

CABINET - THURSDAY, 7 MAY 2026

Report of the Head of Strategic Housing Lead Member: Executive Member for Housing, Economic Development, Regeneration and Town Centres

Part A

RENTERS' RIGHTS ACT 2025 AND HOUSING STANDARDS POLICIES

Purpose of Report

To seek Cabinet approval for the recommendations detailed below.

Recommendations

1. That the proposed Private Sector Housing Enforcement Policy be approved
2. That the proposed Private Sector Housing Civil Penalties Policy be approved
3. That delegated authority is given to the Head of Strategic Housing, in consultation with the relevant Lead Member, to make amendments to the policies.

Reasons

1. To support enforcement action in accordance with the requirements of the Renters' Rights Act 2025
2. To support civil penalties in accordance with the requirements of the Renters' Rights Act 2025
3. To allow policies to be updated in response to changes to legislation, related statutory guidance, and national and local policy and practice.

Policy Justification and Previous Decisions

The Renters Rights Act 2025 received Royal Assent on 27th October 2025. The Act is designed to increase security and stability for private sector tenants. It strengthens local authority enforcement powers and duties. A new Private Rented Sector Database will be created, on which Landlords will need to be registered in order to use some possession grounds, and a new Private Rented Sector Landlord Ombudsman will be introduced.

The current Private Sector Housing Enforcement Policy (April 2025), which includes criteria relating to civil penalties, is not fully compliant with the requirements of the Act. New separate Enforcement and Civil Penalty policies are being recommended to support compliance.

Implementation Timetable including Future Decisions

The decisions will come into effect immediately (subject to Call-in).

Report Implications

Financial Implications

It is anticipated that income from civil penalties will increase, if the recommendations are approved.

£144,307.62 new burdens grant funding has been received from the Ministry of Housing, Communities and Local Government.

This funding will be used towards additional Housing Standards staffing costs and legal costs.

Risk Management

The risks associated with the decision Cabinet is asked to make and proposed actions to mitigate those risks are set out in the table below.

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
The expanded use of civil penalties under the Renters' Rights Act may lead to an increase in representations, appeals, and non-payment of penalties, particularly during the early stages of implementation, which may result in additional costs, such as legal costs.	2 Unlikely	2 Significant	4 Low	A clear civil penalty methodology, consistent enforcement approach, and alignment with emerging best practice, including the development of a dedicated civil penalty debt recovery framework, will support effective recovery and reduce the risk of protracted disputes. The policy frameworks have been developed with regard to decisions made at court, the First-tier and Upper-tier Tribunals. Income from civil penalties and new burdens grant will be used to offset associated costs.
The enhanced enforcement expectations under the Renters' Rights Act and introduction of new policies may place additional	2 Unlikely	2 Significant	4 Low	Clear policies will streamline decision-making, reduce rework, and support more efficient enforcement activity. Officers will continue to

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
pressure on officers, particularly during the initial implementation phase, with an risk of procedural error or misapplication of policy.				be provided with training, guidance, briefings, and management oversight to support correct application of legislation and policy during the implementation period. Staffing resources have recently been increased and will remain under review, to ensure sufficient capacity for delivery of the service in line with policy. Income from civil penalties and new burdens grant will be used to offset associated costs.

Equality and Diversity

None identified.

Climate Change and Carbon Impact

None identified.

Crime and Disorder

None identified.

Wards Affected

None identified.

Publicity Arrangements

Not applicable.

Consultations

Not applicable.

Links to the Corporate Strategy

Efficient and Effective Council	No
Environment and Climate Change	No
Homes and Communities	Yes

Economy and Growth	No
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Key Decision: Yes.

Background Papers: None.

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Part B

Background

The Renters Rights Act 2025 received Royal Assent on 27th October 2025. The Act is designed to increase security and stability for private sector tenants. It strengthens local authority enforcement powers and duties, and includes an emphasis on an “offender pays” model. A new Private Rented Sector Database will be created, on which Landlords will need to be registered, and a new Private Rented Sector Landlord Ombudsman will be introduced.

The following measures are being implemented for private sector tenancies with effect from 1st May 2026:

- End of assured shorthold tenancies and fixed term tenancies
- End of section 21 notices under which a landlord can evict a tenant without providing any reason
- New and amended grounds for possession
- Ban on rent bidding, rent increases limited to annual rises only, rent in advance limited to one month only
- Ending discrimination against renters in receipt of benefits or with children
- Permission for pets becomes an implied term, permission may not be unreasonably refused by a landlord
- Provisions to strengthen local authority enforcement and rent repayment orders.

The following new duties for local authorities are being implemented with effect from 1st May 2026:

- New investigatory requirements and powers
- Civil Penalties for more types of breaches (up to £7,000 for minor infringements up to £40,000 for serious, persistent or repeat non-compliance)
- Prosecutorial powers leading to criminal record for more types of serious, persistent or repeat non-compliance
- Rent repayment orders for more types of breaches.

The following are due to be implemented in the future:

- Introduction of a Private Rented Sector Database (expected late 2026)
- Introduction of a Private Rented Sector Landlord Ombudsman
- Application of Awaab’s Law to the private sector
- Application of the Decent Homes Standard to the private sector.

S107 of the Renters’ Rights Act states that it is the duty of every Local Authority to enforce the landlord legislation in it’s area. This is a significant change in approach from the Housing Act 2004, which emphasises the importance of informal action and co-operation in improving housing conditions

The housing standards team are responsible for the provision of advice and assistance to private sector residents and landlords, responding to complaints about management of tenancies, condition of properties, empty homes, the management of licensing schemes for private rented properties and mobile home sites within the borough, and related enforcement action.

It is anticipated that the service will see increases in demand relating to the Act and associated regulations, and there will be an increase in enforcement action, including the number and value of civil penalties and prosecutions. Staffing resources within the Housing Standards Team have recently been increased, and remain under review to ensure sufficient capacity for the delivery of the service.

The current Private Sector Housing Enforcement Policy (April 2025) outlines how the council will respond to complaints about condition or management of private sector rental properties and determine and take appropriate enforcement action. It also outlines how the council will determine when to issue civil penalties and the level of penalties.

Proposals

The current Private Sector Housing Enforcement Policy (April 2025) is not fully compliant with the requirements of the Act.

New separate Enforcement and Civil Penalty policies are being recommended to support the housing standards service to be complaint with the legislative changes, and to support successful enforcement action.

Justice for Tenants have produced recommended templates for Enforcement and Civil Penalty policies, with input from the Ministry of Housing, Communities and Local Government and Association of Chief Environmental Health Officers. These templates have been offered to all local authorities at no cost, to support the achievement of compliance and consistency across different local authority areas. These have been already been adopted by 130 other Local Authorities in the UK to date. Justice for Tenants have produced an associated Civil Penalty Generator Tool, which has also been offered to all local authorities at no cost, to support faster and more efficient determination of civil penalties.

New Housing Enforcement and Civil Penalty policies that reflect these recommended templates have been drafted (copies are appended to this report). It is recommended that cabinet approves these new policies, to support the housing standards service to effectively meet duties under the Renters' Rights Act and to support good conditions and management standards in the private rented sector within the borough.

Appendices

Draft Private Sector Housing Enforcement Policy
Draft Private Sector Housing Civil Penalties Policy