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**Enforcement and Civil Penalty Policy**

Relevant Portfolio Holder	Councillor Sue Baxter
Portfolio Holder Consulted	Yes
Relevant Assistant Director	
Report Author: Katie Sharp-Fisher	Job Title: Private Sector Housing Manager Contact email: <a href="mailto:k.sharp-fisher@bromsgroveandredditch.gov.uk">k.sharp-fisher@bromsgroveandredditch.gov.uk</a> Contact Tel: 01527 881437
Wards Affected	ALL
Ward Councillor(s) consulted	N/A
Relevant Council Priority	Housing
Non-Key Decision	
If you have any questions about this report, please contact the report author in advance of the meeting.	

**1. RECOMMENDATIONS**

**The Cabinet RESOLVE that:-**

- 1. That Members approve the Private Sector Housing Enforcement and Civil Penalty Policy (“the Policy”) attached to this report at Appendix 1.**

**The Cabinet is asked to RECOMMEND that: -**

- 2. Delegated authority be granted to the Assistant Director Community & Housing Services, following consultation with the Portfolio Holder for Housing, to update the Policy in line with any legislative or government guidance updates.**
- 3. The Scheme of Delegations be updated to reflect the adoption of the Policy and the new Enforcement powers under the Renters Rights Act 2025 in accordance with the wording set out in Appendix 2.**

**2. BACKGROUND**

- 2.1** This report follows on from the previous report to Cabinet regarding the Renters Rights Act dated 20<sup>th</sup> April 2026. The Private Sector Housing Enforcement and Civil Penalty Notice Policy has been reviewed and re-written in response to the Renters Rights Act 2025, which received Royal Assent on the 27<sup>th</sup> October 2025, with Phase 1 commencing on the 1<sup>st</sup> May 2026. This represents a significant update to the Council’s

enforcement framework in response to the expanded statutory duties and regulatory burdens introduced by the Renters' Rights Act 2025.

- 2.2 The revised Enforcement and Civil Penalty Notice Policy (“the policy”) incorporates new enforcement duties arising from the Renters Rights Act 2025. It does not however alter the Council’s overarching approach to how and when the Council decides to take enforcement action. It clarifies and strengthens how existing and statutory powers will be exercised ensuring that enforcement activity remains: -
- Proportionate
  - Evidence-based
  - Risk-led
  - Consistent with the Regulators Code
- 2.3 The Policy provides a consistent framework for the Council’s enforcement functions across a wide range of housing and associated legislation, including primary housing statutes, landlord and tenant law, environmental protection and relevant regulatory regimes such as: -
- Housing Act 2004
  - Protection from Eviction Act 1977
  - Renters Rights Act 2025
  - Energy Efficiency (Private Rented Property)(England and Wales) Regulations 2015
  - Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020
- 2.4 The Policy aligns with national best practice, including the Association of Chief Environmental Health Officers (ACEHO) model enforcement and Civil Penalty policy, and establishes a clear, consistent and legally robust framework for enforcement decision making and the application civil penalties.
- 2.5 Approval of the Policy ensures the Council can lawfully and effectively discharge its regulatory responsibilities. Failure to adopt the updated policy would result in: -
- A lack of alignment with new statutory duties
  - Increased risk of inconsistent or unlawful enforcement
  - Reduced ability to respond to emerging risks in the private rented sector
  - Increased exposure to legal challenge
- 2.6 This Policy applies to all private sector housing-related enforcement functions exercised by the Council, including private rented housing, owner-occupied housing, empty homes, Houses in Multiple Occupation and relevant site-based accommodation, where statutory powers apply.

- 2.7 The Policy recognises that most landlords operate responsibly and therefore prioritises advice, engagement and support where appropriate. Formal enforcement is targeted at landlords and managing agents who fail to comply with their legal obligations, ensuring a fair and proportionate regulatory approach.
- 2.8.1 The Policy establishes a clear framework for decision making, ensuring that enforcement action is based on consistent assessment of risk, harm, vulnerability and evidence. This supports transparency and ensures that cases are progressed in a structured manner.
- 2.8.2 The policy makes clear that civil financial penalties are not fixed or automatic and must be assessed on a case by case basis. In determining the level of any penalty, officers have regard to statutory guidance, the seriousness of the breach, culpability, harm caused, any aggravating or mitigating factors, and the need for proportionality. Maximum penalties will be reserved for the most serious or deliberate cases of non-compliance.

**3. Key Policy Changes**

- 3.1 The Policy reflects the Council's expanded enforcement responsibilities under the Renters Rights Act 2025 and associated housing legislation. It sets out the Council's approach to enforcing statutory requirements relating to, among other matters: -
- misuse of possession grounds
  - unlawful rent practices, including rent bidding
  - failure to provide prescribed tenancy information
  - discriminatory letting practices
  - compliance with the Private Rented Sector Database (when in force)
- 3.2 The Policy adopts the enforcement principles and formalises decision making through: -
- defined investigation thresholds
  - evidential and public interest tests
  - proportionality assessments
  - clear case closure criteria
- 3.3 It establishes a more robust and intelligence-led approach to enforcement enabling the Council to address serious and systematic non-compliance including: -
- Portfolio-wide investigations of landlords where systemic non-compliance is identified
  - Targeted enforcement based on harm, vulnerability and risk

- Co-ordinated action across multiple properties where landlords or agents demonstrate repeated non-compliance.
- 3.4 The Policy confirms that civil penalty income is ringfenced and it must be reinvested into private sector housing enforcement in accordance with statutory requirements and internal financial governance arrangements. This supports the long term sustainability of the service and potentially reduces the reliance on core Council funding.
- 3.5 The policy provides clarity for residents, landlords and managing agents and partners organisations by confirming that: -
- the Council acts as a statutory regulator, not an arbitrator of private contractual disputes
  - enforcement action is undertaken only where statutory breaches are identified
  - resources are focused on matters that pose the greatest risk of harm
- 3.6 The implementation of this policy is expected to contribute to improve housing conditions, reduced health risks and increased tenancy security and within the District.

#### **4. OPERATIONAL ISSUES**

- 4.1 The Renters Rights Act 2025 significantly expands the Council's regulatory responsibilities, introducing new enforcement duties relating to landlord conduct and tenancy compliance alongside existing Housing Act 2004 duties. The policy complements existing duties in relation to the Housing Health and Safety Rating System (HHSRS), including mandatory action where Category 1 hazards are identified and discretionary action for Category 2 hazards.
- 4.2 The Council anticipates an increase in enforcement activity arising from the use of civil financial penalties. The effective use of civil financial penalties requires a high evidential threshold. Officers must ensure that cases meet the relevant legal tests, including sufficient evidence and public interest considerations, and that all enforcement action is supported by clear and auditable evidence. This includes a higher volume of cases requiring formal investigation, evidence gathering and decision-making to the required legal standard, particularly where penalties must be justified and capable of being defended at appeal.
- 4.3 There is an increased risk of appeals to the First-tier Tribunal where civil penalties are imposed. This requires that all notices, calculations and decision-making processes are legally robust, proportionate and clearly documented to withstand external scrutiny.

- 4.4 The policy establishes a structured and consistent approach to determining civil penalty levels. This requires officers to assess each case individually, taking into account factors including culpability, harm, aggravating and mitigating circumstances, and the need for proportionality. This approach ensures fairness but increases the time and complexity associated with decision-making.
- 4.5 The implementation of the policy requires effective case management systems to support the administration of enforcement action, including the preparation of notices of intent, final notices, representations, and appeals. Accurate record keeping is essential to ensure transparency and consistency.
- 4.6 The recovery of civil financial penalties presents an operational challenge. Payment is not guaranteed and may require additional enforcement action, including debt recovery processes and legal intervention. This introduces additional administrative and financial considerations for the Council.
- 4.7 The policy requires officers to exercise discretion in determining when to pursue civil penalties as opposed to alternative enforcement options. This necessitates consistent decision-making across the service to ensure that enforcement action is proportionate, targeted and aligned with the Council's wider regulatory objectives.

**Implications for the Scheme of Delegations and previous level of civil penalties**

- 4.9 As noted at paragraph 3.1 above, under the Renters Rights Act 2025 the scope of the Council's enforcement powers has been expanded. To ensure that officers are able to utilise these powers it will be necessary for some additional delegations to be added to the Officer Scheme of Delegations.
- 4.10 Members are referred to the updated version of the Scheme of Delegations for Strategic Housing at Appendix 2 which sets out the additional delegations sought. The alterations are shown in track changes. Members may recall that delegations were previously approved for other aspects of the Renters Rights Act in April 2026, and these delegations are shown shaded in blue.
- 4.11 In summary the main changes are to enable officers to use all the enforcement powers available to them under the relevant housing legislation. In addition to new powers contained in the Renters Rights Act itself, changes have also been introduced to existing legislation including the Protection from Eviction Act and Housing Acts 2004. There

is also a move to introduce greater use of civil penalties as an alternative to prosecution.

- 4.12 Members are asked to note that the levels of civil penalties applicable under the Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 will be amended by the policy and the new rates will replace those previously approved by members (Report to Cabinet: Electrical Safety Enforcement Charges in the Private Rented Sector 20<sup>th</sup> October 2021). Likewise, the new policy will replace the civil penalties applicable to certain offences under the Housing Act 2004 (as amended by the Housing and Planning Act 2016) as previously reported to members on 10<sup>th</sup> July 2019 (Introduction of Civil Penalties for failure to comply with standards in the private rented sector).

## **5. FINANCIAL IMPLICATIONS**

- 5.1 The implementation of the Renters Rights Act 2025 and the associated Enforcement and Civil Penalty Notice Policy introduces additional financial demands on the Council. These relate primarily to increased enforcement activity, including investigation, case management, legal support, and the administration of civil financial penalties.
- 5.2 New Burdens Funding of £60,000 has been allocated to the Council by Central Government in recognition of the additional duties and responsibilities arising from implementation of the Renters Rights Act 2025. This includes increased activity relating to enforcement of tenancy reforms, illegal eviction and harassment investigations, reporting requirements and wider private rented sector enforcement activity.
- 5.3 At this stage, detailed allocation of funding is still being developed as part of the Council's wider implementation planning arrangements. However, it is anticipated that the funding will support areas such as officer training, legal and governance support, operational readiness, case management system improvements, reporting system improvements, enforcement procedure development and costs associated with enforcement activity and appeals. These measures are intended to ensure that enforcement activity remains consistent, auditable and legally robust.
- 5.4 Government guidance accompanying the funding allocation indicates that the funding is intended to support implementation activity and additional enforcement capacity associated with the new regulatory regime. At the present time, no additional permanent staffing commitments have been approved specifically in relation to this policy

and staffing implications will continue to be reviewed as operational demand becomes clearer. The Private Sector Housing service is currently operating within existing approved budgets.

- 5.5 Whilst the current funding allocation relates to 2026/27, future enforcement demand, appeal activity and staffing pressures are likely to create additional ongoing financial pressures which will be actively managed through normal budget monitoring arrangements.
- 5.6 Civil financial penalties provide a mechanism for cost recovery and service sustainability. Any income generated from civil penalties must be ringfenced and reinvested into private sector housing enforcement functions in accordance with statutory requirements and internal financial governance arrangements. Government guidance accompanying the funding allocation indicates that authorities are expected to offset a proportion of enforcement costs through the use and recovery of civil financial penalties where appropriate. This reinforces the importance of maintaining robust enforcement, debt recovery and financial governance arrangements.
- 5.7 Income from civil penalties is variable and cannot be relied upon as a guaranteed funding source. The level of income will depend on the number and nature of enforcement cases, the outcome of appeals, and the Council's ability to successfully recover unpaid penalties.
- 5.8 There is a risk that civil penalties may not be recovered in full, particularly where individuals are unwilling or unable to pay. This may result in additional costs associated with debt recovery, including legal action.
- 5.9 The Council must also consider the financial implications of appeals to the First-tier Tribunal. While robust decision-making and evidentially sound enforcement practise minimises the number of appeals and improves outcomes, there remains a risk that some cases will be challenged. Where appeals arise, the Council may incur costs associated with officer time in preparing and presenting cases, and, where necessary, external legal advice. Any associated financial implications will be managed through existing service budgets and funding allocations, with ongoing monitoring through established budget and performance management arrangements.
- 5.10 Overall, the introduction of civil financial penalties supports a more sustainable enforcement model. However, the Council must continue to balance enforcement activity with available resources to ensure that the service remains financially viable and effective.

**6. LEGAL IMPLICATIONS**

- 6.1 Amendments to the Scheme of Delegations are required to ensure officers are authorised to exercise enforcement powers and duties under the Renters Rights Act 2025 and related housing legislation. Individual officer authorisations will also be updated accordingly.
- 6.2 The policy confirms that formal enforcement action will only be taken where evidential thresholds and public interest tests are satisfied, reflecting requirements under the Police and Criminal Evidence Act 1984 and the Code for Crown Prosecutors. The policy also provides clear safeguards in relation to appeals, representations and tribunal proceedings.

**7. OTHER - IMPLICATIONS**

**Local Government Reorganisation**

- 7.1 The Policy has been aligned with ACEHO model enforcement policy and Civil Penalty policy. The new unitary authority will take over these duties as a local Housing Authority.

**Relevant Council Priority**

- 7.2 The implementation of the policy supports the Council's ability to meet one of the Council's priorities of 'Community & Housing'. The updated Policy directly impacts upon the residents throughout the community by ensuring that houses are safe and warm enabling the residents to be happy and Bromsgrove a safe place to live.

**Climate Change Implications**

- 7.3 The implementation of this policy has a positive impact in relation to climate change. Through the enforcement of housing standards, including the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (Minimum Energy Efficiency Standards), the Council will support improvements to the energy efficiency of residential properties within the private rented sector.
- 7.4 Improved energy efficiency contributes to reduced carbon emissions, lower energy consumption and enhanced thermal performance of housing stock. This supports wider national and local climate change objectives, while also delivering benefits in terms of reduced fuel poverty and improved health outcomes for residents

**Equalities and Diversity Implications**

- 7.5 The implementation of this policy has been considered in the context of the Council's duties under the Equality Act 2010, including the Public Sector Equality Duty. The policy supports the Council's obligation to eliminate discrimination in the exercise of its enforcement functions.
- 7.6 Enforcement activity under this policy is expected to have a positive impact on vulnerable households, including those with protected characteristics, who are disproportionately affected by poor housing conditions and unlawful practices within the private rented sector.
- 7.7 The policy embeds a risk-based approach to enforcement, which includes consideration of vulnerability and individual circumstances when prioritising cases and determining appropriate action. This ensures that enforcement decisions are proportionate, fair and responsive to the needs of those at greatest risk of harm.
- 7.8 No adverse equality impacts have been identified. An Equality Impact Assessment will be completed prior to the implementation of this policy. While the policy primarily reflects statutory duties, the Council retains discretion in how enforcement powers are exercised. The assessment will ensure that due regard has been given to the Public Sector Equality Duty under the Equality Act 2010, including consideration of potential impacts on vulnerable groups and those with protected characteristics.

**8. RISK MANAGEMENT**

- 8.1 The implementation of the Enforcement and Civil Penalty Notice Policy introduces a number of operational and strategic risks. These risks have been identified and mitigation measures are in place to ensure that enforcement activity is effective, proportionate and legally robust.
- 8.2 There is a risk that enforcement action, including the serving of civil financial penalties, may be subject to challenge or appeal where processes are not correctly followed or decisions are not sufficiently evidenced.  
**Mitigation:** The policy establishes clear evidential thresholds, decision-making frameworks and procedural requirements aligned with statutory guidance. Officers will receive appropriate training and access to legal support to ensure compliance with relevant legislation and procedural standards.
- 8.3 There is an increased likelihood of appeals to the First-tier Tribunal, which may result in penalties being reduced, overturned, or subject to delay.  
**Mitigation:** The policy embeds a structured and consistent approach to determining civil penalties, supported by clear

reasoning, proportionality assessments and robust documentation to ensure decisions are defensible.

- 8.4 Income from civil financial penalties is not guaranteed and there is a risk that penalties may not be recovered in full, resulting in additional costs associated with debt recovery and legal proceedings.

**Mitigation:** The policy details appropriate debt recovery processes and penalty levels have been set in accordance with statutory guidance to maximise compliance and recovery where appropriate.

- 8.5 Increased enforcement activity may place pressure on staffing and resources, particularly where cases are complex and require significant officer time to investigate, prepare and defend enforcement action.

**Mitigation:** New Burdens Funding has been allocated to support implementation of the Renters Rights Act 2025 and associated enforcement activity. The Council will continue to monitor operational demand, staffing capacity, appeals activity and service pressures through normal management and budget monitoring arrangements. Officer training, procedural guidance and case management systems will support the efficient prioritisation and progression of enforcement cases.

- 8.6 There is a risk of inconsistent enforcement decisions across the service, which could undermine fairness and increase the likelihood of challenge.

**Mitigation:** The policy provides a clear and structured framework for enforcement decisions, including defined thresholds, proportionality assessments and case closure criteria (where compliance has been achieved, enforcement action has concluded or no further action is required) to ensure consistency across officers.

- 8.7 Enforcement action, particularly the use of civil financial penalties, may attract challenge or criticism from landlords or other stakeholders. Equally, failure to take appropriate action may undermine public confidence in the Council's regulatory role.

**Mitigation:** The policy promotes a balanced approach to enforcement, prioritising advice and engagement where appropriate, while ensuring that formal action is taken where statutory breaches are identified.

- 8.8 Effective enforcement relies on accurate record keeping and evidence management. There is a risk that inadequate systems or processes could weaken enforcement cases.

**Mitigation:** Investment in case management systems and clear procedural requirements will ensure that evidence is properly

recorded, retained and accessible to support enforcement action and appeals.

- 8.9 There is a risk that future enforcement demand, appeal activity and staffing pressures may exceed available funding or create additional financial pressures for the Council.

**Mitigation:** The Council has received New Burdens Funding to support implementation of the new regulatory regime and will continue to monitor enforcement activity, appeal trends, staffing pressures and associated financial implications through existing financial governance and budget monitoring arrangements. Civil financial penalties may assist in offsetting a proportion of enforcement costs where recovery is successful; however, income from penalties will not be relied upon as a guaranteed funding source.

- 8.10 There is a risk that increased use of civil penalties may influence landlord behaviour, including market withdrawal or reduced supply in the private rented sector, which may indirectly impact housing availability

**Mitigation:** The Council will ensure that enforcement activity is proportionate, targeted and intelligence-led, focusing on serious or repeat non-compliance rather than minor breaches. The policy prioritises advice and engagement where appropriate, with formal enforcement action directed at those who fail to meet their legal obligations. All enforcement decisions will be underpinned by statutory guidance, the Regulators' Code and robust proportionality assessments to ensure fairness and consistency. The Council will monitor enforcement activity, appeal outcomes and local market conditions to identify any unintended impacts on the private rented sector and will keep its approach under regular review to maintain an appropriate balance between regulatory intervention and market stability.

- 8.11 These risks will be monitored as part of ongoing service management, financial monitoring and governance arrangements, and the policy will be kept under review to ensure that it remains effective, proportionate and aligned with legislative requirements.

## **9. APPENDICES and BACKGROUND PAPERS**

### Appendices

Appendix 1 - Private Sector Housing Enforcement & Civil Penalty Notice Policy 2026

Appendix 2 – Scheme of Delegations for Strategic Housing with amendments shown in track changes

Background papers

Reports to Cabinet

Renters Rights Act 2025 – 20<sup>th</sup> April 2026

Electrical Safety Enforcement Charges in the Private Rented Sector - 20<sup>th</sup> October 2021

Introduction of Civil Penalties for failure to comply with standards in the private rented sector – 10<sup>th</sup> July 2019

**9. REPORT SIGN OFF**

<b>Department</b>	<b>Name and Job Title</b>	<b>Date</b>
Portfolio Holder	Cllr Sue Baxter	28/05/2026
Lead Director / Assistant Director	Judith Willis Assistant Director Community and Housing Services	08/05/2026
Financial Services	Deb Goodall Assistant Director Financial Services	08/05/2026
Legal Services	Nicola Cummings, Principal Solicitor – Governance and Jess Bayley-Hill, Principal Democratic Services Officer	08/05/2026