



Friday, 22 May 2026

Dear Sir/Madam

A meeting of the Cabinet will be held on Tuesday, 2 June 2026 in the Council Offices, Foster Avenue, Beeston, NG9 1AB, commencing at 6.00 pm.

Should you require advice on declaring an interest in any item on the agenda, please contact the Monitoring Officer at your earliest convenience.

Yours faithfully

Zulfiqar Darr
Chief Executive

To Councillors:	M Radulovic MBE (Chair)	T J Marsh
	G Marshall (Vice-Chair)	J W McGrath
	G Bunn	S Paterson
	T A Cullen	V C Smith
	R D MacRae	E Williamson

AGENDA

1. Apologies

To receive apologies and to be notified of the attendance of substitutes.

2. Declarations of Interest

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest in any item on the agenda.

Further information can be found at: [Member Code of Conduct of Broxtowe Borough Council](#)

3. Minutes (Pages 5 - 12)
- Cabinet is asked to confirm as a correct record the minutes of the meeting held on Tuesday, 14 April 2026.
4. Scrutiny Reviews (Pages 13 - 16)
- The purpose of this report is to make members aware of matters proposed for and undergoing scrutiny.
5. Resources and Personnel Policy
- 5.1 Local Government Reorganisation (Pages 17 - 20)
- To provide Members with an update on the ongoing preparatory work being undertaken across Nottingham and Nottinghamshire in relation to Local Government Reorganisation (LGR).
- 5.2 Capital Grant Aid Request (Pages 21 - 26)
- To consider a request for capital grant aid in accordance with the provisions of the Council's Grant Aid Policy.
- 5.3 Grants to Voluntary and Community Organisations, Charitable Bodies and Individuals Involved in Sports, the Arts and Disability Matters 2026/27 (Pages 27 - 36)
- To consider requests for grant aid in accordance with the provisions of the Council's Grant Aid Policy.
6. Economic Development and Asset Management
- 6.1 Homes England Compliance Audit Report (Pages 37 - 42)
- For Cabinet to acknowledge the positive outcome of the Homes England compliance audit in accordance with the Council's Corporate Priority of Housing – a good quality home for everyone.
- 6.2 Progress update: Eastwood Development Sites (Pages 43 - 52)
- The purpose of the report is to provide an update to Cabinet, on progress to date with 4 development sites.

7. Housing
- 7.1 Housing Service Improvement Plan update (Pages 53 - 62)
- To provide Cabinet with an update on the Housing Service Improvement Plan following the recent judgement from the Regulator of Social Housing.
- 7.2 Housing Income Policies (Pages 63 - 96)
- To seek approval for three updated policies relating to Income Management.
- 7.3 Houses In Multiple Occupation Supplementary Planning Document (Pages 97 - 136)
- To seek approval to adopt the updated Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD). This is in accordance with the Council's Corporate Priority of Housing – a good quality home for everyone.
- 7.4 Broxtowe Local Plan - Notice of intention (Pages 137 - 142)
- To seek approval to give notice that the Council intends to start producing the new Broxtowe Local Plan and to begin scoping work. The new Broxtowe Local Plan will be in accordance with all of the Council's corporate priorities, particularly providing a good quality home for everyone.
- 7.5 Renters Rights Act 2025 - Private Sector Housing Enforcement Policy and Officer Authorisations (Pages 143 - 230)
- To advise Members of the key provisions of the Renters Rights Act 2025 and the implications for Council services, landlords and tenants, setting out the additional statutory duties placed on the Council and seek approval for a separate Private Sector Housing Enforcement Policy, a Civil Penalties Policy update and to update Officer Authorisations under the legislation. This is in accordance with the priorities/objectives for Housing - 'a good quality home for everyone' by regulating housing effectively and responding to housing needs and contributing to the Council's vision to create 'a greener, safer, healthier Borough, where everyone prospers'.

8. Cabinet Work Programme (Pages 231 - 232)

Cabinet is asked to approve its Work Programme, including potential key decisions that will help to achieve the Council's key priorities and associated objectives.

9. Exclusion of Public and Press

The Committee is asked to RESOLVE that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1, 2, and 3 of Schedule 12A of the Act.

10. Update - New Replacement Bramcote Leisure Centre (Pages 233 - 238)

11. Application for voluntary redundancy (Pages 239 - 240)

12. Aids and adaptations (Pages 241 - 246)

CABINET

TUESDAY, 14 APRIL 2026

Present: Councillor M Radulovic MBE, Chair

Councillors: G Marshall (Vice-Chair)
G Bunn
C Carr
T A Cullen
R D MacRae
J W McGrath
H E Skinner
V C Smith
E Williamson

120 APOLOGIES

There were no apologies for absence.

121 DECLARATIONS OF INTEREST

Councillor T A Cullen declared a non-disclosable interest in item 5.1, minute number 124.1 refers.

Councillor R D MacRae declared a non-disclosable interest in items 5.1 and 12, minute numbers 124.1 and 132 refer.

Councillor H E Skinner declared a non-disclosable interest in item 13, minute number 133 refers.

122 MINUTES

The minutes of the meeting held on 10 March 2026 were confirmed and signed as a correct record.

123 SCRUTINY REVIEWS

Cabinet noted the matters proposed for and undergoing scrutiny.

124 RESOURCES AND PERSONNEL POLICY

124.1 DISCRETIONARY NON-DOMESTIC RATE RELIEF POLICY

Discretionary Non-Domestic Rate Relief provides the Council with the ability to offer targeted financial support to businesses, charities, and community organisations

where this delivers a wider economic or social benefit to the Borough. The proposed Policy brought together all discretionary relief arrangements into a single framework, providing clarity on how applications would be assessed, how decisions would be made and how relief would be administered in a consistent and transparent manner.

RESOLVED that the updated Discretionary Non-Domestic Rate Relief Policy be approved.

Reason

The implementation of a formal policy ensures that discretionary decisions are aligned with the Council's priorities and applied fairly across all applicants.

(Having declared non-registerable interests Councillors T A Cullen and R D MacRae left the meeting before discussion or voting thereon.)

124.2 LOCAL GOVERNMENT REORGANISATION

Cabinet noted the update on the Local Government Reorganisation. It was queried whether there were any timelines on potential judicial review cases that were happening elsewhere and whether there were any statements that had been made which allowed other areas to depart from guidance. It was stated that these issues would be discussed amongst the group of Nottinghamshire Chief Executives.

124.3 GRANTS TO VOLUNTARY AND COMMUNITY ORGANISATIONS, CHARITABLE BODIES AND INDIVIDUALS INVOLVED IN SPORTS, THE ARTS AND DISABILITY MATTERS 2026/27

Cabinet considered the request for grant aid from Canalside Heritage Centre Trust in accordance with the provisions of the Council's Grant Aid Policy. Members considered whether a Service Level Agreement was needed to support an award, but officers confirmed that as this was mainly in respect of a capital grant, one was not necessary required by the Grant Aid Policy.

RESOLVED that Canalside Heritage Centre Trust be awarded a grant of up to £6,200.

Reason

The Council is empowered to make grants to voluntary organisations by virtue of Section 48 Local Government Act 1985 (as well as other Legislation). Having an approved process in accordance with legislation and the Council's Grant Aid Policy would ensure the Council's compliance with its legal duties.

124.4 ELECTORAL SERVICES AND LAND CHARGES ESTABLISHMENT REVIEW AND PROPOSED RESTRUCTURE

Cabinet considered a report on the proposed Electoral Services and Land Charges restructure, which included the creation of a new permanent Electoral Services and Land Charges Support Officer part-time role.

RESOLVED that the creation of a new Electoral Services and Land Charges Support Officer post (part-time at 25 hours per week) at Grade 5 be approved, with the additional cost of up to £25,500 being met from General Fund Reserves.

Reason

The introduction of the proposed new post and revising current post responsibilities would make the team more resilient and enable the more junior roles to support with the increase in service demand.

124.5 QUARTERLY COMPLAINT REPORT

Members noted a summary of complaints made against the Council and noted a report which outlined the performance of the Council in dealing with complaints, at stage one by the service areas, at stage two by the Complaints and Compliments Officer and at stage three when complaints are referred to the Local Government and Social Care Ombudsman or the Housing Ombudsman.

125 ECONOMIC DEVELOPMENT AND ASSET MANAGEMENT

125.1 HOUSING SERVICE IMPROVEMENT PLAN UPDATE

Cabinet was provided with an update on the Housing Service Improvement Plan following the recent judgement from the Regulator of Social Housing. It was stated that the Council continues to implement actions within the refreshed Housing and Asset Management Service Improvement Plan following the inspection from the Regulator for Social Housing in October 2025. Members noted the report and the key activities aligned to the revised Housing Service Improvement Plan.

125.2 CREATION OF A PERMANENT PROJECT SURVEYOR

Members considered a report which sought approval for the creation of a permanent Project Surveyor post within the Asset Management and Development service to provide technical surveying support, project management and quality assurance across the Capital Works and Development teams, including responsibility for managing the 12-month defects liability period for all new-build schemes.

RESOLVED that the creation of a permanent Project Surveyor (Capital Works) post in Asset Management and Development at Grade 8 be approved. The maximum cost of the Grade 8 post at £46,500 will be funded through capital salaries.

Reason

Without strengthening internal capacity, the Council faces increased operational, safety and statutory risk.

125.3 MAJOR DEVELOPMENT DRAINAGE

Members noted the approach taken by the Council to include relevant planning condition to cover issues of site drainage, during the construction phase in addition to the inclusion of a relevant policy in the forthcoming Broxtowe Local Plan. It was stated that the Council was taking strong and decisive action for the benefit of people in the Borough.

126 HOUSING

126.1 HOUSING DELIVERY DEVELOPMENT PIPELINE APPROVAL 2026

Members were informed of the proposed pipeline of schemes intended to be put forward in 2026 for Homes England funding under the 2026-2036 Social and Affordable Homes Programme and to seek approval for submitting all bids. Options around the Community Centre in Toton were discussed and it was agreed that the site be referred back to Asset Management for further consideration.

RESOLVED that:

- 1. The site at Community Centre, Toton, be removed from the list for further consideration.**
- 2. The submission of the proposed Housing Delivery development pipeline funding bids, as amended, be approved.**

Reason

This is in accordance with the Council's Corporate Priority of Housing – a good quality home for everyone.

127 ENVIRONMENT AND CLIMATE CHANGE

127.1 FOOD WASTE IMPLEMENTATION

Members received an update on progress to date with food waste implementation, an outline of the requirement for additional budget to purchase food waste collection vehicles and received an update on potential delays to the delivery of the new fleet. Members stated that there was a responsibility to support these measures as the Council addressed recycling rates.

RESOLVED that an additional capital budget of £241,000 for the increased cost of purchasing food waste vehicles be approved. The budget uplift will be added to the Capital Programme in 2026/27 and funded by an additional New Burdens funding allocation and/or prudential borrowing with delegation given to the Interim Deputy Chief Executive and Section 151 Officer to determine the most appropriate and cost-effective way of financing the scheme.

Reason

The Environment Act 2021 introduced a package of statutory measures designed to improve resource efficiency and increase recycling performance nationally. A key outcome of the Act is the implementation of Simpler Recycling, which requires all local authorities in England to provide weekly, separate food waste collections to households.

Options considered and rejected

1. Short-term rental of food waste vehicles. While feasible, this would introduce unbudgeted revenue expenditure. Officers consider it inappropriate for the Council to incur rental costs when the statutory New Burdens funding provided is insufficient to meet national policy requirements.
2. Exploration of alternative vehicle makes and models that may be available sooner or at lower cost. However, the specialist nature of food waste collection vehicles limits opportunities for meaningful savings or faster availability without compromising service delivery.

127.2 BLUE INFRASTRUCTURE AUDITS

Cabinet noted a report which stated that Blue infrastructure was an important part of the Borough's natural environment, helping to manage surface water, support biodiversity and contribute to climate resilience. Each year, the Environment team undertook audits of the six main brooks to review their condition identify any emerging issues and, where necessary, remind riparian owners of their responsibilities or address matters affecting Council-owned land.

128 EASTWOOD HEALTH HUB AND TOWN CENTRE REDEVELOPMENT

Prior to consideration of the item in the excluded section of the agenda, Members were informed that the report brings forward the work that has been produced to develop a RIBA Stage 1 Design for a multi-agency hub including health, leisure and library facilities. The work also included a business case which promoted how the project could be funded and requests further funding to take the project through to planning.

The health inequalities suffered by residents of Eastwood were listed and it was stated that the report would set in context the health community projects from communicating with medical professionals for the proposals for a new medical facility.

129 CABINET WORK PROGRAMME

Members considered the Work Programme and removed the duplicate report on the Blue Infrastructure Audit listed for the meeting to be held on 2 June 2026.

RESOLVED that the Cabinet Work Programme, as amended, be approved.

Reason

This is in accordance with all of the Council's Corporate Priorities.

130 EXCLUSION OF PUBLIC AND PRESS

RESOLVED that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1, 2, and 3 of Schedule 12A of the Act.

131 MAJOR AIDS AND ADAPTATIONS - DISABLED FACILITIES GRANT

RESOLVED that the request for additional funding for this Disabled Facilities Grant funded scheme be approved.

Reason

This is in accordance with the Council's Corporate Priority for Housing – 'a good quality home for everyone and responding to housing need by facilitating adaptations to the homes of disabled people living in the private sector'.

132 REPAIR OF STAPLEFORD HOUSE AND NEW LEASE REQUEST

RESOLVED that:

- 1. The completion of necessary repair works and surveys at Stapleford House be approved, with a budget of £55,000 being added to the Capital Programme 2026/27 and funded from prudential borrowing.**
- 2. The ongoing lease negotiations with Conquer Learning for their potential occupation of Stapleford House be approved, subject to the confirmation of due diligence being undertaken.**

Reason

The Council is obligated to ensure its listed buildings are maintained appropriately.

(Having declared a non-registerable interest Councillor R D MacRae left the meeting for the item before discussion or voting thereon.)

133 CHILWELL QUARRY - LEASE FOR MAINTENANCE OF THE QUARRY

RESOLVED that the lease be granted on the terms outlined within the report with the ongoing annual cost of the management fee and other associated maintenance costs being funded from General Fund Reserves, subject to legal assurance.

Reason

The Council is obligated to ensure its listed buildings are maintained appropriately.

(Having declared a non-registerable interest Councillor H E Skinner left the meeting for the item before discussion or voting thereon.)

134 ACQUISITION OF PROPERTY - REGISTER OF INTEREST

RESOLVED that:

- 1. The Council's interest in acquiring the former Co-op site and associated land and buildings on Nottingham Road in Eastwood be approved and registered with its current owners and to seek to enter a period of exclusivity on undertaking negotiations for the purchase. Any acquisition would be subject to a full business case, financial approvals and capital budget being approved at a future Cabinet.**

2. **A budget for the cost of the feasibility study and site option analysis to support the business case be approved.**

Reason

This is in accordance with the Council's Corporate Priority of Business Growth to invest in our towns and people.

135 EASTWOOD HEALTH HUB & TOWN CENTRE REDEVELOPMENT

RESOLVED that:

1. **The work presented in the report be noted and approved as the basis for the design and business case for the DH Lawrence Healthy Living Hub in Eastwood, with Option 3a being taken forward as the proposed scheme for the project for budgeting and design purposes.**
2. **Subject to the results of the outstanding ground investigations proving favourable, a provisional additional capital budget of £300,000 be allocated towards the next steps in the development process, with delegated authority given to the Interim Chief Executive and the Interim Deputy Chief Executive and Section 151 Officer, in consultation with the Leader and Deputy Leader of the Council, to arrange the budget and its associated financing and to ensure the provision of a satisfactory, procurement compliant solution for the award of the contract.**

Reason

The Council's Corporate Plan gives a commitment to tackling health inequalities in the Borough.

136 PROGRESS UPDATE ON NEW HOUSING DEVELOPMENTS IN EASTWOOD

Members noted the update on the new housing developments in Eastwood.

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Report of the Monitoring Officer

Scrutiny Reviews

1. Purpose of Report

The purpose of this report is to make Members aware of matters proposed for and undergoing scrutiny. This is in accordance with all the Council's priorities.

2. Recommendation

Cabinet is asked to NOTE the report.

3. Detail

Cabinet will receive updates at each future meeting as to the progress of the Overview and Scrutiny Committee's Work Programme as contained in the attached **Appendix** and is asked to consider the future programme and decision-making with knowledge of the forthcoming scrutiny agenda. The Work Programme also enables Cabinet to suggest topics for future scrutiny.

At the Overview and Scrutiny Committee meeting held on 26 March 2026 the Committee considered items submitted as suggestions for scrutiny in order to formulate a work programme for 2026/27. The Committee resolved to investigate the topics of Lime Bikes and Missed Bins. Working Groups have commenced into the subjects and will update the next Committee meeting on 18 June 2026.

4. Key Decision

This report is not a key decision as defined under Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

5. Updates from Scrutiny

Not applicable.

6. Financial Implications

The comments from the Interim Deputy Chief Executive were as follows:

There are no direct financial implications arising from this report.

7. Legal Implications

The comments from the Monitoring Officer / Head of Legal Services were as follows:

Whilst there are no legal implications arising from the report, under Section 9F of the Local Government Act 2000, Overview and Scrutiny Committee has the power to make reports or recommendations to Cabinet on matters which affect the Council's area or the inhabitant of its area.

8. Human Resources Implications

The comments from the Human Resources Manager were as follows:

Not applicable.

9. Union Comments

The Union comments were as follows:

Not applicable

10. Climate Change Implications

The climate change implications are contained within the report.

11. Data Protection Compliance Implications

This report does not contain any OFFICIAL(SENSITIVE) information and there are no Data Protection issues in relation to this report.

12. Equality Impact Assessment

Not required.

13. Background Papers

Nil.

Appendix

1. Topics Agreed by the Overview and Scrutiny Committee

	Topic	Topic suggested by
1.	Lime Bikes	Councillor B C Carr
2.	Missed Bins	Assistant Director of Environment

2. Update Reviews

	Topic	Topic suggested by	Proposed Date to Overview and Scrutiny Committee
1.	Cemetery Memorials	Cabinet	18 June 2026
2.	D.H. Lawrence Museum	Overview and Scrutiny Committee	24 September 2026
3.	Equality, Diversity and Inclusion at the Council.	Councillor S Dannheimer	24 September 2026

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Report of the Chief Executive

Local Government Reorganisation

1. Purpose of Report

To provide Members with an update on the ongoing preparatory work being undertaken across Nottingham and Nottinghamshire in relation to Local Government Reorganisation (LGR).

2. Recommendation

Cabinet is asked to NOTE the report.

3. Detail

LGR is currently at an evaluation phase by the Government following submission of the proposals and subsequent consultation responses. The Ministry of Housing, Communities and Local Government (MHCLG) is reviewing proposals and supporting evidence to inform the Secretary of State's forthcoming "minded to" decision.

As part of this evaluation process, MHCLG officials have undertaken engagement activity with representatives of all local authorities involved in the three proposals for Nottingham and Nottinghamshire. This has included an initial "listening meeting", followed by a series of in-person visits to each of the Nottinghamshire proposals.

The visit relating to Proposal Bii took place on 29 April 2026. The visits relating to Proposal 1b and Proposal 1e were held on 6 May 2026, with both proposals coordinating activity on the same day to support efficient engagement with officials.

These sessions were designed to provide an opportunity for representatives of the councils involved in each proposal to present their respective cases, respond to questions, and further clarify key aspects of their submissions.

Alongside the Government-led evaluation, all nine local authorities across Nottinghamshire and Nottingham continue to work collaboratively on a shared programme of activity.

This work is structured around nine thematic workstreams, focused on data collection and analysis to support the LGR process. The outputs from these workstreams are intended to provide a consistent and robust evidence base and enable preparation for implementation once a decision has been made.

As part of preparations for implementation, Nottinghamshire County Council has appointed an Implementation Director for LGR. This role has assumed

responsibility for the Programme Management Office (PMO) and is beginning to shape the next phase of work.

The County Council's Implementation Director is in the process of developing a structure for a centralised LGR implementation team to support Phase 1 of the programme. The Council has not currently committed to this next phase of work and further details on the structure, scope, and governance of this team will be brought to Cabinet in the future. This will include consideration of any implications and potential risks for the Council.

In parallel, Nottingham City Council has also recruited its own LGR Director, who is expected to have commenced in post by the time of the Cabinet meeting. Further updates will be provided on how the two director roles, and their respective organisations, will work collaboratively to support delivery of the LGR programme.

4. Financial Implications

The comments from the Interim Deputy Chief Executive were as follows:

The Interim Deputy Chief Executive and Section 151 Officer continues to work with the Nottinghamshire Finance Officers Association (NFOA) on LGR matters, having previously supported the NFOA with the financial aspects of the options submitted in November 2025. The earlier work was completed in conjunction with the consultants, PwC, and supported by CIPFA. The assumptions made by PwC were challenged and reasonable assurances have been provided as to transition costs and potential financial savings that could be achieved by LGR.

5. Legal Implications

The comments from the Head of Legal Services and Deputy Monitoring Officer were as follows:

The Council was invited on 5 February 2025 to submit a proposal for unitarisation and local government reorganisation under Part 1 of the Local Government and Public Involvement in Health Act 2007 ("the 2007 Act") across Nottinghamshire and Nottingham. This power has been actively exercised under the current government's Devolution Priority Programme, as outlined in the English Devolution White Paper published in December 2024, which sets out a renewed commitment to simplifying local government structures to improve service delivery, accountability, and efficiency. These invitations were issued pursuant to the statutory powers under the 2007 Act, supported by ministerial statements and guidance that establish criteria for assessing proposals, including local support, financial sustainability, and service improvement.

Under section 3(6) of the 2007 Act, the Council may respond to the invitation either by a) making its own proposal in accordance with the invitation; or b) making a proposal, in accordance with the invitation, jointly with any of the other authorities. In any event, the proposal will have some sort of impact on

Nottinghamshire authorities, when the proposals come to be considered by the Secretary of State as a whole.

There is no statutory requirement on the Councils to consult the members of the public affected by a proposed reorganisation. However, the Secretary of State's invitation and guidance does state that 'It is for councils to decide how best to engage locally in a meaningful and constructive way and this engagement activity should be evidenced in your proposal' and 'Proposals should include evidence of local engagement, an explanation of the views that have been put forward and how concerns will be addressed'. Engagement in respect of the Councils' proposed preferred option has been undertaken, and the results of that engagement are set out in this report.

The decision is then to be made by the Secretary of State by way of a Structural Changes Order (SCO) being laid, which is to follow only after a period of consultation to be undertaken by the Secretary of State and any response to a request for review made of the Boundary Commission. The SCO will cover the initial transitional arrangements, pending elections to the new local government areas, as well as matters relating to those elections.

The approval of any proposal under the Act is an executive function in accordance with the Local Government Act 2000 Section 9D(2). The Executive will, therefore, be required to make a final decision on approving the Council's proposal for submission, taking into consideration the recommendations of the Council, which is a consultee in relation to this matter.

6. Human Resources Implications

There were no comments from the Human Resources Manager.

7. Union Comments

The Union comments were as follows:

It is probably too early at this stage to make any firm comments until the situation affecting members of staff are fully known. Regular engagement with staff to make them aware of progress and to seek their views on these important proposals is essential to maintaining good staff morale moving forward. We do accept that as the LGR progresses then the implications on staff will be clearer and then we feel that relevant feedback from Unison will thus be provided.

8. Climate Change Implications

Not applicable.

9. Data Protection Compliance Implications

This report does not contain any OFFICIAL(SENSITIVE) information and there are no Data Protection issues in relation to this report.

10. Equality Impact Assessment

Not applicable.

11. Background Papers

Nil.

Report of the Portfolio Holder for Resources and Personnel Policy

Capital Grant Aid Request – Attenborough Cricket Club

1. Purpose of Report

To consider a request for capital grant aid in accordance with the provisions of the Council's Grant Aid Policy.

2. Recommendation

Cabinet is asked to CONSIDER the request and RESOLVE accordingly.

3. Detail

An application for capital funding of up to £20,000 has been received from Attenborough Cricket Club. This has been considered in accordance with the provisions of the Council's Grant Aid Policy. Details of the application are included within the **Appendix** to this report.

4. Key Decision

This report is not a key decision as defined under Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

5. Updates from Scrutiny

Not applicable.

6. Financial Implications

The comments from the Interim Deputy Chief Executive and Section 151 Officer were as follows:

No budgetary provision exists for capital grants to voluntary organisations. Any grant award would have to be funded from the Capital Contingencies budget in 2026/27 of which £94,850 currently remains available (subject to any other considerations as part of this agenda).

7. Legal Implications

The comments from the Monitoring Officer / Head of Legal Services were as follows:

The Council is empowered to make grants to voluntary organisations by virtue of Section 48 Local Government Act 1985 (as well as other legislation). Having an

approved process in line the legislation and the Council's Grant Aid Policy will ensure the Council's compliance with its legal duties.

8. Human Resources Implications

Not applicable.

9. Union Comments

Not applicable.

10. Climate Change Implications

Any climate change implications are contained within the report.

11. Data Protection Compliance Implications

This report does not contain any OFFICIAL(SENSITIVE) information and there are no Data Protection issues in relation to this report.

12. Equality Impact Assessment

As there is no change to policy an equality impact assessment is not required.

13. Background Papers

Nil.

Appendix

Attenborough Cricket Club

Attenborough Cricket Club was formed in 1905 and is based at the cricket fields on The Strand in Attenborough. The Club has a membership of 415 players (plus an additional 867 visiting players) and accommodates several hundred spectators.

The Club provides adult and junior training and matches in league competitions, including the delivery of the ECB Allstars and Dynamos programmes for over 200 children (5-12 years old).

The Club's home at The Strand is occupied under a licence from the Attenborough Village Green Association which, although due to expire in 2028, is expected to be renewed for a further 25 years.

Financial Information

In the year ended 30 September 2025, the Club generated revenue income of £116,505 (2024: £94,618), comprising primarily of profit from bar sales, donations, sponsorship and member subscriptions. Expenditure for the year totalled £96,276 (2024: £94,286) comprising primarily of the cost of employing professional players, bar staff, utilities, events costs, maintenance and other miscellaneous expenditure. The Club held reserves of £82,386 as at 30 September 2025 (2024: £62,157), including £51,404 in cash. It is the Club's policy to retain at least £25,000 in reserves to cover contingencies.

Grant Request

Attenborough Cricket Club has requested a capital grant of 25% (up to £20,000) of the total cost of new cricket nets and a sustainable playing surface. Such a request for 25% of the total anticipated cost of a project is in line with the Council's policy for capital grants relating to assets not owned by the Council.

The Club has submitted a detailed narrative in support of this application, as follows:

We aim to replace our community cricket club's 2-lane artificial outdoor nets (installed 30 years ago) with a 3-lane fully enclosed nets, with sustainable playing surface. The nets are used every day during the cricket season but urgently need replacing due to surface degradation and safety risks from open ends. Our community of members and users consistently highlighted the current nets as the main priority for improvement in our 2025 members survey.

Through providing excellent facilities for cricket activities we bring people together to improve their wellbeing and build strong relationships in and across communities. We are an inclusive club that facilitates connections across boundaries of age, gender, class, ethnicity, e.g. over 50s playing and training alongside teenagers; junior members from private and comprehensive schools building lasting friendships. These interactions help build confidence, belonging, and mutual support both on and off the field.

Our project aims to improve this vital space at the heart of our community. The Cricket Ground is used for events such as the annual fete, the scarecrow festival, and as a publicly accessible open green space. The ground is managed by the Attenborough Village Green Association and maintained by the cricket club on their behalf. We have discussed and shared the project with local residents and other users, including Attenborough FC and Secret Garden nursery. We will involve this wider community of users and promote the use of the nets on match days, invite them to events including the opening event, and supporting our fundraising.

The club facilities are a focal point for the wider community engaging them in range of volunteering activities including coaching, scoring, umpiring, social media promotions, social events. This includes our juniors, many of whom help our ECB All-Stars and Dynamos programmes as activators.

The new nets will help more people to reach their potential, by supporting them at the earliest possible stage. It will be particularly beneficial to increasing our capacity to nurture our junior players as they transition into open age cricket.

Beneficiaries include both our cricketing and wider communities. Around 200 members use the hardball nets for weekly training: 30 senior men, 15 U19s, 100 juniors, 60 women and girls. Around 900 visiting players will use the nets before and during matches on match days each season. Being fully enclosed nets, others using the ground will benefit through a safer shared environment for all e.g. we have nearly 200 Allstars and Dynamos aged 5-12 training near the nets on a Friday evening.

Our Cricket Ground is fully accessible and provides recreational space at the heart of our community. The Attenborough Village Green Association (AVGA) manages the land in perpetuity for the residents of the village and the Trustees administer it on their behalf for recreational and village activities. Local residents, players' family members and the public visit the ground to watch matches and training and enjoy hospitality in the pavilion, which serves as a community social space for a large number of residents of all ages. During match days, the nets will be open for any visitors to use.

We anticipate that the new nets will have a useful life of 30 years, ensuring lasting value and sustained benefit for both current residents and future generations.

Such a grant award would be in line with the Grant Aid Policy for the following key reasons:

- Sports Clubs are a specific category of groups welcomed to apply for financial assistance.
- The services provided by Attenborough Cricket Club benefit the people of Broxtowe and are complementary to those services provided by the Council.
- The activities of the Club target the welfare of potentially vulnerable sections of the community, helping to reduce social isolation and loneliness, as well as

providing co-curricular and healthy opportunities for children and young people.

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Report of the Portfolio Holder for Resources and Personnel Policy

Grants to Voluntary and Community Organisations, Charitable Bodies and Individuals Involved in Sports, the Arts and Disability Matters 2026/27

1. Purpose of Report

To consider requests for grant aid in accordance with the provisions of the Council's Grant Aid Policy.

2. Recommendation

Cabinet is asked to CONSIDER the requests and RESOLVE accordingly.

3. Detail

Details of the grant applications received are included in the **Appendix** for consideration. The amount available for distribution in 2026/27 is as follows:

	<u>£</u>
Revenue Grant Aid Budget	168,800
Broxtowe Lotto Fund	23,000
Less: Citizens' Advice Central Nottinghamshire	(73,750)
Less: Provision for Rent and Related Expenses	(62,500)
Less: Grants Awarded	(1,400)
 Balance Available for Distribution	 <u>54,150</u>

4. Key Decision

This report is not a key decision as defined under Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

5. Updates from Scrutiny

Not applicable.

6. Financial Implications

The comments from the Interim Deputy Chief Executive and Section 151 Officer were as follows:

Any grant awards will be met from the grant aid budget shown above. Members are reminded that they will need to suitably constrain grant awards in 2026/27 if

the budget is not to be exceeded. The total 'cash' grants requested in this report is £15,000 with the additional sums requested in this report, when compared to the previous year, amounting to £9,250 if all applications are fully supported.

7. Legal Implications

The comments from the Head of Legal Services were as follows:

The Council is empowered to make grants to voluntary organisations by virtue of Section 48 Local Government Act 1985 (as well as other legislation). Having an approved process in line the legislation and the Council's Grant Aid Policy will ensure the Council's compliance with its legal duties.

8. Human Resources Implications

Not applicable.

9. Union Comments

Not applicable.

10. Climate Change Implications

There are no climate change implications identified in relation to this report.

11. Data Protection Compliance Implications

This report does not contain any OFFICIAL(SENSITIVE) information and there are no Data Protection issues in relation to this report.

12. Equality Impact Assessment

As this is not a change to policy an equality impact assessment is not required.

13. Background Papers

Nil.

Appendix

Application

The following grant applications have been received for consideration:

		<u>Previous Grant Award</u> £	<u>Current Grant Request</u> £
New Stapleford Community Association	1	4,000	4,000*
5 th Stapleford Scout Group	2	5,750	7,000
The Pythian Club	3	-	1,500
MishMash Productions	4	-	3,500
Friends of Bennerley Viaduct	5	-	3,000
			<u>19,000</u>

Note * This request is for a grant to cover the cost of rental for Council owned premises and, as such, is a non-cash grant awarded via an internal transfer in the Council's financial systems.

1. NEW STAPLEFORD COMMUNITY ASSOCIATION

The New Stapleford Community Association (NCSA) is responsible for the management and operation of the Council owned Community Centre on Washington Drive in Stapleford that was first opened in 1972.

The aim of NCSA is to provide a community meeting place for Stapleford and the surrounding area. A variety of groups utilise the facilities for educational, recreational and sporting activities, including dance and fitness classes, community sessions, short mat bowling and martial arts clubs. Around 50-60 people use the facilities every week, the majority of whom live in the borough.

Financial Information

For the year ended 31 December 2025, NCSA generated income of £14,196 (2024: £17,013) from hall bookings, dances, grants and fund raising. Total expenditure amounted to £16,319 (2024: £17,914) which included rent, utilities, repairs and maintenance, dance and social activities and other running costs. Total bank balances as at 31 December 2025 were £17,877 (2024: £20,001). NCSA has earmarked part of these reserves towards repairs.

Grant Request

For 2026/27, New Stapleford Community Association has requested a grant of £4,000 to cover the market rent. This grant would be for a period of one year and would be matched by allowances within the premises income budget and therefore leave the Council's overall budget unchanged.

The Council has supported New Stapleford Community Association for many years with grant aid towards its premises rental. The grants awarded in the past four years were as follows:

2025/26	£4,000
2024/25	£4,000
2023/24	£4,000
2022/23	£4,000

Such an award would be in line with the Council's Grant Aid policy for the following key reasons:

- The services provided by New Stapleford Community Association benefit Broxtowe residents and are complementary to the services provided by the Council.
- The activities of New Stapleford Community Association target the needs of vulnerable and disadvantaged sections of the community, in particular helping to combat loneliness and social exclusion within the Borough.
- Community Associations such as New Stapleford Community Association are a specific category of organisation welcomed to apply for Grant Aid.

2. 5TH STAPLEFORD SCOUT GROUP

5th Stapleford Scout Group was established in 1964 and is based at the new Community Pavilion at Hickings Lane in Stapleford. The Group currently has around 120 members of all ages, the majority of whom are residents of Broxtowe. The aim of the 5th Stapleford Scout Group is to provide activities within the scout association organisation. The Group provides a safe and fun environment for children aged between 4 and 18 to learn new skills, meet new people, have adventure and develop themselves.

Financial Information

For the period ended 31 August 2025, income of £41,167 (2024: £10,017) was generated from membership fees, grants, donations and fundraising and other events and activities. Expenditure amounted to £38,610 (2024: £10,311) and included membership costs, equipment, badges, maintenance, insurance and the cost of activities and events. Cash and bank balances as at 31 August 2025 were £16,491 (2024: £13,935).

It should be noted that the income and expenditure figures may appear higher than usual due to the effect of the group changing its financial year end to 31 August, giving rise to an eighteen month period in 2025. Membership fees and associated costs ('capitation') have also significantly increased. The group indicated its current reserves to be £15,141.

Grant Request

The Council has regularly supported the 5th Stapleford Scout Group for many years with grant aid towards its rental obligations. The grants awarded in the past four years were as follows:

2025/26	£5,750
2024/25	£4,500
2023/24	£4,500
2022/23	£4,500

For 2026/27, the 5th Stapleford Scout Group has requested a grant of £7,000 to cover the market rental of the accommodation at the new pavilion at Hickings Lane, Stapleford. As the rental income is due to Liberty Leisure Limited, rather than the Council, unlike other rent awards, this would be a cash grant payable to 5th Stapleford Scout Group.

Such an award would be in line with the Council's Grant Aid policy for the following key reasons:

- The services provided by 5th Stapleford Scout Group benefit Broxtowe residents and are complementary to the services provided by the Council.
- The activities of 5th Stapleford Scout Group provide educational and cocurricular benefits to local children and young people.
- Uniformed Groups such as 5th Stapleford Scout Group are a specific category of organisation welcomed to apply for grant aid.

3. THE PYTHIAN CLUB

The Pythian Club is a Community Interest Company, incorporated in June 2014, based in Basford, Nottingham. The Pythian Club states that it provides a range of benefits through its community-focused activities. These include:

- Community Outreach programmes that build positive relationships and create safe spaces for residents to engage.
- Connecting with local businesses to strengthen community partnerships, share information, and encourage investment back into the area.
- Connecting with local residents, listening to their concerns and ensuring their voices are heard.
- Identifying hotspots for anti-social behaviour, which helps The Pythian Club work with partners to reduce issues and make neighbourhoods safer.
- Finding out the interests and hobbies of young people, so The Pythian Club can offer meaningful activities that keep them engaged, supported, and on positive pathways.

Through this combined approach, The Pythian Club believes that it not only addresses immediate community challenges but also builds long-term benefits by creating stronger connections, safer spaces and more opportunities.

Financial Information

For the year ended 30 June 2025, The Pythian Club generated income of £134,704 (2024: £235,990) from sales, grants and donations. Total expenditure amounted to £213,011 (2024: £175,052) which included primarily staff and contractor costs (£183,727) and miscellaneous office expenditure. Closing reserves as at 30 June 2025 were £18,379 (2024: £93,280) including £12,709 in cash.

As at the time of the application, The Pythian Club has stated that it holds approximately £17,000 in cash and bank balances with a further £50,000 in investments.

Grant Request

For 2026/27, The Pythian Club has requested a grant of £1,500 to cover the costs associated with the provision of a 10-week community outreach programme in and around Kimberley.

The Pythian Club states that its programme goes beyond typical community activities by specifically addressing the needs of disadvantaged sections of the Broxtowe community. The programme is expected to engage with approximately 20 residents and 20 young people per session, many of whom are from vulnerable or underserved backgrounds.

The programme will focus on identifying hotspots for anti-social behaviour and addressing the safety concerns of residents, which disproportionately affect disadvantaged groups. Additionally, the programme will actively listen to the interests and aspirations of young people, many of whom have limited access to positive recreational or developmental activities, ensuring that sessions are both inclusive and responsive to their needs.

The Pythian Club states that by fostering strong connections with residents, providing targeted support, and creating meaningful opportunities for engagement, it directly supports disadvantaged individuals and families, helping to improve wellbeing, reduce social isolation, and enhance community cohesion.

This is the first application for grant aid that has been received from The Pythian Club in recent years. Such an award would be in line with the Council's Grant Aid policy for the following key reasons:

- The services provided by The Pythian Club benefit Broxtowe residents and are complementary to the services provided by the Council.
- The activities of The Pythian Club target the needs of vulnerable and disadvantaged sections of the community, in particular helping to combat anti-social behaviour and related social exclusion within the Borough.

4. MISHMASH PRODUCTIONS

MishMash Productions, established in 2018 and registered as a charity in January 2025, aims to make high-quality live classical music accessible, welcoming, and relevant to everyone, actively challenging the perception that classical music is “not for us” by presenting it in inclusive, informal settings rooted in the community.

MishMash delivers on this locally through free, professional live music performances, known as Pop-Up Proms, bringing outstanding classical musicians directly into everyday community spaces across Broxtowe, enabling people to experience high quality music at no cost. Performances are designed to reach diverse audiences, including families, older people, individuals living with dementia, and those who may not otherwise engage with live classical music.

Financial Information

For the year ended 31 March 2025, MishMash generated income of £295,683 (2024: £263,019) from grants and sales of services. Total expenditure amounted to £308,276 (2024: £256,871) which included primarily the costs of events, salaries, wages, donations and advertising. Reserves as at 31 March 2025 were £7,324 (2024: £19,881) including.

As at the time of the application, MishMash states that it holds approximately £21,000 in reserves.

Grant Request

For 2026/27, MishMash Productions has requested a grant of £3,500 to deliver 18 ‘Pop-Up Prom’ performances. These 45-minute concerts will run from July to December, with three held each month in community spaces across Broxtowe.

The performances will be free to attend and are expected to have a positive impact on wellbeing, helping to reduce loneliness, support mental health, and encourage social connection. They will be promoted in partnership with host venues and community organisations, using trusted local networks to reach audiences effectively.

The Council has previously supported MishMash Productions with a grant of £3,900 in 2023/24 to deliver a similar programme.

Such an award would be in line with the Council’s Grant Aid policy for the following key reasons:

- The services provided by MishMash Productions benefit Broxtowe residents, enhancing their quality of life and are complementary to the services provided by the Council.
- The activities of MishMash Productions helps to combat loneliness and social exclusion within the Borough.

5. FRIENDS OF BENNERLEY VIADUCT

The Friends of Bennerley Viaduct ('the Friends') is a registered charity, established in 2019, which has the following primary activities:

- The restoration, preservation and maintenance of the Bennerley Viaduct, a grade 2* listed historic construction.
- The improvement and management of the associated land and natural habitats underneath and adjacent to the viaduct.
- The creation, improvement and maintenance of access for all to the viaduct and the associated land, including a deck along the length of the viaduct, access ramps at both ends, a visitor centre and car park.

Financial Information

For the year ended 31 March 2025, the Friends of Bennerley Viaduct generated unrestricted income of £23,841 (2024: £21,346) from donations, management fees and trading income. Total unrestricted expenditure amounted to £36,882 (2024: £20,030) which included staff costs (£20,427) and other miscellaneous operating expenditure. Unrestricted reserves as at 31 March 2025 were £43,407 (2024: £49,280).

Restricted reserves as at 31 March 2025 were £798,790 (2024: £150,817). These relate to specific projects which the Friends are undertaking and are not available for general operations. This includes £636,242 of funding provided by this Council through the (then) Levelling Up Fund.

As at the time of the application, the Friends of Bennerley Viaduct states that it holds approximately £23,000 in unrestricted reserves.

Grant Request

For 2026/27, the Friends of Bennerley Viaduct has requested a grant of £3,000 as a contribution towards the cost of updating, printing and sale of the 'Bennerley Viaduct Book' and other materials. In support of this, the Friends note that the first edition of the book (published in 2023) was sold out and, based on the anticipated cost and selling price of this second edition, should generate income for the charity of up to £3,000.

In addition, the Friends believes that the book will be an important marketing tool for the viaduct, increasing understanding of the site and driving visitor numbers through new and repeat visits.

Such an award would be in line with the Council's Grant Aid policy for the following key reasons:

- The services provided by the Friends of Bennerley Viaduct benefit Broxtowe residents, enhancing their quality of life and are complementary to the services provided by the Council.

- The activities of the Friends of Bennerley Viaduct helps to combat loneliness and social exclusion within the Borough.
- The promotion of the Bennerley Viaduct site should increase visitor numbers and overall economic activity both at the site itself and in surrounding areas.

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Report of the Portfolio Holder for Economic Development and Asset Management and the Portfolio Holder for Housing

Homes England Compliance Audit Report

1. Purpose of Report

For Cabinet to acknowledge the positive outcome of the Homes England compliance audit in accordance with the Council's Corporate Priority of Housing – a good quality home for everyone.

2. Recommendation

Cabinet is asked to NOTE the positive outcome of the Homes England compliance audit report 2025/26.

3. Detail

The Council was selected for a Homes England (HE) compliance audit. The purpose of the audit was to assess whether the Council, as the grant recipient, have met the HE funding conditions, contractual requirements and responsibilities as set out in the Capital Funding Guide. The Felton Close development site (a former garage site in Chilwell) was selected for the audit.

The outcome of the audit showed a very positive final grade as 'Green'. This means that the Council has complied with the requirements and obligations as set out in the HE grant agreement. The final judgment summary stated that 'On review of the evidence provided, the outcome of the audit has shown the provider has complied with all the programme requirements and guidance. A GREEN grade has been assigned and no breaches were identified'.

The Council's Development Delivery team has established a good working relationship with both HE and the East Midlands Housing Group as part of the wider Quantum Development Consortium. The aim is to continue building this relationship, ensuring the Council has mechanisms to report on its development progress and continue to secure further grant funding to build more affordable homes.

The HE compliance report can be found in the **Appendix**.

4. Key Decision

This report is not a key decision.

5. Updates from Scrutiny

Not applicable.

6. Financial Implications

The comments from the Chief Accountant were as follows:

The positive outcome of the Homes England compliance audit is encouraging and significant. It will help the Council to continue to build upon its strategic partnerships with development activity and allow further access to capital grant funding that will support the Council's investment in its ambitious Housing Delivery programme.

7. Legal Implications

The comments from the Head of Legal Services were as follows:

There are no direct legal implications arising from this report.

8. Human Resources Implications

The comments from the Human Resources Manager were as follows:

Not applicable.

9. Union Comments

The Union comments were as follows:

Not applicable.

10. Climate Change Implications

The climate change implications are not applicable for the purpose of this report.

11. Data Protection Compliance Implications

This report does not contain any OFFICIAL(SENSITIVE) information and there are no Data Protection issues in relation to this report.

12. Equality Impact Assessment

Not applicable.

13. Background Papers

Nil.



Compliance Audit Report – 2025/26

37UD – Broxtowe Borough Council

Final Grade	Green - Meets requirements
Independent Auditor Organisation	Beever and Struthers
Independent Auditor Name	Mark Bradley

Report Purpose and Objectives

The purpose of the Compliance Audit report is to confirm that grant recipients have met Homes England's funding conditions and contractual requirements and have properly exercised their responsibilities as set out in the Capital Funding Guide.

We use the audit findings (which are confidential between Homes England and the grant recipient) to inform our future investment decisions and to reassure the Homes England Chief Accounting Officer that public funds have been properly used.

Where findings have been determined as breaches they are then used as the basis for recommendations and final grades for Providers. Grades of green, amber or red are awarded; definitions are provided at the end of this report. Where applicable the Provider is to use the recommendations to prevent similar breaches from reoccurring in the future and to aid good governance for complying with Homes England's policies, procedures and funding conditions.

Information about the audit process and guidance is available at:
<https://www.gov.uk/guidance/compliance-audit>

Compliance Audit Grade and Judgement Summary

Final Grade	Green - Meets requirements
Judgement Summary	On review of the evidence provided, the outcome of the audit has shown the provider has complied with all the programme requirements and guidance. A GREEN grade has been assigned and no breaches were identified.



Scheme/Completions details

Scheme ID/ Completion ID	Address/Site ID	Scheme type
1089707	Felton CloseFelton Close,NG9 5NF	Rent

Audit Results

Number of Schemes/Completions Audited	1
Number of Breaches Assigned	0
Number of High Severity Breaches	0
Number of Medium Severity Breaches	0
Number of Low Severity Breaches	0

Provider's Acknowledgement of Report

The contents of this report including all recommendations must be acknowledged by your Board's Chair or equivalent. Confirmation of this acknowledgement must be recorded in the IMS Compliance Audit System by your Compliance Audit Lead no later **than three calendar months** of the report email notification being sent.

Report acknowledged by:

Date:

Confidentiality

The information contained within this report has been compiled purely to assist Homes England in its statutory duty relating to the payment of grant to the Provider. Homes England accepts no liability for the accuracy or completeness of any information contained within this report. This report is confidential between Homes England and the Provider and no third party can place any reliance upon it.

Compliance Audit Grade Definitions

Green Grade	No high or medium severity breaches identified, although there may be low breaches identified. The Homes England audit report shows that the provider
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	has a satisfactory overall performance but may identify areas where minor improvements are required.
Amber Grade	One or more medium severity breaches identified. The Homes England audit report will show that the provider has failed to meet some requirements but has not misapplied public money. The provider will be expected to correct identified problem(s) in future schemes and current developments.
Red Grade	One or more high level severity breaches identified, the Homes England audit report shows that the provider has failed to meet some requirements and there has been a risk of misapplication of public funds.

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Progress Update: Eastwood Development Sites1. Purpose of report

The purpose of the report is to provide an update to Cabinet, on progress to date with 4 development sites.

- 52 Church Street, Eastwood NG16 3HS
- Lawrence Avenue, Eastwood NG16 3LD
- 84 Church Street, Eastwood NG16 3HS
- Cross Street Eastwood NG16 3GR (Armed Forces site)

2. **Recommendation**

Cabinet is asked to NOTE the contents of the report.

3. Detail52 Church Street & Lawrence Avenue**Context**

52 Church Street is the former Wollaton Nursery building, purchased September 2025, that will be demolished prior to planning submission. The site is secured by existing gates, with security alarms fitted and monitored by VPS Limited.

Lawrence Avenue is a garage site owned by Broxtowe Borough Council, surplus to requirements. Demolition of existing structures will form part of the construction contract. Nine of the fourteen garages are currently in use by residents. Notice will be served to achieve vacant possession prior to construction.

Both sites will be redeveloped for affordable housing, specifically for Social Rent purposes. The sites will be combined for construction procurement efficiencies, as they are in close proximity to each other.

Approvals

Approval to purchase the property at Church Street was granted by Cabinet March 2025 at a total price of £725,000. VAT is not applicable. Further approval to proceed will be sought from Cabinet for the redevelopment of the site (meeting date to be confirmed).

Similarly, full approval to proceed with Lawrence Avenue will be presented to Cabinet (meeting date to be confirmed)

Proposed Scheme

52 Church Street will deliver a total of 12 apartments, subject to final design and planning approval, a mix of 1-bed 2-person & 2-bed 4-person homes.

Lawrence Avenue will deliver a total of 2 two-storey houses, either 2-bed 4-person houses or 3-bed 5-person houses, subject to Housing Need confirmation.

Finance & Funding

A detailed financial assessment for both sites will be finalised week commencing 25th May, for approval by the Finance team, in order to work towards Cabinet approval.

It is envisaged that Homes England social housing grant funding will be allocated to both sites. A submission under Continuous Market Engagement (CME) will be made once planning has been submitted. The general timescale for approval for funding is 8 weeks.

Homes England has confirmed support to fund projects with Broxtowe Borough Council.

Consultant Team

Paul Gaughan Architects have been appointed as Architect on both sites.

3 quotes have been requested for Cost Consultancy / Employers Agent Services, Clerk of Works, Structural Engineer (drainage & foundation design). Returns are due 26th May, with formal appointments made by 29th May.

Housing Demand

Housing demand confirmation has been requested via the Housing Team, to finalise design in readiness for planning submission. We do not foresee any issues in relation to demand for the proposed affordable housing.

Planning

A S80 application for demolition will be made week commencing 25th May. Tender returns for a demolition contractor are due week commencing 25th May.

The planning team has confirmed local validation requirements to support a planning application. All surveys & reports required have been commissioned.

Lawrence Avenue is not considered a major application, in planning terms, therefore consent could be granted within 8 weeks under delegated powers.

52 Church Street is considered a major application, in planning terms, therefore it could be granted within 12 weeks to meet statutory periods and will go to planning committee. There is a risk the 12-week period will be exceeded. We are consulting with the Head of Planning to understand timescales.

We are aware there will be exemptions made under the NPPF in relation to BNG requirements, for sites under 0.2 hectares. Both sites will therefore fall within this threshold. We understand the exemption will come into effect by 31st July, therefore strategically a planning application will be submitted on or after 31st July.

The financial impact of BNG is in the region of £15,000 per dwelling.

Surveys & Reports

To date the following reports and surveys and reports have been commissioned.

- ✓ Red Book Valuation
- ✓ Topographical Survey
- ✓ Phase I Ground Investigation
- ✓ Phase I Habitat & Protected Species Survey (52 Church St only)
- ✓ Phase II Ground Investigation
- ✓ Coal Mining Risk Assessment (52 Church Street only)
- ✓ Tree Report (52 Church Street only)
- ✓ Building for Life (52 Church Street only)
- ✓ Flood Risk Assessment (52 Church Street only)
- ✓ Surface Water Drainage Strategy (52 Church Street only)

We are aware of past-mine workings near 52 Church Street, which cover a small portion of land at the entrance to the site. This is being mitigated by locating the proposed apartments to the rear of the site.

The Flood Risk for 52 Church is considered a low risk, in reference to the online flood risk map data.

Construction Procurement

To comply with the Procurement Act 2023, all projects will be subject to competitive tender. A tender notice will be published via Nottinghamshire County Council on the East Midlands Tender portal.

To ensure there will be a range of contractors submitting tender, the Housing Delivery Team has been networking with a number of SME contractors active across the region.

Delivery Timetable

Financial Viability Assessment	w/c 25 th May 2026
Approval by Finance Team	w/c 25 th May 2026
Appointing Consultancy Team	w/c 25 th May 2026
S80 Demolition Application & Approval	May / June 2026
Survey returns and review*	May / June 2026
Cabinet Approval	End June 2026
Construction Tender Pack	June / July 2026

Construction Tender Issue	July 2026
Demolition (52 Church Street)	July / August
Construction Tender Return	August 2026
Planning Application	31 st July 2026
Planning Determination	30 th September – Lawrence Avenue 52 Church Street - TBC
Contract Award / Start on-site	TBC subject to 52 Church Street planning determination

Key Risks to Delivery

- A. Planning Permission – there is a risk 52 Church Street may not be determined within the 12-week statutory period.
- B. Construction Tender Returns – there is a risk the construction prices received via the tender process will be in excess of amounts budgeted.

4. 84 Church Street

Context

84 Church Street is the former Nottinghamshire County Council daycare centre, which is now obsolete as a specialist care facility that had been empty for some months. The land and property were purchased in April 2026, with the intention to remodel as affordable housing specifically for social rent purposes.

The site is secured by herras fencing, with security alarms fitted and monitored by VPS Limited.

Approvals

Approval has been granted by Cabinet November 2025 to purchase the existing building, for £325,000.

Approval has been granted by Cabinet December 2025 to design an appropriate scheme, submit planning, and carry out works as per the following budget.

	£
Purchase Base (<i>Open market valuation at £325k</i>)	325,000
Uplift for conversion work to the specification	700,000
Other costs (legal fees, surveyors' fees, stamp duty)	161,000
Contingency	114,000
Total Scheme Costs (HRA)	1,300,000

Proposed Scheme

The scheme will provide 4 apartments: 2 no. M4(1) 1-bed 2-person & 2 no. M4(3) 1-bed 2-person) and one M4(3) 2-bed 3-person bungalow.

Finance & Funding

The financial appraisal for the scheme is based upon the five-unit scheme, with Social Rents, being funded by a mixture of Homes England grant, applicable Section 106 contributions, an element of Housing capital receipts (for the acquisition) and prudential borrowing and is summarised in the table below. The output from the modelling appraisal has been reviewed in detail and is deemed acceptable within the guideline 40-year payback period.

No further approvals are required.

Criteria	Social Rents
Total Scheme Cost (Estimated)	£1,300,000
Net Present Value Year 1	(£329,400)
Internal Rate of Return (Yield)	10.1%
Payback Period	12 years
Asset Value at 40 Years (Net Income to HRA)	£3,159,700

Consultant Team

SS-A Architects have been formally appointed.

3 quotes have been requested for Cost Consultancy / Employers Agent Services, Clerk of Works, Structural Engineer (foundation design – newbuild stair-core). Returns are due 26th May, with formal appointments made by 29th May.

Housing Need

Housing Demand has been confirmed for the project.

- ✓ 1 bed x 2 person - 126 applicants for General Needs
- ✓ 2 bed bungalow - 92 applicants require a 2 bed however only one applicant is showing as a wheelchair user (which would be preferable for a bungalow)

Planning

84 Church Street is not considered a major application, in planning terms, therefore consent could be granted within 8 weeks under delegated powers.

We are aware there will be exemptions made under the NPPF in relation to BNG requirements, for sites under 0.2 hectares. Both sites will therefore fall within this threshold. We understand the exemption will come into effect by 31st July,

therefore strategically a planning application will be submitted on or after 31st July.

The financial impact of BNG is in the region of £15,000 per dwelling.

Surveys & Reports

To date the following surveys and reports have been commissioned.

- ✓ Phase I Ground Investigation
- ✓ Building Survey
- ✓ Asbestos Survey
- ✓ Noise Assessment

The following surveys and reports will be commissioned week commencing 25th May.

- ✓ Energy Efficiency / Sustainability
- ✓ Landscape Plan

Construction Procurement

To comply with the Procurement Act 2023, the project will be subject to competitive tender. A tender notice will be published via Nottinghamshire County Council on the East Midlands Tender portal.

To ensure there will be a range of contractors submitting tender, the Housing Delivery Team has been networking with a number of SME contractors active across the region.

Delivery Timetable

Updated Financial Appraisal	w/c 25 th May 2026
Appointing Consultancy Team	w/c 25 th May 2026
Survey returns and review*	May / June 2026
Construction Tender Pack	June / July 2026
Construction Tender Issue	July 2026
Construction Tender Return	August 2026
Planning Application	31 st July 2026
Planning Determination	30 th September
Contract Award / Start on-site	October 2026

Key Risks to Delivery

- A. Planning Permission – there is a risk 52 Church Street may not be determined within the 12-week statutory period.
- B. Construction Tender Returns – there is a risk the construction prices received via the tender process will be in excess of amounts budgeted.

5. Cross Street

Context

Cross Street is a small area of land that also fronts Nottingham Road in Eastwood. The site was subject to a now extant planning consent for supported living accommodation.

The project started as a speculative investment by a local developer, who hoped to sell the completed scheme to a Registered Provider of Social Housing (RP). Due to increased cost of construction and lack of interest from buyers, the developer approached Broxtowe Borough Council.

Approvals

Approval was granted by Cabinet July 2024 to acquire the site for £315,000, work up design, submit planning and commence construction. The purchase completed October 2024.

No further approval is required.

	£
Purchase Price	315,000
Construction	1,135,000
Other costs (legal fees, surveyors' fees, stamp duty)	141,875
Total Scheme Costs	1,591,875

Proposed Scheme

Subject to finalizing demand, for ex-military personnel, we have 2 scheme options.

- ✓ Option A: 6 no. 1-bed 2-person flats
- ✓ Option B: 4 no. 1-bed 2person flats, 2 no. 2-bed 3-person flats

Finance & Funding

It is envisaged that Homes England social housing grant funding will be allocated to both sites. A submission under Continuous Market Engagement (CME) will be made once planning has been submitted. The general timescale for approval for funding is 8 weeks.

Homes England has confirmed support to fund projects with Broxtowe Borough Council.

Consultant Team

SS-A Ltd have been formally appointed as Architect.

3 quotes have been requested for Cost Consultancy / Employers Agent Services, Clerk of Works, Structural Engineer (drainage & foundation design). Returns are due 26th May, with formal appointments made by 29th May.

Housing Need

Discussions are on-going with Housing Services to ascertain demand from ex-military personnel, to determine which design option will be taken forward for planning permission.

Planning

Cross Street is not considered a major application, in planning terms, therefore consent could be granted within 8 weeks under delegated powers.

The planning team has reviewed the proposed scheme, indicating initial support. The only area of concern to date has been the proposed height of the building in context to the surrounding area.

The planning team has confirmed local validation requirements to support a planning application. All surveys & reports required have been commissioned.

We are aware there will be exemptions made under the NPPF in relation to BNG requirements, for sites under 0.2 hectares. Both sites will therefore fall within this threshold. We understand the exemption will come into effect by 31st July, therefore strategically a planning application will be submitted on or after 31st July.

The financial impact of BNG is in the region of £15,000 per dwelling.

Surveys

A topographical survey has been conducted.

The following surveys will be commissioned week commencing 26th May to ensure planning submissions timescales can be met.

- ✓ Ecology Walkover
- ✓ Phase 1 Ground Investigation

Construction Procurement

To comply with the Procurement Act 2023, the project will be subject to competitive tender. A tender notice will be published via Nottinghamshire County Council on the East Midlands Tender portal.

To ensure there will be a range of contractors submitting tender, the Housing Delivery Team has been networking with a number of SME contractors active across the region.

Delivery Timetable

Updated Financial Appraisal	w/c 25 th May 2026
Appointing Consultancy Team	w/c 25 th May 2026
Survey returns and review*	June 2026
Construction Tender Pack	June / July 2026
Construction Tender Issue	July 2026
Construction Tender Return	August 2026
Planning Application	31 st July 2026
Planning Determination	30 th September
Contract Award / Start on-site	October 2026

Key Risks to Delivery

- A. Planning Permission – there is a risk 52 Church Street may not be determined within the 12-week statutory period.
- B. Construction Tender Returns – there is a risk the construction prices received via the tender process will be in excess of amounts budgeted.

6. Key decision

This report is not a key decision as defined under Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

7. Updates from Scrutiny

Not applicable.

8. Financial Implications:

Not applicable.

9. Legal Implications

Not applicable.

10. Human Resources Implications

Not applicable.

11. Union Comments

Not applicable.

12. Climate Change Implications

The climate change implications are contained within the report.

13. Data Protection Compliance Implications

This report does not contain any OFFICIAL(SENSITIVE) information and there are no Data Protection issues in relation to this report.

14. Equality Impact Assessment

No Equality Impact Assessment is included in this report.

15. Background Papers

Nil.

Report of the Portfolio Holder for Housing

Housing Service Improvement Plan Update

1. Purpose of Report

To provide Cabinet with an update on the Housing Service Improvement Plan following the earlier judgement from the Regulator of Social Housing.

2. Recommendation

Cabinet is asked to NOTE the report and the key activities aligned to the revised Housing Service Improvement Plan.

3. Detail

The Council continues to implement actions within the refreshed Housing and Asset Management Service Improvement Plan following the inspection from the Regulator for Social Housing (RSH) in October 2025.

Progress continues to be made to meet the Regulator requirements and improve service delivery. This includes:

- Officers continue to contact tenants to check that their records are up to date. This is helping the Council to clarify the diverse needs of our tenants, which will enable us to proactively tailor services. Officers have contacted a further 600 General Needs tenants since the last update, with a remaining 540 to be contacted.
- Officers and contractors continue to focus on reducing the number of outstanding fire safety actions. A further 300 actions have been completed since the last update, bring the total down to 2,420.
- Detailed performance reports continue to be shared with Housing Improvement Board, giving the Portfolio Holder for Housing more information to scrutinise performance of Housing and Asset Management. Reports include:
 - Safety performance (overview of the 'big 6' compliance areas),
 - Complaints and compliments (a quarterly high-level overview by department and section),
 - Tenant data project (overview of tenant record updates held in Capita).
 - Housing Influence Panel summary (consolidated update from the recent meetings with tenants, highlighting key discussions, performance insights, policy considerations and agreed actions).

- A further 114 stock condition surveys have been completed since the last update, with a remaining 540 to be completed.
- The Total Mobile project has commenced which will improve various processes, including how a repair is raised, booked, managed, and completed. The initial stage is to provide Total Mobile with key datasets to enable core system configuration. Further information on project plans and milestones to be shared in due course.

Officers continue to meet with representatives from the RSH monthly to share progress and give assurance. Going forward, a quarterly report will be shared with the Governance, Audit and Standards Committee to enhance the scrutiny of activity within the Service Improvement Plan.

The **Appendix** provides an overview of the key activities within the revised Service Improvement Plan.

4. Key Decision

This report is not a key decision.

5. Updates from Scrutiny

This report is not required to be considered by the Policy Overview Working Group or the Overview and Scrutiny Committee.

6. Financial Implications

The comments from the Interim Deputy Chief Executive and Section 151 Officer were as follows:

There are no financial implications to consider for the Housing Revenue Account (HRA) at this stage. Any uplift in costs going forward that cannot be contained within existing resources would require approval by Cabinet.

7. Legal Implications

The comments from the Head of Legal Services were as follows:

The legislative powers of the Regulator of Social Housing are set out in the Social Housing (Regulation) Act of 2023 however S.193 of the Housing and Regeneration Act 2008 introduced the inspection programme which states that the 'regulator may set Standards for registered providers as to the nature, extent, safety, energy efficiency and quality of accommodation, facilities or services provided by them in connection with social housing'.

The regulatory judgement is a formal process as part of the assessment on the Council's Landlord functions. The report sets out the details around the judgement and actions required. Failure to adhere to the recommendations of

the Regulator will have consequences. It is imperative that the Regulators recommendations are considered and implemented as soon as practicably possible.

8. Human Resources Implications

Not applicable.

9. Union Comments

The Union comments were as follows:

This report did not contain any direct or negative impact on Broxtowe employees so no further comment required by Unison.

10. Climate Change Implications

Any climate change implications are contained within the report.

11. Data Protection Compliance Implications

This report does not contain any OFFICIAL(SENSITIVE) information and there are no Data Protection issues in relation to this report.

12. Equality Impact Assessment

As this is not a change to or a new policy an equality impact assessment is not required.

13. Background Papers

Nil.

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Appendix

Service Improvement plan – Key Activities

The Council's focus remains on delivering safe, high-quality homes for our residents. It is committed to learning from the inspection and demonstrating progress. The Council will continue to work closely with the Regulator as officers continue to implement actions within the Service Improvement Plan over the coming months. The plan focuses on a number of activities to improve service delivery, including:

	Action	Update
Compliance	<ul style="list-style-type: none"> Review the governance and associated structure aligned to compliance 	<ul style="list-style-type: none"> Recommendations paper has been approved by GMT Cabinet report to be presented on 30 June 2026 regarding the recruitment to the Director post. Once concluded, consultation on proposed compliance changes can commence
	<ul style="list-style-type: none"> Development and implementation of a written and clear interim action plan to resolve the issues aligned to FRA and Asbestos 	<ul style="list-style-type: none"> Action plans for both FRA and asbestos have been developed and are currently being implemented
	<ul style="list-style-type: none"> Clarify the responsibility of C3 actions from EICR services - and implement the process 	<ul style="list-style-type: none"> Meeting scheduled with Assistant Director of Asset Management and Development to agree next steps

	Action	Update
	<ul style="list-style-type: none"> • Ensure there is external and internal auditing for the 'Big 6' (including Co2 and Fire) 	<ul style="list-style-type: none"> • The 2026/27 Internal Audit Plan includes the following: <ul style="list-style-type: none"> ○ Asbestos risk management ○ Fire risk management ○ Complaints reporting and responses ○ Community engagement ○ Tenancy records management ○ Rents ○ Lettings ○ Tenancy sustainment • External scrutiny to be arranged for Asbestos and Fire
<p>Knowledge and Information Management (KIM)</p>	<ul style="list-style-type: none"> • Create a safety performance report for frequent review 	<ul style="list-style-type: none"> • The safety performance report has been created and is to be shared with HIB monthly
	<ul style="list-style-type: none"> • Review of the governance, structure and procedures aligned to record-keeping / KIM 	<ul style="list-style-type: none"> • Initial discussions have taken place regarding data quality options • Slight delay in progress with this action due to other priorities • However, elements of this will be aligned to the Total Mobile project and tenant data project
	<ul style="list-style-type: none"> • Development and implementation of a written and clear action plan to resolve the issues aligned to KIM 	<ul style="list-style-type: none"> • To be developed following guidance from HIB
	<ul style="list-style-type: none"> • Develop a clear plan for collection and use of tenant data and ensure there is a tested process so that any changes required to Capita system are easily implemented 	<ul style="list-style-type: none"> • Investigation currently ongoing on how data within iPlans can be linked with Capita system • Demo from Capita to be scheduled for June

	Action	Update
	<ul style="list-style-type: none"> Strengthen the scrutiny of Housing, Repairs and Asset Management performance 	<ul style="list-style-type: none"> Detailed performance reports continue to be shared with Housing Improvement Board. This gives the Portfolio Holder for Housing more information to scrutinise performance of Housing and Asset Management Quarterly report will be shared with Governance and Standards to enhance the scrutiny of activity within the Service Improvement Plan.
	<ul style="list-style-type: none"> Create a definitive list of policies and procedures that either need updating or creating 	<ul style="list-style-type: none"> To commence in July 2026
	<ul style="list-style-type: none"> For learning purposes, consider introducing an annual report on tenancy outcomes 	<ul style="list-style-type: none"> To commence in July 2026
	<ul style="list-style-type: none"> Development and implementation of a written and clear action plan to fully understand the diverse needs of all our tenants so we can tailor services to meet needs 	<ul style="list-style-type: none"> Officers have contacted a further 600 General Needs tenants since the last update, meaning a remaining 540 are to be contacted.
	<ul style="list-style-type: none"> Improve performance / learning in responding to complaints 	<ul style="list-style-type: none"> Standard agenda item at the quarterly Housing Management Team performance meeting Regular discussions taking place with the Complaints Group (aligned with the Housing Influence Panel) on how we can learn from complaints and implement changes Additional recruitment proposed to increase resource in complaints handling

	Action	Update
	<ul style="list-style-type: none"> Improve the visibility of reporting on analysis and associated service improvements. This includes Tenant Satisfaction Measures (TSM) action plan being published for tenants online 	<ul style="list-style-type: none"> TSM information can be found on the website and is also shared via current communication channels TSM action plan progress report to be sent to the Housing Influence Panel for feedback in June 2026
	<ul style="list-style-type: none"> Implementation of Total Mobile Solutions 	<ul style="list-style-type: none"> Final Statement of Works have been signed off Internal resource plan approved by HIB Reset meeting with Total Mobile completed Data gathering activity commenced
Asset Management and Development	<ul style="list-style-type: none"> Continue with the implementation of the 2025-2030 asset management strategy. Developed from and aligned to the stock condition survey and the future investment program 	<ul style="list-style-type: none"> A further 114 stock condition surveys have been completed since the last update, with a remaining 540 to be completed.
	<ul style="list-style-type: none"> Review the adaptations service – agree clear service measures with tenants, implement and monitor service delivery 	<ul style="list-style-type: none"> To commence in July 2026
Housing	<ul style="list-style-type: none"> Refresh the new Damp and Mould Policy so that the timescales are presented better 	<ul style="list-style-type: none"> Policy has been refreshed and approved via the relevant governance process Website and tenant comms has now been updated
	<ul style="list-style-type: none"> Ensure the Damp and Mould Policy is fully resourced to enable all desired action aligned to Awaab's Law 	<ul style="list-style-type: none"> Interim senior inspector embedded within the team. Permanent resources currently being reviewed.

	Action	Update
	<ul style="list-style-type: none"> Implement process improvements aligned to estate walkabouts 	<ul style="list-style-type: none"> Reviewing best-practice examples from other authorities to ascertain how to improve current process Pilot to commence in July 2026
	<ul style="list-style-type: none"> Develop a clear lettable property standard, publish for tenants 	<ul style="list-style-type: none"> Standard recently approved at Cabinet and currently being implemented
	<ul style="list-style-type: none"> Improve management of void properties – to support providing homes to more people (considering the recommendations from Housing Influence Panel review) 	<ul style="list-style-type: none"> In-house tracker system developed that gives colleagues an overview of pinch-points within the process to then implement mitigation
	<ul style="list-style-type: none"> Improve the information available for tenants reporting ASB and hate crime, to enable the Council to take prompt and appropriate action 	<ul style="list-style-type: none"> Website search terms have been simplified The link to the Housing section is more prominent on the home page Further communications being developed to highlight improvements and achievements
Staff engagement	<ul style="list-style-type: none"> Develop and implement a staff engagement and behaviour guidance document / code of conduct (aligned to the upcoming additional Standard) that defines expected behaviours and engagement principles aligned to organisational values (including continuous improvement) 	<ul style="list-style-type: none"> Meeting scheduled with the Assistant Director of Housing and Assistant Director of Asset Management and Development to plan next steps Employee survey launched
	<ul style="list-style-type: none"> Complete a service-wide training needs analysis and produce a role-based training needs matrix (e.g. operatives) in preparation for the upcoming additional Standard 	<ul style="list-style-type: none"> Being developed as part of the appraisal process Annual 'training needs' spreadsheet currently being refreshed following appraisals

	Action	Update
	<ul style="list-style-type: none">• Introduce mechanisms to improve team cohesion and collaboration	<ul style="list-style-type: none">• Meeting scheduled with the Assistant Director of Housing and Assistant Director of Asset Management and Development to plan next steps• Recent collaborative activities (e.g. distribution of fire safety information / reduction of fire safety actions) implemented

Report of the Portfolio Holder for Housing

Housing Income Management Policies

1. Purpose of Report

To seek approval for three updated policies relating to Income Management.

2. Recommendation

CABINET is asked to RESOLVE to approve the three updated policies.

3. Detail

This report includes three updated policies relating to income management.

The purpose of the Financial Inclusion Policy is to support tenants and applicants to have access to affordable financial products and services that meet their needs, and to reduce their outgoings. This policy and the associated change table is included at **Appendix 1** and **Appendix 2**.

The Income Collection Policy sets out the approach to the management and collection of rent for properties and garages. This policy and the associated change table is included at **Appendix 3** and **Appendix 4**.

The Rent Setting Policy outlines how the Council will calculate rent for the housing stock that it owns and manages within the Housing Revenue Account (HRA). This policy and the associated change table is included at **Appendix 5** and **Appendix 6**.

There have been no significant changes in the Council's approach to income management since the policies were last update.

An Equalities Impact Assessment is included at **Appendix 7**.

4. Key Decision

This report is a key decision as defined under Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

5. Updates from Policy Overview Working Group

Policy Overview Working Group provided feedback regarding the Financial Inclusion Service and partnership working, which resulted in some minor changes to the policy. The Equalities Impact Assessment was also updated following Policy Overview Working Group comments.

6. Financial Implications

The comments from the Interim Deputy Chief Executive and Section 151 Officer were as follows:

These policies outline how the Council will continue to be effective in its income collection arrangements for the HRA, which is essential for the sustainable provision of Housing services and ongoing investment in the Council's Housing portfolio.

7. Legal Implications

The comments from the Head of Legal Services were as follows:
The relevant legislation is contained within the policies.

8. Human Resources Implications

Not applicable.

9. Union Comments

Not applicable.

10. Climate Change Implications

Any climate change implications are contained within the report.

11. Data Protection Compliance Implications

This report does not contain any OFFICIAL(SENSITIVE) information and there are no Data Protection issues in relation to this report.

12. Equality Impact Assessment

As this is a change to policy / a new policy an equality impact assessment is included in the appendix to this report.

13. Background Papers

Nil.



FINANCIAL INCLUSION POLICY

Document title	Financial Inclusion Policy
Document version	3.0
Department	Chief Executive - Housing
Title of Author	Income and Housing Manager
Date document approved	2 June 2026
Review cycle	3 years
Date of next review	2 June 2029

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1.0 Scope

This policy applies to all of the Council's social housing tenants, leaseholders and all applicants on the Council's Housing Register that have been offered a tenancy with Broxtowe Borough Council.

2.0 Purpose

The purpose of this policy is to improve the financial inclusion of social housing tenants and applicants to the Housing Register for social housing within the borough.

Financial inclusion is defined by the World Bank as follows:

“Financial inclusion means that individuals and businesses have access to useful and affordable financial products and services that meet their needs – transactions, payments, savings, credit and insurance – delivered in a responsible and sustainable way.

Access to a transaction account is a first step toward broader financial inclusion since a transaction account allows people to store money, and send and receive payments.”

Aspects of Financial Inclusion include:

- Access to bank accounts
- Identity verification issues
- Digital exclusion
- Recent trends in saving
- Access to credit
- Financial education and capability
- Self-exclusion

For the purposes of this policy, all references to “customer” include tenants of Broxtowe Borough Council, leaseholders and applicants registered on the Choice Based Lettings system for social housing with Broxtowe Borough Council.

3.0 Aims and Objectives

The aim of this policy is to help identify and provide support to social housing tenant customers who may be at risk of, or experiencing financial exclusion within wider society.

The objective of this policy is for the council to work with customers to provide support and advice to improve the financial inclusion of customers by providing debt advice, welfare benefits advice and financial capability education. The support to customers may include, but is not limited to:

- Providing support and advice to help tenants maintain a tenancy;
- Assisting customers to complete forms and act as an advocate for customers requiring advice;

- Providing debt management advice and budgeting advice.
- Assisting in setting up bank accounts and sourcing cheaper fuel providers
- Providing education regarding to affordable, accessible contents insurance
- Providing financial education
- Signposting and making referrals to partner agencies for specialist advice
- Access to grants

4.0 Regulatory Code and Legal Framework

This policy is set within the context of relevant legislation such as:

- The Housing Act 1985
- The Housing Act 1989
- The Equality Act 2010
- The Human Rights Act 1998
- The Pre-Action Protocol for possession Claims by social landlords

5.0 Policy Outline

5.1 Financial Inclusion Service

Broxtowe Borough Council offers a Financial Inclusion Service to all applicants on the waiting list for housing, all tenants and leaseholders. Financial Inclusion Officers will work in partnership with other agencies but there may be times when customers are already receiving support therefore it would not be appropriate for the Financial Inclusion Service to be involved e.g. Care Leavers receive support from the Leaving Care Team.

The service will:

- Carry out home visits as required
- Offer budgeting advice and support
- Assist customers to make applications for welfare benefits
- Give basic debt advice
- Signpost and make referrals to other agencies
- Access funding from voluntary organisations
- Provide information about bank accounts, credit unions and affordable energy

The following are out of scope of the service:

- Providing advice about bank accounts or any other financial products
- Insolvency
- Benefit appeals.

All Financial Inclusion Officers employed by the council will be affiliate members of the Institute of Money Advisers and work to the IMAs statement of Good Practice.

5.2 Pre-tenancy support

The council will:

- Ensure all new tenants are aware of their rental obligations
- Ensure the offer of accommodation is affordable and sustainable in the long term
- Carry out an income and expenditure review where appropriate
- Offer referrals to the Financial Inclusion Service or Citizens Advice where required
- Provide an Energy Performance Certificate to each prospective tenant so that they are aware of the potential energy costs for the property.

5.3 Post-tenancy commencement

The council will:

- Promote the role of the Financial Inclusion Officer and other financial advice services to vulnerable customers
- Promote the Tenants' Home Contents insurance scheme
- Work in partnership with internal council departments and external agencies, such as Citizens Advice to help tenants sustain their tenancy
- Offer a wide range of payments options to support tenants to pay their rent
- Raise awareness of affordable credit and other financial products available via the local credit union
- Promote access to training and pre-employment courses when possible.

5.4 Performance Monitoring

The Council will monitor performance regarding the Financial Inclusion Service, and will report this through members matters updates.

6.0 Related Policies, Procedures and Guidelines

This policy should be read in conjunction with the following council documents:

- Income Collection Policy
- Discretionary Housing Payment Policy
- People Focused Housing Services Policy

7.0 Review

This policy will be reviewed every three years. It is not expected that there will be changes to regulation or legislation which will have an impact on the need to review this policy sooner.

8.0 Document History and Approval

Date	Version	Committee Name
September 2019	1.0	Housing Committee

July 2022	2.0	Cabinet
	3.0	Cabinet

Policy Section	Suggested Change	Reason for Change
1.0 Scope	Add: leaseholders	Minor amendment for consistency
2.0 Purpose	Minor amendment to wording: <ul style="list-style-type: none"> • For the purposes of this policy, all references to “customer” include tenants of Broxtowe Borough Council, leaseholders and applicants registered on the Choice Based Lettings system for social housing with Broxtowe Borough Council. 	Minor amendment for consistency with other policies- “tenants” changed to “customers”. This changed has been applied through the policy where appropriate.
	Add: leaseholders	Minor amendment for consistency
3.0 Aims and Objectives	Minor amendment to wording: <ul style="list-style-type: none"> • Assisting tenants to complete forms and act as an advocate for tenants requiring advice; 	For clarity
	Add: <ul style="list-style-type: none"> • Providing education regarding to affordable, accessible contents insurance 	For clarity. Advice is already provided but this was not previously detailed in the policy.
5.1 Financial Inclusion Service	Add: leaseholders	Minor amendment for consistency
	Add: Financial Inclusion Officers will work in partnership with other agencies but there may be times when customers are already receiving support therefore it would not be	Feedback from Policy Overview Working Group

	appropriate for the Financial Inclusion Service to be involved e.g. Care Leavers receive support from the Leaving Care Team.	
5.3 Post-tenancy commencement	Add: tenants	Minor amendment
	Add: <ul style="list-style-type: none"> Promote the Tenants' Home Contents insurance scheme 	For consistency as this is included in section 3.0
6.0 Related Policies, Procedures and Guidelines	Minor amendment: <ul style="list-style-type: none"> People Focused Housing Services Policy 	Minor amendment: updated policy name



Income Collection Policy

Document title	Income Collection Policy
Document version	3.0
Department	Chief Executive - Housing
Title of Author	Income and Housing Manager
Date document approved	2 June 2026
Review cycle	3 years
Date of next review	2 June 2029

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1.0 Scope

This Policy sets out the approach to the management and collection of rent for properties and garages. This policy does not cover leasehold service charges, which are covered by a separate policy.

2.0 Purpose

Broxtowe Borough Council recognises the importance of managing an income collection service, which ensures that the Housing Revenue Account can provide a range of quality services to tenants and enable the delivery of the Housing Business Plan. Broxtowe Borough Council aims to minimise the amount of arrears owed by its tenants.

We will apply this policy consistently and fairly and will ensure that at all times we act in a reasonable manner, and that our actions are proportionate.

We recognise the economic and social impact of being in arrears and will focus on taking a preventative approach to managing rent arrears. We will ensure that our approach is compliant with legal and regulatory requirements and meets good practice requirements. We will regularly monitor our performance to ensure that we meet the policy requirements.

3.0 Aims and Objectives

The Income Collection Policy aims to minimise rent arrears by:

- Working proactively with tenants to prevent arrears accruing
- Promoting the importance of paying rent to all applicants and new tenants
- Ensuring tenants are fully aware of their obligations in regards to paying their rent
- Providing a range of options for tenants to pay their rent
- Utilising early intervention including phone calls and personal visits to support tenants to sustain their tenancies
- Supporting tenants through the in-house Financial Inclusion Service to maximise their income and sustain their tenancies
- Working in partnership with other agencies to provide services that will support tenants to maintain their tenancy
- Utilising appropriate legal remedies, where necessary, and proportionate, including seeking legal possession of a property.

4.0 Regulatory Code and Legal Framework

This Policy is set within the context of relevant legislation such as:

- Housing Act 1985
- The Housing Act 1989
- Equality Act 2010
- Local Government Act 2000
- Human Rights Act 1998

- Pre-Action Protocol for Possession Claims by Social Landlords
- Pre-Action Protocol for Debt Claims
- Protection from Eviction Act 1977

5.0 Policy Outline

5.1 Pre-tenancy support

At provisional tenancy offer stage, we will seek landlord references to confirm previous tenancy conduct and any former rent arrears. We will also review the housing application which may highlight any potential issues regarding tenancy sustainability. If issues are identified the allocations team will discuss this with the applicant in consultation with the Income Collection Team and where appropriate, support will be offered.

The obligation to pay rent in advance will be highlighted throughout the Allocations process, so that applicants are aware that this will be required. All applicants will be required to make their first rent payment before signing for a property.

We will ensure that tenants are aware of their rental obligations before they sign for a new tenancy. Support and advice will be provided to help prospective tenants understand which benefits they may be entitled to. Where appropriate an Income and Expenditure form will be completed.

5.2 Income Collection

Officers will take a proactive approach to income collection by making early personal contact with all tenants whose accounts fall into arrears or experience a change in circumstances. Contact will be via telephone, text, letter or home/office appointment. The emphasis of the contact will be to understand the tenant's personal circumstances. Where accounts fall into arrears we will seek to make an arrangement to clear the outstanding debt as soon as possible in a sustainable way.

Income collection will follow a pre-set escalation process. The suggested action to be taken will be based on the level of arrears owed and the previous action taken. ICT systems will be used to support this work and ensure that income collection processes are applied consistently.

In determining the appropriate course of action, full account will be taken of a tenant's vulnerability including age or disability. Tenants with additional support needs will be referred to specialist agencies that may be able to assist.

Where all other means have failed, Broxtowe Borough Council will take legal action to recover rent owed. This will include seeking possession of a property through the County Court. We will ensure all legal action complies with the Pre-Action Protocol for Possession Claims by Social Landlords.

We will ensure that a comprehensive record is kept of all action taken and ensure that all data is handled in accordance with the relevant Data Protection Legislation.

5.3 Introductory Tenancies

Introductory tenancies provide a probationary period during which tenants can demonstrate their ability to sustain a tenancy. It is hoped the probationary period of the tenancy sets the tone for a long term relationship with a tenant therefore our approach to Income Collection needs to be particularly clear.

Given the 12-month length of an Introductory Tenancy, it will not usually be possible to agree an extended repayment plan and tenants will be expected to pay their rent in full. If, given the individual tenants circumstances, immediate repayment is impossible, a short repayment plan will be considered.

5.4 Arrears Prevention and Support

We will promote the services available to support tenants who are in arrears or experiencing financial hardship. This will include Broxtowe Borough Council's own Financial Inclusion Service and Citizens Advice.

We will also promote initiatives which support the maximisation of tenants' income, through newsletters, websites and individually where appropriate. Information including arrears letters will be written, as far as possible, in plain English, and will be provided in other formats and languages where required.

Tenants are required under the condition of their tenancy agreement to pay their rent in advance. Tenants who are not paying in advance will be encouraged to make payment to ensure the account is in advance. We may consider a payment plan to allow the tenant to pay an extra amount each week to ensure they are not in arrears between payments.

5.5 Welfare Benefits

Broxtowe Borough Council recognises that many tenants will be in receipt of welfare benefits. This will include Housing Benefit (HB) and Universal Credit (UC).

- HB – claimants will receive HB directly to their rent account each week. If payments stop, we will liaise with colleagues in the Revenues and Benefits Team to enable us to provide appropriate advice and information to the effected tenant.
- UC – in most cases is paid directly to the tenant. In cases where there are eight weeks' gross arrears, or where the tenants have support needs, we will request that the housing costs are paid directly to us through the Alternative Payment Arrangement.

The Council will work proactively with partners to mitigate the impact of any welfare reforms and chair the Welfare Reform Working Group, attended by Citizens Advice and Department for Work and Pensions representatives.

We will assist tenants to make an application for a Discretionary Housing Payment which is short term, temporary financial assistance towards housing costs. This allows the recipient time, to make alternative longer term arrangements to meet their housing costs.

5.6 Payment Options

We will offer a range of payment options to support tenants to pay their rent. This will include:

- Direct Debit
- Payment Card
- Online, telephone and mobile phone payment
- Standing Order

We will promote Direct Debit to be our preferred payment method whenever possible.

We will monitor the ways that tenants pay their rent and review the payment options which are available. We will consider the different transaction costs and utilise new technology to expand the options available.

5.7 Rent Free Weeks

Rents will be calculated over 52 weeks and collected over 48 weeks. There are four non-debit weeks per year, two in December and two at the end of March.

Where there are 53 Mondays in the financial year, the rent will be calculated over 53 weeks and collected over 49 weeks.

Customers will be advised at the start of each financial year which weeks will be the rent free weeks

Rent free weeks provide tenants with a clear rent account the opportunity to pay no rent during rent free weeks. Rent free weeks do not apply to tenants in arrears or who have a court order which requires rent to be paid every week.

5.8 Garage Arrears

Garage rents are debited monthly and payment is due in advance. Garage income collection follows a pre-set escalation process and the suggested action to be taken will be based on the level of arrears owed and previous action taken.

VAT is payable for garage tenants who are not also Council house tenants or leaseholders as the HMRC advises that the renting of a garage is a taxable supply.

5.9 Former Tenancy Arrears

Arrears which remain on the account, after the tenancy has ended are classed as former tenancy arrears. We will seek to collect former tenant arrears in a way that reflects best practice.

If an applicant has former tenant arrears the Allocations Policy details the Councils expectations around payment of those arrears before they can join the housing register or be offered accommodation.

6.0 Performance monitoring

The Council will monitor performance regarding income collection and rent arrears, and will report this to the relevant Council Committee.

7.0 Related Policies, Procedures and Guidelines

List of documents / associated policies / publications:

- Rent Setting Policy
- Financial Inclusion Policy
- Discretionary Housing Payment Policy
- Garage Management Policy
- Tenancy Policy
- Allocations Policy
- People Focused Housing Services Policy
- Income Collection Procedure
- Risk Assessment Procedure

8.0 Review

The Income Collection Policy will be reviewed every three years or sooner if there is a change in guidance or legislation.

9.0 Document History and Approval

Date	Version	Committee Name
September 2019	1.0	Housing Committee
July 2022	2.0	Cabinet
	3.0	Cabinet

Policy Section	Suggested Change	Reason for Change
3.0 Aims and Objectives	Add: <ul style="list-style-type: none"> Promoting the importance of paying rent to all applicants and new tenants 	For clarity
5.1 Pre-tenancy support	Minor amendment to wording: <ul style="list-style-type: none"> The obligation to pay rent in advance will be highlighted throughout the Allocations process, so that applicants are aware that this will be required. All applicant will be required to make their first rent payment before signing for a property. 	Addition made to existing wording for clarity. Changed from rent in advance to first rent payment.
5.2 Income Collection	Removed: <ul style="list-style-type: none"> 2015 	Minor amendment
5.4 Arrears Prevention and Support	Removed: <ul style="list-style-type: none"> Bureau from Citizens Advice Bureau 	Name correction throughout the policy
	Minor amendment to wording: <ul style="list-style-type: none"> Tenants who are not paying in advance will be encouraged to make payment to ensure the account is in advance. We may consider a payment plan to allow the tenant to pay an extra amount each week to ensure they are not in arrears between payments. 	Addition made to existing wording for clarity as payment in full would be the preferred option but a payment plan may be considered if appropriate.
5.5 Welfare Benefits	Minor amendment to wording: <ul style="list-style-type: none"> HB – claimants will receive HB directly to their rent account each week. If 	Addition made to existing wording for clarity as the Income Team will contact Revenues and Benefits for advice.

Appendix 4

	<p>payments stop, we will liaise with colleagues in the Revenues and Benefits Team to enable us to provide appropriate advice and information to the effected tenant.</p> <ul style="list-style-type: none"> • 	
5.6 Payment Options	<p>Removed:</p> <ul style="list-style-type: none"> • Payment kiosk 	Removed as no longer available.
5.7 Rent Free Weeks	<p>Minor amendment to wording:</p> <ul style="list-style-type: none"> • Changed Christmas to December 	For consistency
5.8 Garage Arrears	<p>Add:</p> <ul style="list-style-type: none"> • leaseholders 	For information.
5.9 Former Tenancy Arrears	<p>Minor amendment to wording:</p> <ul style="list-style-type: none"> • If an applicant has former tenant arrears the Allocations Policy details The Councils expectations around payment of those arrears before they can join the housing register or be offered accommodation 	For consistency and links to the Allocations Policy.
7.0 Related Policies, Procedures and Guidelines	<p>Minor amendment to wording:</p> <ul style="list-style-type: none"> • People Focused Housing Services Policy 	Updated policy name.



RENT SETTING POLICY

Document title	Rent Setting Policy
Document version	3.0
Department	Chief Executive - Housing
Title of Author	Income and Housing Manager
Date document approved	2 June 2026
Review cycle	3 years
Date of next review	2 June 2029

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1.0 Scope

This policy outlines how the Council will calculate rent for the housing stock that it owns and manages within the Housing Revenue Account.

How rent will be collected is outlined in the Rent Collection Policy; how Leasehold service charges are calculated is outlined in the Leasehold Management Policy and information about garage rents is set out in the Garage Management Policy.

2.0 Purpose

The purpose of this policy is to ensure the rents will be set in accordance with the relevant statutory and regulatory obligations.

The policy will set a clear framework for the setting and reviewing of rent levels for each property.

3.0 Aims and Objectives

The policy will ensure:

- Rents are set at a level which ensures that the Council can meet its obligations to customers, including maintaining the stock at a high standard of repair
- Rent increases are applied consistently and fairly
- The Housing Revenue Account does not fall into a deficit position.
- Council tenants are protected from excess rent increases

4.0 Regulatory Code and Legal Framework

- Housing Act 1985, Sections 24, 102 and 103
- Local Government and Housing Act 1989, Section 76
- Regulator of Social Housing Rent Setting Guidance
- Welfare Reform and Work Act 2016

5.0 Policy Outline

5.1 Calculation of rent

The Council will charge social rent for all properties, unless the charging of Affordable Rent is required to attract grant funding or to make a new build scheme viable.

Rents will be set according to the formula set out in the in both the Ministry of Housing, Communities and Local Government Rent Policy Statement and Regulator of Social Housing Rent Standard which has consideration for the location, size and value of a property in conjunction with the local earnings. This is called the Formula Rent.

The basis for calculation of formula rent is:

- 30% of a property's rent should be based on relative property values
- 70% of a property's rent should be based on relative local earnings
- A bedroom factor should be applied so that, other things being equal, smaller properties have lower rents

Formula rent (social rent) will be used to set rents for all new tenancies. Where there is a large differential between the previous rent charged and the new rent level the increase will be limited to 10%. This will retain the social rent principle but also protect the Council's income.

5.2 Service Charges

Broxtowe Borough Council operate fixed service charges for General Needs and Independent Living properties.

These charges are not based on the actual cost of the service provided but are a contribution towards the costs incurred. The Council will ensure that service charges are applied to tenants benefiting from the communal services provided.

A service charge will also be applied to new build properties where the development is subject to a management charge for maintenance of communal areas by the developer or their management company.

Service charges will be increased annually in line with government guidance provided regarding rent increases.

5.3 Rent free weeks

Rents will be calculated over 52 weeks and collected over 48 weeks. There are four non-debit weeks per year, two at the end of December and two at the end of March. Tenants will be advised of the dates of the forthcoming rent free weeks each year.

Rent free weeks provide tenants with a clear rent account the opportunity to pay no rent during the rent free weeks. Rent free weeks do not apply to tenants in arrears or who have a court order which requires rent to be paid every week.

Where there are 53 Mondays in the financial year, the rent will be calculated over 53 weeks and collected over 49 weeks.

5.4 Rent increases

This policy seeks to strike a balance between the need to keep rents affordable whilst providing sufficient funds to support the Council's need to maintain its housing stock and provide a high standard of customer service. The Council is aware that many tenants have low incomes and aims to provide housing that remains affordable.

Rent will be increased annually in April in line with government guidance and restrictions.

Reports will be presented to Overview and Scrutiny Committee, Cabinet and Council as part of the budget setting process.

Tenants will be given four week's notice in writing in accordance with the tenancy agreement. The Council is under no obligation to consult with tenants to vary the rent amount. The Council's decisions on rent levels are only challengeable by way of judicial review.

5.5 New build properties

Formula rents (social rents) will be charged for new build properties wherever possible and all property acquisitions.

If the Council is in receipt of grant from Homes England to develop new Council housing for rent, or where the Council has registered the new properties with Homes England as affordable rented homes, it is a requirement of the grant, or agreement with Homes England, that Affordable Rents are used.

No Homes England grant is available on section 106 sites where the Council is looking to acquire new properties from a developer. However, Homes England will allow the Council to charge affordable rents on these properties. The decision on whether to charge social rent or affordable rents on section 106 properties will be determined by the financial viability of each scheme in line with the need to meet the HRA Business Plan and agreed by the Deputy Chief Executive in consultation with the cabinet member for Housing.

Affordable Rent is set at 80% of market rent. It is typically higher than social rent. The intention behind the introduction of Affordable Rent is to enable Council's to generate additional capacity for investment in new affordable housing. Affordable rents should not exceed the Local Housing Allowance.

5.6 Shared Ownership

Shared Owners pay both a mortgage on the part of the property they own and rent on the part owned by the Council.

The occupant of a shared ownership property will pay rent on a proportion that is still owned by the Council. For example, if the occupant owns 25%, they will pay 75% of the rent. This will be adjusted as the occupant staircases their percentage ownership. For example, if the occupant purchases an additional 25% they will pay 50% of the rent.

Rent Standard does not apply to Shared Ownership properties but rents charged will be based on formula rent, whilst ensuring that all relevant costs are covered.

6.0 Related Policies, Procedures and Guidelines

This policy should be read in conjunction with the:

- Financial Inclusion Policy
- Rent Collection Policy
- Tenancy Agreement

7.0 Review

This policy will be reviewed every three years or sooner if there is a change in regulation and legislation.

8.0 Document History and Approval

Date	Version	Committee Name
September 2019	1.0	Housing Committee
March 2023	2.0	Cabinet
	3.0	Cabinet

Policy Section	Suggested Change	Reason for Change
4.0 Regulatory Code and Legal Framework	Remove <ul style="list-style-type: none"> • Social Housing Rents (Exceptions and Miscellaneous Provisions) Regulations 2016 	Related to the 2016 4 year mandated 1% annual rent deduction and is no longer relevant.
5.2 Service Charges	Addition: Broxtowe Borough Council operate fixed service charges for General Needs and Independent Living properties. These charges are not based on the actual cost of the service provided but are a contribution towards the costs incurred. The Council will ensure that service charges are applied to tenants benefiting from the communal services provided. A service charge will also be applied to new build properties where the development is subject to a management charge for maintenance of communal areas by the developer or their management company. Service charges will be increased annually in line with government guidance provided regarding rent increases.	For clarity around service charges.

5.2 Rent Free Weeks	Minor amendment to working. Changes Christmas to December.	For consistency.
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Equality Impact Assessment

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways, to help tackle discrimination and equality. The majority of the Act came into force on 1 October 2010.

Public bodies are required in it to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited under the Act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it, and
- foster good relations between people who share a protected characteristic and people who do not share it.

The public sector Equality Duty came into force on 5 April 2011. The duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, delivering services and in relation to their own employees.

The Equality Duty encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

The new equality duty replaces the three previous public sector equality duties, for race, disability and gender. The new equality duty covers the following protected characteristics:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – including lack of belief
- sex
- sexual orientation.

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

The Council has also decided to treat people who have care experience as if they had a protected characteristic under the law.

Having due regard means consciously thinking about the three aims of the equality duty as part of the process of decision-making. This means that consideration of

equality issues must influence the decisions reached by public bodies, including how they act as employers, how they develop, evaluate and review policies, how they design, deliver and evaluate services, and how they commission and procure from others.

Having due regard to the need to advance equality of opportunity involves considering the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics
- meet the needs of people with protected characteristics, and
- encourage people with protected characteristics to participate in public life or in other activities where their participation is low.

Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Complying with the equality duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve making use of an exception or the positive action provisions in order to provide a service in a way which is appropriate for people who share a protected characteristic.

The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore take account of disabled people's impairments when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

There is no explicit requirement to refer to the Equality Duty in recording the process of consideration but it is good practice to do so. Keeping a record of how decisions were reached will help public bodies demonstrate that they considered the aims of the Equality Duty. Keeping a record of how decisions were reached will help public bodies show how they considered the Equality Duty. Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

It is recommended that assessments are carried out in respect of new or revised policies and that a copy of the assessment is included as an appendix to the report provided to the decision makers at the relevant Cabinet, Committee or Scrutiny meeting.

Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action is necessary.

Public bodies should take a proportionate approach when complying with the Equality Duty. In practice, this means giving greater consideration to the Equality Duty where a policy or function has the potential to have a discriminatory effect or impact on equality of opportunity, and less consideration where the potential effect on equality is

slight. The Equality Duty requires public bodies to think about people’s different needs and how these can be met.

EQUALITY IMPACT ASSESSMENT (EIA)

Directorate:	Chief Executive - Housing	Title of the Lead Officer responsible for EIA	Assistant Director of Housing
Name of the policy or function to be assessed:		Income Policies	
Title of the Officer undertaking the assessment:		Clare Brooker	
Is this a new or an existing policy or function?		Updated policies for an existing function	
<p>1. What are the aims and objectives of the policy or function?</p> <p>The purpose of the Financial Inclusion Policy is to support tenants, leaseholders and applicants to have access to affordable financial products and services that meet their needs, and to reduce their outgoings.</p> <p>The Income Collection Policy sets out the approach to the management and collection of rent for properties and garages.</p> <p>The Rent Setting Policy outlines how rent will be set for housing revenue account properties.</p>			
<p>2. What outcomes do you want to achieve from the policy or function?</p> <p>To increase income collection To offer appropriate support to tenant to pay their rent To provide a framework for the financial inclusion service To ensure a fair rent setting process, which balances the need to protect the income of the Council and ensure rents are affordable for tenants</p>			
<p>3. Who is intended to benefit from the policy or function?</p> <p>Tenants of the Council Applicants that have been offered a Council property Employees involved in the rent setting process</p>			
<p>4. Who are the main stakeholders in relation to the policy or function?</p> <p>Tenants Applicants on the housing register Housing employees Partner agencies, such as CAB</p>			
<p>5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?</p> <p>The housing management system holds data regarding age, gender and ethnicity.</p>			

6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?

Notes are recorded on the Councils housing management system each time an Income Officer or Income Assistant speaks to a tenant about issues with rent or arrears.

The number of cases referred to the Financial Inclusion Service are monitored regularly, including the reason for the referral and any financial outcomes.

7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?

Regular monitoring is undertaken to review the service, this has not revealed any further action that needs to be taken in regards to the impact.

Tenants are asked to complete regular surveys in regards to the work of the Income Team, and positive feedback is given about the level of support offered by Income Officers, Income Assistants and the Financial Inclusion Team.

8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways? In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:

Does the policy or function target or exclude a specific equality group or community? Does it affect some equality groups or communities differently? If yes, can this be justified?

Residents who are not tenants or applicants are excluded and this can be justified.

Those under 18 are excluded on the basis of not being able to hold or apply for a tenancy, this can be justified.

The rent charged, for both social and affordable rent, is based on the property not the person who holds the tenancy. Rents cannot be adjusted to reflect individual circumstances as this is not in accordance with government guidance.

Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified?

Not necessarily. Access to the financial inclusion service will be based on need and this may not be spread equally across the equality groups.

Only people over 18 can hold a tenancy, however there can be an impact on children living in council tenancies, in regards to rent increases and affordability.

☐ Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function?

Steps have been taken to make the service as accessible as possible. Warnings are in place on the Councils housing management system when tenants require information in a different format or language. Home visits are offered to explain the service in a way that meets the individuals needed.

☐ Could the policy or function promote or contribute to equality and good relations between different groups? If so, how?

The Financial Inclusion Service and a strong Income Collection Policy will help sustain tenancies. Tenancy Sustainment has a positive impact on communities.

☐ What further evidence is needed to understand the impact on equality?

Regular monitoring of the service will be undertaken.

9. On the basis of the analysis above what actions, if any, will you need to take in respect of each of the equality strands?

Age: Younger tenants are more likely to be in their first tenancy, and those that have not been a tenant before are more likely to be identified as requiring support from the Financial Inclusion Service. It is important that referrals are based on facts and tenancy risk, and not on age alone.

Disability: The Financial Inclusion Service is offered to meet the need of the tenant, including needs due to disability. The Income Team and Financial Inclusion Team can both complete include home visits and provide information provided in different formats to meet tenant needs.

Gender: It is not anticipated that the Council will need to take any further action in order to enable access for this group. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.

Gender Reassignment: It is not anticipated that the Council will need to take any further action in order to enable access for this group. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.

Marriage and Civil Partnership: It is not anticipated that the Council will need to take any further action in order to enable access for this group. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.

Pregnancy and Maternity: It is recognised that pregnancy and maternity can have an impact on income and benefit claims. This may be reduced income due to maternity leave from employment, or increase increased income due to changes in family size. The Income team will offer additional support during this time.

Race: Some customers may require support form a translation service or for documents to be provided in a different format or language. Action will be taken to mitigate any barriers identified. Regular monitoring and analysis may identify reasons that have not been anticipated.

Religion and Belief: It is not anticipated that the Council will need to take any further action in order to enable access for this group. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.

Sexual Orientation: It is not anticipated that the Council will need to take any further action in order to enable access for this group. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken Cabinet 19 July 2022 to mitigate any barriers identified.

Care Experience: The Council is aware that Care leavers may need additional support and will work in partnership with the Leaving Care Team as appropriate. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.

Assistant Director of Housing:

I am satisfied with the results of this EIA. I undertake to review and monitor progress against the actions proposed in response to this impact assessment.

Signature:

Report of the Portfolio Holder for Economic Development and Asset Management

Houses in Multiple Occupation Supplementary Planning Document

1. Purpose of Report

To seek approval to adopt the updated Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD). This is in accordance with the Council's Corporate Priority of Housing – a good quality home for everyone.

2. Recommendation

Cabinet is asked to RESOLVE that the updated Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD) – June 2026 is adopted.

3. Detail

The existing SPD was adopted in July 2022 and applies to all planning applications in relation to HMO, including those outside of the existing Article 4 area. However, it was considered that the SPD required updating with the following key changes being made:

- Making it clear that the SPD applies to all planning applications related to HMOs, not just those within the existing Article 4 area.
- Reordered and expanded structure, including clearer section headings and refined numbering.
- New section on Purpose-Built Student Accommodation (PBSA), setting out how PBSA should be considered alongside HMOs when assessing cumulative impacts.
- Wider policy context, with explicit references to the Greater Nottingham Strategic Plan (GNSP) and its emerging policies, including space standards.
- Updated definition and explanation of HMOs, including clearer explanation of Use Classes, Permitted Development Rights, and Article 4 Directions.
- Refined principles for clustering, radius tests and sandwiching, now labelled as Principles 1–3.
- Refined wording in relation to car parking and cycle parking to align with national and local policy requirements.

A number of the changes were made following recommendations by Policy Overview Working Group. The draft SPD was approved for consultation by Cabinet in March 2026.

The consultation has now been undertaken with the responses summarised within the Report of Consultation, included in **Appendix 3**.

Following the consultation, a number of additional changes have been made to the SPD:

- Strengthened policy wording throughout (e.g. clauses 1.3.4 and 3.5.2) to replace advisory language with firmer requirements.
- Added heritage section and policy (Section 3.7 / Principle 9) to address impacts on listed buildings and conservation areas, including requirement to conserve significance.
- Introduced drainage safeguards in parking guidance (Clause 3.2.1), requiring porous materials or runoff to permeable areas to address SuDS concerns.
- Included Secured by Design guidance as a new appendix, strengthening expectations around crime prevention and safety in HMO.
- Clarified that the SPD applies borough-wide, supporting consistent application beyond Article 4 areas and emphasising cumulative impact considerations.

Following adoption, the updated SPD in **Appendix 2** will be a material planning consideration for all planning applications related to Houses in Multiple Occupation.

4. Key Decision

This report is a key decision for Cabinet as defined under Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 as it affects more than two Wards in the Council's area.

5. Updates from Scrutiny

The update to the HMO SPD was discussed at Policy Overview Working Group with recommendations being included in the updated SPD which was subject to consultation.

6. Financial Implications

The comments from the Interim Deputy Chief Executive and Section 151 Officer were as follows:

The costs in terms of the Planning Policy resources are contained within existing budgets.

7. Legal Implications

The comments from the Head of Legal Services were as follows:

The Council as Planning Authority has a power to adopt Supplementary Planning Documents (SPD) which add more detail and guidance in relation to Local Plan policies and which then become material planning considerations when planning applications are determined.

As with most decisions the adoption of the SPD will be open to legal challenge. Appendix 3 provides details of each comment made during consultation, and changes made to the SPD as a result to address comments raised.

8. Human Resources Implications

Not applicable.

9. Union Comments

Not applicable.

10. Climate Change Implications

There are not considered to be any significant climate change implications.

11. Data Protection Compliance Implications

This report does not contain any OFFICIAL(SENSITIVE) information and there are no Data Protection issues in relation to this report.

12. Equality Impact Assessment

An Equality Impact Assessment is included as an appendix to the report.

13. Background Papers

Nil.

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Broxtowe
Borough
COUNCIL

Houses in Multiple Occupation (HMO)

Supplementary Planning Document (SPD)



June 2026

Page 101

www.broxtowe.gov.uk

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1. Introduction and Scope

1.1 This Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD) sets out the Council's expectations for new HMO-related development across the Borough. It provides supplementary planning guidance for those seeking to create new HMOs or extend existing ones. It will assist applicants, including landowners and developers, in designing their proposals and preparing planning applications and supporting information. It seeks to promote 'best practice' by consolidating guidance for HMO development and will aid the Council in making consistent and transparent decisions when determining planning applications.

1.2 This SPD is a 'material consideration' in the determination of relevant planning applications.

1.3 This planning guidance applies in cases of both the development of new HMOs and the extension of existing ones. This could include the creation of HMOs by converting existing buildings, currently within other uses. The guidance within this document should assist landlords and developers in designing high-quality schemes, whether these schemes require planning permission or not.

1.1 What is an HMO?

1.1.1 A property is an HMO if

- at least 3 tenants live there, forming more than 1 household, **and**,
- They share toilet, bathroom or kitchen facilities with other tenants

[\[https://www.gov.uk/private-renting/houses-in-multiple-occupation\]](https://www.gov.uk/private-renting/houses-in-multiple-occupation)

Types of HMO and their Use Classes

1.1.2 Some HMOs require planning permission. Most residential properties in the Borough are dwellinghouses (which fall within Class C3 of Schedule 1 of the Town and Country Planning (Use Classes) Order 1987 (as amended)).

1.1.3 Schedule 1 of the 1987 Order defines 'Class C4' as the "use of a dwellinghouse by not more than six residents as a house in multiple occupation". This is often referred to as a 'Small HMO'. Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 permits a change of use from Class C3 to Class C4, in certain conditions, without planning permission.

1.1.4 Article 4 Directions can in effect withdraw these 'Permitted Development Rights', meaning that planning permission to change from a Class C3 dwellinghouse to a Class C4 Small HMO would be required within the areas which they apply to. These Directions are explained further within this SPD.

1.1.5 Large HMOs (consisting of seven or more tenants) fall within a 'Sui Generis' use (Latin for "of its own kind") and these **always** require planning permission.

1.1.6 It is important to note that Use Classes C3 and C4 set out the number of 'residents' occupying the property, and not the number of bedrooms.

1.1.7 HMOs are a significant part of the housing mix within Broxtowe Borough. The Council recognises their important role for providing accommodation to a range of individuals, including students and young professionals, particularly those who would struggle to afford to buy or rent a house early in their career.

1.1.8 However, as with other types of development, an over concentration of a single type of dwelling may cause harm to an area and can make it difficult to create a sense of community cohesion, and as stated within the 'justification' text of Policy 8 of the Aligned Core Strategy, the increased numbers of student households and Houses in Multiple Occupation (HMOs) has altered the residential profile of some neighbourhoods dramatically, and has led to unsustainable communities and associated amenity issues.

1.1.9 The sections within this SPD therefore seek to provide guidance to manage the development of HMOs and their impact on character and appearance in addition to ensuring that they provide a high standard of living for existing and prospective residents and be in accordance with paragraph 3.8.8 of Policy 8's emphasis of 'creating and maintaining sustainable, inclusive and mixed communities'.

1.1.10 Property owners who wish to use their premises for HMO purposes under Permitted Development Rights (where no planning permission is required) are also strongly encouraged to consider these principles so as to ensure a healthy living environment.

1.2 Article 4 Direction

1.2.1 The Council has introduced Article 4 areas removing the permitted development right that allows a change of use from a dwellinghouse to what is sometimes called a 'small HMO' for use by up to six persons. The use of an Article 4 direction does not mean development would not be allowed, it instead removes certain Permitted Development Rights, meaning that a planning application would be required, so that proposals can be assessed by the Council to ensure that they comply with national and local planning policies and other material considerations, such as this SPD. It should be noted that HMOs for the use of more than six persons is a Sui Generis Use and planning permission for such use is always required across the whole of the Borough.

1.2.2 Maps showing the areas covered by Article 4 Directions can be found on the Council's website at the following link: <https://www.broxtowe.gov.uk/for-you/planning/planning-policy/article-4-directions/>

1.3 Making a Planning Application

1.3.1 All planning applications relating to HMOs, either through new buildings, extensions or changes of use will need to have regard to national planning policy, the policies of the Local Plan (including the Part 1 Local Plan Aligned Core Strategy, Part 2 Local Plan and any future revisions to these Plans) and any applicable Neighbourhood Plans. They should also have regard to other material considerations, including the guidance and principles set out within this SPD.

1.3.2 Prior to proceeding with a project or submitting a planning application it is recommended that applicants seek Pre-Application Advice from the Council. Whilst there is a charge for this service, this can help to reduce the risk of costs or delays at a later stage and help to ensure a good standard of development is achieved for the benefit of both existing and prospective residents. This will enable an officer to provide a site-specific written guidance regarding the likelihood of a proposal for an HMO being acceptable. Further information is available on the Council's website at the following link: <https://www.broxtowe.gov.uk/for-you/planning/planning-applications-advice/>.

1.3.3 It is also good practice to discuss any proposals with the owners and occupiers of neighbouring properties as this can help to reduce delays at a later stage and is helpful in maintaining good relations. Owners and occupiers should consider how their proposals might impact existing residents.

1.3.4 Before submitting an application, applicants must consider the proximity of existing HMOs to the application site and how any adverse impacts may be addressed and mitigated.

1.3.5 Planning applications will need to be accompanied by the relevant supporting plans and other supporting documents. Details of these requirements are set out within the Council's Validation List, which can be viewed on the Council's website at the following link <https://www.broxtowe.gov.uk/for-you/planning/submit-a-planning-application/validation-requirements/>

1.4 HMO Licensing

1.4.1 The Housing Act 2004 introduced the requirement for certain HMO properties to be licensed. This is a separate procedure from applying for planning permission. However, securing a licence does not necessarily mean that planning permission will be granted, and gaining planning permission does not necessarily mean that a licence will be granted.

1.4.2 It is the responsibility of landlords to ensure that their property is operating with the correct licence and failure to do so is a criminal offence.

1.4.3 Further information on licensing and Broxtowe Borough Council's HMO Property Standards can be obtained from the Council's Private Sector Housing Team. Information can also be found on the Council's website at the following link:

<https://www.broxtowe.gov.uk/for-you/housing/private-sector-housing/houses-in-multiple-occupation-hmos/>

1.5 Planning Policy Context

1.5.1 This SPD has been informed by national and local policies.

1.5.2 The National Planning Policy Framework (NPPF) sets out that achieving sustainable development means that the planning system has three overarching objectives: Social, Environmental and Economic. This SPD helps to ensure that within Broxtowe Borough, these roles can be balanced to create and support strong, vibrant and healthy communities.

1.5.3 This SPD expands on and provides guidance on the application of the following policies contained within the adopted Aligned Core Strategy (2014), and replacement policies within subsequent Plans, and Broxtowe Borough Council's Part 2 Local Plan (2019), as applicable to HMOs:

- Aligned Core Strategy Policy 8: Housing Size, Mix and Choice
- Aligned Core Strategy Policy 10: Design and Enhancing Local Identity
- Part 2 Local Plan Policy 17: Place-making, Design and Amenity

1.5.4 Policy 8 of the Aligned Core Strategy references the importance of residential properties maintaining, providing and contributing to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities. It further notes that this will be partly informed by redressing the housing mix within areas of concentration of student households and Houses in Multiple Occupation (4e). This is supported by Policy 10 of the Aligned Core Strategy which states that all development should make a positive contribution to the public realm and sense of place as well as create an attractive, safe, inclusive and healthy environment – which in turn is strengthened by Policy 12 which seeks to support Healthy Lifestyles.

1.5.5 Broxtowe Borough Council's Part 2 Local Plan expands upon the policies within the Aligned Core Strategy at a more localised level. Policy 17 includes that development will be granted permission which integrates into its surroundings; and provides sufficient, well-integrated, parking and safe and convenient access; and provides adequate external storage and amenity space; as well as ensures a satisfactory degree of amenity for occupiers of the development and neighbouring properties. This will therefore be an important consideration when assessing any application received relating to an HMO.

1.5.6 The Greater Nottingham Strategic Plan (GNSP) is currently being prepared. Policy 8.6 refers to the importance of maintaining balanced, inclusive and mixed communities. Policy 8.7 states that within Broxtowe attention will be given to the concentration of HMOs and to 'clustering' and 'sandwiching', as set out in sections 2.1-2.3 of this SPD. Subject to a proposed Main Modification being agreed, policy 8.1 will also specify that the Nationally Described Space Standards will apply to HMOs.

2. Maintaining Balanced, Inclusive and Mixed Communities

2.1 The SPD aims to ensure that the demand for HMO accommodation can be met in a way that does not lead to adverse impacts on the character of the area through a saturation of a single type of home. Achieving an appropriate housing mix to meet Broxtowe Borough's needs is vital to create the sustainable, inclusive and mixed communities envisaged within the Local Plan.

2.2 The strong influence of nearby higher education facilities, including the University of Nottingham, Nottingham Trent University and other colleges and schools has resulted in a relatively large student population within Broxtowe Borough. However, an over-concentration of HMO accommodation can lead to identifiable impacts on amenity including: increases in waste management associated issues; the potential for noise complaints and anti-social behaviour; visual impacts such as increased 'clutter' within garden areas; unsympathetic security measures; and parking issues, resulting in cumulative impacts on residential amenity. This SPD will therefore seek to address, prevent and mitigate the impact of these issues.

2.3 This SPD is intended to support the creation of sustainable, inclusive and mixed communities and minimise cumulative impacts on amenity by avoiding an over-concentration of HMOs in any single area. The following will be considered as indicators of over-concentration. Officers will also assess character and impact based on a site visit, representations and any other material considerations. When considering character and impact, the presence of any Purpose-Built Student Accommodation (PBSA) will be taken into account.

2.4 The following principles will be applied in determining planning applications for or in respect of HMOs:

2.1 Preventing 'Clustering'

2.1.1 Concentration of HMOs is commonly expressed as a percentage figure of the dwelling stock of a particular area, or street within that area.

PRINCIPLE 1

Assessments of proposals for the development of houses in multiple occupation, will give consideration to the impact of the following:

- **more than 3 known consecutive and/ or adjacent HMOs on the same street or adjoining street (in the event of an application property being situated on a corner plot); or**

Figure 1



- **more than 2 known consecutive HMOs positioned opposite to 2 or more known consecutive HMO properties.**

Figure 2



2.2 Concentration: The Radius Approach

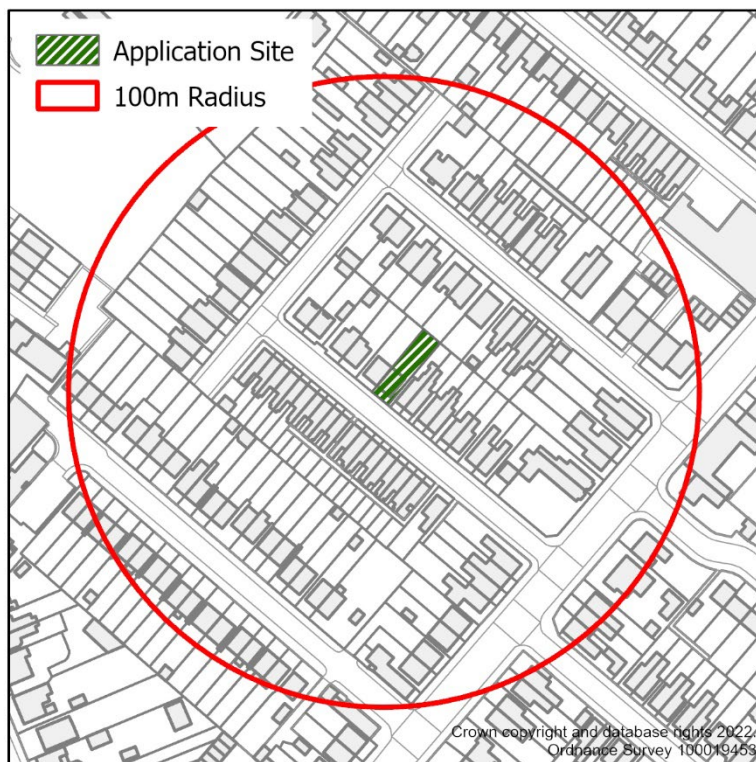
2.2.1 The radius will be measured in a straight-line distance from the centre point of the front of the building. If any part of a property boundary falls within the radius, that property will be included in the calculations.

PRINCIPLE 2

Assessments of proposals for the development of houses in multiple occupation, will give consideration to the impact of the following:

- **The total number of known HMO properties exceeding 20% relative to the total number of properties within a 100m radius of the application property.**

Figure 3



2.3 Preventing ‘Sandwiching’

2.3.1 A harmful concentration can arise at a localised level when an existing dwelling is sandwiched between two HMOs. This can intensify impacts on individual households even if few HMOs exist locally and can create an imbalance between HMOs and other housing at a street level.

PRINCIPLE 3

Assessments of proposals for the development of houses in multiple occupation, will give consideration to the impact of the following:

- **A standard dwelling being positioned in-between two known houses in multiple occupancy either adjacently or to the front and rear.**

Figure 4



Figure 5



3. Creating a Safe and Healthy Living Environment

3.1 The majority of HMOs within the Borough of Broxtowe are formed through the conversion of existing residential properties. It is important that conversions result in a high-quality living environment for residents, taking into consideration space and facilities including room sizes, natural light and ventilation, internal layouts and access to open space. This will ensure that HMOs will contribute towards achieving relevant Local Plan Policies.

3.2 Any HMO Development must also be compliant with Building Regulations. It is very strongly recommended that applicants contact the Building Control Department (run by Erewash Borough Council on behalf of Broxtowe) for advice at an early stage in preparing any proposals.

3.1 Living Space and Layout

3.1.1 Not every property will be suitable for conversion or extension. When considering if a property may be suitable for use as an HMO, the quality of the overall living space will be a key consideration. In general, properties will need to provide tenants with privacy, natural light and ventilation, appropriate facilities and suitable communal spaces commensurate with the size of the HMO and proposed number of occupants.

PRINCIPLE 4

Where properties are undergoing significant change, careful consideration should be given to the configuration of spaces to provide a high-quality and safe living environment, including accommodation that may be suited to prospective tenants with physical disabilities. In general, this will include:

- **Opportunities to maximise natural light and ventilation;**
- **The avoidance of narrow corridors or configurations that lead to unsafe layouts;**
- **Ensuring that bedrooms are located away from kitchens and communal spaces, where possible;**
- **Ensuring crime reduction methods are adopted as part of conversion works.**

3.1.2 Where possible, external alterations such as the addition or removal of windows should be avoided to minimise harm to the character of the street. However, modest alterations and the addition or relocation of window and door openings may be appropriate in some cases, for example, where they would improve privacy for local residents or future tenants or to ensure safety. Desirably, these would be discussed as part of the pre-application process and would be considered having regard to relevant policies of the Local Plan and other design guidance.

3.1.3 Further useful information on this can be found in Broxtowe Borough Council's HMO Property Standards: <https://www.broxtowe.gov.uk/media/5884/broxtowe-hmo-property-standards.pdf>

3.1.4 Many HMOs have poor standards of security which increases the risk of occupants becoming victims of crime. 'Secured by Design' is a police initiative to guide and encourage those engaged within the specification, design and build of new homes, and those undertaking major or minor property refurbishment, to adopt crime prevention measures. Detailed recommendations are contained within Appendix A.

3.2 Ensuring Safe Access and Adequate Parking

PRINCIPLE 5

Proposals for new HMOs should ensure that they can be safely accessed. New HMOs (and the addition of new HMO bed spaces in existing HMOs) should make provision for adequate car parking.

3.2.1 This should be provided off-street within the curtilage of the property and with due regard to any impact on the street scene and character of the area, for example, the excessive 'concreting over' of gardens would be discouraged. Any parking areas must also be made of porous materials or provision must be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage. It would also be favourable for on-site parking to be independently accessible from the application property. Spaces which are directly accessed from the highway must have an appropriate dropped kerb crossover.

3.2.2 If car-parking spaces cannot be provided off-street, the applicant should submit a parking survey with the planning application setting out availability of parking provision on neighbouring streets (covering a range of times over evenings and weekends). This should also include details of access to public transport and any opportunities to promote active travel such as cycling. Discussions between the landlord and tenants regarding car usage and parking expectations should also be encouraged.

3.3 Cycle Storage

PRINCIPLE 6

To help encourage and support residents to make sustainable choices, and to reduce additional motor vehicles occupying the street (with their likely impact upon neighbour amenity) proposals for the development of houses in multiple occupation should provide safe access and secure storage for bicycles at a rate of 1 space per bedroom.

3.3.1 If it is not possible or appropriate to provide cycle storage internally, external storage in a secure locker or shed (located to the rear of the property) may be acceptable, having regard to access, space and the visual amenity and character of the area.

3.4 Bin Storage and Waste

PRINCIPLE 7

HMO proposals, in line with the National Planning Policy for Waste (NPPW), should make sufficient provision for waste management and this should:

- **Promote good design to secure the integration of waste management facilities through providing sufficient, discreet and unobtrusive bin storage to facilitate a frequent household collection service. These should still be readily available to residents and collectors and should also be readily accessible whilst all parking spaces are occupied.**

3.4.1 It should be noted that disposal of waste is a mandatory condition of HMO licensing and so applicants are advised to seek further advice from Environmental Health in relation to household waste.

3.5 Sound Reduction Measures

3.5.1 Proposals for the development of HMOs may be subject to building regulations requirements relating to sound reduction. In some circumstances a condition seeking sound reduction may be attached to a planning permission for new HMO development in addition to building regulations requirements.

3.5.2 Prior to submitting an application, applicants must consider the provision of a range of easy to install sound reduction measures. Measures could include:

- Use of soft-closers on both internal and external doors;
- Sound-deadening material on stair treads;
- Sound insulation in partitions, floors and party walls;
- Location/design of bathroom sanitary ware to avoid noise transmission through party walls;
- Plan layouts that avoid positioning of communal rooms opposite bedrooms in adjoining properties.

3.5.3 Any measures proposed must also conform with all other relevant Building Regulations, such as, but not limited to, in relation to fire prevention and suppression. Applicants are strongly recommended to contact Erewash Borough Council's Building Control Team to discuss these issues.

3.6 Purpose Built Student Accommodation (PBSA)

3.6.1 In areas of Beeston and Beeston Rylands, where both Houses in Multiple Occupation (HMOs) and Purpose-Built Student Accommodation (PBSA) are present or proposed, careful consideration must be given to the cumulative impact of these forms of accommodation on residential amenity and the wider community. PBSA can help to reduce pressure on the existing housing stock and limit the conversion of family homes into HMOs. However, where HMOs and PBSA are located in close proximity, there is potential for intensified activity, increased transient populations, and associated amenity concerns. These may include elevated noise levels, increased pressure on local facilities, and changes to neighbourhood character.

PRINCIPLE 8

Applicants should demonstrate that any new HMO in close proximity to PBSA will not contribute to harmful concentrations of similar accommodation or undermine housing mix.

Applicants should also address how management arrangements, design, and site layout will mitigate potential amenity impacts where HMOs are located adjacent to, or in the immediate vicinity of, PBSA.

3.7 Heritage

3.7.1 Broxtowe Borough contains a rich historic environment, including listed buildings, conservation areas and other heritage assets, the significance of which should be conserved and, where possible, enhanced. Proposals for Houses in Multiple Occupation (HMOs) may involve the conversion or alteration of historic buildings or development within their setting. In such cases, particular care will be required to ensure that the character and significance of heritage assets are not harmed.

3.7.2 Where a proposal for an HMO affects a designated heritage asset, including a listed building or a building within a conservation area, planning applications will be assessed in accordance with national planning policy and relevant development plan policies relating to the historic environment. Applicants will be expected to demonstrate a clear understanding of the asset's significance and how this has informed the design, layout and management of the proposal.

3.7.3 HMO proposals involving heritage assets should seek to avoid harm wherever possible. Where potential harm is identified, applicants must demonstrate that this has been minimised, that there are clear and convincing justifications for the approach taken, and that the proposal preserves the significance of the asset and its setting. Particular attention should be given to:

- The retention of original layouts and internal features where they contribute to significance;

- The design and siting of any external alterations, including extensions, bin storage, cycle storage, parking, security measures and boundary treatments;
- The cumulative impact of incremental changes often associated with HMOs, such as additional openings, refuse storage or hardstanding, on the character and appearance of historic buildings and areas.

3.7.4 Where works are proposed that would affect the special architectural or historic interest of a listed building, listed building consent will be required in addition to any necessary planning permission. This may include both internal and external alterations. Applicants are advised to seek early advice from the Council and to refer to Historic England guidance on listed building consent.

<https://historicengland.org.uk/advice/planning/consents/lbc>

3.7.5 Early engagement through the Council's pre-application advice service is strongly encouraged where HMOs are proposed within or affecting heritage assets. This will help to identify heritage constraints at an early stage and ensure that proposals respond positively to the historic environment while delivering safe, high-quality accommodation.

PRINCIPLE 9

Proposals for Houses in Multiple Occupation that affect a heritage asset or its setting must conserve, and where possible enhance, the asset's significance.

4. Monitoring and Review

4.1 The implementation of guidance within this document and the impact of the Article 4 directions relating to HMOs will be monitored and reported on an annual basis as part of the Authority's Monitoring Report (AMR).

5. Further Information

Telephone: 0115 917 7777

Planning Duty Planner Service: pabc@broxtowe.gov.uk

Private Sector Housing: psh@broxtowe.gov.uk

Environmental Health: health@broxtowe.gov.uk

Erewash Borough Council Building Control: buildingcontrol@erewash.gov.uk

Appendix A: Secured by Design Recommendations

Secured by Design' (SbD) is a police initiative to guide and encourage those engaged within the specification, design and build of new homes, and those undertaking major or minor property refurbishment, to adopt crime prevention measures. 'Secured by Design' is proven to reduce the opportunity for crime and the fear of crime, creating safer, more secure and sustainable environments. Secured by Design is owned by the UK Police Service and is supported by the Home Office, and Building Regulations in England (Part Q Security – Dwellings) which reference SbD.

Access control and door entry systems

Smaller developments containing 25 or less, apartments, bedsits or bedrooms should have a visitor door entry system and access control system. The technology by which the visitor door entry system operates is a matter of developer choice, however it should provide the following attributes:

- Access to the building via the use of a security encrypted electronic key (e.g. fob, card, mobile device).
- Vandal resistant external door entry panel with a linked camera.
- Ability to release the primary entrance door set from the dwelling or bedroom (in the case of student accommodation or House in Multiple Occupation).
- Live audio and visual communication between the occupant and the visitor.
- Ability to recover from power failure instantaneously.
- Unrestricted egress from the building in the event of an emergency or power failure.
- Control equipment to be in a secure area within the premises covered by the CCTV system and contained in a lockable steel cabinet to LPS 1175 Security Rating 1 or STS 202 Burglary Rating 1.

Door sets

All door sets allowing direct access into to the home, dedicated private flat or apartment entrance door sets, communal door sets shall be certificated to one of the following standards:

- PAS 24:2016 (Note 23.4b), or
- PAS 24:2022 (Note 23.4b), or
- STS 201 Issue 12:2020 (Note 23.4c), or
- LPS 1175 Issue 7.2:2014 Security Rating 2+ (Note 23.4d), or
- LPS 1175 Issue 8:2018 Security Rating A3+, or
- STS 202 Issue 10:2021 Burglary Rating 2 (Note 23.4d), or
- LPS 2081 Issue 1.1:2016 Security Rating B (Notes 23.4d and 23.4e), or
- STS 222 Issue 1:2021

Mail Delivery

There are increasing crime problems associated with letter plate apertures, such as identity theft, arson, hate crime, lock manipulation and 'fishing' for personal items (which may include post, vehicle and house keys, credit cards, etc). To address such problems SBD strongly recommends, where possible, mail delivery via a secure external letter box meeting the requirements of the Door and Hardware Federation standard Technical Standard 009 (TS 009) or delivery 'through the wall' into a secure area of the dwelling. These should be easily accessible i.e. at a suitable height for a range of users.

Communal mail and parcel delivery facilities serving multiple flats or rooms should incorporate the following:

- External delivery facilities should be positioned adjacent to the entrance area
- Internal delivery facilities should be positioned within an entrance area with access control
- Access control to this area should have a data logging facility

An air-lock entrance arrangement as part of the access control strategy would meet the Secured by Design criteria

- Both internal and external delivery areas should be comprehensively covered by CCTV
- Mail and parcel delivery boxes should be equipped with high security cylinders that are not subject to master key access
- Mail and parcel delivery boxes should be of robust construction, should incorporate an anti-fishing design and be fire resistant
- Individual letter boxes shall have a maximum aperture size of 260mm x 40mm
- All delivery boxes must be installed in accordance with the manufacturer's specification
- A secure system of depositing parcels, such as the smart parcel boxes used by the major internet shopping companies, should be considered where appropriate

Windows

All easily accessible windows (including easily accessible roof lights and roof windows) shall be certificated to one of the following standards:

- PAS 24:2016 (Note 24.2b), or
- PAS 24:2022, (Note 24.2b), or
- STS 204 Issue 6:2016 (Note 24.2c), or
- LPS 1175 Issue 7.2:2014 Security Rating 1 (Note 24.2d), or
- LPS 1175 Issue 8:2018 Security Rating 1/A1, or
- STS 202 Issue 10:2021 Burglary Rating 1, or
- LPS 2081 Issue 1.1:2016 Security Rating A, or
- STS 222 Issue 1:2021

Note 24.2a: Easily accessible is defined within Approved Document Q Appendix A as:

- A window or door set, any part of which is within 2 metres vertically of an accessible level surface such as a ground or basement level, or an access balcony, or
- A window within 2 metres vertically of a flat roof or sloping roof (with a pitch of less than 30°) that is within 3.5 metres of ground level

Bicycle Security

The area is particularly prone to cycle theft and any bicycle storage solutions should be constructed to the following 'Secured by Design' standards.

Bicycle parking will comprise of bicycle stands, anchor points, single and two-tier rack systems and dedicated lockers. The bicycle stands and rack systems, single or two tier, should be certified to one of the following standards:

- Sold Secure – SS104 Security Rating Bronze, or
- Element (Wednesbury) – STS 501 Security Rating TR1, or
- Element (Wednesbury) – STS 503 Security Rating TR1, or
- Warringtonfire – STS 205 Issue 6:2021 Security Rating BR1, or
- Warringtonfire – STS 225 Issue 1:2021 Security Rating BR1 (S), or
- Loss Prevention Certification Board LPS1175 Issue 8:2018 Security Rating A (A1)

Standards for Public Cycle Parking is available at:

www.securedbydesign.com/images/05132-Cycle-Parking-andSecurity-Standards-June-2021-REV-6.pdf.”

The police recommend **any HMO achieves the Secured by Design accreditation prior to occupation**. The application process is online and can be found at:

<https://homesapplicationform.securedbydesign.com/>

A key recommendation is that the internal doors into the individual apartments/rooms have a suitable rated door (PAS 24: 2022) rather than a standard internal house door.



**Broxtowe
Borough
COUNCIL**

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Planning and Economic Development,
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Nottingham NG9 1AB
Tel: 0115 917 7777

This document is available
in large print upon request

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Appendix 2**Equality Impact Assessment**

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways, to help tackle discrimination and equality. The majority of the Act came into force on 1 October 2010.

Public bodies are required in it to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited under the Act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it, and
- foster good relations between people who share a protected characteristic and people who do not share it.

The public sector Equality Duty came into force on 5 April 2011. The duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, delivering services and in relation to their own employees.

The Equality Duty encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

The new equality duty replaces the three previous public sector equality duties, for race, disability and gender. The new equality duty covers the following protected characteristics:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – including lack of belief
- sex
- sexual orientation.

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

The Council has also decided to treat people who have care experience as if they had a protected characteristic under the law.

Having due regard means consciously thinking about the three aims of the equality duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies, including how they act as employers, how they develop, evaluate and review policies, how they design, deliver and evaluate services, and how they commission and procure from others.

Having due regard to the need to advance equality of opportunity involves considering the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics
- meet the needs of people with protected characteristics, and
- encourage people with protected characteristics to participate in public life or in other activities where their participation is low.

Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Complying with the equality duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve making use of an exception or the positive action provisions in order to provide a service in a way which is appropriate for people who share a protected characteristic.

The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore take account of disabled people's impairments when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

There is no explicit requirement to refer to the Equality Duty in recording the process of consideration but it is good practice to do so. Keeping a record of how decisions were reached will help public bodies demonstrate that they considered the aims of the Equality Duty. Keeping a record of how decisions were reached will help public bodies show how they considered the Equality Duty. Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

It is recommended that assessments are carried out in respect of new or revised policies and that a copy of the assessment is included as an appendix to the report provided to the decision makers at the relevant Cabinet, Committee or Scrutiny meeting.

Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action is necessary.

Public bodies should take a proportionate approach when complying with the Equality Duty. In practice, this means giving greater consideration to the Equality Duty where a policy or function has the potential to have a discriminatory effect or impact on equality of opportunity, and less consideration where the potential effect on equality is slight. The Equality Duty requires public bodies to think about people's different needs and how these can be met.

EQUALITY IMPACT ASSESSMENT (EIA)

Directorate:	Chief Executive's.	Title of the Lead Officer responsible for EIA	Assistant Director, Planning and Economic Development.
Name of the policy or function to be assessed:		Updates to the Houses in Multiple Occupation SPD.	
Title of the Officer undertaking the assessment:		Team Leader, Planning Policy.	
Is this a new or an existing policy or function?		Existing, with potential new additions.	
<p>1. What are the aims and objectives of the policy or function?</p> <p>The Houses in Multiple Occupation Supplementary Planning Document provides guidance in respect of how the Council will consider planning applications for HMOs. This is with the objective of 'creating and maintaining sustainable, inclusive and mixed communities', in accordance with paragraph 3.8.8 of the Part 1 Local Plan (Aligned Core Strategy).</p>			
<p>2. What outcomes do you want to achieve from the policy or function?</p> <p>To ensure there is clear guidance for how HMO applications will be considered by the Council.</p>			
<p>3. Who is intended to benefit from the policy or function?</p> <p>Local communities.</p>			
<p>4. Who are the main stakeholders in relation to the policy or function?</p> <p>Local residents and landlords.</p>			

Directorate:	Chief Executive's.	Title of the Lead Officer responsible for EIA	Assistant Director, Planning and Economic Development.
<p>5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?</p> <p>Information about the location of existing HMOs.</p>			
<p>6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?</p> <p>Information about the location of existing HMOs.</p>			

<p>7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?</p> <p>Stakeholder consultation was carried out on the updated HMO SPD, with a separate Report of Consultation detailing the responses.</p>
<p>8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways? In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:</p> <p><input type="checkbox"/> Does the policy or function target or exclude a specific equality group or community? Does it affect some equality groups or communities differently? If yes, can this be justified?</p> <p>The updated HMO SPD does not target or exclude any specific equality group or community.</p> <p>The only protected characteristic that it is considered could potentially be relevant is age, because the majority of residents in HMOs are likely to be relatively young.</p> <p>However, the SPD does not, and would not, involve any distinction on the basis of age (or any other protected characteristic) with regard to the need for planning permission.</p> <p>The SPD does not reduce the overall amount of housing that is available for younger people, rather it gives the Council the opportunity to consider concentrations of HMOs in particular areas, in the interests of maintaining mixed and balanced communities. This provides justification for the approach.</p>

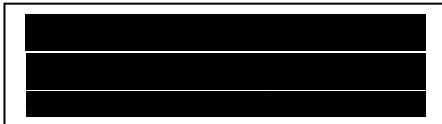
<p><input type="checkbox"/> Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified?</p> <p>Yes.</p>
<p><input type="checkbox"/> Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function?</p> <p>No.</p>
<p><input type="checkbox"/> Could the policy or function promote or contribute to equality and good relations between different groups? If so, how?</p> <p>It is hoped that the update SPD does, and will continue to, help to maintain good relations between different groups in the community by enabling the Council to avoid undue concentrations of HMOs in particular areas.</p>
<p><input type="checkbox"/> What further evidence is needed to understand the impact on equality?</p> <p>None.</p>

<p>9. On the basis of the analysis above what actions, if any, will you need to take in respect of each of the equality strands?</p>
<p>Age: None.</p>
<p>Disability: None.</p>
<p>Gender: None.</p>
<p>Gender Reassignment: None.</p>
<p>Marriage and Civil Partnership: None.</p>
<p>Pregnancy and Maternity: None.</p>
<p>Race: None.</p>
<p>Religion and Belief: None.</p>
<p>Sexual Orientation: None.</p>
<p>Care Experience: None.</p>

Executive Director: R Dawson

I am satisfied with the results of this EIA. I undertake to review and monitor progress against the actions proposed in response to this impact assessment.

Signature:



Houses in Multiple Occupation Supplementary Planning Document – Update March 2026

The consultation on the updated Supplementary Planning Document was undertaken between Tuesday 23rd March 2026 and Friday 8th May 2026. The consultation was undertaken in accordance with the adopted Statement of Community Involvement. Emails were sent to everyone on the Council’s planning policy database. Consultation was undertaken with statutory bodies, local businesses, residents, agents and developers, wider interest groups and stakeholders, local councillors, The Council also publicised the consultation via the website and through social media posts. The responses are summarised in the table below. Following the consultation, a number of changes have been incorporated:

- Strengthened policy wording throughout (e.g. clauses 1.3.4 and 3.5.2) to replace advisory language with firmer requirements.
- Added heritage section and policy (Section 3.7 / Principle 9) to address impacts on listed buildings and conservation areas, including requirement to conserve significance.
- Introduced drainage safeguards in parking guidance (Clause 3.2.1), requiring porous materials or runoff to permeable areas to address SuDS concerns.
- Included Secured by Design guidance as a new appendix, strengthening expectations around crime prevention and safety in HMOs.
- Clarified that the SPD applies borough wide, supporting consistent application beyond Article 4 areas and emphasising cumulative impact considerations.

Consultation Responses

Respondent	Consultation Response	Council Comment	Action Recommended
Active Travel England	Confirmed they do not comment on plan making consultations.	Noted.	None.
Awsworth Parish Council	Fully support and agree with the updates and changes proposed.	Noted.	None.
Chetwynd: The Toton & Chilwell Neighbourhood Forum	No specific comments to make and supports the updated provisions within the SPD.	Noted.	None.

Respondent	Consultation Response	Council Comment	Action Recommended
Environment Agency	Confirmed they have no comments.	Noted.	None.
Historic England	Note that there is currently no reference to the historic environment, or heritage assets within the document. They would welcome a paragraph within the SPD that relates to heritage assets and the need to conserve and where possible, enhance their significance, including their setting. Specifically, they recommend including a paragraph detailing how to consider applications for houses in multiple occupation when they are a heritage asset, how to avoid and minimise harm to heritage assets and when listed building consent will be required.	Agreed that a section should be added to outline how to consider applications for houses in multiple occupation when they are a heritage asset.	Added section detailing how the Council will consider applications for houses in multiple occupation when they are a heritage asset, how to avoid and minimise harm to heritage assets and when listed building consent will be required.
National Highways	Confirmed they have no comments.	Noted.	None.
Natural England	Confirmed they have no comments	Noted.	None.
Nottinghamshire County Council Highways	In the absence of a locally defined parking standards, the County Council advises it will apply its own established	Any comments provided by the Highways Authority would be considered as part of a planning application. The SPD	None

Respondent	Consultation Response	Council Comment	Action Recommended
	<p>parking criteria when assessing applications. This is currently based on one parking space per bedroom, plus one additional space per three bedrooms for visitors, and would inform future consultation responses.</p> <p>Concern is also raised over discouraging “excessive concreting” of gardens, as hard surfacing may be necessary to provide adequate off-street parking. Without sufficient on-site provision, parking demand could be displaced onto the public highway, potentially undermining highway safety.</p>	<p>does not seek to vary existing parking standards. The SPD requires adequate car parking to be provided and requires a parking survey if parking spaces cannot be provided for off-street.</p> <p>It is considered appropriate to discourage the excessive concreting of gardens due to the potential this has on drainage and on the appearance of the property and wider streetscape.</p>	
Nottinghamshire Police: Designing Out Crime (Architectural Liaison Officer)	Raises concerns about the vulnerability of HMO occupants to crime due to inadequate security measures commonly observed in such properties. The response emphasises the risk of repeat victimisation, the challenges tenants face in implementing security upgrades, and the	The response recommends including detailed specifications related to Secured by Design to reduce the risk of crime. This will be included as an appendix to the SPD.	Add appendix outlining Secured by Design principles.

Respondent	Consultation Response	Council Comment	Action Recommended
	<p>benefits of following Secured by Design (SBD) principles. The consultee outlines the SBD approach, including standards for access control, door and window specifications, external lighting, CCTV provision, mail delivery security, and cycle storage. They recommend that all HMOs achieve Secured by Design accreditation prior to occupation. Overall, the representation encourages the Council to embed strong security expectations within the SPD to reduce crime risk and promote safer living environments for HMO residents.</p>		
The Coal Authority	Confirmed they have no comments.	Noted.	None.
Resident 1	<p>Raised concerns about the occupation of HMOs by individuals placed there without prior notification to local residents. The representation suggests that there should be clearer requirements for transparency from landlords when seeking</p>	<p>The purpose of the HMO SPD is to provide guidance on the planning considerations relevant to assessing HMO proposals. Matters relating to the status of occupants, or requirements for landlords to disclose personal information about prospective tenants, fall</p>	None.

Respondent	Consultation Response	Council Comment	Action Recommended
	<p>HMO consent, including advance information to the Council about the intended nature of occupation. The respondent also emphasised the importance of local engagement and expressed a desire for greater community involvement when HMOs are proposed within established residential areas.</p>	<p>outside the scope of both planning legislation and this SPD. Residents are consulted on planning applications for HMOs following the Council's consultation policy in the Statement of Community Involvement.</p>	
Resident 2	<p>Concerns based on long-term experiences living adjacent to student accommodation and HMOs in Beeston. They reported persistent issues including noise, anti-social behaviour, and general disturbance over many years,. The respondent feels that these problems have not been adequately addressed despite repeated complaints and believes that HMOs, particularly student HMOs, are unsuitable within established residential areas. They disagree with the presence of student HMOs in residential areas and feel that the</p>	<p>The concerns regarding noise, anti-social behaviour, and the broader impact of HMOs on residential amenity are acknowledged. These issues are recognised within the SPD which includes guidance aimed at minimising amenity impacts, including considerations relating to noise, layout, intensification, and the compatibility of HMOs with surrounding residential areas.</p>	None.

Respondent	Consultation Response	Council Comment	Action Recommended
	interests of local residents are not given sufficient priority.		
Resident 3	<p>The respondent raises concerns about the strength, clarity, and enforceability of several proposed clauses within the SPD, particularly where wording relies on encouragement rather than requirement.</p> <p>Lack of enforceability (Clause 1.3.4): The use of phrasing such as “strongly encouraged” is considered ineffective, as developers may disregard it. The respondent emphasises that key policy expectations—such as considering HMO proximity—should be framed as enforceable requirements rather than advisory guidance.</p> <p>HMO concentration threshold (Clause 2.2.1): The proposed threshold of 20% HMOs within a 100m radius is regarded as excessively high and likely to harm neighbourhood</p>	<p>Noted and covered below.</p> <p>Agreed that the wording should be strengthened.</p> <p>It is considered the radius, consistent with the current SPD, is appropriate taking into account the wording of existing planning policy and other requirements within the</p>	<p>None.</p> <p>Paragraph 1.3.4 now states that applicants must consider the proximity of existing HMOs.</p> <p>None.</p>

Respondent	Consultation Response	Council Comment	Action Recommended
	<p>character. A significantly lower threshold (suggested between 5%–10%) is recommended to better protect established communities.</p> <p>Impact on drainage and planning standards (Clause 3.2.1): Concerns are raised that encouraging off-street parking within property curtilage could lead to excessive hard surfacing (“concreting over” gardens), potentially conflicting with Sustainable Drainage Systems (SuDS) principles and weakening existing planning controls.</p> <p>Noise mitigation measures (Clause 3.5.2): The current wording, which advises applicants to “consider” sound reduction measures, is viewed as insufficient. The respondent argues that noise is a major source of disturbance and that mandatory, clearly defined standards should be</p>	<p>SPD in respect of sandwiching and clustering.</p> <p>Agreed that there should be clarification added regarding ensuring parking areas include adequate drainage.</p> <p>Agreed that the wording should be strengthened.</p>	<p>Paragraph 3.2.1 now includes reference to using porous materials or including a run off to a permeable area.</p> <p>Paragraph 3.5.2 now states that applicants must consider sound reduction measures.</p>

Respondent	Consultation Response	Council Comment	Action Recommended
	<p>introduced to ensure consistent and effective mitigation.</p> <p>Queries whether the Council is confident the SPD will prevent 'corporates' circumventing regulations.</p>	<p>The SPD applies to all HMOs where planning permission is required, regardless of the applicant.</p>	<p>None.</p>
<p>Cllr James Walker-Gurley, Nottinghamshire County Councillor</p>	<p>Supports applying the SPD borough-wide, welcoming the removal of references limiting it to specific Article 4 areas. They consider a consistent approach necessary, noting that the impacts of HMOs—such as pressure on housing supply, parking, waste management, and changes to neighbourhood character—are being experienced across the borough, not only in Beeston. They welcome the introduction of clearer assessment principles and the explicit emphasis on cumulative impact, including consideration of the combined effects of HMOs and Purpose Built Student Accommodation.</p>	<p>Noted.</p>	<p>None.</p>

Respondent	Consultation Response	Council Comment	Action Recommended
	<p>The comments are supportive of stronger expectations around space standards, amenity, and overall living conditions, highlighting the importance of preventing poor-quality HMOs that technically comply with standards but undermine resident wellbeing and neighbouring amenity. Notes existing pressure on on-street parking in many areas and stresses the need for firm requirements to protect road safety, emergency access, and everyday residential amenity.</p>		

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Report of the Portfolio Holder for Economic Development and Asset Management

Broxtowe Local Plan - Notice of Intention

1. Purpose of Report

To seek approval to give notice that the Council intends to start producing the new Broxtowe Local Plan and to begin scoping work. The new Broxtowe Local Plan will be in accordance with all of the Council's corporate priorities, particularly providing a good quality home for everyone.

2. Recommendation

Cabinet is asked to RESOLVE that:

- 1. Formal notice be given to commence preparation of a new Broxtowe Local Plan in June 2026 in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2026;**
- 2. Delegated authority be given to the Interim Director of Planning and Economic Development, in consultation with the Leader and Deputy Leader, to agree and publish the local plan timetable in accordance with the government template and agree subsequent updates to the Broxtowe Local Plan timetable when necessary; and**
- 3. Delegated authority be given to the Interim Director of Planning and Economic Development to undertake necessary scoping work and evidence gathering to support the new Broxtowe Local Plan.**

3. Detail

The Levelling-up and Regeneration Act introduced a new plan-making framework, replacing the former system with a streamlined 30-month plan preparation process, structured around defined “gateways”.

Under this new system, local planning authorities must give notice of their intention to commence plan-making before starting the 30-month process. This is a statutory requirement intended to ensure transparency, early engagement and readiness prior to Gateway 1. Gateway 1 then comprises a self-assessment to ensure that the authority is ready to start the 30 month process of producing the plan.

Broxtowe Borough Council has recently been awarded new local plan funding of £108,475 which requires the Council to formally commit to preparing a new local plan within the new system and to meet the relevant procedural deadlines.

The new Broxtowe Local Plan will replace the existing local plans, including the Broxtowe Part 2 Local Plan which is now out of date due to adoption in 2019. It will include new site allocations and planning policies used to determine future planning applications. The Greater Nottingham Strategic Plan is currently at examination but has been produced under the old local plans system and does not include non strategic policies or non strategic site allocations.

Under the terms of the funding, the Council must publish a ‘notice to commence’ by 30 June 2026 and at least four months before Gateway 1 is reached. Failure to issue the required notice in the correct form and timescale would prevent the Council from validly entering the 30-month plan preparation process.

In accordance with national guidance, the Notice of Intention will include the following mandatory elements:

- Name of the planning authority preparing the plan: **Broxtowe Borough Council**
- Title of the plan, to be used consistently throughout plan-making: **Broxtowe Local Plan**
- Geographical area covered, including:
 - A written description of the area: **The administrative area of Broxtowe Borough Council**
 - A map showing the plan boundary: (to be included)
- Date of publication of the notice: **30 June 2026**
- Details of where the Local Plan timetable is published, including a web link: **Link to website.**
- Expected start date of the 30-month plan preparation process: **31 October 2026**

Scoping work is a critical early phase designed to ensure the Council is prepared to meaningfully pass Gateway 1 and commence the 30-month period with a clear evidence base and engagement strategy.

During the summer 2026, officers will undertake the following scoping and preparatory tasks:

- Early stakeholder engagement with statutory consultees and infrastructure providers.
- Baseline evidence review covering housing need, economic conditions, environmental constraints and infrastructure capacity.
- Review of existing plan performance and identification of key strategic issues.
- Preparation for and undertaking the focused scoping consultation, including methodology, engagement materials and consultation platform set-up.
- Development of the Local Plan timetable, aligned with gateway requirements.

This work will inform future reports to Policy Overview Working Group and Cabinet to determine the scope and contents of the Broxtowe Local Plan prior to undertaking periods of public consultation.

The plan making process includes three gateway stages at key milestones which must be passed through successfully to progress to the next stage of plan making. The stages include:

- Notice of Intention (June 2026): Give notice of the Council's intention to commence plan-making before starting the 30-month process.
- Gateway 1 (October 2026): The first gateway is a self-assessment stage of readiness for plan making including details of project management, timetable, approach to consultation and proposed local plan scope.
- Gateway 2 (September 2027): The second gateway is undertaken following the first consultation on the draft local plan where an appointed planning inspector will assess the soundness of the Plan.
- Gateway 3 (September 2028): The third gateway is undertaken following consultation on the proposed local plan and includes a final assessment by a planning inspector prior to submission of the Plan for examination.

Due to the terms of the Local Plan funding, the Council must commence work on the Broxtowe Local Plan based on the timetable above. However, the Council will have to consider any implications of Local Government Reform once further announcements have been made by the Government.

Notwithstanding the above, the Council will continue to work with authorities within the Greater Nottingham Planning Partnership to ensure that evidence based documents can be jointly commissioned and to ensure the Local Plans

are aligned where appropriate. Nottingham City Council and Rushcliffe Borough Council are both producing new Local Plans following the same timetable as Broxtowe.

4. Key Decision

This report is a key decision as defined under Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 as it would be significant in terms of its effects on communities living or working in an area comprising two or more Wards or electoral divisions in the Council's area.

5. Updates from Scrutiny

This report only relates to the intention to begin plan making. Future reports in respect of the scope of the Broxtowe Local Plan will require input from Policy Overview Working Group.

6. Financial Implications

The comments from the Interim Deputy Chief Executive and Section 151 Officer were as follows:

Whilst the new Broxtowe Local Plan could have a strategic impact on the Council's available resources going forward, there are no additional financial implications for the Council at this stage with any costs being contained within existing budgets. The grant funding received towards this purpose will be applied accordingly to support this Local plan work. Any significant budget implications in the future, over and above virement limits, would require approval by Cabinet.

7. Legal Implications:

The comments from the Head of Legal Services and Deputy Monitoring Officer were as follows:

Government guidance advises that if we are not intending to submit a plan under the existing system by 31 December 2026, the Council should begin plan-making in the new system as soon as possible to get an up-to-date plan in place. The 2026 Regulations set out dates for when we must start the plan.

These dates:

- are the very latest a plan can legally be started
- allow flexibility for the Council to start its plan earlier

The new local plan making system has reduced the plan-making time to a strict 30 month timetable. Government guidance further highlights the risks of non-compliance, whereby such failure carries the following risks of non-compliance

- Intervention by Secretary of State: The Secretary of State retains powers to intervene if an authority fails to make progress or fails to meet the 30-month timetable.
- Appointment of Commissioners: Independent Local Plan Commissioners may be appointed to take over plan-making duties from failing authorities.
- Losing Appeals and costs: In the absence of an up-to-date local plan, councils are at higher risk of losing planning appeals, particularly due to the potential reintroduction of a five-year land supply pressure and a "presumption in favour of sustainable development" for new development.
- Financial and Technical Risk: Failure to create a properly evidenced plan could lead to it being found unsound.

8. Human Resources Implications

Not applicable.

9. Union Comments

Not applicable.

10. Climate Change Implications

The new Broxtowe Local Plan will be required to fully consider climate change implications through new site allocations and new planning policies. Climate change implications will also be considered through the Strategic Environmental Assessment.

11. Data Protection Compliance Implications

This report does not contain any OFFICIAL(SENSITIVE) information and there are no Data Protection issues in relation to this report.

12. Equality Impact Assessment

The notice of intention does not include new policies at this stage. Future iterations of a draft Local Plan will be subject to equality impact assessments.

13. Background Papers

Nil.

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Report of the Portfolio Holder for Housing

Renters Rights Act 2025 - Private Sector Housing Enforcement Policy, Civil Penalty Policy Update and Officer Authorisations

1. Purpose of Report

To advise Members of the key provisions of the Renters Rights Act 2025 and the implications for Council services, landlords and tenants, setting out the additional statutory duties placed on the Council and seek approval for a separate Private Sector Housing Enforcement Policy, a Civil Penalties Policy update and to update Officer Authorisations under the legislation. This is in accordance with the priorities/objectives for **Housing** - 'a good quality home for everyone' by regulating housing effectively and responding to housing needs and contributing to the Council's vision to create 'a greener, safer, healthier Borough, where everyone prospers'.

2. Recommendation

CABINET is asked to APPROVE the following progress to cabinet:

- 1. The Private Sector Housing Enforcement Policy incorporating the Renters Rights Act 2025 provisions be approved.**
- 2. The updated Housing Civil Penalties Policy be approved.**
- 3. Delegation be granted to the Head of Environmental Health, Licensing and Private Sector Housing to carry out minor policy changes and updates including the addition of new offences as they are enacted.**

Cabinet is asked to NOTE that:

- 4. The Head of Environmental Health, Licensing and Private Sector Housing is delegated to deal with Housing functions which include the new responsibilities under The Renters rights Act and the authorisation of Officers as necessary.**

3. Detail

The Renters Rights Act 2025 brings forward a number of key changes to the way the Council's Private Sector Housing Enforcement Services will be delivered:

- New statutory duties in relation to housing standards, which includes a duty to enforce breaches of tenancy rules (May 2026) and a new private sector rented database (expected late 2026/early 2027) allowing access to carry out certain compliance checks.

- Increased enforcement with a duty to act upon new offences requiring an increase in monitoring and compliance.
- Multiple new offences will be created which will be enforceable through civil penalties and as an alternative to prosecution. Local authorities must serve these penalties when offences occur. Previously civil penalties were seen as a discretionary step in enforcement processes. Any revenue generated from civil penalties must be ring-fenced exclusively into private sector housing enforcement.
- Requirement to report enforcement activity.

According to the 2021 Census, there were 8,355 privately rented households in Broxtowe (17%). This has increased since the previous Census. It is suggested that there should be a minimum of one Private Sector Enforcement Officer per 800 private rented properties. Additional officer resources are required for HMO licensing, Disabled Facilities Grants and empty homes etc. Based on the 2021 Census figures, Broxtowe require at least 7.25 full-time equivalent officers (FTE) just for the Renters Rights Act. The Council currently has one Private Sector Housing Manager and three FTE (including 1 vacant post) Private Sector Housing Officers. A significant increase in service requests from private tenants is expected as an outcome from the 2025 Act which will add additional pressure on an already busy team. A further report will be bought to a future Cabinet in respect of additional resource proposals. New Burdens funding is expected to assist with the additional demands.

The revised policies being put forward reflect these new powers, responsibilities and penalty structures under the Act.

The policies have both been drafted by Justice for Tenants and have been endorsed by the Association for Chief Environmental Health Officers (ACEHO). Consultation and feedback on the policies took place across all authorities with active representation by Nottinghamshire local authorities. The policies have been sent to all local authorities and, if all councils adopt them, it will help to provide consistency across the country.

The development of these policies has included detailed review of relevant guidance, procedural precedents relating to financial penalties, and consideration of over half of all First Tier Tribunal appeal decisions.

The starting points for the Civil Penalty Notice fines has been taken from the recommendations made by the Ministry for Housing, Communities and Local Government (MHCLG).

Private Sector Housing Enforcement Policy

The Regulators' Code and the Council's Corporate Enforcement Policy (2023) do not apply to enforcement interventions undertaken by Part 1 of the Housing Act 2004 or the Renters Rights Act 2025. This Code applies where an

incremental approach to enforcement is appropriate. For the new offences there is an immediate duty to enforce and therefore a separate enforcement policy is required to ensure consistent and transparent action. The proposed separate Private Sector Housing Enforcement Policy is attached in **Appendix One** and proposes how the Council will approach each of the new duties with the option to issue landlords with immediate financial penalties for a number of new breaches of legislation. Civil penalties will be significant with fines starting at £3,000 and reaching up to £40,000. There will be an appeal mechanism to the First-Tier Tribunal.

Housing Civil Penalty Policy

The original Housing Civil Penalty Policy was approved by Cabinet in February 2021. This has now been updated to reflect the new requirements and is attached at **Appendix Two**. **Appendix Three** lists the additional provisions coming into force in future, but which have been included for approval for inclusion.

A background of the Renters Rights Act 2025 changes.

The Corporate Enforcement Policy refreshed in 2023 is attached at **Appendix Four**. This will remain in place for other enforcement activities dealt with by the Council not covered by specific additional policies namely, the Environmental Enforcement Policy (2017 and under review) and the ASB Policy (2024).

The previous Housing Civil Penalties Policy is attached at **Appendix Five**.

4. Key Decision

This report is a key decision as defined under Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 as it relates to all landlords and tenants of private sector housing comprising of all Wards and electoral divisions in the Council's area.

5. Updates from Scrutiny

Policy Overview Working Group recommend the report to Cabinet. A future review of all enforcement policies in place was recommended to see if they can be combined or simplified.

6. Financial Implications

The comments from the Interim Deputy Chief Executive and Section 151 Officer were as follows:

Whilst there are no budget implications to consider at this stage, the need for additional officer resources is potentially significant. An announcement on any

available New Burdens funding is still waited from the Government. This funding would assist, at least partly, in meeting the cost of these additional demands, with any income generated from fixed penalties potentially making this self-sufficient. Following the funding announcement, a further report on any additional staffing proposals will be brought to Cabinet for consideration.

7. Legal Implications

The comments from the Head of Legal Services were as follows:

The Renters Right Act 2025 places significant powers and duties on the Council, it is crucial that Officers are given the correct delegations and there is a policy position in place in order for the Council to fulfil their statutory duties.

8. Human Resources Implications

There were no comments from the Human Resources Manager.

9. Union Comments

The Union comments were as follows:

Not applicable.

10. Climate Change Implications

While the Renters' Rights Act 2025 introduces major reforms to tenancy security, rent limits, housing standards and energy-efficiency requirements, it contains no direct climate-change implications. However, measures such as the upcoming EPC C minimum standard by 2030 and the extension of Awaab's Law indirectly support climate and health resilience through improved housing quality and energy performance.

11. Data Protection Compliance Implications

This report does not contain any OFFICIAL(SENSITIVE) information and there are no Data Protection issues in relation to this report.

12. Equality Impact Assessment

This is not a change in policy approach, but an update of the Housing Civil Penalty Policy and adoption of the nationally approved Private Sector Enforcement Policy to reflect changes enacted by the Renters Rights Act, 2025 and an equality impact assessment has not been included in this report.

13. Background Papers

Nil.



Broxtowe
Borough
COUNCIL

Broxtowe Borough Council

Private Sector Housing Enforcement Policy

March 2026

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1.0 Introduction

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

S3 Housing Act 2004 imposes a duty on Councils to keep housing conditions in their district under review with a view to identifying any action that may need to be taken by them.

S107 Renters' Rights Act 2025 imposes a duty on the Council to enforce the Landlord Legislation. The Landlord Legislation is comprised of the following:

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

S110 Renters' Rights Act 2025 imposes a duty on the Council to report to the Secretary of State on the exercise of its functions under the Landlord Legislation.

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

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

2.0 Aims of the Policy

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

The Act and the 'Landlord Legislation' (as defined by S107) sit outside of the Regulators' Code, and its provisions do not apply.

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

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

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

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

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

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

3.0 Approach to Enforcement

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

S5 Housing Act 2004 places a duty on Councils to take appropriate enforcement action where a Category 1 hazard exists.

S7 Housing Act 2004 gives Councils a discretionary duty to take action where a Category 2 hazard exists. The Council will usually take action where a Category 2 hazard exists.

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

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

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

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

- Non-compliance with previous formal or informal action
- Offences in relation to the licensing of HMOs

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

4.0 Investigatory powers

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

Power to Investigate

S114 Renters' Rights Act 2025 gives the Council power to issue a notice to a relevant person to require the person to provide specified information to the Council.

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

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

Failure to comply with a s114 notice is an offence under s131 Renters' Rights Act 2025, as is being obstructive and intentionally or recklessly making false or misleading statements in response to a s.113 notice.

S115 Renters' Rights Act 2025 permits the Council when it reasonably suspects a breach of the Rented Accommodation Legislation to issue a notice to any person requiring them to provide the information specified. This may only be done to investigate whether a breach has occurred under the Rented Accommodation Legislation, or to determine the amount of a penalty. For the purposes of this section, the Rented Accommodation Legislation means:

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

Where an individual has not complied with a s115 notice, s116 Renters' Rights Act 2025 enables the Council to make an application to the Court to enforce the provisions of the notice and seek reimbursement for the costs of the application.

S131 Renters' Rights Act provides that, in addition to the offence of non-compliance with a s114 notice, it is an offence for an individual to obstruct a Council officer seeking to exercise their powers without reasonable excuse. It is also an offence to fail to give an officer any additional assistance or information which they reasonably require without reasonable excuse.

S235 Housing Act 2004 allows the Council to issue a notice to relevant individuals, including occupiers, directing them to provide specified documents under their control for the purpose of investigating whether an offence has been committed under Parts 1 to 4 of the Housing Act 2004 or exercising the Council's functions under Parts 1 to 4 of the Housing Act 2004.

S16 Local Government (Miscellaneous Provisions) Act 1976 also permits the Council to issue a notice to an occupier, manager, or individual with an interest in the land to compel them to provide the Council with information on the nature of their interest and the names and addresses of current occupiers and of any others with an interest in the land.

Entry to Premises

S118 Renters' Rights Act 2025 permits Council officers to enter business premises of relevant people (including landlords, letting agents, and marketers) if it is necessary for the production or seizure of documents under s122-s123 Renters' Rights Act 2025. This power will be exercised without a warrant.

S121 Renters' Rights Act 2025 allows a Council officer named in a warrant to enter premises used for a rental sector business which is not mainly accommodation if there are documents on the premises which the officer could require under s122 or seize under s123. In addition, for this power to be exercised, one of the following conditions must be met:

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

Following a s118 or s121 Renters' Rights Act 2025 entry, s122 allows an officer at any reasonable time to require a relevant person on the premises to produce any documents relating to the business and to take copies of them. This may only be exercised to ascertain whether there has been a breach of the Rented Accommodation Legislation where an officer reasonably suspects there has been a breach or an offence; or to ascertain whether the documents may be required in evidence for proceedings regarding a breach or offence.

Following a s118 or s121 Renters' Rights Act 2025 entry, s123 authorises Council officers to seize and detain documents that the officer reasonably suspects may be required as evidence in proceedings relating to a breach of, or an offence under, the Rented Accommodation Legislation. When doing so, the officer will provide evidence of the officer's identity and authority if reasonably practicable. The officer will take reasonable steps to inform the person from whom documents have been seized that they have been seized and will provide that person with a written record of what has been taken.

S126 Renters' Rights Act 2025 permits the Council to enter residential premises used for a tenancy at a reasonable time if the officer considers it necessary as part of an investigation into potential offences specified in subsection 1(b). Where required, the Council will give at least 24 hours' notice of this to the occupier and individuals with an interest in the property as per subsection 1(c), detailing in writing why the entry is necessary and the suspected offences. Where there are occupiers found on the premises, the officer will provide evidence of the officer's identity and authority to at least one of the occupiers if reasonably practicable.

In addition, s239 Housing Act 2004 permits Council officers to enter, if necessary and at a reasonable time, a property in order to carry out a survey or examination. This may be done if any one of the following is met:

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

In certain circumstance the Council may obtain a warrant to enter, by force if necessary, under s240 Housing Act 2004.

4.1 Informal action

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

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

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

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

4.2 Formal action

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

Housing Act 2004 Part 1

- Issue an Improvement Notice in respect of any Category 1 hazards and any Category 2 hazards on the property. This requires the person to whom it is served to undertake the remedial action specified on the Notice within a given timeframe. The mandated work and the timeframe will be determined by the Council depending on the nature and scale of the work.
- Issue a Prohibition Order in respect of any Category 1 hazards and any Category 2 hazards on the property. This prevents occupation of whole or part of the property, or can be used to limit occupant numbers, within a specified time frame.
- Issue a Hazard Awareness Notice in respect of any Category 1 hazards and any Category 2 hazards on the property. This makes the owner and occupiers aware of the hazards identified; however, it does not require remedial action. As a result, and because it does not secure risk-reducing works within a specified timeframe, a Hazard Awareness Notice will not usually be the most appropriate course of action where remedial works are necessary to reduce the risk of harm to occupiers or potential occupiers.
- Make an Emergency Prohibition Order. This immediately prohibits the use of all or part of a dwelling if there is an imminent risk of serious harm to the health or safety of the occupants or others.
- Where there is a Category 1 hazard present, S40 Housing Act 2004 allows the Council to undertake Emergency Remedial Action on the Category 1 hazard without prior notice.
- The Council also has the power to suspend action taken under Part 1 Housing Act 2004 in situations where it has the power or duty to take enforcement action through the service of an Improvement Notice or Prohibition Order. This will be at the Council's discretion and will normally be considered for the purpose of minimising inconvenience to the current occupiers.
- Demolition and Clearance are options for both Category One or Category Two hazards.
- S30 Housing Act 2004 provides that failure to comply with a Improvement Notice is a criminal offence, which will normally be followed by prosecution or the issuing of a civil penalty.

- S32 Housing Act 2004 provides that failure to comply with a Prohibition Order is a criminal offence, which will normally be followed by prosecution.
- Other formal notices served by the Council may not relate to the landlord undertaking remedial works but may cover a range of other matters including, but not limited to, exercising a right of entry under s.239 of the Housing Act 2004 and a request to provide information or the need to abate or avoid overcrowding.

4.3 Work in default

The enforcement options for non-compliance with formal Notices or breach of licence conditions include the carrying out of works specified in the Notice. This power may be exercised in addition to other enforcement proceedings taken for non-compliance. The Council has no duty to undertake works in default and it will be at its discretion.

4.4 Emergency or suspended enforcement action

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

S40 Housing Act 2004 allows the Council to undertake Emergency Remedial Action on the Category 1 hazard without prior notice. The Council may then seek reimbursement of costs incurred on the work and the administration of the scheme.

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

4.5 HMO Licence Conditions

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

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

4.6 Other Legislative alternatives

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

4.6.1 Prosecution

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

The decision to prosecute will be determined by the evidential strength of the Council's case and the relevant public interest factors set down by the Director of Public Prosecutions in the Code for Crown Prosecutors.

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

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

4.6.2 Civil Financial Penalties for specified offences

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

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

- Unlawful eviction and harassment of occupier as defined under the Protection from Eviction Act 1997
- Failure to comply with an Improvement Notice [s30 Housing Act 2004]
- Offences in relation to licensing of Houses in Multiple Occupation (HMOs) [s72 Housing Act 2004]
- Offences in relation to the Selective Licensing of 'houses' [s95 Housing Act 2004]
- Failure to comply with an Overcrowding Notice [s139 Housing Act 2004]
- Failure to comply with a management regulation in respect of an HMO [s234 Housing Act 2004]
- Offences in relation to Regulation 3 of the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

- Failure to comply with a banning order [s21 Housing and Planning Act 2016]
- Failure to give a written statement of terms under section 16D of the Housing Act 1988
- Failure to give an existing tenant information about changes made by the Renters' Rights Act under paragraph 7(2) of schedule 6 to the Renters' Rights Act 2025
- Attempting to let a property for a fixed term under section 16E of the Housing Act 1988
- Attempting to end a tenancy orally or by service of a notice to quit under section 16E of the Housing Act 1988
- Serving an eviction notice that attempts to end a tenancy outside the prescribed section 8 process under section 16E of the Housing Act 1988
- Relying on a ground where the person does not reasonably believe that the landlord is/will be able to obtain possession under section 16E of the Housing Act 1988
- Relying on a ground knowing the landlord would not be able to obtain possession or being reckless as to whether they would under section 16J of the Housing Act 1988
- Failing to provide a tenant with prior notice that a ground which requires it may be used under section 16E of the Housing Act 1988
- Reletting or remarketing a property before expiry of the 12 month no-let period after using the moving and selling grounds under sections 16E and 16J of the Housing Act 1988
- Discriminating against prospective tenants during the letting process on the grounds that those tenants are in receipt of benefits or have children under sections 33 and 34 of the Renters' Rights Act 2025
- Marketing a letting without stating the proposed rent under section 56 of the Renters' Rights Act 2025
- Inviting or encouraging any person to offer to pay an amount of rent under the proposed letting that exceeds the stated rent under section 56 of the Renters' Rights Act 2025
- Accepting an offer from any person to pay an amount of rent under the proposed letting that exceeds the stated rent under section 56 of the Renters' Rights Act 2025

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

4.6.3 Rent Repayment Orders

Part 2 of the Housing and Planning Act 2016 permits the Council to seek a Rent Repayment Order at the First Tier Tribunal Property Chamber to require the landlord of the property where the offence(s) has been committed to refund rent to the

tenants or the Council. S48 of the Housing and Planning Act 2016 places a duty on the Council to consider applying for Rent Repayment Orders.

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

This power will be considered in response to all qualifying offences and where there is sufficient evidence for a successful application to the First Tier Tribunal.

The qualifying offences are:

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

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

S49 of the Housing and Planning Act 2016 enables the Council to assist tenants in applying for Rent Repayment Orders. The Council will usually assist tenants by referring or signposting them to a relevant organisation.

4.6.4 Banning Orders

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

- Letting housing in England;
- Engaging in English letting agency work;

- Engaging in English property management work; or
- Doing two or more of those things.

The Council may consider a Banning Order for the more serious offenders. It will take into account the seriousness of the offence(s), whether the landlord has committed other offences (or received any Civil Penalty in relation to a Banning Order offence) and any history of failing to comply with their obligations or legal responsibilities. It will also take into account other relevant factors, including but not limited to:

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

4.6.5 Costs and Charges

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

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

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

5.0 Complaints

Contact may be made with the Council about any matters listed here by email at psh@broxtowe.gov.uk or by post at: Broxtowe Borough Council, Council Offices, Foster Avenue, Beeston, Nottingham, NG9 1AB.

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

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

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

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

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

The Regulations introduced legal requirements on relevant landlords to:

1. Equip a smoke alarm on each storey of the premises on which there is a room used wholly or partly as living accommodation.
2. During any period when the premises were occupied under the tenancy, to ensure that a carbon monoxide alarm is equipped in any room of the premises which is used wholly or partly as living accommodation and which contains fixed combustion appliance other than a gas cooker.
3. Carry out checks by or on behalf of the landlord to ensure that each prescribed alarm is in proper working order on the day the tenancy begins if it is a new tenancy.
4. Where, following a report made on or after 1st October 2022 by a tenant or by their nominated representative to the landlord, a prescribed alarm is found not to be in proper working order, the alarm is repaired or replaced.

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

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

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

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

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

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

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

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

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

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

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

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

Determining the amount of the penalty charge for a first breach

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

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

Aggravating factors include, but are not limited to:

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

Mitigating factors include, but are not limited to:

- The property being small and low-risk (for example a one-bedroom ground floor flat with a large number of fire escapes including large windows)
- A single occupant living in the property
- Evidence that all required alarms were checked and in working order at the start of the tenancy
- Written evidence that some efforts to gain access and comply with the remedial notice were made and access was prevented by the occupant

Determining the amount of the penalty charge for a subsequent breach

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Council will impose the following financial penalties:

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

The Council may not impose a financial penalty under both subsections (a) and (b) above in relation to the same breach of the Regulations. But they may impose a financial penalty under either paragraph (a) or paragraph (b), together with financial penalties under paragraphs (c) and (d), in relation to the same breach. Where penalties are imposed under more than one of these paragraphs, the total amount of the financial penalty may not be more than £5,000.

END OF POLICY

Version: 1.0

Date: March 2026

Notes: Update of Enforcement Policy following implementation of Renters' Rights Act 2025 Complete change of Enforcement Policy using policy endorsed by Association of Chief Environmental Health Officers, which has been recommended for use by all Local Authorities and which had participation in the development by Nottinghamshire Private Sector Housing Managers.



Broxtowe
Borough
COUNCIL

Broxtowe Borough Council

Private Sector Housing Civil Penalties Policy

March 2026

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Introduction

1.1. This policy applies once the Council has made a decision to issue civil penalties including under the Renters Rights Act 2025 and other housing legislation.

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

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

1.4. 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.

1.5. 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.

1.6. 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, a final 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.

1.7. 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.

1.8. 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.

1.9. 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.

1.10. 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.

1.11. 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.

1.12. 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.

1.13. 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.

1.14. 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.

1.15. 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.

2.0 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 on 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 crypto asset 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. £4,800

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. £7,200

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 point for the 2 constituent breaches added together	£40,000	Dependant on the constituent breaches	Dependent on the constituent breaches	Dependant 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 point for the 2 constituent breaches added together	£40,000	Dependant on the constituent breaches	Dependant on the constituent breaches	Dependant 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. £36,000

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 - sec on 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:

- None.

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:

- None.

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 a selective licence - section 95(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
£12,000	£40,000	£9,600	£12,000	£14,400

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- The landlord has knowledge or experience of licensing requirements.

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 (including Display of the Licence and Gas Safety Certificate in the common parts) etc.
- Provision of written terms of occupancy for tenants
- Procedures regarding complaints
- Procedures regarding vetting 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 the 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

Breach of licence conditions – Section 95(2) Housing Act 2004

All granted selective 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 vetting 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 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 selective 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
£3,000	£40,000	£2,400	£3,000	£3,600

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

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£5,250	£40,000	£4,200	£5,250	£6,300

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 documents on 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
- Minimum floor areas
- Occupancy rates
- Occupancy of rooms 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
£9,375	£40,000	£7,500	£9,375	£11,250

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

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£15,000	£40,000	£12,00	£15,000	£18,000

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

3.0 Process for imposing a civil penalty and the right to make written representations

3.1 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

3.2 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.

3.3 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.

3.4 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

3.5 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.

4.0 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).

Where the civil penalty was appealed and the Council has a tribunal decision, confirming or varying the penalty, the decision will be automatically registered on the Register of Judgments, Orders and Fines, once accepted by the County Court. Inclusion on this Register may make it more difficult for the landlord to get financial credit.

5.0 Recovering an unpaid civil penalty

The Council will consider all legal options available for the collection of unpaid civil penalties and usually initiate debt recovery via our own legal team but may utilise specialist housing civil penalty recovery companies or apply our usual debt recovery processes.

Some of the options available to the Council through the County Courts are as follows:

- A Warrant of Control for amounts up to £5000;
- A Third Party Debt Order;

- A Charging Order, and;
- Bankruptcy or insolvency.

A certificate, signed by the Chief Finance Officer for the Council and stating that the amount due has not been received by the date of the certificate, will be accepted by the courts as conclusive evidence of the payment due.

Where a Charging Order has been made, and the amount of the Order is over £1000, the Council can consider applying for an Order for Sale against the property or asset in question. When considering which properties to apply for a Charging Order against, the Council can consider all properties owned by the landlord and not just the property to which the offence relates.

6.0 Income from civil penalties

Any income from civil penalties is retained by the Council. The Council must spend any income from civil penalties on its enforcement functions in relation to the private rented sector pursuant to the Rent Repayment Orders and Financial Penalties (Amounts Recovered) (England) Regulations 2017, as amended or substituted from time to time.

END OF POLICY

Version 1.0

Date: Adopted February 2021

Notes: Setting out the process for determining civil penalties relating to offences in the Private Rented Sector.

Version: 2.0

Date: March 2026

Notes: New version of Civil Penalty Notice to include changes being brought in from the Renters' Rights Act 2025 and ensuring consistency with the Ministry of Housing, Communities and Local Government advice on penalty starting points for breaches.

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Appendix 3

Clauses to be added to the Private Sector Housing Enforcement and Civil Penalty Policy when new parts of the Renters Rights Act 2025 come into play.

Civil Financial Penalties for specified offences

Additional offences to be added to list:

- Offences in relation to the PRS database [Part 2, Chapter 3 Renters' Rights Act 2025]
- Offences in relation to the landlord ombudsman [Part 2, Chapter 2 Renters' Rights Act 2025]
- Breach of the decent homes standard [Part 3, Renters' Rights Act 2025]

Rent Repayment Orders Additional qualifying offences:

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

New section regarding PRS Database

Entry onto the PRS database Under s83(1) of the Renters' Rights Act 2025.

The Authority has a duty to make an entry on the Private Rental Sector database in respect of a person where:

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

Under section 83(2).

The Authority has the power to make an entry where:

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

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**Broxtowe
Borough**

C O U N C I L

Enforcement Policy

September 2023

Cabinet November 2023

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1.0 Introduction

The main purpose of local government enforcement work is to protect the public, the environment, consumers and legitimate businesses by making sure that legal requirements are met and that everyone acts/operates within the law. It does not just mean taking formal action, such as prosecution, but includes a wide range of actions and measures, including giving help or advice to make sure that things are as they should be. Broxtowe Borough Council (the Council) will generally endeavour to support both businesses and individuals to meet their legal obligations before considering any kind of enforcement action.

The Legislative and Regulatory Reform Act 2006 (2006 Act) requires local authorities to have regard to the Principles of Good Regulation when exercising a specified regulatory function.

The Regulators' Code (Department for Business Innovation and Skills – April 2014), came into force in April 2014 and regulators must have regard to the Code when developing policies and operational procedures that guide their regulatory activities.

The Council fully supports the principles set out in the 2006 Act and the Regulators' Code and has set out within this Enforcement Policy the procedures to be adopted by all services and officers exercising any enforcement functions. The Council is committed to services which are courteous and helpful and seeks to work with individuals and businesses, wherever possible, to help them comply with the law. The Council, nevertheless, acknowledges the need for firm action against those who flout the law and put consumers and others at risk. The Council expects all officers taking enforcement decisions to take this policy as a guide when making their decision. Every case must be decided on its own individual facts. Officers must ensure that if they depart from the policy when they make their decision, they can provide reasons for doing so.

This document represents the Council's Enforcement Policy, and supersedes any previous corporate policy statements on enforcement. It may be supplemented in some cases, by more specific and detailed service policies.

2.0 Objective

The Council will endeavour to carry out its enforcement functions in an equitable, effective, efficient, practical and consistent manner.

3.0 Link to Corporate Plan

The policy will contribute to all five of the Council's corporate priorities (Business Growth, Community Safety, Environment, Health, and Housing) as well as according with the Council's stated value of "integrity and professional competence".

4.0 Areas covered

The relevant legislation and guidance specifies areas of enforcement to which the Principles of Good Regulation apply. These do not include all the services provided by the Council. However, the Council will adopt the provisions of this policy in all its enforcement activity. Although not an exhaustive list, the service areas falling within the scope of this policy include:

- Environmental health and private sector housing
- Licensing
- Planning
- Waste and recycling services
- Revenues and benefits
- Tenancy services
- Communities/Anti-social behaviour

Additional specific enforcement policies and procedures may be available for specific service areas.

5.0 Principles of enforcement

5.1 Overview

The Council believes in the principles of good enforcement, as set out in the 2006 Act. Those principles are that regulatory activities should be carried out in a way which is:

- transparent
- accountable
- proportionate
- consistent
- targeted

The Council will observe any requirements of national bodies and, where practicable, national good practice guidance.

Where appropriate, services will provide enforcement advice and information in accessible formats.

The Council will seek to employ the provisions of the Regulators' Code, the main principles of which are detailed in sections 5.2 to 5.7 below.

5.2 Regulators should carry out their activities in a way that supports those they regulate to comply and grow

Effective and well-targeted regulation is essential in promoting fairness and protection from harm. The Council will ensure that enforcement is proportionate and flexible enough to allow and encourage economic progress, and provide help and encouragement to businesses in order that they can meet regulatory requirements more easily.

5.3 Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views

The Council will endeavour to create effective consultation and feedback opportunities to enable continuing cooperative relationships with businesses and other interested parties. The aim will be to ensure that employees provide a courteous and efficient service to businesses and seek the comments and views of regulated businesses. The Council has established and published a comprehensive complaint procedure which is available to any aggrieved party. This can be accessed on the website at www.broxtowe.gov.uk

In response to non-compliance that is identified, officers will clearly explain what the non – compliant item or activity is, the advice being given and the action required or decision taken, and the reasons for these. Opportunity will be provided to discuss any such actions that need to be taken and any appeal process available.

5.4 Regulators should base their regulatory activities on risk

Risk assessment will underpin our approach to planned regulatory activity (comprising inspections, data collection, advice and support, and enforcement and sanctions). Efforts and resources will be targeted where they will be most effective and risks will be rated to regulatory outcomes. Risk assessment will be based on relevant available data and consider the combined effect of:

- the potential impact of non-compliance on regulatory outcomes;
- any intelligence received and
- the likelihood of non-compliance (where we will take into account past compliance and potential future risks and willingness to comply).

Due regard will be taken when dealing with juveniles or other vulnerable people. Each case will be determined on its own merits taking into consideration the requirements of the governing legislation and relevant sources of evidence. In the case of a person suspected of being vulnerable, the case must be discussed with a senior manager to determine the appropriate action.

5.5 Regulators should share information about compliance and risk

To help target resources and activities and minimise duplication, information will be shared with other enforcement agencies wherever possible.

5.6 Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply

The aim will be to ensure that businesses are provided with, or signposted to, clear and accessible information on legal requirements relating to their operations. Targeted and practical information will be provided through a variety of means including on-site visits, telephone advice and online guidance (both national and local). Officers will endeavour to distinguish between legal requirements and advice or guidance which seeks to improve the basic level of compliance. The response to a request for advice will normally be to provide such advice and to help secure compliance rather than directly triggering enforcement action.

5.7 Regulators should ensure that their approach to their regulatory activities are transparent

Standards of performance within individual service areas will be reported on regularly. The choice of enforcement action will be justified to relevant interested parties, and enforcement action will be undertaken in a transparent, fair and consistent manner.

6.0 Enforcement options

The Council recognises the importance of achieving and maintaining consistency in its approach to enforcement. For many areas of its enforcement activity, government guidance already exists in the form of Codes of Practice, Practice Guidance, Planning Policy Guidance, and Government Circulars etc. There may also be local or regional Codes of Practice which have been produced to promote consistency in enforcement activity. When making enforcement decisions, officers must have regard to any relevant national or local guidance as well as the provisions of the Human Rights Act 1998, Equalities Act 2010, and this Enforcement Policy.

When considering what action should be taken, the Council will look to:

- Be proportionate to the nature of the offence and the harm caused
- Change the behaviour of the offender
- Eliminate any financial gain or benefit from non-compliance
- Address the harm caused by regulatory non-compliance, where appropriate
- Deter future non-compliance
- Be responsive and consider what is appropriate for the particular offender and regulatory issue.

6.1 Prevention

The Council believes that the first step in enforcement is to promote good practice, ensure policy compliance and prevent contravention of the law by raising awareness and promoting good practice. Methods of achieving this include training courses, seminars, special promotions, the issuing of press releases, newsletters, the Council's web site, the production of leaflets and other forms of written guidance and opportunities presented by day to day contact with businesses and other customers. This approach will be applied when officers are unaware of any specific contraventions of the law.

6.2 No action

There are circumstances where contraventions of the law may not warrant any action being taken. Consideration will be given to whether the resultant cost of action would outweigh the detrimental impact of the contravention. A decision of no action may also be taken where formal enforcement is inappropriate in the circumstances, such as where a trader has ceased to trade, or on medical grounds or if the offender is frail and formal action would seriously damage their well-being. In such cases the offender and any complainant will be advised of the reasons for taking no action.

6.3 Informal action and advice

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

be advised of any relevant 'good practice'. Where good practice advice is issued, any actions required to remedy any breach of law and what is advice only will be clearly defined. Offenders will be made aware that failure to comply with any information, action or advice given could result in an escalation of enforcement action.

Informal action will be considered when:

- the act or omission is not serious enough to warrant formal action
- from the individual's or business's past history we can reasonably expect that informal action will achieve compliance
- the officer has high confidence in an individual or business proprietor
- the consequences of non-compliance will not pose a significant risk to public health, public safety, the environment or animal welfare.

6.4 Formal action

Circumstances where formal action will be considered include (but are not restricted to) situations where:

- There is a significant contravention of legislation
- The wording of legislation requires the Council to take a specified action
- An informal approach has failed
- There is a history of non-compliance with informal action
- There is a lack of confidence in the successful outcome of an informal approach
- Standards are generally poor, suggesting a low level of awareness of, and compliance with, statutory responsibilities
- The consequences of non-compliance, for health, safety, the environment, animal welfare or other Council priorities, are unacceptable and/or immediate
- Effective action needs to be taken quickly in order to remedy conditions which are deteriorating
- A wilful disregard for the law is evident
- A significant financial benefit or commercial advantage has arisen as a result of the unlawful activity,
- The victim(s) is vulnerable
- The victim(s) have been targeted specifically because they are vulnerable
- Formal action is expected to achieve the desired outcome without incurring expense or inconvenience that is disproportionate to the risks
- Legal requirements, relevant formal guidance, or other Council policies or strategies require formal action to be taken
- A charge applied by a Fixed Penalty or Civil Notice has not been paid and there is provision in the legislation to prosecute for the original offence

Formal action can take any form that the Council is empowered by legislation to take. The following list details some formal action which can be used but is not exclusive.

6.4.1 Statutory notices

Certain legislation that the Council enforces provide for the service of 'statutory notices' on individuals, businesses and other organisations requiring them to meet specific legal obligations. Where a statutory notice is served, the method of

appealing against the notice and the timescale for doing so will be provided in writing at the same time. A contact name at the Council will also be given. The notice will explain what is wrong, the legal contravention(s), what is required to put things right and what the likely consequences are if the notice is not complied with. In some cases, a statutory notice can be served to prevent the occurrence or recurrence of a problem e.g. a noise nuisance. In most cases, failure to comply with a statutory notice will result in more severe formal action being taken. In some cases, there will be a charge made as a result of serving the notice.

6.4.2 Prohibition / stop notices and injunctions

Prohibition Notices, Emergency Prohibition Notices, Planning Enforcement Notices, Closing Orders, Stop Notices or Injunctions, can be issued in some circumstances, including where:

- there is an imminent risk of injury to health or safety or welfare
- there is serious hazard to residential premises
- there is an imminent risk of serious environmental pollution
- the consequences of not taking immediate and decisive action, to protect the public, would be unacceptable
- 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
- unauthorised development is unacceptable, and continuing work is or may cause irreversible damage, and remedial action is not a satisfactory option
- the guidance criteria on when prohibition may be appropriate are met
- the Council has 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
- a proprietor is unwilling to confirm in writing his/her unprompted offer of a voluntary prohibition
- it would be the most effective remedy available.

Offenders will be made aware of any right of appeal they may have against any action taken. The act of serving a prohibition/stop notice or injunction does not prevent the Council from also deciding to prosecute depending on the seriousness of the circumstances that led to the serving of that notice.

6.4.3 Work in default

In general, it is the responsibility of others to achieve compliance with the law. In certain cases, the Council may undertake work to achieve compliance on behalf of others, and may seek a warrant to gain entry to land or premises to do so. This may occur if the responsible person fails to comply, cannot comply by virtue of genuine hardship, or is unable to comply by virtue of being absent. In these cases, the Council's costs will be recovered from the responsible person. If the costs cannot be recovered, they will usually be placed as a charge against the property, if the relevant legislation allows, to be recovered at a later date.

This kind of formal action will be considered (but is not restricted to) occasions where:

- A statutory notice requiring work to be undertaken has not been complied with

- Immediate work is required and it is not practicable to contact the responsible person, or they are not willing to respond immediately
- Delay in action being taken presents an ongoing significant risk to the health, safety and or welfare of persons, the environment or animals.
- There is no responsible person e.g. burial or cremation of a deceased person with no next-of-kin

6.4.4 Fixed penalty notices

These are notices that apply a fixed penalty for specific offences, such as littering, emission of smoke within a smoke control area, not providing documentation or certification as required etc. The notice will describe the method of payment and the options and timescales for doing so. Failure to make a payment will result in prosecution for the original offence, unless there are exceptional circumstances or alternative action is prescribed by the legislation.

6.4.5 Simple caution

A simple caution (previously known as a formal caution) may be issued as an alternative to a prosecution and will be considered during any decision to prosecute. Cautions will be issued to:

- deal quickly and simply with less serious offences
- divert less serious offences away from the courts, or
- reduce the chances of repeat offences.

To safeguard the suspected offender's interests, the following conditions will be fulfilled before a caution is administered:

- there must be evidence of the suspected offender's guilt sufficient to give a realistic prospect of conviction, and
- the suspected offender must admit the offence, and
- the suspected offender must understand the significance of a caution and give an informed consent to being cautioned.

A caution is a serious matter which will influence any future decision should the company or individual offend again. It can be referred to in any subsequent court proceedings, but this will not apply if the caution was issued more than three years before. Where the offer of a caution is refused, a prosecution will generally be pursued.

No pressure will be applied to a person to accept a caution.

6.4.6 Civil penalties

A civil penalty is a financial penalty imposed by a local housing authority on an individual or organisation as an alternative to prosecution for certain housing offences under the Housing Act 2004, a breach of a banning order under the Housing and Planning Act 2016 or offences relating to smoke under the Clean Air Act 1993 and waste under the Environmental Protection Act 1990. Reference to the Council's agreed policy will be made to determine if this course of action is appropriate and the financial level of any penalty. Some legislation requires this course of action as a sanction for breaches, for example the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.

6.4.7 Compulsory purchase

The Housing Act 1985 allows the local authority to acquire under-used or ineffectively used property for residential purposes if there is a general housing need in the area. In addition, the Town and Country Planning Act 1990 (as amended) allows local authorities to acquire land or buildings if acquisition will allow improvements or redevelopment to take place.

Compulsory purchase may be used as the enforcement route for returning empty homes to use.

6.4.8 Management orders

In certain circumstances, the Council has the power to take over the management of residential properties.

6.4.9 Demand for payment

The Council will ensure early contact is made to minimise large debts accumulating and ensure the debtor does not suffer from unnecessary hardship. However, the Council will consider the use of Enforcement Agents where demands for payment are outstanding.

6.4.10 Licensing and registration – breach of conditions

The Council issues licences and approvals for a variety of activities including hackney carriages, gambling, caravan and camping sites, food premises, selling alcohol and providing entertainment, horse riding, animal boarding kennels, skin piercing activities, permitted pollution control activities, catteries, pet shops, keeping of dangerous wild animals and houses in multiple occupation etc. There are usually specific conditions which control how facilities at the premises are managed and provided, or how the business is operated.

The Council will work with applicants to help them to understand what is required to gain approval through pre-application advice, published guidelines, and post-application discussion. Applications may be approved as they are submitted, varied by agreement and then approved, approved subject to conditions, or rejected. Where grant /refusal of a licence is through a committee or hearing, the applicants will be advised of the relevant process for this. Applicants, or their agents, will always be notified, in writing, of the outcome of their application, including the reasons if rejected. Details of any rights of appeal will be provided at the time the decision is notified.

After issue of a licence, permission, or registration, if there has been a relatively minor incident where conditions have not been met and the duty holder is willing to take the necessary action to put things right, a verbal or written warning will usually be issued first. If there are serious failures to meet the conditions or if the informal approach failed to make the necessary improvements, consideration will be given as to whether or not a licence will be renewed, withdrawn, suspended, or revoked. 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 not been met, the Council will consider the matter in line with the conditions relating to prosecutions and if appropriate, start legal proceedings. In some cases, there may be a need to suspend a licence or approval until the relevant Committee or panel can consider the matter.

There are a number of separate policies relating to licensing, for example, Statement of Licensing Policy, Gambling Act Statement of Principles, Hackney Carriage and Private Hire Licensing Policy, etc.

6.4.11 Imposition of an administrative penalty

Where an allegation of benefit fraud has been investigated and officers are satisfied an offence has been committed but the offender does not admit to committing an offence it may, dependent upon the severity of the offence and other factors of the case, be considered appropriate to offer the offender the opportunity to pay an Administrative Penalty rather than prosecute. The Council will pursue full repayment of any benefit overpaid and recoverable in addition to any administrative penalty.

6.4.12 Seizure and forfeiture proceedings

Certain legislation enables authorised officers to seize goods, equipment, animals or documents, where they may be required as evidence for possible future court proceedings or to prevent further offences from being committed. When items are seized an appropriate receipt will be given to the person from whom the items are taken. The decision to seize items will be at the discretion of the investigating officer, subject to the requirements of the legislation.

In certain circumstances officers will make an application to the Magistrates' Courts for forfeiture of the goods. Forfeiture may be used in conjunction with seizure and / or prosecution, where there is a need to dispose of the goods, vehicles or equipment to prevent them being used to cause a further problem or to prevent them re-entering the market place.

6.4.13 Proceeds of crime applications (POCA)

Applications may be made under the Proceeds of Crime Act 2002 for confiscation of assets in appropriate cases. Their purpose is to recover the financial benefit that the offender has obtained from his criminal conduct. Proceedings are conducted according to the civil standard of proof. The Council will seek to recover proceeds of crime in appropriate circumstances.

6.4.14 Enforced sale

In certain circumstances, following a charge put on a property for works in default or for Council Tax arrears, the local authority can exercise a statutory power of sale to recover the money it is owed. This power may be considered in certain circumstances, for example bringing empty homes back into use or dealing with unsafe premises.

6.4.15 Prosecution

The Council recognises that the decision to prosecute is significant and could have far reaching consequences on the offender.

The decision to undertake a prosecution will normally be taken by the Council's Solicitor in consultation with the relevant Director/Head of Service after receiving a recommendation from the investigating officer(s).

All relevant evidence and information will be considered before deciding upon a prosecution in order to enable a consistent, fair and objective decision to be made. The Council will have regard to the Director of Public Prosecution's Code for Crown Prosecutors, which means that the following criteria will be considered:

- Whether the standard of evidence is sufficient for there to be a realistic

- prospect of conviction
- Whether the prosecution is in the public interest

The public interest test will be considered in each case where there is enough evidence to provide a realistic prospect of conviction. The Council will consider whether there are public interest factors tending against prosecution which clearly outweigh those tending in favour, or it appears more appropriate in all the circumstances to divert the person from prosecution.

To determine the public interest test the following questions should be considered:

a) How serious is the offence committed?

The more serious the offence, the more likely it is that a prosecution is required. When deciding the level of seriousness, the Council will include amongst the factors for consideration the suspect's culpability and the harm to the victim.

b) What is the level of culpability of the suspect?

The greater the suspect's level of culpability, the more likely it is that a prosecution is required. Culpability is likely to be determined by the suspect's level of involvement, the extent to which the offending was planned, and whether there are previous convictions.

c) What are the circumstances of and the harm caused to the victim?

The greater the vulnerability of the victim the more likely it is that a prosecution is required. A prosecution is also more likely if the offence has been committed against a victim who was a person serving the public. The Council will take into account the views of the victim and the impact it would have on the victim and families.

d) Was the suspect under the age of 18 at the time of the offence?

The best interests and welfare of the child or young person must be considered including whether a prosecution is likely to have an adverse impact on his or her future prospects that is disproportionate to the seriousness of the offending.

e) What is the impact on the community?

The greater the impact of the offending on the community the more likely it is that a prosecution is required. In considering this question, prosecutors should have regard to how "community" is an inclusive term and is not restricted to communities defined by location

f) Is prosecution a proportionate response?

Consideration will be given as to whether prosecution is proportionate to the likely outcome, and in doing so the following may be relevant to the case:

- The cost to the Council, especially where it could be regarded as excessive when weighed against any likely penalty
- Cases should be capable of being prosecuted in a way that is consistent with principles of effective case management

g) Do sources of information require protecting?

In cases where public interest immunity does not apply, special care should be taken when proceeding with a prosecution where details may need to be made public that

could harm sources of information. It is essential that such cases are kept under review.

In deciding on the public interest the Council will make an overall assessment based on the circumstances of each case.

Where there has been a breach of the law leading to a work-related death, the Council will liaise with the police, Coroner and the Crown Prosecution Service (CPS) and, if there is evidence of corporate manslaughter, will pass the case to the police or, where appropriate, to the CPS and /or the Health and Safety Executive (HSE)

6.4.16 Other considerations in respect of formal action

The Council will consider the desirability of using formal enforcement in the case of a person who is elderly or is, or was at the relevant time, suffering from significant mental or physical ill health. It will balance this with the need to safeguard others, taking into account the public interest.

The Council is committed to safeguarding and promoting the welfare of children, young people and vulnerable adults. As such, consideration will be given to the Safeguarding Children Policy and Safeguarding Adults Policy when considering what enforcement action to take.

The Council will have regard to the Crown Prosecution Service Public Policy Statements on dealing with cases which involve victims and witnesses who have a learning disability and victims and witnesses who have mental health issues.

The Council's approach to the collection of Local Taxes (Council Tax and Business Rates) and in the recovery of overpaid Housing and Council Tax Support, is one which seeks to strike a balance between the need to maximise income to the Council and the desire not to cause further hardship to the poorest within the community.

Regard will be had to relevant protocols and policies, such as the pre-eviction protocol and the rent collection policy and procedures when taking enforcement action to enforce debt.

7.0 Delegation of authority

The Council's Scheme of Delegation specifies the extent to which enforcement powers are delegated to officers. Whilst delegation is mainly to Heads of Service or specified officers in conjunction with the Head of Legal Services, in some specific circumstances the decision to take enforcement action lies with the relevant Council Committee.

8.0 Officers' powers of entry and obstruction

Enforcement officers have a wide variety of duties and have to 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 consideration of 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.

9.0 Training and appointment of officers

All officers undertaking enforcement duties will be suitably trained and qualified so as to ensure that they are fully competent to undertake their enforcement activities.

The Council supports the principle of continuing professional development and will ensure that all officers are given relevant additional in-post training to maintain up to date knowledge and skills. This will be highlighted through their learning and development plan as part of their performance review. Officers will carry an identity card and their authorisation with them at all times. Authorisation will be dependent on qualifications, experience and competency in addition to any statutory restrictions.

10.0 Shared regulatory roles

Where the Council has a complementary regulatory role or is required to inform an outside regulatory agency of an incident or occurrence it will do so.

Such external agencies include (but are not restricted to):

- Police
- Fire Authority
- Food Standards Agency
- Health and Safety Executive
- Environment Agency
- DEFRA
- County Council services
- Other councils
- HMRC
- The Gangmaster and Labour Abuse Authority (GLAA)

Officers will attempt to co-ordinate visits and actions with other agencies to achieve the most efficient and effective outcomes and to minimise inconvenience for those who are being visited, inspected, or subject to other enforcement action.

Wherever possible, in situations where there is a shared enforcement role, the most appropriate authority will, by mutual agreement, carry out the enforcement. Other agencies may also be authorised to act on behalf of the Council in some cases.

Exchange of information with other enforcement teams within the Council will take place wherever applicable. Liaison will also take place between relevant

services and Members within the Council to avoid potential conflicts of interest.

11.0 Responsibilities

Effective implementation of this policy is the responsibility of the relevant Head of Service.

Team managers will be responsible for its implementation on a day to day basis. Each officer within these teams will be responsible for applying it in relation to specific cases.

12.0 Complaints

Any person dissatisfied with the service they have received should let the Council know.

The Council is committed to providing quality services and any suggestions and criticism about any aspect of the service will assist in the process of continuous improvement. Most problems can be resolved in the first instance with the Council employee who has been dealing with the matter, or their supervisor.

Confidentiality will be respected subject to any requirement to disclose information (for example if it is necessary to do so in order to investigate the complaint, or to provide information to the Local Government Ombudsman).

However, the Council will not normally investigate anonymous service complaints.

If this fails to resolve the situation, a formal complaint can be made using the Council's Complaints Procedure. This can be done by phone, on-line, letter, e-mail or in person. Once a formal complaint is received, the Council will acknowledge receipt, in writing within five working days. A manager will investigate the complaint and will normally reply to in writing, within 10 working days, either giving a full answer or an indication of the likely time scale for the provision of a full answer.

Advice of what further action can be taken if the complainant remains dissatisfied will also be included. The Complaints Procedure can be viewed on the Council's web site at: www.broxtowe.gov.uk

13.0 Contacting the Council

By telephone

A contact telephone number is given on any correspondence sent out. Alternatively, telephone 0115 917 7777.

In person

At the Council Offices, Foster Avenue, Beeston, Nottingham NG9 1AB

In writing

Write to the following address: Broxtowe Borough Council, Council Offices, Foster Avenue, Beeston, Nottingham NG9 1AB

By e-mail

Environmental health health@broxtowe.gov.uk

Private sector housing psh@broxtowe.gov.uk

Licensing	licensing@broxtowe.gov.uk
Legal and Planning	legalmail@broxtowe.gov.uk
Waste and recycling services	Refuse@broxtowe.gov.uk
Council tax	Billing@broxtowe.gov.uk
Benefits	benefits@broxtowe.gov.uk
Communities	spc@broxtowe.gov.uk
Tenancy services	hps@broxtowe.gov.uk
Corporate Complaints	complaints@broxtowe.gov.uk

14.0 Review of policy

This policy document will be reviewed every three years or sooner should legislation or guidance change. Minor changes will be approved by the Chief Environmental Health Officer in consultation with the Portfolio Holder for Community Safety. More substantial changes will require cabinet approval.

Broxtowe Borough Council
Private Sector Housing Civil Penalties Policy

Housing Committee
2nd February 2021

1. Introduction

1.1. Broxtowe Borough Council (“the Council”) is committed to improving the housing standards within its borough and ensuring that dwellings within the private rented sector are well managed, free from hazards and safe for those that occupy them.

1.2. The Council recognises that the majority of landlords operate in a legal and professional manner and work to ensure that their properties meet the required standards.

1.3. However, alongside this, there are some landlords who poorly manage and maintain property and in some cases knowingly flout the regulations and laws that they are due to abide by.

1.4. The Government is continuing in its efforts to crack down on rogue landlords and the measures within the Housing and Planning Act 2016 (“the Act”) have been put in place to enable local authorities to enhance their abilities to deal with them. Within the Act the following provisions have been made:

- Civil penalties of up to £30,000 as an alternative to prosecution for certain offences
- Extension of rent repayment orders to cover illegal eviction, breach of a banning order, failure to comply with an improvement notice and certain other specified offences
- Database of rogue landlords and property agents who have been convicted of certain offences or received multiple civil penalties
- Banning orders for the most serious and prolific offenders

1.5. In order for the Council to issue civil penalties it must have a policy in place. This policy sets out our approach to issuing penalties and provides guidance on how the level of fine will be set.

1.6. On the 1st June 2020, the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 (“the Regulations”) also came into force, allowing local authorities to issue financial penalties up to a maximum of £30,000 in respect of a breach of those Regulations. This policy and associated scoring matrices also apply to financial penalties issued in respect of breaches of the Regulations, unless otherwise specified.

2. Purpose

The purpose of this policy is to set out the Council’s approach to using the powers relating to civil penalties detailed in the Act, including how the level of any penalty will be set.

3. Expectations

3.1. Guidance issued by Government makes clear that it expects local housing authorities to use their new powers robustly in order to clamp down on rogue landlords.

3.2. The maximum penalty of £30,000 has been set at a level to ensure that it is significant enough for those landlords who flout the law to think seriously about their behaviours in relation to property standards and management. The guidance is also clear that the maximum penalty of £30,000 should only be reserved for the very worst offenders.

3.3. In determining whether to prosecute or issue a civil penalty the Council will need to ensure that the same criminal standard of proof is obtained. Also, it will need to be satisfied that the public interest is properly served by imposing a civil penalty on the landlord in respect of the offence. The Council will satisfy itself that if the case were to be prosecuted in the magistrates' court that there would be a realistic prospect of conviction. In order to do so the Council would take into consideration its Corporate Enforcement Policy, alongside seeking advice from the Council's solicitors and other guidance. If either of these sanctions are not appropriate, then in line with the Corporate Enforcement Policy other measures may be considered.

3.4. Government guidance suggests that prosecution, in respect of offences committed under the Housing Act 2004 ("the 2004 Act"), should be the appropriate option for the most severe cases or for those that are repeat offenders. The Council will generally look to issue a civil penalty except in these aforementioned circumstances and each case will be determined on its own merits.

3.5. It should be noted that for certain offences within the 2004 Act, letting agents, property agents and managing agents can also be prosecuted and therefore, under this policy, can be issued with a civil penalty. The term "landlord" within this policy refers to all of these groups. The level of civil penalty issued can be different for each party in regards to the same offence and will consider the circumstances specific to the individual party.

3.6. The Regulations do not enable the Council to prosecute as an alternative to issuing a financial penalty in respect of a breach of those Regulations.

4. Offences

4.1. There are only certain offences, relating to certain sections of the 2004 Act, where the use of a civil penalties will be permitted. These are as follows:

- Failure to comply with an Improvement Notice (section 30 of the Housing Act 2004)
- Offences in relation to licensing of Houses in Multiple Occupation (section 72 of the Housing Act 2004)
- Offences in relation to licensing of houses under Part 3 of the Act (section 95 of the Housing Act 2004)
- Offences of contravention of an overcrowding notice (section 139 of the Housing Act 2004)
- Failure to comply with management regulations in respect of Houses in Multiple Occupation (section 234 of the Housing Act 2004)
- Breach of a banning order (section 21 of the Housing and Planning Act 2016)

4.2. Financial penalties can also be issued where there has been a breach of the Regulations.

5. Considerations

5.1. The Government recommends that a local authority consider the following to ensure that the level of civil penalty given is appropriate:

- **The severity of the offence:** the more serious the offence the higher the penalty should be

- **The culpability and track record of the offender:** a history of non-compliance or deliberate action should increase the penalty amount

- **The harm caused to the tenant:** the greater the harm or potential for harm, the higher the penalty should be

- **The punishment of the offender:** the penalty should be set at a level to reflect that the offence could be dealt with in a court of law and should have an impact upon the recipient

- **Whether it will deter the offender from repeating the offence:** the level of the penalty should be set as to help ensure that the offender does not offend again

- **Whether it will deter others from committing the offence:** the civil penalty will not be in the public domain. However, there is a likelihood that there will be an awareness of penalties issued through informal channels. The level of the penalty should seek to demonstrate the impact that non-compliance can have.

- **Whether it will remove any financial benefit the offender may have obtained as a result of committing the offence:** the offender should not benefit as a result of committing an offence i.e. it should not be cheaper to offend, than to properly manage and maintain a property.

6. Level of Civil Penalty to be Issued

6.1. Any penalty issued must consider the above factors in the determination of its level. If it is determined that a civil penalty should be issued, then the Council will determine the level of the penalty based on:

- the cumulative sum of penalties for each offence (Table 1)

- plus a level of penalty determined by an impact scoring matrix (Table 2)

The information is then added together in Table 3 to give the level of civil penalty.

6.2. All three tables referred to are shown below. The final penalty amount is calculated using table 3, once consideration has been given to tables 1 and 2.

6.3. Table 1 gives offence specific penalties, which would be the minimum penalty amount for that offence (column A). Columns B and C enable additional penalties to be added depending on the specific offence.

6.4. Table 2 adds an additional penalty for impact in regards to the offence, based on the factors set out by the Government in considering the level of fine to be issued. The additional amount attributed to this score is shown in Table 3, column 3. Where the circumstances of a case fall between the factors outlined in Table 1, the Council will make a determination as to which set of factors best reflects the overall nature of the offence.

6.5. The maximum penalty that can be issued will not exceed £30,000.

6.6. Only one civil penalty can be imposed on a landlord in respect of an offence, but where a landlord has committed multiple offences, and a civil penalty could be imposed for each one, consideration should be given to whether it is just and proportionate to impose a penalty for each offence.

6.7 When calculating the penalty amounts for multiple offences, there will inevitably be a cumulative effect and care should be taken to ensure that the total amount being imposed is just and proportionate to the offences involved.

6.8 The landlord may also have committed multiple similar offences, or offences which arose from the same incident. In these cases, consideration should be given to whether it would be more appropriate to only impose penalties for the more serious offences being considered and to prevent any double-counting.

6.9 Having regard to the above considerations, a decision should be made about whether a civil penalty should be imposed for each offence and, if not, which offences should be pursued. Where a single more serious offence can be considered to encompass several other less serious offences, this is the offence that will normally be considered for the civil penalty. Deciding not to impose a civil penalty for some of the offences does not mean that other enforcement options, such as issuing a simple caution, cannot be pursued for those offences.

Table 1: Offence Specific penalty and other penalties

1 A high scoring hazard is defined as a hazard achieving a score rating of E or higher using the Housing Health and Safety Rating System (HHSRS)

2 A relevant defect for the purpose of this matrix is defined as a defect which would result in an ‘Unsatisfactory’ grading on an Electrical Installation Condition Report (EICR). Namely, a defect given a C1, C2 or F1 observation code.

Offences		A		B		C	
Housing Act 2004 Offences Page 222	Section 30	Non-compliance with improvement notice	£2,000	There are 2 or more category 1 hazards	£3,000	Where there are 3 or more high scoring hazards. ¹	£1,000
	Section 72	Failure to obtain a property licence	£2,500				
		Breaches of conditions – The HMO is licensed under this section and there is a breach of licence conditions (penalty per breach)	£1,000				
	Section 95	Failure to obtain a property licence	£2,500				
		Breach of conditions – the property is licensed under this section and there is a breach of licence conditions (penalty per breach)	£1,000				
	Section 139	Non-compliance with an overcrowding notice	£500	Penalty per additional person	£200		
Section 234	Failure to comply with management regulations in respect of HMOs (penalty per breach)	£500					
Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 – Regulations 3	Breach of a duty of private landlords in relation to electrical installations (penalty per breach)	£1,000	There is one identified Code 1 defect or three or more identified ‘relevant defects’ ²	£3,500	There is one or more identified relevant defect(s).	£2,500	

Table 2: Impacts scoring matrix

Answer each of the questions 1 – 5 below and apply the score shown in the column header.

Score	0	20	30	40	
1	<p>Severity of harm or potential harm caused x 2</p> <p>(the relevant column score is double)</p>	<p>Low No identified risk Previous/current occupant not in vulnerable category. No impact assessed.</p>	<p>Moderate Moderate level risk(s) to relevant persons. Previous/current occupant not in vulnerable category. Low impact assessed.</p>	<p>High High level risk(s) to relevant persons. Previous/current occupant in vulnerable category. Occupants affected by frequently or by occasional high impact occurrences.</p>	<p>Severe High level of risk(s) to relevant persons. Previous/current occupant in vulnerable category. Multiple individuals at risk. Occupants are severely and/or continually effected.</p>
2	<p>Number of properties owned/managed</p>	1	2-3	4-7	8+
3	<p>Culpability and track record</p>	<p>No previous enforcement history. Minimal prior contact. Failings were minor and an isolated incident. Clear evidence of action not being deliberate.</p>	<p>1 or more previous enforcement notice served. Systems were in place to comply with legal duties but these were not sufficiently adhered to or implemented. Clear evidence of action not being deliberate.</p>	<p>1 or more enforcement notice served. Serious and/or systemic failure to comply with legal duties. Offender ought to have known that their actions were in breach of their legal responsibilities.</p>	<p>Significant evidence of historical non-compliance. Actions were deliberate or with flagrant disregard for the law. Offender ought to have known that their actions were in breach of their legal responsibilities.</p>
4	<p>Removal of financial incentive</p>	Little or no income received	Low income received	Moderate income received	High income received
5	<p>Deterrence and prevention</p>	High confidence that penalty will deter repeat offence	Medium confidence that penalty will deter repeat offence	Low confidence that penalty will deter repeat offence.	No confidence that penalty will deter repeat offence.

**Table 3: civil penalty level for relevant offences
(Column 1 + Column 2 + Column 3 = Column 4)**

- 1	2	3		4
Offence specific penalties	Further penalties (if any)	Table 2 impact matrix score	Level of penalty	Cumulative total
Total for each penalty shown in Table 1 Column A	Total for each penalty shown in Table 1, columns B and/or C	20 – 30	£500	Level of civil penalty to be applied (maximum £30,000)
		40 – 80	£1,000	
		90 – 120	£2,500	
		130 - 170	£5,000	
		180 230	£10,000	
		240	£20,000	

7. The process for civil penalties

Schedule 9 of the Act sets out the process which must be followed when imposing a civil penalty. The decision to impose a civil penalty will be taken by either the Head of Public Protection or the Chief Environmental Health Officer, in consultation with the Head of Legal Services.

7.1 Notice of Intent

Before imposing a civil penalty on a landlord, the Council must serve a notice of intent on the landlord in question. This notice must be served within 6 months of the last day on which the Council has evidence of the offence occurring. This notice must contain the following information:

- The amount of the proposed civil penalty;
- The reasons for proposing to impose a civil penalty, and;
- Information about the landlord's right to make representations to the Council.

7.2 Representations

Any landlord who is in receipt of a notice of intent has the right to make representations against that notice within 28 days of the date on which the notice was given. Representations can be against any part of the proposed course of action. All representations from landlords will be considered by an officer in the Council at Head of Service level or above, with guidance from an officer of the Legal Section.

Where a landlord challenges the amount of the civil penalty, it will be for the landlord to provide documentary evidence (e.g. tenancy agreements etc.) to show that the calculation of the penalty amount is incorrect. Where no such supporting evidence is provided, the representation against the amount will not be accepted.

Written responses will be provided to all representations made by the recipients of a notice of intent. No other parties have an automatic right to make representations but if any are received, they will be considered on a case by case basis and responded to where the Council considers it necessary.

7.3 Final Notice

Once the representation period has ended, the Council must decide, taking into consideration any representations that were made, whether to impose a civil penalty and the final amount of the civil penalty. The final amount of a civil penalty can be a lower amount than was proposed in the notice of intent but it cannot be a greater amount.

The imposing of a civil penalty involves serving a final notice and this notice must contain the following information:

- The amount of the financial penalty;
- The reasons for imposing the penalty;
- Information about how to pay the penalty;
- The period for payment of the penalty;
- Information about rights of appeal, and;
- The consequences of failure to comply with the notice.

The period of payment for the civil penalty must be 28 days beginning with the day after that on which the notice was given.

7.4 Withdrawing or amending notices

At any time, the Council may withdraw a notice of intent or a final notice or reduce the amount of a civil penalty. This is done by giving notice in writing to the person on whom the notice was served.

Where a civil penalty has been withdrawn, and there is a public interest in doing so, the Council can still pursue a prosecution against the landlord for the conduct for which the penalty was originally imposed. Each case will be considered on its merits.

7.5 Appeals to the Tribunal

If a civil penalty is imposed on a landlord, that landlord can appeal to the First-tier Tribunal (“the Tribunal”) against the decision to impose a penalty or the amount of the penalty. The Tribunal has the power to confirm, vary (increase or reduce) the size of the civil penalty imposed by the Council, or to cancel the civil penalty. Where an appeal has been made, this suspends the civil penalty until the appeal is determined or withdrawn.

7.6 Payment of a civil penalty

A civil penalty must be paid within 28 days, beginning with the day after that on which the final notice was given, unless that notice is suspended due to an appeal. Details of how to pay the penalty will be provided on the final notice.

7.7 Other consequences of having a civil penalty imposed

Where a civil penalty has been imposed on a landlord, this will form a part of our consideration when reviewing licence applications for properties in which they have some involvement. This includes licences under Part 2 or Part 3 of the 2004 Act.

Whilst a civil penalty will not automatically preclude us from granting a licence where such persons are involved, the reasons for imposing the penalty and the extent of the person’s involvement in the property will be considered.

Where a landlord has two civil penalties imposed on them in a 12 month period, each for a Banning order offence, the Council will include their details on the Database of Rogue Landlords and Property Agents.

“Banning order offence” means an offence of a description specified in regulations made by the Secretary of State under Section 14(3) of the Housing and Planning Act 2016.

7.8 Recovering an unpaid civil penalty

The Council will consider all legal options available for the collection of unpaid civil penalties. Some of the options available to the Council through the County Courts are as follows:

- A Warrant of Control for amounts up to £5000;
- A Third Party Debt Order;
- A Charging Order, and;
- Bankruptcy or insolvency.

A certificate, signed by the Chief Finance Officer for the Council and stating that the amount due has not been received by the date of the certificate, will be accepted by the courts as conclusive evidence of the payment due.

Where a Charging Order has been made, and the amount of the Order is over £1000, the Council can consider applying for an Order for Sale against the property or asset in question. When considering which properties to apply for a Charging Order against, the Council can consider all properties owned by the landlord and not just the property to which the offence relates.

Where the civil penalty was appealed and the Council has a tribunal decision, confirming or varying the penalty, the decision will be automatically registered on the Register of Judgments, Orders and Fines, once accepted by the County Court. Inclusion on this Register may make it more difficult for the landlord to get financial credit.

7.9 Income from civil penalties

Any income from civil penalties is retained by the Council. The Council must spend any income from civil penalties on its enforcement functions in relation to the private rented sector pursuant to the Rent Repayment Orders and Financial Penalties (Amounts Recovered) (England) Regulations 2017, as amended or substituted from time to time.

Worked Examples:

Example A – A landlord has failed to licence a property in a selective licensing area. The property is in good condition. The landlord was notified at the start of the scheme but there has not been significant contact with them since. The landlord only has the one private rented property, and receives little income. A licence application was made promptly when they were reminded of the scheme.

	Penalty Amount	Cumulative Amount (£)
Failure to obtain a property licence	£2,500 (Table 2, column A)	£2,500
Impact score = 0 Severity = Low No of properties managed = 1 Culpability and track record – none Financial incentive – little or no income Deterrence and prevention – High confidence	NA	£2,500
Total Penalty		£2,500

Example B – A landlord is non-compliant with an improvement notice which seeks to address 3 Category 1 Hazards. The landlord owns 5 properties and has had previous enforcement action taken against them. The tenant is elderly and vulnerable

	Penalty Amount	Cumulative Amount (£)
Non-compliance with an improvement notice	£2,000 (Table 2, column A)	£2,000
2 or more Category 1 Hazards	£3,000 (Table 2, column B)	£5,000
Impact score = 170 Severity = High No of properties managed = 4-7 Culpability and track record – 1 previous notice Financial incentive – moderate income received Deterrence and prevention – Medium confidence	£5,000	£10,000
Total Penalty		£10,000

Example C – a landlord commences a tenancy on a property after 1st July 2020 which has an ‘Unsatisfactory’ graded electrical report, due to three Code 2 observations recorded. He has not carried out the required remedial works within the specified timeframe. The landlord owns no other properties, but has previously had enforcement action taken against them at this address. The tenant is vulnerable.

	Penalty Amount	Cumulative Amount (£)
Breach of Electrical Safety Standards Regulations	£1,000 (Table 2, column A)	£1,000
Three or more Code 2 defects	£3,500 (Table 2, column B)	£4,500
Impact score = 150 Severity = High No of properties managed = 1 Culpability and track record – 1 previous notice Financial incentive – moderate income received Deterrence and prevention – Low confidence	£5,000	£10,000
Total Penalty		£9,500

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Report of the Leader of the Council

Cabinet Work Programme

1. Purpose of Report

Cabinet is asked to approve its Work Programme, including potential key decisions that will help to achieve the Council’s key priorities and associated objectives.

2. Recommendation

Cabinet is asked to RESOLVE that the Work Programme, including key decisions, be approved.

3. Detail

The Work Programme for future meetings is set out below. Key decisions and

30 June 2026	<ul style="list-style-type: none"> • Glyphosate update • Local Government Reorganisation Update • Update on the Housing Regulator’s Report • Allocations Policy • Bramcote Quarry Consultation • D.H. Lawrence Walk • Play Strategy • Residents and Tenants Domestic Abuse Policy • Statement of Accounts Update and Outturn Position 2025/26 • Treasury Management Annual Report 2025/26 • Housing Repairs Restructure • Employee Domestic Abuse Policy • Sexual Harassment Policy
21 July 2026	<ul style="list-style-type: none"> • Complaints Report Quarter 4 • Local Government Reorganisation Update • Update on the Housing Regulator’s Report • Annual Food Safety Service Plan* • Air Quality Status Report Update* • University of Nottingham Retrofit Roadmap • Fit and Proper Persons Policy – Housing Act 2004 – Private Sector Housing* • Disabled Facilities Grants Policy Additional Review • Crisis Resilience Policy+ • Climate Change and Green Futures Strategy Review+ • Play Strategy

8 September 2026	<ul style="list-style-type: none"> • Local Government Reorganisation Update • Update on the Housing Regulator's Report • Broxtowe Health and Wellbeing Action Plan • Broxtowe Crime Reduction Action Plan • Hate Crime Strategy • Crisis Resilience Policy
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exempt items are marked with *.

4. Key Decisions

This is not key decision.

5. Financial Implications

There are no additional financial implications.

6. Legal Implications

The terms of reference are set out in the Council's constitution. It is good practice to include a work programme to help the Council manage the portfolios.

7. Human Resources Implications

There are HR implications purely from the point of view of clarifying roles and responsibilities of Council Officers and responsibilities of partner agencies as required.

8. Union Comments

Not applicable.

9. Climate Change Implications

Not applicable.

10. Data Protection Compliance Implications

This report does not contain OFFICIAL(SENSITIVE) information. There are no Data Protection issues in relation to this report.

11. Equality Impact Assessment

There are no Equality Impact Assessment issues.

12. Background Papers

Nil.

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