served by One Team

South & East Lincolnshire Councils Partnership

DRAFT

APPENDIX A

FEES AND CHARGES

2026 – 2027

ENFORCEMENT POLICY

HOUSING STANDARDS

CONTENTS

Introduction	
Definitions	
Enforcement Notices and Orders: **Housing Act 2004**	
Recovery of Costs for Works in Default	
Houses in Multiple Occupation: **Licensing**	
Public Register of Licensable Houses in Multiple Occupation (HMOs)	
The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014	
The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015	
Smoke and Carbon Monoxide Alarm (England) Regulations 2015	
The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020	
Immigration Inspections	
Delegated Authority and Competency of Officers	
Governance and Review	

DRAFT

INTRODUCTION

The charges within this document have been adopted by the Council and are correct at the time of printing.

This document will be updated periodically to reflect changes in Council policy. Please contact the Housing Standards team at the Council should you wish to check if an updated version of this document has been produced.

Please note that the Council reserves the right to amend, add or revoke these charges at any time.

DEFINITIONS

Where the terms "Council", "Authority" and/or "Local Housing Authority" have been used, these refer to the relevant council applicable across the South & East Lincolnshire Councils Partnership (SELCP) being either; East Lindsey District Council, South Holland District Council or Boston Borough Council. This policy has been adopted across the three and therefore aligns all standards and working practices.

ENFORCEMENT NOTICES AND ORDERS: HOUSING ACT 2004

Where officers of the Council deem it to be the most appropriate course of action, Enforcement Notices or Orders will be served in accordance with the provisions of the Housing Act 2004.

Under Section 49 of the Housing Act 2004 the Council is entitled to recover "reasonable" costs incurred when serving these notices/orders. The costs are to cover the Council's time in considering whether to serve the notice/order, preparing the notice/order and serving the notice/order.

The cost for the service of a formal notice or order is not defined within legislation and it is for each Local Authority to determine the costs. The Council has determined that an amount of £255.00 for the notice/order which includes the rating of the first hazard will be recovered in such circumstances. An amount of £70.00 per hazard rated thereafter will be additionally recovered.

RECOVERY OF COSTS FOR WORKS IN DEFAULT

Where the Council is required to instruct contractors to carry out works, the Council will seek to recover the cost of doing so from the appropriate person(s)/company.

This work could include but it is not limited to:

- Carrying out works to remedy hazards where an Improvement Notice has not been complied with.
- Carrying out works to ensure a property is secured against unauthorised entry
- Carrying out works in accordance with Emergency Notices
- Carrying out works to prevent damage by Pests
- Carrying out works to remedy drainage defects or where a Statutory Nuisance is found to exist.

In addition to any costs incurred by the Council in paying contractors to carry out this work, a sum will be levied in respect of administration costs incurred by the Council. This sum will include time spent arranging for quotations, arranging for the works to be completed, ensuring contractors are

able to access the property, supervision of contractors where necessary and checking of completed works.

This administration charge will be levied at a cost of £35.00 per hour, or part thereof.

An appeal against this demand can only be made where an appeal is made against the underlying notice (Housing Act 2004 Notices) or to the relevant Court (all other Notices).

In all cases an invoice will be issued by the Council's finance department. This invoice will detail the amount to be recovered and the method of payments acceptable to the Council. All invoices must be settled in full within the time period stated on the invoice unless a payment plan is agreed.

Under the provisions of the Housing Act 2004 ("the Act"), there is no right of appeal against this demand unless an appeal is made against the underlying notice/order. Under the provisions of the Act, there is no right of appeal against the service of a Hazard Awareness Notice.

In all cases a "Demand for Payment" will be served on the relevant person(s) or company. Once this demand becomes operative (21 days following date of service), an invoice will be issued by the Councils finance department. This invoice will detail the amount to be recovered and the method of payments acceptable to the Council. All invoices must be settled in full within the time period stated on the invoice unless a payment plan is agreed.

HOUSES IN MULTIPLE OCCUPATION (HMO) LICENSING

Under Part 2 of the Housing Act 2004 certain Houses in Multiple Occupation (HMOs) must be licensed by the Council, and each Council is required to have in place a scheme by which owners of such properties can obtain a licence.

The HMO licensing scheme within the Council area is operated by the Housing Standards Department.

The Council is entitled to charge a licence fee and recover other costs incurred in operating this licensing scheme. The licence fee and associated costs are not specified within the legislation and it is for local Councils to determine the amount to be levied within their area.

The licence fees are to cover the Council's administrative duties for HMO licence applications, and associated costs, some of which are shown below:

- General administration of the scheme, ensuring notices and procedures are up to date and creation of a public register of licensed properties.
- Issuing, receipt of and checking Application Forms for a licence, together with accompanying certificates
- Carrying out a site inspection of the property to determine suitability for licensing
- Review of proposed licence holder to ensure that they satisfy the licensing criteria and are a 'fit and proper person' to hold a licence
- Determining the licensing conditions that are applicable for each property
- Preparation, issuing and checking of a Proposed Licence to all relevant parties

- Receipt and review of any representations made in accordance with the proposed licence.
- Preparation, issuing and checking of a HMO Licence to all relevant parties
- Follow up inspections to ensure that the conditions of the licence are being complied with.

The Council has determined that the following charges will be applied:

New Licence	-	£300.00 for initial application and processing £150.00 for each unit of accommodation
Renewal of existing licence	-	£300.00 for initial application and processing £150.00 for each unit of accommodation

Each licence will be issued for a maximum of 5 years and no licence will be issued until the appropriate sum has been paid.

PUBLIC REGISTER OF LICENSABLE HOUSES IN MULTIPLE OCCUPATION (HMOS)

In accordance with the provisions of the Housing Act 2004 the Council maintains a Public Register of Licensable HMOs within their area. A copy of this document in a pdf format is freely available on the Council's website. This document is an abridged version of the full document and is updated quarterly. A pdf version of the full document is available free of charge upon request.

A printed copy of this register is also available to purchase for a fee of:

Copy of document sent via post or collected from the relevant Office	-	£60.00

The Council will aim to ensure a copy of the register is made available or is posted within 10 working days of the date of the request. Where a printed copy is requested to be sent via post, the Council will accept no liability for non-delivery.

Should you wish to view a physical copy of this document, please contact the Housing Standards team and arrangements can then be made to make this document available for viewing at the relevant office.

THE REDRESS SCHEMES FOR LETTINGS AGENCY WORK AND PROPERTY MANAGEMENT WORK (REQUIREMENT TO BELONG TO A SCHEME ETC) (ENGLAND) ORDER 2014

The above regulations place a responsibility on persons who engage in lettings agency work, or who engage in property management work to belong to a Redress Scheme as specified by the government.

The regulations impose on the Council a duty to enforce the Order, where "on the balance of probabilities", the Council believes that a person who has undertaken such work, or is currently undertaking such work does not belong to an approved scheme.

This enforcement takes the form of issuing a monetary penalty. The amount of this penalty must not exceed £5,000.

DRAFT

The Council has determined that where a person fails to fulfil their obligations under these regulations, the following financial penalties will be levied:

First occasion: £1,000
Second occasion: £2,500
Third and any subsequent occasions: £5,000

THE ENERGY EFFICIENCY (PRIVATE RENTED PROPERTY) (ENGLAND AND WALES) REGULATIONS 2015

These regulations place a responsibility on landlords to ensure that rental properties that are let on a new tenancy after April 2018 have an Energy Efficiency rating of not less than Band E. Properties of band F & G should not be let until suitable remedial works have been undertaken. In addition, from April 2020 it will be an offence to continue to let such a property, even where a tenancy is already in place.

Where the Council has reasonable grounds to believe that a landlord has failed to fulfil their duties under these regulations, the Council can take the following action.

Compliance Notice – this notice can be used in circumstances where the Council requires the landlord to provide specified documents in order to determine the current efficiency banding and tenancy.

Penalty Notice – where the Council is satisfied that an offence has been committed, a notice can be issued requiring the landlord to pay a financial penalty of such amount as decided by the Council, and to carry out such works as may be required in order to ensure the regulations are being complied with.

The Council has determined that where a landlord fails to fulfil their obligations under these regulations, the following financial penalties will be levied:

<u>Failure to Comply with Compliance Notice (Maximum £2,000)</u>

First occasion £500.00
Second occasion £1,000
Third and any subsequent occasions £2,000

<u>Registering False or Misleading Information (Maximum £1,000)</u>

First occasion £500.00
Second occasion £750.00
Third and any subsequent occasions £1,000

<u>Letting a Property in Breach of Contraventions for < 3 months (Maximum £2,000)</u>

First occasion £1,000
Second occasion £1,500
Third and any subsequent occasions £2,000

<u>Letting a Property in Breach of Contraventions for > 3 months (Maximum £4,000)</u>

First occasion £1,500
Second occasion £2,500

Third and any subsequent occasions £4,000

SMOKE AND CARBON MONOXIDE ALARM (ENGLAND) REGULATIONS 2015

The above regulations place a responsibility on landlords to ensure that rental properties are fitted with working smoke alarms on each storey of the property, and in certain circumstances to fit working carbon monoxide alarms.

Where the Council has reasonable grounds to believe that a landlord has failed to fulfil their duties under these regulations, the Council must serve on that landlord a "Remedial Notice."

Should a landlord fail to comply with this notice, the Council must arrange for a suitable contractor to carry out the work, and in addition may require the landlord to pay a penalty charge of such amount as the authority may determine.

The amount of the penalty charge must not exceed £5,000.

The Council has determined that where the Council is required to arrange for detection to be fitted, the following amounts will be charged:

Installation of Alarms

Where a property requires 1 to 3 alarms: £400.00
Where a property requires 4+ alarms: £500.00

The Council has determined that where a landlord fails to fulfil their obligations under these regulations, the following financial penalties will be levied:

Failure to Comply with Remedial Notice

First occasion £1,000
Second occasion £2,500
Third and any subsequent occasions £5,000

THE ELECTRICAL SAFETY STANDARDS IN THE PRIVATE RENTED SECTOR (ENGLAND) REGULATIONS 2020

The above Regulations place a responsibility on landlords to ensure that Electrical Safety Standards within rented properties are met during any period that the property is occupied. This includes a requirement that the installation is inspected/tested by a suitably qualified person at intervals of no more than 5 years (or less if specified within the previous report), and to undertake such further investigative or remedial work as may be identified within that report.

Copies of the report must also be provided to new occupants before that tenant occupies the property, to existing tenants within 28 days of the inspection and test, and to the Council within a period of 7 days of receiving a request to do so.

Where the Council has reasonable grounds to believe that a landlord has failed to fulfil their duties under these regulations, the Council must serve on that landlord a Remedial Notice.

DRAFT

Should a landlord fail to comply with this notice, the Council may arrange for a suitable contractor to carry out the work, and in addition may require the landlord to pay a financial penalty of such amount as the authority may determine.

The amount of the penalty charge must not exceed £30,000.

The Council has determined that where a landlord fails to fulfil their obligations under these regulations, the following financial penalties will be levied:

Failure to comply with Regulation 3

First occasion £5,000
Second occasion £7,500
Third and any subsequent occasions £10,000

Failure to Carry Out Urgent Remedial Action or Further Investigative Work

First occasion £7,500
Second occasion £10,000
Third and any subsequent occasions £15,000

IMMIGRATION INSPECTIONS

In order to obtain an entry visa to the UK, in certain circumstances it is necessary for an inspection to be carried out, this is to determine if the property that is proposed to be used to house the new arrival(s) is suitable.

It has been found within the Council area that there is a lack of suitably qualified professionals to undertake these inspections. As such the Council has agreed to undertake an inspection where requested.

As this is not a statutory function of the Council it has been deemed appropriate to recover the costs of doing so from the person requesting the inspection.

The Council has determined that an amount of £125.00 will be charged for the inspection and any associated administration.

No inspection will be carried out until the appropriate fee has been paid.

Please note that as this is not a statutory function, the Council reserve the right to carry out inspections at its convenience or to decline to carry out inspections where the demands of the service dictate this. In all circumstances the statutory functions of the Council will take precedence. However, requests can be made via the Housing Standards team.

DELEGATED AUTHORITY AND COMPETENCY OF OFFICERS

DRAFT

All officers involved with the enforcement of legislation covered by this appendix will be competent to perform their duties in accordance with the legislation and agreed internal procedures and will carry out continuous professional development to do so. The Council has delegated the authority to serve notices/orders under various Acts and Regulations where the Safer Communities Group Manager has in turn delegated the service of some of these directly to enforcement officers. All notices/orders will be served having regard to this delegation scheme.

Officers authorised under section 113 of the Local Government Act 1972, are able to carry out Council functions outside of their sovereign council.

GOVERNANCE AND REVIEW

The Council's Safer Communities Group Manager is authorised to make amendments to the policy to ensure the Policy remains up to date and to reflect statutory requirements in consultation with the Portfolio Holder.

Version Control			
Issue No	**Author**	**Issue date**	**Reason For Issue**
1.0	Group Manager – Safer Communities		Full update of prevailing legislation, plus alignment of appendix to a single appendix across the South & East Lincolnshire Councils Partnership (SELCP)

Approval		
Issue	**Approval Authority**	**Approval Date**
1.0	(ELDC) (BBC) (SHDC)	

DRAFT