

Title: Housing Enforcement and Financial Civil Penalties Policies 2026

Committee: Operational Services Committee

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1.0 Issue

- 1.1. To consider the update Housing Enforcement and Civil Penalties policy in light of the introduction of the Renters' Rights Act 2025.

2.0 Recommendations

Members are recommended to:

- 2.1. Approve the Housing Enforcement and Financial Civil Penalty Policies 2026 (Appendix 1 and 2) in preparation for implementation on 1st May 2026.
- 2.2. Provide delegated authority for the Director Operations to make operational changes in this fast-changing area of regulation.

3.0 Background

- 3.1. Private sector housing plays a significant part in housing provision within East Cambridgeshire. We recognise that most of this housing is in good condition and professionally managed, however in some circumstances this is not the case.
- 3.2. The Renters' Rights Act 2025 introduces a significantly expanded civil penalty framework with the intention of allowing a faster resolution of breaches of legislation than would be achieved via prosecution. The Act also places new duties on the Council to enforce a broader range of landlord obligations. To meet these requirements, the Council must ensure its policies are fully aligned with the new legislative framework.
- 3.3. Our current Private Sector Housing Enforcement Policy was approved and adopted at Committee on the 12th September 2022. It does not reflect the suite of new offences or the statutory amendments to civil penalty or evidential thresholds.

- 3.4. The proposed new Policies provide an operational framework for issuing robust and fair financial penalties for both existing housing offences and the new breaches/offences introduced under the 2025 Act, in line with current statutory guidance.
- 3.5. The Renters Rights Act will become law on 1st May 2026.
- 3.6. This Council aims to support landlords who operate lawfully and who provide safe and well-maintained homes. However, it is also recognised there are a minority of landlords who operate outside of the legal framework and who knowingly rent out unsafe or substandard accommodation and we are determined to robustly address this.
- 3.7. The Council's current Private Sector Housing 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.
- 3.8. 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.
- 3.9. 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.
- 3.10. 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.
- 3.11. 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 by some as a 'postcode lottery' for landlords, where similar breaches may result in markedly different enforcement outcomes depending on the authority involved.
- 3.12. 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.
- 3.13. In response to these concerns, the Association of Chief Environmental Health Officers (ACEHO), in conjunction with the not for profit, legal advice organisation, Justice for Tenants (JFT), have developed a suite of national model policies, including a Civil Penalty Policy and an Enforcement Policy. A further policy, on Civil Penalty Debt Recovery, is 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.
- 3.14. It should be noted that at operational level, the Council has signed up to using JFT for much of the legal support around this work and especially where the Council is levying civil penalties. The approval of these policies will assist officers to deliver

enforcement where it is necessary, to recover civil penalty debts but, most importantly, it will enhance protections for tenants.

- 3.15. The Housing Enforcement and Civil Penalties Policies cannot take effect until 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 Private Sector Housing Enforcement Policy 2022 and the new policies will operate in tandem, with the applicable policy determined by the date on which the offence was committed. Once legacy cases have been resolved, the existing policy will be formally withdrawn, leaving a single, updated policy framework in place.

4.0 Arguments/Conclusions

- 4.1. 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 our Policies is therefore essential to ensure the Council can continue to meet its statutory obligations as of 1 May 2026.
- 4.2. The new Policies provide an operational framework for issuing robust and fair financial penalties for both existing housing offences and the new breaches/offences introduced under the 2025 Act, in line with current statutory guidance.
- 4.3. The new Policies comply with the requirements under the Housing Act 2004, the Housing and Planning Act 2016 and the Renters’ Rights Act 2025, together with the applicable statutory guidance on civil penalties issued by the Secretary of State. The aim of such guidance is to ensure that penalty decisions are consistent, legally robust, and less susceptible to successful challenge on appeal.
- 4.4. Providing delegated authority to the Director Operations to approve minor variations to processes and operational policies, will enable the Council to maintain a policy aligned with any updates to statutory guidance and further commencement phases under the Renters’ Rights Act 2025, without the requirement to bring further reports containing statutory amendments back to committee.

5.0 Additional Implications Assessment

5.1 In the table below, please put Yes or No in each box:

Financial Implications	Legal Implications	Human Resources (HR) Implications
Y	Y	N
Equality Impact Assessment (EIA)	Carbon Impact Assessment (CIA)	Data Protection Impact Assessment (DPIA)
N	N	N

(a) Financial implications

Implementation of these policies will have a positive effect. A greater range of financial penalties are being introduced with the RRA resulting in increased income to partially offset the cost of enforcement. However, it is difficult to forecast the level of income from such penalties.

(b) Legal implications

Support for implementation of these policies will be through the legal services of JFT and their civil penalty generator, which has been adopted to support officers in administering the civil penalty regime. Additional legal support will be provided by JFT on a case-by-case basis, and then only if further assistance is deemed a requirement by officers or the legal team.

6.0 Appendices

Appendix 1

East Cambridgeshire District Council **Housing Enforcement Policy** – May 2026

Appendix 2

East Cambridgeshire District Council **Civil Penalties under the Renters' Rights Act 2025 and other housing legislation policy** – May 2026

7.0 Background documents

Housing Act 2004

Housing and Planning Act 2016

Renters Rights Act 2025

Renters' Rights Act: MHCLG guidance for local authorities and councils (Nov 2025)

All other associated Acts, Regulations and current guidance.