

Blaby District Council

Cabinet Executive

Date of Meeting	29 June 2026
Title of Report	Adoption of a new Private Sector Housing Civil Penalty Policy and amendments to the Enforcement Policy This is a Key Decision and is on the Forward Plan.
Lead Member	Cllr. Susan Findlay - Homelessness, Housing & Community Safety
Report Author	Community Services Manager
Strategic Themes	Enabling our communities and supporting our vulnerable residents

1. What is this report about?

- 1.1 To seek approval to adopt the revised and amended Enforcement and Civil Penalty Policies to ensure the Authority is ready for changes in legislation introduced by the Renters' Rights Act 2025.

2. Recommendation(s) to Cabinet Executive

- 2.1 That Cabinet Executive adopts the revised Enforcement Policy and revised Civil Penalty Policy that incorporates the provisions of the Renter's Rights Act 2025.
- 2.2 That Cabinet Executive approves the changes to the schedule of charges as a result of these revisions.
- 2.3 That Cabinet Executive agrees for delegated authority to be given to the Assistant Director for Environmental Health, Housing and Community Services in consultation with the Portfolio holder to make minor amendments to the policy if required.

3. Reason for Decisions Recommended

- 3.1 It is essential these policies are updated to ensure the Council can meet the statutory obligations of the Renters' Rights Act 2025.
- 3.2 Statutory guidance has introduced a new charging structure for Civil Penalty Notices with new minimum and maximum charges.

4. Matters to consider

4.1 Background

The Council introduced the following housing enforcement policies in January 2021 and 2023 respectively:

- Private Sector Housing Civil Penalty Policy
- Environmental Health, Environmental Services and Community Services Enforcement Policy

In late 2025, the Government enacted the Renters' Rights Act 2025 (RRA). It is a fundamental review of housing legislation relating to the private rented sector and aims to improve standards in the private rented sector (PRS) and provide greater security, rights, and protections to those renting from a private landlord.

The RRA introduces a raft of reforms around grounds for eviction, rental discrimination, rental bidding, introduction of a Landlord Database, a new Ombudsman to deal with disputes and an extension of Awaab's Law and the Decent Homes Standard into the private rental sector.

The RRA also places new enforcement duties on councils to deal with breaches of the new legislation and provides for the increase in maximum civil penalties for those breaches and offences.

The RRA is bringing in new powers and reforms in phases. The first phase came into effect on 1st May 2026, expanding the range of offences that local authorities have a statutory duty to act on.

It is therefore proposed to adopt an amended Civil Penalty Policy that incorporates the changes to powers and duties introduced by the Renters' Rights Act 2025

Renters Rights Act 2025 Phases

The Renters' Rights Act 2025 (RRA) received Royal Assent in late 2025 and is being introduced in phases.

Phase 1: From 1st May 2026:

- abolish section 21 'no fault' evictions
- introduction of Assured Periodic Tenancies (rather than Assured Shorthold Tenancies)
- reform of possession grounds, landlords will only be able to evict if they have a valid reason. Possession grounds are extended to make it easier to evict tenants who commit anti-social behaviour or are in serious rent arrears
- limit rent increases to once a year
- ban rental bidding and rent in advance.
- ban discrimination against renters who have children or in receipt of benefits
- require landlords to consider tenant requests to rent with a pet, landlords will need to provide a valid reason if they refuse

- civil penalties will be expanded to include a wider range of offences and an increase in penalty to £7,000 for minor offences and £40,000 for more serious offences.
- councils will be required to report on enforcement activity via an annual return
- Rent Repayments Orders will be extended to allow for repayment of up to two years' rent.

Phase 2: from late 2026:

- Rollout of the Private Rented Sector Database. It will be mandatory for all landlords to register themselves and their properties on the database.
- Mandatory reporting on number, type and recovery Civil Penalty Notices issued.
- Introduction of an Ombudsman to provide a redress service for tenants and provide landlords with support and tools, guidance, and training on handling complaints from tenants early.
- Rollout of legislation to social housing landlords (expected May 2027)

Phase 3: from 2030 onwards

- Introduction of a Decent Homes Standard to the private rented sector
- Introduction of Minimum Energy Efficiency Standards (MEES) of Energy Performance Certificate C
- Review of the Housing Health and Safety Rating Scheme (HHSRS)
- Introduction of Awaab's Law to the private rented sector

The Need for Private Sector Housing Civil Penalty Policy Changes

The Housing and Planning Act 2016 introduced several amendments to the Housing Act 2004 including powers for Local Housing Authorities to impose a financial penalty as an alternative to prosecution for specific offences.

A civil penalty is a financial penalty that may be imposed in instances where there are breaches of legislation that are a criminal act. Therefore, before imposing a civil penalty the council must be satisfied 'beyond all reasonable doubt' that a person's conduct amounts to the relevant housing offence.

The Council adopted a Private Sector Housing Civil Penalty Policy in 2021 and used the statutory guidance 'Civil Penalties under the Housing and Planning Act 2016: Guidance for Local Authorities'; in developing the policy.

The Renters' Rights Act 2025 makes wide ranging amendments to existing housing legislation as well as introducing new offences and breaches under the Act. Therefore, the statutory guidance for Civil Penalties has been republished to reflect the changes. The council is obliged to have regard to the statutory guidance in developing and reviewing its policies.

A Notice to Impose a civil penalty, once served can be appealed by the recipient to the First-tier Tribunal (FtT). Following a decision by the FtT the appellant and/or respondent if dissatisfied with the decision can appeal the decision to the Upper Tribunal.

Since 2017 there have been several FtT and Upper Tribunal decisions that have been critical of Councils' policies and the methodologies used to determine the level of the penalty. This has raised concerns that many local authority adopted policies may not be compliant and would not stand scrutiny by a FtT or Upper Tribunal.

Historically, enforcement of private rented sector legislation has varied significantly between local housing authorities. Differences in local policy frameworks, penalty setting mechanisms and approaches to escalation have led to inconsistency for landlords, where similar breaches may result on markedly different enforcement outcomes depending on the local authority involved. This inconsistency risks undermining confidence in the regulatory system, creates uncertainty for landlords operating across multiple areas and increases the likelihood of challenge to enforcement decision. This also results in discrepancies to the level of tenant protection in different, sometimes neighbouring, local authority areas.

The Need for Enforcement Policy Changes

The enforcement policy is designed to ensure that rules, regulations, or standards are consistently followed and upheld. Its purpose is to set out the consequences of non-compliance with the relevant legislation, outline the enforcement mechanisms in use by the council and the processes the council uses to enforce against non-compliance.

The current policies were developed within a regulatory framework where local authorities retained discretion to resolve non-compliance through informal or advisory action, reflecting the principles of the Regulators' Code. That approach assumed enforcement was discretionary and that informal resolution would often be appropriate as a first response.

The Renters' Rights Act represents a fundamental shift from the current position. Section 107 of the RRA 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 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.

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 1st May 2026.

4.2 Proposal(s)

In response to these concerns the Association of Chief Environmental Health Officers (ACEHO) have developed national model policies, including a Civil Penalty Policy.

They have been developed by a panel of leading environmental health private sector housing practitioners and considers all new and amended legislation and relevant First tier and Upper Tribunal decision, has full regard to the statutory guidance and been widely consulted on.

The proposed Private Sector Housing Civil Penalty Policy fully aligns with this model and is a consistent and defensible approach to enforcement, reduces the risk of unfavourable outcomes to legal challenge and strengthens the Council's ability to meet its statutory duties under the Renters' Rights Act. All local authorities across Leicester, Leicestershire and Rutland (LLR) have taken the same approach of aligning their policies with the national model.

The proposed Enforcement Policy has also been amended to reflect the enforcement powers available to the Council and the changes to evidential proof and the balance of informal and formal actions.

The proposal is therefore to adopt the Private Sector Housing Civil Penalty Policy and Enforcement Policy as recommended.

4.3 Relevant Consultations

Consultation has been held with legal, finance, environmental health, and Assistant Director.

4.4 Significant Issues

Legal

The Council has increased statutory obligations detailed in this report because of the Renters' Rights Act 2025. Offences and breaches are now for the most part, required to reach criminal evidence standard rather than civil and the council is required to report on the number of Civil Penalties issued and the amount collected. To provide assurance that any Civil Penalty issued is legally sound, made according to policy and meets statutory requirements, the council has joined JFT Group who provide a Civil Penalty Generator overseen by experts, provide representation at tribunal if needed and who also offer debt recovery services for penalties issued on a fixed fee basis. All other Leicester and Leicestershire authorities have joined this service.

4.5 In preparing this report, the author has considered issues related to Human Rights, Human Resources, Equalities, Public Health Inequalities, and there are no areas of concern.

5. Environmental impact

- 5.1 Currently the Minimum Energy Efficiency Standards (MEES) legislation ensures that all private rented properties have an Energy Performance Certificate rating of an E or better. The Renters' Rights Act 2025 includes proposals to increase this requirement to an EPC of C by 2030.

A Net Zero and Climate Impact Assessment (NZCIA) has been carried out and no adverse impacts identified.

6. What will it cost and are there opportunities for savings?

- 6.1 Some new burdens funding has been allocated in order to fund the set up of these processes, policies and enforcement. However the intention of the programme is to become self funding from civil penalties. At this point we do not know whether the staffing of the team to deal with the new requirements will be covered in their entirety by the recovery of the penalties particularly as we are not anticipating that we will (in Blaby District) see the offences attracting the higher level penalties.

The statutory guidance on Civil Penalties published in November 2025 makes extensive changes to the charging structure for Civil Penalties with changes to starting points and maximum penalties. These will be added to the council's schedule of fees and charges.

Protection from Eviction Act 1977		
Offence	Starting point	Maximum
Unlawful eviction and harassment (s1(2) and (3))	£35,000	£40,000
b) Housing Act 1988 breaches and offences		
Breach	Starting point	Maximum
Attempting to let the property for a fixed term (s16E(1)(a))	£4,000	£7,000
Attempting to end the tenancy by service of a notice to quit (s16E(1)(b))	£6,000	£7,000
Attempting to end the tenancy orally, or require that it be ended orally (s16E(1)(c))	£6,000	£7,000
Serving a possession notice that attempts to end the tenancy outside of the prescribed section 8 process (s16E(1)(d))	£6,000	£7,000
Relying on a ground where the person does not reasonably believe that the landlord is/will be able to obtain possession (s16E(1)(e))	£6,000	£7,000

Failing to provide a tenant with prior notice that a ground which requires it may be used (s16E(1)(f))	£3,000	£7,000
Failing to issue a written statement of terms within 28 days of an assured tenancy coming into existence (s16D)	£4,000	£7,000
Failing to provide an existing tenant with prescribed information about changes made by the Renters' Rights Act (paragraph 7 of schedule 6 to the Renters' Rights Act 2025)	£4,000	£7,000
Offence		
Relying on a ground knowing the landlord would not be able to obtain possession or being reckless as to whether they would (s16J(1))	£30,000	£40,000
Reletting or remarketing a property within the 12 month no-let period after using the moving or selling grounds (s16J(2))	£25,000	£40,000
Continuing breach, or repeat breach committed within 5 years of receiving a penalty for first breach (s16J(3) and (4))	2x start level for the two breaches	
c) Housing Act 2004 offences		
Failure to comply with an improvement notice (s.30(1))	£25,000	£40,000
Mandatory HMO unlicensed (s.72(1))	£17,000	£40,000
Additional HMO unlicensed (s72 (1))	£17,000	£40,000
Knowingly permitting over-occupation of an HMO (s.72(2))	£20,000	£40,000
Property subject to selective licensing unlicensed (s.95(1))	£12,000	£40,000
Failure to comply with an overcrowding notice (s.139(7))	£20,000	£40,000
Breach of HMO management regulations (SI 2006/372 and SI 2007/1903 (in respect of s257 HMOs) made under s234(1))		
Failure to provide information to the occupier	£3,000	£40,000
Failure to take safety measures	£20,000	£40,000
Failure to maintain water supply and drainage	£10,000	£40,000
Failure to supply and maintain gas and electricity or supply gas safety certificate	£12,000	£40,000
Failure to maintain common parts	£7,000	£40,000
Failure to maintain living accommodation	£7,000	£40,000
Failure to provide adequate waste disposal facilities	£7,000	£40,000
d) Housing and Planning Act 2016 offences		

Breach of a banning order (s.21(1))	£35,000	£40,000
e) Renters' Rights Act 2025 Breaches		
Discrimination against those on benefits or with children in the lettings process (s.33 and s.34)	£6,000	£7,000
Failure to specify proposed rent within a written advertisement or offer (s.56(2))	£3,000	£7,000
Inviting, encouraging or accepting any offer of rent greater than the advertised rate (s.56(3))	£4,000	£7,000

7. What are the risks and how can they be reduced?

7.1

Risk	Mitigation
Legal challenge - policies may not withstand tribunal scrutiny	Policies align with statutory guidance and national models and reflect recent caselaw.
Failure to meet statutory duties	Updated policies are in line with amended legislation
Inconsistent enforcement and incorrect penalties	Standardised approach to enforcement and penalty calculation. Use of CPN Generator and specialist advice.
Reputational risk if policies not in place	Ensure transparency

8. Other options considered

8.1 Implementation of the Renters' Rights Act 2025 is a statutory function of the Council; there is no alternative but to have revised policies in place.

9. Appendix

9.1 Appendix A – Private Sector Housing Civil Penalty Policy

9.2 Appendix B – Environmental Health, Environmental Services and Community Services Enforcement Policy

10. Background paper(s)

10.1 Net Zero Impact Assessment

11. Report author's contact details

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