

REPORT TO CABINET

Open/Exempt		Would any decisions proposed :			
Any especially affected Wards - No	Mandatory/	Be entirely within Cabinet’s powers to decide		YES/NO	
	Discretionary/	Need to be recommendations to Council		NO	
	Operational	Is it a Key Decision		NO	
Lead Member: Cllr J.Rust E-mail:		Other Cabinet Members consulted:			
		Other Members consulted:			
Lead Officer: Jeannette Hollingsworth E-mail: Direct Dial:		Other Officers consulted: James Arrandale – Legal			
Financial Implications YES/NO	Policy/ Personnel Implications YES/NO	Statutory Implications YES/NO	Equality Impact Assessment YES/NO If YES: Pre-screening/ Full Assessment	Risk Management Implications YES/NO	Environmental Considerations YES/NO

Date of meeting: 23 April 2026

TITLE - REQUIRED CHANGES TO THE EXISTING CORPORATE ENFORCEMENT POLICY AND FINANCIAL PENALTIES POLICY AS A RESULT OF THE RENTERS RIGHTS ACT 2025

Summary

The implementation of the Renters’ Rights Act requires a coordinated and timely update to the Enforcement Policy and Council’s Civil Penalty Policy, and 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 amend the existing Corporate Enforcement Policy to include an addendum for a separate Policy for private sector housing, with effect from 1 May 2026 aligning the Council’s enforcement approach to the Renters Rights Act 2025.

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. 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 Once legacy cases have resolved, the existing policies will be formally withdrawn, leaving a single updated policy framework in place.

Recommendation

It is recommended that in order to ensure that the council has a robust legally compliant, and consistent approach to enforcement under the Renters' Rights Act, that Cabinet approve:

- 1) The inclusion of an addendum to the current Corporate Enforcement Policy.
- 2) The proposed Civil Penalty Policy.

Reason for Decision

The Renters Rights Act 2025 has significantly changed the landscape for the private rented sector and introduced specific duties on Local Housing Authorities with respect to enforcement protocols and mandatory reporting of enforcement interventions into central government.

1. Background

- 1.1. The Renters' Rights Act 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.
- 1.2. 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.
- 1.3. 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.
- 1.4. The Council's current Corporate 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 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.
- 1.5. 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.

- 1.6. 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.
- 1.7. 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.
- 1.8. 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.
- 1.9. In response to these concerns, the voluntary group, Association of Chief Environmental Health Officers (ACEHO) has developed a national model Enforcement Policy. This policy is 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.
- 1.10. In addition, it is proposed to adopt a new Statement of Principles for the Civil Penalties Policy produced in conjunction with Justice for Tenants and reflects their extensive work to create a robust and lawful framework for civil penalties which will be adopted by the majority of English Councils. This includes a consistent structure for calculating the amount of the penalty applied for each offence using a standardised matrix.
- 1.11. Justice for Tenants (JFT). JFT are a non-profit organisation with an express purpose of supporting tenants and enabling Local Authorities to effectively use their powers and the civil penalty sanctions effectively to regulate the PRS.

Summary of Amendments

1.12. This tables below outline a comparison of the existing status, what will change and a short commentary.

1.13. 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' but no longer applicable to legislation to which the regulator's code is not statutorily applicable.	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' and the Regulator's Code applies.
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, and the Regulator's Code does not apply	Stronger early intervention powers in adherence with section 107 and otherwise
Investigatory Powers	General overview of current provisions	Adds extensive Renters' Rights investigatory powers	Expansion of powers
Rent Repayment Orders & Banning Orders	Included but less detailed	Expansion to align with RRA	Expansion to align with RRA

1.14. Civil Penalty 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 entirely due to Section 107 of the Renters' Rights Act imposing a statutory duty to take enforcement action on 'landlord legislation' and in relation to legislation to which the Regulator's Code does not apply.	Enforcement change – no longer appropriate to consider informal approach in the first instance where breach/offence of 'landlord legislation' but informal action may still be considered for other areas of 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
Financial Assessment/Representation Consideration	Minimal reference, not prescriptive	Detailed evidence requirements	Stronger evidential basis required

2. Options Considered

2.1. Members of the Housing Standards team have attended numerous webinars, training sessions and regional professionals' meetings to understand the full implications of this legislation. The recommendations are made on the basis of this extensive training and working with the Central Government funded Jigsaw Group specifically supporting Local Authorities to implement the new legislative requirements.

Option 1 – Amend Enforcement Policy and Approve Civil Penalty Policy

2.2. Approve the inclusion of an addendum to the current Corporate Enforcement Policy with appropriate covering text within the Corporate Enforcement Policy and approve the proposed 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.

2.3. 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.

2.4. 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.

2.5. Implications:

- Full compliance with the Renters' Rights Act 2025
- Clear officer guidance and defensible enforcement outcomes
- Reduces legal challenge and reputational risks

2.6. Option 1 is the preferred option.

Option 2 – Retain existing policies with minor amendments

2.7. Whilst it would be possible to retain existing policies with minor amendments only without adopting a revised framework or mandatory licensing conditions linked to civil penalties the council would be at risk from:

- Policies not adequately reflecting the statutory duty to enforce under section 107
- The 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.

2.8. For these reasons option 2 is not considered to be viable and is not therefore preferred.

Option 3 – Do nothing

2.9. This option would see no accommodation made for the implementation of the Renters Rights Act 2025 and would carry significant risk for the council when enforcing the act.

2.10. For this reason option 3 is not a viable option for consideration.

3. Policy Implications

3.1. This aim of the report is to explain the reasoning for proposed amendments to the existing Corporate Policy; therefore, the policy implications are significant.

4. Financial Implications

4.1. It is expected that the increased range of offences, the duty to enforce rather than educate and sanctions by way of civil penalties will generate an increase in revenue receipts for the council. The act requires these are ring fenced to the private sector housing enforcement regime.

4.2. Work to ensure financial assurance around the receipt and collection of the additional penalties expected is underway.

4.3. The Renters Reform Act comes with additional New Burdens Funding, but the amount of the award has not yet been confirmed.

5. Personnel Implications

5.1. The Renters Rights Act places significant additional pressures on the Housing Standards Team. Work is underway to realign the team to meet these challenges.

5.2. Where additional staff resource is identified, any new posts will be subject to the council's usual personnel and financial controls and assessment prior to approval.

6. Environmental Considerations

6.1 None

7. Statutory Considerations

7.1 Legal and compliance risk: There is a risk that failure to adopt updated enforcement and civil penalty policies aligned with the Renters' Rights Act could result in the Council being unable to demonstrate compliance with our statutory duty to enforce landlord legislation under section 107 once it comes into force on 1 May 2026.

7.2 This may increase the likelihood of successful challenge to enforcement decisions, particularly where informal action is relied upon without clear

justification, or where penalty-setting lacks a transparent and consistent framework.

- 7.3 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.
- 7.4 The introduction of new policies from 1 May 2026, alongside a transitional period where legacy cases are concluded under existing policies, may create complexity for officers and decision makers, with a risk of procedural error or misapplication of policy.
- 7.5 Mitigation: Clear internal guidance, officer briefings, and defined transitional arrangements based on the date of offence and management oversight will support correct application of the appropriate policy framework during the transition period.

8 Equality Impact Assessment (EIA)

(Pre-screening report template attached)

9 Risk Management Implications

- 9.1 There are considerable reputational and legal risks if the Council do not amend the current enforcement approach which aligns with the Regulators code, to the new duty to enforce as a first response.

10 Declarations of Interest / Dispensations Granted

11 Background Papers

(Definition : Unpublished work relied on to a material extent in preparing the report that disclose facts or matters on which the report or an important part of the report is based. A copy of all background papers must be supplied to Democratic Services with the report for publishing with the agenda)

Stage 1 - Pre-Screening Equality Impact Assessment

For equalities profile information please visit [Norfolk Insight - Demographics and Statistics - Data Observatory](#)

Name of policy/service/function	Adoption of a revised Statement of Principles relating to civil penalties and offences under the Renters Rights Act 2025 and the adoption of an addendum to the existing corporate enforcement policy as it applies to enforcement undertaken specifically under housing legislation.				
Is this a new or existing policy/service/function? <i>(tick as appropriate)</i>	New		Existing	x	
Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service is rigidly constrained by statutory obligations, and identify relevant legislation.	To provide alternative policies to those presently existing to ensure that the policies align with legislative changes. The policies will apply to the enforcement and imposition of penalties arising from various legislation. The policies are constrained by various legislation but, in particular, are made necessary by the changes brought about by the Renters' Rights Act 2025				
Who has been consulted as part of the development of the policy/service/function? – new only <i>(identify stakeholders consulted with)</i>					
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group. NB. Equality neutral means no negative impact on any group.</p> <p><i>If potential adverse impacts are identified, then a full Equality Impact Assessment (Stage 2) will be required.</i></p> <p><i>*For more information on health inequalities please visit The King's Fund</i></p>		Positive	Negative	Neutral	Unsure
	Age			x	
	Disability			x	
	Sex			x	
	Gender Re-assignment			x	
	Marriage/civil partnership			x	
	Pregnancy & maternity	x			
	Race			x	
	Religion or belief			x	
	Sexual orientation			x	
	Armed forces community			x	
	Care leavers			x	
	Health inequalities*			x	
	Other (eg low income, caring responsibilities)	x			
Please provide a brief explanation of the answers above:					

Adoption of these policies is likely to improve the conditions of those of low income because it principally applies to those living in rented accommodation.

It will also allow for proper regulation designed to prevent discrimination against those with children or on benefits.

Question	Answer	Comments		
2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?	Yes / No			
3. Could this policy/service be perceived as impacting on communities differently?	Yes / No			
<p>If 'yes' to questions 2 - 3 a full impact assessment will be required unless comments are provided to explain why this is not felt necessary:</p> <p>Decision agreed by EWG member:</p>				
<p>4. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section</p>	<p>Yes / No</p> <p>N/A</p>	<p>Actions:</p> <hr/> <p>Actions agreed by EWG member:</p> <p>.....</p>		
5. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	Yes / No	<p>Please provide brief summary: This document relates to the revision of the Enforcement Policy to take into account the statutory duties placed on the Council to enforce in line with the Renters Right Act 2025 and does not reflect the intentions set out in the new act, which will have been subject to scrutiny in its own right.</p>		
Assessment completed by: Name	Jeannette Hollingsworth			
Job title	Environmental Health Manager			
Date completed	5th March 2026			
Reviewed by EWG member	Alison Demonty	<table border="1"> <tr> <td data-bbox="1110 1597 1257 1673">Date</td> <td data-bbox="1257 1597 1492 1673">25.03.26</td> </tr> </table>	Date	25.03.26
Date	25.03.26			

✓ Please tick to confirm completed EIA Pre-screening Form has been shared with Corporate Policy (corporate.policy@west-norfolk.gov.uk)