

Report to the Council Leader

Subject: Approval of Private Sector Housing Enforcement related policies

Date: 1st May 2026

Author: Food, Health and Housing Manager

Wards Affected

All wards

Purpose

To seek approval to adopt the following housing enforcement related policies to come into effect from the date of approval of this report on or around the 1st May 2026:

- 1) Private Sector Housing Civil Penalties Policy 2026
- 2) Private Sector Housing Enforcement Policy 2026
- 3) Fit and Proper Person Policy 2026

To delegate authority to the Director of Place to issue Rent Repayment Orders in accordance with statutory guidance and the Housing Act 2004 and Housing and Planning Act 2016.

Key Decision

Not a key decision

Recommendation(s)

THAT the Leader of the Council:

- 1)** Approves the adoption of the Private Sector Housing Civil Penalties Policy 2026 (see Appendix A) to implement the Renters Rights Act 2025 to replace the 2019 version of the Policy.
- 2)** Approves the adoption of the Private Sector Housing Enforcement Policy 2026 (see Appendix B) to implement the Renters Rights Act 2025 to replace the 2019 version of the Policy.

- 3) Approves the adoption of the Fit and Proper Person Policy 2026 (see Appendix C) to replace the current policy adopted in 2019.
- 4) Delegates authority to the Director of Place to issue Rent Repayment Orders in accordance with statutory guidance and the Housing Act 2004 and Housing and Planning Act 2016.
- 5) To authorise the Director of Place to take such actions and decisions as are necessary to facilitate the effective implementation of the Council's powers referred to in this report.
- 6) To Authorise the Director of Place, in consultation with the relevant Portfolio Holder or Leader of the Council, to approve variations to the policies in line with any revised statutory guidance or relevant updated advice.

1 Background

- 1.1 This Authority aims to support landlords who operate lawfully and provide safe and well-maintained homes. The Renters' Rights Act 2025 ("the Act") introduces major reforms to tenancy law, enforcement powers and landlord obligations. It significantly expands the statutory duties to local authorities under section 107 (duty to enforce landlord legislation) and section 110 (reporting obligations to the Secretary of State). The Act introduces numerous new offences, expanded investigatory powers, and civil penalties with statutory maximums ranging from £7,000 to £40,000.
- 1.2 In preparation for these reforms, the councils across the county have been working together through the Nottinghamshire Housing Enforcement Group to agree a consistent enforcement approach and civil penalty matrix. These documents have been provided and drafted with the support of Justice For Tenants and then have been reviewed and finalised by the Association of Chief Environmental Health Officers (ACEHO). They have been considered by all Nottinghamshire district councils and the City Council. The majority of councils, including 180 working with Justice for Tenants, will be adopting the Enforcement and Civil Penalty Policies in full. The policy wording has been specifically drafted by experts in the field with experience of taking enforcement action and defending appeals along with current statutory guidance. A civil calculator software program has been developed to assist local authorities drafting and issuing penalties and is specifically linked to the criteria set out in the policies. Should the council attempt to amend the civil penalty and enforcement policies this would not allow the use of the software and would risk the council working in isolation and not consistent with other local authorities

locally and nationally.

- 1.3 The updated Private Sector Housing Civil Penalty Policy 2026 (**Appendix A**) replaces the existing policy and ensures all civil penalties are issued transparently, consistently and proportionately in-line with statutory guidance and other local authorities nationwide using the same template policy.
- 1.4 The updated Private Sector Housing Enforcement Policy (**Appendix B**) details both the existing duties under the Housing Act 2004 and the new responsibilities arising from “The Act”. As “The Act” sits outside the Regulators Code the council will carry out enforcement in accordance with this policy and not the existing wider Public Protection Service Policy which sets out a graduated approach to enforcement. Government guidance is clear that in order to implement “The Act” local authorities have a duty to enforce the landlord legislation in it’s area by way of issuing civil penalties or taking court proceedings. The policy includes a cover sheet to set out some of the Gedling specific context and procedural matters that are to be retained from the existing 2019 policy.
- 1.5 Through the Nottinghamshire Housing Enforcement Group officers from Gedling have led the redrafting of the housing “Fit and Proper Person Policy 2026” (**appendix C**) to make some minor improvements to wording of the existing 2019 policy. The policy has been circulated for use by all Nottinghamshire Councils to ensure a consistent approach locally to determination of licensing applications.
- 1.6 Officers from Gedling are participating in a national pilot project with the Department of Works and Pensions (DWP) to develop a more robust and routine approach to the issuing of Rent Repayment Orders for certain housing offences where tenants are in receipt of Housing Benefit or Universal Credit to contribute towards rental costs. Under “The Act” Rent Repayment Orders can be issued for certain offences to claim up to 2 years worth rent. The Private Sector Housing Enforcement Policy 2026 (**appendix B**) sets out the council’s policy on Rent Repayment Orders and where appropriate the council intends to utilise these provisions alongside other enforcement action set out in the policy.
- 1.7 The Private Sector Housing enforcement officers are based within the wider Public Protection Service which follows an overarching enforcement policy in-line with the Regulators Code as referred to in paragraph 1.4 of this report. The Public Protection Policy is being reviewed separately and redrafted to incorporate current national policy and guidance. A separate report to the Portfolio Holder will be issued in due course to adopt an updated policy which will not apply to enforcement of “The Act” which sits outside the Regulators Code and instead the council will implement the

Private Sector Housing Enforcement Policy 2026 for enforcement of “The Act”.

2 Proposal

2.1 That the Portfolio Holder:

- 1)** Approves the adoption of the Private Sector Housing Civil Penalties Policy 2026 (see Appendix A) to implement the Renters Rights Act 2025 to replace the 2019 version of the Policy.
- 2)** Approves the adoption of the Private Sector Housing Enforcement Policy 2026 (see Appendix B) to implement the Renters Rights Act 2025 to replace the 2019 version of the Policy.
- 3)** Approves the adoption of the Fit and Proper Person Policy 2026 (see Appendix C) to replace the current policy adopted in 2019.
- 4)** Delegates authority to the Director of Place to issue Rent Repayment Orders in accordance with statutory guidance and the Housing Act 2004 and Housing and Planning Act 2016.
- 5)** Authorises the Director of Place to take such actions and decisions as are necessary to facilitate the effective implementation of the Council's powers referred to in this report.
- 6)** Authorises the Director of Place, in consultation with the relevant Portfolio Holder or Leader of the Council, to approve variations to the policies in line with any revised statutory guidance or relevant updated advice.

3 Alternative Options

- 3.1** Not to approve the adoption of the new policies. Failure to adopt new policies would mean that the council could only implement the existing policies adopted in 2019 and would prevent the Council from meeting statutory duties under the Renters' Rights Act 2025. Without using civil penalties the only remedy for certain offences would be via the courts. The Government has specifically introduced civil penalties as an alternative to prosecution and any income received by the council through civil penalties would be far greater than the costs awarded through a prosecution, the fines imposed through a prosecution go to the Crown rather than the Council. The Government guidance advises the income received through civil penalties should be invested in private sector housing services to benefit local residents living in private rented homes.

4 Financial Implications

- 4.1 The Council is permitted to retain any revenue from penalty charges with use being ring fenced to the Council's statutory functions in relation to private rented enforcement activities.
- 4.2 The income the council receives from Rent Repayment Orders is not explicitly ring fenced in the same way as civil penalty income however it should not be used a general fund revenue. Councils can use income from Rent Repayment Orders for re-imbursing Housing Benefit/ Universal Credit costs and to support the private rented sector enforcement work which could include: investigations, legal action and tribunal costs, staffing for enforcement and compliance and intelligence work.
- 4.2 There are no financial implications for the council from adopting the Private Sector Housing Enforcement Policy 2026 or Fit and Proper Policy 2026 as these policies will be implemented utilising existing resources within the Public Protection Service.

5 Legal Implications

- 5.1 The proposed policies support the Council's exercise of its statutory functions and enforcement powers under the Housing Act 2004, the Housing and Planning Act 2016 and the Act, together with relevant secondary legislation and any applicable statutory guidance (including statutory guidance on civil penalties issued by the Secretary of State). Adopting the policies provides a clear, transparent and consistent framework for decision-making, which will help ensure that enforcement and penalty decisions are proportionate, evidence-based and procedurally fair, and therefore less susceptible to successful appeal or legal challenge. The delegated authority for the Director of Place, in consultation with the relevant Portfolio Holder or Leader of the Council, to approve variations to the policies will enable the Council to keep the policies up to date and aligned with revised statutory guidance, further commencement provisions and any relevant case law or best practice, without the need for repeated formal re-adoption for minor amendments.

6 Local Government Reorganisation Implications

- 6.1 Local Government Reorganisation may alter future service structures and delivery arrangements. However, it also presents an opportunity to align services across a larger geographic area and allow for a more joined up and a consistent approach to regulating the private rented sector. Officer's in Nottinghamshire have already collaborated on policy work leading up to

the implementation of the Renter's Rights Act and many councils are adopting the same Private Sector Housing Enforcement Policy, Civil Penalties Policy and Fit and Proper Person policies this report seeks approval to adopt.

- 6.2 The implementation of the Renter's Rights Act will be kept under review to consider if resources are adequate to meet service demands leading up to and beyond the implementation of Local Government Reorganisation.

7 Equalities Implications

- 7.1 Please see attached Equalities Impact Assessment (Appendix D)

8 Carbon Reduction/Environmental Sustainability Implications

- 8.1 Please see attached Climate Impact Assessment (Appendix E)

9 Appendices

- 9.1 Appendix A - Private Sector Housing Civil Penalties Policy 2026
- 9.2 Appendix B - Private Sector Housing Enforcement Policy 2026
- 9.3 Appendix C - Fit and Proper Person Policy 2026
- 9.4 Appendix D – Equalities Impact Assessment
- 9.5 Appendix E – Climate Impact Assessment

10 Background Papers

- 10.1 Private Sector Housing Civil Penalties Policy 2019
- 10.2 Private Sector Housing Enforcement Policy 2019, including Fit and Proper Person Policy 2019.
- 10.3 [Civil penalties under the Renters' Rights Act 2025 and other housing legislation - GOV.UK](#)

11 Reasons for Recommendations

- 11.1 The use of these policies will contribute to the following corporate priorities:
- To make residents feel safe and included
 - Ensure quality homes and sustainable communities
 - Prevent homelessness

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer