Public Document Pack

Service Director – Legal, Governance and Commissioning
Samantha Lawton

Governance and Commissioning
PO Box 1720
Huddersfield
HD1 9EL

Tel: 01484 221000
Please ask for: Jenny Bryce-Chan
Email: jenny.bryce-chan@kirklees.gov.uk
Friday 10 July 2026

Notice of Meeting

Dear Member

Growth and Regeneration Scrutiny Panel

The **Growth and Regeneration Scrutiny Panel** will meet in the **Council Chamber - Town Hall, Huddersfield** at **10.00 am** on **Monday 20 July 2026.**

This meeting will be live webcast. To access the webcast please go to the Council's website at the time of the meeting and follow the instructions on the page.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

Samantha Lawton

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Growth and Regeneration Scrutiny Panel members are:-

Member
Councillor Timothy Bamford (Chair)
Councillor Khuram Amjad
Councillor Simon Holbrook
Councillor Andrew Pinnock
Councillor Imran Safdar
Councillor Michael Simmons
Chris Friend (Co-Optee)

Agenda
Reports or Explanatory Notes Attached

Pages

1: Membership of the Panel

To receive apologies for absence from those Members who are unable to attend the meeting.

2: Minutes of the Previous Meeting — 1 - 10

To approve the minutes of the meeting of the Panel held on the 9th March 2026.

3: Declaration of Interests — 11 - 12

Members will be asked to say if there are any items on the Agenda in which they have any disclosable pecuniary interests or any other interests, which may prevent them from participating in any discussion of the items or participating in any vote upon the items.

4: Admission of the Public

Most agenda items take place in public. This only changes where there is a need to consider exempt information, as contained at Schedule 12A of the Local Government Act 1972. You will be informed at this point which items are to be recommended for exclusion and to be resolved by the Panel.

5: Deputations/Petitions

The Panel will receive any petitions and/or deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also submit a petition at the meeting relating to a matter on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10, Members of the Public must submit a deputation in writing, at least three clear working days in advance of the meeting and shall subsequently be notified if the deputation shall be heard. A maximum of four deputations shall be heard at any one meeting.

6: Public Question Time

To receive any public questions.

In accordance with Council Procedure Rule 11, the period for the asking and answering of public questions shall not exceed 15 minutes.

Any questions must be submitted in writing at least three clear working days in advance of the meeting.

7: Renters' Rights Act 2025 - adoption of relevant policies — 13 - 84

This report provides an update on the implementation of the Renters' Rights Act 2025.

Contact: Sarah Holmes, Head of Housing Services, Tel 01484 221000.

8: New H&N Building Safety Policies — 85 - 176

This report provides information on a number of new Homes & Neighbourhoods building safety policies.

Contact: Joe Keating, Head of Assets and Building Safety and Blake Hamblett H&N General Manager, Building Safety Compliance Tel: 01484 221000.

9: Complaints Improvement Programme — 177 - 184

This report provides Scrutiny Members with an overview of the Homes and Neighbourhoods Complaints Improvement Programme.

Contact: Erran Taylor, Head of Housing Governance & Assurance Tel: 01484 221000.

This page is intentionally left blank

Contact Officer: Jenny Bryce-Chan

KIRKLEES COUNCIL

GROWTH AND REGENERATION SCRUTINY PANEL

Monday 9th March 2026

Present:	Councillor Zarina Amin (Chair) Councillor Timothy Bamford Councillor Donna Bellamy Councillor Harry McCarthy Councillor Alison Munro
Co-optees	Chris Friend
In attendance:	Cllr Moses Crook, Deputy Leader and Cabinet Member for Transport and Housing Cllr Graham Turner, Cabinet Member for Finance and Regeneration Joanne Bartholomew, Service Director Development Phil Jones, Service Director for Homes and Neighbourhoods Johanna Scrutton, Group Leader, Planning Policy and Strategy Liz Jefferson, Acting Head of Housing Growth Mathias Franklin, Head of Planning and Development David Shepherd, Executive Director for Place
Observers:	Cllr John Taylor Cllr Mohan Sokhal

44 Membership of the Panel

No apologies were received.

45 Minutes of the Previous Meeting

RESOLVED:

That the minutes of the meeting held on the 26th January 2026, be approved as a correct record.

46 Declaration of Interests

No interests were declared.

47 Admission of the Public

All agenda items were considered in public session.

48 Deputations/Petitions

No deputations or petitions were received.

49 Public Question Time

No public questions were received.

50 Internal Assessment of Compliance with the Regulator of Social Housing Consumer Standards

Councillor Moses Crook introduced the agenda item informing the Panel that the report provides an update on compliance with the Regulator of Social Housing's Consumer Standards. In summary the Panel was informed that the report forms part of the Council's internal assessment and validation processes in preparation for any future inspection by the Regulator. All registered providers, including the Council as a landlord, are subject to such inspections.
The Panel was advised that, similar to other public sector inspection frameworks, the Council has no control over when an inspection takes place. As a result, it is important to maintain continuous assurance activity to ensure ongoing readiness and compliance with the Consumer Standards. The Council's priority remains the delivery of high-quality services for tenants, with compliance and, where possible, exceeding the required standards being fundamental to this objective.

External validation of the Council's internal assessment has been commissioned from the David Tolson Partnership to provide additional assurance that the assessments are rigorous and that any areas requiring improvement are clearly identified.

The Panel was informed that the Homes and Neighbourhoods Service has undergone significant transformation over the past two years, effectively addressing service deficits in areas such as damp, mould and condensation, fire safety, and water testing. The service has also taken steps to become more tenant-focused, ensuring that the tenant voice is embedded throughout service design and delivery.

A key element of the service's improvement work is the ongoing stock condition survey, which will provide up-to-date information on the condition of all Council homes and support the achievement and maintenance of high standards. This area of compliance, particularly in relation to the safety and quality standard, remains a continued focus for further improvement.

The Panel was advised that the service has taken action to address areas where standards had not been met. Successful social landlords continually seek opportunities to improve and to enhance the services provided to tenants. The Homes and Neighbourhoods Service exists solely to serve tenants, and the internal assessment will support further refinement of service delivery in line with this overarching purpose.

Cllr Crook informed the Panel that both his aspiration and that of the service is to achieve the highest C1 rating and to be among the top 11% of council housing providers. The report sets out an assessment of the service's current position against each of the Consumer Standards.

Phil Jones, Service Director for Homes and Neighbourhoods, informed the Panel that the assessment is measured against four areas of the Consumer Standards. Three of these areas are currently assessed as C2, which is positive, and one is assessed as C3. He highlighted that, while overall performance is strong across all standards, some ongoing issues within the Safety and Quality Standard may result in an overall C3 rating.

In response to the information presented, the Panel asked a number of questions and made comments including some of the following:

- Referring to section 2.3.1 of the submitted report where it states that three of the four consumer standards are C2, however gaps remain in safety and quality. What are the challenges and what is hindering progress on this?

- Regarding the appendix on page 23 of the submitted report, the report is in black and white but there is information in red, amber and green actions which is not possible to see progress on those. In addition, there is information showing circles and squares and it is not possible to determine what the circles and squares mean. Would it be possible for coloured copies of this information be circulated to the Panel?

- Regarding safety and quality information, it was mentioned that it would take a while for the survey to complete. Is that likely to be completed in time for a C2 level at the next inspection, and also what are the main challenges to conducting that stock condition survey?

- Despite the intention to avoid situations where tenants need to be decanted from their homes, have there been instances where this has been necessary and if so, what are the main challenges including the typical duration of such decant periods, and the proportion of properties affected?

RESOLVED:

That the Cabinet Member and officers be thanked for providing an update on the Internal Assessment of Compliance with the Regulator of Social Housing Consumer Standards.

51 Housing Growth Update

Cllr Graham Turner, introduced the agenda item informing the Panel that the report contains a number of positive developments, with progress being made across several challenging sites. He explained that although the Council remains short of its overall housing target, the team continues to work towards closing this gap, and a forthcoming update on the Local Plan is expected to support further progress.

Liz Jefferson, Acting Head of Housing Growth, informed the Panel that the update being presented, would include the work of the Housing Growth Team over the past 12 months, the strategic context in which the team operates, progress made on strategic sites, town centre living, specialist and affordable housing, and market housing. The presentation to the Panel would also highlight key learning, the challenges encountered, and the priorities for the year ahead.

In summary, the Panel was advised that, since coming to power in July 2024, the government placed a significant emphasis on building new homes and has made a commitment to deliver 1.5 million new homes in the next five years. This will be supported by the reintroduction of mandatory housing targets, reform of the planning system, and plans for a number of new towns.

The national commitment to increasing housing delivery is also reflected regionally, with one of the Mayoral pledges being the delivery of 5,000 affordable homes by 2028. In Kirklees, the current Strategic Housing Market Assessment identifies a need for 1,873 new homes per year across the district. The housing waiting list now exceeds 19,000 households, highlighting the significant level of local housing need, and in response, the Council is progressing a comprehensive programme of work.

The Panel was also informed that, over the past 12 months, an updated Housing Strategy for the period 2026-2031 has been developed. The draft Housing Strategy sets out a vision to ensure every resident has access to a suitable, safe and affordable home. A key focus of the strategy is enabling people to secure appropriate accommodation and prevent homelessness. The strategy addresses this through three core themes: housing need, housing quality, and housing growth and delivery.

The strategy has been developed against a backdrop of rising housing need, an ageing population, increasing cost-of-living pressures and widening inequalities. It provides a coordinated, long-term framework for responding to the housing challenges facing Kirklees.

With regard to strategic sites, the Panel was informed that Dewsbury Riverside, is the largest housing allocation in the current local plan and over the last 12 months, progress continues working closely with Homes England. Preliminary market engagement took place with master developers in the summer of last year.

Another focus has been the resolution of issues with neighbouring strategic landowners with whom dialogue and negotiation is ongoing. Unfortunately, it is not possible to progress to the procurement of a master developer until these issues have been resolved. Recent positive conversations have been held with the relevant landowners, and it is anticipated that there will be further progress over the summer.

In conjunction with that, procurement documents have been prepared in readiness to be issued as soon as the landowner issues are resolved.

Bradley Park, is a council owned strategic housing allocation that will deliver approximately 2000 homes. As reported at a previous scrutiny panel meeting, strategic acquisitions relating to access needed to be resolved before commencing procurement. One strategic property purchase has been completed and another two have been well advanced. The properties will be used as temporary accommodation for those in housing need until such time as they are demolished. As with the Dewsbury Riverside development, procurement documents are ready to be issued once the strategic property issues relating to access are resolved. Those property acquisitions are required to give certainty to prospective bidders around access.

The Panel was informed that in respect of town centre living, that an important part of the blueprint visions for town centres in Huddersfield and Dewsbury is to increase the number of people living in the town centres. This helps to increase footfall and supports and sustains other uses such as retail and leisure.

In Huddersfield, estate buildings has been identified as a council asset that can deliver housing and help to create a new housing offer, which would appeal to a new and different market from those currently living in the town centre, particularly graduates from the university who wish to remain in the area.

The Panel was informed that the Housing Growth Team successfully secured £1.25 million of One Public Estate Brownfield Land Release Funding in 2024. This funding has supported enabling works on surplus land and buildings identified for future housing development, with those works completed in 2025. A Cabinet report setting out the proposed delivery route for housing on these sites was considered in June last year.

The Panel was provided with information relating to the progress which is being continued across a number of key housing growth projects.

- Procurement activity has advanced, and in Dewsbury the primary focus remains on the Daisy Hill area, where previous acquisitions and earlier residential developments, such as the Station Apartments, have supported the emerging delivery approach within the Dewsbury Long-Term Plan. One key property was taken to market in 2025, and detailed proposals are now under consideration.

- Work is ongoing to deliver specialist housing at Kenmore Drive, Cleckheaton, an 80-unit extra-care scheme with Housing 21 has progressed well and is expected to complete in late summer.

- In Mirfield, partnership work with Connect Housing will deliver 13 homes for adults with social care needs, with legal matters close to resolution and a start on site anticipated mid-year. Alongside this, the service continues to address the significant demand for temporary accommodation, having identified and modelled a range of options, with further detailed work underway in collaboration with finance, legal and government partners.

- Work to support the delivery of affordable and mixed-tenure housing also continues. While three RP cluster sites were found to be unviable following detailed investigations, progress is expected on two sites in Cleckheaton during 2026, delivering 97 affordable and intermediate homes.

- The service's specialist team secured 73 affordable homes through the planning process in 2024–25, with further work ongoing. Mixed-tenure developments are also advancing, including the major Soothill scheme, which will deliver 319 homes (43% affordable), with completion expected by December.

- At Fenny Lane, Almondbury, legal and planning work with the appointed development partner has progressed, and the Ash View site has recently completed the delivery of 98 market homes and 21 affordable units.

The Panel was informed that in terms of key learning and challenges over the past year, the service has faced several challenges, particularly the continued pressure of a significant housing waiting list and the acute need for social rent homes. There has however, been a positive shift in the types of proposals being brought forward by developers, influenced in part by Homes England's new funding programme, which has led to an increase in schemes including social rent units.

The team has also encountered difficulties associated with developing infill sites, where Kirklees' hilly geography, high drainage costs and legacy issues from industrial and mining activity have rendered some sites unviable. Despite this, the service continues to explore innovative approaches, new partnerships and funding opportunities to overcome these barriers.

Looking ahead to the coming year, the focus will be on progressing strategic housing sites, increasing residential development within town centres, and supporting colleagues in Housing Solutions to expand the provision of temporary accommodation. The service will also work closely with Local Plan colleagues to support development and delivery as the new Local Plan moves forward.

In response to the information presented, the Panel asked questions and made comments including some of the following: -

- In respect of the current figure of 19,000 individuals and families on the housing waiting list is this up to date, or has it increased recently, and for how long has the number been at this level?

- In terms of clarity on the RP programme, it says that some of the sites were unviable and they are being considered for disposal. Does that mean they have not already been disposed of and the ones that are not viable potentially could remain within council ownership, or some alternative options could be found, and they won't necessarily transfer the ownership of that registered provider, is that right?

- On the five-year housing supply how far behind is it looking and is the outlook positive or is it looking negative?

RESOLVED:

That the Cabinet Member and officers be thanked for providing a Housing Growth update.

52 Updates on national planning reforms

Cllr Graham Turner, introduced the agenda item advising the Panel that this remains a rapidly evolving area, with frequent changes to national guidance and policy. Despite the pace of change, the small team are doing a very good job interpreting and responding to extensive and complex information. The team is undertaking work as preparations progress towards the future Local Plan, including adjusting elements of the current plan to avoid unnecessary duplication pending updated policy guidance.

In summary, Johanna Scrutton, Group Leader, Planning Policy and Strategy advised the Panel that there has been a great deal of planning reforms over the past 18 months to two years, and this work is still ongoing. These reforms have resulted in substantial policy revisions and have introduced new legislation, particularly through the Levelling Up and Regeneration Act, some of which the plan elements only came into commencement last week and the Planning and Infrastructure Act.

The scale and pace of recent planning reforms are considerable, representing the most substantial changes since the introduction of the National Planning Policy Framework in 2012. The Government is seeking to provide greater certainty in the operation of the planning system, encompassing both the preparation of local plans and the timely determination of planning applications, together with the effective delivery of development sites arising from those applications."

The government aims to move towards a more rule-based national planning system, with clear and consistent standards for applicants and developers. The Panel was informed that the information being presented will focus on the current reforms, ongoing consultations, and emerging proposals. This represents only a snapshot in time, as further guidance and additional reforms are expected.

The Panel was advised that one of the key reforms has been the overview of the National Planning Policy framework. A revised draught was published in December 2025, for consultation and the consultation date closes on the 10th March 2026. The consultation comprises of 225 questions on the proposed structure, format, policies and content. The planning services have worked across the council, engaging with our other council services who use our plan and not just in the delivery of their own developments, but also in the delivery of council plan objectives.

The National Planning Policy Framework (NPPF) has undergone substantial restructuring. The document now adopts a format more closely aligned with a Local Plan and, for the first time, includes a comprehensive set of 133 policies. These policies are divided into two categories: plan-making policies and decision-making policies.

The Government's intention, is to make planning policy more accessible. It is to provide a comprehensive suite of national policies which must be used by all local authorities across the country. The intention is to avoid unnecessary duplication within local plans and to limit divergence from national planning policy. This approach is designed to streamline plan preparation and prevent the creation of varying local standards, which can add complexity to the development process.

The Panel received an update on Chapter 2 of the draft framework, which confirms the government's continued commitment to a plan-led planning system and its intention to secure universal coverage of Local Plans across all local authorities as soon as possible. The chapter sets out a revised hierarchy of plans, including the introduction of Spatial Development Strategies, representing the re-establishment of a sub-regional planning tier. These strategies will define a strategic vision for growth and change across the region, covering housing, employment, and infrastructure. Spatial Development Strategies are now formally recognised within both the NPPF and the Planning and Infrastructure Act,

The Panel was advised that secondary legislation is still awaited to clarify the detailed requirements for their preparation. For Kirklees, this will require close collaboration with the West Yorkshire Combined Authority, which will lead the preparation of the regional strategy, as well as with neighbouring authorities, to ensure that local circumstances, priorities, and ambitions are properly reflected.

The government's intention to replace Supplementary Planning Documents with Supplementary Plans, which will have a more limited and focused scope. As part of this, existing documents such as the affordable housing supplementary guidance will need to be reviewed to determine how they align with the revised national policy framework.

The Panel was informed that Chapter 4 of the draft framework retains a strong emphasis on sustainability, with policies prioritising development within existing settlements and in locations with good access to services and sustainable transport options, including those identified under policy TR3. The intention is to support development close to key facilities, thereby reducing the need for travel and promoting more sustainable patterns of growth.

The updated NPPF also introduces several new annexes, which consolidate material previously dispersed across the NPPF and national Planning Practice Guidance. These annexes bring together the essential requirements relating to planning application validation, the revised standard method for calculating housing need, Green Belt assessment, and flood risk management. The government has not yet clarified the status or weight of the remaining Planning Practice Guidance that sits outside the NPPF; the draft framework refers only to its role in supporting implementation, and further clarification has been sought.

The Panel also received an overview of the twelve key development reforms set out in the draft NPPF (as detailed in section 2.18 of the appended report). These reforms primarily aim to promote development in sustainable locations and ensure more efficient use of land particularly brownfield land through opportunities for densification. The reforms also link to national expectations for contributing to the delivery of 1.5 million homes and to the local requirement for 1,873 homes per annum over the plan period.

The Panel was informed that new plan-making regulations and processes have been introduced. Since the preparation of the report to Scrutiny, updated plan-making regulations were laid before Parliament on 4 March 2026 and are expected to come into force on 25 March 2026. The implementation of these regulations introduces new statutory requirements for the commencement of a Local Plan, including the submission and publication of a Notice of Intention to Commence a new Local Plan timetable, together with revised scoping consultation obligations. Cabinet will consider approval to commence work under the new plan-making system at its meeting on 24 March.

With the introduction of the new plan-making regulations it does not mean that all the work undertaken to date is redundant. The substantial evidence already compiled can continue to be used, subject to a re-scoping exercise to ensure alignment with the revised NPPF requirements. Officers will also continue to work with internal and external partners to progress site assessments, including those submitted through the call-for-sites process.

The Panel was advised that, under the new statutory requirements, the scoping and consultation stages must take place only after the publication of both the notice of intention and the revised plan timetable. As a result, some duplication of work will be unavoidable. These steps must be completed within a minimum four-month period before the authority can progress to Gateway 1, at which point an independent assessment by the Planning Inspectorate will determine whether the work undertaken to date satisfies the required standards. Subject to passing Gateway 1, the Council will then move into the prescribed 30-month plan-making period,

The government is making funding available to support the transition to the new plan-making system. Kirklees has already secured funding to assist with evidence gathering and in January has submitted an expression of interest for additional financial support. The decision was supposed to be made on the 6th of March, but that has been pushed back to the middle of March.

The Panel was informed that a further key consultation closing on the 10th March 2026, relates to the emerging Design and Placemaking Planning Practice Guidance (PPG). This new guidance proposes consolidating four existing national design documents, including the National Design Guide, Design Processes and Tools, and the National Model Design Codes (Parts 1 and 2), into a single, streamlined and more accessible resource.

The proposed PPG is structured around seven elements of well-designed places, namely: liveability, climate resilience, nature, movement, built form, public space and identity. The importance of these principles in shaping homes and neighbourhoods that are durable, energy-efficient, and responsive to community needs, particularly in relation to long-term affordability and the cost of living in those homes was explained.

The Panel was informed that the guidance also clarifies how design principles should be applied through local design codes, marking a shift from the previous expectation for a district-wide design code. Local authorities will now be able to focus design coding on specific areas such as strategic allocations or masterplan sites. This more targeted approach is likely to be beneficial for Kirklees in the longer term.

The Panel was informed that the Planning and Infrastructure Act came into force at the end of 2025, introducing several provisions that will shape the operation of the planning service in future years. In particular, Section 53 of the Act gives the Secretary of State new powers to require mandatory training for members of planning committees and sub-committees, as well as to introduce a national scheme of delegation. These measures are intended to support more efficient and timely decision-making across planning authorities. The Council is currently awaiting the necessary regulations that will bring these provisions into effect.

In response to the information presented, the Panel asked questions and made comments including some of the following: -

- The report mentions a permanent presumption in favour of suitably located development; can you explain what that means?

- With regard to building homes around stations, including on greenbelt land, that seems to be changing the purpose of greenbelt.

- Through the consultation process, has further clarification been sought from the government to firm up the definition and application of the ‘grey belt’?

Cllr John Taylor who was in attendance at the meeting and asked a question regarding the definitions of sustainability, and connectivity and, what does good connectivity look like?

RESOLVED:

That the Cabinet Member and officers be thanked for providing an update on National Planning Reforms.

KIRKLEES COUNCIL			
COUNCIL/CABINET/COMMITTEE MEETINGS ETC **DECLARATION OF INTERESTS** Growth & Regeneration Scrutiny Panel			
Name of Councillor			
Item in which you have an interest	**Type of interest (eg a disclosable pecuniary interest or an "Other Interest")**	**Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]**	**Brief description of your interest**

Signed: ………………………………………… **Dated:** ……………………………………..

Agenda Item 3

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
(b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Report title	**Renters' Rights Act 2025 – adoption of relevant policies**
Meeting	**Growth and Regeneration Scrutiny Panel**
Date	**20th July 2026**
Cabinet Member (if applicable)	**To be confirmed**
Key Decision **Eligible for Call In**	**Yes** **Yes**

Purpose of Report

This report provides an update on the implementation of the Renters' Rights Act 2025. The report also seeks views and comments on two new policies which are required following the implementation of the Act, which are progressing through to Cabinet for approval (via pre-decision Scrutiny).

- Private Sector Housing Enforcement Policy (June 2026 v1.0)
- Civil Financial Penalty Policy - Private Sector Housing (June 2026 v1.0)

Recommendations

- That the Scrutiny Panel notes the update on progress with implementation of the Renters' Rights Act 2025
- That the Scrutiny Panel considers the two relevant policies which are progressing to Cabinet for approval -
  - Private Sector Housing Enforcement Policy
  - Civil Financial Penalty Policy

Reasons for Recommendations

- The creation/ adoption of new policies is necessary to align with legislative changes under the introduction of the Renters' Rights Act 2025.
- The policies are both legally compliant and based on statutory guidance provided by the Ministry of Housing, Communities and Local Government (MHCLG).
- The policies will support officers to carry out the necessary work to investigate and enforce the Act which covers the private rented sector (residential).
- The policies are transparent for tenants, landlords, and other relevant parties on the Council's approach to meeting legislative duties.
- The existing Council Enforcement Policy (Kirklees Guide to Enforcement, July 2024) covers a wide range of enforcement duties/functions undertaken across the Council and is already in use for private rented sector enforcement. The corporate enforcement approach is based on the Regulator's Code (Legislative and Regulatory Reform Act 2006) which is a framework providing clear principles for regulatory activities. The Renters' Rights Act 2025 sits purposely outside the Code, because the new Act is predicated on an 'enforcement first approach'. It therefore feels more appropriate to have a separate service-specific policy covering the Renters' Rights Act elements of private sector housing enforcement.

• With regards the intended ‘Civil Financial Penalty Policy – Private Sector Housing’, having this stand-alone document will allow for transparency when penalties are calculated and imposed; based on financial starting points outlined by MHCLG and gives general rationale as to how adjustment factors may be applied. The policy covers all penalties applicable to the private rented housing sector not just those in place under the Renters’ Rights Act. In addition, changes are being introduced from 23rd June 2026 to the Housing Health and Safety Rating System (HHSRS). This will include a new power for local authorities to impose an additional financial penalty for landlords whose properties have a Category 1 hazard. Both new policies also incorporate this amendment.
Resource Implications: There are no direct resource implications for adopting and publishing the two policies. Indirectly, there are resource implications for investigating potential breaches under the legislation and enforcing those. New burdens funding has been utilised to create a new Tenancy Relations function to complement the work of the Compliance Team. Two Housing Solutions Officers and one Senior Housing Solutions Officer will focus on prevention of homelessness by early intervention on eviction notices and tenancy issues but also give us an enlarged enforcement presence which will enable us to advance case work on more serious breaches towards legal action. The work of the Tenancy Relations Function and wider impacts on Housing Compliance will continue to be monitored as the new legislation is embedded.

Date signed off by Executive Director & name	David Shepherd, Executive Director (Place) sign off on 6 July 2026
Is it also signed off by the Service Director for Finance?	Financial implications reviewed and signed off by Finance Manager 24 June 2026
Is it also signed off by the Service Director for Legal Governance and Commissioning (Monitoring Officer)?	Legal sign-off on 25 March 2026

Electoral wards affected:
All

Ward councillors consulted:
N/a

Public or private:
Public

Has GDPR been considered?

N/a – no personal data is included in the report

1. Executive Summary

The Renters' Rights Act received Royal Assent in October 2025, with the initial phase of the main tenancy-related provisions coming into force on 1st May 2026. The legislation represents the most significant reform of the private rented sector in a generation and is intended to create a fairer, more stable and more accountable rental market for both tenants and landlords.

The private rented sector plays a vital role in Kirklees' housing market, providing homes for around 34,000 residents and making an important contribution to homelessness prevention and housing choice. The Council is committed to supporting a private rented sector that is safe, viable and sustainable, where responsible landlords are able to operate successfully and tenants can access good-quality, secure housing.

The Council recognises that the vast majority of landlords seek to comply with their legal responsibilities and provide good-quality accommodation. The introduction of the Renters' Rights Act provides an opportunity to build upon existing good practice, increase confidence in the sector and create a more consistent standard of management and property condition across all privately rented homes.

The Council's current responsibilities towards the private rented sector are delivered primarily within the Housing Solutions Service, in the Place Directorate. Our main responsibilities are split between homeless prevention and relief duties owed to private rented tenants facing eviction, and housing compliance duties relating to private rented tenants who are experiencing disrepair or poor conditions in their rented home.

The introduction of the new Act has strengthened enforcement powers for local authorities. Due to this, new policies are required in order to implement the new provisions contained within the Act, namely:

- the Private Sector Housing Enforcement Policy (June 2026 v1.0) and
- the Civil Financial Penalty Policy - Private Sector Housing (June 2026 v1.0)

Together, these policies provide a clear, transparent and proportionate framework for the Council's regulatory role in the private rented sector. The policies set out how the Council will promote compliance, support positive behaviour change, encourage good standards of tenancy management and take action where serious or persistent non-compliance occurs. The policies aim to create greater clarity for tenants, landlords and managing agents, supporting a more professional and consistently managed private rented sector across Kirklees.

2. Information required to take a decision

2.1 The Renters' Rights Act received Royal Assent on 27th Oct 2025. A small number of investigative powers for local authorities were introduced in December 2025, and the initial phase of the main tenancy-related provisions came into force on 1st May 2026.

2.2 The Act encompasses the biggest changes for at least a generation, to the private rented housing sector. Key provisions in the Act which are now in place are:

- Ending the assured shorthold tenancy (AST) regime and introducing assured periodic tenancies for all.
- Ending the practice of section 21 or 'no-fault' evictions.
- Limits on bonds and rent in advance.
- Formal rent increase procedures.

- Right to request pets.
- Discrimination of tenants on grounds such as having children in the household or benefits entitlement to be outlawed.

2.3 Further key provisions which will be introduced in future phases (dates to be finalised) include:

- Introduction of Awaab's Law to the private rented sector.
- Introduction of a Private Rented Sector Ombudsman.
- Private Rented Sector database to record all landlords and properties.
- Further strengthening of housing standards (Decent Homes Standard)

2.4 The introduction of the new Act also strengthened enforcement powers for local authorities. Due to this, new policies are required in order to implement the new provisions contained within the Act, namely:

- the Private Sector Housing Enforcement Policy (June 2026 v1.0) and
- the Civil Financial Penalty Policy - Private Sector Housing (June 2026 v1.0)

2.5 These policies set out how the Council will take proportionate, consistent and legally compliant enforcement action in the private rented sector.

Background and context to enforcement in the private rented sector

2.6 The private rented sector is an increasingly important part of the housing market in Kirklees. As at the 2021 Census, just over 19% of households lived in privately rented accommodation, equating to approximately 34,000 tenants. The Council recognises the significant contribution that private landlords make to meeting housing need across the district. The sector provides housing choice, supports labour mobility, accommodates a wide range of household types and plays a critical role in preventing and relieving homelessness. The Council's objective is to support a private rented sector that is safe, sustainable and financially viable, where tenants have access to good-quality homes and responsible landlords are recognised, supported and able to operate with confidence.

2.7 In 2025 Housing Solutions conducted 2822 homeless assessments, with the end of an assured shorthold tenancy accounting for over 20% of these cases. The vast majority of these cases would have been tenants who were served with a section 21 (no fault) eviction notice.

2.8 The Council has well-established statutory duties regarding the enforcement of standards within the private rented sector contained within the Housing Act 2004, Protection from Eviction Act 1977 and the Housing Act 1988. The Renters' Rights Act 2025, introduces strengthened rights for tenants in the sector with additional duties and enforcement routes for local authorities, alongside existing powers, including:

- Enhanced investigatory powers to obtain information/documents and support evidence-gathering for offences as provisions commence.
- Expanded use of civil financial penalties for prescribed offences, supported by the accompanying 'Civil Financial Penalty Policy - Private Sector Housing' and decision-making framework.
- New tenancy-system compliance and enforcement pathways (including addressing unlawful eviction/harassment and other prescribed tenancy-related offences).

- Database and redress compliance activity (including enforcing registration requirements and supporting ombudsman participation), once national schemes are commenced.
- Strengthened routes for tenant redress (including rent repayment mechanisms where applicable) and increased expectations around recording and reporting enforcement activity.

2.9 A full list of the changes can be found on the government's website (Guide to the Renters' Rights Act - GOV.UK).

2.10 While many landlords already meet or exceed the standards expected of them, the Renters' Rights Act provides an opportunity to strengthen consistency across the sector, improve tenant confidence and address the minority of cases where poor management practices or unacceptable housing conditions undermine the reputation of the wider market.

2.11 The tenancy-related changes and expanded powers and duties regarding civil financial penalties came into effect from 1st May 2026. The database and redress schemes will be implemented as part of a later phase.

Corporate enforcement approach and framework

2.12 The existing Council Enforcement Policy (Kirklees Guide to Enforcement) was last reviewed in July 2024.

2.13 This Policy covers the wide range of enforcement duties/functions undertaken across the Council. It is used as the basis for enforcing breaches and offences in the private rented housing sector, for example, in relation to property standards.

2.14 The corporate enforcement approach is based on the Regulator's Code (*Legislative and Regulatory Reform Act 2006*) which is a framework providing clear principles for all regulatory activities. One of the core principles is to operate in way that allows those being regulated to 'comply and grow', for example via an education-first approach.

2.15 The Renters' Rights Act 2025 sits outside the Regulator's Code. This was a purposeful action by government as the new Act is in place to support tenants and good landlords and improve the sector by 'weeding out rogue landlords', therefore the Act is founded on an 'enforcement first approach'.

2.16 The wording of the Kirklees Guide to Enforcement does state that the Regulator's Code may not be deemed relevant or 'outweighed by another provision', however, to ensure clarity for officers, tenants and landlords it feels more appropriate to have a separate service-specific policy covering the Renters' Rights Act elements of private sector housing enforcement.

2.17 The new Policy will be the primary document that officers will follow for Renters' Rights Act related investigation and enforcement. There will, however, be specific areas not explicitly outlined in the new policy and for those, officers will still use the overarching Kirklees Guide to Enforcement. These are outlined below.

2.18 Enforcement across the private rented sector covers a wide range of legislation. Where the Renters' Rights Act focuses on tenancy-related enforcement, several other key pieces of legislation cover housing standards. The Kirklees Guide to Enforcement would therefore continue to be used for these areas.

2.19 Additionally, there are other sections of the Kirklees Guide to Enforcement which aren't duplicated in the Private Sector Housing Enforcement Policy these include:

- section 4 – Standards – this outlines the standards that the Council expects officers to adhere to when carrying out their investigation and enforcement functions
- section 5 – Conduct of investigations – this details that the burden of proof for enforcement will sit with the Council and therefore investigations must be carried out in a consistent and thorough way, in line with relevant named legislation
- section 7 – Decisions on enforcement action – elements of this section will also be followed, such as Statutory (Legal) Notices (serving of these and what is to be included); Refusal/Suspension/Revocation of Licences (this would apply, for example, where breaches or offences have a direct impact on a licenced property and whether that property should have its licence revoked) and Works in Default (the Council carrying out the works where landlords have refused or not undertaken them).

Operational implementation of the Renters' Rights Act 2025 (initial phase)

2.20 Housing Solutions Service has worked diligently behind the scenes to prepare for, implement and start to embed the initial phase of the Act. Engagement with regional colleagues and the Jigsaw project (commissioned via MHCLG) has seen us develop a much greater understanding of the potential impact of the Act and grow stronger links with other regional authorities, working towards a common consensus on its application.

2.21 Awareness sessions and training provided by Shelter and the Jigsaw project have been delivered to the service as a whole to support a growing understanding of the new provisions of the Act and the operational changes required to effectively implement it. Frontline officers are well prepared to engage with customers and landlords on the changes arising from the new Act.

2.22 Prior to the Act, the Housing Compliance Team comprised 8.5 FTE employees, with an active caseload of 908 cases. The team's cases relate primarily to several property-related issues including, damp/mould, disrepair, lack of heating or hot water, electrical issues, overcrowding, structural issues, landlord and tenant problems and issues around Houses of Multiple Occupations (HMOs) (including the licensing of them). All of the above required addressing with the vast majority of cases needing a physical inspection and subsequent enforcement activity. The Act's implementation does not change any of the property standards work, although it does support this work with additional investigative powers and a more rigorous Duty to Report data requirement.

2.23 As part of the Act's implementation, new burdens funding has been provided which alongside training and data-related spend, has been utilised to create a new Tenancy Relations function to complement the work of the Compliance Team. Two Housing Solutions Officers and one Senior Housing Solutions Officer will focus on prevention of homelessness by early intervention on eviction notices and tenancy issues but also contribute to an enlarged enforcement presence which will enable us to advance case work on more serious breaches towards legal action.

2.24 Immediate work under the new remit of the Renters' Rights Act has been apparent, particularly regarding potential breaches on the issuing of tenancies; tenant-landlord mediation; illegal eviction and rental discrimination. All of the relevant cases are being investigated, with legal input as needed and will progress to formal enforcement where necessary.

2.25 As part of the project group, colleagues from Communications have given invaluable input to the communications plan and continue to support promotion of advice made available to tenants and landlords. Landlord and tenant communications have been published, via website and social media, and stakeholder comms developed and shared as needed.

2.26 The relevant scheme of delegation has also been updated based on legislative changes.

Private Sector Housing Enforcement Policy

2.27 The adoption of a specific Private Rented Sector Enforcement Policy is designed to complement the existing Kirklees Guide to Enforcement and allow the Council to fully implement the new provisions of the Renters' Rights Act and continue to drive the improvement of standards within the private rented sector.

2.28 The template used for this Private Rented Sector Enforcement Policy was made available for use by English local authorities by the Association of Chief Environmental Health Officers in England. The template has been shared via the MHCLG commissioned network, Jigsaw, which promotes collaboration across all local authority private rented sector teams in England and supports readiness for Renters' Rights Act reforms. It is deemed legally compliant and a significant number of local authorities are likely to adopt it, including Calderdale Council which has already taken their policy through approval.

2.29 The policy sets out the Council's principles for enforcing and executing its duties as a Housing Authority under the relevant statute and to ensure enforcement action is taken in line with the provisions of the Renters' Rights Act 2025 and mandatory guidance to local authorities. The policy sets out what property owners, landlords, their agents or any other person involved in the letting or management of privately rented accommodation, and tenants of private rented sector properties, can expect from Council officers when dealing with non-compliance.

2.30 The Renters' Rights Act 2025 sits purposely outside the Regulator's Code. This is because the new Act is predicated on an 'enforcement first approach' and therefore the policy clearly sets out that the Council can commence enforcement with formal action instead of informal action in the first instance where needed. The Council's overarching aim is to improve outcomes across the sector, with the new powers providing an important mechanism for addressing serious breaches and protecting tenants, whilst also creating a level playing field for responsible landlords who already meet their legal obligations.

2.31 In addition to the Renters' Rights Act, changes are being introduced from 23rd June 2026 to the Housing Health and Safety Rating System (HHSRS). This will include a new power for local authorities to impose an additional financial penalty for landlords whose properties have a Category 1 hazard. The draft policy also incorporates reference to this amendment.

Civil Financial Penalty Policy – Private Sector Housing

2.32 This policy applies once the Council has made a decision to commence civil penalty proceedings and outlines the Council's methodology and mechanism for assessing and setting the level of a civil penalty at all stages where a civil penalty is under consideration, including the preparation of a notice of intent, and where a final decision has been made to impose a civil penalty.

2.33 Adoption of the accompanying Civil Financial Penalty Policy - Private Sector Housing (June 2026 v1.0) ensures the Council has a clear and defensible basis for issuing financial penalties for relevant offences (including those introduced by the Renters' Rights Act 2025 as they commence), allows for a consistent and transparent approach to setting penalties and for consistent escalation to prosecution where appropriate.

2.34 As with the PRS Enforcement Policy above, the template for this Civil Financial Penalty Policy was also made available for use by the Association of Chief Environmental Health Officers in England. The figures used in the policy, such as starting points for calculating penalties, are directly taken from MHCLG guidance for local authorities. It is deemed legally compliant and a significant number of local authorities are likely to adopt it.

2.35 Having a consistent approach to how penalties are calculated reduces the chance of a 'postcode lottery' for landlords and helps to ensure nationally consistent enforcement. We are, however, proposing a larger percentage reduction for prompt payment. The original template shared suggested 15%, which we are proposing to increase to the maximum discretionary amount allowable of 33%. The legal guidance received confirms that this aligns with the maximum credit that is given in criminal prosecutions and is a serious incentive for landlords to make a prompt payment. This should help to increase the number of penalties paid without the need to pursue additional debt recovery.

2.36 In addition to the Renters' Rights Act, changes are being introduced from 23rd June 2026 to the Housing Health and Safety Rating System (HHSRS). This will include a new power for local authorities to impose an additional financial penalty for landlords whose properties have a Category 1 hazard. The draft policy also incorporates this new penalty information.

3. Implications for the Council

3.1 Council Plan

The policies link directly to the Council Plan and delivery of priorities, most notably within the protecting the vulnerable and economic growth categories. Our goal that people have access to housing at a time of need is supported by these new policies which enable us to tackle poor conditions in the private rented sector, promote tenancy sustainment, develop stronger relationships with landlords and potentially bring more properties back into use.

More directly, the goal for people to have access to more and higher quality housing is intrinsic in the applications of the policies and implementation of the policies allows us to successfully meet our action that the requirements of the Renter's Rights Act are implemented in Kirklees.

3.2 Financial Implications

3.2.1 The introduction of the Renters' Rights Act has also come with additional new burdens funding, provided to local authorities specifically to manage the introduction and impact of the new legislation. This funding has been allocated to provide a new Tenancy Relations function within the service which will provide support to private rented tenants and landlords whilst enforcing where necessary.

3.2.2 The Civil Financial Penalty Policy - Private Sector Housing (June 2026 v1.0) and Private Sector Housing Enforcement Policy (June 2026 v1.0) will allow this new function (and existing service) to fully extend its remit into the private rented sector and enhance the standard of tenancy management and property conditions within Kirklees.

3.2.3 Adoption of the policy itself does not have any direct financial consequence.

3.2.4 Being able to effectively enforce against the provisions of the new act may generate income through civil financial penalties. In line with the Government's statutory guidance, income generated via civil penalties under the Renters' Rights Act 2025 and other housing legislation (published 13 November 2025) is retained by the Council and utilised to support further enforcement activity. The accompanying Civil Financial Penalty Policy - Private Sector Housing sets out the Council's approach to penalty levels, within the statutory maxima (including up to £7,000 for specified breaches and up to £40,000 for specified breaches/offences, as applicable). In determining the appropriate level in individual cases, the policy has regard to statutory guidance factors including the severity of the breach/offence, culpability and compliance history, the harm caused (actual or potential), punishment and deterrence, and the need to remove any financial benefit obtained through non-compliance.

3.2.5 The risk of delaying approval of the new policies could bring additional financial burdens operationally, given the likelihood of the increased administrative burden to officers when enforcing/ issuing civil financial penalties. Additional legal support would also be likely.

3.3 Legal Implications

3.3.1 The current Kirklees Enforcement Policy supports compliance with the Housing Act 2004, Housing and Planning Act 2016, Protection from Eviction Act 1977, Homelessness Reduction Act 2017 and associated regulations.

3.3.2 It is clear however that the Renters' Rights Act 2025 confers a number of new duties and extended powers and this needs to be reflected accurately within policy to enable the Council to fulfil its obligations. Without specific amendment (as per this adoption) there is a risk that we will not be able to enforce those new duties in the most efficient and effective way and where appropriate levy a civil penalty.

3.3.3 The Renters' Rights Act 2025 sits distinctly outside the Regulator's Code and therefore a different enforcement approach is required compared to other enforcement-based legislation.

3.3.4 Adoption of a clear and specific enforcement policy for the private rented sector reduces the risk of legal challenges by ensuring decisions are transparent, consistent and proportionate.

3.3.5 Additionally, by adopting this policy made available by the Association of Chief Environmental Health Officers and being brought into use by a significant number of local authorities across England we buy into a collective approach to enforcement which strengthens our position.

3.3.6 The Council's Legal Service has agreed both draft policies are legally compliant and any additional recommendations have been implemented as appropriate. There is a potential risk of legal challenge should the approval of the new policies be delayed although some mitigations can be implemented based on the use of statutory guidance, clear rationalisation of decisions and additional legal input where required.

3.4 Climate Change and Air Quality

3.4.1 A Council Integrated Impact Assessment (IIA) has been completed for the adoption of the enforcement policy and civil penalty policy (IIA-814599720). No adverse climate change or air quality issues have been identified arising from the policy approach itself (which is to apply statutory powers proportionately and consistently).

3.5 Risk, Integrated Impact Assessment (IIA) or Human Resources

Risk

3.5.1 The enforcement policy mitigates risks relating to inconsistent enforcement, legal challenge, failure to address unsafe housing conditions and reputational harm. It provides a structured approach while retaining professional judgement.

3.5.2 Legal guidance confirms that enforcement can commence without the new policies in place. The risk sits not with the enforcement per se, but with how penalty levels are determined and justified without an adopted policy in place. However, statutory powers under the

Housing Act/Renters' Rights Act are not conditional on having a local enforcement policy in place. The council must therefore ensure we meet the points below. Incorporating these into day to day operations without relevant policies in place will place additional administrative duties and pressure on officers to ensure we are lawfully compliant in any interim period:
- have regard to and apply statutory powers and relevant guidance
- have regard to and apply existing policy parts that are consistent with statutory powers/guidance
- explain and refer to the above in all officer decisions and notices and officers should acknowledge/communicate where existing policy does not reflect new statutory powers and guidance. All decisions must be reasoned with clearly recorded rationale.

Integrated Impact Assessment (IIA)

3.5.3 The Government's Impact Assessment for the Renters' Rights Bill (published 22 November 2024) includes an equalities assessment. This notes that a number of protected groups are over-represented in the private rented sector and/or may be more exposed to poor housing conditions and insecure tenure. Overall, the measures are intended to deliver positive equalities outcomes by improving security, standards and access to the sector, including through stronger protections against unlawful eviction/harassment and measures to address discriminatory letting practices.

3.5.4 The Impact Assessment also recognises potential risks of differential impacts arising from market responses (for example, changes in landlord behaviour, supply and affordability), and states that these will be monitored as implementation progresses.

3.5.5 A Council Integrated Impact Assessment (IIA) has been completed for the adoption of this enforcement policy and civil penalty policy (IIA-814599720). No adverse equality impacts have been identified arising from the policy approach itself (which is to apply statutory powers proportionately and consistently).

3.5.6 Equalities considerations will be kept under review throughout implementation and embedding, including monitoring service demand, outcomes of enforcement activity and any emerging impacts on groups with protected characteristics.

Human Resources

3.5.7 There are no direct human resources implications.

Armed Forces Covenant

3.5.8 There are no direct implications on the Armed Forces Covenant.

Positive or negative impacts

3.5.9 The Council considers a thriving private rented sector to be essential to meeting housing need in Kirklees. The sector provides homes for thousands of residents and is a key component of the Council's approach to homelessness prevention and relief.

3.5.10 The Renters' Rights Act 2025, together with the supporting policies proposed within this report, presents an opportunity to improve confidence in the sector for both tenants and landlords. By promoting consistent standards, transparency and better tenancy management, the Council aims to support a private rented sector that is fair, sustainable and attractive to responsible landlords while ensuring residents have access to safe and secure homes.

3.5.11 The Council's intention is not solely to address poor practice, but to encourage a culture of continuous improvement across the sector, recognising good landlords and supporting positive behaviour change while taking appropriate action against the small minority whose practices fall below acceptable standards. The Council welcomes the Renters' Rights Act 2025 as an essential way to strengthen the private rented sector as a safe, fair and viable housing option for all.

4 Consultation

4.1 The templates for these policies have been made available to local authorities in England by the Association of Chief Environmental Health Officers in England with input from several local authorities and support from Justice for Tenants (including legal oversight). The intention is to provide consistency across all those authorities using the same policy templates. As stated, these policies do not replace or supersede the overarching Kirklees Enforcement Policy. They are supplemental and supportive of the approach within that document whilst ensuring that the Council can enforce the new provisions of the Renters' Rights Act effectively.

4.2 As the policies relate to the enforcement of new legislation and largely retain many aspects of the previous approach in existing policies, they do not in effect bring about a major service change.

5 Engagement

5.1 Both of the new policies are formulated based on legislative requirements and government guidance for local authorities. Given its remit, the legislation inevitably creates a dichotomy of opinion between tenants and landlords, with tenants wanting a more rigorous approach and landlords the opposite. This has been demonstrated in comments from the general private rented sector as well as the juxtapositions from tenant advocacy groups and landlord networks.

5.2 The government's approach to the legislation included a full consultation process nationally, feedback from which was considered as part of the final Act.

5.3 As part of the Act's implementation, communications have been shared with Kirklees residents, with tailored landlord and tenant specific messages. Feedback and comments via social media have been monitored for adverse issues.

5.4 A dedicated landlord bulletin has now been created. This will include updates on legal requirements, links to broader guidance and support, training opportunities and broader private rented sector issues. This is still in its infancy, but the number of subscribers is gaining traction.

5.5 Future landlord forums on legislation and responsibilities are also being considered which will incorporate the Council's own landlord accreditation scheme offer.

5.6 A dedicated comms piece was also included in the elected member briefing on the changes under the Renters' Rights Act (first edition for new councillors).

5.7 The recommended option includes discussion at pre-cabinet scrutiny panel (Growth and Regeneration) which will allow for further engagement on the contents of the policies as needed.

6 Options

6.1 **Options Considered**

6.1.1 **Option 1** – **to deem that the policies are not necessary or require re-drafting (progress to Cabinet not agreed).** Legal Services have confirmed that a policy is not actually required for us to enforce legislation. The policies are based on relevant legislation plus statutory government guidance for local authorities. Regardless of having the policies in place, the Council's actions for enforcing the Renters' Rights Act and determining civil financial penalty amounts therefore would still follow the same principles. However, having policies in place gives an additional level of transparency to landlords and tenants as well as allowing officers to work in the most efficient and effective way.

6.1.2 **Option 2** – **to agree the content of the policies (progress to Cabinet agreed).** This would allow for transparent approval of the policies. It would also include further engagement / discussion via pre-cabinet scrutiny. This is the recommended process from Legal Services.

6.1.3 **Option 3 – to determine the policies can be approved by another body/named individual other than Cabinet.** Approval outside the Cabinet process would allow for a quicker adoption of the policies and reduce possible challenge to any enforcement cases worked on whilst policies are not in place. Legal Services' recommendation was for a fuller approval process including scrutiny discussion.

6.2 **Reasons for recommended Option**

6.2.1 The recommended option is Option 2 as stated in 6.1 - to agree the content of the policies (progress to Cabinet agreed).

6.2.2 This option would allow for transparent approval of the policies. It would also include further engagement / discussion via pre-cabinet scrutiny.

6.2.3 This is the recommended position from Legal Services. The Council's constitution includes delegated decision-making to the Executive Director of Place for all matters relating to enforcement (part 3.7, section L, paragraph 2), however, due the nature of the new legislation and required policies a fuller approval process has been deemed more appropriate.

7 Next steps and timelines

7.1 To progress with the approval flightpath (Executive Board, Growth and Regeneration Scrutiny Panel and Cabinet). Provisional dates have already been sought for these.

7.2 Once approved, the policies will take effect immediately (subject to the key decision notice period).

7.3 Both new policies will be published alongside other key housing and homelessness strategies and policies on the Council website. *To note: there are no other previously published versions of these policies which need to be removed from circulation.*

7.4 Officer guidance has been drafted to reflect the provisions of the new policies and further training will be undertaken; however, this is likely to be minimal given the policies are based on legislation and statutory guidance already in use.

7.5 Delivery of the wider provisions of the Act (and other private rented sector activity) will be monitored through existing management arrangements.

7.6 Broader governance/oversight of the policies and the application of enforcement activities will be undertaken via the Corporate Enforcement Board.

8 Contact officer

Sarah Holmes, Head of Housing Services, 01484 221000 (ext 76014), sarah.holmes@kirklees.gov.uk

9 Background Papers and History of Decisions

9.1 Earlier versions of both policies were discussed at the Place Senior Leadership Team (22nd April 2026). *The policies have since had slight amendments based on the changes to the Housing Health and Safety Rating System (HHSRS).* No direct comments on the content of the policies but SLT welcomed the principles of the new legislation and the Council's new powers and duties to enforce within the private rented sector. Decision was to progress the approval flightpath.

9.2 Executive Leadership Team received the draft policies and covering report on 30th June 2026, and agreed for the policies to go forward for approval at Cabinet.

9.3 Prior to the election period, oversight of the progression of the Renters' Rights Bill/Act was shared with the Portfolio Holder for Housing and Transport including operational planning for implementation. The policy templates, however, were not available at that time.

10 **Appendices**

- Private Sector Housing Enforcement Policy (June 2026 v1.0)
- Civil Financial Penalty Policy - Private Sector Housing (June 2026 v1.0)

11 **Service Director responsible**

John Stebbings, Interim Service Director – Property (Place).

This page is intentionally left blank

Private Sector Housing Enforcement Policy

June 2026, version 1.0

Table of Contents

1 Document control

Table 1: Governance – current document

Item	Response
Responsible Officer	Head of Housing Services
Approved by	TBC
Version approval date	TBC
New review date	TBC

Table 2: revision details

Date	Version	Author	Authorised by	Revision details
ADD	1.0	LH/JN	TBC	First publication due to new Renters' Rights Act legislation and amends to the Housing Health and Safety Rating System. Based on information made available by the Association of Chief Environmental Health Officers in England.

2 Introduction

The Council's approach to housing enforcement is guided by the established Kirklees Guide to Enforcement, which sets out the overarching principles for regulatory action across all service areas.

This policy is supplemental to the Kirklees Guide to Enforcement and provides additional guidance specifically tailored to the Council's statutory responsibilities under the Renters' Rights Act 2025 and related landlord legislation.

It aims to ensure consistency and transparency in enforcement actions within the private rented sector, complementing the broader regulatory framework already in place.

Where specific areas are not explicitly identified in this policy, the default position will still be the overarching Kirklees Guide to Enforcement.

3 Purpose of the policy

This policy sets out the Council's principles for enforcing and executing its duties as a Housing Authority under the relevant statute.

S3 Housing Act 2004 imposes a duty on Councils to keep housing conditions in their district under review with a view to identifying any action that may need to be taken by them.

S107 Renters' Rights Act 2025 imposes a duty on the Council to enforce the Landlord Legislation. The Landlord Legislation is comprised of the following:

- Chapters 3 and 6 of Part 1 of the Renters' Rights Act 2025,
- Part 2 of the Renters' Rights Act 2025,
- Sections 1 and 1A of the Protection from Eviction Act 1977, and
- Chapter 1 of Part 1 of the Housing Act 1988.

S110 Renters' Rights Act 2025 imposes a duty on the Council to report to the Secretary of State on the exercise of its functions under the Landlord Legislation.

In this policy, the term 'landlord' should be read as including letting agents, managing agents, licensors, property owners, directors of corporate landlords and any other person involved in the letting or management of privately rented accommodation.

In this policy, the terms 'House of Multiple Occupation' or 'HMO' are defined by the Housing Act 2004.

4 Aims of the policy

The purpose of this enforcement policy is to provide guidance for Housing Authority officers to ensure enforcement action is taken in line with the provisions of the Renters' Rights Act 2025 and mandatory guidance to local authorities.

The Act and the 'Landlord Legislation' (as defined by Section 107 Renters' Rights Act 2025) and Part 1 of the Housing Act 2004 are not listed in the Schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007 and therefore sit outside of the Regulators' Code, and its provisions do not apply.

This policy document sets out what owners, landlords, their agents or any other person involved in the letting or management of privately rented accommodation, and tenants of private rented sector properties, can expect from officers when dealing with non-compliance.

All enforcement action taken will be in accordance with relevant statutory Codes of Practice, Council procedures and protocols, and official guidance from central and local government bodies.

As a public body under the Human Rights Act 1998, the Council will apply the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

5 Approach to enforcement

The Council wants to support responsible landlords to raise housing standards. However, the Council expects landlords to have a good understanding of the housing standards and management issues that should be met in privately rented accommodation.

S5 Housing Act 2004 places a duty on Councils to take appropriate enforcement action where a Category 1 hazard exists.

Section 6A Housing Act 2004 permits the Council, when first taking appropriate enforcement action under Section 5 Housing Act 2004 in relation to a Category 1 hazard or a failure to meet a Type 1 requirement on qualifying residential premises, to impose a Civil Financial Penalty on the responsible person where, in the Council's opinion, it would have been reasonably practicable for that person to secure the removal of the hazard or the meeting of the requirement. This power applies to qualifying residential premises other than the common parts of a building containing one or more flats.

S7 Housing Act 2004 gives Councils a discretionary duty to take action where a Category 2 hazard exists. The Council will usually take action where a Category 2 hazard exists.

In addition, Council officers will often investigate and identify the need to take enforcement action through a range of routes, including (but not limited to): proactive inspections of dwellings through licensing provisions; in response to a complaint or request for assistance; and referrals from other public bodies. All investigations will be carried out in accordance with the relevant statutory requirements. The Council will ensure that appropriate governance is in place to ensure that action is taken in accordance with appropriate policies.

The Council may commence enforcement with formal action instead of informal action in the first instance. In deciding whether to do so, the circumstances of the case will be taken into account. Relevant factors may include, but are not limited to:

- Where there is a risk to public health
- Where there is a blatant or deliberate contravention of the law
- Where there is history of non-compliance

The Council will usually take formal action in the first instance if there has been:

- Non-compliance with previous formal or informal action
- Offences in relation to the licensing of HMOs or houses if Selective Licensing is in force.

The Council will take formal enforcement action in the first instance for breaches of the Landlord Legislation.

6 Investigatory powers

In addition to the Council's informal and formal powers of enforcement, there are investigatory powers relating to the collection of information and relating to the entry of premises including, but not limited to, the powers detailed below.

6.1 Power to Investigate

S114 Renters' Rights Act 2025 gives the Council power to issue a notice to a relevant person to require the person to provide specified information to the Council.

This notice may be given to any person with an estate or interest in the land; the licensor; their agents; or a marketer of a property. It may be given in regard to any offence under the following Legislation:

- Sections 1 and 1A of the Protection from Eviction Act 1977;
- Chapter 1 of Part 1 of the Housing Act 1988;
- Section 83(1) or 84(1) of the Enterprise and Regulatory Reform Act 2013;
- Sections 21 to 23 of the Housing and Planning Act 2016;
- Chapter 3 of Part 1 and Part 2 of the Renters' Rights Act 2025.

Failure to comply with a s114 notice is an offence under s131 Renters' Rights Act 2025, as is being obstructive without reasonable excuse and intentionally or recklessly making false or misleading statements in response to a s.113 notice.

S115 Renters' Rights Act 2025 permits the Council when it reasonably suspects a breach of the Rented Accommodation Legislation to issue a notice to any person requiring them to provide the information specified. This may only be done to investigate whether a breach has occurred under the Rented Accommodation Legislation, or to determine the amount of a penalty. For the purposes of this section, the Rented Accommodation Legislation means:

- Sections 1 and 1A of the Protection from Eviction Act 1977;
- Chapter 1 of Part 1 of the Housing Act 1988;
- Parts 1 to 4 and 7 of the Housing Act 2004 ;
- Section 83(1) or 84(1) of the Enterprise and Regulatory Reform Act 2013;
- Sections 21 to 23 of the Housing and Planning Act 2016;
- Chapter 3 of Part 1 and Part 2 of the Renters' Rights Act 2025.

Where an individual has not complied with a s115 notice, s116 Renters' Rights Act 2025 enables the Council to make an application to the Court to enforce the provisions of the notice and seek reimbursement for the costs of the application.

S131 Renters' Rights Act provides that, in addition to the offence of non-compliance with a s114 notice, it is an offence for an individual to obstruct a Council officer seeking to exercise their powers without reasonable excuse. It is also an offence to fail to give an officer any additional assistance or information which they reasonably require without reasonable excuse.

S235 Housing Act 2004 allows the Council to issue a notice to relevant individuals, including occupiers, directing them to provide specified documents under their control for the purpose of investigating whether an offence has been committed under Parts 1 to 4 of the Housing Act 2004 or exercising the Council's functions under Parts 1 to 4 of the Housing Act 2004.

S16 Local Government (Miscellaneous Provisions) Act 1976 also permits the Council to issue a notice to an occupier, manager, or individual with an interest in the land to compel them to provide the Council with information on the nature of their interest and the names and addresses of current occupiers and of any others with an interest in the land.

6.2 Entry to premises

S118 Renters' Rights Act 2025 permits Council officers to enter business premises of relevant people (including landlords, letting agents, and marketers) if it is necessary for the production or seizure of documents under s122-s123 Renters' Rights Act 2025. This power will be exercised without a warrant.

S121 Renters' Rights Act 2025 allows a Council officer named in a warrant to enter premises used for a rental sector business which is not mainly accommodation if there are documents on the premises which the officer could require under s122 or seize under s123. In addition, for this power to be exercised, one of the following conditions must be met:

- That access to the premises has been or is likely to be refused, and the Council has provided notice of their intention to apply for a warrant to the occupier;
- Those documents on the premises would likely be concealed or interfered with if notice of entry were to be given;
- That no occupier is present, and waiting for their return might defeat the purpose of the entry.

Following a s118 or s121 Renters' Rights Act 2025 entry, s122 allows an officer at any reasonable time to require a relevant person on the premises to produce any documents relating to the business and to take copies of them. This may only be exercised to ascertain whether there has been a breach of the Rented Accommodation Legislation where an officer reasonably suspects there has been a breach or an offence; or to ascertain whether the documents may be required in evidence for proceedings regarding a breach or offence.

Following a s118 or s121 Renters' Rights Act 2025 entry, s123 authorises Council officers to seize and detain documents that the officer reasonably suspects may be required as evidence in proceedings relating to a breach of, or an offence under, the Rented Accommodation Legislation. When doing so, the officer will provide evidence of the officer's identity and authority if reasonably practicable. The officer will take reasonable steps to inform the person from whom documents have been seized that they have been seized, and will provide that person with a written record of what has been taken.

S126 Renters' Rights Act 2025 permits the Council to enter residential premises used for a tenancy at a reasonable time if the officer considers it necessary as part of an investigation into potential offences specified in subsection 1(b). Where required, the Council will give at least 24 hours' notice of this to the occupier and individuals with an interest in the property as per subsection 1(c), detailing in writing why the entry is necessary and the suspected offences. Where there are occupiers found on the premises, the officer will provide evidence of the officer's identity and authority to at least one of the occupiers if reasonably practicable.

In addition, s239 Housing Act 2004 permits Council officers to enter, if necessary and at a reasonable time, a property in order to carry out a survey or examination. This may be done if any one of the following is met:

- to determine if any Part 1-4 enforcement functions should be exercised;
- the premises are part of an Improvement Notice or Prohibition Order;
- a management order is in force under Chapter 1 or 2 of Part 4 on the premises.

In certain circumstance the Council may obtain a warrant to enter, by force if necessary, under s240 Housing Act 2004.

7 Informal action

Informal action taken by the Council may be written or verbal advice. Additionally, a visit may be made at the outset by Council Officers in cases where the initial complaint or contact indicates that an immediate investigation by a Council officer is warranted.

In cases where officers visit an address, whether this is a result of a landlord’s failure to adequately resolve a highlighted issue or as part of an audit or other investigation, written or verbal advice may be deemed sufficient should the inspection highlight only very minor deficiencies.

Where written advice is deemed appropriate by the Council and is provided, timescales will normally be included to undertake any specified work or actions.

While the Council will use its discretion on whether to carry out informal action for a Category 2 hazard, it does not need to provide written or verbal advice before commencing formal action.

8 Formal action

If formal action is considered appropriate, the following options are available to the Council.

Housing Act 2004 Part 1

- issue an Improvement Notice in respect of any Category 1 hazards and any Category 2 hazards on the property. This requires the person to whom it is served to undertake the remedial action specified on the Notice within a given timeframe. The mandated work and the timeframe will be determined by the Council depending on the nature and scale of the work.
- issue a Prohibition Order in respect of any Category 1 hazards and any Category 2 hazards on the property. This prevents occupation of whole or part of the property, or can be used to limit occupant numbers, within a specified time frame.
- issue a Hazard Awareness Notice in respect of any Category 1 hazards and any Category 2 hazards on the property. This makes the owner and occupiers aware of the hazards identified; however, it does not require remedial action. As a result, and because it does not secure risk-reducing works within a specified timeframe, a Hazard Awareness Notice will not usually be the most appropriate course of action where remedial works are necessary to reduce the risk of harm to occupiers or potential occupiers.
- make an Emergency Prohibition Order. This immediately prohibits the use of all or part of a dwelling if there is an imminent risk of serious harm to the health or safety of the occupants or others.
- Where there is a Category 1 hazard present, S40 Housing Act 2004 allows the Council to undertake Emergency Remedial Action on the Category 1 hazard without prior notice.
- Impose a Civil Financial Penalty under s6A Housing Act 2004, when first taking the appropriate enforcement action required by s5 Housing Act 2004, in relation to a Category 1 hazard or a failure to meet a Type 1 requirement on qualifying residential premises, where the Council considers that it would have been reasonably practicable for the responsible person to secure the removal of the hazard or the meeting of the requirement.
- The Council also has the power to suspend action taken under Part 1 Housing Act 2004 in situations where it has the power or duty to take enforcement action through the service of an Improvement Notice or Prohibition Order. This will be at the Council’s discretion and will

normally be considered for the purpose of minimising inconvenience to the current occupiers.

- Demolition and Clearance are options for both Category One or Category Two hazards.
- S30 Housing Act 2004 provides that failure to comply with a Improvement Notice is a criminal offence, which will normally be followed by prosecution or the issuing of a civil penalty.
- S32 Housing Act 2004 provides that failure to comply with a Prohibition Order is a criminal offence, which will normally be followed by prosecution.
- Other formal notices served by the Council may not relate to the landlord undertaking remedial works but may cover a range of other matters including, but not limited to, exercising a right of entry under s.239 of the Housing Act 2004 and a request to provide information or the need to abate or avoid overcrowding.

8.1 Work in default

The enforcement options for non-compliance with formal Notices or breach of licence conditions include the carrying out of works specified in the Notice. This power may be exercised in addition to other enforcement proceedings taken for non-compliance. The Council has no duty to undertake works in default and it will be at its discretion.

8.2 Section 6A Housing Act 2004 civil financial penalties

Where the Council is required to take appropriate enforcement action under Section 5 Housing Act 2004 in relation to a Category 1 hazard, or a failure to meet a Type 1 requirement, on qualifying residential premises, it may also impose a Civil Financial Penalty under Section 6A Housing Act 2004 when first taking that action. The Council will impose a penalty where it is satisfied, on the balance of probabilities, that the statutory conditions are met and that it would have been reasonably practicable for the responsible person to secure the removal of the hazard or the meeting of the requirement. When considering whether removal of the hazard would have been reasonably practicable the Council may consider:

- How long the responsible person has known about the existence of the hazard;
- Whether practical steps could have been taken to remedy the hazard without disproportionate expense or disruption
- What steps the responsible person has taken to remove the hazard or reduce its impact, including any efforts made to secure the services of specialist tradespeople
- Whether permission from other parties is needed to remove the hazard and the steps the responsible person has taken to secure that permission
- Whether tenants have provided access to the property in order for remedial works to be carried out
- Whether any failure by tenants or occupiers to provide access was beyond the responsible person's control, or whether the responsible person could reasonably have taken further

steps to secure access, such as: explaining in writing the existence and seriousness of the Category 1 hazard, the required remedial works, the need for access, the tenants' or occupiers' legal obligations, and the potential consequences of continued refusal; offering a reasonable range of dates and times for access; and serving appropriate formal notices where reasonable and lawful

8.3 Emergency or suspended enforcement action

Where there is a Category 1 hazard present, s43 Housing Act 2004 permits the Council to issue an Emergency Prohibition Order. This immediately prohibits the use of all or part of a dwelling if there is an imminent risk of serious harm to the health or safety of the occupants or others.

S40 Housing Act 2004 allows the Council to undertake Emergency Remedial Action on the Category 1 hazard without prior notice. The Council may then seek reimbursement of costs incurred on the work and the administration of the scheme.

The Council also has the power to suspend action taken under Part 1 Housing Act 2004 in situations where it has the power or duty to take enforcement action through the service of an Improvement Notice or Prohibition Order. This will be at the Council's discretion and will normally be considered for the purpose of minimising inconvenience to the current occupiers.

8.4 HMO licence conditions

Conditions can be added to HMO licences to require work to meet specified standards or to address HMO Management Regulation requirements. In general, authorities should seek to identify, remove or reduce category 1 or category 2 hazards in the house by the exercise of Part 1 functions and not by means of licence conditions however this does not prevent the authority from imposing licence conditions relating to the installation or maintenance of facilities or equipment even if the same result could be achieved by the exercise of Part 1 functions;

Failure to comply with these conditions is a is a criminal offence, which may result in prosecution or the issuing of a civil penalty.

8.5 Other legislative alternatives

There may be other legislative alternatives available to remedy deficiencies that cause Category Two hazards which an authority may choose as a more appropriate enforcement approach.

8.6 Prosecution

Where a Civil Financial Penalty is an available alternative to prosecution, the Council will only consider using its power to prosecute under Part 1 Housing Act 2004 in more serious cases.

The decision to prosecute will be determined by the evidential strength of the Council's case and the relevant public interest factors set down by the Director of Public Prosecutions in the Code for Crown Prosecutors.

In many circumstances, where an offence is committed by a body corporate, legislation enables local authorities to pursue persons involved with the body corporate in addition to, or instead of, the body corporate. These include company officers and, where applicable, company members.

The Council will determine, on a case-by-case basis, whether to take enforcement action against any person or persons that they consider fall within the scope of this category in addition to prosecuting the body corporate.

8.7 Civil financial penalties for specified breaches and offences

This section relates exclusively to Civil Financial Penalties issued by the Council for the below offences and breaches of housing law.

The Council has the power to impose a Civil Financial Penalty for the following:

- Unlawful eviction and harassment of occupier as defined under the Protection from Eviction Act 1997
- Failure to comply with an Improvement Notice [s30 Housing Act 2004]
- Offences in relation to licensing of Houses in Multiple Occupation (HMOs) [s72 Housing Act 2004]
- Offences in relation to the Selective Licensing of ‘houses’ [s95 Housing Act 2004]
- Failure to comply with an Overcrowding Notice [s139 Housing Act 2004]
- Failure to comply with a management regulation in respect of an HMO [s234 Housing Act 2004]
- Failure to secure the removal of a category 1 hazard and failure to meet Type 1 requirements on qualifying residential premises, where it would have been reasonably practicable to do so [s6A Housing Act 2004]
- 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
- Failure to comply with a banning order [s21 Housing and Planning Act 2016]
- Failure to give a written statement of terms under section 16D of the Housing Act 1988
- Failure to give an existing tenant information about changes made by the Renters’ Rights Act under paragraph 7(2) of schedule 6 to the Renters’ Rights Act 2025
- Attempting to let a property for a fixed term under section 16E of the Housing Act 1988
- Attempting to end a tenancy orally or by service of a notice to quit 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 person does not reasonably believe that the landlord is/will be able to obtain possession under section 16E 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

- 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
- Reletting or remarketing a property before expiry of the 12 month no-let period after using the moving and selling grounds under sections 16E and 16J of the Housing Act 1988
- Discriminating against prospective tenants during the letting process on the grounds that those tenants are in receipt of benefits or have children under sections 33 and 34 of the Renters' Rights Act 2025
- Marketing a letting without stating the proposed rent under section 56 of the Renters' Rights Act 2025
- Inviting or encouraging any person to offer to pay an amount of rent under the proposed letting that exceeds the stated rent under section 56 of the Renters' Rights Act 2025
- Accepting an offer from any person to pay an amount of rent under the proposed letting that exceeds the stated rent under section 56 of the Renters' Rights Act 2025

Civil Financial Penalties in respect of these offences operate according to their own independent standalone policy.

8.8 Rent Repayment Orders

Part 2 of the Housing and Planning Act 2016 permits the Council to seek a Rent Repayment Order at the First Tier Tribunal Property Chamber to require the landlord of the property where the offence(s) has been committed to refund rent to the tenants or the Council. S48 of the Housing and Planning Act 2016 places a duty on the Council to consider applying for Rent Repayment Orders.

Where a landlord has been convicted or received a Civil Financial Penalty in respect of the offence, the Tribunal must award the maximum applicable amount, except in exceptional circumstances.

This power will be considered in response to all qualifying offences. Where the Council identifies a qualifying offence and is satisfied that there is sufficient evidence to make a successful application, it will pursue a Rent Repayment Order unless there are exceptional case-specific reasons not to do so.

The qualifying offences are:

- Unlawful eviction and harassment of occupier as defined under the Protection from Eviction Act 1997
- Failure to comply with an Improvement Notice [s30 Housing Act 2004]
- Offences in relation to unlicensed HMOs [s72(1) Housing Act 2004]
- Offences in relation to unlicensed houses [s95(1) Housing Act 2004]
- Failure to comply with an Improvement Notice [s30(1) Housing Act 2004]
- Failure to comply with a Prohibition Order [s32(1) Housing Act 2004]
- Breach of a Banning Order [s21 Housing and Planning Act 2016]
- Using Violence to secure entry [s6(1) Criminal Law Act 1977]

- Knowingly or recklessly misusing a possession ground [s16J(1) Housing Act 1988]
- Letting or marketing of a property within twelve months of using the 'moving in' or 'selling' ground of eviction [s16J(2) Housing Act 1988]
- Continuous breach of certain tenancy reform requirements [s16J(3) Housing Act 1988]

An application for an RRO may be in addition to other formal action, such as prosecution proceedings or the imposition of a Civil Penalty. Where the Council has issued a Civil Financial Penalty or pursued prosecution, it will usually apply for a Rent Repayment Order where public funds have been paid to a landlord who has committed a qualifying offence.

S49 of the Housing and Planning Act 2016 enables the Council to assist tenants in applying for Rent Repayment Orders. Where appropriate, the Council will usually support tenants by referring or signposting them to a relevant advice or representation service, such as Justice for Tenants, and by providing relevant evidence which may assist tenants in preparing, pursuing or participating in Rent Repayment Order proceedings.

8.9 Banning Orders

Part 2, Chapter 2 of the Housing and Planning Act 2016 permits a Council to apply for a Banning Order against a person who has been convicted of one or more of the relevant offences. This would prevent the landlord from:

- Letting housing in England;
- Engaging in English letting agency work;
- Engaging in English property management work; or
- Doing two or more of those things.

The Council may consider a Banning Order for the more serious offenders. It will take into account the seriousness of the offence(s), whether the landlord has committed other offences (or received any Civil Penalty in relation to a Banning Order offence) and any history of failing to comply with their obligations or legal responsibilities. It will also take into account other relevant factors, including but not limited to:

- The harm, or potential harm, caused to the tenant;
- The need to punish the offender;
- The need to deter the offender from repeating the offence;
- The need to deter others from committing similar offences.

8.10 Costs and charges

The Council incurs costs in carrying out its functions. Where legislation allows, the Council will seek to recover reasonable costs and expenses associated with its enforcement, licensing and wider regulatory activity. This may include (non-exhaustively) costs arising from inspections, investigation, evidence gathering, notices and other statutory documentation, follow-up action, compliance monitoring, and works or other interventions.

Recovery may be pursued using all available lawful routes, which may include civil action, local land charges, and enforcement against the property.

Where permitted, interest may be applied to outstanding sums until paid.

9 Publication of enforcement action

As set out in the Kirklees Council Guide to Enforcement, the Council may publicise information about enforcement action that is taken, in line with relevant Government guidance on publishing sentencing outcomes. This is usually once an investigation has been concluded via a successful prosecution in Court. Any news releases of this nature are normally sent electronically by our Press Office to newspapers and broadcast media to use in their news bulletins. Such information may also be publicised on the Council's website and via other social media.

If private sector housing cases result in other types of formal action such as Civil Financial Penalties, the Council reserves the right to publish anonymised information relating to those. This could include the type of offence or breach and level of financial penalty issued.

Broader levels of amalgamated data on informal and formal action will also be required by government under the Duty to Report and this data may also be published.

10 Complaints

Contact may be made with the Council about any matters listed here by email at housing.solutions@kirklees.gov.uk or by post at: Kirklees Council (Housing Compliance Team), PO Box 1720, Huddersfield, HD1 9EL.

A service user can still make a complaint in cases where the Council has instigated legal proceedings. However, making a complaint will not stop any impending legal action.

Where statutory notices have been served, making a complaint does not replace the statutory rights of appeal or the right to make representations. It also does not allow extra time to comply with any notice or order.

If a service user disagrees with a statutory notice, they should take action as specified in the notice or order to make an appeal, if any exists. Reference should be made to any notes that may accompany the notice or order for more detail.

11 Appendix 1: Statement of principles to determine the amount of a penalty charge under Part 4 of The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 as amended by The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 (“the Regulations”)

Section 13 of the Regulations requires local housing authorities to prepare and publish a statement of principles which they propose to follow in determining the amount of a penalty charge.

The Regulations introduced legal requirements on relevant landlords to:

1. Equip a smoke alarm on each storey of the premises on which there is a room used wholly or partly as living accommodation.
2. During any period when the premises were occupied under the tenancy, to ensure that a carbon monoxide alarm is equipped in any room of the premises which is used wholly or partly as living accommodation and which contains fixed combustion appliance other than a gas cooker.
3. Carry out checks by or on behalf of the landlord to ensure that each prescribed alarm is in proper working order on the day the tenancy begins if it is a new tenancy.
4. Where, following a report made on or after 1st October 2022 by a tenant or by their nominated representative to the landlord, a prescribed alarm is found not to be in proper working order, the alarm is repaired or replaced.

For the purposes of the legislation, living accommodation includes a bathroom or lavatory.

Where the Council believe that a landlord is in breach of one or more of the above duties, the Council must serve a remedial notice on the landlord. The remedial notice is a notice served under Regulation 5 of the Regulations.

If the landlord then fails to take the remedial action specified in the notice within the specified timescale, the Council can require a landlord to pay a penalty charge and can arrange for remedial action to be taken under certain circumstances. The power to charge a penalty arises from Regulation 8 of the Regulations. Failure to comply with each remedial notice can lead to a fine of up to £5,000. Fines will be applied per breach, rather than per landlord or property.

The Council will impose a penalty charge where it is satisfied, on the balance of probabilities, that the landlord has not complied with the action specified in the remedial notice within the required timescale.

A landlord will not be considered to be in breach of their duty to comply with the remedial notice if they can demonstrate they have taken all reasonable steps to comply. Where there is evidence, including written correspondence, of repeated and consistent efforts to obtain access to the property, with access repeatedly being prevented by the occupant(s) of the property, a landlord will not be considered to be in breach of their duty to comply with the remedial notice. A landlord will be expected to have:

- Communicated the risk of harm that the lack of functioning alarms posed to all occupants in writing on multiple occasions
- Requested access to comply with the remedial notice on a regular basis of no longer than every seven days in writing

In considering the imposition of a penalty, the Council may look at the evidence concerning the breach of the requirement of the notice. A non-exhaustive list of methods that may be used to obtain relevant evidence includes, but is not limited to:

- Evidence obtained from a property inspection
- Evidence provided by the tenant or agent
- Evidence provided by the landlord demonstrating compliance with the Regulations by supplying dated photographs of alarms, together with installation records
- That all detector heads have not passed their expiration or replacement date

Landlords need to take steps to demonstrate that they have met the testing requirements at the start of the tenancy requirements. A non-exhaustive list of methods that may be used to evidence compliance with these testing requirements includes, but is not limited to:

- Tenants signing an inventory form which states that they observed the alarms being tested and confirming that the alarms were in working order at the start of the tenancy

Where a landlord is in breach, the local housing authority may serve a remedial notice. Failure to comply with each remedial notice can lead to a fine of up to £5,000. Fines will be applied per breach, rather than per landlord or property

When determining the amount of the penalty charge, regard will be had to whether this is a first breach under the Regulations

11.1 Determining the amount of the penalty charge for a first breach

The minimum amount of a penalty charge for a first breach of the Regulations will be £2500. Only in exceptional circumstances may the Council depart from the application of this statement of principles and issue a penalty charge for less than £2500. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple mitigating factors

The starting level of a penalty charge for a first breach of the Regulations will be £3000. The penalty charge amount will then be varied depending on aggravating and mitigating factors.

Aggravating factor include, but are not limited to:

- The number of alarms not working or missing (the Regulations state there should be one per storey)
- Other fire safety concerns/defects in the property which increase the risk posed to the occupants
- The length of time the offence is believed to have been on-going

- The frequency of complaints by the occupiers to the landlord about the non-working or missing alarms
- The costs of any remedial work the Council have carried out in response to the breach
- Whether the property is let as a HMO (which increases the overall risk)
- The number of occupants living in the property
- Presence of vulnerable occupiers such as elderly, children or disabled people
- Any history of previous enforcement or non-compliance of the landlord
- Attempts to obstruct the investigation

Mitigating factors include, but are not limited to:

- The property being small and low-risk (for example a one-bedroom ground floor flat with a large number of fire escapes including large windows)
- A single occupant living in the property
- Evidence that all required alarms were checked and in working order at the start of the tenancy
- Written evidence that some efforts to gain access and comply with the remedial notice were made and access was prevented by the occupant

11.2 Determining the amount of the penalty charge for a subsequent breach

The penalty for subsequent breaches by the same landlord will be £5000. Only in exceptional circumstances may the Council depart from the application of this statement of principles and issue a penalty charge for less than £5000. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple mitigating factors.

12 Appendix 2: Statement of principles to determine the amount of a penalty charge for a breach of minimum energy efficiency standards (MEES) with respect to domestic privately rented property

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (“the Regulations”) make it unlawful to rent out a domestic property if it has an EPC (Energy Performance Certificate) rating of F or G (unless a valid exemption has been registered on the PRS Exemptions register).

The Regulations make it unlawful to fail to comply with a compliance notice served by the Council.

The Regulations cover all relevant properties, even where there has been no change of tenancy.

The Regulations were introduced to improve the energy efficiency of housing in the private rented sector and to reduce greenhouse gas emissions and tackle climate change. They should help make tenants’ homes more thermally efficient.

An energy performance certificate (EPC) gives the property an energy efficiency rating – A rated properties are the most energy efficient and G rated are the least efficient. It’s valid for 10 years and must be provided by the owner of a property, when it is rented or sold.

If you are a landlord and you fail, when requested, to provide an EPC for the start of a tenancy, you will be in breach of the Regulations.

An EPC contains information about the type of heating system and typical energy costs. It also gives recommendations about how the energy use could be reduced, lowering running costs. You can find the recommended energy efficiency improvements on the current EPC.

If you’re a private landlord, you must either:

- ensure your rented properties have an EPC with a minimum ‘E’ rating
- register a valid PRS exemption on the PRS exemptions register

Failure to do either of these is a breach of the Regulations.

The Council investigates any potential breaches of the regulations. If the Council is satisfied that you are, or have at any time in the 18 months preceding the date of service of the penalty notice, breached the Regulations, you may be subject to a penalty notice imposing a financial penalty. The Council may also impose a publication penalty.

The “publication penalty” means publication, for a minimum period of 12 months, or such longer period as the Council may decide, on the PRS Exemptions Register of such of the following information in relation to a penalty notice as the Council decides:

- Where the landlord is not an individual, the landlord’s name

- Details of the breach of these Regulations in respect of which the penalty notice has been issued
- The address of the property in relation to which the breach has occurred, and
- The amount of any financial penalty imposed.

The Council will impose the following financial penalties:

a) letting a property with an F or G rating for less than 3 months: £2,000
b) letting a property with an F or G rating for more than 3 months: £4,000
c) registering false or misleading information on the PRS exemptions register: £1,000
d) failing to provide information to the Council demanded by a compliance notice: £2,000

The Council may not impose a financial penalty under both subsections (a) and (b) above in relation to the same breach of the Regulations. But they may impose a financial penalty under either paragraph (a) or paragraph (b), together with financial penalties under paragraphs (c) and (d), in relation to the same breach. Where penalties are imposed under more than one of these paragraphs, the total amount of the financial penalty may not be more than £5,000.

Civil Financial Penalty Policy – Private Sector Housing

June 2026, version 1.0

Table of Contents

1 Document control

Table 1: Governance – current document

Item	Response
Responsible Officer	Head of Housing Services
Approved by	TBC
Version approval date	TBC
New review date	TBC

Table 2: revision details

Date	Version	Author	Authorised by	Revision details
ADD	1.0	LH/ JN	TBC	First publication due to new Renters’ Rights Act legislation and changes to the Housing Health and Safety Rating System. Based on information shared by the Association of Chief Environmental Health Officers in England

2 Introduction

This policy applies once the Council has made a decision to commence civil penalty proceedings and outlines the Council’s methodology and mechanism for assessing and setting the level of a civil penalty at all stages where a civil penalty is under consideration, including the preparation of a notice of intent, and where a final decision has been made to impose a civil penalty

The policy is linked to the Private Sector Housing Enforcement Policy and sits alongside the broader framework of council-wide enforcement and other civil penalty policies, including the overarching Kirklees Guide to Enforcement.

3 Purpose of the policy

This policy applies once the Council has made a decision to commence civil penalty proceedings.

In this policy, the term ‘landlord’ should be read as including letting agents, managing agents, licensors, property owners, corporate landlords, directors of corporate landlords, registered providers of social housing and any other person involved in the letting or management of accommodation.

In this policy, the term ‘corporate landlord’ should be read as referring to a body corporate that meets the definition of ‘landlord’ above.

In this policy, the terms ‘House in Multiple Occupation’ or ‘HMO’ are defined by the Housing Act 2004.

The following breaches are subject to a civil penalty with a statutory maximum of £7,000:

- Failure to give a written statement of terms and any other prescribed information under section 16D of the Housing Act 1988.
- Attempting to let a property for a fixed term under section 16E 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.
- Failure by the responsible person to secure the removal of a Category 1 hazard at qualifying residential premises, other than the common parts of a building containing one or more flats, where it would have been reasonably practicable for them to do so, under Section 6A of the Housing Act 2004.

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.

The following offences 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.

If a landlord has committed multiple breaches or offences, a separate civil penalty can, and usually will, be imposed for each breach and offence. In each case, the level of any civil penalty imposed will be determined in accordance with this policy.

If multiple landlords have committed the same breach or offence at the same property, a separate civil penalty can, and usually will, be imposed on each offender. In each case, the level of civil penalty imposed on each offender will be in accordance with this policy.

This policy outlines the Council's methodology and mechanism for assessing and setting the level of a civil penalty at all stages where a civil penalty is under consideration, including the preparation of a notice of intent, and where a final decision has been made to impose a civil penalty.

When applying the civil penalties matrix, interim calculations at individual stages may result in figures that exceed the statutory maximum. Where the final amount reached following application of all relevant steps exceeds the statutory maximum, the civil penalty will be reduced to the applicable statutory maximum.

The Council considers the need for transparency and consistency to be of primary importance to ensure fairness in the discharge of its functions. The general objective of this policy is, therefore, to promote both transparency and consistency in the imposition of financial penalties so that those involved in the letting or management of accommodation (a) know how the Council will generally penalise relevant breaches and offences and (b) are assured that, generally, like cases will be penalised similarly, and different cases penalised differently.

The Council recognises that, despite its best efforts, landlords may operate unlawfully for a significant period without detection, and that only a proportion of those committing relevant breaches and offences will be identified. Accordingly, the Council seeks to ensure that civil penalties are set at a level that makes it clear to the landlord concerned and to others that operating unlawfully as a landlord is financially disadvantageous when compared to operating lawfully.

The Council has a duty to act fairly, transparently and consistently when assessing civil penalties. To maintain fairness between all landlords, the Council will not give weight to claims advanced as factors that might reduce the amount of a civil penalty unless those claims are supported by evidence that the Council reasonably considers to be relevant, reliable, credible, and sufficient in scope and detail to enable proper assessment of the claim, having regard to the nature of the claim, the information ordinarily available to the landlord, and the need for consistent and fair decision-making. Allowing inadequately evidenced assertions to influence outcomes would risk rewarding those who provide incomplete or misleading information and would create an unfair advantage over landlords who provide a full and properly evidenced account. Accordingly, the Council expects landlords against whom a civil penalty is being considered to provide all documents and records that would ordinarily exist if their account were accurate. Where such evidence is not provided, and no explanation that the Council considers adequate is given, the Council may draw an adverse inference.

Where claims are advanced without sufficient supporting evidence, the Council may request specified supporting material before determining whether to issue a final notice or whether any mitigation has been sufficiently evidenced so as to justify a lower civil penalty.

The further objectives of using financial penalties as a means of enforcing the above breaches and offences are explained below.

4 Statutory Guidance

The Government has issued statutory guidance entitled "Civil penalties under the Renters' Rights Act 2025 and other housing legislation". The Council has regard to this guidance in the exercise of their functions in respect of civil penalties.

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.

4.1 Severity of the breach or offence.

The more serious the breach or offence, the higher the penalty should be.

4.2 Culpability and track record of the offender.

A higher penalty will be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities.

4.3 The harm caused to the tenant.

This is a very important factor when determining the level of penalty. The greater the actual harm or the potential for harm, principally to the tenant but also potentially the local community, the higher the penalty should be.

4.4 Punishment of the offender.

The penalty should, in a way that is fair, both punish the offender and demonstrate the consequences of not complying with their responsibilities.

4.5 Deter the offender from repeating breaches or offences.

The ultimate goal is to prevent any further offending and help ensure that the offender fully complies with all of their legal responsibilities in future. The level of the penalty should therefore be set at a level that it is likely to have a very significant deterrent effect.

4.6 Deter others from committing similar breaches or offences.

While the fact that someone has received a civil penalty may not be in the public domain, the civil penalty policy itself will be and local authorities should consider how their formal enforcement activity can be effectively publicised.

An important part of deterrence is the realisation on the part of landlords that the local housing authority is proactive in levying civil penalties where the need to do so exists and the civil penalty will be set at a high enough level such that operating lawfully will be the sensible financial choice.

4.7 Remove any financial benefit the offender may have obtained as a result of committing the breach or offence.

The principle here is that it should not be in the offender's financial interest to commit a breach or offence rather than comply, for example that the penalty for breaching licensing conditions in respect of occupancy of a property is less than the additional rent received as a result of the over-crowding. The absence of any financial benefit to the landlord does not mean though that the penalty should be reduced.

5 Civil Penalties Matrix

In determining the level of a civil penalty, officers will have regard to the matrix set out below. The matrix consists of the following sequential steps:

1. Determining the starting point based on the seriousness of the breach or offence.
2. Adjustment for factors relating to the type of landlord; size and type of portfolio controlled, owned or managed; experience of the landlord ("Landlord Type")
3. Mitigating and aggravating factors the Council deems significant including, but not limited to, factors relating to the track record and culpability of the landlord and the actual or potential harm to the occupants.
4. Financial considerations.
5. Applying the totality principle.

5.1 Starting point based of seriousness of the breach or offence

The Ministry of Housing, Communities & Local Government has provided statutory guidance that prescribes starting points for all breaches and offences based on the seriousness of the breach or offence. The exception to this prescription is for breaches of licensing conditions under sections 72(3) of the Housing Act 2004, where the Council has determined its own starting levels based on the seriousness of the specific licence condition or type of licence condition that has not be complied with.

5.2 Adjustment for factors relating to the type of landlord; size and type of portfolio controlled, owned or managed; experience of the landlord ("Landlord Type")

While all landlords are expected to comply fully with their legal obligations, the Council considers that a higher standard of professionalism and regulatory awareness is reasonably expected of landlords who operate at greater scale, who have greater experience, or who are involved in more complex forms of letting. Where such landlords fail to comply with their obligations, this will ordinarily justify a higher civil penalty.

A higher degree of professionalism is expected of landlords who:

- Control, own, or manage a significant portfolio of properties;
- Have significant experience in the letting or management of property;
- Are or have been involved in the letting or management of Houses in Multiple Occupation (HMOs);
- Are corporate landlords; or

- Are or have been directors of corporate landlords.

An upward adjustment of 20% of the applicable starting point will be applied where the landlord meets any one or more of the following criteria:

- The landlord has, at any point in time, controlled, owned, or managed six or more properties. These properties need not have been held concurrently or at the time civil penalty proceedings are brought.
- The landlord has, at any point in time, controlled, owned, or managed three or more properties that operated as HMOs, whether or not concurrently.
- The landlord is, or has previously been, a director of a corporate landlord.
- The landlord is a corporate landlord.
- The landlord has, in the Council's assessment and by reference to the available evidence, significant experience in the letting or management of property.

A downward adjustment of 20% of the applicable starting point will be applied only where all of the following criteria are met:

- The landlord has, at any point in time, controlled, owned, or managed no more than two properties.
- The landlord has controlled, owned, or managed no more than one property that has operated as an HMO, at any point in time.
- The landlord has, in the Council's assessment and by reference to the available evidence, very limited experience in the letting or management of property.

5.3 Mitigating and aggravating factors the Council deems significant including, but not limited to, factors relating to the track record and culpability of the landlord and the actual or potential harm to the occupants

To promote fairness and consistency in the administration of civil penalties, the Council will apply a structured and consistent framework when determining the extent to which mitigating and aggravating factors affect the quantum of any civil penalty.

5.3.1 General approach

Each breach or offence may have offence-specific mitigating and/or aggravating factors, which will be considered alongside the generic factors set out below.

Where multiple civil penalties are issued under this policy against the same landlord at the same time, and except where expressly stated otherwise, mitigating and aggravating factors will be considered and applied separately to each civil penalty when determining the quantum of each penalty.

5.3.2 Mitigating factors

The Council may reduce the level of a civil penalty by up to 20% of the applicable starting point to reflect the presence of mitigating factors.

Only in exceptional circumstances may the Council depart from the application of this policy in respect of mitigating factors and apply a reduction in excess of 20%. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple mitigating factors.

Within the framework of this policy, the Council has not sought to provide an exhaustive list of mitigating factors, recognising that a wide range of circumstances may potentially give rise to mitigation. However, the following generic mitigating factors will be considered in respect of each breach or offence:

5.3.2.1 Steps taken to remedy the basis of the breach or offence

Non-exhaustive examples include:

- Promptly remedying all elements of the breach or offence after receiving communication from the Council.
- Promptly remedying all the significant elements of the breach or offence leaving only less significant elements of the breach or offence.

5.3.2.2 A high level of cooperation

Non-exhaustive examples include:

- Proactive provision of significant information the Council reasonably considers relevant beyond that required by statutory notice.

5.3.2.3 Acceptance of liability

Non-exhaustive examples include:

- Accepting liability before or within the period for representations.

Where a landlord relies on a reasonable excuse defence or otherwise contests liability, this mitigating factor will not usually apply.

5.3.2.4 Health circumstances

Non-exhaustive examples include:

- A serious health condition or medical incident experienced by the landlord during, or in the period immediately preceding, the breach or offence, where there is clear and reliable evidence that the condition had a direct and material impact on the landlord’s ability to comply with the relevant legal obligation. Examples may include, but are not limited to, a heart attack, stroke, cancer diagnosis, or other acute or serious medical event causing significant incapacity or impairment.

5.3.2.5 Diminished culpability (limited responsibility)

Non-exhaustive examples include:

- A joint landlord who has evidenced that compliance arrangements for the subject property were directed and controlled by another joint landlord, and not by them.
- A landlord who became involved only after an unforeseen change in circumstances (such as the death of the previous landlord) and who committed the breach or offence only for a limited period while putting their affairs in order.

The instruction of a managing or letting agent, or reliance on an agent's actions or omissions, will not of itself constitute diminished culpability.

5.3.3 Aggravating factors

The Council may increase the level of a civil penalty by up to 20% of the applicable starting point to reflect the presence of aggravating factors.

Only in exceptional circumstances may the Council depart from the application of this policy in respect of aggravating factors and apply an increase in excess of 20%. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple aggravating factors.

The following generic aggravating factors will be considered in respect of each breach or offence:

5.3.3.1 Previous history of non-compliance.

Non-exhaustive examples include:

- Previous successful prosecutions (including relevant spent convictions), previous civil penalties, previous rent repayment orders, previous works in default, previous simple cautions.

Concurrent investigations or proceedings relating to other civil penalties, prosecutions, or rent repayment orders will not be treated as previous non-compliance.

5.3.3.2 Non-cooperation with the Council.

Non-exhaustive examples include:

- Failure to comply with notices issued under section 16 of the Local Government (Miscellaneous Provisions) Act 1976, section 235 of the Housing Act 2004, or section 114 of the Renters' Rights Act 2025.
- Failing to provide a substantive response to a letter of alleged offence.
- Failing to attend previously agreed meetings.

Where the Council has prosecuted, or is pursuing a prosecution, in respect of the same act or omission involving failure to provide legally required information (including failure to comply with a statutory notice), that conduct will not also be treated as an aggravating factor for the purposes of setting the civil penalty, in order to avoid double counting.

Where multiple civil penalties are imposed against the same landlord at the same time, this aggravating factor will be applied only to the civil penalty with the highest starting point, unless there is a clear and reasoned basis for applying it differently.

5.3.3.3 Deliberate intent or negligence when committing the offence.

Non-exhaustive examples include:

- Knowledge that the breach or offence was occurring.
- Continuation of offending after communication from the Council.
- Premeditation or planning, including steps taken to prevent detection or effective investigation.
- Providing false or misleading information to the Council.
- Applying pressure to occupants to deter cooperation with the Council.

5.3.3.4 The number of occupants affected.

Non-exhaustive examples include:

- 3-5 occupants affected.

5.3.3.5 Duration of non-compliance.

Non-exhaustive examples include:

- The offence or breach occurred over a 3–6 month period.

5.3.3.6 Vulnerability of occupants

Non-exhaustive examples include children and young adults, persons vulnerable by reason of age, disability or sensory impairment, persons with drug or alcohol dependency, victims of domestic abuse, children in care, persons with complex health needs, persons who do not speak English as a first language, victims of trafficking or sexual exploitation, refugees, asylum seekers, and pregnant women.

6 Financial considerations

The Council will review the quantum of the civil penalty and consider whether it is sufficient to act as an effective deterrent to future non-compliance. Where the Council has evidence that it considers to be sufficiently reliable regarding rental income and/or asset value from the landlord's, it may determine that an increase in the level of the penalty is appropriate in order to achieve effective deterrence.

It is essential that, as an absolute minimum, landlords do not financially benefit from their offending behaviour.

Financial circumstances will ordinarily be considered after any written representations have been received and as part of the determination of any final notice.

Where a landlord seeks to rely on a strained or limited financial position as a basis for reducing the level of a civil penalty, that position must be supported by appropriate and verifiable evidence sufficient to enable the Council to assess the landlord's financial position consistently, objectively, and transparently. Unsupported assertions, partial disclosure, or selective provision of information will not be given weight.

At a minimum, and where such information exists, the following should be provided as part of any written representations:

- The last three full tax years full self-assessment tax returns filed with HMRC, including all additional and supplemental pages;
- The last three full tax years' SA302 documents & tax year overviews;
- The last three months' payslips;
- The last three years P60 certificates;
- The last twelve months' Universal Credit payment statements;
- A list of all property assets owned or jointly owned (not limited to rental properties), together with corresponding Land Registry title documents;
- A list of all property assets owned, or held on a long lease, by any corporate entity in which the landlord has a beneficial interest, together with corresponding Land Registry documentation;
- The most recent annual mortgage statement for each property, or the last twelve months' mortgage statements where the mortgage has been in place for less than twelve months;
- Valuation statements for all ISAs held;
- Statements from any crypto-asset exchange accounts showing balances and valuations;
- A list of all shareholdings;
- Recent bank statements for any account holding a balance in excess of £5,000;
- Recent statements for all secured and unsecured loans;
- Bankruptcy orders and official notifications of bankruptcy.

Where the Council is not satisfied that it has been provided with sufficiently reliable, complete, and accurate information to assess the landlord's financial position, the Council may draw the inference that the landlord is able to pay the civil penalty as imposed.

A claimed inability to pay will not, of itself, outweigh the need to ensure effective deterrence or to remove any financial benefit obtained as a result of the breach or offence.

7 The totality principle

The Council will have regard to the totality principle to ensure that the overall outcome of its enforcement action is just and proportionate. In exceptional cases and having regard to the particular circumstances of the case, the Council may take account of totality at an earlier stage by deciding not to pursue a civil penalty in respect of a specific breach or offence where doing so would render the overall outcome disproportionate.

In general, however, the application of the totality principle will form the final step in the Council's decision-making process, undertaken after any written representations have been considered and before final notices are issued, once the level of each individual civil penalty has been assessed in accordance with this policy.

As a final step before issuing final notices, the Council will consider whether multiple civil penalties being imposed under this policy against the same landlord at the same time result in an aggregate amount that is just and proportionate. Where the Council concludes that the aggregate amount would not be just and proportionate, it will consider whether a proportionate reduction of the penalties is appropriate.

The totality principle does not operate across different legal persons who are separately liable in law, nor does it operate across civil penalties imposed at different times. In general, it applies only to multiple civil penalties imposed under this policy on the same person at the same time. Where, however, legislation provides that an officer of a body corporate, or a person concerned in its management, may be separately liable in relation to the same conduct as the body corporate, and that officer also holds a shareholding interest in the body corporate, the Council will, where civil penalties are imposed at the same time on both the body corporate and the officer arising from that same conduct, consider whether the combined outcome results in punitive duplication and is therefore not just and proportionate.

Where a reduction is applied under the totality principle, the Council will ordinarily do so by applying a uniform percentage reduction across all relevant civil penalties being issued at the same time, being those civil penalties that form part of the same totality assessment. Where, however, the application of the totality principle is required to address punitive duplication arising from a shared economic interest between a body corporate and an officer, the Council may apply a differential adjustment to ensure that the overall outcome is just and proportionate.

This approach reflects the statutory guidance on the application of the totality principle and is intended to promote consistency, transparency, and proportionality, while avoiding arbitrary or selective adjustment of individual penalties.

In accordance with the statutory guidance, any rent repayment orders made in respect of the same breach or offence will be disregarded for the purposes of assessing the totality of civil penalties under this policy.

8 Offences and breaches where a civil penalty may be levied and relevant considerations as to the level of that penalty

8.1 Protection from Eviction Act 1977 offences

8.1.1 Unlawful eviction and harassment of occupier - section 1 of the Protection from Eviction Act 1977

Table 3: Unlawful eviction and harassment of occupier - section 1 of the Protection from Eviction Act 1977

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£35,000	£40,000	£28,000	£35,000	£42,000

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- Violence or threats of violence.
- Disposal of possessions or threats to dispose of possessions.
- Breach or evasion of an injunction or undertaking.
- Loss of home.

8.2 Housing Act 1988 breaches and offences

8.2.1 Failure to give a written statement of terms and any other prescribed information - section 16D of the Housing Act 1988

Table 4: Failure to give a written statement of terms and any other prescribed information - section 16D of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Breach-specific mitigating factors:

- Provision of some of the required terms and prescribed information within the required period.

Breach-specific aggravating factors:

- None.

8.2.2 Attempting to let a property for a fixed term - section 16E(1)(a) of the Housing Act 1988

Table 5: Attempting to let a property for a fixed term - section 16E(1)(a) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Breach-specific mitigating factors:

- None.

Breach-specific aggravating factors:

- None.

8.2.3 Attempting to end a tenancy by service of a notice to quit - section 16E(1)(b) of the Housing Act 1988

Table 6: Attempting to end a tenancy by service of a notice to quit - section 16E(1)(b) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Breach-specific mitigating factors:

- None.

Breach-specific aggravating factors:

- Tenant vacates property within four months of the attempt to end a tenancy by service of a notice to quit.

8.2.4 Attempting to end a tenancy orally or requiring that it is ended orally - section 16E(1)(c) of the Housing Act 1988

Table 7: Attempting to end a tenancy orally or requiring that it is ended orally - section 16E(1)(c) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Breach-specific mitigating factors:

- None.

Breach-specific aggravating factors:

- Tenant vacates property within four months of the attempt to end a tenancy orally.

8.2.5 Serving a possession notice that attempts to end a tenancy outside the prescribed section 8 process - section 16E(1)(d) of the Housing Act 1988

Table 8: Serving a possession notice that attempts to end a tenancy outside the prescribed section 8 process - section 16E(1)(d) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Breach-specific mitigating factors:

- None.

Breach-specific aggravating factors:

- Tenant vacates property within four months of the attempt to end a tenancy outside the prescribed Section 8 process.

8.2.6 Relying on a ground where the person does not reasonably believe that the landlord is, will, or may be able to obtain possession on that ground and the tenant(s) surrendered the tenancy within the period of four months beginning with the date of the contravention, without an order for possession of the dwelling-house being made - section 16E(1)(e) of the Housing Act 1988

Table 9: Relying on a ground where the person does not reasonably believe that the landlord is, will, or may be able to obtain possession on that ground and the tenant(s) surrendered the tenancy within the period of four months beginning with the date of the contravention, without an order for possession of the dwelling-house being made - section 16E(1)(e) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Breach-specific mitigating factors:

- None.

Breach-specific aggravating factors:

- None.

8.2.7 Failing to provide a tenant with prior notice that a ground which requires it may be used - section 16E(1)(f) of the Housing Act 1988

Table 10: Failing to provide a tenant with prior notice that a ground which requires it may be used - section 16E(1)(f) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£3,000	£7,000	£2,400	£3,000	£3,600

Breach-specific mitigating factors:

- None.

Breach-specific aggravating factors:

- None.

8.2.8 Failure to give an existing tenant prescribed information about changes made by the Renters' Rights Act 2025 in the prescribed form and timeframe - paragraph 7(2) of schedule 6 to the Renters' Rights Act 2025

The power to impose a civil penalty for this breach is contained in Section 16I(1) of the Housing Act 1988, as amended by paragraph 7(1) of Schedule 6 to the Renters' Rights Act 2025

Table 11: Failure to give an existing tenant prescribed information about changes made by the Renters' Rights Act 2025 in the prescribed form and timeframe - paragraph 7(2) of schedule 6 to the Renters' Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Breach-specific mitigating factors:

- Provision of some of the required prescribed information within the required period.
- Provision of prescribed information but not in the prescribed form.

Breach-specific aggravating factors:

- None.

8.2.9 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 — section 16J(3) of the Housing Act 1988

Table 12: 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 — section 16J(3) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Double the starting level for the two constituent breaches added together	£40,000	Dependent on the constituent breaches	Dependent on the constituent breaches	Dependent on the constituent breaches

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

8.2.10 Conduct giving rise to liability under s.16I, where within the preceding five years the person 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 – section 16(J)(4) of the Housing Act 1988

Table 13: Conduct giving rise to liability under s.16I, where within the preceding five years the person 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 – section 16(J)(4) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Double the starting level for the two constituent breaches added together	£40,000	Dependent on the constituent breaches	Dependent on the constituent breaches	Dependent on the constituent breaches

Offence-specific mitigating factors:

- Dependent on the most recent conduct giving rise to liability to a civil penalty under section 16I of the Housing Act 1988.

Offence-specific aggravating factors:

- Dependent on the most recent conduct giving rise to liability to a civil penalty under section 16I of the Housing Act 1988.

8.2.11 Relying on a ground where the person knows that the landlord would not be able to obtain an order for possession on that ground, or being reckless as to whether the landlord would be able to do so and the tenant(s) surrendered the tenancy within the period of four months beginning with the date the ground was relied on, without an order for possession of the dwelling-house being made – section 16J(1) of the Housing Act 1988

Table 14: Relying on a ground where the person knows that the landlord would not be able to obtain an order for possession on that ground, or being reckless as to whether the landlord would be able to do so and the tenant(s) surrendered the tenancy within the period of four months beginning with the date the ground was relied on, without an order for possession of the dwelling-house being made – section 16J(1) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£30,000	£40,000	£24,000	£30,000	£36,000

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

8.2.12 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 - section 16J(2) of the Housing Act 1988

Table 15: 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 - section 16J(2) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

8.3 Housing and Planning Act 2016 offences

8.3.1 Breach of a banning order - section 21(1) of the Housing and Planning Act 2016

Table 16: Breach of a banning order - section 21(1) of the Housing and Planning Act 2016

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£35,000	£40,000	£28,000	£35,000	£42,000

Offence-specific mitigating factors:

- A single, isolated incident.

Offence-specific aggravating factors:

- Concealment or evasion

8.4 Renters Rights Act 2025 breaches

8.4.1 Discrimination relating to children in the lettings process – section 33(1) of the Renters' Rights Act 2025

Table 17: Discrimination relating to children in the lettings process – section 33(1) of the Renters' Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Breach-specific mitigating factors:

- None.

Breach-specific aggravating factors:

- None.

8.4.2 Discrimination relating to benefits in the lettings process – section 34(1) of the Renters' Rights Act 2025

Table 18: Discrimination relating to benefits in the lettings process – section 34(1) of the Renters' Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Breach-specific mitigating factors:

- None.

Breach-specific aggravating factors:

- None.

8.4.3 Failure to specify proposed rent within a written advertisement or offer – section 56(2) of the Renters' Rights Act 2025

Table 19: Failure to specify proposed rent within a written advertisement or offer – section 56(2) of the Renters' Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£3,000	£7,000	£2,400	£3,000	£3,600

Breach-specific mitigating factors:

- None.

Breach-specific aggravating factors:

- None.

8.4.4 Inviting, encouraging or accepting any offer of rent greater than the stated rate – section 56(3) of the Renters' Rights Act 2025

Table 20: Inviting, encouraging or accepting any offer of rent greater than the stated rate – section 56(3) of the Renters' Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Breach-specific mitigating factors:

- None.

Breach-specific aggravating factors:

- None.

8.5 The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 breach of duties

8.5.1 Failure to comply with The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 Regulation 3: (3)(b), (3)(d), (3)(e). Regulation 3D: (a), (b), (c), (f)

Table 21: Failure to comply with The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 Regulation 3: (3)(b), (3)(d), (3)(e). Regulation 3D: (a), (b), (c), (f)

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£5,000	£40,000	£4,000	£,5,000	£6,000

Breach-specific mitigating factors:

- The report or record evidences that the electrical installations were compliant at all points.

Breach-specific aggravating factors:

- The number or nature or severity of the issues observed on the report or record.

8.5.2 Failure to comply with The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 Regulation 3: (1)(a), (1)(b), (1)(c), (3)(a), (3)(c), (3)(ca), (5)(b), (5)(c). Regulation 3B: (1)(a), (1)(b), (1)(c). Regulation 3C: (1), (2)(a). Regulation 3D: (d), (e)

Table 22: Failure to comply with The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 Regulation 3: (1)(a), (1)(b), (1)(c), (3)(a), (3)(c), (3)(ca), (5)(b), (5)(c). Regulation 3B: (1)(a), (1)(b), (1)(c). Regulation 3C: (1), (2)(a). Regulation 3D: (d), (e)

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£12,500	£40,000	£10,000	£12,500	£15,000

Breach-specific mitigating factors:

- The report or record evidences that the electrical installations were compliant at all points.

Breach-specific aggravating factors:

- The number or nature or severity of the issues observed on the report or record.

8.5.3 Failure to comply with The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 Regulation 3: (4), (5a), (6). Regulation 3C: (2)(b), (4)

Table 23: Failure to comply with The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 Regulation 3: (4), (5a), (6). Regulation 3C: (2)(b), (4)

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Breach-specific mitigating factors:

- None.

Breach-specific aggravating factors:

- The number or nature or severity of the issues observed on the report or record.

8.6 Housing Act 2004 breaches and offences

8.6.1 Failure by the responsible person to secure the removal of a Category 1 hazard at qualifying residential premises, other than the common parts of a building containing one or more flats, where it would have been reasonably practicable for them to do so – Section 6A of the Housing Act 2004

Table 24: Failure by the responsible person to secure the removal of a Category 1 hazard at qualifying residential premises, other than the common parts of a building containing one or more flats, where it would have been reasonably practicable for them to do so – Section 6A of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Breach-specific mitigating factors:

- Access prevented by occupant(s) despite appropriate landlord steps

Breach-specific aggravating factors:

- None

8.6.2 Failure to comply with an improvement notice - section 30(1) of the Housing Act 2004

Table 25: Failure to comply with an improvement notice - section 30(1) of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

Offence-specific mitigating factors:

- The nature and extent of hazard(s) that are present once the deadline for compliance has passed.
- Whether the property is unoccupied once the deadline for compliance has passed.
- Access to the property was prevented by the actions or refusal of the occupant(s) and a landlord can evidence that they took steps to obtain access to the property for the purpose of carrying out the required works, but those steps fell short of establishing a reasonable excuse for non-compliance.

Offence-specific aggravating factors:

- The nature and extent of hazard(s) that are present once the deadline for compliance has passed.

8.6.3 Failure to comply with an overcrowding notice - section 139(7) of the Housing Act 2004

Table 26: Failure to comply with an overcrowding notice - section 139(7) of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- The level of overcrowding present.

8.6.4 Failure to obtain an HMO licence - section 72(1) of the Housing Act 2004

Table 27: Failure to obtain an HMO licence - section 72(1) of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£17,000	£40,000	£13,600	£17,000	£20,400

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- The landlord has knowledge or experience of licensing requirements.
- The condition and/or facilities of the unlicensed property.

8.6.5 Knowingly permitting over-occupation of an HMO - section 72(2) of the Housing Act 2004

Table 28: Knowingly permitting over-occupation of an HMO - section 72(2) of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- There are suitable amenity and space provisions in the HMO.

Offence-specific aggravating factors:

- The level of over-occupation present.

8.6.6 Failure to Comply with The Management of Houses in Multiple Occupation [England] Regulations 2006 and The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 – section 234(3) of the Housing Act 2004

The Management of Houses in Multiple Occupation (England) Regulations 2006 impose duties on the persons managing HMOs in respect of:

- Providing information to occupiers [Regulation 3]
- Taking safety measures, including fire safety measures [Regulation 4]
- Maintaining the water supply and drainage [Regulation 5]
- Supplying and maintaining gas and electricity, including having these services/appliances regularly inspected [Regulation 6]
- Maintaining common parts [Regulation 7]
- Maintaining living accommodation [Regulation 8]
- Providing sufficient waste disposal facilities [Regulation 9]

The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 impose duties on the persons managing HMOs as defined by Section 257 Housing Act 2004 in respect of:

- Providing information to occupiers [regulation 4]
- Taking safety measures, including fire safety measures [regulation 5]
- Maintaining the water supply and drainage [regulation 6]
- Supplying and maintaining gas and electricity, including having these services/appliances regularly inspected [regulation 7]
- Maintaining common parts [regulation 8]
- Maintaining living accommodation [regulation 9]
- Providing sufficient waste disposal facilities [regulation 10]

Where there are multiple breaches of a single Management Regulation at a single HMO, a single civil penalty will be imposed which will cover all the breaches of that Management Regulation.

Where multiple Management Regulations have been breached at a single HMO, a separate civil penalty will be imposed for each Management Regulation that has been breached.

8.6.6.1 Duty of manager to provide information to occupier

Table 29: Duty of manager to provide information to occupier [Failure to Comply with The Management of Houses in Multiple Occupation [England] Regulations 2006 and The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 – section 234(3) of the Housing Act 2004.]

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£3,000	£40,000	£2,400	£3,000	£3,600

Offence-specific mitigating factors:

- The nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The nature and extent of offences within the specific regulation
- The landlord has refused to provide any outstanding contact information more than 48 hours after it has been requested by an occupant or on behalf of an occupant.

8.6.6.2 Duty of manager to take safety measures

Table 30: Duty of manager to take safety measures [Failure to Comply with The Management of Houses in Multiple Occupation [England] Regulations 2006 and The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 – section 234(3) of the Housing Act 2004.]

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

8.6.6.3 Duty of manager to maintain water supply and drainage

Table 31: Duty of manager to maintain water supply and drainage [Failure to Comply with The Management of Houses in Multiple Occupation [England] Regulations 2006 and The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 – section 234(3) of the Housing Act 2004.]

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£10,000	£40,000	£8,000	£10,000	£12,000

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

8.6.6.4 Duty of manager to supply and maintain gas and electricity

Table 32: Duty of manager to supply and maintain gas and electricity [Failure to Comply with The Management of Houses in Multiple Occupation [England] Regulations 2006 and The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 – section 234(3) of the Housing Act 2004.]

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£12,000	£40,000	£9,600	£12,000	£14,400

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

8.6.6.5 Duty of manager to maintain common parts, fixtures, fittings and appliances

Table 33: Duty of manager to maintain common parts, fixtures, fittings and appliances [Failure to Comply with The Management of Houses in Multiple Occupation [England] Regulations 2006 and The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 – section 234(3) of the Housing Act 2004.]

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

8.6.6.6 Duty of manager to maintain living accommodation

Table 34: Duty of manager to maintain living accommodation [Failure to Comply with The Management of Houses in Multiple Occupation [England] Regulations 2006 and The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 – section 234(3) of the Housing Act 2004.]

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

8.6.6.7 Duty to provide waste disposal facilities

Table 35: Duty to provide waste disposal facilities [Failure to Comply with The Management of Houses in Multiple Occupation [England] Regulations 2006 and The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 – section 234(3) of the Housing Act 2004.]

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:

- The nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The nature and extent of offences within the specific regulation
- The lack of sufficient refuse and/or litter containers either inside and/or outside the property has been previously reported
- The refuse and/or litter that requires disposal includes hazardous materials

8.6.7 Breach of licence conditions – Section 72(3) Housing Act 2004

All granted HMO licences impose a set of conditions on the licence holder. It is important that the licence holder of a licensed property complies with all imposed conditions, but the Council recognises that a failure to comply with certain licence conditions is likely to have a much bigger impact on the safety and comfort of residents than others.

The starting levels for each different type of licence condition breach is set out below based on the seriousness of the offence. Where a licence condition could be interpreted to fall within two different potential starting levels, the higher starting level will be chosen.

Where multiple licence conditions have been breached at a single property, a separate civil penalty will be imposed for each licence condition that has been breached.

Failure to comply with licence conditions related to:

- Signage or the provision of information for tenants
- Provision of written terms of occupancy for tenants
- Procedures regarding complaints
- Procedures regarding vetting of incoming tenants
- Compliance with deposit protection legislation
- The recording and provision of information regarding rent payments
- Procedures relating to rent collection
- The provision of information regarding occupancy of the property
- The provision of information regarding change of managers or licence holder details
- The provision of information related to changes in the property
- Requirements relating to the sale of the property
- Attending training courses
- Requirements to hold insurance
- The provision of insurance documentation
- The provision of or obtaining of suitable references
- The provision of keys and alarm codes
- Security provisions for access to the property
- The provision of suitable means for occupiers to regulate temperature
- Carrying out items on a schedule of works not otherwise mentioned in the HMO licence conditions section of this policy, relating to non-compliance with items on a schedule of works

Table 36: Breach of licence conditions – Section 72(3) Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£40,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach

Failure to comply with licence conditions related to:

- Procedures and actions regarding Inspections
- Procedures regarding Repair issues
- Maintenance and use of common parts (including gardens, outbuildings and property exterior) and living areas
- Safeguarding occupiers and minimising disruption during works
- The provision of information regarding alterations and construction works
- Procedures regarding emergency issues
- Waste and waste receptacles, pests, minor repairs, alterations or decoration.
- Giving written notice prior to entry
- Allowing access for inspections
- Minimising risk of water contamination
- The compliance of furnishings or furniture with fire safety regulations
- Carrying out items on a schedule of works in relation to provision of mechanical extraction or electrical sockets

Table 37: Breach of licence conditions – Section 72(3) Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach

Failure to comply with licence conditions related to:

- The provision of documentation regarding energy performance certificates, fire detection and prevention, emergency lighting, carbon monoxide detection, fire risk assessments, gas installations, electric installations and appliances
- Notification of legal proceedings, contraventions and other relevant information that may affect a fit and proper person status
- Procedures and actions regarding ASB
- Carrying out items on a schedule of works in relation to the provision of personal hygiene facilities, kitchen facilities or heating

Table 38: Breach of licence conditions – Section 72(3) Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£12,500	£40,000	£10,000	£12,500	£15,000

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach

Failure to comply with licence conditions related to:

- Minimum floor areas
- Occupancy rates
- Occupancy of rooms or areas that are not to be used as sleeping accommodation
- Limits on number of households allowed to occupy the property or part of the property

Table 39: Breach of licence conditions – Section 72(3) Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach

Failure to comply with licence conditions related to:

- The condition or existence of smoke alarms, carbon monoxide alarms, emergency lighting, gas installations, electric installations and appliances, fire detection or other fire safety features or requirements
- The provision and maintenance of safe means of escape, including requirements to keep escape routes and exits free from obstruction
- Carrying out items on a schedule of works in relation to fire safety or the provision of a Carbon Monoxide detector

Table 39: Breach of licence conditions – Section 72(3) Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach

9 Process for imposing a civil penalty and the right to make written representations

9.1 Notice of intent

Before imposing a civil penalty on a landlord, the Council will give the landlord a notice of intent. The notice of intent will set out:

- The amount of the proposed civil penalty
- The reasons for proposing to impose the civil penalty
- Information about their right to make written representations

9.2 Right to make written representations

A landlord who is given a notice of intent may make written representations to the Council about the proposal to impose a civil penalty. Any representations must be made within a period of 28 days beginning with the day after the date on which the notice of intent was given.

9.3 Decision after the representations period

After the end of the period for representations the Council will:

- Decide whether to impose a civil penalty on the landlord; and
- If it decides to impose a civil penalty, decide the amount of the penalty. This amount can be higher or lower than the amount stated in the notice of intent.

A landlord's rectification of the identified breach or offence during the representations period will rarely, of itself, lead the Council to conclude that the imposition of a civil penalty is inappropriate. However, compliance at that stage will usually be relevant to the assessment of mitigating factors that may reduce the level of any civil penalty imposed.

Similarly, an admission of liability will rarely, of itself, lead the Council to conclude that the imposition of a civil penalty is inappropriate. An admission of liability will, however, usually be relevant to the assessment of mitigating factors that may reduce the level of any civil penalty imposed.

9.4 Final notice

If, following the receipt of written representations and/or the expiry of the time period to make written representations, the Council decides to impose a civil penalty on the landlord, it will give the landlord a final notice imposing that penalty.

The final notice will set out:

- The amount of the civil penalty
- The reasons for imposing the penalty
- Information about how to pay the penalty
- The period for payment of the penalty
- Information about rights of appeal
- The consequences of failure to comply with the notice

10 Discount for prompt payment

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 33% to the amount of the civil penalty.

The availability of the discount is conditional upon full payment being received within the specified period. The discount period will not be extended or suspended by the bringing of an appeal. A landlord who chooses to appeal may still benefit from the discount by paying the civil penalty in full within the specified period; however, where payment is not made within that period, the discount will not apply.

10.1.1 Illustrative example of the application of the discount

The landlord of an HMO property fails to obtain a licence. They only operate two HMO properties and there are no other relevant factors or aggravating features. The starting point for the offence under the Council's civil penalties matrix is £17,000.

Following the issue of a notice of intent proposing a civil penalty of £17,000, the landlord makes written representations. Having considered those representations, the Council determines to impose a civil penalty of £16,000, as set out in the final notice.

If the landlord pays the civil penalty in full within the payment period specified in the final notice, a 33% prompt payment discount is applied, resulting in a discounted payment of £10,720.

11 Appeals

A landlord who is given a final notice may appeal to the First-tier Tribunal (Property Chamber) against the decision to impose a civil penalty and/or the amount of the civil penalty. Any appeal must be made within 28 days beginning with the day after the date on which the final notice was given.

Where an appeal is brought, the final notice is suspended until the appeal is finally determined or withdrawn.

An appeal to the First-tier Tribunal is by way of a re-hearing of the Council's decision. In determining an appeal, the Tribunal may have regard to matters of which the Council was unaware at the time the decision to impose the civil penalty was made.

The Tribunal may dismiss an appeal if it is satisfied that the appeal is frivolous, vexatious, an abuse of process, or has no reasonable prospect of success.

The First-tier Tribunal may invite the parties to consider mediation or another form of alternative dispute resolution. The Council will not generally agree to mediation in relation to the level of a civil penalty, as civil penalties are determined by reference to this Policy to promote fair, consistent, and proportionate outcomes. Agreeing reductions outside the Policy framework would risk undermining consistency and the Council's enforcement objectives.

On determination of an appeal, the Tribunal may:

- Confirm the civil penalty
- Vary the amount of the civil penalty (whether by increase or reduction)
- Cancel the civil penalty

Where the Tribunal varies a civil penalty by increasing its amount, it may do so only up to the applicable statutory maximum for the relevant breach or offence (£7,000 or £40,000, as applicable).

A party to the appeal may apply for permission to appeal the decision of the First-tier Tribunal to the Upper Tribunal (Lands Chamber).

Kirklees COUNCIL

REPORT TITLE: NEW H&N BUILDING SAFETY POLICIES

Meeting	Growth and Regeneration Scrutiny Panel
Date	20th July 2026
Cabinet Member	Cabinet Member for Transport and Housing
Key Decision **Eligible for Call In**	No Yes

Purpose of Report

This report provides information on a number of new Homes & Neighbourhoods building safety policies, and seeks Cabinet approval to implement and publish these.

Delegated authority is also sought for the Service Director for Homes & Neighbourhoods to oversee and approve future updates of these policies.

A summary of the proposed policies and relevant considerations is set out in a table under 'Information required to take a decision' below.

Recommendations:

1. To review and agree the implementation and publication of the following new Homes & Neighbourhoods policies:

- H&N Building Safety Policy
- H&N Golden Thread Policy Higher-Risk Residential Buildings
- H&N Mandatory Occurrence Reporting (MOR) Policy
- H&N Person-Centred Fire Risk Assessments (PCFRA) and Residential Personal Emergency Evacuation Plans (RPEEP) Policy
- H&N Lift Safety Management Policy and Management Plan

2. To delegate to the Service Director for Homes & Neighbourhoods, authority to oversee and approve future minor, legislative or annual updates of these policies. Any substantial changes will remain subject to Cabinet approval.

Reasons for Recommendations:

The safety and quality of council homes is of paramount importance to Kirklees Homes & Neighbourhoods, and a number of policies and processes are already in place to support this.

Adopting the new policies set out in this report will help the council continue to meet its regulatory duties and responsibilities as a social landlord. The policies will also make expectations and requirements clearer and easier to understand for staff, tenants, and other residents.

The policies will be reviewed and updated annually, or sooner if there are changes to legislation, regulations, the council's organisational structure, or the systems and software used.

Following ELT review and recommendation, the policies were considered by the Council's Information Governance Manager, who confirmed that presentation to the IG Board was not required. Section 3.5 of the PCFRA and RPEEP Policy was amended to include reference to the council's Data Protection Policy. An additional review was undertaken with the council's Strategic Facilities Manager to confirm if any existing corporate policies could address the requirements of the policies outlined in this report; however, no such policies are currently in place.	
Resource Implications: No implications.	
Date signed off by Executive Director & name	David Shepherd – 8 July 2026
Is it also signed off by the Service Director for Finance?	Not Applicable for Scrutiny report
Is it also signed off by the Service Director for Legal Governance and Commissioning (Monitoring Officer)?	Not Applicable for Scrutiny report

Electoral wards affected: All

Ward councillors consulted: Not Applicable

Public or private: Public

Has GDPR been considered? Yes
Personal data may be collected from tenants through the implementation of these policies. All data will be managed in line with the Privacy Notice for Homes & Neighbourhoods.

1.0 Executive Summary

1.1 The proposed new policies support improvements across Homes & Neighbourhoods in improving building safety processes, ensuring compliance with the RSH Consumer Standards and wider building safety legislation.

1.2 The policies presented in this paper seek to ensure:
- Ongoing legal compliance;
- Consistency across H&N policies, including recognition of the need to tailor services to meet individual tenants' needs;
- Improved document accessibility.

1.3 A summary of the proposed policies, their purposes and relevant considerations is set out in a table under 'Information required to take a decision' below.

1.4 Approval to implement and publish the policies is sought, along with delegated authority to the Service Director for Homes & Neighbourhoods to oversee and approve future updates.

2.0 Information required to take a decision

2.1 Background

2.1.1 The Building Safety Act 2022, Social Housing (Regulation) Act 2023 and associated building safety regulations have significantly strengthened the legal and regulatory responsibilities placed on social housing landlords. In response, Homes & Neighbourhoods has further strengthened our suite of building safety policies to provide a clear, consistent and transparent framework for managing building safety risks, particularly within higher-risk residential buildings.

2.1.2 The policies formalise existing good practice, support compliance with statutory duties and the Regulator of Social Housing's Safety and Quality Standard and clarify the council's approach to areas including building safety management, the Golden Thread of information, Mandatory Occurrence Reporting, fire safety arrangements for vulnerable residents, and lift safety management. Collectively, they provide assurance that robust governance, risk management and resident engagement arrangements are in place to protect tenants, residents, staff and visitors.

2.2 Policy updates

2.1.1 The table below summarises the key purposes and considerations relevant to each of the policies presented:

Policy	Purposes and Considerations
Building Safety Policy	• To confirm the council's approach to managing building safety risks in higher-risk residential buildings, including fire and structural safety. • To demonstrate compliance with statutory duties, including the Building Safety Act 2022, the Social Housing (Regulation) Act 2023, and the Regulator of Social Housing's Safety and Quality Standard. • To provide assurance that clear governance, roles, and resident engagement arrangements are in place in line with building safety and social housing regulatory requirements. • Although the Building Safety Act has been in place since 2022, there is no legal requirement for a formal policy. This policy has been produced to clearly set out the approach to managing fire and structural risks within H&N.
Golden Thread Policy	• To set out the council's approach to managing accurate, up-to-date building safety information for higher-risk residential buildings throughout their lifecycle. • To demonstrate compliance with statutory Golden Thread requirements, as set out in the Building Safety Act 2022 and the Higher-Risk Buildings (Keeping and Provision of Information etc.) (England) Regulations 2024. • To provide assurance that clear governance, ownership, and information controls are in place to support effective management of fire and structural safety risks. • Since the introduction Building Safety Act 2022, Higher-Risk Buildings must maintain a Golden Thread of building information. A formal policy isn't legally required, but is considered best practice.
Mandatory Occurrence Reporting (MOR) Policy	• To set out how the council identifies, records, and reports serious building safety incidents in higher-risk residential buildings. • To demonstrate compliance with statutory Mandatory Occurrence Reporting duties, as required by the Building Safety Act 2022 and the Higher-Risk Buildings (Management of Safety Risks etc.) (England) Regulations 2023. • To provide assurance that safety incidents, near misses, and concerns are reported, investigated, and addressed promptly and transparently, including notification to the Building Safety Regulator where required. • Under the Building Safety Act 2022, Higher-Risk Buildings are required to operate a Mandatory Occurrence Reporting (MOR) system. While a specific written policy is not explicitly mandated, it is considered best practice. H&N already operates MOR processes; this policy clarifies and formalises how compliance is achieved.
PCFRA and RPEEP Policy	• To set out how the council identifies and manages individual fire safety risks for residents who may need support to evacuate safely from higher-risk residential buildings, through Person-Centred Fire Risk Assessments (PCFRA) and Residential Personal Emergency Evacuation Plans (RPEEPs).

	• To demonstrate compliance with statutory fire and building safety duties, including the Building Safety Act 2022, the Fire Safety Order 2005, and the Fire Safety (Residential Evacuation Plans) (England) Regulations 2025. • To provide assurance that clear, consistent arrangements are in place to assess needs, agree reasonable measures, and support safe evacuation in the event of a fire. • New policy required by law, focused on fire safety planning for tenants who may need additional support in an emergency. • Introduces a clear and consistent framework for assessing and recording individual needs. • Relevant processes are already in place, as required by the statutory deadline of 6th April 2026.
Lift Safety Management Policy and Management Plan	• To set out how the council manages the safe operation, inspection, and maintenance of lifts in higher-risk residential buildings to protect residents, staff, contractors and visitors. • To demonstrate compliance with statutory duties, including the Building Safety Act 2022, the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER), and the Provision and Use of Work Equipment Regulations 1998 (PUWER). • To provide assurance that clear governance, inspection, and reporting arrangements are in place to identify risks, respond to defects, and maintain lift safety. • Lift safety regulations (LOLER and PUWER) have been in place since 1998. Although H&N had a management plan, no formal policy existed safety and compliance was maintained through appropriate servicing, repair, and maintenance in line with regulation ensuring no risk to users. This policy formalises H&N's approach and responsibilities.

3.0 Implications for the Council

3.1 Council Plan

3.1.1 The proposed Building Safety policies support the Council Plan by helping to ensure that council homes are safe, well-managed and meet the needs of tenants and residents. The policies strengthen the council's approach to managing fire, structural and building safety risks, while ensuring compliance with key legislation and regulatory standards, including the Building Safety Act 2022 and the Regulator of Social Housing's Safety and Quality Standard.

3.1.2 They provide a clear framework for governance, accountability and resident engagement, helping to build trust and confidence in housing services. The policies also promote equality and inclusion by recognising the need to tailor services and safety arrangements to individual circumstances, particularly through measures such as Person-Centred Fire Risk Assessments and Residential Personal Emergency Evacuation Plans. In addition, the policies have been designed to improve accessibility, transparency and understanding for both staff and tenants, supporting the Council Plan ambition to deliver high-quality, customer-focused services and improve outcomes for communities.

3.2 Financial considerations

3.2.1 Implementation and delivery of each policy will be undertaken in accordance with all currently approved budgets. Building Safety has approximately £60 million allocated across capital and revenue budgets within the forthcoming five-year programme. The implementation of these policies is not expected to result in any additional budgetary impact

3.3 Legal and regulatory implications

3.3.1 The proposed Building Safety policies have been developed to strengthen the council's framework for managing building safety and to support compliance with a range of statutory and regulatory requirements. Collectively, the policies demonstrate how Homes & Neighbourhoods will meet its duties under the Building Safety Act 2022, the Social Housing (Regulation) Act 2023, the Fire Safety Order 2005, the Higher-Risk Buildings Regulations, and other relevant legislation governing the safety and management of residential buildings.

3.3.2 The policies provide clear governance arrangements, roles and responsibilities, risk management processes, incident reporting requirements, and resident engagement mechanisms, supporting compliance with the Regulator of Social Housing's Safety and Quality Standard and wider consumer regulation expectations. They also formalise existing operational practices in key areas such as the management of higher-risk residential buildings, maintenance of the Golden Thread of information, Mandatory Occurrence Reporting, fire safety planning for vulnerable residents, and lift safety management.

3.3.3 Approval and implementation of these policies will strengthen assurance that the council has effective controls in place to identify, manage and mitigate building safety risks, helping to protect tenants, residents, staff and visitors. Failure to maintain robust building safety arrangements could expose the council to regulatory intervention, legal challenge, reputational damage and financial consequences.

3.4 Climate Change and Air Quality

3.4.1 There are no direct climate change or air quality implications arising from the approval of these policies. The policies are focused on strengthening governance, compliance and operational arrangements for building safety, including fire safety, building information management, incident reporting and lift safety within higher-risk residential buildings. They formalise the council's approach to meeting statutory and regulatory requirements and do not introduce any new activities that are expected to have a material impact on carbon emissions, energy consumption or local air quality.

3.4.2 Any future capital investment or building improvement programmes delivered under the building safety framework will continue to be assessed separately for environmental and sustainability impacts as part of normal project governance processes.

3.5 Risk, and Integrated Impact Assessment

3.5.1 These policies collectively mitigate the strategic risk that council homes do not comply with relevant legislation and building safety requirements, reducing the likelihood of tenant harm, regulatory intervention, legal challenge, reputational damage and financial consequences.

Risk Theme	Risk Description	Risk Assurance Focus
Building Safety Compliance	Failure to comply with the Building Safety Act 2022, Social Housing (Regulation) Act 2023 and associated regulations for higher-risk residential buildings.	Approval and implementation of the Building Safety Policy, clear governance arrangements, defined responsibilities, annual policy review, and regulatory assurance reporting.
Fire and Life Safety	Failure to identify and manage fire safety risks, including risks affecting residents requiring additional support to evacuate safely.	Delivery of PCFRAs and RPEEPs, completion of fire risk assessments, monitoring of remedial actions, resident engagement and compliance reporting.
Lift Safety and Asset Assurance	Failure to identify, investigate and report building safety incidents, near misses or emerging risks to the Building Safety Regulator where required.	Compliance with LOLER and PUWER requirements, planned inspections and servicing, performance monitoring, defect management and assurance reporting.
Building Safety Information Management	Inaccurate, incomplete or inaccessible building safety information resulting in poor decision-making, regulatory non-compliance or inability to demonstrate compliance.	Implementation of the Golden Thread Policy, information governance controls, data quality checks, document ownership and audit arrangements.
Incident Reporting and Learning	Failure to identify, investigate and report building safety incidents, near misses or emerging risks to the Building Safety Regulator where required.	Mandatory Occurrence Reporting (MOR) procedures, incident monitoring, escalation processes, lessons learned reviews and management oversight.

Integrated Impact Assessment (IIA)
An IIA has been completed for these policies – ref: IIA-830941977

4.0 Consultation

4.1 Relevant staff have been consulted in the development of the policies.

5.0 Engagement

5.1 Alongside approval of the draft Building Safety policies, a structured Building Safety Engagement Strategy will be developed, in collaboration with tenants and other stakeholders to support effective implementation across the organisation and with tenants.

5.2 The engagement plan will focus on ensuring that staff understand their roles and responsibilities under the updated policies, and that tenants are aware of how building safety is managed, what they can expect from the council, and how they can raise concerns. This will include proportionate and accessible communications, supported by targeted briefings and guidance for relevant staff groups.

5.3 For tenants, engagement will be designed to raise awareness of building safety arrangements in a clear and accessible way, using appropriate channels and formats. This will align with existing tenant engagement activity and "You Said, We Did" approaches, to ensure messages are understood and feedback is captured and acted upon.

5.4 The engagement and embedding plan will be aligned to the final approved policies and will be delivered on a phased basis, with assurance provided through existing governance arrangements. Progress and impact will be monitored to ensure the policies are consistently applied in practice and embedded into day-to-day delivery.

5.5 All policies have been drafted and formatted to align with Kirklees Council's document accessibility standards, improving clarity and transparency for staff and tenants. The policies will be made publicly available on the council's website.

6.0 Options

6.1 Options considered

6.1.1 Not applicable.

6.2 Reason for recommendation

6.2.1 The new policies presented in this paper will help to ensure:

- Ongoing legal compliance;
- Consistency across H&N policies, including recognition of the need to tailor services to meet individual tenants' needs;
- Document accessibility.

7.0 Next steps and timelines

7.1 The documents will follow the following flightpath to Cabinet. Subject to approval, the policies will be implemented and published on the council's website.

- ~~19/05/2026 H&N Senior Leadership Team (HNSLT)~~
- ~~03/06/2026 Place Senior Leadership Team (Place SLT)~~
- ~~16/06/2026 Executive Leadership Team (ELT)~~
- ~~24/06/2026 Tenant Led Panel (TLP)~~
- 13/07/2026 H&N Improvement Board (HNIB)
- 20/07/2026 Growth & Regeneration Scrutiny
- 23/07/2026 Key Decision Notice (KDN)
- 03/08/2026 Executive Board (EB)
- 25/08/2026 Cabinet

- Date tbc Housing Portfolio Holder Briefing (PHB)

8.0 Contact officer

8.1 Joe Keating
H&N Head of Assets and Building Safety
Joe.Keating@Kirklees.gov.uk

Blake Hamblett
H&N General Manager, Building Safety Compliance
Blake.Hamblett@kirklees.gov.uk

9.0 Background Papers and History of Decisions

9.1 Not applicable.

10.0 Appendices

10.1 Appendix 1 - Glossary of Terms
Appendix 2 - Draft Building Safety Policy
Appendix 3 - Draft Golden Thread Policy
Appendix 4 - Draft Mandatory Occurrence Reporting (MOR) Policy
Appendix 5 - Draft PCFRA & RPEEP Policy
Appendix 6 - Draft Lift Safety Management Policy
Appendix 7 - Draft Lift Safety Management Plan

11.0 Service Director responsible

11.1 Phillip Jones
Service Director, Homes and Neighbourhoods
Philip.Jones@Kirklees.gov.uk

Building Safety Policy

A set of rules and procedures the council follows to keep homes safe from risks like fire and structural problems. It includes regular checks, risk assessments, and clear information for tenants about how safety is managed.

Golden Thread Policy

This means keeping accurate, up-to-date information about building safety for each building, so everyone knows what's been done and what needs to be done. It's a "single source of truth" for safety information.

Mandatory Occurrence Reporting (MOR) Policy

A policy that explains how the council records and reports serious safety incidents (like fires or structural issues) in homes. Tenants can report concerns, and the council must investigate and act quickly.

PCFRA (Person-Centred Fire Risk Assessment)

A special fire safety check for tenants who may need extra help to evacuate safely. It looks at individual needs and helps plan for emergencies.

RPEEP (Residential Personal Emergency Evacuation Plan)

A personalised plan for tenants who might need help leaving their home in an emergency, like a fire. It ensures support is available and the safest way out is planned.

Lift Safety Management Policy and Management Plan

Rules and procedures for keeping lifts in homes safe and working properly. This includes regular inspections, maintenance, and clear ways for tenants to report faults or breakdowns.

Higher-Risk Residential Buildings (HRRBs)

Homes or buildings that have more safety risks, often because they are taller or have more people living in them. These buildings need extra safety checks and procedures.

Building Safety Act 2022

A law that sets out new rules for keeping homes safe, especially in higher-risk buildings. It requires councils and landlords to follow strict safety standards.

Social Housing (Regulation) Act 2023

A law that aims to improve the quality and safety of social housing, making sure tenants are safe and have clear information about their homes.

Fire Safety Order 2005

A law that sets out fire safety requirements for homes and other buildings, including regular checks and plans for emergencies.

LOLER (Lifting Operations and Lifting Equipment Regulations 1998)

Rules about how lifts and lifting equipment must be used and maintained to keep people safe.

PUWER (Provision and Use of Work Equipment Regulations 1998)

Rules about making sure all equipment used in homes (like lifts) is safe and properly maintained.

Risk Assessment

A process of checking homes for possible dangers and deciding how to reduce those risks.

Regulatory Duties

Legal responsibilities the council must follow to keep homes safe and meet government standards.

Resident Engagement

Ways the council involves tenants in decisions about their homes, including listening to concerns and providing information.

Call In

A process where decisions made by the council can be reviewed or challenged before they are finalised.

This page is intentionally left blank

Appendix 2
Building Safety Policy

(Higher-Risk Residential Buildings)

Publication date:	V1.0 XXXXXX
Next review date:	XXXXXX
Reference:	HN/SQ/POL/BldSf/V1.0

Table of Contents

Document Control

Governance

Table 1 – Policy information

Item	Response
Title	Building Safety Policy (Higher-Risk Residential Buildings)
Responsible officer	Head of Assets and Building Safety
Author	Building Safety Technical Officer
Approved by	TBC
Version approval date	TBC
Next review date	TBC
Review responsibility	Head of Assets and Building Safety
Applicable to	Kirklees Homes and Neighbourhoods staff and subcontractors Kirklees Komes and Neighbourhoods tenants and leaseholders
DPIA date	Not applicable
IIA date	12/05/2026
Regulatory framework	Social Housing (Regulation) Act 2023 and associated RSH Regulatory Standards. The Building Safety Act 2022 The Fire Safety (England) Regulations 2022 The Higher-Risk Buildings (Management of Safety Risks etc) (England) Regulations 2023 The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 The Higher-Risk Buildings (Keeping and Provision of Information etc.) (England) Regulations 2024 The Fire Safety (Residential Evacuation Plans) (England) Regulations 2025

Revision history

Table 2 – Revision details

Date	Version	Author	Authorised by	Revision details
XX/XX/2026	1.0	Sarah Nash	TBC	First publication

1 Introduction

1.1 Purposes of this policy

1.1.1 Kirklees Council's primary objective is to ensure the safety of residents, contractors, staff and all visitors in their homes.

1.1.2 This policy sets out how Kirklees Council will meet the statutory, legislative and regulatory requirements in relation to Building Safety for in scope higher-risk residential buildings, as defined in the Building Safety Act 2022.

1.1.3 This policy will be supported by a Building Safety Management Plan and individual policies for related building safety and compliance areas (e.g. fire, asbestos, electrical, lifts, gas, water), which will form our Building Safety Management System. More detailed information on how we manage Building Safety and the individual compliance areas can be found in the corresponding management plans.

1.2 Legal context

1.2.1 This policy responds to the Social Housing (Regulation) Act 2023 and the associated Regulatory Standards by addressing the following requirements:

Safety and Quality Standard

- When acting as landlords, registered providers must take all reasonable steps to ensure the health and safety of tenants in their homes and associated communal areas.

1.2.2 The Building Safety Act 2022 includes provisions intended to secure the safety of people in or about buildings and to improve the standard of buildings.

1.2.3 This policy also aims to ensure compliance with the following legislation:

- The Higher-Risk Buildings (Management of Safety Risks etc) (England) Regulations 2023;
- The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023;
- The Higher-Risk Buildings (Keeping and Provision of Information etc.) (England) Regulations 2024;
- The Fire Safety (England) Regulations 2022;
- The Fire Safety (Residential Evacuation Plans) (England) Regulations 2025.

1.3 Definitions

1.3.1 For the purposes of this policy, the following definitions apply:

Table 3 – List of definitions used in this policy

Term	Definition
Higher-Risk Residential Building (HRRB)	As defined within the Building Safety Act 2022, a higher risk building either 7 stories or 18 metres high, and containing 2 or more residential units.
Principal Accountable Person	Kirklees Council as owner of the high-rise residential building, with responsibility for ongoing repair and maintenance of common parts and firefighting equipment.
Resident	A person living in any high-rise residential building where Kirklees Council is the Principal Accountable Person, including tenants, leaseholders and other household members.
'we' or 'us' or 'our'	Kirklees Council
Building Safety Team	A specialist building safety team within Kirklees Council Homes & Neighbourhoods
Staff/Employee	A person that works for Kirklees Council.
Contractor	A company or person that works on behalf of Kirklees Council.
Risk condition	A specific circumstance or situation that increases the likelihood of a negative outcome
Building Safety Regulator	The regulator for higher-risk buildings, responsible for implementing regulation and overseeing the safety and standards of all in scope buildings
Building Safety Case	A mandatory, comprehensive document for high-rise residential buildings in England and Wales, demonstrating how the Principal Accountable Person (PAP) manages fire and structural safety risks

2 Objectives and scope

2.1 Policy objectives

2.1.1 The aims of this policy are to:

- Ensure Kirklees Council is compliant with statutory legislation relating to Building Safety within all in scope council homes managed through the Housing Revenue Account;

- Provide clarity on the council's overall approach to Building Safety, assuring tenants and other stakeholders that our approach to Building Safety is robust and effective; and
- Seek to minimise the potential of the 'risk condition' being met.

2.2 Policy scope

2.2.1 This policy only applies to HRRBs under the control of Kirklees Council as the Principal Accountable Person, while the building is occupied by residents.

2.2.2 This policy does not generally apply to the Principal Accountable Person during any period of construction, or during major refurbishment works. However, the policy will be relevant if the building is still occupied during these works.

3 Policy statement

3.1 Registration and Building Safety Cases

3.1.1 All in-scope HRRBs will be registered with the Building Safety Regulator ('BSR'). All registrations will be kept up-to-date by the Building Safety Team, following any material changes to the HRRB.

3.1.2 We will maintain and manage Building Safety Cases ('BSC') for all HRRBs, acknowledging they are not static documents and always remain live. Formal reviews will take place as stipulated in the BSC.

3.2 Mandatory Occurrence Reporting

3.2.1 We will operate a Mandatory Occurrence Reporting Policy. All reports of a suspected safety occurrence will be recorded on the Mandatory Occurrence Reporting Log, even if ultimately it is not reportable and documented in the BSC.

3.2.2 If a safety occurrence is deemed reportable to the BSR, in line with the policy and the Building Safety Act 2022, this will be done as soon as is reasonably practicable. Following notification to the BSR, a full report must be submitted within 10 calendar days.

3.3 Golden Thread

3.3.1 We will seek to develop and maintain a robust 'Golden Thread' of information for all building related activity, assets (our systems within the building) and components (the individual parts making up the asset) in HRRBs.

3.3.2 We will ensure all data is held digitally, maintained and kept up to date with controls in place to manage security, reconciliation and validation, for the lifecycle of the data.

3.3.3 Building information will be managed in line with the Golden Thread Policy.

3.4 Risk Assessments

3.4.1 As detailed in the Fire Safety Management Plan, we will commission a Fire Safety Risk Assessment for all HRRBs annually, to be carried out by a third-party company accredited to the Life Safety Fire Risk Assessment Scheme, BAFE SP205-1.

3.4.2 Structural Risk Assessment for all HRRBs will be commissioned and reviewed as set out in the report. This assessment will be completed by a competent person/business with technical structural engineering competence – validated via UK‑SPEC HRB.

3.4.3 As detailed in our BSC, we have a Hazard and Risk Register for each individual HRRB, and this will be reviewed annually or after any significant event that may have occurred.

3.4.4 We will also work to the prescribed principles for the management of building safety risks as outlined in Regulation 4 of The Higher-Risk Buildings (Management of Safety Risks etc) (England) Regulations 2023.

3.5 Servicing, Maintenance, Remedial Actions

3.5.1 We are committed to managing all risks through programmes of servicing and maintenance. Detail of specific programmes can be found in the relevant management plans.

3.5.2 Any remedial actions identified through servicing and maintenance will be completed to a timescale identified in line with the risk rating. All remedial actions will be documented and completion of works evidenced.

3.5.3 If there are any proposed changes to the risk rating and/or completion date, these need to be agreed by a competent person and proposed to the Head of Assets and Building Safety for approval. Any changes will need to be documented and evidenced alongside the relevant record.

3.5.4 If we propose to accept any of the risks identified, by putting mitigations in place to minimise them as far as reasonably practicable, this needs to be agreed by a competent person and put forward to the Head of Assets and Building Safety for approval. Any risks that are to be managed must be documented and evidenced alongside the relevant record.

3.6 Repairs and Maintenance

3.6.1 There is a risk that repairs and maintenance work may impact fire and structural safety. Due to the volume and nature of repair works, it is not possible to document every specific job and have a relevant written risk assessment. We will ensure that all internal and external contractors have a general understanding of fire and structural safety to be able to carry out dynamic risk assessments (real-time continuous hazard identification, assessing hazards as they emerge, focusing on immediate practical decisions to stop or alter work to maintain safety).

3.6.2 We will ensure all repairs are carried out in accordance with the relevant British Standard, Approved Code of Practice, associated Good Practice Guidance and, where necessary, by third-party accredited contractors.

3.6.3 We will follow the relevant procedure in respect of notifying the BSR of any emergency works in a HRRB that meet the definition of 'Building Works' under The Building Regulations 2010, in accordance with The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023.

3.7 Planned Works

3.7.1 The Building Safety Act 2022 moved Building Control requirements to the BSR, who introduced 'Gateways' for certain building works. These Gateways ensure building and fire safety is considered and maintained throughout the lifecycle of a HRRB:

- Gateway One relates to proposed new build HRRBs only.
- Gateway Two is applicable when carrying out certain building work to an existing HRRB, which includes both planned and emergency works.
- Gateway Three is the final checkpoint to be obtained and confirms the building is built or major works undertaken, are as designed, safely and compliantly.

3.7.2 Examples of Gateway Two works include: changes to passive fire protection, including replacement fire doors; changes to external cladding; replacement of fire alarm system.

3.7.3 Certain works do not fall under Gateway Two but do still have an impact on building and fire safety; these must be delivered by individuals that fall under the Competent Person Schemes, as detailed in Schedule 3 and Schedule 3a of the Building Regulations 2010.

3.7.4 Any and all other works falling outside of the Gateways or Scheme works must still be undertaken by a competent person, as detailed in the relevant management plans.

3.7.5 Staff or contractors carrying out planned works will support maintaining our Golden Thread of data, as outlined above.

3.7.6 Any fire safety related works must be overseen by the Fire Works General Manager, who must ensure the building is maintained safely throughout.

4 Resident Engagement

4.1 Resident Engagement in Building Safety

4.1.1 In line with the Building Safety Act 2022, we will develop and implement a Resident Engagement Strategy for each HRRB. The strategy will consider the needs and preferences of the residents, and the overall aims of the strategy will be:

- to ensure all residents feel safe in their homes;
- give residents a voice on how building safety is managed in their home; and
- ensure we are held accountable for building safety decisions.

4.1.2 We will promote resident engagement in building safety measures; ensuring they are aware of what information they can request and consulting with them on decisions that affect their homes. We will listen to all feedback, empower residents to raise any building safety concerns through all available channels, and act upon any complaints they may have, in line with our Complaints Policy.

5 Assurance

5.1

5.1.1 The Building Safety Team report monthly KPIs on the following being in date and compliant, giving the assurance we are meeting our regulatory obligations:

- Asbestos communal surveys
- Domestic and communal Electrical Installation Condition Reports
- Fire risk assessments
- Domestic and communal gas safety certificates
- Legionella risk assessments
- Lift LOLER inspections

5.1.2 When called upon, we will submit our BSC to the BSR, who will review it and, if satisfactory, they will issue a Building Assessment Certificate. This gives us and residents the assurance that we are meeting all our regulatory obligations around building and fire safety.

6 Competencies

6.1.1 It is not possible to succinctly define competence requirements for all roles and activities outlined in this policy. In many areas, competence will be assessed based on skills, knowledge, experience and behaviours as opposed to a single qualification or standard.

We are developing a system of evaluating competence within the areas of responsibility across the organisation.

6.1.2 In accordance with the prescribed principles for the management of building safety risks in The Higher-Risk Buildings (Management of Safety Risks etc) (England) Regulations 2023 Regulation 4(2) - Management of building safety risks: prescribed principles, we will ensure a person has the relevant competence for HRRBs. Where this is an 'individual' this will be determined by skills, knowledge, experience and behaviours necessary to perform the functions for which they are responsible for, in a satisfactory manner. We will support staff with training to develop competence in accordance with the prescribed principles; these individuals will be supervised by a person with relevant competence when performing the function.

6.1.3 In accordance with The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023, we will obtain a "Competence Declaration" statement, in relation to HRRB work i.e. from the Principal Designer, Principal Contractor, or any other person appointed in relation to the work included in the building control application.

6.1.4 Specific areas of competence relating to risk assessments, servicing and maintenance and surveys are listed within the relevant management plans.

6.1.5 The organisation's Training Matrix refers to various levels of training requirements by role, including mandatory basic level Fire Safety Awareness for all employees and for those involved in alterations in buildings/refurbishments/major works/planned programmes, or delivering compliance related activity.

7 Roles and Responsibilities

7.1 Council responsibilities

7.1.1 We are responsible for ensuring we comply with all relevant regulation and guidance for the management of building safety.

7.1.2 We are responsible for maintaining and repairing the structure of our properties, for any systems that supply heating, water (baths, sinks and toilets), gas (if applicable) and electricity within the home and any fire safety equipment and protection measures in place.

7.1.3 Detailed roles and responsibilities can be found in the relevant management plans.

7.2 Resident responsibilities

7.2.1 The Building Safety Act sets out statutory duties on residents to cooperate with us when it comes to building safety. Residents have legal responsibilities to avoid actions that could pose a risk to the fire and/or structural safety of the HRRB and other residents.

7.2.2 In line with the Tenancy Agreement, council tenants must allow council staff, contractors or agents access to their homes to carry out maintenance, inspection and servicing including any associated works, to any building or fire safety equipment in their home.

8 Monitoring and review

8.1 Monitoring and improvement

8.1.1 The Homes and Neighbourhoods Improvement Board acts on behalf of Cabinet to ensure ongoing compliance with all relevant building safety legislation, including keeping under review the effective management of HRRBs. The board is responsible for implementing an appropriate safety management system, which is compliant with the required building safety standards, and for carrying out an annual review of this system. The board will also encourage a positive building safety culture, leading by example, and taking visible actions.

8.1.2 The Building Safety Assurance Board oversees building safety across the council's social housing stock. The board has oversight of all aspects of building safety, particularly ensuring adequate arrangements and accountability for the key areas of building safety risk. It is responsible for monitoring progress against programmes, overall performance, oversight of risk, and offering constructive challenge to ensure council homes are safe and compliant with regulatory building safety standards.

8.2 Policy review

8.2.1 This policy will be reviewed at least every year, or in response to any relevant changes in legislation, regulation or organisational structures.

8.2.2 This policy will be reviewed following any feedback from the BSR or after a significant safety occurrence.

8.2.3 Any significant changes will be consulted on prior to implementation and relevant approvals sought.

8.2.4 This policy and future updates will be published on the council's website.

9 Associated Documents

9.1 Policies

9.1.1 The following Homes & Neighbourhoods policies are relevant:

- Asbestos Management Policy
- Electrical Safety Management Policy
- Fire Safety Management Policy
- Gas Safety Management Policy
- Golden Thread Policy
- Legionella Management Policy
- Lift Safety Management Policy
- Mandatory Occurrence Reporting Policy
- Repairs and Maintenance Policy
- Safety in Communal Areas Policy
- Construction and Contractor Work Policy
- Mobility Scooter Policy
- Complaints Policy

9.2 Management Plans

9.2.1 The following management plans are relevant:

- Asbestos Management Plan
- Legionella Management Plan
- Lift Safety Management Plan
- Fire Safety Management Plan

Appendix 3
Golden Thread Policy

(Higher-Risk Residential Buildings)

Publication date: V1 XXXXXX

Next review date: XXXXXX

Reference: HN/SQ/POL/GoldT/V1.0

Table of Contents

Document Control

Governance

Table 1 – Policy information

Item	Response
Title	Golden Thread Policy (Higher-Risk Residential Buildings)
Responsible officer	Head of Assets and Building Safety
Author	Building Safety Technical Officer
Approved by	TBC
Version approval date	TBC
Next review date	TBC
Review responsibility	Head of Assets and Building Safety
Applicable to	Kirklees Homes and Neighbourhoods staff and subcontractors
DPIA date	TBC
IIA date	12/05/2026
Regulatory framework	Social Housing (Regulation) Act 2023 and associated RSH Regulatory Standards. The Building Safety Act 2022 The Higher-Risk Buildings (Management of Safety Risks etc) (England) Regulations 2023 The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 The Higher-Risk Buildings (Keeping and Provision of Information etc.) (England) Regulations 2024

Revision history

Table 2 – Revision details

Date	Version	Author	Authorised by	Revision details
Xx/xx/2026	1.0	Xx	TBC	First publication

1 Introduction

1.1 Purposes of this policy

1.1.1 The Golden Thread means having the right information about a building so we can understand it and manage building safety risks properly. This critical information supports informed decision-making and helps us, as the Accountable Person and Principal Accountable Person, to keep buildings and residents safe. It also makes sure important safety information is not lost and that its integrity is maintained.

1.1.2 This policy explains what Golden Thread information is needed for Kirklees Council's high-rise residential buildings. It helps us understand each building and identify a single source of truth. The policy also explains how this information should be stored to protect its integrity, and how it should be shared.

1.2 Legal context

1.2.1 This policy responds to the Social Housing (Regulation) Act 2023 and the associated Regulatory Standards by addressing the following requirements:

Safety and Quality Standard

- When acting as landlords, registered providers must take all reasonable steps to ensure the health and safety of tenants in their homes and associated communal areas.

1.2.2 This policy also aims to ensure compliance with the following legislation:

- The Building Safety Act 2022;
- The Higher-Risk Buildings (Keeping and Provision of Information etc) (England) Regulations 2023;
- The Higher-Risk Buildings (Management of Safety Risks etc.) (England) Regulations 2023; and
- The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023.

1.3 Definitions

1.3.1 For the purposes of this policy, the following definitions apply:

Table 3 – List of definitions used in this policy

Term	Definition
Higher-risk Residential Building (HRRB)	As defined within the Building Safety Act 2022, a higher risk building either 7 stories or 18 metres high, whichever comes first and containing 2 or more residential units.
Duty Holder	Kirklees Council as owner of the high-rise residential building with responsibility for ongoing repair and maintenance of common parts and firefighting equipment.
Accountable Person and Principal Accountable Person	Kirklees Council, as owner of the high-rise residential building, with responsibility for ongoing repair and maintenance of common parts and firefighting equipment.
Resident	A person living in any higher-risk residential building where Kirklees Council is the Principal Accountable Person, including tenants, leaseholders and other household members.
'we' or 'us' or 'our'	Kirklees Council
Building Safety Team	A specialist building safety team within Kirklees Council Homes & Neighbourhoods
Staff/Employee	A person that works for Kirklees Council.
Contractor	A company or person that works on behalf of Kirklees Council.

2 Objectives and scope

2.1 Policy objectives

2.1.1 This policy sets out how we manage, store, and keep up-to-date information for our higher risk residential buildings. This information forms the Golden Thread and provides a single, accurate source of truth. The policy also explains how this information will be made available when required, including to those who need it to meet legal and safety responsibilities, using clear formats and plain language.

2.1.2 This policy confirms how building safety information is managed by those with responsibility under the Building Safety Act. It ensures staff know where the most up-to-date information is held and how it can be accessed. The aim is to make sure that the right people have access to the right information at the right time to support safe decision-making and compliance with building safety duties.

2.2 Policy scope

2.2.1 This policy applies only to higher risk residential buildings that fall within scope of the Building Safety Act and are owned or controlled by Kirklees Council while residents are living in them. During this time, Kirklees Council acts as the Principal Accountable Person.

2.2.2 The information we must keep about our HRRBs and covered by this Policy is set out in the Golden Thread Map (GTM). The GTM describes what information must be kept to meet building safety duties. It is a live document, meaning it is reviewed regularly and updated when information changes.

2.2.3 The Golden Thread information starts from the design phase and continues throughout the life cycle of a HRRB, documenting how you meet the applicable building regulations and ensuring refurbishment and maintenance works are accurately documented.

3 Policy statement

3.1 Management

3.1.1 The regulations set out 10 key principles for how Golden Thread information must be managed. We will follow these principles in how we manage information:

- Single source of truth: information is managed in a single, central place
- Accurate and trusted: information is updated, relevant, and verified
- Secure: data is protected, secure, and compliant with GDPR
- Accessible: information is easy to access
- Understandable/Consistent: data is in a clear format and uses consistent terminology
- Accountable: tracks who made changes, what was changed, and when
- Resident-focused: helps residents feel secure in their homes
- Culture change: supports better industry standards and competence
- Longevity/Durability: records are maintained over the entire life cycle of the building
- Relevant/Proportionate: the information is relevant for managing building safety

3.1.2 No one person should be the only person with access to data considered to be a part of the Golden Thread. The GTM will name the relevant team and role as the Responsible Person for their data considered a part of the Golden Thread. Every Responsible Person should have a documented deputy(s) to their data considered a part of the Golden Thread.

3.1.3 Each Responsible Person must regularly review who has access to their Golden Thread information, including any deputy or other approved users. This review must take place at least once every 12 months, or sooner if there are changes to legislation, regulations, the organisation’s structure, or the systems used. Any changes to access must be made through the Building Safety team.

3.1.4 A version of the GTM will be available to all staff so they know where information is stored and who to contact for access or for any required amendments or updates.

3.1.5 Responsible Persons and their deputies must only share Golden Thread information in a format that cannot be edited. This helps protect the single source of truth and ensures information is not changed without proper control. Information must only be shared with people who have a legitimate right to receive it.

3.1.6 Anyone responsible for managing or sharing any part of the Golden Thread for a higher risk residential building must have the appropriate skills, knowledge, and experience to manage and share that information.

3.2 Storage

3.2.1 The regulations require Golden Thread information to be stored digitally. For this reason, this policy only applies to information held in digital form. Only digital information is considered part of the Golden Thread.

3.2.2 More than one IT system may be used to store and manage Golden Thread information. All systems used for this purpose are recorded in the GTM. The GTM will also explain who is responsible for each system, including who inputs the information and who checks that it is accurate and up to date.

3.2.3 Any planned changes to document storage arrangements or IT systems must be reported to the Building Safety team as early as possible. This ensures the Golden Thread is not broken and the GTM is updated to reflect the change.

3.3 Updates

3.3.1 There will be instances where updates are required to key pieces of Golden Thread. Any changes must maintain the Golden Thread Principles and importantly, the 'Accountable' principle must be followed and documented. If it is not possible for the software to capture the Accountable principle, an alternative method needs to be implemented by the Responsible Person for that data.

3.3.2 Anyone carrying out or managing repairs and maintenance in a higher risk residential building must understand their responsibility to provide and keep Golden Thread information up to date. They must also have the appropriate skills, knowledge, and experience to do this correctly.

4 Roles and responsibilities

4.1 Council responsibilities

4.1.1 To keep a single, accurate source of truth, certain roles are responsible for managing the software used for the Golden Thread. This includes entering information and supplying data as Responsible Persons. These roles and responsibilities are clearly set out in the.

4.1.2 All other staff have a responsibility to make sure that any information they share is up to date, accurate, and relevant. Staff must only make changes to information if they are the right person to do so, have the correct approval, and save the updated information in the correct digital location.

4.1.3 Staff must not save or keep their own copies of Golden Thread information. To protect the single source of truth, information must always remain in its agreed location and only be shared by those who are responsible for managing it.

4.1.4 Once a digital location has been agreed as part of the Golden Thread, staff must not change where information is stored without first consulting the Responsible Person for that data and the Building Safety team.

4.1.5 Any member of staff may come into contact with information as part of their normal role that forms part of the Golden Thread. Everyone working in or managing any aspect of a higher risk residential building must understand these requirements and have the appropriate skills and knowledge as part of their job competence.

4.2 Third-Party Responsibilities

4.2.1 Any contractor working on our higher risk residential buildings must follow the relevant regulations and any Golden Thread requirements that apply to the work they are carrying out. Before starting work, contractors must be able to show that they have the right skills, knowledge, and experience to properly manage and update Golden Thread information, in line with the Building Safety Act 2022.

5 Monitoring and review

5.1 Monitoring and improvement

5.1.1 The GTM will be regularly monitored and checked to make sure the Golden Thread information is accurate, complete, and working as it should. This monitoring will be carried out by the Building Safety team.

5.1.2 If any issues are identified through this monitoring, improvements will be made to ensure the Golden Thread continues to meet requirements.

5.2 Policy review

5.2.1 This policy will be reviewed at least once a year. It will also be reviewed sooner if there are changes to legislation, regulations, the Council's organisational structure, or the systems and software used.

5.2.2 The policy will also be reviewed if we receive feedback from the Building Safety Regulator or following a serious or significant incident.

5.2.3 Any significant changes will be consulted on prior to implementation and relevant approval sought.

6 Associated policies and strategies

6.1 Homes & Neighbourhoods policies

6.1.1 The following Homes & Neighbourhoods policies and strategies are relevant:

- Asbestos Management Policy
- Electrical Safety Management Policy
- Fire Safety Management Policy
- Gas Safety Management Policy
- Legionella Management Policy
- Lift Safety Management Policy
- Mandatory Occurrence Reporting Policy
- Repairs and Maintenance Policy
- Construction and Contractor Work Policy
- Mobility Scooter Policy
- Complaints Policy
- Resident Engagement Strategy

6.2 Kirklees Council policies

6.2.1 The following wider Kirklees Council policies and strategies are relevant:

- Data Protection Policy
- Records Management Policy

This page is intentionally left blank

Kirklees COUNCIL

Homes & Neighbourhoods

Appendix 4
Mandatory Occurrence Reporting (Building Safety) Policy

Publication date: V1.0 TBC

Next review date: XXXXXX

Reference: HN/SQ/POL/MOR/V1.0

Table of Contents

Document Control

Governance

Table 1 – Policy information

Item	Response
Title	H&N Mandatory Occurrence Reporting Policy for Council Housing
Responsible officer	H&N Head of Assets and Building Safety
Author	H&N General Manager of Compliance and Building Safety
Approved by	TBC
Version approval date	First Draft
Next review date	TBC
Review responsibility	H&N Head of Assets and Building Safety
Applicable to	Homes & Neighbourhoods staff and contractors. Homes & Neighbourhoods tenants, leaseholders and other residents.
Regulatory framework	Building Safety Act 2022 The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023

Revision history

Table 2 – Revision details

Date	Version	Author	Authorised by	Revision details
06/02/26	1.0	Blake Hamblett	TBC	First publication

1 Introduction

1.1 Purposes of this policy

1.1.1 This Policy sets out Kirklees Council's approach to identifying and managing safety occurrences in occupied high rise residential buildings as defined below. This includes our approach to notifying and reporting safety occurrences to the Building Safety Regulator and West Yorkshire Fire and Rescue Service.

1.1.2 Kirklees Council is responsible for the safe management, maintenance and repair of one Higher Risk Building (HRB) owned through the Housing Revenue Account.

1.1.3 This Policy will clearly define the process for colleagues, residents and other relevant persons to report building safety incidents and risks, where we are the Principal Accountable Person. Outline the process for investigation and assessment of incident and risks. Outline the process for the reporting of incidents to the Regulator and West Yorkshire Fire and Rescue Service and define how the contents of this process will be provided to colleagues, residents and other relevant parties

1.1.4 The Building Safety Act (BSA) requires the Principle Accountable Person (PAP) to establish a Mandatory Occurrence Reporting System (MORS) to report building safety risks on Higher-Risk Buildings (HRB), to the Regulator

1.1.5 The purpose of a 'mandatory occurrence reporting system' is a means of giving information to the AP and the Building Safety Regulator (BSR)

1.2 Legal context

1.2.1 This policy responds to the Social Housing (Regulation) Act 2023 and the associated Regulatory Standards by addressing the following requirements:

The Building Safety Act 2022

- Establishes the safety regime overseen by the Building Safety Regulator (BSR) and includes the legal basis for MOR

Safety and Quality Standard

- When acting as landlords, registered providers must take all reasonable steps to ensure the health and safety of tenants in their homes and associated communal areas.

1.2.2 This policy also aims to ensure compliance with the following legislation:

- Fire Safety Act 2021
- Construction (Design and Management) Regulations 2015
- The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013
- Regulatory Reform (Fire Safety) Order 2005
- Housing Health and Safety Regulations 2005
- Housing Act 2004

- Management of Health and Safety at Work Regulations 1999
- Health & Safety (Safety Signs and Signal) Regulations 1996
- Workplace (Health, Safety & Welfare) Regulations 1992 (as amended)
- Smoke Detectors Act 1991
- Health and Safety at Work etc. Act 1974
- Defective Premises Act 1972
- Occupiers' Liability Acts 1957 and 1984

1.3 Definitions

1.3.1 For the purposes of this policy, the following definitions apply:

Table 3 – List of definitions used in this policy

Term	Definition
High-rise Residential Building (HRRB)	as defined within the Building Safety Act 2022, a higher risk building either 7 stories or 18 metres high, whichever comes first and containing 2 or more residential units
Principal Accountable Person	is Kirklees Council as owner of the high-rise residential building with responsibility for ongoing repair and maintenance of common parts and firefighting equipment
Principal Designer	a person or organization that Kirklees Council appoints to manage the pre-construction phase of a project
Principal Contractor	a contractor who manages the construction phase of a project that involves more than one contractor
Safety Occurrence	is an aspect of design or an incident relating to the structural integrity or fire safety of a high-rise residential building
Occurrence Reporting	is the reporting to the Building Safety Regulator of a safety occurrence
Mandatory Occurrence Reporting Log (MORL)	will log all concerns raised, which may include those not decided to be a Reportable Incident
Residents	are those residing in any high-rise residential building where Kirklees Council are the Principal Accountable Person, including any leaseholders
'we' or 'us' or 'our'	Kirklees Council

2 Objectives and scope

2.1 Policy objectives

2.1.1 The primary aim of this document is to ensure that Kirklees Council is compliant with statutory legislation relating to Building Safety within all council homes and non-residential properties managed through the Housing Revenue Account

2.1.2 The policy aims to provide clarity on the council's overall approach to building safety, assuring tenants and other stakeholders that our approach to building safety is robust and effective

2.1.3 The policy seeks to minimise the potential of the 'risk condition' being met.

2.2 Policy scope

2.2.1 This policy relates to all HRB buildings under the control Kirklees Council which are at least 7 floors or are at least 18m in height. Currently in scope in Kirklees is Harold Wilson Court.

2.2.2 This Policy only applies to high-rise residential buildings under the control of Kirklees Council as the Principal Accountable Person during occupation by Residents.

2.2.3 This Policy does not apply to the Principal Accountable Person during any period of construction or major refurbishment works, or during construction of a new high-rise residential building. All responsibilities to submit Safety Occurrences to the Building Safety Regulator during these periods will apply to the Principal Designer and/or Principal Contractor, in line with the Building Safety Regulations 2022. The system that should be followed during these periods is set out in Appendix B.

2.2.4 The policy does not apply to buildings below 7 floors or 18m in height whichever comes first.

3 Policy statement

3.1 What needs reporting and how

3.1.1 Any concern regarding the structural integrity or relating to the fire-fighting equipment in a HRRB should be reported, in writing, to the Fire Safety Manager (building.safety@kirklees.gov.uk). If there is no online access, this report should be made via telephone on 01484 221000 ext. 75227, to the Building Safety Team. Individuals should give as much detail as possible to the incident they are reporting, this can include photos or videos if hard to explain. Examples can be found in Appendix A.

3.1.2 There may be concerns raised which do not fall within the definition of a Safety Occurrence but need reporting to the Building Safety Regulator as a Reportable Incident; all reports will be taken seriously, reviewed and inputted on the MORL

3.2 Competence

3.2.1 The Building Safety Regulator and Health and Safety Executive define competence as having appropriate skills, knowledge, experience and behaviours (SKEB) to manage building safety risks.

3.2.2 The PAP must have access to Fire safety risk management, Structural safety reports, Safety management systems, Safety Cases and Safety Case Report, Resident engagement and clear accountability and authority with clear leadership and governance. This ensures that the Golden Thread information management is held.

3.3 Decision making

3.3.1 A Safety Occurrence as defined above will be a reportable incident when there has been, or we have the belief that, without remediation, a significant number of individuals could be seriously injured or die.

3.3.2 The Fire Safety Manager will decide whether a safety occurrence falls into the definition of a Reportable Incident. In lieu of the Fire Safety Manager, the Service Manager – Building Safety should take on responsibility for decision making

3.3.3 All Mandatory Occurrence Notices will be reported to the Building Safety Service Manager, who in turn will inform the Head of Asset Management and Building Safety, to then pass up the management chain, up to and including the Chief Executive

3.4 Timeframes

3.4.1 If a suspected safety occurrence is reported and meets the definition, a mandatory occurrence notice will be submitted to the Building Safety Regulator as soon as reasonably practicable. We will notify West Yorkshire Fire and Rescue Service through their online portal, if it is a safety occurrence relating to any of the fire-fighting equipment in the building.

3.4.2 Subsequently, a report must be submitted to the Building Safety Regulator within 10 calendar days of it being notified to the Fire Safety Manager. Said report will contain the information as set out in the Government Guidance.

3.4.2 The Fire Safety Manager will aim to get back to the person(s) who reported the safety occurrence within 7 days to provide an update on the action taken.

3.5 Notices, Investigations and Reports

3.5.1 The Fire Safety Manager will investigate any reports of a suspected Safety Occurrence. If applicable, they will submit a notice, investigate the safety occurrence and submit a report to the Building Safety Regulator via their reporting methods.

3.5.2 All employees must help facilitate all investigations required by the Fire Safety Manager into any report of a safety occurrence, to enable the notice and report to be submitted within the 10 calendar days timeframe.

3.6 Repairs and Maintenance

3.6.1 Repairs of any Safety Occurrences will be the responsibility of the Fire Safety Manager, ensuring corrective action takes place and is recorded on the MORL.

3.7 Record Keeping

3.7.1 All reported Safety Occurrences need to be included within the HRRB's Building Safety Case.

3.7.2 All reported concerns, whether defined as a Safety Occurrence or not, will be recorded on the MORL.

3.7.3 All information included in submitted concerns will be treated in line with the Council's Data Protection Policy.

4 Roles and responsibilities

4.1 Council responsibilities

4.1.1 We must share this Policy and how it works with Residents, all Accountable Persons and any other users of our HRRBs.

4.1.2 We will ensure all HRRBs have a notice on site on how Residents can report any concerns.

4.1.3 The Building Safety team will carry out a monthly inspection of all HRRB, in line with Regulation 7 of the Fire Safety (England) Regulations 2022 and these will be made available to all Residents and any other building user.

4.1.4 The Council will carry out a structural inspection of all HRRB every 5 years, or sooner if concerns are raised and/or an incident occurs that brings the structural integrity into question.

4.2 Tenant responsibilities

4.2.1 The Building Safety Act sets out statutory duties on Residents to cooperate with us when it comes to building safety. Residents have legal responsibilities to avoid actions that could pose a risk to the fire and/or structural safety of the HRRB and other residents.

4.2.2 Our High-Rise Resident Building Safety Pack details all Resident responsibilities. These are given at the point of sign-up and annually thereafter.

5 Monitoring and review

5.1 Monitoring and improvement

5.1.1 All notifications of incidents and/or risks will be assessed and logged on the MORL, not all reports will constitute a building safety risk that fall within the definition of a safety occurrence. This MORL will undergo monitoring every six months to review the occurrences and reassess and risks and/or hazards.

5.1.2 Any necessary improvements will take place following this monitoring, if required.

5.2 Policy review

5.2.1 The policy will be reviewed at least every year, or in response to relevant changes in legislation, regulation or organisational structures.

5.2.2 This Policy will also be reviewed following any feedback from the Building Safety Regulator or after a significant occurrence.

5.2.3 Any significant changes will be consulted on prior to implementation and relevant approvals sought.

5.2.4 This policy and future updates will be published on the council's website.

6 Associated policies and strategies

6.1 Homes & Neighbourhoods policies

6.1.1 The following Kirklees Council strategies and policies are relevant:

- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) Guidance
- Business Continuity Framework
- Homes and Neighbourhoods Complaints Policy
- Homes and Neighbourhoods Repairs and Maintenance Policy
- Homes and Neighbourhoods Health and Safety Policy
- Homes and Neighbourhoods Construction and Contractor Work Policy
- Homes and Neighbourhoods Fire Safety Management Plan
- Tenant Voice Strategy

6.2 Kirklees Council policies

6.2.1 The following Kirklees Council policies and procedures are relevant:

- Corporate Health and Safety at Work Policy
- Fatal or Serious Incident Protocol

- Data Protection Policy
- Guidance Note No 1: Accident, Incident or Near Miss Reporting and Investigation Reporting Fire Incidents on Claim Control
-

Appendix A – Reportable Safety Occurrences

Below are examples of Safety Occurrences that may require reporting to the Building Safety Regulator (this is not an exhaustive list):

- The death of a significant number of people
- Serious injury to a significant number of people
- The spread of fire or something that could lead to the spread of fire
- Structural failure
- Defective building work
- Fault of fire safety measures
- Total or partial collapse of the building.
- Unexpected failure or degradation of construction materials.
- The discovery of structural defects.
- Failure of a critical fire safety measure, such as an automatic opening vent, smoke extraction or fire doors.

Appendix B – Mandatory Occurrence Reporting during construction works

To ensure the duties under the Building Safety Act for Mandatory Occurrence Reporting are complied with during construction works, we will adopt the following system:

1. Produce the Project Responsibilities form below, identifying the individual(s) from the Principal Designer and the Principal Contractor who are responsible for oversight of this system.

2. Ensure all those on the project know how to report building safety occurrences, or any other incidents and risks, whether they be caused by the works themselves, from the methodology used or some other reason, whether caused by us, the Principal Designer, Principal Contractor or any other person on site.

3. If we identify a safety occurrence that we have not been notified of, we will assume responsibility for reporting, in line with this Policy and Appendix B.

4. The Identifying and Reporting a Mandatory Occurrence form below should be used to support the responsible individual(s) in responding to a building safety occurrence and shared with the named individual(s) in the Project Responsibilities Form.

5. We will be responsible for updating the Change Control Plan if any changes occur, as detailed in Regulation 18, Regulation 19 and Schedule 1 of The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 and notify the Principal Designer and Principal Contractor of the same.

6. We will update the Project Responsibilities form of any necessary changes and notify the Principal Designer and Principal Contractor of the same.

6.3 Project Responsibilities Form

Project name	
Date MOR system last reviewed	
Client contact	
The responsible individual on behalf of the Principal Designer is	
The responsible individual on behalf of the Principal Contractor is	
Information about the MOR system is provided to everyone on the project via:	Contract Documents Site Induction Noticeboard Other
The person who must be notified in the event of a building safety incident or risk is	
The person responsible for recording the details of a building safety incident or risk is	
The person responsible for determining if the building safety incident or risk is a Mandatory Occurrence is	
The project email address to be used when reporting a Mandatory Occurrence to the BSR is	
The person responsible for submitting the Mandatory Occurrence Notice is	
The person responsible for submitting the Mandatory Occurrence Report is	
The person within the Principal Designer responsible for determining the actions in response to a Mandatory Occurrence is	
The person within the Principal Contractor responsible for determining the actions in response to a Mandatory Occurrence is	
The person responsible for the Change Control Log is	

6.4 Identifying and Reporting a Mandatory Occurrence Form

Project name	
Name of person recording this building safety incident or risk	
Email address	
Phone number	
Name of person who identified the incident or risk	
Email address	
Phone number	
Date of incident or when risk was identified	
Time of incident or when risk was identified	
Brief description of the incident or risk	
Is this incident or risk considered to be a Mandatory Occurrence? *If Yes, please complete rest of this form. If No, please provide a reason for this decision and whether the incident needs to be reported under other legislation (e.g. RIDDOR).*	Yes/No Reason:
Has the responsible individual on behalf of the Principal Designer been informed of the incident or risk?	
Has the responsible individual on behalf of the Principal Contractor been informed of the incident or risk?	
Signed by the person responsible for determining if the incident or risk is a Mandatory Occurrence	
Email address used to submit Mandatory Occurrence Notice and Report	
Building Control Application reference number	
Details of immediate actions taken	
Name of person submitting Mandatory Occurrence Notice	
Email address	
Phone number	
Organisation name	
Organisation role	Principal Designer / Principal Contractor

Mandatory Occurrence reference number allocated on submission of Notice	
Name of person submitting Mandatory Occurrence Report	
Email address	
Phone number	
Organisation name	
Organisation role	Principal Designer / Principal Contractor
Type of Mandatory Occurrence	Structural Failure / Fire Spread / Both
Detailed description of the Mandatory Occurrence	
What caused or is causing the Mandatory Occurrence (if known)	
Who has been affected or could be affected and in what ways	
What is being or will be done to keep people safe	
How the Mandatory Occurrence was identified	
Anything that could be shared with others to learn from it *Include links to documents, videos or photos that will be uploaded*	
Actions taken to address the cause of the Mandatory Occurrence	
Is a change control application or notification required? *If Yes, please report to person responsible for the Change Control Log*	Yes/No
Is an internal investigation required?	Yes/No
Feedback given to workforce on site?	Yes/No

Kirklees COUNCIL

Homes & Neighbourhoods

Appendix 5
PCFRA and RPEEP Policy

Person-Centred Fire Risk Assessments (PCFRA) and Residential Personal Emergency Evacuation Plans (RPEEP)

Publication date: V1.0 06/04/26

Next review date: 02/04/27

Reference: HN/SQ/POL/PCRFA/V1.0

Table of Contents

Document Control

Governance

Table 1 – Policy information

Item	Response
Title	PCFRA and RPEEP Policy
Responsible officer	Joe Keating, Head of Assets and Building Safety Homes & Neighbourhoods
Author	David Ellison, Technical Fire Officer
Approved by	H&N SLT
Version approval date	02/04/26
Next review date	02/04/27
Review responsibility	Service Manager Building Safety
Applicable to	Kirklees Homes & Neighbourhoods staff. Kirklees Homes & Neighbourhoods tenants, leaseholders and household members.
Regulatory framework	Fire Safety (Residential Evacuation Plans) (England) Regulations 2025

Revision history

Table 2 – Revision details

Date	Version	Author	Authorised by	Revision details
02/04/26	1.0	David Ellison	H&N SLT	First publication

1 Introduction

1.1 Purposes of this policy

1.1.1 Kirklees Council recognises its duties under relevant fire safety and equality legislation and is committed to taking reasonable and proportionate steps to safeguard tenants and other residents living in its housing stock.

1.1.2 The council recognises that some tenants and other household members may have difficulties evacuating their home by themselves in the event of a fire or other emergency. This may be due to a physical mobility issue, or another disability such as having a sight or hearing impairment, or a cognitive condition.

1.1.3 This policy sets out the council's approach to identifying potentially vulnerable residents and implementing Person-Centred Fire Risk Assessments (PCFRAs) and Personal Emergency Evacuation Plans (PEEPs) where appropriate.

1.2 Legal context

1.2.1 Fire Safety (Residential Evacuation Plans) (England) Regulations 2025:

- The Regulations were laid on 4 July 2025, will come into force on 6 April 2026, and apply in England only.
- The Regulations apply to:

  a) all buildings in England that are high-rise residential buildings, that is, buildings containing two or more sets of domestic premises ('multi-residential') that are at least 18 metres above ground level or have at least seven storeys), and

  b) all multi-residential buildings more than 11 metres in height above ground level (typically a building height of five storeys or more) that have simultaneous evacuation strategies in place.
- A "simultaneous evacuation strategy" is an evacuation strategy that applies to certain buildings deemed to be at a higher risk of fire, where the Responsible Person has determined that all residents should leave the building in the event of a fire, rather than staying put if they do not feel threatened by the fire.

1.2.2 Regulatory Reform (Fire Safety) Order 2005:

- The Regulatory Reform (Fire Safety) Order 2005 was introduced in October 2006 and has been subsequently amended by the Fire Safety Act 2021 and the Building Safety Act 2022 in England.

1.2.3 Fire Safety Act 2021:

- The Fire Safety Act clarifies the scope of the Fire Safety Order to make clear it applies to the structure, external walls (including cladding and balconies) and individual flat entrance doors between domestic premises and the common parts of a multi-occupied residential building.

1.2.4 Building Safety Act 2022:

- The Fire Safety (England) Regulations 2022, made under article 24 of the Fire Safety Order, impose new duties on responsible persons with regard to the areas brought within the Fire Safety Order by the Fire Safety Act, and commencement of section one of the Fire Safety Act was therefore a necessary precursor to the laying of these regulations.

1.2.5 Equality Act 2010:

- Requires the council to "advance equality of opportunity between persons who share relevant protected characteristics and persons who do not share it."

1.2.6 Care Act 2014:

- The Care Act 2014 is a key piece of legislation in the UK that modernizes and unifies adult social care law, establishing clear rights for individuals needing care and support.

1.2.7 Housing Act 2004:

- Introduced to protect the most vulnerable people in society and help to create a fairer and better housing market.

1.3 Definitions

1.3.1 For the purposes of this policy, the following definitions apply:

Table 3 – List of definitions used in this policy

Term	Definition
Person-Centred Fire Risk Assessment (PCFRA)	An assessment focusing on the individual resident's specific needs, vulnerabilities, behaviours, and circumstances that may increase fire risk or impact safe evacuation.
Residential Personal Emergency Evacuation Plan (RPEEP)	A documented plan detailing how a resident who cannot independently evacuate in an emergency will be supported to reach a place of safety.
Tenant	A person that has an active tenancy agreement, living in a home owned by Kirklees Council.
Leaseholder	A person that owns a home on a lease, within a council-owned building.
Household member	Another person (other than the named tenant or leaseholder) living in a home owned by Kirklees Council.
Staff; Officer; Employee	A person that works for Kirklees Council, including temporary or agency workers and apprentices.
Homes &	Kirklees Council's housing management service, inclusive of all

Term	Definition
Neighbourhoods	departments and teams.
Responsible Person, RP	The individual or organisation that is legally responsible for making sure fire safety duties are carried out in a building. As the landlord, Kirklees Council is the RP for council-owned homes.
WYFRS	West Yorkshire Fire and Rescue Service

2 Objectives and scope

2.1 Policy objectives

2.1.1 This policy aims to ensure that Kirklees Council meets its obligations as a landlord and building owner, to provide assurance that residents identified as needing additional fire safety support have the required PCFRA/RPEEPs in place to support them.

2.1.2 Kirklees Council will ensure that person-centred fire risks are assessed appropriately and that suitable risk reduction measures are implemented. Following assessment, RPEEPs will be developed where appropriate and reasonably practicable.

2.1.3 Kirklees Council will clarify roles and responsibilities under the legislation and promote partnership working with relevant agencies such as WYFRS.

2.2 Policy scope

2.2.1 The policy is relevant to all residential properties owned and managed by Homes & Neighbourhoods.

2.2.2 The policy applies to general needs housing, sheltered and supported housing and temporary accommodation where the council has landlord responsibilities.

2.2.3 Pinnacle Housing, who manage some homes on behalf of the council, are required to provide assurance that the landlord's fire safety obligations are being met. Separate arrangements are in place and maintained to ensure this.

2.2.4 The policy applies to all Homes & Neighbourhoods staff and contractors who have responsibility for fire safety, building safety, resident engagement and housing management of H&N properties.

3 Identification of residents requiring assessment

3.1 Identification of need

3.1.1 Residents may be directly identified as requiring a PCFRA and/or a RPEEP through the following methods:

- Self-disclosure.
- Housing officer referrals.
- Adult social care referrals.
- Safeguarding processes.
- Reports from family members or carers.
- Fire and Rescue Service referrals.
- Direct phone call.
- Social media campaign.
- Routine tenancy visits.

3.2 Possible indicators

3.2.1 Residents may also be identified as potentially requiring a PCFRA and/or RPEEP through the following indicators

- Mobility impairments.
- Sensory impairments.
- Cognitive impairment or dementia.
- Mental health conditions.
- Substance misuse.
- Hoarding behaviours.
- Use of oxygen therapy.
- Dependency on medical equipment.
- Social isolation.
- History of accidental fires.

3.3 The PCFRA process

3.3.1 Upon identification of the potential need for a PCFRA, a housing management officer, independent living officer or technical fire officer will determine the level of urgency and prioritise an assessment accordingly.

3.3.2 Within five working days of a referral, a housing management officer will contact the tenant to arrange a PCFRA.In urgent cases these should be referred direct to WYFRS for a Safe and Well visit. If there is a immediate threat to life the emergency services should be notified before leaving site.

3.3.3 A trained officer will undertake a home visit to:

- Assess fire hazards.
- Assess the tenant's ability to detect fire.
- Assess the tenant's ability to respond and evacuate.
- Identify behavioural or environmental risks.
- Review existing fire safety measures.

3.3.4 Following assessment, the tenant's risk rating will be categorised as Low, Medium or High, as set out below:

- Low Risk: The resident's mobility is not impaired, and they can physically leave the premises without assistance, or if they have some impairment but can leave with no assistance.
- Medium Risk: The resident is neither low or high risk, but they have a mental health or cognitive condition and/or limited mobility issues. They assess themselves as being able to effectively self-evacuate, and the assessor has seen nothing to contradict this view.
- High Risk: The resident's care and/or condition is such that they are unable to effectively self-evacuate from the building, or the immediate evacuation could prove life threatening.

3.3.5 A documented action plan will be developed as part of the PCFRA, which may include:

- Provision of specialist smoke detection.
- Fire-retardant bedding.
- Fire-resistant letterboxes.
- Referral to Fire and Rescue Service.
- Care package review.
- Decluttering support.
- Telecare or linked fire alarm system.

3.4 RPEEP content

3.4.1 In general needs housing, including in blocks of flats where a "simultaneous evacuation" strategy is in place:

- The RPEEP will focus on:
  - i. Early warning measures.
  - ii. Safe refuge within the dwelling or a place of safety within the building or an ultimate place of safety, depending on the assistance required.
- Evacuation equipment will be assessed and discussed. Any equipment required will be at the tenant's own cost unless the mitigation/equipment benefits the entire block and safety as a whole.
- The council will not normally implement evacuation assistance requiring staff presence where none exists.
- Information will be shared with West Yorkshire Fire and Rescue Service (where lawful and appropriate).

3.4.2 In general needs blocks of flats designed under a "stay put" strategy:

- The RPEEP will focus on:
  - i. Early warning measures.
  - ii. Safe refuge within the dwelling or a place of safety within the building or an ultimate place of safety dependent on the assistance required. (If fire is in their own home)
- The council will not normally implement evacuation assistance requiring staff presence where none exists.
- Information will be shared with West Yorkshire Fire and Rescue Service (where lawful and appropriate).

3.4.3 In council-managed sheltered and supported housing where on-site staff are present 24/7:

- A documented PCFRA & RPEEP will be developed.
- Staff roles and responsibilities will be clearly defined.
- Regular drills and staff training will be undertaken by the care providers in line with CQC regulations.
- The need for evacuation equipment will be assessed and provided where appropriate. This may be at the resident's own cost.

3.5 Recording information and data privacy

3.5.1 Homes and Neighbourhoods staff will record information on tenant vulnerabilities and conditions that could (i) indicate a need for a PCFRA or RPEEP, where consent is given, or (ii) identify a risk of significant harm. Information will be recorded and shared across the relevant management systems and databases utilised within Homes & Neighbourhoods.

3.5.2 Information relating to PCFRAs and RPEEPs must only be recorded on a tenant record if:

- The tenant has willingly shared the information with us (verbally/in writing) and is told that a marker will be noted on their client record; or
- The information is pertinent for the council as a social landlord to inform decisions, assess risk and deliver fire safety services effectively; or
- A concern has been shared/observed that identifies a significant risk of harm.

3.5.3 Any vulnerability or safety markers added to a tenant's file will be reviewed at least once every 12 months to ensure information is current and accurate.

3.5.4 All completed and in-progress PCFRAs and RPEEPs will be securely stored on the council's housing management systems.

3.5.5 All information captured and recorded in connection to the delivery of PCFRAs and RPEEPs, as identified in this policy, will be used in accordance with Kirklees Council's Data Protection Policy and the functions and activities outlined in Kirklees Council's Privacy Notice for Homes and Neighbourhoods.

4 Roles and responsibilities

4.1 Council responsibilities

4.1.1 The council is responsible for ensuring it complies with all relevant regulations and guidance for the management of PCFRA and RPEEPs.

4.1.2 The council will offer a person-centred fire risk assessment (PCFRA) to each relevant resident they identify and, where the resident agrees, ensure the PCFRA is undertaken.

4.1.3 The council will ensure that all residents can easily request a PCFRA and that they receive a copy of their RPEEP where completed.

4.1.4 All appropriate staff and contractors will receive the adequate level of training to conduct a PCFRA and RPEEP.

4.2 Tenant responsibilities

4.2.1 Tenants are responsible for engaging with assessments and making H&N aware of any vulnerability that may indicate a need for a PCFRA or RPEEP.

4.2.2 Tenants are responsible making the council aware of any relevant changes that could affect them or anyone in their household in regard to RPEEPs.

4.2.3 In line with the Tenancy Agreement, tenants must allow council staff, agents or contractors access to their homes to carry out any inspection of fire safety related works.

4.2.4 For the PCFRA and RPEEPs process to be carried out, the resident's consent is required. If the cost to implement a measure falls to the resident, it can only be implemented if the resident consents to pay; and an evacuation statement can only be produced if the resident agrees with the RP on what they should do in the event of a fire. The resident may withdraw their consent to share information or participate in the PCFRA process at any time.

5 Monitoring and review

5.1 Monitoring and improvement

5.1.1 To ensure resident safety, review and monitoring of each PCFRA and RPEEP will be carried out in line with the following timescales:

- 3 monthly reviews of high-risk cases.
- 6 monthly reviews of medium risk cases.
- 12 monthly reviews of low-risk cases.

5.1.2 To ensure a high level of assurance, performance reporting shall take place to the Building Safety Assurance Board.

5.2 Policy review

5.2.1 The policy will be reviewed annually, or in response to relevant changes in legislation, regulation or organisational structures.

5.2.2 Any significant changes will be consulted on prior to implementation and relevant approvals sought.

5.2.3 This policy and future updates will be published on the council's website.

6 Associated policies and strategies

6.1 Homes & Neighbourhoods policies

6.1.1 The following Homes & Neighbourhoods policies and other documents are relevant:

- Homes & Neighbourhoods Fire Safety Management Policy
- Homes & Neighbourhoods Tenancy Agreement
- Homes & Neighbourhoods Vulnerable Tenant Policy
- Homes & Neighbourhoods Safety in Communal Areas Policy
- Privacy Notice for Homes and Neighbourhoods

6.2 Kirklees Council policies

6.2.1 The following wider Kirklees Council policies and strategies are relevant:

- Kirklees Council Housing Allocations Policy
- Kirklees Corporate Safeguarding Policy
- Corporate Health and Safety at Work Policy
- Corporate Health and Safety Strategy
- Kirklees Council Data Protection Policy

Appendix 6
Lift Safety Management Policy

For council housing and other HRA properties

Publication date: V1.0 XXXXXX

Next review date: XXXXXX

Reference: HN/SQ/POL/Lift/V1.0

Table of Contents

Document Control

Governance

Table 1 – Policy information

Item	Response
Title	H&N Lift Safety Management Policy
Responsible officer	H&N Head of Assets and Building Safety
Author	H&N General Manager of Compliance and Building Safety
Approved by	TBC
Version approval date	TBC
Next review date	TBC
Review responsibility	H&N Head of Assets and Building Safety
Applicable to	Homes & Neighbourhoods staff and contractors. Homes & Neighbourhoods tenants, leaseholders and other residents.
DPIA date	TBC
IIA date	12/05/2026
Regulatory framework	Social Housing (Regulation) Act 2023 and associated RSH Regulatory Standards. Lifts Regulations 2016 (Product & Installation Safety) Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) Provision and Use of Work Equipment Regulations 1998 (PUWER)

Revision history

Table 2 – Revision details

Date	Version	Author	Authorised by	Revision details
09/02/26	V1.0	Blake Hamblett	TBC	First publication

1 Introduction

1.1 Purposes of this policy

1.1.1 Kirklees Council is responsible for the maintenance and repair of around 22,500 domestic and non-domestic premises owned through the Housing Revenue Account

1.1.2 Kirklees Council is committed to identifying and minimising the risks associated with lifting equipment, and ensuring that installation, maintenance and testing of equipment, are carried out in compliance with the Lifts Regulations 2016 (Product & Installation Safety), Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) and the Provision and Use of Work Equipment Regulations 1998 (PUWER), along with other regulatory and industry body requirements.

1.1.3 This policy sets out Kirklees Council's commitments to meeting its lift safety obligations as a landlord, and identifies key responsibilities within the organisation. The policy seeks to provide assurance that lifts and lifting equipment are effectively managed to ensure the safety of employees, contractors, tenants, leaseholders, and members of the public.

1.1.4 The policy should be read in conjunction with the Homes and Neighbourhoods Lift Safety Management Plan which provides further detail on the actions put in place to ensure compliance.

1.2 Legal context

1.2.1 This policy responds to the Social Housing (Regulation) Act 2023 and the associated Regulatory Standards by addressing the following requirements:

Safety and Quality Standard

- Registered providers must use data from across their records on stock condition to inform their provision of good quality, well maintained and safe homes for tenants including:

  a) compliance with health and safety legal requirements

- Registered providers must identify and meet all legal requirements that relate to the health and safety of tenants in their homes and communal areas
- Registered providers must ensure that all required actions arising from legally required health and safety assessments are carried out within appropriate timescales.

- Registered providers must ensure that the safety of tenants is considered in the design and delivery of landlord services and take reasonable steps to mitigate any identified risks to tenants.

1.2.2 The following key regulations apply:

- **Lifting Operations and Lifting Equipment Regulations 1998 (LOLER)**

  As a landlord, we will comply with the Lifting Operations and Lifting Equipment Regulations 1998 by ensuring that all lifting equipment under our control, including passenger lifts, is suitable, safely installed, properly maintained and subject to statutory thorough examination by competent persons.

- **Provision and Use of Work Equipment Regulations 1998 (PUWER)**

  As a landlord, we will comply with the Provision and Use of Work Equipment Regulations 1998 by ensuring that all work equipment under our control is suitable, safely installed, properly maintained and inspected, and used only by competent persons

1.2.3 This policy also aims to ensure compliance with the following legislation:

- Building Safety Act 2022 (Higher-Risk Residential Buildings)
- Construction (Design and Management) Regulations 2015
- The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013
- Housing Health and Safety Regulations 2005
- Housing Act 2004
- Management of Health and Safety at Work Regulations 1999
- Health & Safety (Safety Signs and Signal) Regulations 1996
- Workplace (Health, Safety & Welfare) Regulations 1992 (as amended)
- Electricity at Work Regulations 1989
- Health and Safety at Work etc. Act 1974

1.3 Definitions

1.3.1 For the purposes of this policy, the following definitions apply:

Table 3 – List of definitions used in this policy

Term	Definition
Homes & Neighbourhoods; H&N	Kirklees Council's housing management services, inclusive of all departments and teams.
Tenant	A person that rents a home from Homes & Neighbourhoods.
Leaseholder	A person that owns a home on a lease, within a council-owned building.

Resident	Any person that is registered as living in a council-owned home or other building, including tenants, leaseholders and others.
Staff; Officer; Employee	A person that works for Kirklees Council, including temporary or agency workers and apprentices.
Contractor	A company or person that works on behalf of Kirklees Council.
Pinnacle Housing	A company that manages some council-owned homes on the council's behalf. The homes are managed through a Private Finance Initiative (PFI) contract known as Excellent Homes for Life.

2 Objectives and scope

2.1 Policy objectives

2.1.1 The aims of this policy are:

- The primary aim of this document is to ensure that Kirklees Council is compliant with statutory legislation relating to lifts and lifting equipment safety within all council homes and non-residential properties managed through the Housing Revenue Account.

- The policy aims to provide clarity on the council's overall approach to lifts and lifting equipment safety, assuring tenants and other stakeholders that our approach to maintenance and safety of all lifts and lifting equipment is robust and effective.

2.2 Policy scope

2.2.1 This policy applies to all Homes & Neighbourhoods staff and contractors who have responsibility for, or who may encounter lifts and lifting equipment during their normal work activities.

2.2.2 The policy should be read and understood by all parties who have responsibilities relating to Lifts Regulations 2016 (Product & Installation Safety), Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) and the Provision and Use of Work Equipment Regulations 1998 (PUWER), along with other regulatory and industry body requirements.

2.2.3 The policy applies to lifts and lifting equipment arrangements within all council homes and non-residential properties managed by Kirklees Council through the Housing Revenue Account and covers all properties within Homes & Neighbourhoods (H&N) through the Housing Revenue Account (HRA) that has a lift or lifting equipment.

2.2.4 The policy is relevant to all tenants, leaseholders and others who may live in, work in, visit or use homes or other premises owned and managed by Homes & Neighbourhoods.

2.2.5 Pinnacle Housing, who manage some homes on behalf of the council, are required to provide assurance that the landlord's lift safety obligations are being met. Separate arrangements are in place and maintained to ensure this.

3 Policy statement

3.1 Inspections, assessments and prevention

3.1.1 This policy is designed to ensure that Homes & Neighbourhoods meets its legal obligations and takes all reasonable and practical steps to eliminate, minimise and manage risks associated with powered lifting equipment that could cause harm to tenants, the general public, staff, or damage to property.

3.1.2 Powered lifting equipment, components and essential safety devices are subject to wear and tear, misuse, and vandalism. The ongoing maintenance and thorough examination of lifting equipment is essential to ensuring that the equipment remains safe for continued use as well as prolonging the working life of the equipment.

3.1.3 Homes & Neighbourhoods will work with tenants on an individual basis to understand their specific circumstances, including information about any communication needs, disabilities, or vulnerabilities. Lift safety services and arrangements will be delivered in a way that considers and respects tenants' individual needs, in line with the H&N Vulnerable Tenant Policy.

3.1.4 Homes & Neighbourhoods will assess each lift maintenance, upgrade and renewal scheme to ensure that the correct priority level is allocated. H&N will take specific account of vulnerable tenants' requirements during the prioritisation process for these works.

3.2 Competence

Homes and Neighbourhoods will:

3.2.1 Instruct a third-party competent person to undertake thorough examinations of all equipment in line with Regulation 9 of the LOLER 1998.

3.2.2 Appoint an appropriately competent maintenance contractor to carry out regular Planned Preventative Maintenance (PPM) visits to all lifting equipment, the frequency of which will be determined by equipment risk and volume of use.

3.2.3 Ensure that this policy and any subsequent amendments will be brought to the attention of staff and contractors through induction and training. Alternative formats and languages may be used, as and when necessary

3.2.4 Ensure all contractors undertaking the service, maintenance and repair are a member of the Lift and Elevator Industry Association or Lift Cert Accreditation

3.2.5 Ensure that all servicing, examination, maintenance and repairs are carried out by suitably qualified and competent persons.

3.3 Obligations

Homes and Neighbourhoods is required to:

3.3.1 Ensure that all items of powered lifting equipment are subjected to a thorough examination in line with the LOLER 1998.

3.3.2 Have a proactive approach to equipment maintenance in order to reduce the likelihood of failure and optimise the operation of the equipment

3.3.3 Ensure that appropriate and timely action is taken in the event of notification of equipment defects or failure.

3.3.4 Ensure that complete and accurate evidence is retained in relation to the servicing, examination, maintenance and repair of lifting equipment.

3.3.5 Put in place quality assurance and performance management arrangements to ensure that Kirklees Council Homes & Neighbourhoods meets its obligations.

4 Roles and responsibilities

4.1 Council responsibilities

4.1.1 Kirklees Council is the responsible legal entity and is accountable for ensuring implementation of this policy and the Lift Safety Management Plan.

4.1.2 The Chief Executive Officer has overall responsibility for monitoring the consistent implementation of this policy and the Lift Safety Management Plan.

4.1.3 Homes and Neighbourhoods Improvement Board is, on behalf of Cabinet, responsible for ensuring ongoing compliance with lift and lifting equipment legislation, and for escalating any key risks.

4.1.4 The Executive Director for Place is responsible for ensuring sufficient resources are in place to fulfil Responsible Person roles for all lifting equipment regulatory requirements.

4.1.5 The Service Director for Homes and Neighbourhoods is responsible for providing an effective performance management framework to strengthen risk control and provide greater levels of assurance in relation to lift safety.

4.1.6 The Head of Assets and Building Safety is responsible for managing the strategic implementation of this policy and the Lift Safety Management Plan and ensuring compliance with all regulations in relation to lift safety.

4.1.7 More detailed information on roles and responsibilities can be found in the Lift Safety Management Plan.

4.2 Tenant responsibilities

4.2.1 In line with the Tenancy Agreement, tenants must allow council staff, agents or contractors access to their homes to carry out LOLER checks and any required servicing and associated works.

4.2.2 Tenants are reasonable for the reporting of any lift or lifting equipment breakdown within their homes or communal areas.

4.4.3 Residents are to cooperate with us when it comes to lift safety. Residents have responsibilities to avoid actions that could pose a risk to lift safety or other residents. Tenants, their households or visitors must not interfere or damage anything in communal lifts and/or, anything provided for health or safety purposes. This includes (but is not limited to) emergency lighting, CCTV, door entry. Lift doors must not be wedged open.

4.3 Reporting lift repairs

4.3.1 Tenants should report repairs as soon as possible to prevent further damage and ensure that their home remains in good condition.

4.3.2 The best way for tenants and leaseholders to report repairs, including lift repairs, is directly through their My Kirklees account. This is available 24 hours a day, seven days a week.

4.3.3 For people that are unable to access this service online, other options are available:

- Call Housing Repairs (Kirklees Direct) on 01484 414800 between 8am - 6pm.
- Email details of the repair to housing.direct@kirklees.gov.uk
- Council staff can report repairs on behalf of tenants by using an internal online form.

4.3.4 For out-of-hours emergency repairs (6pm onwards), please contact Housing Repairs on 01484 414850. This service is only available for situations that pose an immediate danger to tenants, other individuals, or risk serious damage to the property or neighbouring properties. In such cases, a temporary repair may be carried out to make the home safe, with any follow-up repairs scheduled as either urgent or routine, depending on the situation.

4.3.5 Information on how to report repairs is provided to new tenants at the start of their tenancies and is also available to view on the council's website.

4.3.6 If any council staff or contractors are made aware of any potential emergency or significant repair hazard in tenants' homes, they should immediately report it through the methods above.

5 Monitoring and review

5.1 Monitoring and improvement

5.1.1 The Lift Safety Management plan sets out monthly Key Performance indicators which are reported on a monthly basis via the BSAB.

5.1.2 Kirklees Council will ensure that all contractors engaged in the servicing, maintenance and repair of lifting equipment are appropriately qualified, competent, and operate in full compliance with relevant legislation, industry standards, and the Council's Lift Safety Management Plan

5.2 Policy review

5.2.1 The policy will be reviewed at least every year, or in response to relevant changes in legislation, regulation or organisational structures.

5.2.2 Any significant changes will be consulted on prior to implementation and relevant approvals sought.

5.2.3 This policy and future updates will be published on the council's website and internal staff site.

6 Associated policies and strategies

6.1 Homes & Neighbourhoods policies

6.1.1 The following Homes & Neighbourhoods policies and other documents are relevant:

- Tenancy Agreement
- Repairs & Maintenance Policy
- Safety in Communal Areas Policy
- Vulnerable Tenant Policy
- Complaints Policy
- Lift Safety Management Plan

- Fatal/Serious Incident Protocol

6.2 Kirklees Council policies

6.2.1 The following Kirklees Council Policy is relevant:

- Corporate Health and Safety at Work Policy

This page is intentionally left blank

Appendix 7
Lift Safety Management Plan

For council housing and other HRA properties

DRAFT

Publication date: V1.1 XXXXXX

Next review date: XXXXXX

Reference: HN/SQ/PLA/Lift/V1.0

Table of Contents

Document control

Governance

Table 1 – Policy information

Item	Response
Title	H&N Lift Safety Management Plan
Responsible officer	H&N Head of Assets and Building Safety
Author	Liam O'Malley (Electrical & Lift Technical Officer) Blake Hamblett (General Manager - Building Safety Compliance)
First approved	V1.0 Service Director for H&N XXXXXX
Version approved	V1
Next review date	Xx
Review responsibility	H&N Head of Assets and Building Safety
Applicable to	Kirklees Homes and Neighbourhoods staff and subcontractors Kirklees Homes and Neighbourhoods tenants and leaseholders
Regulatory framework	Social Housing (Regulation) Act 2023 and associated RSH Regulatory Standards. Health and Safety at Work Act 1974

Revision history

Table 2 – Revision details

Date	Version	Author	Authorised by	Revision details
XXXXXX	1.0	LO/BH	Service Director tbc	First publication

1 Introduction

1.1 Introduction

1.1.1 The Lift Safety Management Plan details how Kirklees Council – Homes & Neighbourhoods will meet their statutory obligations for controlling Lift and Lifting Equipment Safety across all Homes and Neighbourhoods properties and assets.

1.1.2 Homes & Neighbourhoods acknowledges the importance of the management of its Lift and Lifting Equipment including installation, maintenance, and testing of equipment, are carried out in compliance with the Lifts Regulations 2016 (Product & Installation Safety), Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) and the Provision and Use of Work Equipment Regulations 1998 (PUWER) along with other regulatory and industry body requirements.

1.1.3 This management plan sets out Kirklees Council's commitments to meeting its Lift safety obligations as a landlord, and identifies key responsibilities within the organisation. The plan seeks to provide assurance that lifts and lifting equipment is effectively managed to ensure the safety of employees, contractors, tenants, leaseholders, and members of the public.

1.2 Purpose

1.2.1 The purposes of this document are:

- To identify Homes and Neighbourhoods' responsibilities.
- To identify responsible persons and associated partners in managing the risks associated with Lifts and Lifting Equipment Safety.
- To provide guidance and points of contact to all Homes and Neighbourhoods employees on Lifts and Lifting Equipment Safety management.
- To ensure that managers, staff and contractors and their representatives are kept fully informed of all Lifts and Lifting Equipment Safety.
- To be a central reference document for working procedures.
- To document Homes and Neighbourhoods' approach and standards.
- Also including leaseholders/ shared ownership properties and other rented housing managed by KC on behalf of a third party unless other parties are explicitly specified as having statutory responsibility in a lease or management agreement.

1.3 Scope

1.3.1 The management plan includes guidance on the delivery of our policy commitments in the following areas:

- Passenger Lifts Non-Domestic
- Stair Lifts, Vertical Lifts Non-Domestic
- Other Lifting Equipment Non-Domestic
- Stair Lifts, Vertical Lifts Domestic

- Ceiling Track Hoists
- Mobile Hoists
- Bath Lifts and Slings etc.
- Aids and Adaptations installations to assist disabled customers including Through-Floor Lifts.

1.3.2 It also includes guidance on data - how data in relation to the above area is captured and controlled in each of the eight areas detailed above.

1.3.3 Access - the process relating to gaining access.

1.3.4 Performance and assurance - how and when performance is monitored and report and assurance in place.

1.3.5 All non-residential properties: (which include community premises, blocks and communal areas, remote plant) under the management of Homes & Neighbourhoods (H&N) through the Housing revenue Account (HRA).

1.3.6 All residential properties: (which include general needs housing, supported housing, sheltered housing, extra care housing and other rented properties owned and managed by KC).

1.3.7 Also includes other rented housing managed by KC on behalf of a third party unless other parties are explicitly specified as having statutory responsibility in a lease or management agreement.

2 Roles and responsibilities

Table 3 – Roles and responsibilities

Role	Responsibilities	Frequency
Kirklees Council	• They are the responsible legal entity and must oversee the discharge of the required standards. • They act as Duty Holders and are accountable for ensuring the implementation of this Management Plan and the associated policy. • They will receive assurance through regular performance reports that the management plan and policy are being implemented and that the regulations are being fully complied with. • In doing so they will ensure the safety of residents, staff, contractors and any other parties and the wider public has not been compromised. • They will also ensure that appropriate governance arrangements are in place to keep internal stakeholders,	Annually

Role	Responsibilities	Frequency
	and other interested third parties, informed of the regulatory landlord compliance position. • The Council will be responsible for ensuring that any necessary remedial action, arising from performance reports, are undertaken to comply with the policy and ensure that a regulatory landlord compliant position is maintained. • Agree and set budgets that are sufficient to meet the compliance requirements.	
The Chief Executive Officer	• Retains the overall responsibility for the monitoring of the consistent implementation of this management plan and associated policy. • Through the implementation of the management plan and policy to effectively comply with the regulatory standards • If the regulatory standards are not maintained to report any breach in standards to the Regulator of Social Housing (RSH).	Ongoing
Homes and Neighbourhoods Improvement Board (HNIB)	• Will, on behalf of Cabinet, ensure ongoing compliance, with all relevant Lift and Lifting Equipment legislation. • It will keep under review the effective management of Lift and Lifting Equipment safety across KC with the objective of always promoting Lift and Lifting Equipment safety. • Ensuring that the Lift Safety policy is communicated to all employees in the business. • Implementing an appropriate Lift and Lifting Equipment safety management system, which is compliant with the required health and safety standards. • Personally, encouraging a positive Lift and Lifting Equipment safety culture, leading by example, and taking visible actions. • Monitoring Lift and Lifting Equipment safety performance on a monthly basis. • Conducting an annual review of the Lift and Lifting Equipment safety management system. • Ensuring a Lift safety review of new acquisitions/new ventures is carried out. • Ensuring that the Lift and Lifting Equipment safety program is adequately resourced.	Ongoing
Executive Director for Place	• They shall appoint /nominate sufficient resources to fulfil the Responsible Person(s) roles for all Lift and Lifting Equipment safety requirements and use this Management Plan to define their duties.`	Ongoing

Role	Responsibilities	Frequency
	• Ensure appropriate governance is in place for works to be delivered in-house or procured externally. • Seek assurance that the Regulations are being adhered to and regularly review internal service and contractor operational practices and performance. • Ensure that the conditions of all contracts are being fulfilled either by internal service or contractors.	
Service Director Homes and Neighbourhoods	• Will provide an effective performance management framework that will strengthen risk control and provide greater levels of assurance. • Will implement Data Governance protocols. • Will manage the availability of accurate stock data and landlord compliance data subsets against which to prepare work programs and contracts. • Will oversee the preparation of the KPI/MPI and OPI reporting suite. • Will assist the implementation of this management plan and policy through monitoring implementation. • Will receive audit feedback and act upon the findings. • Seek assurance that the Regulations are being adhered to and regularly review internal service and contractor operational practices and performance. • Will ensure that Tenant Engagement Strategies are in place and guide the approach to engagement.	Ongoing
Head of Assets and Building Safety	• Will manage the strategic implementation of this management plan and policy and ensure compliance with all regulations. • Will ensure the operational delivery of this management plan and policy and compliance with the Regulations. • Will produce the policy at the appropriate review dates. • Will formulate programs of work consistent with the delivery of this management plan and policy. • Will instruct /consult with internal operational managers and contractors in respect to the operational delivery of this management plan. • Will consult and engage with Housing Management and Partnerships (HMP) and tenants and leaseholders to explain the importance of landlord compliance and the need to achieve access to complete safety checks and works. • Managing resident feedback (enquiries, complaints, and compliments) handling and progress in liaison with Customer Experience Team. • Liaise with Service Manager – Building Safety and ensure data is updated accurately and on time.	Ongoing

Role	Responsibilities	Frequency
	• Liaise with Building Safety Team, IT service, Asset data Team Leader and ensure system(s) and interfaces operate effectively. • Inform the Service Director of Homes and Neighbourhoods of any performance issues. • Receive feedback from 3rd Party External Validation Consultants and liaise with Building Safety Team, Assets Team and Contractors to address any delivery shortfalls. • Monitor the quality and correct storage of all certifications and documents required to demonstrate landlord compliance.	
Service Manager - Building Safety	• Will manage the strategic implementation of this management plan and policy and ensure compliance with all regulations. • Will ensure the operational delivery of this management plan and policy and compliance with the Regulations. • Will produce the policy at the appropriate review dates. • Will formulate programs of work consistent with the delivery of this management plan and policy. • Will instruct /consult with internal operational managers and contractors in respect to the operational delivery of this management plan. • Will consult and engage with Housing Management and Partnerships (HMP) and tenants and leaseholders to explain the importance of landlord compliance and the need to achieve access to complete safety checks and works. • Managing resident feedback (enquiries, complaints, and compliments) handling and progress in liaison with Customer Experience Team. • Liaise with Service Manager – Building Safety and ensure data is updated accurately and on time. • Liaise with Building Safety Team, IT service, Asset data Team Leader and ensure system(s) and interfaces operate effectively. • Inform the Service Director of Homes and Neighbourhoods of any performance issues. • Receive feedback from 3rd Party External Validation Consultants and liaise with Lift Safety Team, Assets team and Contractors to address any delivery shortfalls. • Monitor the quality and correct storage of all certifications and documents required to demonstrate landlord compliance.	Ongoing
Building Safety Fire Manager	• Lead on all aspects of building safety across housing portfolio.	Ongoing

Role	Responsibilities	Frequency
	• Develop, implement, and manage building safety cases and maintain the golden thread of information. • Conduct regular inspections, and audits of our properties to ensure compliance with Lift and Lifting Equipment safety and other building regulations. • Liaise with external agencies, including local authorities, Lift and Lifting Equipment services, and other safety bodies. • Collaborate closely with property management teams, maintenance staff, and contractors to ensure safe and effective property management. • Provide guidance and training to staff and residents on building safety matters.	
Building Safety General Manager	• Responsible for leading team of Electrical and Lift Technical Officers. • Responsible for the development and implementation of all required policies and procedures in relation to Lift and Lifting Equipment safety ensuring compliance with all legislative requirements. • Ensure that all relevant information is captured and uploaded into the Compliance Risk Database. • Responsible for identifying the technical solutions for Lift and Lifting Equipment safety works and supporting investment teams in the delivery of major schemes, repair teams and contractors in the delivery of minor works. • Responsible for identifying all Lift and Lifting Equipment related risks and issues across the portfolio and design, arrange and oversee the necessary remedial actions and work packages. • Assist the Building Safety Team in monitoring that remedial actions identified through the LOLER and Servicing activities are being delivered within a timely manner.	Ongoing
Technical Officer Electrical and Lifts	• Will be the nominated Responsible Person for managing Lift and Lifting Equipment control with Homes and Neighbourhoods • Manage LOLER and Servicing program carried out by 3rd party, including auditing desk top review. • Review property addresses and reconcile with the contractor databases to ensure the program remains accurate. • Responsible for identifying the technical solutions for Lift and Lifting Equipment safety works and supporting investment teams in the delivery of major schemes,	Ongoing

Role	Responsibilities	Frequency
	repair teams and contractors in the delivery of minor works. • Responsible for identifying all Lift and Lifting Equipment related risks and issues across the portfolio and design, arrange and oversee the necessary remedial actions and work packages. • Undertake 5% audit of all lift services council wide.	
Property Assistant	• Responsible for monitoring dedicated Lift and Lifting Equipment safety mailbox and coordinating responses. • Assisting with Lift and Lifting Equipment safety management tasks.	Ongoing
Housing Management Officer	• Responsible for identifying issues or defects with Lifts in their area .	Ongoing
Asset Database Team	• Responsible for monitoring and validating data stored within Asset database.	Ongoing
Contractors	• Operational delivery of lift servicing and inspections • Liaise with the Building Safety Team in relation to access issues. • Update system(s) with accurate data. • Provide appropriate, complete, and correct certification for all Lift safety work. • Provide QA checks in accordance with the contract. • Provide emergency response to lift entrapment • Provide prompt response to out of service lifts	Ongoing
Residents	• Agreeing to and keeping appointments to provide access. • Informing Kirklees Council staff in relation to any poor service, failure to attend/poor repair etc. • Provide satisfactory information. • Take note of and comply with Lift advice provided and follow the appropriate procedures • Follow instructions to ensure that building safety measures are not damaged and kept in good working order. E.g. tampering with Lift devices and Lift doors.	

3 Data

Understanding and recording requirements is a key part of effectively managing and monitoring them. The guide below sets out the data we will hold and how it will be maintained.

3.1 Risk assessments

3.1.1 KC will maintain a Master Database within Teams [Building Safety and Compliance>Documents>General>Lifts>LOLER reports], of all properties where it has a responsibility to provide LOLER assessments. All the assets within the groups identified in the table below will be classified either 'Yes' or 'No' (On for Yes, Off for No) in respect of if a LOLER inspection is required. This will include the Management and Maintenance of all Lifting Equipment as defined above. The Master Database hierarchy will be such that responsibilities can be captured at the appropriate level, shown below (indicated by Tick ✓):

Table 4 – LOLER requirement

	Dwelling	Common part	Block	Depots	Office/ community premises
LOLER requirement	✓	✓	✓	✓	✓

3.1.2 A monthly reconciliation check will be undertaken by the Asset Data Team to ensure that all properties in the categories above have a confirmed Yes or No status. Any exception (i.e., an asset without an LOLER requirement status) will be reported along with an explanation of any changes to the numbers. The results of the reconciliation check will be signed off on a monthly basis.

3.1.3 All LOLER and Lift Service Visits will be stored within the Compliance team "G" Drive, Building Safety & Compliance Teams page under Lifts and the portal of Homes and Neighbourhoods appointed contractor ANSA and HSB.

3.1.4 All domestic LOLER and Lift Service Visits carried out by Kirklees Council property services sit on the council's Total system.

3.1.5 All Domestic Lift and Lifting Equipment services and LOLER will be managed by the Accessible Homes Team. They will ensure safe storage of all documentation within their internal systems along with a full assets management database. This information will be shared with the Building Safety and Compliance team to ensure oversight and full satisfactory delivery in line with regulatory requirements.

3.2 Actions arising from LOLER or Service Visits

3.2.1 Actions arising from LOLER inspections or, servicing visit will be dealt with in accordance with the priorities and periods set out by the competent person undertaking it. If a Defect with the Lifting Equipment is identified during the Servicing which is, or could become, a danger to people, the Contractor will take the Lift Out of Service immediately and KC will be advised. Lower Priority Repairs will usually be completed within 24-48 hours.

3.2.2 There are circumstances where it is appropriate to review and potentially extend the periods attached to actions. However, it is essential that any changes are appropriate, risk based, and the process is controlled and visible.

4 Lift inspection delivery

4.1 General approach

4.1.1 Kirklees Council Homes & Neighbourhoods acknowledges that lifts and lifting equipment inspections are required across the range of properties under its control. Due to the nature of the different property types and their varying levels of occupancy and use.

4.1.2 PUWER and LOLER apply in workplaces and in non-workplace Communal Parts that may be used by workers. They may also apply in Dwellings that contain Equipment used by people in a work capacity.

4.1.3 The application of LOLER and PUWER can be complicated, and its implementation will vary across the KC portfolio. It may not apply where a Lift is not used by people at work. However, in line with sector Best Practice, KC take the view that a LOLER/PUWER Inspection Regime is required to manage the risks associated with all Lifting Equipment – irrespective of whether LOLER/ PUWER strictly applies. KC's management arrangements will reflect this, where it is reasonably practicable to do so.

4.1.4 Where there is a Duty to Manage the risk associated with Lifting Equipment, KC will ensure an Inspection and Service is undertaken within specific time periods for all Lifting Equipment, dependent upon on the following:

- Lift Type
- Frequency of Use
- Age of Lift
- Manufacturer's Instructions.

4.1.5 The Management of Lifting Equipment is categorised into the following areas:

KC Owned Lifting Equipment

- KC will ensure that an Inspection is undertaken by a Third Party at a frequency defined previously.
- A Service is undertaken in accordance with the Manufacturer's Recommendations.

Domestic - Tenant Owned Lifting Equipment

- KC will ensure that an Inspection is undertaken by a Third Party at a frequency defined previously where applicable.
- The customer will be advised to set up a Service Contract undertaken in accordance with the Manufacturer's Recommendations.

4.1.6 There are three distinct Types of Lifts which are included within the Management Plan as detailed below:

- Commercial Passenger Lifts used in Communal Areas within Residential Schemes, Commercial Premises and Offices
- Domestic Lift Equipment used by carers within Residential Schemes, Offices and in Communal Areas and in single domestic dwellings.
- Domestic Lift Equipment no involvement by carers within Residential Schemes and single domestic dwellings.

4.2 The Thorough Examination (independent inspection)

4.2.1 LOLER places duties on those who own, operate, or have control over Lifting Equipment and the main requirements are detailed below:

- Must be sufficiently strong, stable, and suitable for the proposed use. The load and anything attached (e.g., lifting points) must be suitable.
- Positioned or installed to prevent the risk of injury, e.g., from the equipment or the load falling or striking people.
- Visibly marked with appropriate information to be considered for its safe use, e.g., safe working loads. Accessories should be similarly marked.

4.2.2 In addition, KC will ensure that:

- Lifting Operations are planned, supervised, and conducted in a safe manner by people who are Competent.
- Where Equipment is used for lifting people, it is marked accordingly, and it should be safe for such a purpose, e.g., all necessary precautions should be taken to eliminate reduce any risk.
- Before Lifting Equipment (including accessories) is used for the first time, (unless the equipment has an EC Declaration of Conformity less than one year old and the equipment was not assembled on site) it must be Thoroughly Examined – this also applies after major modification, damage or change of use and at void (re-letting) stage if the Lifting Equipment is to be retained for use by any new, incoming tenant

4.2.3 Lifting Equipment will also be Thoroughly Examined regularly whilst in service and use at periods specified in the Regulations (i.e., *at least six-monthly* for accessories and Equipment used for lifting people and, at a minimum, annually for all other Equipment) or at alternative intervals laid down in an Examination Scheme drawn up by a Competent Person

4.2.4 A Competent Person (someone with the necessary skills, knowledge, and experience) should perform all Examination Work

4.2.5 Following a Thorough Examination/Inspection of any Lifting Equipment a report should be submitted to the Competent Person to ensure that KC can take the necessary appropriate action.

4.2.6 The specifics of the Thorough Examination scheme are outlined below:

Table 5 – Examination Scheme Detail

Activity	Description	Type of lift	Frequency	Who carries it out?
Thorough Examination of all Lifting Equipment	A detailed and systematic examination of the Lifting Equipment	Commercial Vertical Passenger Lifts	Six monthly inspection intervals.	Carried out by Specialist Contractors –appointed by KC Insurers (member of Lift and Escalator Industry Association)
Thorough Examination of all Lifting Equipment	A detailed and systematic examination of the Lifting Equipment	Domestic Lifting Equipment used by carers	Six monthly inspection intervals.	Carried out by Specialist Contractors –appointed by KC Insurers (member of Lift and Escalator Industry Association)
Thorough Examination of all Lifting Equipment	A detailed and systematic examination of the Lifting Equipment	Domestic Lifting Equipment – no carers' involvement	Six monthly inspections	Carried out by Specialist Contractors –appointed by KC Insurers (member of Lift and Escalator Industry Association)

4.2.7 For each Property where KC has a responsibility to undertake a LOLER Inspection a Third-Party Contractor will undertake this as detailed below. The following details KC's requirements relating to the LOLER Report, which must contain the following information as part of the Lifting Equipment Inspection Process:

- Identify the Equipment examined (serial number, make, etc.), and the organisation's details and the Premises.
- Provide the Date of the Last Thorough Examination and specify when the Next should take place.
- Specify the Safe Working Load of the Lift
- Provide the reason for the Thorough Examination (i.e., following installation, according to an Examination Scheme, Statutory Interval, etc.)
- Identify any Defect which is or may become a danger to people.
- Provide the details of any Repair, Renewal or Alteration required to remedy the Defect and the Date by which it should be undertaken.
- Provide the details of any Tests conducted.
- Provide the details of the Person conducting the Report and the Person validating the Report on their behalf.
- Detail the Date on which the Lifting Appliance was Inspected.
- The Address of the Premises at which the Lifting Appliance(s) is installed.

- A Description of and the Location of each Lifting Appliance(s) inspected.
- Any Defect(s) identified.
- Any Remedial Action(s) taken.
- Confirmation that the Check undertaken complies with the requirement of LOLER.
- The Name and Signature of the individual carrying out the Check.

4.2.8 If a Defect with the Lifting Equipment is identified during the Thorough Examination which is, or could become, a danger to people KC will be advised immediately and this will be confirmed in the Report of Thorough Examination for Immediate Action. Other Lower Priority Repairs will usually be completed within 24-48 hours.

4.2.9 The Written Report will be received by the Electrical and Lift Technical Officer (Liam O'Malley) within 28 days from the completion of the Thorough Examination and Repairs identified will be completed in accordance with Thorough Examination timescales and Equipment will not be operated beyond the Date specified in the Current Examination Report.

4.3 Lift servicing

4.3.1 In addition to the Thorough Examination and in accordance with PUWER, KC will ensure all Lifting Equipment is maintained to ensure it does not deteriorate to the extent that it may put people at risk and remain in an efficient state of good repair. The frequency and nature of maintenance will be based on a Risk Assessment which considers the following

- The Manufacturer's Recommendations
- The Intensity of Use
- The Operating Environment (e.g., the effect of temperature, corrosion, weathering, user knowledge and experience)
- The risk to Health and Safety from any foreseeable failure or malfunction.

4.3.2 PUWER relates to Equipment provided for use at work, and the main requirements are detailed below:

- Suitable for the intended use
- Safe for use, maintained in a safe condition, inspected to ensure it is correctly installed and does not subsequently deteriorate.
- Used only by people who have received adequate information instruction and training.
- Accompanied by suitable Health and Safety measures, such as Protective Devices/Controls (these will normally include Emergency Stop Devices, adequate Means of Isolation from sources of energy, clearly Visible Markings and Warning Devices)
- Used in accordance with specific requirements, for Mobile Work Equipment and Power Presses.

4.3.3 The details of KC's Servicing Requirements are detailed in the table below:

Table 6 – KC's Lift Servicing Requirements

Activity	Description	Frequency	Who carries it out
Routine Maintenance of all Lifting Equipment	Checking and replacing worn or damaged parts, lubrication, replacing time-expired components, topping up fluid levels and making routine adjustments	Based on Risk Assessment Following adverse incidents	Carried out by Contractors – appointed direct by KC (members of Lift and Escalator Industry Association)
Commercial Lifts - Visual Operational Function Inspection	Visual and functional checks including non-lifting parts (e.g., checks that Alarm, Auto Dialler Equipment is operating correctly)	Monthly Following adverse incidents	On-site staff /Contractor

4.3.4 The following information will be included on the (PUWER) Service Report

- The Date on which the Lifting appliance was Inspected.
- The Address of the Premises at which the Lifting Appliance/s was Installed.
- A Description of, and the Location of, each Lifting Appliance/s Inspected.
- Any Defect/s identified.
- Any Remedial Action/s taken.
- Confirmation that the Check undertaken complies with the requirements of PUWER.
- The Name and Signature of the individual carrying out the Check.

4.3.5 If a Defect with the Lifting Equipment is identified during the Servicing which is, or could become, a danger to people, the Contractor will take the Lift Out of Service immediately and KC will be advised. Lower Priority Repairs will usually be completed within 24-48 hours.

4.3.6 KC will endeavour to complete 100% of Safety Inspections no later than their Expiry Date. Where this is not possible, measures are detailed within this Procedure Document to effectively manage such occurrences.

4.4 SAFed tests

4.4.1 Where concerns regarding the condition of the Lifting Equipment arise from a Thorough Examination, the Competent Person completing the Examination may request additional tests to be undertaken by The Safety Assessment Federation (SAFed) Inspection.

4.4.2 This is a Supplementary Inspection which includes a series of Tests to support the Thorough Examination to establish the Equipment's suitability for continued safe use.

4.4.3 SAFed Inspections will be documented to enable the subsequent Thorough Examination to be completed. Failure to complete the Supplementary Tests may preclude the completion of the subsequent Thorough Examination. The Supplementary Tests themselves are not part of a Servicing or Maintenance Regime and should not be initiated by Engineers engaged in Servicing or Maintenance.

4.4.4 They are solely to support the Thorough Examination and it is the decision of the Competent Person conducting that Thorough Examination as to what Supplementary Tests are required and when.

4.5 New Lifting System Instals

4.5.1 KC will only install new Lifts that meet with requirements of the Lift Regulations 1997 and relevant British and European Standards. Passenger Lifts will be installed to BS 5655-6:2011 and BS EN 81 Part 20 and Part 50, BS 6440:2011, and in accordance with the Disability Discrimination Act 2005, the Equality Act 2010 and the Building Regulations 2010 (Part M and Part B) as amended.

4.5.2 In addition, KC will develop a Programme to ensure the Standards recommended by the European Commission are achieved which will include the following:

- The Lift should be fitted with Car Doors
- Suspension Cables will be Inspected and replaced where necessary.
- Control Systems will provide an adequate degree of levelling at landings.
- Controls will be capable of being used by an unaccompanied disabled person.
- The fitting of Human Presence Detectors on Automatic Doors
- Safety Gears when initiated to provide controlled deceleration.
- A two-way 24-hour Communication system in the event of breakdown (where applicable)
- Elimination of any Asbestos, particularly in Braking Systems
- The fitting of a device to prevent Uncontrolled Upward Movement of the Car
- Provision of Emergency Lighting

4.5.3 All Repairs will be undertaken in accordance with Manufacturer's Instructions, relevant Standards, Codes of Practice and Current Regulations. The Work Elements will also fully comply with KC's Health and Safety Policy.

4.6 Remedial works

4.6.1 Remedial Works may be identified by LOLER/PUWER Safety Inspections, Contractor Service visits, KC staff or reported directly by customers.

4.6.2 Remedial Works prioritisation will be in accordance with the LOLER/PUWER Inspection Recommendation, unless otherwise agreed by a Competent Person.

4.6.3 All other Remedial Works will be prioritised according to Homes & Neighbourhoods' Repairs & Maintenance Policy.

4.7 Lift Emergencies

4.7.1 In the event of any major Lift components failing, all lifts are fitted with fail-safe mechanisms to prevent injury. Any faults with the Lift should be reported to KC and the relevant contact number is placed in each Block where there is a Communal Lift.

4.7.2 If there is an incident, as defined by the HSE, a Reporting of Injuries, Diseases and Dangerous Occurrence Regulation (RIDDOR) Form will be completed and sent to the Health & Safety Executive (HSE) by KC's Electrical and Lift Technical Officer (Liam O'Malley).

4.8 Managing Agents

4.8.1 Where KC has no responsibility for a Lift Safety activity described in its Lift Safety Policy and Management Plan, but has one or more residents living within a Block where one may be required, KC will write to the responsible person on an annual basis asking for written confirmation that:

- They are fully aware of all relevant legislation and their obligations.
- All relevant activity - including but not limited to Thorough Examination, Risk Assessment, Inspection, Testing, Remedial Works, and Maintenance - has been undertaken by a person competent to do so and is not overdue.
- They are in full compliance with all relevant legislation and KC has been informed of any material (potential or actual) issues relating to resident Health and Safety.

4.8.2 Where KC does not receive an adequate response, it will take reasonable further steps to follow this up, commensurate with the level of risk to its residents. These further steps may include:

- further, follow-up correspondence
- seeking the involvement of the local Enforcing Authorities (in relation to Lift Safety the local Fire and Rescue Service, Local Authority and/or the Health and Safety Executive (HSE)) to establish the position and compel a full and adequate response form the Responsible Person
- explore possible legal action/proceedings to compel a response.
- give consideration, on an exceptional, one-off basis (and by doing so in no way accepting future responsibility/liability from the Managing Agent for Lift Safety Thorough Examination/Risk Assessment/Inspection/Testing/Maintenance and/or Repairs or other Lift Safety-related works) to completing the activity involved in the over-riding Health and

Safety interests of KC residents – in such circumstances the costs of completing such Works will be recharged to the Managing Agent via their Responsible Person.

4.8.3 Records will be kept for five years in relation to all responses received from Managing Agents and their Responsible Persons.

5 Competency

5.1 Contractor competency

5.1.1 For all Thorough Examinations and Supplementary Testing, KC will use Inspectors that are UKAS accredited to ISO/IEC17020 Standard.

5.1.2 All KC's Lifting Equipment Works will be undertaken by trained and Competent Contractors, with appropriate practical and theoretical knowledge and experience of the Lifting Equipment – and who have an element of independence and impartiality.

5.1.3 KC will use Lift and Escalator Industry Association (LEIA) Affiliated Contractors for all Repairs, Servicing and New Installations.

5.2 Internal competency

5.2.1 KC will maintain a Skills/Training Matrix to ensure that all staff involved in the Processes and Procedures included in this Management Plan have appropriate training.

5.2.2 A detailed Competency Framework will be in place to provide assurance that all internal staff are appropriately skilled and are subject to regular appraisal.

6 Review, audit and monitoring

6.1 Review, audit and monitoring requirements

6.1.1 The Technical Officer shall instigate, as part of the Lift Safety Management Plan, a series of planned checks, audits and quality assurances checks on the LOLER and service inspections from contractors.

6.1.2 Most of these will be scheduled at set frequencies within the plan and some shall be ad-hoc and when the opportunity arises.

6.1.3 All such checks and audits shall be documented, and any non-conformances or anomalies shall be investigated, and remedial measure implemented.

6.1.4 The table below sets out all KPIs reported to BSAB to provide assurance:

Table 7 – KPIs reported to BSAB

Cat	Indicator	Frequency
KPI	Passenger Lifts having valid Thorough Examination within its Due Date as a % of total assets with a Passenger Lift	Monthly
KPI	Passenger Lifts where all Maintenance and Inspection activity is within its Due Date as a %	Monthly
KPI	Domestic Lifts having valid Thorough Examination within its Due Date as a %	Monthly
KPI	Domestic Lifts where all Maintenance and Inspection activity is within its Due Date as a %	Monthly
KPI	Lifts taken out of Service within month as a %	Monthly
KPI	Number of entrapments within month as a %	Monthly
KPI	Quality Checks of inspections %	Monthly

6.1.5 Commentary will be provided for any Properties Out of Date to include the Date they became Overdue, Days Overdue, and the Action Proposed to bring them back into a compliant position. To provide additional context, the commentary will also include information on the proportion of activities within the reporting period that were undertaken before and after their Due Date.

6.1.6 In addition to Board KPIs, a detailed PI suite will include the following:

Table 8 – Additional PIs

Cat	Indicator	Frequency
KPI	The Number of Days the LOLER/PUWER is Overdue for Non-Compliant Properties: • The Longest Number of Days that a LOLER/PUWER is Out of Date for any Properties that are Not Compliant • The Average Number of Days that a LOLER/PUWER is Out of Date for Properties that are Not Compliant • The Average Number of Days taken to commence Legal Proceedings to access a Property from the Expiry Date of the LOLER/PUWER • The Longest Number of days that a LOLER/PUWER is Out of Date for any Properties that are Not Compliant and the Address.	Monthly

Cat	Indicator	Frequency
KPI	No. of Assets with Lifts where there has been no LOLER/PUWER Inspection or Maintenance activity within 6 months	Monthly
PI	The LOLER/PUWER Certification is received within 28 days.	Monthly
PI	LOLER/PUWER that will become Overdue within the next 8 weeks of the Report	Monthly
MPI	Number of Changes made to Property Attributes /Responsibilities re Lift Safety	Monthly
MPI	Lift Repairs Completed in Time	Monthly
MPI	Contractor Accreditations and Operative Qualifications.	Annual

6.2 Assurance

6.2.1 The following Assurance Activities will be undertaken and reported to HNIB, and/or Building Safety Assurance Board (BSAB) as appropriate:

Table 11 – Lifting equipment responsibility

Category	Responsibilities
Internal Audit	This Service Area will be included within the Annual Internal Audit Programme which will review, in particular, adherence to Process, Data and Record Keeping.
Third Party Assurance	In addition to the Internal Quality Assurance (QA) process, a Third Party, External, Independent Specialist will be engaged to regularly Inspect, Monitor and Report on the Technical Performance and Quality of the technical programme, Remedial Work/s arising and Post-Work Completion Certification.
Strategic Review	Lift Safety is a High-Risk Area and this Plan will be reviewed on an Annual Basis. An External Strategic Review will be undertaken every 3 years which will include all Operating Procedures.
Early Strategic Intervention	If as a result of either the finding of the Internal Audit Process or the Independent Quality Assurance Work, the Service is not performing to the desired level then this will trigger an earlier External Strategic Review.

7 Communications

7.1.1 All KC residents and leaseholders with communal areas will receive a Lift Safety information leaflet as part of the new tenancy pack (this is currently in development). The full range of customer leaflets will also be available on the KC website and through the intranet for all staff.

7.1.2 Materials and information will be made available to residents and leaseholders through the website, printed documents and engagement visits and meetings. The H&N Tenant Voice Strategy provides the overarching Framework for communication.

7.1.3 Resident liaison will be clear, transparent, and managed primarily through the Lift Safety Resident Engagement Team. It is the intention of Kirklees Council to communicate specific building information as outlined in Thorough Examinations to residents as required.

7.1.4 Resident Engagement Strategies will be prepared and acted upon for higher-risk buildings in accordance with the Building Safety Act 2022. Mechanisms will be in place to ensure strategies are reviewed at prescribed intervals and when otherwise appropriate.

7.1.5 The HNIB will co-ordinate with national Lift safety awareness campaigns which will be proactively supported and will be used to proactively promote and improve customer's understanding of Lift safety issues.

7.1.6 All front-line staff will receive training on the importance of Lift safety issues and make them aware of signs that may indicate a concern relating to Lift safety so an 'every contact counts' approach is developed to support Lift safety.

7.1.7 Information will be available in different formats upon request.

7.1.8 Customer complaints and compliments are an indicator of service performance and should be monitored. Individual complaints will be responded to in accordance with the Complaints Policy.

REPORT TITLE: **Complaints Improvement Programme**

Meeting(s):	Growth and Regeneration Scrutiny Panel
Date(s):	20 July 2026
Cabinet Member (if applicable)	Cabinet Member for Transport & Housing
Key Decision **Eligible for Call In**	No No

Purpose of Report
This report provides Scrutiny Members with an overview of the Homes and Neighbourhoods Complaints Improvement Programme. It sets out the evidence behind the programme, the main areas for improvement and the work underway to strengthen complaint handling for tenants and leaseholders, improve the resident experience and make better use of learning from complaints. Members are asked to consider the approach, challenge the priorities and comment on the governance arrangements and measures of success.

Recommendations
Members are asked to:
- Note the evidence informing the Complaints Improvement Programme, including tenant satisfaction measures, tenant insight, complaints performance information, Housing Ombudsman learning and the findings of the independent complaints review.
- Consider whether the proposed programme appropriately addresses the issues identified through resident feedback and complaints analysis.
- Review the proposed governance and assurance arrangements and comment on whether they provide sufficient oversight of progress and impact.

Reasons for recommendations
- To support effective scrutiny of the Complaints Improvement Programme and the evidence that underpins it.
- To enable Members to test whether the proposed actions respond to the issues residents have raised through complaints, tenant satisfaction measures and wider feedback.
- To provide assurance that the programme has appropriate governance, oversight and measures of success in place.

Electoral wards affected: All wards
Ward councillors consulted: N/A
Public or private: Public
Has GDPR been considered? Yes

1.0 Background

1.1 Complaints are recognised as an important source of feedback from tenants and leaseholders. They help show how services are experienced, not just how they are designed to work.

1.2 The Council, through its Homes and Neighbourhoods service is a Registered Provider of Social Housing, and via its regulatory framework is required to work with the Housing Ombudsman. The Housing Ombudsman has a Complaint Handling Code that applies to complaints from both tenants and leaseholders. It requires landlords to handle complaints fairly, effectively and promptly and to demonstrate how learning from complaints is being used to continuously improve services.

1.3 The Homes and Neighbourhoods service has well established governance arrangements for complaints with regular reporting to service and Place Leadership Teams, Cabinet, directly and via the Portfolio Holder, our Tenant Led Panel and the Homes and Neighbourhoods Improvement Board.

1.4 There are controls and governance arrangements in place, but the evidence is clear that further improvement is needed. Complaints performance, resident feedback, Tenant Satisfaction Measures, Ombudsman determinations and the independent review all point to the need for more consistent, timely and resident-focused complaint handling for tenants and leaseholders.

2.0 Key drivers for improvement programme

2.1 Tenant Satisfaction Measures and engagement insight

2.1.1 Tenant Satisfaction Measures show that whilst improving, complaints handling remains one of the lowest areas of tenant satisfaction. Satisfaction with the measure ‘the landlord's approach to complaints handling’ increased only marginally from 22% to 25%, but this is still the lowest-performing perception measure and remains below the draft benchmark position. While this measure relates to tenants, the improvement programme also covers leaseholder complaints handled under the Housing Ombudsman Complaint Handling Code.

2.1.2 Other perception measures have improved, including whether the Council listens and acts, keeps tenants informed and treats tenants fairly and with respect. However, complaints remain an important test of tenant trust and confidence, particularly where tenants feel they have had to chase, repeat information or wait too long for issues to be resolved.

2.1.3 Feedback from complaints, engagement forums and routine contact shows recurring issues around communication, delays, ownership between services, residents having to chase for updates and concerns that issues are not always resolved first time. These are also the issues most often seen when complaints escalate or when Ombudsman cases identify service failure.

2.2 Complaints performance

2.2.1 Service complaints reporting shows continuing issues with timeliness, escalation, response quality and repeat themes across tenant and leaseholder complaints. Repairs, property condition, communication and anti-social behaviour continue to appear strongly in complaint themes and Ombudsman findings.

2.2.2 The evidence also shows that complaints provide valuable insight beyond the complaints process itself. They help identify wider service issues and create an important opportunity to strengthen learning, improve service delivery and address the root causes of concerns, rather than treating each complaint only as an individual case.

2.3 **Housing Ombudsman Learning**

2.3.1 Annual complaints reporting and self-assessment work have shown that we need to strengthen how learning from complaints is identified, owned and acted on. Ombudsman cases continue to highlight learning around communication, ownership, customer experience and service coordination. These issues are reflected in the improvement programme.

2.4 **Independent complaints review**

2.4.1 In June 2026 the Council commissioned an external independent review of complaints handling. The review found that Kirklees has a sound starting point, including a clear complaints framework, central coordination and improvement activity already underway.

2.4.2 The review also identified areas that need further work. These included the quality of investigations and complaint responses, recognition of vulnerability and resident impact, turning learning into service improvement, tracking actions through to completion, capacity pressures, case management arrangements and cross-service working.

2.4.3 The review confirms that the Council has a strong platform to build from, with clear opportunities to further strengthen consistency in complaint handling and ensure learning translates into visible, meaningful improvements for residents.

3.0 The complaints improvement programme

3.1 Building on learning from the last 12 months and feedback from the external independent review we have established a complaints improvement programme. The programme aims to improve the quality and timeliness of complaint handling for tenants and leaseholders, improve the resident experience, reduce avoidable escalation and make better use of complaints as a source of learning. It also supports compliance with the Housing Ombudsman Complaint Handling Code.

3.2 The programme is focused on improving residents' experience of the complaints process, strengthening early contact and communication with tenants and leaseholders, improving the quality and consistency of responses, increasing service accountability, reducing avoidable escalation, strengthening learning from complaints and showing where complaints have led to service improvement.

3.3 The programme focuses on four areas.

1. Quality and timeliness, including early contact with residents, better response quality, audit and case oversight.
2. Accountability, so that complaint handling, escalation and resident experience are owned within normal service management arrangements.
3. Learning and service improvement, including clearer recording of themes, root causes, actions and ownership.
4. Governance and assurance, so progress is reported, challenged and monitored through to delivery.

4.0 Progress to Date

4.1 These include weekly monitoring of live complaints and overdue cases, alongside stronger reporting to senior leaders and Members. Formal monitoring of Ombudsman determinations and learning actions is also in place.

4.2 Further progress includes the introduction of the Complaints Panel, recruitment to the tenant-facing Service Quality Panel and completion of the independent DTP review. There has also been work to strengthen governance, complaint guidance, learning arrangements and the consistency of redress and remedies.

4.3 Success will be measured through performance, resident experience and improvement indicators. This will include complaint timeliness, escalation rates, quality assurance outcomes, tenant satisfaction with complaints handling, evidence that learning has been acted on, reduction in repeat complaint themes and examples of service changes made because of complaint learning across tenant and leaseholder complaints.

5.0 Governance and Assurance

5.1 Progress is overseen through existing governance arrangements. Complaints are reviewed through weekly operational oversight, monthly Complaints Panel meetings, quarterly governance reporting and annual statutory reporting.

5.2 Performance information is reported to Homes and Neighbourhoods Senior Leadership Team, the Portfolio Holder, the Tenant Led Panel and the Homes and Neighbourhoods Improvement Board.

5.3 The Complaints Panel is currently staff-led, but in the coming months will welcome tenants onboard, strengthening resident challenge and bringing lived experience directly into the review of complaint themes, learning and service improvement.

5.4 Progress against the DTP recommendations will be built into programme reporting and monitored through the same governance arrangements.

7.0 Risks

7.1 The Homes and Neighbourhoods Directorate Risk Register contains a risk relating to complaint handling so that effective monitoring is in place at a strategic level ensuring appropriate exposure and monitoring.

7.2	Risk	Why it matters	Mitigations
	Complaint handling does not improve quickly enough	Tenant satisfaction with complaints handling remains low, increasing only from **22% to 25%**, and remains the lowest-performing perception measure. If progress is slow, resident confidence may weaken.	Weekly monitoring of live and overdue complaints; stronger reporting to senior leaders and Members; focus on timeliness, early contact, response quality and escalation reduction.
7.3	**Learning from complaints is not embedded**	Ombudsman cases and the independent review highlight recurring themes around communication, ownership, customer experience and service coordination. If learning is not acted on, the same issues may continue to recur.	Clearer recording of complaint themes, root causes, actions and ownership; formal monitoring of Ombudsman determinations and learning actions; tracking DTP recommendations through governance reporting.
	Poor-quality or inconsistent responses continue	The independent review identified issues with investigation quality, complaint responses, recognition of vulnerability and resident impact. This could lead to avoidable escalation and further Ombudsman findings.	Quality assurance, case oversight, complaint guidance, Complaints Panel review, clearer expectations for response standards and consistency of redress/remedies.
	Governance and accountability are not strong enough to sustain improvement	The programme depends on complaint handling being owned within normal service management arrangements, not treated as a separate process. Weak ownership could limit delivery and assurance.	Weekly operational oversight, monthly Complaints Panel, quarterly reporting, HNIB oversight, SLT reporting and clearer management accountability.
	Resident voice is not sufficiently built into assurance	The Complaints Panel is currently staff-led. Without tenant involvement, there is a risk that lived experience and resident challenge are not fully reflected in improvement activity.	Recruitment to the tenant-facing Service Quality Panel; planned tenant involvement in the Complaints Panel; reporting to the Tenant Led Panel and use of Scrutiny feedback to shape delivery.

8.0 Next Steps

8.1 Delivery of the programme will continue during 2026/27.

8.2 Progress will be monitored through the existing governance arrangements and reported through the quarterly complaints reporting cycle.

8.3 Feedback from Scrutiny Members will be used to shape the continued delivery and development of the programme.

9.0 Contact officer

9.1 Erran Taylor
Head of Housing Governance & Assurance
Erran.taylor@kirklees.gov.uk

10.0 Background Papers and History of Decisions

10.1 The key supporting papers are listed as appendices to this report.

11.0 Appendices

11.1 Appendix 1: Complaints Improvement Programme Plan

12.0 Service Director responsible

12.1 Phil Jones
Service Director for Homes and Neighbourhoods
Philip.jones@kirklees.gov.uk

Action	Programme area	Purpose	Lead owner	Status	Target date	Success indicator
Independent DTP review	**Governance and assurance**	Test whether the complaints model is effective, resilient and able to manage current demand and complexity.	Head of Housing Governance and Assurance/ Customer Experience lead	Completed - actions to be determined and shared with scrutiny	Jun-26	Recommendations are owned, tracked and reported, including any implications for operating model, capacity or dispute resolution arrangements.
Complaints Panel	**Learning and service improvement**	Senior managers meet monthly from Quarter 1 to review performance, themes, systemic issues, service risks, Ombudsman learning, overdue cases and repeat issues across housing services.	Service Director Homes and Neighbourhoods	Initiated - first meeting held on 19 June. Monthly meetings ongoing from Quarter 1, with additional monthly reporting to support managers.	Jun-26	The panel provides a structured forum to drive action, escalate recurring issues and ensure learning from complaints and Housing Ombudsman determinations improves policy, practice and service delivery.
Live case monitoring	**Quality and timeliness**	Weekly operational tracking of live complaints, including early contact with residents, cases at risk of breaching timescales and overdue complaints, to enable early intervention and active performance management.	Customer Experience lead and relevant service managers	Continual - weekly case reports reviewed with direct oversight from Homes and Neighbourhoods Senior Leadership Team.	May-26	Overdue complaints are reducing, ownership is clear and early resolution is improving through visible operational and senior leadership oversight.
Service ownership and escalation accountability	**Accountability**	Ensure complaint handling, escalation decisions and resident experience are owned within normal service management arrangements, with clear expectations for managers and Heads of Service.	Heads of Service and relevant service managers	In progress - initiated - To be embedded through service management routines and complaints governance.	Aug-26	Complaint ownership, escalation and resident experience are visibly managed by the relevant service, not held solely within the complaints function.
Senior leader reporting	**Governance and assurance**	Regular reporting to senior leaders, the Portfolio Holder/MRC, Tenant Led Panel and HNIB.	Head of Housing Governance and Assurance	In place through quarterly governance cycle.	Apr-25	Progress is reported, challenged and monitored through to delivery, with risks visible and corrective action agreed where needed.
Ombudsman oversight	**Governance and assurance**	Track determinations, orders, recommendations and learning through to completion, including opportunities to share learning with frontline officers.	Customer Experience lead, with service owner accountability for actions	In place; monitored through complaints governance. One weekly drop-in per month will be used to share Ombudsman learning.	Apr-25	Orders are completed on time and learning is embedded into service improvement.
Quality and consistency	**Quality and timeliness**	Audit 50% of complaint responses to assess early contact, quality, tone, accuracy, timeliness and compliance with the Housing Ombudsman Complaint Handling Code and council policies, ensuring responses are fair, empathetic, evidence based and outcome focused.	Customer Experience lead and service managers	Action underway through quality assurance and complaints learning.	Apr-25	Audit findings continue to be shared with managers and Heads of Service to inform operational plans, targeted training and service improvements, reducing unnecessary escalation to Stage 2 and the Housing Ombudsman.
Learning, themes and root cause recording	**Learning and service improvement**	Strengthen recording of complaint themes, root causes, service improvement actions, action owners and delivery dates so learning is visible and can be tracked through to completion.	Customer Experience lead with Heads of Service	To be embedded through complaints panel reporting and quarterly reporting enhancements.	Aug-26	Themes, root causes, actions and ownership are recorded consistently, enabling members and senior leaders to track whether learning is leading to service improvement.
Service Quality Audits	**Learning and service improvement**	Provide a structured, evidence-based approach to reviewing how housing services are delivered across Housing Management and Repairs, using real case evidence such as case notes, correspondence and call records.	Heads of Service and relevant service managers	Started - audits underway across Housing Management and Repairs.	Sep-26	Audits assess whether services are delivered consistently, fairly and with respect, and support targeted service improvement.

Action	Programme area	Purpose	Lead owner	Status	Target date	Success indicator
Weekly staff drop-in sessions	**Quality and timeliness**	Provide a weekly session for staff to ask questions about the complaints process, the Complaint Handling Code and any support requirements.	Customer Experience lead	In place / ongoing weekly.	Jun-26	Staff have regular access to guidance and support, helping improve consistency and compliance in complaint handling.
CoPilot agent development	**Quality and timeliness**	Develop CoPilot agents to support evidence gathering, chronology building and checks that the Complaint Handling Code has been followed in complaint handling.	Customer Experience lead with digital/ICT support	In development - first agent for logging complaints is currently being tested.	Oct-26	Automation and guided support improve consistency, evidence quality and compliance checks in complaint handling.
Enhanced quarterly complaints reporting	**Governance and assurance**	Enhance bespoke quarterly reports with more detail on complaints escalating to Stage 2 to strengthen insight and support reduction of avoidable escalations.	Head of Housing Governance and Assurance/ Customer Experience lead	Enhancement planned for next quarterly reporting cycle.	Apr-26	Members and senior leaders receive clearer trend, escalation and learning insight to challenge performance and track improvement.
Service quality panel	Learning and service improvement	Establish a service quality panel to strengthen complaint quality, organisational learning and service improvement.	Head of Housing Governance and Assurance	Identified in Improvement plan.docx	Jul-26	Panel arrangements are in place and used to review quality, learning and improvement themes.
Tenant representatives on Complaints Panel	Learning and service improvement	Include tenant representatives in complaints oversight with membership on the complaints panel so tenant voice informs performance, themes and improvement action.	Head of Housing Governance and Assurance	Identified in Improvement plan.docx	Sep-26	Tenant perspective is built into complaints governance and visible in panel outputs.
Complaints information review	Accessibility and communication	Review and update complaints information across landlord channels so tenants understand how to complain and escalate concerns.	Head of Housing Governance and Assurance	Identified in Improvement plan.docx	Apr-26	Complaints information is accurate, accessible and consistent across landlord channels.
Staff signposting guidance	Accessibility and communication	Introduce staff guidance so tenants are routinely signposted to the complaints process and available support.	Head of Housing Governance and Assurance	Identified in Improvement plan.docx	Apr-26	Staff consistently signpost tenants to complaints, advocacy and support routes.
Complaints communications refresh	Accessibility and communication	Refresh communications to improve awareness of complaints, advocacy and escalation routes.	Head of Housing Governance and Assurance	Identified in Improvement plan.docx	Jun-26	Tenants have clearer information on how to complain, seek advocacy and escalate where needed.
Tenant feedback on complaints process	Accessibility and communication	Gather tenant feedback to evaluate awareness, accessibility and confidence in the complaints process.	Head of Housing Governance and Assurance	Identified in Improvement plan.docx	Oct-26	Tenant feedback shows whether complaints information and support are accessible and understood.
Member Responsible for Complaints arrangements	Governance and assurance	Establish interim Member Responsible for Complaints arrangements and agree the reporting framework.	Head of Housing Governance and Assurance	Identified in Improvement plan.docx	Jun-26	Member oversight arrangements and reporting routes are clear and operating.
MRC onboarding and induction	Governance and assurance	Onboard and induct the newly appointed Member Responsible for Complaints once Cabinet arrangements are in place.	Head of Housing Governance and Assurance	Identified in Improvement plan.docx	Aug-26	Newly appointed MRC understands complaints performance, risks, governance routes and assurance expectations.
Policy Development Framework	Learning and service improvement	Establish a policy development framework that embeds tenant insight and complaints learning into service and policy changes.	Head of Governance and Assurance	Identified in Improvement plan.docx	May-26	Complaints learning and tenant insight are routinely considered in policy and service development.
Tenant Insight Observatory pilot	Learning and service improvement	Pilot a Tenant Insight Observatory bringing together complaints, quality assurance, engagement and performance data.	Head of Governance and Assurance	Identified in Improvement plan.docx	June 2026 – Aug 2026	Complaints, QA, engagement and performance data are brought together to identify themes and improvement priorities.
Fairness and Respect Quality Assurance programme	Learning and service improvement	Complete a Fairness and Respect Quality Assurance programme, with findings informing targeted service and workforce improvement.	Head of Governance and Assurance	Identified in Improvement plan.docx	Oct-26	QA findings are translated into targeted service and workforce improvement actions.