

## Examples

Person A has failed to comply with an improvement notice containing 6 hazards; Excess Cold, Fire Safety, Falls on Stairs, Electrical hazards, Damp and Mould and Entry by Intruders (2 at level 1, 2 at level 2 and 2 at level 3). They were prosecuted for failing to comply with an improvement notice 3 years ago at a different address. The occupant is a 67 year old lady who has recently been in hospital with pneumonia.

Scoring;

Severity of the offence =  $2 \times 5 + 2 \times 3 + 2 \times 1 = 18$

Multiple households affected = 0

Culpability - Deliberate as failed to comply with notice = 20

Premium added for Licensable HMO = 0

Track record – 2<sup>nd</sup> offence in 4 years = 20

Harm – Pneumonia (excess cold) = 10

Vulnerability – excess cold, falls on stairs & fire  $3 \times 3 = 9$

Total = 77

Penalty charge = £20K

Once the Notice of intent is served the perpetrator engages positively with the LA. They accept the charge and pay within 28 days.

Reductions = Compliance, attitude, acceptance and early payment –10%

Subtotal = £18K

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Person B is the person managing a poorly converted HMO. During an inspection 8 contraventions of the HMO management Regulations are noted. The most serious relate to fire safety provisions and the electrical installation. There are 3 at level 1, 2 at level 2 and 3 at level 3. The landlord was written to recently at another HMO to remind him of the need to comply with the management regulations at all of his properties.

Scoring;

Severity of the offence =  $3 \times 5 + 2 \times 3 + 3 \times 1 = 24$

Multiple households affected = 10

Culpability - Reckless as failed to comply with HMO Management Regs = 15

Premium added for Licensable HMO = 0

Track record – 1<sup>st</sup> offence despite recent advice = 10

Harm – non demonstrated = 0

Vulnerability – 3 x over 60's living in the property (fire)  $1 \times 3 = 3$

Total = 62

Penalty charge = £15K

Person C has failed to comply with an improvement notice requiring an excess cold hazard to be addressed. This is the 1<sup>st</sup> time the LA has had any engagement with the landlady who claims that she has had difficulty organising the works and gaining access. A young family occupy the property.

Scoring;

Severity of the offence =  $1 \times 3 = 3$

Multiple households affected = 0

Culpability - Deliberate unless evidence to the contrary = 20

Premium added for Licensable HMO = 0

Track record – 1st offence = 10

Harm – non demonstrated = 0

Vulnerability = 0

Total = 33

Penalty charge = £5K

Once the Notice of Intent is served Landlady makes representations suggesting that she would suffer financial hardship. She has 3 properties and the income is her only income. The cost of the works is estimated to be £3K

Person C has assets in the form of property from which she would be able to derive funds to pay the charge. No reduction is made.

In order not to undermine consideration g (above) the charge should be a minimum of £4500

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Person D has failed to licence a licensable HMO. She was written to following an initial visit 1 month ago advising that a licence was necessary. The property needs some attention however no notices have been served and it is not considered that the HMO management regulations have been breached. There is no history of non-compliance in the past.

Scoring;

Severity of the offence = 0

Multiple households affected = 0 (despite housing multiple households, there is no hazard or issue affecting health or wellbeing)

Culpability - Reckless = 15

Premium added for failure to licence = 15

Track record – 1st offence = 10

Harm – non demonstrated = 0

Vulnerability = 0

Total = 40

Penalty charge = £5K

Person E has failed to licence a licensable HMO. During the initial inspection 8 contraventions of the HMO management Regulations are noted. The most serious relate to fire safety provisions and the electrical installation. There are 3 at level 1, 2 at level 2 and 3 at level 3. Despite being written to no action has been taken to rectify the issues or licence the property. There are elderly occupants who are the most vulnerable to hazards relating to fire safety. In the past 8 years, Person E has been prosecuted on 2 other occasions for a similar offences at neighbouring local authorities, the most recent within the last 4 years.

Scoring;

Severity of the offence =  $3 \times 5 + 2 \times 3 + 3 \times 1 = 24$

Multiple households affected = 10

Culpability - Reckless for failing to comply with HMO Management Regulations and Deliberate for failure to licence = 20

Premium added for failure to licence = 15

Track record – 3<sup>rd</sup> offence = 30

Harm – non demonstrated = 0

Vulnerability 2 x over 60's living in the property (fire)  $1 \times 3 = 3$

Total = 102

Penalty charge = £30K