

Title of Report	Updates to enforcement and civil penalty notice policies		
Key Decision No	CHE S703		
For Consideration By	Cabinet		
Meeting Date	27 April 2026		
Cabinet Member	Mayor Caroline Woodley		
Classification	Open		
Ward(s) Affected	All		
Key Decision & Reason	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;">Yes</td> <td>Significant in terms of its effects on communities living or working in an area comprising two or more Wards’.</td> </tr> </table>	Yes	Significant in terms of its effects on communities living or working in an area comprising two or more Wards’.
Yes	Significant in terms of its effects on communities living or working in an area comprising two or more Wards’.		
Implementation Date if Not Called In	4 May 2026		
Group Director	Rickardo Hyatt Group Director, Housing, Climate and Economy		
Report Author	Michael Walker-Roberts Housing Strategy and Policy Manager Michael.walker-roberts@hackney.gov.uk		

1. **Cabinet Member's introduction**

- 1.1. Hackney Council remains firmly committed to ensuring all our residents have a safe, warm and secure home. With around a third of homes in Hackney being privately rented, we have long campaigned for better standards in the private rented sector (PRS).
- 1.2. The borough’s growing population relies more than ever on the private rented sector, with over 40% of homes privately rented in some wards – more than double the national average. But rising demand, paired with limited regulation, has left too many residents stuck in unsafe or poor-quality homes. Recent evidence has shown that these conditions often present serious hazards to resident wellbeing and the precarious nature of their tenures has left many unable to confidently challenge these conditions or the unfair practices that often precede them during the application process.

- 1.3. The Renters' Rights Act (2025) and Hackney Selective Licencing Scheme (2026) provide a legal duty to take enforcement action against poor conditions, unfair and discriminatory practices within the PRS. This suite of policies and relevant delegations will allow Hackney to consistently and transparently apply these duties to improve standards within the PRS and are commended to cabinet for approval as a result.

2. Group Director's introduction

- 2.1. Hackney has a long standing commitment and now a legal duty to uphold regulatory standards within The Borough's Private Rented Sector. This suite of policies and the delegations listed below will empower officers within the Private Sector Housing and Trading Standards teams to effectively and compliantly investigate and enforce this new legislative framework and meet the commitments made to residents under the selective licensing designation.
- 2.2. Hackney's officers will now have the power to take a proactive approach to identifying and correcting failures to comply with good practice within the Private Rented Sector. The policies set out a clear, transparent and up to date framework through which this compliance can be achieved with landlords and tenants now able to understand their powers, responsibilities and where the Officers will be able to intervene.

3. Recommendations

Cabinet is recommended to:

- 3.1. **Approve the Private Sector Housing Enforcement Policy attached as Appendix A to this report.**
- 3.2. **Approve the Civil Penalty Notice Policy attached as Appendix B to this report.**
- 3.3. **Delegate authority to the Group Director of Housing Climate and Economy to make any amendments to the policies (mentioned in 3.1 and 3.2 of this report) required to ensure compliance with legislation, policy or good practice.**

4. Reason(s) for decision

- 4.1. As a result of changes in legislation and applicable statutory guidance, the Council is required to update its housing enforcement and civil penalties policies.
- 4.2. It is recommended that the Council adopts the policies at appendices A and B, which are based on the model policies produced by the Association of Chief Environmental Health Officers in England, as representing best practice.

5. **Background**

- 5.1. Hackney has a shortage of affordable housing, with house prices remaining out of reach for many. The demand for social housing far outstrips the supply. As a result, private rented property is increasingly becoming the only viable option for many Hackney residents, including those who are vulnerable and on low incomes. Currently, 31.6% of Hackney's housing stock is within the PRS, and this is expected to continue to rise in the future.
- 5.2. Hackney's Private Sector Housing team currently enforce the Council's regulatory powers under the Housing Act 2004 and licensing scheme for Houses in Multiple Occupation. The Council's current enforcement and civil penalty notice policies reflect this and are appropriate to their current duties.
- 5.3. With effect from 1 May 2026, Section 107 of the Renters' Rights Act 2025 will impose a general duty on the Council to enforce the "landlord legislation" in their area. For these purposes, the landlord legislation comprises:
 - Chapters 3 and 6 of Part 1 of the Renters' Rights Act 2025
 - Sections 1 and 1A of the Protection from Eviction Act 1977
 - Chapter 1 of Part 1 of the Housing Act 1988
- 5.4. Part 4 of the Renters' Rights Act 2025 also confers a number of additional investigative and enforcement powers on the Council.
- 5.5. On 13 November 2025 MHCLG published statutory guidance on civil penalties under the Renters' Rights Act 2025 and other housing legislation. The Council is required to have regard to this guidance when setting its civil penalty policies and imposing civil penalties.
- 5.6. On 26 November 2025 the Council made the London Borough of Hackney Designation of an Area for Selective Licensing 2025, which comes into force on 1 May 2026. The effect of this is to designate 17 of its 21 wards as subject to selective licensing.
- 5.7. As a result of the above developments, the Council needs to update its housing enforcement and civil penalties policies.
- 5.8. Officers consider that the model policies produced by the Association of Chief Environmental Health Officers in England represent best practice in this area, subject to minor amendments to reflect the local context.
- 5.9. The MHCLG statutory guidance advises as follows:

Local housing authorities in areas where rents are lower or higher than average may, at their own discretion, wish to apply a general adjustment via their civil penalty policy in recognition that a civil penalty of the same amount is likely to have a weaker deterrent effect in local authorities with high average rents than those with low average rents.

Any percentage adjustment for local rent levels must not exceed the percentage by which these are higher or lower in the local authority area than the national average. Average monthly rents in England by local

housing authority can be obtained from the Office for National Statistics' monthly 'Private rent and house prices, UK' statistical bulletin.

Any adjustment made should consider the need to retain differences in final penalties imposed that reflect the seriousness of the breach or offence and aggravating or mitigating factors

- 5.10. According to the ONS, rents in Hackney are almost double the national average: as at February 2026 £2,589 per month in Hackney as compared with £1,374 per month nationally. In the light of this, the levels of penalty levied will remain under review in accordance with statutory guidance.

Strategic Policy Context

- 5.11. At the Local, Regional and National Level, the improvement of conditions within the Private Rented Sector has been a consistent priority.

Local Policy

Hackney's Strategic Plan 2022-2026

- 5.12. The Council's commitment to improving the PRS has been a top priority for many years and is reflected within our policy and strategy framework. At its very core, the Hackney Strategic Plan 2022-2026, 'Working Together for a Better Hackney', focuses on specific plans to improve the Private Rented Sector, including 'pushing for more protection for residents from landlords' and 'campaigning for full licensing of the private sector.'

Hackney Housing Position Statement

- 5.1 Hackney's Housing Position Statement 2024/25 identifies private sector housing as one of its seven key priorities, reaffirming the council's commitment to ensuring that private sector homes are safe, sustainable, and well-managed, with fair rents that make them places residents are proud to call home.

Hackney's Private Sector Housing Strategy 2025-2030

- 5.1 The recent launch of the Council's first stand-alone Private Sector Housing Strategy focuses on improving property and management standards in the PRS, and commits to consulting residents and landlords on landlord licensing to promote better conditions. These initiatives underline Hackney's dedication to fostering a well-regulated, high-quality PRS that meets residents' needs.

Regional Policy

- 5.13. Improving conditions and security in the PRS has been a consistent theme for the Mayor of London, featuring in key documents such as the London Housing Strategy 2018, Reforming Private Renting: The Mayor of London's

Blueprint 2019, and in the 2021 Manifesto in which the Mayor of London commits to standing up for renters.

National Policy

- 5.1 Central Government recognises the importance of discretionary licensing in improving housing standards, as reflected in the Housing Act 2004. The Government's Renter's Rights Act (2025) further underscores the importance of strengthening tenant protections and improving the PRS. Notable provisions in the Act include the abolition of Section 21 'no-fault' evictions, giving tenants greater security in their homes, and the introduction of a Decent Homes Standard to ensure that rented properties meet basic quality requirements. These measures complement the objectives of discretionary licensing by setting a baseline for acceptable housing standards across the sector.
- 5.2 The Government acknowledges the role of discretionary licensing in supporting these broader reforms. By enabling local authorities to target specific problem areas, licensing schemes can help to enforce the principles of the Renter's Rights Act, ensuring landlords meet their responsibilities and tenants live in safe, well-maintained homes. Together, these tools represent a comprehensive approach to raising standards, promoting fairness and reducing inequalities in the PRS.

Options appraisal

- 5.14. The alternative to updating Hackney's Enforcement and Civil Penalties Policies would be to continue to use the existing policies in place. Whilst these policies have proved legally robust and effective in enabling the Private Sector Housing function to enforce legislative duties to date, as a consequence of new legislation and a new selective licensing scheme, they require updating to ensure continued compliance and efficacy. This option has therefore not been recommended.
- 5.15. A broad range of Local Authorities and Third Sector Partners have collaborated on a suite of model policies that have been produced by the Association of Chief Environmental Health Officers in England to ensure an effective and legally compliant response to the new enforcement duties and to reflect best enforcement practice. Writing an entirely new suite of policies exclusively for the Council was considered but would not be an effective use of officer time or confer any advantage over the use of the model documents with minor amendments to reflect the local context.

Equality, inclusion, diversity and belonging (including statutory equality impact assessment)

- 5.16. A full EQIA has been undertaken and can be found appended to this report as appendix C. The EQIA summarises the positive impact that these policies will have in improving the quality of the Private Rented Sector in Hackney across all groups, but particularly those experiencing socio-economic disadvantage who are disproportionately likely to live in poor housing

conditions. The EQIA highlights no negative impacts from an equalities perspective resulting from the implementation of these policies.

Sustainability and climate change

- 5.17. The updating of these policies is not understood to have an impact on sustainability or climate change.

Consultation/engagement

- 5.18. There are no statutory requirements for consultation. The Council is required to update policies in line with current legislation.

Risk assessment

- 5.19. A risk assessment of the suitability of these policies to enable the council to fulfil its legal duties effectively and in compliance with all relevant laws has been undertaken. Extensive discussions with a wide range of expert Environmental Health and other relevant officers was undertaken in producing these policies. There has subsequently been significant input from senior officers within the council in assessing the suitability of these policies for their stated purpose to produce a fully informed risk assessment taking account of local contextual factors. As a result of this extensive consideration, officers are confident that the policies are suitable for purpose and pose limited, if any risk, to the council in terms of operational abilities or reputational damage.

6. Financial implications

- 6.1. The recommended approvals to the Private Sector Housing Enforcement Policy (Appendix A) and Civil Penalty Notice Policy (Appendix B) will result in penalty income being received by the council for non compliance with statutory obligations, which is allowable by the various Acts set out in the appendices.
- 6.2. Any income that is received in regards to the above will be utilised for enforcement activity relating to the councils obligations under the Renters' Rights Act (2025) and the new Private Sector Housing Licensing schemes.

Financial Implications prepared on behalf of the Group Director Finance & Corporate Resources by Adam Jauncey, Group Accountant.
Email: adam.jauncey@hackney.gov.uk Date: 2 April 2026

7. HR/OD implications

- 7.1. HR and OD will recommend adequate training to ensure that all relevant staff are conversant with this Policy so that it is applied consistently. Aside from this, there are no other HR implications.

HR/OD implications prepared on behalf of the Director of HR/OD by Mo Akpore, Strategic HR & OD Business Partner

8. Legal implications

- 8.1. The Renters' Rights Act 2025, which comes into force on the 1st May 2026, strengthens local authorities enforcement powers and places mandatory duties on them to enforce the landlord legislation in the area.
- 8.2. Section 107(1) states that 'It is the duty of every local housing authority to enforce the landlord legislation in its area.'
- 8.3. S.107 (5) of the Act states:

In this Part "the landlord legislation" means -

Chapters 3 and 6 of Part 1 of this Act,

(a) Part 2 of this Act,
(b) sections 1 and 1A of the Protection from Eviction Act 1977, and
(c) chapter 1 of Part 1 of the 1988 Act.
- 8.4. For the purposes of s.107 the reference to taking enforcement action is a reference to:

(a) imposing a financial penalty, or
(b) instituting proceedings against a person for an offence, under the landlord legislation
- 8.5. It is therefore imperative that the relevant policies mentioned in s.1 and 3.2 of this report are approved in order to ensure that the requirements of the new legislation are reflected.
- 8.6. The recommendations set out in part 3 of this report fall within the definition of a Key decision under the Councils Constitution.
- 8.7. Cabinet is authorised to approve the recommendations set out in Section 3.1 and 3.2 of this report, pursuant to the Council's constitution Article 13.5 which states:

- 8.8. A key decision is a Cabinet decision which is likely to:
- i) Result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decisions relates, or
 - ii) Be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the Council.
- 8.9. Recommendation 3.1 of this report recommends that Cabinet approves the Private Sector Housing Enforcement Policy attached as Appendix A to this report.
- 8.10. Recommendation 3.2 of this Report recommends that Cabinet approves the Civil Penalty Notice Policy attached as Appendix B to this report.
- 8.11. Currently the Mayor's scheme of delegation reserves to the Mayor and Cabinet approval of: all corporate policies and strategies and all formal service strategies. The Mayor and Cabinet are permitted to approve the recommendation set out in Paragraphs 3.1 and 3.2 of this report.
- 8.12. The recommendation set out in 3.3 of this report recommends that Cabinet Delegate authority to the Group Director of Housing Climate and Economy to make any amendments to the policies (mentioned in 3.1 and 3.2 of this report) required to ensure compliance with legislation, policy or good practice.
- 8.13. Paragraph 2.2 (Sub-delegation of Cabinet Functions) i) of the Cabinet Procedure Rules states that "*If the Elected Mayor delegates functions to the Cabinet, unless they direct otherwise, then the Cabinet may delegate further to a Committee of the Cabinet, to an officer, to any joint arrangements, to another authority or to area committees*". Cabinet is therefore permitted to approve and delegate functions as per the recommendations in 3.3 of this report.

Legal implications prepared on behalf of the Director of Legal, Democratic & Electoral Services by: Josephine Sterakides, Team Leader, People, josephine.sterakides@hackney.gov.uk, 16th April 2026

Appendices

- Appendix A - Model Enforcement Policy
- Appendix B - Civil Penalty Notice Policy
- Appendix C - EQIA