

Appendix 3. Table 1 The effect of the Statutory Guidance, model policy and local market adjustment on levels of Civil Penalty. Individual penalties will vary

Act and Offence or Breach	Civil Penalty Calculation (Stat Guidance)			Local Discount bases on ON S Ave rents for Rotherham & region.			Final penalty Range if paid within 28 days.			Final penalty Range if paid within 28 days inc. Local Discount (46.6%)		
	Statutory Guidance level	Aggravated	Mitigated	46.6% reduction			Penalty after 15% prompt payment reduction			Penalty after 15% prompt payment reduction		
				(A) Civil penalty	(B) 20% increase	(C) 20% decrease	A	B	C	A	B	C
a) Protection from Eviction Act 1977												
Offence												
Unlawful eviction and harassment (s 1(2) and (3))	£35,000	£42,000	£28,000	£18,690	£22,428	£14,952	£29,750	£36,700	£23,800	£15,887	£19,064	£12,708
b) Housing Act 1988 breaches and offences												
Breach												
Attempting to let the property for a fixed term (s16E(1)(a))	£4,000	£4,800	£3,200	£2,136	£2,563	£1,709	£3,400	£4,080	£2,720	£1,816	£2,179	£1,452
Attempting to end the tenancy by service of a notice to quit (s 16E(1)(b))	£6,000	£7,200	£4,800	£3,204	£3,845	£2,563	£5,100	£6,120	£4,080	£2,723	£3,268	£2,179
Attempting to end the tenancy orally, or require that it is ended orally (s 16E(1)(c))	£6,000	£7,200	£4,800	£3,204	£3,845	£2,563	£5,100	£6,120	£4,080	£2,723	£3,268	£2,179
Serving a possession notice that attempts to end the tenancy outside of the prescribed section 8 process (s 16E(1)(d))	£6,000	£7,200	£4,800	£3,204	£3,845	£2,563	£5,100	£6,120	£4,080	£2,723	£3,268	£2,179
Relying on a ground where the person does not reasonably believe that the landlord is/will be able to obtain possession (s16E(1)(e))	£6,000	£7,200	£4,800	£3,204	£3,845	£2,563	£5,100	£6,120	£4,080	£2,723	£3,268	£2,179
Failing to provide a tenant with prior notice that a ground which requires it may be used (s 16E(1)(f))	£3,000	£3,600	£2,400	£1,602	£1,922	£1,282	£2,550	£3,060	£2,040	£1,362	£1,634	£1,089
Failing to issue a written statement of terms within 28 days of an assured tenancy coming into existence (s16D)	£4,000	£4,800	£3,200	£2,136	£2,563	£1,709	£3,400	£4,080	£2,720	£1,816	£2,179	£1,452
Failing to provide an existing tenant with prescribed information about changes made by the Renters' Rights Act (paragraph 7 of schedule 6 to the Renters' Rights Act 2025)	£4,000	£4,800	£3,200	£2,136	£2,563	£1,709	£3,400	£4,080	£2,720	£1,816	£2,179	£1,452
Offence												
Relying on a ground knowing the landlord would not be able to obtain possession or being reckless as to whether they would (s 16J(1))	£30,000	£36,000	£24,000	£16,020	£19,224	£12,816	£25,500	£30,600	£20,400	£13,617	£16,340	£10,894
Reletting or remarketing a property within the 12 month no-let period after using the moving or selling grounds (s16J(2))	£25,000	£30,000	£20,000	£13,350	£16,020	£10,680	£21,250	£25,500	£17,000	£11,348	£13,617	£9,078
Continuing breach, or repeat breach committed within 5 years of receiving a penalty for first breach (s 16J(3) and (4))	Double the starting level for the two constituent											
c) Housing Act 2004 offences												
Offence												
Failure to comply with an improvement notice (s. 30(1))	£25,000	£30,000	£20,000	£13,350	£16,020	£10,680	£21,250	£25,500	£17,000	£11,348	£13,617	£9,078
Mandatory HMO unlicensed (s. 72(1))	£17,000	£20,400	£13,600	£9,078	£10,894	£7,262	£14,450	£17,340	£11,560	£7,716	£9,260	£6,173
Additional HMO unlicensed (s. 72 (1))	£17,000	£20,400	£13,600	£9,078	£10,894	£7,262	£14,450	£17,340	£11,560	£7,716	£9,260	£6,173
Knowingly permitting over-occupation of an HMO (s. 72(2))	£20,000	£24,000	£16,000	£10,680	£12,816	£8,544	£17,000	£20,400	£13,600	£9,078	£10,894	£7,262
Property subject to selective licensing unlicensed (s. 95(1))	£12,000	£14,400	£9,600	£6,408	£7,690	£5,128	£10,200	£12,240	£8,160	£5,447	£6,536	£4,357
Failure to comply with an overcrowding notice (s. 139(7))	£20,000	£24,000	£16,000	£10,680	£12,816	£8,544	£17,000	£20,400	£13,600	£9,078	£10,894	£7,262
Breach of HMO management regulations (SI 2006/372 and SI 2007/1903 (in respect of s257 HMOs) made under s234(1))												
Failure to provide information to the occupier	£3,000	£3,600	£2,400	£1,602	£1,922	£1,282	£2,550	£3,060	£2,040	£1,362	£1,634	£1,089
Failure to take safety measures	£20,000	£24,000	£16,000	£10,680	£12,816	£8,544	£17,000	£20,400	£13,600	£9,078	£10,894	£7,262
Failure to maintain water supply and drainage	£10,000	£12,000	£8,000	£5,340	£6,408	£4,272	£8,500	£10,200	£6,800	£4,539	£5,447	£3,631
Failure to supply and maintain gas and electricity or supply gas safety certificate	£12,000	£14,400	£9,600	£6,408	£7,690	£5,128	£10,200	£12,240	£8,160	£5,447	£6,536	£4,357
Failure to maintain common parts	£7,000	£8,400	£5,600	£3,738	£4,486	£2,990	£5,950	£7,140	£4,760	£3,177	£3,813	£2,542
Failure to maintain living accommodation	£7,000	£8,400	£5,600	£3,738	£4,486	£2,990	£5,950	£7,140	£4,760	£3,177	£3,813	£2,542
Failure to provide adequate waste disposal facilities	£7,000	£8,400	£5,600	£3,738	£4,486	£2,990	£5,950	£7,140	£4,760	£3,177	£3,813	£2,542
d) Housing and Planning Act 2016 offences												
Offence				NO LOCAL REDUCTION						NO LOCAL REDUCTION		
Breach of a banning order (s.21(1))	£35,000	£42,000	£28,000				£29,750	£36,700	£23,800			
e) Renters' Rights Act 2025 breaches												
Breach												
Discrimination against those on benefits or with children in the lettings process (s. 33 and s.34)	£6,000	£7,200	£4,800	£3,204	£3,845	£2,563	£5,100	£6,120	£4,080	£2,723	£3,268	£2,179
Failure to specify proposed rent within a written advertisement or offer (s. 56(2))	£3,000	£3,600	£2,400	£1,602	£1,922	£1,282	£2,550	£3,060	£2,040	£1,362	£1,634	£1,089
Inviting, encouraging or accepting any offer of rent greater than the advertised rate (s. 56(3))	£4,000	£4,800	£3,200	£2,136	£2,563	£1,709	£3,400	£4,080	£2,720	£1,816	£2,179	£1,452

Table 2. The effect of the model policy and local market adjustment on levels of civil penalties outside of the Statutory Guidance. Individual penalties will vary

Proposed Civil penalty levels (discretionary) not in Stat Guidance	Civil Penalty Calculation model policy suggested			Local Discount bases on ON S Ave rents for Rotherham & Region.			Final penalty Range if paid within 28 days.			Final penalty Range if paid within 28 days inc. Local Discount (46.6%)		
	Discretionary starting point	Aggravated	Mitigated	46.6% reduction			Penalty after 15% prompt payment reduction			Penalty after 15% prompt payment reduction		
				(A) Civil penalty	(B) 20% increase	(C) 20% decrease	A	B	C	A	B	C
Breach of HMO licence conditions –												
Breach of licence conditions – Section 72(3) Housing Act 2004 (lowest harm)	£4,000	£4,800	£3,200	£2,136	£2,568	£1,709	£3,400	£4,080	£2,720	£1,816	£2,179	£1,452
Breach of licence conditions – Section 72(3) Housing Act 2004 (lower harm)	£7,000	£8,400	£5,600	£3,738	£4,486	£2,990	£5,950	£7,140	£4,760	£3,177	£3,813	£2,542
Breach of licence conditions – Section 72(3) Housing Act 2004 (medium harm)	£12,500	£15,000	£10,000	£6,675	£8,010	£5,340	£10,625	£12,750	£8,500	£5,674	£6,809	£4,539
Breach of licence conditions – Section 72(3) Housing Act 2004 (High harm)	£20,000	£24,000	£16,000	£10,680	£12,816	£8,544	£17,000	£20,400	£13,600	£9,078	£10,894	£7,282
Breach of licence conditions – Section 72(3) Housing Act 2004 (highest harm)	£25,000	£30,000	£20,000	£13,350	£16,020	£10,680	£21,250	£25,500	£17,000	£11,348	£13,617	£9,078
Selective Licensing. Breach of licence conditions – Section 95(2) Housing Act 2004												
Breach of licence conditions – Section 95(2) Housing Act 2004 (lowest harm)	£3,000	£3,600	£2,400	£1,602	£1,922	£1,282	£2,550	£3,060	£2,040	£1,362	£1,634	£1,089
Breach of licence conditions – Section 95(2) Housing Act 2004 (medium harm)	£5,250	£6,300	£4,200	£2,804	£3,364	£2,243	£4,463	£5,355	£3,570	£2,383	£2,860	£1,906
Breach of licence conditions – Section 95(2) Housing Act 2004 (High harm)	£9,375	£11,250	£7,500	£5,006	£6,008	£4,005	£7,969	£9,563	£6,375	£4,255	£5,106	£3,404
Breach of licence conditions – Section 95(2) Housing Act 2004 (highest harm)	£15,000	£18,000	£12,000	£8,010	£9,612	£6,408	£12,750	£15,300	£10,200	£6,809	£8,170	£5,447
The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020												
Breach of licence conditions – Section 95(2) Housing Act 2004 (lowest harm)	£5,000	£6,000	£4,000	£2,670	£3,204	£2,136	£4,250	£5,100	£3,400	£2,270	£2,723	£1,816
Breach of licence conditions – Section 95(2) Housing Act 2004 (medium harm)	£12,500	£15,000	£10,000	£6,675	£8,010	£5,340	£10,625	£12,750	£8,500	£5,674	£6,809	£4,539
Breach of licence conditions – Section 95(2) Housing Act 2004 (High harm)	£20,000	£24,000	£16,000	£10,680	£12,816	£8,544	£17,000	£20,400	£13,600	£9,078	£10,894	£7,282
The Smoke and Carbon Monoxide Alarm (England) Regulations 2015												
	Starting	Min	Max									
The Smoke and Carbon Monoxide Alarm (England) Regulations 2015	£3,000	£2,500	£5,000	£1,602	£1,336	£2,670	£2,550	£2,125	£4,250	£1,362	£1,135	£2,270
<small>Minimum Energy Efficiency Standards (MEES)</small>												
The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015												
(a) letting a property with an F or G rating for less than 3 months: £2,000	£2,000			NO LOCAL REDUCTION			£1,700			NO LOCAL REDUCTION		
(b) letting a property with an F or G rating for more than 3 months: £4,000	£4,000						£3,400					
(c) registering false or misleading information on the PRS exemptions register: £1,000	£1,000						£850					
(d) failing to provide information to the Council if demanded by a compliance notice: £2,000	£2,000						£1,700					