

Full Council - Civil Penalty Notice Policy

24/02/2026

- **Full Council**

PART I

CIVIL PENALTY NOTICE POLICY (ADCCC)

1 Summary

- 1.1 The Renters' Rights Act introduces a significantly expanded civil penalty framework and places new duties on the Council to enforce a broader range of landlord obligations.
- 1.2 This includes new compliance requirements, enhanced penalties for repeat or serious non-compliance, and clearer expectations that enforcement activity is fair, consistent and proportionate.
- 1.3 To meet these requirements, the council must ensure its relevant policies are fully aligned with the new legislative framework.
- 1.4 This Civil Penalty Notice Policy has been developed to reflect the new suite of offences listed within the legislation and the penalty and evidentiary thresholds.

2 Recommendation

- 2.1 That:

That Full Council adopt the council's Civil Penalty Notice Policy to enable the council to adhere to our statutory obligations and ensure any enforcement action is fair, consistent and proportionate.

Full Council to delegate authority to the Associate Director of Corporate, Customer and Community in collaboration with the Lead Member to make minor amendments to the Policy if required.

Report prepared by: Jason Hagland, Strategic Housing Manager

3 Details

- 3.1 The first implementation of the changes outlined to the private rented sector as set out in Renters Rights Act 2025 are to be introduced on 1 May 2026.
- 3.2 Among the changes to be introduced on this date is the abolishment of Section 21 'no fault' eviction, assured shorthold tenancies will be abolished and replaced with periodic tenancies and the legislation will strengthen council enforcement by increasing civil penalties for breaches of landlord legislation.
- 3.3 Reflecting the principles of the Regulators' Code, the current approach of the council's Residential Environmental Health team is that enforcement is generally discretionary and that informal resolution would often be appropriate as a first response.
- 3.4 The Renters' Rights 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.

- 3.5 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.
- 3.6 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 what is termed as a ‘postcode lottery’ for landlords and tenants, where similar breaches may result in markedly different enforcement outcomes depending on the authority involved.
- 3.7 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 decisions. This also results in discrepancies to the level of tenant protections.
- 3.8 In response to these concerns, the voluntary group, Association of Chief Environmental Health Officers (ACEHO) has developed a suite of national model policies, including a Civil Penalty Policy, that this Policy has been based upon.
- 3.9 The adoption of this template Policy by a significant number of local authorities promotes greater consistency, transparency and robustness in local authority enforcement approaches, while allowing for appropriate local discretion where appropriate.
- 3.10 Aligning the council’s Civil Penalty Notice Policy with this nationally recognised framework supports a consistent and defensible approach to enforcement, reduces the risk of unfavourable outcomes to legal challenge and strengthens the council’s ability to meet our statutory duties under the Renters’ Rights Act.
- 3.11 The model Policy was only released in week commencing 9 February 2026 and following this, the council’s Civil Penalty Notice Policy has been drafted.
- 3.12 Due to the timeline of the required Committee process, the Policy would be unable to progress to Policy and Resources prior to 1 May 2026.
- 3.13 Therefore, to ensure the Policy is adopted and the council can meet our statutory obligations introduced by the Renters Right Act on 1 May 2026, the Policy has been presented to Full Council.

4 Options and Reasons for Recommendations

- 4.1 It is recommended that Full Council adopt this Policy to ensure that the council is compliant with our new statutory obligations listed within the Renters Rights Act post 1 May 2026.

5 Policy/Budget Reference and Implications

- 5.1 The recommendations in this report are within the Council’s agreed policy and budgets.
- 5.2 Any income that is generated by any enforcement will contribute directly to the funding and function of the council’s Residential Environmental Health team.

Financial, Equal Opportunities, Staffing, Environmental, Community Safety, Public Health, Customer Services Centre, Risk Management and Health & Safety Implications

None specific.

6 Legal Implications

- 6.1 Following adoption of this Policy and post 1 May 2026, it should be expected that if Officers are issuing Civil Penalty Notices to landlords, this will inevitably lead to legal challenge in some cases.
- 6.2 In the event of legal challenge, the support of Legal will be required to defend this.
- 6.3 Therefore, it is likely there will be a resource implication on the council's Legal team.

7 Equal Opportunities Implications

7.1 Relevance Test

| | |
|--|-----|
| Has a relevance test been completed for Equality Impact? | Yes |
| Did the relevance test conclude a full impact assessment was required? | No |

7.2 Impact Assessment

- 7.2.1 There is a small potential negative impact on those who speak English as a second language, or those with poor literacy skills, as they may not understand the changes to the private rented sector to be introduced by the Act, or this Policy.
- 7.2.2 To mitigate this, the council will promote the accessibility tool on the council's website and will hold a landlord forum that will explain the Policy, in addition to the changes in the legislation, in a face-to-face setting. We will consider recording this event for promotion on the council's website.
- 7.2.3 Furthermore, the Policy will be shared with local community organisations and partnerships to cascade.
- 7.2.4 It is important to note that a private rented sector that is properly regulated, with significant penalties for any breaches of landlord legislation to be issued by the council will create a better standard of properties available to all people, including those with protected characteristics. Therefore, it is likely that this Policy may have a positive impact on all of those groups with protected characteristics.

8 Communications and Website Implications

- 8.1 The Policy will be required to be uploaded to the council's website by Communications on adoption.
- 8.2 The adoption of the Civil Penalty Notice Policy by the council will be included within the Communications plan that has been created to inform residents of the legislations implementation.

9 Risk and Health & Safety Implications

- 9.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the

proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

9.2 The subject of this report is covered by the Housing Services service plan(s). Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

| Nature of Risk | Consequence | Suggested Control Measures | Response <i>(tolerate, treat, terminate, transfer)</i> | Risk Rating <i>(combination of likelihood and impact)</i> |
|--|---|--|---|--|
| The council do not adopt a Civil Penalty Notice Policy | The council are unable to fulfil our statutory obligation | Council to adopt a Civil Penalty Notice Policy | Tolerate | 4 |

9.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

| | | | | |
|---|----------|-------------|-----------------|-----------------|
| Very Likely ----- Likelihood ----- Remote | Low 4 | High 8 | Very High 12 | Very High 16 |
| | Low 3 | Medium 6 | High 9 | Very High 12 |
| | Low 2 | Low 4 | Medium 6 | High 8 |
| | Low 1 | Low 2 | Low 3 | Low 4 |
| | Impact | | | |

Impact Score
 4 (Catastrophic)
 3 (Critical)
 2 (Significant)
 1 (Marginal)

Likelihood Score
 4 (Very Likely (≥80%))
 3 (Likely (21-79%))
 2 (Unlikely (6-20%))
 1 (Remote (≤5%))

9.4 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

Data Quality

Data sources:

Nil

Data checked by:

N/A

Data rating: N/A

| | | |
|----------|-------------------|------------|
| 1 | Poor | N/A |
| 2 | Sufficient | N/A |
| 3 | High | N/A |

Background Papers

APPENDICES / ATTACHMENTS

- Appendix 1 - Civil Penalty Notice Policy
- Appendix 2 – Civil Penalty Notice Policy EIA
- Appendix 3 – Civil Penalty Policy SIA

