

Notice of KEY Executive Decision

Subject Heading:	Housing Enforcement Policy - Update to incorporate Renters Rights Act 2025
Decision Maker:	Helen Oakerbee, Director of Planning and Resources
Cabinet Member:	Councillor Barry Mugglestone
ELT Lead:	Helen Oakerbee, Director of Planning & Enforcement Patrick Odling-Smee, Director of Living Well.
Report Author and contact details:	Anand Punj, James Delaney,
Policy context:	The main provisions of the Renters Rights Act 2025 come into force on the 1 st May 2026. This Executive Decision replaces the existing Enforcement Policy in order for the policy to be in compliance with the new legislation.
Financial summary:	The council has been granted new burdens funding to support the implementation of the Renters Right Act 2025 for 2025/6 and 2026/7. Future funding will be dependant on income generated from enforcement activity as set out in this report.
Reason decision is Key	(c) Significant effect on two or more Wards
Date notice given of intended decision:	10th April 2026

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Relevant Overview & Scrutiny Committee:	Places OSSC
Is it an urgent decision?	Yes
Is this decision exempt from being called-in?	Exemption is required for due to the legislative timetable.

The subject matter of this report deals with the following Council Objectives

People - Supporting our residents to stay safe and well -
X

Place - A great place to live, work and enjoy - X

Resources - Enabling a resident-focused and resilient Council

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

To approve the Private Sector Housing Enforcement Policy and Civil Penalty Policy to take effect from 1 May 2026, with transitional arrangements, allowing the existing policies to operate in tandem for a limited period to conclude legacy cases.

This option ensures that the Council can meet its statutory duties under the Renters' Rights Act 2025 section 107. It provides a clear and consistent framework for enforcement decision making and supports alignment.

This option minimises risk of legal challenge, ensures that the Council is implementing the Renters' Rights Act effectively and that the intended tenant protections are driven forward.

AUTHORITY UNDER WHICH DECISION IS MADE

This decision is made under the authority delegated to the decision-maker by the Leader of the Council in accordance with the Council's Constitution, in particular Part 3.3 (Functions delegated to staff), and in compliance with the requirements of Part 4.6 (Executive Procedure Rules) and Part 4.1 (Access to Information Procedure Rules).

STATEMENT OF THE REASONS FOR THE DECISION

The Renters' Rights Act 2025 introduces a significantly expanded civil penalty framework and places new duties on the Council to enforce a broader range of landlord obligations. This includes new compliance requirements, enhanced penalties for repeat or serious non-compliance, and clearer expectations that enforcement activity is fair, consistent and proportionate. To meet these requirements, the Council must ensure its relevant policies are fully aligned with the new legislative framework.

The Council's existing Civil Penalty and Enforcement Policies were developed prior to the introduction of the Renters' Rights Act and do not reflect the suite of new offences or amendments to penalty or evidential thresholds.

Without updated policies, there is a risk of inconsistent enforcement, legal challenge to decisions and reduced ability to demonstrate compliance with statutory guidance and best practice. Updating these policies is essential to ensure the Council can meet its statutory obligations as of 1 May 2026.

The Council's current Private Sector Enforcement Policy was developed within a regulatory framework where local authorities retained broad discretion to resolve non-compliance through informal or advisory action, reflecting the principles of the

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Regulators' Code. That approach assumed enforcement was generally discretionary and that informal resolution would often be appropriate as a first response. This framework underpins much of the Council's existing regulatory practice.

The Renters' Rights Act represents a fundamental shift from that position. Section 107 places a statutory duty on local housing authorities to enforce landlord legislation, altering the balance between informal action and formal enforcement. Where breaches of the defined 'landlord legislation' are identified, the Council must now actively consider enforcement action to meet this duty, rather than defaulting to advice or informal resolution in the first instance. As a result, the Regulators Code can no longer be relied upon to justify informal action as the starting point for compliance under the Renters' Rights Act.

Historically, enforcement of private rented sector legislation has varied significantly between local housing authorities. Differences in local policy frameworks, penalty setting mechanisms and approaches to escalation have led to what is termed as a 'postcode lottery' for landlords, where similar breaches may result in markedly different enforcement outcomes depending on the authority involved. This inconsistency risks undermining confidence in the regulatory system, creates uncertainty for landlords operating across multiple areas and increases the likelihood of challenge to enforcement decisions. This also results in discrepancies to the level of tenant protections.

In response to these concerns, the voluntary group, Association of Chief Environmental Health Officers (ACEHO) has developed a suite of national model policies, including a Civil Penalty Policy and an Enforcement Policy, with a further policy on Civil Penalty Debt Recovery currently in development. These policies are intended to promote greater consistency, transparency and robustness in local authority enforcement approaches, while allowing for appropriate local discretion where appropriate. Aligning the Council's policies with this nationally recognised framework supports a consistent and defensible approach to enforcement, reduces the risk of unfavourable outcomes to legal challenge and strengthens the Council's ability to meet its statutory duties under the Renters' Rights Act.

2. Issue/Proposal

The implementation of the Renters' Rights Act requires a coordinated and timely update to the Council's Civil Penalty Policy, Enforcement Policy and associated mandatory HMO licence conditions to ensure compliance with the new statutory duties and offences. Failure to update these frameworks risks inconsistency in enforcement decisions and activities, increasing exposure to challenge, as well as an inability to demonstrate that the Council is meeting its statutory duties to enforce landlord legislation under section 107 of the Act. Approval is therefore sought to adopt the proposed policies with effect from 1 May 2026 aligning the Council's enforcement approach with the new legislative framework.

It is proposed that the new policies take effect from 1 May 2026 with transitional arrangements in place to ensure legal and procedural continuity. For a limited period of approximately 6 months, both the existing and new policies will operate in tandem, with the applicable policy determined by the date on which the offence was committed.

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This approach ensures fairness and legal certainty for ongoing cases, avoids retrospective application of policy and allows the Council to conclude enforcement activities initiated under the current framework. Once legacy cases have resolved, the existing policies will be formally withdrawn, leaving a single updated policy framework in place.

Summary of Amendments

Enforcement Policy:

Area	Current Policy	Proposed Policy	Change Detail
Legislative Framework and Offence Coverage	Based on Housing Act 2004, Housing & Planning Act 2016 and general civil penalty powers	Aligned with Renters' Rights Act 2025 as implemented up to 1 st May 2026	Amendments to reflect incoming powers and duties
Regulators' Code	Council commits to operating in accordance with the Regulators Code unless high risk or history of non-compliance	Removed in regard to Section 107 of the Renters' Rights Act imposing a statutory duty to take enforcement action on 'landlord legislation'. Still in place for legislation that falls outside of 'landlord legislation'	Enforcement change – no longer appropriate to consider informal approach in the first instance where breach/offence of 'landlord legislation'. Code is still applicable where outside of 'landlord legislation'
Enforcement Approach	Graduated approach promoting support and voluntary compliance in most cases unless high risk or history of non-compliance	Allows formal action as the first step where 'landlord legislation' breach/offence committed.	Stronger early intervention powers in adherence with section 107
Investigatory Powers	General overview of current provisions	Adds extensive Renters' Rights investigatory powers	Expansion of powers

Civil Penalty Policy:

Area	Current Policy	Proposed Policy	Change Detail
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Legislative Framework and Offence Coverage	Based on Housing Act 2004, Housing & Planning Act 2016 and general civil penalty powers	Aligned with Renters' Rights Act 2025 as implemented up to 1 st May 2026	Amendments to reflect incoming powers and duties
Regulators' Code	Council commits to operating in accordance with the Regulators Code unless high risk or history of non-compliance	Removed entirely due to Section 107 of the Renters' Rights Act imposing a statutory duty to take enforcement action on 'landlord legislation'	Enforcement change – no longer appropriate to consider informal approach in the first instance where breach/offence of 'landlord legislation'
Penalty Calculation	Locally determined matrix considering number of factors	Replaced with statutory matrix including set starting points and other structured factors including landlord type	Introduction of statutory starting points and a nationally consistent calculation method
Aggravating/Mitigating Factors	List of general considerations	Significantly expanded list including vulnerability factors, duration, severity, obstruction and harm level	More structured and transparent penalty adjustments

Mandatory Licensing Conditions:

Area	Current Conditions	Proposed Conditions	Change Detail
Management & Oversight	General management duties with limited inspection and record keeping requirements	Clear inspection, evidence and record keeping requirements across licensed properties	Strengthened management expectations and improved audit trail
Safety & Compliance	Safety requirements present but less prescriptive	More detail and prescribed requirements	Higher/more consistent standards
Alignment with RRA	References reflect pre RRA tenancy framework	Updated to reflect assured tenancy	Licence conditions modernise and future proofed

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		model and RRA landscape	
Legal Robustness	Conditions less explicit and open to interpretation	Conditions more clearly defined with specific duties, timescales and evidence requirements	Improved clarity and consistency to support defensible decision making

OTHER OPTIONS CONSIDERED AND REJECTED

Option 2: Retain existing policies with minor amendments only.

Make limited amendments to the current Enforcement and Civil Penalty Policies to reference the Renters' Rights Act, without adopting a revised framework or mandatory licensing conditions linked to civil penalties.

Implications:

- Policies will not adequately reflect the statutory duty to enforce under section 107
- Ongoing risk of inconsistency across England
- Reduced clarity for officers, landlords and tenants
- Higher likelihood of legal challenge and policy failure under scrutiny
- Reputational risk for ineffectively implementing the Renters' Rights Act

PRE-DECISION CONSULTATION

Internal consultation will be undertaken with the Council's statutory Business Partners (Legal, Finance and HR) through circulation of the draft updated enforcement policy and the draft Executive Decision report for comment and clearance (allowing at least 5 clear working days). The relevant Cabinet Member/Lead Member will be consulted in line with the Constitution and delegation Arrangements.

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name:

Designation:

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Signature:

Date:

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

Mitigation: Adoption of the proposed policy suite, with clear decision-making criteria and transitional arrangements, will provide a defensible and legally robust basis for enforcement action.

The Renters' Right Act 2025 places significant new duties and powers to be delivered by the Local Authority which are mandatory. A summary of those changes is set out in the body of this report.

The first phase of these new powers was implemented on the 27th of December 2025, followed by the main legal provisions and responsibilities to be implemented on 1st May 2026. There will be a further phase of implementation, which will be later in 2026.

Without the model policies in place to provide the necessary details as to how the Renters' Rights Act 2025 will be implemented, the Council will not be able to legally enforce the new powers and provisions. This needs to be in place for implementation on 1st May 2026. This is an important piece of legislation that serves to protect tenants in privately rented properties, providing them with greater security and certainty, and 10 Page 12 preventing discrimination. A failure to adopt the revised policy leaves the Council with significantly reduced powers to ensure private landlords comply with these new requirements and could leave it at risk of legal challenge such as judicial review if they do not meet their statutory duties under the Act. In addition, the Council will be exposed to reputational damage and a financial risk that the limited civil penalty income will not cover the costs of enforcement.

The government has provided the relevant statutory guidance to enable local authorities to meet the new duties imposed by the Act. These will inevitably impact on the council's legal services which will need to be resourced to deal with the additional duties and accompanying workloads such as dealing with an increase in appeals against civil penalties in the First Tier Property Tribunal, prosecutions in the Magistrates Court and possibly the Crown Court, specialist legal advice on the new statutory powers particularly for the Homelessness and Prevention team.

To be prepared for the implementation of the provisions, there requires the amendment or revision of a number of different constitution documents and procedures such the Council's Scheme of Delegation, to authorise officers of the Council within the Private Sector Housing, Homelessness and Prevention department to use the new powers and duties in the Act and associated legislation which the Act amends.

This will be undertaken separately in accordance with the Recommendations as set out on the first page of the report.

Given the expected increase in the issue of civil penalties, the Private Sector Housing team may wish to consider a further policy for the debt recovery of these penalties. This can be reviewed in due course.

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FINANCIAL IMPLICATIONS AND RISKS

Date	Grant conditions	Year	Amount
Nov 2025	The purpose of the grant is to provide support to local housing authorities in England towards expenditure lawfully incurred or to be incurred by them. Specifically, it is to support local housing authorities undertake preparatory work for their new responsibilities around enforcement and reporting enforcement activity in private rented sector housing arising from the Renters' Rights Act 2025. That preparatory work may include staff familiarisation and training, the recruitment of additional staff and updates to IT systems to facilitate the reporting of enforcement data.	2025/6	£60,781
February 2026	It relates to a specific uplift within homelessness grant funding announced as part of the February 2026 Local Government Finance Settlement, explicitly framed as meeting additional homelessness duties arising from the Renters' Rights Act (RRA).	2026/7 2027/8	£252,948 £119,100
April 2026	Purpose: To support councils to enforce the Act from 1 May 2026, when core duties commence. Key uses include Recruitment and training of enforcement officers, active enforcement of new offences (e.g. no-fault eviction ban, rental bidding bans, discrimination), use of expanded powers of entry, information gathering and civil penalties.	2026/7	£139,768

The funding through the Local Government Settlement is not part of the implementation funding so the budget is set according to the new burdens funding only.

Spend so far on the implementation budget has been used for training of key staff with minimal cost as we have benefited from the paid-for training provided by Shelter.

Future spend for 2026/7 will be:

	Income	Expenditure
Carried forward	£67,781	
	£139,768	

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Training			£20,000
Staffing	One member of staff in Housing Solutions		£50,000
	2 Enforcement and Licensing Staff		£100,000
Enforcement legal costs			£25,000
Total		£207,549	£12,549

The government has issued guidance that the funding for future years will be dependant on the income stream generated by enforcement activity. Work is currently on-going to estimate the amount of activity and potential income.

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

The enhanced enforcement expectations under the Renters' Rights Act may place additional pressure on officer capacity, particularly during the initial implementation phase.

Mitigation: Clear policies will streamline decision-making, reduce rework, and support more efficient enforcement activity. A newly introduced case triage matrix will be adapted ready for Renters Rights Act duties will enable correct prioritisation of cases and ongoing monitoring will allow emerging capacity issues to be identified and addressed.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

Implications

The updated Enforcement Policy supports the Council's Public Sector Equality Duty by setting out a consistent, proportionate and evidence-led approach to enforcement. The policy confirms that equalities impacts arising from enforcement decisions will be considered and that adverse impacts will be mitigated where possible.

The decision supports social inclusion by strengthening protections for private renters and enabling enforcement action to continue until serious hazards/breaches are remedied, including where the original tenant is no longer in occupation (reducing the scope for retaliatory outcomes).

From 1 May 2026, the Renters' Rights Act introduces measures relating to discrimination in the rental market connected to children and benefits status; adopting an updated policy framework supports compliant and consistent local application of these duties.

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Risks

There is a risk of differential access to reporting and enforcement outcomes for residents with disabilities, language needs or digital exclusion. There is also a risk of adverse impacts on vulnerable households where enforcement activity affects housing stability.

Mitigation

The Council will apply the policy consistently and proportionately, using an evidence-led, risk-based approach. Communications and reporting routes will be accessible and reasonable adjustments made where required. Where risks to vulnerable households are identified, officers will use signposting and partner routes as appropriate. Outcomes and complaints themes will be monitored to identify and address any disproportionate impacts.

HEALTH AND WELLBEING IMPLICATIONS AND RISKS

Implications

Housing conditions are a key determinant of health and wellbeing. The updated Enforcement Policy supports improved outcomes by enabling proportionate action to address serious risks in private rented homes and by securing remedy of serious issues.

Where relevant, damp and mould can cause serious illness and can affect mental health; an enforcement approach that supports timely remedy of serious issues supports population health protection.

Risks

There is a risk of stress/anxiety for residents during investigations, particularly where vulnerabilities exist. There is also a risk of housing insecurity impacts where cases involve tenancy breakdown or unlawful practices.

Mitigation

Cases will be prioritised based on risk to occupant health and safety. Officers will use clear and sensitive communications and will signpost and use partner routes where appropriate.

Note

Authors are required to complete the Health and Wellbeing considerations within the Key Decision template and follow the corporate guidance/signposting referenced there.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

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Implications

This decision is not primarily an environmental or climate change intervention. Indirectly, securing compliance in private rented homes may support improved building conditions (for example, where remedial works address damp/mould related issues), aligning with wider aims for healthier, safer homes.

Risks

There may be minor environmental impacts from remedial works (for example, waste/materials) where works are required.

Mitigation

Where relevant, officers will encourage good practice and compliant remedial works. This section will be completed in line with the corporate committee guidance referenced in the Key Decision template. Implementation should be mindful of environmental inequalities and disproportionate impacts on vulnerable groups.

BACKGROUND PAPERS

APPENDICES

Housing Enforcement Policy
Civil Penalties Policy

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Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Details of decision maker

Signed

Name:

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title:

Date:

Lodging this notice

The signed decision notice must be delivered to Committee Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____