

Cabinet



Please contact: Democratic Services

Please email: democraticservices@north-norfolk.gov.uk

Please Direct Dial on: 01263 516010

Thursday 2nd April 2026

A meeting of the **Cabinet** of North Norfolk District Council will be held in the Council Offices, Holt Road, Cromer, NR27 9EN on **Tuesday, 14 April 2026 at 10.00 am.**

At the discretion of the Chairman, a short break will be taken after the meeting has been running for approximately one and a half hours

Members of the public who wish to ask a question or speak on an agenda item are requested to arrive at least 15 minutes before the start of the meeting. It will not always be possible to accommodate requests after that time. This is to allow time for the Committee Chair to rearrange the order of items on the agenda for the convenience of members of the public. Further information on the procedure for public speaking can be obtained from Democratic Services, Tel:01263 516010, Email:democraticservices@north-norfolk.gov.uk.

Anyone attending this meeting may take photographs, film or audio-record the proceedings and report on the meeting. Anyone wishing to do so should inform the Chairman. If you are a member of the public and you wish to speak on an item on the agenda, please be aware that you may be filmed or photographed. This meeting is live-streamed: [NNDC eDemocracy - YouTube](#)

Emma Denny
Democratic Services & Governance Manager

To: Cllr L Shires, Cllr T Adams, Cllr A Brown, Cllr H Blathwayt, Cllr C Ringer, Cllr J Toye, Cllr A Varley, Cllr L Withington and Cllr J Boyle

All other Members of the Council for information.
Members of the Management Team, appropriate Officers, Press and Public



If you have any special requirements in order to attend this meeting, please let us know in advance
If you would like any document in large print, audio, Braille, alternative format or in a different language please contact us

Chief Executive: Steve Blatch
Tel 01263 513811 **Fax** 01263 515042 **Minicom** 01263 516005
Email districtcouncil@north-norfolk.gov.uk **Web site** www.north-norfolk.gov.uk

A G E N D A

1. TO RECEIVE APOLOGIES FOR ABSENCE

2. MINUTES

1 - 6

To approve, as a correct record, the minutes of the meeting of the Cabinet held on 09 March 2026

3. PUBLIC QUESTIONS AND STATEMENTS

To receive questions and statements from the public, if any.

4. DECLARATIONS OF INTEREST

7 - 12

Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Code of Conduct for Members requires that declarations include the nature of the interest and whether it is a disclosable pecuniary interest (see attached guidance and flowchart)

5. ITEMS OF URGENT BUSINESS

To determine any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972

6. MEMBERS' QUESTIONS

To receive oral questions from Members, if any

7. RECOMMENDATIONS FROM OVERVIEW & SCRUTINY COMMITTEE

To consider any recommendations referred to the Cabinet by the Overview & Scrutiny Committee for consideration by the Cabinet in accordance within the Overview and Scrutiny Procedure Rules

8. RECOMMENDATIONS FROM FULL COUNCIL

13 - 14

The following recommendations were made by Full Council to Cabinet at the meeting held on 25th March 2026:

Full Council RESOLVED to ask Cabinet to:

- i) Investigate fly-tipping instances and where suitable evidence exists, take appropriate enforcement action possible against those responsible.
- ii) Ensure all fixed penalty notices for littering and fly-tipping to the legal maximum as appropriate
- iii) Promote regularly the "Lets S.C.R.A.P. fly-tipping" campaign to increase awareness of the householder Duty of Care requirements so that they only use registered waste carriers to dispose of their waste.
- iv) Ensure that all businesses in the district have appropriate Duty of Care arrangements in place and take appropriate action

where this is found not to be the case.

- v) Lobby the Government to amend the Environmental Protection Act 1990 so that the Government take financial responsibility for the removal of fly-tipping waste from private land.

The substantive motion agreed by Full Council is attached for information.

9. IMPLEMENTATION OF THE RENTERS RIGHTS ACT 2025 AND ASSOCIATED POLICIES (15 – 82)

<p>Executive Summary</p>	<p>The Renters’ Rights Act 2025 introduces major reforms to landlord and tenant law, significantly expanding the duties and enforcement responsibilities of local authorities.</p> <p>To ensure North Norfolk District Council can lawfully implement these new powers from 1 May 2026, including enhanced investigatory powers, new tenancy rights, and extended civil penalty provisions, a new Housing Standards Enforcement Policy and the Civil Penalties Policy must be in place.</p> <p>The policies will set out how the Council will apply these new statutory duties, including enforcing new offences, applying increased penalty thresholds, and ensuring consistent and transparent decision making.</p>
<p>Options considered</p>	<p>The only alternative is to continue with current policies, but this would be unlawful after 1 May 2026.</p>
<p>Consultation(s)</p>	<p>As these changes are in response to legislation, there is no requirement to hold a public consultation, and the law has now been enacted with an effective date of 1st May 2026.</p>
<p>Recommendations</p>	<p>Cabinet is recommended to:</p> <p>(a) Approve the contents of the new Housing Standards Enforcement Policy, attached as Appendix 1 and agree that this policy shall be implemented and take effect from the 1st of May 2026.</p> <p>(b) Grant delegated authority to the Assistant Director People Services, to make where necessary any minor amendments and updates to the Housing Standards Enforcement Policy required, to reflect any organisational or further legislative changes which take place following implementation.</p>

	<p>(c) Approve the Civil Penalties Policy, attached as Appendix 2 and agree that this policy shall be implemented and take effect from the 1st of May 2026.</p> <p>(d) Grant delegated authority to the Assistant Director for People Services and Assistant Director Environmental & Leisure Services in consultation with the relevant Portfolio Holder, to make where necessary any minor amendments and updates to the Civil Penalties Policy required, to reflect any organisational or further legislative changes which take place following implementation.</p>
Reasons for recommendations	The adoption of these two new policies in place of the Council's current policies is required to enable the Council to undertake its new duties under the Renters' Rights Act 2025 from 1 st May 2026.
Background papers	To assist local authorities in understanding their new rights and responsibilities under the Renters' Rights Act 2025 the Government has published a new collection of statutory and other related guidance for local authorities which can be found here: Renters' Rights Act: guidance for local authorities and councils - GOV.UK

Wards affected	All Wards
Cabinet member(s)	Cllr. Callum Ringer Cllr. Jill Boyle
Contact Officer	Emily Capps and Trudi Grant

10. LOCAL AUTHORITY HOUSING FUND ROUND 4 - PURCHASE OF TEMPORARY ACCOMMODATION

83 - 90

Executive Summary	North Norfolk District Council has negotiated a higher level of grant funding for 2026/27 in Round 4 of the Government's Local Authority Housing Fund (LAHF). This report sets out proposals to accept the grant offered (£1.336m) to help purchase a further nine units of Temporary Accommodation for homeless households.
Options considered	<ul style="list-style-type: none"> - To accept the LAHF grant to help fund purchase of nine homes for use as temporary accommodation, with the Council providing the match funding and staffing resources to undertake the purchases and necessary repairs to the properties, by April 2027. - To not accept the LAHF grant funding

	offered
Consultation(s)	Portfolio Holder for Housing and Peoples' Services. Officers in Housing Options, Estates and Property Services
Recommendations	It is recommended that Cabinet: <ul style="list-style-type: none"> - Agree to accept the £1.336m of Local Authority Housing Fund grant - Use the LAHF grant to part fund the purchase of nine further units of temporary accommodation, including any resources needed to support this - Give delegated authority to the Section 151 Officer in consultation with the Portfolio Holder for Housing and Peoples' Services, to agree the actual purchases of the properties (within the identified budget limits as may be agreed by Full Council).
Reasons for recommendations	To seek approval for the Council to accept the LAHF grant and use the grant to help acquire further homes to use as temporary accommodation
Background papers	Cabinet January 2026 - Local Authority Housing Fund Round 4 - Purchase of Temporary Accommodation Overview and Scrutiny January 2025 - Analysis of the performance of the Council's Temporary Accommodation properties 2024/25 Cabinet March 2025 - Local Authority Housing Fund Round 3 - Purchase of Temporary Accommodation Cabinet October 2023 – Round 2 Local Authority Housing Fund Cabinet June 2023 - Purchase of Temporary Accommodation Unit Cabinet March 2023 – LAHF Round 1 Opportunity Cabinet November 2022 - Purchase of Temporary Accommodation Unit

Wards affected	Districtwide
Cabinet member(s)	Cllr. Jill Boyle, Portfolio Holder for Housing and Peoples' Services
Contact Officer	Nicky Debbage, Housing Strategy & Delivery Manager, nicky.debbage@north-norfolk.gov.uk

Wards affected	Districtwide
Cabinet member(s)	Cllr. Jill Boyle, Portfolio Holder for Housing and Peoples' Services
Contact Officer	Nicky Debbage, Housing Strategy & Delivery Manager, nicky.debbage@north-norfolk.gov.uk

11. FAKENHAM LEISURE AND SPORTS HUB - PROGRESS UPDATE

91 - 96

Executive Summary	This report seeks to update the Cabinet on the progress made to date on the delivery of the Fakenham Leisure and Sports Hub project.
Options considered	Not Applicable as the report is an update only.
Consultation(s)	Not applicable as the report is an update only.
Recommendations	That Cabinet notes the update on the Fakenham Leisure and Sports Hub project.
Reasons for recommendations	To keep the Cabinet updated on the progress of the Fakenham Leisure and Sports Hub project.
Background papers	

Wards affected	Fakenham
Cabinet member(s)	Liz Withington, Portfolio holder for Community, Leisure & Outreach
Contact Officer	Steve Hems, Director for Service Delivery

12. ACCEPTANCE OF GRANT - 3G PITCH TRAP LANE FAKENHAM

97 - 104

Executive Summary	<p>North Norfolk District Council submitted a bid under round 2 of the Governments Levelling Up programme which included the provision of a 3G pitch as part of the match funding required to meet the criteria for funding. The bid was successful and works are progressing associated with the swimming pool extension and upgrades to the existing sports centre.</p> <p>Officers have been working with the Football Foundation to prepare an application for funding towards the provision of the 3G pitch and have heard recently that the award has</p>
--------------------------	---

	<p>been approved.</p> <p>This report sets out the options around accepting the Football Foundation grant funding and recommends acceptance of the grant award.</p>
Options considered	<ul style="list-style-type: none"> • Accept the Football Foundation grant funding and proceed with the 3G pitch provision at Trap Lane Fakenham • Reject the Football Foundation grant funding and proceed with the 3G pitch provision using the Councils own finances. • Reject the Football Foundation grant funding and do not proceed with the 3G pitch provision.
Consultation(s)	<ul style="list-style-type: none"> • Football Foundation • Everyone Active • Fakenham Town Council • Portfolio Holder for Community, Leisure and Outreach.
Recommendations	<ul style="list-style-type: none"> • That Cabinet accepts the Football Foundation grant funding and proceed with the provision of a 91m x 55m FIFA Quality 3G pitch at Trap Lane Fakenham. • That Cabinet authorises Officers to sign the relevant agreements with the Football Foundation to allow delivery of the 3G pitch provision.
Reasons for recommendations	<ul style="list-style-type: none"> • The provision of the 3G pitch was an integral part of the bid submission for Levelling Up funding and formed part of the match funding to the grant amount awarded in 2023. • The acceptance of the grant will enable the completion of the Fakenham Leisure and Sports Hub project as submitted Government and will meet the need identified in the Playing Pitch Strategy.
Background papers	None

Wards affected	Fakenham North
-----------------------	----------------

Cabinet member(s)	Cllr Liz Withington Portfolio Holder for Community, Leisure and Outreach.
Contact Officer	Steve Hems, Director of Service Delivery steve.hems@north-norfolk.gov.uk

Wards affected	Fakenham North
Cabinet member(s)	Cllr Liz Withington
Contact Officer	Steve Hems, Director of Service Delivery steve.hems@north-norfolk.gov.uk

13 RETENTION OF PUBLIC TOILET PROVISION - STATION APPROACH, SHERINGHAM 105 - 112

Executive Summary	<p>The Station Approach Public Toilets, Sheringham were transferred to North Norfolk Railway in 2015. As part of this transfer North Norfolk Railway redeveloped the toilets and agreed to maintain them as Public Toilets for period of 10 years. The period comes to an end on the 31st March 2026.</p> <p>North Norfolk Railway, recognising the importance of these toilets to the wider tourist offering in Sheringham have offered to continue their provision as public toilets but have asked for contribution to reflect their additional financial cost in doing so.</p> <p>This paper set out the options available and recommends that the Council reaches a suitable agreement with North Norfolk Railway to retain public access to the toilets.</p>
Options considered	<ul style="list-style-type: none"> • To do nothing, in which case North Norfolk Railway will most likely remove the public access to the toilets and use them to serve users of the station only. • To enter in an agreement with North Norfolk Railway to retain the toilets as public access throughout the year for the opening times specified in the report.
Consultation(s)	<ul style="list-style-type: none"> • North Norfolk Railway • Liz Withington
Recommendations	<ul style="list-style-type: none"> • That Cabinet resolve to enter into an agreement with North Norfolk Railway to retain public access to the Station Approach Toilets. • That Cabinet provides a steer on the period in years that they wish the agreement to run for. • That Cabinet authorises the Director of Service Delivery to negotiate with North Norfolk Railway on the exact terms of the agreement in order to secure the best value for money position possible.

	<ul style="list-style-type: none"> That Cabinet delegate to the to the Director of Service Delivery and the Director for Resources, in consultation to with the Portfolio Holder for IT, Environmental & Waste Services and the Portfolio Holder for Finance, Estates & Property Services the ability to enter into the agreement to retain the Station Approach Toilets for public use.
Reasons for recommendations	To continue the provision of public access toilets in line with the areas of the Corporate Plan objectives relating to Investing in our Local Economy and Infrastructure and also A Strong, Responsible and Accountable Council.
Background papers	None

Wards affected	Sheringham North
Cabinet member(s)	Cllr Callum Ringer
Contact Officer	Steve Hems, Director of Service Delivery steve.hems@north-norfolk.gov.uk

Links to key documents:	
Corporate Plan:	<p>INVESTING IN OUR LOCAL ECONOMY & INFRASTRUCTURE</p> <ul style="list-style-type: none"> Continuing to promote North Norfolk's diverse tourism and visitor offer <p>A STRONG, RESPONSIBLE & ACCOUNTABLE COUNCIL</p> <ul style="list-style-type: none"> Reviewing service delivery arrangements so as to realise efficiencies without compromising service standards and outcomes Exploring opportunities to work further with stakeholders and partner organisations.
Medium Term Financial Strategy (MTFS)	There is no direct budget provision made in respect of the Sheringham Station Approach Toilets however it is anticipated that savings associated with other public toilet provision within the Waste and Related Services Contract will cover a substantial part if not all of the costs of any agreement with North Norfolk Railway.
Council Policies & Strategies	Public Toilet Provision Strategy 2021

Corporate Governance:	
Is this a key decision	Yes

Has the public interest test been applied	This paper contains commercially sensitive information in relation to North Norfolk Railways cost of service provision for the public toilets. This has been included in a confidential appendix
Details of any previous decision(s) on this matter	Cabinet January 2015 Decision to transfer land to North Norfolk Railway.

Wards affected	Sheringham North
Cabinet member(s)	Callum Ringer
Contact Officer	Steve Hems, Director of Service Delivery steve.hems@north-norfolk.gov.uk

14. EXCLUSION OF PRESS AND PUBLIC

To pass the following resolution:

“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part I of Schedule 12A (as amended) to the Act.”

15. PRIVATE BUSINESS

113 - 114

This item is exempt for the following reasons:

Agenda Item 13: Sheringham Station Approach Toilets

This paper involves the likely disclosure of exempt information as defined in paragraph 3, Part 1 of schedule 12A (as amended) to the Local Government Act 1972. This paragraph relates to:

Para 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).

The public interest in maintaining the exemption outweighs the public interest in disclosure for the following reasons:

The information is commercially sensitive, relating to issues around cost of service provision and relevant to the entering into a contract with a third party. Releasing this information would be likely to prejudice the third party and the Council in obtaining best value, in the interests of Council Tax payers, and would reveal commercially sensitive financial information.

CABINET

Minutes of the meeting of the Cabinet held on Monday, 9 March 2026 at the Council Offices, Holt Road, Cromer, NR27 9EN at 10.00 am

Committee

Members Present:

Cllr L Shires (Deputy Chair)	Cllr T Adams (Chair)
Cllr A Brown	Cllr J Toye
Cllr A Varley	Cllr L Withington
Cllr J Boyle	

Members also attending:

Cllr C Cushing
Cllr V Holliday

Officers in Attendance:

Chief Executive, Assistant Director for Finance, Assets, Legal & Monitoring Officer, S151 Officer and Director of Resources, Democratic Services & Governance Manager.

Apologies for Absence:

Cllr H Blathwayt
Cllr C Ringer

17 MINUTES

The minutes of the Cabinet meeting held on 2nd February 2026 were approved as a correct record.

18 PUBLIC QUESTIONS AND STATEMENTS

None received.

19 DECLARATIONS OF INTEREST

None.

20 ITEMS OF URGENT BUSINESS

None.

21 MEMBERS' QUESTIONS

The Chair informed members that they could ask questions as matters arose.

22 RECOMMENDATIONS FROM OVERVIEW & SCRUTINY COMMITTEE

The Chair of the Overview & Scrutiny Committee, Cllr V Holliday, confirmed that there were no recommendations to Cabinet.

23 BUDGET MONITORING PERIOD 10 2025/26

Cllr L Shires, Portfolio Holder for Finance, Estates & Property Services, introduced this item. She explained that this was the last monitoring report for 2025/2026. The position remained the same, with the predicted surplus.

She outlined the recommendations, explaining that Full Council approval was sought to increase the 2025/26 capital budget for Disabled Facilities Grants to £2,317,266. This was to reflect the addition of £118,204 of grant award towards the scheme.

The other two recommendations related to recycling expenditure, specifically to use the Extended Responsibility Producer (ERP) grant of £1,312,840, which was previously forecasted to be an in-year contribution to reserves, to offset relevant in year recycling expenditure and that the resulting underspend of £1,312,840 in the respective recycling revenue budgets be transferred to the General Reserve to mitigate future unfunded new burdens.

It was proposed by Cllr L Shires, seconded by Cllr T Adams and

RESOLVED to

- a) Seek approval of Full Council to increase the 2025/26 capital budget for Disabled Facilities Grants to £2,317,266. This is to reflect the addition of £118,204 of grant award towards the scheme
- b) To use the Extended Responsibility Producer grant of £1,312,840, which was previously forecasted to be an in-year contribution to reserves, to offset relevant in year recycling expenditure.
- c) That the resulting underspend of £1,312,840 in the respective recycling revenue budgets be transferred to the General Reserve to mitigate future unfunded new burdens.

Reason for the decision:

To update members on the current budget monitoring position for the Council.

24 TREASURY MANAGEMENT Q3 REPORT 2025/26

Cllr L Shires, Portfolio Holder for Finances, Estates and Property Services, introduced this item. She said that this was the third quarter report and would be reviewed by the Governance, Risk & Audit Committee at the meeting on 24th March.

It was proposed by Cllr L Shires, seconded by Cllr T Adams and

RESOLVED

To recommend to Full Council that the Treasury Q3 Report 2025/26 is noted

Reason for the decision:

Updating Members demonstrates compliance with the Prudential Code to ensure adequate monitoring treasury management activity.

25 REPORTING PROGRESS IMPLEMENTING CORPORATE PLAN 2023-27 DELIVERY AGAINST ACTION PLAN 2024/25 AND 2025/26 - TO END OF QUARTER 3 - 1 OCTOBER 2025 TO 31 DECEMBER 2025

The Chair, Cllr T Adams, introduced this item. He explained that the report provided an update on the progress made to deliver the Corporate Plan 2023 – 2027 Action Plan for 2025 – 2026. Cllr Adams highlighted the following key points:

Action 3 – challenges regarding proposals to introduce food waste collection, including resourcing issues and service design and delivery

Action 9 – Further meetings have occurred regarding Benjamin Court in Cromer and there was some confidence that a solution was being sought.

Action 10 – Fakenham Leisure & Sports Hub (FLASH) project. Good progress was being made in line with the project timetable.

Action 12 – good progress at Holt Country Park with the improvements to the staff facilities now complete and the project to build a new classroom and learning space on schedule.

Action 14 – there had been a better-than-expected collection of the second homes premium.

Action 15 – progress on the delivery of affordable homes was going well, with an expected total of 94 new affordable homes to complete in 2025/2026.

Action 16 – the targeted number of inspections for housing standards had been completed.

Action 18 – the business / council interface was very successful, with several ongoing activities progressing very well.

Action 23 – Lobbying had continued regarding post-EU funding and discussions were ongoing about interim arrangements.

The Chair invited members to speak.

Cllr V Holliday referred to point 8 – Health, Wellbeing and financial inclusivity initiatives and asked about the timetable with the contractor. The Director for Service Delivery said that he would provide a written response. The Chair asked if that could be reported back to Cabinet.

It was proposed by Cllr T Adams, seconded by Cllr L Shires and

RESOLVED to note the report.

26 CORPORATE PLAN 2023-2027 - ANNUAL ACTION PLAN 2026/27

The Chair, Cllr T Adams, introduced this item. He explained that the report set out the Corporate Plan Annual Action Plan for 2026-2027. He said that the actions proposed sought to balance the capacity of the organisation to deliver, whilst taking into account the staff and financial resources available as increasing focus was required to support the transition of services into new unitary council(s) and the potential to access external funding or partnership resources. He thanked officers for their hard work in pulling the actions together.

Cllr J Toye, Portfolio Holder for Sustainable Growth, said that he was pleased that the Council continued to deliver and had ambition, despite the uncertainty around Local Government Reorganisation (LGR).

It was proposed by Cllr T Adams, seconded by Cllr J Toye and

RESOLVED

To approve the Corporate Plan Annual Action Plan for 2026/27.

Reason for the decision:

Sound management of the authority's staff, property and financial resources to deliver projects and initiatives which support improved service delivery and positive outcomes aligned to the previously agreed Corporate Plan themes and seeks to position North Norfolk's residents, communities and businesses strongly in the context of proposals to establish a Norfolk and Suffolk Combined Authority and the process of local government reorganisation in Norfolk which will see the establishment of new unitary council(s) in Norfolk in March 2028.

27 POTENTIAL LOCAL PLAN REVIEW

Cllr A Brown, Portfolio Holder for Planning & Enforcement, introduced this item. He explained that the report set out the next steps for the Council in terms of Local Plan making. The current Local Plan had been adopted on 17th December 2025 under transitional arrangements where the adopted Plan's housing requirement remained less than 80% of the local housing need. Consequently, the updated National Planning Policy Framework (NPPF) required that such transitional Plans should address the shortfall in housing need and be brought forward under the revised plan-making system set out in the Levelling Up & Regeneration Act 2023 (LURA) as soon as the relevant provisions were brought into force. The Ministry of Housing, Communities and Local Government (MHCLG) had since confirmed that NNDC was required to bring a Plan forward under the new Plan making system by the dates specified. These were 30th June 2026, where the Council was required to have published a 'notice of intention to commence Local Plan preparation' and 31st October 2026 whereby the authority was required to publish a 'Gateway 1 self-assessment'.

Cllr Brown said that these deadlines were challenging – especially the June one as there was Easter and the County Council election in the interim.

The Chair invited members to speak:

Cllr C Cushing said that he agreed there was no choice but to proceed with the requirements that had been set out but he felt he needed to stress how ridiculous it was that there was an expectation that over 932 houses should be built in the district every year. The projected population growth numbers for North Norfolk was less than 5000 in the coming years and the demand was simply not there. He spoke about the timeline for preparing a new Plan meant that there was likely to be a General Election shortly after completion and it was very likely that a new Government would change the requirements again. The Chair thanked Cllr Cushing for verbalising members' frustrations.

He agreed that the Government's expectations regarding housebuilding numbers were not reasonable and said that 300 homes a day would need to be built across the country to meet their overall target.

Cllr V Holliday said that she echoed Cllr Cushing's concerns and said that she hoped there would be 'principal residency' as part of any new Local Plan, otherwise none of these new homes would be for local residents at all. She highlighted the importance of consultees in the Local Plan process – both statutory and non-

statutory and suggested that they were notified early on that there could be an extra 450 new homes coming forward every year.

The Chair agreed with the point regarding engagement with consultees. He went onto speak about the approach taken in St Ives, regarding limiting the purchase of new houses to local residents only and how this was not working as effectively as hoped. In North Norfolk, with the introduction of the second homes premium there had been a modest reduction in second homes but NNDC was also very interested in securing new homes for residents via rural exception schemes which were working very well. He added that he was very concerned about the reckless approach to nature and biodiversity from central government and the impact that this would have on a district like North Norfolk.

Cllr L Withington said that some very interesting points had been raised and although there was no appetite to do this, it should be seen as an opportunity to position North Norfolk and set out the Council's expectations, especially regarding social housing.

It was proposed by Cllr A Brown, seconded by Cllr J Toye and

RESOLVED

- 1) To progress the review of the NNDC Local Plan in line with Government expectations and statute requirements.
- 2) To continue working to inform and influence the future production of a Spatial Development Strategy including engagement and collaborative work through the Norfolk Strategic Planning Framework.

Reason for the decision:

To maintain an up-to-date Local Plan and to comply with statutory requirements in order to provide appropriate planning policy and guidance for the district.

28 BIODIVERSITY DUTY REPORT 2022-2025

Cllr A Brown, Portfolio Holder for Planning & Enforcement, introduced this item. He explained that this was the Council's first Biodiversity Duty report, which related to the statutory duty first introduced by Section 40 of the Natural Environment and Rural Communities (NERC) Act in 2006, that was further strengthened by the Environment Act 2021 (Sections 102 and 103).

The duty required all public authorities in England to actively conserve and enhance biodiversity when exercising their functions and, legally required them to publish a Biodiversity Duty report to provide the specific information to evidence how the duty had been met.

The Chair invited members to speak:

Cllr V Holliday referred to the previous item and said that it was hard to reconcile the push for growth with the need to protect the Norfolk coast and national landscape. She then asked about replacing mature trees with small saplings and how this counted as biodiversity net gain. She also queried the lack of data on rivers and she asked if everything was being captured.

The Senior Landscape Officer replied that in terms of biodiversity net gain metrics, trees were assigned values on their size and one mature tree could require several

small saplings to replace it. In terms of rivers, the information in the report captured what was available in terms of biodiversity gain plans which had been approved via the planning process as of 12th February 2024 to 31st December 2025. There had been very few applications coming through that had affected rivers during this period.

Cllr L Withington said that educating communities about biodiversity net gain was key and there was very little in the report relating to this. She suggested that this could be highlighted to developers so that they could consider it more.

Cllr L Shires said that people weren't aware that the policy was there. She spoke about the Miyawaki forest in North Walsham which had grown incredibly well in the last four years. There could be more educational work done to promote such projects to residents and highlight the benefits. She suggested that a physical format such as an information board could be helpful in such locations.

The Chair agreed and said that local communities had engaged extremely well with the 110k trees project. Cllr A Brown agreed.

The Chair said that it was important to ensure developers achieved mitigation within the district, reflecting the local ecological needs. He thanked officers for all their work on the report.

It was proposed by Cllr A Brown, seconded by Cllr A Varley and

RESOLVED

- 1) To endorse the publication of the Biodiversity Duty report by no later than 25 March 2026 in order to comply with the statutory requirements of the Environment Act 2021.
- 2) To agree the subsequent reporting period for the next Biodiversity Duty report to be from 1 January 2026 – 31 December 2028.
- 3) To delegate authority to the Assistant Director for Planning to make any further necessary amendments, as required.

Reason for the decision

A legal requirement for public authorities to publish their first Biodiversity Duty Report by no later than 26 March 2026

29 EXCLUSION OF PRESS AND PUBLIC

30 PRIVATE BUSINESS

The meeting ended at 10.34 am.

Chairman

Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative, close associate; or
 - c. a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter **affects** your financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

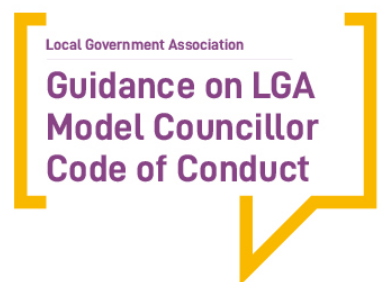
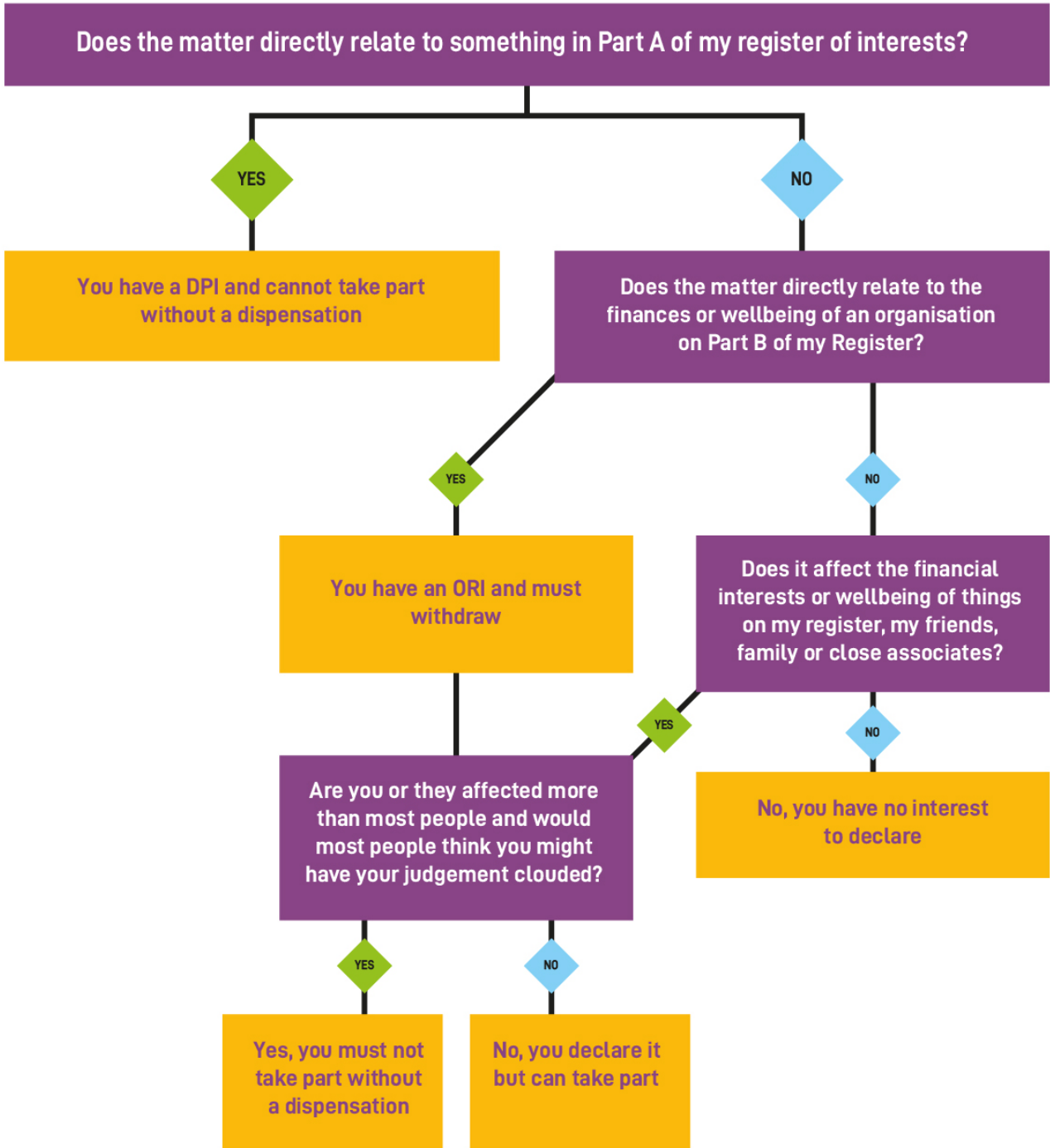
	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
--	---

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

<p>You have a personal interest in any business of your authority where it relates to or is likely to affect:</p> <ul style="list-style-type: none"> a) any body of which you are in general control or management and to which you are nominated or appointed by your authority b) any body <ul style="list-style-type: none"> (i) exercising functions of a public nature (ii) any body directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
--



MOTION TO COUNCIL ON FLY-TIPPING

Proposer : Cllr Andrew Brown

Seconder: Cllr Callum Ringer

THIS COUNCIL NOTES:

1. The Corporate Plan 2023- 2027 includes the following statement of intent:
Protecting and enhancing the special landscape and ecological value of North Norfolk whilst improving the biodiversity of the district
2. That fly-tipping is a criminal act, a major anti-social behaviour problem and a blight on our local wildlife and environment
3. That fly-tipping and littering imposes a significant financial burden on councils for removal and disposal costs.
4. That illegal disposal of waste provides an unfair financial advantage to unscrupulous individuals and businesses over those who use legitimate methods to dispose of their waste.
5. That residents are increasingly frustrated by the impact of litter and fly-tipping in their communities

THIS COUNCIL BELIEVES:

- a) Residents deserve safe and clean streets and local environments
- b) The Council should take a zero-tolerance approach to environmental criminals
- c) Those who dispose of waste illegally should be dealt with through appropriate enforcement action.

All businesses and individuals should dispose of their waste in a compliant manner.

THIS COUNCIL RESOLVES TO ASK CABINET TO:

- i) Investigate fly-tipping instances and where suitable evidence exists, take appropriate enforcement action possible against those responsible.
- ii) Ensure all fixed penalty notices for littering and fly-tipping to the legal maximum as appropriate
- iii) Promote regularly the “Lets S.C.R.A.P. fly-tipping” campaign to increase awareness of the householder Duty of Care requirements so that they only use registered waste carriers to dispose of their waste.
- iv) Ensure that all businesses in the district have appropriate Duty of Care arrangements in place and take appropriate action where this is found not to be the case.

- v) Lobby the Government to amend the Environmental Protection Act 1990 so that the Government take financial responsibility for the removal of fly-tipping waste from private land.

Implementation of the Renters Right Act 2025 and associated policies	
Executive Summary	<p>The Renters' Rights Act 2025 introduces major reforms to landlord and tenant law, significantly expanding the duties and enforcement responsibilities of local authorities.</p> <p>To ensure North Norfolk District Council can lawfully implement these new powers from 1 May 2026, including enhanced investigatory powers, new tenancy rights, and extended civil penalty provisions, a new Housing Standards Enforcement Policy and the Civil Penalties Policy must be in place.</p> <p>The policies will set out how the Council will apply these new statutory duties, including enforcing new offences, applying increased penalty thresholds, and ensuring consistent and transparent decision making.</p>
Options considered	The only alternative is to continue with current policies, but this would be unlawful after 1 May 2026.
Consultation(s)	As these changes are in response to legislation, there is no requirement to hold a public consultation, and the law has now been enacted with an effective date of 1 st May 2026.
Recommendations	<p>Cabinet is recommended to:</p> <p>(a) Approve the contents of the new Housing Standards Enforcement Policy, attached as Appendix 1 and agree that this policy shall be implemented and take effect from the 1st of May 2026.</p> <p>(b) Grant delegated authority to Assistant Director People Services, to make where necessary any minor amendments and updates to the Housing Standards Enforcement Policy required, to reflect any organisational or further legislative changes which take place following implementation.</p> <p>(c) Approve the Civil Penalties Policy, attached as Appendix 2 and agree that this policy shall be implemented and take effect from the 1st of May 2026.</p> <p>(d) Grant delegated authority to the Assistant Director for People Services and Assistant Director Environmental & Leisure Services in consultation with the relevant Portfolio Holder, to make where necessary any minor amendments and updates to the Civil Penalties Policy required, to reflect any organisational or further legislative changes which take place following implementation.</p>
Reasons for recommendations	The adoption of these two new policies in place of the Council's current policies is required to enable the Council to undertake its new duties under the Renters' Rights Act 2025 from 1 st May 2026.
Background papers	To assist local authorities in understanding their new rights and responsibilities under the Renters' Rights Act 2025 the Government has published a new collection of statutory and other related guidance for local authorities which can be found here:

	Renters' Rights Act: guidance for local authorities and councils - GOV.UK
--	---

Wards affected	All Wards
Cabinet member(s)	Cllr. Callum Ringer Cllr. Jill Boyle
Contact Officer	Emily Capps and Trudi Grant

Links to key documents:	
Corporate Plan:	The Renters' Rights Act 2025 directly supports the Council's strategic priorities by improving housing standards, protecting vulnerable tenants, and strengthening community wellbeing in line with priorities on developing communities, meeting housing need, and being a responsible and accountable council.
Medium Term Financial Strategy (MTFS)	Implementation of the Renters' Rights Act 2025 will require ongoing enforcement capacity. The cost will be borne from New Burdens funding supporting initial setup. Ongoing costs will be covered from civil penalty income although this only offers variable, non-reliable cost recovery. We are not looking to increase the base budget currently.
Council Policies & Strategies	The Renters' Rights Act 2025 directly supports the Council's strategic priorities by improving housing standards, protecting vulnerable tenants, and strengthening community wellbeing in line with priorities on developing communities, meeting housing need, and being a responsible and accountable council. It also aligns with the forthcoming Housing, Homelessness and Rough Sleeping Strategy 2026 by enhancing the Council's ability to prevent poor housing conditions, challenge unlawful practices, and safeguard residents across the district.

Corporate Governance:	
Is this a key decision	Yes
Has the public interest test been applied	N/A.
Details of any previous decision(s) on this matter	N/A

1. Purpose of the report

- 1.1 This report outlines the new legal provisions introduced by the Act and presents two new policies required for implementation from 1 May 2026.
- 1.2 The policies are:
 - Housing Standards Enforcement Policy **Appendix 1**
 - Civil Penalty Policy **Appendix 2**
- 1.3 The Housing Standards Enforcement Policy sets out how the Council will regulate housing standards and apply enforcement powers under the Housing Act 2004 and Renters' Rights Act 2025.
- 1.4 The Civil Penalty Policy establishes a structured framework for issuing financial penalties based on severity, landlord profile, and mitigating/aggravating factors.

2. Introduction & Background

- 2.1 The Renters' Rights Act 2025 received Royal Assent on 27 October 2025 and introduces significant reforms to the private rented sector.
- 2.2 The Act strengthens tenant protections and introduces new responsibilities for landlords, alongside expanded enforcement duties for local authorities.
- 2.3 Key changes include:
 - Abolition of Section 21 evictions
 - Introduction of periodic tenancies
 - Strengthened enforcement powers and civil penalties
 - Creation of a landlord database and ombudsman
 - Extension of Decent Homes Standard and Awaab's Law
- 2.4 Full details of the changes can be seen at **Appendix 3**.
- 2.5 The changes will be introduced in three phases. Phase one will launch the new tenancy regime and will take effect on 1 May 2026.
- 2.6 The remaining two phases will follow later: Phase two will introduce the new Private Rented Sector Landlord Ombudsman and the National Landlord and Property database, while Phase three will focus on improving housing standards through the extension of Awaab's Law and an enhanced Decent Homes Standard.
- 2.7 The enactment and implementation of the Act, places new powers, duties and offences. To be prepared for the implementation of the provisions, there requires the amendment or revision of several different constitution documents, policies and procedures including:
 - **Amendments and updates to the council's scheme of delegation**, to authorise officers to use the new powers and duties in the Act and associated legislation which the Act amends.

- **A Housing Standards enforcement policy** - To provide clarity on the duty to enforce within the Renters' Rights Act and other legislation. Recognise the fact that most of the Landlord legislation is outside of the Regulators' Code and therefore cannot be enforced under the existing Enforcement Policy. The aim being to enable enforcement decisions to be taken in line with the statutory guidance. The proposed policy is in Appendix 1.
 - **A Civil Penalty Policy** under the Renters' Rights Act 2025 and other housing legislation - To create a consistent approach to making enforcement decisions in line with the statutory guidance and to reflect the new penalties and fines that the Act introduces. The proposed policy is in Appendix 2.
 - **A Housing 'debt recovery' policy** or potential update to existing Debt Recovery policies - With the introduction of new Civil Penalties, there is a need for successful debt recovery arrangements. A clear, published policy that is visibly enforced will act as a deterrent. To follow.
- 2.8 This report addresses the first two of these policy requirements, (Housing Standards Enforcement policy and Civil Penalty Policy). Both proposed policies have both been drafted by Justice for Tenants and have been endorsed by the Association for Chief Environmental Health Officers (ACEHO). They have been shared with local authorities as part of Operation Jigsaw, the body funded by central government to provide advice and guidance to local authorities in the implementation of the Renters Rights Act 2025.
- 2.9 Whilst neither MHCLG nor Jigsaw can officially endorse either policy, we are aware that the development of these policies has incorporated a detailed review of relevant guidance, procedural precedents relating to financial penalties, and consideration of over half of all First Tier Tribunal appeal decisions. The starting points for the Civil Penalty Notice fines have been taken from the recommendation from the Ministry for Housing, Communities, and Local Government (MHCLG).
- 2.10 There are other parts of the Renters' Rights Act that we know will be implemented in the future, but the timescales have not yet been published. However, we also have additional clauses that will be required to be added to the policies once these additional parts become live. These clauses are attached and we are requesting that the Assistant Director People Services and the Assistant Director Environmental & Leisure Services are given delegated authority to allow these clauses to be added at the appropriate times. Examples provided in appendix 4.

3. Proposals and Options

- 3.1 Historically, the Council has not adopted a dedicated Housing Enforcement Policy. Instead, enforcement activity has been guided by the Council's overarching Enforcement Policy, the principles set out in the Enforcement Concordat, and more detailed provisions contained within supporting appendices.
- 3.2 This overarching policy is currently under review. However, considering the forthcoming Renters' Rights Act, which is expected to significantly strengthen and expand enforcement powers across England and Wales, the development of a dedicated Housing Enforcement Policy has become essential.

3.3 A standalone policy will support officers in applying these enhanced powers consistently and proportionately, while also providing greater transparency and clarity to landlords who may be subject to enforcement action.

3.4 The proposed Housing Standards Enforcement Policy sets out how the Council will enforce property standards, particularly under the Housing Act 2004 and the Renters' Rights Act 2025. The new duties introduced through the Renters' Rights Act 2025 create two categories of non-compliance: **breaches** and **offences**.

3.5 Breaches

A breach refers to non-compliance by a landlord where prosecution is not an option, but the Council may impose a civil penalty. From **1 May 2026**, local authorities will be able to issue penalties of up to **£7,000** to landlords, agents, or anyone acting on their behalf for the following:

- Claiming a tenancy is fixed-term rather than rolling, for example by adding an end date
- Claiming to end a tenancy verbally
- Requiring a tenant to end a tenancy verbally
- Failing to provide written notice to a tenant where the law requires the landlord to state that a specified possession ground may be used

3.4 Offences

An offence refers to more serious non-compliance where the Council may either prosecute or impose a civil penalty. From **1 May 2026**, local authorities may issue civil penalties of up to **£40,000** as an alternative to prosecution where a landlord (or someone acting for them):

- Relets or remarkets a property within the 12-month "restricted period" after relying on statutory possession grounds 1 or 1A, unless reasonable steps were taken to avoid this or an exception applies
- Uses a possession ground knowing or being reckless as to whether the court would grant possession, causing a tenant to leave within four months without a possession order
- Commits a further breach within five years of a previous offence
- Commits a further breach within five years of receiving a civil penalty that has not been withdrawn
- Continues to breach for more than 28 days after a civil penalty has been issued and not withdrawn or under appeal

3.5 Additional duties

The Renters' Rights Act 2025, associated regulations, and government guidance also require councils to update how they enforce existing duties, including those relating to HMO licensing and the management of hazards in private rented homes.

3.6 Housing Act 2004 duties

As a local housing authority, the Council has a duty under section 3(1) of the Housing Act 2004 to keep housing conditions across the district under review and determine what actions should be taken. Section 3(2) sets out available actions, including enforcement under Part 1, property licensing, and management orders under Parts 2 to 4.

3.7 Inspections

Under section 4 of the Housing Act 2004, the Council must inspect a residential property where it considers an inspection necessary to identify Category 1 or 2 hazards. The Council must also inspect following any formal complaint received about the condition of a residential property.

3.8 Approach to enforcement

The revised Policy explains how the Council will apply enforcement powers. While the Council will continue to provide advice and use informal action where appropriate, formal action will be taken where non-compliance occurs or serious hazards are identified. The Policy also outlines the Council's extensive investigatory powers, including the ability to request information, enter properties, seize documents, and use warrants to force entry where required.

3.9 Civil Penalty Policy

The Civil Penalty Policy replaces the current financial penalties policy (last updated July 2025). The Renters' Rights Act expands the number of offences that can be dealt with through civil penalties.

3.10 Purpose of civil penalties

Civil penalties offer an alternative to prosecution for a wide range of housing-related offences, including new tenancy reform requirements. They are intended for serious or repeated breaches and require the same "beyond reasonable doubt" standard of evidence used in criminal courts.

3.11 Types of offences covered

The Policy covers offences under several pieces of legislation, including:

- Housing Act 2004 (e.g. HMO licensing failures, overcrowding, improvement notices)
- Housing Act 1988
- Electrical safety regulation breaches
- Renters' Rights Act 2025 tenancy reforms, including:
 - Discrimination in lettings (e.g. children, benefits)
 - Breaches of advertising and rent-bidding prohibitions
 - Unlawful eviction and harassment

3.12 Penalty setting matrix

The Policy introduces a structured matrix aligned with national good practice to determine penalty levels, considering:

- Severity of the offence
- Landlord experience or portfolio size
- Aggravating or mitigating factors
- Financial circumstances

3.13 Penalty levels

Statutory guidance provides the starting points for penalty values. Maximum penalties range from **£7,000** for lower-level breaches to **£40,000** for the most serious offences. North Norfolk District Council may also offer early-payment discounts to encourage prompt engagement and compliance.

3.14 Debt recovery

A civil penalty cannot be referred for debt recovery until **12 months** after it is issued. The Council does not currently have a Civil Penalty Debt Recovery Policy. The Association of Chief Environmental Health Officers (ACEHO) recommends

such a policy as essential. A draft policy will therefore be developed and brought forward for democratic approval.

4. Corporate Priorities

- 4.1 The Act aligns with the Housing, Homelessness and Rough Sleeping Strategy. It also supports the Council's strategic priorities by:
- Improving housing standards
 - Protecting vulnerable residents
 - Strengthening communities

5. Financial and Resource Implications

- 5.1 The Government has allocated £18.2m nationally in New Burdens funding for 2025/26.
- 5.2 North Norfolk District Council has received £32,270 in 2025 for initial implementation. This is part of the budget for Environmental Health.
- 5.3 Additional funding of £37,436 has been granted for 2026/27 and £17,626 for 2027/28. This has been granted under the MHCLG Homelessness, Rough Sleeping and Domestic Abuse Grant (2026).
- 5.4 Civil penalty income may be retained but is variable and cannot be relied upon as a stable funding source.
- 5.5 Additional staffing and enforcement capacity may be required.
- 5.6 These changes will impact multiple services including Housing Options, Environmental Health Enforcement, Debt Recovery, and Legal Services.

Comments from the S151 Officer:

Initial costs will be met from new burdens funding and existing budgets. The Government model assumes enforcement activities will be self funding. If that assumption proves incorrect Officers will seek authorization from Members to increase budgets if required.

6. Legal Implications

- 6.1 The Act introduces new duties and enforcement powers, including mandatory action and civil penalties for non-compliance.
- 6.2 The Council must adopt updated policies to ensure lawful implementation from 1 May 2026.
- 6.3 Failure to do so would expose the Council to legal challenge.

Comments from the Monitoring Officer

The Monitoring Officer (or member of the Legal team on behalf of the MO) will complete this section. They will outline any legal advice provided.

It is necessary that the Council adopt appropriate policies that reflect the changes being implemented by the Renters Rights Act. This is an important piece of legislation that serves to protect tenants in privately rented properties, providing them with greater security and certainty, and preventing discrimination. A failure to adopt the proposed policies leaves the Council with significantly reduced powers to ensure private landlords comply with these new requirements but could leave it at risk of legal challenge.

7. Risks

7.1 Failure to adopt the policies may result in:

- Judicial Review
- Inability to meet statutory duties
- Reputational damage

7.2 There is also a financial risk that civil penalty income may not fully recover enforcement costs.

8. Net Zero Target

8.1 There are no direct climate implications.

8.2 However, improved housing standards may indirectly improve energy efficiency and reduce carbon emissions.

9. Equality, Diversity & Inclusion

9.1 When considering the impact of the Housing Standards Enforcement Policy and the Civil Penalties Policy on protected characteristic groups, and the implications for the Public Sector Equality Duty (Equality Act 2010), it can be considered that both proposals will be positive for all groups because they strengthen the enforcement of housing standards, improve safety and living conditions, and protect tenants who are disproportionately impacted by poor-quality or unsafe accommodation.

9.2 Together, the policies support fair treatment, reduce health inequalities, deter non-compliant landlord practices, and ensure that decisions are applied consistently and transparently, helping to advance equality and safeguard vulnerable residents.

10. Community Safety issues

10.1 The implementation of this Policy allows the Council to carry out its Housing functions. Effective use of this Policy raises standards and reduces offences relating to the provision of poor housing and / or poor tenancy management.

11. Conclusion and Recommendations

- 11.1 The Renters' Rights Act 2025 represents a significant shift in housing regulation.
- 11.2 Adoption of the proposed policies is essential to ensure lawful enforcement, protect tenants, and support compliance within the private rented sector.
- 11.3 Without these policies, the Council would be unable to effectively implement the Act and would face legal and operational risks.
- 11.4 Cabinet is recommended to:
- (a) Approve the contents of the new Private Housing Standards Enforcement Policy, attached as Appendix 1 and agree that this policy shall be implemented and take effect from the 1st of May 2026.
 - (b) Grant delegated authority to the Assistant Director People Services and the Assistant Director for Environmental and Leisure Services to make where necessary any minor amendments and updates to the policy required, in order to reflect any organisational or further legislative changes which take place following implementation.
 - (c) Approve the Civil Penalties Policy, attached as Appendix 2 and agree that this policy shall be implemented and take effect from the 1st of May 2026.
 - (d) Grant delegated authority to the Assistant Director for People Services and Assistant Director Environmental & Leisure Services to make where necessary any minor amendments and updates to the policy required, to reflect any organisational or further legislative changes which take place following implementation.

12. Appendices

Appendix 1 - Housing Standards Enforcement Policy (attached)

Appendix 2- Civil Penalty Policy (attached)

Appendix 3 - The principles of the Renters Rights Act 2025

The Renters' Rights Act 2025 introduces significant changes to the private sector rental market in England, aimed at enhancing tenant protections and establishing new responsibilities for landlords. As such, it places new duties on local authorities and will have a direct impact on the regulatory activity of the Environmental Protection Team (Housing Regulation), and Housing Options service which are respectively responsible for private sector housing regulation, homelessness duties and administration of the Housing Register. There will also be impacts on the workload of the Legal Team.

The Act introduces changes that will:

- **Strengthen local authority enforcement** by expanding civil penalties, introducing a package of investigatory powers and bringing in a new requirement for local authorities to report to Government on enforcement activity.
- **Adjust civil penalties** with an increase of the maximum applicable penalty from £30,000 to £40,000, alongside the introduction of new mandatory penalties of £7,000 for various legislative breaches.
- **Abolish section 21** evictions and move to a simpler tenancy structure where all assured tenancies are periodic – providing more security for tenants and empowering them to challenge poor practice and unfair rent increases without fear of eviction. This is being introduced swiftly to ensure all tenants gain security as soon as possible.
- **Strengthen rent repayment orders** by extending their application to superior landlords, doubling the maximum penalty and ensuring repeat offenders have to repay the maximum amount.
- **Ensure possession grounds are fair to both parties**, giving tenants more security, while ensuring landlords can recover their property, when reasonable. The Act introduces new safeguards for tenants, including allowing additional time for them to find alternative housing if the landlord seeks possession to move in or sell, and measures to prevent unscrupulous landlords from misusing grounds for possession.
- **Provide stronger protections against 'backdoor' evictions** by allowing tenants to challenge excessive, above-market rent increases intended to force them out. Landlords will retain the right to raise rents to market levels, with an independent tribunal available to adjudicate disputes where necessary.
- **Give tenants strengthened rights to request a pet** in the property, which the landlord must consider and cannot unreasonably refuse.

- **Make it illegal for landlords and agents to discriminate** against prospective tenants in receipt of benefits or with children – helping to ensure everyone is treated fairly when looking for a home.
- **End the practice of rental bidding** by prohibiting landlords and agents from asking for or accepting offers above the advertised rent. Landlords and agents will be required to publish an ‘asking rent’ for their property, and it will be illegal to accept offers made above this rate.
- **Create a Private Rented Sector Database** to help landlords understand their legal obligations and demonstrate compliance (giving good landlords confidence in their position), alongside providing better information to tenants to make informed decisions when entering into a tenancy agreement. It will also support local councils – helping them target enforcement activity where it is needed most. Landlords will need to be registered on the database in order to use certain possession grounds.
- **Introduce a new Private Rented Sector Landlord Ombudsman** that will provide quick, fair, impartial and binding resolution for tenants’ complaints about their landlord. This will bring tenant-landlord complaint resolution on par with established redress practices for tenants in social housing and consumers of property agent services.
- **Apply the Decent Homes Standard to the private rented sector** to give renters safer, better value homes and remove the blight of poor-quality homes in local communities.
- **Apply ‘Awaab’s Law’ to the PRS**, setting clear legal expectations about the timeframes within which landlords in the private rented sector must take action to make homes safe where they contain serious hazards.

Appendix 4 – Additional clauses for future insertion

Clauses to be added to the Housing Standards Enforcement Policy when new parts of the ACT come into play.

<p>Civil Financial Penalties for specified offences</p>	<p>Additional offences to be added to list:</p> <ul style="list-style-type: none"> • Offences in relation to the PRS database [Part 2, Chapter 3 Renters’ Rights Act 2025] • Offences in relation to the landlord ombudsman [Part 2, Chapter 2 Renters’ Rights Act 2025] • Breach of the decent homes’ standard [Part 3, Renters’ Rights Act 2025]
<p>Rent Repayment Orders</p>	<p>Additional qualifying offences:</p> <ul style="list-style-type: none"> • Landlord’s failure to become a member of a landlord redress scheme [Renters’ Rights Act 2025, s67] • Landlord’s failure to join a PRS database [s92 Renters’ Rights Act 2025] • Landlord’s failure to comply with the requirements of a PRS database, or in providing false or misleading information to the database operator [s92 Renters’ Rights Act 2025] • Offences in relation to the landlord ombudsman [s67 Renters’ Rights Act 2025]
<p>New section regarding PRS Database</p>	<p>Entry onto the PRS database Under s83(1) of the Renters’ Rights Act 2025, the Authority has a duty to make an entry on the Private Rental Sector database in respect of a person where:</p> <ul style="list-style-type: none"> • A relevant Banning Order has been made against that person following an application by the authority; • The person has been convicted of a relevant Banning Order offence following criminal proceedings brought by the authority; or • The authority has imposed a Financial Penalty on the person in relation to a Banning Order offence. <p>Under section 83(2), the Authority has the power to make an entry where:</p> <ul style="list-style-type: none"> • The person has been convicted of a relevant Banning Order offence following criminal proceedings brought by someone other than a local housing authority, or • A Financial Penalty has been imposed on the person in relation to a relevant Banning Order offence by a person other than a local housing authority.

Housing Standards Enforcement Policy

PRIVATE SECTOR HOUSING

01 MAY 2026

VERSION NUMBER	DATE
1	March 2026



NORTH
NORFOLK
DISTRICT
COUNCIL

Content		Page
1.0	Executive Summary	3
2.0	Scope	3
3.0	Policy Statement	4
4.0	Approach to Enforcement	4
5.0	Investigatory powers	5
6.0	Informal Action	8
7.0	Formal Action	8
8.0	Complaints	13
Appendix 1	Statement of principles to determine the amount of a penalty charge under Part 4 of The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 as amended by The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 (“the Regulations”)	15
Appendix 2	Statement of principles to determine the amount of a penalty charge for breach of minimum energy efficiency standards (NEES) with respect to domestic privately rented property	18

1.0. Executive Summary

This policy sets out the Council's principles for enforcing and executing its duties as a Housing Authority under the relevant statute.

S3 Housing Act 2004 imposes a duty on Councils to keep housing conditions in their district under review with a view to identifying any action that may need to be taken by them.

S107 Renters' Rights Act 2025 imposes a duty on the Council to enforce the Landlord Legislation. The Landlord Legislation is comprised of the following:

- Chapters 3 and 6 of Part 1 of the Renters' Rights Act 2025,
- Part 2 of the Renters' Rights Act 2025,
- Sections 1 and 1A of the Protection from Eviction Act 1977, and
- Chapter 1 of Part 1 of the Housing Act 1988.

S110 Renters' Rights Act 2025 imposes a duty on the Council to report to the Secretary of State on the exercise of its functions under the Landlord Legislation

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' is defined by the Housing Act 2004.

2.0. Scope

The purpose of this enforcement policy is to provide guidance for Housing Authority officers to ensure enforcement action is taken in line with the provisions of the Renters' Rights Act 2025 and mandatory guidance to local authorities.

The Act and the 'Landlord Legislation' (as defined by S107) sit outside of the Regulators' Code, and its provisions do not apply.

Part 1 of the Housing Act 2004 is also outside of the code's scope.

Notwithstanding this, the following legislation and its enforcement does come within the Legislative and Regulatory Reform (Regulatory Functions) Order 2007 and is therefore within the scope of the Regulators Code and the principles of good regulation:

- Parts 8, 9 and 10 of the Housing Act 1985

- Part 8 of the Housing Act 1996
- Parts 2 to 5 of the Housing Act 2004

Where legislation is not explicitly described within the above Codes of Practice, or guidance, this policy will dictate how the council will execute its enforcement responsibilities.

3.0. Policy Statement

This policy document sets out what owners, landlords, their agents, or any other person involved in the letting or management of privately rented accommodation, and tenants of private rented sector properties, can expect from officers when dealing with non-compliance.

All enforcement actions taken will be in accordance with relevant statutory Codes of Practice, Council procedures and protocols, and official guidance from central and local government bodies.

As a public body under the Human Rights Act 1998, the Council will apply the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

4.0. Approach to Enforcement

The Council wants to support responsible landlords to raise housing standards. However, the Council expects landlords to have a good understanding of the housing standards and management issues that should be met in privately rented accommodation.

S5 Housing Act 2004 places a duty on Councils to take appropriate enforcement action where a Category 1 hazard exists.

S7 Housing Act 2004 gives Councils a discretionary duty to take action where a Category 2 hazard exists. The Council will usually take action where a Category 2 hazard exists.

In addition, Council officers will often investigate and identify the need to take enforcement action through a range of routes, including (but not limited to): proactive inspections of dwellings through licensing provisions; in response to a complaint or request for assistance; and referrals from other public bodies.

All investigations will be carried out in accordance with the relevant statutory requirements. The Council will ensure that appropriate governance is in place to ensure that action is taken in accordance with appropriate policies.

The Council may commence enforcement with formal action instead of informal action in the first instance. In deciding whether to do so, the circumstances of the case will be taken into account.

Relevant factors may include, but are not limited to:

- Where there is a risk to public health
- Where there is a blatant or deliberate contravention of the law
- Where there is history of non-compliance

The Council will usually take formal action in the first instance if there has been:

- Non-compliance with previous formal or informal action
- Offences in relation to the licensing of HMOs

The Council will take formal enforcement action in the first instance for breaches of the Landlord Legislation.

5.0. Investigatory Powers

In addition to the Council's informal and formal powers of enforcement, there are investigatory powers relating to the collection of information and relating to the entry of premises including, but not limited to, the powers detailed below.

Power to Investigate

S114 Renters' Rights Act 2025 gives the Council power to issue a notice to a relevant person to require the person to provide specified information to the Council.

This notice may be given to any person with an estate or interest in the land; the licensor; their agents; or a marketer of a property. It may be given in regard to any offence under the following Legislation:

- Sections 1 and 1A of the Protection from Eviction Act 1977;
- Chapter 1 of Part 1 of the Housing Act 1988;
- Section 83(1) or 84(1) of the Enterprise and Regulatory Reform Act 2013;
- Sections 21 to 23 of the Housing and Planning Act 2016;
- Chapter 3 of Part 1 and Part 2 of the Renters' Rights Act 2025.

Failure to comply with a s114 notice is an offence under s131 Renters' Rights Act 2025, as it is being obstructive and intentionally or recklessly making false or misleading statements in response to a s.113 notice.

S115 Renters' Rights Act 2025 permits the Council when it reasonably suspects a breach of the Rented Accommodation Legislation to issue a notice to any person requiring them to provide the information specified. This may only be done to investigate whether a breach

has occurred under the Rented Accommodation Legislation, or to determine the amount of a penalty. For the purposes of this section, the Rented Accommodation Legislation means:

- Sections 1 and 1A of the Protection from Eviction Act 1977;
- Chapter 1 of Part 1 of the Housing Act 1988;
- Parts 1 to 4 and 7 of the Housing Act 2004;
- Section 83(1) or 84(1) of the Enterprise and Regulatory Reform Act 2013;
- Sections 21 to 23 of the Housing and Planning Act 2016;
- Chapter 3 of Part 1 and Part 2 of the Renters' Rights Act 2025.

Where an individual has not complied with a s115 notice, s116 Renters' Rights Act 2025 enables the Council to make an application to the Court to enforce the provisions of the notice and seek reimbursement for the costs of the application.

S131 Renters' Rights Act provides that, in addition to the offence of non-compliance with a s114 notice, it is an offence for an individual to obstruct a Council officer seeking to exercise their powers without reasonable excuse. It is also an offence to fail to give an officer any additional assistance or information which they reasonably require without reasonable excuse.

S235 Housing Act 2004 allows the Council to issue a notice to relevant individuals, including occupiers, directing them to provide specified documents under their control for the purpose of investigating whether an offence has been committed under Parts 1 to 4 of the Housing Act 2004 or exercising the Council's functions under Parts 1 to 4 of the Housing Act 2004.

S16 Local Government (Miscellaneous Provisions) Act 1976 also permits the Council to issue a notice to an occupier, manager, or individual with an interest in the land to compel them to provide the Council with information on the nature of their interest and the names and addresses of current occupiers and of any others with an interest in the land.

Entry to Premises

S118 Renters' Rights Act 2025 permits Council officers to enter business premises of relevant people (including landlords, letting agents, and marketers) if it is necessary for the production or seizure of documents under s122-s123 Renters' Rights Act 2025. This power will be exercised without a warrant.

S121 Renters' Rights Act 2025 allows a Council officer named in a warrant to enter premises used for a rental sector business which is not mainly accommodation if there are documents on the premises which the officer could require under s122 or seize under s123. In addition, for this power to be exercised, one of the following conditions must be met:

- That access to the premises has been or is likely to be refused, and the Council has provided notice of their intention to apply for a warrant to the occupier;

- Those documents on the premises would likely be concealed or interfered with if notice of entry were to be given;
- That no occupier is present, and waiting for their return might defeat the purpose of the entry.

Following a s118 or s121 Renters' Rights Act 2025 entry, s122 allows an officer at any reasonable time to require a relevant person on the premises to produce any documents relating to the business and to make copies of them. This may only be exercised to ascertain whether there has been a breach of the Rented Accommodation Legislation where an officer reasonably suspects there has been a breach or an offence; or to ascertain whether the documents may be required in evidence for proceedings regarding a breach or offence.

Following a s118 or s121 Renters' Rights Act 2025 entry, s123 authorises Council officers to seize and detain documents that the officer reasonably suspects may be required as evidence in proceedings relating to a breach of, or an offence under, the Rented Accommodation Legislation. When doing so, the officer will provide evidence of the officer's identity and authority if reasonably practicable. The officer will take reasonable steps to inform the person from whom documents have been seized that they have been seized and will provide that person with a written record of what has been taken.

S126 Renters' Rights Act 2025 permits the Council to enter residential premises used for a tenancy at a reasonable time if the officer considers it necessary as part of an investigation into potential offences specified in subsection 1(b). Where required, the Council will give at least 24 hours' notice of this to the occupier and individuals with an interest in the property as per subsection 1(c), detailing in writing why the entry is necessary and the suspected offences. Where there are occupiers found on the premises, the officer will provide evidence of the officer's identity and authority to at least one of the occupiers if reasonably practicable.

In addition, s239 Housing Act 2004 permits Council officers to enter, if necessary and at a reasonable time, a property in order to carry out a survey or examination. This may be done if any one of the following is met:

- to determine if any Part 1-4 enforcement functions should be exercised;
- The premises are part of an Improvement Notice or Prohibition Order;
- A management order is in force under Chapter 1 or 2 of Part 4 on the premises.

In certain circumstance the Council may obtain a warrant to enter, by force, if necessary, under s240 Housing Act 2004.

6.0. Informal Action

Informal action taken by the Council may be written or verbal advice. Additionally, a visit may be made at the outset by Council Officers in cases where the initial complaint or contact indicates that an immediate investigation by a Council officer is warranted.

In cases where officers visit an address, whether this is a result of a landlord's failure to adequately resolve a highlighted issue or as part of an audit or other investigation, written or verbal advice may be deemed sufficient should the inspection highlight only very minor deficiencies.

Where written advice is deemed appropriate by the Council and is provided, timescales will normally be included to undertake any specified work or actions.

While the Council will use its discretion on whether to carry out informal action for a Category 2 hazard, it does not need to provide written or verbal advice before commencing formal action.

7.0. Formal Action

If formal action is considered appropriate, the following options are available to the Council.

Housing Act 2004 Part 1

- issue an Improvement Notice in respect of any Category 1 hazards and any Category 2 hazards on the property. This requires the person to whom it is served to undertake the remedial action specified on the Notice within a given timeframe. The mandated work and the timeframe will be determined by the Council depending on the nature and scale of the work.
- issue a Prohibition Order in respect of any Category 1 hazards and any Category 2 hazards on the property. This prevents occupation of whole or part of the property, or can be used to limit occupant numbers, within a specified timeframe.
- issue a Hazard Awareness Notice in respect of any Category 1 hazards and any Category 2 hazards on the property. This makes the owner and occupiers aware of the hazards identified; however, it does not require remedial action. As a result, and because it does not secure risk-reducing works within a specified timeframe, a Hazard Awareness Notice will not usually be the most appropriate course of action where remedial works are necessary to reduce the risk of harm to occupiers or potential occupiers.
- make an Emergency Prohibition Order. This immediately prohibits the use of all or part of a dwelling if there is an imminent risk of serious harm to the health or safety of the occupants or others.

- Where there is a Category 1 hazard present, S40 Housing Act 2004 allows the Council to undertake Emergency Remedial Action on the Category 1 hazard without prior notice.
- The Council also has the power to suspend action taken under Part 1 Housing Act 2004 in situations where it has the power or duty to take enforcement action through the service of an Improvement Notice or Prohibition Order. This will be at the Council's discretion and will normally be considered for the purpose of minimising inconvenience to the current occupiers.
- Demolition and Clearance are options for both Category One and/or Category Two hazards.
- S30 Housing Act 2004 provides that failure to comply with an Improvement Notice is a criminal offence, which will normally be followed by prosecution or the issuing of a civil penalty.
- S32 Housing Act 2004 provides that failure to comply with a Prohibition Order is a criminal offence, which will normally be followed by prosecution.
- Other formal notices served by the Council may not relate to the landlord undertaking remedial works but may cover a range of other matters including, but not limited to, exercising a right of entry under s.239 of the Housing Act 2004 and a request to provide information or the need to abate or avoid overcrowding.

Work in default

The enforcement options for non-compliance with formal Notices or breach of licence conditions include the carrying out of works specified in the Notice. This power may be exercised in addition to other enforcement proceedings taken for non-compliance. The Council has no duty to undertake works in default and it will be at its discretion.

Emergency or suspended enforcement action

Where there is a Category 1 hazard present, s43 Housing Act 2004 permits the Council to issue an Emergency Prohibition Order. This immediately prohibits the use of all or part of a dwelling if there is an imminent risk of serious harm to the health or safety of the occupants or others.

S40 Housing Act 2004 allows the Council to undertake Emergency Remedial Action on the Category 1 hazard without prior notice. The Council may then seek reimbursement of costs incurred on the work and the administration of the scheme.

The Council also has the power to suspend action taken under Part 1 Housing Act 2004 in situations where it has the power or duty to take enforcement action through the service of an Improvement Notice or Prohibition Order. This will be at the Council's discretion and will normally be considered for the purpose of minimising inconvenience to the current occupiers.

HMO Licence Conditions

Conditions can be added to HMO licences to require work to meet specified standards or to address HMO Management Regulation requirements. In general, authorities should seek to identify, remove or reduce category 1 or category 2 hazards in the house by the exercise of Part 1 functions and not by means of licence conditions however this does not prevent the authority from imposing licence conditions relating to the installation or maintenance of facilities or equipment even if the same result could be achieved by the exercise of Part 1 functions;

Failure to comply with these conditions is a criminal offence, which may result in prosecution or the issuing of a civil penalty

Other Legislative alternatives

There may be other legislative alternatives available to remedy deficiencies that cause Category Two hazards, which an authority may choose as a more appropriate enforcement approach.

Prosecution

Where a Civil Financial Penalty is an available alternative to prosecution, the Council will only consider using its power to prosecute under Part 1 Housing Act 2004 in more serious cases.

The decision to prosecute will be determined by the evidential strength of the Council's case and the relevant public interest factors set down by the Director of Public Prosecutions in the Code for Crown Prosecutors.

In many circumstances, where an offence is committed by a body corporate, legislation enables local authorities to pursue people involved with the body corporate in addition to, or instead of, the body corporate. These include company officers and, where applicable, company members.

The Council will determine, on a case-by-case basis, whether to take enforcement action against any person or person that they consider fall within the scope of this category in addition to prosecuting the body corporate.

Civil Financial Penalties for specified offences

This section relates exclusively to Civil Financial Penalties issued by the Council for breaches of the housing law below.

The Council has the power to impose a Civil Financial Penalty for the following:

- Unlawful eviction and harassment of occupiers as defined under the Protection from Eviction Act 1997
- Failure to comply with an Improvement Notice [s30 Housing Act 2004]
- Offences in relation to licensing of Houses in Multiple Occupation (HMOs) [s72 Housing Act 2004]
- Offences in relation to the Selective Licensing of 'houses' [s95 Housing Act 2004]
- Failure to comply with an Overcrowding Notice [s139 Housing Act 2004]
- Failure to comply with a management regulation in respect of an HMO [s234 Housing Act 2004]
- Offences in relation to Regulation 3 of the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020
- Failure to comply with a banning order [s21 Housing and Planning Act 2016]
- Failure to give a written statement of terms under section 16D of the Housing Act 1988
- Failure to give an existing tenant information about changes made by the Renters' Rights Act under paragraph 7(2) of schedule 6 to the Renters' Rights Act 2025
- Attempting to let a property for a fixed term under section 16E of the Housing Act 1988
- Attempting to end a tenancy orally or by service of a notice to quit under section 16E of the Housing Act 1988
- Serving an eviction notice that attempts to end a tenancy outside the prescribed section 8 process under section 16E of the Housing Act 1988
- Relying on a ground where the person does not reasonably believe that the landlord is/will be able to obtain possession under section 16E of the Housing Act 1988
- Relying on a ground knowing the landlord would not be able to obtain possession or being reckless as to whether they would under section 16J of the Housing Act 1988
- Failing to provide a tenant with prior notice that a ground which requires it may be used under section 16E of the Housing Act 1988
- Reletting or remarketing a property before expiry of the 12 month no-let period after using the moving and selling grounds under sections 16E and 16J of the Housing Act 1988
- Discriminating against prospective tenants during the letting process on the grounds that those tenants are in receipt of benefits or have children under sections 33 and 34 of the Renters' Rights Act 2025
- Marketing a letting without stating the proposed rent under section 56 of the Renters' Rights Act 2025
- Inviting or encouraging any person to offer to pay an amount of rent under the proposed letting that exceeds the stated rent under section 56 of the Renters' Rights Act 2025

- Accepting an offer from any person to pay an amount of rent under the proposed letting that exceeds the stated rent under section 56 of the Renters' Rights Act 2025

Civil Financial Penalties in respect of these offences operate according to their own independent standalone. policy

Rent Repayment Orders

Part 2 of the Housing and Planning Act 2016 permits the Council to seek a Rent Repayment Order at the First Tier Tribunal Property Chamber to require the landlord of the property where the offence(s) has been committed to refund rent to the tenants or the Council. S48 of the Housing and Planning Act 2016 places a duty on the Council to consider applying for Rent Repayment Orders.

Where a landlord has been convicted or received a Civil Financial Penalty in respect of the offence, the Tribunal must award the maximum applicable amount, except in exceptional circumstances.

This power will be considered in response to all qualifying offences and where there is sufficient evidence for a successful application to the First Tier Tribunal.

The qualifying offences are:

- Unlawful eviction and harassment of occupiers as defined under the Protection from Eviction Act 1997
- Failure to comply with an Improvement Notice [s30 Housing Act 2004]
- Offences in relation to unlicensed HMOs [s72(1) Housing Act 2004]
- Offences in relation to unlicensed houses [s95(1) Housing Act 2004]
- Failure to comply with an Improvement Notice [s30(1) Housing Act 2004]
- Failure to comply with a Prohibition Order [s32(1) Housing Act 2004]
- Breach of a Banning Order [s21 Housing and Planning Act 2016]
- Using Violence to secure entry [s6(1) Criminal Law Act 1977]
- Knowingly or recklessly misusing a possession ground [s16J (1) Housing Act 1988]
- Letting or marketing of a property within twelve months of using the 'moving in' or 'selling' ground of eviction [s16J (2) Housing Act 1988]
- Continuous breach of certain tenancy reform requirements [s16J (3) Housing Act 1988]

An application for an RRO may be in addition to other formal action, such as prosecution proceedings or the imposition of a Civil Penalty. Where the Council has issued a Civil Financial Penalty or pursued prosecution, it will usually apply for a Rent Repayment Order where public funds have been paid to a landlord who has committed a qualifying offence.

S49 of the Housing and Planning Act 2016 enables the Council to assist tenants in applying for Rent Repayment Orders. The Council will usually assist tenants by referring or signposting them to a relevant organisation.

Banning Orders

Part 2, Chapter 2 of the Housing and Planning Act 2016 permits a Council to apply for a Banning Order against a person who has been convicted of one or more of the relevant offences. This would prevent the landlord from:

- Letting housing in England;
- Engaging in English letting agency work;
- Engaging in English property management work; or
- Doing two or more of those things.

The Council may consider a Banning Order for the more serious offenders. It will take into account the seriousness of the offence(s), whether the landlord has committed other offences (or received any Civil Penalty in relation to a Banning Order offence) and any history of failing to comply with their obligations or legal responsibilities. It will also take into account other relevant factors, including but not limited to:

- The harm, or potential harm, caused to the tenant;
- The need to punish the offender;
- The need to deter the offender from repeating the offence;
- The need to deter others from committing similar offences.

Costs and Charges

The Council incurs costs in carrying out its functions. Where legislation allows, the Council will seek to recover reasonable costs and expenses associated with its enforcement, licensing, and wider regulatory activity. This may include (non-exhaustively) costs arising from inspections, investigation, evidence gathering, notices and other statutory documentation, follow-up action, compliance monitoring, and works or other interventions.

Recovery may be pursued using all available lawful routes, which may include civil action, local land charges, and enforcement against the property.

Where permitted, interest may be applied to outstanding sums until paid.

8.0. Complaints

Contact may be made with the Council about any matters listed here

- Via our website: [online feedback form](#)
- by telephone on 01263 513811
- By letter in writing or in person at:

North Norfolk District Council
Council Offices,
Holt Road,
Cromer,
Norfolk,
NR27 9EN

A service user can still make a complaint in cases where the Council has instigated legal proceedings. However, making a complaint will not stop any impending legal action.

Where statutory notices have been served, making a complaint does not replace the statutory rights of appeal or the right to make representations. It also does not allow extra time to comply with any notice or order.

If a service user disagrees with a statutory notice, they should take action as specified in the notice or order to make an appeal, if any exists. Reference should be made to any notes that may accompany the notice or order for more detail.

Appendix 1 – Statement of principles to determine the amount of a penalty charge under Part 4 of The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 as amended by The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 (“the Regulations”)

Section 13 of the Regulations requires local housing authorities to prepare and publish a statement of principles which they propose to follow in determining the amount of a penalty charge.

The Regulations introduced legal requirements on relevant landlords to:

1. Equip a smoke alarm on each storey of the premises on which there is a room used wholly or partly as living accommodation.
2. During any period when the premises were occupied under the tenancy, to ensure that a carbon monoxide alarm is equipped in any room of the premises which is used wholly or partly as living accommodation and which contains fixed combustion appliance other than a gas cooker.
3. Carry out checks by or on behalf of the landlord to ensure that each prescribed alarm is in proper working order on the day the tenancy begins if it is a new tenancy.
4. Where, following a report made on or after 1st October 2022 by a tenant or by their nominated representative to the landlord, a prescribed alarm is found not to be in proper working order, the alarm is repaired or replaced.

For the purposes of the legislation, living accommodation includes a bathroom or lavatory.

Where the Council believe that a landlord is in breach of one or more of the above duties, the Council must serve a remedial notice on the landlord. The remedial notice is a notice served under Regulation 5 of the Regulations.

If the landlord then fails to take the remedial action specified in the notice within the specified timescale, the Council can require a landlord to pay a penalty charge and can arrange for remedial action to be taken under certain circumstances. The power to charge a penalty arises from Regulation 8 of the Regulations. Failure to comply with each remedial notice can lead to a fine of up to £5,000. Fines will be applied per breach, rather than per landlord or property.

The Council will impose a penalty charge where it is satisfied, on the balance of probabilities, that the landlord has not complied with the action specified in the remedial notice within the required timescale.

A landlord will not be considered to be in breach of their duty to comply with the remedial notice if they can demonstrate they have taken all reasonable steps to comply. Where there is evidence, including written correspondence, of repeated and consistent efforts to obtain access to the property, with access repeatedly being prevented by the occupant(s) of the property, a landlord will not be considered to be in breach of their duty to comply with the remedial notice. A landlord will be expected to have:

- Communicated the risk of harm that the lack of functioning alarms posed to all occupants in writing on multiple occasions
- Requested access to comply with the remedial notice on a regular basis of no longer than every seven days in writing

In considering the imposition of a penalty, the Council may look at the evidence concerning the breach of the requirement of the notice. A non-exhaustive list of methods that may be used to obtain relevant evidence includes, but is not limited to:

- Evidence obtained from a property inspection
- Evidence provided by the tenant or agent
- Evidence provided by the landlord demonstrating compliance with the Regulations by supplying dated photographs of alarms, together with installation records
- That all detector heads have not passed their expiration or replacement date

Landlords need to take steps to demonstrate that they have met the testing requirements at the start of the tenancy requirements. A non-exhaustive list of methods that may be used to evidence compliance with these testing requirements includes, but is not limited to:

- Tenants signing an inventory form which states that they observed the alarms being tested and confirming that the alarms were in working order at the start of the tenancy

Where a landlord is in breach, the local housing authority may serve a remedial notice. Failure to comply with each remedial notice can lead to a fine of up to £5,000. Fines will be applied per breach, rather than per landlord or property

When determining the amount of the penalty charge, regard will be had to whether this is a first breach under the Regulations.

Determining the amount of the penalty charge for a first breach

The minimum amount of a penalty charge for a first breach of the Regulations will be £2500. Only in exceptional circumstances may the Council depart from the application of this statement of principles and issue a penalty charge for less than £2500. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple mitigating factors

The starting level of a penalty charge for a first breach of the Regulations will be £3000. The penalty charge amount will then be varied depending on aggravating and mitigating factors.

Aggravating factors include, but are not limited to:

- The number of alarms not working or missing (the Regulations state there should be one per storey)
- Other fire safety concerns/defects in the property which increase the risk posed to the occupants
- The length of time the offence is believed to have been on-going
- The frequency of complaints by the occupiers to the landlord about the non-working or missing alarms
- The costs of any remedial work the Council have carried out in response to the breach
- Whether the property is let as an HMO (which increases the overall risk)
- The number of occupants living in the property
- Presence of vulnerable occupiers such as elderly, children or disabled people
- Any history of previous enforcement or non-compliance of the landlord
- Attempts to obstruct the investigation

Mitigating factors include, but are not limited to:

- The property being small and low-risk (for example a one-bedroom ground floor flat with a large number of fire escapes including large windows)
- A single occupant living in the property
- Evidence that all required alarms were checked and in working order at the start of the tenancy
- Written evidence that some efforts to gain access and comply with the remedial notice were made and access was prevented by the occupant

Determining the amount of the penalty charge for a subsequent breach

The penalty for subsequent breaches by the same landlord will be £5000. Only in exceptional circumstances may the Council depart from the application of this statement of principles and issue a penalty charge for less than £5000. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple mitigating factors.

Appendix 2: Statement of principles to determine the amount of a penalty charge for a breach of minimum energy efficiency standards (MEES) with respect to domestic privately rented property

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (“the Regulations”) make it unlawful to rent out a domestic property if it has an EPC (Energy Performance Certificate) rating of F or G (unless a valid exemption has been registered on the PRS Exemptions register).

The Regulations make it unlawful to fail to comply with a compliance notice served by the Council.

The Regulations cover all relevant properties, even where there has been no change of tenancy.

The Regulations were introduced to improve the energy efficiency of housing in the private rented sector and to reduce greenhouse gas emissions and tackle climate change. They should help make tenants’ homes more thermally efficient.

An energy performance certificate (EPC) gives the property an energy efficiency rating – A rated properties are the most energy efficient and G rated are the least efficient. It’s valid for 10 years and must be provided by the owner of a property, when it is rented or sold.

If you are a landlord and you fail, when requested, to provide an EPC for the start of a tenancy, you will be in breach of the Regulations.

An EPC contains information about the type of heating system and typical energy costs. It also gives recommendations about how the energy use could be reduced, lowering running costs. You can find the recommended energy efficiency improvements on the current EPC.

If you’re a private landlord, you must either:

- ensure your rented properties have an EPC with a minimum ‘E’ rating
- register a valid PRS exemption on the PRS exemptions register

Failure to do either of these is a breach of the Regulations.

The Council investigates any potential breaches of the regulations. If the Council is satisfied that you are, or have at any time in the 18 months preceding the date of service of the penalty notice, breached the Regulations, you may be subject to a penalty notice imposing a financial penalty. The Council may also impose a publication penalty.

The “publication penalty” means publication, for a minimum period of 12 months, or such longer period as the Council may decide, on the PRS Exemptions Register of such of the following information in relation to a penalty notice as the Council decides:

- Where the landlord is not an individual, the landlord's name
- Details of the breach of these Regulations in respect of which the penalty notice has been issued
- The address of the property in relation to which the breach has occurred, and
- The amount of any financial penalty imposed.

The Council will impose the following financial penalties:

- (d) letting a property with an F or G rating for less than 3 months: £2,000
- (d) letting a property with an F or G rating for more than 3 months: £4,000
- (d) registering false or misleading information on the PRS exemptions register: £1,000
- (d)** failing to provide information to the Council demanded by a compliance notice:
£2,000

The Council may not impose a financial penalty under both subsections (a) and (b) above in relation to the same breach of the Regulations. But they may impose a financial penalty under either paragraph (a) or paragraph (b), together with financial penalties under paragraphs (c) and (d), in relation to the same breach. Where penalties are imposed under more than one of these paragraphs, the total amount of the financial penalty may not be more than £5,000.

This page is intentionally left blank

Financial (Civil) Penalties Policy

Enforcement under the Renters' Rights Act 2025
And other housing legislation

PUBLICATION DATE

VERSION NUMBER	DATE
DRAFT 1	XX.XX.XXX



NORTH
NORFOLK
DISTRICT
COUNCIL

Content		Page
1.0	Introduction	4
2.0	Scope	4
3.0	Policy Statement	4
4.0	Offences and Penalty Amounts	5
5.0	Statutory Guidance	8
6.0	Civil Penalties Matrix	9
6.1	- Starting point based seriousness of the breach or offence	9
6.2	- Adjustment for factors relating to the type of landlord; size and type of portfolio controlled, owned or managed; experience of the landlord (“Landlord Type”)	10
6.3	- Mitigating and aggravating 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	11
6.4	- General approach	11
6.5	- Mitigating factors	11
7.0	Steps taken to remedy the basis of the breach or offence	11
7.1	- A high level of cooperation	12
7.2	- Acceptance of liability	12
7.3	- Health circumstances	12
7.4	- Diminished culpability (limited responsibility)	12
7.5	- Aggravating factors	12
7.6	- Previous history of non-compliance	13
7.7	- The totality principle	15
8.0	Offences and breaches where a civil penalty may be levied and relevant considerations as to the level of that penalty	17
8.1	- Protection from Eviction Act 1977 offences	17
8.2	- Housing Act 1988 breaches and offences	17
8.3	- Housing and Planning Act 2016 offences	22
8.4	- Renters Rights Act 2025 breaches	22
8.5	- The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 breach of duties	23
8.6	- Housing Act 2004 offences	25
9.0	Process for imposing a civil penalty and the right to make written representations	33
9.1	- Notice of intent	33
9.2	- Right to make written representations	33
9.3	- Decision after the representations period	33
9.4	- Final notice	34
9.5	- Discount for prompt payment	34
10.0	Appeals	35
11.0	Document Information & Version Control	35

1.0. Introduction

This policy applies once the Council has made a decision to commence civil penalty proceedings.

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

In this policy, the term 'corporate landlord' should be read as referring to a body corporate that meets the definition of 'landlord' above.

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

2.0. Scope

A civil penalty can be imposed on a landlord for committing offences under a number of different provisions. Such penalties can be used as an alternative to prosecution although the burden of proof for a civil penalty is the same as that required for a criminal prosecution. Penalties are not intended to be used as an 'easy option' and the Council must be satisfied of the offence beyond all reasonable doubt before a civil penalty is issued. It is intended that a prosecution will still be appropriate for the most serious offence

The starting points for the level of civil penalties are stated in the government's statutory guidance. The policy outlines the steps we will take, and factors we will consider, when deciding on the final level of a civil penalty.

3.0. Policy Statement

The policy sets out how we will use civil penalties (financial fines) to deter landlords from breaking the rules. Our aim is to make enforcement fair, consistent and easy to understand. When deciding the amount of a penalty, we will look at how serious the issue is, whether the landlord has broken rules before, what they have done to put things right, and whether there are multiple offences. There are also discounts for paying promptly.

This policy is based on a model civil penalty policy endorsed by the Association of Chief Environmental Health Officers (ACEHO) and used by other council

4.0. Offences and Penalty Amounts

The following breaches are subject to a civil penalty with a statutory maximum of £7,000:

- Failure to give a written statement of terms and any other prescribed information under section 16D of the Housing Act 1988.
- Attempting to let a property for a fixed term under section 16E of the Housing Act 1988.
- Attempting to end a tenancy by service of a notice to quit under section 16E of the Housing Act 1988.
- Attempting to end a tenancy orally or requiring that it is ended orally under section 16E of the Housing Act 1988.
- Serving an eviction notice that attempts to end a tenancy outside the prescribed section 8 process under section 16E of the Housing Act 1988.
- Relying on a ground where the landlord does not reasonably believe that the landlord is/will be able to obtain possession under section 16E of the Housing Act 1988.
- Failing to provide a tenant with prior notice that a ground which requires it may be used under section 16E of the Housing Act 1988.
- Failure to give an existing tenant prescribed information about changes made by the Renters' Rights Act 2025 in the prescribed form and timeframe under paragraph 7(2) of schedule 6 to the Renters' Rights Act 2025.
- Discrimination relating to children in the lettings process under section 33 of the Renters' Rights Act 2025.
- Discrimination relating to benefits in the lettings process under section 34 of the Renters' Rights Act 2025.
- Failure to specify proposed rent within a written advertisement or offer under section 56 of the Renters' Rights Act 2025.
- Inviting, encouraging or accepting any offer of rent greater than the stated rate under section 56 of the Renters' Rights Act 2025.

The following breaches are subject to a civil penalty with a statutory maximum of £40,000:

- Breach of duty under Regulation 3, 3B, 3C, and 3D of The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020.

The following offences are subject to a civil penalty with a statutory maximum of £40,000:

- Unlawful eviction and harassment of occupier under section 1 of the Protection from Eviction Act 1977.
- Continuation of conduct subject to a relevant penalty (under s.16I or s.16K Housing Act 1988) after the 28-day period (or, if appealed, after conclusion of the appeal) where the final notice has not been withdrawn under section 16J of the Housing Act 1988
- Conduct giving rise to liability under s.16I, where within the preceding five years the landlord has either (i) had a relevant penalty (under s.16I or s.16K Housing Act 1988) imposed for different conduct and the final notice has not been withdrawn, or (ii) been convicted under s.16J for different conduct under section 16(J) of the Housing Act 1988.
- Relying on a ground knowing the landlord would not be able to obtain possession or being reckless as to whether they would under section 16J of the Housing Act 1988.
- Breach of restrictions relating to reletting (s16(E)(2) Housing Act 1988) or remarketing (s16(E)(3) Housing Act 1988) a property within restricted period after using Grounds 1 or 1A of Schedule 2 Housing Act 1988 under section 16J of the Housing Act 1988.
- Breach of a banning order under section 21 of the Housing and Planning Act 2016.
- Failure to comply with an Improvement Notice under section 30 of the Housing Act 2004.
- Contravention of an overcrowding notice under section 139 of the Housing Act 2004.
- Failure to obtain a selective licence under section 95 of the Housing Act 2004.
- Failure to obtain an HMO licence under section 72 of the Housing Act 2004.
- Knowingly permitting over-occupation of an HMO under section 72 of the Housing Act 2004.
- Failure to comply with management regulations in respect of HMOs under section 234 of the Housing Act 2004.
- Failure to comply with HMO licence conditions under section 72 of the Housing Act 2004.
- Failure to comply with selective licence conditions under section 95 of the Housing Act 2004.

If a landlord has committed multiple breaches or offences, a separate civil penalty can, and usually will, be imposed for each breach and offence. In each case, the level of any civil penalty imposed will be determined in accordance with this policy. If multiple landlords have committed the same breach or 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 accordance with this policy.

This policy outlines the Council's methodology and mechanism for assessing and setting the level of a civil penalty at all stages where a civil penalty is under consideration, including the preparation of a notice of intent, and where a final decision has been made to impose a civil penalty

When applying the civil penalties matrix, interim calculations at individual stages may result in figures that exceed the statutory maximum. Where the final amount reached following application of all relevant steps exceeds the statutory maximum, the civil penalty will be reduced to the applicable statutory maximum.

The Council considers the need for transparency and consistency to be of primary importance to ensure fairness in the discharge of its functions. The general objective of this policy is, therefore, to promote both transparency and consistency in the imposition of financial penalties so that those involved in the letting or management of accommodation (a) know how the Council will generally penalise relevant breaches and offences and (b) are assured that, generally, like cases will be penalised similarly, and different cases penalised differently.

The Council recognises that, despite its best efforts, landlords may operate unlawfully for a significant period without detection, and that only a proportion of those committing relevant breaches and offences will be identified. Accordingly, the Council seeks to ensure that civil penalties are set at a level that makes it clear to the landlord concerned and to others that operating unlawfully as a landlord is financially disadvantageous when compared to operating lawfully.

The Council has a duty to act fairly, transparently and consistently when assessing civil penalties. To maintain fairness between all landlords, the Council will not give weight to claims advanced as factors that might reduce the amount of a civil penalty unless those claims are supported by evidence that the Council reasonably considers to be relevant, reliable, credible, and sufficient in scope and detail to enable proper assessment of the claim, having regard to the nature of the claim, the information ordinarily available to the landlord, and the need for consistent and fair decision-making. Allowing inadequately evidenced assertions to influence outcomes would risk rewarding those who provide incomplete or misleading information and would create an unfair advantage over

landlords who provide a full and properly evidenced account. Accordingly, the Council expects landlords against whom a civil penalty is being considered to

provide all documents and records that would ordinarily exist if their account were accurate. Where such evidence is not provided, and no explanation that the Council considers adequate is given, the Council may draw an adverse inference.

Where claims are advanced without sufficient supporting evidence, the Council may request specified supporting material before determining whether to issue a final notice or whether any mitigation has been sufficiently evidenced so as to justify a lower civil penalty.

The further objectives of using financial penalties in particular as a means of enforcing the above breaches and offences are explained below.

5.0. Statutory Guidance

The Government has issued statutory guidance entitled “Civil penalties under the Renters' Rights Act 2025 and other housing legislation”. The Council has regard to this guidance in the exercise of their functions in respect of civil penalties.

The Council has considered the following factors in developing this civil penalty policy to help ensure that the civil penalty is set at an appropriate level.

Severity of the breach or offence. The more serious the breach or offence, the higher the penalty should be.

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.

The harm caused to the tenant. This is a very important factor when determining the level of penalty. The greater the actual harm or the potential for harm, principally to the tenant but also potentially the local community, the higher the penalty should be.

Punishment of the offender. The penalty should, in a way that is fair, both punish the offender and demonstrate the consequences of not complying with their responsibilities.

Deter the offender from repeating breaches or offences. The ultimate goal is to prevent any further offending and help ensure that the offender fully complies with all of their legal responsibilities in future. The level of the penalty should therefore be set at a level that it is likely to have a very significant deterrent effect.

Deter others from committing similar breaches or offences. While the fact that someone has received a civil penalty may not be in the public domain, the civil

penalty policy itself will be and local authorities should consider how their formal enforcement activity can be effectively publicised.

An important part of deterrence is the realisation on the part of landlords that the local housing authority is proactive in levying civil penalties where the need to do so exists and the civil penalty will be set at a high enough level such that operating lawfully will be the sensible financial choice.

Remove any financial benefit the offender may have obtained as a result of committing the breach or offence. The principle here is that it should not be in the offender's financial interest to commit a breach or offence rather than comply, for example that the penalty for breaching licensing conditions in respect of occupancy of a property is less than the additional rent received as a result of the overcrowding. The absence of any financial benefit to the landlord does not mean though that the penalty should be reduced.

6.0. Civil Penalties Matrix

In determining the level of a civil penalty, officers will have regard to the matrix set out below. The matrix consists of the following sequential steps:

1. Determining the starting point based on the seriousness of the breach or offence.
2. Adjustment for factors relating to the type of landlord; size and type of portfolio controlled, owned or managed; experience of the landlord ("Landlord Type")
3. Mitigating and aggravating 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.
4. Financial considerations.
5. Applying the totality principle.

6.1. Starting point based of seriousness of the breach or offence

The Ministry of Housing, Communities & Local Government has provided statutory guidance that prescribes starting points for all breaches and offences based on the seriousness of the breach or offence. The exception to this prescription is for breaches of licensing conditions under sections 72(3) and 95(2) of the Housing Act 2004, where the Council has determined its own starting levels based on the seriousness of the specific licence condition or type of licence condition that has not been complied with.

6.2. Adjustment for factors relating to the type of landlord; size and type of portfolio controlled, owned or managed; experience of the landlord (“Landlord Type”)

While all landlords are expected to comply fully with their legal obligations, the Council considers that a higher standard of professionalism and regulatory awareness is reasonably expected of landlords who operate at greater scale, who have greater experience, or who are involved in more complex forms of letting. Where such landlords fail to comply with their obligations, this will ordinarily justify a higher civil penalty.

In particular, a higher degree of professionalism is expected of landlords who:

- Control, own, or manage a significant portfolio of properties;
- Have significant experience in the letting or management of property;
- Are or have been involved in the letting or management of Houses in Multiple Occupation (HMOs);
- Are corporate landlords; or
- Are or have been directors of corporate landlords.

An upward adjustment of 20% of the applicable starting point will be applied where the landlord meets any one or more of the following criteria:

- The landlord has, at any point in time, controlled, owned, or managed six or more properties. These properties need not have been held concurrently or at the time civil penalty proceedings are brought.
- The landlord has, at any point in time, controlled, owned, or managed three or more properties that operated as HMOs, whether or not concurrently.
- The landlord is, or has previously been, a director of a corporate landlord.
- The landlord is a corporate landlord.
- The landlord has, in the Council’s assessment and by reference to the available evidence, significant experience in the letting or management of property

A downward adjustment of 20% of the applicable starting point will be applied only where all of the following criteria are met:

- The landlord has, at any point in time, controlled, owned, or managed no more than two properties.
- The landlord has controlled, owned, or managed no more than one property that has operated as an HMO, at any point in time.
- The landlord has, in the Council’s assessment and by reference to the available evidence, very limited experience in the letting or management of property.

6.3. Mitigating and aggravating 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

To promote fairness and consistency in the administration of civil penalties, the Council will apply a structured and consistent framework when determining the extent to which mitigating and aggravating factors affect the quantum of any civil penalty.

6.4. General approach

Each breach or offence may have offence-specific mitigating and/or aggravating factors, which will be considered alongside the generic factors set out below.

Where multiple civil penalties are issued under this policy against the same landlord at the same time, and except where expressly stated otherwise, mitigating and aggravating factors will be considered and applied separately to each civil penalty when determining the quantum of each penalty.

6.5. Mitigating factors

The Council may reduce the level of a civil penalty by up to 20% of the applicable starting point to reflect the presence of mitigating factors.

Only in exceptional circumstances may the Council depart from the application of this policy in respect of mitigating factors and apply a reduction in excess of 20%. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple mitigating factors.

Within the framework of this policy, the Council has not sought to provide an exhaustive list of mitigating factors, recognising that a wide range of circumstances may potentially give rise to mitigation. However, the following generic mitigating factors will be considered in respect of each breach or offence:

7.0. Steps taken to remedy the basis of the breach or offence

Non-exhaustive examples include:

- Promptly remedying all elements of the breach or offence after receiving communication from the Council.
- Promptly remedying all the significant elements of the breach or offence leaving only less significant elements of the breach or offence.

7.1. A high level of cooperation

Non-exhaustive examples include:

- Proactive provision of significant information the Council reasonably considers relevant beyond that required by statutory notice.

7.2. Acceptance of liability

Non-exhaustive examples include:

- Accepting liability before or within the period for representations.

Where a landlord relies on a reasonable excuse defence or otherwise contests liability, this mitigating factor will not usually apply.

7.3. Health circumstances

Non-exhaustive examples include:

- A serious health condition or medical incident experienced by the landlord during, or in the period immediately preceding, the breach or offence, where there is clear and reliable evidence that the condition had a direct and material impact on the landlord's ability to comply with the relevant legal obligation. Examples may include, but are not limited to, a heart attack, stroke, cancer diagnosis, or other acute or serious medical event causing significant incapacity or impairment.

7.4. Diminished culpability (limited responsibility)

Non-exhaustive examples include:

- A joint landlord who has evidenced that compliance arrangements for the subject property were directed and controlled by another joint landlord, and not by them.
- A landlord who became involved only after an unforeseen change in circumstances (such as the death of the previous landlord) and who committed the breach or offence only for a limited period while putting their affairs in order.

The instruction of a managing or letting agent, or reliance on an agent's actions or omissions, will not of itself constitute diminished culpability.

7.5. Aggravating factors

The Council may increase the level of a civil penalty by up to 20% of the applicable starting point to reflect the presence of aggravating factors.

Only in exceptional circumstances may the Council depart from the application of this policy in respect of aggravating factors and apply an increase in excess of 20%. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple aggravating factors.

The following generic aggravating factors will be considered in respect of each breach or offence:

7.6. Previous history of non-compliance.

Non-exhaustive examples include:

- Previous successful prosecutions (including relevant spent convictions), previous civil penalties, previous rent repayment orders, previous works in default, previous simple cautions.
- Concurrent investigations or proceedings relating to other civil penalties, prosecutions, or rent repayment orders will not be treated as previous non-compliance.

Non-cooperation with the Council.

Non-exhaustive examples include:

- Failure to comply with notices issued under section 16 of the Local Government (Miscellaneous Provisions) Act 1976, section 235 of the Housing Act 2004, or section 114 of the Renters' Rights Act 2025.
- Failing to provide a substantive response to a letter of alleged offence.
- Failing to attend previously agreed meetings.

Where the Council has prosecuted, or is pursuing a prosecution, in respect of the same act or omission involving failure to provide legally required information (including failure to comply with a statutory notice), that conduct will not also be treated as an aggravating factor for the purposes of setting the civil penalty, in order to avoid double counting.

Where multiple civil penalties are imposed against the same landlord at the same time, this aggravating factor will be applied only to the civil penalty with the highest starting point, unless there is a clear and reasoned basis for applying it differently.

Deliberate intent or negligence when committing the offence.

Non-exhaustive examples include:

- Knowledge that the breach or offence was occurring.
- Continuation of offending after communication from the Council.
- Premeditation or planning, including steps taken to prevent detection or effective investigation.
- Providing false or misleading information to the Council.
- Applying pressure to occupants to deter cooperation with the Council.

The number of occupants affected.

Non-exhaustive examples include:

- 3-5 occupants affected.

Duration of non-compliance.

Non-exhaustive examples include:

- The offence or breach occurred over a 3–6 month period.

Vulnerability of occupants

Non-exhaustive examples include children and young adults, persons vulnerable by reason of age, disability or sensory impairment, persons with drug or alcohol dependency, victims of domestic abuse, children in care, persons with complex health needs, persons who do not speak English as a first language, victims of trafficking or sexual exploitation, refugees, asylum seekers, and pregnant women.

Financial considerations

The Council will review the quantum of the civil penalty and consider whether it is sufficient to act as an effective deterrent to future non-compliance. Where the Council has evidence that it considers to be sufficiently reliable regarding rental income and/or asset value from the landlord's, it may determine that an increase in the level of the penalty is appropriate in order to achieve effective deterrence.

It is essential that, as an absolute minimum, landlords do not financially benefit from their offending behaviour.

Financial circumstances will ordinarily be considered after any written representations have been received and as part of the determination of any final notice.

Where a landlord seeks to rely on a strained or limited financial position as a basis for reducing the level of a civil penalty, that position must be supported by appropriate and verifiable evidence sufficient to enable the Council to assess the landlord's financial position consistently, objectively, and transparently. Unsupported assertions, partial disclosure, or selective provision of information will not be given weight.

At a minimum, and where such information exists, the following should be provided as part of any written representations:

- The last three full tax years full self-assessment tax returns filed with HMRC, including all additional and supplemental pages;
- The last three full tax years' SA302 documents & tax year overviews;
- The last three months' payslips;
- The last three years P60 certificates;
- The last twelve months' Universal Credit payment statements;
- A list of all property assets owned or jointly owned (not limited to rental properties), together with corresponding Land Registry title documents;
- A list of all property assets owned, or held on a long lease, by any corporate entity in which the landlord has a beneficial interest, together with corresponding Land Registry documentation;
- The most recent annual mortgage statement for each property, or the last twelve months' mortgage statements where the mortgage has been in place for less than twelve months;
- Valuation statements for all ISAs held;
- Statements from any cryptoasset exchange accounts showing balances and valuations;
- A list of all shareholdings;
- Recent bank statements for any account holding a balance in excess of £5,000;
- Recent statements for all secured and unsecured loans;
- Bankruptcy orders and official notifications of bankruptcy.

Where the Council is not satisfied that it has been provided with sufficiently reliable, complete, and accurate information to assess the landlord's financial position, the Council may draw the inference that the landlord is able to pay the civil penalty as imposed.

A claimed inability to pay will not, of itself, outweigh the need to ensure effective deterrence or to remove any financial benefit obtained as a result of the breach or offence

7.7. The totality principle

The Council will have regard to the totality principle to ensure that the overall outcome of its enforcement action is just and proportionate. In exceptional cases, and having regard to the particular circumstances of the case, the Council may take account of totality at an earlier stage by deciding not to pursue a civil penalty in

respect of a specific breach or offence where doing so would render the overall outcome disproportionate.

In general, however, the application of the totality principle will form the final step in the Council's decision-making process, undertaken after any written representations have been considered and before final notices are issued, once the level of each individual civil penalty has been assessed in accordance with this policy.

As a final step before issuing final notices, the Council will consider whether multiple civil penalties being imposed under this policy against the same landlord at the same time result in an aggregate amount that is just and proportionate. Where the Council concludes that the aggregate amount would not be just and proportionate, it will consider whether a proportionate reduction of the penalties is appropriate.

The totality principle does not operate across different legal persons who are separately liable in law, nor does it operate across civil penalties imposed at different times. In general, it applies only to multiple civil penalties imposed under this policy on the same person at the same time. Where, however, legislation provides that an officer of a body corporate, or a person concerned in its management, may be separately liable in relation to the same conduct as the body corporate, and that officer also holds a shareholding interest in the body corporate, the Council will, where civil penalties are imposed at the same time on both the body corporate and the officer arising from that same conduct, consider whether the combined outcome results in punitive duplication and is therefore not just and proportionate.

Where a reduction is applied under the totality principle, the Council will ordinarily do so by applying a uniform percentage reduction across all relevant civil penalties being issued at the same time, being those civil penalties that form part of the same totality assessment. Where, however, the application of the totality principle is required to address punitive duplication arising from a shared economic interest between a body corporate and an officer, the Council may apply a differential adjustment to ensure that the overall outcome is just and proportionate.

This approach reflects the statutory guidance on the application of the totality principle and is intended to promote consistency, transparency, and proportionality, while avoiding arbitrary or selective adjustment of individual penalties.

In accordance with the statutory guidance, any rent repayment orders made in respect of the same breach or offence will be disregarded for the purposes of assessing the totality of civil penalties under this policy.

8.0. Offences and breaches where a civil penalty may be levied and relevant considerations as to the level of that penalty

8.1. Protection from Eviction Act 1977 offences

Unlawful eviction and harassment of occupier - section 1 of the Protection from Eviction Act 1977

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£35,000	£40,000	£28,000	£35,000	£42,000

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- Violence or threats of violence.
- Disposal of possessions or threats to dispose of possessions.
- Breach or evasion of an injunction or undertaking.
- Loss of home.

8.2. Housing Act 1988 breaches and offences

Failure to give a written statement of terms and any other prescribed information - section 16D of the Housing Act 1988.

starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- Provision of some of the required terms and prescribed information within the required period.

Offence-specific aggravating factors:

- None.

Attempting to let a property for a fixed term - section 16E(1)(a) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

Attempting to end a tenancy by service of a notice to quit - section 16E(1)(b) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- Tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit.

Attempting to end a tenancy orally or requiring that it is ended orally - section 16E(1)(c) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- Tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit.

Serving a possession notice that attempts to end a tenancy outside the prescribed section 8 process - section 16E(1)(d) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- Tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit.

Relying on a ground where the person does not reasonably believe that the landlord is, will, or may be able to obtain possession on that ground and the tenant(s) surrendered the tenancy within the period of four months beginning with the date of the contravention, without an order for possession of the dwelling-house being made - section 16E(1)(e) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None

Failing to provide a tenant with prior notice that a ground which requires it may be used - section 16E(1)(f) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£3,000	£7,000	£2,400	£3,000	£3,600

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

Failure to give an existing tenant prescribed information about changes made by the Renters’ Rights Act 2025 in the prescribed form and timeframe - paragraph 7(2) of schedule 6 to the Renters’ Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- Provision of some of the required prescribed information within the required period.
- Provision of prescribed information but not in the prescribed form.

Offence-specific aggravating factors:

- None.

Continuation of conduct subject to a relevant penalty (under s.16I or s.16K Housing Act 1988) after the 28-day period (or, if appealed, after conclusion of the appeal) where the final notice has not been withdrawn — section 16J(3) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Double the starting level for the two constituent breaches added together	£40,000	Dependent on the constituent breaches	Dependent on the constituent breaches	Dependent on the constituent breaches

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

Conduct giving rise to liability under s.16I, where within the preceding five years the person has either (i) had a relevant penalty (under s.16I or s.16K Housing Act 1988) imposed for different conduct and the final notice has not been withdrawn, or (ii) been convicted under s.16J for different conduct – section 16(J)(4) of the Housing Act 1988.

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Double the starting level for the two constituent breaches added together	£40,000	Dependent on the constituent breaches	Dependent on the constituent breaches	Dependent on the constituent breaches

Offence-specific mitigating factors:

- Dependent on the most recent conduct giving rise to liability to a civil penalty under section 16I of the Housing Act 1988.

Offence-specific aggravating factors:

- Dependent on the most recent conduct giving rise to liability to a civil penalty under section 16I of the Housing Act 1988.

Relying on a ground where the person knows that the landlord would not be able to obtain an order for possession on that ground, or being reckless as to whether the landlord would be able to do so and the tenant(s) surrendered the tenancy within the period of four months beginning with the date the ground was relied on, without an order for possession of the dwelling-house being made – section 16J(1) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£30,000	£40,000	£24,000	£30,000	£36,000

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

Breach of restrictions relating to reletting (s16(E)(2) Housing Act 1988) or remarketing (s16(E)(3) Housing Act 1988) a property within restricted period after using Grounds 1 or 1A of Schedule 2 Housing Act 1988 - section 16J(2) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

8.3. Housing and Planning Act 2016 offences

Breach of a banning order - section 21(1) of the Housing and Planning Act 2016

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£35,000	£40,000	£28,000	£35,000	£42,000

Offence-specific mitigating factors:

- A single, isolated incident.

Offence-specific aggravating factors:

- Concealment or evasion.

8.4. Renters Rights Act 2025 breaches

Discrimination relating to children in the lettings process – section 33(1) of the Renters' Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

Discrimination relating to benefits in the lettings process – section 34(1) of the Renters' Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

Failure to specify proposed rent within a written advertisement or offer – section 56(2) of the Renters’ Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£3,000	£7,000	£2,400	£3,000	£3,600

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

Inviting, encouraging or accepting any offer of rent greater than the stated rate – section 56(3) of the Renters’ Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

8.5. The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 breach of duties

Failure to comply with The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 Regulation 3: (3)(b), (3)(d), (3)(e). Regulation 3D: (a), (b), (c), (f)

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£5,000	£40,000	£4,000	£5,000	£6,000

Offence-specific mitigating factors:

- The report or record evidences that the electrical installations were compliant at all points.

Offence-specific aggravating factors:

- The number or nature or severity of the issues observed on the report or record.

Failure to comply with The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 Regulation 3: (1)(a), (1)(b), (1)(c), (3)(a), (3)(c), (3)(ca), (5)(b), (5)(c). Regulation 3B: (1)(a), (1)(b), (1)(c). Regulation 3C: (1), (2)(a). Regulation 3D: (d), (e).

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£12,500	£40,000	£10,000	£12,500	£15,000

Offence-specific mitigating factors:

- The report or record evidences that the electrical installations were compliant at all points.

Offence-specific aggravating factors:

- The number or nature or severity of the issues observed on the report or record.

Failure to comply with The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 Regulation 3: (4), (5a), (6). Regulation 3C: (2)(b), (4)

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- The number or nature or severity of the issues observed on the report or record.

8.6. Housing Act 2004 offences

Failure to comply with an improvement notice - section 30(1) of the Housing Act 2004.

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

Offence-specific mitigating factors:

- The nature and extent of hazard(s) that are present once the deadline for compliance has passed.
- Whether the property is unoccupied once the deadline for compliance has passed.
- Access to the property was prevented by the actions or refusal of the occupant(s) and a landlord can evidence that they took steps to obtain access to the property for the purpose of carrying out the required works, but those steps fell short of establishing a reasonable excuse for non-compliance.

Offence-specific aggravating factors:

- The nature and extent of hazard(s) that are present once the deadline for compliance has passed.

Failure to comply with an overcrowding notice - section 139(7) of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- The level of overcrowding present

Failure to obtain an HMO licence - section 72(1) of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£17,000	£40,000	£13,600	£17,000	£20,400

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- The landlord has knowledge or experience of licensing requirements.
- The condition of the unlicensed property

Knowingly permitting over-occupation of an HMO - section 72(2) of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- There are suitable amenity and space provisions in the HMO.

Offence-specific aggravating factors:

- The level of over-occupation present.

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 – section 234(3) of the Housing Act 2004

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]

Where there are multiple breaches of a single Management Regulation at a single HMO, a single civil penalty will be imposed which will cover all the breaches of that Management Regulation.

Where multiple Management Regulations have been breached at a single HMO, a separate civil penalty will be imposed for each Management Regulation that has been breached.

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to provide information to occupier	£3,000	£40,000	£2,400	£3,000	£3,600

Offence-specific mitigating factors:

- The nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The nature and extent of offences within the specific regulation

- The landlord has refused to provide any outstanding contact information more than 48 hours after it has been requested by an occupant or on behalf of an occupant.

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to take safety measures	£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to maintain water supply and drainage	£10,000	£40,000	£8,000	£10,000	£12,000

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to supply and maintain gas and electricity	£12,000	£40,000	£9,600	£12,000	£14,400

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation.

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to maintain common parts, fixtures, fittings and appliances	£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation.

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty to provide waste disposal facilities	£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:

- The nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The nature and extent of offences within the specific regulation
- The lack of sufficient refuse and/or litter containers either inside and/or outside the property has been previously reported
- The refuse and/or litter that requires disposal includes hazardous materials

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

All granted HMO licences impose a set of conditions on the licence holder. It is important that the licence holder 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.

The starting levels for each different type of licence condition breach is set out below based on the seriousness of the offence. Where a licence condition could be interpreted to fall within two different potential starting levels, the higher starting level will be chosen.

Where multiple licence conditions have been breached at a single property, a separate civil penalty will be imposed for each licence condition that has been breached.

Failure to comply with licence conditions related to:

- Signage or the provision of information for tenants
- Provision of written terms of occupancy for tenants
- Procedures regarding complaints
- Procedures regarding vetting of incoming tenants
- Compliance with deposit protection legislation
- The recording and provision of information regarding rent payments
Procedures relating to rent collection
- The provision of information regarding occupancy of the property
- The provision of information regarding change of managers or licence holder details
- The provision of information related to changes in the property
- Requirements relating to the sale of the property
- Attending training courses
- Requirements to hold insurance
- The provision of insurance documentation
- The provision of or obtaining of suitable references
- The provision of keys and alarm codes
- Security provisions for access to the property
- The provision of suitable means for occupiers to regulate temperature
- Carrying out items on a schedule of works not otherwise mentioned in the HMO licence conditions section of this policy, relating to non-compliance with items on a schedule of works

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£40,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach
- Failure to comply with licence conditions related to:
- Procedures and actions regarding Inspections
- Procedures regarding Repair issues
- Maintenance and use of common parts (including gardens, outbuildings and property exterior) and living areas
- Safeguarding occupiers and minimising disruption during works
- The provision of information regarding alterations and construction works
- Procedures regarding emergency issues
- Waste and waste receptacles, pests, minor repairs, alterations or decoration.
- Giving written notice prior to entry
- Allowing access for inspections
- Minimising risk of water contamination
- The compliance of furnishings or furniture with fire safety regulations
- Carrying out items on a schedule of works in relation to provision of mechanical extraction or electrical sockets

starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach
- Failure to comply with licence conditions related to:
- The provision of documentation regarding energy performance certificates, fire detection and prevention, emergency lighting, carbon monoxide detection, fire risk assessments, gas installations, electric installations and appliances
- Notification of legal proceedings, contraventions and other relevant information that may affect a fit and proper person status
- Procedures and actions regarding ASB
- Carrying out items on a schedule of works in relation to the provision of personal hygiene facilities, kitchen facilities or heating.

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£12,500	£40,000	£10,000	£12,500	£15,000

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach
- Failure to comply with licence conditions related to:
 - Minimum floor areas
 - Occupancy rates
 - Occupancy of rooms or areas that are not to be used as sleeping accommodation
- Limits on number of households allowed to occupy the property or part of the property.

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach
- Failure to comply with licence conditions related to:
 - The condition or existence of smoke alarms, carbon monoxide alarms, emergency lighting, gas installations, electric installations and appliances, fire detection or other fire safety features or requirements
- The provision and maintenance of safe means of escape, including requirements to keep escape routes and exits free from obstruction
- Carrying out items on a schedule of works in relation to fire safety or the provision of a Carbon Monoxide detector.

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach.

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

9.1. Notice of intent

Before imposing a civil penalty on a landlord, the Council will give the landlord a notice of intent. The notice of intent will set out:

- The amount of the proposed civil penalty
- The reasons for proposing to impose the civil penalty
- Information about their right to make written representations

9.2. Right to make written representations

A landlord who is given a notice of intent may make written representations to the Council about the proposal to impose a civil penalty. Any representations must be made within a period of 28 days beginning with the day after the date on which the notice of intent was given.

9.3. Decision after the representations period

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

- Decide whether to impose a civil penalty on the landlord; and
- If it decides to impose a civil penalty, decide the amount of the penalty. This amount can be higher or lower than the amount stated in the notice of intent.

A landlord's rectification of the identified breach or offence during the representations period will rarely, of itself, lead the Council to conclude that the imposition of a civil penalty is inappropriate. However, compliance at that stage will usually be relevant to the assessment of mitigating factors that may reduce the level of any civil penalty imposed.

Similarly, an admission of liability will rarely, of itself, lead the Council to conclude that the imposition of a civil penalty is inappropriate. An admission of liability will,

however, usually be relevant to the assessment of mitigating factors that may reduce the level of any civil penalty imposed.

9.4. Final notice

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 civil penalty on the landlord, it will give the landlord a final notice imposing that penalty.

- The final notice will set out:
- The amount of the civil penalty
- The reasons for imposing the penalty
- Information about how to pay the penalty
- The period for payment of the penalty
- Information about rights of appeal
- The consequences of failure to comply with the notice

9.5. Discount for prompt payment

Where a civil penalty imposed by a final notice is paid in full within the period specified in that notice (normally 28 days beginning with the day after the final notice is given), the Council will apply a discount of 15% to the amount of the civil penalty.

The availability of the discount is conditional upon full payment being received within the specified period. The discount period will not be extended or suspended by the bringing of an appeal. A landlord who chooses to appeal may still benefit from the discount by paying the civil penalty in full within the specified period; however, where payment is not made within that period, the discount will not apply.

Illustrative example of the application of the discount

The landlord of an HMO property fails to obtain a licence. They only operate two HMO properties and there are no other relevant factors or aggravating features. The starting point for the offence under the Council's civil penalties matrix is £17,000.

Following the issue of a notice of intent proposing a civil penalty of £17,000, the landlord makes written representations. Having considered those representations, the Council determines to impose a civil penalty of £16,000, as set out in the final notice.

If the landlord pays the civil penalty in full within the payment period specified in the final notice, a 15% prompt payment discount is applied, resulting in a discounted payment of £13,600

10.0. Appeals

A landlord who is given a final notice may appeal to the First-tier Tribunal (Property Chamber) against the decision to impose a civil penalty and/or the amount of the civil penalty. Any appeal must be made within 28 days beginning with the day after the date on which the final notice was given.

Where an appeal is brought, the final notice is suspended until the appeal is finally determined or withdrawn.

An appeal to the First-tier Tribunal is by way of a re-hearing of the Council's decision. In determining an appeal, the Tribunal may have regard to matters of which the Council was unaware at the time the decision to impose the civil penalty was made.

The Tribunal may dismiss an appeal if it is satisfied that the appeal is frivolous, vexatious, an abuse of process, or has no reasonable prospect of success.

The First-tier Tribunal may invite the parties to consider mediation or another form of alternative dispute resolution. The Council will not generally agree to mediation in relation to the level of a civil penalty, as civil penalties are determined by reference to this Policy to promote fair, consistent, and proportionate outcomes. Agreeing reductions outside the Policy framework would risk undermining consistency and the Council's enforcement objectives.

On determination of an appeal, the Tribunal may:

- Confirm the civil penalty
- Vary the amount of the civil penalty (whether by increase or reduction)
- Cancel the civil penalty

Where the Tribunal varies a civil penalty by increasing its amount, it may do so only up to the applicable statutory maximum for the relevant breach or offence (£7,000 or £40,000, as applicable).

A party to the appeal may apply for permission to appeal the decision of the First-tier Tribunal to the Upper Tribunal (Lands Chamber).

11.0. Document Information & Version Control

Document Name	FINANCIAL (CIVIL) PENALTIES
Document Description	Policy
Document Status	Draft
Lead Officer	

Sponsor	
Produced by (service name)	
Relevant to the services listed or all NNDC	Environmental Protection (PRS) Housing Options and Homeless Service
Approved by	
Approval date	
Type of document	Policy
Equality Impact Assessment Details	Not required
Review Interval	e.g. Annual, Every 5 Years
Next Review Date	

Version	Originator	Description including reason for changes	Date
0.01			

This page is intentionally left blank

Local Authority Housing Fund Round 4 - Purchase of Temporary Accommodation	
Executive Summary	North Norfolk District Council has negotiated a higher level of grant funding for 2026/27 in Round 4 of the Government's Local Authority Housing Fund (LAHF). This report sets out proposals to accept the grant offered (£1.336m) to help purchase a further nine units of Temporary Accommodation for homeless households.
Options considered	<ul style="list-style-type: none"> - To accept the LAHF grant to help fund purchase of nine homes for use as temporary accommodation, with the Council providing the match funding and staffing resources to undertake the purchases and necessary repairs to the properties, by April 2027. - To not accept the LAHF grant funding offered
Consultation(s)	Portfolio Holder for Housing and Peoples' Services. Officers in Housing Options, Estates and Property Services
Recommendations	<p>It is recommended that Cabinet:</p> <ul style="list-style-type: none"> - Agree to accept the £1.336m of Local Authority Housing Fund grant - Use the LAHF grant to part fund the purchase of nine further units of temporary accommodation, including any resources needed to support this - Give delegated authority to the Section 151 Officer in consultation with the Portfolio Holder for Housing and Peoples' Services, to agree the actual purchases of the properties (within the identified budget limits as may be agreed by Full Council).
Reasons for recommendations	To seek approval for the Council to accept the LAHF grant and use the grant to help acquire further homes to use as temporary accommodation
Background papers	<p>Cabinet January 2026 - Local Authority Housing Fund Round 4 - Purchase of Temporary Accommodation Overview and Scrutiny January 2025 - Analysis of the performance of the Council's Temporary Accommodation properties 2024/25</p> <p>Cabinet March 2025 - Local Authority Housing Fund Round 3 - Purchase of Temporary Accommodation</p> <p>Cabinet October 2023 – Round 2 Local Authority Housing Fund</p> <p>Cabinet June 2023 - Purchase of Temporary Accommodation Unit</p> <p>Cabinet March 2023 – LAHF Round 1 Opportunity</p> <p>Cabinet November 2022 - Purchase of Temporary Accommodation Unit</p>

Wards affected	Districtwide
-----------------------	--------------

Cabinet member(s)	Cllr. Jill Boyle, Portfolio Holder for Housing and Peoples' Services
Contact Officer	Nicky Debbage, Housing Strategy & Delivery Manager, nicky.debbage@north-norfolk.gov.uk

Links to key documents:	
Corporate Plan:	Meeting our Housing Need.
Medium Term Financial Strategy (MTFS)	The homes acquired will be used for Temporary Accommodation for homeless households delivering financial savings compared to the cost of alternatives such as nightly paid accommodation. There will need to be a revenue repairs and maintenance budget set aside for each of the properties.
Council Policies & Strategies	NNDC Housing Strategy 2021-2025 Homelessness and Rough Sleeper Strategy

Corporate Governance:	
Is this a key decision	Yes
Has the public interest test been applied	NA
Details of any previous decision(s) on this matter	NA

1. Purpose of the report

- 1.1 This report sets out details of the Round 4 Local Authority Housing Fund (LAHF) grant that NNDC has negotiated with government to be used to acquire nine homes to help meet housing need. The report recommends NNDC accepts the grant and acquires these homes to be used as temporary accommodation (TA) for homeless households. The grant requires that some homes are to be prioritised for homeless Afghan households resettled as part of the Afghan Resettlement Programme.

2. Introduction & Background

- 2.1. NNDC has been successful in bidding for four previous rounds of LAHF grant:
- December 2022 we were awarded £205k LAHF1 to help provide one larger 4+ bed home for Afghan resettlement (plus grant to support Flagship to purchase 10 homes)
 - June 2023 we were awarded LAHF2 of £560k to help acquire four family homes, with three to be prioritised for Afghan resettlement.
 - March 2024 we were awarded a further £280k of LAHF2 underspend to purchase two more homes – one to be prioritised for Afghan resettlement.
 - January 2025 we were awarded £588k of LAHF Round 3 Reallocation to help purchase of four homes (three for general TA and one to be prioritised for

Afghan resettlement). However, through negotiations with colleagues at the Ministry of Housing Communities and Local Government, the Council agreed to purchase 7 homes, with all purchases to be exempt from Stamp Duty.

- 2.2. In summary NNDC have so far received £1.633m of LAHF grant to help acquire 14 homes (6 prioritised for Afghan resettlement) and have passed on a further £1.04m of grant to Flagship to purchase 10 new affordable homes.
- 2.3. The LAHF grant awards have been key in helping to deliver the Council's portfolio of TA homes. The Council now has 30 properties with a further two currently being purchased to bring the total to 32. Five of the properties provide housing for up to 2-years for ex-rough sleepers and the remaining 27 are/will be used as TA. As set out above, six of these TA homes are to be prioritised for Afghan resettlement households, in line with the terms of the government grant. NNDC has not yet had a formal nomination to accommodate an Afghan resettlement household and has therefore used all the above homes as general TA.
- 2.4. Homelessness remains a major challenge in the District and the Council regularly needs to accommodate 60+ households in TA, so there is still a need for more quality temporary accommodation in order that it does not need to resort to less suitable and more expensive nightly paid accommodation.

3. LAHF4 grant

- 3.1 On 19th of November LAHF contacted us to offer a further £611,000 of grant in 2026/27 to help acquire four properties; two for TA and two for Afghan resettlement (one of which should be a large 4 bed or more home). NNDC were also invited to submit an expression of interest in a higher level of grant to acquire more homes. We therefore negotiated a grant offer of £1.336m to help acquire nine properties; six for TA and three for Afghan resettlement (including one large 4 bed or more home).
- 3.2 Our recent experience of buying homes means we are confident that good properties can be acquired for an average cost (including any initial repairs needed) of £250,000 per property. Acquisition of this many properties in a relatively short timescale will put significant pressures on staffing resources. We will also need to ensure all policies and processes for the management and maintenance of homes are effective and enable us to look after homes and residents safely and efficiently. To ensure this happens in 2026/27 will require additional resources.
- 3.3 To acquire an additional nine homes in 2026/27, a capital budget of £2.25m will be required. A revenue budget of £80k will help support the acquisition and effective management and maintenance of these homes. Therefore, the total funding required to acquire nine properties is £2.33m. With LAHF grant of £1.336m this will require £994k of match funding.
- 3.5 The LAHF grant is paid in two tranches. The first tranche will be paid in April 2026. The second tranche is paid once government have received confirmation from us that we have committed 60% of the first tranche of grant funding. If Cabinet support the acceptance of the LAHF grant and acquisition of more TA homes, officers will begin to identify suitable properties as soon as possible. That should ensure we are able to acquire homes early in 2026/27 and receive the second tranche of grant funding early in the financial year.

- 3.5 The council will by the end of 2025/26 have a portfolio of 32 homes used for homelessness. The LAHF grant will support the acquisition of a further nine family homes for TA, bringing the portfolio up to 41 homes.

4. Corporate Priorities

- 4.1 Providing more affordable homes in the district is in line with the Corporate Plan priority of *“Meeting Our Local Housing Need”* and specifically the aims of *“Increasing our portfolio of Temporary Accommodation to support residents in crisis”* and *“Working with national, regional and local partners to support the needs of refugees”*.
- 4.2 Adding to the Council’s stock of good quality TA homes helps deliver financial savings to the Council’s revenue budget, when compared to the costs of more expensive, and inferior, bed and breakfast type TA. There will be additional costs associated with the maintenance of these homes, but the Council will also generate rental income from the homes.
- 4.3 Analysis of the performance and value for money of the council’s portfolio of homes used for Temporary and other homelessness accommodation (TA) in 2024/25 was reported to Overview & Scrutiny in January 2025. In summary the analysis showed that:
- Compared to nightly paid accommodation, our own TA delivers significant savings as well as a considerable improvement to the lives of those accommodated.
 - The performance of our TA has improved greatly, and in 2024/25 alone our TA saved us more than £640k compared to use of nightly paid inferior accommodation.
 - Over the last four years (2021/22-24/25) savings have totalled £1.36mIn recent years, the rental income from our TA has exceeded direct costs and resulted in a surplus.

5 Financial and Resource Implications

- 5.1 As set out above a budget of £2.33m will be required (£2.25m capital and £80k revenue, supported by match funding of £994k). The Council already has an annual TA budget of £1m per annum; this budget will need to increase to £2.25m along with a supporting revenue budget of £80k. Success in being awarded LAHF grant will help fund a substantial part of this budget. The Council have agreed with Norfolk County Council to retain a larger share of Second Homes Council Tax premium in 2026/27 which will be used to match fund the LAHF grant. Proposals for the use of the remaining Second Homes Council Tax premium will be presented to Cabinet and Full Council in June, once we have outturn figures for 2025/26 and have fully assessed other financial commitments.
- 5.2 Analysis of our existing portfolio of TA undertaken in 2025 confirmed that the Council’s own TA offered significantly better value for money than the alternatives such as nightly paid (bed and breakfast) accommodation.

Comments from the S151 Officer:

This report recommends the acceptance of a government grant to support the Council's Capital Program. Once final costs are determined any necessary amendments to the capital budget will be submitted for Cabinet consideration.

6 Legal Implications

- 6.1 The Council is able to hold in the General Fund, and let on license, homes to be used for TA for homeless households.
- 6.2 The Council is required to sign a Memorandum of Understanding for acceptance of the LAHF grant and acquisition of the homes. As NNDC has been successful in previous rounds of LAHF, this Memorandum has been checked and approved by Eastlaw. The Memorandum commits NNDC to using best endeavours to meet the LAHF requirements. However, if it is unable to deliver, the Council can return the grant with no penalties.
- 6.3 Legal input will be required to ensure effective conveyancing and to identify any legal constraints on properties that are considered for purchase.

Comments from the Monitoring Officer

This report considers the acceptance of funding for the purchase of temporary accommodation, once accepted the council needs to use its best endeavours to comply with the LAHF requirements. Final funding amounts are to be confirmed for final approval at Full Council.

7 Risks

- 7.1 The LAHF will provide grant to help the Council to provide homes for Temporary Accommodation for homeless households, with some homes prioritised for Afghan refugees. The fund aims to relieve pressure on existing limited temporary and affordable housing. The LAHF is a national scheme which will see additional funding for housing purposes in North Norfolk. There is some risk that local people in housing need might feel the Council's focus is on meeting the needs of refugees rather than existing residents and this situation would need to be sensitively managed. However, as is highlighted above, so far none of the homes the Council has purchased with LAHF grant, which were to be prioritised for Afghan households, have been used for this purpose, as the need has not arisen, and all are being used as general TA.
- 7.2 NNDC will be responsible for the acquisition, long-term management and maintenance of the homes and for managing the associated financial risks, which can be summarised as:
 - Risk of failing to deliver homes within target prices and costs over-running – mitigated by setting realistic budget for purchase and closely monitoring costs
 - Risk of failure to deliver homes within tight timescales – mitigated by early identification of suitable homes
 - Risk of purchasing homes that do not offer value for money – mitigated by requiring an independent valuation and condition survey of homes

prior to purchase.

- Risk of homes incurring rising management and maintenance costs – mitigated by purchasing modern, good condition homes requiring very limited repair.
- Risk of failing to meet statutory requirements for the management and maintenance of homes – mitigated by ensuring effective policies and process are in place

7.4 There is a reputational risk with government if NNDC fails to acquire the homes by April 2027. Initial research indicates that there are suitable homes available within the target price range. The risk can be managed by identifying suitable properties as soon as possible and being able to move swiftly to agree purchase, which will leave time to complete purchases and carry out any repairs and safety checks before the April 2027 deadline.

7.5 However, the risks of not taking the funding are:

- Risk of not meeting the housing needs of the fund's eligible households. Afghan households may still present to the Council as homeless and the responsibility for providing them with Temporary Accommodation and supporting them to find secure accommodation would remain. This would put further strain on housing and staff resources, but without the benefit of the additional LAHF homes.
- Risk the increasing use of inappropriate and expensive (nightly paid) temporary accommodation.

8 Net Zero Target

8.1 Homes purchased for use as TA will need to achieve good energy standards, and improvements to heating and insulation will be undertaken where required to ensure this – the aim will be for homes purchased to have an Energy Performance Certificate rating of at least C (preferably a B) if it is possible to achieve this within the agreed budget. However, the addition of these properties to our estate will increase the Council's carbon footprint. This will need to be off-set in order to achieve the carbon net zero policy by 2030. As the homes purchased will be existing homes, the overall 'community' emissions will not increase as a result of purchases.

9 Equality, Diversity & Inclusion

9.1 Three homes will be prioritised for use as resettlement temporary accommodation for Afghan refugee households. Long-term, all the homes would be available to households on the Council's housing list as temporary accommodation. Therefore, there are not considered to be any negative impacts on EDI.

10 Community Safety issues

10.1 The Council will work with partner agencies to ensure the safety of households accommodated in these properties.

Conclusion and Recommendations

North Norfolk District Council has been offered funding for 2026/27 in Round 4 of the Government's Local Authority Housing Fund (LAHF). If NNDC takes up the offered Round 4 LAHF funding, this would help fund additional homes to be used as Temporary Accommodation for homeless households. Three of the homes would initially be prioritised to resettle Afghan households.

It is recommended that Cabinet:

- Agree to accept the £1.336m of Local Authority Housing Fund grant
- Use the LAHF grant to part fund the purchase of nine further units of temporary accommodation, including any resources needed to support this
- Give delegated authority to the Section 151 Officer (or other member of Corporate Leadership Team) in consultation with the Portfolio Holder for Housing and Peoples' Services, to agree the actual purchases of the properties (within the identified budget limits).

This page is intentionally left blank

Fakenham Leisure and Sports Hub – Progress Update	
Executive Summary	This report seeks to update the Cabinet on the progress made to date on the delivery of the Fakenham Leisure and Sports Hub project.
Options considered	Not Applicable as the report is an update only.
Consultation(s)	Not applicable as the report is an update only.
Recommendations	That the Cabinet note the update on the Fakenham Leisure and Sports Hub project.
Reasons for recommendations	To keep the Cabinet updated on the progress of the Fakenham Leisure and Sports Hub project.
Background papers	

Wards affected	Fakenham
Cabinet member(s)	Liz Withington, Portfolio holder for Community, Leisure & Outreach
Contact Officer	Steve Hems, Director for Service Delivery

Links to key documents:	
Corporate Plan:	<p>DEVELOPING OUR COMMUNITIES</p> <ul style="list-style-type: none"> • Developing further the leisure facilities provided across the district.
Medium Term Financial Strategy (MTFS)	There is budget provision in the Capital Budget 2026/27 to support this work.
Council Policies & Strategies	

Corporate Governance:	
Is this a key decision	No
Has the public interest test been applied	No exempt material

Details of any previous decision(s) on this matter	Full Council – 20.12.2023 Full Council – 27.3.2024 Cabinet – 8.9.2025
--	---

1. Purpose of the report

1.1. This report seeks to update the Cabinet on the progress made to date on the delivery of the Fakenham Leisure and Sports Hub project.

2. Introduction & Background

In response to a call for applications under Round 2 of the Levelling Up Fund programme in March 2022, North Norfolk District Council developed a proposal for the Fakenham Leisure and Sports Hub facility in partnership with Fakenham Town Council and the District Council's leisure contractor, Everyone Active. This proposal envisaged an £11million project to extend the existing Fakenham Sports Centre facility at Trap Lane in the town to include a 25-metre four-lane swimming pool with moveable floor, extended gym and fitness studio facilities, 3G all-weather pitch and environmental improvements to the existing sports hall building.

Although the initial submission was unsuccessful Government announced that the Fakenham Leisure and Sports Hub project, would receive funding support in the Chancellor's Autumn Statement on 22nd November 2023.

Funding confirmation was delayed by the calling of the general election however work continued to prepare for the expected funding decision.

3. Proposals and Options

3.1. Main Build

The construction works began in October 2025. Once site set up work had been completed the Pavillion building was demolished, freeing up the footprint of that building to allow circulation space for the large construction vehicles. The sports centre continues to operate on a reduced basis with the gym, and a class space relocated into one half of the sports hall and the other half of the sports hall being utilised for school use, whilst maintaining site security and user safety.

The ground has been levelled in the area of the new swimming pool and the pads for the steel frame have been installed.

Work is progressing on the existing sports hall area with progress being made in all areas of the dry change, village change and reception areas.

Whilst there have been delays in some specific areas of the work, these have not to date impacted on the programme due to re-timetabling of works.

3.2. UK Power Networks

It was identified during the design phase that there was a need to increase the power available to the site. This requirement was increased due to the inclusion of the Public Sector Decarbonisation Scheme (PSDS) as the removal of gas boilers for the existing sports centre increases the power requirement further. The upgrade of the substation serving the site has been subject to a lease for the land on which the substation stands. This lease has taken some considerable time to resolve. This is in part due to changes that UKPN asked for in relation to the orientation to the substation cabinet and subsequent issues with ensuring that the technical plans and legal plans matched.

The substation upgrade maximises the power available to the sports centre within the capacity of the off-site cabling. Any further increase in power to the site would require upgrading to the UK Power Networks network off the site and a further substation installation.

3.3. Public Sector Decarbonisation Scheme (PSDS)

The inclusion of the PSDS works within the project triggered a full redesign of the Mechanical and Electrical (M&E) scheme for the project. To avoid additional costs the decision was made to delay commencement of the M&E works until the redesign had been completed. The redesign works have now been completed and sent to the architects for coordination with other plans. It is anticipated that these works will now begin on site. Again, resequencing of the programme has mitigated and completion delay to date.

The inclusion of the additional air source heat pump to serve the existing sports centre means that the gas boiler will be decommissioned. This has resulted in the need to change the design of the underfloor heating from the original design wet system to electrical heating.

The impact of the inclusion of the PSDS works on the overall timetable is now thought to be low risk however it has extended the full closure period for the centre from one week to three weeks at the end of the programme.

3.4. 3G Pitch

During the planning application process, it was identified that the statutory objection relation to the derelict and unused cricket pitch was likely to cause delays to the planning permission and therefore jeopardise the project completion date beyond the deadline set by Government for completion of the project. The 3G pitch did not form part of the Levelling Up funded works but formed part of the match funding commitment.

The decision was therefore made to decouple the 3G pitch from the main application. Officers have continued to work closely with officers from the Football Foundation, who grant fund provision where strategic need is identified. The application for funding to the Football Foundation has now been submitted and associated with this an application for planning permission has also been made.

It is likely that Sport England will still object to the loss of cricket pitch provision. The current wickets, which will be lost to the 3G pitch installation, have been out of use for some considerable period of time. Sport England would wish to

see provision on the same site, but this is not possible as the land to the north of the current location is not in the Councils control, being Fakenham Town Council owned. Fakenham Town Council have stated that they wish to retain the remaining land at Trap Lane for general community use and do not wish to commit to maintain the grounds to the standard required for "outfield" cricket standard.

On the 27 March 2026 the Football Foundation confirmed that a Capital Grant for the provision of a 91m x 55m FIFA Quality 3G Pitch had been awarded to North Norfolk District Council.

3.5. Cashflow

The last two valuations have been considerably lower than anticipated within the cashflow forecast due to the delay in ordering the steel frame and the holding off of Mechanical Electrical and Plumbing (MEP) works to allow for the redesign for PSDS inclusion to mitigate abortive costs. It is projected that these will re-balance from May onwards.

The way in which the Government releases funds to the Council has been simplified with a greater proportion of the grant funding released during the autumn of last year. This means that, even with the changes in spend rates the grant provided to date covers the full expected spend until the next tranche of grant funding.

3.6. Contingency use

Within the contract price a contingency sum has been allowed for in common with any such project. This amount allows for unforeseen works to be addressed without needing to seek funding outside the original contract.

The risks associated with unforeseen works is increased in relation to below ground works, the majority of which will be completed by the end of May, this far without any issues.

Internal stripping out of the existing sports centre has identified an issue with water ingress arising from the guttering system to the main building. The gutters are internal to the roof structure. The ingress needs to be resolved prior to the refitting works so that new finishes are not damaged. The Leisure Contract with Everyone Active includes an appendix which sets out the relevant responsibility for certain works between the Council and Everyone Active. Within the Lifetime Replacement Responsibility Matrix, guttering is identified as the responsibility of the contractor and roof works as the responsibility of the Council.

The identified cost of the remedial works is £49,201.57. In order to ensure that these works do not impact on the project timetable a contract variation has been issued. Discussions have taken place with Everyone Active to split the costs of the work equally between the two parties.

The use of contingencies will continue to be closely monitored throughout the remainder of the project and remain client (Council) side for control and approval processes.

3.7. Current Risks

As with all projects of this nature there is a risk associated with delivery of the project. The biggest risks presently relate to aspects which impact on the timetabling of the project.

The original deadline for the completion of the Levelling Up Fund works of the 31st March 2027 provided the most significant timescale risk, the Ministry of Housing, Communities and Local Government have announced that the new deadline for completion of works for all projects is the 31st March 2028. Whilst this removes the issues of funding deadlines from this project the timetable remains important due to the incurring of additional costs by this Council should the project run beyond the current completion date for the swimming pool and sports centre element of the project.

Additional construction costs beyond the contingency allowance remain of concern, however the majority of below ground works are now complete and therefore the risk of unforeseen works are reduced. Monthly financial statements are prepared by the project team QS and details approved and expected variations (use of contingency) which is carefully monitored and managed by the project team and council officers.

The pool hall steel is on the project critical path and there is a current 4–5 week delay to site installation. This delay results from the supplier no longer being able to warrant the paint treatment and as a result there is a need to identify an alternative paint system within the budget parameters. However, this has now been obtained and the steel frame ordered. Other work is being re-sequenced within the programme to reduce the impact of the delay – cost of which remain a contractor risk.

3.8. Engagement

The Council's Communications Team continue to promote progress stories through our social media accounts to keep the community informed and updated.

Other related content has included the story of Eric Mason, founding committee member of Fakenham Swimming Club, which launched in 1978, who visited the build at Trap Lane and expressed how excited he was to have the new pool.

Other stories are planned throughout the timescale of the remaining project.

4. Corporate Priorities

- Developing Our Communities
- Developing further the leisure facilities provided across the district.

5. Financial and Resource Implications

Comments from the S151 Officer:

This is an update report only, no decisions to be made by committee.

6. Legal Implications

Comments from the Monitoring Officer

This is an update report only, no decisions to be made by committee.

7. Risks

Outlined in section 3.7.

8. Net ZeroTarget

This matter was covered in the approved report to Full Council on 20 December 2023, relating to the wider project.

9. Equality, Diversity & Inclusion

This matter was covered in the approved report to Full Council on 20 December 2023, relating to the wider project.

10. Community Safety issues

This matter was covered in the approved report to Full Council on 20 December 2023, relating to the wider project.

11. Conclusion and Recommendations

This report seeks to update the Cabinet on the progress made to date on the delivery of the Fakenham Leisure and Sports Hub project.

Acceptance of Grant - 3G Pitch Trap Lane Fakenham	
Executive Summary	<p>North Norfolk District Council submitted a bid under round 2 of the Governments Levelling Up programme which included the provision of a 3G pitch as part of the match funding required to meet the criteria for funding. The bid was successful and works are progressing associated with the swimming pool extension and upgrades to the existing sports centre.</p> <p>Officers have been working with the Football Foundation to prepare an application for funding towards the provision of the 3G pitch and have heard recently that the award has been approved.</p> <p>This report sets out the options around accepting the Football Foundation grant funding and recommends acceptance of the grant award.</p>
Options considered	<ul style="list-style-type: none"> • Accept the Football Foundation grant funding and proceed with the 3G pitch provision at Trap Lane Fakenham • Reject the Football Foundation grant funding and proceed with the 3G pitch provision using the Councils own finances. • Reject the Football Foundation grant funding and do not proceed with the 3G pitch provision.
Consultation(s)	<ul style="list-style-type: none"> • Football Foundation • Everyone Active • Fakenham Town Council • Portfolio Holder for Community, Leisure and Outreach.
Recommendations	<ul style="list-style-type: none"> • That Cabinet accept the Football Foundation grant funding and proceed with the provision of a 91m x 55m FIFA Quality 3G pitch at Trap Lane Fakenham. • That Cabinet authorise Officers to sign the relevant agreements with the Football Foundation to allow delivery of the 3G pitch provision.
Reasons for recommendations	<ul style="list-style-type: none"> • The provision of the 3G pitch was an integral part of the bid submission for Levelling Up funding and formed part of the match funding to the grant amount awarded in 2023. • The acceptance of the grant will enable the completion of the Fakenham Leisure and Sports Hub project as submitted Government and will meet the need identified in the Playing Pitch Strategy.

Background papers	None
--------------------------	------

Wards affected	Fakenham North
Cabinet member(s)	Cllr Liz Withington Portfolio Holder for Community, Leisure and Outreach.
Contact Officer	Steve Hems, Director of Service Delivery steve.hems@north-norfolk.gov.uk

Links to key documents:	
Corporate Plan:	DEVELOPING OUR COMMUNITIES <ul style="list-style-type: none"> Developing further the leisure facilities provided across the district.
Medium Term Financial Strategy (MTFS)	There is budget provision in the Capital Budget 2026/27 to support this work.
Council Policies & Strategies	

Corporate Governance:	
Is this a key decision	No
Has the public interest test been applied	Is the item exempt, if so, state why.
Details of any previous decision(s) on this matter	Full Council – 20.12.2023 Full Council – 27.3.2024 Cabinet – 8.9.2025

1. Purpose of the report

- 1.1. This report sets out details of the recent award of grant funding from the Football Foundation towards the provision of a 3G pitch at Trap Lane Fakenham as part of the wide Fakenham Leisure and Sport Hub Project which arose following Levelling Up funding from the Government.
- 1.2. The report seeks Cabinet's authority to accept the grant funding and enter into the relevant agreements with the Football Foundation to deliver the 3G pitch at Trap Lane Fakenham

2. Introduction & Background

- 2.1. The Council submitted a bid under Round 2 of the Government's Levelling up programme. This bid was

- 2.2. The requirements of the bid process was that the ten percent match funding had to be allocated to the project from other sources. The Council included a match funding element which included the provision of a 3G pitch within the programme.
- 2.3. The lack of 3G pitch provision in the district was identified in the Playing Pitch Strategy and Fakenham was one of the sites identified as being in strategic need of such provision. The Council therefore included the 3G pitch in the Levelling Up bid with the intention of pursuing funding for the 3G pitch through Football Foundation.
- 2.4. The Football Foundation is a charity funded through the Premier League, The Football Association (the FA) and Government, via Sport England. Their aim is to get more people involved in football through championing fair access to quality facilities, regardless of age, gender, background or ability. They do this through the provision of grants to those who are able to meet the funding criteria and where the strategic need can be demonstrated.

3. Proposals and Options

- 3.1. Officers with the Leisure and Locality Services Team have been working with officers from the Football Foundation to submit a bid for funding for the 3G pitch at Trap Lane Fakenham.
- 3.2. As part of the application process a planning application has been submitted to the Local Planning Authority for the 3G pitch.
- 3.3. The application has been considered by the Football Foundation, and the Council was informed on the 27th March 2026, that a capital grant for a new 91m x 55m FIFA quality 3G pitch had been approved.
- 3.4. The total project cost is £1,288,476 and the maximum Football Foundation Grant is £878,899. This means that the Council's contribution is £409,587. This equates to 68.21% grant. Typically, the Football Foundation awards reflect a 60% funding split with the applicant body.
- 3.5. If at any time the total expenditure for the Project exceeds the estimated amount stated in the Grant Offer Letter, there will be no corresponding increase in the Grant even if additional costs arise that were previously unforeseen. This would mean that the Council would need to bear any additional costs.
- 3.6. Should the cost of works be reduced from the pre-tender estimates that have been used in calculating the award then any such saving will benefit the Football Foundation and the Councils contribution will remain the same.
- 3.7. The Football Foundation work with a small number of pre-selected companies for the delivery of the 3G pitch provision. This means that those companies are very familiar with costing projects and so their pricing should reasonably reflect the costs on any particular site.
- 3.8. At Trap Lane Fakenham a number of ground surveys have been undertaken to reduce the likelihood of unforeseen works. The positioning of some of the water attenuation tanks for the swimming pool development are installed in a location

which does limit access to the 3G pitch site, but this has been reflected in the contractors pricing for the 3G pitch provision overall.

3.9. Options

- **Option 1:** The Council accept the grant offer and enter into the relevant agreement with the Football Foundation to enable the delivery of the 3G pitch provision at Trap Lane, Fakenham.
- **Option 2:** The Council reject the Football Foundation grant funding and proceed with the 3G pitch provision using the Councils own finances.
- **Option 3:** The Council reject the Football Foundation grant funding and do not proceed with the 3G pitch provision.

3.10. The provision of a 3G pitch at Fakenham has been on the strategic needs analysis for playing pitch provision for some time now. The grant award reduces the financial burden on the Council of meeting this provision need.

3.11. The 3G pitch provision formed part of the match funding element of the bid for Levelling Up Funding. If the 3G pitch is not provided, then the Government will still expect the 10% match funding to be made. Although the Council previously agreed to increase the budget for the FLASH project to reflect the impact of inflation in the construction industry that occurred between the submission of the bid and the confirmation of funding, this does not equate to the 10% contribution requirement. It is possible that the Government may reduce the amount of Levelling up fund grant if the full 10% match funding is not made.

3.12. It is therefore not recommended to not proceed with the 3G pitch provision as this may have consequential financial impacts on the Levelling up fund grant funding.

3.13. The Council could choose to not accept the grant and deliver the 3G pitch through its own resources. Whilst the Council undertook to took to underwrite up to £575,000 should the Football Foundation not agree to fund the 3G pitch, the overall cost of the project is significantly above this allowance. There is provision in the 2026/2027 Capital Budget of £800,000 for the provision of 3G pitch facilities for North Walsham and Fakenham. The total cost of making the 3G pitch provision at Fakenham, exceeds this and so further capital budget would need to be found, and not capital funding would be available for any future provision at North Walsham.

3.14. It is therefore recommended to accept the Football Foundation Grant award and enter into the necessary agreement with the Football Foundation to deliver the 3G pitch at Trap Lane Fakenham.

4. Corporate Priorities

4.1. This provision of 3G pitch at Trap Lane Fakenham links directly to the corporate priority relation to Developing Our Communities and more specifically to the objective of Developing further the leisure facilities provided across the District.

5. Financial and Resource Implications

- 5.1. The award of grant offsets the Council's costs in relation to the provision of a 3G pitch at Trap Lane, Fakenham significantly with an estimated 68.21% of the funding being provided through external funding.
- 5.2. The provision of 3G pitch at North Walsham and Fakenham is within the 2026/2027 Capital Budget which allows £800,000 allocated to this budget line.
- 5.3. Section 106 agreement monies associated with the sports and play equipment are either in place, arising from developments within Fakenham, or will be put in place as part of the planned Fakenham Urban Extension development which borders close to the site of the 3G pitch. Previous reports authorising the submission of the bid to Government and the award of contract identified that funding could be used which would later be drawn down against these future Section 106 agreements if required.

Comments from the S151 Officer:

The S151 Officer (or member of the Finance team on their behalf) will complete this section.

This report recommends the acceptance of a government grant to support the Council's Capital Program. Once final costs are determined any necessary amendments to the capital budget will be submitted for Cabinet consideration.

6. Legal Implications

- 6.1. The Council will be required, as part of the funding award, to enter into an agreement with the Football Foundation which sets out the responsibilities on the Council both now, before the full grant amount is paid and on an ongoing basis.
- 6.2. These Terms and Conditions have been known about for some time and have been subject to discussions with colleagues from Legal.
- 6.3. They are not different from those relating to the 3G Pitch provision at Cromer Academy, Cromer.

Comments from the Monitoring Officer

The Monitoring Officer (or member of the Legal team on behalf of the MO) will complete this section. They will outline any legal advice provided.

This report proposes acceptance of grant funding for a 3G pitch within the Fakenham leisure project.

7. Risks

- 7.1. The amount of grant awarded is fixed. Should the cost of the 3G pitch increase from the pre-tender estimate increase then any such additional costs will have

to be met by the Council. If the costs of works come in below the pre-tender estimate, then any saving will go to the Football Foundation.

- 7.2. To mitigate the risk of cost increases a number of site investigations have been undertaken by the Football Foundations framework supplier. These have not highlighted any issues with ground conditions on the site.
- 7.3. The water attenuation tanks for the main sports centre building are located on the access point that was planned for plant and machinery access for the 3G pitch development. The nature of these tanks construction, limits the weight load that can be placed on them. The supplier has factored this into their pricing by allowing for smaller vehicles to be used but alternative site access is being investigated which if resolved as hoped will allow for normal vehicular access and therefore reduce costs.

8. Net Zero Target

- 8.1. There are limited ongoing carbon impacts associated with the report which have not previously been discussed and considered by both Cabinet and Full Council.
- 8.2. The specific carbon issues with the 3G pitch relate to the construction and manufacture of materials used in the construction.
- 8.3. The lighting of the facility will result in increased energy use although the design of the lighting will utilise low energy LED lighting systems. The Public Sector Decarbonisation Scheme works that are being implemented on the site will seek to reduce the carbon impact of the overall project as much as possible.

9. Equality, Diversity & Inclusion

- 9.1. Equality, Diversity and inclusion is at the heart of the Football Foundation's ethos around increasing access to football and physical activity.
- 9.2. Strong consideration has been given to these factors as part of the bid for funding and therefore they are not considered to be any adverse issues associated with this report.

10. Community Safety issues

- 10.1. The facility will be managed through the current arrangements with Everyone Active as the Council's Leisure provider, who will comply with the Football Foundation requirements on booking and management.
- 10.2. There are no adverse community safety issues identified associated with this report.

Conclusion and Recommendations

The award of a Capital Grant from the Football Foundation of £878,899 is very welcome and represents a significant amount of work in order to submit a successful bid on the part of those officers involved in the process.

This funding limits the Councils' costs of providing a much needed 3G all-weather pitch in Fakenham and contributes to the 10% match funding requirement of the Levelling Up funded Fakenham Leisure and Sports Hub project at Trap Lane Fakenham.

It is Recommended:

- That Cabinet accepts the Football Foundation grant funding and proceed with the provision of a 91m x 55m FIFA Quality 3G pitch at Trap Lane Fakenham.
- That Cabinet authorises Officers to sign the relevant agreements with the Football Foundation to allow delivery of the 3G pitch provision.

This page is intentionally left blank

Retention of Public Toilet Provision - Station Approach, Sheringham	
Executive Summary	<p>The Station Approach Public Toilets, Sheringham were transferred to North Norfolk Railway in 2015. As part of this transfer North Norfolk Railway redeveloped the toilets and agreed to maintain them as Public Toilets for period of 10 years. The period comes to an end on the 31st March 2026.</p> <p>North Norfolk Railway, recognising the importance of these toilets to the wider tourist offering in Sheringham have offered to continue their provision as public toilets but have asked for contribution to reflect their additional financial cost in doing so.</p> <p>This paper set out the options available and recommends that the Council reaches a suitable agreement with North Norfolk Railway to retain public access to the toilets.</p>
Options considered	<ul style="list-style-type: none"> • To do nothing, in which case North Norfolk Railway will most likely remove the public access to the toilets and use them to serve users of the station only. • To enter in an agreement with North Norfolk Railway to retain the toilets as public access throughout the year for the opening times specified in the report.
Consultation(s)	<ul style="list-style-type: none"> • North Norfolk Railway • Liz Withington
Recommendations	<ul style="list-style-type: none"> • That Cabinet resolve to enter into an agreement with North Norfolk Railway to retain public access to the Station Approach Toilets. • That Cabinet provides a steer on the period in years that they wish the agreement to run for. • That Cabinet authorises the Director of Service Delivery to negotiate with North Norfolk Railway on the exact terms of the agreement in order to secure the best value for money position possible. • That Cabinet delegate to the to the Director of Service Delivery and the Director for Resources, in consultation to with the Portfolio Holder for IT, Environmental & Waste Services and the Portfolio Holder for Finance, Estates & Property Services the ability to enter into the agreement to retain the Station Approach Toilets for public use.
Reasons for recommendations	<p>To continue the provision of public access toilets in line with the areas of the Corporate Plan objectives relating to Investing in our Local Economy and Infrastructure and also A Strong, Responsible and Accountable Council.</p>
Background papers	<p>None</p>

Wards affected	Sheringham North
Cabinet member(s)	Cllr Callum Ringer
Contact Officer	Steve Hems, Director of Service Delivery steve.hems@north-norfolk.gov.uk

Links to key documents:	
Corporate Plan:	<p>INVESTING IN OUR LOCAL ECONOMY & INFRASTRUCTURE</p> <ul style="list-style-type: none"> Continuing to promote North Norfolk's diverse tourism and visitor offer <p>A STRONG, RESPONSIBLE & ACCOUNTABLE COUNCIL</p> <ul style="list-style-type: none"> Reviewing service delivery arrangements so as to realise efficiencies without compromising service standards and outcomes Exploring opportunities to work further with stakeholders and partner organisations.
Medium Term Financial Strategy (MTFS)	There is no direct budget provision made in respect of the Sheringham Station Approach Toilets however it is anticipated that savings associated with other public toilet provision within the Waste and Related Services Contract will cover a substantial part if not all of the costs of any agreement with North Norfolk Railway.
Council Policies & Strategies	Public Toilet Provision Strategy 2021

Corporate Governance:	
Is this a key decision	Yes
Has the public interest test been applied	This paper contains commercially sensitive information in relation to North Norfolk Railways cost of service provision for the public toilets. This has been included in a confidential appendix
Details of any previous decision(s) on this matter	Cabinet January 2015 Decision to transfer land to North Norfolk Railway.

1. Purpose of the report

- 1.1. This report sets out the position in respect of the public toilets on Station Approach Sheringham and explores a number of options around their future retention as public toilets.

2. Introduction & Background

- 2.1. North Norfolk District Council operate a number of public toilets across the District. In Sheringham public toilets are provided at The Leas, Lusher Passage and East Prom. In addition, the north of the town has been served by a public toilet on Station Approach which has been provided for the last 10 years by North Norfolk Railway, prior to this the District Council provided the public toilet in this location,
- 2.2. Following negotiation in 2014 with North Norfolk Railway, North Norfolk District Council, at a Cabinet meeting in January 2015 agreed, under the terms of the Localism Act 2011, that North Norfolk Railway would take over the running of the toilets and Tourist Information Centre in Sheringham. North Norfolk Railway is a not-for-profit organisation, supported by a registered charity, whose remit is to restore and run historic trains.
- 2.3. The Council also made a grant contribution of £154,000 to North Norfolk Railway to replace the old toilet block and Tourist Information Centre with one more in keeping with the neighbouring buildings of the North Norfolk Railway station. North Norfolk Railway were able to lever in grant, to increase the scope of the project, from central government's Coastal Community Fund.
- 2.4. It was a condition of the agreement to transfer the land to North Norfolk Railway that they continue the provision of the Tourist Information Centre and the Public toilets for a period of time after the new facilities were opened.
- 2.5. In the case of the Tourist Information Centre this was for a period of five years. At the end of this term, North Norfolk Railway chose not to maintain the provision of the Tourist Information Centre.
- 2.6. The Public Toilets provision had to be provided for a ten-year period. This ten-year period ends on the 31st March 2026. There is no obligation on the part of North Norfolk Railway to continue to allow the public to access the toilet block beyond that date. It would be possible to change the access arrangements very easily so that they can only be accessed from inside the station only.
- 2.7. The Station Approach Toilets are located close to the Station Approach car park which is the largest of the North Norfolk District Council Car Parks in Sheringham. This car park is also on the main way into Sheringham Town being located at the north side of the town centre on the A149 and on the main route into town from the A148. This means that it is the first car park that visitors to the town will come across.
- 2.8. As visitors may well have travelled some distance it is not unusual that amongst the first things looked for will be the public toilets, in this case currently located on Station Approach. If these toilets were not available, the next nearest would be at Lushers Passage approximately 0.3 miles away or a 7-minute walk.

3. Proposals and Options

- 3.1. Discussions have taken place with North Norfolk Railway, who recognise the importance of the toilets to the wider tourist offering of the town of Sheringham. On this basis they have offered to maintain the public access to the toilets but in recognition that this would be a significant additional burden in terms of costs requested that North Norfolk District Council meet the additional cost associated with increased opening times and usage. The pattern of opening means that the railway is closed most daytimes from November to March and does not run public trains on Mondays and Fridays for most of April, May, June September and October.
- 3.2. The Council offered to add these toilets to the cleansing contract delivered by Serco for the Public Toilets already provided by the Council as well as taking on the opening and closing responsibility. North Norfolk Railway have declined this offer as they wished to have control over the facilities themselves. They also wanted to ensure that the toilets were locked appropriately every day and so elected to undertake this via their staff.
- 3.3. North Norfolk Railway have stated that they will make the toilets available to the public every day except the 24,25 and 26th December, when they will be closed.
- 3.4. From April to October, they will be open between the hours of 10:00am to 5:00pm. From October to April, they will be open between the hours of 10:00am and 4:00pm.
- 3.5. The reason for these opening times is to minimise the cost of staffing provision and to limit the likelihood of vandalism occurring. These opening reflect the limited Station opening times set out in section 3.1 above.
- 3.6. In addition, the Railway have agreed to keep the toilets open late on the night of Sheringham Carnival and two other events per year. It is anticipated that these will be for the 1940's weekend and the Viking Festival. The two additional events will not be specified in the agreement to allow flexibility should events or priorities change in the future.
- 3.7. To reflect their estimated additional costs, North Norfolk Railway have asked for an annual contribution to meet their additional costs. The amount requested is set out in the purple pages to this report.
- 3.8. The annual contribution is subject to an annual increase linked to staff cost or CPI, whichever is the greatest. The exact details of this annual increase will be agreed as part of the agreement negotiations should the agreement progress.
- 3.9. North Norfolk Railway have proposed an initial term of ten years for the agreement. They have indicated that they would be willing to consider a longer term to provide certainty to the provision.
- 3.10. The Council operates a number of public toilets across the district and has invested significantly in recent years in maintaining and upgrading these facilities. In the last two years, one toilet block has been closed, and others have been transferred to other parties. This has provided some saving to the Council in terms of both repair and maintenance but also in respect of the cleansing costs within the Serco contract.

3.11. Whilst it is not possible to accurately assess the costs of operating the Sheringham Station Approach toilets, it is possible to undertake some comparison work based on costs for similar sized toilets which are located adjacent to car parks of approximate size. The most comparable toilet block is on the Meadow Car Park in Cromer, although it should be recognised that this block includes a Changing Places toilet which is not present at Station Approach.

3.12. Options

3.13. The Council could choose not to enter into an agreement with North Norfolk Railway.

3.14. In this case North Norfolk Railway would shut the public access to the toilets and only open them to their visitors. This would leave the top end of the town without a public toilet provision. It should be recognised that the National Rail Services Railway station is located nearby. Until recently busses arriving in Sheringham have also stopped on Station Approach and for the purposes of this paper it is assumed that difficulties with the travel hub will be resolved. It can therefore be seen that, in combination with the Council car park there is significant demand for public toilets in this area of Sheringham.

3.15. To enter into an agreement with North Norfolk Railway to secure the current toilets as public access.

3.16. This option would involve the Council making an annual payment to North Norfolk Railway to cover their additional costs of maintaining the toilets given that this is beyond their business operating times and involves a much greater usage profile than if they were to operate them for their visitors only.

4. Corporate Priorities

4.1. The Corporate Plan sets out a number of relevant to the proposal.

4.2. Under the priority relating to Investing in our Local Economy and Infrastructure this proposal would contribute to the objective relation to:

- Continuing to promote North Norfolk's diverse tourism and visitor offer.

4.3. Under the priority relating to A Strong, Responsible and Accountable Council the proposal would support two of the objectives stated:

- Reviewing service delivery arrangements so as to realise efficiencies without compromising service standards and outcomes
- Exploring opportunities to work further with stakeholders and partner organisations.

5. Financial and Resource Implications

5.1. There is an additional cost associated with retaining the Station Approach Toilets for public access. This cost will mostly be met through savings delivered through the reduction in public toilet cleansing costs elsewhere in the district. Any shortfall in costs will have to be met through reserves although

other sources of funding will be investigated in order to make this cost neutral to the budget.

- 5.2. There are no staffing implications as North Norfolk Railway will be responsible for all staffing costs and other costs of compliance.

Comments from the S151 Officer:

The S151 Officer (or member of the Finance team on their behalf) will complete this section.

If the option to retain the provision is chosen, this will involve council expenditure and entering into a legally binding agreement with NNR, creating long term contractual commitments. This will require clear information as to costs and contract duration and the legal department may be approached in this regard.

6. Legal Implications

- 6.1. The Council will need to enter into a legally binding agreement with North Norfolk Railway should the recommendations be agreed. Any such agreement is likely to extend beyond vesting day to a successor authority.

Comments from the Monitoring Officer

The Monitoring Officer (or member of the Legal team on behalf of the MO) will complete this section. They will outline any legal advice provided.

If the option to retain provision is chosen, this will involve council expenditure and entering into a legally binding agreement with NNR, creating long term contractual commitments. This will require clear information as to costs and contract duration, and the legal department can assist with issues relating to drafting of agreements.

7. Risks

- 7.1. The savings identified through savings within the cleansing contract from the closure/transfer of other toilet blocks may not fully cover the costs associated with recommendation. It is anticipated that any shortfall in funding could be found through the short term use of reserves whilst other suitable sources of funding re identified.

8. Net ZeroTarget

- 8.1. The recommendation does not impact on the overall carbon position as it merely continues the use of the toilets as public toilets beyond the term of the original agreement with North Norfolk Railway.

8.2. It could be argued that the slightly reduced opening times offered by North Norfolk Railway would see a commensurate reduction in carbon etc as the usage will reduce and therefore elements such as water use from flushing, hand washing and electricity from lights and hand drying will be reduced as well. Users may just walk to another public toilet in the town if the facilities are not open thereby shunting use to another facility.

8.3. It is not clear whether funding the provision in part will mean that some of the carbon will come within scope of the Councils responsibility having solely been that of the North Norfolk Railway previously. Any such change is likely to be relatively small.

9. Equality, Diversity & Inclusion

9.1. There are not considered to be any adverse impacts on any protected characteristics resulting from this proposal

10. Community Safety issues

10.1. There are not anticipated to be any adverse impacts on community safety issues resulting from the proposal

Conclusion and Recommendations

The provision of public toilets at the north end of the town centre supports the visitor economy as many of those arriving to the town, either by car or public transport, will do so in this location. The agreement made between North Norfolk District Council and North Norfolk Railway in 2016, which saw the continued provision of public toilets in Station Approach, ends on the 31st March 2026. North Norfolk Railway recognise the importance of these public toilets to the wider tourist offering in Sheringham and have offered to continue to provide them as public conveniences. This is subject to North Norfolk District Council contributing the additional costs of such provision to North Norfolk Railway.

It is therefore recommended:

- **That Cabinet resolve to enter into an agreement with North Norfolk Railway to retain public access to the Station Approach Toilets.**
- **That Cabinet provide a steer on the period in years that they wish the agreement to run for.**
- **That Cabinet authorise the Director of Service Delivery to negotiate with North Norfolk Railway on the exact terms of the agreement in order to secure the best value for money position possible.**
- **That Cabinet delegate to the to the Director of Service Delivery and the Director for Resources, in consultation to with the Portfolio Holder for IT, Environmental & Waste Services and the Portfolio Holder for Finance, Estates & Property Services the ability to enter into the agreement to retain the Station Approach Toilets for public use.**

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank