
Private Sector Housing Enforcement & Civil Penalty Notice Policy

Relevant Portfolio Holder	Councillor Bill Hartnett
Portfolio Holder Consulted	Yes
Relevant Assistant Director	Assistant Director Community and Housing Services
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Wards Affected	ALL
Ward Councillor(s) consulted	N/A
Relevant Council Priority	Community and 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 Executive Committee RESOLVE that:-

- 1) The Private Sector Housing Enforcement and Civil Penalty Policy (Appendix 1) be approved and 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.**

The Executive Committee is asked to RECOMMEND that: -

- 2) The Scheme of Delegations be amended to incorporate: -**
 - a. Enforcement powers under the Renters Rights Act 2025 in accordance with the wording set out in Appendix 2**
 - b. Enforcement powers under the Electrical Safety Standards in the Private Sector (England) Regulations 2020 and under Section 126 and Schedule 9 of the Housing and Planning Act 2016 as set out in Appendix 3.**

2. BACKGROUND

- 2.1** This report follows on from the previous report to Executive regarding the Renters Rights Act dated the 17th March 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 27th October 2025, with Phase 1 commencing on the 1st 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. The Policy does not relate to Redditch Borough Council owned housing stock.

- 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 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.
- 2.9 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 Borough.

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

- 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. Members are referred to the wording at Appendix 2 which sets out the additional delegations sought.
- 4.10 In preparing the new enforcement policy it has come to officers attention that delegations already granted by Members following two previous reports on private sector housing enforcement need to be formally added into the Scheme of Delegations. These relate to the following reports: -
- Electrical Safety Standards in the Private Rented Sector – Executive 7th September 2021

- Introduction of Civil Penalties for Failure to comply with standards in the private rented sector – Executive 11th June 2019

4.11 In summary the first report related to measures granted to local authorities to bring enforcement action against landlords regarding electrical safety standards. The second report brought into effect the option under Schedule 9 of the Housing Act 2004 that when bringing enforcement action for certain specific breaches of that act the Council can impose a financial penalty as an alternative to bringing a prosecution. Members are asked to note that these are not new delegations and this is simply a tidying up exercise to ensure that all the relevant powers available to the officers are properly recorded in the Scheme of Delegations. For ease of reference, the specific wording that will be added to cover these provisions is set out in Appendix 3.

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 Redditch 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 – New Delegations under the Renters Rights Act 2025

Appendix 3 – Note of existing delegations under the Electrical Safety Standards
In the Private Sector (England) Regulations 2020 and Section

Executive Committee
2026

9th June

126 and Schedule 9 of the Housing and Planning Act 2016 to be formally included into the Scheme of Delegations.

Background papers

Following reports to Executive

- Renters Rights Act 2025 – 17th March 2026
- Electrical Safety Standards in the Private Rented Sector - 7th September 2021
- Introduction of Civil Penalties for Failure to comply with standards in the private rented sector - 11th June 2019

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9. REPORT SIGN OFF

Department	Name and Job Title	Date
Portfolio Holder	Cllr Bill Hartnett	14/05/2026
Lead Director / Assistant Director	Judith Willis Assistant Director Community and Housing Services	21/04/2026
Financial Services	Deb Goodall Assistant Director Financial Services	21/04/2026
Legal and Democratic Services	Nicola Cummings, Principal Solicitor – Governance and Jess Bayley-Hill, Principal Democratic Services Officer	21/04/2026