

Policy for determining the level of financial penalty for non-compliance with the Domestic Minimum Energy Efficiency Standards (MEES) Regulations in the Tonbridge & Malling Borough Council area.

The Council's approach ensures that the financial penalty should be proportionate and reflect the severity of the breach, and should be set high enough to help ensure that it has a real economic impact on the landlord and demonstrate the consequences of not complying with their responsibilities. The landlord's track record will be taken into account in each case. The maximum level of penalty varies according to the type of breach under the Regulations as follows:

Financial penalties (Regulation 40)

Where the Local Authority decides to impose a financial penalty, they have the discretion to decide on the amount of the penalty, up to maximum limits set by the Regulations. The maximum penalties are as follows:

- (a) Where the landlord has let a sub-standard property in breach of the Regulations for a period of less than 3 months, the Local Authority may impose a financial penalty of up to £2,000 and may impose the publication penalty.*
- (b) Where the landlord has let a sub-standard property in breach of the regulations for 3 months or more, the Local Authority may impose a financial penalty of up to £4,000 and may impose the publication penalty.*
- (c) Where the landlord has registered false or misleading information on the PRS Exemptions Register, the Local Authority may impose a financial penalty of up to £1,000 and may impose the publication penalty.*
- (d) Where the landlord has failed to comply with compliance notice, the Local Authority may impose a financial penalty of up to £2,000 and may impose the publication penalty.*

When determining the financial penalty the Council will take the landlord's track record into account as to whether it is their first breach under these Regulations or not as per the following:

- a) **Breaching the prohibition on letting a sub-standard (EPC rated F or G) property for less than three months (Regulation 23) (Statutory maximum: £2,000)**

	Penalty	Early payment within 21 days
First breach	£1,000	£750
Other breaches	£2,000	£1,500

- b) **Breaching the prohibition on letting a sub-standard (EPC rated F or G) property for three months or more (Regulation 23) (Statutory maximum: £4,000)**

	Penalty	Early payment within 21 days
First breach	£2,000	£1,500
Other breaches	£4,000	£3,000

- c) **Registering false or misleading information on the PRS Exemptions Register (Regulation 36 (2)) (Statutory maximum: £1,000)**

	Penalty	Early payment within 21 days
First breach	£500	£375
Other breaches	£1,000	£750

- d) **Failing to comply with a Compliance Notice (Regulation 37 (4) (a)) (Statutory maximum: £2,000)**

	Penalty	Early payment within 21 days
First breach	£1,000	£750
Other breaches	£2,000	£1,500

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

If there are repeat breaches the Council may use its discretion to apply the full penalty with no reduction for early payment.