

## Slough Borough Council

<b>Report To:</b>	<b>Cabinet</b>
<b>Date:</b>	22 <sup>nd</sup> June 2026
<b>Subject:</b>	Housing Regulation Enforcement and Civil Financial Penalty policies
<b>Lead Member:</b>	Councillor Zafar Satti, Lead Member for Public Protection and Regulatory Services
<b>Chief Officer:</b>	Tessa Lindfield, Director of Public Health
<b>Contact Officer:</b>	Simon Beasley, Housing Regulation and Enforcement Manager
<b>Ward(s):</b>	ALL
<b>Key Decision:</b>	YES
<b>Exempt:</b>	NO
<b>Decision Subject To Call In:</b>	YES
<b>Appendices:</b>	Appendix A – Housing Regulation Enforcement Policy  Appendix B - Housing Regulation and Trading Standards Policy for issuing Civil Penalties under the Housing and Planning Act 2016, Tenant Fees Act 2019, and Renters’ Rights Act 2025

### 1. Summary and Recommendations

- 1.1 The introduction of the Renters’ Rights Act 2025 has changed the scope and duty of the Council in regard to breaches of legislation by private rented sector landlords.
- 1.2 The emphasis within the new legislation is to take formal action immediately in relation to tenancy related issues, rather than the ability to rectify situations with informal action.
- 1.3 As a result of these changes, the Council’s existing Housing Regulation Enforcement Policy has had to be reviewed to ensure it reflects the new duties and powers.
- 1.4 In addition, the Council needs to ensure that we have a robust policy when applying Civil Penalties for breaches of legislation. The Council’s existing Civil Penalty Notice Policy requires updating in line with the guidance on starting points for penalties as set by the Ministry for Housing, Communities and Local Government (MHCLG) to clearly demonstrate how aggravating and mitigating factors will be applied to penalties, and to ensure that it covers all the new offences laid out in the Renters’ Rights Act 2025.
- 1.5 The main body of the policies which are being recommended to be adopted in this report have been approved by the Association of Chief Environmental Health Officers

(ACEHO) and have been sent to all authorities to consider adopting. They will bring uniformity between authorities on practices and processes and will ensure penalties are applied consistently across local authorities.

Cabinet is recommended to:

1. Approve the Housing Regulation Enforcement Policy at Appendix A.
2. Approve the Housing Regulation and Trading Standards Policy for issuing Civil Penalties under the Housing and Planning Act 2016, Tenant Fees Act 2019, and Renters' Rights Act 2025 at Appendix B.

**Reason:**

The existing policies which were approved on the 21<sup>st</sup> November 2022 require updating to reflect the legislative requirements of the Renters Right Act 2025. The adoption of these two new policies in place of the Council's current policies is required to enable the Council to fulfil its new duties under the Renters' Rights Act 2025.

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This update to these policies will ensure the Council is aligned with the changes arising from the Renters Rights Acts so they are important elements to support the Council in its legal duties to enforce relevant housing legislation. The framework to underpin the effective delivery of these is also important so ensuring that these are implemented effectively and consistently will be crucial.

**2. Report**

**2.1 Introductory paragraph**

Approval of the policies will support the Council in delivering its vision and the priorities set out in the Corporate Plan 2023–27, particularly the commitment to provide safe, high-quality homes, protect vulnerable residents, and strengthen trust through transparent and professional services. The policies directly support compliance with the new Renters' Rights Act 2025 and existing housing legislation by ensuring that officers have a lawful and robust policy framework under which they can take appropriate enforcement action.

**Options considered**

Option 1 - Approve the revised housing regulation enforcement and civil penalty policies with transitional arrangements allowing the existing policies to operate in tandem for a limited period to conclude offences committed prior to the 1<sup>st</sup> May 2026.

This option ensures that the Council can meet its statutory duties under the Renters' Rights Act 2025 section 107. It provides a clear and consistent framework for enforcement decision making and supports alignment.

This option minimises risk of legal challenge, ensures that the Council is implementing the Renters' Rights Act effectively and that the intended tenant protections are driven forwarded.

Positive Implications:

- Full compliance with the Renters' Rights Act 2025
- Clear officer guidance and defensible enforcement outcomes
- Reduces legal challenge and risk of reputational damage

Option 1 - Is the preferred option.

Option 2 – Retain existing policies with minor amendments

Whilst it would be possible to retain existing policies with minor amendments only, without adopting a revised policy framework, the Council would be at risk from:

- Policies not adequately reflecting the statutory duty to enforce as required by Section 107 Renters' Right Act 2025
- The risk of inconsistency between Local Authorities
- Reduced clarity for officers, landlords and tenants
- Increased likelihood of legal challenge and policy failure under scrutiny
- Reputational risk for not applying the Renters' Rights Act 2025 correctly.

For these reasons, option 2 is not considered to be viable and is not therefore preferred.

Option 3 – Do nothing

This option would see no accommodation made for the implementation of the Renters Rights Act 2025 and would carry significant risk for the Council when enforcing the Act. For this reason, option 3 is not a viable option for consideration.

## **Background**

The Renters' Rights Act 2025 ("the Act") has introduced significant changes to the private rented sector, with a focus on ensuring that the sector provides housing which is good quality and safe, and more secure by ending the use of fixed term tenancies and the use of Section 21 "no fault eviction" notices to end tenancies.

The Act also introduced new legal duties on councils to take enforcement action in relation to illegal evictions and breaches of the legislation. The Act also introduced a significantly expanded civil penalty framework and places new duties on the Council to enforce a broader range of landlord obligations. This includes new compliance requirements, enhanced penalties for repeat or serious non-compliance, and clearer expectations that enforcement activity is fair, consistent and proportionate. To meet these requirements, the Council must ensure its relevant policies are fully aligned with the new legislative framework

The existing policies were approved by Cabinet on the 21<sup>st</sup> November 2022 and do not reflect the new offences and amendments to penalties or evidential thresholds required to effectively take enforcement action in the new legal framework provided by the Act.

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 these policies is essential to ensure the Council can meet its statutory obligations under the Act.

The Council has a duty to take formal action where landlords are in breach of the 'landlord legislation'. Section 107 Renters' Rights Act 2025 imposes a duty on the Council to enforce the "landlord legislation". There is no option for informal action in these areas. The "landlord legislation" is comprised of the following:

- Chapters 3 and 6, Part 1 of the Renters' Rights Act 2025,
- Part 2 of the Renters' Rights Act 2025,
- Sections 1 and 1A of the Protection from Eviction Act 1977, and
- Chapter 1 of Part 1 of the Housing Act 1988.

The Council's current Housing Regulation 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. This framework underpins much of the Council's existing regulatory practice.

The Act represents a fundamental shift from that position. Section 107 of the Act places a statutory duty on local housing authorities to enforce landlord legislation, altering the balance between informal action and formal enforcement. 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.

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.

The Council's Housing Regulation Enforcement Policy needs to reflect the changes in duties, powers, and the new offences that can be committed. It needs to be robust, and officers need confidence that it will be accepted in Court.

The Council's Civil Penalty Notice Policy needs to be similarly robust, and to clearly state the starting points for fines following the guidance from the MHCLG. It must provide a clear process for applying aggravating and mitigating circumstances and consider different types of landlords. Income received from civil penalties must only be used by the Council to meet costs and expenses incurred in, or associated with, their private rented sector enforcement functions.

The professional body, Association of Chief Environmental Health Officers, has developed a suite of national model policies, including a Housing Regulation Enforcement Policy and a Civil Penalty Policy. The development of these policies has included detailed review of relevant guidance, procedural precedents relating to financial penalties, and consideration of over half of all First-Tier Tribunal appeal decisions. The starting points for the Civil Penalty Notice amounts have been taken from the recommendation from the MHCLG.

By basing the proposed policies on these models, it provides consistency in enforcement, thereby increasing confidence in the regulatory process, and reduces the likelihood of successful legal challenge to decisions.

Updating these policies is essential to ensure the Council can meet its statutory obligations under the Act. Failure to update the policies risks inconsistency in enforcement decisions and activities, increasing exposure to challenge, as well as an inability to demonstrate that the Council is meeting its statutory duties to enforce landlord legislation under Section 107 of the Act.

It is proposed that the new policies take effect from the 22<sup>nd</sup> June 2026. For a limited period of approximately four months, both the existing and new policies will operate, with the applicable policy being determined by the date on which the offence was committed. This will ensure fairness and help defend legal challenge. Once all legacy cases have been resolved, the existing policies will be withdrawn, leaving the proposed policies in place.

## **Implications of the Recommendation**

### **3.1 Financial implications**

3.1.1 In 2025/26 the Council issued Civil Penalty Notices totalling £73,583 for private rented sector housing offences. Whilst the amount of Civil Penalty Notices that may be issued in the future cannot be predicted, given the new offences provided by the Renters' Rights Act 2025, it is likely that there will be an increase in penalties issued, with a resultant income to the Council. The increased income will be closely monitored within the monthly budget management and reported accordingly.

3.1.2 Income received from civil penalties must only be used by the Council to meet costs and expenses incurred in, or associated with, their private rented sector enforcement functions. Income that is not used for this purpose must be paid to central government.

3.1.3 The updated Civil Penalty Notice policy provides the MHCLG approved starting points for penalties, and the Council must consider aggravating and mitigating factors to alter Civil Penalty amounts appropriately. However, it is impossible to predict how many Civil Penalty Notices will be issued as this will depend on the level of compliance of landlords.

3.1.4 If a civil penalty is not paid, recovery routes include:

- Warrant or writ of control - This commands court enforcement agents to take goods from the debtor's home or business to satisfy the judgment debt.

- Attachment of earnings order - This allows deductions to be made from the person's salary by their employer and paid to the Council

- A third-party debt order - This means that money in a debtor's bank or building society account can be frozen for the benefit of the Council

- A charging order - This prevents the person or organisation from selling an asset, usually a property, without paying the amount due under the charging order. This could also allow the Council to recover the debt by enforcing the sale of the asset.

- Bankruptcy proceedings - This entails a creditor petitioning the court to make a bankruptcy order following which the trustee-in-bankruptcy collects the debtor's assets and distributes them amongst the bankrupt's creditors in accordance with insolvency law. The amount of the debt must be at least £5,000.

3.1.5 The Council will consider the circumstances of the debtor and the amount of the debt before deciding on how best to collect it. Obtaining a charging order on a property may, for example, be most effective where this is a rental property owned by the debtor and is free of other charges, increasing the likelihood of the Council being able to enforce a sale and there being sufficient equity to meet the debt.

### **3.2 Legal implications**

3.2.1 Section 107 of the Renters' Rights Act 2025 places a duty of every local housing authority to enforce the landlord legislation in its area. Enforcement action includes

imposing a financial penalty or instituting proceedings against a person for an offence.

3.2.2 The proposed policies which are the subject of this report will support the Council in its legal duties to enforce relevant housing legislation, including the Renters' Rights Act 2025, and support officers in determining the most appropriate course of enforcement action and the use of financial penalties as an alternative to prosecution.

3.2.3 The risk of successful legal challenges against action taken by the Council cannot be fully eliminated, however, the risk can be reduced by ensuring the decisions are supported by a robust policy framework. Challenges to individual decision will follow the relevant legal process.

### **3.3 Risk management implications**

3.3.1 There is a risk that failure to adopt updated enforcement and civil penalty policies aligned with the Renters' Rights Act could result in the Council being unable to demonstrate compliance with our statutory duty to enforce landlord legislation under section 107. This would increase the likelihood of successful challenge to penalty setting and a lack of a transparent and consistent framework. Adoption of the proposed policies will provide a defensible and legally robust basis for enforcement.

3.3.2 Inconsistent application of civil financial penalties may contribute to perceptions of a postcode lottery for landlords, undermining confidence in the Council's regulatory approach and damaging its reputation as a fair and proportionate regulator. This risk is heightened where landlords operate across multiple local authority areas.

3.3.3 Alignment with nationally recognised model will support consistency and transparency in enforcement outcomes.

3.3.4 The expanded availability of civil penalties under the Renters' Rights Act will likely lead to an increase in representations, appeals, and non-payment of penalties. An updated civil penalty methodology, combined with a consistent approach to enforcement, will ensure that the risk of successful appeals and challenges is minimised.

3.3.5 The enhanced enforcement expectations under the Renters' Rights Act may place additional pressure on officer capacity, particularly during the initial implementation phase. The updated policies will make decision-making for effective and defensible.

### **3.4 Environmental implications**

3.4.1 The environmental impact of the policies is likely to be positive, as improved regulation of the Borough's private rented sector will improve property management standards and reduce negative impacts such as fly tipping and anti-social behaviour.

### **3.5 Equality implications**

3.5.1 No Equality Impact Assessment has been carried out, however the Council will take account of its equality duties when taking decisions on enforcement action.

### **3.6 Corporate Parenting Implications**

- 3.6.1 The Council's care leaving service within Slough Children First makes use of private rented sector accommodation for their 18+ care leavers. Whilst property compliance checks are already carried out prior to accommodating a care leaver, the revised policies will help ensure that landlords who break the law are dealt with appropriately, providing further assurances that accommodation is safe from the outset and remains so throughout the duration of the tenancy.

### **3.7 Procurement implications**

- 3.7.1 No procurement implications have been identified.

### **3.8 Workforce implications**

- 3.8.1 The new legislation includes additional mandatory responsibilities which will have an impact on staff resources. £140,274 new burdens funding has been provided to the Council to support the application of the new legislation. Additional funding streams via a future registration portal for landlords detailed in the legislation and increased use of Civil penalties are expected to address the costs of any increased staff resource requirements. Resource analysis will be undertaken as the Housing Regulation Team applies the new legislation.

### **3.9 Property implications**

- 3.9.1 No property implications have been identified.

## **4. Background Papers**

None