

Report of the Portfolio Holder for Housing**Renters Rights Act 2025 - Private Sector Housing Enforcement Policy, Civil Penalty Policy Update and Officer Authorisations****1. Purpose of Report**

To advise Members of the key provisions of the Renters Rights Act 2025 and the implications for Council services, landlords and tenants, setting out the additional statutory duties placed on the Council and seek approval for a separate Private Sector Housing Enforcement Policy, a Civil Penalties Policy update and to update Officer Authorisations under the legislation. This is in accordance with the priorities/objectives for **Housing** - 'a good quality home for everyone' by regulating housing effectively and responding to housing needs and contributing to the Council's vision to create 'a greener, safer, healthier Borough, where everyone prospers'.

2. Recommendation

CABINET is asked to APPROVE the following progress to cabinet:

- 1. The Private Sector Housing Enforcement Policy incorporating the Renters Rights Act 2025 provisions be approved.**
- 2. The updated Housing Civil Penalties Policy be approved.**
- 3. Delegation be granted to the Head of Environmental Health, Licensing and Private Sector Housing to carry out minor policy changes and updates including the addition of new offences as they are enacted.**

Cabinet is asked to NOTE that:

- 4. The Head of Environmental Health, Licensing and Private Sector Housing is delegated to deal with Housing functions which include the new responsibilities under The Renters rights Act and the authorisation of Officers as necessary.**

3. Detail

The Renters Rights Act 2025 brings forward a number of key changes to the way the Council's Private Sector Housing Enforcement Services will be delivered:

- New statutory duties in relation to housing standards, which includes a duty to enforce breaches of tenancy rules (May 2026) and a new private sector rented database (expected late 2026/early 2027) allowing access to carry out certain compliance checks.

- Increased enforcement with a duty to act upon new offences requiring an increase in monitoring and compliance.
- Multiple new offences will be created which will be enforceable through civil penalties and as an alternative to prosecution. Local authorities must serve these penalties when offences occur. Previously civil penalties were seen as a discretionary step in enforcement processes. Any revenue generated from civil penalties must be ring-fenced exclusively into private sector housing enforcement.
- Requirement to report enforcement activity.

According to the 2021 Census, there were 8,355 privately rented households in Broxtowe (17%). This has increased since the previous Census. It is suggested that there should be a minimum of one Private Sector Enforcement Officer per 800 private rented properties. Additional officer resources are required for HMO licensing, Disabled Facilities Grants and empty homes etc. Based on the 2021 Census figures, Broxtowe require at least 7.25 full-time equivalent officers (FTE) just for the Renters Rights Act. The Council currently has one Private Sector Housing Manager and three FTE (including 1 vacant post) Private Sector Housing Officers. A significant increase in service requests from private tenants is expected as an outcome from the 2025 Act which will add additional pressure on an already busy team. A further report will be bought to a future Cabinet in respect of additional resource proposals. New Burdens funding is expected to assist with the additional demands.

The revised policies being put forward reflect these new powers, responsibilities and penalty structures under the Act.

The policies have both been drafted by Justice for Tenants and have been endorsed by the Association for Chief Environmental Health Officers (ACEHO). Consultation and feedback on the policies took place across all authorities with active representation by Nottinghamshire local authorities. The policies have been sent to all local authorities and, if all councils adopt them, it will help to provide consistency across the country.

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 fines has been taken from the recommendations made by the Ministry for Housing, Communities and Local Government (MHCLG).

Private Sector Housing Enforcement Policy

The Regulators' Code and the Council's Corporate Enforcement Policy (2023) do not apply to enforcement interventions undertaken by Part 1 of the Housing Act 2004 or the Renters Rights Act 2025. This Code applies where an

incremental approach to enforcement is appropriate. For the new offences there is an immediate duty to enforce and therefore a separate enforcement policy is required to ensure consistent and transparent action. The proposed separate Private Sector Housing Enforcement Policy is attached in **Appendix One** and proposes how the Council will approach each of the new duties with the option to issue landlords with immediate financial penalties for a number of new breaches of legislation. Civil penalties will be significant with fines starting at £3,000 and reaching up to £40,000. There will be an appeal mechanism to the First-Tier Tribunal.

Housing Civil Penalty Policy

The original Housing Civil Penalty Policy was approved by Cabinet in February 2021. This has now been updated to reflect the new requirements and is attached at **Appendix Two**. **Appendix Three** lists the additional provisions coming into force in future, but which have been included for approval for inclusion.

A background of the Renters Rights Act 2025 changes.

The Corporate Enforcement Policy refreshed in 2023 is attached at **Appendix Four**. This will remain in place for other enforcement activities dealt with by the Council not covered by specific additional policies namely, the Environmental Enforcement Policy (2017 and under review) and the ASB Policy (2024).

The previous Housing Civil Penalties Policy is attached at **Appendix Five**.

4. Key Decision

This report is a key decision as defined under Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 as it relates to all landlords and tenants of private sector housing comprising of all Wards and electoral divisions in the Council's area.

5. Updates from Scrutiny

Policy Overview Working Group recommend the report to Cabinet. A future review of all enforcement policies in place was recommended to see if they can be combined or simplified.

6. Financial Implications

The comments from the Interim Deputy Chief Executive and Section 151 Officer were as follows:

Whilst there are no budget implications to consider at this stage, the need for additional officer resources is potentially significant. An announcement on any

available New Burdens funding is still waited from the Government. This funding would assist, at least partly, in meeting the cost of these additional demands, with any income generated from fixed penalties potentially making this self-sufficient. Following the funding announcement, a further report on any additional staffing proposals will be brought to Cabinet for consideration.

7. Legal Implications

The comments from the Head of Legal Services were as follows:

The Renters Right Act 2025 places significant powers and duties on the Council, it is crucial that Officers are given the correct delegations and there is a policy position in place in order for the Council to fulfil their statutory duties.

8. Human Resources Implications

There were no comments from the Human Resources Manager.

9. Union Comments

The Union comments were as follows:

Not applicable.

10. Climate Change Implications

While the Renters' Rights Act 2025 introduces major reforms to tenancy security, rent limits, housing standards and energy-efficiency requirements, it contains no direct climate-change implications. However, measures such as the upcoming EPC C minimum standard by 2030 and the extension of Awaab's Law indirectly support climate and health resilience through improved housing quality and energy performance.

11. Data Protection Compliance Implications

This report does not contain any OFFICIAL(SENSITIVE) information and there are no Data Protection issues in relation to this report.

12. Equality Impact Assessment

This is not a change in policy approach, but an update of the Housing Civil Penalty Policy and adoption of the nationally approved Private Sector Enforcement Policy to reflect changes enacted by the Renters Rights Act, 2025 and an equality impact assessment has not been included in this report.

13. Background Papers

Nil.