

Guildhall Gainsborough  
Lincolnshire DN21 2NA  
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## AGENDA

**This meeting will be webcast live and the video archive published on our website**

**Prosperous Communities Committee  
Tuesday, 28th April, 2026, on the rising of the Concurrent Meeting of the Prosperous Communities and Corporate Policy and Resources Committees  
Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA**

**Members:**

- Councillor Emma Bailey (Chairman)
- Councillor Tom Smith (Vice-Chairman)
- Councillor Owen Bierley
- Councillor Frazer Brown
- Councillor Stephen Bunney
- Councillor Christopher Darcel
- Councillor Jacob Flear
- Councillor Sabastian Hague
- Councillor Mrs Angela Lawrence
- Councillor Paul Lee
- Councillor Mrs Lesley Rollings

**1. Apologies for Absence**

**2. Public Participation**

Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.

**3. Minutes of Previous Meeting**

(PAGES 3 - 8)

To confirm and sign as a correct record the Minutes of the Meeting of the Prosperous Communities Committee held on Tuesday 17 March 2026.

**4. Members' Declarations of Interest**

Members may make any declarations at this point but may also make them at any time during the course of the meeting.

5. **Matters Arising Schedule** (PAGE 9)  
Setting out current position of previously agreed actions as at 20  
April 2026

6. **Public Reports**

i) Waste & Recycling Operational Policy Review (PAGES 10 - 68)

ii) Renters Rights Act - Policy Update (PAGES 69 - 137)

Paul Burkinshaw  
Head of Paid Service  
The Guildhall  
Gainsborough

Monday, 20 April 2026

Prosperous Communities Committee – 17 March 2026  
Subject to Call-in. Call-in will expire at 5pm on

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Prosperous Communities Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 17 March 2026 commencing at 6.30 pm.

**Present:** Councillor Emma Bailey (Chairman)  
Councillor Tom Smith (Vice-Chairman)

Councillor Owen Bierley  
Councillor Frazer Brown  
Councillor Stephen Bunney  
Councillor Jacob Flear  
Councillor Mrs Angela Lawrence  
Councillor Trevor Young  
Councillor Paul Key  
Councillor Peter Morris  
Councillor Mrs Lesley Rollings

**In Attendance:**  
Sally Grindrod-Smith Director Planning, Regeneration & Communities  
Cara Markham Commercial, Cultural and Leisure Development Manager  
Grant White Communities Manager  
Hannah Lane Community Officer - Sport & Physical Activity  
Katie Storr Democratic Services & Elections Team Manager

**Apologies:** Councillor Christopher Darcel  
Councillor Sabastian Hague  
Councillor Paul Lee

**Membership:** Councillor P Key was appointed substitute for Councillor C Darcel  
Councillor P Morris was appointed substitute for Councillor P Lee  
Councillor L Rollings was appointed substitute for Councillor S Hague

### 41 PUBLIC PARTICIPATION

There was no public participation.

### 42 MINUTES OF PREVIOUS MEETING

**RESOLVED** that the Minutes of the Meeting of the Prosperous Communities Committee held on 27 January 2026 be confirmed and signed as a correct record.

#### **43 MEMBERS' DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **44 MATTERS ARISING SCHEDULE**

There were no outstanding matters arising.

#### **45 LEISURE, CULTURE, EVENTS AND TOURISM MEMBER WORKING GROUP, TERMS OF REFERENCE**

The Committee heard from the Commercial, Cultural and Leisure Development Manager with a report seeking to review and update the Terms of Reference for the Leisure, Culture, Events and Tourism Member Working Group. It was explained that the requested amendments were minor, and in line with other working groups. Changes included the quorum of a meeting to be three Members, meetings to be held online unless otherwise specified, and business to be considered on a six month plan.

Members expressed their agreement with the amendments however there were concerns raised regarding the use of the word 'behaviour' when referring to Member attendance at meetings of the working group. With consensus of the committee it was agreed that the word 'behaviour' be replaced with 'attendance'.

Having been moved, seconded, and voted upon, it was

**RESOLVED** that the reviewed Terms of Reference for the Working Group, as shown at appendix 1, and subject to the replacement of the word 'behaviour', be approved.

#### **46 VOLUNTARY & COMMUNITY SECTOR FUNDING 2026/27**

The Committee heard from the Communities Manager who presented recommendations regarding the approval of future voluntary & community sector core funding awards. It was explained that the Council provided a range of core Voluntary and Community Sector (VCS) grants to support the delivery of projects and services for the benefit of communities and residents. The delivery of these services contributed towards the Council's Corporate Plan priorities and various other strategies, with the current VCS funding agreements due to end on 31 March 2026. A summary of organisations currently receiving core VCS funding was provided, with an ongoing base budget within the Medium Term Financial Plan (MTFP) of £184,700 per annum in relation to the commitment for Voluntary & Community Sector funding grants, which matched the proposed grant awards for 2026/27.

Members heard that at the Prosperous Communities Committee meeting on 3 December 2024, a second recommendation had been approved to continue the VCS Funding Review work, with further engagement and site visits for Councillors during 2025. It was explained that review work was still required, and the report proposed conducting further engagement and review during 2026, taking into consideration key developments such as Local Government Reorganisation.

Members of the Committee expressed their recognition of the work undertaken by the voluntary and community sector, highlighting the financial difficulties faced across the board. The suggestion for a review to be undertaken was noted to have been referenced in the previous report to committee, with Members expressing disappointment that this had not progressed. It was requested that the review incorporated clear data regarding value for money for residents, as well as an understanding of services offered.

With regard to the figures proposed within the report and recommendation, a Member of the Committee detailed the work undertaken by Citizens Advice and, based on the breadth of support provided to residents, proposed an amendment to increase funding to Citizens Advice Lincoln and Lindsey to £70,000.

Further debate ensued, during which the services provided by named organisations were discussed, as well as identifying options for gathering relevant data, such as use of the State of the District report. During the course of debate, and with a view to ensuring the review of funding progressed in a timely manner, it was proposed that the timeframe contained within the second recommendation be amended for the Committee to receive the report by July 2026, as opposed to the printed December 2026. Following advice from Officers, and clarification from the Democratic Services Officer, the subsequent amendment was for the report to be received by the Committee by September 2026.

With both amendments having been proposed and seconded, the Chairman took the vote on each amendment.

The proposed to increase funding to Citizens Advice Lincoln and Lindsey to £70,000 was **lost** by majority vote.

The proposed amendment regarding the timescale for the review of funding to be presented to the Committee by September 2026 was **carried**.

Members of the Committee revisited the debate regarding gathering additional data, and it was proposed that an additional recommendation be put forward, that Officers provide a scope, fee proposal, and timeline, for an external review of Voluntary and Community Sector Funding for consideration by the Committee. The proposal was duly seconded and voted upon, and **lost** by majority vote.

With the Chairman drawing the debate to a close, the recommendations, as amended through the course of discussions, were put to the Committee. On being proposed, seconded, and voted upon, it was

**RESOLVED** that

a) the Voluntary & Community Sector funding for 2026/27 be approved as follows:

- Call Connect - £30,000
- Citizens Advice Lincoln & Lindsey - £60,200
- Gainsborough Adventure Playground Association - £15,000
- Lincoln Area Dial-a-Ride - £13,000

- Live & Local - £3,500
- The Conservation Volunteers - £30,000
- Voluntary Centre Services - £25,000
- West Lindsey Churches Festival - £8,000

- b) a review of Voluntary & Community Sector funding be undertaken as set out in Section 5 of this report and presented the relevant policy committee by September 2026.

## **47 SPORT & PHYSICAL ACTIVITY STRATEGY**

Members heard again from the Communities Manager regarding the draft Sport and Physical Activity Strategy. It was highlighted that the Prosperous Communities Committee previously approved a recommendation to develop and present a Sport & Physical Activity Strategy for West Lindsey. The Council did not have a strategy focussed on this area of delivery, and adopting a strategy would ensure a clear focus was established, including associated actions the Council would take in the future.

It was highlighted that the draft strategy provided a direction of travel for how the Council could play an important role in supporting the development of sport and physical activity provision across the district. Additionally, the introduction of the strategy would support the delivery of other strategies such as the Lincolnshire District Councils' Health and Wellbeing Strategy.

Members heard the objective and action plan recognised the role of the Council in supporting delivery, whilst also looking further ahead towards the future, post Local Government Reorganisation and refreshed national policy on sport.

The Chairman thanked the Officer and highlighted several areas around which the strategy could make further mention, including communications and engagement plans, such as putting on regular events, the need for increased external funding, expansion of cross sector collaboration and partnership networks, and accessibility challenges, particularly for rural areas with poor transport links.

Members discussed in detail the difficulties faced locally, and nationally, with encouraging people to be more active, and the importance of the strategy for West Lindsey. Members commented on the societal changes over a number of years which impacted this, such as reduced funding for sports facilities, and in the education system, as well as generational differences having trended towards online gaming rather than outdoors activities.

It was highlighted that physical activity was not simply involvement in sports, and that greater emphasis could be placed on, for example, encouraging people to enjoy the Lincolnshire Wolds and the Viking Way as gentle walks or longer hikes. The importance of building the habit of physical activity from a young age was particularly discussed, with Members wishing to see increased collaboration with schools and leisure providers aimed at school children and young adults.

In relation to the provision of sports activities, reference was made to the two leisure centres, particularly looking at options for improving the space and facilities for becoming a social

hub as well as a sports location. Examples were given of similar provision in other districts, where the leisure centres were a meeting place for users both before, after, and separate to, the use of the facilities.

There was significant discussion regarding the decline of sport, and the limited options in West Lindsey. Members were advised of the strong working relationships between the Council and, for example, Lincolnshire Cricket and Lincolnshire FA, whilst recognising that a number of sporting bodies were East Midlands based rather than Lincolnshire. Additionally, it was recognised there were sports which had no representation in the district, such as hockey, meaning those players had to travel out of district to play. The importance of working with local schools and encouraging involvement from a young age was again highlighted.

There was further discussion regarding the two leisure centres, with Members highlighting a desire to engage the teams based on both sites to work with their users as to how to improve and extend their offerings, with a view to increasing user numbers.

Members also expressed significant concerns regarding financial constrictions, not only for providers but particularly for members of the public, for whom the costs of involvement may be prohibitive. The interactions between leisure and tourism, and sport and physical activity were highlighted, with reference to improving accessibility to open spaces for cost-free activities.

Further discussion raised questions regarding the implementation of the action plan, with Members seeking assurance that action was underway and success could be documented with key deliverables. Officers provided assurance of ongoing work streams, and recognised the importance of being ambitious with district-wide approaches, whilst also being mindful to not over-promise on what was realistically achievable.

With discussions drawing to a conclusion, Officers summarised the key points of the discussion, assuring Members that the draft strategy would be reviewed in line with the feedback from the Committee, however work continued to progress as indicated in the action plan.

Having been proposed, seconded, and voted upon, it was

**RESOLVED** that

- a) the draft Sport & Physical Activity Strategy and the Active Together Action Plan be approved; and
- b) authority be delegated to the Director of Planning, Regeneration and Communities, following consultation with the Chair of this committee, to complete and finalise the strategy and action plan, taking into consideration committee's comments.

**48 WORKPLAN**

The Committee heard that the timetable for the coming year would be presented to the

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Subject to Call-in. Call-in will expire at 5pm on

Corporate Policy and Resources Committee in April, after which point the work plan would be populated with future meetings.

In response to a question regarding the planned presentation of the parking strategy, it was explained that the October date on the work plan reflected when the item had been added to the work plan, and it was confirmed that the strategy was being prepared for the April meeting of the Prosperous Communities Committee.

With no further comments or questions, the work plan was **DULY NOTED**.

The meeting concluded at 8.44 pm.

Chairman

## Prosperous Communities Matters Arising Schedule

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**Purpose:** To consider progress on the matters arising from previous Prosperous Communities Committee meetings.

**Recommendation:** That Members note progress on the matters arising and request corrective action if necessary.

### Matters Arising Schedule

Status	Title	Action Required	Comments	Due Date	Allocated To
Green	Review of Voluntary & Community Sector Funding	Item to be added to the forward plan	PC Cttee 17.03.26: RESOLVED that ... Committee approve to undertake a review of Voluntary & Community Sector funding as set out in Section 5 of this report and present a report to the Prosperous Communities Committee by September 2026.	31/05/26	Grant White

# Agenda Item 6a



**Prosperous Communities  
Committee**

**Tuesday, 28 April 2026**

**Subject: Waste Services Policies Review**

Report by:

Operational Services Manager

Contact Officer:

Rob Gilliot  
Operational Services Manager

[robert.gilliot@west-lindsey.gov.uk](mailto:robert.gilliot@west-lindsey.gov.uk)

Purpose / Summary:

Changes to Waste and Recycling Operational  
Policies after two-year review

**RECOMMENDATION(S):**

1-That all changes in table one be approved for making to the Waste & Recycling Operational Services Policy

2-That the Policy be reviewed and return to committee in 2 years

## IMPLICATIONS

### Legal:

(N.B.) Where there are legal implications the report **MUST** be seen by the MO

### Financial :

**FIN/175/26/PC/JT**

**There are no financial implications arising from this report**

### Staffing :

(N.B.) Where there are staffing implications the report **MUST** have a HR Ref

### Equality and Diversity including Human Rights :

*NB: Please explain how you have considered the policy's impact on different groups (for example: young people, elderly, ethnic minorities, LGBT community, rural residents, disabled, others).*

### Data Protection Implications :

### Climate Related Risks and Opportunities:

### Section 17 Crime and Disorder Considerations:

### Health Implications:

### Title and Location of any Background Papers used in the preparation of this report :

*Wherever possible please provide a hyperlink to the background paper/s  
If a document is confidential and not for public viewing it should not be listed.*

### Risk Assessment :

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**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

**Yes**

**No**

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

**Yes**

**No**

## **Executive Summary**

If the main body of your report is longer than 4 sides of A4 then you are required to complete an executive summary. Please summarise the entire content of the report, its purpose and the decisions you require on one side of A4.

## **1 Introduction**

- 1.1 West Lindsey District Council's Waste and Recycling Operational Policies aim to ensure that our waste and recycling services operate effectively and efficiently in order to maximise recycling and reduce the amount of residual waste.
- 1.2 The policy document is designed to lay out agreed policies and procedures that are clearly defined, ensuring transparency and maintaining certainty for residents, Council members and Officers of the District Council.
- 1.3 Under the terms of the Environmental Protection Act 1990, West Lindsey District Council is classed as a Waste Collection Authority, and as such, under section 45(1) we have a statutory duty to collect household waste from all domestic properties within our administrative area.
- 1.4 To comply with amendments made to the Environments Act in 2021 which states all household shall receive a separate weekly food waste collection service from 31<sup>st</sup> March 2026
- 1.5 Under Section 46(4) of the Environmental Protection Act 1990, the Council has specific powers to stipulate:
  - The size and type of the collection receptacle(s)
  - Where the receptacle(s) must be placed for the purpose of collection and emptying
  - The materials or items which may or may not be placed within the receptacle(s)
- 1.6 Any residents not complying with the Council's requirements, as per the Section 46 notification, may be subject to a fixed penalty ticket or other legal action, or a loss of the collection service.
- 1.7 It is intended that the policy document will outline how West Lindsey District Council will deliver the refuse and recycling collection service and with appropriate education and support, enforcement should not be required.
- 1.8 This policy was last reviewed in January 2022 with a full review date set for April 2024, a full review has been undertaken with the following table highlighting the changes which are recommended from Appendix A (current Waste and Recycling Operational Policies).

**Table 1 – policies to be reviewed**

	<b>Policies to be reviewed</b>	<b>April 2026</b>	<b>Reasons</b>
<b>Policy 2</b>	<b>Provision of wheeled bins</b>	Black bin (residual waste) capacity to be reduced due to weekly collection of food waste. Suggestions are 240 bins for over 6 people in the household.	Current bin capacity will be in excess of what is needed once weekly food waste collections come into force. Reasons to limit black bin capacity are to encourage recycling and to consider forthcoming ETS charges for waste disposed of at Efw plants
<b>Policy 3</b>	<b>Retrieval of any bin</b>	Each property should have the normal entitlement of bins (1 x 180 black, 1 x 240 blue and 1 x 240 purple lidded bins). There should be no reason to remove these bins and they should remain at the property. If in exceptional circumstances, we remove any bins (upon request of the resident) a charge will be made to re-instate these bins.	For reasons of efficiency
<b>Policy 5</b>	<b>Presentation of Refuse and Recyclables</b>	Bins must not be used for storage of any other items, such as deliveries. The	Several instances where customers have claimed items have been left in bins and had to pay to replace them

			Council will not compensate for any items stored in the bin and then emptied in to the collection vehicle on the collection day.	
<b>Policy 9</b>		<b>Separate Food Waste Collections</b>	Policy added to cover food waste	New waste collection
<b>Policy 14</b>		<b>Premises in multiple occupancy</b>	Added that the Council will not return for bins/sacks when access on collection day is blocked.	To give further details to the current wording
<b>Policy 13</b>		<b>Presentation of additional recyclables</b>	Added: No additional food waste presented for collection will be taken. The scheme is designed to reduce the amount of food waste, and excess will therefore not be collected.	Aim is to reduce the amount of food waste being generated
<b>Policy 15</b>		<b>Missed collections</b>	Added the already agreed policy on not returning for missed caddies	Policy agreed and in FAQs on website
<b>Policy 17</b>		<b>Stolen Wheeled bin</b>	Include that in order for us to provide a replacement bin free of charge, the bin needs to have been stolen on collection day. The only	In order to be consistent with our FAQ's on our web-site and to reduce the number of free bins being issued. Residents need to keep their bins secure at their property during the week.

			exception to this is when the resident obtains a crime reference number.	
<b>Policy 23</b>		<b>Bulky Waste Collection Service</b>	Refunds only given if 24 hours' notice is given	Collection already scheduled and instructions issued to crews. It is considered fair to limit refunds to those who give 24 hours notice
<b>Policy 23</b>		<b>Bulky Waste Collection Service</b>	Add gas bottles onto the list of unacceptable items	Not classified as household waste
<b>Policy 26</b>		<b>Village Halls and similar premises</b>	Food waste not included in allowance for these premises	The allowance is given for the use of public meetings. These events should not generate this type of waste.

## 2 Recommendations:

The current policies have been reviewed, and the following recommendations are suggested: -

1-All changes in table one approved for making to the Waste & Recycling Operational Services Policy

2-Review and return to committee in 2 years

It is necessary to amend these policies based on the above recommendations to provide clarity for both residents and Customer Services on the services included in the Waste and Recycling Operational Policies.

To make these policies easier for residents to understand, a few minor changes to wording have been made for a more consistent approach in terminology. In some cases, wording is now less formal such as in the case of legal powers available to us.

# Waste and Recycling Operational Policies



<b>VERSION CONTROL</b>		
<b>Version</b>	<b>Details</b>	<b>By who</b>
Version 2.1	Amended 11/1/22 following MT	AS/EB
Version 2.2	Amended 17/1/22 following Chairs Brief	AS/EB
Version 2.3	Amended 1/3/22 following consultation on minor amendment with Chairman of Prosperous Communities Committee	AS/EB
Version 2.4	Management Team – 18 February 2024	RG/EB
Version 2.5	Prosperous Communities Committee – 19 March 2024	AS
Version 2.6		

**Full Review date two years from adoption – April 2026**

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## Introduction

West Lindsey District Council's Refuse and Recycling Policy aims to ensure that our waste and recycling services operate effectively and efficiently in order to maximise recycling and reduce the amount of residual waste.

This policy document is designed to lay out agreed policies and procedures that are clearly defined, ensuring transparency and maintaining certainty for residents, Council members and officers of the District Council.

Under the terms of the Environmental Protection Act 1990, West Lindsey District Council is classed as a Waste Collection Authority, and as such, under section 45(1) we have a statutory duty to collect household waste from all domestic properties within our administrative area.

Under Section 46(4) of the Environmental Protection Act 1990, the Council has specific powers to stipulate:

- The size and type of the collection receptacle(s)
- Where the receptacle(s) must be placed for the purpose of collection and emptying
- The materials or items which may or may not be placed within the receptacle(s)

Any residents not complying with the Council's requirements, as per the Section 46 notification, may be subject to a fixed penalty ticket or other legal action, or a loss of the collection service.

It is intended that the policy document will outline how West Lindsey District Council will deliver the refuse and recycling collection service and with appropriate education and support, enforcement should not be required.



## **Policy 1: Frequency of Collection**

The Council will collect household refuse and household recyclables on an alternate weekly basis in most areas of the District. Food waste will be collected on a weekly basis. For paid subscribers to the service, garden waste will be collected on a fortnightly basis during the collection season. The collection season is currently set to run from the end of March to the end of November. Garden waste collections are organised to ensure that each household receives 18 collections, providing they sign up to the service prior to the start of the collection season. See Policy 24 for more information about the garden waste collections.

The collection day will normally be the same day of the week for refuse and recycling.

The time of the day for collection may vary due to roadworks, vehicle breakdowns or other situations outside of our control. Therefore, residents are asked to present their bin(s) before 7am on your designated collection day. Bins can be presented after 7pm on the evening prior to collection.

During Bank Holiday weeks, collections will usually be as per your regular collection day. However, there may be occasions when collection days are altered. This is normally over the Christmas and New Year period.

Information about alterations will be advertised through a number of methods including on the Council's website at [www.west-lindsey.gov.uk](http://www.west-lindsey.gov.uk), resident publications and social media.

We aim not to change your collection day from year to year, but occasionally this is necessary to ensure that our collection rounds take account of new home building and are routed efficiently.

We currently provide collection calendars to all households in the district on an annual basis, to advise of collection arrangements throughout the year, along with some recycling information. Details of collection arrangements will always be made available on our website at [www.west-lindsey.gov.uk/mybinday](http://www.west-lindsey.gov.uk/mybinday)

## **Policy 2: Provision of Wheeled Bins and Caddies**

All residents are required to present their waste and separated recyclables in wheeled bins, caddies, or sacks issued by the Council. Presentation must be made at the front boundary of their property where it meets the kerbside. We refer to this point as the curtilage (see Policy 5).

The exception to this policy will be where residents are unable to move wheeled bins or caddies to the curtilage of the property, due to access difficulties, e.g. terraced properties with no viable access for wheeled bins from the rear of the property to the curtilage or disability. In these circumstances, alternative waste collection receptacles/arrangements will be provided, by agreement with and at the discretion of West Lindsey's Operational Services Manager.

In the interests of waste minimisation, and therefore reducing costs to the council tax payer, the Council issues black (refuse) wheeled bin capacity to households based upon household occupancy.

Household occupancy is defined as number of permanent, full-time occupants. Please be aware that a charge also now applies for supplying additional wheeled bins (if these are permitted).

A standard family wheeled bin (180L) is the default bin provided to the majority of residents. Separate policies are applicable for flats and premises of multiple occupancy (see Policy 14).

### **Large Family wheeled bin (240L):**

Only households that have six or more occupants, or a specific verified need, such as medical waste (see Policy 21) can apply for additional refuse bin capacity. This request can be completed online by visiting [www.west-lindsey.gov.uk/doitonline](http://www.west-lindsey.gov.uk/doitonline) or alternatively you can call our Customer Services on 01427 676676.

This request will only be approved subject to residents using the existing recycling facilities to the fullest extent. Once provided, a family wheeled bin may be taken away and replaced with a Standard Family wheeled bin (180L) if this condition is not satisfied. Households will then not be eligible for another assessment for a period of six months. Please be aware that a charge also applies for supplying wheeled bins.

### **Second refuse wheeled bin:**

There will be a very limited number of households who will need greater waste capacity than is offered by the 240L bin. In such cases residents may be offered a second wheeled bin to enable them to safely dispose of the waste that they produce. The bin size offered will reflect the needs of the household which will be assessed by the Council. Examples include large families with more than three children in nappies and adults with large quantities of non-hazardous medical waste.

Two bins will be provided for a fixed period only and this will be reviewed at the end of this period. Once again, provision will be subject to households using the existing recycling facilities to the fullest extent.

At these properties both bins will display a sticker so that collection crews will know to empty two bins.

### **Policy 3: Charges for Wheeled Bins and Caddies**

Charges for supply and delivery of wheeled bins were introduced by West Lindsey District Council in 2012.

Due to the current financial situation, the Council is under increased pressure to save money. The charges for bin provision solely cover the administration and their delivery, the Council retains ownership of the bins. We would encourage residents to look after their bins and caddy by labelling with their house number and bringing back in as soon as possible after collection.

This charge applies both to new properties and replacement bins and caddies. Payment will be required when requesting new or replacement bins and caddies. The exception is where bins are damaged by our crews or reported as stolen. Please visit [www.west-lindsey.gov.uk/wastefees](http://www.west-lindsey.gov.uk/wastefees) for details of current charges.

Any requests to provide new wheeled bins (refuse or recycling) and caddies for a new build property or due to damage, loss or theft must be made to the Council; either by contacting our Customer Services Team on 01427 676676 or using the online request service which can be found at [www.west-lindsey.gov.uk/doitonline](http://www.west-lindsey.gov.uk/doitonline).

Replacement wheeled bins will be delivered as soon as practicable after the payment has been received, but in all cases within 10 working days.

All refuse and recycling receptacles supplied to residents shall always remain the property of the Council.

When residents move home they must leave the refuse and recycling wheeled bins at the property for the new occupant. Residents are responsible for the storage, safe keeping and cleaning of refuse and recycling wheeled bins. Each property should have the normal entitlement of bins (1 x 180 litre black, 1 x 240 litre blue and 1 x 240 litre purple lidded bins, and 1 x 23 litre orange lidded caddy). There should be no reason to remove these bins and they should remain at the property. If in exceptional circumstances, we remove any bins (upon request of the resident) a charge will be made to re-instate these bins.

For newly built properties, either the developer or the builder (if smaller estates or individual properties) will be responsible for the purchase of wheeled bins for the properties they have constructed. If developers fail to make this provision, the resident will be liable for the purchase of the wheeled bins. No collections will be made until such time as wheeled bins, of an approved design and colour, have been purchased.

These wheeled bins can be purchased from the Council or can be procured by the developers, provided they are approved for use by the Council. The wheeled bins will become the property of the Council and must be left at the property when residents move out.

#### Policy 4: Authorised Sack Scheme for Exempt Properties

Where agreed by the Operational Services Manager (or designated Officer) individual households unable to utilise wheeled bins to contain their waste and recyclables, will be provided alternative receptacles. These will consist of blue (refuse) and clear (recycling) 'authorised sacks'. Sacks for the presentation of garden waste can be provided for a small charge (see Policy 24).

Properties that may be exempted from the wheeled bin scheme include:

- Purpose built blocks of flats
- Flats above shops
- Properties with no frontage
- Properties with very small front gardens (less than 1 metre deep) that have insufficient space for a wheeled bin
- Very long drives

The suitability of a wheeled bin collection to properties with steps or steep frontages will be assessed on a case by case basis. If, for health and safety reasons, they are found to be unsuitable then they will be exempted.

Authorised sacks will be issued to households every six months and will provide the same capacity to contain waste and recyclables as would be available if the resident was provided with wheeled bins. The equivalent of three blue refuse sacks and three clear recycling sacks will be collected per week.

**Table 1 below identifies the number of authorised sacks provided to households under this arrangement.**

Where households use their allocation of 'authorised' sacks before they are replenished, the resident will be required to purchase 'pre-paid' authorised sacks in which to present their waste (see Policy 20).

Where households, not recorded as being on the authorised sack scheme present authorised sacks, the sacks will be rejected for collection.

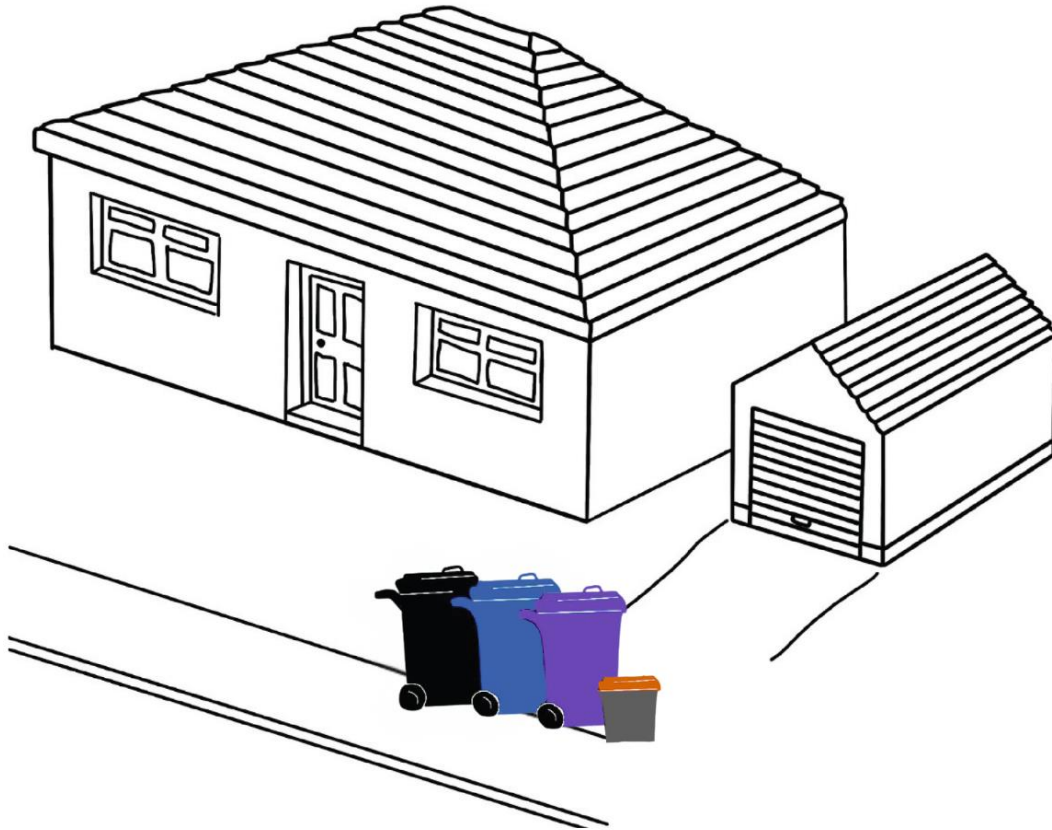
Table 1: Number of Authorised Sacks Issued to Households (per 6 months)

Household Occupancy	Refuse (Blue)	Recycling (Clear)
4	65	78
5	78	100
More than 5	To be assessed *	To be assessed *

\* At discretion of the Operational Services Manager or Designated Officer

## Policy 5: Presentation of Refuse and Recyclables

Waste and recycling wheeled bins, and food waste caddies must be presented at the curtilage (front boundary) of the property, at the point nearest the highway by 7am on the appointed day of collection. The wheeled bins should then be taken back onto your property by the end of the collection day.



The Council will not empty any non-authorized wheeled bins.

Bins and caddies must not be used for storage of any other items, such as parcels. The Council will not compensate for any items stored in the bin and then emptied in to the collection vehicle.

Where residents report difficulty in terms of being able to present their bin, due to access issues such as steep slope or steps to access their property, a Council Officer will visit the resident to determine the most appropriate solution.

Where residents share a driveway, they will be required to present their wheeled bins/sacks for collection at the end of the shared drive, at a point nearest to the highway.

Where an individual property is located down a 'long-driveway', the resident is required to present their wheeled bin/sacks for collection at the point nearest the highway. The Council's designated Officer will visit the resident to assess the most appropriate location to present the waste receptacles and the type of receptacles to be used. Where the 'long-driveway' serves several properties, the Council will arrange for the designated Officer to visit and assess if it is appropriate for a collection vehicle to access the properties.

Any variation to this Policy will be at the discretion of the Operational Services Manager. This decision will be deemed to be final.

### **Policy 6: Collection of Refuse**

All wheeled bins/sacks are liable to inspection before collection and should contain 'non-recyclable' household waste only:

The bins/sacks **must not** contain:

- Liquid waste
- Garden/yard waste
- Soil
- High grade clinical waste, including sharps
- Tyres
- Hazardous waste
- Waste Electrical and Electronic Equipment
- Large 'bulky' items.
- Construction/DIY waste such as bricks, plasterboard; cement, aggregates, and timber.
- Paint (in liquid form)

The Council can be contacted regarding arrangements for disposal of the types of waste listed above or see [www.west-lindsey.gov.uk/householdwaste](http://www.west-lindsey.gov.uk/householdwaste).

Should the bins/sacks contain wastes of the type detailed above, the Waste Operative will not collect the waste. In this circumstance, should the refuse not be collected, the disposal of the waste will then become the responsibility of the resident, who will be required to dispose the waste in accordance with instructions provided.

Generally, the resident will be required to remove the incorrect waste item(s). The receptacle can then be presented on the next refuse collection day. In this circumstance residents are required to contain additional waste they are not able to fit into the wheeled bin, in WLDC pre-paid sacks until the next refuse collection (see Policy 21).

Failure to comply with instructions may result in enforcement action being taken under appropriate legislation (see Policy 27).

### **Policy 7: Recycling Collections**

Under Section 46 of the Environmental Protection Act 1990 and the Environment Act 2021, the Council is required to ask residents to segregate their waste for recycling purposes.

All recycling receptacles will be liable to inspection prior to collection, to establish that they contain only the designated recyclable materials, as detailed on the back of your collection calendar. Or visit [www.west-lindsey.gov.uk/recycling](http://www.west-lindsey.gov.uk/recycling) for further information.

The Council will provide additional printed information or a visit to explain which materials are suitable for recycling upon request.

The resident cannot have either of their recycling bins (mixed recycling or paper and cardboard), or food waste caddy removed from their property, unless these are extra to their normal entitlement.

If a resident has two recycling bins of the same colour, we will swap one of these so that they have one of each type. To enable residents to use the correct bin for all their recyclable waste.

Contamination, meaning items presented in the wrong bin, can have a major impact on our recycling and composting schemes by reducing the quality of the material and the risk that it will be rejected by the re-processors. The rejection of loads increases our disposal costs.

Recycling (including food waste) and garden waste receptacles considered by Waste Operatives to be 'contaminated' will not be collected. Should the Waste Operative observe a contaminated receptacle, a tag will be attached to it, notifying the resident why it has not been collected.

At the discretion of the Waste Operative, they may remove contaminating materials from receptacles and empty the bin, if contamination is not considered severe enough to warrant a bin rejection.

The Council will not make an unscheduled return to collect recycling receptacles rejected for collection, even if the offending material has been removed by the resident. In this circumstance, should the recycling receptacle not be collected, the disposal of the rejected waste will be the responsibility of the resident.

The resident will be required to remove the waste causing the contamination problem. The receptacle can then be presented on the next recycling collection day.

The Supervisor has the discretion to arrange for the contaminated recycling receptacle to be collected on the following refuse collection day. This option will be made available to the resident on one occasion only, following a receptacle being rejected for being contaminated.

Should a resident continue to present recycling receptacles containing contaminating waste material, the Council will take appropriate enforcement action under available legislation (see Policy 27).

The Council will provide a reasonable level of advice and assistance to residents regarding how to recycle their waste effectively, prior to taking enforcement measures.

### **Policy 8: Separate Paper and Cardboard Collections**

Separate paper and card collections came into effect as from April 2022. Residents will be required to separate their paper and card from other recyclables and instead present paper and cardboard in the purple lidded bin.

Again, under Section 46 of the Environmental Protection Act 1990, the Council is exercising its powers to require residents to segregate their waste for recycling purposes. Also, Section 57 of the Environment Act 2021, has requirements for separate collections of recycling by material type.

A separate "purple lidded" bin will be supplied to properties already on a wheeled bin service. The collection frequency will be amended as follows:-

- Week 1 – Black (general waste) and orange lidded caddy

- Week 2 – Blue (dry mixed recycling – e.g plastic bottles/cans/glass bottles/cartons) and orange lidded caddy
- Week 3 – Black (general waste) and orange lidded caddy
- Week 4 – Purple-lidded bin (separate paper and cardboard) – and repeat the above schedule and orange lidded caddy

The reason for introducing this extra bin is that we need to improve the quality of recycling we collect in West Lindsey and in Lincolnshire as a whole. The present method for collecting recycling (all in one bin) means that the vast majority of paper and cardboard we collect is contaminated by the other items in the recycling bin, like glass and often food waste.

The Environment Act 2021 has the potential to bring fundamental changes to our waste collection service and requires the separate collection of different types of items suitable for recycling.

### **Policy 9: Separate Food Waste Collections**

In order to comply with the Environment Act 2021, weekly food waste collections are being introduced from 30 March 2026.

Each household will be required to have 1 x 23 litre caddy for outdoor use (these will have lockable orange lids to prevent spillage and animal interference). No other sized bins will be available for individual properties. Where deemed appropriate by the Operational Services Manager, communal properties such as flats will be issued with larger 140 litre bins instead of the 23 litre individual caddy. These containers will be provided free of charge on the initial roll out of the service. The resident will be responsible for the safe keeping of these caddies, by bringing them back into their property at the end of the day. Residents will also be provided with a 5 litre indoor caddy in order to store food waste before emptying into the orange lidded outdoor caddy.

In order to encourage effective use of this service, we **will not** remove the caddies if requested by the resident.

Liners can be used in the caddies, but residents are required to supply their own liners. Acceptable liners are plastic bags such as old bread bags, newspaper or kitchen roll.

Properties on a sack collection service will receive caddies despite not having wheeled bins for their other waste and recycling.

Collections will be weekly on the same day as other collections in that area.

Caddies must be presented by 7am on the day of collection. Presentation must be made at the front boundary of the property where it meets the kerbside. We refer to this point as the curtilage (see Policy 5). Anyone who is entitled to receive an assisted collection, will continue to receive this service for food waste collections.

### **Policy 10 : Rejection of Receptacles for Collection**

The Council will reject for collection, refuse and recyclable receptacles for the following reasons:

- Bin lid not fully closed;

- Wrong receptacle presented, e.g. recycling bin presented on refuse week;
- Materials not suitable for recycling placed into the recycling receptacle;
- Refuse receptacle contains waste as detailed in Policy 6 above;
- Waste receptacle too heavy to lift, due to it containing heavy waste such as construction/DIY/soil/yard/garden wastes.
- Waste and recyclables presented in blue authorised sacks at properties not recorded as being part of the authorised sack scheme.
- Authorised sacks presented in dustbins.

### **Policy 11: Assisted Collection**

This policy outlines how residents can access the assisted collection service so they can participate fully in the refuse and recycling collection service.

Residents, who are unable to transport their wheeled bins/caddy/sacks to the required collection point, because of ill health, infirmity or disability, and without other occupants in the household able to assist them (16 years and over), will be placed on the 'assisted collection' scheme, upon request.

Residents are required to provide information so that a simple assessment may be completed. Applications are considered on a case by case basis. Home visits are carried out where necessary.

Assisted collections are subject to the Council being satisfied that service provision is warranted.

Alternative receptacles, for example sacks, can be provided on assessment of the needs of the resident as well as to facilitate collection by our operatives.

Residents on the assisted collection scheme will have their wheeled bins/caddy/sacks collected by a Waste Operative from an agreed location and emptied into the collection vehicle. Wheeled bins will be returned to the same location.

It is the resident's responsibility to ensure the unobstructed availability of the receptacles i.e. gates etc. are unlocked by 7.00am on the date of collection. If the Waste Operative is unable to gain access to the wheeled bin/sacks they will not be emptied/collected until the next scheduled collection.

If relatives of someone in receipt of this service need time to clear out the property, this service can continue for a period of one month, which will cover the collection of each bin type. For waste in excess of this, our big bin service can be used.

If the resident's circumstances change, the resident must inform the Council. The Council will periodically review the assisted collection register.

### **Policy 12: Presentation of Side Waste (Refuse)**

The presentation of 'side' waste does not support waste minimisation principles or encourage residents to maximise recycling. Therefore, excess household refuse left beside the wheeled bin will not be collected, unless it is contained within pre-paid WLDC authorised refuse sacks.

Pre-paid authorised sacks are chargeable so as to provide incentive to residents to recycle and compost their waste at home, thereby reducing waste arising.

Should residents not be able to contain refuse within the bin, they may take this waste to their local Household Waste and Recycling Centre see Lincolnshire County Council's web page [www.lincolnshire.gov.uk/recycling-waste](http://www.lincolnshire.gov.uk/recycling-waste) for locations). Alternatively, residents can purchase pre-paid excess refuse sacks or utilise the Council's Big Bin Clear Out service (See Policy 28).

The Council will provide advice to residents on reducing their waste, upon request.

Should the resident continue to present unauthorised side waste, the Council will take appropriate enforcement action under the relevant legislation.

### **Policy 13: Presentation of Additional Recyclables**

The Council encourages residents to maximise the presentation of materials for recycling. Therefore, extra blue recycling bins and purple lidded bins are available for a one-off cost.

Following the introduction of separate paper and card collections in 2022 recycling side waste can no longer be allowed for the following reasons.

- Paper and card must be kept clean and dry and must be contained within the purple-lidded wheeled bin.
- Mixed recycling side waste is also no longer permitted. This is because plastic bags (used to contain the excess) are classed as a contaminate and are not permitted in our recycling contract and cardboard boxes should be contained within the purple-lidded bin and not collected with mixed dry recycling.

Where bulky items with cardboard packaging arise, these must be broken up and contained within your purple-lidded bin. We can no longer take large cardboard boxes if left next to your recycling bins, as paper and card needs to be kept clean and dry. The bulky cardboard packaging must be free of polystyrene, plastic films, string, rope, banding and other non-recyclable waste.

Where a property is part commercial and part residential, councils are entitled to charge for collection of all of the waste. The Council will provide 1 x 240 litre mixed recycling bin and 1 x 240 bin for paper and card only for the collection of the household element. The occupier must be able to provide proof of disposal route for the commercial waste and where there are doubts as to the origins of the waste (i.e. where commercial waste is apparent) then additional recyclables will not be collected or a charge will be made.

There will be a limit of two recycling bins of each type per property, which is considered adequate for most households. By having a limit on these bins, it will prevent businesses working from home from receiving a free collection. Under very exceptional circumstances a decision may be made by the Operational Services Manager on a case by case basis. Any businesses working from home can subscribe to our Commercial Waste Service or find an alternative registered waste collection contractor.

No additional food waste presented for collection will be taken. The scheme is designed to reduce the amount of food waste, and excess will therefore not be collected (an extra external food waste caddy can be requested if continual extra food waste is being created, a member

of Lincolnshire County Council Engagement and Education Team will also visit to discuss ways to minimise food waste).

## **Policy 14: Premises in Multiple-Occupancy**

This Policy sets out the provisions for refuse and recycling collection within communal waste storage areas.

It is the Council's preference to supply individual wheeled bins wherever possible, even for flats, but for multiple occupancy households/properties, the Council may supply an appropriately sized larger wheeled bin(s) for refuse and recyclables. It may be that a sack service is the best option in some instances.

The developer/builder/management agent should engage with the Council at the earliest opportunity when considering waste management arrangements for their complexes. Larger bins will only be serviced by prior arrangement and a fee must be paid to the Council for their provision. Only WLDC approved bins will be emptied.

Where residents of multiple occupancy properties do not segregate their waste for recycling in an effective manner, the Council will support residents to encourage recycling. If appropriate the Council will use its enforcement powers to achieve improvement in recycling performance from multiple-occupancy properties.

Where reasonable efforts of the Council fail to improve the quality of recyclables presented for collection, the Council may remove the recycling bin/sack service. The refuse bin/sack will still be collected fortnightly on refuse collection week. The combined capacity of the refuse receptacles (in litres) should not exceed 180 multiplied by the number of occupied properties.

The Council will assess the servicing of flats/mixed properties on an individual basis and cases will be considered on their merits. Property visits and discussions with the relevant management agencies will be carried out where appropriate.

Where there is contamination within the recycling on a regular basis the Council will require the management agency/housing association/landlord to, at their own expense, ensure all non-recyclable material is removed in readiness for the next collection.

It is the property management company/residents' role to present the bins/sacks in a manner that allows for a collection to take place. Where access is not possible due to locked gates etc the wheeled bins/sacks will not be collected and the Council will not return until the next scheduled collection

Where bin stores have excess waste blocking access (bags, loose waste, furniture etc), the Waste Operative will not clear the area. If it is not possible for the Waste Operative to empty the wheeled bins/collect sacks, they will be left and it will be the responsibility of the Management Company/residents to dispose of the waste.

Any disposal of waste by residents or landlords should be carried out in compliance with current legislation.

Where a property is part commercial and part residential - for example a public house or shop with living accommodation, councils are entitled to charge for collection of all of the waste. The Council will provide standard capacity (1 x 180 litre refuse bin, 1 x 240 litre mixed recycling bin, 1 x 240 litre bin for paper and card, and 1 x 23 litre food waste caddy) for the collection of the household element, but where there are doubts as to the origins of the waste

(i.e. where commercial waste is apparent) then the waste will not be collected or a charge will be made to collect the waste.

### **Policy 15: Missed Collections**

Waste and recycling receptacles are to be presented for collection by 7am on the designated day of collection.

If receptacles are not presented by 7am on the day of collection, missed reports will not be considered a 'missed' collection. Responsibility for disposal of the waste in these cases lies with the resident.

Waste and recycling receptacles not presented for collection at the time the Waste Operative arrives at the property will be recorded on our system as live data.

If a receptacle is recorded as 'not presented', the responsibility for disposal will become that of the resident. Therefore, the Council will not return to empty the bin.

A collection will not be recorded as missed collection until after 4:30 pm on the designated day of collection, as collection routes and times are liable to change. However, if a resident has not had their receptacle collected and adjacent neighbours have, they should contact the Council on 01427 676676. We will then attempt to revisit for collection on the same day subject to there being no record that the bin was not presented.

The resident should report their receptacle as missed within 72 hours of the scheduled collection, otherwise it will not be classed as a missed collection.

Should a missed collection be reported after 4.30pm on the designated day of collection, and subject to there being no record that the bin was not presented, WLDC will be required to go back within 5 working days and collect the waste. The missed bin will be emptied with the same material stream wherever possible. Missed food waste caddies will not be returned for, due to the 5 workings days taking it up to the next collection date. Misses can still be logged as this enable the Council to identify any potential issues and resolve them. If the food waste caddy is full after it has been missed, the additional food items can be placed in the black bin on this occasion.

Where residents do not present their refuse or recyclables for collection in accordance with Council requirements, the resident will have the following options:

- Take the waste to their local Household Waste and Recycling Centre;
- Store the waste until the next collection day;
- If required, purchase authorised pre-paid sacks to contain the waste until the next collection.

### **Policy 16: Wheeled Bin Lost in Collection Vehicle**

There may be some circumstances where a bin is lost or damaged in the back of the collection vehicle. Should this occur, our operative is instructed to place a note through the householder's door advising of the incident.

In these cases, the Council will replace the wheeled bin free of charge as soon as reasonably practicable.

In the interim, the Council will send sufficient authorised sacks to the householder to cover the period between when the bin is reported missing, to the planned delivery date of the replacement bin.

### **Policy 17: Stolen Wheeled Bins and Caddies**

When a resident reports their bin or caddy as stolen, we will provide one replacement receptacle only within a three year period. In order for the Council to provide a replacement bin free of charge, the bin needs to have been stolen on collection day and reported within 24 hours of the collection day. The only exception to this is when the resident obtains a crime reference number.

The Council will send sufficient authorised sacks to the resident to cover the period between when the bin is reported missing, to the planned delivery date of the replacement bin.

The report of the stolen bin will be recorded and should a further bin be reported as stolen within a three year period, the resident will be required to pay for a replacement bin.

The exception to this is where the resident has subscribed to the chargeable garden waste collection service.

If a stolen bin/caddy is reported from an address where the previous occupants had a bin stolen, the Council will provide the first replacement free of charge.

If we believe a bin/caddy has been misused, damaged or lost by the resident the Council will charge the householder for a replacement. Even when a charge is paid by the resident, the receptacle remains the property of the Council. Only where damage is caused as a direct result of the collection process will the Council pay for the repair or replacement.

This policy is designed to encourage responsible use of bins and caddies, and because we consider it fairer that the cost of replacements be met by the residents requiring them, not council tax payers as a whole.”

### **Policy 18: Provision of Non-Standard Wheeled Bins**

Where household occupancy changes or circumstances arise to merit extra bin capacity, the Council can make arrangements to provide the additional capacity required upon receipt of the necessary payment.

### **Policy 19: Provision of Wheeled Bins and Caddies to New Dwellings**

The Council will provide wheeled bins to new dwellings upon receipt of the necessary payment for bins, the minimum requirement is for a black, blue and purple-lidded bin, and an orange lidded caddy, with the garden waste bin being optional.

The property developer should contact Operational Services regarding new developments in order that adequate and suitable bin storage is identified.

### **Policy 20: Provision of Authorised Sacks to New Dwellings**

New dwellings will not be provided with authorised sacks as an alternative to wheeled bins, unless Policy 2 applies.

## **Policy 21: Pre-Paid Authorised Sacks**

To encourage effective recycling and waste minimisation, the Council does not collect 'side waste', in accordance with Policy 11, unless contained within an authorised pre-paid sack.

Blue sacks are available to purchase from WLDC offices at The Guildhall, Marshall Yard Gainsborough DN21 2NA . They are also available by post (although a delivery charge applies). For current charges of the authorised pre-paid sacks please visit [www.west-lindsey.gov.uk/wastefees](http://www.west-lindsey.gov.uk/wastefees)

The Council will review provision of the service and increase the charge in-line with inflation, on an annual basis, thereafter.

## **Policy 22: Clinical and Medical Waste Provisions**

West Lindsey will collect Clinical Waste (Healthcare) waste from domestic properties. This will either be classified as low risk clinical waste as detailed below in non-hazardous clinical waste or the collection of needles (sharps collections).

### **Hazardous Clinical Waste:**

Some clinical waste, e.g. haemodialysis waste and sharps are classified as hazardous waste and need to be disposed of separately and sent for incineration. West Lindsey currently only collect sharps (needles) and this service is available upon request by telephoning 01427 676676. An appointment will be given for collection (within a 48 hour slot).

Requests for collection of other hazardous clinical waste such as haemodialysis waste should be referred direct to Lincolnshire County Council (LCC) by the appropriate PCT, (Primary Care Trust) or hospital. LCC will then arrange for collection by a specialised contractor.

### **Non-Hazardous Clinical/Medical Waste:**

Most types of low risk clinical waste, such as bandages, dressings, drainage bags, colostomy bags and incontinence pads are classed as low grade (non-hazardous) can be disposed of along with your normal domestic waste, and placed within your black wheeled bin.

If there is a need for additional capacity, residents can request a larger or an additional refuse bin. For residents on a refuse sack service, the Council will also supply additional refuse sacks for this purpose and to enable the waste to be double-bagged.

To request a larger or additional wheeled bin for medical waste reasons, please contact our Customer Services team on 01427 676676 or visit [www.west-lindsey.gov.uk/doitonline](http://www.west-lindsey.gov.uk/doitonline).

The Council does not provide a service for the removal/disposal of unused pharmaceuticals, which should be returned to a pharmacy.

## Policy 23: Bulky Waste Collection Services

The Council provides a bulky waste collection service for large household items such as:

- Table & chairs
- Washing machines
- Dishwashers
- Carpets
- Mattresses
- Suites
- Beds
- Wardrobes
- Cookers etc.
- Fridge/freezers

There is a charge for this service, see [www.west-lindsey.gov.uk/wastefees](http://www.west-lindsey.gov.uk/wastefees) for current charges. The minimum charge will consist of a number of items but not to exceed 6 points. If the points value is exceeded then an extra amount also applies. If a booking is cancelled by the customer, refunds will only be given if 24 hours notice is given. An example of the points value is given below.

3 points:

- King sized bed base, mattress, headboard and fittings
- 3 piece suite

2 points:

- Cooker
- Dishwasher

1 point:

- Chest of drawers
- Kitchen table
- Dressing table

A collection date (within a 48 hour slot) is given to the customer when they request a collection. Means tested benefits no longer apply. The bulky waste collection service does not include collection of items such as:

- Bricks
- Concrete
- Tyres and car parts
- Cast Iron Boilers
- Oil tanks
- Plasterboard
- Gas bottles

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## **Policy 24: Garden Waste Collections**

This policy sets out the optional garden waste service which is provided by the Council.

This is a separate, chargeable service for the collection of garden waste and is available to residents on a subscription service see [www.west-lindsey.gov.uk/gardenwaste](http://www.west-lindsey.gov.uk/gardenwaste) or by telephoning the Customer Service Team on 01427 676676.

Garden waste is not permitted in the residual or recycling waste bins/sacks and will not be collected. Residents who do not subscribe to the service must make arrangements to dispose of their own garden waste either by composting or at their local Household Waste Recycling Centre.

For paid subscribers to the service, garden waste will be collected on a fortnightly basis during the collection season. The collection season is currently set to run from the end of March to end of November each year. Garden waste collections are organised to ensure that each household receives 18 collections, providing they sign up to the service prior to the start of the collection season.

Where agreed by the Operational Services Manager (or designated Officer) individual households unable to utilise wheeled bins to present their garden waste in, will be able to purchase garden waste sacks. Resident who purchase sacks will have their sacks collected at the same time as bins in their immediate area. Sacks will be a minimum of 80 litres in capacity and will be available to purchase in bundles of 54 bags for the same cost as the annual charge for a wheeled bin (including delivery), providing the resident with the same capacity as a wheeled bin. There is currently no expiry date for the sacks, so any unused from the bundle can be presented in the next collection season.

Our standard collection vehicles will be unable to ensure that garden waste contained in sacks is recycled and therefore, the sack service will only be available to residents where a wheeled bin collection is not possible due to access issues.

There is no limit to the number of garden waste wheeled bins or sacks which a resident may purchase, if they are unable to utilise wheeled bins.

It is possible to opt-out of the scheme once joined; residents are not required to return the wheeled bin to the Council. No refunds will be given if a resident wishes to cancel their subscription.

It is possible to opt back into the scheme at any time following payment of the appropriate fee.

If a resident is moving within the administrative area of the Council, they will need to inform the Council either by contacting our Customer Service Team on 01427 67676 or by email at [gardenwaste@west-lindsey.gov.uk](mailto:gardenwaste@west-lindsey.gov.uk) where arrangements will be made to transfer the service to the new property. The resident is required to leave the garden waste wheeled bin (and sticker) at the property they are moving from. If the resident is moving out of the administrative area they should inform the Council, but there is no entitlement to a refund for the remainder of the chargeable period. Full terms and conditions for the service can be found at [www.west-lindsey.gov.uk/gardenwaste](http://www.west-lindsey.gov.uk/gardenwaste)

## **Policy 25: Commercial Waste Collections**

A commercial/trade waste and recycling collection service is offered to businesses in West Lindsey. The service is available to all schools, parish, church and village halls as well as shops and businesses of all sizes. The service is available at an agreed charge, based on frequency, numbers of bins and number of collections.

The collections, where possible, will be co-mingled with domestically generated waste but may, where required by frequency of collection, be collected by a separate, designated vehicle.

The service will be based on wheeled bin collections but will be customer focussed in that bag collections may be available to those customers with insufficient storage capacity for wheeled bins.

Waste generated from residential premises being used for business purposes, where there is a requirement for planning permission for such use, will be dealt with as commercial waste.

Premises such as public houses which are also used as domestic residential accommodation are known as a "mixed hereditaments" and as such are only entitled to the standard issue of wheeled bins.

It is recognised that some individual traders work from home and provided that any waste generated along with the normal household waste does not require any additional capacity or have any particular hazardous qualities it will be dealt with as normal domestic waste.

Free waste collection services to non-domestic properties will cease. Non-domestic customers, using a domestic wheeled bin, will have that bin removed or can join the commercial waste service.

## **Policy 26: Village Halls and Similar Premises**

West Lindsey District Council will provide and empty, a set of bins, comprising of 1 x 180 litre refuse bin, 1 x 240 mixed recycling bin and 1 x 240 litre bin for paper and card to; Village Halls; Community Centres; 'not for profit' voluntary sector organisations (excluding charity based retail outlets), places of worship and any halls attached. There will be no charge for these bins. Food waste caddies are not included in this allowance.

The Council will also make a charge for providing any additional capacity above this standard issue. Requests would be charged at our standard commercial rates (see Policy 24) or alternatively, any request for additional waste bin capacity should be referred to a private contractor.

The Council would also charge in instances where the predominant activity on such premises is commercial in nature, i.e. operated to generate a profit, such as pre-school/child-minding or private fitness/slimming classes.

The existence of a charity registration number does not mean exemption, as many charities are classified as producers of commercial waste and operate in such markets.

Since free waste collection is only intended to benefit premises whose main function is hosting public meetings, in some cases, the Council will request that applications are made

in writing detailing activities. We reserve the right to monitor and review periodically to see if such premises remain in scope.

### **Policy 27: Education and Enforcement Procedures**

This Policy outlines the enforcement procedures for the Waste and Recycling Service. Building awareness and having an educational approach is important to help residents understand their role, and assist with improving recycling and operating efficient services. Enforcement activities will be in accordance with the Council's 'Corporate Enforcement Policy' and as such, any enforcement will follow these principles and be applied in a staged approach. There are no significant changes in approach to that presented in the existing waste enforcement policies, but this policy provides a summary:

All waste must be presented in Council approved bins/caddies/sacks to ensure it can be safely collected from the kerbside (or a position agreed by the Council).

The Council will reject for collection, refuse and recyclables receptacles for the following reasons:

- i. Overloaded wheeled bins (by weight and volume)
- ii. Wrong receptacle presented e.g. recycling wheeled bin presented on refuse week.
- iii. Wheeled bin is too heavy to lift, due to containing heavy waste e.g. construction, DIY or soil waste.
- iv. Contamination of recyclable materials.
- v. Garden waste in residual collection (black wheeled bin or blue bag).

Repeated presentation of residual side waste will be dealt with by the Council in the same manner as contamination of recyclable materials.

Recycling wheeled bins and food waste caddies containing major contamination will not be emptied. A tag be placed on the bin to provide information as to the reason for rejection and it will be recorded on our live database system. It is the responsibility of the resident to remove the contamination and dispose of it in the correct manner.

The resident may be given two letter notifications for two separate occurrences of contamination of the recycling wheeled bin, the third incident may result in a notice being served to the resident, under Section 46 of the Environmental Protection Act 1990 and will allow a Fixed Penalty Notice (FPN) to be issued on the next occasion.

### **Policy 28: Severe Weather**

In the event of severe weather, when snow, ice, floods or other conditions disrupt waste and recycling collection services, the following general principles will apply:

The Council will try to maintain services if they can be performed safely, for example from a gritted road or another area assessed as safe by the collection vehicle driver. Among key factors that apply are: road conditions, access past parked cars, risks to public or crews.

The condition of the roads in terms of the district as a whole will be assessed by the Operational Services Manager.

A decision will be made by 9am as to whether normal collections will be attempted; thereafter hourly reassessments will be made until 2pm. Communication will be through our usual channels (West Lindsey District Council website and social media pages) with regular updates to local radio and via other media outlets (newspapers, local television). Residents can sign up for a regular e-newsletter at [www.west-lindsey.gov.uk/newsletter](http://www.west-lindsey.gov.uk/newsletter).

Should it be necessary to suspend the service, staff will be re-deployed where appropriate (initially to assist residents deemed most vulnerable such as those in the Supported Housing Section) and thereafter to assist Lincolnshire County Council in the discharge of their duties i.e. gritting pathways and clearing snow.

In cases of flood, staff will assist in the provision of sandbags in line with the Council's Policy.

Bulky waste collections may be suspended to maintain main services depending on the duration of the severe weather event.

Limited quantities of extra waste will be accepted alongside bins during any catch up period.

### **Policy 29: Big Bin Clear Out Service**

1. This service allows residents to hire a choice of two big bin sizes for a period of one week, allowing residents to dispose of excess household waste, for example after a party or spring clean.
2. Wherever possible, residents are encouraged to reuse or recycle items, by using Charity Shops or Household Waste Recycling Centres.
3. This service is for residents only and does not extend to businesses. Businesses can subscribe to our commercial waste collection service and an online enquiry can be submitted by visiting [www.west-lindsey.gov.uk/commercialwastesolutions](http://www.west-lindsey.gov.uk/commercialwastesolutions).
4. To request the big bin service please use the online form or call our Customer Services on 01427 676676.
5. The Council will allow the resident to select a suitable date for delivery and collection of the bin.
6. Please only use this service for the disposal of household waste. The resident must ensure that no items are placed within the bin(s) that are not allowed. Unacceptable and acceptable items are listed below for both black general waste bins and blue mixed recycling bins.
7. On collection of the bin, should any item be found in the bin which is not allowed, the resident will be given the opportunity to remove it. If this isn't possible, the bin will need to be emptied at a specialist disposal site, and you will be charged for this additional cost.
8. The resident will pay the hire fee at the time of booking using debit/credit or contactless card payments or through the online form.

9. We ask that the resident presents the bin for emptying no later than 6:30 am on the morning of the agreed collection date, ensuring the council has clear access to the bin for collection. Please do not block the road or footpath.
10. The bin shall remain the property of the Council.
11. You must not breach the terms of this agreement, this may result in the council having to terminate this agreement and no refund will be given. Unfortunately, if the bin is damaged due to misuse by the resident, a payment for the repair or replacement of the bin will be payable by the resident. A record will be made of the condition of the bin at delivery and collection times.
12. The Council accepts no liability for any property damaged during delivery of the bin and during collection. It is the responsibility of the resident to choose a suitable location for the bin, ensuring that the council have clear access for drop off and collection. The Council are not liable for damage caused to land or property, including but not limited to grass, driveways, personal property, cars, kerbs, garden beds, fences, carports, garages, houses or other structures, during delivery or collection.
13. The resident must always keep the bin on their premises, ideally in a secure location. We ask that bins are not moved to other locations without permission from the Council. If neighbours wish to share the bin it must be agreed with the Council in advance so the bin can be moved between the two properties. The bin must be returned to the property where the bin was delivered to for collection. Any agreement to share the bin, with a neighbour, is the responsibility of the residents, the Council will not intervene in any disputes.
14. The resident must keep the bin away from any public land.
15. If the resident wishes to cancel the service this must be done by 1pm on the working day before the arranged delivery. If the resident cancels on the delivery day no refund will be given.
16. Please ensure that the bin lid is closed in order for the bin to be collected, any bins with lids up will not be collected and an additional charge of £50 will be made to reschedule the collection.

**Unacceptable Items are listed below:**

Mattresses
Gas bottles
Hazardous waste such as asbestos or batteries
Construction waste such as brick rubble or plasterboard
Other materials normally described as building waste including toilets/wash basins/tiles
Liquid waste such as tins of paint or waste cooking oil
Electrical Items
Garden waste or soil
Tyres
Clinical waste (including needles)
Any other materials deemed unsuitable by the Council

## Acceptable Items include

- Odd bits of wood;
- Plastic items, such as broken watering cans and buckets
- Hosepipes;
- Broken Deckchairs;
- Old shelving;
- Old garden tools;
- Empty tins of paint;
- Plastic plantpots;
- Pieces of garden trellis;
- Pop-up tents
- Small pieces of carpets or rugs;
- Ornaments;
- Pictures/wall art;
- Old lever arch or box files;
- Old duvets and pillows;
- Old lampshades;
- Clothes airers;
- Old curtains and bedding
- Blinds and fittings, e.g. rails;
- Linen baskets;
- Saucepans and cooking utensils;
- Artificial Christmas trees;
- Plastic storage boxes/drawers;
- Washing up bowls
- Cutlery trays
- Wicker baskets;
- Cushions;
- Polystyrene packaging;
- Mops, brushes;
- Wooden items, such as drawers or broken dining chairs;
- Plant stands

Anything which is still in good condition should be donated to charity shops or for other re-use purposes.

# Waste and Recycling Operational Policies



<b>VERSION CONTROL</b>		
<b>Version</b>	<b>Details</b>	<b>By who</b>
Version 2.1	Amended 11/1/22 following MT	AS/EB
Version 2.2	Amended 17/1/22 following Chairs Brief	AS/EB
Version 2.3	Amended 1/3/22 following consultation on minor amendment with Chairman of Prosperous Communities Committee	AS/EB
Version 2.4	Management Team – 18 February 2024	RG/EB
Version 2.5	Prosperous Communities Committee – 19 March 2024	AS

**Full Review date two years from adoption – April 2026**

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## Introduction

West Lindsey District Council's Refuse and Recycling Policy aims to ensure that our waste and recycling services operate effectively and efficiently in order to maximise recycling and reduce the amount of residual waste.

This policy document is designed to lay out agreed policies and procedures that are clearly defined, ensuring transparency and maintaining certainty for residents, Council members and officers of the District Council.

Under the terms of the Environmental Protection Act 1990, West Lindsey District Council is classed as a Waste Collection Authority, and as such, under section 45(1) we have a statutory duty to collect household waste from all domestic properties within our administrative area.

Under Section 46(4) of the Environmental Protection Act 1990, the Council has specific powers to stipulate:

- The size and type of the collection receptacle(s)
- Where the receptacle(s) must be placed for the purpose of collection and emptying
- The materials or items which may or may not be placed within the receptacle(s)

Any residents not complying with the Council's requirements, as per the Section 46 notification, may be subject to a fixed penalty ticket or other legal action, or a loss of the collection service.

It is intended that the policy document will outline how West Lindsey District Council will deliver the refuse and recycling collection service and with appropriate education and support, enforcement should not be required.



## **Policy 1: Frequency of Collection**

The Council will collect household refuse and household recyclables on an alternate weekly basis in most areas of the District. For paid subscribers to the service, garden waste will be collected on a fortnightly basis during the collection season. The collection season is currently set to run from the end of March to the end of November. Garden waste collections are organised to ensure that each household receives 18 collections, providing they sign up to the service prior to the start of the collection season. See Policy 23 for more information about the garden waste collections.

The collection day will normally be the same day of the week for refuse and recycling.

The time of the day for collection may vary due to roadworks, vehicle breakdowns or other situations outside of our control. Therefore, residents are asked to present their bin(s) before 7am on your designated collection day. Bins can be presented after 7pm on the evening prior to collection.

During Bank Holiday weeks, collections will usually be as per your regular collection day. However, there may be occasions when collection days are altered. This is normally over the Christmas and New Year period.

Information about alterations will be advertised through a number of methods including on the Council's website at [www.west-lindsey.gov.uk](http://www.west-lindsey.gov.uk), resident publications and social media.

We aim not to change your collection day from year to year, but occasionally this is necessary to ensure that our collection rounds take account of new home building and are routed efficiently.

We currently provide collection calendars to all households in the district on an annual basis, to advise of collection arrangements throughout the year, along with some recycling information. Details of collection arrangements will always be made available on our website at [www.west-lindsey.gov.uk/mybinday](http://www.west-lindsey.gov.uk/mybinday)

## **Policy 2: Provision of Wheeled Bins**

All residents are required to present their waste and separated recyclables in wheeled bins or sacks issued by the Council. Presentation must be made at the front boundary of their property where it meets the kerbside. We refer to this point as the curtilage (see Policy 5).

The exception to this policy will be where residents are unable to move wheeled bins to the curtilage of the property, due to access difficulties, e.g. terraced properties with no viable access for wheeled bins from the rear of the property to the curtilage or disability. In these circumstances, alternative waste collection receptacles/arrangements will be provided, by agreement with and at the discretion of West Lindsey's Operational Services Manager.

In the interests of waste minimisation, and therefore reducing costs to the council tax payer, the Council issues black (refuse) wheeled bin capacity to households based upon household occupancy.

Household occupancy is defined as number of permanent, full-time occupants. Please be aware that a charge also now applies for supplying additional wheeled bins (if these are permitted).

A standard family wheeled bin (180L) is the default bin provided to the majority of residents. Separate policies are applicable for flats and premises of multiple occupancy (see Policy 13).

### **Large Family wheeled bin (240L):**

Only households that have four or more occupants, or a specific verified need, such as medical waste (see Policy 21) can apply for additional refuse bin capacity. This request can be completed online by visiting [www.west-lindsey.gov.uk/doitonline](http://www.west-lindsey.gov.uk/doitonline) or alternatively you can call our Customer Services on 01427 676676.

This request will only be approved subject to residents using the existing recycling facilities to the fullest extent. Once provided, a family wheeled bin may be taken away and replaced with a Standard Family wheeled bin (180L) if this condition is not satisfied. Households will then not be eligible for another assessment for a period of six months. Please be aware that a charge also applies for supplying wheeled bins.

### **Second refuse wheeled bin:**

There will be a very limited number of households who will need greater waste capacity than is offered by the 240L bin. In such cases residents may be offered a second wheeled bin to enable them to safely dispose of the waste that they produce. The bin size offered will reflect the needs of the household which will be assessed by the Council. Examples include large families with more than three children in nappies and adults with large quantities of non-hazardous medical waste.

Two bins will be provided for a fixed period only and this will be reviewed at the end of this period. Once again, provision will be subject to households using the existing recycling facilities to the fullest extent.

At these properties both bins will display a sticker so that collection crews will know to empty two bins.

### **Policy 3: Charges for Wheeled Bins**

Charges for supply and delivery of wheeled bins were introduced by West Lindsey District Council in 2012.

Due to the current financial situation, the Council is under increased pressure to save money. The charges for bin provision solely cover the administration and their delivery, the Council retains ownership of the bins. We would encourage residents to look after their bins by labelling with their house number and bringing back in as soon as possible after collection.

This charge applies both to new properties and replacement bins and payment will be required when requesting new or replacement bins. The exception is where bins are damaged by our crews or reported as stolen. Please visit [www.west-lindsey.gov.uk/wastefees](http://www.west-lindsey.gov.uk/wastefees) for details of current charges.

Any requests to provide new wheeled bins (refuse or recycling) for a new build property or due to damage, loss or theft must be made to the Council; either by contacting our Customer Services Team on 01427 676676 or using the online request service which can be found at [www.west-lindsey.gov.uk/doitonline](http://www.west-lindsey.gov.uk/doitonline).

Replacement wheeled bins will be delivered as soon as practicable after the payment has been received, but in all cases within 10 working days.

All refuse and recycling receptacles supplied to residents shall always remain the property of the Council.

When residents move home they must leave the refuse and recycling wheeled bins at the property for the new occupant. Residents are responsible for the storage, safe keeping and cleaning of refuse and recycling wheeled bins.

For newly built properties, either the developer or the builder (if smaller estates or individual properties) will be responsible for the purchase of wheeled bins for the properties they have constructed. If developers fail to make this provision, the resident will be liable for the purchase of the wheeled bins. No collections will be made until such time as wheeled bins, of an approved design and colour, have been purchased.

These wheeled bins can be purchased from the Council or can be procured by the developers, provided they are approved for use by the Council. The wheeled bins will become the property of the Council and must be left at the property when residents move out.

#### Policy 4: Authorised Sack Scheme for Exempt Properties

Where agreed by the Operational Services Manager (or designated Officer) individual households unable to utilise wheeled bins to contain their waste and recyclables, will be provided alternative receptacles. These will consist of blue (refuse) and clear (recycling) 'authorised sacks'. Sacks for the presentation garden waste can be provided for a small charge (see Policy 23).

Properties that may be exempted from the wheeled bin scheme include:

- Purpose built blocks of flats
- Flats above shops
- Properties with no frontage
- Properties with very small front gardens (less than 1 metre deep) that have insufficient space for a wheeled bin
- Very long drives

The suitability of a wheeled bin collection to properties with steps or steep frontages will be assessed on a case by case basis. If, for health and safety reasons, they are found to be unsuitable then they will be exempted.

Authorised sacks will be issued to households every six months and will provide the same capacity to contain waste and recyclables as would be available if the resident was provided with wheeled bins. The equivalent of three blue refuse sacks and three clear recycling sacks will be collected per week.

**Table 1 below identifies the number of authorised sacks provided to households under this arrangement.**

Where households use their allocation of 'authorised' sacks before they are replenished, the resident will be required to purchase 'pre-paid' authorised sacks in which to present their waste (see Policy 19).

Where households, not recorded as being on the authorised sack scheme present authorised sacks, the sacks will be rejected for collection.

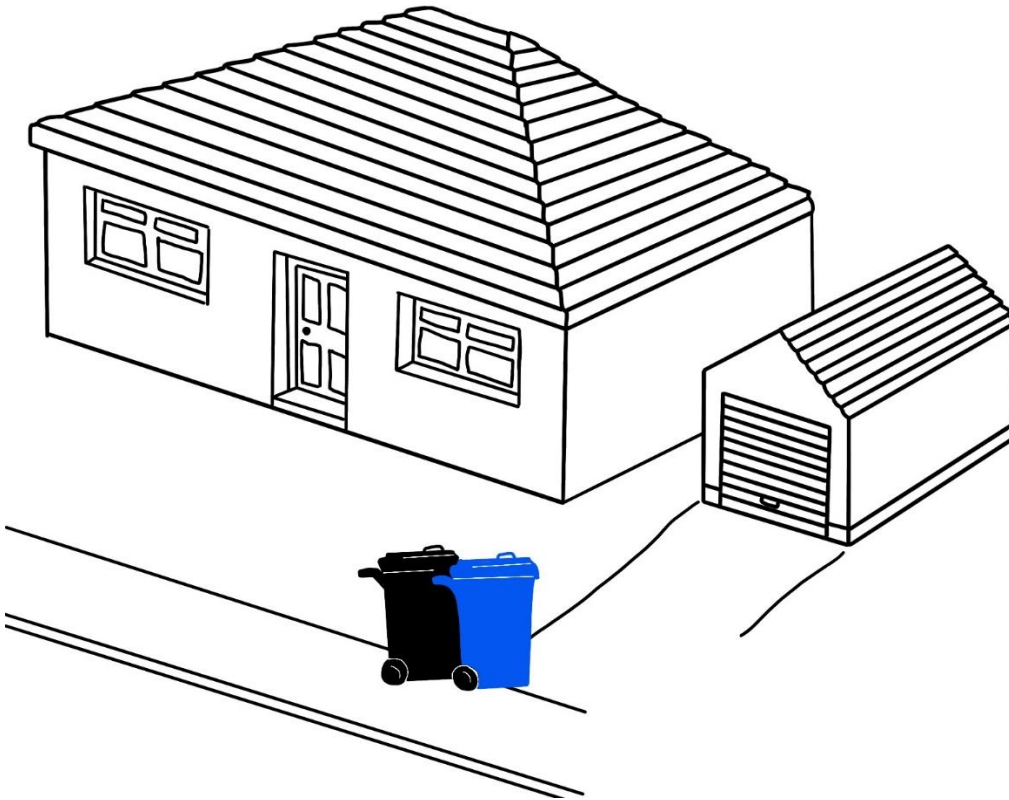
Table 1: Number of Authorised Sacks Issued to Households (per 6 months)

Household Occupancy	Refuse (Blue)	Recycling (Clear)
4	65	78
5	78	100
More than 5	To be assessed *	To be assessed *

\* At discretion of the Operational Services Manager or Designated Officer

## Policy 5: Presentation of Refuse and Recyclables

Waste and recycling wheeled bins must be presented at the curtilage (front boundary) of the property, at the point nearest the highway by 7am on the appointed day of collection. The wheeled bins should then be taken back onto your property by the end of the collection day.



The Council will not empty any non-authorized wheeled bins.

Where residents report difficulty in terms of being able to present their bin, due to access issues such as steep slope or steps to access their property, a Council Officer will visit the resident to determine the most appropriate solution.

Where residents share a driveway, they will be required to present their wheeled bins/sacks for collection at the end of the shared drive, at a point nearest to the highway.

Where an individual property is located down a 'long-driveway', the resident is required to present their wheeled bin/sacks for collection at the point nearest the highway. The Council's designated Officer will visit the resident to assess the most appropriate location to present the waste receptacles and the type of receptacles to be used. Where the 'long-driveway' serves several properties, the Council will arrange for the designated Officer to visit and assess if it is appropriate for a collection vehicle to access the properties.

Any variation to this Policy will be at the discretion of the Operational Services Manager. This decision will be deemed to be final.

## **Policy 6: Collection of Refuse**

All wheeled bins/sacks are liable to inspection before collection and should contain 'non-recyclable' household waste only:

The bins/sacks **must not** contain:

- Liquid waste
- Garden/yard waste
- Soil
- High grade clinical waste, including sharps
- Tyres
- Hazardous waste
- Waste Electrical and Electronic Equipment
- Large 'bulky' items.
- Construction/DIY waste such as bricks, plasterboard; cement, aggregates, and timber.
- Paint (in liquid form)

The Council can be contacted regarding arrangements for disposal of the types of waste listed above or see [www.west-lindsey.gov.uk/householdwaste](http://www.west-lindsey.gov.uk/householdwaste).

Should the bins/sacks contain wastes of the type detailed above, the Waste Operative will not collect the waste. In this circumstance, should the refuse not be collected, the disposal of the waste will then become the responsibility of the resident, who will be required to dispose the waste in accordance with instructions provided.

Generally, the resident will be required to remove the incorrect waste item(s). The receptacle can then be presented on the next refuse collection day. In this circumstance residents are required to contain additional waste they are not able to fit into the wheeled bin, in WLDC pre-paid sacks until the next refuse collection (see Policy 20).

Failure to comply with instructions may result in enforcement action being taken under appropriate legislation (see Policy 26).

## **Policy 7: Recycling Collections**

Under Section 46 of the Environmental Protection Act 1990 and the Environment Act 2021, the Council is required to ask residents to segregate their waste for recycling purposes.

All recycling receptacles will be liable to inspection prior to collection, to establish that they contain only the designated recyclable materials, as detailed on the back of your collection calendar. Or visit [www.west-lindsey.gov.uk/recycling](http://www.west-lindsey.gov.uk/recycling) for further information.

The Council will provide additional printed information or a visit to explain which materials are suitable for recycling upon request.

The resident cannot have either of their recycling bins removed from their property, (either for mixed recycling or for paper and cardboard) unless these are extra to their normal entitlement.

If a resident has two recycling bins of the same colour, we will swap one of these so that they have one of each type. To enable residents to use the correct bin for all their recyclable waste.

Contamination, meaning items presented in the wrong bin, can have a major impact on our recycling and composting schemes by reducing the quality of the material and the risk that it will be rejected by the re-processors. The rejection of loads increases our disposal costs.

Recycling and garden waste receptacles considered by Waste Operatives to be 'contaminated' will not be collected. Should the Waste Operative observe a contaminated receptacle, a tag will be attached to it, notifying the resident why it has not been collected.

At the discretion of the Waste Operative, they may remove contaminating materials from receptacles and empty the bin, if contamination is not considered severe enough to warrant a bin rejection.

The Council will not make an unscheduled return to collect recycling receptacles rejected for collection, even if the offending material has been removed by the resident. In this circumstance, should the recycling receptacle not be collected, the disposal of the rejected waste will be the responsibility of the resident.

The resident will be required to remove the waste causing the contamination problem. The receptacle can then be presented on the next recycling collection day.

The Supervisor has the discretion to arrange for the contaminated recycling receptacle to be collected on the following refuse collection day. This option will be made available to the resident on one occasion only, following a receptacle being rejected for being contaminated.

Should a resident continue to present recycling receptacles containing contaminating waste material, the Council will take appropriate enforcement action under available legislation (see Policy 26).

The Council will provide a reasonable level of advice and assistance to residents regarding how to recycle their waste effectively, prior to taking enforcement measures.

### **Policy 8: Separate Paper and Cardboard Collections**

Separate paper and card collections came into effect as from April 2022. Residents will be required to separate their paper and card from other recyclables and instead present paper and cardboard in the purple lidded bin.

Again, under Section 46 of the Environmental Protection Act 1990, the Council is exercising its powers to require residents to segregate their waste for recycling purposes. Also, Section 57 of the Environment Act 2021, has requirements for separate collections of recycling by material type.

A separate "purple lidded" bin will be supplied to properties already on a wheeled bin service. The collection frequency will be amended as follows:-

- Week 1 – Black (general waste)
- Week 2 – Blue (dry mixed recycling – e.g plastic bottles/cans/glass bottles/cartons)

- Week 3 – Black (general waste)
- Week 4 – Purple-lidded bin (separate paper and cardboard) – and repeat the above schedule

The reason for introducing this extra bin is that we need to improve the quality of recycling we collect in West Lindsey and in Lincolnshire as a whole. The present method for collecting recycling (all in one bin) means that the vast majority of paper and cardboard we collect is contaminated by the other items in the recycling bin, like glass and often food waste.

The Environment Act 2021 has the potential to bring fundamental changes to our waste collection service and requires the separate collection of different types of items suitable for recycling.

### **Policy 9: Rejection of Receptacles for Collection**

The Council will reject for collection, refuse and recyclable receptacles for the following reasons:

- Bin lid not fully closed;
- Wrong receptacle presented, e.g. recycling bin presented on refuse week;
- Materials not suitable for recycling placed into the recycling receptacle;
- Refuse receptacle contains waste as detailed in Policy 6 above;
- Waste receptacle too heavy to lift, due to it containing heavy waste such as construction/DIY/soil/yard/garden wastes.
- Waste and recyclables presented in blue authorised sacks at properties not recorded as being part of the authorised sack scheme.
- Authorised sacks presented in dustbins.

### **Policy 10: Assisted Collection**

This policy outlines how residents can access the assisted collection service so they can participate fully in the refuse and recycling collection service.

Residents, who are unable to transport their wheeled bins/sacks to the required collection point, because of ill health, infirmity or disability, and without other occupants in the household able to assist them (16 years and over), will be placed on the ‘assisted collection’ scheme, upon request.

Residents are required to provide information so that a simple assessment may be completed. Applications are considered on a case by case basis. Home visits are carried out where necessary.

Assisted collections are subject to the Council being satisfied that service provision is warranted.

Alternative receptacles, for example sacks, can be provided on assessment of the needs of the resident as well as to facilitate collection by our operatives.

Residents on the assisted collection scheme will have their wheeled bins/bags collected by a Waste Operative from an agreed location and emptied into the collection vehicle. Wheeled bins will be returned to the same location.

It is the resident's responsibility to ensure the unobstructed availability of the receptacles i.e. gates etc. are unlocked by 7.00am on the date of collection. If the Waste Operative is unable to gain access to the wheeled bin/sacks they will not be emptied/collected until the next scheduled collection.

If relatives of someone in receipt of this service need time to clear out the property, this service can continue for a period of one month, which will cover the collection of each bin type. For waste in excess of this, our big bin service can be used.

If the resident's circumstances change, the resident must inform the Council. The Council will periodically review the assisted collection register.

### **Policy 11: Presentation of Side Waste (Refuse)**

The presentation of 'side' waste does not support waste minimisation principles or encourage residents to maximise recycling. Therefore, excess household refuse left beside the wheeled bin will not be collected, unless it is contained within pre-paid WLDC authorised refuse sacks.

Pre-paid authorised sacks are chargeable so as to provide incentive to residents to recycle and compost their waste at home, thereby reducing waste arising.

Should residents not be able to contain refuse within the bin, they may take this waste to their local Household Waste and Recycling Centre see Lincolnshire County Council's web page [www.lincolnshire.gov.uk/recycling-waste](http://www.lincolnshire.gov.uk/recycling-waste) for locations). Alternatively, residents can purchase pre-paid excess refuse sacks or utilise the Council's Big Bin Clear Out service (See Policy 28).

The Council will provide advice to residents on reducing their waste, upon request.

Should the resident continue to present unauthorised side waste, the Council will take appropriate enforcement action under the relevant legislation.

### **Policy 12: Presentation of Additional Recyclables**

The Council encourages residents to maximise the presentation of materials for recycling. Therefore, extra blue recycling bins and purple lidded bins are available for a one-off cost.

Following the introduction of separate paper and card collections in 2022 recycling side waste can no longer be allowed for the following reasons.

- Paper and card must be kept clean and dry and must be contained within the purple-lidded wheeled bin.
- Mixed recycling side waste is also no longer permitted. This is because plastic bags (used to contain the excess) are classed as a contaminate and are not permitted in our recycling contract and cardboard boxes should be contained within the purple-lidded bin and not collected with mixed dry recycling.

Where bulky items with cardboard packaging arise, these must be broken up and contained within your purple-lidded bin. We can no longer take large cardboard boxes if left next to your recycling bins, as paper and card needs to be kept clean and dry. The bulky cardboard packaging must be free of polystyrene, plastic films, string, rope, banding and other non-recyclable waste.

Where a property is part commercial and part residential, councils are entitled to charge for collection of all of the waste. The Council will provide 1 x 240 litre mixed recycling bin and 1 x 240 bin for paper and card only for the collection of the household element. The occupier must be able to provide proof of disposal route for the commercial waste and where there are doubts as to the origins of the waste (i.e. where commercial waste is apparent) then additional recyclables will not be collected or a charge will be made.

There will be a limit of two recycling bins of each type per property, which is considered adequate for most households. By having a limit on these bins, it will prevent businesses working from home from receiving a free collection. Under very exceptional circumstances a decision may be made by the Operational Services Manager on a case by case basis. Any businesses working from home can subscribe to our Commercial Waste Service or find an alternative registered waste collection contractor.

### **Policy 13: Premises in Multiple-Occupancy**

This Policy sets out the provisions for refuse and recycling collection within communal waste storage areas.

It is the Council's preference to supply individual wheeled bins wherever possible, even for flats, but for multiple occupancy households/properties, the Council may supply an appropriately sized larger wheeled bin(s) for refuse and recyclables. It may be that a sack service is the best option in some instances.

The developer/builder/management agent should engage with the Council at the earliest opportunity when considering waste management arrangements for their complexes. Larger bins will only be serviced by prior arrangement and a fee must be paid to the Council for their provision. Only WLDC approved bins will be emptied.

Where residents of multiple occupancy properties do not segregate their waste for recycling in an effective manner, the Council will support residents to encourage recycling. If appropriate the Council will use its enforcement powers to achieve improvement in recycling performance from multiple-occupancy properties.

Where reasonable efforts of the Council fail to improve the quality of recyclables presented for collection, the Council may remove the recycling bin/sack service. The refuse bin/sack will still be collected fortnightly on refuse collection week. The combined capacity of the refuse receptacles (in litres) should not exceed 180 multiplied by the number of occupied properties.

The Council will assess the servicing of flats/ mixed properties on an individual basis and cases will be considered on their merits. Property visits and discussions with the relevant management agencies will be carried out where appropriate.

Where there is contamination within the waste on a regular basis the Council will require the management agency/housing association/landlord to, at their own expense, ensure all non-recyclable material is removed in readiness for the next collection.

It is the property management company/residents' role to present the bins/sacks in a manner that allows for a collection to take place. Where access is not possible due to locked gates etc the wheeled bins/sacks will not be collected.

Where bin stores have excess waste blocking access (bags, loose waste, furniture etc), the Waste Operative will not clear the area. If it is not possible for the Waste Operative to empty the wheeled bins/collect sacks, they will be left and it will be the responsibility of the Management Company/residents to dispose of the waste.

Any disposal of waste by residents or landlords should be carried out in compliance with current legislation.

Where a property is part commercial and part residential - for example a public house or shop with living accommodation, councils are entitled to charge for collection of all of the waste. The Council will provide standard capacity (1 x 180 litre refuse bin, 1 x 240 litre mixed recycling bin and 1 x 240 litre bin for paper and card) for the collection of the household element, but where there are doubts as to the origins of the waste (i.e. where commercial waste is apparent) then the waste will not be collected or a charge will be made to collect the waste.

#### **Policy 14: Missed Collections**

Waste and recycling bins/sacks are to be presented for collection by 7am on the designated day of collection.

If bins/sacks are not presented by 7am on the day of collection, bins/sacks reported as missed will not be considered a 'missed' collection. Responsibility for disposal of the waste in these cases lies with the resident.

Waste and recycling bins not presented for collection at the time the Waste Operative arrives at the property will be recorded on our system as live data.

If a bin is recorded as 'not presented', the responsibility for disposal will become that of the resident. Therefore, the Council will not return to empty the bin.

A collection will not be recorded as missed collection until after 4:30 pm on the designated day of collection, as collection routes and times are liable to change. However, if a resident has not had their bin collected and adjacent neighbours have, they should contact the Council on 01427 676676. We will then attempt to revisit for collection on the same day subject to there being no record that the bin was not presented.

The resident should report their bin as missed within 72 hours of the scheduled collection, otherwise it will not be classed as a missed collection.

Should a missed collection be reported after 4.30pm on the designated day of collection, and subject to there being no record that the bin was not presented, WLDC will be required to go

back within 5 working days and collect the waste. The missed bin will be emptied with the same material stream wherever possible.

Where residents do not present their refuse or recyclables for collection in accordance with Council requirements, the resident will have the following options:

- Take the waste to their local Household Waste and Recycling Centre;
- Store the waste until the next collection day;
- If required, purchase authorised pre-paid sacks to contain the waste until the next collection.

### **Policy 15: Wheeled Bin Lost in Collection Vehicle**

There may be some circumstances where a bin is lost or damaged in the back of the collection vehicle. Should this occur, our operative is instructed to place a note through the householder's door advising of the incident.

In these cases, the Council will replace the wheeled bin free of charge as soon as reasonably practicable.

In the interim, the Council will send sufficient authorised sacks to the householder to cover the period between when the bin is reported missing, to the planned delivery date of the replacement bin.

### **Policy 16: Stolen Wheeled Bin**

When a resident reports their bin as stolen, we will provide one replacement bin only within a three year period.

The Council will send sufficient authorised sacks to the resident to cover the period between when the bin is reported missing, to the planned delivery date of the replacement bin.

The report of the stolen bin will be recorded and should a further bin be reported as stolen within a three year period, the resident will be required to pay for a replacement bin.

The exception to this is where the resident has subscribed to the chargeable garden waste collection service.

If a stolen bin is reported from an address where the previous occupants had a bin stolen, the Council will provide the first replacement bin free of charge.

If we believe a bin has been misused, damaged or lost by the resident the Council will charge the householder for a replacement. Even when a charge is paid by the resident, the bin remains the property of the Council. Only where damage is caused as a direct result of the collection process will the Council pay for the repair or replacement of the bins.

This policy is designed to encourage responsible use of bins, and because we consider it fairer that the cost of replacements be met by the residents requiring them, not council tax payers as a whole."

### **Policy 17: Provision of Non-Standard Wheeled Bins**

Where household occupancy changes or circumstances arise to merit extra bin capacity, the Council can make arrangements to provide the additional capacity required upon receipt of the necessary payment.

### **Policy 18: Provision of Wheeled Bins to New Dwellings**

The Council will provide wheeled bins to new dwellings upon receipt of the necessary payment for bins, the minimum requirement is for a black, blue and purple-lidded bin, with the garden waste bin being optional.

The property developer should contact Operational Services regarding new developments in order that adequate and suitable bin storage is identified.

### **Policy 19: Provision of Authorised Sacks to New Dwellings**

New dwellings will not be provided with authorised sacks as an alternative to wheeled bins, unless Policy 2 applies.

### **Policy 20: Pre-Paid Authorised Sacks**

To encourage effective recycling and waste minimisation, the Council does not collect 'side waste', in accordance with Policy 11, unless contained within an authorised pre-paid sack.

Blue sacks are available to purchase from WLDC offices at The Guildhall, Marshall Yard Gainsborough DN21 2NA . They are also available by post (although a delivery charge applies). For current charges of the authorised pre-paid sacks please visit [www.west-lindsey.gov.uk/wastefees](http://www.west-lindsey.gov.uk/wastefees)

The Council will review provision of the service and increase the charge in-line with inflation, on an annual basis, thereafter.

### **Policy 21: Clinical and Medical Waste Provisions**

West Lindsey will collect Clinical Waste (Healthcare) waste from domestic properties. This will either be classified as low risk clinical waste as detailed below in non-hazardous clinical waste or the collection of needles (sharps collections).

#### **Hazardous Clinical Waste:**

Some clinical waste, e.g. haemodialysis waste and sharps are classified as hazardous waste and need to be disposed of separately and sent for incineration. West Lindsey currently only collect sharps (needles) and this service is available upon request by telephoning 01427 676676. An appointment will be given for collection (within a 48 hour slot).

Requests for collection of other hazardous clinical waste such as haemodialysis waste should be referred direct to Lincolnshire County Council (LCC) by the appropriate PCT, (Primary Care Trust) or hospital. LCC will then arrange for collection by a specialised contractor.

## **Non-Hazardous Clinical/Medical Waste:**

Most types of low risk clinical waste, such as bandages, dressings, drainage bags, colostomy bags and incontinence pads are classed as low grade (non-hazardous) can be disposed of along with your normal domestic waste, and placed within your black wheeled bin.

If there is a need for additional capacity, residents can request a larger or an additional refuse bin. For residents on a refuse sack service, the Council will also supply additional refuse sacks for this purpose and to enable the waste to be double-bagged.

To request a larger or additional wheeled bin for medical waste reasons, please contact our Customer Services team on 01427 676676 or visit [www.west-lindsey.gov.uk/doitonline](http://www.west-lindsey.gov.uk/doitonline).

The Council does not provide a service for the removal/disposal of unused pharmaceuticals, which should be returned to a pharmacy.

## **Policy 22: Bulky Waste Collection Services**

The Council provides a bulky waste collection service for large household items such as:

- Table & chairs
- Washing machines
- Dishwashers
- Carpets
- Mattresses
- Suites
- Beds
- Wardrobes
- Cookers etc.
- Fridge/freezers

There is a charge for this service, see [www.west-lindsey.gov.uk/wastefees](http://www.west-lindsey.gov.uk/wastefees) for current charges. The minimum charge will consist of a number of items but not to exceed 6 points. If the points value is exceeded then an extra amount also applies. An example of the points value is given below.

3 points:

- King sized bed base, mattress, headboard and fittings
- 3 piece suite

2 points:

- Cooker
- Dishwasher

1 point:

- Chest of drawers
- Kitchen table
- Dressing table

A collection date (within a 48 hour slot) is given to the customer when they request a collection. Means tested benefits no longer apply. The bulky waste collection service does not include collection of items such as:

- Bricks
- Concrete
- Tyres and car parts
- Cast Iron Boilers
- Oil tanks
- Plasterboard

### **Policy 23: Garden Waste Collections**

This policy sets out the optional garden waste service which is provided by the Council.

This is a separate, chargeable service for the collection of garden waste and is available to residents on a subscription service see [www.west-lindsey.gov.uk/gardenwaste](http://www.west-lindsey.gov.uk/gardenwaste) or by telephoning the Customer Service Team on 01427 676676.

Garden waste is not permitted in the residual or recycling waste bins/sacks and will not be collected. Residents who do not subscribe to the service must make arrangements to dispose of their own garden waste either by composting or at their local Household Waste Recycling Centre.

For paid subscribers to the service, garden waste will be collected on a fortnightly basis during the collection season. The collection season is currently set to run from the end of March to end of November each year. Garden waste collections are organised to ensure that each household receives 18 collections, providing they sign up to the service prior to the start of the collection season.

Where agreed by the Operational Services Manager (or designated Officer) individual households unable to utilise wheeled bins to present their garden waste in, will be able to purchase garden waste sacks. Resident who purchase sacks will have their sacks collected at the same time as bins in their immediate area. Sacks will be a minimum of 80 litres in capacity and will be available to purchase in bundles of 54 bags for the same cost as the annual charge for a wheeled bin (including delivery), providing the resident with the same capacity as a wheeled bin. There is currently no expiry date for the sacks, so any unused from the bundle can be presented in the next collection season.

Our standard collection vehicles will be unable to ensure that garden waste contained in sacks is recycled and therefore, the sack service will only be available to residents where a wheeled bin collection is not possible due to access issues.

There is no limit to the number of garden waste wheeled bins or sacks which a resident may purchase, if they are unable to utilise wheeled bins.

It is possible to opt-out of the scheme once joined; residents are not required to return the wheeled bin to the Council. No refunds will be given if a resident wishes to cancel their subscription.

It is possible to opt back into the scheme at any time following payment of the appropriate fee.

If a resident is moving within the administrative area of the Council, they will need to inform the Council either by contacting our Customer Service Team on 01427 67676 or by email at [gardenwaste@west-lindsey.gov.uk](mailto:gardenwaste@west-lindsey.gov.uk) where arrangements will be made to transfer the service to the new property. The resident is required to leave the garden waste wheeled bin (and sticker) at the property they are moving from. If the resident is moving out of the administrative area they should inform the Council, but there is no entitlement to a refund for the remainder of the chargeable period. Full terms and conditions for the service can be found at [www.west-lindsey.gov.uk/gardenwaste](http://www.west-lindsey.gov.uk/gardenwaste)

### **Policy 24: Commercial Waste Collections**

A commercial/trade waste and recycling collection service is offered to businesses in West Lindsey. The service is available to all schools, parish, church and village halls as well as shops and businesses of all sizes. The service is available at an agreed charge, based on frequency, numbers of bins and number of collections.

The collections, where possible, will be co-mingled with domestically generated waste but may, where required by frequency of collection, be collected by a separate, designated vehicle.

The service will be based on wheeled bin collections but will be customer focussed in that bag collections may be available to those customers with insufficient storage capacity for wheeled bins.

Waste generated from residential premises being used for business purposes, where there is a requirement for planning permission for such use, will be dealt with as commercial waste.

Premises such as public houses which are also used as domestic residential accommodation are known as a “mixed hereditaments” and as such are only entitled to the standard issue of wheeled bins.

It is recognised that some individual traders work from home and provided that any waste generated along with the normal household waste does not require any additional capacity or have any particular hazardous qualities it will be dealt with as normal domestic waste.

Free waste collection services to non-domestic properties will cease. Non-domestic customers, using a domestic wheeled bin, will have that bin removed or can join the commercial waste service.

### **Policy 25: Village Halls and Similar Premises**

West Lindsey District Council will provide and empty, a set of bins, comprising of 1 x 180 litre refuse bin, 1 x 240 mixed recycling bin and 1 x 240 litre bin for paper and card to; Village Halls; Community Centres; ‘not for profit’ voluntary sector organisations (excluding charity based retail outlets), places of worship and any halls attached. There will be no charge for these bins.

The Council will also make a charge for providing any additional capacity above this standard issue. Requests would be charged at our standard commercial rates (see Policy 24) or alternatively, any request for additional waste bin capacity should be referred to a private contractor.

The Council would also charge in instances where the predominant activity on such premises is commercial in nature, i.e. operated to generate a profit, such as pre-school/child-minding or private fitness/slimming classes.

The existence of a charity registration number does not mean exemption, as many charities are classified as producers of commercial waste and operate in such markets.

Since free waste collection is only intended to benefit premises whose main function is hosting public meetings, in some cases, the Council will request that applications are made in writing detailing activities. We reserve the right to monitor and review periodically to see if such premises remain in scope.

## **Policy 26: Education and Enforcement Procedures**

This Policy outlines the enforcement procedures for the Waste and Recycling Service. Building awareness and having an educational approach is important to help residents understand their role, and assist with improving recycling and operating efficient services. Enforcement activities will be in accordance with the Council's 'Corporate Enforcement Policy' and as such, any enforcement will follow these principles and be applied in a staged approach. There are no significant changes in approach to that presented in the existing waste enforcement policies, but this policy provides a summary:

All waste must be presented in Council approved bins/sacks to ensure it can be safely collected from the kerbside (or a position agreed by the Council).

The Council will reject for collection, refuse and recyclables receptacles for the following reasons:

- i. Overloaded wheeled bins (by weight and volume)
- ii. Wrong receptacle presented e.g. recycling wheeled bin presented on refuse week.
- iii. Wheeled bin is too heavy to lift, due to containing heavy waste e.g. construction, DIY or soil waste.
- iv. Contamination of recyclable materials.
- v. Garden waste in residual collection (black wheeled bin or blue bag).

Repeated presentation of residual side waste will be dealt with by the Council in the same manner as contamination of recyclable materials.

Recycling wheeled bins containing major contamination will not be emptied. A tag be placed on the bin to provide information as to the reason for rejection and it will be recorded on our live database system. It is the responsibility of the resident to remove the contamination and dispose of it in the correct manner.

The resident may be given two letter notifications for two separate occurrences of contamination of the recycling wheeled bin, the third incident may result in a notice being

served to the resident, under Section 46 of the Environmental Protection Act 1990 and will allow a Fixed Penalty Notice (FPN) to be issued on the next occasion.

### **Policy 27: Severe Weather**

In the event of severe weather, when snow, ice, floods or other conditions disrupt waste and recycling collection services, the following general principles will apply:

The Council will try to maintain services if they can be performed safely, for example from a gritted road or another area assessed as safe by the collection vehicle driver. Among key factors that apply are: road conditions, access past parked cars, risks to public or crews.

The condition of the roads in terms of the district as a whole will be assessed by the Operational Services Manager.

A decision will be made by 9am as to whether normal collections will be attempted; thereafter hourly reassessments will be made until 2pm. Communication will be through our usual channels (West Lindsey District Council website and social media pages) with regular updates to local radio and via other media outlets (newspapers, local television). Residents can sign up for a regular e-newsletter at [www.west-lindsey.gov.uk/newsletter](http://www.west-lindsey.gov.uk/newsletter).

Should it be necessary to suspend the service, staff will be re-deployed where appropriate (initially to assist residents deemed most vulnerable such as those in the Supported Housing Section) and thereafter to assist Lincolnshire County Council in the discharge of their duties i.e. gritting pathways and clearing snow.

In cases of flood, staff will assist in the provision of sandbags in line with the Council's Policy.

Bulky waste collections may be suspended to maintain main services depending on the duration of the severe weather event.

Limited quantities of extra waste will be accepted alongside bins during any catch up period.

### **Policy 28 : Big Bin Clear Out Service**

1. This service allows residents to hire a choice of two big bin sizes for a period of one week, allowing residents to dispose of excess household waste, for example after a party or spring clean.
2. Wherever possible, residents are encouraged to reuse or recycle items, by using Charity Shops or Household Waste Recycling Centres.
3. This service is for residents only and does not extend to businesses. Businesses can subscribe to our commercial waste collection service and an online enquiry can be submitted by visiting [www.west-lindsey.gov.uk/commercialwastesolutions](http://www.west-lindsey.gov.uk/commercialwastesolutions).
4. To request the big bin service please use the online form or call our Customer Services on 01427 676676.

5. The Council will allow the resident to select a suitable date for delivery and collection of the bin.
6. Please only use this service for the disposal of household waste. The resident must ensure that no items are placed within the bin(s) that are not allowed. Unacceptable and acceptable items are listed below for both black general waste bins and blue mixed recycling bins.
7. On collection of the bin, should any item be found in the bin which is not allowed, the resident will be given the opportunity to remove it. If this isn't possible, the bin will need to be emptied at a specialist disposal site, and you will be charged for this additional cost.
8. The resident will pay the hire fee at the time of booking using debit/credit or contactless card payments or through the online form.
9. We ask that the resident presents the bin for emptying no later than 6:30 am on the morning of the agreed collection date, ensuring the council has clear access to the bin for collection. Please do not block the road or footpath.
10. The bin shall remain the property of the Council.
11. You must not breach the terms of this agreement, this may result in the council having to terminate this agreement and no refund will be given. Unfortunately, if the bin is damaged due to misuse by the resident, a payment for the repair or replacement of the bin will be payable by the resident. A record will be made of the condition of the bin at delivery and collection times.
12. The Council accepts no liability for any property damaged during delivery of the bin and during collection. It is the responsibility of the resident to choose a suitable location for the bin, ensuring that the council have clear access for drop off and collection. The Council are not liable for damage caused to land or property, including but not limited to grass, driveways, personal property, cars, kerbs, garden beds, fences, carports, garages, houses or other structures, during delivery or collection.
13. The resident must always keep the bin on their premises, ideally in a secure location. We ask that bins are not moved to other locations without permission from the Council. If neighbours wish to share the bin it must be agreed with the Council in advance so the bin can be moved between the two properties. The bin must be returned to the property where the bin was delivered to for collection. Any agreement to share the bin, with a neighbour, is the responsibility of the residents, the Council will not intervene in any disputes.
14. The resident must keep the bin away from any public land.
15. If the resident wishes to cancel the service this must be done by 1pm on the working day before the arranged delivery. If the resident cancels on the delivery day no refund will be given.
16. Please ensure that the bin lid is closed in order for the bin to be collected, any bins with lids up will not be collected and an additional charge of £50 will be made to reschedule the collection.

**Unacceptable Items are listed below:**

Mattresses
Gas bottles
Hazardous waste such as asbestos or batteries
Construction waste such as brick rubble or plasterboard
Other materials normally described as building waste including toilets/wash basins/tiles
Liquid waste such as tins of paint or waste cooking oil
Electrical Items
Garden waste or soil
Tyres
Clinical waste (including needles)
Any other materials deemed unsuitable by the Council

Acceptable Items include

- Odd bits of wood;
- Plastic items, such as broken watering cans and buckets
- Hosepipes;
- Broken Deckchairs;
- Old shelving;
- Old garden tools;
- Empty tins of paint;
- Plastic plantpots;
- Pieces of garden trellis;
- Pop-up tents
- Small pieces of carpets or rugs;
- Ornaments;
- Pictures/wall art;
- Old lever arch or box files;
- Old duvets and pillows;
- Old lampshades;
- Clothes airers;
- Old curtains and bedding
- Blinds and fittings, e.g. rails;
- Linen baskets;
- Saucepans and cooking utensils;
- Artificial Christmas trees;
- Plastic storage boxes/drawers;
- Washing up bowls
- Cutlery trays
- Wicker baskets;
- Cushions;
- Polystyrene packaging;

- Mops, brushes;
- Wooden items, such as drawers or broken dining chairs;
- Plant stands

Anything which is still in good condition should be donated to charity shops or for other re-use purposes.



**Prosperous Communities  
Committee**

**Tuesday 28<sup>th</sup> April 2026**

**Subject: Renters Rights Act - Policy Update**

Report by:

Chief Executive

Contact Officer:

Andy Gray  
Housing & Environmental Enforcement Manager

[andy.gray@west-lindsey.gov.uk](mailto:andy.gray@west-lindsey.gov.uk)

Purpose / Summary:

To seek approval for the revised Housing Enforcement Policy and Revised Civil Penalties Policy in light of the introduction of the Renters Rights Act 2025.

## **RECOMMENDATION(S):**

Committee are asked to:

- a) Approve the revised Housing Enforcement Policy.
- b) Approve the revised Civil Penalties Policy
- c) Approve that an update on progress is provided to the relevant policy committee before the end of the 26/27 financial year.

## IMPLICATIONS

### **Legal:**

The Renters Rights Act 2025 comes into effect on the 1<sup>st</sup> of May 2026 and enshrined within this are a number of statutory obligations that the Council must deliver.

In order to deliver these the Council must have in place a policy that sets out its approach to housing enforcement and alongside this a policy that sets out how it will issue civil penalties for any relevant offences.

The revised legislation can be found here  
<https://www.legislation.gov.uk/ukpga/2025/26/contents>

### **Financial : FIN/12/27/PC/SL**

There are no immediate financial implications as a result of this report. The Council have been provided with a new burdens' payment of £28,627.27 in December 2025, which is aimed at providing support for any preparatory work relating to our new responsibilities under the Act.

It is expected that further new burdens will be provided in 2026 ahead of the commencement of the powers within the Act and also beyond this period in future years to create a sustainable funding system for private rented sector enforcement over the long term based on the private rented sector database fees.

Alongside this, within the Homelessness, Rough Sleeping and Domestic Abuse Grant a separate amount has been allocated for Renters Rights Act new burdens. £54,165 has been allocated, separated down to £36,826 (26/27) and £17,339 (27/28). There is then no further allocation for 28/29.

### **Staffing :**

There are deemed to be sufficient staffing resources available within the impacted work areas to deal with the proposed legislative changes. This position will remain under review and should additional staffing be required a business case will be prepared to address this.

### **Equality and Diversity including Human Rights :**

The amendments to both policies reflect the revised statutory position of the Government. The Governments Impact Assessment can be found here [Renters' Rights Bill Impact Assessment](#)

### **Data Protection Implications :**

None noted.

**Climate Related Risks and Opportunities :**

Residential buildings are a significant source of carbon emissions in the UK. Reducing carbon emissions from new and existing homes is therefore part of strategies to meet the UK's net zero target.

The government has set a legally binding [target to reduce the UK's net emissions by 100% by 2050](#) compared with 1990 levels. This is known as the 'net zero target'.

In 2022, emissions from residential buildings accounted for [a fifth \(20%\) of greenhouse gas emissions in the UK](#).

Emissions from residential buildings come mainly from fuel combustion (the burning of oil and gas for heating and hot water) and electricity use. Homes can be decarbonised by installing low-carbon heating systems (such as heat pumps), fitting insulation to improve their energy efficiency and installing renewable energy systems (such as solar panels).

**Section 17 Crime and Disorder Considerations :**

The new powers granted within the RRA extend significantly the offences that can be dealt with by the Council, some of which can be dealt with via the criminal courts.

**Health Implications:**

Housing is a fundamental determinant of health, with poor-quality, unaffordable, or insecure housing significantly increasing the risks of respiratory illnesses, cardiovascular disease, infectious diseases, and poor mental health. Cold, damp, and overcrowded conditions lead to higher mortality, injuries, and impaired child development. [https://www.who.int/news/item/26-11-2018-housing-impacts-health-new-who-guidelines-on-housing-and-health#:~:text=The%20World%20Health%20Organization%20\(WHO\)%20has%20released,diseases%2C%20such%20as%20tuberculosis%2C%20influenza%2C%20and%20diarrhea](https://www.who.int/news/item/26-11-2018-housing-impacts-health-new-who-guidelines-on-housing-and-health#:~:text=The%20World%20Health%20Organization%20(WHO)%20has%20released,diseases%2C%20such%20as%20tuberculosis%2C%20influenza%2C%20and%20diarrhea)

**Title and Location of any Background Papers used in the preparation of this report:**

None noted.

**Risk Assessment :**

**Legislative :** New legislation requires embedding into the Council's policies. This report seeks to mitigate that risk by updating the two relevant policies.

**Reputational :** The introduction of the Renters Rights Act 2025 changes the landscape for the standards within the private rented sector, and it is essentially

reputationally that the Council are seen to be adhering to and delivering these changes.

**Non collection of civil penalties** : This will always be a risk to the Council and the collection rate shown is currently good. As higher civil penalties are issued there may become more of a need to enhance the amount of debt recovery through the court, which in turn increases the cost to the Council, some of which can be recovered.

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

*i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)*

**Yes**

**No**

**Key Decision:**

*A matter which affects two or more wards, or has significant financial implications*

**Yes**

**No**

## **Executive Summary**

The Renters Rights Act (RRA) 2025 comes into effect on the 1<sup>st</sup> of May 2026. This is phase 1 of the implementation and will be followed by further phases of which the specific timescales are unknown. The RRA is the single biggest legislative change to the private rented sector to have ever been delivered and is aimed at giving renters much greater security and stability so they can stay in their home for longer, build lives in their communities and avoid the risk of homelessness.

The Act completed its passage through parliament on the 22<sup>nd</sup> October 2025 and received Royal Assent on 27 October 2025.

A full overview of the RRA and its provisions can be found here

<https://www.gov.uk/government/publications/guide-to-the-renters-rights-act/guide-to-the-renters-rights-act#background>

There are around 8000 properties in the PRS within West Lindsey and this report seeks to gain approval for a revised Housing Enforcement Policy, which now entails the provisions to enable the Council to carry out its statutory duties as set out in the Act.

The measures within the Act seek to:

- Abolish S21 evictions
- Ensure possession grounds are fair to both parties
- Provide stronger protections against backdoor eviction
- Introduce a new PRS landlord Ombudsman
- Create a PRS database
- Give tenants strengthened rights to request a pet in the property
- Apply the Decent Homes Standard to the PRS
- Apply "Awaab's Law" to the sector
- Make it illegal for landlord and agents to discriminate against prospective tenants in receipt of benefits or with children
- End the practice of rental bidding by prohibiting landlords and agents from asking for or accepting offers above the advertised rent
- Strengthen Local Authority Enforcement
- Strengthen rent repayment orders

These measures will be introduced in phases and will be accompanied by guidance.

The report also seeks to gain approval for a revised Civil Penalties Policy, which has been updated to include all of the new offences that can be discharged in this manner as well as providing a new matrix for calculating the penalty amount in line with the new Government guidance.

## **1 Introduction**

1.1 Phase 1 of the Renters Rights Act (RRA) 2025 comes into effect on the 1<sup>st</sup> of May 2026. This phase includes core changes to the approach within the sector as follows:

- Abolish S21 evictions
- Ensure possession grounds are fair to both parties
- Provide stronger protections against backdoor eviction
- Give tenants strengthened rights to request a pet in the property
- Strengthen Local Authority Enforcement
- Make it illegal for landlord and agents to discriminate against prospective tenants in receipt of benefits or with children
- End the practice of rental bidding by prohibiting landlords and agents from asking for or accepting offers above the advertised rent

1.2 The Council will have a variety of roles to play when these changes come into effect, particularly relating to the changes to grounds for possession and its strengthened enforcement powers.

## **2 Preparation**

2.1 The Council have taken steps to ensure that the changes that are coming into effect can be managed and monitored after the 1<sup>st</sup> of May 2026. Previously briefings have been provided to Councillor and West Lindsey Administration Leaders and MHCLG have developed and delivered their own communications campaign on the changes.

2.2 The Council has been provided £28,267.27 in new burdens funding for phase 1 implementation and it has been confirmed that further new burdens funding will be provided to enable the delivery of phase 2 and 3. It should be noted that whilst the new burdens funding has been provided, it is not an amount that is expected to be received in perpetuity, therefore does not provide any real benefit in terms of longer term resources.

2.3 Alongside this, within the Homelessness, Rough Sleeping and Domestic Abuse Grant a separate amount has been allocated for Renters Rights Act new burdens. £54,165 has been allocated, separated down to £36,826 (26/27) and £17,339 (27/28). There is then no further allocation for 28/29. This creates an overall amount of new burdens to date of £82,792.37.

2.4 Officers who will be implementing the changes proposed within the Act have received training free of charge from various agencies and there has been a nationally led “project jigsaw” which has sought to bring together all the proposed changes and best practice to support Councils in delivering the new requirements.

2.5 Internally, there has been an officer working group in place for a significant period of time, which has sought to ensure that the new

provisions can be achieved. This officer group will continue to meet beyond the implementation date.

- 2.6 It is intended to monitor demand and implications from the 1<sup>st</sup> of May 2026 and then utilise the new burdens as appropriate to support the necessary areas of work. We expect to require additional resources, but at this stage are not clear as to where they will need to be focussed.

### **3 New Responsibilities**

- 3.1 Appendix 1 sets out in detail the new responsibilities that will fall under the Council's remit. These responsibilities will not all come into effect on the 1<sup>st</sup> of May 2026.
- 3.2 There is already guidance (some statutory) available for some of the new responsibilities which is available here and will be adhered to by officers <https://www.gov.uk/government/collections/renters-rights-act-guidance-for-local-authorities-and-councils>
- 3.3 In the main, these responsibilities will come in the form of an enhance scope for taking enforcement action. This enforcement action is likely to come in the form of the issuing of a civil penalty, where an offence is made out.
- 3.4 The Council is also being given a "Duty to Report" underpinned by the Act, which will require it to submit mandatory data returns for this area from the end of 2026. The Council have engaged in the voluntary duty to report over the last 12 months and this data, when it become mandatory will help to inform national and local policy, alongside seeking to identify gaps in service provision.
- 3.5 It is important to note whilst the new legislation makes greater provision for the rights of tenants, it does also present risks to the landlord sector, of which the impacts as yet are unknown. These risks could result in increased costs within the sector, which could be passed on to tenants. It could also result in a slower court process given the additional grounds for possession. These impacts will need to be considered nationally and locally.

### **4 Approach**

- 4.1 The Council already has a robust approach to housing enforcement in place and has had a statutory duty to enforce the requirements of the Housing Act since it came into effect. The work area proactively and reactively takes steps to improve the conditions within the sector and this approach will continue.
- 4.2 There is already a very robust approach to housing enforcement, and a variety of powers and tools are used to ensure that landlords comply with legal requirements. This includes the serving of notices and warning letters as well as the use of financial civil penalties to deal with non-compliance.

- 4.3 Our regime of proactive compliance checks requests that landlords provide us with all of the relevant legal certification that should be in place. This helps resources to be targeted at properties where they may be non-compliance, however, is only a desk based exercise so does not determine whether a property has any other hazards within it. This can only be done by visiting and inspecting the property.
- 4.4 The level of activity that occurs within the work area currently is shown in the table below;

<b>Activity</b>	<b>2023/2024</b>	<b>2024/2025</b>	<b>2025/2026</b>
<b>Compliance checks</b>	143	248	135
<b>Complied with</b>	120 (84%)	220 (89%)	112 (82%)
<b>Inspections</b>	176	224	243
<b>Notices served</b>	65	60	96
<b>Properties improved</b>	126	192	161
<b>Number of requests received</b>	171	129	145

- 4.5 The main points to note from the activity are as follows:
- Around 15% of compliance checks identify concerns.
  - 85% provided all the required documentation.
  - A large volume of formal notices are served to achieve compliance.
  - 479 properties have been improved because of either the compliance check or formal inspection.
  - Around 12 reports from customers are received per month about poor housing condition.
- 4.6 It is expected that the volume of reporting and activity is likely to increase in the next 12 months for two main reasons. Tenants will eventually become more aware of the additional legislation and how it can assist them. Secondly, the Council will be able to investigate a wider range of breaches once the RRA comes into effect.

## **5 Housing Enforcement Policy**

- 5.1 As a result of the RRA coming into effect, changes have been made to the Council's Housing Enforcement Policy. This policy is shown in appendix 2.
- 5.2 It is important for Councillors to note that whilst the new powers have been incorporated into the policy, there is no change proposed to the overall approach to enforcement within this area. This will still operate in line with the Councils overarching Corporate Enforcement Policy.

- 5.3 The additional powers simply widen the scope for the Council to take action against poor practice in the PRS and in doing so enable a wider range of investigations to take place for the relevant offences.
- 5.4 Councillors should note the following changes to the policy:
- 4.4: Added to set out that the Renters Rights Act contains statutory obligations for the Council, which it must deliver.
  - 6.1 Informal Action: This section has been revised to better reflect the existing way of working.
  - 7.4 HMOs : This section has been slimmed down as it repeats information that is available the Council's specific policy for HMOs.
  - 7.7 Civil Penalties: The policy has been amended to bring into scope the offences under the Renters Rights Act that can now be considered for a civil penalty.
  - 7.9.2 Grounds for Possession: Information added to outline new powers regarding grounds for possession.
  - Appendix A: The fees and charges written schedule has been removed as this is updated annually as part of the Councils' fees and charges approval process.

## **6 Civil Penalty Policy**

- 6.1 The Council have had the ability to issue civil penalties for a number of years, since the introduction of the Housing and Planning Act 2016. These have been used effectively by the Council to date for the small number of offences for which they were enabled.
- 6.2 The RRA enhances the scope for civil penalties to be issued for offences and there is a clear steer from the Government in the guidance that sets out the expected penalty amounts for these offences.
- 6.3 The graphic below shows how civil penalties have been used as a tool since 2019. Income from civil penalties is ringfenced within the housing enforcement work area and offsets staffing expenses within it.



The average civil penalty amount is just under 5k.

No successful appeals at tribunal.

Payments plans are put in place where appropriate and are managed via debtors.

Where payment is not forthcoming initially, a separate legal process is required in the form of a court authorised charging order.

Recovery when payment is not made can take up to 12 months.

Recovery can result in landlords selling properties or sales being forced upon them.

6.4 The new guidance on the issuing of civil penalties under the RRA requires the existing policy at the Council to be revised. The previous approach by Government, for the initial civil penalties brought into effect by the Housing and Planning Act 2016 enabled the Council to issue penalties up to the amount of £30,000. The final amount was then determined by a local policy, which has been in place since 2018. Within this initial approach, the starting point for penalties was at the discretion of the local policy and no direction was given by Government as to the penalty amounts or their starting points.

6.5 The RRA revised approach to civil penalties sets out what a starting point for civil penalties should be for each particular offence and has increased the maximum amount to £40,000. It should be noted that the starting points for penalties have increased significantly and in doing so, place clear emphasis

*For example, under the previous policy failure to comply with an Improvement Notice had a starting point of £3,000 and was then increased based on the circumstances of the case taking into account the following;*

- *Severity of harm or potential harm caused*
- *Number of properties owned or managed*
- *Culpability and track record*
- *Removal of financial incentive*
- *Deterrence and prevention*

6.6 The revised starting point approach implemented by Government is a clear directive to increase the financial penalties and the newly proposed policy adheres to the starting points proposed.

*For example, within the Government guidance failure to comply with an improvement notice has a starting point of £25,000 and a maximum of £40,000.*

6.7 However, the starting points for civil penalties set out in the guidance provide discretion to the Council to apply an adjustment relating to rental levels varying across the country. For example, the rental income generated by a landlord owning a property in London is far greater on average than one in West Lindsey. At the point of writing this report, the average UK rent was £1,367, whereas in West Lindsey it is £706 [Private rent and house prices, UK - Office for National Statistics](#)

6.8 The revised policy will therefore adopt the starting points provided within Government guidance and enable a 20% increase or decrease based on the harm considerations set out in the policy. After the level of penalty has been established, the average rent reduction will be applied. Worked examples of this approach are shown in section 5 of the civil penalties policy.

6.9 Below is a worked example of for the offence of failing to comply with a Housing Act Improvement notice. There are other worked examples within the revised policy.

**Worked Example:** A landlord is non-compliant with an improvement notice which seeks to address 3 Category 1 Hazards. The landlord owns 5 properties and has had previous enforcement action taken against them. The tenant is elderly and vulnerable. The rental income received per month is £800.

- 1	2		3	4
<b>Offence specific penalties</b>	<b>Table 3 impact matrix score</b>	<b>Level of penalty</b>	<b>Rental adjustment %</b>	<b>Total</b>
<i>Total for each penalty shown in Table 2, column A</i>  <b>£25,000</b>	Low/Moderate	-20%	-42%	Level of civil penalty to be applied  £17,400  (maximum £40,000)
	High/Severe	+20%	-£12,600	
<b>Cumulative total:</b> <b>£25,000</b>	<b>£30,000</b>		<b>£17,400</b>	<b>£17,400</b>

- 6.10 This proposed policy is one that has been developed by the Chief Environmental Health Officers group as part of Operation Jigsaw. As there is not going to be a Government set specific policy for the issuing of civil penalties under the RRA the policy is likely to be subject to scrutiny if penalties are appealed to the First Tier Tribunal. Policies may then need to be revised subject to any case law that arises from this. This is common practice and the previous policy was subject to amendment in this manner when it was first introduced, and case law was established.
- 6.11 Within the proposed policy the following should be noted:
- Section 3 (offences) sets out the level of penalty that can be issued under the particular Act for each specific offence.
  - Section 5 sets out the new way of calculating offences with worked examples.
- 6.12 Whilst there is an option for the Council to develop an independent policy there is significant merit in adopting a framework that is likely to be used by a number of other local authorities as it ensures consistency and will provide greater learning over time.
- 6.13 The set starting points and their values set a clear expectation from Government that they expect to see an increase in civil penalty amounts and should also serve as a much greater deterrent for non-compliance. Any income from civil penalties will remain ringfenced for housing enforcement.
- 6.14 The revised policy is set out in appendix 3 of this report.

## **7 Summary**

- 7.1 The Renters Rights Act 2025 brings about a significant change in the private rented sector and with it gives the Council new responsibilities. These responsibilities require the Council to implement a new Housing Enforcement Policy and a new Civil Penalties Policy. This report seeks approval for both of these documents.
- 7.2 The revised Housing Enforcement Policy creates the revised framework which will enable the Council to deliver its new responsibilities. This is shown in appendix 2.
- 7.3 The revised Civil Penalties Policy sets out a new way to calculate civil penalties for offences, which takes into consideration the desire from the Government to increase the number and monetary amount of penalties issued, whilst recognising the regional variation in relation to rental amounts. This is shown in appendix 3.

## **8 Next Steps**

- 8.1 Further documentation and amendment of policies may be needed when phase 2 and 3 of the Act are implemented. These will be brought back

to committee for approval as appropriate, phase 2 is expected to become active before the end of 2026.

- 8.2 A briefing delivered by DASH and EMPO will take place on the 28<sup>th</sup> of April 2026 at the Guildhall, to which all Members will be invited. Information on this will also go out in the Member and Resident's Newsletter.
- 8.3 The internal officer group will continue to meet and review the impacts after the 1<sup>st</sup> of May 2026, in order to ensure that they are understood and that any resource gaps can be addressed.

## **Legislation**

Renters’ Rights Bill (Renters’ Rights Act 2025)

## **Summary**

The Renters’ Rights Bill (RRB), introduced in the House of Commons on 11 September 2024, aims to reform the private rented sector (PRS) in England by enhancing tenants’ rights and protections.

In anticipation of the Renters’ Rights Act 2025 coming in, further references in this document will be to the RRA or ‘the Act’.

The RRA aims to fundamentally transform the private renting experience in England, addressing longstanding issues within the sector. It seeks to target the insecurity, poor quality and unaffordability of housing in the PRS and has been designed to provide renters with greater security and stability, enhancing their rights to reside in decent and safe homes without fear of sudden eviction.

It introduces a range of new measures into the PRS, as well as amending a raft of existing legislation such as the Housing Act 1988, Housing Act 2004 and Housing and Planning Act 2016.

The Act is aimed mainly at England but extends to Wales and Scotland only in so far as it covers rental discrimination against children or benefits status. LHAs will be the main enforcing authority.

**Note:** The bill is currently being considered by Parliament and will likely be amended before it becomes law. This document explains the current requirements as they stand (see [UK Parliament](#) for the current position). Many of the requirements will also warrant statutory instruments before they are enacted. The Act is expected to receive royal assent in spring/summer 2025. The government has committed to reasonable notice for implementation, but what this means has not been quantified. What we do know is that implementation will be staggered. The abolition of Section 21 no-fault evictions and tenancy reforms are the government’s priorities. These are likely to come in straight away. The PRS database is at the policy development stage and the PRS Ombudsman is not expected for some time. The DHS, so far, has very little detail, and all elements (the standard and enforcement options) will be subject to consultation, expected in spring 2025. The lead enforcement authority is in development; the format is yet to be confirmed.

## **Summary of new provisions**

<b>Provision</b>	<b>Section/amended legislation</b>	<b>Summary</b>
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Abolition of Section 21 notices and ASTs	Part 1, Chapter 1  Amends the Housing Act 1988	The Act eliminates section 21 'no fault' evictions, transitioning all assured shorthold tenancies (ASTs) to periodic, indefinite tenancies.  LHAs will have a duty to enforce this requirement. Where they are satisfied beyond reasonable doubt of a breach, LHAs will be able to issue a financial penalty of up to £7,000 for creating a fixed-term tenancy or bringing a tenancy to an end without using correct grounds for possession. As an alternative to prosecution and a fine, LHAs will be able to issue financial penalties of up to £40,000 for offences where there has been a continued breach or where there has been a further breach within 5 years.
Unlawful eviction and harassment of occupier	Part 1 Chapter 7  Amends the Protection from Eviction Act 1977 to include financial penalties for offences	Enforcement for unlawful (illegal) eviction and harassment (existing offences under the Protection from Eviction Act 1977) will now become a duty. LHAs will have the option, instead of prosecution, to issue a financial penalty of up to £40,000 where they are satisfied beyond reasonable doubt of an offence.
Grounds for possession	Part 1, Chapter 1  Amends the Housing Act 1988	Housing Act 1988 section 21 notices will be abolished, and so landlords will need to use section 8 notices and have reasonable grounds for possession.  A number of new and amended grounds for possession will be introduced, including when the landlord or a member of their family wishes to move in or if the landlord wants to sell. When using these grounds, landlords will face restricted periods when they will not be able to market properties for rent.  Gaining possession without using the possession grounds correctly could result in a financial penalty. Where the LHA is satisfied beyond reasonable doubt of a breach, it will be able to issue a financial penalty of up to £7,000. As an alternative to prosecution and a fine, LHAs will be able to issue financial penalties of up to £40,000 for offences where there has been a continued breach or where there is a further breach within 5 years.
Requesting a pet	Part 1, Chapter 1  Amends the Housing Act 1988 and the Tenant Fees Act 2019	It will be an implied term that a tenant may keep a pet.  Tenants will have stronger rights to keep pets, and landlords will need to consider any written requests reasonably. Landlords will be able to stipulate that insurance is in place to cover pet damage, which may be taken out by the tenant or the landlord.
Protection against using rent increases to force evictions	Part 1, Chapter 1	Tenants will be able to appeal excessive above-market rent increases to the First-tier Tribunal.
Prohibition of rent in advance	Part 1, Chapter 1	Landlords will be prevented from accepting rent in advance.

	Amends the Housing Act 1988 and the Tenant Fees Act 2019	<p>After a tenancy agreement has been signed, the landlord can require the initial months' rent in advance of the tenancy start date. No other rent in advance can be required. The payment of rent is prohibited before a tenancy agreement has been entered into.</p> <p>This is a duty for weights and measures authorities to enforce and a power for district councils under the Tenant Fees Act 2019, section 6 and 7. With a financial penalty of up to £5,000 and up to £30,000 or prosecution for repeat offences. The threshold is that of beyond reasonable doubt.</p>
Written statement of terms	<p>Part 1, Chapter 1</p> <p>Amends the Housing Act 1988</p>	<p>Landlords will be required to provide tenants with a written statement of terms on which tenants occupy the property, as specified in regulations.</p> <p>Where the LHA is satisfied beyond reasonable doubt of a breach, it will be able to issue a financial penalty of up to £7,000; repeat offences are liable to prosecution and a fine.</p>
Prohibition of rental discrimination	Part 1, Chapter 3	<p>The Act makes it illegal for landlords to discriminate against prospective tenants in receipt of benefits or with children.</p> <p>LHAs will have a power to enforce this requirement. Where they are satisfied on the balance of probabilities of a breach, LHAs will be able to issue a financial penalty of up to £7,000.</p>
Ban on rental bidding	Part 1, Chapter 6	<p>Landlords and agents must publish an asking rent and cannot solicit or accept offers exceeding this amount.</p> <p>LHAs or the weights and measures authority will have the power to issue a financial penalty of up to £7,000 for not advertising the proposed rent and accepting an offer above the proposed rent.</p>
Awaab's Law	<p>Part 1, Chapter 7</p> <p>Amends the Landlord and Tenant Act 1985</p>	<p>Awaab's Law requires landlords to address hazards within a specified timeframe.</p> <p>It was introduced through the Social Housing (Regulation) Act 2023 for homes in the social sector, and through the RRA, Awaab's Law will extend to the PRS, setting clear legal expectations for landlords to make homes safe.</p> <p>Tenants will be able to complain to the PRS Ombudsman or take court action for breaches.</p>
PRS Landlord Ombudsman	Part 2, Chapter 2	<p>Subject to regulations, a new PRS Landlord Ombudsman (landlord redress scheme) will address tenant complaints about their landlords and provide impartial and binding resolutions.</p> <p>LHAs will be under a duty to enforce this requirement where they are satisfied beyond reasonable doubt of a breach. They will be able to issue a financial penalty of</p>

		up to £7,000 for not being a member of a scheme and up to £40,000 as an alternative to prosecution and a fine for a continued breach or further offences within 5 years.
PRS database	Part 2, Chapter 3  Amends the Housing Act 1988	<p>Subject to regulations, all landlords will be required to register themselves and their properties on a new PRS database and keep the information up to date.</p> <p>LHAs will be under a duty to enforce this requirement where they are satisfied beyond reasonable doubt of a breach and will be able to issue a financial penalty of up to £7,000 for:</p> <ul style="list-style-type: none"> <li>• Marketing a dwelling without an active entry for the landlord and dwelling</li> <li>• Advertising a property without the unique identifier of the landlord and dwelling</li> <li>• Failing to ensure there is an active landlord-and-dwelling entry.</li> </ul> <p>A financial penalty of up to £40,000 as an alternative to prosecution, and a fine can be issued for continued breaches, further offences within 5 years or knowingly or recklessly providing false or misleading information.</p> <p>A court will not make an order for possession if requirements are not met.</p>
Decent homes standard for the PRS	Part 3 and Schedule 4  Amends Part 1 of the Housing Act 2004	<p>This provides for the introduction of a decent homes standard (DHS) for the PRS, which landlords will have a duty to meet to ensure tenants live in safe homes that meet minimum criteria.</p> <p>Subject to regulations, requirements to be met may include categories such as state of repair, safety, security, comfort and suitable temperature. They will introduce the definition of type 1 and 2 requirements under the DHS, which are expected to be the equivalent of category 1 and 2 hazards.</p> <p>The Housing Act 2004 is amended to introduce a duty to inspect qualifying residential premises to check if they meet the requirements of the regulations and to add a duty to take enforcement action for failure to meet a Type 1 requirement. There will be a power to take action for Type 2 requirements.</p> <p>LHAs will be able to issue a financial penalty of up to £7,000 for the presence of a Category 1 hazard or failure to meet a Type 1 requirement, where, in the opinion of the LHA, it would have been reasonably practicable for the responsible person to secure the removal of the Category 1 hazard or the meeting of the Type 1 requirement. In addition, LHAs will be able to serve a Housing Act 2004 notice.</p>
Investigatory powers	Part 4, Chapter 3	<p>New investigatory powers include:</p> <ul style="list-style-type: none"> <li>• Requiring information from a relevant person</li> </ul>

	Amends the Housing Act 2004, Protection from Eviction Act 1977, Housing Act 1988, Enterprise and Regulatory Reform Act 2013, Housing and Planning Act 2016	<ul style="list-style-type: none"> <li>• Entering business premises with and without a warrant</li> <li>• Production and seizing of documents following entry</li> <li>• Entering suspected residential premises with and without a warrant.</li> </ul> <p>Offences to accompany these new powers include:</p> <ul style="list-style-type: none"> <li>• Obstruction</li> <li>• Failure to comply</li> <li>• Failure to assist/give information as required</li> <li>• Providing a false or misleading statement.</li> </ul> <p>Each of these carries a fine of up to £1,000 (Level 3 on the standard scale) on summary conviction.</p> <p>Impersonating an LHA officer is also an offence – on summary conviction, to an unlimited fine.</p> <p>Officers can also require information from any person. Failing to comply will require the LHA to go to court for an order.</p>
Out-of-area enforcement	Part 4, Chapter 2	Each LHA will be obliged to enforce landlord legislation in its area. In addition, LHAs will be able to enforce the legislation in another LHA area. County councils will also be able to enforce the landlord legislation, including issuing a financial penalty and prosecution. LHAs taking enforcement action outside of their area and county councils will have a 'duty to notify' the LHA for that area.
Lead enforcement authority	Part 4, Chapter 2	The secretary of state has the power to appoint a lead enforcement authority. LHAs will be required to work with the lead authority and have regard to guidance issued by it.
Unlicensed property offences	Part 4 Amends the Housing Act 2004	This widens the scope of who has committed an offence for operating an unlicensed HMO/other house to include any person who is the landlord or licensor in relation to a person occupying the licensable property. The reasonable excuse defence is also expanded to take account of this change.
Service of improvement notice	Part 4 Amends the Housing Act 2004	This widens the scope of who a notice can be served on to include the landlord, licensor and superior landlord.
Rent repayment orders	Part 2, Chapter 4 Part 4, Chapter 1 Amends the Housing and Planning Act 2016 and some offences under the Housing Act 1988, Protection from Eviction Act 1977,	RROs are being extended to a range of offences, including those committed under the Housing Act 1988, as well as new offences (and continuing offences) committed under the RRA. They are also to be extended to superior landlords and company directors.  Repeat offenders will be required to repay the maximum amount, which will double from 12 to 24 months' rent. Tenants and LHAs will have up to 2 years to apply for an RRO.

## **General guidance to the key provisions of the Renters' Rights Act 2025**

### **1. Abolition of Section 21 notices and ASTs**

Part 1, Chapter 1 of the Act eliminates section 21 'no fault' evictions by amending the Housing Act 1988, transitioning all ASTs to periodic, indefinite tenancies.

The measure has been designed to facilitate stable, long-term housing solutions and ensure renters can challenge poor practices without fear of sudden/retaliatory eviction, providing tenants with more security. This is the government's headline measure of the RRA and is likely to come in straight away when the Act commences.

Landlords will no longer be able to evict tenants without a reason and will need to use and adhere to one of the defined possession grounds (see 'Fair possession grounds' below). Tenants can give 2 months' notice if they wish to leave the tenancy. Existing tenancies will become assured periodic tenancies with rent periods not exceeding 1 month.

Where the LHA believes beyond reasonable doubt that a relevant person has tried to bring a tenancy to an end by serving a notice to quit, serving a notice of possession, requiring that the tenancy is brought to an end orally or relying on grounds which they don't reasonably believe the landlord will be able to obtain possession on, the LHA will be able to issue a financial penalty of up to £7,000 for a breach, and up to £40,000 or prosecution for a continued breach or for further offences within 5 years. The same offences and sanctions apply to the creation of a fixed-term tenancy.

### **2. Unlawful eviction and harassment of occupiers**

Part 1, Chapter 7 amends the Protection from Eviction Act 1977 to include financial penalties for offences.

Part 4, Chapter 2: Enforcement against unlawful eviction and harassment will become a duty.

The LHA will be able to issue a financial penalty of up to £40,000 if it is satisfied beyond reasonable doubt that an offence has been committed. The option to prosecute remains under the Protection from Eviction Act 1977, and the process for establishing unlawful eviction and harassment will remain the same.

### **3. Grounds for possession**

Housing Act 1988 section 21 notices will be abolished, and so landlords will need to use Housing Act 1988 section 8 notices and have reasonable grounds for possession. The aim is to provide tenants with more security and ensure fairness, while allowing landlords to recover their property when reasonable.

A number of grounds for possession will be introduced, including, as examples, when the landlord or a member of their family wishes to move in or if the landlord wants to sell the property (providing the tenancy began at least one year before the date on the notice). The usual notice period that a landlord will need to give their tenants such as in these two examples, will be four months, although it may be less depending on the ground for possession.

**Note:** Family for this ground of possession is defined in Schedule 1 of the RRA and is not as wide as the Housing Act 2004 definition of family members relevant to HMOs.

When using some of the grounds where the tenant is not at fault, the landlord will face a restricted period of 12 months during which they will not be able to let the property or market it for rent.

Where there are rent arrears, a landlord will be able to give four weeks' notice for possession. There will need to be rent arrears of at least three months at the time of service of notice and at the eviction hearing (not including delays caused by Universal Credit).

A new ground for possession will also be introduced for HMOs let to full-time students so the property can be let to the next cohort of students. All occupants must be full-time students in higher education, or the landlord must believe they will be when they start their tenancy. The landlord will need to have given written intention to the tenants; the tenancy must be at least four months long; and it must expire between June and September. The next occupants will also need to be students.

There will be further grounds for possession following amendments to the Housing Act 1988, including rent arrears (less than 3 months), breach of tenancy agreement, where substantial redevelopment is required or there is anti-social behaviour (where there has been criminal behaviour or persistent anti-social behaviour). (Refer to Part 1, Chapter 1 and Schedule 1 of the RRA for a full list of these grounds.)

The section 8 eviction process will require service of notice to the tenants under one of the new possession grounds; landlords will need to use prescribed [tenancy form 3: notice seeking possession of a property let on an assured tenancy or an assured agricultural occupancy](#) and ensure they give the correct notice period. They will then need to make an application for possession, followed by a court hearing.

### **Enforcement**

An LHA will be able to issue a financial penalty of up to £7,000 for a breach and up to £40,000 or prosecution for a continued breach or a further offence within 5 years where it is satisfied beyond reasonable doubt that a landlord has evicted a tenant without using a correct ground for possession. Also, see the 'Abolition of Section 21 notices and ASTs' section above.

## **4. Requesting a pet**

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The RRA amends the Housing Act 1988 and the Tenant Fees Act 2019.

It will be an implied term in tenancy agreements that a tenant may keep a pet. Landlords will need to consider any written requests reasonably made by a tenant to keep a pet and respond within 28 days. The landlord cannot refuse the request without good reason. Landlords will be able to stipulate that insurance is in place to cover pet damage, which may be taken out and paid for by the tenant or taken out by the landlord and reimbursed by the tenant.

The tenant will be able to appeal the landlord's decision to the PRS Ombudsman or through the courts. There will be no LHA enforcement mechanism for this matter.

Guidance is expected before this requirement takes effect.

## **5. Protection against using rent increases to force evictions**

Under Part 1, Chapter 1 of the Act, landlords will be able to raise rent a maximum of once per year using section 13 of the Housing Act 1988. They will need to give two months' notice and use the prescribed [Tenancy Form 4: landlords' notice proposing a new rent under an assured periodic tenancy of premises situated in England](#).

Tenants will be able to appeal excessive above-market rent increases to the First-tier Tribunal. There will be no LHA enforcement powers or duties for this provision.

## **6. Prohibition of rent in advance**

Part 1, Chapter 1 of the Act amends both the Housing Act 1988 and the Tenant Fees Act 2019. Landlords (and agents) will be prevented from inviting, encouraging or accepting rent in advance from prospective tenants or third parties. Once the tenancy is signed, the landlord can accept a maximum of one month's rent before the tenancy commences.

Any breach will be classed as a prohibited pre-tenancy payment under the Tenant Fees Act 2019. This has historically been a trading standards function and is a duty for weights and measures authorities to enforce these breaches where they are satisfied beyond reasonable doubt that an offence has been committed. It will also be a power for district councils under the Tenant Fees Act 2019, sections 6 and 7.

Sanctions include a financial penalty of up to £5,000, increasing to up to £30,000 or prosecution for a repeat offence within 5 years.

## **7. Written statement of terms**

Part 1, Chapter 1 of the Act requires landlords and persons acting on their behalf (such as agents and managers) to provide tenants with a written statement of terms on which they occupy the property. Regulations will specify the details.

LHAs will be able to issue a financial penalty of up to £7,000 where they are satisfied beyond reasonable doubt that a person has committed an offence; repeat offences will be liable to prosecution and a fine.

Where a written statement of terms has not been provided to the tenant in line with the regulations, it is unlikely (in most cases) that landlords will be able to successfully gain possession through the courts.

## **8. Prohibition of rental discrimination**

Part 1, Chapter 3 of the RRA aims to support a more inclusive and fairer housing market by addressing both direct and indirect discrimination relating to children and people claiming benefits.

Similar protections will also be enacted in Wales (Part 1, Chapter 4) via amendments to the Renting Homes (Fees Etc.) (Wales) Act 2019 and in Scotland (Part 1, Chapter 5) via amendments to the Private Housing (Tenancies) (Scotland) Act 2016.

LHAs in England will be able to issue a financial penalty of up to £7,000 where they are satisfied on the balance of probabilities that a breach has occurred. In Wales and Scotland, there will be criminal sanctions.

## **9. Ban on rental bidding**

Under Part 1, Chapter 6 of the Act, rental bidding will be prohibited, with the aim of ensuring a fairer and more transparent rental process for tenants by targeting exploitative actions by landlords.

There is likely to be guidance published on this, but fundamentally, landlords and agents will be required to publish an asking rent and cannot encourage, solicit or accept offers exceeding that amount.

LHAs will be able to serve a financial penalty of up to £7,000 where they believe on the balance of probabilities that a landlord or agent has not advertised the proposed rent or has accepted an offer above the published proposed rent.

## **10. Awaab's Law**

Part 1, Chapter 7 of the Act introduces Awaab's Law into the PRS.

Awaab's Law was introduced through section 42 of the Social Housing (Regulation) Act 2023 for homes in the social rented sector. It was designed to empower tenants to challenge hazardous conditions such as damp and mould and require social landlords to take timely and effective action. It compels social housing landlords to address hazards within a specified timeframe. Regulations are expected in 2025 to bring this into effect for social housing; the provisions are expected to come in on a phased basis as below:

- October 2025 – social landlords will need to address damp and mould hazards that present a significant risk of harm to tenants and emergency repairs within 24 hours
- In 2026, this is expected to extend to excess cold, excess heat, falls, structural collapse, fire, electrical, explosions and hygiene hazards
- In 2027, it will apply to all hazards except for crowding and space.

The RRA will extend Awaab's Law to the PRS, although it is not yet known how it will be applied to the sector; it is expected to set clear legal expectations for landlords to make homes safe. It is worth bearing in mind that the requirements may not be the same as those enacted for social housing. But in a similar approach, this extension of Awaab's Law will include implied terms in PRS tenancy agreements.

Landlords will be obliged to address serious hazards promptly, within clear timescales. Where a landlord fails to take any steps necessary to comply with the regulations, tenants will be able to take legal action for breach of contract. Courts can then order landlords to take remedial action and/or award compensation to the tenant. Tenants will also be able to raise a complaint directly with their landlord, escalate it to the newly established PRS Ombudsman and complain to their LHA.

The government has also announced that they intend to apply Awaab's Law to temporary accommodation and supported housing; consultation and guidance is expected before it is introduced.

## **11. PRS Landlord Ombudsman**

The PRS Landlord Ombudsman, otherwise known as the landlord redress scheme, will be a newly established body under Part 2, Chapter 2 of the Act, which will provide tenants with a free, fair and impartial mechanism to resolve complaints and disputes with their landlords. This aims to align PRS tenant rights with existing social housing redress practices, fostering a more accountable and transparent rented sector for both tenants and landlords.

All private landlords operating in England with assured or regulated tenancies will be required to join a redress scheme, ensuring tenants can lodge complaints that are independently assessed and resolved.

Landlords will be issued with guidance for managing tenant complaints, facilitating quick and cost-effective resolution without the need for legal action. The Landlord Ombudsman will have the authority to deliver binding resolutions, including requiring landlords to apologise, provide information, undertake remedial action and pay compensation.

The redress scheme will cover a wide range of tenant complaints against landlords, from unresolved maintenance issues to breaches of rental agreements, as well as action and inaction that have caused inconvenience and harm. This will ensure tenants have a clear route for resolving disputes, and it reinforces landlords' responsibilities in maintaining housing standards. Landlords will not be able to use the service to complain about tenants.

Landlords will need to join the scheme when a property is marketed for letting and remain in the scheme for a reasonable period, even after the letting has come to an end.

Failure to comply with the decision of the ombudsman may result in the landlord being expelled from the scheme; they could then face penalties from the LHA for not being registered.

Landlords not joining a scheme will face civil penalties of up to £7,000 for a first or minor breach. A fine of up to £40,000 or prosecution are possibilities for continued breaches or further breaches within 5 years. LHAs will need to be satisfied beyond reasonable doubt. Tenants can also apply for rent repayment orders against landlords who fail to join the Landlord Ombudsman Scheme.

Regulations are required before the scheme can be implemented, and there is expected to be a grace period during which landlords can sign up to it, although this has not been confirmed.

Funding for the redress scheme will primarily be from landlord membership fees.

There will be some overlap between the new PRS Ombudsman and the existing Property Redress Scheme for letting agents and property managers, and also areas where they are unique. In all cases, PRS tenants will be able to complain to the PRS Ombudsman, and in some cases, tenants who rent through a letting agent will be able to complain to both schemes.

## **12. PRS database**

All landlords will be required to register themselves and their properties on a new PRS database and keep their information up to date. This database, introduced by Part 2, Chapter 3 of the Act, aims to enhance compliance and transparency and assist landlords in understanding their legal obligations and responsibilities by also providing information and guidance in one place. It will also help tenants to be better informed, know their rights and increase landlord accountability. It will support LHAs in intelligence-gathering and targeted enforcement.

The PRS database will require regulations before it comes in and is likely to require landlords to pay a fee and possibly a renewal fee. The fee will cover administration of the scheme, enforcement related to the database and, potentially, in the future, an element of PRS enforcement.

No property will be permitted to be marketed without an active landlord-and-dwelling entry on the database, and residential landlords will have a duty to ensure that there is an active landlord-and-dwelling entry on the database.

The PRS database will replace the database of rogue landlords and property agents brought in under the Housing and Planning Act 2016. LHAs will have to make an entry on the PRS database with respect to any banning order made by the LHA and

any convictions and financial penalties issued for a banning order offence. LHAs may also make an entry where a landlord or agent has been convicted of an offence or issued with a financial penalty for a banning order offence by a person or body other than the LHA.

The Housing Act 1988 has been amended so that the court will not (in most cases) make an order for possession if PRS database requirements have not been met.

LHAs will be able to issue residential landlords with financial penalties of up to £7,000 for marketing a dwelling without an active entry for the landlord and the dwelling, for advertising a property without the unique identifier of the landlord and dwelling and for failing to ensure there is an active landlord-and-dwelling entry. For further breaches within 5 years or providing false or misleading information, an LHA will be able to issue a financial penalty of up to £40,000 or prosecute. LHAs will need to be satisfied beyond reasonable doubt.

LHAs, prospective tenants, tenants and landlords will all have a level of access to the database. Information on property standards is likely to be publicly available, as will certain offences. The details will be laid out in regulations, and not all information held on the database will be available to the public.

Implementation of the database is not as yet confirmed. When it does come in, there is expected to be a grace period for landlords to join the database, although this has also not been confirmed.

### **13. Decent homes standard for the PRS**

The Act provides for the introduction of an enforceable decent homes standard (DHS) for the PRS to ensure tenants live in safe, decent homes that meet minimum standards. It will apply to the majority of private rented homes, including assured tenancies and supported housing, and will set clear requirements for housing quality and safety.

The Housing Act 2004 is amended through Part 3 and Schedule 4 of the RRA to introduce a decent homes standard for the PRS in England. Following consultation, regulations will be issued that specify requirements that must be met for 'qualifying residential premises' and enforcement of these.

Subject to regulations, requirements to be met may include state of repair, safety, security, comfort and suitable temperature.

Amendment to the HA04 will include:

- LHAs will have a duty to take enforcement action for failure to meet 'Type 1 requirements' and a power to take enforcement action for 'Type 2 requirements'
- LHAs will also be under a duty to inspect qualifying residential premises to check if they meet the requirements of the regulations.

Government guidance will be published which is likely to explain what the term 'duty' means in practice. The regulations will define Type 1 and Type 2 requirements.

### **Enforcement**

The DHS will place a legal duty on landlords to be proactive and ensure their properties meet the standards.

Where an LHA identifies the existence of a Category 1 hazard or the failure to meet a Type 1 requirement, they will be able to issue a financial penalty where 'in the opinion of the LHA it would have been reasonably practicable for the responsible person to secure the removal of the Cat 1 hazard or the meeting of the Type 1 requirement'.

The LHA will be able to issue a financial penalty of up to £7,000 and/or serve a notice/make an order/take action (improvement notice, prohibition order, awareness notices, emergency remedial action, emergency prohibition order) under the HA04. With this in mind, a 'hazard awareness notice' will become an 'awareness notice' (in England) so that it covers type 1 and 2 requirements as well as category 1 and 2 hazards.

LHAs will also have the power to serve a notice/make an order for Type 2 requirements as well as Category 2 hazards.

Breach of a notice/order will incur the same sanctions as currently available in the Housing Act 2004.

### **Scope**

The DHS will apply to qualifying residential premises in the PRS including dwellings and HMOs let on a relevant tenancy and supported exempt accommodation. Ministers have also announced that they intend to bring temporary accommodation into scope.

Although yet to be confirmed, purpose-built student accommodation may fall outside the domain of the DHS.

In 2022, the Conservative government [consulted](#) on applying a DHS to the PRS. Before its introduction, this government has committed to further [consultation on the new DHS](#).

### **Social housing**

The DHS currently applies only to the social housing sector and is not enforceable by LHAs; details on the current standard can be [found here](#). The standard brought in for the PRS is likely to be different.

## **14. Investigatory powers**

Being able to require information from third parties, enter business premises to seize and detain evidence, enforce out of area and the introduction of a lead enforcement

authority will be new powers designed to enhance investigations to make enforcement easier.

### **Requiring information**

New investigatory powers through Part 4, Chapter 3 of the Act will allow an LHA to be able to require information from anyone where it suspects a breach or offence has been committed. This will make it easier to obtain financial information (including from banks, client money protection schemes and accountants) when carrying out an investigation into alleged breaches. Failure to comply will not be an offence in itself, and the LHA will need to obtain a court order to enforce this. LHAs will also be able to require information from property owners and agents, and failure to comply will be an offence, subject to a fine of up to £1,000 (Level 3 on the standard scale) on summary conviction.

Section 235 of the Housing Act 2004 is also amended so that a notice requiring documents to be produced can be served on a relevant person in connection with functions under Part 7 of the Housing Act 2004.

### **Powers of entry**

Part 4, Chapter 3 of the Act gives LHAs the power to enter any 'rental business' (presumably letting and managing agents) without needing to suspect an offence has been committed, to seize documents that could assist in an investigation. This will include physical records and digital storage where such information might be kept.

Entering business premises, seizing and detaining information and entering premises under a residential tenancy will usually require 24 hours' notice. Warrant powers will also be available. Obstruction, failure to comply, failure to assist/give information as required and providing a false or misleading statement could lead to a fine of up to £1,000 (Level 3 on the standard scale) on summary conviction.

A person accompanying an authorised officer of the LHA when entering a premises, in the company and under the supervision of the officer, will have the same powers as the officer.

Impersonating an LHA officer will also be an offence – on summary conviction, to an unlimited fine.

Powers of entry under section 239 of the Housing Act 2004 have also been slightly amended so that a person required to receive notice of entry will be able to waive that requirement (e.g. a tenant or landlord will be able to waive the requirement to receive 24 hours' notice of a property inspection). Although this could be useful for tenants who may choose to waive that right, it is unlikely in practice to be taken up voluntarily by property owners who might subsequently receive a notice/order. Therefore, this amendment, on the face of it, looks to have little value.

## **15. Out-of-area enforcement and lead enforcement authority**

Each LHA will be obliged to enforce landlord legislation in its area. In addition, LHAs will also be able to enforce the legislation in another LHA area (Part 4, Chapter 2).

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County councils will be able to enforce aspects of the legislation, including offences relating to the redress scheme, PRS database, breaching restrictions on marketing properties for rent, discrimination and rental bidding.

LHAs taking enforcement action outside of their area and county councils will have a 'duty to notify' the LHA for that area.

Part 4, Chapter 2 of the RRA also gives the secretary of state the power to appoint a lead enforcement authority to promote consistent enforcement through guidance and advice. What this will look like and how this will work is yet to be determined, although the current model used by National Trading Standards may offer a fair reflection.

## **16. Unlicensed property offences and service of notices**

Part 4, Chapter 1, amends sections 72 and 95 of the Housing Act 2004 to include (in addition to persons having control or managing the licensable property) the immediate landlord or licensor of the tenants and any superior landlord or licensor – as persons who also commit an offence where a property that should be licensed is unlicensed.

The reasonable excuse defence is extended in consideration of the above amendment.

Part 4, Chapter 1 also amends the Housing Act 2004, Schedule 1, Paragraph 2, for certain property types to allow the LHA to serve an improvement notice on a landlord, licensor, superior landlord or superior licensor if it considers that such a person ought to take the action specified in the notice.

## **17. Rent repayment orders (RROs)**

RROs are available for landlords who commit certain offences and are seen as a further mechanism to deter poor practices and for tenants to seek redress. The Act is reforming the scope of RROs, previously introduced through the Housing Act 2004 and extended through the Housing and Planning Act 2016 (Part 2, Chapter 4 and Part 4, Chapter 1).

RROs are being further extended through the Act to include superior landlords, who, following the decision by the UK Supreme Court in [Rakusen v Jepsen & Ors](#) [2023] UKSC 9 (1 March 2023), were not previously liable for an RRO. The amendments mean that superior as well as immediate landlords can both be liable for an RRO. Liability for RROs is also being explicitly extended to company directors.

The amount of rent that can be reclaimed will double from 12 to 24 months of rent, and repeat offenders will be required to repay the maximum amount.

Where a landlord has been convicted of or has received a financial penalty for a relevant offence, the tribunal will be obliged to award the maximum RRO amount.

Where an RRO is made against a landlord – who has a history of committing the same offence for which they were previously convicted or who has received a financial penalty or had an RRO made against them – again, the tribunal will have to issue the maximum RRO amount.

Tenants and local authorities will have up to 2 years to apply to the First-tier Tribunal for an RRO, rather than the 1 year as currently stands.

The Housing and Planning Act 2016 is amended to include that where an RRO is made against more than one landlord, those landlords must be held jointly and severally liable for the amount due under that order.

### **New offences covered by RROs**

The RRA amends the Housing and Planning Act 2016 to include the following offences:

- Knowingly or recklessly misusing a ground for possession under the Housing Act 1988
- Breach of a restriction on letting/marketing under the Housing Act 1988
- Continued tenancy reform breaches under the Housing Act 1988
- Continued breaches of the landlord redress scheme (PRS Ombudsman)
- Continued failure to have an active landlord-and-dwelling entry on the PRS database
- Knowingly or recklessly providing false or misleading information to the PRS database

### **Enforcement**

See details above.

Financial/civil penalties will range from £7,000 for a first or minor offence to up to £40,000 for repeated or major non-compliance. Criminal prosecution will remain an option for the most serious offences and offenders.

### **Power of Entry**

Housing Act 2004, section 239

Renters' Rights Act 2025 Part 4, Chapter 3:

- Business premises: Entry without warrant
- Business premises: Entry under warrant
- Suspected residential tenancy: Entry without warrant
- Suspected residential tenancy: Entry under warrant.

# Housing Enforcement Policy

## Housing and Environmental Enforcement

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Version	Date
4	April 2026
3	June 2020
2	March 2018
1	November 2015

## 1. Background

1.1 The Council aims to ensure that all residents of West Lindsey have a home that is safe, secure, dry and not overcrowded. This policy, alongside the Corporate Enforcement Policy and secondary policies such as the Banning Order policy and Civil Penalties policy, outlines how the Council will use appropriate enforcement powers to ensure that all owners comply with their statutory obligations.

## 2. Definition for the purpose of this Policy

<b>Term</b>	<b>Meaning</b>
<b>Proportionality</b>	Relating enforcement action to the risks posed by the condition or situation and the likely benefits achieved by compliance.
<b>Consistency</b>	Taking a similar approach in similar circumstances to achieve similar ends. Enforcement action will be similar regardless of the tenure and location.
<b>Targeting</b>	While ensuring we respond to any unsafe housing and nuisance, we will pro-actively use enforcement action in high risk situations of occupation, and areas with the highest level of unsafe, empty dwellings, disrepair and poverty.
<b>Transparency</b>	Helping all members of the community, who we come into contact with, to understand their rights and responsibilities.
<b>Hazard, category 1</b>	Defined in Section 2 of the Housing Act 2004. A deficiency which has been calculated under the Housing Health and Safety Rating System to be highly likely to cause serious harm.
<b>Hazard, category 2</b>	Defined in Section 2 of the Housing Act 2004. A deficiency which has been calculated under the Housing Health and Safety Rating System to be likely to cause harm.
<b>Statutory Nuisance</b>	Defined in Section 79 of the Environmental Protection Act 1990. A certain type of defect which is prejudicial to health and/or a nuisance.

## 3. Policy Statement

3.1 The Council will use all available and appropriate legislation to ensure that the housing stock in West Lindsey is safe, maintained in good repair and well managed. The Council will also use appropriate legislative powers to improve housing standards, reduce the impact of empty homes, and to ensure dwellings do not fall under the definition of a statutory nuisance. Where we take enforcement action to gain compliance with the law, it will be proportionate, consistent, targeted, transparent and in line with Statutory Obligations.

## **4. Statutory Obligations**

- 4.1** The Council has a statutory duty to take action to remove Category 1 Hazards as per the Housing Health and Safety Rating System (HHSRS) and housing conditions that fall under the definition of a statutory nuisance. The Council must also run a licensing scheme for certain types of high risk houses in multiple occupation (HMO). The Council has an obligation to take action where they have grounds to believe a landlord is in breach of their duties in respect of electrical safety.
- 4.2** Various acts of Parliament also give the Council discretionary powers to resolve unsatisfactory conditions in houses, HMOs and flats, and to reduce the impact of long term empty properties. This policy summarises how the Council will satisfy its legal duties and responsibilities.
- 4.3** The Council is fully committed to being fair, independent and objective. In particular, all officers will serve the community equally and fairly, in accordance with our generic Equality Policy.
- 4.4** The Council has a statutory obligation to deliver the regulatory requirements set out within the Renters Rights Act 2025. This Act significantly changes the regulations within the sector and is being phased into effect from the 1<sup>st</sup> of May 2026.
- 4.5** The Council's overall approach to enforcement is set out in the Corporate Enforcement Policy

## **5. Approach to Enforcement**

- 5.1** In deciding the course of enforcement it will take, the Council will have regard to circumstances including, but not restricted to, those below:
- The statutory obligations of the Council
  - The seriousness of the offence
  - The general record of the offender
  - The consequences of non-compliance
  - The frequency of the offence
  - Public interest and concern
  - The likely effectiveness of the various enforcement options
  - Whether the landlord is a member of a private sector accreditation scheme
  - Whether grant funding has been paid to provide or repair the item or element concerned
  - The views of tenants and occupiers
  - The views of other organisations including the police, fire and rescue service, social services etc.
  - Whether the property needs to be licensed under a mandatory, additional or selective licensing scheme.
  - Whether empty homes have been identified as a local priority.

- Whether the tenant has made a written request to the landlord for works to be completed and the landlord has failed to do so in a reasonable timescale
- The effect on a tenant's security of tenure of serving a hazard awareness notice or improvement notice

**5.2** Enforcement decisions must be consistent, balanced, and fair and relate to common standards to protect public health and safety, economic wellbeing or the environment. Each case is unique and must be considered on its own merits.

**5.3** In cases where a high risk to tenants or visitors has been identified, the Council will in most circumstances work formally through the service of relevant statutory notices or orders to discharge their duty to act. Exceptions to this may arise where the case officer considers that the hazard can be dealt with more effectively through informal means.

**5.4** Where a lower risk has been identified, the Council will retain the power to act where they have the legislative ability to do so. In the case of hazards determined under the Housing Health and Safety Rating System (HHSRS), the Council is able to exercise its power to deal with Category 2 hazards in cases where the risk is deemed to be significant when scored under the system.

## **6. Enforcement Options**

### **6.1 Informal Action**

**6.1.1** Informal action in respect of lower risk situations may include the offering of advice; verbal warning and requests for action; written correspondence or the removal of the landlord from an accreditation scheme. Informal action will only be considered where it does not compromise the statutory duties placed on the Council by the relevant acts.

**6.1.2** Any informal written documents asking owners to comply with legal requirements will:

- Contain all the information needed to understand what work is required and why the work is necessary;
- Show the law which has been broken, or which would be broken if action was not taken, and measures that will satisfy the legal requirements, and explain that the owner may choose other ways to achieve the same effect;
- Clearly show any recommendations of good practice, to show that they are not a legal requirement

### **6.2 Formal Enforcement**

**6.2.1** Formal action may include:

Action under the provisions of Part 1 of the Housing Act 2004 to:

- Serve an improvement notice under sections 11 and/or 12
- Serve a suspended improvement notice under section 14
- Make a prohibition order under sections 20 and/or 21
- Make a suspended prohibition order under section 23
- Serve a hazard awareness notice in accordance with sections 28 and/or 29
- Take emergency remedial action under section 40
- Make an emergency prohibition order under section 43
- Make a demolition order under section 46

**6.2.2** Other formal action available may be in the form of (but not limited to);

- Powers given to the Council through the introduction of the Renters Rights Act 2025
- The refusal to grant or the revocation of a licence under Parts 2 & 3 of the Housing Act 2004. All matters relating to selective licensing under Part 3 of the Housing Act 2004 and the factors affecting decisions to grant a licence or otherwise will be laid out in the designation of any scheme that is made.
- The making of management orders under Part 4 of the Housing Act 2004
- The making of orders under the provisions of the Housing Act 1985, as amended
- The service of an abatement notice under the Environmental Protection Act 1990
- The service of Statutory Notices under the provisions of other legislation, including but not limited to the Prevention of Damage by Pests Act 1949 and the Local Government (Miscellaneous Provisions) Act 1982
- The making of a Compulsory Purchase Order under the Housing Act 1985 or other legislation
- Works in default of completion by an owner, agent, person responsible, manager or occupier
- Simple caution
- Prosecution
- Issuing of financial penalties
- Publication of offences, where appropriate
- The application to make a Banning Order, or Rent Repayment Order.
- The addition on to the Rogue Landlord Database
- The service of remedial notices under the provisions of various regulations, including but not limited to the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 and the Smoke and Carbon Monoxide Alarm (England) Regulations 2015.

**6.2.3** Demolition and Compulsory Purchase Orders will only be made by decision of the relevant Council Committee.

**6.3 Premises Inspections**

**6.3.1** The Council keep the housing conditions in the district under review, with a view to identifying any action which may be required. In line with this, the

Council will conduct inspections on premises, where it is appropriate to do so.

**6.3.2** Circumstances in which it may be appropriate for an officer to inspect include the following:

- Where the Council have information to indicate there may be a high level risk to the occupiers of a property
- Where the Council believe an offence has been committed and an inspection is necessary as part of an investigation
- To determine whether a property requires a licence under Part 2 or 3 of the Housing Act 2004
- As part of a proactive inspection regime, or targeted inspections where a landlord has failed to meet their obligations at other properties
- To ensure private rented sector properties comply with housing legislation
- To determine whether a statutory nuisance exists at the premises

**6.3.3** The Council is unlikely to inspect in reactive disrepair cases where deficiencies contributing to a lower level of risk have been reported, and in such cases is likely to liaise with the landlord and occupier without conducting an inspection. If the reported issues deteriorate, or no action is taken by the landlord to address the hazards, the case officer will consider whether it is appropriate to conduct an inspection.

**6.3.4** Where the landlord of a property is a Registered Social Landlord (RSL) the Council will not conduct inspections unless it has a statutory duty to do so. In most cases, the Council will liaise with the RSL to make them aware of reported problems and seek assurance that the relevant actions have or will be taken.

**6.3.5** In most cases, prior to taking formal action under Part 1 of the Housing Act 2004, property owners and occupiers will be given 24 hours' notice of the Council's intention to carry out an inspection. Notable exceptions to this include:

- Where the Council believes it may be required to use Emergency Powers in respect of a hazard which exists at a property.
- Where giving prior notice of an inspection would defeat the purpose of entry, and a warrant for entry is therefore required.

**6.3.6** The Council will also consider other legislation, such as the Renters Rights Act 2025 and the powers within it, prior to accessing a property to assess for any potential breaches.

**6.3.7** Officers conducting inspections are able to take equipment to take measurements and photographs, and samples of any articles and substances where necessary. Officers are also able to make recordings and may wear body worn cameras.

**6.3.8** Officers conducting inspections are also able to take other persons with them where necessary, including additional officers or staff from appropriate third party agencies.

## **6.4 Level of Enforcement using HHSRS**

**6.4.1** The Council assesses each hazard based on the risk to a potential occupant in the most vulnerable group for that hazard under the Housing Health and Safety Rating System. However, in deciding what action to take about identified hazards, the Council will have regard to the following:

- The current occupiers
- Regular visitors
- How often the tenants or occupants change
- The risk of excluding vulnerable groups of people from the private rented sector or owner occupation
- The size, type and location of the property
- The likelihood that there will be a deterioration of conditions in the next twelve month period.

**6.4.2** Where a suspended order or notice is served, the situation will be reviewed on a regular basis depending on the risk the hazard presents. In all cases the suspended order or notice will be reviewed at least once a year.

**6.4.3** In determining what course of action to take, including whether to vary or revoke an improvement notice or prohibition order the Council will have regard to matters including, but not restricted to, the following:

- The views of the person receiving the notice (the recipient)
- The views of tenants
- The views of Fire and Rescue Service, where appropriate
- The risk that the hazard presents
- How confident officers are that the recipient will respond
- The amount, quality and speed of completion of any works taken to deal with deficiencies and hazards specified in the notice or order
- Whether the recipient has previously complied with informal and formal actions
- The cost of any works compared to the benefit that they give
- Any more unexpected works which become clear during the course of remedial works

## **7. Additional Information on Enforcement Action**

### **7.1 Works in Default**

- 7.1.1** Where there is a failure to comply with a Statutory Notice the Council may, if it is in the interest of the tenants or others, carry out any outstanding works in default. Where there is a statutory duty to undertake works in default, they will be carried out.
- 7.1.2** The Council will recharge the cost of carrying out such works with the Council's costs and officer time included, and if necessary recover these as a charge against the property or through the Council's recovery services. This could include enforced sale of the property to recover a Local Land Charge under the Law of Property Act 1925 where this is considered to be in the public interest.

## **7.2 Management Orders**

- 7.2.1** The Council may make a Management Order under the provisions of Part 4 of the Housing Act 2004, relating to licensable properties as defined by Parts 2 & 3 or long term empty dwellings. It may apply to the First Tier Tribunal (Property Chamber) for an interim management order in other prescribed circumstances.
- 7.2.2** When Management Orders are used, the Council effectively takes over management of the HMO, house or flat. They will normally only be used as a last resort and if no other enforcement power is effective.
- 7.2.3** The Officer must discuss considering a Management Order with the Chief Operating Officer, or equivalent post, or their duly appointed representative. Only the Chief Operating Officer, or equivalent post in line with the Constitution can make the decision to make a Management Order.

## **7.3 The Recovery of Costs and Expenses**

- 7.3.1** The Council will charge for works in default, notices and orders served where they have a statutory power to do so, particularly in respect of those served under Part 1 of the Housing Act 2004.<sup>1</sup> Charges are based on the cost to the Council of determining the most appropriate course of action, drafting and serving the notices or the cost of works. Action taken by the council to recover costs and expenses (including civil penalties) will be in accordance with the legislative provisions of the relevant Acts. This could be in the form of an order to the court.
- 7.3.2** These fees and charges will be determined and agreed annually as part of the Council's fees and charges approval process.

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<sup>1</sup> With the exception of hazard awareness notices, which do not carry a fee.

## **7.4 The Licensing of Houses in Multiple Occupation**

**7.4.1** A House in Multiple Occupation (HMO), is defined in the Housing Act 2004 as a building, or part of a building, that:

- is occupied by more than one household who share or lack a bathroom, toilet or kitchen;
- is occupied by more than one household and which is a converted building - but not entirely self-contained flats (whether or not some amenities are shared or lacking) , or
- is converted self-contained flats, but does not meet as a minimum standard the requirements of the 1991 Building Regulation and at least one third of the flats are occupied under short tenancies.

**7.4.2** Part 2 of The Housing Act 2004 requires **the following types of HMO to be licensed:**

- occupied by five or more people in more than one household, who
- share amenities such as bathrooms, toilets and cooking facilities, and
- rent or other consideration is payable

**7.4.3** The Council has a separate policy in place for HMOs, which is available on the Council's website.

## **7.5 Empty Properties**

**7.5.1** The Council recognises the effect long-term empty properties have on an area by attracting anti-social behaviour and having a negative impact on the local community and values of neighbouring properties. Empty properties are also a wasted resource, reducing the supply of housing in the local area.

**7.5.2** Engagement and voluntary compliance from empty property owners will initially be sought, and the Council will engage with owners to try and find agreeable solutions. However, where there is inadequate cooperation or engagement from the owners of long term and/or problematic empty properties, the Council will use appropriate powers to achieve a satisfactory outcome and has a range of enforcement options available such as Empty Dwelling Management Orders (EDMOs), Compulsory Purchase Orders (CPO) and Enforced Sales.

**7.5.3** Alongside measures to bring empty properties back into use, the Council also has additional powers to limit the impact empty properties can have on the local area:

- Local Government (Miscellaneous Provisions) Act 1982
- Environmental Protection Act 1990
- Building Act 1984
- Prevention of Damage by Pests Act 1949
- Town and Country Planning Act 1990

**7.5.4** Officers will consider the most appropriate enforcement option on a case by case basis, with regard given to: local need; effectiveness; cost efficiency; impact of the affected property, and; the level of cooperation of the property owner.

## **7.6 Civil Penalties**

**7.6.1** The Housing and Planning Act 2016 and the Renters Rights Act 2025 make provision for the Council to seek to impose a penalty as an alternative to prosecution. A separate civil penalty policy is in place and sets out the offences that can be dealt with in this manner.

**7.6.2** The same criminal standard of proof is required to impose a civil penalty as it would be in a prosecution. This means that prior to taking formal action, the Council will be satisfied that if the case were to be prosecuted, there would be a realistic prospect of conviction, having regard to the Crown Prosecution's Service Code for Crown Prosecutors.

**7.6.3** The West Lindsey District Council Civil Penalties Policy will be used to inform the decisions that the Council will make in regards to determining whether to issue a civil penalty as an alternative to prosecution, and what level of penalty would be appropriate.

**7.6.4** A civil penalty will not be applied if a person has already been convicted of that offence or where criminal proceedings have already been instigated. Income received from a civil penalty will be used to maintain the Council's statutory functions in relation to the private rented housing sector.

## **7.7 Rent Repayment Orders**

**7.7.1** The Council is able to make an application to the First-Tier Tribunal for a rent repayment order where a landlord has committed a relevant offence.

**7.7.2** A rent repayment order will require the landlord to repay an amount of rent paid by the tenant, or pay the Council an amount in respect of a relevant award of Universal Credit or Housing Benefit paid over the course of the offence.

**7.7.3** In circumstances where the Council considers that they are able to evidence that a relevant offence has been committed to the criminal standard of proof, they will consider application for a rent repayment order where they are eligible. The Council may also help a tenant apply for a rent repayment order where legislation permits.

**7.7.4** The Council's approach to rent repayment orders is on a case by case basis and is in line with the specific guidance produced in relation to this.

## **7.8 Banning Orders**

**7.8.1** The Housing and Planning Act 2016 enables the Council to apply to the First tier Tribunal to import a banning order on a landlord or managing agent, following conviction for a 'banning order offence', which will prevent their continued operation within the private rented sector for a specified length of time.

**7.8.2** The Council's Banning Order policy outlines the factors which will be considered in determining whether to make an application for a banning order, and in making a recommendation to the Tribunal as to the length of time a banning order should be imposed for.

## **7.9 Protection from Eviction and Harassment**

**7.9.1** Where the Council has reason to believe that an illegal eviction is or has taken place, we will act accordingly to investigate the potential offence and take any necessary enforcement action under the Protection from Eviction Act 1977. Where an accusation of harassment is made, under the same Act, the Council will seek to investigate this to determine whether an offence has been committed. Where an offence is established to the requisite standard, the appropriate enforcement action will be taken.

**7.9.2** Under the Renters Rights Act 2025 enforcement powers are given in relation to grounds for possession given by a landlord and the process which they have followed. The Council will be able to investigate cases where the grounds for possession may not be valid and will have the power to issue financial penalties, where there is the appropriate need to do so.

## **8. Other Obligations**

### **8.1 Redress Schemes for Letting Agents and Property Managers**

**8.1.1** Under the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014, there is a legal requirement for all lettings agents and property managers in England are a member of a Government-approved redress scheme. Where the Council is satisfied that a person is involved in lettings and management as a business and is not registered with a scheme, the Council may issue a fine.

**8.1.2** The proposed fine in regards to this order is detailed in Appendix B.

## **8.2 Smoke and Carbon Monoxide Requirements**

**8.2.1** The Smoke and Carbon Monoxide (England) Regulations 2015 require that private sector landlords ensure that at least one smoke alarm is installed on every storey of their rented property and that a carbon monoxide alarm is installed in any room containing a solid fuel burning appliance. This is the minimum standard for private rented sector properties and the Council may require additional measures under other legislative provisions, such as Part 1 of the Housing Act 2004, or the conditions of a licence granted under Part 2 or Part 3 of the same Act.

**8.2.2** The Council will accept the following evidence of a lack of relevant alarm as reasonable grounds of a breach:

- Inspection by a Council officer
- Confirmation from a relevant professional
- Provision of photographic evidence

**8.2.3** With regard to the Enforcement Options and Council's approach to enforcement set out in section 6, the Council has the power to issue a remedial notice in cases of non-compliance, where the matter is not otherwise addressed by alternative action under Part 1 of the Housing Act 2004 or relevant licence conditions, and the landlord must comply with the notice within 28 days. If they do not, the council will carry out remedial action (where the occupier consents) to ensure the requirements in the regulations are met.

**8.2.4** The Council will issue a civil penalty of up to £5,000 where a remedial notice is served and has not been complied with, and has set out a statement of principles for its Penalty Charge Notice (PCN), which is shown in Appendix A.

## **8.3 Electrical Safety Standards**

**8.3.1** The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 require that landlords ensure the electrical installations in private rented sector properties are safe for continued use, and carry out periodic testing to evidence this.

**8.3.2** The Regulations apply to all new relevant tenancies from 1<sup>st</sup> July 2020, and all existing tenancies from 1<sup>st</sup> April 2021, and require that landlords carry out electrical testing no more than every five years and provide copies to tenants and to the Council on request.

**8.3.3** Where the Council believes that a landlord has breached their duties under the Regulations, they may do one, or a combination of, the following:

- Serve a remedial notice on the landlord, requiring them to take action in respect of the breach
- Carry out urgent remedial action where a report indicates it is required
- Carry out remedial action where a landlord is in breach of a remedial notice
- Issue a financial penalty of up to £40,000 in respect of a breach of the Regulations.

**8.3.4** The West Lindsey District Council Civil Penalties Policy will be used to inform the decisions that the Council will make in regards to determining whether to issue a financial penalty and what level of penalty would be appropriate.

## **8.4 Energy Efficiency**

**8.4.1** The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 establish a minimum standard for domestic privately rented property, subject to certain requirements and exemptions:

- From the 1st April 2018, landlords of relevant domestic private rented properties may not grant a tenancy to new or existing tenants if their property has an Energy Performance Certificate (EPC) rating of band F or G.
- From 1st April 2020, landlords must not continue letting a relevant domestic property which is already let if that property has an EPC rating of F or G (as shown on a valid EPC for the property).

**8.4.2** Where a landlord wishes to continue letting property which is sub-standard, they will need to ensure that energy efficiency improvements are made which raise the EPC rating to a minimum of E. Under prescribed circumstances within the Regulations, the landlord may claim an exemption from prohibition on letting a sub-standard property. Where a

valid exemption applies the landlord must register the exemption on the national Private Rented Sector Exemptions Register.

- 8.4.3** The minimum standard will apply to any domestic privately rented property which is legally required to have an EPC and which is let on certain tenancy types. Landlords of property for which an EPC is not a legal requirement are not bound by the prohibition on letting sub-standard property.
- 8.4.4** The Council will check that properties in the district falling within the scope of the Regulations meet minimum levels of energy efficiency.
- 8.4.5** Formal action taken by the Council may include service of a compliance notice for further information or requiring remedial action, a financial penalty notice and/or a publication penalty where a breach of the Regulations has been established.
- 8.4.6** The Council have outlined the maximum penalties available per breach, and the considerations which will be taken into account in setting the level of penalty in Appendix C.

## **9. Arrangements to Implement the Policy**

- 9.1** Officers implementing this policy will have regard to current national guidelines and local circumstances. At times of national crisis, such as a public health emergency, temporary regulations may come into force which may impact how local authorities carry out their housing enforcement functions, and impose changes which will supersede this policy. In such circumstances, where contrary guidance is issued, the Council will integrate current advice into their working practices.
- 9.2** Customers will be notified of the impact any such temporary regulations have on the Council's housing enforcement functions and where appropriate, provided a link to the relevant guidance.
- 9.3** Enforcement will only be undertaken by authorised officers. Only competent and suitably qualified and experienced officers will be so authorised, and their authority will reflect their competence, qualities and experience.

## **10. Standards**

- 10.1** West Lindsey District Council aims to deliver a quality service. In matters relating to housing enforcement, officers will:
  - Respond to all urgent requests for service within 2 working days

- Acknowledge all non-urgent requests for service within 2 working days
- Respond to all non-urgent requests for service within 10 working days
- Give tenants and occupiers clear advice about the extent of any action which the Council is able to take, and provide copies of any notices sent to the landlords as specified in the appropriate legislation
- Advise landlords and property owners of their legal responsibilities and, if the Council is taking enforcement action, advise exactly what is expected of them and any right of appeal

## **11. Links with Other Policies**

**11.1** This policy has been considered alongside the following;

- The Housing Assistance Policy;
- The Corporate Enforcement Policy;
- The West Lindsey Housing Strategy;
- The Banning Order Policy
- The Civil Penalties Policy
- Houses in Multiple Occupation Standards

## **Appendix A**

### **Smoke and Carbon Monoxide Alarm Statement of Principles**

This statement of principles is in relation to the “*The Smoke and Carbon Monoxide Alarm (England) Regulations 2015*”, which can be found here <http://www.legislation.gov.uk/id/uksi/2015/1693>

The Penalty Charge Notice (PCN) recognises the failure on the landlord’s part to comply with legislation. In determining the PCN amount the following has been taken into consideration:

- The administrative and professional costs incurred by the local authority in regards to the remedial works, the serving of formal notices, any informal steps taken and in determining reasonable grounds.
- The costs incurred by the local authority in completing the relevant remedial works required
- The failure on the landlords behalf to complete the required works within the period given.
- Previous unspent conviction or WID specifically in relation to the owners role as a landlord
- Previous remedial action under Smoke Alarm and CO legislation or by the Fire and Rescue Service
- The type or condition of property in which the offence has been committed
- The risk of harm relating to the specific case

### **Payment of the Penalty Charge**

- A landlord issued with a PCN is required to pay it within a specified period. This period will be confirmed on the PCN and will take into consideration the level of fine that has been applied. This period will usually be 28 days. Should the payment of the PCN for a first offence under this legislation be made within 14 days of its issue, the fine will be reduced by £200.
- If a landlord does not agree with the PCN issued they must apply to the local authority to review this, in writing, within 14 days of issue. The local authority will then confirm whether to confirm, vary or withdraw the notice and will serve a notice of decision on the landlord.
- If the local authority confirms or varies a PCN, it will inform the landlord that they can appeal to the First-tier tribunal.

### **Appendix B**

**Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014**

To ensure the effectiveness of the requirement for lettings and property management agents to belong to a redress scheme, there must be a process for ensuring compliance and a fair and effective penalty where the requirement is not met.

The enforcement authority can impose a fine of up to £5,000 where it is satisfied, on the balance of probability, that someone is engaged in letting or management work without being a member of a redress scheme.

The two Government-approved redress schemes are:

- Property Redress Scheme ([www.theprs.co.uk](http://www.theprs.co.uk))
- The Property Ombudsman ([www.tpos.co.uk](http://www.tpos.co.uk))

The agreed level of fine will be based on the following principles:

- Single instance of non-compliance – Notice of Intent served to issue £1000 fine
- More than one non-compliance and/or complaint received about agents conduct – Notice of intent served to issue £2500 fine
- Multiple and persistent non-compliance and/or complaints received about agents conduct – Notice of Intent served to issue £5000 fine.

Each fine will be calculated on a case by case basis and regards will be given to:

- The previous conduct of the agent
- The number of persons affected by the breach
- The risk of harm from poor management of the properties
- The turnover/scale of the business

The Council will consider any representations made by the lettings agent or property manager during the 28 day period following the notice of intention to issue a fine, prior to making a determination as to (a) whether to impose a fine, and (b) the level of fine, if one is to be imposed.

## Appendix C

### Energy Efficiency (Private Rented Sector) (England and Wales) Regulations 2015

In circumstances where the Council is satisfied that a landlord has breached the Regulations, they are able to serve a financial penalty up to 18 months after a believed breach – including in cases where a person is no longer the landlord for the affected property.

The maximum penalties which can be imposed in respect of a breach are outlined below:

<b>Breach</b>		<b>Maximum Penalty</b>
<b>(a)</b>	Renting out a non-compliant property	If breach period is less than three months, the Council may impose a financial penalty of up to £2,000
		If the breach period is three months or more, the Council may impose a financial penalty of up to £4,000
<b>(b)</b>	Registering false or misleading information on the PRS Exemptions Register	The Council may impose a financial penalty of up to £1,000
<b>(c)</b>	Failure to comply with a compliance notice	The Council may impose a financial penalty of up to £2,000

The Council is able to impose multiple penalties in respect of a combination of breaches between rows (a), (b) and (c) but cannot impose two penalties on a landlord in respect of renting out the same non-compliant property for the two different lengths of time outlined in row (a). Where multiple penalties are imposed in respect of the same property, the total amount of the financial penalty may not be more than £5,000.

The Council will consider the severity of the offence, and the level of culpability in the offence having been committed in determining the appropriate level of penalty.

**When determining the level of severity, the Council will consider:**

- The harm, or potential for harm: i.e. the relative danger that persons have been exposed to, number of occupants, vulnerable occupants, identifiable risks to health or psychological distress
- The discrepancy between the legal requirement and the circumstances arising from the breach: i.e. where there is a significant shortfall between the prescribed standard and the achieved standard on an EPC

**When determining the level of culpability the Council will consider:**

- The track record of the offender: i.e. previous enforcement activity/historic involvement with the landlord

- The landlord’s mind set in breaching the Regulations: i.e. evidence that the landlord was aware of their responsibilities or knowingly provided incorrect information in connection with exemptions under the Regulations

The below table provides a guide as to how these factors are weighed in calculating the final level of penalty:

	<b>Low Severity</b>	<b>High Severity</b>
<b>Low Culpability</b>	50%	75%
<b>High Culpability</b>	75%	100%

The percentages outlined are in relation to the proportion of the maximum financial penalty available for the relevant breach.

A person issued with a penalty notice has the right to request a review of the notice. This must be made in writing to the Council within one calendar month of the penalty notice having been served. Requests for review received after the prescribed time will be considered at the Council’s discretion.

Where the Council has established a breach of the Regulations, they may also impose a publication penalty alongside, or as an alternative to, a financial penalty. This will involve publishing:

- the landlords name (where it is a company);
- details of the breach;
- the address in relation to which the breach occurred; and
- the amount of any financial penalty imposed

In making the decision to impose a publication penalty, and if one is to be imposed the length of time the information will be published for, the Council will consider the severity and culpability of the breach, as outlined above. Consideration will also be given to the Ministry of Justice guidance in respect of publishing sentencing outcomes.

## **Appendix D - References**

### ***Legislation***

- Housing Act 1985
- Housing Act 2004
- Environmental Protection Act 1990
- Landlord and Tenant Act 1972
- Local Government (Miscellaneous Provisions) Act 1976
- Local Government (Miscellaneous Provisions) Act 1982
- Housing Act 1996
- Housing Grants, Construction and Regeneration Act 1996
- Local Government and Housing Act 1989
- Building Act 1984
- Defective Premises Act 1976
- Public Health Act 1936
- Public Health Act 1961
- Protection from Eviction Act 1977
- Prevention of Damage by Pests Act 1949
- Law of Property Act 1925
- Town and Country Planning Act 1990
- Acquisition of Land Act 1981
- The Caravan Sites and Control of Development Act 1960, as amended by the Mobile Homes Act 2013
- The Energy Act 2013
- The Housing and Planning Act 2016
- Renters Rights Act 2025

### ***Regulations and Orders***

- The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) 2006
- The Management of HMO (England) Regulations 2006
- The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007
- The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006, amended 2012
- The Housing (Interim Management Orders) (Prescribed Circumstances) (England) Order 2006
- Compulsory Purchase of Land (Prescribed Forms) (Ministers) Regulations 2004, SI No. 2595
- The Construction (Design and Management) Regulations 2007
- The Housing Health and Safety Rating System (England) Regulations 2005
- Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014.
- The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

- The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015
- The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

### ***Circulars and Guidance***

- Housing Health and Safety Rating System Enforcement Guidance: Housing Act 2004 Part 1 - housing conditions
- Housing Health and Safety Rating System Operating Guidance: Housing Act 2004 - guidance about inspections and assessment of hazards given under section 9, DCLG 2006
- Examples to Support the Housing Health and Safety Rating System V2, ODPM March 2004
- Lacors Housing - Fire Safety, Guidance on fire safety provisions for certain types of existing housing, July 2008
- Compulsory Purchase and the Crichel Down Rules, ODPM Circular 6/2004
- Civil Penalties Guidance : <https://www.gov.uk/government/publications/civil-penalties-under-the-housing-and-planning-act-2016>
- <https://www.gov.uk/government/publications/the-private-rented-property-minimum-standard-landlord-guidance-documents>
- Rent Repayment Orders under the Housing and Planning Act 2016  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/60665/4/Rent\\_Repayment\\_Orders\\_guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60665/4/Rent_Repayment_Orders_guidance.pdf)
- Guidance for landlords and Local Authorities on the minimum level of energy efficiency required to let domestic property under the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015.
- Renters Rights Act 2025 Guidance for Local Authorities and Councils.  
<https://www.gov.uk/government/collections/renters-rights-act-guidance-for-local-authorities-and-councils>

# Civil Penalties Policy

Housing and Environmental Enforcement  
Civil Penalties Policy

## **1. Introduction**

- 1.1.** The Council is committed to improving the housing standards within West Lindsey and ensuring that properties within the private rented sector are well managed, free from hazards and safe for those that occupy them.
- 1.2.** The Council recognises that the majority of landlords operate in a legal and professional manner and work to ensure that their properties meet the required standards.
- 1.3.** However, alongside this, there are criminal and irresponsible landlords who poorly manage and maintain property and, in some cases, knowingly flout the regulations and laws that they are due to abide by.
- 1.4.** The Government has given local housing authorities additional powers to use civil penalties robustly to deter poor practice and prevent serious non-compliance. The statutory maximum levels introduced through the Renters Rights Act 2025 are as follows:
  - Renters' Rights Act 2025 offences - up to £7,000 for specified breaches.
  - Housing Act 2004 offences - up to £40,000 for specified breaches.
  - Protection from Eviction Act 1977 offences - up to £40,000 for specified breaches.

Additional enforcement measures available to local authorities include:

- Extension of rent repayment orders to cover illegal eviction, breach of a banning order, failure to comply with an improvement notice and certain other specified offences (came into force on 6 April 2017)
  - Database of rogue landlords and property agents who have been convicted of certain offences or received multiple civil penalties
  - Banning orders for the most serious and prolific offenders
- 1.5.** On 1 June 2020, the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 ('the Regulations') came into force. Following amendments introduced by the Renters' Rights Act 2025, local authorities may now impose financial penalties of up to £40,000 for breaches of these Regulations. This policy, and the associated scoring matrices, apply to financial penalties issued in respect of breaches of the Regulations unless otherwise specified
  - 1.6.** In order for the Council to issue civil penalties it must have a policy in place. This policy sets out our approach to issuing penalties and provides guidance on how the level of fine will be set.

## **2. Expectations**

- 2.1.** Guidance issued by Government makes clear that it expects local housing authorities to use their new powers robustly in order to clamp down on rogue landlords, to deter poor practice and prevent serious non-compliance.

- 2.2.** The statutory maximum levels introduced through the Renters' Rights Act 2025 (£7,000 for specified breaches) and £40,000 for serious Housing Act 2004 and Protection from Eviction Act 1977 offences ensure penalties can provide meaningful deterrence. The guidance is also clear that the maximum penalty of £40,000 should only be reserved for the very worst offenders.
- 2.3.** In determining whether to prosecute or issue a civil penalty the Council will need to ensure that the same criminal standard of proof is obtained. The Council will satisfy itself that if the case were to be prosecuted in the magistrate's court that there would be a realistic prospect of conviction. In order to do so the Council would take into consideration its Corporate Enforcement Policy and its Housing Enforcement Policy, alongside seeking legal advice and other guidance. If either of these sanctions are not appropriate, then in line with the Corporate Enforcement Policy other measures may be considered.
- 2.4.** It should be noted that for certain offences within the Housing Act letting agents, property agents and managing agents can also be prosecuted and therefore under this policy can be issued with a civil penalty. The term "landlord" within this policy refers to all of these groups. The level of civil penalty issued can be different for each party in regard to the same offence and will consider the circumstances specific to the individual party.
- 2.5.** For the purposes of this policy, a 'relevant penalty' means a financial penalty imposed under section 16I or section 16K of the Housing Act 1988, where the final notice for that penalty has not been withdrawn.
- 2.6.** It should be noted that the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 do not enable the Council to prosecute as an alternative to issuing a financial penalty in respect of a breach of those regulations.

### **3. Offences**

- 3.1.** The offences where the use of a civil penalties will be permitted are as follows:

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

- Attempting to let a property for a fixed term under section 16E of the Housing Act 1988.
- Failure to give a written statement of terms and any other prescribed information under section 16D 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**:

- 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.

**3.2.** Financial penalties can also be issued where there has been a breach of the Electrical Safety Private Rented Sector (England) Regulations 2020

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.

#### **4. Considerations**

**4.1.** The Government has issued statutory guidance entitled Civil penalties under the Renters' Rights Act. 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.

- **The severity of the offence:** the more serious the offence the higher the penalty should be
- **The culpability and track record of the offender:** a history of non-compliance or deliberate action should increase the penalty amount
- **The harm caused to the tenant:** the greater the harm or potential for harm, the higher the penalty should be
- **The punishment of the offender:** the penalty should be set at a level to reflect that offence could be dealt with in a court of law and should have an impact upon the recipient
- **Whether it will deter the offender from repeating the offence:** the level of the penalty should be set as to help ensure that the offender does not offend again
- **Whether it will deter others from committing the offence:** the civil penalty will not be in the public domain. However, there is a likelihood that there will be an awareness of penalties issued through informal channels. The level of the penalty should seek to demonstrate that impact that non-compliance can have.
- **Whether it will remove any financial benefit the offender may have obtained as a result of committing the offence:** the offender should not benefit as a result of committing an offence i.e. it should not be cheaper to offend, than to properly manage and maintain a property.

## **5. Level of Civil Penalty to be Issued**

**5.1.** Any penalty issued must consider the relevant factors in the determination of its level. If it is determined that a civil penalty should be issued then the Council will determine the level of the penalty based on the methodology outlined in Table 1.

- This matrix adopts offence starting points that can apply a single overall adjustment of up to  $\pm 20\%$  to reflect mitigating and/or aggravating factors.
- The final amount is capped at the applicable statutory maximum for the breach or offence. All 3 tables referred to are shown in appendix 1. The final penalty amount is calculated using table 1, once consideration has been given to tables 2 and 3.

**5.2.** Table 2 gives offence specific penalties, which would be the starting point penalty amount for that offence (Column A). Column C enables a 20% reduction or increase to be applied depending on the impact matrix outcome on the specific offence. Column B details the maximum penalty that can be issued per offence.

**5.3.** Table 3 determines whether the 20% increase or decrease will be applied to the penalty for impact for the offence, based on the factors set out by the Government in considering the level of fine to be issued. The additional +/- amount attributed to this score is shown in Table 1, column 2. Where the circumstances of a case falls between the factors outlined in Table 3, the Council will decide as to which set of factors best reflects the overall nature of the offence.

**5.4.** Where the Council considers that the starting point adequately reflects the seriousness, culpability and impact of the offence, and no aggravating or mitigating factors are identified, no adjustment to the penalty level will be applied. This will be reflected in table 1, column 2 'No adjustment', meaning the Council will apply the starting point penalty without upward or downward modification.

**5.5.** The maximum penalty that can be issued will not exceed the statutory maximum detailed in Table 2 for each offence.

**5.6.** The Council may decide that that exceptional circumstances exist, and the mitigating or aggravating factors are significantly beyond what would ordinarily be expected for the type of breach or offence. In these cases, the Council may depart from the standard  $\pm 20\%$  adjustment, provided that:

- A clear and reasoned justification is recorded; and
- The final penalty does not exceed the statutory maximum for the offence.
- Exceptional circumstances are rare and require compelling evidence demonstrating that the overall seriousness, impact, culpability or context of the case cannot be proportionately addressed within the standard  $\pm 20\%$  adjustment range.

**5.7.** The starting points for the civil penalties set out in the statutory guidance are applicable nationally. Where rents are lower or higher than average in the UK, the Council will apply a general adjustment in recognition that a civil penalty

of the same amount is likely to have a weaker deterrent in Local authority areas with high average rents than those with low average rents. This consideration will be detailed in Table 1 column 3.

**5.8.** The percentage reduction shall be calculated by comparing the actual rental income to the relevant ONS average, using the following method:

- Determine the proportion of the ONS average rent that is not achieved by the affected property; and apply this shortfall as a percentage reduction to the baseline financial penalty.
- This can be expressed as  $\text{Reduction (\%)} = (\text{ONS Average Rent} - \text{Actual Rent}) \div \text{ONS Average Rent} \times 100$

**5.9.** Any percentage adjustment for local rent levels must not exceed the percentage by which these are higher or lower in the local authority area than the national average.

- Average monthly rents will be calculated using the Office for National Statistics' (ONS) monthly 'Private rent and house prices, UK' Statistical bulletin. [Private rent and house prices, UK - Office for National Statistics](#)
- The Average monthly rent figure will be taken from the ONS at the time that the penalty is calculated.

**5.10.** Any percentage adjustment made will consider the need to retain differences in final penalties imposed that reflect the seriousness of the breach of offence and aggravating or mitigating factors.

**5.11.** The Council will apply the percentage reduction based on the actual rental income received from the affected property per month, using the information available. Where the actual rental income cannot be determined, the Council will apply the average rental income in the West Lindsey area.

## Worked Examples

**Example A** – a landlord is non-compliant with an improvement notice which seeks to address 3 Category 1 Hazards. The landlord owns 5 properties and has had previous enforcement action taken against them. The tenant is elderly and vulnerable. The rental income received per month is £800.

- 1	2		3	4
<i>Offence specific penalties</i>	Table 3 impact matrix score	Level of penalty	Rental adjustment %	Total
<i>Total for each penalty shown in Table 2, column A</i> <b>£25,000</b>	Low/Moderate	-20%	-42%	Level of civil penalty to be applied £17,400
	High/Severe	+20%	-£12,600	

			(maximum £40,000)
<b>Cumulative total: £25,000</b>	<b>£30,000</b>	<b>£17,400</b>	<b>£17,400</b>

**Example B** – a landlord commences a tenancy on a property after 1<sup>st</sup> July 2020 which has an ‘Unsatisfactory’ graded electrical report, due to three Code 2 observations recorded. He has not carried out required remedial works within the specified timeframe. The landlord owns no other properties but has previously had enforcement action taken against them at this address. The tenant is vulnerable. The rental income received per month is £550.

<b>- 1</b>	<b>2</b>		<b>3</b>	<b>4</b>
<b>Offence specific penalties</b>	<b>Table 3 impact matrix score</b>	<b>Level of penalty</b>	<b>Rental adjustment %</b>	<b>Total</b>
<i>Total for each penalty shown in Table 2, column A</i> <b>£12,500</b>	Low/Moderate	-20%	-59%	Level of civil penalty to be applied <b>£6,150</b> (maximum £40,000)
	High/Severe	+20%	-£8,790	
<b>Cumulative total: £12,500</b>	<b>£15,000</b>		<b>£6,150</b>	<b>£6,150</b>

**Example C** - A landlord has failed to provide a tenant with the required written statement of terms and all prescribed information at the start of a tenancy, as required under section 16D Housing Act 1988 (as amended). The landlord owns one property, has no previous enforcement action against them and the tenant is a single adult. The rental income received per month is £750.

<b>- 1</b>	<b>2</b>		<b>3</b>	<b>4</b>
<b>Offence specific penalties</b>	<b>Table 3 impact matrix score</b>	<b>Level of penalty</b>	<b>Rental adjustment %</b>	<b>Total</b>
<i>Total for each penalty shown in Table 2, column A</i> <b>£4,000</b>	Low/Moderate	-20%	-45%	Level of civil penalty to be applied <b>£1756.80</b> (maximum £7,000)
	High/Severe	+20%	-£1443.20	
<b>Cumulative total: £4,000</b>	<b>£3,200</b>		<b>£1,756.80</b>	<b>£1756.80</b>

## **6. Additional Factors**

- 6.1.** Once the Council has decided to issue a civil penalty the recipient will be notified and given 28 days to make representations about the matter. After this period of time the Council will consider any representation and decide whether to impose a penalty and, if so, the amount of the penalty. A final notice is then issued giving the recipient 28 days to make payment.
- 6.2.** The Council can, following representations withdraw a notice or reduce the amount specified for payment within the notice. Any decisions made in this regard will be considered on a case by case basis and reflect the considerations set out within Government guidance and this policy.
- 6.3.** In determining the level of penalty the financial position of the landlord will be considered. This will include a review of any income they receive and any assets they own. It is the responsibility of the offender to disclose information to the Council if they wish for this to be taken into consideration to enable the Council to review its decision.
- 6.4.** In many cases landlords own more than one property or asset, which they may be able to sell or borrow against. Subject to consideration of individual mortgages and other financial matters the Council is unlikely to consider claims of financial hardship from those landlords with multiple properties or assets.
- 6.5.** Where a civil penalty is issued, the Council will give consideration to the pursuit of a rent repayment order and/or making an entry into the rogue landlord database in the circumstances in which either apply.
- 6.6.** Any person issued with a civil penalty has a right of appeal to the First Tier Tribunal. The tribunal can determine whether to confirm, vary (increase or reduce) or cancel the civil penalty that the Council has issued.
- 6.7.** The Council will consider securing the debt incurred by the issuing of a civil penalty to ensure that the debt is recovered in full. This is likely to be via a charging order from the court but may use other debt recovery processes. Any debt secured in court will then be subject to interest payments.
- 6.8.** The Council will consider a landlord's ability to pay and whether a form of payment plan should be offered. Any payment plan would be relative to the amount of penalty issued, the offender's ability to pay and would not exceed 24 months. Where a payment plan is defaulted upon the Council would seek to recover the penalty via a charging order.
- 6.9.** 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.
- 6.10.** Income received from the issuing of financial penalties will be retained by the Council and used for the purpose of meeting the costs and

expenses incurred in relation to carrying out its enforcement functions in relation to the private rented sector.

- 6.11.** Where multiple penalties are issued to a landlord, which are considered to be within the same course of conduct the Council will consider the totality of the penalty in its final decision. Where totality is applied the decision will be explained and justified.

**Appendix 1**

**Table 1: Civil penalty level for relevant offences**

**(Column 1 + Column 2 + Column 3 = Column 4)**

- 1	2		3	4
<i>Offence specific penalties</i>	Table 3 impact matrix score	Level of penalty	Rental adjustment %	<b>Total</b>
<i>Total for each penalty shown in Table 2, column A</i>	Low/Moderate	-20%		Level of civil penalty to be applied xxxxx (maximum xxxx)
	No adjustment			
	High/Severe	+20%		
<b>Cumulative total:</b>				

**Table 2: Offence specific penalty and other penalties**

Legislation / Regs	Provision	Offence / Breach	Starting point (A)	Statutory maximum (B)	+/- 20% (C)
Protection from Eviction Act 1977	s.1	Unlawful eviction and harassment of occupier	£35,000	£40,000	£7,000
Housing Act 1988	s.16D	Failure to give a written statement of terms and prescribed information	£4,000	£7,000	£800
Housing Act 1988	s.16E(1)(a)	Attempting to let a property for a fixed term	£4,000	£7,000	£800
Housing Act 1988	s.16E(1)(b)	Attempting to end a tenancy by notice to quit	£6,000	£7,000	£1,200
Housing Act 1988	s.16E(1)(c)	Attempting to end a tenancy orally / requiring oral end	£6,000	£7,000	£1,200
Housing Act 1988	s.16E(1)(d)	Serving an eviction notice outside the prescribed s.8 process	£6,000	£7,000	£1,200
Housing Act 1988	s.16E(1)(e)	Relying on a ground without reasonable belief landlord can obtain possession (tenant surrendered within 4 months)	£6,000	£7,000	£1,200
Housing Act 1988	s.16E(1)(f)	Failing to provide prior notice that a ground may be used	£3,000	£7,000	£600
Renters' Rights Act 2025	Sch.6 para 7(2)	Failure to give existing tenant prescribed information about changes	£4,000	£7,000	£800
Housing Act 1988	s.16J(3)	Continuation of conduct subject to a relevant penalty after 28 days (or after appeal) where final notice not withdrawn	Double the starting levels for the two constituent breaches added together	£40,000	Dependent on the constituent breaches

Housing Act 1988	s.16J(4)	Repeat conduct giving rise to liability under s.16I within 5 years	Double the starting levels for the two constituent breaches added together	£40,000	Dependent on the constituent breaches
Housing Act 1988	s.16J(1)	Relying on a ground knowing landlord cannot obtain possession or reckless	£30,000	£40,000	£6,000
Housing Act 1988	s.16J(2)	Breach of restrictions on reletting/remarking within restricted period after Grounds 1/1A	£25,000	£40,000	£5,000
Housing and Planning Act 2016	s.21(1)	Breach of a banning order	£35,000	£40,000	£7,000
Renters' Rights Act 2025	s.33(1)	Discrimination relating to children in the lettings process	£6,000	£7,000	£1,200
Renters' Rights Act 2025	s.34(1)	Discrimination relating to benefits in the lettings process	£6,000	£7,000	£1,200
Renters' Rights Act 2025	s.56(2)	Failure to specify proposed rent within a written advertisement or offer	£3,000	£7,000	£600
Renters' Rights Act 2025	s.56(3)	Inviting/encouraging/accepting offer of rent greater than stated rate	£4,000	£7,000	£800
Electrical Safety Standards (England) Regulations 2020	Reg.3/3D	Breach of duty (Reg 3(3)(b)(d)(e) and Reg 3D(a)(b)(c)(f))	£5,000	£40,000	£1,000

Electrical Safety Standards (England) Regulations 2020	Reg.3/3B/3C /3D	Breach of duty (Reg 3(1)(a)(b)(c), 3(3)(a)(c)(ca), 5(b)(c), Reg 3B(1)(a)(b)(c), Reg 3C(1)(2)(a), Reg 3D(d)(e))	£12,500	£40,000	£2,500
Electrical Safety Standards (England) Regulations 2020	Reg.3/3C	Breach of duty Reg 3(4), Reg 5(1)–5(3), Reg 6; and Reg 3C(2)(b), (4)	£20,000	£40,000	£4,000
Housing Act 2004	s.30(1)	Failure to comply with an improvement notice	£25,000	£40,000	£5,000
Housing Act 2004	s.139(7)	Failure to comply with an overcrowding notice	£20,000	£40,000	£4,000
Housing Act 2004	s.72(1)	Failure to obtain an HMO licence	£17,000	£40,000	£3,400
Housing Act 2004	s.72(2)	Knowingly permitting over-occupation of an HMO	£20,000	£40,000	£4,000
Housing Act 2004	s.234(3)	Failure to comply with management regulations in respect of HMOs (per breached regulation)	See Management Regulation starting points below	£40,000	
HMO Management Regulations	Reg.3 / Add. Provisions Reg.4	Duty of manager to provide information to occupier	£3,000	£40,000	£600
HMO Management Regulations	Reg.4 / Add. Provisions Reg.5	Duty of manager to take safety measures	£20,000	£40,000	£4,000
HMO Management Regulations	Reg.5 / Add. Provisions Reg.6	Duty of manager to maintain water supply and drainage	£10,000	£40,000	£2,000

HMO Management Regulations	Reg.6 / Add. Provisions Reg.7	Duty of manager to supply and maintain gas and electricity	£12,000	£40,000	£2,400
HMO Management Regulations	Reg.7 / Add. Provisions Reg.8	Duty of manager to maintain common parts, fixtures, fittings and appliances	£7,000	£40,000	£1,400
HMO Management Regulations	Reg.8 / Add. Provisions Reg.9	Duty of manager to maintain living accommodation	£7,000	£40,000	£1,400
HMO Management Regulations	Reg.9 / Add. Provisions Reg.10	Duty to provide waste disposal facilities	£7,000	£40,000	£1,400
Housing Act 2004	s.72(3)	Failure to comply with HMO licence conditions (Category 1 – administrative/procedural)	£4,000	£40,000	£800
Housing Act 2004	s.72(3)	Failure to comply with HMO licence conditions (Category 2 – repairs/maintenance/inspection procedures etc.)	£7,000	£40,000	£1,400
Housing Act 2004	s.72(3)	Failure to comply with HMO licence conditions (Category 3 – safety documentation/ASB/amenities works etc.)	£12,500	£40,000	£2,500
Housing Act 2004	s.72(3)	Failure to comply with HMO licence conditions (Category 4 – occupancy/floor areas/households limits)	£20,000	£40,000	£4,000

Housing Act 2004	s.72(3)	Failure to comply with HMO licence conditions (Category 5 – fire safety/means of escape/smoke/CO etc.)	£25,000	£40,000	£5,000
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### Table 3: Impacts scoring matrix

Answer each of the questions 1 – 5 below to determine any mitigation/aggravating factors to be considered.

Score		Low/Moderate	High/Severe	Justification Summary
1	Severity of harm or potential harm caused	<p>No identified risk Previous/current occupant not in vulnerable category. No impact assessed</p> <p><b>OR</b></p> <p>Moderate level risk(s) to relevant persons. Previous/current occupant not in vulnerable category. Low impact assessed</p>	<p>High level risk(s) to relevant persons. Previous/current occupant in vulnerable category. Occupants affected frequently or by occasional high impact occurrences.</p> <p><b>OR</b></p> <p>High level of risk(s) to relevant persons. Previous/current occupant in vulnerable category. Multiple individuals at risk. Occupants are severely and/or continually effected.</p>	<b>1.</b>
2	Number of properties owned/managed /experience.	1 – 3	4 – 8	<b>2.</b>
3	Culpability and Track record	<p>No previous enforcement history. Minimal prior contact. Clear evidence of action not being deliberate</p> <p><b>OR</b></p> <p>1 or more previous enforcement notice served. Clear evidence of action not being deliberate</p>	<p>1 or more enforcement notice served. Offender ought to have known that their actions were in breach of legal responsibilities</p> <p><b>OR</b></p> <p>Significant evidence of historical non-compliance Actions were deliberate or offender knew or ought to of known that their actions were in breach of their legal responsibilities</p>	<b>3.</b>

4	<b>Removal of financial incentive</b>	Little or no income received <b>OR</b> Low income received	Moderate income received <b>OR</b> High income received	<b>4.</b>
5	<b>Deterrence and prevention</b>	High confidence that penalty will deter repeat offence. <b>OR</b> Medium confidence that penalty will deter repeat offence.	Low confidence that penalty will deter repeat offence. <b>OR</b> No confidence that penalty will deter repeat offence.	<b>5.</b>
6	<b>Other considerations</b>			<b>6.</b>
<b>Outcome:</b>				<b>Low/Moderate, No adjustment, High/Severe</b>