



Council name	<b>COTSWOLD DISTRICT COUNCIL</b>
Name and date of Committee	<b>CABINET 4 SEPTEMBER 2025</b>
Subject	<b>PRIVATE SECTOR HOUSING CIVIL PENALTIES POLICY AND HOUSE IN MULTIPLE OCCUPATION (HMO) AMENITY STANDARDS</b>
Wards affected	All
Accountable member	Cllr Andrea Pellegram, Cabinet Member for Environment and Regulatory Services Email: <a href="mailto:andrea.pellegram@cotswold.gov.uk">andrea.pellegram@cotswold.gov.uk</a>
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Report author	Philip Measures, Service Leader Email: <a href="mailto:philip.measures@Cotswold.gov.uk">philip.measures@Cotswold.gov.uk</a>
Summary/Purpose	To review and renew the Civil Penalties Enforcement Policy and the HMO Amenity Standards policy.
Annexes	Annex A – The Civil Penalties Enforcement Policy Annex B – The HMO Amenity Standards Annex C – The Equality and Rural Impact Assessment
Recommendation(s)	That Cabinet resolves to: <ol style="list-style-type: none"><li>1. Approve the Policy for Civil Penalties under the Housing and Planning Act 2016 and The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.</li><li>2. Approve the HMO Amenity Standards Policy</li><li>3. Delegate authority for revisions to the Civil Penalties Policy and the issuing of Civil Penalties to the Business Manager, Environmental, Welfare and Revenue Service, in consultation with the Head of Legal Services.</li></ol>



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Corporate priorities	<ul style="list-style-type: none"><li>• Delivering Good Services</li><li>• Delivering Housing</li><li>• Supporting Communities</li></ul>
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Business Manager Housing Portfolio Holder



## **1. EXECUTIVE SUMMARY**

- 1.1** This report is concerned with renewed policies and standards with respect to private sector housing, to take account of legislative changes and new guidance from tribunal decisions.
- 1.2** The Renters Rights Bill currently passing through both Houses, will introduce many changes to Private Sector Housing regulation and these policies seek to prepare for these. The new policies are provided in Annexes A and B.

## **2. BACKGROUND**

- 2.1 The Civil Penalties Enforcement Policy.** The Environmental Health team are responsible for regulating the private rented sector and protecting tenants by ensuring landlords and agents comply with relevant obligations. When enforcement action is necessary, and there is a failure to comply, there are the options of prosecution or the issuance of a Civil Penalty. A policy is required for the process of applying Civil Penalties; this was first introduced in 2019, and it has now been reviewed. The above-mentioned proposed Renters Reform Bill will place a greater demand and expectation on Housing Authorities to improve standards in the private rented sector through advice and regulation. The expectation of the Ministry of Housing, Communities and Local Government is for there to be a greater emphasis on enforcement through the application of Civil Penalties where necessary, and the fines received are used to support the cost of this work. It is therefore important to have a robust Civil Penalties Policy that is up to date with Tribunal decisions on the application of penalties.
- 2.2** The new policy was developed by commissioning the work of Justice for Tenants (JFT), a non-profit organisation that has received grant funding to support local authorities in effectively using Civil Financial Penalties. JFT has, with the support of central government and the Association of Chief Environmental Health Officers, created a model financial penalty policy for local authority use following a detailed review of relevant guidance, the 54 procedural precedents relating to financial penalties, and over half of all First Tier Tribunal appeal decisions.
- 2.3** The new Policy is set out in Annex A.
- 2.4 The HMO Amenity standards.** This was first published originally over a decade ago as a Gloucestershire policy on all HMOs, with additional standards applying to



licensable HMOs, which are subject to licence conditions. An HMO is a House in Multiple Occupation where two or more tenants of different households share facilities. Where there are five or more tenants sharing facilities, a licence is required. These are issued by local authorities, who administer, regulate, and inspect such accommodation. Currently, there are 42 HMOs licensed by the Council.

- 2.5** The change in definition of a licensable HMO has significantly increased the number of licences, and therefore it is appropriate to update the policy to cover all types of HMOs, providing guidance to all interested parties, such as landlords, letting agents, and tenants, on the current standards required and expected. The new Policy is set out in Annex B.

### **3. ALTERNATIVE OPTIONS**

- 3.1** The Council may approve, amend, or reject the proposed policy as it sees fit.

### **4. FINANCIAL IMPLICATIONS**

- 4.1** It is hard to predict what the actual income will be from issuing Civil Penalties and the intention is to secure compliance without the need to serve a civil penalty. Any income from the penalties is ringfenced to the service for enforcement purposes.
- 4.2** There are no financial implications with respect to the HMO amenity policy.

### **5. LEGAL IMPLICATIONS**

- 5.1** The legal framework for the imposition of penalties and enforcement generally, is set out in the Civil Enforcement Policy.
- 5.2** A House in Multiple Occupation (HMO) is a building or part of a building occupied by two or more households as their main residence and who share basic amenities such as a bathroom or a kitchen (Housing Act 2004 Part 7 Section 254). When five or more people occupy an HMO, the HMO requires a licence to be provided by the Local Housing Authority. If a property is operating as a licensable HMO without the required licence, the Council can prosecute the responsible person.
- 5.3** Larger HMOs that are occupied by more than six people, also require planning permission. The duty is on the responsible person to ensure they are compliant with all relevant legislation. Consultation between Environmental Health, Planning and Building Control Services takes place when applications are made, resulting in possible enquiries or investigations from other parts of the Council.



**5.4** Legal enforcement work is underpinned by the Council Enforcement Policy. The Civil Penalties Enforcement Policy and the HMO Amenity Standards are necessary to support Private Sector Housing regulation and enforcement.

**5.5** When legal action is undertaken, the Environmental Health Service will lead on housing offences, supported if required, by the Counter Fraud Enforcement Unit (CFEU). The CFEU will generally lead on Offences under the Proceeds of Crime Act 2002.

## **6. RISK ASSESSMENT**

**6.1** The risk of not having robust and up to date policies is that of challenge to enforcement decisions and having decisions quashed, set aside, or varied. This adds delay and costs in resolving housing issues and improvements for the lives of tenants.

## **7. EQUALITIES IMPACT**

**7.1** Provided in Annex C.

## **8. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

**8.1** There are no direct implications because of this report. However, the better regulation of the private rented sector will include ensuring standards are met concerning for example, excess cold, which is about heating a home more efficiently and effectively. There are, therefore, positive implications in this regard, and there are no negative implications identified from the changes.

## **9. BACKGROUND PAPERS**

**9.1** None  
(END)