

Committee:	Cabinet	Date: Tuesday, 14 April 2026
Title:	Private Sector Housing Enforcement Policy.	
Portfolio Holder:	Arthur Coote, Portfolio Holder for Housing	
Report Author:	Marcus Watts, Environmental Health Manager (Protection) mwatts@uttlesford.gov.uk	Key decision: No

Summary

1. The Environmental (Protection) Service is responsible for enforcing housing legislation to ensure property standards are maintained.
2. The last Private Sector Housing Enforcement Policy was approved by Cabinet on 18 April 2024. Since then, there has been considerable change in the enforcement landscape, in part arising from the Renters Rights Act 2025 and new statutory guidance. Due to these changes, there is a need for a new standalone enforcement policy.
3. This report seeks Cabinet approval to adopt the proposed new Enforcement Policy to ensure that the Council fulfils the requirements of the Renters' Rights Act 2025 and new associated statutory guidance. The policy is considered essential to set out the enforcement approach to be adopted by officers.

Recommendations

4. To end the existing approach as contained within the existing Private Sector Housing enforcement policy for newly identified offences, from 1st May 2026.
5. To adopt the new Enforcement Policy attached to this report, and mandatory HMO licensing conditions to take effect from 1st May 2026.
6. To include provision of the Renters Rights Act 2025 within the Councils constitution and to grant delegated authority to the Director of Environmental Services and the Environmental Health Manager (Protection) to appoint, nominate or otherwise authorise officers and inspectors for purposes of discharging the Councils functions under the Renters Rights Act 2025 and all secondary legislation.
7. Delegate the executive function of the Council to make amendments to the Enforcement Policy and mandatory HMO licensing conditions to the Director of Environmental Services and the Environmental Health Manager (Protection) in consultation with the Executive Portfolio Holder responsible Housing.

Financial Implications

8. It is the government's intention that enforcement of private sector housing legislation will eventually be self-funded. This is likely to derive from Civil Penalty income and income from the Governments proposed Landlord database that is expected to come online in 2027. In the meantime, new burdens funding is expected. In 25/26 the Council received £20,371.00 in new burdens funding from MHGLG. More is expected in 26/27.
9. In accordance with statutory guidance, all civil penalty income must be ringfenced and used only for housing enforcement activities. Income that is not used for this purpose must be paid to central government.
10. The Director of Finance, Revenues and Benefits has been consulted on these financial implications of this report and confirms that adequate provisions can be made to facilitate the ring fencing of civil penalty receipts.

Background Papers

11. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.
 1. Private Sector Housing Enforcement Policy 2026
 2. Civil penalties under the Renters' Rights Act 2025 and other housing legislation – Policy
 3. Guide to the Renters Rights Act 2025. [Guide to the Renters' Rights Act - GOV.UK](#)
 4. MHGLG Implementing the Renters' Rights Act 2025 [Implementing the Renters' Rights Act 2025: Our roadmap for reforming the Private Rented Sector - GOV.UK](#)
 5. Renters Rights Act: guidance for local authorities and Councils [Renters' Rights Act: guidance for local authorities and councils - GOV.UK](#)
 6. Investigatory Powers guidance for Renters' Rights Act 2025 [Investigatory powers guidance for Renters' Rights Act 2025 - GOV.UK](#)

Impact

12.

Communication/Consultation	Consultation is not proposed as it is based on legislation and recently released statutory guidance. It will be promoted on the Councils website and landlord forum events.
Community Safety	The policy is designed and intended to protect

	tenants from the worst offending landlords.
Equalities	This policy is aligned with the Councils Public Sector Equality Duty and should not disadvantage any member of the community
Health and Safety	None
Human Rights/Legal Implications	The Policy is designed to ensure that the Council carries out its enforcement role lawfully and proportionately having regard, amongst other things, to human rights. This is particularly important when utilising powers of entry. At all times officers will have full regards to the Home Office Codes of Practice and statutory guidance
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	It is recognised that the provisions of the Renters Rights Act 2025 taken together with new statutory guidance will impact on the service. New burdens funding is anticipated in 27/27, followed by ring fenced funding from the landlord database in 27/28. This funding, together with civil penalty receipts is intended to fund required increases in staff workforce

Situation

13. Councils Environmental Health Service is responsible for enforcing a wide range of statutory provisions relating to private sector housing and environmental conditions affecting health, wellbeing, and safety.
14. The private rented sector (PRS) is an important and growing part of the housing market representing 19% of all households in England. Within Uttlesford, private renting increased from 13.1% in 2011 to 14.5% in 2021 (census data). Based on census data there are approx. 5,401 private rented or rent-free properties in Uttlesford.
15. In 2021 The English Housing Survey (EHS) estimated that 23% of PRS homes did not meet the Decent Home Standard – around 1 million homes. This compares with 13% of owner-occupied and 10% of social-rented homes. PRS homes were also more likely to have at least one Category 1 hazards as defined within the risk based evaluation inspection tool known as the Housing Health and Safety Rating System (HHSRS).
16. In November 2025 the Renters’ Rights Act received royal assent and introduced new duties on the Council as well as an expanded civil penalty framework.

Amongst the many provisions of the act there are multiple 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.

17. 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 as of 1 May 2026.
18. The Council's current Private Sector 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.
19. 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. 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 2025.
20. The attached policy has been developed in collaboration with Justice for Tenants and several leading local authorities. It is also supported by the Association of Chief Environmental Health Officers. This policy, taken alongside the proposed Civil Penalty Policy that is subject to a separate Cabinet report are intended to promote greater consistency, transparency, compliance and robustness in local authority enforcement. The policy is aligned with the nationally recognised framework that supports a defensible approach to enforcement, reduces the risk of unfavourable outcomes to legal challenge and strengthens the Council's ability to meet its statutory duties.
21. Alongside the Private Sector Housing Enforcement Policy, a request is also made to approve mandatory HMO licensing conditions. The Council currently licences 25 HMOs within the district. Licensed HMOs tend to consist of buildings that house 5 or more occupants from two or more separate households using shared amenities. HMOs are often occupied by some of the most vulnerable people in society members regarded as high-risk properties. The licensing process is designed to protect the health and safety of tenants, prevent overcrowding and the risk of fire.
22. The implementation of the Renters' Rights Act requires a coordinated and timely update to update Private Sector Housing policies the Council's Civil Penalty Policy, Enforcement Policy and associated mandatory HMO licence conditions to ensure compliance with the new statutory duties and offences. Failure to update these frameworks 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. Approval is therefore sought to adopt these proposed policies with effect from 1 May 2026 aligning the Council’s enforcement approach with the new legislative framework.

23. Transitional arrangements will be in place to ensure legal and procedural continuity. For a limited period of 6 months, both the existing policy provisions contained within the 2024 Private Sector Housing Enforcement Policy will operate in tandem. The application on which policy will be determined by the date on which the offence was committed. Cases requiring formal action that occurred prior to 1 May 2026 will be managed within the scope of the Private Sector Housing Enforcement Policy, approved in 2024. Case thereafter 1 May 2026 will be enforced using the Policies approved by cabinet on 14 April 2026.
24. This approach ensures fairness and legal certainty for ongoing cases, avoids retrospective application of policy and allows the Council to conclude enforcement activities initiated under the current framework. Once all legacy cases have resolved, the existing policies will be formally withdrawn, leaving a single updated policy framework in place.
25. A summary of changes made to both the Policy and mandatory licensing conditions are set out in table 1 and 2.

Table 1. Summary changes to Enforcement Policy

Area	Current Policy	Proposed Policy	Change Detail
Legislative Framework and Offence Coverage	Based on Housing Act 2004, Housing & Planning Act 2016 and general civil penalty powers	Aligned with Renters’ Rights Act 2025 as implemented up to 1st May 2026	Amendments to reflect incoming powers and duties
Regulators’ Code	Council commits to operating in accordance with the Regulators Code unless high risk or history of non-compliance	Removed in regard to Section 107 of the Renters’ Rights Act imposing a statutory duty to take enforcement action on ‘landlord legislation’. Still in place for legislation that falls outside of ‘landlord legislation’	Enforcement change – no longer appropriate to consider informal approach in the first instance where breach/offence of ‘landlord legislation’. Code is still applicable where outside of ‘landlord legislation’
Enforcement Approach	Graduated approach promoting support and voluntary	Allows formal action as the first step where ‘landlord legislation’	Stronger early intervention powers in adherence with section 107

	compliance in most cases unless high risk or history of non-compliance	breach/offence committed.	
Investigatory Powers	General overview of current provisions	Adds extensive Renters' Rights investigatory powers	Expansion of powers
Rent Repayment Orders & Banning Orders	Included but less detailed	Expansion to align with Renters' Rights Act	Expansion to align with Renters' Rights Act

Table 2. Summary changes to Mandatory HMO Licensing Conditions

Area	Current Conditions	Proposed Conditions	Change Detail
Management & Oversight	General management duties with limited inspection and record keeping requirements	Clear inspection, evidence and record keeping requirements across licensed properties	Strengthened management expectations and improved audit trail
Safety & Compliance	Safety requirements present but less prescriptive	More detail and prescribed requirements	Higher/more consistent standards
Alignment with RRA	References reflect pre Renters' Rights Act tenancy framework	Updated to reflect assured tenancy model and Renters' Rights Act landscape	Licence conditions modernise and future proofed
Legal Robustness	Conditions less explicit and open to interpretation	Conditions more clearly defined with specific duties, timescales and evidence requirements	Improved clarity and consistency to support defensible decision making

From time to time the Enforcement Policy and or the mandatory HMO licensing conditions will need to be amended to take into account changes reflecting on case law or updates to the statutory guidance and regulation. It is recommended that Cabinet

delegate the executive function of the Council to make amendments to the Civil Penalties Policy to the Executive Portfolio Holder responsible for Environmental Health Services. Such delegated responsibilities will allow decisions to amend the policy to be taken expediently.

Risk Analysis

1.

Risk	Likelihood	Impact	Mitigating actions
Failure to update the policy aligned with the renters Rights Act could result in the council being unable to demonstrate compliant with statutory duty. It also increases the likelihood of successful challenge	Significant likelihood of impact	Significant impact of successful challenge reducing the ability of the council to fulfil its statutory function.	It is recommended that to protect the Council, that the policy be adopted.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.