

**Public Protection Partnership**  
**PRIVATE SECTOR HOUSING POLICY**  
**2020- 2022**

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A shared service provided by  
Bracknell Forest Council,  
West Berkshire Council and  
Wokingham Borough Council



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## **SECTION 1 INTRODUCTION TO THE SERVICE**

### **Public Protection Partnership**

On 9th January 2017 Public Protection Partnership (PPP) was formed, this is a shared service covering environmental health, Licensing and Trading Standards provided by Bracknell Forest Council, West Berkshire Council and Wokingham Borough Council. As such this plan will cover the work of the 3 Council areas.

### **Scope of the Programme and Compliance Team.**

Private Sector Housing sits within the Compliance and Programme Team in PPP.

In addition the team enforces all aspects of food from food hygiene, food standards to feed and farm; Health & Safety in all Local Authority enforced premises and deal with a range of Covid related enforcement and activity. The team also licenses petroleum sites and issue explosive licenses.

### **Scope of the Private Sector Housing Plan**

This Private Sector Housing policy applies specifically to each Council's private sector housing enforcement functions and duties and includes the following:

- Regulating standards of repair, amenity and safety in the private rented sector and dealing with housing hazards.
- Carrying out investigations relating to vacant dwellings and bringing them back into occupation in line with each Council's Empty Homes Policy' where one exists
- Regulating standards of management, repair, amenity and safety in houses in multiple occupation (HMOs)
- Administration of the Council's Houses in Multiple Occupation mandatory Licensing Scheme
- Inspection of bed and breakfast establishments and any private accommodation used for the temporary housing of homeless people and asylum seekers as appropriate
- Investigation and abatement of public health nuisances relating to housing
- Investigation and elimination of pests and vermin infesting land, premises and persons as may be appropriate
- The licensing of Caravan Sites and park home sites
- Administration of each Council's Landlord Accreditation Scheme where one exists
- Regulating standards in the private rented sector in relation to immigration inspections.
- Inspection of properties that fall into the Allocating Social Housing Banding System as appropriate for each council based on interventions detailed in the Housing Act 2004 and HHSRS

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/5918/2171391.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/5918/2171391.pdf)

### **Public Protection Partnership Vision**

To protect and support residents and legitimate business through the successful use of information and intelligence, delivering safe and healthy neighbourhoods.

**Public Protection Partnership Mission**

The purpose of the service is to: -

- Give people information so they can make informed decisions and understand their rights and responsibilities.
- Create an atmosphere where legitimate and compliant businesses can thrive and not have their interests undermined by those who choose not to comply.
- Preserve the health, wellbeing and safety of the communities we serve.

**Public Protection Partnership Strategic Priorities**

- Community Protection
- Protecting and Improving Health
- Protection of the Environment
- Supporting Prosperity and Economic Growth
- Effective and Improving Service Delivery

Areas not deemed as the Strategic Priorities will be carried out but will not be given priority

**SECTION 2 HOUSING PRIORITIES**

**The Role of the Compliance and Programme Team with regard to the Strategic Priorities – Private Sector Housing**

Community Protection	The main role of the team is to ensure that premises for which we are the enforcing authority for private sector housing, including caravan and park homes sites are compliant with the legislation; the purpose of this legislation is to protect residents' health and safety, many of whom are vulnerable, from living in poor conditions.  We provide safeguards to the community through an effective licensing service and will act as champions for the local area. We will deal with anti-social behaviour in identified problem areas and with aggressive and unreasonable landlords
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<p>Protecting and Improving Health</p>	<p>We enforce Private Sector Housing legislation. Our role within this meets the requirement to protect health safety and wellbeing of private sector residents within PPP irrespective of tenure, in doing so we will tackle the causes of health inequalities, both physical and mental.</p> <p>We will develop and deliver initiatives designed to improve and enhance health and wellbeing of individuals.</p>
<p>Protection of the Environment</p>	<p>Enforcing within residential properties in connection with waste disposal and drainage, and ensuring sources of contaminants are secure.</p> <p>We will ensure Private Sector Housing and Park Homes are energy efficient, through adequate heating and repair.</p>
<p>Supporting Prosperity and Economic Growth</p>	<p>By enforcing the legislation consistently in all residential premises ensuring that landlords are not economically advantaged by non-compliance. We will supporting compliant local businesses to thrive through the provision of advice and guidance.</p>
<p>Effective and Improving Service Delivery</p>	<p>Working on Quality Management Systems to ensure the service is consistent and streamlines; feedback from landlord and residents ethos of continuous improvement.</p> <p>We will continue to developing PPP staff, to ensure a competent workforce that are committed to delivering and improving.</p> <p>We will work on improving PPP communication with the housing sector</p> <p>By the implementation of the national intelligence model we identify and effectively tackle priority areas</p> <p>We will build effective working relationships with key partners within the Councils to deliver the key objectives of the Service and the Councils</p> <p>Building effective relationships with key external partners including Thames Valley Police, Royal Berkshire Fire and Rescue Service, housing providers, other local authorities, Immigration Service</p>

Cross Cutting PPP Issues with links to Housing

PPP have a number of cross cutting priorities, which sit over all of the work we do. In terms of Housing, the cross cutting priorities are as follows;

Protecting Vulnerable Adults and Children	The number and complexity of investigations involving people from recognised vulnerable groups has driven the PPP to adapt its risk management approach. Skills in communication, safeguarding and partnership working have never been more important in the workloads of officers and managers. This will be a key consideration in any priorities and projects initiated.
Modern Day Slavery	There has been a 35% increase in referrals in 2017 across the UK and Thames Valley Police continue to run a number of operations looking at the issue of exploitation where people are being kept in poor conditions and forced to work for limited financial reward. An anti-slavery network has been set up across the Thames Valley. The PPP must be alive to this risk and all priorities and projects should be evaluated to consider how it may be able to improve the intelligence picture.

**SECTION 3 PRIVATE SECTOR HOUSING WORKPLAN**

Housing Projects and Work plan

In order to translate the service priorities into a workplan , PPP use the following as a framework;

- Prevention – What action can PPP take that would stop a problem occurring
- Intelligence – What information can the PPP gather to help make better decisions
- Enforcement – what action can the PPP take to ensure those breaking the law are taken to task.

In keeping with this, a summary of the work which will be progressed by the Compliance and Programme team in relation to Private Sector Housing is as follows;

PREVENTION	To carry out each Council's statutory duties in relation to Private Sector Housing Standards through the PPP Private Sector Housing Policy (PSHP)
	To assist in implementing each Council's Housing Strategy
	Work with LA Housing Partners to carry out House Condition Surveys; address the needs demonstrated by the Local House Condition Survey
	To review existing Park Home licences to ensure fit for purpose; to work on unlicensed sites to bring them to compliance
	To ensure unlicensed HMOs are brought to compliance; and that licenced HMOs maintain the required standard
	We will investigate complaints from private rented sector tenants about overcrowded living conditions, from other parties where they are concerned about children or vulnerable adults living in overcrowded conditions or where overcrowded conditions are legitimately impacting on a neighbours health, safety or welfare
	To respond to requests for service
INTELLIGENCE	Active media campaigns on high risk areas
	Introduce a Landlord Accreditation Scheme
	Hold Landlord Forums in partnership with the LA Housing Departments and the Royal Berkshire Fire and Rescue Service RBFRS
	Work with landlords to raise standards; Landlord Forums
	Liaise with RBFRS to understand high risk areas and target work in these areas
ENFORCEMENT	Develop staff to undertake complex housing and licensing investigations and knowledge about property tribunals
	We have dedicated case management support for housing and site licence investigations
	Training in private sector housing topics and legislation so we can determine breaches and ensure competency in line with relevant legislation and associate regulations

	Training of officers in private sector housing investigation, evidence gathering, decision making and production of case file and Court proceedings to optimise success rates
	Ensuring competency of Authorised Officers using a competency assessment toolkit to ensure that the action taken by Authorised Officers is correct and does not cause unlawful economic implications to the businesses or put the public at risk
	Clear inspection program of targeted residential properties, including mobile home and caravan sites, and ensure non compliance is actioned

#### SECTION 4 STRUCTURE AND PARTNERS

<i>Service Structure</i>			
<i>Compliance and Programme Private Sector Housing Team Staffing (August 2020)</i>			
Category of staff	Acceptable Housing Related Qualification such as the HHSRS	Number of Officers in post August 2020	Full Time Equivalent for carrying out PSH work
Strategic Manager	BSc in Environmental Health MSc in Environmental Health Diploma in Environmental Health	0.81	0.1 Strategic Management
Principal Environmental Health Officer	BSc in Environmental Health MSc in Environmental Health Diploma in Environmental Health	1	0.8 operational management
Senior/Environmental Health Officers	BSc in Environmental Health MSc in Environmental Health Diploma in Environmental Health	1	1
Senior Environmental Control Officers	HHSRS certificate BTec – housing or equivalent	1	1
Environmental Control Officer	Holds HHSRS certificate	1	1
Total		4.81 FTE	3.9 FTE



#### Staff Development Plan

- All staff are subject to a formal appraisal each year with interim monthly review meetings.
- Part of this appraisal process is the development of a training needs analysis for staff.
- Housing Officers must complete a competency matrix
- A matrix of the training needs of the team is compiled.
- 20 Hrs of 'Continuing Professional Development' (CPD) training is provided for all staff operating under the CIEH Membership
- Each officer is responsible for keeping a record of training undertaken and maintaining their own CPD records.

At PPP we are aware of the importance of Private Sector Hosing, and appreciate that there is a deficit in the number of FTE available and in the level of work required. To address this we are currently recruitment 3 more officers to deal will moving the housing agenda forward.

#### **Key Service Partners and Partnerships**

- LA Housing Departments; Bracknell Forest, West Berkshire and Wokingham
- Royal Berkshire Fire and Rescue Service
- HM Immigration Service

### **SECTION 5 SECURING COMPLIANCE**

#### **Securing Action by Relevant Duty Holders**

All of our inspection activity and enforcement action is carried out in accordance with our Enforcement Policy; and associated procedural guidelines.

The purpose of the intervention programmes we carry out is to improve housing outcomes by;

- Securing actions by relevant duty holders
- Targeting those that influence risk reduction
- Dealing with serious risk and least controlled hazards
- Enforcing on those that seek economic advantage from non-compliance

We are committed to ensuring compliance and will make this a focus over the coming years, to tackle non-compliance.

#### **Relevant legislation and Guidance**

The list of legislation and guidance to standards in private sector housing is attached as **Appendix 1**.

### **Regulators' Code 2014 Better Regulation Delivery Office**

This applies to all the work mentioned in the plan – details can be found at <https://www.gov.uk/government/publications/regulators-code>

### **Statement on Enforcement Options – Housing Act 2004**

The list of enforcement options are contained in **Appendix 2**

### **Civil Penalties**

Certain legislation enables the PPP to serve a Penalty Charge Notice or Monetary Penalty Notice. – details can be found at **appendix 3**

### **Rent Repayment Orders**

Rent Repayment Orders (RRO) can be made by the First Tier Tribunal where they are satisfied beyond reasonable doubt that a landlord has committed certain offences (whether a landlord has been convicted of that offence or not) – details can be found at **Appendix 4**

### **Rogue Landlord Data Base**

The majority of landlords in the private rented sector provide decent and well managed accommodation, but there are a small number of rogue landlords and property agents who knowingly flout their legal obligations and rent out accommodation which is substandard, frequently to vulnerable tenants. Details can be found at **Appendix 5**

### **Banning Orders**

A “banning order” means an order, made by the First-tier Tribunal, banning a person 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

See also section 18 of the Act which enables a banning order to include a ban on involvement in certain bodies corporate – details can be found at **Appendix 6**

### **Empty Homes**

Where necessary we will investigate and take action to deal with the symptoms that arise when a property is left empty – details can be found at **Appendix 7**

### **Minimum Energy Efficiency Standards**

There is a requirement for any property rented out in the private rented sector to have a minimum energy rating of E on an Energy Performance Certificate (EPC). The Regulations cover new lets and renewals – details can be found at **Appendix 8**

## SECTION 6 NEW LEGISLATION

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

The Regulations came into force on 1 June 2020 and aim to improve safety in all residential premises - and particularly in the private rented sector.

Existing legislation already requires landlords to keep their properties free from electrical hazards. It has previously been best practice for landlords to organise periodic inspection and testing and to provide an electrical safety report to the tenant.

These Regulations put best practice on a statutory footing. All landlords in the private rented sector now must do what good landlords already do: make sure the electrical installations in their rented properties are safe – details can be found at **Appendix 9**

## **APPENDIX 1**

### **Relevant legislation and Guidance**

The following is a list of legislation and guidance to standards in private sector housing:

- Housing Act 2004 and associated orders and regulations
- The Management of Houses in Multiple Occupation (England) Regulations 2006
- Housing Act 1985 (as amended)
- Housing Act 1996 and Housing (HMO) Order 1997
- Housing (Fitness Enforcement Procedures) Order 1996
- Private Sector Renewal – DoE Guidance
- Local Government Miscellaneous Provisions Act 1936
- Public Health Act 1961
- The Housing (Maximum Charge for Enforcement Actions) Order 1996
- Housing Health and Safety Rating System (HHSRS) Operating Guidance
- Local Authority Coordination of Regulatory Services (LACORS)
- Environmental Protection Act 1990
- Public Health Act 1936 (as amended)
- Building Act 1984
- Caravan Site Act 1960
- Prevention of Damage by Pests Act 1949
- Mobile Homes Act 2013
- The Mobile Homes (Site Licensing) (England) Regulations 2014
- The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020
- CIEH Fire Safety for Houses in Multiple Occupation – LACORS Housing – Fire Safety Guidance Temporary Exemption Notices (TENS) Smoke and Carbon Monoxide Alarms (England) Regulations 2015 Carbon Monoxide
- Rogue Landlords Data Base
- MEES
- Housing and Planning Act 2016 – Civil Penalties
- Rent Repayment Orders

## **APPENDIX 2 ENFORCEMENT OPTIONS**

### **Housing Health and Safety Rating System (HHSRS) Category 1 Hazards**

The Housing Act 2004 puts authorities under a duty to take appropriate action in relation to a Category 1 hazard found under the Housing Health and Safety Rating System (HHSRS). A 'Category 1' hazard arises when a hazard reaches a score of 1000, or more, under the HHSRS. In such cases the Authority *must* take the most appropriate of the following courses of action:

- to serve an Improvement Notice in accordance with section 11
- to make a Prohibition Order in accordance with section 20
- to serve a Hazard Awareness Notice in accordance with section 28
- to make a Demolition Order in accordance with s265 of the Housing Act 1985 (as amended)
- to declare a clearance area in accordance with s289 of the 1985 Act (as amended)

- to serve an Emergency Remedial Action notice in accordance with section 40
- to make an Emergency Prohibition Order in accordance with section 43.

Only one of these courses of action can be taken at any one time (except for emergency measures). It is for the local authority to decide which course of action is the most appropriate in all the circumstances. The explanation for this decision will be provided with each notice served in the format of a “Statement of Reasons”. The views of the manager and occupier of the property will if possible, be considered in the decision making process.

### **Housing Health and Safety Rating System Category 2 Hazards**

The Council has similar powers to deal with Category 2 hazards as those listed above, however they cannot use the emergency measures, make a Demolition Order or declare a clearance area unless permitted by circumstances prescribed in Regulations. In deciding whether to take action to address Category 2 hazards (where action is discretionary) the following factors will be considered:

- Where the owner is being asked to deal with ‘Category 1’ hazards the ‘Category 2’ hazards should be dealt with at the same time where they materially affect the comfort of the occupying tenant or they cause the property to be in serious disrepair
- Multiple hazards may be found which on their own are not too serious but in combination present a more serious situation than one single ‘Category 1’ hazard
- If the hazard relates to fire safety the Fire Authority should be consulted and the appropriate action taken based on their recommendations
- If the hazard or combination of hazards materially affects the comfort of the occupying tenant or cause property to be in serious disrepair appropriate enforcement action should be taken.

A ‘Category 2’ hazard arises when a hazard reaches a “significant” score of up to 999 under the HHSRS; the Authority *may* take enforcement action in these circumstances.

Where there are concerns about a vulnerable person the appropriate agencies should be consulted to help make a decision regarding the appropriate enforcement action.

The Fire Authority must be consulted where a fire hazard exists in an HMO or in any common parts of a building containing one or more flats. As such officers will have regards to:

- National Guidance on Fire Safety Standards in Existing Residential Accommodation
- The Regulatory Reform (Fire Safety) Order 2005 (PRO) and
- The Protocol between Housing Authorities and Fire Authorities to improve fire safety
- The current Building Regulations, supporting Approved Documents and relevant standards and Codes of Practice to determine the Ideal.

### **Formal Enforcement Tools**

- 1) Hazard Awareness Notices

Hazard Awareness Notices can be used in the following circumstances:

- In relation to Category 1 and 2 Hazards under section 28 and 29 Housing Act 2004
- Where the hazard is remote or minor
- Where the property is in owner occupation (unless there are concerns about the owner's ability to look after them. In such cases the appropriate agencies should be consulted prior to making a decision regarding enforcement action)
- Where the circumstances of the occupier weighed up against the risk presented result in a decision that the occupier cannot tolerate the works
- If the property is vacant.

## **2) Improvement Notices**

An improvement notice under section 11 or 12 of the Act is a possible response to a category 1 or a category 2 hazard. Under section 11, action must as a minimum remove the category 1 hazard. The Council should ensure that any works required to mitigate a hazard are carried out to a standard that prevents building elements deteriorating.

An improvement notice may relate to more than one category 1 hazard. Where there are multiple hazards including category 2 hazards, the same notice can require action to deal with both categories 1 and 2 hazards.

## **3) Prohibition Orders**

A prohibition order is a possible response to a category 1 or category 2 hazard. The order may prohibit the use of part or all of the premises for some or all purposes, or occupation by particular numbers or descriptions of people.

The Council can approve a use of a premise, and that approval should not be unreasonable withheld. Any such refusal must be notified to the applicant within 7 days of the date of the decision to refuse.

An order becomes operative 28 days after it is made, unless the order is repealed. Copies of the order will be served on everyone who, to the Council's knowledge, is an owner, occupier, is authorised to permit occupation, or a mortgage lender in relation to the whole or part of the premises. Copies will be served within 7 days of the making of the order. The requirement in respect of the occupiers may be met by fixing a copy of the order to a conspicuous part of the premises.

A prohibition in relation to a category 1 hazard must be revoked if the Council is satisfied that the hazard in respect of a category 1 hazard no longer exists. An order can also be revoked if the Council are satisfied that special circumstances exist making it appropriate to do so. An order in relation to a category 2 hazard may also be revoked or varied where appropriate.

An appeal can be made to the Residential Property Tribunal (RPT) against an order by an owner, occupier, a person authorised to permit occupation or a mortgage lender in relation to the whole or part of the premises, on the grounds that:

- an order is not the most appropriate option, or on general grounds
- against an decision on the revocation or variation of an order
- the Council's refusal to permit the use of the premises for any purpose while the prohibition order is in operation within 28 days of the date the decision was made.

### **Follow Up Enforcement Action**

- A revisit will be made to a premise as soon as practicable after expiry of a Notice
- Where appropriate, the officer will inform all interested bodies and copies of notices will be sent to all parties as required under legislation

### **Works in Default**

Where a notice, order or licence has not been complied with this Council will consider where the legislation makes provision, carrying out works to secure compliance with the notice. Except in urgent cases the owner/person responsible must be served with:

- I. The relevant notice of intention; and
- II. Information which clearly states the effect of the proposed action and its subsequent costs including administration charges and details of how such sums may be recovered or made a charge on the property. Immediate action: this includes the power to take emergency action by entry to premises, if necessary, and make safe areas or articles which are causes of imminent danger of serious harm under section 40 and 43 of the Housing Act 2004. See Appendix 2

### **Charging for Enforcement Action**

Section 49 of the Housing Act 2004 gives the Council's the power to make a reasonable charge as a means of recovering certain expenses incurred in:

- serving an improvement notice;
- making a prohibition order;
- serving a hazard awareness notice;
- taking emergency remedial action;
- making an emergency prohibition order;
- making a demolition order

The expenses are in connection with inspection of the premises, subsequent consideration of action and the service of notices. A charge will be made for all eligible enforcement action where works are not commenced by the specified date, unless there are extenuating circumstances. This charge will reflect the costs incurred by the authority.

### **Additional Actions for Dealing with Houses of Multiple Occupancy HMOs**

In addition to all of the above the following action may be taken in order to deal with HMO premises.

#### 1) Interim and Final Management Orders

Legislation applicable

Housing Act 2004, Part 4 Chapter 1 (sections 101 & (131),

- Schedule 6 (procedure and appeals), and
- Section 232 (Registers of Management Orders).

Where a Licence for an HMO is refused, the authority *must* consider whether there is any

prospect of it being licensed in the near future or whether 'health and safety' is at risk. The Council is under a duty to make an Interim Management Order (IMO) where either of these applies.

### **Interim Management Order**

Interim Management Orders (IMO) transfer management of the HMO to the Council and empower it to do whatever is required to protect the health and safety and welfare of tenants, people in the vicinity and sort out the management of the house.

IMOs allow authorities to:

- Transfer management of the HMO to the Council and empower it to:
- Do whatever is required to protect the health and safety of tenants and people in the vicinity
- Sort out the management of the house
- IMOs run for 12 months, and
- apply to the whole house (but the Council can exclude a part occupied by a landlord where necessary), and
- are made by the Council (in the case of Part 2 Licensable HMOs) and by Residential Property Tribunals (RPT) on application from the Council (all other cases).

### ***Factors to be taken into consideration when deciding whether to make an IMO***

#### HMO Condition

- How bad the conditions are
- Whether other effective remedies exist i.e. prosecution or enforcement

#### History

- Including complaints from tenants, from people living in the area, past involvement by the LA, Landlord and Tenant Law, EH Issues and past involvement by other agencies such as Social Services, Police etc.

#### Landlord track record

- Including performance on other properties, quality of supervision and management, responsiveness to notices/requests to act, treatment of tenants, scope for alternative management arrangements and their consequences.

### ***The health and safety condition is that:***

- The 'Health, Safety or Welfare of:
  - occupiers of the HMO; or
  - persons occupying/having an estate or interest in premises in the vicinity is at risk
- The Condition: cannot be applied to Licensable HMOs (whether Licensed or not) where:
  - the defect(s) are Cat 1 H&S hazards; AND
  - USING Part 1 enforcement powers would 'adequately protect health and safety'
- A threat to evict occupants in order to avoid Part 2 Licensing which can constitute a threat to welfare.

At the earliest possible stage the Council must also look at the time when the IMO will expire (12



months) and decide if the dwelling is handed back to the landlord or whether a Final Management Order (FMO) will have to be made.

#### Final Management Order

An FMO is made when:

- The Council considers it unable to grant a Licence (Part 2 Licensed HMO)
- The Council is satisfied an FMO is needed to protect the Health and Safety of occupiers of people in vicinity (non-Licensed HMO).
- It: Supersedes as IMO
- Runs for 5 years
- In practical terms, extends an IMO and increases the Council's power's and responsibilities towards the HMO
- Can itself be superseded by an FMO.

The decision to make Orders will only be taken when the Council has a legal obligation to do so having regards to sections 113 and 114 and schedule 6 of the Housing Act 2004.

### **Appendix 3 Civil Penalties**

Private Sector Housing Team is responsible for enforcing the following requirements which can be subject to a civil penalty:

- Failure to comply with a notice requiring the provision of smoke or carbon monoxide detector (£5000 maximum)
- Failure to have a valid Energy Performance Certificate (EPC) for a rented property (£200 maximum).
- Failure to comply with the Energy Efficiency Requirements for rented properties (£5000 maximum).
- Failure to display details of the Government's approved redress scheme that businesses are a member of (5000 maximum).
- Failure to display fees that apply to landlords' agents and tenants (£5000 maximum).
- Failure to be a member of a Government approved residential lettings or management redress scheme when required to do so. (£5000 penalty is considered the norm).

Each case will be considered on its own merits and the relevant statutory appeal rights are to be provided with any notice served.

#### ***Simple Caution***

Simple cautions will be considered for first offences and where they have assisted officers in remedying the situation but ensuring adequate warning is given should further offences be committed.

#### ***Recovery of Costs including Proceeds of Crime***

Officers will provide the Governance Team with all the relevant information to enable recovery of costs to be sought at Court. Any costs application made is likely to include the time officers have spent investigating a case and the legal costs involved.

As verdicts and sentences in a criminal case are given in open court and are a matter of public record the PPP will publish sentences following prosecution on a case by case basis.

### ***Work in Default***

In addition to appendix 2 where the PPP has legally required someone to do works but they have failed to do so, powers are available to carry out works in default. The powers are provided in the legislation being used in relation to a specific case.

In most cases a person will be given notice of the PPP's intention to carry out works in default. It will be an offence if that person tries to obstruct the PPP or any contractors working on behalf of the PPP once works have started.

The complete costs will be recovered in accordance with the relevant statutory provisions. **It should also be noted that carrying out works in default does not prevent prosecution which may also be appropriate.**

## **Appendix 4 Rent Repayment Orders**

### **INTRODUCTION**

Under the Housing and Planning Act 2016 (The Act) a Rent Repayment Order occurs when a tribunal orders a landlord or agent to repay rent to tenant(s) because they have broken the law. This is usually between 6 months and 1 year of rent.

Officers should refer to guidance before applying this tool.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/606654/Rent\\_Repayment\\_Orders\\_guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/606654/Rent_Repayment_Orders_guidance.pdf)

### **THE HOUSING and PLANNING ACT 2016 (The Act)**

#### Rent Repayment Order

The same Act also introduces the option of applying for a Rent Repayment Order (RRO) in respect of the following offences:

- Failure to comply with an Improvement Notice
- Failure to comply with a Prohibition Order
- Breaching of a Banning Order
- Using violence to secure entry to a property
- Illegal eviction or harassment of the occupiers of a property
- Having control of an unlicensed house in multiple occupation
- Having control of an unlicensed property

The only offences committed before 6th April 2017 for which an RRO can be sought are the licensing offences above.

Where rent is paid by the Council, an RRO award is retained by the Council, whilst an award to tenants paying their own rent is due to the tenant considering using RRO's as a sanction, or responding to a tenant who wishes to utilise this route should first discuss this with their line manager as this course of action seeks to recover a monetary value that sits with the host authority (namely the housing services).

Similarly, tenants paying their own rent could apply to the (First Tier Property Tribunal) FTPT for an RRO, once an offence has been secured by the Local Authority.

PPP officers should support this course of actions by assisting the tenant accordingly.

## **Appendix 5 Rogue Landlord Data Base**

The measures introduced by the Government to tackle rogue landlords include the Rogue Landlord Database. Officers must discuss the matter with their line manager prior to any consideration of entering details on the register.

Officers should use the register as part of their usual checks regarding 'fit and proper' tests. Chapter 3 of the Housing and Planning Act 2016 - Rogue Landlords Database

Local Authorities will be responsible for entering names on the database and maintaining the contents which includes adding details if a banning order has been imposed.

All local authorities have access to the database for the purposes of identifying landlords, agents and owners with properties in more than one borough. This national database has been set up by Housing Communities & Local Government (HCLG) using a DELTA platform for the purpose of listing rogue landlords and property agents convicted of certain offences, including immigration offences.

This tool will keep track of known rogues. Officers should refer to appendices on how to use the database. Registration can be arranged via your line manager.

Local authorities must have regard to the guidance published by the Secretary of State in accordance with section 30 (7) of the Act.

### *Content of Database*

Local authorities must make an entry on the database for a person or organisation who have received a Banning Order (see QMS RES LLB 001).

Section 30 of the Act allows authorities to make entries for a person who has been convicted of a banning order offence that was committed at a time when the person was a residential landlord or property agent; and/or received two or more financial penalties in respect of a banning order within a period of 12 months committed at a time when a person was a residential landlord or a property agent.

### Making an Entry in the Database

Local authorities must consider the following before making a database entry:-

- Severity of offence
- Mitigating factors
- Culpability and serial offending
- Deter the offender from repeating the offence
- Deter others from committing a similar offence

Entries into the database are subject to variation or removal, by a local housing authority.

#### Decision Notice

A decision notice must be issued to the offender stating the date of issue, the authority serving the notice, specify a period on the notice, offences applicable to the notice and appeal details. The First-Tier Tribunal may allow an appeal to be made to it after the end of the notice period if they are satisfied that there is a good reason for failing to appeal within the notice period. If the appeal is successful the First-Tier Tribunal may confirm, vary or cancel the decision notice.

### **Appendix 6 Banning Orders**

THE HOUSING and PLANNING ACT 2016 (The Act)

*A Relevant Housing Offence includes:*

- Illegally evicting or harassing a residential occupier in contravention of the Protection from Eviction Act 1977 or the Criminal Law Act 1977 or:
- Any of the following offences with an Improvement Notice (section 30);
- Offences in relation to Licensing of Housing in Multiple Occupation (HMOs) (section 72);
- Offences in relation to licensing of houses under Part 3 of the Act (section 95);
- Allowing a HMO that is not subject to licensing become overcrowded;
- Failure to comply with management regulations in respect of HMOs (section 234)

*A relevant offence also includes:*

- An offence under section 36 of the Gas Safety (Installation and Use) Regulations 1998;
  - Failure to comply with a Prohibition or Emergency Order under sections 20, 21, and 32 of the Regulatory Reform (Fire Safety) Order 2005 provided it relates to a property that is being rented out or managed by a landlord or property agent.
- NB: Banning Order offences also apply to Immigration Offences, Serious Criminal offences, and Other Criminal offences.

Regulations under subsection (3) may, in particular, describe an offence by reference to:

- the nature of the offence,
- the characteristics of the offender,
- the place where the offence is committed,

- the circumstances in which it is committed,
- the court sentencing a person for the offence, or
- The sentence imposed.

#### Imposition of banning orders - Application and notice of intended proceedings

A local housing authority in England may apply for a banning order against a person who has been convicted of a banning order offence.

If a local housing authority in England applies for a banning order against a body corporate that has been convicted of a banning order offence, it must also apply for a banning order against any officer who has been convicted of the same offence in respect of the same conduct.

Before applying for a banning order under subsection (1), the authority must give the person a notice of intended proceedings (TP1):

- informing the person that the authority is proposing to apply for a banning order and explaining why,
- stating the length of each proposed ban, and
- Inviting the person to make representations within a period specified in the notice of not less than 28 days (“the notice period”).
- The authority must consider any representations made during the notice period.
- The authority must wait until the notice period has ended before applying for a banning order.
- A notice of intended proceedings may not be given after the end of the period of 6 months beginning with the day on which the person was convicted of the offence to which the notice relates

#### *The making of a banning order*

The First-tier Tribunal may make a banning order against a person who:

- has been convicted of a banning order offence, and
- Was a residential landlord or a property agent at the time the offence was committed (but see subsection (3) of the Act).
- A banning order may only be made on an application by a local housing authority in England that has complied with section 15.
- Where an application is made under section 15(1) against an officer of a body corporate, the First-tier Tribunal may make a banning order against the officer even if the condition in subsection (1)(b) of the Act of this section is not met.

In deciding whether to make a banning order against a person, and in deciding what order to make, the Tribunal must consider:

- the seriousness of the offence of which the person has been convicted,
- any previous convictions that the person has for a banning order offence,
- whether the person is or has at any time been included in the database of rogue landlords and property agents, and
- The likely effect of the banning order on the person and anyone else who may be affected by the order.

- Duration and effect of banning order
- A banning order must specify the length of each ban imposed by the order.
- A ban must last at least 12 months.
- A banning order may contain exceptions to a ban for some or all of the period to which the ban relates and the exceptions may be subject to conditions.

A banning order may, for example, contain exceptions:

- To deal with cases where there are existing tenancies and the landlord does not have the power to bring them to an immediate end, or low letting agents to wind down current business.

#### *Content of banning order: involvement in bodies corporate*

- A banning order may include provision banning the person against whom it is made from being involved in any body corporate that carries out an activity that the person is banned by the order from carrying out.
- For this purpose a person is “involved” in a body corporate if the person acts as an officer of the body corporate or directly or indirectly takes part in or is concerned in the management of the body corporate.

#### *Power to require information*

A local housing authority may require a person to provide specified information for the purpose of enabling the authority to decide whether to apply for a banning order against the person.

It is an offence for the person to fail to comply with a requirement, unless the person has a reasonable excuse for the failure.

It is an offence for the person to provide information that is false or misleading if the person knows that the information is false or misleading or is reckless as to whether it is false or misleading.

A person who commits an offence under this section is liable on summary conviction to a fine.

#### *Revocation or variation of banning orders*

A person against whom a banning order is made may apply to the First-tier Tribunal for an order under this section revoking or varying the order.

If the banning order was made on the basis of one or more convictions all of which are overturned on appeal, the First-tier Tribunal must revoke the banning order.

If the banning order was made on the basis of more than one conviction and some of them (but not all) have been overturned on appeal, the First-tier Tribunal may:

- vary the banning order, or
- revoke the banning order.

If the banning order was made on the basis of one or more convictions that have become spent, the First-tier Tribunal may:

- vary the banning order, or
- Revoke the banning order.

The power to vary a banning order under subsection (3)(a) or (4)(a) may be used to add new exceptions to a ban or to vary:

- the banned activities,
- the length of a ban, or
- Existing exceptions to a ban.

“spent”, in relation to a conviction, means spent for the purposes of the Rehabilitation of Offenders Act 1974.

Consequences of banning order, including consequences of breach

#### *Offence of breach of banning order*

- A person who breaches a banning order commits an offence.
- A person guilty of an offence under subsection (1) is liable on summary conviction to imprisonment for a period not exceeding 51 weeks or to a fine or to both.
- If a financial penalty under section 23 has been imposed in respect of the breach, the person may not be convicted of an offence under this section.
- Where a person is convicted under subsection (1) of breaching a banning order and the breach continues after conviction, the person commits a further offence and is liable on summary conviction to a fine not exceeding one-tenth of level 2 on the standard scale for each day or part of a day on which the breach continues.
- In proceedings for an offence under subsection (4) it is a defence to show that the person had a reasonable excuse for the continued breach.
- In relation to an offence committed before section 281(5) of the Criminal Justice Act 2003 comes into force, the reference in subsection (2) to 51 weeks is to be read as a reference to 6 months.

#### *Offences by bodies corporate*

Where an offence under section 21 committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of a body corporate, the officer as well as the body corporate commits the offence and is liable to be proceeded against and punished accordingly.

Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were an officer of the body corporate.

#### Financial penalty for breach of banning order

The responsible local housing authority may impose a financial penalty on a person if satisfied, beyond reasonable doubt that the person's conduct amounts to an offence under section 21(1).

In this section “responsible local housing authority” means the local housing authority for the area in which the housing to which the conduct relates is situated.

Only one financial penalty under this section may be imposed in respect of the same conduct unless subsection (4) allows another penalty to be imposed.

If a breach continues for more than 6 months, a financial penalty may be imposed for each additional 6 month period for the whole or part of which the breach continues.

The amount of a financial penalty imposed under this section is to be determined by the authority imposing it, but must not be more than £30,000 (see Civil Penalties).

The responsible local housing authority may not impose a financial penalty in respect of any conduct amounting to an offence under section 21(1) if—

- The person has been convicted of an offence under that section in respect of the conduct, or
- Criminal proceedings for the offence have been instituted against the person in respect of the conduct and the proceedings have not been concluded.

Schedule 1 deals with:

- the procedure for imposing financial penalties,
- appeals against financial penalties, and
- Enforcement of financial penalties.

The Secretary of State may by regulations make provision about how local housing authorities are to deal with financial penalties recovered.

The Secretary of State may by regulations amend the amount specified in subsection (5) to reflect changes in the value of money.

A local housing authority must have regard to any guidance given by the Secretary of State about the exercise of its functions under this section or Schedule 1

#### *Saving for illegal contracts*

A breach of a banning order does not affect the validity or enforceability of any provision of a tenancy or other contract entered into by a person despite any rule of law relating to the validity or enforceability of contracts in circumstances involving illegality.

Banned person may not hold HMO licence etc.

Schedule 2 changes the rules about granting and revoking licences under Parts 2 and 3 of the Housing Act 2004 where a banning order has been made.

Management orders following banning order

Schedule 3 amends the Housing Act 2004 to allow interim and final management orders to be made in cases where a banning order has been made.

Anti-avoidance



### *Prohibition on certain disposals*

- A person who is subject to a banning order that includes a ban on letting may not make an unauthorised transfer of an estate in land to a prohibited person.
- A disposal in breach of the prohibition imposed by subsection (1) is void.
- A transfer is “unauthorised” for the purposes of subsection (1) unless it is authorised by the First-tier Tribunal on an application by the person who is subject to the banning order.

In subsection (1) “prohibited person” means:

- a person associated with the landlord
- a business partner of the landlord
- a person associated with a business partner of the landlord,
- a business partner of a person associated with the landlord,
- a body corporate of which the landlord or a person mentioned in paragraph (a) to (d) is an officer,
- a body corporate in which the landlord has a shareholding or other financial interest, or
- in a case where the landlord is a body corporate, any body corporate that has an officer in common with the landlord.

In section (4): “associated person” is to be read in accordance with section 178 of the Housing Act 1996; and “business partner” is to be read in accordance with section 34(5) of the Deregulation Act 2015.

### **Appendix 7 Empty Homes Policy**

Empty properties will be investigated where such properties are brought to the attention of PPP in terms of complaints relating to the state of the property affecting the community in terms of nuisance for example verminous. Where possible officers will work with owners to bring the property back into use.

Where empty properties are assessed to be a public health and safety concern officers will use The Local Government (Miscellaneous Provisions) Act 1982 Section 29 which gives powers to serve a Notice of intended works for the prevention of unauthorised entry or danger to public health. This is usually by way of boarding up to prevent unauthorised access.

### **Appendix 8 Minimum Energy efficiency Standards**

It will be unlawful to rent a property which breaches the requirement for a minimum E rating, unless there is an applicable exemption.

A civil penalty will be imposed for breaches. All existing tenancies will need to comply on the 1st April 2020. Officers should always consider the availability of wider grant-funded aid when dealing with properties not achieving the required standard and support households accordingly.

### *The Domestic Private Rented Property Minimum Standard*

There are several ways in which a property can be classed under these Regulations:

- A new assured tenancy or a shorthold tenancy is granted
- Renewal or extension of an existing assured or shorthold tenancy, by agreement with the tenant, is granted
- A statutory periodic tenancy comes into existence following the ending of a fixed term assured tenancy (shorthold or non-shorthold). At that point the law imposes a new tenancy on the parties where the tenant stays after the fixed term has run out. This is treated as a new letting for these purposes.
- A new assured tenancy by succession comes into existence when a family member takes over a Rent Act protected tenancy
- A new tenancy is granted to a Rent Act protected tenant of the same or a different property owned by the same landlord
- An agricultural occupancy or similar tenancy period is granted, renewed or extended but does not cover agricultural dwellings.

The requirement to have an EPC is not just looked at in respect of the property itself which is being let out. It also applies where there has been a requirement for the building, of which the property itself being let is part, to also have an EPC. This is particularly relevant to non-self-contained units such as bedsits and the position regarding these is explained further.

It should be noted that if the letting is not legally an assured tenancy (shorthold or not) or one of the other tenancy types within the scope of the Regulations then the MEES does not apply.

Where a landlord obtains an EPC, but is not legally required to have one, the landlord will not be required to meet the MEES. A voluntary MEES of this type may be registered on the official EPC database but there is no requirement to do so.

This voluntary measure may be considered as meeting the Silver or Gold standard applied as part of the Public Protection Partnership (PPP) Rent with Confidence Scheme. See separate note.

#### *Flats and Bedsits*

Flats and houses are subject the Regulations. Flats within the meaning of 'self-contained' units require their own individual EPC at the point of letting or sale.

If a bedsit is within a property that does have an EPC, then the Regulations will need to be complied with before the bedsit can be rented out if its F or G (or an exemption is registered). Although normally bedsits do not need an EPC, where the house containing the bedsit has been sold the whole property needs to have an EPC. In those cases the Regulations will apply.

#### *Improvements which can be required*

Improvement work which can be required is any energy efficiency improvement work which qualifies for Green Deal and installation of gas for an off-gas property so long as the mains are within 23 metres from the property. The landlord can choose what work

needs to be carried out as long as the minimum E rating is obtained. A higher rating can also be achieved where the landlord choose to carry out additional works.

### *Prohibition on Letting*

A domestic private rented property is substandard if the EPC rating is F or G, unless an exemption applies. The legislation prohibits a landlord from letting out a substandard property. Where F or G properties are let the landlord is liable to penalties.

### *Registration of Exceptions*

All exemptions (including temporary exemptions) will be required to be notified to the PRS Exemption Register. It is a database of exemptions and is open to public inspection. Failure to register the exemption will render the exemption ineffective and will amount to non-compliance with the Regulations.

The Enforcement Authority will be entitled to require landlords to furnish them with evidence supporting a claim for an exemption. Landlords will be in breach of the Regulations if they claim an exemption to which they are not entitled.

### *Enforcement*

Local authorities will enforce compliance with the Regulations. Where a local authority suspects non-compliance the local authority can serve a compliance notice on the landlord requesting further information it considers necessary to confirm compliance. If provided but insufficient to provide compliance the local authority may proceed to issuing a penalty notice.

Penalties for a single offence may be cumulative, up to a maximum of £5,000. Further penalties may be awarded for non-compliance with the original penalty notice where a landlord continues to rent out a non-compliant property. Penalties are again cumulative up to a maximum of £5,000.

### *Appeals*

Appeals are heard at the First-Tier Tribunal (General Regulatory Chamber).

Any notices served by the tenant, landlord or a third party must be in writing. Email is not considered an acceptable form of communication.

## **DECISION POINTS:-**

Is the property let on a relevant tenancy & is it required to have an EPC? If NO to both points the landlord may let the property.

If YES does the EPC for the property demonstrate an energy efficiency rating of E or above? If YES the landlord may let the property. If NO the landlord must carry out all 'relevant energy efficiency improvements' that can be installed at no cost to the landlord. The landlord may then let out the property. Where the property remains below E the landlord must register this on the PRS Exemptions Register.

Where the 'relevant' improvement cannot be installed the landlord registers an exemption and may then let the property.

The landlord MAY NOT let the property if the landlord does not register the exemption.

## **Appendix 9 The Electrical Safety Standards in the Private Rented Sector (England)**

The regulations came into force on 1 June 2020, they apply to new tenancies from 1 July 2020 and existing tenancies from 1 April 2021. The relevant date for determining when the new requirements apply is the date on which the tenancy is granted. A new tenancy is one that was granted on or after 1 June 2020.

If a private tenant has a right to occupy a property as their only or main residence and pays rent, then the Regulations apply. This includes assured shorthold tenancies and licences to occupy. Exceptions are set out in Schedule 1 of the Regulations. <https://www.gov.uk/government/publications/electrical-safety-standards-in-the-private-rented-sector-guidance-for-landlords-tenants-and-local-authorities/guide-for-local-authorities-electrical-safety-standards-in-the-private-rented-sector>

The landlord's duties are contained within the Regulations and apply national standards for electrical safety. These are set out in the 18th edition of the 'Wiring Regulations', which are published as British Standard 7671.

PPP may wish to request reports following inspections of properties to ascertain the condition of the electrical installation and confirm the landlord is complying with the Regulations.

Officers will use the following classification codes to indicate where a landlord must undertake remedial work. More information can be found in the 18th edition of the Wiring Regulations.

- Code 1 (C1): Danger present. Risk of injury.
- Code 2 (C2): Potentially dangerous.
- Further Investigation (FI): Further investigation required without delay.
- Code 3 (C3): Improvement recommended. Further remedial work is not required for the report to be deemed satisfactory.

If the report contains a code C1, C2 or FI, then the landlord must ensure that further investigative or remedial work is carried out by a qualified person within 28 days, or less if specified in the report.

The C3 classification code does not indicate remedial work is required, only that improvement is recommended.

### **Enforcement**

#### ***PPPs duties and powers***

A remedial notice must be served where the local housing authority is satisfied on the balance of probabilities that a landlord has not complied with one or more of their duties under the Regulations. The notice must be served within 21 days of the decision that the landlord has not complied with their duties.

If the PPP has reasonable grounds to believe a landlord is in breach of one or more of the duties in the Regulations and the report indicates urgent remedial action is required, the PPP may, with the consent of the tenant or tenants, arrange for a qualified person to take the urgent remedial action and recover their costs.

Otherwise, we must serve a remedial notice requiring the landlord to take remedial action within 28 days. Should a landlord not comply with the notice the PPP may, with the tenant's consent, arrange for any remedial action to be taken themselves.

Landlords have rights to make written representation and appeal against remedial action. The PPP can recover the costs of taking the action from the landlord and may also impose a financial penalty of up to £30,000 on landlords who are in breach of their duties.

PPP will consult guidance produced on financial penalties under the Housing and Planning Act 2016 and have regard to **Appendix 2 & 3 above**.

### ***Remedial notice***

The remedial notice should:

- specify the premises to which the notice relates
- specify what the local housing authority believes the landlord has failed to do
- specify what needs to be done
- require the landlord to take action within 28 days from the day the notice is served
- explain the landlord's entitlement to make written representations within 21 days
- specify the person and address, or email address, that representations can be sent to
- explain provisions about financial penalties and rights of appeal

Landlords who aren't able to comply with a remedial notice

A landlord is not in breach of the duty to comply with a remedial notice if the landlord can show they have taken all reasonable steps to comply.

A landlord could show reasonable steps by keeping copies of all communications they have had with their tenants and with electricians as they tried to arrange to carry out the work, including any replies they have had. Landlords may also want to provide other evidence they have that the electrical installation is in a good condition while they attempt to arrange works. This could include the servicing record and previous condition reports.

A landlord who has been prevented from accessing the premises will not be required to begin legal proceedings against their tenant in order to show that all reasonable steps have been taken to comply with their duties.

### **Remedial action**

PPP may, with the consent of the tenant, arrange to carry out remedial work in the following circumstances: if a landlord does not comply with a remedial notice and if the report indicates that urgent remedial action is required and the landlord has not carried this out within the period specified in the report.

PPP must authorise a qualified and competent person in writing to undertake the remedial action.

The Regulations require that the authorised person must give at least 48 hours' notice to the tenant. They may be asked by the tenant and the landlord to produce evidence of their identity and a letter from the local housing authority confirming their authority to carry out the required works.

PPP can recover the costs incurred see Appendix 2 & 3 above.

Remedial action following non-compliance with a remedial notice

Before arranging remedial action following non-compliance with a remedial notice, PPP must give the landlord notice that they are going to do work. This notice must specify:

- the address of the property where the work will be undertaken
- the power under which the remedial action is to be taken
- the date when the remedial action will be undertaken (at least 28 days from the date served)

### ***The right of appeal against this decision***

PPP must arrange for an authorised person to take the remedial action within 28 days of the end of the notice period. Where there is an appeal, remedial action must be arranged within 28 days of the appeal decision confirming or varying the decision of the local housing authority.

As set out above, a landlord is not in breach of the duty to comply with a remedial notice if served, if the landlord can show they have taken all reasonable steps to comply.

A landlord could show reasonable steps by keeping copies of all communications they have had with their tenants and with electricians as they tried to arrange the work, including any replies they have had. Landlords may also want to provide other evidence they have that the installation is in a good condition while they attempt to arrange works. This could include the servicing record and previous safety reports.

### ***Urgent remedial action***

Within 7 days of the authorised person starting to take the urgent remedial action the PPP will either:

- serve a notice on the landlord and all occupiers of the premises in relation to which the authorised person is taking urgent remedial action; or
- fix a notice to the premises

### ***The notice must specify:***

- what action is going to be undertaken
- the address of the property where the action will be undertaken
- the legal power

- the date when that urgent remedial action was or will be started
- rights of appeal and the period of time within which an appeal may be made
- details of any financial penalty and the right of appeal against the financial penalty

### ***Financial penalties***

Following failure to comply with the Regulations, PPP can impose a financial penalty of up to £30,000 on a landlord. Proceeds of financial penalties can be used to carry out private rented sector enforcement. Any amount that is not used in this way must be paid into the Consolidated Fund, the government's general bank account at the Bank of England.

PPP WILL develop their own policy on how we determine appropriate financial penalty levels. Generally, we would expect the maximum amount to be reserved for the very worst offenders. The actual amount levied in any particular case should reflect the severity of the offence as well as taking account of the landlord's previous record of offending.

When developing our policy PPP will consider civil penalties under the Housing and Planning Act 2016 and the guidance published by the government (**see Appendix 3**).

### ***Appeals***

Representations

In the first instance, landlords can make written representations to PPP within:

- 21 days, against a remedial notice
- 28 days, against the intention to impose a financial penalty

PPP will have 7 days to respond to the representations.

Landlords then have the following rights of appeal to the First-tier Tribunal. The Tribunal may confirm, quash or vary notices served by the PPP.

### ***Appeals against remedial action***

An appeal must be made to the First-Tier Tribunal within 28 days from the day on which a remedial notice is served. The Tribunal may allow an appeal to be made after this date if it is satisfied there are good reasons for the failure to appeal on time.

Landlords can appeal on the grounds that all reasonable steps had been taken to comply or reasonable progress had been made towards compliance when the notice was served. If a landlord appeals, the remedial notice is suspended until the appeal is finally determined or withdrawn.

### ***Appeals against urgent remedial action***

An appeal to the First-Tier Tribunal must be made within 28 days from the date the urgent remedial action was, or was to be, started.

Landlords can appeal on the grounds that all reasonable steps had been taken to comply or reasonable progress had been made towards compliance when the urgent remedial action started.

***Appeals against demands for the recovery of costs***

An appeal must be made with 21 days from the day on which the demand is served.

Landlords can appeal on the grounds that all reasonable steps had been taken to comply or reasonable progress had been made towards compliance with the notice when the PPP gave notice of their intention to enter and take the remedial action.

***Appeals against a financial penalty***

An appeal must be made within 28 days beginning with the day after that on which a final notice to impose a financial penalty was served.

Landlords can appeal the decision to impose the penalty or the amount of the penalty. On appeal the final notice is suspended until the appeal is determined or withdrawn.

END