

# 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 xxxxx)
	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		<i>Low/Moderate</i>	<i>High/Severe</i>	<i>Justification Summary</i>
1	<b>Severity of harm or potential harm caused</b>	<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	<b>Number of properties owned/managed /experience.</b>	1 – 3	4 – 8	<b>2.</b>
3	<b>Culpability and Track record</b>	<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	4.
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.	5.
6	<b>Other considerations</b>			6.
<b>Outcome:</b>				<b>Low/Moderate, No adjustment, High/Severe</b>