

**BIRMINGHAM CITY COUNCIL**  
**REGULATION AND ENFORCEMENT**  
**ENFORCEMENT POLICY**

**1 INTRODUCTION**



**2 WHAT THIS POLICY IS FOR**

### **3 SCOPE OF THE POLICY**



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

**5 OUR APPROACH**

**6. NOTIFYING ALLEGED OFFENDERS**

**7. ENFORCEMENT ACTION**

## **An Overview of the enforcement actions available**

**Deciding what level of action is appropriate**





## **7.4 Informal Action and Advice**

**Fixed Penalty Notices**

**Penalty Charge Notices**

**Failure to discharge a FPN and/ or a PCN**

**Formal Notice**

**Formal Order (Housing)**

**Forfeiture Proceedings**

**Seizure**

## **Injunctive Actions and Other Civil Sanctions**

## **Public Space Protection Orders**

**Suspension and Revocation of a Licence**

**Hackney Carriage and Private Hire Drivers**

**Premises Licences (Licensing Act 2003)**

**Premises Licences (Gambling Act 2005)**

**General Licensing**

**Correctional Training Courses**

**Licence in respect of private rented sector property**

**Civil Penalty**









**Appeals through the Council's Corporate Complaints Procedure.**







## **12. PROTECTION OF HUMAN RIGHTS**

**RISK MATRIX FOR REGULATION AND ENFORCEMENT - ENFORCEMENT POLICY**

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

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



<b>People are safe and their wellbeing and safety are assured</b>		
<b>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.</b>		
<b>Has the defendant taken reasonable precautions and due diligence in the circumstances to prevent the activity from occurring?</b>		

<p><b>People are safe and their wellbeing and safety are assured</b></p>		
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**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**

OFFICIAL

OFFICIAL





5. Level of penalty charge

Seriousness of the offence	Starting level

6. Imposing a civil penalty

**7. Setting civil penalties**

**8.0 Determining the Civil Penalty amount**



**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**

**Failure to license a property under the Council's selective licensing scheme – Section 95(1) of the Housing Act 2004.**

9.

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



Regulation	Starting Level	
	Additional Licensing	Mandatory 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.**



<b>Factor</b>	<b>Percentage addition to starting penalty</b>
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**12.0 Stage 4 – financial benefit**

Offence	Example of potential financial benefit

<b>Offence</b>	<b>Example of potential income benefit</b>
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**14.0 Stage 6 – review of the penalty**

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