

Policy - Civil Penalties under the Housing and Planning Act 2016 and The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

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Content

1. Introduction	1
2. Statutory Guidance	2
3. Other policy aims	3
4. Civil Penalties Matrix	4
5. Offences where a civil penalty may be levied as an alternative to prosecution and relevant considerations as to the level of that penalty	5
6. Process for imposing a civil penalty and the right to make representations	23
7. Discounts	24
8. Appendices	25
Appendix 1. Camden Councils HMO licensing conditions in full	26
Appendix 2. Licence conditions grouped by severity of offence	30

1. Introduction

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

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

Section 126 and Schedule 9 of the Housing and Planning Act 2016 provide local authorities with the power, through the insertion of section 249A Housing Act 2004, to impose a civil penalty as an alternative to prosecution in respect of the following offences under the Housing Act 2004:

- Failure to comply with an Improvement Notice [section 30]

- Offences in relation to licensing of Houses in Multiple Occupation (HMOs) under Part 2 [section 72]
- Offences in relation to the Selective Licensing of 'houses' under Part 3 [section 95]
- Failure to comply with an Overcrowding Notice [section 139]
- Failure to comply with a management regulation in respect of an HMO [section 234]

Regulation 11 of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 provides local authorities with the power to impose a civil penalty in respect of breaches of Regulation 3 of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.

In addition, section 23 of the Housing and Planning Act 2016 provides that a civil penalty may be imposed in respect of a breach of a Banning Order.

The Council has the power to impose a civil penalty of up to a maximum of £30,000 for each separate offence. If multiple offenders have committed the same offence at the same property, a separate civil penalty can, and usually will, be imposed on each offender. In each case, the level of civil penalty imposed on each offender will be in line with this policy.

This document outlines the Council's policy in setting the level of a civil penalty in each case where it has been determined to issue a civil penalty as an alternative to prosecution proceedings.

The Council considers the need for transparency and consistency in the discharge of its functions under the Housing Act 2004 to be of primary importance. The general objective of this policy is, therefore, to promote both transparency and consistency in the imposition of financial penalties under the 2004 Act so that, for example, those managing and having control of rented properties in the Council (a) know how the Council will generally penalise relevant offences and (b) are assured that, generally, like cases will be penalised similarly, and different cases penalised differently. The further objectives of using financial penalties in particular as a means of enforcing the above offences are explained below.

2. Statutory Guidance

The Government has issued statutory guidance under Schedule 9 of the Housing & Planning Act 2016 entitled "Civil penalties under the Housing and Planning Act 2016. Guidance for Local Housing Authorities". The Council has regard to this guidance in the exercise of their functions in respect of civil penalties.

Paragraph 3.5 of the statutory guidance states that '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'. The same paragraph sets out several factors that should be taken into account to ensure that the civil penalty is set at an appropriate level in each case:

a. **Severity of the offence.** The more serious the offence, the higher the penalty should be.

b. **Culpability and track record of the offender.** A higher penalty will be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities. Landlords are running a business and should be expected to be aware of their legal obligations.

c. **The harm caused to the tenant.** This is a very important factor when determining the level of penalty. The greater the harm or the potential for harm (this may be as perceived by the tenant), the higher the amount should be when imposing a civil penalty.

d. **Punishment of the offender.** A civil penalty should not be regarded as an easy or lesser option compared to prosecution. While the penalty should be proportionate and reflect both the severity of the offence and whether there is a pattern of previous offending, it is important that it is set at a high enough level to help ensure that it has a real economic impact on the offender and demonstrate the consequences of not complying with their responsibilities.

e. **Deter the offender from repeating the offence.** The ultimate goal is to prevent any further offending and help ensure that the landlord fully complies with all of their legal responsibilities in future. The level of the penalty should therefore be set at a high enough level such that it is likely to deter the offender from repeating the offence.

f. **Deter others from committing similar offences.** , The fact that someone has received a civil penalty will be recorded in the public domain via the Rogue Landlord Database run by the Greater London Authority. Furthermore, it is possible that other landlords in the local area will become aware through informal channels when someone has received a civil penalty. An important part of deterrence is the realisation that (a) the local authority is proactive in levying civil penalties where the need to do so exists and (b) that the level of civil penalty will be set at a high enough level to both punish the offender and deter repeat offending.

g. **Remove any financial benefit the offender may have obtained as a result of committing the offence.** The guiding principle here should be to ensure that the offender does not benefit as a result of committing an offence, i.e. it should not be cheaper to offend than to ensure a property is well maintained and properly managed.

The factors detailed in the statutory guidance and policy aims will be considered by the Council when deciding where, within the Civil Penalties matrix below, a particular offence and penalty fall.

3. Other Policy Aims

The Council is mindful that despite its best efforts, many landlords may operate unlawfully for a significant period of time without detection, and only a proportion of landlords committing relevant offences will be discovered. The Council is, therefore, mindful that when deciding to impose a Civil Penalty, it should create an environment where it is clear to the offender and others that operating unlawfully as a landlord will be financially disadvantageous when compared to operating lawfully.

The Council intends to create an environment where landlords engage with the Council's requests and demands fulsomely, openly and honestly. This helps create a level playing field which supports the aims of transparency and consistency. No landlord should be able to financially benefit from withholding information the Council deems relevant that is, or should be, in their control to disclose. It is expected that fulsome and complete supporting evidence is provided to support any Written Representations received in response to a Notice of Intent.

4. Civil Penalties Matrix

In determining the level of a civil penalty, officers will have regard to the matrix set out below, which is to be read in conjunction with the associated guidance. The matrix is intended to provide indicative 'starting level' under the various offence categories, with the final level of the civil penalty adjusted in each case, taking into account aggravating and mitigating factors the Council deems significant including, but not limited to, factors relating to the track record and culpability of the landlord and the actual or potential harm to the occupants.

In deciding what level of penalty to impose, officers will conduct the following four stage process. First, they will consider the seriousness of the relevant housing offence to identify a starting level of the penalty. Second, an assessment of the number of rental properties controlled or owned or managed by the landlord and/or their experience in the letting/management of property will be considered, which may have the effect of increasing or decreasing the penalty. Third, aggravating and mitigating factors that may relate to a number of factors including, but not limited to, culpability, track record and harm will be considered, which may have the effect of increasing or decreasing the penalty. Fourth, if any of the Discounts, as set out below, apply, the penalty will be decreased.

Once the seriousness of the relevant housing offence has been identified, the starting level of the penalty will be identified using the table below with the headings 'Seriousness of offence' and 'Starting level [£]'. Consideration of the number and type of rental properties controlled or owned or managed may adjust the penalty.

To reflect the seriousness of the offence(s) in question, the presence of one or more mitigating factors will rarely result in the penalty being decreased in excess of a total of £5,000. In exceptional circumstances, officers may determine that the presence of one or more mitigating factors justify a decrease in the penalty in excess of £5,000. The presence of numerous mitigating factors will not automatically be considered as exceptional circumstances.

The Council has not provided a list of mitigating factors in this policy because it acknowledges that there are myriad possible circumstances that might give rise to mitigation.

To ensure that any penalty imposed is proportionate to the offending behaviour the presence of one or more aggravating factors will rarely result in the penalty being increased in excess of a total of £5,000. In exceptional circumstances, officers may determine that the presence of one or more aggravating factors justify a increase in the penalty in excess of £5,000. The presence of numerous aggravating factors will not automatically be considered as exceptional circumstances.

The Council may, exceptionally, including for the reason given above, increase the penalty by greater than £5,000 on account of aggravating factors or, again exceptionally, decrease it by greater than £5,000 on account of mitigating factors. In order to meet the objectives of this policy, including the need for transparency and consistency in the use of such penalties, the Council will exercise its discretion to increase or decrease a penalty by greater than £5,000 on account of aggravating or mitigating factors in exceptional circumstances only excluding any Discounts as set out below. The Council will consider on a case-by-case basis whether any such circumstances exist.

Seriousness of offence	Starting level [£]
Mild	2,500
Moderate	7,500
Serious	12,500
Very Serious	17,500
Severe	22,500
Very Severe	27,500

5. Offences where a civil penalty may be levied as an alternative to prosecution and relevant considerations as to the level of that penalty

Failure to comply with an Improvement Notice - Section 30 of the Housing Act 2004

Maximum Court fine following prosecution that can be levied for failure to comply with an Improvement Notice - Unlimited

An Improvement Notice served under Part 1 Housing Act 2004 specifies repairs/improvements that the recipient should carry out in order to address one or more identified Category 1 and/or Category 2 hazards in a property. Category 1 hazards are the most serious hazards, judged to have the highest risk of harm to the occupiers; the Council has a duty to take appropriate action where a dwelling is found to have one or more Category 1 hazards present.

In some cases, the service of an Improvement Notice will have followed an informal stage, where the landlord had been given the opportunity to carry out

improvements without the need for formal action. In such cases, an identified failure to comply with an Improvement Notice will represent a continued failure on the part of the landlord to deal appropriately with one or more significant hazards affecting the occupier[s] of the relevant dwelling.

The Council would view the offence of failing to comply with the requirements of an Improvement Notice as a significant issue, exposing the tenant[s] of a dwelling to one or more significant hazards.

The seriousness of the offence is viewed by the Council as being a Severe matter, attracting a financial penalty with a starting level of £22,500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing one or two dwellings, including no more than one HMO, with no other relevant factors or aggravating features [see below], will reduce by £5,000, attracting a civil penalty of £17,500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, including no more than two HMOs, or two dwellings, both of which are HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £22,500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being, six or more dwellings, including no more than three HMOs; or three or more HMOs, irrespective of the size of the portfolio, or who has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5,000, attracting a civil penalty of £27,500. This category includes corporate landlords.

Aggravating features/factors specific to non-compliance with an Improvement Notice

- The nature and extent of hazards that are present. Multiple hazards and/or severe/extreme hazards that are considered to have a significant impact on the health and/or safety of the occupant[s] in the property or their guests would justify an increase in the level of the civil penalty.

Generic aggravating features/factors

The Council will have regard to general factors in determining the final level of the civil penalty including, but not limited to:

- A previous history of non-compliance would justify an increased civil penalty. Non-exhaustive examples of previous non-compliance would include previous successful prosecutions [including recent convictions that were 'spent'], receipt of financial penalties, rent repayment orders, works in default of the landlord and breaches of regulations/obligations, irrespective of whether these breaches had been the subject of separate formal action.

- A failure to cooperate with a Council investigation. Non-exhaustive examples of failure to cooperate would include failing to comply with a s.16 Local Government (Miscellaneous Provisions) Act 1976 notice, failing to comply with a s.235 Housing Act 2004 notice, failing to provide a substantive response to a letter of alleged offence.
- Deliberate intent when committing the offence. Non-exhaustive examples of deliberate intent would include knowledge that the offence was occurring, committing the offence after relevant correspondence was sent by the Council.
- The number of residents placed at risk.
- Offending over an extended period of time i.e. 3 months or longer.
- Whether any vulnerable residents were in occupation at the time of the offence. Non-exhaustive examples of vulnerable residents include young adults and children, persons vulnerable by virtue of age, persons vulnerable by virtue of disability or sensory impairment, persons with a drug or alcohol addiction, victims of domestic abuse, children in care or otherwise vulnerable by virtue of age, people with complex health conditions, people who do not speak English as their first language, victims of trafficking or sexual exploitation, refugees, asylum seekers.

Failure to License offences

Failure to license an 'HMO' – Section 72(1) of the Housing Act 2004

The Council would view the offence of failing to license an HMO as a significant failing; HMO Licensing helps regulate management, conditions, standards and safety in the properties considered to represent a higher risk to tenants as regards such matters as fire safety and overcrowding.

This seriousness of the offence is viewed by the Council as being a Very Serious matter, attracting a financial penalty with a starting level of £17,500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing only one HMO, and no more than one other dwelling that is not an HMO, with no other relevant factors or aggravating features [see below], will reduce by £5,000, attracting a civil penalty of £12,500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, including no more than two HMOs, or two dwellings, both of which are HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £17,500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, including no more than three HMOs; or three or more HMOs, irrespective of the size of the portfolio, or has demonstrated experience in the

letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5,000, attracting a civil penalty of £22,500. This category includes corporate landlords.

Aggravating features/factors specific to failure to licence offences

- The condition of the unlicensed property - significant hazards that are present would justify an increase in the level of the civil penalty. Equally, an HMO that was found to be poorly managed and/or lacking amenities/fire safety precautions and/or overcrowded would also justify an increased civil penalty.
- Any demonstrated evidence that the landlord/agent was familiar with the need to obtain a property licence e.g. the fact that they were a named licence holder or manager in respect of an already licensed premises.

Generic aggravating features/factors

As set out under 'Failure to comply with an Improvement Notice' above.

Failure to Comply with an Overcrowding Notice – Section 139 of the Housing Act 2004

Maximum Court fine following prosecution that can be levied for failure to comply with an Overcrowding Notice – Unlimited

Section 139 Housing Act 2004 allows the Council to serve an Overcrowding Notice in respect of an HMO that is not required to be licensed under Part 2 Housing Act 2004. The notice specifies, on a room-by-room basis, the maximum number of persons allowed to occupy each room as sleeping accommodation or that the room is not considered suitable for that purpose.

The Council would view the offence of failing to comply with the requirements of an Overcrowding Notice as a significant matter, exposing the tenant[s] of an HMO to unacceptably cramped living conditions.

The seriousness of the offence is viewed by the Council as being a Very Serious matter, attracting a financial penalty with a starting level of £17,500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing one or two dwellings, including no more than one HMO, with no other relevant factors or aggravating features [see below], will reduce by £5,000, attracting a civil penalty of £12,500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, including no more than two HMOs, or two dwellings, both of which are HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £17,500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being, six or more

dwellings, including no more than three HMOs; or three or more HMOs, irrespective of the size of the portfolio, or who has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5,000, attracting a civil penalty of £22,500. This category includes corporate landlords.

Aggravating features/factors specific to non-compliance with an Overcrowding Notice

- The level of overcrowding present – breaches that related to over-occupation of multiple rooms or extreme over-occupation of an individual room would justify a higher civil penalty.

Generic aggravating features/factors

As set out under 'Failure to comply with an Improvement Notice' above.

Failure to Comply with a Banning Order – Section 21 of the Housing And Planning Act 2016

Maximum Court fine that can be levied for failure to comply with a Banning Order following prosecution – Unlimited. In addition, the Court can also impose a prison sentence for up to 51 weeks.

The Housing and Planning Act 2016 includes provisions and processes for a person to be banned from being involved, for a specified period, in one or more of the following activities:

- Letting housing
- Engaging in letting agency work
- Engaging in property management work

Banning Orders are reserved for what are recognised as being the most serious housing-related offences. In the event that the Council was satisfied that the offence of breaching a Banning Order had occurred, this would normally be the subject of prosecution proceedings. Where it was determined that a civil penalty would be appropriate in respect of a breach of a Banning Order, this would normally be set at the maximum level of £30,000 to reflect the severity of the offence.

Failure to Comply with The Management of Houses in Multiple Occupation [England] Regulations 2006 and The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007

Maximum Court fine following prosecution that can be levied for failure to comply with each individual regulation - unlimited

The Management of Houses in Multiple Occupation (England) Regulations 2006 impose duties on the persons managing HMOs in respect of:

- Providing information to occupiers [Regulation 3]

- Taking safety measures, including fire safety measures [Regulation 4]
- Maintaining the water supply and drainage [Regulation 5]
- Supplying and maintaining gas and electricity, including having these services/appliances regularly inspected [Regulation 6]
- Maintaining common parts [Regulation 7]
- Maintaining living accommodation [Regulation 8]
- Providing sufficient waste disposal facilities [Regulation 9]

The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 impose duties on the persons managing HMOs as defined by Section 257 Housing Act 2004 in respect of:

- Providing information to occupiers [regulation 4]
- Taking safety measures, including fire safety measures [regulation 5]
- Maintaining the water supply and drainage [regulation 6]
- Supplying and maintaining gas and electricity, including having these services/appliances regularly inspected [regulation 7]
- Maintaining common parts [regulation 8]
- Maintaining living accommodation [regulation 9]
- Providing sufficient waste disposal facilities [regulation 10]

It is important that the manager of an HMO complies with all regulations, but the Council recognises that a failure to comply with certain regulations is likely to have a much bigger impact on the safety and comfort of residents than others.

Failure to comply with the duty of manager to provide information to occupier

The Council would view the seriousness of the offence of failing to comply with the duty of the manager to provide information to occupier as a Mild matter, attracting a financial penalty with a starting level of £2,500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing one or two dwellings, including no more than one HMO, with no other relevant factors or aggravating features [see below], will reduce by £2,000, attracting a civil penalty of £500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, including no more than two HMOs, or two dwellings, both of which are HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £2,500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, including no more than three HMOs; or three or more HMOs, irrespective of the size of the portfolio, or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £2,000, attracting a civil penalty of £4,500.

Aggravating features/factors specific to Management Regulation breach offences

- Multiple and/or significant deficiencies within the regulation

Generic aggravating features/factors

As set out under 'Failure to comply with an Improvement Notice' above.

Duty of manager to take safety measures

The Council would view the seriousness of the offence of failing to comply with the duty of the manager to take safety measures as a Very Serious matter, attracting a financial penalty with a starting level of £17,500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing one or two dwellings, including no more than one HMO, with no other relevant factors or aggravating features [see below], will reduce by £5,000, attracting a civil penalty of £12,500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, including no more than two HMOs, or two dwellings, both of which are HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £17,500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, including no more than three HMOs; or three or more HMOs, irrespective of the size of the portfolio, or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5,000, attracting a civil penalty of £22,500.

Aggravating features/factors specific to Management Regulation breach offences

- Multiple and/or significant deficiencies within the regulation

Generic aggravating features/factors

As set out under 'Duty of manager to take safety measures' above.

Duty of manager to maintain water supply and drainage

The Council would view the seriousness of the offence of failing to comply with the duty of the manager to maintain the water supply and drainage as a Serious matter, attracting a financial penalty with a starting level of £12,500.

Under the Council's policy the civil penalty for a landlord controlling / owning / managing one or two dwellings, including no more than one HMO, with no other relevant factors or aggravating features [see below], will reduce by £5,000, attracting a civil penalty of £7,500.

Under the Council's policy, the civil penalty for a landlord controlling / owning/ managing a significant property portfolio, being three, four, or five dwellings, including no more than two HMOs, or two dwellings, both of which are HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £12,500.

Under the Council's policy, the civil penalty for a landlord controlling / owning / managing a large property portfolio, being six or more dwellings, including no more than three HMOs; or three or more HMOs, irrespective of the size of the portfolio, or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5,000, attracting a civil penalty of £17,500.

Aggravating features/factors specific to Management Regulation breach offences
As set out under 'Duty of manager to take safety measures'. above.

Generic aggravating features/factors
As set out under 'Failure to comply with an Improvement Notice' above.

Duty of manager to supply and maintain gas and electricity

The Council would view the seriousness of the offence of failing to comply with the duty of the manager to maintain the gas and electricity supply as a Serious matter, attracting a financial penalty with a starting level of £12,500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing one or two dwellings, including no more than one HMO, with no other relevant factors or aggravating features [see below], will reduce by £5,000, attracting a civil penalty of £7,500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, including no more than two HMOs, or two dwellings, both of which are HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £12,500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, including no more than three HMOs; or three or more HMOs, irrespective of the size of the portfolio, or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5,000, attracting a civil penalty of £17,500.

Aggravating features/factors specific to Management Regulation breach offences
As set out under 'Duty of manager to take safety measures' above.

Generic aggravating features/factors
As set out under 'Failure to comply with an Improvement Notice' above.

Duty of manager to maintain common parts, fixtures, fittings and appliances

The Council would view the seriousness of the offence of failing to comply with the duty of the manager to maintain the common parts, fixture, fittings and appliances as a Moderate matter, attracting a financial penalty with a starting level of £7,500.

Under the Council's policy the civil penalty for a landlord controlling / owning / managing one or two dwellings, including no more than one HMO, with no other relevant factors or aggravating features [see below], will reduce by £5,000, attracting a civil penalty of £2,500.

Under the Council's policy, the civil penalty for a landlord controlling / owning / managing a significant property portfolio, being three, four, or five dwellings, including no more than two HMOs, or two dwellings, both of which are HMOs, , with no other relevant factors or aggravating features [see below], will attract a civil penalty of £7,500.

Under the Council's policy, the civil penalty for a landlord controlling / owning / managing a large property portfolio, being six or more dwellings, including no more than three HMOs; or three or more HMOs, irrespective of the size of the portfolio, or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5,000, attracting a civil penalty of £12,500.

Aggravating features/factors specific to Management Regulation breach offences
As set out under 'Duty of manager to take safety measures' above.

Generic aggravating features/factors

As set out under 'Failure to comply with an Improvement Notice' above.

Duty of manager to maintain living accommodation

The Council would view the seriousness of the offence of failing to comply with the duty of the manager to maintain the living accommodation as a Moderate matter, attracting a financial penalty with a starting level of £7,500.

Under the Council's policy the civil penalty for a landlord controlling / owning / managing one or two dwellings, including no more than one HMO, with no other relevant factors or aggravating features [see below], will reduce by £5,000, attracting a civil penalty of £2,500.

Under the Council's policy, the civil penalty for a landlord controlling / owning / managing a significant property portfolio, being three, four, or five dwellings, including no more than two HMOs, or two dwellings, both of which are HMOs,, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £7,500.

Under the Council's policy, the civil penalty for a landlord controlling / owning / managing a large property portfolio, being six or more dwellings, including no more than three HMOs; or three or more HMOs, irrespective of the size of the portfolio, or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5,000, attracting a civil penalty of £12,500.

Aggravating features/factors specific to Management Regulation breach offences
As set out under 'Duty of manager to take safety measures' above.

Generic aggravating features/factors
As set out under 'Failure to comply with an Improvement Notice' above.

Duty to provide waste disposal facilities

The Council would view the seriousness of the offence of failing to comply with the duty of the manager to provide waste disposal facilities as a Moderate matter, attracting a financial penalty with a starting level of £7,500.

Under the Council's policy the civil penalty for a landlord controlling / owning / managing one or two dwellings, including no more than one HMO, with no other relevant factors or aggravating features [see below], will reduce by £5,000, attracting a civil penalty of £2,500.

Under the Council's policy, the civil penalty for a landlord controlling / owning / managing a significant property portfolio, being three, four, or five dwellings, including no more than two HMOs, or two dwellings, both of which are HMOs,, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £7,500.

Under the Council's policy, the civil penalty for a landlord controlling / owning / managing a large property portfolio, being six or more dwellings, including no more than three HMOs; or three or more HMOs, irrespective of the size of the portfolio, or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5,000, attracting a civil penalty of £12,500.

Aggravating features/factors specific to Management Regulation breach offences
As set out under 'Duty of manager to take safety measures' above.

Generic aggravating features/factors
As set out under 'Failure to comply with an Improvement Notice' above.

Breach of licence conditions – Section 72(3) Housing Act 2004

Maximum Court fine following prosecution that can be levied for failure to comply with a licence condition - unlimited

All granted HMO licences impose a set of conditions on the licence holder. These conditions impose a variety of obligations relating to the letting, management and condition of the rented property.

It is important that the manager of a licensed property complies with all imposed conditions, but the Council recognises that a failure to comply with certain licence conditions is likely to have a much bigger impact on the safety and comfort of residents than others.

Severity: Mild. Failure by licence holder to comply with licence conditions requiring them to:

Summary
Display manager's contact details in common parts and provide emergency number
Display licence and licence conditions in common parts; issue to tenants
Provide tenants with written terms of occupancy
Provide names of occupiers and dates of occupation
Attend council-required training courses (Code of Practice)
Carry out items on schedule of works in relation to providing updated safety certificates
Carry out items on schedule of works not otherwise mentioned in licence conditions relating to non-compliance with items on schedule of works

The Council would view the seriousness of the offence of failing to comply with a licence condition relating to the breaches set out in the table directly above as a **Mild** matter, attracting a financial penalty with a starting level of £2,500.

Under the Council's policy the civil penalty for a landlord controlling / owning / managing one or two dwellings, including no more than one HMO, with no other relevant factors or aggravating features [see below], will reduce by £2,000, attracting a civil penalty of £500.

Under the Council's policy, the civil penalty for a landlord controlling / owning / managing a significant property portfolio, being three, four, or five dwellings, including no more than two HMOs, or two dwellings, both of which are HMOs,, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £2,500.

Under the Council's policy, the civil penalty for a landlord controlling / owning / managing a large property portfolio, being six or more dwellings, including no more than three HMOs; or three or more HMOs, irrespective of the size of the portfolio, or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £2,000, attracting a civil penalty of £4,500.

Aggravating features/factors specific to Licence Condition breach offences

-
- Multiple and/or significant breaches of licence conditions

Generic aggravating features/factors

As set out under 'Failure to comply with an Improvement Notice' above.

Severity: Moderate. Failure by licence holder to comply with licence conditions requiring them to:

Summary
Provide safety declaration for electrical appliances/furniture
Ensure furniture meets Fire Safety Regulations 1988
Provide adequate recycling/rubbish containers and storage
Comply with Camden's waste management schemes
Provide tenants with information regarding their waste management responsibilities*
Keep gardens/yards free from discarded furniture, electrical items, bedding and refuse*
Address pest infestations unless tenant-caused
Notify Camden of material changes to licence holder, property, or management
Arrange access for inspections to ensure compliance
Carry out items on schedule of works in relation to provision of mechanical extraction or electrical sockets

* Come into effect 8th December 2025 upon commencement of the new additional HMO licensing scheme designation.

The Council would view the seriousness of the offence of failing to comply with a licence condition relating to the breaches set out in the table directly above as a **Moderate** matter, attracting a financial penalty with a starting level of £7,500.

Under the Council's policy the civil penalty for a landlord controlling / owning / managing one or two dwellings, including no more than one HMO, with no other relevant factors or aggravating features [see below], will reduce by £5,000, attracting a civil penalty of £2,500.

Under the Council's policy, the civil penalty for a landlord controlling / owning / managing a significant property portfolio, being three, four, or five dwellings, including no more than two HMOs, or two dwellings, both of which are HMOs,, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £7,500.

Under the Council's policy, the civil penalty for a landlord controlling / owning / managing a large property portfolio, being six or more dwellings including no more than three HMOs; or three or more HMOs, irrespective of the size of the portfolio, or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or

aggravating factors [see below], will increase by £5,000, attracting a civil penalty of £12,500.

Aggravating features/factors specific to Licence Condition breach offences

- Multiple and/or significant breaches of licence conditions

Generic aggravating features/factors

As set out under 'Failure to comply with an Improvement Notice' above.

Severity: Serious. Failure by licence holder to comply with licence conditions requiring them to:

Summary
Ensure the property is maintained in good order and repair (applies where no other licence condition applies)
Take steps to prevent/reduce anti-social behaviour (ASB)
Provide evidence of ASB management practice
Ensure occupancy terms include anti-social behaviour prohibition
Submit annual Gas Safety Certificate and provide to occupants
Provide Electrical Installation Condition Report (EICR) on request
Carry out PAT test on landlord-supplied appliances annually and provide report to the Council upon request
Provide fire risk assessment (FRA) under Regulatory Reform Order 2005
Advise Camden of proposed changes affecting HMO licence/conditions
Carry out items on schedule of works in relation to the provision of personal hygiene facilities, kitchen facilities or heating

The Council would view the seriousness of the offence of failing to comply with a licence condition relating to the breaches set out in the table directly above as a **Serious** matter, attracting a financial penalty with a starting level of £12,500.

Under the Council's policy the civil penalty for a landlord controlling / owning / managing one or two dwellings, including no more than one HMO, with no other relevant factors or aggravating features [see below], will reduce by £5,000, attracting a civil penalty of £7,500.

Under the Council's policy, the civil penalty for a landlord controlling / owning / managing a significant property portfolio, being three, four, or five dwellings, including no more than two HMOs, or two dwellings, both of which are HMOs,, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £12,500.

Under the Council's policy, the civil penalty for a landlord controlling / owning / managing a large property portfolio, being six or more dwellings, including no more than three HMOs; or three or more HMOs, irrespective of the size of the portfolio, or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or

aggravating factors [see below], will increase by £5,000, attracting a civil penalty of £17,500.

Aggravating features/factors specific to Licence Condition breach offences

- Multiple and/or significant breaches of licence conditions

Generic aggravating features/factors

As set out under 'Failure to comply with an Improvement Notice' above.

Severity: Very Serious. Failure by licence holder to comply with licence conditions requiring them to:

Summary
Ensure occupation does not exceed max persons/households or allow use of zero-rated rooms
Ensure compliance with minimum room size standards for sleeping accommodation
Vacate or reduce occupancy in undersized rooms within required timeframe
Address room size breaches within required timeframe
Provide notice to the Council regarding occupancy of the property

The Council would view the seriousness of the offence of failing to comply with a licence condition relating to the breaches set out in the table directly above as a **Very Serious** matter, attracting a financial penalty with a starting level of £17,500.

Under the Council's policy the civil penalty for a landlord controlling / owning / managing one or two dwellings, including no more than one HMO, with no other relevant factors or aggravating features [see below], will reduce by £5,000, attracting a civil penalty of £12,500.

Under the Council's policy, the civil penalty for a landlord controlling / owning / managing a significant property portfolio, being three, four, or five dwellings, including no more than two HMOs, or two dwellings, both of which are HMOs,, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £17,500.

Under the Council's policy, the civil penalty for a landlord controlling / owning / managing a large property portfolio, being six or more dwellings, including no more than three HMOs; or three or more HMOs, irrespective of the size of the portfolio, or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5,000, attracting a civil penalty of £22,500.

Aggravating features/factors specific to Licence Condition breach offences

- Multiple and/or significant breaches of licence conditions

Generic aggravating features/factors

As set out under 'Failure to comply with an Improvement Notice' above.

Severity: Severe. Failure by licence holder to comply with licence conditions requiring them to:

Maintain smoke alarms and emergency lighting; provide test reports
Install and maintain carbon monoxide alarms; provide declarations
Carry out items on schedule of works in relation to fire safety or the provision of a Carbon Monoxide detector

The Council would view the seriousness of the offence of failing to comply with a licence condition relating to the breaches set out in the table directly above as a **Severe** matter, attracting a financial penalty with a starting level of £22,500.

Under the Council's policy the civil penalty for a landlord controlling / owning / managing one or two dwellings, including no more than one HMO, with no other relevant factors or aggravating features [see below], will reduce by £5,000, attracting a civil penalty of £17,500.

Under the Council's policy, the civil penalty for a landlord controlling / owning / managing a significant property portfolio, being three, four, or five dwellings, including no more than two HMOs, or two dwellings, both of which are HMOs,, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £22,500.

Under the Council's policy, the civil penalty for a landlord controlling / owning / managing a large property portfolio, being six or more dwellings including no more than three HMOs; or three or more HMOs, irrespective of the size of the portfolio, or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5,000, attracting a civil penalty of £27,500.

Aggravating features/factors specific to Licence Condition breach offences

- Multiple and/or significant breaches of licence conditions

Generic aggravating features/factors

As set out under 'Failure to comply with an Improvement Notice' above.

Failure to Comply with Regulation 3 of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

Regulation 3 of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 impose duties on private landlords in relation to electrical installations. Regulation 3 is detailed below:

3. Duties of private landlords in relation to electrical installations

(1) A private landlord who grants or intends to grant a specified tenancy must—

- (a) ensure that the electrical safety standards are met during any period when the residential premises are occupied under a specified tenancy;
- (b) ensure every electrical installation in the residential premises is inspected and tested at regular intervals by a qualified person; and
- (c) ensure the first inspection and testing is carried out—
 - (i) before the tenancy commences in relation to a new specified tenancy; or
 - (ii) by 1st April 2021 in relation to an existing specified tenancy.

(2) For the purposes of sub-paragraph (1)(b) "at regular intervals" means—

- (a) at intervals of no more than 5 years; or
- (b) where the most recent report under sub-paragraph (3)(a) requires such inspection and testing to be at intervals of less than 5 years, at the intervals specified in that report.

(3) Following the inspection and testing required under sub-paragraphs (1)(b) and (c) a private landlord must—

- (a) obtain a report from the person conducting that inspection and test, which gives the results of the inspection and test and the date of the next inspection and test;
- (b) supply a copy of that report to each existing tenant of the residential premises within 28 days of the inspection and test;
- (c) supply a copy of that report to the local housing authority within 7 days of receiving a request in writing for it from that authority;
- (d) retain a copy of that report until the next inspection and test is due and supply a copy to the person carrying out the next inspection and test; and
- (e) supply a copy of the most recent report to—
 - (i) any new tenant of the specified tenancy to which the report relates before that tenant occupies those premises; and
 - (ii) any prospective tenant within 28 days of receiving a request in writing for it from that prospective tenant.

(4) Where a report under sub-paragraph (3)(a) indicates that a private landlord is or is potentially in breach of the duty under sub-paragraph (1)(a) and the report requires the private landlord to undertake further investigative or remedial work, the private landlord must ensure that further investigative or remedial work is carried out by a qualified person within—

- (a) 28 days; or
- (b) the period specified in the report if less than 28 days, starting with the date of the inspection and testing.

(5) Where paragraph (4) applies, a private landlord must—

- (a) obtain written confirmation from a qualified person that the further investigative or remedial work has been carried out and that—
 - (i) the electrical safety standards are met; or
 - (ii) further investigative or remedial work is required;
- (b) supply that written confirmation, together with a copy of the report under sub-paragraph (3)(a) which required the further investigative or remedial work to each existing tenant of the residential premises within 28 days of completion of the further investigative or remedial work; and
- (c) supply that written confirmation, together with a copy of the report under sub-paragraph (3)(a) which required the further investigative or remedial work to the local housing authority within 28 days of completion of the further investigative or remedial work.

(6) Where further investigative work is carried out in accordance with paragraph (4) and the outcome of that further investigative work is that further investigative or remedial work is required, the private landlord must repeat the steps in paragraphs (4) and (5) in respect of that further investigative or remedial work.

(7) For the purposes of sub-paragraph (3)(e)(ii) a person is a prospective tenant in relation to residential premises if that person—

- (a) requests any information about the premises from the prospective landlord for the purpose of deciding whether to rent those premises;
- (b) makes a request to view the premises for the purpose of deciding whether to rent those premises; or
- (c) makes an offer, whether oral or written, to rent those premises.

It is important that a private landlord complies with all aspects of Regulation 3 of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020, however, the Council recognises that a failure to comply with certain aspects of Regulation 3 is likely to have a much bigger impact on the safety and comfort of residents than others.

Failure to comply with Regulation 3 of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 sections (3)(b), 3(d), 3(e)

The Council would view the seriousness of the offence of failing to comply with (3)(b), 3(d) or 3(e) of Regulation 3 of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 as a Mild matter, attracting a financial penalty with a starting level of £2,500.

Under the Council's policy the civil penalty for a landlord controlling / owning / managing one or two dwellings, including no more than one HMO, with no other relevant factors or aggravating features [see below], will reduce by £2,000, attracting a civil penalty of £500.

Under the Council's policy, the civil penalty for a landlord controlling / owning / managing a significant property portfolio, being three, four, or five dwellings, including no more than two HMOs, or two dwellings, both of which are HMOs,, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £2,500.

Under the Council's policy, the civil penalty for a landlord controlling / owning / managing a large property portfolio, being six or more dwellings, including no more than three HMOs; or three or more HMOs, irrespective of the size of the portfolio, or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £2,000, attracting a civil penalty of £4,500.

Aggravating features/factors specific to Electrical Safety Regulations breaches of duty

- Multiple and/or significant breaches
- Using an unqualified person lacking appropriate certification to carry out inspection, testing, investigative or remedial work.

Generic aggravating features/factors

As set out under 'Failure to comply with an Improvement Notice' above.

Failure to comply with Regulation 3 of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 sections (1)(a), (1)(b), (1)(c), (3)(a), (3)(c), (5)(b), (5)(c)

The Council would view the seriousness of the offence of failing to comply with (1)(a), (1)(b), (1)(c), (3)(a), (3)(c), (5)(b) or (5)(c) of Regulation 3 of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 as a Serious matter, attracting a financial penalty with a starting level of £12,500.

Under the Council's policy the civil penalty for a landlord controlling / owning / managing one or two dwellings, including no more than one HMO, with no other relevant factors or aggravating features [see below], will reduce by £5,000, attracting a civil penalty of £7,500.

Under the Council's policy, the civil penalty for a landlord controlling / owning / managing a significant property portfolio, being three, four, or five dwellings, including no more than two HMOs, or two dwellings, both of which are HMOs,, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £12,500.

Under the Council's policy, the civil penalty for a landlord controlling / owning / managing a large property portfolio, being six or more dwellings, including no more than three HMOs; or three or more HMOs, irrespective of the size of the portfolio, or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5,000, attracting a civil penalty of £17,500.

Aggravating features/factors specific to Electrical Safety Regulations breaches of duty

- Multiple and/or significant breaches
- Using an unqualified person lacking appropriate certification to carry out inspection, testing, investigative or remedial work.

Generic aggravating features/factors

As set out under 'Failure to comply with an Improvement Notice' above.

Failure to comply with Regulation 3 of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 sections (4), (5a), (6)

The Council would view the seriousness of the offence of failing to comply with (4), (5a) or (6) of Regulation 3 of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 as a Very Serious matter, attracting a financial penalty with a starting level of £17,500.

Under the Council's policy the civil penalty for a landlord controlling / owning / managing one or two dwellings, including no more than one HMO, with no other relevant factors or aggravating features [see below], will reduce by £5,000, attracting a civil penalty of £12,500.

Under the Council's policy, the civil penalty for a landlord controlling / owning / managing a significant property portfolio, being three, four, or five dwellings, including no more than two HMOs, or two dwellings, both of which are HMOs,, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £17,500.

Under the Council's policy, the civil penalty for a landlord controlling / owning / managing a large property portfolio, being six or more dwellings, including no more than three HMOs; or three or more HMOs, irrespective of the size of the portfolio, or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5,000, attracting a civil penalty of £22,500.

Aggravating features/factors specific to Electrical Safety Regulations breaches of duty

- Multiple and/or significant breaches
- Using an unqualified person lacking appropriate certification to carry out inspection, testing, investigative or remedial work.

Generic aggravating features/factors

As set out under 'Failure to comply with an Improvement Notice' above.

6. Process for imposing a civil penalty and the right to make representations

Before imposing a financial penalty on a person, the Council will give the person a Notice of Intent.

A person who is given a Notice of Intent may make written representations to the Council about the proposal to impose a financial penalty. Any representations must be made within a 28-day period, this period starting the day after the date on which the Notice of Intent was given. As the burden lies with the recipient of any such notice to explain why, exceptionally, the Council should, or should not, depart from the Civil Penalties Matrix and guidance above, the Council will expect the recipient of a Notice of Intent to explain and provide fulsome and cogent evidence to support the existence of any such circumstances when they make representations in response to the notice.

In the event of two or more persons receiving separate Notices of Intent for the same matter, it should be noted that acceptance/payment of a civil penalty by one person will not negate the Council's intention to impose a civil penalty on the second or further persons. Each person served with the Notice of Intent is considered individually liable to pay the civil penalty notified to them. It is therefore important that any recipient of a Notice of Intent takes the opportunity to make representations should they consider for any reason a civil penalty should not be individually imposed upon them.

After the end of the period for representations the Council will:

- (a) Decide whether to impose a financial penalty on the person, and
- (b) If it decides to impose a financial penalty, decide the amount of the penalty

In determining whether to impose a financial penalty, and the level of any penalty, the Council will consider the totality principal at the Notice of Intent stage and will consider any written representations received in the appropriate time period.

Furthermore, an offender's compliance with the identified breach during the representation period would not, in itself, be reason for the Council to determine that the imposition of a financial penalty was inappropriate. However, compliance at that stage may be relevant with respect to any mitigating factors that could decrease the amount of any imposed financial penalty.

If, following the receipt of written representations and/or the expiry of the time period to make written representations, the Council decides to impose a financial penalty on the person, it will give the person a Final Notice imposing that penalty.

The Final Notice will set out and summarise:

- a) The amount of the financial penalty,
- b) The reasons for imposing the penalty,
- c) Information about how to pay the penalty,
- d) The period for payment of the penalty,
- e) Information about rights of appeal, and

f) The consequences of failure to comply with the notice

7. Discounts

The Council will automatically apply the following discounted rates to any imposed financial penalties in the following circumstances:

- Should the penalty imposed in the Final Notice be paid within a specified time period (normally 28 days), a discount of 15% will be deducted from the penalty.

Illustrative example

The landlord of a Mandatory HMO property fails to obtain a licence. They only operate two HMO properties and there are no other relevant factors or aggravating features. The offence is regarded as a Very Serious matter. Upon receipt of the 'Notice of Intent' to impose a £17,500 financial penalty. Written representations are made to the Council.

On account of the written representations received by the landlord, the council imposes a financial penalty of £16,000. In the event the landlord pays within the specified period a 15% discount is given so that the landlord makes a discounted payment of £13,600.

8. Appendices

Appendix 1. Camden Councils HMO licensing conditions in full.

Appendix 2. Licence conditions grouped by severity of offence.

Appendix 1. Camden Councils HMO licensing conditions

Licence conditions

The licence holder/manager is prohibited from allowing a new resident to occupy the HMO and/or parts of the HMO if: -

- that occupation exceeds the maximum number of permitted persons or households in the HMO; or
- that occupation exceeds the maximum number permitted for any unit of accommodation; and
- a room used as sleeping accommodation has a maximum permitted number of zero. The room must not be re-let/re-occupied again once the current tenant has vacated.

A 'new resident' is a person not in occupation in the property or part of the property at the date the licence is issued.

The licence holder must ensure that the floor area of any room in the HMO used as sleeping accommodation complies with the following minimum prescribed standard:

- a) A room less than 4.64m² is not used as sleeping accommodation by any person (including children)
- b) A room less than 6.51m² is not used as sleeping accommodation by a person aged over 10 years
- c) A room less than 10.22m² is not used as sleeping accommodation by more than one person.

In addition, if a room currently used as sleeping accommodation is:

- a) below 6.51m² the licence holder must ensure it is vacated no later than 18 months from the first licence issue date; or
- b) below 10.22m² and occupied by two persons the licence holder must ensure the number of occupiers is reduced to one no later than 18 months from the first licence issue date; or
- c) below 4.64m² and occupied by a person under 10 years of age the licence holder must ensure it is vacated no later than 18 months from the first licence issue date.

The licence holder will be committing an offence in respect of condition 3 above if:

- a) no action has been taken to correct a breach of the minimum room sizes within 18 months of the first licence issue date; or
- b) new tenants have been allowed to occupy a room in breach of the maximum number permitted by the licence

Where condition 3 above is not being met and the licence holder has not knowingly permitted the breach, the council will:

- give the licence holder notice of the of the breach, and

- specify a period in which the licence holder must take action to comply with the prescribed minimum room size. The maximum period specified will be not more than 18 months.

The licence holder shall ensure that the property is in compliance with the London Borough of Camden's HMO standards. The works required to achieve this are detailed in the attached schedule of works.

The licence holder must ensure the property is maintained in good order and repair.

The licence holder shall ensure that the name, address, email and telephone number of the person responsible for managing the property is displayed in a prominent position in the common parts of the house. A 24 hour emergency telephone number should also be provided.

The licence holder shall ensure that a copy of the licence and licence conditions is displayed in a prominent position in the common parts of the house. The licence holder must also provide a copy to each person before the start of their occupation.

The licence holder shall supply the occupiers of the house with a written statement of the terms on which they occupy the house.

The licence holder shall take all reasonable and practicable steps to prevent or reduce antisocial behaviour by persons occupying or visiting the house. All complaints of anti-social behaviour by occupants or their visitors made by other occupants or neighbours shall be investigated and the appropriate action taken.

The licence holder shall provide to the London Borough of Camden evidence of the management practice and procedures in place to address any anti-social behaviour that may arise within 21 days of a written request.

The written statement provided to occupiers on their terms of occupancy shall include an express prohibition on anti-social behaviour that causes a nuisance or annoyance to other occupiers or neighbours

Where a gas supply is provided the licence holder shall submit to the London Borough of Camden annually for their inspection the current gas safety certificate obtained within the last 12 months in respect of all gas installations and appliances in the parts of the house under their control. Copies shall also be given to the occupants of the house.

The licence holder must obtain a current test certificate for the fixed electrical installation in the parts of the house under their control. A copy of the current electrical installation and condition report certificate is to be provided to the London Borough of Camden within 7 days of receiving a written request.

The licence holder shall ensure that electrical appliances and furniture made available by them in the house are kept in a safe condition. The licence holder shall obtain an electrical appliance test report (PAT test) every 12 months in respect of all electrical appliances supplied by the landlord at the HMO and provide a copy to the London Borough of Camden within 21 days of a written request.

The licence holder shall, on demand, provide the London Borough of Camden with a declaration as to the safety of any electrical appliances and furniture they have supplied in the HMO within 21 days of the demand.

All upholstered furniture and covers and fillings of cushions and pillows should comply with the requirements of the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended).

The licence holder shall keep smoke alarms and any emergency lighting in proper working order. The licence holder shall, on demand, provide the London Borough of Camden with a BS5839 test report relating to the fire alarm and detection system and/or a BS5266 test report relating to the emergency lighting within 21 days of the demand.

The licence holder shall ensure that a carbon monoxide alarm is installed in any room in the HMO which is used wholly or partly as living accommodation and contains a gas appliance or has a flue from a gas appliance running through it. The carbon monoxide alarm is to be kept in proper working order. The licence holder shall, on demand, provide the London Borough of Camden with a declaration as to the position and condition of the alarm within 21 days of the demand.

The licence holder shall provide the London Borough of Camden with a written copy of the fire risk assessment (FRA) carried out by a responsible person under the Regulatory Reform (Fire Safety) Order 2005 within 21 days of a written request.

The licence holder shall ensure that there are sufficient containers provided for household recycling and rubbish. All recycling and rubbish containers must be provided with a dedicated and appropriate storage area.

The licence holder must comply with any scheme provided by Camden Council which relates to the storage and disposal of household waste at the HMO pending collection.

* The licence holder must provide tenants with written information at the start of their tenancy detailing their waste management responsibilities. This must include the collection days, times, and locations for putting out rubbish, recycling, and food waste (and which containers to use), the requirement to return bins to their proper place after collection; and to dispose of bulky waste using an appropriate collection service. Evidence this information was provided to each occupier must be kept for the duration of the licence period and provided to the Council within 21 days on request.

* The licence holder shall ensure gardens, yards or other areas under their control are kept free from items such as old or broken furniture, discarded electrical appliances, mattresses/bedding and other general refuse.

The licence holder shall take such steps as are necessary to treat any pest infestation within the parts of the house under their control. Such steps should include engaging a pest control contractor to undertake a survey of the house and undertaking such treatment and proofing works as required. The Council will consider an exception where the infestation is clearly as a result of the tenant's behaviour or neglect.

The licence holder shall inform the private sector housing team at the London Borough of Camden in writing of any material change of circumstances in respect of the licence

holder, manager or anyone else involved with the property, the property itself or its management within 21 days of such a change occurring.

The licence holder must advise the private sector housing team at the London Borough of Camden in writing of any proposed changes to the construction, layout, amenity provision or mode of occupation of the HMO which would affect the licence, licence conditions or permitted number. This includes change from a 'shared-house' HMO with *cohesive* living arrangements to an HMO let on a 'room-by-room' basis. No such alterations shall be made without prior consent.

The licence holder shall arrange for access to be granted to all common parts, and where possible all other areas including rooms, at any reasonable time for the purpose of inspection to ensure compliance with licence conditions.

The licence holder shall provide the London Borough of Camden with the following particulars within 21 days of written notice:

- The names of individuals and households living in the house and the parts of the property they occupy; and
- The dates when each individual and household moved into the property

The licence holder shall upon the request of the London Borough of Camden attend such training courses as required in relation to any applicable Code of Practice approved under the provisions of the Housing Act 2004 section 233.

* These licence conditions come into effect 8th December 2025 upon commencement of the new additional HMO licensing scheme designation.

Appendix 2. Licence conditions grouped by severity of offence.

Summary	Severity/Band
Display manager's contact details in common parts and provide emergency number	Mild
Display licence and licence conditions in common parts; issue to tenants	Mild
Provide tenants with written terms of occupancy	Mild
Provide names of occupiers and dates of occupation	Mild
Attend council-required training courses (Code of Practice)	Mild
Carry out items on schedule of works in relation to providing updated safety certificates	Mild
Carry out items on schedule of works not otherwise mentioned in licence conditions relating to non-compliance with items on schedule of works	Mild
Provide safety declaration for electrical appliances/furniture	Moderate
Ensure furniture meets Fire Safety Regulations 1988	Moderate
Provide adequate recycling/rubbish containers and storage	Moderate
Comply with Camden's waste management schemes	Moderate
Provides tenants with information regarding their waste management responsibilities	Moderate
Keep gardens/yards free from discarded furniture, electrical items, bedding and refuse	Moderate
Address pest infestations unless tenant-caused	Moderate
Notify Camden of material changes to licence holder, property, or management	Moderate
Arrange access for inspections to ensure compliance	Moderate
Carry out items on schedule of works in relation to provision of mechanical extraction or electrical sockets	Moderate
Ensure the property is maintained in good order and repair	Serious
Take steps to prevent/reduce anti-social behaviour (ASB)	Serious
Provide evidence of ASB management practice	Serious
Ensure occupancy terms must include anti-social behaviour prohibition	Serious
Submit annual Gas Safety Certificate and provide to occupants	Serious
Provide Electrical Installation Condition Report (EICR) on request	Serious
PAT test landlord-supplied appliances annually; provide report	Serious
Provide fire risk assessment (FRA) under Regulatory Reform Order 2005	Serious
Advise Camden of proposed changes affecting HMO licence/conditions	Serious
Carry out items on schedule of works in relation to the provision of personal hygiene facilities, kitchen facilities or heating	Serious
Ensure occupation does not exceed max persons/households or allow use of zero-rated rooms	Very Serious
Ensure compliance with minimum room size standards for sleeping accommodation	Very Serious
Vacate or reduce occupancy in undersized rooms within required timeframe	Very Serious
Offence for failing to address room size breaches within timeframe	Very Serious
Provide notice to the Council regarding occupancy of the property	Very Serious
Maintain smoke alarms and emergency lighting; provide test reports	Severe
Install and maintain carbon monoxide alarms; provide declarations	Severe
Carry out items on schedule of works in relation to fire safety or the provision of a Carbon Monoxide detector	Severe