

**Cherwell District Council**  
**Equality and Climate Impact Assessment**  
**Housing Civil Penalties Policy**

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## Section 1: Summary details

<b>Directorate and Service Area</b>	Wellbeing and Housing – Housing Services
<b>What is being assessed</b> (e.g. name of policy, procedure, project, service or proposed service change).	Cherwell District Council Housing Civil Penalties Policy 2025
<b>Is this a new or existing function or policy?</b>	New policy to cover existing service function
<b>Summary of assessment</b> Briefly summarise the policy or proposed service change. Summarise possible impacts. Does the proposal bias, discriminate or unfairly disadvantage individuals or groups within the community?  (following completion of the assessment).	<p>The Council recognises that effective regulation of the private rented sector is vital for helping to improve standards, combating poor performing landlords, and improving the health and wellbeing of Cherwell's residents. Civil Penalties are an important part of housing standards enforcement, and the overarching aim of this policy is to ensure we can undertake our statutory duties efficiently, effectively and lawfully.</p> <p>The new civil penalty policy builds on recent tribunal decisions, legal precedents, and industry best practice to provide a more consistent, proportionate and transparent methodology for determining the value of each penalty. It is proposed that the new civil penalty policy be made standalone to ensure it is clear and robust. Consequential amendments and minor updates are therefore made to the Housing Standards Enforcement Policy</p> <p>A small number of landlords and property agents in Cherwell exploit tenants by letting out substandard properties that adversely affect the quality of life for</p> <p>tenants and the wider community. The efficient and effective use of civil penalties enables the Council to flexibly take cost-effective and proportionate enforcement action which will benefit tenants by deterring landlords from committing serious housing offences and help drive out rogue landlords from Cherwell's private rented sector.</p>
<b>Completed By</b>	David North

<b>Authorised By</b>	Richard Smith
<b>Date of Assessment</b>	March 2025

## Section 2: Detail of proposal

<p><b>Context / Background</b></p> <p>Briefly summarise the background to the policy or proposed service change, including reasons for any changes from previous versions.</p>	<p>The Housing and Planning Act 2016 amended the Housing Act 2004 to allow Local Housing Authorities the discretion to impose financial penalties of up to £30,000 as an alternative to prosecution for certain housing offences. Certain other pieces of legislation also permit the imposition of civil penalties for housing-related breaches, for example the Minimum Energy Efficiency Standards.</p> <p>Since 2018 the Council has issued 45 civil penalties to 34 landlords and agents at a total value of £250,000. Civil penalties have proved to be an effective tool for the Housing Standards Team to hold these poor-performing landlords and agents operating in the district to account. Income from civil penalties is ring fenced for furthering private sector housing enforcement work.</p> <p>In the intervening seven years, a significant body of tribunal appeal decisions and legal precedents has developed that did not exist to inform the original policy development. We have also seen a trend of increased appeals which are extremely resource-intensive to defend.</p> <p>Civil penalties will be an increasingly important enforcement tool under the proposed new Renters' Rights legislation. This legislation moves towards a 'polluter pays' enforcement principle, significantly expanding the number and variety of offences which the Council will have a duty to enforce via financial penalties. Having a robust and streamlined policy and procedure for imposing penalties will be vital.</p>
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<p><b>Proposals</b></p> <p>Explain the detail of the proposals, including why this has been decided as the best course of action.</p>	<p>The Council has partnered with Justice for Tenants, a not-for-profit organisation who have analysed all the significant tribunal and court judgements and, in collaboration with local authorities, have developed a template civil penalty policy and procedure and an online civil penalty calculator, which have been used to develop the new Civil Penalties Policy.</p> <p>The aim is to provide a comprehensive and robust policy that will withstand scrutiny by tribunals and a civil penalty calculator that will ensure all factors are considered when determining the value of the penalty and a level of consistency between officers within a local authority, and national consistency between local authorities. This will produce fairer, more consistent outcomes for landlords.</p> <p>It is anticipated that this updated policy and procedures will make the process of issuing civil penalties more streamlined, efficient and consistent and result in fewer appeals or where appeals are made, reduce the likelihood of appeals being upheld or of penalty amounts being reduced.</p> <p>It is acknowledged that this new Civil Penalties Policy will need to be reviewed and re-approved by the Executive once the Renters' Rights Bill provisions are enacted, which is expected to be over the next 12-24 months. However, as outlined above it is important to ensure the Council's approach to imposing civil penalties is robust in the meantime, and additionally implementing now will give officers time to be trained and confident in its use with familiar scenarios before the expansion to novel duties. A thorough review of the Housing Standards Enforcement Policy will also need to be undertaken in light of the new duties imposed by the Renters' Rights provisions once this Bill receives Royal Assent and there is more certainty and guidance around these requirements.</p>
<p><b>Evidence / Intelligence</b></p> <p>List and explain any data, consultation outcomes, research findings, feedback from service users and stakeholders etc, that supports your proposals and can help to inform the judgements you make about potential impact on different individuals, communities</p>	<p>Justice for Tenants carried out a systematic review of legal judgements and consultation with other local authorities to produce the template policy upon which this policy is based. Justice for Tenants is currently working with at least 90 local authorities who have already adopted or are also looking to adopt this model policy and civil penalty calculator. Nationally hundreds of civil penalties have been issued using the template policy and penalty calculator, and to date there have been no significant tribunal decisions questioning or criticising the template policy.</p>

<p>or groups and our ability to deliver our climate commitments.</p>	
<p><b>Alternatives considered / rejected</b></p> <p>Summarise any other approaches that have been considered in developing the policy or proposed service change, and the reasons why these were not adopted. This could include reasons why doing nothing is not an option.</p>	<p>The following alternative options have been identified and rejected for the reasons as set out below.</p> <p>Option 1: Not bring forward a new and amended policy.</p> <p>Our current approach to determining civil penalties is not consistent with the recent Upper Tribunal decisions, in particular Leicester CC vs Morjaria. This means that our current approach to calculating penalties will be at increasing risk of challenge. Therefore updates to the civil penalties policy are necessary. Changes to the Housing Standards Enforcement Policy are necessary for the creation of the new, compliant policy. Furthermore, it is important the Council policies are reviewed regularly to ensure that they are able to meet customer needs, service needs and are legislatively sound. This option is therefore rejected.</p> <p>Option 2: Amend but retain as a combined policy.</p> <p>Owing to the level of detail and complexity contained within the new civil penalties policy, coupled with the benefits of being consistent with the approach taken by numerous other local authorities, means combining the policies would make both unwieldy, difficult to use and less effective. This option is therefore rejected.</p>

### **Section 3: Impact Assessment - Protected Characteristics**

Appendix 3

Protected Characteristic	No Impact	Positive	Negative	Description of Impact	Any actions or mitigation to reduce negative impacts	Action owner* (*Job Title, Organisation)	Timescale and monitoring arrangements
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Gender Reassignment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Marriage & Civil Partnership	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Pregnancy & Maternity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Race	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Sex	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Sexual Orientation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Religion or Belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A



### Section 3: Impact Assessment - Additional Community Impacts

Additional community impacts	No Impact	Positive	Negative	Description of impact	Any actions or mitigation to reduce negative impacts	Action owner (*Job Title, Organisation)	Timescale and monitoring arrangements
Rural communities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Armed Forces	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Carers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Areas of deprivation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Poor quality private rented properties are often concentrated in deprived urban areas. Improved regulation of the PRS through this policy should have a positive impact.	N/A	N/A	N/A

### Section 3: Impact Assessment - Additional Wider Impacts

<b>Additional Wider Impacts</b>	<b>No Impact</b>	<b>Positive</b>	<b>Negative</b>	<b>Description of Impact</b>	<b>Any actions or mitigation to reduce negative impacts</b>	<b>Action owner* (*Job Title, Organisation)</b>	<b>Timescale and monitoring arrangements</b>
<b>Other Council Services</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		N/A	N/A	N/A
<b>Providers</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
<b>Social Value <sup>1</sup></b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A

<sup>1</sup> If the Public Services (Social Value) Act 2012 applies to this proposal, please summarise here how you have considered how the contract might improve the economic, social, and environmental well-being of the relevant area

### Section 3: Impact Assessment - Climate Change Impacts

OCC and CDC aim to be carbon neutral by 2030. How will your proposal affect our ability to reduce carbon emissions related to

Climate change impacts	No Impact	Positive	Negative	Description of impact	Any actions or mitigation to reduce negative impacts	Action owner (* Job Title, Organisation)	Timescale and monitoring arrangements
Energy use in our buildings or highways	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Our fleet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Staff travel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Purchased services and products (including construction)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Maintained schools	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A

## Appendix 3

We are also committed to enable Cherwell to become carbon neutral by 2030 and Oxfordshire by 2050. How will your proposal affect our ability to:

<b>Climate change impacts</b>	<b>No Impact</b>	<b>Positive</b>	<b>Negative</b>	<b>Description of impact</b>	<b>Any actions or mitigation to reduce negative impacts</b>	<b>Action owner</b> (*Job Title, Organisation)	<b>Timescale and monitoring arrangements</b>
<b>Enable carbon emissions reduction at district/county level?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Through HMO Licensing the Council can require energy efficiency improvement works be undertaken to HMO properties.	N/A	N/A	N/A

## Section 4: Review

Where bias, negative impact or disadvantage is identified, the proposal and/or implementation can be adapted or changed; meaning there is a need for regular review. This review may also be needed to reflect additional data and evidence for a fuller assessment (proportionate to the decision in question). Please state the agreed review timescale for the identified impacts of the policy implementation or service change.

<b>Review Date</b>	2027
<b>Person Responsible for Review</b>	Housing Grants and Standards Manager
<b>Authorised By</b>	Head of Housing