BIRMINGHAM CITY COUNCIL REGULATION AND ENFORCEMENT ENFORCEMENT POLICY

1 INTRODUCTION

2 WHAT THIS POLICY IS FOR

3	SCOPE OF THE POLICY
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4	HOW TO OBTAIN A COPY OF THE POLICY OR MAKE COMMENTS	

5 OUR APPROACH

6.	NOTIFYING ALLEGED OFFENDERS
7.	ENFORCEMENT ACTION

OFFICIAL

An Overview of the enforcement actions available
Deciding what level of action is appropriate
Deciding what level of action is approprcpn



7.4	Informal Action and Advice
	Fixed Denelty Nations
	Fixed Penalty Notices
	Penalty Charge Notices
	Failure to discharge a FPN and/ or a PCN

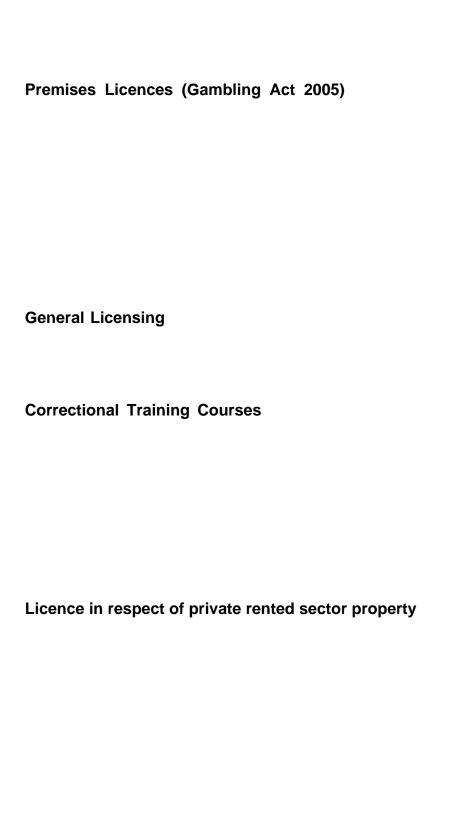
Formal Notice	
Formal Order (Housing)	
r ormar order (riodollig)	
Forfeiture Proceedings	
Seizure	

OFFICIAL



OFFICIAL





Civil Penalty





Appeals	through	the	Counciles	Corporate	Complaints	Procedure



12. PROTECTION OF HUMAN RIGHTS

RISK MATRIX FOR REGULATION AND ENFORCEMENT - ENFORCEMENT POLICY

REGULATION AND ENFORCEMENT ACTIVITY	<u>ACTIVITY</u>	SCORE
People are safe and their wellbeing and safety are assured		

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Direct or indirect economic implications	
to consumers or the wider public	
Reputation (risk to the local authorities)	
reputation) in taking no action	

People are safe and their wellbeing and safety are assured	
Likelihood that the infringing activity could have been easily ascertained (for example: the size of the business may be a factor when making this assessment or using a reasonable test; the persons should have known it was wrong or information could be readily discovered online.	
Has the defendant taken reasonable precautions and due diligence in the circumstances to prevent the activity from occurring?	

People are safe and their wellbeing and safety are assured

What is the history of the defendant in relation to regulatory compliance?

(The local or national position of a defendant can be taken if appropriate. Considerations of

5. Level of penalty charge

Seriousness of the offence	Starting level

6. <u>Imposing a civil penalty</u>

- 9. Stages to be completed when deciding the amount of a financial penalty under the Housing Act 2004
- 9.1 Stage 1 Failure to comply with an Improvement Notice Section 30 of the Housing Act 2004



9.

	Starting Level		
Conditions relating to:	Selective Licensing	Additional Licensing	Mandatory Licensing



	Starting Level		
Regulation	Additional	Mandatory	
	Licensing	Licensing	

9.5 Stage 1- Regulation 10 of The Management of Houses in Multiple
Occupation (England) Regulations 2006 and Regulation 11 of The Licensing
and Management of Houses in Multiple Occupation (Additional Provisions)
(England) Regulations 2007 place a duty on an occupier of the HMO to:



10.

Factor	Percentage addition to starting
	penalty

12.0 Stage 4 E financial benefit	12.0	Stage	4 Ë	financial	benefit
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Offence	Example of potential financial benefit

Offence Example of potential income benefit	
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14.0	Stage 6 Ë review of t	he penalty			
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