby's Terrace sales were currently progressing with all properties under offer. Receipts would be reinvested in to replacement affordable housing. The housing pipeline was being actively managed and risks addressed through proper governance.

The report was for noting.

One Member questioned whether the Council had noticed an increase in costs given the current economy and whether this would have a “knock on” effect with regard to the spending that was available. The Member also asked about St Peter's House as he had been given various dates which had all now passed. The Director of Housing and Projects informed the Committee that she would bring a report back to Committee with regard to the St Peter's House property.

In relation to new builds it was stated that financial assessments were carried out before going out for procurement. All schemes currently had fallen within the budget estimate originally allocated, if this changed Members would be made updated accordingly.

One Member asked about parking in respect of the Kesteven Road development as the road was narrow and cars parked on the road causing obstruction. It was confirmed that the new units would have one or two parking spaces provided.

A further question was asked in relation to the properties that Lincolnshire County Council were disposing of and it was stated that Officers from South Kesteven District Council worked closely with Officers from Lincolnshire County Council and were aware of properties being offered for disposal.

A comment was made about the Wellington Way development and what was known about the site which had previously been an RAF base and the condition. It was confirmed that contaminated material needed to be removed from the site, options had been considered which had included removing one property from the development, but the costs involved would have been extensive as new consultation would have had to be carried out, new plans drawn up, new designs carried out, new planning permission applied for, It was more cost effective to remove the contaminated material.

The Director of Housing and Projects stated that when the financial assessment was carried out on the site, the additional budget required fell within the original budget allocated to the project so the scheme was still financially viable. The Committee were informed that processes had been changed to ensure all survey work was carried out on site before contracts were procured.

Members noted the update.

## **55. Housing Performance Data December 2025**

The Director of Housing and Projects introduced the item which covered housing performance within the Housing Service, covering technical service, housing management and compliance.

The Head of Service, Technical went through that part of the report which covered his section highlighting key achievements and areas where improvements were required.

### Repairs Call Handling

Call handling was all ahead of target. There had been a drop in call handling in December which was due to holidays and less days at work during the period.

### Reactive Repairs – All Repairs

Productivity was down in December with a high number of repairs works in progress which was again down to less working days in December. A Member asked a question about this, to which the Head of Service, Technical responded that this was a seasonal “norm” which was to be expected. What they didn’t want to see was a significant increase in the number of overdue as this was an aspect that had been worked on over the last 18 months. It was expected that in January the figures would reduce. Reassurance was given to the Committee that emergency jobs were checked for completion regularly. Completion of all repairs jobs was down to 35 days which was a big improvement from the previous figures of 44 and 48. It was noted that the Council was getting quicker at carrying out repairs which was reflected in the TSM survey responses.

### Reactive Repairs – In-House

There was a slight increase in the Work in Progress numbers and the non-emergency completion on times were just below target. Performance was fairly stable with the in-house repairs team which carried out most of the repairs.

### Reactive Repairs – Sureserve

A number of repairs were being received in respect of heating and that was reflected within the Work in Progress and the number of overdue jobs. It was noted

that this was part of the seasonal “norms” that put pressure on the service and there was a drop in performance. Emergency performance was positive at 97% and figures were checked by Officers to ensure work had been completed. One of the jobs for the newly appointed Officer was to monitor and improve the completion of those jobs.

### Reactive Repairs – Other Contractors

It was noted that new contractors were being mobilised but the figures before Members did not reflect the new mobilisation. Due to the low numbers involved if one job was late that had a big impact on the performance figures. Going forward these figures should reduce. Average time was reducing.

### Damp and Mould

The new Damp and Mould Team had been established for some time and the results of the work could be seen in the data before Members. Weekly meetings took place to review performance which was reflected in the amount of green shown on the slide, especially as winter was the most challenging time for damp and mould issues and it reflected the amount of additional resources used.

### Voids

There had been a sustained management of performance in respect of voids and that could be seen in the data before the Committee which had halved from 100 in March 2025 to 50 in December 2025. Housemark bench marking standard had been included on the slide. The Council was performing in line with the medium quartile. Currently it was 45 days for a standard void and 43 for the sector. It was noted that the Head of Service, Technical had an additional slide in respect of benchmarking with other Social Landlords and that would be circulated to Members.

### Customer Satisfaction

This showed a positive performance, which when benched marked with Housemark showed the Council was in the medium quartile.

### Planned Works

An improved position, delivered against our programme with a number of completions against planned works. The forecast was being reviewed to make sure the Council delivered against the targets set. Focus was being kept on kitchen, bathrooms and external refurbishment.

### Asset Management

99% properties were classed as Decent Homes standard, with 24 properties being classed as non-decent which was the focus of work. Reviews were continually

being carried out and it was expected that the work on the non-decent properties would be completed by year end.

### Stock Condition

It was noted that 9% of properties had a survey which was over five years old and that was due to being unable to gain access to properties to carry out surveys. Three attempts were made before support from housing was requested to try and gain access. It was hoped that by year end they would be close to 100%.

Members discussed the performance before them with comments being made in respect of the fantastic work undertaken by the Damp and Mould Team, whether the targets needed to be stretched, the overall improvement and the concerns around the repairs backlogs, the customer satisfaction response rate and risks around not completing stock condition surveys on time.

The Head of Service, Housing then presented the slides which covered Housing Services Performance.

### Allocations and Lettings Call Handling

There was a dip in the number of calls in December due to holidays, but call handling was consistently hitting above the target of 90%.

### Housing Options

Numbers in temporary accommodation had increased slightly in December, there had been a fall in the number of active homelessness cases. The Chairman commented about the lack of colour and the Head of Service, Housing stated that it was difficult to colour code targets around housing options and homelessness due to the inability to know who would be coming asking for help from the service. The number of successful homing outcomes had been added to the bottom of the slide.

### Allocations

The number of housing register applications waiting for assessment had decreased, the checks carried out were stringent and therefore did take time as circumstances could range vastly with complex assessments required. The numbers were reducing gradually. The numbers within the Bands reflected what Officers expected to see at the different times of the year. It was noted that the data before Members was a snapshot at a specific time.

### Tenancy Management

Reference was made to the number of Anti-Social Behaviour reports which did not reflect the number of cases. The number of RTBs had declined due to the changes in the RTB regulations. It was noted that the number of Tenancy Checks due could be colour coded to reflect the tolerances. MESNE was when a person was

occupying a property, liable for use and occupation charges, but was not a tenant. This could occur after an unsuccessful succession for example.

Members were reminded that a Glossary of Terms was attached at the end of the appendix.

Questions were asked about overdue checks and it was stated that these were in excess of the target, whether credit points in respect of time being in a particular Band were given, this was not the case, however applications received from veterans were prioritised within Bands. It was noted that relationships/partnership working with Housing Associations were very good and that there was a new Senior Officer in post which would hopefully strengthen that relationship. The Chairman indicated that an overview in respect of Housing Associations could be a future topic for the Committee.

### ➤ **Action**

***That an overview of Housing Associations and the Council's relationship with them be an agenda item for a future meeting of the Committee.***

### Compliance

The Head of Service, Health & Safety, Emergency Planning and Housing Compliance stated that compliance for legionella, asbestos, fire risk assessment, lifts and Smoke/CO were all at 100%. There had been a slight drop in gas but this was seasonal and to be expected. EICR was slowly improving however, it was noted that those who were non-compliant were new and it wasn't the same set of properties.

### Fire Risk Assessments

Members were shown a slide showing the remedial actions in respect of Fire Risk Assessments (FRA). Although the slide showed outstanding actions of 603 the Head of Service, Health & Safety, Emergency Planning and Housing Compliance informed the Committee that this was now 504. From when the slide was published the medium actions had reduced from 118 to 115. 30% of the issues highlighted for action were in respect of new bin storage areas, there was nothing actually wrong with the building from a FRA, it was where a new bin store was to be located which needed to be determined and consultations needed to be carried out with residents. The remedial actions had reduced significantly since April 2025 with a colossal amount of work being carried out.

### Housing Compliance – Gas Remedial Actions

Again Members were reminded that this was a relatively new addition to the performance data shared with Members. The total number of remedial actions currently outstanding was 35. None of the items shown were critical to life or property function.

## Housing Compliance – EICR Remedial Actions

It was noted that C1 and C2 remedial actions were completed/made safe on site. The remedial actions outstanding related to non-urgent repairs or parts that needed replacing.

Members congratulated Officers on the work being undertaken. The Director of Housing and Projects stated that targets needed to be reviewed but that Officers had to be mindful of the budgets available so targets had to be realistic and within budget.

### **56. Tenancy Strategy**

The Cabinet Member for Housing presented the report which detailed a draft Tenancy Strategy 2026-2031. The Council had a statutory duty under the Localism Act 2011 to have a Tenancy Strategy in place that gave a clear framework of how Registered Providers of social housing managed tenancy types, lengths and renewals. Key aspects of the Strategy were:

- Security and Stability for Tenants
- Best use of Housing Stock
- Consistency and Clarity
- Partnership Working
- Safeguarding, Equality and Domestic Abuse

The Strategy had been discussed at a Workshop with Members on 7 January 2026 and was currently open for public consultation which would close on 11 February 2026, details could be found on the Council's website.

One Member asked how many underoccupied houses the Council currently had. The Director of Housing and Projects stated that a Tenant Census would be undertaken over the coming months working with Acuity to collect data and identify who was living in the properties. Currently the Council relied on tenants to notify the Council if their circumstances had changed. The information would be available later on in the year.

A further question was asked in respect of speaking to other sections about individuals living at a property, it was noted that GDPR may come into that but the Director of Housing and Projects stated that she would have a conversation to see what could be shared having regard to GDPR.

#### **➤ Action note**

***Check to see if there are any data sharing agreements in place with Council Tax Section.***

A questions was asked about breaking down the information shown on page 34 of the agenda pack in relation to Grantham Southeast; however it was noted that this was 2021 census information but the Head of Service, Housing indicated that she would look into whether the information could be broken down further. It was noted that this would have cost implications to carry out this work which would not necessarily give an accurate figure.

The Cabinet Member for Housing reminded Members that costs and fees in respect of resourcing work in relation to HMO's was going to Council at the end of February 2026. The Member who had raised the issue indicated that there were two areas, the fees for HMO's and registering new properties and the quality of life for people living in HMO's and inspections.

The Director of Housing and Projects reminded the Committee that the Tenancy Strategy related to social housing not private sector housing which HMO's came under.

Further questions were raised about the content of the draft strategy in relation to the type of housing to which the Head of Service, Housing responded.

The draft strategy was proposed, seconded and agreed to be recommended to Cabinet for approval.

### **Recommendation**

***The Housing Overview and Scrutiny Committee recommends the draft Tenancy Strategy to Cabinet for approval.***

*(The meeting was adjourned between 15:46 – 16:00)*

*(Councillor Susan Sandall left the meeting at 15:45 and did not return)*

## **57. Renters Rights Act**

The Cabinet Member for Housing introduced the item which concerned the new Renters Rights Act 2025. An overview of the Act would be given by the Environmental Health Manager, Environment and Private Sector Housing. Those leading on this were Ayeisha Kirkham, Head of Public Protection and Tom Amblin-Lightowler, Environmental Health Manager, Environmental Protection and Private Sector Housing. The Renters Rights Act 2025 would bring about a substantial change to the Private Sector Housing and place a significant burden on the Council in its capacity as the local housing authority. It was implementing changes to tenancies and the way the sector operated.

The Environmental Health Manager, Environmental Protection and Private Sector Housing then went through the presentation with the Committee.

The Government had set out a Roadmap on how the Act was to be implemented as it was a vast piece of legislation.

- 27 December 2025 – New investigatory powers for Local Authorities e.g. asking for additional information from individuals operating in letting activity, also access to financial records, allowing entrance to businesses. Under the existing regime Local Authorities had no power to enter businesses. The new powers allowed access to businesses to seize documentation or ask for additional information. This related to offences under the Renters Rights Act and existing offences under the Housing Act 2004. It also extended Section 235 of the Housing Act 2004 which was for requests for documentation and powers of entry under Section 239. These were being looked at to see how they could be integrated in to existing activities.
- The bulk of the changes for Phase 1 would come into effect on 1 May 2026, this included tenancy changes.
- Late 2026 would be when the Private Rented Sector Database and Landlord Ombudsman came into effect although no dates had been given.
- Phase 3 around Decent Home Standard was due to come in 2035 together with Awaabs Law which already affected social landlords and the Council as a social landlord provider. This would have a significant impact on a very large scale and currently there was little detail on how this would be carried out.

Overall milestones that the Government had set were shown on the slide and could be accessed through the Government website: [www.gov.uk](http://www.gov.uk) .

Phase 1 included:

- Abolishment of Section 21s “no fault” evictions
- Introduction of Assured Periodic Tenancies
- Reform in respect of Possession grounds
- Limit rent increases
- Ban rental bidding and rent in advance
- Make it illegal to discriminate against renters
- Require landlords to consider pets
- Strengthen enforcement actions and rent repayment orders

It was an extensive overhaul and most would be the responsibility of the local authority to enforce which would increase the burden on the statutory function substantially. The key point was the abolishment of “no fault” evictions, Section 21 Notices to end a tenancy would be banned from 1 May 2026. It was noted that any in progress up to 1 May 2026 would be allowed to proceed to the courts as long as the period did not exceed six months, if this was exceeded the notices would become invalid and could not be enforced.

Also short, assured tenancies (6 – 12 months) would no longer be allowed with tenancies becoming open ended. Existing tenancies would have to be notified of the changes to their tenancy from the 1 May 2026 and this documentation was being produced by the Government to be provided by the landlord to the tenant.

Any tenancy signed after the 1 May 2026 would need to be written tenancies, currently in England no written statement of particulars was required, however this would be required from 1 May 2026 and conditions specified, information was awaited from the Government in respect of what was required to be included to comply with the Renters Rights Act 2025.

Existing possession grounds were being looked at with and existing grounds were being strengthened with work ongoing. Rent increases would be limited to once per year and would not occur in the first 12 month period. Two months' notice must be provided by the landlord and a template provided. Disputes in respect of rent would go to the residential property tribunal. Bans had been put in place in respect of rental bidding and paying rents in advance.

There was now no discrimination against renters and pets were to be considered by landlords where reasonable to do so. It was stated that relevant guidance in respect of this was due to be released in the coming weeks. Also the new Act strengthened enforcement and repayment orders with new legislation in place to ensure compliance.

## Phase 2

This was expected late in 2026 although no date had been confirmed. Phase 2 had been broken down into two key components, the landlord and rental property database. Every landlord would need to be registered on the national portal, currently pilots were being undertaken in certain areas one of which was Plymouth. It was not known what this would look like as no details were available. Once this had been completed stage two would be rolled out for further public access. The database would include landlord details, property details and compliance documentation (gas, electrical and EPC certification). It was the local housing authority's duty to ensure that landlords accurately register their property. The Council was not the owners of the database but were the responsible authority for it being rolled out and ensure that landlords are registering on the database.

The second part of Phase 2 was the establishment of an ombudsman body to deal with disputes in the private rented sector. The Government would identify a scheme administrator and the Secretary of State would select which administrator will carry out the scheme. Once this was announced there would be a 12-18 month period to gear up for the administration, resources and staff etc. Stage 2 would be the rollout to landlords to be registered and was expected during 2028. It would be the local authority responsibility to ensure that landlords were members of the schemes.

Work was being done to get ready for the implementation. An Officers working group has been established for the service areas that are impacted by the Renters Rights Act to work together towards effective implementation. One key area included the Head of Service, Housing's area in terms on homeless applications for illegal evictions. Other areas were the Private Sector Housing Team who were leading on the Renters Rights Act and the statutory enforcement function. The Private Sector Housing Team would be recruiting new posts, pending budget

approval to help resource what would be a substantial amount of work that would be required.

Questions were asked in respect of the new burdens being placed on the local housing authority and whether the Government had provided funding to alleviate this burden to which both the Environmental Health Manager, Environment and Private Sector Housing and also the Director of Housing and Projects responded.

The Chairman stated it was the most significant piece of legislation that affected the housing rental sector in years and he asked that the Committee be kept updated when more information from Government became available.

Members noted the update.

## **58. Sheltered Housing Service Charge Review**

The Cabinet Member for Housing presented a report which identified recommendations following an independent review of service charges at Sheltered Housing Schemes. The Committee was asked to note the progress made to date on the review of service charges and review the actions proposed to progress the review.

The charges were based on the facilities that were provided at the Sheltered Housing Schemes across the district.

Facilities could include:

- Communal rooms
- Laundry
- Community Heating Schemes
- Water and Sewerage

The Council did not have comprehensive usage data for the communal rooms or the laundry facilities; therefore it was recommended that a survey was undertaken with tenants to establish how the facilities were used and this would inform any decision taken in respect of the future provision. Due to the number of communal rooms it was recommended that a pilot review was undertaken to allow learning to be applied to other schemes not used in the pilot.

Members were referred to paragraph 2.7 of the report and the schemes listed to be part of the pilot review and the reasons for this selection.

The communal heating charge was recommended for review as energy costs had increased and the Council needed to ensure that the costs were being recovered from tenants for providing the heating such as corridors, communal rooms and flats with the district heating in place.

There were 24 guest bedrooms at 20 of the main Sheltered Housing Schemes. There was a lack of usage of these facilities and it was recommended that a survey was undertaken to find out why these weren't used to help inform any decision made in respect of the guest bedrooms in the future.

Results of the surveys undertaken would be reported back to the Committee in due course.

One Member questioned the letting of communal rooms by the Council, even though residents did pay a fee for a facility that they potentially couldn't use when it was hired out. The Director of Housing and Projects stated that she would be happy to include this within the review and the surveys undertaken.

Members noted the report.

## **59. Garage Sites Update**

The New Build Project Officer briefly updated the Committee on the current position in respect of garage sites. All surveys in respect of the garages should be complete by the end of March 2026. It was expected that the surveys would come through mid-April where they would be looked at from a development perspective. Further feasibility studies would be undertaken using funding allocated from Homes England with proposals put through the planning application process.

A Member asked when the report would come before the Committee. The Director of Housing and Projects stated that a high level report was due to come to Committee on 31 March 2026. She informed the Committee that funding had been applied for from Homes England, sadly this had not been allocated, the Council had missed out by one point, but following communication with MHCLG, the Council had been allocated £180,000 which was being used to fund the garage site survey work. Following the survey work funding would be used to look at those sites which had the potential to be developed with feasibility studies being carried out using the funding.

A question was asked about the number of garage sites and it was stated that all 864 were being looked at to inform any future investment and decisions regarding those garage sites.

Members noted the update.

## **60. 2025/26 TSM Results presentation**

The Director of Housing and Projects thanked the Chairman for allowing the extra item to be included on the agenda, a report would be coming to the next meeting of the Committee, but the Director wanted to share the results of the Tenants Satisfaction Survey (TSM) with the Committee especially as they reflected the amount of work being undertaken by the Housing Team.

The Director of Housing and Projects reminded the Committee that there was a mandatory requirement by the Regulator, placed on all Social Landlords to comply with the transparency, influence and accountability standard. The Council had chosen to undertake the TSM survey in two waves with one taking place earlier in the year and the results presented to the Committee in October 2025 and the second wave taking place in November 2025.

A reason for undertaking the TSM Survey in two waves was to monitor the additional work that was being undertaken in the repairs service and the tenant engagement service to see if the improvement were reflected in the tenant satisfaction measures.

Neighbouring authorities carried out their surveys at different times, quarterly, annually and some half yearly. What could often be seen was a spike in an improvement in the repair service in the summer months and a reduction in satisfaction with Anti-Social Behaviour and a reversal of these areas during the winter months. The Director of Housing and Projects wanted to see if this was reflected in the results and whether the improvements to services carried through to tenants satisfaction.

The results from the TSM Survey were submitted to the Regulator annually who produced a report that analysed the results from Social Landlords which have a thousand or more houses.

Acuity had undertaken the survey on behalf of the Council and had received 550 completed survey responses and 30 incomplete responses. The survey could be completed online which allowed for incomplete surveys to be submitted. 131 surveys were completed online with 451 completed by telephone. The Director of Housing and Projects indicated that she would query the figure with Acuity as it added up to 582 not 580.

There were 12 mandatory questions within the survey which allowed the Regulator to have consistent data to enable benchmarking with other landlords.

Members were then presented with a slide which showed a positive movement in 12 out of the 15 areas listed. A reduction was shown in communal areas, repairs in the last 12 months and the time taken to carry out repairs. It was noted that the repair data reduction was minimal.

The Director of Housing and Projects reminded Members that the Council had carried out an exercise earlier in the year where tenants had been asked to remove personal items which were stored in communal areas (bikes, pushchairs etc) due to fire risks. It was felt that the 8% reduction in communal areas was a result of this exercise but it would continue to be monitored. No high levels of complaints were received in respect of communal areas, but it was acknowledged that if you lived on the second floor you needed somewhere to store your bike and options were currently being looked at to improve storage facilities.

**61. Work Programme 2025/26**

The Chairman asked if Members had anything to add to the Work Programme other than the standing items listed. One Member asked about setting new targets and the Director of Housing and Projects indicated that a workshop could be arranged at which various policies and new targets could be discussed.

A further question was asked in respect of HMO's and the Chairman stated that this was to be discussed at Council at the end of February and depending upon what was reported, would influence whether the Housing OSC looked at it further. The Director of Housing and Projects stated that she would take the issue of monitoring HMO's and have a conversation with the relevant Officers to see what could realistically be implemented.

**62. Any other business which the Chairman, by reason of special circumstances, decides is urgent**

None.

**63. Close of meeting**

The meeting closed at 4:48pm.

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**SOUTH  
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## Housing Overview and Scrutiny Committee

Tuesday, 31 March 2026

Report of Councillor Virginia Moran  
Cabinet Member for Housing

### New Build and Acquisitions Update

#### Report Author

Suniel Pillai, New Build Project Officer  
Megan White, Corporate Project Officer

✉ suniel.pillai@southkesteven.gov.uk,  
megan.white@southkesteven.gov.uk

#### Purpose of Report

To provide the Committee with an update on the new build and acquisitions pipeline.

#### Recommendations

**The Committee is recommended to note the content of this report.**

#### Decision Information

Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Housing
Which wards are impacted?	(All Wards);

## 1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

### ***Finance and Procurement***

- 1.1 The HRA Capital Programme includes a New Build dedicated budget and the schemes outlined in this report are being delivered against that budget. Regular monitoring is undertaken to review progress against the spend projections. As outlined in the 2026/27 budget report to Council it is anticipated that an element of this budget will be carried forward into the next financial year as most of the schemes will not be fully delivered before 31 March 2026.

*Completed by: David Scott – Assistant Director of Finance and Deputy s151 Officer*

### ***Legal and Governance***

- 1.2 This is an update report for noting, there are no governance implications.

*Completed by: James Welbourn, Democratic Services Manager*

## 2. Background to the Report

- 2.1 The purpose of this report is to provide the Committee with an update regarding the new build housing pipeline and purchases using Right to Buy capital receipts.
- 2.2 The approved Corporate Plan 2024-2027 clearly sets out how South Kesteven District Council intends to meet the mission “to ensure that all residents can access housing which is safe, good quality, sustainable and suitable for their needs and future generations.”
- 2.3 The Corporate Plan, Priority 4 identifies ‘Housing’ as a key priority with high quality housing essential for all, and the Council is committed to working with partners to provide this by:
- Facilitating a range of appropriate and sustainable housing and community facilities for future generations and the emerging needs of all our communities.
  - Delivering exemplary and high-quality services for housing and homelessness.
  - Increasing the supply of sustainable and high-quality Council-provided housing.

- Working with developers and private landlords to ensure sustainable, affordable, and high-quality housing is facilitated.

2.4 There are several pipeline schemes within the district that are at various stages of development, an update on each one is as follows:

#### 2.5 **Larch Close, Grantham (21 Units)**

- The scheme comprises of 21 affordable dwellings and is currently in the construction phase. The scheme is being delivered by Mercer Building Solutions.
- Plots 1 and 2 have reached wall plate level with the roofs pitched for tiling.
- Plots 3 and 4 have progressed to first floor level.
- Plots 5 and 6 have completed oversite works and are advancing through superstructure brickwork, with foundations and substructure works progressing across plots 7 - 8.
- Plots 9 - 21, substructure works including floor beams and insulation have been undertaken; however, progression to superstructure works did pause while the contractor resolved a short-term bricklaying resource issue.
- Site infrastructure works are advancing, with the first section of the internal road now tarmacked and further road installations ongoing.
- The contractor has issued an updated programme reflecting delays caused by adverse weather during January. The revised overall Practical Completion date is currently forecast for 8 January 2027, although the apartment units remain programmed for completion on 18 December 2026.
- Discussions are ongoing regarding potential phased handover arrangements to support occupation planning.

#### 2.6 **Wellington Way, Market Deeping (11 Units)**

- Cabinet approved the award of the construction contract to Lindum Group at its meeting on 9 September 2025, for the delivery of 11 new council homes at Wellington Way, Market Deeping.
- The pre-construction phase, including detailed design development and standard technical reviews have now been completed.

- Cabinet approved an additional budget of £192k in February 2026 to address unforeseen ground conditions associated with the site's historic use as a former RAF base, resulting in an increase to the contract value.
- Construction works commenced on site on 2 March 2026, with initial activities including site establishment and groundworks. A photo was taken on 9 March 2026 to commemorate the start on site.



Commemorative Photo at Wellington Way, Market Deeping between the team at Lindum Group and SKDC – 9<sup>th</sup> March 2026.

## 2.7 Toller Court, Horbling (3 Units)

- The scheme comprises of the demolition of the vacant community building and construction of 3 bungalows in Toller Court, Horbling.
- Cabinet approved the award of the construction contract to Gusto Construction at its meeting on 15 January 2026.
- The pre-construction phase is now underway which includes detailed design development, standard technical reviews and pre-commencement planning condition submissions for discharge.
- The completion date is set for 18 December 2026.

## 2.8 **Kesteven Road, Stamford (13 Units)**

- Following a resident consultation held in November 2025, officers are working closely with architects to finalise the designs for this scheme.
- Once the design work is complete, a full planning application will be prepared and submitted in May/June 2026.
- This scheme could see the construction of thirteen units in Stamford, comprising of much needed bungalows, terraced houses and apartments.

## 2.9 **Bourne Road, Colsterworth (9 Units)**

- Due to structural issues within the existing timber frame properties and their poor thermal performance, there are opportunities on this estate to demolish and redevelop certain dwellings.
- The large plot sizes present potential to increase the number of new homes delivered on the site.
- A successful pre-application has been completed, and residents impacted by Stage 1 of this scheme have been personally approached by the Housing Team to explain the proposals and provide support throughout the process.
- Wider community engagement will follow, with a public consultation planned in the coming months to gather feedback from residents, which will inform the formal planning application

## 2.10 **Housing – Homes England Funding**

- The Council has been successful in securing external funding from Homes England to support its housing delivery ambitions under the Council Housebuilding Support Fund.
- The funding is being used to finance the review of the Council's garage sites and to undertake feasibility work to bring forward potential housing schemes.
- This will help accelerate future engagement with national affordable housing programmes and support the delivery of additional affordable homes within the district.

## 2.11 **Other Schemes**

- In addition to the schemes already reported, the Council is exploring a range of further housing opportunities across the district. These initiatives are at an early stage of consideration and are subject to feasibility, funding, planning and

governance processes. Members will be kept informed as proposals develop and are brought forward for decision in accordance with the Council's established procedures.

### **3. Key Considerations**

- 3.1 As part of the Council's hybrid approach to the housing pipeline several properties in the district are currently being valued and inspected with a potential to acquire them.

### **4. Property Disposals**

- 4.1 The Council continues to progress the disposal of 12 vacant properties at Lumby's Terrace, Stamford. All units are now under offer, legal proceedings are ongoing, and the first completions are anticipated in March 2026.
- 4.2 The income from the sales will be reinvested into replacement affordable housing.

### **5. Reasons for Recommendations**

- 5.1 The Council needs to have a hybrid approach to purchasing and building its affordable housing to meet the needs of our residents.
- 5.2 This regular report is to provide an update on the pipeline for the committee to scrutinise.

### **6. Consultation**

- 6.1 Discussions are held with the relevant ward members prior to any new build schemes being submitted for planning and as part of the planning determination process there is consultation with wider public including any town/parish councils alongside statutory consultees.
- 6.2 The Cabinet Member for Housing is kept informed on the progress of the pipeline.



**SOUTH  
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## Housing Overview and Scrutiny Committee

Tuesday, 31 March 2026

Report of Councillor Virginia Moran,  
Cabinet Member for Housing

## Homelessness and Rough Sleeper Update

### Report Author

Sarah McQueen, Head of Service (Housing)

✉ sarah.mcqueen@southkesteven.gov.uk

### Purpose of Report

To update the committee on the status and recent activity in SKDC's Homelessness and Rough Sleeper services.

### Recommendations

**The Committee is recommended to note the latest position of the Homelessness and Rough Sleeper services.**

### Decision Information

Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Housing Effective council
Which wards are impacted?	All

## 1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

### ***Finance and Procurement***

- 1.1 There are no direct financial implications arising from this report but it should be noted that to fund Local Council's homelessness services, Central government distribute a Homelessness Prevention Grant. The Council's latest funding allocation is £838,048 following further in year top ups which is a 41% increase from last year's allocation of £592,433. Details of all allocations can be found here: [Homelessness Prevention Grant allocations: 2025 to 2026 - GOV.UK](#)
- 1.2 A further £646,348 for Rough Sleeper Prevention and Recovery Grant has also been received which funds the change for Lincs team. Details of all allocations can be found here: [Rough Sleeping Prevention and Recovery Grant allocations 2025 to 2026 - GOV.UK](#)
- 1.3 All funding received is being used to deliver the service in meeting homelessness and rough sleeper demands.

*Completed by: David Scott – Assistant Director of Finance and Deputy S151 Officer*

### ***Legal and Governance***

- 1.4 This is an update report for noting, there are no known governance implications

*Completed by: James Welbourn, Democratic Services Manager*

## 2. Background to the Report

- 2.1. It was agreed by the Housing Overview and Scrutiny Committee that there will be a standing agenda item updating the Committee on Homelessness and Rough Sleeper services. This report will give an overview of the recent work and status of activity together with key updates in specific areas of interest.

## 3. Key Considerations

### **Rough Sleeper Initiative**

- 3.1. As previously reported, the Councils Rough Sleeper initiative is delivered via the Change 4 Lincs (C4L) team which covers four local authority areas: South Kesteven District Council, North Kesteven District Council, West Lindsey District Council and South Holland District Council.
- 3.2. The team is hosted by South Kesteven District Council and was created by each District Council by contributing their Rough Sleeper Initiative funding.
- 3.3. The team consists of seven team members who provide an outreach service, support service and access into the private rented sector. The team is managed by the Council's Homelessness and Rough Sleeper Manager and Managers from the other three Districts also provide support to help shape the service.
- 3.4. This team is funded by the Council's Rough Sleeper Prevention and Recovery Grant funding. The funding in this current format is due to end 31 March 2026.
- 3.5. The Government has confirmed that each Council will receive its own funding allocation to deliver the service. In response to this, SKDC has created two new Rough Sleeper support worker posts within the housing options team who will lead on SKDC's rough sleeper response, including the delivery of outreach services. Recruitment to these posts is in progress.
- 3.6. Most recently the Rough Sleeping Team Leader for the South and East Lincolnshire Councils Partnership has been supporting the oversight of the outreach team in South Holland to ensure their working practices align with those of the wider districts.
- 3.7. In North Kesteven and West Lindsey, the outreach service has now been outsourced to City of Lincoln Council funded from their proportion of the Rough Sleeper grant.
- 3.8. In addition, South Holland has recruited two support workers in-house to assist with the delivery of the service alongside the support provided by C4L.
- 3.9. Table 1 details the C4L case numbers as of 11<sup>th</sup> March 2026:

**Table 1 – C4L Case Numbers**

District	Number In Temporary Accommodation	Number of Open Cases
South Kesteven	0	12
North Kesteven	2	2
West Lindsey	1	13
South Holland	6	12

- 3.10. The number of individuals in accommodation is low compared to the number of people being supported. This could be due to the individuals being supported are already in accommodation and require support to maintain it or they have refused the offer of temporary accommodation.
- 3.11. Those who are placed in temporary accommodation must engage with the intensive support that is available to them, or their placement will come to an end.

### **Rough sleeping**

- 3.12. Rough sleeping continues to be a challenge faced by all the District Councils. SKDC reported 7 rough sleepers in the SKDC area in the January monthly return. This number would have been far greater if not for the provision of the night shelter in Grantham.
- 3.13. Change 4 Lincs outreach teams conduct three weekly outreach sessions in the early hours to attempt to engage with all those who are rough sleeping in the SKDC area.
- 3.14. Rough sleeping is often complex and entrenched, with many individuals facing multiple and overlapping challenges such as mental health issues, substance dependency, and a history of trauma.

### **Homelessness update**

- 3.15. The Housing Options team provide the Council's statutory homeless function. The team consists of one Temporary Accommodation Support Officer, four Housing Options Assistants, six Housing Options officers, a Senior Housing Options Officer and a Homelessness and Rough Sleeper Manager.
- 3.16. Table 2 provides details of the homelessness case figures for the last three months:

**Table 2 – Homelessness Case Figures**

	December 2025	January 2026	February 2026
Number of active Homelessness cases	202	203	224
Number of new approaches	89	143	124
Number in temporary accommodation	51	53	57
Of which – nightly paid	7	9	8
Of which – SKDC stock	44	44	49

- 3.17. The number of Veterans the team are currently supporting is 0.

- 3.18. It is important to note that not every homelessness case results in a need for temporary accommodation. The Housing Options team works closely with households at risk of homelessness to prevent it wherever possible, helping reduce the demand for temporary placements.
- 3.19. To support the reduction of nightly paid placements, the Council has secured access to a House in Multiple Occupation (HMO) in Grantham through a partner agency. This accommodation is now being fully utilised and has proven effective in helping meet temporary housing needs for individuals for whom other options are unsuitable.

### **Night Shelter**

- 3.20. During the winter period, the Council once again opened the night shelter to support individuals who did not meet the statutory priority need criteria and who would otherwise have been at risk of rough sleeping.
- 3.21. SKDC in partnership with the Ark, re opened the night shelter on 10 November 2025. This has reopened in the same format as last winter, with SKDC utilising a 3-bed flat for this provision.
- 3.22. The first guest was accommodated on 11 November 2025. The service has operated every night since opening at a total cost of approximately £20,000.
- 3.23. In total, 22 individuals accessed the night shelter during this period. Of these, 14 have been successfully supported into more permanent accommodation. This outcome has been achieved through a collaborative partnership between SKDC and Living Concepts.
- 3.24. It is estimated that, had the night shelter not been utilised, the Council would have incurred approximately £34,000 in costs for nightly paid accommodation over the same period. The use of the night shelter has therefore delivered a significant cost saving in addition to the housing outcomes achieved.
- 3.25. There has been a significant reduction in the number people using the night shelter since the weather has improved.
- 3.26. A comprehensive housing pathway has been established which ensures that all individuals are considered for support.
- 3.27. The night shelter provision is due to end on 31 March 2026 but the Council is in discussions with Grantham Ark to establish how the shelter can operate on a year round basis.

### **Supported accommodation**

- 3.28. SKDCs' partner, Living Concepts, is now operating as a supported housing provider, delivering supported accommodation in Grantham for individuals with identified support needs.
- 3.29. This integrated provision enables a flexible and inclusive response to a wide range of housing and support requirements. With this approach, the risk of individuals being excluded from accommodation options will be significantly reduced
- 3.30. Whilst the service is newly launched, it is anticipated that this approach will reduce gaps in service provision, strengthen engagement with service users and improve communication between partners. This should improve the sustainability of housing outcomes.



**SOUTH  
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## Housing Overview and Scrutiny Committee

Tuesday, 31 March 2026

Report of Councillor Virginia Moran  
Cabinet Member for Housing

### Garage Site Update

#### Report Author

Suniel Pillai, New Build Project Officer

✉ suniel.pillai@southkesteven.gov.uk

#### Purpose of Report

To provide an update to the committee on the Councils district wide garage site stock condition survey.

#### Recommendations

**The Committee is recommended to note the content of this report.**

#### Decision Information

Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Enabling economic opportunities Housing
Which wards are impacted?	(All Wards);

## **1. Implications**

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

### ***Finance and Procurement***

- 1.1 The total cost of £62,812 is being funded from the £180,000 Homes England Grant Funding with the remaining amount available to fund feasibility works for any sites identified as potential development opportunities.

*Completed by: David Scott – Assistant Director of Finance and Deputy S151 Officer Report*

### ***Procurement***

- 1.2 The Asset Management Framework was a compliant route to appoint Edge PS to undertake these works.

*Completed by: Helen Baldwin (Procurement Lead)*

### ***Legal and Governance***

- 1.3 There are no legal or governance issues with this report.

*Completed by: James Welbourn, Democratic Services Manager*

## **2. Background to the Report**

- 2.1 The purpose of this report is to provide the Committee with an update regarding the Council's garage sites and the steps involved to exploring those that could be used to provide much needed homes as part of the new build housing pipeline
- 2.2 The approved Corporate Plan 2024-27 clearly sets out how South Kesteven District Council intends to meet the mission "to ensure that all residents can access housing which is safe, good quality, sustainable and suitable for their needs and future generations."
- 2.3 The Corporate Plan, Priority 4 identifies 'Housing' as a key priority with high quality housing essential for all, and the Council is committed to working with partners to provide this by:

- Facilitating a range of appropriate and sustainable housing and community facilities for future generations and the emerging needs of all our communities.
  - Delivering exemplary and high-quality services for housing and homelessness.
  - Increasing the supply of sustainable and high-quality Council-provided housing.
  - Working with developers and private landlords to ensure sustainable, affordable, and high-quality housing is facilitated.
- 2.4 The variety of garage buildings present several challenges and opportunities to the Council in terms of repair, maintenance and management to possible site redevelopment or land sale. The district has a total of 830 individual garage units.
- 2.5 Edge PS have been appointed from the Asset Management Framework to provide the Council with a full stock condition survey of all garage sites. The survey will give the Council a clear understanding of the repair works and associated costs that are required and identify potential other uses of the sites.
- 2.6 In addition the Council has been successful in securing Homes England funding of £180,000 from the Council Housebuilding Support Fund to contribute towards the cost of the stock condition survey and the feasibility work for sites identified as potential development opportunities.
- 2.7 Site visits and surveys are due to continue into early April 2026 with all the reports and survey results due by the end of that month.
- 2.8 As of 16 March 2026, 31% of site reports and survey results from across the district have been received. A small number of these sites are currently being reviewed internally and have been identified for further feasibility work, with the potential for inclusion within the Council's future development pipeline.
- 2.7 The Council's garage stock plays a crucial role in achieving broader community goals. Underutilised garage sites represent potential opportunities for new housing developments, addressing the need for affordable housing in the district.
- 2.8 Sites in poor condition can become eyesores, attract anti-social behaviour, and negatively impact the surrounding areas. Results from the in-depth stock condition survey will aid in the management of these sites to maintain community standards and support the Council's housing strategy.
- 2.9 Edge PS are working alongside representatives from Repairs, Technical Services and Housing & Economic Development teams to ensure that all perspectives on the future use of these sites are considered.
- 2.10 A further report will be presented to the Housing Overview and Scrutiny Committee later in the year to provide a summary of the outcomes and proposed actions.

### **3. Key Considerations**

- 3.1 It is recommended that Housing Overview and Scrutiny Committee note the information in this report.

### **4. Reasons for the Recommendations**

- 4.1 To ensure that the committee is kept updated regarding the progress of the garage stock condition survey.



**SOUTH  
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## Housing Overview and Scrutiny Committee

Tuesday, 31 March 2026

Report of Councillor Virginia Moran,  
Cabinet Member for Housing

## Housing Performance Data February 2026

### Report Author

Alison Hall-Wright, Director of Housing and Projects (Deputy Monitoring Officer)

✉ Alison.Hall-Wright@southkesteven.gov.uk

### Purpose of Report

To present the Housing Overview and Scrutiny Committee with the Housing Performance Data to 28 February 2026.

### Recommendations

#### The Committee is asked to:

- 1. Review and scrutinise the current performance of the Housing Service**

### Decision Information

Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Housing
Which wards are impacted?	(All Wards);

## **1. Implications**

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

### ***Finance and Procurement***

- 1.1 There are no financial implications associated with this report however in order to meet and maintain these performance levels there is a financial cost associated with the work required. There is currently an ongoing budget pressure within the Housing Revenue Account around dealing with issues such as cost of repairs, reducing void days and meeting statutory requirements. Work is being undertaken as part of the Council's budget management framework to develop an action plan to address the ongoing financial impact and affordability as part of the Housing Revenue Account business plan.

*Completed by: David Scott – Assistant Director of Finance and Deputy S151 Officer.*

### ***Legal and Governance***

- 1.2 There are no specific legal and governance implications associated with this report. Regular reporting of service area performance represents good governance.

*Completed by: James Welbourn, Democratic Services Manager*

## **2. Background to the Report**

- 2.1 The Council has a clear commitment in its Corporate Plan 2024-2027 to ensure that all residents can access housing which is safe, good quality, sustainable and suitable for their needs and future generations so it is essential performance is regularly monitored as this will ensure residents are receiving the level of service expected from the Council.
- 2.2 Appendix 1 provides performance data for Housing Technical Services, Housing Services and Compliance across the housing stock. A presentation will be given during the committee meeting where officers will provide detailed information regarding the performance.
- 2.3 The key points to note for Housing Technical Services are:

## **Reactive Repairs Service**

- The total number of overdue repairs has continued to reduce over the year; it has plateaued between January and February which is primarily due to ensuring the Council manages repairs expenditure within the budget that has been allocated.
- Performance on emergency repairs have continued to increase with 98% completed on time during February compared with 95% in January.
- The performance for non-emergency repairs and all repairs completed on time has reduced between January and February. The performance has primarily been impacted by repairs allocated to contractors so the Council is putting actions in place, for example, ensuring appointments are made with tenants as soon as work is allocated to a contractor, to support with improving performance.

## **Damp and Mould**

- The performance on inspections completed within 14 calendar days has reduced from 94% in December 2025 to 90% in February 2026 (target 75%) which is due to an increase in the number of reports of damp and mould.
- The average time to complete and issue the damp and mould inspection report reduced from 14 days in January to 12 days in February 2026 (target 14 days).
- There are currently 290 outstanding repairs of which 53 are overdue (these figures are also included in the reactive repairs data). Meetings are in place each week with the Repairs Manager and Business Support and Asset Data Manager to review all overdue jobs and ensure that they are booked in with residents.
- The performance on emergency repairs reduced to 91% in February 2026 so the Council will be reviewing the causes of this reduction in performance to ensure they are addressed.

## **Voids**

- The number of void properties has reduced from 103 in March 2025 to 45 in February 2026.
- The average time to repair all void properties has increased from 30 days in December 2025 to 42 days in February 2026 which is due to the Council ensuring expenditure is within the budget that has been set.
- The average time for a property to be handed back to the Council and relet to a new tenant has reduced from 79 days in March 2025 to 55 days in February 2026.

## **Asset Management and Stock Condition**

- 99.79% of Council owned dwellings currently meet the Decent Homes Standard with just 12 non-decent properties remaining. These properties have missing survey data and will be surveyed before the end of March to ensure that our data is accurate.
- 99% of Council owned dwellings have a stock condition survey, the Council is working with its contractor, Impart Links, to undertake the remaining 43 surveys.
- 95% of Council owned dwellings have a survey which has been completed within the last 5 years, the Council is working with Impart Links to undertake the remaining 290 surveys which are over 5 years old.

### 2.4 The key points to note for Housing Services are:

- At 28 February 2026 the number of housing register applications waiting for assessment was 304 compared with 237 in December 2025.
- The number of applicants on the housing register at 28 February 2026 was 892. The number of applicants in bands 1 and 2 has remained relatively static between December and February.
- 100 offers of Housing to people on the register during January and February.
- The number of anti-social behaviour (ASB) cases has remained at a similar level between December 2025 and February 2026, and is what the team normally experience during the Autumn/Winter months.

### 2.5 The key points to note for Housing Compliance are:

- Legionella – 100% compliant with required inspections.
- Asbestos – 100% compliant with required inspections.
- Fire Risk Assessments – 100% compliant with required inspections.
- Lift Inspections (LOLER) – 92.31% compliant with required inspections. The inspection of one lift has been delayed as at the time of inspection the lift shaft light was not operational so a full inspection could not be completed. The lift has been allowed to remain in service and the LOLER inspection will be completed once the repair has been carried out to the light.
- Gas Safety Inspections – 99.17%. There are 38 properties without a Gas Safety Certificate, 11 of these are due to a failure by the current contractor to ensure three visits are completed prior to the expiration of the Gas safety certificate. This has been raised with the provider who had staffing issues during this period. 16 of the 38 have warrants to gain access which will be executed in the next 10 working days. 1 is a void property which has been capped and made safe. The Council will apply for another Court warrant for the remaining 10 properties.

- Electrical Inspections – compliance has increased to 97.17%. The compliance and housing teams continue to work together to increase tenant engagement.
- Smoke and CO – 100% compliant with required inspections.
- Gas Remedial Actions – there were 43 outstanding remedial actions at 28 February 2026. Category 1 and 2 remedial actions are completed/made safe on site. The remedial actions outstanding relate to non-urgent repairs or parts that need replacing.
- Electrical inspection remedial actions - there were 81 outstanding remedial actions at 28 February 2026. Category 1 and 2 remedial actions are completed/made safe on site. The remedial actions outstanding relate to non-urgent repairs or parts that need replacing.

2.6 Following the completion of Fire Risk Assessments, remedial actions are identified which the Council is required to complete. The actions are categorised as High, Medium, Low and Advisory Recommendations. The Fire Safety Working Group which is chaired by the Head of Service for Health, Safety, Compliance and Emergency Planning and attended by key officers in Housing, monitors the completion of these actions. During February the team completed 113 actions. At 28 February 2026 the number of outstanding actions are as follows:

- High – 0
- Medium – 99
- Low – 256
- Advisory – 49

### **3. Key Considerations**

3.1 This report provides an update on the current performance of the Housing Service and provides committee with the opportunity to ask pertinent questions regarding the data that is being presented to them.

### **4. Reasons for the Recommendations**

4.1 This report ensures that the Housing Overview and Scrutiny Committee are given the opportunity to review, scrutinise and comment on the performance of the Housing Service

### **5. Appendices**

5.1 Appendix 1 – Housing Performance

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# Technical Services – February 2026



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Appendix 1



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# Repairs Call Handling

KPI	March 25	Target	December	January	February	Direction of travel
Total calls offered	2079	NA	1,802	2,660	1,965	NA
Number of calls Handled and Interflowed	1903	NA	1,692	2,442	1,877	NA
% of calls Handled and Interflowed	91%	>90%	93%	91%	95%	↑
% of abandoned calls	9%	<10%	7%	9%	5%	↑
Average Speed of Answer	0:00:59	NA	0:02:01	0:02:31	0:01:22	NA
Average Handling Time	0:03:00	NA	0:03:31	0:04:01	0:03:36	NA

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# Reactive Repairs – All Repairs

	March 25	Target	December	January	February	Direction of travel
No repairs in WIP	4,075	NA	2,943	2,926	2,996	NA
No of overdue	2,276	<10%WIP	1,411	1,274	1,284	↓
Emergency repairs completed on time	NA	100%	95%	97%	98%	↑
Non-emergency repairs completed on time	NA	77%	74%	72%	70%	↓
All repairs completed on time*	77%	80%*	78%	79%	75%	↓
Average time taken to complete all non-emergency repairs	NA	40 days	35 days	44 days	31 days	NA
Post Inspections	NA	10%	13%	12%	14%	↑

- \*includes all jobs due from discontinued repair target times



# Reactive Repairs – In-House

	March 25	Target	December	January	February	Direction of travel
No repairs in WIP	2,807	NA	1,857	2,032	1,945	NA
No of overdue	2,681	<10%WIP	976	1,012	926	↑
Emergency repairs completed on time	84%	100%	98%	99%	97%	↓
Non-emergency repairs completed on time	NA	77%	76%	68%	71%	↑
All repairs completed on time*	77%	80%*	80%	73%	75%	↑
Average time taken to complete all non-emergency repairs	76 days (Feb 2025)	NA	36 days	39 days	35 days	NA
Post Inspections	NA	10%	13%	11%	15%	↑

- \*includes all jobs due from discontinued repair target times



# Reactive Repairs – Sureserve

	March 25	Target	December	January	February	Direction of travel
No repairs in WIP	135	NA	224	212	161	NA
No of overdue	81	<10%WIP	83	63	88	↓
Emergency repairs completed on time	86%	100%	97%	97%	99%	↑
Non-emergency repairs completed on time	NA	77%	64%	79%	71%	↓
All repairs completed on time*	NA	80%*	78%	90%	82%	↓
Average time taken to complete all non-emergency repairs	NA	NA	9 days	9 days	9 days	NA
Post Inspections	NA	10%	10%	13%	10%	↓

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- \*includes all jobs due from discontinued repair target times



# Reactive Repairs – Other Contractors

	March 25	Target	December	January	February	Direction of travel
No repairs in WIP	1,133	NA	660	682	890	NA
No of overdue	102	<10%WIP	330	186	270	↓
Emergency repairs completed on time	97%	100%	67%	81%	94%	↑
Non-emergency repairs completed on time	NA	77%	75%	82%	62%	↓
All repairs completed on time*	NA	80%*	75%	82%	67%	↓
Average time taken to complete all non-emergency repairs	NA	NA	64 days	86 days	56 days	NA
Post Inspections	NA	10%	13%	14%	14%	↔

- \*includes all jobs due from discontinued repair target times



# Damp and Mould

	March 25	Target	December	January	February	Direction of travel
No surveys in WIP	NA	NA	21	30	33	NA
No of overdue surveys	27	<10%WIP	3	2	4	↓
Inspections completed within 14 days	67%	75%	94%	95%	90%	↓
Average time taken to complete damp and mould survey and issue inspection report	19 days	14 days	5 days	14 days	12 days	↑
No damp and mould repairs in WIP	875	NA	205	318	290	NA
No damp and mould repairs overdue	315	<10% WIP	72	103	53	↑
Emergency repairs completed on time	100%	100%	100%	96%	91%	↓
Non-emergency repairs completed on time	NA	77%	92%	67%	68%	↑
All repairs completed on time	NA	80%	92%	74%	75%	↑
Average time taken to complete all non-emergency repairs	NA	40 days	34 days	26 days	22 days	↑

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# Voids

	March 25	Target	December	January	February	Direction of travel
No voids in WIP	103	80 voids	55	51	45	↑
Average time to repair a TA void	13 days	15 calendar days	9 days	9 days	12 days	↓
Average time to repair a minor void	56 days	45 calendar days	19 days	20 days	36 days	↓
Average time to repair a major void	108 days	100 calendar days	72 days	81 days	80 days	↑
Average time to repair all voids	53 days	65 calendar days	30 days	36 days	42 days	↓
Average void time (key to key) all voids	79 days	80 days	61 days	55 days	55 days	↔

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# Customer Satisfaction

	March 25	Target	December	January	February	Direction of travel
Repairs satisfaction survey response rate	35%	25%	29%	29%	28%	↓
Repairs overall satisfaction	99%	75%	85%	85%	81%	↓



# Planned Works

	Programme Completions 24.25	Annual Programme Reforecast	December	January	February	Direction of travel
Kitchen replacements YTD	219	282	156	164	193	↑
Bathroom replacements YTD	217	258	121	128	147	↑
Heating replacements YTD	248	323	221	238	250	↑
Window replacements YTD	167 (windows and doors combined)	292	193	227	253	↑
Roofing replacements YTD	44	90	82	83	90	↑
External refurbishments YTD	NA	968	322	501	678	↑
WH SHF Upgrades YTD	369 properties (over 2 years)	128 properties (year 1/273 overall prog)	61	79	94	↑

# Asset Management

	March 25	Target	December	January	February	Direction of travel
% of properties meeting DH standard (incl refusals)	94.62%	100% at year end	99.59%	99.61%	99.79%	↑
No properties failing to meet DH standard (incl refusals)	325	0 at year end	24	23	12	↑
% of properties EPC C or above	57.88%	No target	58%	64%	64%	NA
Average SAP rating for all properties surveyed	C	C by 2030	C	C	C	↔

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# Stock Condition

	March 25	Target	December	January	February	Direction of travel
% of properties with a stock survey	NA	>90%	95%	95%	99%	↑
No properties with no stock survey	NA	NA	272	266	43	NA
% of properties with a stock survey completed within 5 years	NA	>90%	91%	91%	95%	↑
No of properties with a survey over 5 years old	NA	NA	507	503	290	NA
No stock surveys completed YTD	1,868	1,415 by end of year	668	678	920	↑
% of annual stock survey programme completed	106%	100% by year end	36%	48%	63%	↑
% of properties with an HHSRS survey completed within 5 years	NA	100%	91%	91%	95%	↑
Total No outstanding HHSRS actions	26	No Target	3	3	3	NA
No outstanding HHSRS category 1 actions (A-C)	2	No Target	0	0	0	NA

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# Glossary

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- KPI = Key Performance Indicator
- WIP = Work in Progress
- TA = Temporary Accommodation
- YTD = Year to Date
- WH SHF = Warm Homes: Social Housing Fund
- DHS = Decent Homes Standard
- EPC = Energy Performance Certificate
- SAP = Standard Assessment Procedure
- HHSRS = Housing Health and Safety Rating System

# Housing Services Performance

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# Allocations and Lettings Call Handling

	Target	December	January	February
Total calls offered	NA	552	789	787
Number of calls Handled and Interflowed	NA	535	747	706
% of calls Handled and Interflowed	>80%	97%	95%	90%
% of abandoned calls	<10%	3%	5%	10%

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# Housing Options

Criteria	Of which	December	January	February
No in Temporary Accomodation		51	53	57
	Family	19	25	27
	Single	32	28	30
	Nightly paid	7	9	8
	Our stock	44	44	49
No of new homeless approaches		89	143	124
No of active homelessness cases		202	203	224
No of rough sleepers		4	9	7
No of successful homeless outcomes		31	31	36

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# Allocations

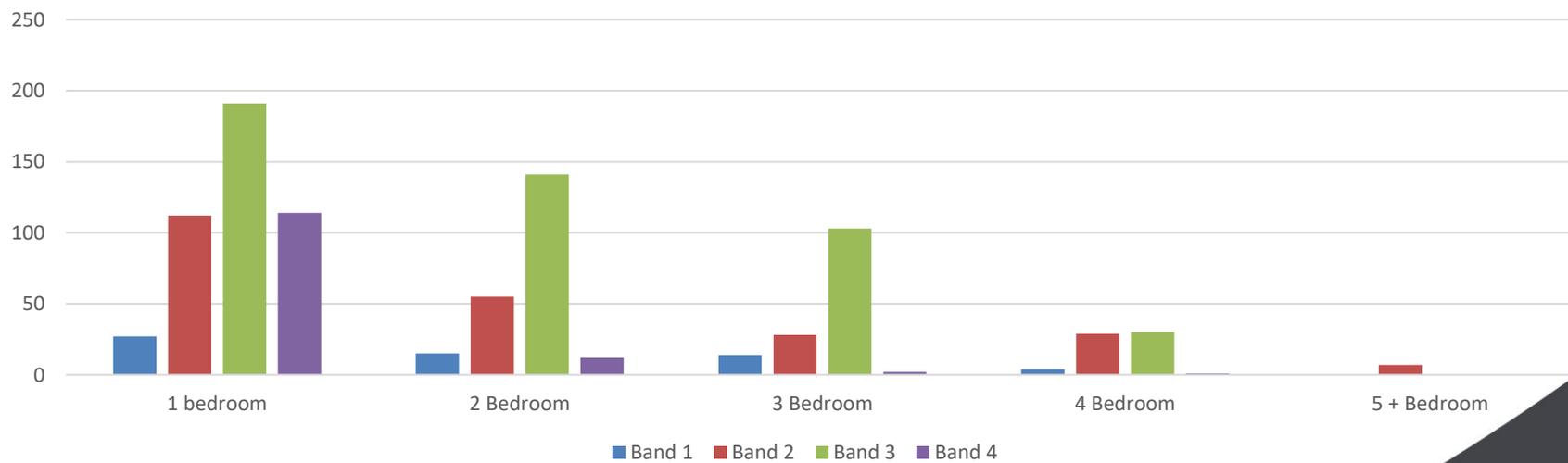
	Of which	December	January	February
Number of complete housing register applications waiting for assessment		237	258	304
Oldest application waiting assessment		11/11/2025	18/11/2025	12/12/2025
Number on the housing register		897	910	892
	Band 1	60	68	57
	Band 2	236	226	236
	Band 3	461	477	465
	Band 4	140	139	134
Offers made during the month		47	43	57
	SKDC	31	38	32
	Housing association	16	5	25
Properties advertised during the month		20	75	63
	SKDC	20	56	29
	Housing Association	0	19	34

# Bedroom need by band as of 16<sup>th</sup> March 2026

Bedroom need	Band 1	Band 2	Band 3	Band 4	Total
1 bedroom	27	112	191	114	444
2 Bedroom	15	55	141	12	223
3 Bedroom	14	28	103	2	147
4 Bedroom	4	29	30	1	64
5 + Bedroom	0	7	0	0	7
Total	60	231	465	129	885

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Bedroom need by band



# Tenancy management

	Of which	December	January	February
Number of ASB cases		10	12	10
Number of new ASB reports		19	20	21
Number of sign ups		34	26	35
Number of terminations		14	12	11
Number of RTBs		0	1	0
Number of successions		2	3	2
Number of Mutual exchanges		1	1	5
Number of active Legal cases		9	8	11
Number of tenancy checks				
6 weeks checks due		37	44	15
6 week checks completed	Target >80%	29 (78%)	40 (91%)	14 (93%)
9 month checks due		38	53	28
9 month checks completed	Target >80%	30 (79%)	51 (96%)	23 (82%)
Number of evictions		1	0	0
Number of notices issued				
	NTQ	9	4	7
	CPNw	4	2	2
	CPN	1	0	1
	NOSP	0	1	1
Number of MESNE accounts		16	14	7

# Glossary

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- ASB = Anti Social Behaviour
- CPN = Community protection Notice
- CPNw = Community Protection Notice Warning
- NOSP = Notice of Seeking Possession
- NTQ = Notice to Quit
- RTB = Right to buy
- MESNE = this is when a person is occupying a property, liable for use an occupation charges, but is not a tenant. This can occur after an unsuccessful succession for example.

# Housing Compliance



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# Compliance

	January 2026			February 2026		
	Compliant	Non-Compliant	% Compliant	Compliant	Non-Compliant	% Compliant
Legionella	32	1	96.97%	33	0	100%
Gas	4,560	27	99.41%	4,550	38	99.17%
EICR	5,650	188	96.78%	5,673	165	97.17%
Asbestos	222	0	100%	222	0	100%
FRA	150	0	100%	150	0	100%
Lifts	13	0	100%	12	1	92.31%
Smoke/CO	5,838	0	100%	5,838	0	100%

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# Compliance – FRA Remedial Actions

	February 2026
<b>Total number of outstanding actions</b>	<b>404</b>
High	0
Medium	99
Low	256
Advisory recommendations	49
Actions closed in February	113
Actions closed in April - January	1,375
<b>Total Actions Closed in 2025/26</b>	<b>1,488</b>

# Housing Compliance – Gas Remedial Actions

	December	January	February
Total number of remedial actions reported during the month	17	20	25
Total remedial actions closed	7	10	27
Total number of remedial actions Outstanding	<b>35</b>	<b>45</b>	<b>43</b>
Cumulative total of remedial actions closed	28	38	65

# Housing Compliance – EICR Remedial Actions

	December	January	February
Total number of remedial actions reported during the month	17	36	119
Total remedial actions closed	2	23	103
Total number of remedial actions Outstanding	<b>52</b>	<b>65</b>	<b>81</b>
Cumulative total of remedial actions closed	84	107	210

- C1 and C2 remedial actions are completed/made safe on site. The remedial actions outstanding relate to non-urgent repairs or parts that need replacing.

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## Housing Overview and Scrutiny Committee

Tuesday, 31 March 2026

Report of Councillor Philip Knowles  
Cabinet Member for Corporate  
Governance and Licensing

### Corporate Enforcement Policy Update - Private Sector Housing

#### Report Author

Tom Amblin-Lightowler, Environmental Health Manager – Environmental Protection & Private Sector Housing

✉ tom.amblin-lightowler@southkesteven.gov.uk

#### Purpose of Report

The report details the amendments to Appendix C - Private Sector Housing Approach to Investigation and Enforcement of the Corporate Enforcement Policy following the introduction of new legislation and associated Government Guidance.

#### Recommendations

The Committee is asked to:

1. Consider the amendments made in Appendix 2 - '*Appendix C – Private Sector Housing Approach to Investigation and Enforcement*' of the Corporate Enforcement Policy for the reasons set out in the report
2. Recommend that Cabinet approves the amendments to Appendix C - Private Sector Housing Approach to Investigation and Enforcement of the Corporate Enforcement

#### Decision Information

Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Housing Effective Council
Which wards are impacted?	All Wards

## **1. Implications**

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

### ***Finance and Procurement***

1.1 There are no specific financial implications arising from this report.

*Completed by: Richard Wyles, Deputy Chief Executive and s151 Officer*

### ***Legal and Governance***

1.2 Relevant legal and governance information is referred to throughout the report.

*Completed by: James Welbourn, Democratic Services Manager*

## **2. Background to the Report**

2.1 On the 1 May 2026 the Renters Rights Act 2025 will come into force. Alongside the existing penalty regime for offences under existing housing legislation, the Renters Rights Act provides additional civil penalties that can be imposed by the Local Housing Authority. To impose such penalties, this authority is required to have a policy or matrix setting out how it will calculate the penalties for various offences.

2.2 The Ministry for Housing, Communities and Local Government (MHCLG) have published statutory guidance for Local Authorities in relation to setting penalties that must be followed when setting a penalty matrix and issuing such penalties. The link to this guidance is contained within the background papers section of this report.

2.3 This statutory guidance means that the Council's existing penalty matrix needs amending to incorporate the new mandated penalty levels and the new offences included in the Renters Rights Act 2025.

2.4 The Association of Chief Environmental Health Officers (England) (ACEHO) have produced a policy that meets the requirements set out in the statutory guidance for Local Authorities to adopt. This policy was developed as part of project "Jigsaw" which is the project funded by MHCLG to help deliver training and associated assistance to Local Authorities to get ready for Renters Rights Act 2025.

- 2.5 It is proposed that South Kesteven District Council adopt this policy and therefore it has been incorporated into the Private Sector Housing section of the Corporate Enforcement Policy set out in Appendix 2 of this report. This updated appendix is to replace the existing Appendix C - Private Sector Housing Approach to Investigation and Enforcement which is contained in Appendix 1 of this report.

### **3. Key Considerations**

- 3.1 The Renters Rights Act 2025 introduces new offences that are not within the existing Corporate Enforcement Policy. The recently published guidance is statutory and therefore must be followed, this has necessitated the need for the updating of Appendix C - Private Sector Housing Approach to Investigation and Enforcement of the Corporate Enforcement Policy. This is to ensure that South Kesteven District Council remains compliant with its statutory obligations in addition to ensuring that this local authority is able to issue civil penalties for breaches of relevant housing legislation.

### **4. Other Options Considered**

- 4.1 None – Statutory guidance has been published alongside new duties under the Renters Rights Act 2025 that the Local Authority must follow and enforce.

### **5. Reasons for the Recommendations**

- 5.1 To ensure that South Kesteven District Council meets its statutory function and is compliant with associated statutory guidance.

### **6. Background Papers**

- 6.1 Statutory Guidance - [Civil penalties under the Renters' Rights Act 2025 and other housing legislation - GOV.UK](#)

### **7. Appendices**

Appendix 1 – Existing Corporate Enforcement Policy including Appendix C - Private Sector Housing Approach to Investigation and Enforcement.

Appendix 2 – Proposed replacement Appendix C - Private Sector Housing Approach to Investigation and Enforcement.

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# Corporate Enforcement Policy



# Contents

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## **1. Introduction**

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## **2. Approach to Enforcement**

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## **3. Regulators' Code**

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## **4. The Code for Crown Prosecutors**

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### 4.1 Evidential Test

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### 4.2 Public Interest Test

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## **5. Regulatory and Enforcement Sanctions Act 2008**

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## **6. Principles of Good Regulation**

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## **7. Conduct of Investigations**

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## **8. Officers Powers of Entry**

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## **9. Appointment of Officers and identification**

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## **10. Liaison with Other Regulatory Bodies and Enforcement Agencies**

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## **11. Enforcement Actions**

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## **12. Complaints**

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## **13. Review**

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## **14. Appendix**

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A. Appendix A: Environmental Crime and Antisocial Behaviour- Fixed Penalty Notices.

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B. Appendix B- Environmental Health Approach to Investigation and Enforcement

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C. Appendix C- Private Sector Housing Approach to Investigation and Enforcement

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D. Appendix D- Example of a Decision Log & Action Plan

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## 1. Introduction

This policy covers the enforcement activities across all the Council's Regulatory Services and sets out what regulated businesses and individuals can expect from the Council in terms of regulation. The policy is targeted only at cases where action is needed and is based on the guiding principles of consistency, transparency, proportionality, and accountability. Its purpose is to secure compliance with the law whilst minimising the burden on individuals, businesses, and the Council itself. The policy will not affect the discretion of the Council to take legal proceedings where it is in the public interest. Enforcement actions will be carried out in accordance with the relevant legislation.

This policy applies to functions carried out within the following Regulatory Services:

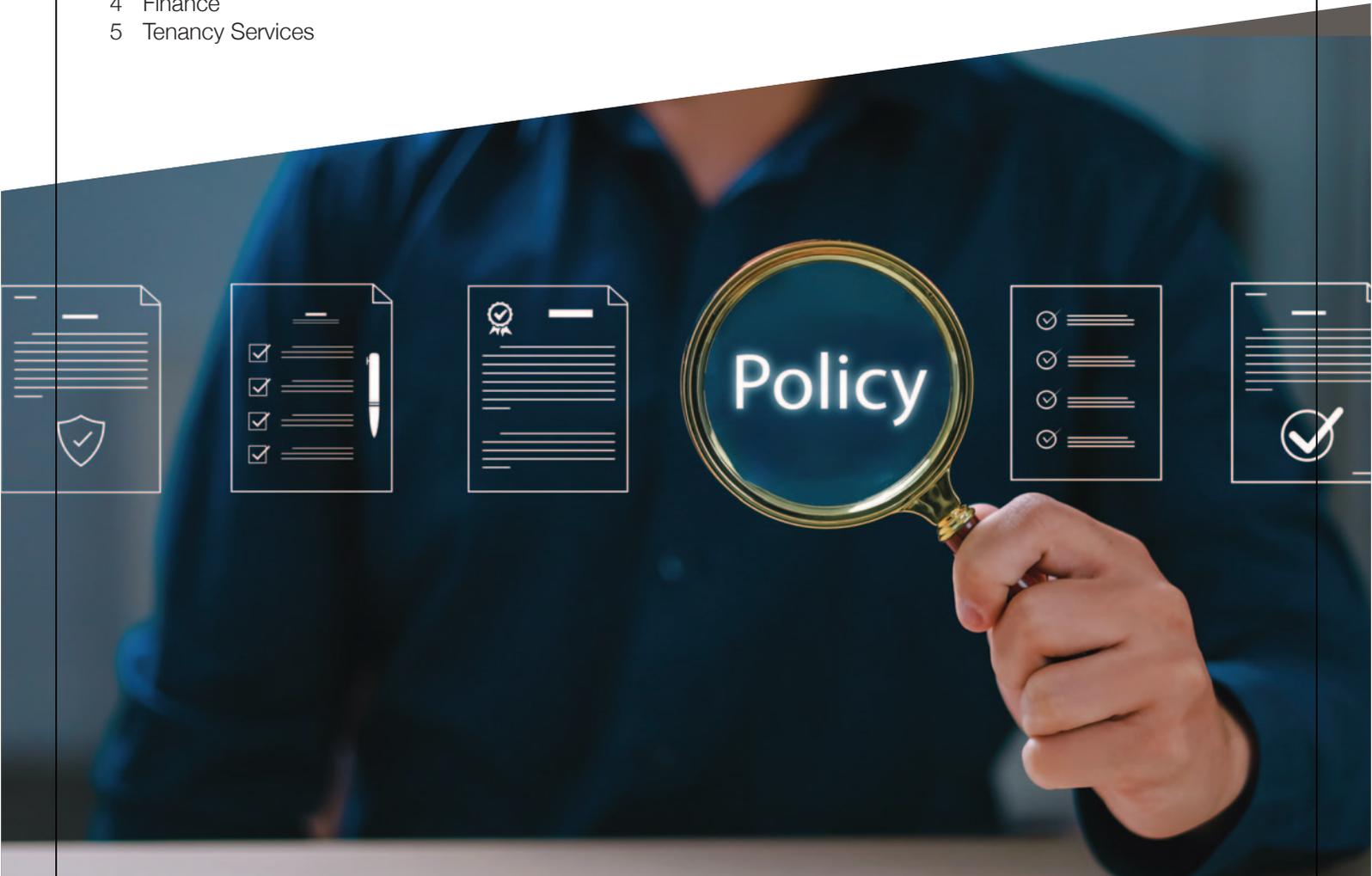
- 1 Public Protection (this includes Environmental Health, Environmental Protection, Private Sector Housing, Community Safety (Neighbourhoods) and Licensing)
- 2 Development Management
- 3 Building Control
- 4 Finance
- 5 Tenancy Services

Each manager of a regulatory service covered by this Policy will be responsible for its effective implementation throughout the enforcement activities of their team. Each officer within these teams will be responsible for applying it in relation to the enforcement activity covered by this policy.

This corporate enforcement policy is an overarching policy for all enforcement functions undertaken by South Kesteven District Council. Under this, there are more detailed policies which cover specific service functions in more detail, for example, the

**Development Management Enforcement Policy (Planning Control)** or the **Local Authority Building Control (LABC) Enforcement Policy**

Where no service-specific enforcement policy is in place and enforcement action is being considered, this overarching policy will apply.



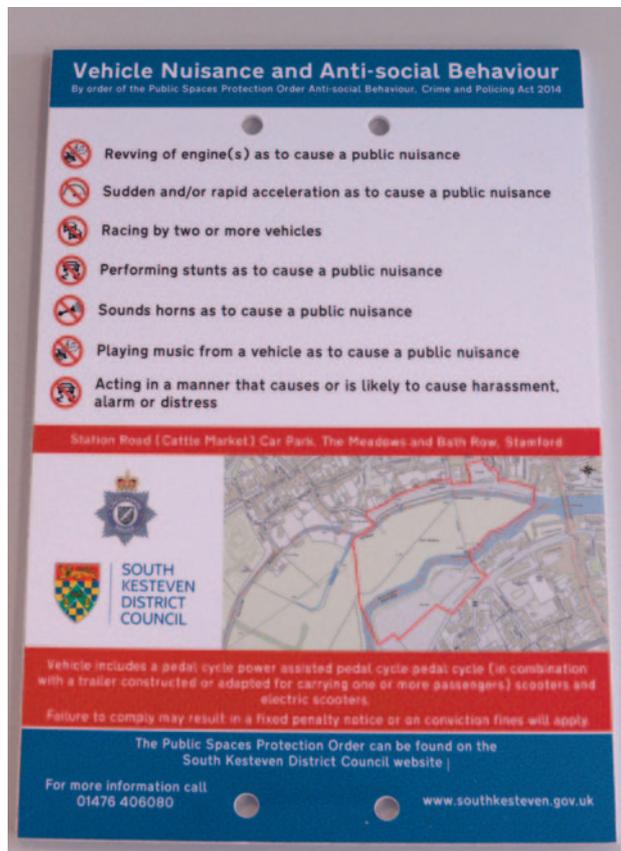
## 2. Approach to Enforcement

It is important to achieve and maintain consistency in our approach to enforcement. In many cases the decision to enforce is discretionary and any enforcement action taken must be proportionate to the risks posed and the seriousness of any breach of the law.

All enforcement activities, including investigations and formal actions, will be conducted in accordance with:

- The statutory powers of the officer dealing with the matter.
- All other relevant legislation including the Enforcement Concordat (Regulators Compliance Code)
- Any other relevant policies

The actions and decisions that the council decides to take will be determined on a case-by-case basis and will be judged on its own merits in line with the actions listed in the following policy.



## 3. Regulators' Code

The Regulators' Code is an important part of the Government's better regulation principles. The aim of the Code seeks to promote an approach to regulatory inspection and enforcement that is: proportionate, consistent, and targeted. The Regulators' Code can be found using this link: <https://www.gov.uk/government/publications/regulators-code>

Whilst this Council has had regard to the Regulators' Code in preparing this policy, it is important to note that in some instances we may conclude that a provision within the code is not relevant or is outweighed by another provision. If this occurs, then it will be properly reasoned, based on material evidence, and documented.

The Council will continue to have regard to the Regulators' Code and in particular, will undertake the following:

- Carry out our activities in a way that supports those we regulate to comply and grow
- Provide simple and straightforward ways to engage with those who we regulate and to hear their views
- Base our regulatory activities on risk
- Share information about compliance and risk
- Provide clear information, guidance and advice to those we regulate to help them meet their responsibilities
- Ensure our approach to regulatory compliance is transparent

Where we consider that formal action is necessary each case will be considered on its own merits subject to the general overriding principles that apply to the way each case must be approached. These principles are set out in this document and in the Regulators' Compliance Code.

## 4. The Code for Crown Prosecutors

When deciding whether to prosecute, South Kesteven District Council will have regard to the provisions of The Code for Crown Prosecutors as issued by the Director of Public Prosecutions. This code provides two tests that must be satisfied when deciding to prosecute, these are the following:

### 4.1 Evidential Test

This test is to determine if there is enough evidence to prosecute and to consider the quality of evidence (what evidence can be used in court and if it is reliable).

They must be satisfied that, against each alleged offender for each offence, there is sufficient evidence to provide a “realistic prospect of conviction”.

### 4.2 Public Interest Test

This test is to determine if there is a public interest for the case to be brought to court. It balances and considers factors that in large supports or opposes the case being brought to court. The Code for Crown Prosecutors identifies that when applying this test, the following factors for and against prosecution should be considered:

- How serious is the offence committed?
- What is the level of culpability of the suspect?
- What are the circumstances and harm caused to the victim?
- What was the suspects age and maturity at the time of the offence?
- What is the impact on the community?
- Is prosecution a proportionate response?
- Do sources of information require protecting?

In addition, in certain limited circumstances, where the full test under this code is not met, a threshold test may be applied. This will depend on the seriousness or circumstances of the case.

## 5. Regulatory Enforcement and Sanctions Act 2008

The Regulatory Enforcement and Sanctions Act 2008, as amended, was designed to enable more consistent enforcement of regulations across local authority boundaries, better coordination between local authorities and central government, and more effective enforcement of regulations. It also requires regulators to conform to certain principles. The Primary Authority scheme aims to ensure that any company trading across council boundaries in the scheme is guaranteed access to advice.

South Kesteven District Council, when considering taking enforcement action against a business or organisation that has primary authority, will comply with the requirements of the act. We will have due regard to guidance issued by the Secretary of State in relation to Primary Authority.

## 6. Principles of Good Regulation

South Kesteven District Council operates its services with due regard to the “Principles of Good Regulation” which is set out in the Legislative and Regulatory Reform Act 2006. This covers the following:

- **Proportionate** – Endeavouring to minimise costs of compliance for businesses, reflecting the harm and impact on victims. Our actions will relate to the seriousness of the offence, and to the previous actions taken by the Council or its partners.
- **Accountable** – Our activities will be open to scrutiny, with clear and accessible policies and a fair and efficient complaints procedure.
- **Consistent** – Our advice to those we regulate will be robust and reliable, respecting advice provided by others. Carrying out our duties in line with service standards and endeavouring to act in a similar manner to other enforcement authorities.
- **Transparent** – We will make clear the difference between legal requirements and recommendations, ensuring those we regulate understand their duties and what they can expect from us. We will provide information and any advice on the legislation we enforce in plain language and will be open and transparent in our actions.
- **Targeted** – Focusing resources on higher-risk enterprises and activities, utilising intelligence to direct our priorities wherever possible.

## 7. Conduct of Investigations

The investigations undertaken by South Kesteven District Council will be carried out in accordance with relevant legislation and will take into account any applicable Codes of Practice and Guidance.

Relevant legislation and codes of practice include but are not limited to:

- Police and Criminal Evidence Act 1984 (PACE)
- Criminal Procedure and Investigations Act 1996
- Regulation of Investigatory Powers Act 2000
- Criminal Justice and Police Act 2001
- Human Rights Act 1998
- The Protection of Freedoms Act 2012 (Code of Practice for Powers of Entry and Description of Relevant Persons) Order 2015
- Data Protection Act 2018
- Equalities Act 2008
- Consumer Rights Act 2015
- Any other relevant legislation that may be in force

All investigations will be conducted in accordance with:

- i. The statutory powers delegated to the officer dealing with the matter.
- ii. Compliance with the Legislation, Guidance and/or Codes of Practice associated with the matter under investigation, for example, the Food Standards Agency Code of Practice and Practice Guidance, HSE Enforcement Management Model, Health and Safety Rating System Enforcement Guidance.

- iii. Local in-house procedures and delegated authority to assist in the making of consistent enforcement decisions.

Subject to the needs of an investigation, officers will notify the individuals or businesses they are subject to an investigation as soon as is reasonably practicable. The Council will make timely decisions to enable the progression of the investigation and decision making. The person or business subject to an investigation will be informed of the outcome.

During an investigation, officers may utilise specific equipment to gather evidence and carry out overt and covert surveillance. This can include, but is not limited to the use of camera, video, sound level meters, light meters etc. This equipment will be used primarily to gather evidence, but may also be used as a deterrent, where it is necessary and proportionate to do so, and in line with legislation. This will be in accordance with the Council's Regulatory Investigatory Powers Act Policy which can be found here: [Regulation\\_of\\_Investigatory\\_Powers\\_Act\\_Policy.pdf \(southkesteven.gov.uk\)](https://www.southkesteven.gov.uk/Regulation_of_Investigatory_Powers_Act_Policy.pdf)

The investigation process may include the interviewing of those persons suspected in the breach of legal requirements. Where the offence being investigated is an either way offence (could be heard in Magistrates or Crown Court) and/ or carries imprisonment as a sanction, then those persons suspected of breaching legal requirements will, where appropriate be offered an interview in accordance with Police and Criminal Evidence Act 1984 (PACE).





## 8. Officer's Powers of Entry

Enforcement officers have a wide variety of duties and must act as investigators. This is supported by strong powers of entry, seizure and inspection contained in various statutes. If individuals or businesses obstruct officers or refuse to provide information, they could be subject to criminal sanctions. Officers use these powers at their discretion with the support of the Council who will uphold them.

Officers will use their powers of entry only, when necessary, but usually to carry out an inspection of premises or in the process of an investigation. The Council will always support officers who act in good faith. This includes prosecuting those individuals who obstruct or assault officers during investigations or inspections.

If the legislation allows, officers may examine premises and articles, remove articles, label samples, request information, issue enforcement notices and may in some instances be accompanied by other persons. In appropriate cases, a warrant from a Magistrate may be obtained to obtain entry to premises.

An officer must be able to explain the legal basis for any action and justify all separate actions used.

## 9. Appointment of Officers and Identification

All officers are trained and authorised to act under relevant legislation enforced or administered by the service in which they are employed. Their authorisation will follow the scheme of delegation's procedure adopted by the Council.

All officers are issued with an identification card bearing their photograph. This identification must also be produced on request.

## 10. Liaison with Other Regulatory Bodies and Enforcement Agencies

Where appropriate, enforcement activities within all services with regulatory responsibilities will be coordinated with other regulatory bodies and enforcement agencies to maximise the effectiveness of any enforcement.

Where an enforcement matter affects a wide geographical area beyond the boundaries of the district or involves enforcement by one or more other local authorities or organisations, the relevant authorities and organisations will be informed as soon as possible and all enforcement activity coordinated with them.

Services with regulatory responsibilities will share information relating to wider regulatory matters with other regulatory bodies and enforcement agencies. Examples include:

- Government Agencies.
- Health and Safety Executive.
- Police Forces.
- Fire Authorities.
- Statutory undertakers.
- Other Local Authorities.

Confidentiality, data protection and information sharing are covered in detail in separate Council policies and all information shared will be in accordance with the principles of data protection and freedom of information legislation.

## 11. Enforcement Actions

The enforcement options available include the following:

### 11.1 No Action

In certain circumstances, contraventions of the law may not warrant any action. This may be because the cost of compliance to the offender outweighs the detrimental impact of the contravention, or the cost of the required enforcement action to the Council outweighs the detrimental impact of the contravention on the community or in the public interest to pursue any form of action.

### 11.2 Informal Action and Advice

For minor breaches of the law, we may give verbal or written advice. In such cases, we will clearly identify any contraventions of the law and give advice on how to put them right. This advice will include a timeframe for compliance.

We will also advise offenders of any relevant 'good practice.' Where good practice advice is issued, we will make clear what needs to be done to remedy any breach of law and what is advice only.

We will make offenders aware that failure to comply with any information, action or advice given could result in an escalation of enforcement action.

We may take informal action when:

- The act or omission is not serious enough to warrant formal action.
- From the individuals or businesses past history we can reasonably expect that informal action will achieve compliance
- We have high confidence in an individual or business proprietor.
- The consequences of non-compliance will not pose a significant risk to public health, public safety, or the environment.

This can include compliance advice, guidance and support

### 11.3 Fixed Penalty Notices

Fixed Penalty Notices (FPN) provide a quick, visible, and effective way of dealing with matters as an alternative to prosecution.

Fixed Penalty Notices (FPN) may be issued by authorised officers for certain offences, enabling the offender to discharge liability by payment of a specified amount within a specified time period.

Where the council has discretion to set the amount of the fixed penalty this will be detailed in the Council's Fees and Charges scheme, otherwise, the fixed penalty amount will be as determined in relevant legislation. Where a fixed penalty amount is reduced for early payment, this will also be detailed in the Council's Fees and Charges scheme.

If a FPN remains unpaid after the expiry of the specified payment period, the case will be referred to be considered for prosecution.

FPNs may be issued either "on the spot" or by post.

Further information relating to the issuing of FPNs regarding environmental crime related matters can be found within **Appendix A** attached to this Policy.

### 11.4 Forfeiture Proceedings

This procedure may be used in conjunction with seizure and/or prosecution. This course of action should be used where there is a need to dispose of goods in order to prevent them from re-entering the marketplace or to avoid a further problem. In appropriate circumstances, we will make an application for forfeiture to the Magistrates Courts.

### 11.5 Seizure

Certain legislation enables authorised officers to seize goods, equipment or documents for example unsafe food, sound equipment or any items that may be required as evidence for possible future court proceedings. An appropriate receipt will be given for any goods taken.

### 11.6 Administrative Penalties

In certain circumstances, the Council can impose a penalty if a Council Taxpayer fails to provide information. It is very important that a Council Taxpayer notifies the Council when there is a change in their circumstances, which could affect a discount or exemption. The council can charge a penalty of £70 when the resident does not advise the council of this within 21 days that:

- They are no longer entitled to a discount.
- Their property is no longer entitled to an exemption.

And

- They do not respond to a written request for information to identify the person liable to pay Council Tax
- They knowingly supply false information regarding the identification of the person liable to pay Council tax.

Where a £70 penalty has been imposed as above, and the person, on a further request for information still fails to provide the information, or continues to provide false information, the Council may impose a further penalty of £280. A further penalty of £280 will apply each time information is withheld, or false information is given.

### 11.7 Injunctive Actions

Injunctive action may be used where offenders are repeatedly found guilty of similar offences or where it is considered the most appropriate course of enforcement i.e. to deal with dangerous circumstances, significant consumer detriment or serious anti-social behaviour problems.

For cases that involve antisocial behaviour, where other interventions have failed or is not appropriate, a civil injunction could be sought to give prohibitive or positive requirements.

### 11.8 Formal Notices

Certain legislation allows notices to be served requiring offenders to take specific actions or cease certain activities. Notices may require activities to cease immediately. In other circumstances, the time permitted to remedy the breach will be reasonable and will take into account the seriousness of the contravention and the implications of the non-compliance.

All notices issued will include details of any applicable appeals procedures.

### 11.9 Criminal Behavior Orders (CBO)

When the legal breach under investigation is anti-social behaviour, in that the offender's behaviour has caused, or was likely to cause, harassment, alarm or distress to any person, or the activity is deemed detrimental to quality of life. If considered appropriate, an application can be made to the Court for a CBO on conviction, to stop this activity.

An application for a CBO could be made to the court on the back of a prosecution. The court may also specify additional positive engagements or requirements to prevent re-offending.



### 11.10 Simple Caution

Where appropriate, a caution may be issued as an alternative to prosecution.

A caution will be issued to:

- i. Deal quickly and simply with less serious offences.
- ii. Divert less serious offences away from the courts.
- iii. Reduce the chance of repeat offences.

For a Simple Caution to be issued several criteria must be satisfied:

- i. Sufficient evidence must be available to prove the case.
- ii. The offender must admit the offence.
- iii. It must be in the public interest to use a Simple Caution
- iv. The offender must be 18 years or over.
- v. The offender should not have received a simple caution for a similar offence within the last 2 years.

A simple caution will not be considered in the case of a second or subsequent offence.

If the offender commits a further offence, the caution may influence our decision to prosecute. If during the time the caution is in force the offender pleads guilty to, or is found guilty of, committing another offence anywhere in England and Wales, the caution may be cited in court, and this may influence the sentence that the court imposes.

Simple Cautions are administered and issued by the relevant Assistant Director/ Director.

### 11.11 Work in Default

In place of or as well as prosecutions we have certain powers to carry out work in default (South Kesteven District Council may carry out any action necessary and recharge the costs to the offender). We will only use these powers after a notice to carry out work has ended. We will claim back all our charges either through the courts or as a land charge on the property.

### 11.12 Demand for Payment

The Council will ensure that the method of collecting money owed to the Council is collected in a fair and efficient manner. The Council will ensure early contact is made to minimise large debts accumulating and ensure the debtor does not suffer from unnecessary hardship.

### 11.13 Prohibition/ Stop Notices and Injunctions

Where an offender is required to take immediate action, it may be necessary for a statutory notice to be served. These include Prohibition Notices, Planning Enforcement Notices, Closing Orders, Stop Notices Criminal Behaviour Orders or Injunctions, and can be issued in one or more of the following circumstances:

- i. There is an imminent risk of injury to health or safety.
- ii. There is a serious hazard to residential premises.
- iii. There is an imminent risk of serious environmental pollution.
- iv. The consequences of not taking immediate and decisive action, to protect the public, would be unacceptable.
- v. Where an unauthorised development is unacceptable and is causing serious harm to public amenity near to the site, or where there has been breach of a condition notice.
- vi. Where unauthorised development is unacceptable, and continuing work is or may cause irreversible damage, and remedial action is not a satisfactory option; vii the guidance criteria on when prohibition may be appropriate are met.
- vii. We have no confidence in the integrity of an unprompted offer by a proprietor to close premises voluntarily, or stop using any equipment, process or treatment associated with the imminent risk.
- viii. A proprietor is unwilling to confirm in writing his/her unprompted offer of a voluntary prohibition.
- xi. Where it would be the most effective remedy available

We will make offenders aware of any right of appeal they may have against any action we have taken.

The act of serving a prohibition/stop notice or injunction does not prevent us from deciding to prosecute depending on the seriousness of the circumstances that led to the serving of that notice.

### **11.14 Refusal / Suspension / Revocation of Licences**

We issue licences and approval for a variety of activities such as hackney carriages, caravan sites, food premises, selling alcohol and providing entertainment, animal welfare licences, houses in multiple occupation etc. with specific conditions which control how facilities at the premises are managed and provided, these are mandatory and voluntary conditions and site specific.

If there has been a relatively minor incident where licence conditions have been broken and the duty holder is willing to take the necessary action to have things right, it may be appropriate to give a verbal or written warning first. If there are serious failures to meet the licence conditions or if the informal approach fails to bring about the necessary improvements, we will present a formal report to the relevant authorised Head of Service or where required report to the relevant Council Committee or panel and make representations as to whether a licence will be granted, renewed, withdrawn or amended. The duty holder will be entitled to make a statement to support their case.

If there is a serious incident where licensing or registration conditions have been broken, we will consider it in line with the conditions relating to prosecutions and if appropriate, start legal proceedings. In some cases, we may need to suspend a licence or approval until the relevant Head of Service, Committee, or panel can consider the matter.

There are several separate Policies relating to Licensing, for example, Gambling Act Statement of Principles, Statement of Licensing Policy, Hackney Carriage and Private Hire Licensing Policy and Houses of Multiple Occupation Licensing Policy.

### **11.15 Closure Orders**

Under the Antisocial Behaviour Crime and Policing Act 2014, the Local Authority may issue a closure or partial closure notice on a premise(s). That is, if we are satisfied on reasonable grounds that the use of the particular premises, has resulted in, or is likely soon to result in nuisance to members of the public. Or that there has been or is likely soon to be disorder near those premises associated with their use, and that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.



### **11.16 Power to Charge for Enforcement**

Where legislation allows, we will make reasonable charges as we consider appropriate as a means of recovering expenses associated with the service of enforcement notices e.g. under Section 49 of the Housing Act 2004. Charges will be published in accordance with the Council's Fees and Charges scheme.

### **11.17 Proceeds of Crime applications**

The provisions of the Council Proceeds of Crime Act 2002 (POCA) will be used by this Local Authority where it is appropriate, to ensure the recovery of an offender's financial gain or benefit following conviction. Where a Proceeds of Crime Act application is considered as appropriate. This will seek to recover the financial benefit that the offender has gained through the course of their criminal activities and will look to confiscate the assets from the offender. Where such an approach is considered as appropriate, the council, at its earliest opportunity, will seek advice from an accredited financial investigator, so that a financial investigation can be run parallel. All relevant timescales required as part of this process will be followed.

### 11.18 Prosecution

It is recognised that the decision to prosecute is significant and could have far reaching consequences for the suspected offender. In all cases, the decision to instigate and undertake a prosecution, rests with the Assistant Director of that service, and in line with the council's scheme of delegation within the constitution.

The criteria for the issue of proceedings are:

- i. The alleged offence involves a breach of the law with the result that public health, safety, or wellbeing is, or has been, put at risk, or there has been irreversible damage.
- ii. There has been a reckless disregard for the environment.
- iii. Someone has died as a result of the law being broken.
- iv. Someone has failed to pay a Fixed Penalty Notice
- v. Officers have been intentionally obstructed while carrying out their duties.
- vi. The alleged offence involves deception which may or may not result in a loss or potential loss of public funds.
- vii. A serious potential risk has been identified which the suspected offender has not rectified despite having been given a reasonable opportunity to comply with the law.
- viii. The alleged offence involves a failure to comply in full, or in part, with the requirements of a statutory notice.
- ix. There is a history of similar offences.
- x. The alleged offence is considered to be anti-social behaviour or causes public alarm, and it is desirable to reassure the public and deter other potential offenders.
- xi. A prosecution is in the public interest, there is a realistic prospect of conviction and sufficient evidence to support proceedings.

We will consider all material evidence and information before deciding upon a prosecution in order to make a fair and objective decision. When determining whether to prosecute, we will have due regard to the provisions of the Code for Crown Prosecutors as issued by the Director of Public Prosecutions.

Section 222 of the Local Government Miscellaneous

Provisions Act 1972 states that where a local authority finds it expedient to commence or defend legal proceedings, for the promotion or protection of the inhabitants of their area, they can do so. This therefore allows for a pragmatic approach when dealing with offences.

### 11.19 Appeals

Where any enforcement action is undertaken using legislation that includes a specific appeals procedure, we will advise you of that procedure at the required time.

## 12. Complaints

The Council will aim to provide effective, timely complaint responses in accordance with SKDC's Customer Feedback Process, Compliments, Comments & Complaints process.

If a customer is still not satisfied with the response, they may complain to the Local Government Ombudsman if they feel they have been unfairly treated. A leaflet about this is available on request.

## 13. Review

This Policy will review periodically in the light of any significant changes in legislation, Codes of Practice, or other guidance.

## 14. Appendix

- Appendix A: Environmental Crime and Antisocial Behaviour- Fixed Penalty Notices.
- Appendix B- Environmental Health Approach to Investigation and Enforcement
- Appendix C- Private Sector Housing Approach to Investigation and Enforcement
- Appendix D- Example of a Decision Log & Action Plan

## Appendix A

### Environmental Crime and Antisocial Behaviour- Fixed Penalty Notices.

Fixed Penalty Notices (FPN) provide a quick, visible, and effective way of dealing with straightforward environmental crimes and they are an alternative to prosecution. Normally offences resulting in a FPN will be witnessed directly by the officer. However, an officer may consider it appropriate to issue a FPN to an offender if they have not directly witnessed the offence but have reliable witness testimony.

An FPN will be appropriate for first-time offenders and one-off incidents meaning the recipient can avoid a court appearance and possible conviction. The Council will adopt a robust approach in its use of FPNs and all other associated enforcement powers. Our officers, or those working on behalf of the Council, will be fair but firm, polite and consistent.

An FPN will only be issued when:

- An offence has been committed
- A FPN is a proportionate response
- There is evidence to support prosecution if the offender does not pay the fixed penalty
- The offender understands why the FPN is being issued

### Offences

This policy applies to the categories of offences set out in the following Table:

## Dogs on Leads By direction of officer

By order of the Public Spaces Protection Order  
Anti-social Behaviour, Crime and Policing Act 2014



Failure to comply may result in a fixed penalty notice  
or on conviction fines will apply.

The Public Spaces Protection Order can be found on the  
South Kesteven District Council website at [www.southkesteven.gov.uk](http://www.southkesteven.gov.uk)  
For more information call 01476 406080.

## Alcohol Control Area

By order of the Public Spaces Protection Order  
Anti-social Behaviour, Crime and Policing Act 2014



It is an offence to consume or fail to surrender alcohol  
if requested by police or an authorised officer.  
Failure to comply may result in a fixed penalty notice  
or on conviction fines will apply.

The Public Spaces Protection Order can be found on the  
South Kesteven District Council website at [www.southkesteven.gov.uk](http://www.southkesteven.gov.uk)  
For more information call 01476 406080.

<b>Littering</b>	A person commits an offence if they throw down, drop or otherwise deposit any litter in any place which is open to the air and which the public has access to, with or without payment. This will also apply to littering from vehicles as of 1st April 2018.
<b>Public Spaces Protection Orders (PSPO)</b>	Under the Anti-social Behaviour Crime and Policing Act 2014, authorised officers have the power to issue fixed penalty notices (FPNs) to anyone they reasonably believe is in breach of the PSPO).
<b>Fly tipping</b>	A person commits an offence if they deposit (or knowingly causes/permits) controlled waste to be deposited in or on any land unless a waste management licence authorising the deposit is in force and the deposit is in accordance with the licence.
<b>Duty of Care</b>	A householder or commercial operator has a legal obligation (duty of care) to take all reasonable measures to ensure any waste is disposed of correctly. The Environmental Protection Act requires all householders and businesses to ensure their waste is only removed by registered waste carriers.
<b>Household Waste</b>	Domestic waste control and presentation of the bin is covered under s.46 and 47 of the Environmental Protection Act 1990 and is a civil penalty, where there is an obligation to first issue the notice. There is the appeal process described in s.47 of the legislation.
<b>Commercial Waste</b>	A person commits an offence if they store waste in a manner that causes a nuisance or is detrimental to the amenities of the locality.
<b>Graffiti</b>	A person is guilty of an offence if they deface with graffiti any property that is not their own or that they do not have the permission of the owner to deface.
<b>Fly Posting</b>	A person commits an offence if they display advertising material on buildings and street furniture without the consent of the owner.
<b>Abandoning a Vehicle</b>	Vehicle A person commits a criminal offence if they abandon a motor vehicle or anything that has formed part of a motor vehicle on any land in the open air or on any other land forming part of a highway.
<b>Nuisance Parking</b>	A person commits an offence if they leave (or causes to be left) two or more motor vehicles parked within 500m of each other on a road or roads where they are exposed or advertised for sale for the purposes of a business.
<b>Repairing vehicles on a road</b>	It is an offence to run a business which carries out repairs to motor vehicles on the highway.

## Age

The issue of a FPN will only be considered for those persons who commit an offence and are aged 16 years or above.

Where a person under the age of 16 has committed an offence, officers will use the incremental process as per the Lincolnshire Young Persons Protocol to work with the young person and their parents/ guardians to prevent further offences and to educate the young person where possible. Appropriate adults will be sought in all cases.

## Fee and Payment

The fee for each type of fixed penalty notice, where not set by law, will be set by the Council during the annual budget cycle. Where a new offence is established or variation to the existing penalty fee takes place within the budget year, then the relevant legislated default penalty fee will be adopted.

If the person either refuses to accept a FPN or, having accepted such a notice, does not pay before the end of the suspended enforcement period of 14 days, a reminder letter will be issued giving a further seven days' notice from the date of this letter. If the fixed

penalty remains unpaid and to ensure the credibility of a FPN scheme, the assumption will be that all cases involving non-payment will be considered for referral to court.

Payment of a fixed penalty by instalments will not ordinarily be accepted, however the Head of Service for Public Protection will have discretion in exceptional cases and on a case by case basis.

## Appeals

Fixed Penalty Notices (FPN) for criminal offences do not have a formal ground of appeal.

The legislation that governs fixed penalty notices means that a person who receives an FPN can challenge the offence in court if they believe the penalty should not have been issued to them.

It is important to note that payment of a fixed penalty notice is an invitation for the person issued with the FPN to discharge their liability to prosecution.

## Flytipping and littering - Fixed Penalty Matrix

In relation to Section 33, 34 and 87 of the Environmental Protection Act 1990, for fixed penalty notices (FPN) the council will utilise the FPN matrix and consider the application of the below matrix in certain circumstances:

<b>Fly Tipping</b>	Maximum Fine (each offence) £1,000	Optional FPN Amount (case by case basis):  <ul style="list-style-type: none"> <li>■ Car Boot or Less - £600*</li> <li>■ Small Van Load - £800*</li> <li>■ Transit Van or Above - £1,000</li> </ul>
<b>Littering</b>	Maximum Fine (each offence) £500	Optional FPN Amount (case by case basis):  <ul style="list-style-type: none"> <li>■ Single Item - £250*</li> <li>■ Multiple Items - £500</li> </ul>

The optional FPN amount stated\* could be raised back to the maximum amount, depending on the following factors:

- Size of item(s)
- Location of item(s)
- Risk to public health and safety
- Risk to the environment
- Court likely to impose a nominal penalty.
- Previous advice/warning given.
- Oversight/ignorance of the law.

## **Court Action**

A FPN may not be appropriate where it is known that the offender has previously been issued with a FPN for a similar offence, particularly if they have not paid. Court action will be considered in such cases as will offences where the impact of the offence upon the local environment and the cost related to rectifying is significant. Court action will be considered if:

- Payment has not been made
- The offence is major, e.g. significant fly tip, dumping of hazardous waste
- The offence is committed by a persistent offender
- The offender is violent or aggressive

## Appendix B- Environmental Health Approach to Investigation and Enforcement

### General Principles

This policy guides all officers involved in investigation, enforcement action and recommending or deciding upon the commencement of legal proceedings within the scope of Environmental Health.

### Inspections and Visits

Inspections or visits will not take place without a reason. They may be undertaken in response to a complaint; in accordance with risk-based programmes; in accordance with statutory requirements or on receipt of relevant intelligence.

Where complaints are being investigated, notice of inspections/visits will not normally be given unless we are required to do so by legislation.

In accordance with the Food Standards Agency Food Law Code of Practice, most food hygiene inspections will be carried out unannounced during normal hours of operation of the business. In some circumstances, appointments to undertake an inspection have to be made.

On occasion, if admission has been refused, premises are unoccupied or prior warning of entry is likely to defeat the purpose of the entry, we may apply to a Justice of the Peace for a Warrant to enter premises,

by force if necessary.

Liaison with other Enforcement Agencies and Regulatory Bodies

Where appropriate, enforcement activities within Environmental Services will be coordinated with other regulatory bodies and enforcement bodies to maximise effectiveness.

The Primary Authority Scheme was established by the Regulatory Enforcement and Sanctions Act 2008 (as amended). Officers will liaise with Primary Authorities when applicable e.g. before taking enforcement action. We will comply with the requirements of this Act when we are considering taking enforcement action against any business or organisation that has a primary authority and will have regard to any guidance issued by the Secretary of State in relation to Primary Authority.

Where there has been a work-related death at a premise where the local authority is the enforcing authority, we will work with other regulators involved in the investigation to consider any health and safety offences as effectively and efficiently as possible. This will be undertaken in accordance with the Work-related Deaths Protocol for the Police, Crown Prosecution Service, Local Authorities, and the Health and Safety Executive.

We will have regard to the Health and Safety Executive Enforcement Management Model (EMM) and associated guidance when considering enforcement decisions relating to health and Safety at Work.

## Appendix C- Private Sector Housing Approach to Investigation and Enforcement

### Introduction

The private rented sector is growing rapidly and although the majority of landlords provide well-managed and safe homes, the Council recognises that there are some landlords who neglect their responsibilities and put their tenants at risk due to the poor condition of their homes.

This document is intended to provide guidance for officers, landlords, letting agents and residents in respect of our approach to improving standards in private sector housing and dealing with enforcement. It should be read in conjunction with the Council's Environmental Services and Corporate Enforcement Policies which set out our commitment to the Principles of Good Enforcement and the Regulators Code.

Throughout this document, the term "landlord" also includes "property agents" and "letting agents" unless specified otherwise.

### Approach to Enforcement

The Council recognises that most landlords and individuals wish to comply with the law and will seek to assist them in doing so by providing assistance to enable them to comply with legal requirements. Reasonable efforts will be made to ensure compliance without the need for formal action and in most circumstances, landlords will first be given the opportunity to investigate and resolve any issues at their properties. However, formal action will be considered where necessary, for example, where there is a serious or imminent risk to public health, a history of non-compliance or where landlords have failed to take action within informally agreed timescales.

The Council expects landlords to have a good understanding of the standards required in privately rented accommodation and refer to published guidance. The Council works closely with DASH Services (Decent and Safe Homes) to provide the Lincolnshire Landlord Accreditation Scheme to encourage and promote good property standards and management practices in the private rented sector.

The Private Sector Housing team will respond to complaints from tenants and other residents about the

condition of private housing, prioritising them on the basis of an assessment of risk. Unless there appears to be an imminent risk, tenants are encouraged to contact their landlord initially to try to resolve the matter themselves in the first instance.

The Council may proactively target enforcement activity where intelligence suggests that this may be necessary, or to support the Council's wider priorities. This may include but is not restricted to; houses in multiple occupation, properties with poor energy efficiency ratings, poorly built/converted properties, and area-based interventions.

### Housing Health and Safety Rating System (HHSRS)

The assessment of housing conditions will be carried out using the Housing Health and Safety Rating System as set out in the Housing Act 2004. This is a risk-based evaluation tool used to identify and protect against risks and hazards to health and safety from deficiencies identified in dwellings. The HHSRS is based on statistical evidence relating to the likelihood and outcome of the occurrence of 29 different hazards. The assessment method results in a score for each relevant hazard which falls within one of two categories:

< Category 1 hazards – these represent a serious hazard to health and the Council has a duty to take appropriate action.

< Category 2 hazards – these represent a lesser hazard to health and the Council has a discretionary power to take action.

The Council will not normally take enforcement action to remedy (or reduce) minor or moderate Category 2 hazards. However, where any significant Category 2 hazards are identified, a number of Category 2 hazards exist which in combination present a greater cumulative risk, or where the vulnerability of the occupants is a particular factor, appropriate formal action to secure improvements will be considered.

The HHSRS can be used to assess hazards across all tenures. However, the Council will not normally require owner occupiers to undertake works to their own homes unless there is an imminent risk to the occupier or deficiencies at the property are adversely affecting another property or person.

## **Overcrowding**

The Housing Act 2004 introduced “crowding and space” as a hazard under the HHSRS, however, the Housing Act 1985 was not repealed and as such there are two provisions in force. The standards in the Housing Act 1985 are prescriptive based on the number and size of rooms in a property, often including living and dining rooms as being suitable sleeping rooms. It takes no account of the remaining living space.

The Council will follow the Government’s HHSRS enforcement guidance which advises councils to use the HHSRS in respect of overcrowding. The Council will have regard to guidance in considering appropriate action on a case-by-case basis.

Where enforcement action may result in a family having to leave their home the Council will work with all parties to mitigate the impact.

## **Summary of Enforcement Options**

A range of enforcement powers are available to the Council relating to the regulation of the Private Rented Sector the table below details some of these and describes the circumstances as to when they may be considered appropriate.

Action	Circumstances
<b>1. No Action</b>	<ul style="list-style-type: none"> <li>■ Complaints or allegations of housing legislation breaches or statutory nuisances are of minor or low risk to health and the landlord has not been informed by the complainant, or allegations are unsubstantiated and unwitnessed.</li> <li>■ Formal action is inappropriate in the circumstances.</li> </ul>
<b>2. Advisory notices and letters</b>	<ul style="list-style-type: none"> <li>■ Where conditions are evidenced to justify action and investigation and it is appropriate to give the opportunity to landlords and tenants to make representations, provide information or effect change to meet compliance.</li> <li>■ No health impacts are present which pose a risk to health or nuisance</li> </ul>
<b>2. Formal notices or Orders</b>	<ul style="list-style-type: none"> <li>■ The defect/conditions present a risk to health and/or a nuisance.</li> <li>■ There are previous failures of statutory requirements.</li> <li>■ Previous advisory notices/letters were ignored, or action was not taken in a timely manner or to the correct standard.</li> <li>■ There is a lack of confidence in the individual or management i.e. the willingness to respond to an informal approach.</li> <li>■ The Council is legally required to serve a statutory notice</li> </ul>
<b>4. Financial Penalties (up to £30,000 if under the Housing and Planning Act 2016, The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 or Tenant Fees Act 2019. Up to £5000 under other legislation)</b>	<ul style="list-style-type: none"> <li>■ Non-compliance with an improvement or overcrowding notice.</li> <li>■ Failure to obtain a property licence (Both parts 2 and 3 Housing Act 2004).</li> <li>■ Significant and/or repeated breaches of HMO management regulations.</li> <li>■ Breaches of the conditions of the property licence.</li> <li>■ The amount of penalty decided by Financial Penalty Matrix for Housing Act 2004 offences is detailed below.</li> <li>■ Used as an alternative to a prosecution.</li> <li>■ Other financial penalty powers are within breaches of the following legislation: <ul style="list-style-type: none"> <li>■ The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020, Amount of penalty decided by Financial Penalty Matrix for offences is The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 detailed below.</li> <li>■ The Smoke and Carbon Monoxide Alarm (England) Regulations 2015</li> <li>■ Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 and</li> <li>■ The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 and subsequent amendments.</li> </ul> </li> </ul>

Action	Circumstances
<b>5. Works in Default - Emergency Remedial Action &amp; Emergency Prohibition Order</b>	<ul style="list-style-type: none"> <li>■ There is an imminent risk to the health and safety of the occupant and/or public.</li> <li>■ Awaiting the service of a notice or a prosecution would not adequately protect the public interest.</li> <li>■ However, this does not rule out subsequent action being taken in conjunction with a prosecution, financial penalty, RRO or other legal action.</li> </ul>
<b>6. Works in Default – noncompliance with a notice.</b>	<ul style="list-style-type: none"> <li>■ We may choose to carry out works required by notice if they have not been completed within the permitted time or are not likely to be completed within the permitted time.</li> <li>■ This may be taken in conjunction or followed with a prosecution or financial penalty and/or RRO</li> </ul>
<b>7. Rent Repayment Orders (RRO)</b>	<ul style="list-style-type: none"> <li>■ RROs will be considered after every successful prosecution for failure to comply with an Improvement Notice (section 30); Prohibition Order, including Emergency Prohibition Orders (section 32); Offences in relation to licensing of HMOs (section 72) and in relation to licensing of houses under Part 3 of the Act (section 95).</li> <li>■ Where a landlord fails to licence a licensable property and they received a significant amount of Housing Benefit or Universal Credit, a RRO application may be made to the First Tier Tribunal.</li> </ul>
<b>8. Banning Orders</b>	<ul style="list-style-type: none"> <li>■ The Council may decide to seek a Banning Order following the breach of 'banning order offences' by landlords and agents. A banning order lasts for a minimum of 12 months and prevents landlords or agents from letting their own properties or being involved in the lettings and property management industry across England.</li> </ul>
<b>9. Interim &amp; Final Management Order</b>	<ul style="list-style-type: none"> <li>■ The Council may decide to seek an Interim Management Order (IMO), following the breach of certain licensing offences, where the health and safety or welfare of the occupants is at serious risk (the 'health and safety condition' section 104 Housing Act 2004) and/or breach of a banning order by landlords and agents. An IMO lasts for a maximum of 12 months and gives control of the subject property to the Council. At the end of the Interim period, a Final Management Order (FMO) of up to 5 years may be sought, which follows the same principles but on a longer-term basis.</li> </ul>

**Housing Act 2004 offences Financial Penalty Matrix.**

The following matrix is used by officers in determining the penalty amounts for a Financial Penalty Notice under the Housing Act 2004 which were introduced as an alternative to prosecution by the Housing and Planning Act 2016. It has been created having specific regard to the Government Guidance for Local Authorities: Civil Penalties under the Housing and Planning Act 2016, published in April 2018.

Each of the rows in the matrix takes into account certain criteria set out in the guidance. Each row produces a score dependent on the severity of the issue, being either 1, 5, 10, 15 or 20. At the end of every row, the officer will have to justify the most appropriate score chosen based on evidence in the case. The sum of the scores of each of the 4 rows produces a total. This final total is then compared against the council's set fee ranges, which determines the exact penalty amount; see table below. For example, a matrix total of 17 would result in a penalty

of £7,500, a score of 55 would result in a penalty of £20,000 etc.

Consequently, the officer using the matrix will at no point be setting the penalty amount themselves as it is automatically calculated by the matrix, dependent on their assessment and resultant scores in each of the 4 rows.

In setting the financial penalty the Council assumes that the offender is able to pay any penalty imposed unless they supply suitable and sufficient financial evidence to the contrary. It is for the offender to provide this information. If the Council is not satisfied that reliable or suitable information has been provided, reasonable inferences relating to their ability to pay will be drawn from the information available and any other evidence available to the Council.

The ability of an offender to raise finance against their rental portfolio may be taken into consideration where the offender claims they are unable to pay a financial penalty and shows they have only a low income.

Score Range	Fee
01-May	£1,000
06-Oct	£2,500
Nov-15	£5,000
16-20	£7,500
21-30	£10,000
31-40	£15,000
41-60	£20,000
61-80	£25,000
81-100	£30,000

Factors	Score = 1	Score = 5	Score = 10	Score = 15	Score = 20	Total	Justification
1. Deterrence & Prevention.	High confidence that a financial penalty will deter repeat offending. Informal publicity not required as a deterrence	Medium confidence that a financial penalty will deter repeat offending. Minor informal publicity required for mild deterrence in the landlord community.	Low confidence that a low financial penalty will deter repeat offending (e.g. no contact from offender). Some informal publicity will be required to prevent similar offending in the landlord community.	Little confidence that a low financial penalty will deter repeat offending. Likely informal publicity will be required to prevent similar offending in the landlord community.	Very Little confidence that a low financial penalty will deter repeat offending. Informal publicity will be required to prevent similar offending in the landlord community		
2. Removal of Financial Incentive	No significant assets. No or very low financial profit made by offender	Little asset value. Little profit made by offender.	Small portfolio landlord (between 2-3 properties). Low asset value. Low profit made by offender.	Medium portfolio landlord (between 4-5 properties) or a small Managing Agent. Medium asset value. Medium profit made by offender	Large portfolio landlord (over 5 properties) or a medium to large Managing Agent. Large asset value. Large profit made by offender.		
3. Offence & History	No previous enforcement history. Single low-level offence.	Minor previous enforcement. Single offence	Recent second time offender. Offence has moderate severity or small but frequent impact(s).	Multiple offender. Ongoing offences of moderate to large severity or a single instance of a very severe offence.	Serial offender. Multiple enforcement over recent times. Continuing serious offence		
4. Harm to Tenants(s)	Very little or no harm caused. No vulnerable occupants. Tenant provides no information on impact.	Likely some low-level health/harm risk(s) to occupant. No vulnerable occupants. Tenant provides poor quality information on impact.	Likely moderate level health/harm risk(s) to occupant. Vulnerable occupants potentially exposed. Tenant provides some information on impact but with no primary or secondary	High level of health/harm risk(s) to occupant. Tenant(s) will be affected frequently or by occasional high impact occurrences. Vulnerable occupants more than likely exposed. Small HMO (3-4 occupants), multiple occupants exposed. Tenant provides good information on impact with primary evidence (e.g. prescription drugs present, clear signs of poor health witnessed) but no secondary evidence.	Obvious high-level health/harm risk(s) and evidence that tenant(s) are badly and/or continually affected. Multiple vulnerable occupants exposed. Large HMO (5+ occupants), multiple occupants exposed. Tenant provides excellent information on impact with primary and secondary evidence provided (e.g. medical, social services reports).		
(*Score is doubled on this section in line with Statutory Guidance)							
					<b>Total:</b>		

**The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 Penalty Matrix**

The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 provide duties for landlords of certain rented domestic properties in relation to managing risks associated with the electrical installation. Without prejudice to the wording of the regulations, these include:

- Ensure national standards for electrical safety are met. These are set out in the 18th edition of the 'Wiring Regulations', which are published as British Standard 7671.
- Ensure all electrical installations in their rented properties are inspected and tested by a qualified and competent person at least every 5 years.
- Obtain a report from the person conducting the inspection and test which gives the results and sets a date for the next inspection and test.
- Supply a copy of this report to the existing tenant within 28 days of the inspection and test.
- Supply a copy of this report to a new tenant before they occupy the premises.
- Supply a copy of this report to any prospective tenant within 28 days of receiving a request for the report.

- Supply the local housing authority with a copy of this report within 7 days of receiving a written request for a copy.
- Retain a copy of the report to give to the inspector and tester who will undertake the next inspection and test.
- Where the report shows that further investigative or remedial work is necessary, complete this work within 28 days or any shorter period if specified as necessary in the report.

The full wording of the regulations can be found online and at the time of draft are located here: [www.legislation.gov.uk/uksi/2020/312/contents/made](http://www.legislation.gov.uk/uksi/2020/312/contents/made).

Where a local housing authority is satisfied, beyond reasonable doubt, that a private landlord has breached a duty under regulation 3, the authority may impose a financial penalty of up to £30,000.

The regulations detail the steps required by a local authority to take as well as the right of a landlord to make representations and the right of appeal against any subsequent decision to issue a financial penalty. In determining the value of a financial penalty, the Council will have regard to the matrix below.

In using this matrix, the council has regard to the non-statutory guidance issued by the government "Guide for local authorities: electrical safety standards in the private rented sector."

**General principles (to be applied to all financial penalties made under the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020**

No penalty charge shall be issued above the statutory maximum of £30,000

No penalty charge shall be less than 20% of the starting value after all aggravating and mitigating factors are considered and taken into account.

Mitigating factors will be considered based on evidence submitted by the landlord or their agent to the Private Sector Housing Team prior to and including any representations that the landlord provides following service of a Notice of Intent to issue a Financial Penalty

The offences under the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 have been split into two tiers of offences as detailed below:

<b>The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020</b>	<b>Regulation</b>	<b>Tier</b>
Ensure national standards for electrical safety are met. These are set out in the 18th edition of the 'Wiring Regulations', which are published as British Standard 7671.	3(1)(a))	Tier 1
Ensure all electrical installations in their rented properties are inspected and tested by a qualified and competent person at least every 5 years	3(1)(b))	Tier 1
Obtain a report from the person conducting the inspection and test which gives the results and sets a date for the next inspection and test.	3(3)(a)	Tier 1
Supply a copy of this report to the existing tenant within 28 days of the inspection and test.	3(3)(b)	Tier 2
Supply a copy of this report to a new tenant before they occupy the premises.	(3(3)(e)(i)	Tier 2
Supply a copy of this report to any prospective tenant within 28 days of receiving a request for the report	3(3)(e)(ii)	Tier 2
Supply the local housing authority with a copy of this report within 7 days of receiving a written request for a copy.	3(3)(c)	Tier 2
Retain a copy of the report to give to the inspector and tester who will undertake the next inspection and test.	3(3)(d)	Tier 2
Where the report shows that further investigative or remedial work is necessary, complete this work within 28 days or any shorter period if specified as necessary in the report.	3(4) – 3(6)	Tier 1

Failure to comply with duties under the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

Starting Value of penalty charge (Note 1)	Tier 1	Tier 2
1st Relevant Penalty	£6,000	£1,200
2nd subsequent penalty issued to the same person/company	£15,000	£3,000
Subsequent penalty issued to the same person/company	£24,000	£4,800

Aggravating Factors (use all that apply) (note 2)	Tier 1	Tier 2
Evidence of failure to comply with multiple duties. (note 6)	£3,000	N/A
Acts or omissions demonstrating high culpability (note 4)	£3,000	£600
Large housing portfolio (note 5)	£3,000	£600
Vulnerable occupant and/or significant harm occurred as a result of failure to comply with regulations (note 7))	£3,000	£600

Mitigating Factors (use all that apply) (note 3)	Tier 1	Tier 2
Evidence of Low culpability (note 8)	-£3,000	-£600
Rapid action taken to remedy failings (note 9)	-£3,000	-£600

Notes 1-3 set out the overall process for determining the value of a given financial penalty. Notes 4-10 give details on specific other issues.

**Note 1 Determining the starting value of a financial penalty.**

The starting point for a financial penalty is based on the number of previous financial penalties issued under these regulations in the previous four years. The Council will take into account any such financial penalties irrespective of the locality to which the breach of legal duty relates.

**Note 2 Aggravating factors.**

After the starting point as per note 1 has been determined any relevant aggravating factors are considered and where appropriate to do so, the given value is added to the starting point to provide the maximum level of financial penalty. At this stage, it is possible for the notional penalty to be above the statutory maximum, but once mitigation and income are considered if the value is still above the statutory maximum, it will be capped as per the “general principles.”

**Note 3 Mitigating factors.**

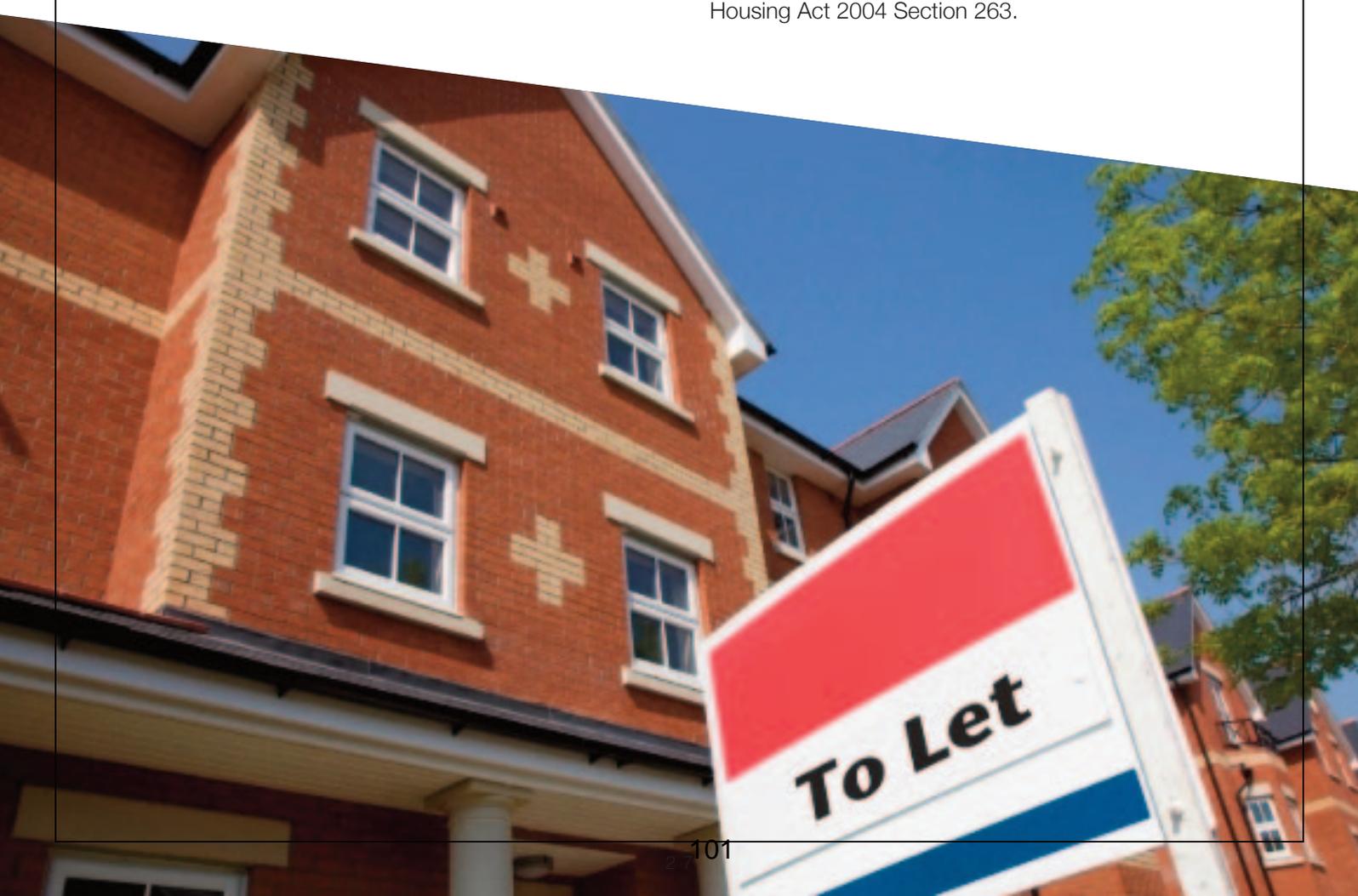
After aggravating factors are considered and applied where appropriate, mitigating factors are considered and where there is sufficient and compelling evidence the relevant value will be discounted from the Financial Penalty. In considering whether it is appropriate to include a mitigating factor, evidence shall be considered that has been gathered by the inspecting officer in the course of any investigation as well as any representations that have been provided following a served Notice of Intent.

**Note 4 Acts or omissions demonstrating high culpability.**

This aggravating factor will be applied where, the person to which the financial penalty applies, acted in a reckless or deliberate manner in not complying with a statutory notice or previous relevant formal advice.

**Note 5 Large housing portfolio.**

The aggravating factor is applied where the perpetrator has control or manages of 10 or more units of accommodation. For the purposes of this aggravating factor, the definition of a person having control and person managing are as defined by Housing Act 2004 Section 263.



**Note 6 Multiple failings.**

To be included where there is evidence of a failure to comply with three or more regulations, irrespective of whether they are defined as “Tier 1” or “Tier 2”. For the avoidance of doubt, multiple failures of the same regulation do not apply, it is based on evidence of failure of duties under separate provisions within the regulations.

**Note 7 Vulnerable persons and/or serious harm.**

This factor will be applied if either the property is occupied by a vulnerable person or if significant harm has occurred as a result of the failure to comply with the duties imposed by these regulations. A vulnerable person is defined as:

*A person who suffers or is at risk of suffering harm or detriment which the ordinary person would not suffer or be at risk of suffering due to age, disability, or severe financial insecurity.*

This factor applies where an occupant is vulnerable and, due to the underlying failure to comply with the relevant legislation is placed at additional risk or harm compared with a non-vulnerable resident.

For purposes of this factor, significant harm is defined as:

*A physical or mental illness or injury that corresponds to one of the four classes of harm as recorded in Housing Act 2004 Section 9 Operating Guidance for the Housing Health and Safety Rating System.*

**Note 8 Low culpability.**

This factor will apply where the perpetrator provides sufficient evidence that they only marginally fell short of their legal obligations, for instance:

- Significant efforts were made to address the relevant breach of duty, although they were inadequate to mitigate the underlying cause to issue the penalty.
- They have offered a reasonable defence for why they were unaware of the breach of duty.
- Failings were minor and occurred as an isolated incident.

It will not be sufficient to claim not to have known of the legal requirement or deficiency that forms the underlying reason for the financial penalty in order to benefit from this factor.

It will also not apply where the underlying failure was due to the inaction of the perpetrator in properly managing rented properties, responding to complaints of poor standards, carrying out routine visits, instructing others to assist where necessary etc.

**Note 9 Rapid action taken to remedy failings.**

This factor will apply where, on notification of the alleged failure of the legal duty, the perpetrator took rapid action to remedy the underlying failings which could mean:

- Undertaking remedial works to address the deficiencies noted.
- Obtaining copies of existing electrical reports and providing them to the relevant party.

In order to benefit from this factor, it is the responsibility of the perpetrator to provide sufficient evidence of compliance. It will not be sufficient to simply claim works have been completed, but photographs, videos, and arrangements with the Private Sector Housing Team to visit are all appropriate measures to demonstrate compliance.

In assessing whether “rapid action” was taken, the Council will take into account the extent of the remedial works or actions required, and the time taken from receipt of any requirement to action. This could be evidence of quotes for works, agreed start dates from contractors etc.

In setting the financial penalty the Council assumes that the offender is able to pay any penalty imposed unless they supply suitable and sufficient financial evidence to the contrary. It is for the offender to provide this information. If the Council is not satisfied that reliable or suitable information has been provided, reasonable inferences relating to their ability to pay will be drawn from the information available and any other evidence available to the Council.

The ability of an offender to raise finance against their rental portfolio may be taken into consideration where the offender claims they are unable to pay a financial penalty and shows they have only a low income.

## Statement of Principles under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015

This statement sets out the principles that South Kesteven District Council will apply in exercising its powers to require a relevant landlord to pay a financial penalty.

The Regulations require the Council to prepare and publish a statement of principles which it proposes to follow in determining the amount of a penalty charge.

In determining the amount of a penalty charge, the Council must have regard to the statement of principles which was most recently prepared and published at the time when the breach in question occurred.

### Legislative background

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 came into force on 1 October 2015 and introduced the following duties (amended by the Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022) for “relevant landlords” when premises are occupied under a “specified tenancy”:

- A smoke alarm is equipped on each storey of the premises on which there is a room used wholly or partly as living accommodation; and
- A carbon monoxide alarm is equipped in any room of the premises which is used wholly or partly as living accommodation and contains a fixed combustion appliance other than a gas cooker.
- Checks are made 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, and
- Where, following a report made on or after 1<sup>st</sup> 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.

Where the Council has “reasonable grounds” to believe that a relevant landlord is in breach of one or more of the duties the authority must serve a remedial notice on the landlord.

Reasonable grounds include evidence from a Private Sector Housing Officer or other relevant professional such as an Officer of the Council, Fire service, Police etc.

In line with the Council’s Corporate Enforcement Policy, a staged approach will be used, giving the landlord 7 days to comply where there is no history of non-compliance. If there is a history of non-compliance or compliance is not achieved within 7 days a remedial notice will be served.

Where a remedial notice has been served and the Council is satisfied on the balance of probabilities that the landlord on whom a remedial notice was served has failed to take the remedial action specified in the notice within the specified period the Council must (where the occupier consents) arrange for the remedial action to be taken and may require the landlord to pay a penalty charge.

### Principles followed in determining the amount of Penalty Charge

The purpose is to protect the safety of residents in rented accommodation. Where legislation is not complied with the financial penalty aims to:

- Change the behaviour of the landlord and deter future non-compliance.
- Eliminate any financial gain associated with non-compliance.
- Be proportionate; giving consideration to seriousness, past performance, risk, and Government guidance.
- Reimburse the Council for costs incurred in enforcement.



## Penalty Charge

The Regulations allow a civil penalty of up to £5,000 to be imposed on landlords who fail to comply with a remedial notice.

The level of penalty covers the cost of all works in default, officer costs, inspections, and administration on a cost recovery basis. In addition to this, an appropriate and proportionate penalty fine is levied.

The level of Penalty Charge is set on a scale with a minimum penalty of £700.

Where there is a history of noncompliance or unspent convictions relating to housing, or where there are increased risk factors such as vulnerable occupiers, or the property presents a high risk, additional charges will apply to a maximum of £4,500.

## Level of Penalty Charge

A fee of £700 will be charged in all cases. This covers the cost of works in default, officer costs, inspections, administration, and a penalty for non-compliance with the notice.

In addition to the £700 charge, additional penalties will be levied as follows:

- Previous spent or unspent conviction or works in default. undertaken relating to the owner's role as a landlord. £1,000
- Previous remedial action taken under this legislation. £1,000
- Per additional storey above or below ground level (e.g. Two storey house is £100; Three storey house is £200) £100
- No clear or direct means of escape £500
- Increased risk of ignition or spread of fire. (e.g. poor electrics, open fires etc.) £500
- Vulnerable occupants (e.g. elderly or disabled persons, children or others considered vulnerable due to their circumstances) £500

## Energy Efficiency – Private Rented Property Minimum Standard

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

minimum level of energy efficiency for private rented property. The minimum is currently set at an Energy Performance Certificate (EPC) rating of band E.

The Council will have regard to the Guidance for landlords and local authorities on the minimum level of energy efficiency required to let domestic property issued by the Department for Business, Energy, and Industrial Strategy in the application of this legislation.

The minimum standard applies to domestic privately rented properties which are let under certain types of tenancy, and which are legally required to have an EPC as described in the Regulations.

Subject to certain exclusions and exemptions the prohibition on letting sub-standard property takes effect as follows:

- From 1 April 2018, landlords of relevant domestic private rented properties may not grant a tenancy to new or existing tenants if their property has an EPC rating of Band F or G (as shown on a valid Energy Performance Certificate for the property).
- From 1 April 2020, landlords must not continue letting a relevant domestic property which is already let if that property has an EPC rating of band F or G (as shown on a valid Energy Performance Certificate for the property)

Where a landlord wishes to continue letting property which is currently sub-standard, they will need to ensure that energy efficiency improvements are made which raise the EPC rating to a minimum of E.

In certain circumstances as defined in the Regulations, landlords may be able to claim an exemption from the prohibition on letting sub-standard property. Where a valid exemption applies, landlords must register the exemption on the national PRS Exemptions Register.

Most exemptions last for 5 years, but do not pass to a new owner or landlord on sale or transfer of the property. The new owner will need to either improve the property to the minimum standard, or register an exemption themselves, where one applies, if they wish to continue to let the property.

The Council will use the information contained in the PRS Exemptions Register to check compliance with the Regulations. Where it is suspected that a landlord may be in breach of the prohibition on letting sub-standard property, the Council may serve a Compliance Notice requesting information from the

landlord to decide whether that landlord has in fact breached the prohibition.

The Council will impose a financial penalty at the maximum level permitted by the Regulations and will also impose the publication penalty, where satisfied that the landlord is, or has been in the last 18 months:

- in breach of the prohibition on letting sub-standard property (which may include continuing to let the property after April 2020), or
- in breach of the requirement to comply with a Compliance Notice, or
- has uploaded false or misleading information to the Exemptions Register.

The maximum penalties are currently as follows:

- £2,000 for renting out a sub-standard property for less than 3 months.
- £4,000 for renting out a sub-standard property for 3 months or more.

- £1,000 for providing false or misleading information on the PRS Exemptions Register
- £2,000 for failing to comply with a compliance notice.

Where penalties are imposed under more than one of the above, the total penalty may not exceed £5,000. This applies per property and per breach.

The Council will impose the maximum penalty for each of the breaches.

A publication penalty means that some details of the landlord's breach will be published on a publicly accessible part of the PRS Exemptions Register, where it will be available to view for 12 months.

As a penalty may be served up to 18 months after the suspected breach, a person may be served with a penalty notice after they have ceased to be the landlord of a property.



## Appendix D:

### Example of a Decision Log & Action Plan

<b>Decision Reference:</b>					
<b>Alleged offender</b>			<b>Offence and Legislation</b>		
Name:					
Address:					
Corporate Priority:					
<b>Priority Evaluation</b>	<b>Y</b>	<b>N</b>		<b>Y</b>	<b>N</b>
Public safety – protecting our community/removing dangers to life			Immediate & significant environmental harm or nuisance		
Significant financial loss to council			Significant impact on delivery of overall priorities		
Statutory duty/national enforcement priority			Significant reputational loss		
<b>Outline of Circumstances and Decision / Advice Sought</b>					

Evidential / Public Interest Criteria	Y	N		Y	N
Sufficient evidence to prosecute			Offer of caution rejected by offender		
Previous advice / warning given			Court likely to impose nominal penalty		
Any previous conviction(s) / caution(s)			Evidence of recklessness or negligence		
Was there risk to public health & safety			Long (unjustifiable) delay since offence		
Was there risk or danger to environment			Other sanctions available		
(Actual / potential) financial loss incurred			Previous suggestion of no prosecution		
Oversight/ignorance of the law			Victim content for no prosecution		
Has offender been co-operative			Officer obstructed		
Is offender young, elderly, or vulnerable			(Actual/potential) gain to the offender		
Is there a 'vulnerable' victim			Failure to comply with a statutory notice		
A 'technical' offence			Evidence of 'intent' or 'guilty knowledge'		
Widespread publicity about type of offence			Long term/recurrent offending		
Investigating Officer:	Team Leader/ Manager		Consulted Y / N		
<b>Signed:</b>	<b>Date:</b>				

**Decision / Advice**

**Decision Summary:**

Prosecution		Further investigation needed	
Injunction		No Further Action – Public Interest	
Simple Caution		No Further Action – Priority Area	
Bankruptcy		No Further Action - Evidential	
Eviction		Other (specify)	
Reprimand/Final Warning			
Further legal advice needed			

**Action Plan**

Further Action Agreed	Action Date By	Officer
1		
2		
3		
4		
Service Manager:	Signed	Date

### **Amendments to the Corporate Enforcement Policy**

Future minor amendments such as typographical corrections to the Corporate Enforcement Policy are delegated to the Head of Service – Public Protection, in consultation with the Cabinet Member for Corporate Governance and Licensing.

Amendment number	Amendment description	Date amended	Comments

# Contact Details

**Alternative formats are available on request:  
audio, large print and Braille**

**South Kesteven District Council  
01476 40 60 80**

 [www.southkesteven.gov.uk](http://www.southkesteven.gov.uk)



**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

## Appendix C- Private Sector Housing Approach to Investigation and Enforcement

### Introduction

The private rented sector is growing rapidly and although the majority of landlords provide well-managed and safe homes, the Council recognises that there are some landlords who neglect their responsibilities and put their tenants at risk due to the poor condition of their homes.

This document is intended to provide guidance for officers, landlords, letting agents and residents in respect of our approach to improving standards in private sector housing and dealing with enforcement. It should be read in conjunction with the Council's Environmental Services and Corporate Enforcement Policies which set out our commitment to the Principles of Good Enforcement and the Regulators Code.

Throughout this document, the term "landlord" also includes "property agents" and "letting agents" unless specified otherwise.

### Approach to Enforcement

The Council recognises that most landlords and individuals wish to comply with the law and will seek to assist them in doing so by providing assistance to enable them to comply with legal requirements. Reasonable efforts will be made to ensure compliance without the need for formal action and in most circumstances, landlords will first be given the opportunity to investigate and resolve any issues at their properties. However, formal action will be considered where necessary, for example, where there is a serious or imminent risk to public health, a history of non-compliance or where landlords have failed to take action within informally agreed timescales.

The Council expects landlords to have a good understanding of the standards required in privately rented accommodation and refer to published guidance. The Council works closely with DASH Services (Decent and Safe Homes) to provide the Lincolnshire Landlord Accreditation Scheme to encourage and promote good property standards and management practices in the private rented sector.

The Private Sector Housing team will respond to complaints from tenants and other residents about the

condition of private housing, prioritising them on the basis of an assessment of risk. Unless there appears to be an imminent risk, tenants are encouraged to contact their landlord initially to try to resolve the matter themselves in the first instance.

The Council may proactively target enforcement activity where intelligence suggests that this may be necessary, or to support the Council's wider priorities. This may include but is not restricted to; houses in multiple occupation, properties with poor energy efficiency ratings, poorly built/converted properties, and area-based interventions.

### Housing Health and Safety Rating System (HHSRS)

The assessment of housing conditions will be carried out using the Housing Health and Safety Rating System as set out in the Housing Act 2004. This is a risk-based evaluation tool used to identify and protect against risks and hazards to health and safety from deficiencies identified in dwellings. The HHSRS is based on statistical evidence relating to the likelihood and outcome of the occurrence of 29 different hazards. The assessment method results in a score for each relevant hazard which falls within one of two categories:

< Category 1 hazards – these represent a serious hazard to health and the Council has a duty to take appropriate action.

< Category 2 hazards – these represent a lesser hazard to health and the Council has a discretionary power to take action.

The Council will not normally take enforcement action to remedy (or reduce) minor or moderate Category 2 hazards. However, where any significant Category 2 hazards are identified, a number of Category 2 hazards exist which in combination present a greater cumulative risk, or where the vulnerability of the occupants is a particular factor, appropriate formal action to secure improvements will be considered.

The HHSRS can be used to assess hazards across all tenures. However, the Council will not normally require owner occupiers to undertake works to their own homes unless there is an imminent risk to the occupier or deficiencies at the property are adversely affecting another property or person.

## **Overcrowding**

The Housing Act 2004 introduced “crowding and space” as a hazard under the HHSRS, however, the Housing Act 1985 was not repealed and as such there are two provisions in force. The standards in the Housing Act 1985 are prescriptive based on the number and size of rooms in a property, often including living and dining rooms as being suitable sleeping rooms. It takes no account of the remaining living space.

The Council will follow the Government's HHSRS enforcement guidance which advises councils to use the HHSRS in respect of overcrowding. The Council will have regard to guidance in considering appropriate action on a case-by-case basis.

Where enforcement action may result in a family having to leave their home the Council will work with all parties to mitigate the impact.

## **Summary of Enforcement Options**

A range of enforcement powers are available to the Council relating to the regulation of the Private Rented Sector the table below details some of these and describes the circumstances as to when they may be considered appropriate.

Action	Circumstances
<p><b>1. No Action</b></p>	<ul style="list-style-type: none"> <li>■ Complaints or allegations of housing legislation breaches or statutory nuisances are of minor or low risk to health and the landlord has not been informed by the complainant, or allegations are unsubstantiated and unwitnessed.</li> <li>■ Formal action is inappropriate in the circumstances.</li> </ul>
<p><b>2. Advisory notices and letters</b></p>	<ul style="list-style-type: none"> <li>■ Where conditions are evidenced to justify action and investigation and it is appropriate to give the opportunity to landlords and tenants to make representations, provide information or effect change to meet compliance.</li> <li>■ No health impacts are present which pose a risk to health or nuisance</li> </ul>
<p><b>2. Formal notices or Orders</b></p>	<ul style="list-style-type: none"> <li>■ The defect/conditions present a risk to health and/or a nuisance.</li> <li>■ There are previous failures of statutory requirements.</li> <li>■ Previous advisory notices/letters were ignored, or action was not taken in a timely manner or to the correct standard.</li> <li>■ There is a lack of confidence in the individual or management i.e. the willingness to respond to an informal approach.</li> <li>■ The Council is legally required to serve a statutory notice</li> </ul>
<p><b>4. Financial Penalties (up to £30,000 if under the Housing and Planning Act 2016, The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 or Tenant Fees Act 2019. Up to £40,000 if under the Renters' Rights Act 2025. Up to £5000 under other legislation)</b></p>	<ul style="list-style-type: none"> <li>■ Non-compliance with an improvement or overcrowding notice.</li> <li>■ Failure to obtain a property licence (Both parts 2 and 3 Housing Act 2004).</li> <li>■ Significant and/or repeated breaches of HMO management regulations.</li> <li>■ Breaches of the conditions of the property licence.</li> <li>■ Used as an alternative to a prosecution.</li> <li>■ Other financial penalty powers are within breaches of the following legislation: <ul style="list-style-type: none"> <li>■ The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.</li> <li>■ Renters' Rights Act 2025</li> </ul> </li> <li>■ The amount of penalty decided by Financial Penalty Matrix for breaches of the afore-mentioned legislation is detailed below.</li> <li>■ The Smoke and Carbon Monoxide Alarm (England) Regulations 2015</li> <li>■ Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 and</li> <li>■ The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 and subsequent amendments.</li> </ul>

Action	Circumstances
<b>5. Works in Default - Emergency Remedial Action &amp; Emergency Prohibition Order</b>	<ul style="list-style-type: none"> <li>■ There is an imminent risk to the health and safety of the occupant and/or public.</li> <li>■ Awaiting the service of a notice or a prosecution would not adequately protect the public interest.</li> <li>■ However, this does not rule out subsequent action being taken in conjunction with a prosecution, financial penalty, RRO or other legal action.</li> </ul>
<b>6. Works in Default – noncompliance with a notice.</b>	<ul style="list-style-type: none"> <li>■ We may choose to carry out works required by notice if they have not been completed within the permitted time or are not likely to be completed within the permitted time.</li> <li>■ This may be taken in conjunction or followed with a prosecution or financial penalty and/or RRO</li> </ul>
<b>7. Rent Repayment Orders (RRO)</b>	<ul style="list-style-type: none"> <li>■ RROs will be considered after every successful prosecution for failure to comply with an Improvement Notice (section 30); Prohibition Order, including Emergency Prohibition Orders (section 32); Offences in relation to licensing of HMOs (section 72) and in relation to licensing of houses under Part 3 of the Act (section 95).</li> <li>■ Where a landlord fails to licence a licensable property and they received a significant amount of Housing Benefit or Universal Credit, a RRO application may be made to the First Tier Tribunal.</li> </ul>
<b>8. Banning Orders</b>	<ul style="list-style-type: none"> <li>■ The Council may decide to seek a Banning Order following the breach of ‘banning order offences’ by landlords and agents. A banning order lasts for a minimum of 12 months and prevents landlords or agents from letting their own properties or being involved in the lettings and property management industry across England.</li> </ul>
<b>9. Interim &amp; Final Management Order</b>	<ul style="list-style-type: none"> <li>■ The Council may decide to seek an Interim Management Order (IMO), following the breach of certain licensing offences, where the health and safety or welfare of the occupants is at serious risk (the ‘health and safety condition’ section 104 Housing Act 2004) and/or breach of a banning order by landlords and agents. An IMO lasts for a maximum of 12 months and gives control of the subject property to the Council. At the end of the Interim period, a Final Management Order (FMO) of up to 5 years may be sought, which follows the same principles but on a longer-term basis.</li> </ul>

## Civil penalties under the Renters' Rights Act 2025 and other housing legislation

This policy applies once the Council has made a decision to commence civil penalty proceedings.

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

In this policy, the term 'corporate landlord' should be read as referring to a body corporate that meets the definition of 'landlord' above.

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

The following breaches are subject to a civil penalty with a statutory maximum of £7,000:

Failure to give a written statement of terms and any other prescribed information under section 16D of the Housing Act 1988.

- Attempting to let a property for a fixed term under section 16E of the Housing Act 1988.
- Attempting to end a tenancy by service of a notice to quit under section 16E of the Housing Act 1988.
- Attempting to end a tenancy orally or requiring that it is ended orally under section 16E of the Housing Act 1988.
- Serving an eviction notice that attempts to end a tenancy outside the prescribed section 8 process under section 16E of the Housing Act 1988.
- Relying on a ground where the landlord does not reasonably believe that the landlord is/will be able to obtain possession under section 16E of the Housing Act 1988.
- Failing to provide a tenant with prior notice that a ground which requires it may be used under section 16E of the Housing Act 1988.
- Failure to give an existing tenant prescribed information about changes made by the Renters' Rights Act 2025 in the prescribed form and timeframe under paragraph 7(2) of schedule 6 to the Renters' Rights Act 2025.
- Discrimination relating to children in the lettings process under section 33 of the Renters' Rights Act 2025.
- Discrimination relating to benefits in the lettings process under section 34 of the Renters' Rights Act 2025.
- Failure to specify proposed rent within a written advertisement or offer under section 56 of the Renters' Rights Act 2025.
- Inviting, encouraging or accepting any offer of rent greater than the stated rate under section 56 of the Renters' Rights Act 2025.

The following breaches are subject to a civil penalty with a statutory maximum of £40,000:

- Breach of duty under Regulation 3, 3B, 3C, and 3D of The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020.

The following offences are subject to a civil penalty with a statutory maximum of £40,000:

- Unlawful eviction and harassment of occupier under section 1 of the Protection from Eviction Act 1977.
- Continuation of conduct subject to a relevant penalty (under s.16I or s.16K Housing Act 1988) after the 28-day period (or, if appealed, after conclusion of the appeal) where the final notice has not been withdrawn under section 16J of the Housing Act 1988
- Conduct giving rise to liability under s.16I, where within the preceding five years the landlord has either (i) had a relevant penalty (under s.16I or s.16K Housing Act 1988) imposed for different conduct and the final notice has not been withdrawn, or (ii) been convicted under s.16J for different conduct under section 16(J) of the Housing Act 1988.
- Relying on a ground knowing the landlord would not be able to obtain possession or being

reckless as to whether they would under section 16J of the Housing Act 1988.

- Breach of restrictions relating to reletting (s16(E)(2) Housing Act 1988) or remarketing (s16(E)(3) Housing Act 1988) a property within restricted period after using Grounds 1 or 1A of Schedule 2 Housing Act 1988 under section 16J of the Housing Act 1988.
- Breach of a banning order under section 21 of the Housing and Planning Act 2016.
- Failure to comply with an Improvement Notice under section 30 of the Housing Act 2004.
- Contravention of an overcrowding notice under section 139 of the Housing Act 2004.
- Failure to obtain a selective licence under section 95 of the Housing Act 2004.
- Failure to obtain an HMO licence under section 72 of the Housing Act 2004.
- Knowingly permitting over-occupation of an HMO under section 72 of the Housing Act 2004.
- Failure to comply with management regulations in respect of HMOs under section 234 of the Housing Act 2004.
- Failure to comply with HMO licence conditions under section 72 of the Housing Act 2004.
- Failure to comply with selective licence conditions under section 95 of the Housing Act 2004.

If a landlord has committed multiple breaches or offences, a separate civil penalty can, and usually will, be imposed for each breach and offence. In each case, the level of any civil penalty imposed will be determined in accordance with this policy.

If multiple landlords have committed the same breach or offence at the same property, a separate civil penalty can, and usually will, be imposed on each offender. In each case, the level of civil penalty imposed on each offender will be in accordance with this policy.

This policy outlines the Council's methodology and mechanism for assessing and setting the level of a civil penalty at all stages where a civil penalty is under consideration, including the preparation of a notice of intent, and where a final decision has been made to impose a civil penalty.

When applying the civil penalties matrix, interim calculations at individual stages may result in figures that exceed the statutory maximum. Where the final amount reached following application of all relevant steps exceeds the statutory maximum, the civil penalty will be reduced to the applicable statutory maximum.

The Council considers the need for transparency and consistency to be of primary importance to ensure fairness in the discharge of its functions. The general objective of this policy is, therefore, to promote both transparency and consistency in the imposition of financial penalties so that those involved in the letting or management of accommodation (a) know how the Council will generally penalise relevant breaches and offences and (b) are assured that, generally, like cases will be penalised similarly, and different cases penalised differently.

The Council recognises that, despite its best efforts, landlords may operate unlawfully for a significant period without detection, and that only a proportion of those committing relevant breaches and offences will be identified. Accordingly, the Council seeks to ensure that civil penalties are set at a level that makes it clear to the landlord concerned and to others that operating unlawfully as a landlord is financially disadvantageous when compared to operating lawfully.

The Council has a duty to act fairly, transparently and consistently when assessing civil penalties. To maintain fairness between all landlords, the Council will not give weight to claims advanced as factors that might reduce the amount of a civil penalty unless those claims are supported by evidence that the Council reasonably considers to be relevant, reliable, credible, and sufficient in scope and detail to enable proper assessment of the claim, having regard to the nature of the claim, the information ordinarily available to the landlord, and the need for consistent and fair decision-making. Allowing inadequately evidenced assertions to influence outcomes would risk rewarding those who provide incomplete or misleading information and would create an unfair advantage over

landlords who provide a full and properly evidenced account. Accordingly, the Council expects landlords against whom a civil penalty is being considered to provide all documents and records that would ordinarily exist if their account were accurate. Where such evidence is not provided, and no explanation that the Council considers adequate is given, the Council may draw an adverse inference.

Where claims are advanced without sufficient supporting evidence, the Council may request specified supporting material before determining whether to issue a final notice or whether any mitigation has been sufficiently evidenced so as to justify a lower civil penalty.

The further objectives of using financial penalties in particular as a means of enforcing the above breaches and offences are explained below.

### **Statutory Guidance**

The Government has issued statutory guidance entitled “Civil penalties under the Renters' Rights Act 2025 and other housing legislation”. The Council has regard to this guidance in the exercise of their functions in respect of civil penalties.

The Council has considered the following factors in developing this civil penalty policy to help ensure that the civil penalty is set at an appropriate level.

**Severity of the breach or offence.** The more serious the breach or offence, the higher the penalty should be.

**Culpability and track record of the offender.** A higher penalty will be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities.

**The harm caused to the tenant.** This is a very important factor when determining the level of penalty. The greater the actual harm or the potential for harm, principally to the tenant but also potentially the local community, the higher the penalty should be.

**Punishment of the offender.** The penalty should, in a way that is fair, both punish the offender and demonstrate the consequences of not complying with their responsibilities.

**Deter the offender from repeating breaches or offences.** The ultimate goal is to prevent any further offending and help ensure that the offender fully complies with all of their legal responsibilities in future. The level of the penalty should therefore be set at a level that it is likely to have a very significant deterrent effect.

**Deter others from committing similar breaches or offences.** While the fact that someone has received a civil penalty may not be in the public domain, the civil penalty policy itself will be and local authorities should consider how their formal enforcement activity can be effectively publicised.

An important part of deterrence is the realisation on the part of landlords that the local housing authority is proactive in levying civil penalties where the need to do so exists and the civil penalty will be set at a high enough level such that operating lawfully will be the sensible financial choice.

**Remove any financial benefit the offender may have obtained as a result of committing the breach or offence.** The principle here is that it should not be in the offender's financial interest to commit a breach or offence rather than comply, for example that the penalty for breaching licensing conditions in respect of occupancy of a property is less than the additional rent received as a result of the over-crowding. The absence of any financial benefit to the landlord does not mean though that the penalty should be reduced.

## **Civil Penalties Matrix**

In determining the level of a civil penalty, officers will have regard to the matrix set out below. The matrix consists of the following sequential steps:

1. Determining the starting point based on the seriousness of the breach or offence.
2. Adjustment for factors relating to the type of landlord; size and type of portfolio controlled, owned or managed; experience of the landlord ("Landlord Type")
3. Mitigating and aggravating factors the Council deems significant including, but not limited to, factors relating to the track record and culpability of the landlord and the actual or potential harm to the occupants.
4. Financial considerations.
5. Applying the totality principle.

### **Starting point based of seriousness of the breach or offence**

The Ministry of Housing, Communities & Local Government has provided statutory guidance that prescribes starting points for all breaches and offences based on the seriousness of the breach or offence. The exception to this prescription is for breaches of licensing conditions under sections 72(3) and 95(2) of the Housing Act 2004, where the Council has determined its own starting levels based on the seriousness of the specific licence condition or type of licence condition that has not been complied with.

### **Adjustment for factors relating to the type of landlord; size and type of portfolio controlled, owned or managed; experience of the landlord ("Landlord Type")**

While all landlords are expected to comply fully with their legal obligations, the Council considers that a higher standard of professionalism and regulatory awareness is reasonably expected of landlords who operate at greater scale, who have greater experience, or who are involved in more complex forms of letting. Where such landlords fail to comply with their obligations, this will ordinarily justify a higher civil penalty.

In particular, a higher degree of professionalism is expected of landlords who:

- Control, own, or manage a significant portfolio of properties;
- Have significant experience in the letting or management of property;
- Are or have been involved in the letting or management of Houses in Multiple Occupation (HMOs);
- Are corporate landlords; or
- Are or have been directors of corporate landlords.

An upward adjustment of 20% of the applicable starting point will be applied where the landlord meets any one or more of the following criteria:

- The landlord has, at any point in time, controlled, owned, or managed six or more properties. These properties need not have been held concurrently or at the time civil penalty proceedings are brought.
- The landlord has, at any point in time, controlled, owned, or managed three or more properties that operated as HMOs, whether or not concurrently.
- The landlord is, or has previously been, a director of a corporate landlord.
- The landlord is a corporate landlord.
- The landlord has, in the Council's assessment and by reference to the available evidence, significant experience in the letting or management of property.

A downward adjustment of 20% of the applicable starting point will be applied only where all of the following criteria are met:

- The landlord has, at any point in time, controlled, owned, or managed no more than two properties.

- The landlord has controlled, owned, or managed no more than one property that has operated as an HMO, at any point in time.
- The landlord has, in the Council's assessment and by reference to the available evidence, very limited experience in the letting or management of property.

**Mitigating and aggravating factors the Council deems significant including, but not limited to, factors relating to the track record and culpability of the landlord and the actual or potential harm to the occupants**

To promote fairness and consistency in the administration of civil penalties, the Council will apply a structured and consistent framework when determining the extent to which mitigating and aggravating factors affect the quantum of any civil penalty.

**General approach**

Each breach or offence may have offence-specific mitigating and/or aggravating factors, which will be considered alongside the generic factors set out below.

Where multiple civil penalties are issued under this policy against the same landlord at the same time, and except where expressly stated otherwise, mitigating and aggravating factors will be considered and applied separately to each civil penalty when determining the quantum of each penalty.

**Mitigating factors**

The Council may reduce the level of a civil penalty by up to 20% of the applicable starting point to reflect the presence of mitigating factors.

Only in exceptional circumstances may the Council depart from the application of this policy in respect of mitigating factors and apply a reduction in excess of 20%. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple mitigating factors.

Within the framework of this policy, the Council has not sought to provide an exhaustive list of mitigating factors, recognising that a wide range of circumstances may potentially give rise to mitigation. However, the following generic mitigating factors will be considered in respect of each breach or offence:

**Steps taken to remedy the basis of the breach or offence**

Non-exhaustive examples include:

- Promptly remedying all elements of the breach or offence after receiving communication from the Council.
- Promptly remedying all the significant elements of the breach or offence leaving only less significant elements of the breach or offence.

**A high level of cooperation**

Non-exhaustive examples include:

- Proactive provision of significant information the Council reasonably considers relevant beyond that required by statutory notice.

**Acceptance of liability**

Non-exhaustive examples include:

- Accepting liability before or within the period for representations.

Where a landlord relies on a reasonable excuse defence or otherwise contests liability, this mitigating factor will not usually apply.

**Health circumstances**

Non-exhaustive examples include:

- A serious health condition or medical incident experienced by the landlord during, or in the period immediately preceding, the breach or offence, where there is clear and reliable evidence that the condition had a direct and material impact on the landlord's ability to comply with the relevant legal obligation. Examples may include, but are not limited to, a heart attack, stroke, cancer diagnosis, or other acute or serious medical event causing significant incapacity or impairment.

#### **Diminished culpability (limited responsibility)**

Non-exhaustive examples include:

- A joint landlord who has evidenced that compliance arrangements for the subject property were directed and controlled by another joint landlord, and not by them.
- A landlord who became involved only after an unforeseen change in circumstances (such as the death of the previous landlord) and who committed the breach or offence only for a limited period while putting their affairs in order.

The instruction of a managing or letting agent, or reliance on an agent's actions or omissions, will not of itself constitute diminished culpability.

#### **Aggravating factors**

The Council may increase the level of a civil penalty by up to 20% of the applicable starting point to reflect the presence of aggravating factors.

Only in exceptional circumstances may the Council depart from the application of this policy in respect of aggravating factors and apply an increase in excess of 20%. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple aggravating factors.

The following generic aggravating factors will be considered in respect of each breach or offence:

#### **Previous history of non-compliance.**

Non-exhaustive examples include:

- Previous successful prosecutions (including relevant spent convictions), previous civil penalties, previous rent repayment orders, previous works in default, previous simple cautions.

Concurrent investigations or proceedings relating to other civil penalties, prosecutions, or rent repayment orders will not be treated as previous non-compliance.

#### **Non-cooperation with the Council.**

Non-exhaustive examples include:

- Failure to comply with notices issued under section 16 of the Local Government (Miscellaneous Provisions) Act 1976, section 235 of the Housing Act 2004, or section 114 of the Renters' Rights Act 2025.
- Failing to provide a substantive response to a letter of alleged offence.
- Failing to attend previously agreed meetings.

Where the Council has prosecuted, or is pursuing a prosecution, in respect of the same act or omission involving failure to provide legally required information (including failure to comply with a statutory notice), that conduct will not also be treated as an aggravating factor for the purposes of setting the civil penalty, in order to avoid double counting.

Where multiple civil penalties are imposed against the same landlord at the same time, this aggravating factor will be applied only to the civil penalty with the highest starting point, unless there is a clear and reasoned basis for applying it differently.

### **Deliberate intent or negligence when committing the offence.**

Non-exhaustive examples include:

- Knowledge that the breach or offence was occurring.
- Continuation of offending after communication from the Council.
- Premeditation or planning, including steps taken to prevent detection or effective investigation.
- Providing false or misleading information to the Council.
- Applying pressure to occupants to deter cooperation with the Council.

### **The number of occupants affected.**

Non-exhaustive examples include:

- 3-5 occupants affected.

### **Duration of non-compliance.**

Non-exhaustive examples include:

- The offence or breach occurred over a 3–6 month period.

### **Vulnerability of occupants**

Non-exhaustive examples include children and young adults, persons vulnerable by reason of age, disability or sensory impairment, persons with drug or alcohol dependency, victims of domestic abuse, children in care, persons with complex health needs, persons who do not speak English as a first language, victims of trafficking or sexual exploitation, refugees, asylum seekers, and pregnant women.

### **Financial considerations**

The Council will review the quantum of the civil penalty and consider whether it is sufficient to act as an effective deterrent to future non-compliance. Where the Council has evidence that it considers to be sufficiently reliable regarding rental income and/or asset value from the landlord's, it may determine that an increase in the level of the penalty is appropriate in order to achieve effective deterrence.

It is essential that, as an absolute minimum, landlords do not financially benefit from their offending behaviour.

Financial circumstances will ordinarily be considered after any written representations have been received and as part of the determination of any final notice.

Where a landlord seeks to rely on a strained or limited financial position as a basis for reducing the level of a civil penalty, that position must be supported by appropriate and verifiable evidence sufficient to enable the Council to assess the landlord's financial position consistently, objectively, and transparently. Unsupported assertions, partial disclosure, or selective provision of information will not be given weight.

At a minimum, and where such information exists, the following should be provided as part of any written representations:

- The last three full tax years full self-assessment tax returns filed with HMRC, including all additional and supplemental pages;
- The last three full tax years' SA302 documents & tax year overviews;
- The last three months' payslips;
- The last three years P60 certificates;
- The last twelve months' Universal Credit payment statements;
- A list of all property assets owned or jointly owned (not limited to rental properties), together with corresponding Land Registry title documents;

- A list of all property assets owned, or held on a long lease, by any corporate entity in which the landlord has a beneficial interest, together with corresponding Land Registry documentation;
- The most recent annual mortgage statement for each property, or the last twelve months' mortgage statements where the mortgage has been in place for less than twelve months;
- Valuation statements for all ISAs held;
- Statements from any cryptoasset exchange accounts showing balances and valuations;
- A list of all shareholdings;
- Recent bank statements for any account holding a balance in excess of £5,000;
- Recent statements for all secured and unsecured loans;
- Bankruptcy orders and official notifications of bankruptcy.

Where the Council is not satisfied that it has been provided with sufficiently reliable, complete, and accurate information to assess the landlord's financial position, the Council may draw the inference that the landlord is able to pay the civil penalty as imposed.

A claimed inability to pay will not, of itself, outweigh the need to ensure effective deterrence or to remove any financial benefit obtained as a result of the breach or offence.

### **The totality principle**

The Council will have regard to the totality principle to ensure that the overall outcome of its enforcement action is just and proportionate. In exceptional cases, and having regard to the particular circumstances of the case, the Council may take account of totality at an earlier stage by deciding not to pursue a civil penalty in respect of a specific breach or offence where doing so would render the overall outcome disproportionate.

In general, however, the application of the totality principle will form the final step in the Council's decision-making process, undertaken after any written representations have been considered and before final notices are issued, once the level of each individual civil penalty has been assessed in accordance with this policy.

As a final step before issuing final notices, the Council will consider whether multiple civil penalties being imposed under this policy against the same landlord at the same time result in an aggregate amount that is just and proportionate. Where the Council concludes that the aggregate amount would not be just and proportionate, it will consider whether a proportionate reduction of the penalties is appropriate.

The totality principle does not operate across different legal persons who are separately liable in law, nor does it operate across civil penalties imposed at different times. In general, it applies only to multiple civil penalties imposed under this policy on the same person at the same time. Where, however, legislation provides that an officer of a body corporate, or a person concerned in its management, may be separately liable in relation to the same conduct as the body corporate, and that officer also holds a shareholding interest in the body corporate, the Council will, where civil penalties are imposed at the same time on both the body corporate and the officer arising from that same conduct, consider whether the combined outcome results in punitive duplication and is therefore not just and proportionate.

Where a reduction is applied under the totality principle, the Council will ordinarily do so by applying a uniform percentage reduction across all relevant civil penalties being issued at the same time, being those civil penalties that form part of the same totality assessment. Where, however, the application of the totality principle is required to address punitive duplication arising from a shared economic interest between a body corporate and an officer, the Council may apply a differential adjustment to ensure that the overall outcome is just and proportionate.

This approach reflects the statutory guidance on the application of the totality principle and is intended to promote consistency, transparency, and proportionality, while avoiding arbitrary or selective adjustment of individual penalties. In accordance with the statutory guidance, any rent repayment orders made in respect of the same breach or offence will be disregarded for the purposes

of assessing the totality of civil penalties under this policy.

**Offences and breaches where a civil penalty may be levied and relevant considerations as to the level of that penalty**

**Protection from Eviction Act 1977 offences**

**Unlawful eviction and harassment of occupier - section 1 of the Protection from Eviction Act 1977**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£35,000	£40,000	£28,000	£35,000	£42,000

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- Violence or threats of violence.
- Disposal of possessions or threats to dispose of possessions.
- Breach or evasion of an injunction or undertaking.
- Loss of home.

**Housing Act 1988 breaches and offences**

**Failure to give a written statement of terms and any other prescribed information - section 16D of the Housing Act 1988**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- Provision of some of the required terms and prescribed information within the required period.

Offence-specific aggravating factors:

- None.

**Attempting to let a property for a fixed term - section 16E(1)(a) of the Housing Act 1988**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors: None.

**Attempting to end a tenancy by service of a notice to quit - section 16E(1)(b) of the Housing Act 1988**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- Tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit.

**Attempting to end a tenancy orally or requiring that it is ended orally - section 16E(1)(c) of the Housing Act 1988**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- Tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit.

**Serving a possession notice that attempts to end a tenancy outside the prescribed section 8 process - section 16E(1)(d) of the Housing Act 1988**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- Tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit.

**Relying on a ground where the person does not reasonably believe that the landlord is, will, or may be able to obtain possession on that ground and the tenant(s) surrendered the tenancy within the period of four months beginning with the date of the contravention, without an order for possession of the dwelling-house being made - section 16E(1)(e) of the Housing Act 1988**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

**Failing to provide a tenant with prior notice that a ground which requires it may be used - section 16E(1)(f) of the Housing Act 1988**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£3,000	£7,000	£2,400	£3,000	£3,600

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

**Failure to give an existing tenant prescribed information about changes made by the Renters' Rights Act 2025 in the prescribed form and timeframe - paragraph 7(2) of schedule 6 to the Renters' Rights Act 2025**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- Provision of some of the required prescribed information within the required period.
- Provision of prescribed information but not in the prescribed form.

Offence-specific aggravating factors:

- None.

**Continuation of conduct subject to a relevant penalty (under s.16I or s.16K Housing Act 1988) after the 28-day period (or, if appealed, after conclusion of the appeal) where the final notice has not been withdrawn — section 16J(3) of the Housing Act 1988**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Double the starting level for the two constituent breaches added together	£40,000	Dependent on the constituent breaches	Dependent on the constituent breaches	Dependent on the constituent breaches

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

**Conduct giving rise to liability under s.16I, where within the preceding five years the person has either (i) had a relevant penalty (under s.16I or s.16K Housing Act 1988) imposed for different conduct and the final notice has not been withdrawn, or (ii) been convicted under s.16J for different conduct – section 16(J)(4) of the Housing Act 1988**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Double the starting level for the two constituent breaches added together	£40,000	Dependent on the constituent breaches	Dependent on the constituent breaches	Dependent on the constituent breaches

Offence-specific mitigating factors:

- Dependent on the most recent conduct giving rise to liability to a civil penalty under section

16I of the Housing Act 1988.

Offence-specific aggravating factors:

- Dependent on the most recent conduct giving rise to liability to a civil penalty under section 16I of the Housing Act 1988.

**Relying on a ground where the person knows that the landlord would not be able to obtain an order for possession on that ground, or being reckless as to whether the landlord would be able to do so and the tenant(s) surrendered the tenancy within the period of four months beginning with the date the ground was relied on, without an order for possession of the dwelling-house being made – section 16J(1) of the Housing Act 1988**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£30,000	£40,000	£24,000	£30,000	£36,000

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

**Breach of restrictions relating to reletting (s16(E)(2) Housing Act 1988) or remarketing (s16(E)(3) Housing Act 1988) a property within restricted period after using Grounds 1 or 1A of Schedule 2 Housing Act 1988 - section 16J(2) of the Housing Act 1988**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

### **Housing and Planning Act 2016 offences**

**Breach of a banning order - section 21(1) of the Housing and Planning Act 2016**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£35,000	£40,000	£28,000	£35,000	£42,000

Offence-specific mitigating factors:

- A single, isolated incident.

Offence-specific aggravating factors:

- Concealment or evasion.

## **Renters Rights Act 2025 breaches**

### **Discrimination relating to children in the lettings process – section 33(1) of the Renters' Rights Act 2025**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

### **Discrimination relating to benefits in the lettings process – section 34(1) of the Renters' Rights Act 2025**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

### **Failure to specify proposed rent within a written advertisement or offer – section 56(2) of the Renters' Rights Act 2025**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£3,000	£7,000	£2,400	£3,000	£3,600

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

### **Inviting, encouraging or accepting any offer of rent greater than the stated rate – section 56(3) of the Renters' Rights Act 2025**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

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

**Failure to comply with The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 Regulation 3: (3)(b), (3)(d), (3)(e). Regulation 3D: (a), (b), (c), (f)**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£5,000	£40,000	£4,000	£5,000	£6,000

Offence-specific mitigating factors:

- The report or record evidences that the electrical installations were compliant at all points.

Offence-specific aggravating factors:

- The number or nature or severity of the issues observed on the report or record.

**Failure to comply with The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 Regulation 3: (1)(a), (1)(b), (1)(c), (3)(a), (3)(c), (3)(ca),**

**(5)(b), (5)(c). Regulation 3B: (1)(a), (1)(b), (1)(c). Regulation 3C: (1), (2)(a). Regulation 3D: (d), (e)**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£12,500	£40,000	£10,000	£12,500	£15,000

Offence-specific mitigating factors:

- The report or record evidences that the electrical installations were compliant at all points.

Offence-specific aggravating factors:

- The number or nature or severity of the issues observed on the report or record.

**Failure to comply with The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 Regulation 3: (4), (5a), (6). Regulation 3C: (2)(b), (4)**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

Offence-specific aggravating factors:

- The number or nature or severity of the issues observed on the report or record.

**Housing Act 2004 offences**

**Failure to comply with an improvement notice - section 30(1) of the Housing Act 2004**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

Offence-specific mitigating factors:

- The nature and extent of hazard(s) that are present once the deadline for compliance has passed.
- Whether the property is unoccupied once the deadline for compliance has passed.
- Access to the property was prevented by the actions or refusal of the occupant(s) and a landlord can evidence that they took steps to obtain access to the property for the purpose of carrying out the required works, but those steps fell short of establishing a reasonable excuse for non-compliance.

Offence-specific aggravating factors:

- The nature and extent of hazard(s) that are present once the deadline for compliance has passed.

#### **Failure to comply with an overcrowding notice - section 139(7) of the Housing Act 2004**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- The level of overcrowding present.

#### **Failure to obtain an HMO licence - section 72(1) of the Housing Act 2004**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£17,000	£40,000	£13,600	£17,000	£20,400

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- The landlord has knowledge or experience of licensing requirements.
- The condition of the unlicensed property.

#### **Knowingly permitting over-occupation of an HMO - section 72(2) of the Housing Act 2004**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- There are suitable amenity and space provisions in the HMO.

Offence-specific aggravating factors:

- The level of over-occupation present.

#### **Failure to Comply with The Management of Houses in Multiple Occupation [England] Regulations 2006 and The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 – section 234(3) of the Housing Act 2004**

The Management of Houses in Multiple Occupation (England) Regulations 2006 impose duties on the persons managing HMOs in respect of:

- Providing information to occupiers [Regulation 3]
- Taking safety measures, including fire safety measures [Regulation 4]
- Maintaining the water supply and drainage [Regulation 5]
- Supplying and maintaining gas and electricity, including having these services/appliances regularly inspected [Regulation 6]
- Maintaining common parts [Regulation 7]
- Maintaining living accommodation [Regulation 8]
- Providing sufficient waste disposal facilities [Regulation 9]

The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 impose duties on the persons managing HMOs as defined by Section 257 Housing Act 2004 in respect of:

- Providing information to occupiers [regulation 4]

- Taking safety measures, including fire safety measures [regulation 5]
- Maintaining the water supply and drainage [regulation 6]
- Supplying and maintaining gas and electricity, including having these services/appliances regularly inspected [regulation 7]
- Maintaining common parts [regulation 8]
- Maintaining living accommodation [regulation 9]
- Providing sufficient waste disposal facilities [regulation 10]

Where there are multiple breaches of a single Management Regulation at a single HMO, a single civil penalty will be imposed which will cover all the breaches of that Management Regulation.

Where multiple Management Regulations have been breached at a single HMO, a separate civil penalty will be imposed for each Management Regulation that has been breached.

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to provide information to occupier	£3,000	£40,000	£2,400	£3,000	£3,600

Offence-specific mitigating factors:

- The nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The nature and extent of offences within the specific regulation
- The landlord has refused to provide any outstanding contact information more than 48 hours after it has been requested by an occupant or on behalf of an occupant.

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to take safety measures	£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to maintain water supply and drainage	£10,000	£40,000	£8,000	£10,000	£12,000

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to supply and maintain gas and electricity	£12,000	£40,000	£9,600	£12,000	£14,400

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to maintain common parts, fixtures, fittings and appliances	£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to maintain living accommodation	£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty to provide waste disposal facilities	£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:

- The nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The nature and extent of offences within the specific regulation
- The lack of sufficient refuse and/or litter containers either inside and/or outside the property has been previously reported
- The refuse and/or litter that requires disposal includes hazardous materials

#### **Breach of licence conditions – Section 72(3) Housing Act 2004**

All granted HMO licences impose a set of conditions on the licence holder. It is important that the licence holder of a licensed property complies with all imposed conditions, but the Council recognises that a failure to comply with certain licence conditions is likely to have a much bigger impact on the safety and comfort of residents than others.

The starting levels for each different type of licence condition breach is set out below based on the seriousness of the offence. Where a licence condition could be interpreted to fall within two different potential starting levels, the higher starting level will be chosen.

Where multiple licence conditions have been breached at a single property, a separate civil penalty will be imposed for each licence condition that has been breached.

#### ***Failure to comply with licence conditions related to:***

- ***Signage or the provision of information for tenants***
- ***Provision of written terms of occupancy for tenants***

- **Procedures regarding complaints**
- **Procedures regarding veFng of incoming tenants**
- **Compliance with deposit protection legislation**
- **The recording and provision of information regarding rent payments**
- **Procedures relating to rent collection**
- **The provision of information regarding occupancy of the property**
- **The provision of information regarding change of managers or licence holder details**
- **The provision of information related to changes in the property**
- **Requirements relating to the sale of the property**
- **Attending training courses**
- **Requirements to hold insurance**
- **The provision of insurance documentation**
- **The provision of or obtaining of suitable references**
- **The provision of keys and alarm codes**
- **Security provisions for access to the property**
- **The provision of suitable means for occupiers to regulate temperature**
- **Carrying out items on a schedule of works not otherwise mentioned in the HMO licence conditions section of this policy, relating to non-compliance with items on a schedule of works**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£40,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach

**Failure to comply with licence conditions related to:**

- **Procedures and actions regarding Inspections**
- **Procedures regarding Repair issues**
- **Maintenance and use of common parts (including gardens, outbuildings and property exterior) and living areas**
- **Safeguarding occupiers and minimising disruption during works**
- **The provision of information regarding alterations and construction works**
- **Procedures regarding emergency issues**
- **Waste and waste receptacles, pests, minor repairs, alterations or decoration.**
- **Giving written notice prior to entry**
- **Allowing access for inspections**
- **Minimising risk of water contamination**
- **The compliance of furnishings or furniture with fire safety regulations**
- **Carrying out items on a schedule of works in relation to provision of mechanical extraction or electrical sockets**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach

**Failure to comply with licence conditions related to:**

- **The provision of documentation regarding energy performance certificates, fire detection and prevention, emergency lighting, carbon monoxide detection, fire risk assessments, gas installations, electric installations and appliances**
- **Notification of legal proceedings, contraventions and other relevant information that may affect a fit and proper person status**
- **Procedures and actions regarding ASB**
- **Carrying out items on a schedule of works in relation to the provision of personal hygiene facilities, kitchen facilities or heating**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£12,500	£40,000	£10,000	£12,500	£15,000

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach

**Failure to comply with licence conditions related to:**

- **Minimum floor areas**
- **Occupancy rates**
- **Occupancy of rooms or areas that are not to be used as sleeping accommodation**
- **Limits on number of households allowed to occupy the property or part of the property**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach

**Failure to comply with licence conditions related to:**

- **The condition or existence of smoke alarms, carbon monoxide alarms, emergency lighting, gas installations, electric installations and appliances, fire detection or other fire safety features or requirements**
- **The provision and maintenance of safe means of escape, including requirements to keep escape routes and exits free from obstruction**
- **Carrying out items on a schedule of works in relation to fire safety or the provision of a Carbon Monoxide detector**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach

### **Process for imposing a civil penalty and the right to make written representations**

#### **Notice of intent**

Before imposing a civil penalty on a landlord, the Council will give the landlord a notice of intent. The notice of intent will set out:

- The amount of the proposed civil penalty
- The reasons for proposing to impose the civil penalty
- Information about their right to make written representations

#### **Right to make written representations**

A landlord who is given a notice of intent may make written representations to the Council about the proposal to impose a civil penalty. Any representations must be made within a period of 28 days beginning with the day after the date on which the notice of intent was given.

#### **Decision after the representations period**

After the end of the period for representations the Council will:

- Decide whether to impose a civil penalty on the landlord; and
- If it decides to impose a civil penalty, decide the amount of the penalty. This amount can be higher or lower than the amount stated in the notice of intent.

A landlord's rectification of the identified breach or offence during the representations period will rarely, of itself, lead the Council to conclude that the imposition of a civil penalty is inappropriate. However, compliance at that stage will usually be relevant to the assessment of mitigating factors that may reduce the level of any civil penalty imposed.

Similarly, an admission of liability will rarely, of itself, lead the Council to conclude that the imposition of a civil penalty is inappropriate. An admission of liability will, however, usually be relevant to the assessment of mitigating factors that may reduce the level of any civil penalty imposed.

#### **Final notice**

If, following the receipt of written representations and/or the expiry of the time period to make written representations, the Council decides to impose a civil penalty on the landlord, it will give the landlord a final notice imposing that penalty.

The final notice will set out:

- The amount of the civil penalty
- The reasons for imposing the penalty
- Information about how to pay the penalty
- The period for payment of the penalty
- Information about rights of appeal
- The consequences of failure to comply with the notice

#### **Discount for prompt payment**

Where a civil penalty imposed by a final notice is paid in full within the period specified in that notice (normally 28 days beginning with the day after the final notice is given), the Council will apply a discount of 15% to the amount of the civil penalty.

The availability of the discount is conditional upon full payment being received within the specified period.

The discount period will not be extended or suspended by the bringing of an appeal. A landlord who chooses to appeal may still benefit from the discount by paying the civil penalty in full within the specified period; however, where payment is not made within that period, the discount will not apply.

### *Illustrative example of the application of the discount*

The landlord of an HMO property fails to obtain a licence. They only operate two HMO properties and there are no other relevant factors or aggravating features. The starting point for the offence under the Council's civil penalties matrix is £17,000.

Following the issue of a notice of intent proposing a civil penalty of £17,000, the landlord makes written representations. Having considered those representations, the Council determines to impose a civil penalty of £16,000, as set out in the final notice.

If the landlord pays the civil penalty in full within the payment period specified in the final notice, a 15% prompt payment discount is applied, resulting in a discounted payment of £13,600.

### **Appeals**

A landlord who is given a final notice may appeal to the First-tier Tribunal (Property Chamber) against the decision to impose a civil penalty and/or the amount of the civil penalty. Any appeal must be made within 28 days beginning with the day after the date on which the final notice was given.

Where an appeal is brought, the final notice is suspended until the appeal is finally determined or withdrawn.

An appeal to the First-tier Tribunal is by way of a re-hearing of the Council's decision. In determining an appeal, the Tribunal may have regard to matters of which the Council was unaware at the time the decision to impose the civil penalty was made.

The Tribunal may dismiss an appeal if it is satisfied that the appeal is frivolous, vexatious, an abuse of process, or has no reasonable prospect of success.

The First-tier Tribunal may invite the parties to consider mediation or another form of alternative dispute resolution. The Council will not generally agree to mediation in relation to the level of a civil penalty, as civil penalties are determined by reference to this Policy to promote fair, consistent, and proportionate outcomes. Agreeing reductions outside the Policy framework would risk undermining consistency and the Council's enforcement objectives.

On determination of an appeal, the Tribunal may:

- Confirm the civil penalty
- Vary the amount of the civil penalty (whether by increase or reduction)
- Cancel the civil penalty

Where the Tribunal varies a civil penalty by increasing its amount, it may do so only up to the applicable statutory maximum for the relevant breach or offence (£7,000 or £40,000, as applicable).

A party to the appeal may apply for permission to appeal the decision of the First-tier Tribunal to the Upper Tribunal (Lands Chamber).

## Statement of Principles under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015

This statement sets out the principles that South Kesteven District Council will apply in exercising its powers to require a relevant landlord to pay a financial penalty.

The Regulations require the Council to prepare and publish a statement of principles which it proposes to follow in determining the amount of a penalty charge.

In determining the amount of a penalty charge, the Council must have regard to the statement of principles which was most recently prepared and published at the time when the breach in question occurred.

### Legislative background

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 came into force on 1 October 2015 and introduced the following duties (amended by the Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022) for “relevant landlords” when premises are occupied under a “specified tenancy”:

- A smoke alarm is equipped on each storey of the premises on which there is a room used wholly or partly as living accommodation; and
- A carbon monoxide alarm is equipped in any room of the premises which is used wholly or partly as living accommodation and contains a fixed combustion appliance other than a gas cooker.
- Checks are made 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, and
- Where, following a report made on or after 1<sup>st</sup> 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.

Where the Council has “reasonable grounds” to believe that a relevant landlord is in breach of one or more of the duties the authority must serve a remedial notice on the landlord.

Reasonable grounds include evidence from a Private Sector Housing Officer or other relevant professional such as an Officer of the Council, Fire service, Police etc.

In line with the Council’s Corporate Enforcement Policy, a staged approach will be used, giving the landlord 7 days to comply where there is no history of non-compliance. If there is a history of non-compliance or compliance is not achieved within 7 days a remedial notice will be served.

Where a remedial notice has been served and the Council is satisfied on the balance of probabilities that the landlord on whom a remedial notice was served has failed to take the remedial action specified in the notice within the specified period the Council must (where the occupier consents) arrange for the remedial action to be taken and may require the landlord to pay a penalty charge.

### Principles followed in determining the amount of Penalty Charge

The purpose is to protect the safety of residents in rented accommodation. Where legislation is not complied with the financial penalty aims to:

- Change the behaviour of the landlord and deter future non-compliance.
- Eliminate any financial gain associated with non-compliance.
- Be proportionate; giving consideration to seriousness, past performance, risk, and Government guidance.
- Reimburse the Council for costs incurred in enforcement.



## Penalty Charge

The Regulations allow a civil penalty of up to £5,000 to be imposed on landlords who fail to comply with a remedial notice.

The level of penalty covers the cost of all works in default, officer costs, inspections, and administration on a cost recovery basis. In addition to this, an appropriate and proportionate penalty fine is levied.

The level of Penalty Charge is set on a scale with a minimum penalty of £700.

Where there is a history of noncompliance or unspent convictions relating to housing, or where there are increased risk factors such as vulnerable occupiers, or the property presents a high risk, additional charges will apply to a maximum of £4,500.

## Level of Penalty Charge

A fee of £700 will be charged in all cases. This covers the cost of works in default, officer costs, inspections, administration, and a penalty for non-compliance with the notice.

In addition to the £700 charge, additional penalties will be levied as follows:

- Previous spent or unspent conviction or works in default undertaken relating to the owner's role as a landlord. £1,000
- Previous remedial action taken under this legislation. £1,000
- Per additional storey above or below ground level (e.g. Two storey house is £100; Three storey house is £200) £100
- No clear or direct means of escape £500
- Increased risk of ignition or spread of fire. (e.g. poor electrics, open fires etc.) £500
- Vulnerable occupants (e.g. elderly or disabled persons, children or others considered vulnerable due to their circumstances) £500

## Energy Efficiency – Private Rented Property Minimum Standard

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

minimum level of energy efficiency for private rented property. The minimum is currently set at an Energy Performance Certificate (EPC) rating of band E.

The Council will have regard to the Guidance for landlords and local authorities on the minimum level of energy efficiency required to let domestic property issued by the Department for Business, Energy, and Industrial Strategy in the application of this legislation.

The minimum standard applies to domestic privately rented properties which are let under certain types of tenancy, and which are legally required to have an EPC as described in the Regulations.

Subject to certain exclusions and exemptions the prohibition on letting sub-standard property takes effect as follows:

- From 1 April 2018, landlords of relevant domestic private rented properties may not grant a tenancy to new or existing tenants if their property has an EPC rating of Band F or G (as shown on a valid Energy Performance Certificate for the property).
- From 1 April 2020, landlords must not continue letting a relevant domestic property which is already let if that property has an EPC rating of band F or G (as shown on a valid Energy Performance Certificate for the property)

Where a landlord wishes to continue letting property which is currently sub-standard, they will need to ensure that energy efficiency improvements are made which raise the EPC rating to a minimum of E.

In certain circumstances as defined in the Regulations, landlords may be able to claim an exemption from the prohibition on letting sub-standard property. Where a valid exemption applies, landlords must register the exemption on the national PRS Exemptions Register.

Most exemptions last for 5 years, but do not pass to a new owner or landlord on sale or transfer of the property. The new owner will need to either improve the property to the minimum standard, or register an exemption themselves, where one applies, if they wish to continue to let the property.

The Council will use the information contained in the PRS Exemptions Register to check compliance with the Regulations. Where it is suspected that a landlord may be in breach of the prohibition on letting sub-standard property, the Council may serve a Compliance Notice requesting information from the

landlord to decide whether that landlord has in fact breached the prohibition.

The Council will impose a financial penalty at the maximum level permitted by the Regulations and will also impose the publication penalty, where satisfied that the landlord is, or has been in the last 18 months:

- in breach of the prohibition on letting sub-standard property (which may include continuing to let the property after April 2020), or
- in breach of the requirement to comply with a Compliance Notice, or
- has uploaded false or misleading information to the Exemptions Register.

The maximum penalties are currently as follows:

- £2,000 for renting out a sub-standard property for less than 3 months.
- £4,000 for renting out a sub-standard property for 3 months or more.

- £1,000 for providing false or misleading information on the PRS Exemptions Register
- £2,000 for failing to comply with a compliance notice.

Where penalties are imposed under more than one of the above, the total penalty may not exceed £5,000. This applies per property and per breach.

The Council will impose the maximum penalty for each of the breaches.

A publication penalty means that some details of the landlord's breach will be published on a publicly accessible part of the PRS Exemptions Register, where it will be available to view for 12 months.

As a penalty may be served up to 18 months after the suspected breach, a person may be served with a penalty notice after they have ceased to be the landlord of a property







**SOUTH  
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COUNCIL**

## Housing Overview and Scrutiny Committee

Tuesday, 31 March 2026

Report of Councillor Virginia Moran  
Cabinet Member for Housing

## Tenant Satisfaction Measures Survey

### Report Author

Alison Hall-Wright, Director of Housing and Projects (Deputy Monitoring Officer)

✉ Alison.Hall-Wright@southkesteven.gov.uk

### Purpose of Report

To update the Housing Overview and Scrutiny Committee with the results from the annual Tenant Satisfaction Measures Survey

### Recommendations

**The Committee is asked to:**

- 1. Note the contents of the 2025/26 Tenant Satisfaction Measures Survey results and the actions that are being taken to address the recommendations provided by Acuity.**

### Decision Information

Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Housing
Which wards are impacted?	(All Wards);

## **1. Implications**

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

### ***Finance and Procurement***

1.1 There are no financial implications associated with this report.

*Completed by: David Scott – Assistant Director of Finance and Deputy S151 Officer.*

### ***Legal and Governance***

1.2 There are no significant legal or governance implications associated with this report.

*Completed by: James Welbourn, Democratic Services Manager*

## **2. Background to the Report**

2.1 The Tenant Satisfaction Measures (TSM) Survey is a mandatory requirement placed on Social Landlords by the Regulator of Social Housing (the Regulator) to comply with the Transparency, Influence and Accountability Standard of the Social Housing Regulation Act (2023). The results of the survey are submitted to the Regulator who publish an annual report which analyses the results for social landlords with 1,000 or more homes.

2.2 In previous years the Council has undertaken the survey annually, however, in 2025/26, the Council made the decision to conduct the surveys in two waves as this would allow the Council to monitor whether the improvements being implemented were having a positive impact.

2.3 The TSM survey allows tenants to scrutinise the Council's performance, provides information on where services could be improved and provides information to the Regulator regarding how far the Council is meeting the outcomes of the new consumer standards.

2.4 The survey was undertaken by Acuity on behalf of the Council, the survey includes 12 mandatory questions which ensures that the Regulator has consistent data from all landlords to undertake benchmarking. The methods used for collecting data was via online and telephone surveys which were undertaken with a representative sample of tenants.

- 2.5 Acuity aimed to complete a total of 550 surveys across both waves, with 20% online and 80% by telephone interview. The wave 1 survey was completed during June – July and the wave 2 survey was completed during November – December. A total of 550 responses were received across both waves of the survey plus a further 32 partially completed responses which the Council are also required to submit as part of its TSM submission. There were 131 surveys completed online and 451 by telephone achieving an overall split of 23%/77%.
- 2.6 The survey aims to provide data on resident satisfaction which allows the Council to:
- Provide an up-to-date picture of tenants' perceptions of their homes and the current services
  - Compare the results with previous surveys
  - Compare the results with the TSM results provided by the Regulator
  - Inform decisions regarding future service development
  - Use the results to report to the Regulator annually, as required.
- 2.7 The survey is confidential however 76% of tenants who responded have given permission for their responses to be shared and 96% of these tenants are happy for the Council to contact them to discuss any information provided. The Council has requested this information from Acuity to allow further analysis to be undertaken and once this has been completed tenant engagement sessions will be arranged.
- 2.8 The survey results from waves 1 and 2 are presented in table 1, the 12 mandatory questions are labelled TP01 to TP012.

**Table 1: Comparison of TSM results received for Wave 1 and Wave 2**

Measure	Wave 1	Wave 2	Difference
<b>Overall Service</b>			
Proportion of respondents who report that they are satisfied with the service provided by their landlord (TP01)	66%	72%	+6%
<b>The Home and Communal Areas</b>			
Proportion of respondents who report that they are satisfied that their landlord provides a home that is well maintained (TP04)	66%	72%	+6%
Proportion of respondents who report that they are satisfied that their landlord provides a home that is safe (TP05)	77%	79%	+2%
Proportion of respondents who report that they are satisfied that their landlord keeps communal areas clean and well maintained (TP10)	77%	69%	-8%

<b>Repairs and Maintenance</b>			
Proportion of tenants who are satisfied with the way the landlord deals with repairs and maintenance generally	64%	66%	+2%
Proportion of respondents who report that they are satisfied with the overall repairs service from their landlord over the last 12 months (TP02)	79%	77%	-2%
Proportion of respondents who report that they are satisfied with the time taken to complete their most recent repair after they reported it (TP03)	71%	69%	-3%
<b>The Neighbourhood</b>			
Proportion of respondents who report that they are satisfied that their landlord makes a positive contribution to their neighbourhood (TP11)	61%	62%	+1%
Proportion of respondents who report that they are satisfied with their landlord's approach to handling anti-social behaviour (TP12)	47%	58%	+11%
<b>Communications and Resident Engagement</b>			
Proportion of respondents who report that they are satisfied that their landlord listens to their views and acts upon them (TP06)	59%	61%	+2%
Proportion of respondents who report that they are satisfied that their landlord keeps them informed about things that matter to them (TP07)	59%	72%	+13%
Proportion of respondents who report that they are satisfied that their landlord treats them fairly and with respect (TP08)	75%	82%	+7%
Proportion of respondents who report that they are satisfied that their landlord is easy to deal with	68%	75%	+7%
Proportion of respondents who report that they are satisfied with their landlord's approach to complaints handling (TP09)	28%	29%	+1%
<b>Recommending South Kesteven District Council</b>			
Proportion of respondents who would recommend the landlords Housing Service to other people	37%	43%	+6%

2.9 Table 1 shows that there has been a positive movement in satisfaction for most measures with the exception of communal areas where satisfaction has reduced by 8%, satisfaction with the repairs service over the last 12 months and time taken for repairs to be completed which have both reduced by 2%.

2.10 The results of the surveys completed in wave 1 and 2 have been combined by Acuity to provide annual TSM results for 2025/26 which allows comparison with the results from 2024/25 which are presented in Table 2. Appendix 1 provides details of the TSM information which will be provided to tenants following presentation of the results to the Housing Overview and Scrutiny Committee.

**Table 2: Comparison of TSM results received for 2024/25 and 2025/26**

<b>Measure</b>	<b>2024/25</b>	<b>2025/26</b>	<b>Difference</b>
<b>Overall Service</b>			
Proportion of respondents who report that they are satisfied with the service provided by their landlord (TP01)	61%	69%	+8%
<b>The Home and Communal Areas</b>			
Proportion of respondents who report that they are satisfied that their landlord provides a home that is well maintained (TP04)	59%	69%	+10%
Proportion of respondents who report that they are satisfied that their landlord provides a home that is safe (TP05)	69%	78%	+9%
Proportion of respondents who report that they are satisfied that their landlord keeps communal areas clean and well maintained (TP10)	65%	73%	+8%
<b>Repairs and Maintenance</b>			
Proportion of tenants who are satisfied with the way the landlord deals with repairs and maintenance generally	50%	65%	+15%
Proportion of respondents who report that they are satisfied with the overall repairs service from their landlord over the last 12 months (TP02)	66%	78%	+12%
Proportion of respondents who report that they are satisfied with the time taken to complete their most recent repair after they reported it (TP03)	52%	70%	+18%
<b>The Neighbourhood</b>			
Proportion of respondents who report that they are satisfied that their landlord makes a positive contribution to their neighbourhood (TP11)	59%	61%	+2%
Proportion of respondents who report that they are satisfied with their landlord's approach to handling anti-social behaviour (TP12)	58%	53%	-5%
<b>Communications and Resident Engagement</b>			

Proportion of respondents who report that they are satisfied that their landlord listens to their views and acts upon them (TP06)	49%	60%	+11%
Proportion of respondents who report that they are satisfied that their landlord keeps them informed about things that matter to them (TP07)	59%	66%	+7%
Proportion of respondents who report that they are satisfied that their landlord treats them fairly and with respect (TP08)	68%	79%%	+11%
Proportion of respondents who report that they are satisfied that their landlord is easy to deal with	61%	72%	+11%
Proportion of respondents who report that they are satisfied with their landlord's approach to complaints handling (TP09)	36%	28%	-8%
<b>Recommending South Kesteven District Council</b>			
Proportion of respondents who would recommend the landlords Housing Service to other people	34%	40%	+6%

- 2.11 Table 2 shows there has been an increase in satisfaction in the majority of areas with the exception of the Council's handling of ASB which has decreased by 5% and handling of complaints which has decreased by 8% although there has been a positive increase in both of these areas between waves 1 and 2.
- 2.12 The Council will analyse the detailed survey information which has been requested from Acuity with a particular focus on the areas that have decreased in satisfaction to determine whether it is able to establish what has impacted these results which will also support future engagement sessions with the tenants who completed the survey.
- 2.13 As the Committee are aware the Housing Team are committed to ensuring improvements are delivered across the service area and Acuity has recommended areas which should be focused on. These are summarised as follows:
- Handling of complaints
  - Repairs Service
  - Well-maintained home
- 2.14 Appendix 2 provides details of the actions the Council proposes to take to address these recommendations.
- 2.15 Acuity also provide benchmarking information which allows the Council to compare how it is performing against both other social housing providers and other Councils who are landlords. Chart 1 provides benchmarking information of

the Councils 2025/26 TSM results when compared with the 2024/25 TSM results from other Councils. The deadline for all social landlords to submit their 2025/26 TSM data is 30 June 2026 which will then enable current year benchmarking to be undertaken.

**Chart 1 – Benchmarking – TSM results 2024/25**

## Benchmarking – TSM results 2024/25 (Councils)



2.16 Table 3 provides a comparison of the Councils benchmarking quartile position between 2024/25 and 2025/26.

**Table 3 – Benchmarking Quartile comparison position 2024/25 -2025/26**

Measure	2024/25	2025/26
Proportion of respondents who report that they are satisfied with the service provided by their landlord (TP01)	4	2
Proportion of respondents who report that they are satisfied with the overall repairs service from their landlord over the last 12 months (TP02)	3	1
Proportion of respondents who report that they are satisfied with the time taken to complete their most recent repair after they reported it (TP03)	4	2

Proportion of respondents who report that they are satisfied that their landlord provides a home that is well maintained (TP04)	4	2
Proportion of respondents who report that they are satisfied that their landlord provides a home that is safe (TP05)	3	2
Proportion of respondents who report that they are satisfied that their landlord listens to their views and acts upon them (TP06)	3	2
Proportion of respondents who report that they are satisfied that their landlord keeps them informed about things that matter to them (TP07)	4	3
Proportion of respondents who report that they are satisfied that their landlord treats them fairly and with respect (TP08)	3	2
Proportion of respondents who report that they are satisfied with their landlord's approach to complaints handling (TP09)	1	3
Proportion of respondents who report that they are satisfied that their landlord keeps communal areas clean and well maintained (TP10)	2	1
Proportion of respondents who report that they are satisfied that their landlord makes a positive contribution to their neighbourhood (TP11)	3	3
Proportion of respondents who report that they are satisfied with their landlord's approach to handling anti-social behaviour (TP12)	2	3

2.17 It can be seen from both chart 1 and table 3 that the Council is performing positively and that the quartile position has increased in 9 areas and remained the same in 1 area. This provides evidence to the Council that the improvements that have been implemented over the last 18 months have had a positive impact. The quartile position has reduced for both complaints and ASB handling which is consistent with the TSM survey results and as detailed in paragraph 2.12 further analysis and engagement will be undertaken with a particular focus on these areas.

### **3. Key Considerations**

3.1 That the Housing Overview and Scrutiny Committee reviews the results of the TSM survey included at Appendix 1 and the actions the Housing team are taking to address the recommendations provided by Acuity as detailed in Appendix 2.

### **4. Reasons for the Recommendations**

4.1 This report is provided to ensure that the Housing Overview and Scrutiny Committee is updated with the results of the TSM survey and the actions the

Housing team are taking to address the recommendations provided by Acuity as detailed in Appendix 2.

## **5. Appendices**

5.1 Appendix 1 – Tenant Satisfaction Survey Results

5.2 Appendix 2 – TSM Action Plan

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# Your Views



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## Resident Satisfaction Survey 2025

### About the Survey

Between June and December 2025, many of you took part in an important survey.

The survey was carried out by telephone and online questionnaires, by an independent market research company, Acuity Research and Practice. It focused on how happy you are with the way South Kesteven District Council maintains your home and delivers key services, as well as how you are coping financially. The survey also collected the Tenant Satisfaction Measures (TSMs) as required by the Regulator of Social Housing.

The findings will provide a view of the main drivers behind satisfaction levels and the issues residents are most concerned about, informing the Council's future strategic and operational planning.

This report contains key survey results regarding residents' opinions about their homes and the services they receive.



\*A representative sample of residents were contacted to ensure the results represent the whole resident base.

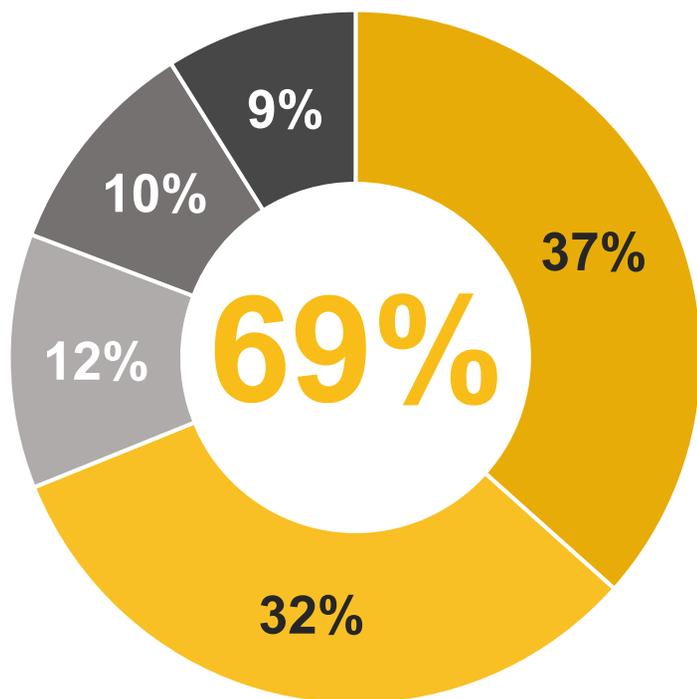
**A big thank you to everyone who took part!**

# Overall Service



Seven out of ten residents are satisfied with the overall service provided by South Kesteven District Council (**69%**).

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- Very satisfied
- Fairly satisfied
- Neither
- Fairly dissatisfied
- Very dissatisfied



# The Home and Communal Areas



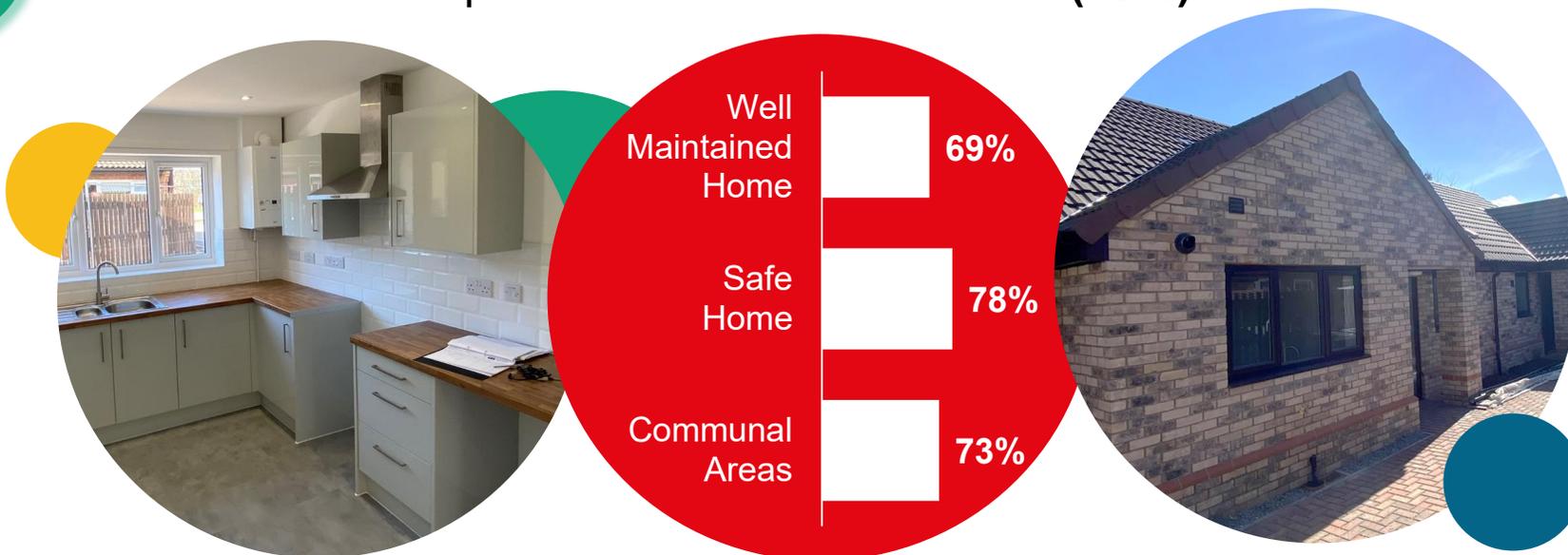
Seven out of ten residents are satisfied that their homes are well maintained (**69%**).



Slightly more residents are satisfied that South Kesteven District Council provides them with a home that is safe (**78%**).



Around three-quarters of residents with communal areas are satisfied that these areas are kept clean and well maintained (**73%**).



# Repairs and Maintenance



Around eight out of ten residents who had a repair carried out in the last 12 months are satisfied with the overall repairs service during this period **(78%)**.



Seven out of ten residents are satisfied with the time taken to complete their most recent repair after they reported it **(70%)**.



Around two-thirds of residents are satisfied with the way South Kesteven District Council deals with repairs and maintenance generally **(65%)**.



78%

70%

65%

Overall Repairs Service  
(Last 12 months)

Time Taken to Complete  
Most Recent Repair

Repairs &  
Maintenance

66%

of residents had  
a repair carried  
out in the last 12  
months

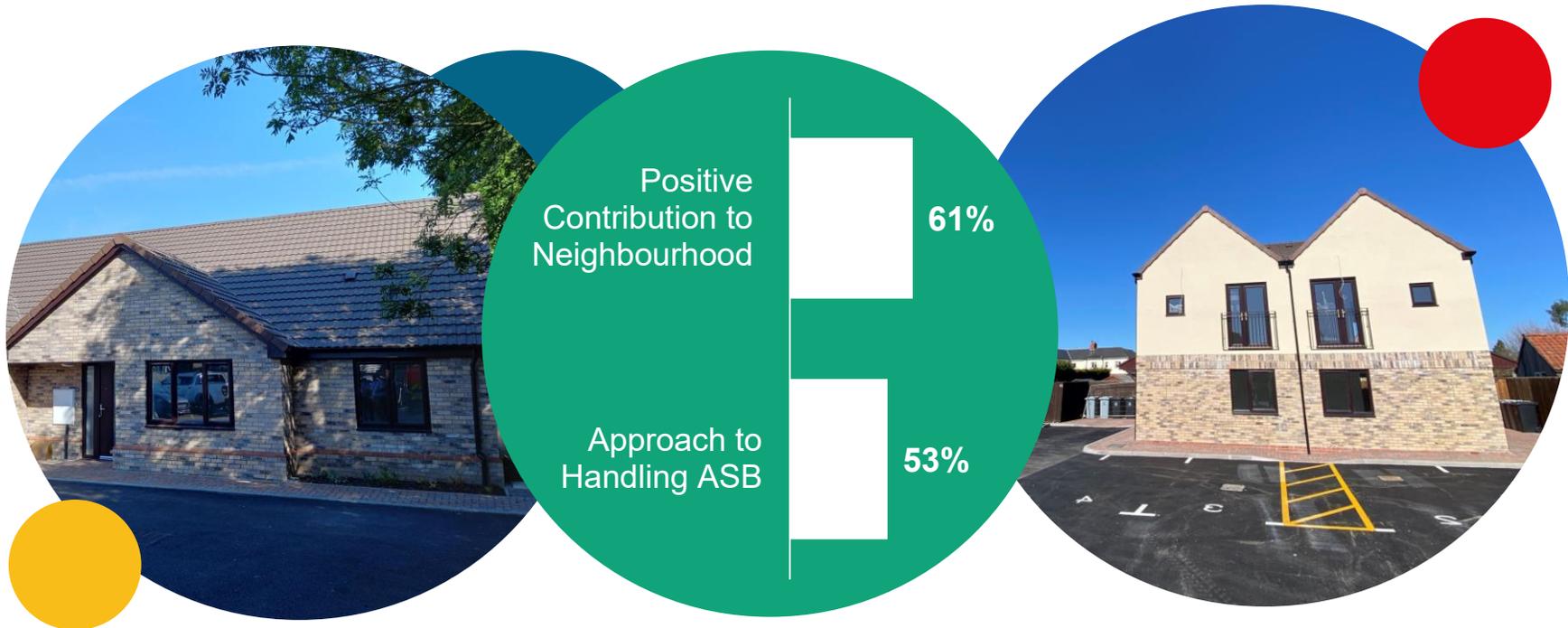
# The Neighbourhood



Six out of ten residents are satisfied that South Kesteven District Council makes a positive contribution to their neighbourhood (**61%**).



Slightly fewer residents are satisfied with South Kesteven District Council's approach to handling anti-social behaviour (**53%**).



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# Communications and Resident Engagement



Six out of ten residents are satisfied that South Kesteven District Council listens to their views and acts upon them **(60%)**.



Two out of three residents are satisfied that they are kept informed about things that matter to them **(66%)**.



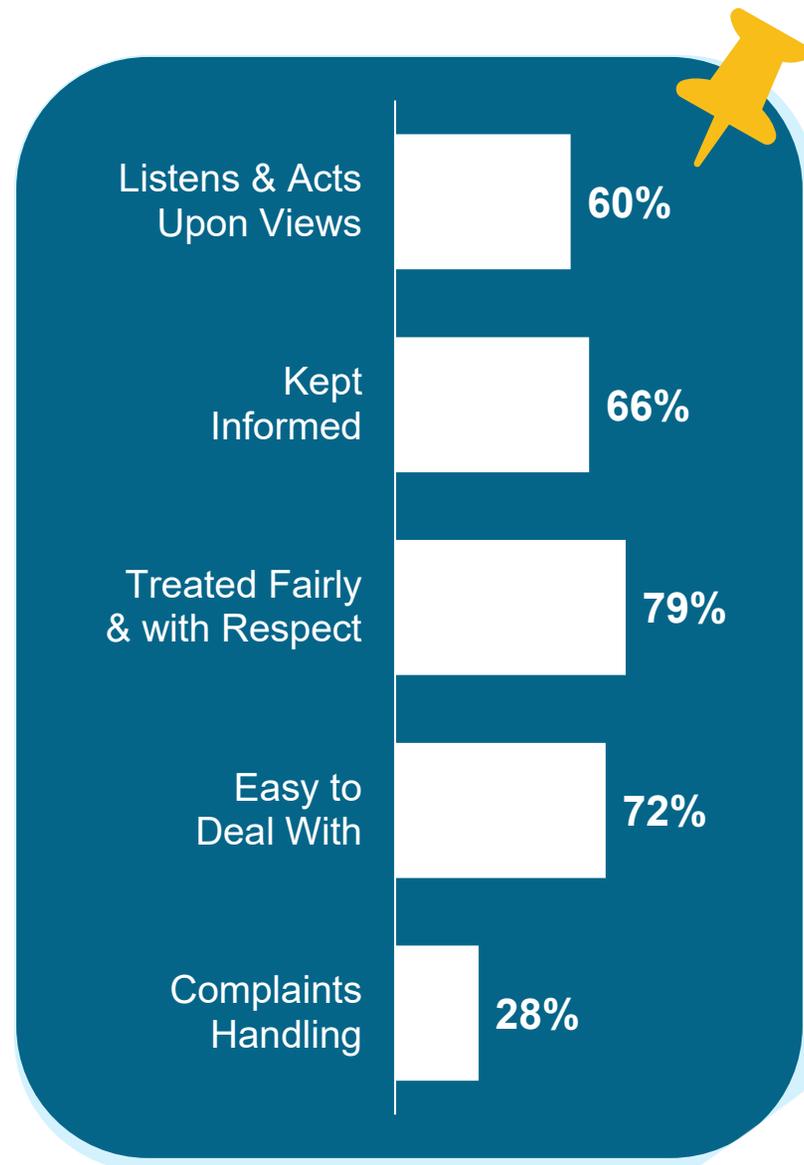
Eight out of ten residents agree that South Kesteven District Council treats them fairly and with respect **(79%)**.



Around seven out of ten residents are satisfied that South Kesteven District Council is easy to deal with **(72%)**.



Over a quarter of residents who made a complaint in the last 12 months are satisfied with complaints handling **(28%)**.



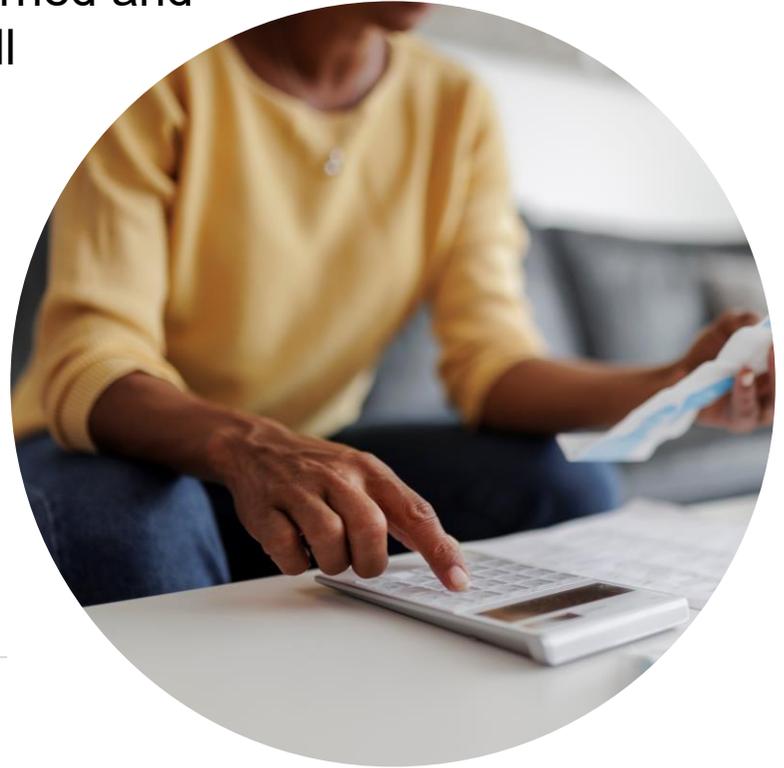
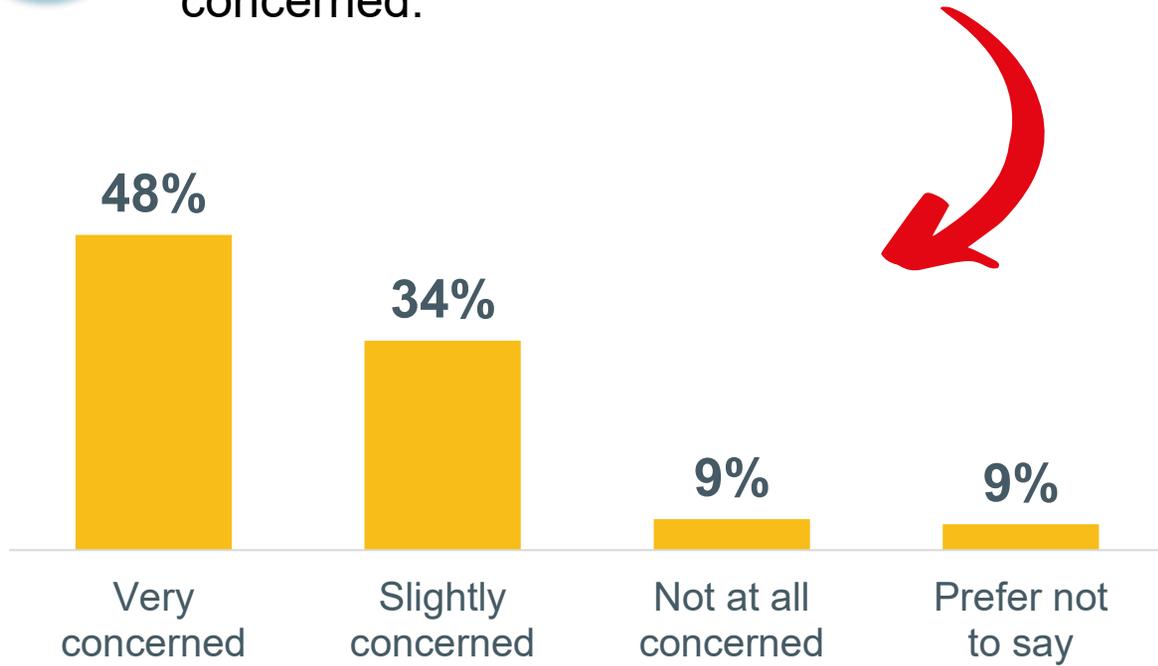
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# Wellbeing



Around eight out of ten residents are concerned about the cost of living (**82%**), with **48%** very concerned and **34%** slightly concerned. Just **9%** are not at all concerned.

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Around one-third of residents currently have damp or mould issues in their homes (**35%**). Of these residents, **64%** have reported the problem to South Kesteven District Council.

# Recommending South Kesteven District Council



Residents were also asked how likely they would be to recommend South Kesteven Council's Housing Service to other people. This is a 0-10 point rating. Those who would recommend the service to others score 9 or 10, those who are unsure score 7 or 8 and those who would not recommend them score 6 or below.

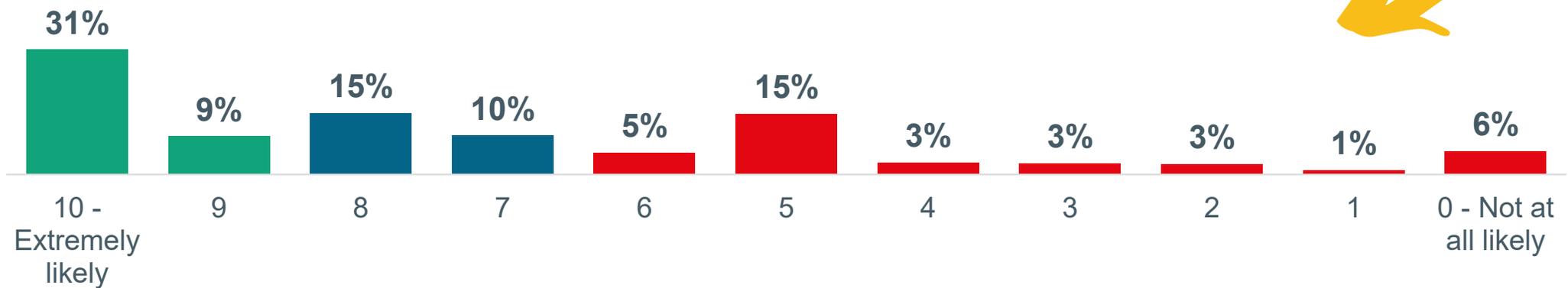


Four out of ten residents are very loyal and happy to recommend South Kesteven District Council to other people (**40%**). However, **25%** of residents are unsure, and **35%** would not recommend the Council, feeling rather more negative about the Housing Service.



The 'Net Promoter Score' for South Kesteven District Council (the percentage of those who would recommend the Housing Service minus the percentage of those who would not) is **+5**.

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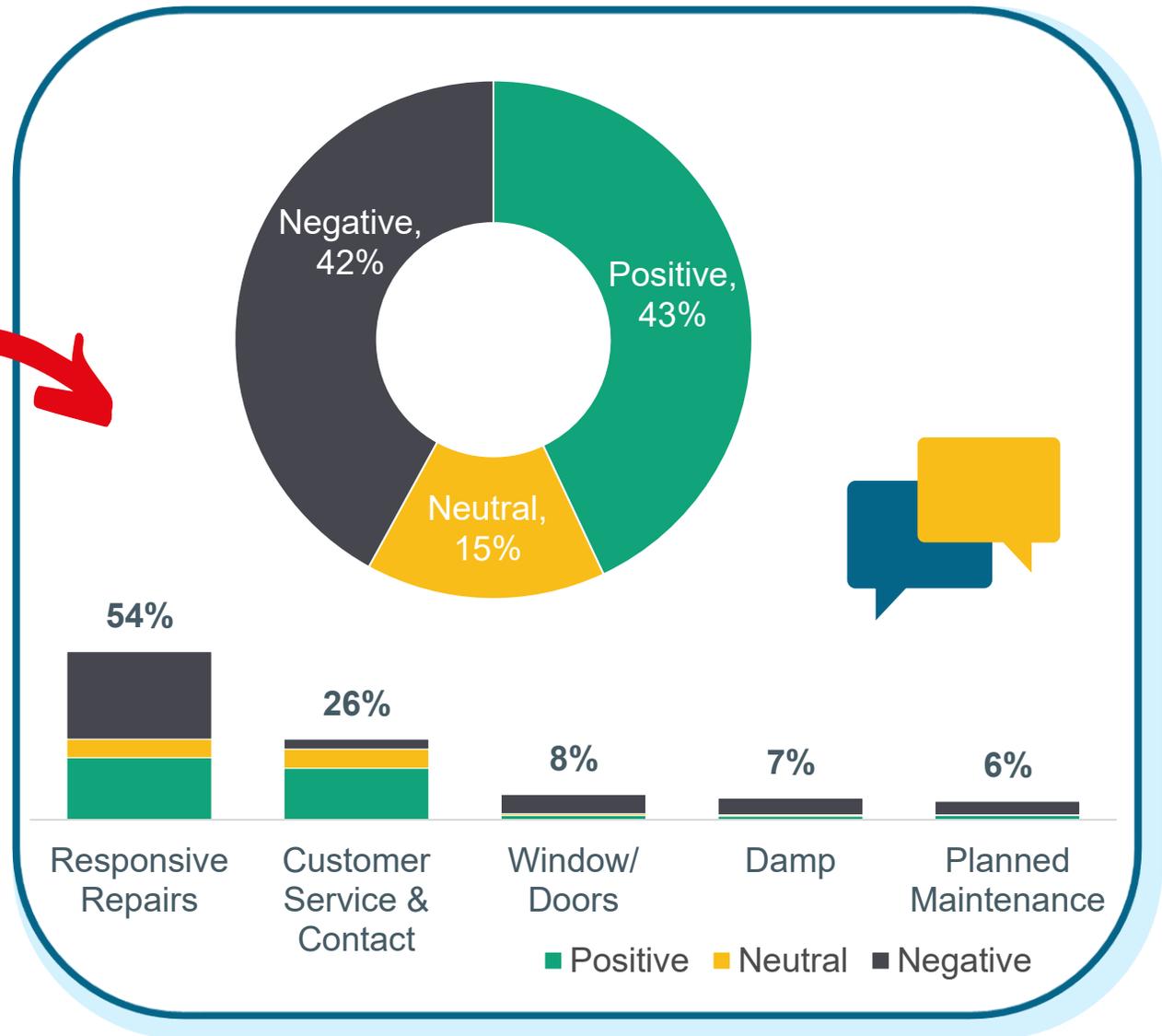


# Residents' Comments

Residents were asked to describe their specific experiences that have shaped their view of the overall service provided by South Kesteven District Council, and 507 comments were received.

Around four out of ten of these comments have positive feeling (**43%**), **15%** neutral, and **42%** negative.

The most commonly mentioned category by residents is repairs (**54%**), followed by customer service and contact (**26%**), windows/doors (**8%**), damp (**7%**) and planned maintenance (**6%**).



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# Your Views



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South Kesteven District Council appreciates the time everyone took to complete the survey for us. It is important that, through your feedback, we understand the services that work well and those we know can and should be improved. Where you have said that you are happy for us to, we might contact you to discuss an issue you have raised or ask for more information.

Carrying out this survey is just part of the work South Kesteven District Council does to involve you in developing services. As well as publishing the results of the survey, South Kesteven District Council plans to put the findings to good use by working with residents to further improve the services they provide. Residents can help South Kesteven District Council with this by getting in touch via [HousingFB@southkesteven.gov.uk](mailto:HousingFB@southkesteven.gov.uk)



Thank you  
once again to  
everyone who  
took part.



Publish findings to  
residents



Use findings to plan  
and improve services,  
e.g., repairs, property  
condition and  
customer service



Involve residents in  
shaping service  
improvements



# Housing Overview and Scrutiny Work Programme 2025/26

Item	Lead Officer	Requirements	Notes	
<b>Tuesday 31 March 2026</b>				
1.	<b>Build and Acquisitions update</b>	Suniel Pillai	Regular update	To provide the Committee with an update on the new build and acquisition pipeline
2.	<b>Homelessness and Rough Sleeper update</b>	Sarah McQueen	Regular update	To update the Committee on the status and recent activity in respect of Homelessness and Rough Sleeper Services *Number of Veterans cases to be included from December going forward *Staffing structure to be included going forward
3.	<b>Garage Sites update</b>	Suniel Pillai		Report to OSC as and when work completed in respect of garage site surveys
4.	<b>Housing Service Performance</b> - to include Capital Programme Performance, Decarbonisation, Repairs update, Compliance/compartmentalisation update, fire risk assessment actions	Alison Hall-Wright Sarah McQueen Mark Rogers Phil Swinton	Regular update	Housing Service Performance report to be a regular item on the agenda  *Breakdown of properties per banding in allocations to be included going forward
5.	<b>TSM Survey Results</b>	Alison Hall-Wright		Presentation given to Housing OSC 05.02.26 with a written report to be submitted in March 2026
6.	<b>Corporate Enforcement Policy Update – Private Sector Housing</b>	Tom Amblin-Lightowler		To update the Committee in respect of the Corporate Enforcement Policy in relation to Private Sector Housing

Item	Date of Committee	Requirements	Notes
<b>Future Items</b>			
	<p><b>Following items for each agenda:</b></p> <ul style="list-style-type: none"> <li>• <b>New Build and Acquisitions update</b></li> <li>• <b>Homelessness and Rough Sleeper update</b></li> <li>• <b>Housing Service Performance update – to include</b> Capital Programme Performance, Decarbonisation, Repairs update, Compliance/compartmentalisation update, fire risk assessment action</li> </ul>	<p><i>31 March 2026</i></p> <p><i>Further Housing OSC dates to be confirmed following the Council AGM 21 May 2026 – next provisional Housing OSC date 18 June 2026 TBC</i></p>	<p>Regular reports to Committee</p>
	<b>Allocations Policy Review</b>		<p>Discussed at Workshop (07.01.26) and copy of document circulated to Committee for comment</p>
	<b>Corporate Plan 2024-27 – Key Performance Indicators (Q2) Report (Q4) Report</b>	<i>June 2026</i>	<p>Corporate Plan KPI reporting for Housing</p>
	<b>Choice Based Lettings Update</b>	<i>June 2026</i>	<p>Update</p>
	<b>Empty Homes</b>	<i>June 2026</i>	<p>Referred to at December 2025 OSC meeting</p>
	<b>Garage Sites and their Development</b>		<p>Updates to be given at each Committee with a full report to Committee once survey work completed</p>
	<p><b>Possible Future items</b></p> <p><b>Aids and Adaptations Policy</b> <b>Mutual Exchange Policy</b></p>		