



Licensing and Regulatory Committee	Thursday, 05 March 2026	Matter for Information and Decision
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Report Title: **Housing Enforcement & Civil Penalty Policy (2026)**

Report Author(s): **Ben Clark-Monks (Selective Licensing Team Leader)**

Purpose of Report:	To provide Members with information regarding enforcement and civil penalty amendments enacted by the Renters' Rights Act 2025 and outline policies adopted to support this enforcement activity.
Report Summary:	The report details the changes outlined within the Renters' Rights Act 2025 and outlines supporting policies proposed at appendix 1 and 2 of this report, relating to Housing Enforcement and the use and level of Civil Penalties under the act and other housing legislation.
Recommendation(s):	<p>A. That the content of the report be noted;</p> <p>B. Approve the Housing and Licensing Team Enforcement Policy (2026 – 2031) outlined in paragraph 3 and attached at appendix 1 to become effective on 1st May 2026 with items highlighted in red to become operative upon enactment of relevant statutory instruments;</p> <p>C. Approve the Housing Civil Penalty Policy (2026–2031) outlined in paragraph 4 and attached at appendix 2 to become effective on 1st May 2026 with items highlighted in red to become operative upon enactment of relevant statutory instruments; and</p> <p>D. Note that income generated through the payment of Civil Penalties will be ring fenced for the delivery and improvement of front-line Environmental Health services.</p>
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	<p>Colleen Warren (Chief Finance Officer / Section 151 Officer) (0116) 257 2759 colleen.warren@oadby-wigston.gov.uk</p> <p>Minna Scott (Environmental Health Manager) (0116) 257 2779 minna.scott@oadby-wigston.gov.uk</p> <p>Ben Clark-Monks (Selective Licensing Team Leader) (0116) 257 2883 ben.clark-monks@oadby-wigston.gov.uk</p>
Strategic Objectives:	<p>Our Council (SO1)</p> <p>Our Communities (SO2)</p> <p>Our Economy (SO3)</p>
Vision and Values:	<p>"Our Borough - The Place To Be" (Vision)</p> <p>Customer & Community Focused (V1)</p> <p>Proud of Everything We Do (V2)</p> <p>Collaborative & Creative (V3)</p> <p>Resourceful & Resilient (V4)</p>

Report Implications:-	
Legal:	The implications are as set out at paragraph 5 of this report.
Financial:	The implications are as set out at paragraph 6 of this report.
Corporate Risk Management:	Decreasing Financial Resources / Increasing Financial Pressures (CR1) Key Supplier / Partnership Failure (CR2) Reputation Damage (CR4) Regulatory Governance (CR6) Organisational / Transformational Change (CR8)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. Initial EA Screening (See Appendices)
Human Rights:	There are no implications directly arising from this report.
Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	Unable to complete review.
Chief Finance Officer:	The report is satisfactory.
Interim Monitoring Officer:	The report is satisfactory.
Consultees:	None.
Background Papers:	<ul style="list-style-type: none"> • Implementing the Renters' Rights Act 2025: Our roadmap for reforming the private rented sector • Civil penalties under the Housing and Planning Act 2016 • UPPER TRIBUNAL (LANDS CHAMBER) - Leicester City Council V Mojaria
Appendices:	<ol style="list-style-type: none"> 1. Housing Enforcement Policy (2026–2031) 2. Civil Penalties under the Renters' Rights Act 2025 and Other Housing Legislation (2026 – 2031) 3. Equality Impact Screening Form

1. Background

- 1.1 The Ministry for Housing, Communities and Local Government (MHCLG) produced a road map for implementation of the Renters' Rights Act 2025 (The Act) in November 2025, which outlines how they intend to deliver new powers created by the Act.
- 1.2 The MHCLG document outlining the road map is appended to this report as a background paper.
- 1.3 The Housing enforcement policy has been developed with consideration of similar policies in existence within the County to maximise consistency with consideration of Local Government Reorganisation (LGR). Along with also having consideration of the sample policy developed by Justice for Tenants, again to increase consistency and transparency of enforcement activities.

1.4 The Civil Penalty Policy has been developed by Justice for Tenants; this policy has been selected due to the policy being widely adopted and tested nationally.

2. Relationship with Justice for Tenants

2.1 A relationship has been created with Justice for Tenants, who are a non-profit organisation who specialise in providing training and advice services to local authorities to allow for more effective and efficient enforcement against rogue landlords.

2.2 Justice for Tenants have also developed a Civil Penalty calculator to support consistent and transparent charging levels to reduce the risk of appeals and strengthen any case in the event of an appeal.

2.3 The Council also benefits from £2000.00 of free legal advice from Justice for Tenants.

2.4 Justice for Tenants also have a relationship with MHCLG and Operation Jigsaw which is a national project whose objective is to link Housing Professionals and prepare Authorities across England and Wales for the rollout of the Act.

3. Housing Enforcement and changes from existing enforcement policy

3.1 Historically the Council has not adopted a dedicated Housing enforcement policy instead falling back onto the generic enforcement policy and the code of practice outlined within the enforcement concordat.

3.2 The Act is intended to overhaul housing enforcement in England and Wales and significantly expand or amend existing enforcement powers available to officers, therefore the creation of a dedicated policy has become essential to both support officers with the consistent application of these powers and ensure transparency to landlords that could be subject to enforcement action.

4. Use of Civil Penalties and supporting policy

4.1 The Act also expands the number of offences that can be disposed of through the use of Civil Penalties in addition to the offences outlined within the Housing and Planning Act 2016.

4.2 Having a robust and tested Civil Penalty policy is essential to ensure that the correct level of penalty is applied and to minimise the risk of penalties being lost or reduced in the event of an appeal, as seen in the case of Leicester City v Mojaria.

4.3 The policy developed by Justice for Tenants is widely adopted across England and Wales and has been substantially tested.

4.4 The policy is also supported by the Civil Penalty calculator outlined in section 2 of this report ensuring maximum efficiency when notices are served and maximum effectiveness in relation to penalty levels and evidential value.

4.5 There have been 4 amendments made to Justice for Tenants standard Civil Penalty Policy, these are outlined and justified below:

- Where a property is subject to a selective licence, civil penalties will be served against the licence holder and not all responsible persons unless the case officer deems this to be appropriate. The justification to this amendment is to avoid delays by trying to ascertain who is responsible for a property as the licence holder volunteers themselves as a responsible person.

- A section has been added to the policy confirming that written representations will be reviewed by the issuing officers immediate line manager or their senior officer, but provision has been built in to allow Officers of an equivalent level to review representations to avoid capacity issues whilst remaining compliant and maintaining a high level of openness.
- Provision has been built in to allow officers an option not to proceed with a civil penalty when the landlord rectifies the issue and admits to the breach or offence and the case officer is confident of their genuine remorse and they feel that it is unlikely that a further breach would occur and there is no history of antecedent behaviour. This breach or offence could be disposed of through the issuing of a simple caution.
- The discount for early repayment has been increased from 15% to 20% this is to encourage engagement and early payment as an incentive for landlords to become compliant and clear balances on civil penalties quickly and efficiently, hopefully this action will also reduce the administrative and legal costs associated with collecting penalties

5. Legal Implications

- 5.1 The policies outline enforcement activity that will be undertaken by the team and when interventions and disposals will be enacted and appropriate.
- 5.2 The adoption of the proposed policies will support case officers and Legal Services with the management, enforcement and defence of actions taken in pursuit of promoting good quality safe homes within the Borough and penalising landlord non-compliance.

6. Financial Implications

- 6.1 Whilst there are no direct financial implications arising from the report, the Act creates additional offences that can be discharged through the service of a Civil Penalty which would generate income to support the delivery and enforcement of Housing Standards across the Borough and would need to be ring fenced accordingly, as outlined within recommendation D.
- 6.2 Applying a greater level of discount may decrease the value of penalties the Council is able to collect, however the decision has been made based on the associated cost of collection and enforcement of the debt, that would be offset by early payment or recouped through the increase level of the penalty should the landlords choose not to make the early payment, an example of this is illustrated below.

Offence	Starting Point	Early payment	Balance difference
Failure to obtain a selective licence - section 95(1) of the Housing Act 2004	£12,000	£9600	£2400

7. Conclusion

- 7.1 The adoption of the proposed policies would ensure greater compliance with the enforcement concordat and ensure proportionality and consistency is paramount whilst delivering services to landlords and tenants.