

This report is public	
Housing Civil Penalties Policy	
Committee	Executive
Date of Committee	16 June 2026
Portfolio Holder presenting the report	Portfolio Holder for Housing and Greener Communities, Councillor Ian Middleton
Date Portfolio Holder agreed report	27 May 2026
Report of	Assistant Director Wellbeing and Housing, Nicola Riley

Purpose of report

To seek approval for the new Housing Civil Penalties Policy.

1. Recommendations

The Executive resolves:

- 1.1 To approve the new Housing Civil Penalties Policy.

2. Executive Summary

- 2.1 The Renters' Rights Act 2025 introduces a range of new landlord obligations and places significant new duties on the Council to enforce the Landlord Legislation through the imposition of civil penalties or prosecution. The Act introduces a substantially expanded civil penalty framework and includes new compliance requirements and enhanced penalties for repeat or serious non-compliance. New guidance sets out the Government's expectations for how local authorities are to enforce these provisions consistently, robustly and proportionately. To meet these requirements, the Council must ensure its relevant policies are fully aligned with the new legislative framework.
- 2.2 The updated Housing Civil Penalties Policy is based on model policies developed nationally with the aims of increasing consistency of enforcement and helping local authorities defend decisions against legal challenge. The other Oxfordshire district and city councils are using these model policies as the basis for their revised policies, which provides a sound basis for the policy change, considering Local Government Reorganisation.
- 2.3 The approach to determining penalties under this revised Housing Civil Penalties Policy is broadly similar to the current policy approved in 2025, but adjusted to efficiently cover the expansive range of new breaches and offences.

Implications & Impact Assessments

Implications	Commentary			
Finance	<p>This report does not have any financial implications.</p> <p>Kelly Wheeler, Finance Business Partner, 23 March 2026</p>			
Legal	<p>The proposed Housing Civil Penalties Policy has been reviewed from a legal perspective and is considered to be legally robust. The policy reflects the Council's statutory powers and duties under the Housing Act 2004 and incorporates relevant updates arising from recent legislative developments, including the Renters' Rights Act 2025.</p> <p>Gurnam Bains, Solicitor (Litigation), 25 March 2026</p>			
Risk Management	<p>There are no direct risk implications arising from this report. The proposal, however, serves to mitigate potential risks associated with failing to properly reflect the statutory duty to enforce under Section 107, as well as the risk of diverging from established practice among our English counterparts. It also reduces the likelihood of ambiguity for officers, landlords and tenants, and helps guard against increased prospects of legal challenge, policy failure under scrutiny, and reputational damage stemming from ineffective implementation of the Renters' Rights Act.</p> <p>Celia Prado-Teeling, Performance & Insight Team Leader, 24 March 2026</p>			
Impact Assessments	Positive	Neutral	Negative	Commentary
Equality Impact		X		<p>There is no overall impact to Equality as a consequence of this proposal. The policy has been developed in line with our Equalities, Diversity and Inclusion, in compliance with the Equalities Act 2010, including completion of a full Equalities and Climate Impact Assessment.</p> <p>Celia Prado-Teeling, Performance & Insight Team Leader, 24 March 2024</p>
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?	x			<p>Poorer rental properties are concentrated in areas of deprivation. More consistent and robust enforcement of poor property conditions through this policy should have a positive impact to some of our more vulnerable residents in within those areas.</p>

B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x		
Climate & Environmental Impact		x		Not applicable
ICT & Digital Impact		x		Not applicable
Data Impact		x		Not applicable
Procurement & subsidy		x		Not applicable
Council Priorities	Quality housing and place making			
Human Resources	Not applicable			
Property	Not applicable			
Consultation & Engagement	Not applicable			

Supporting Information

3. Background

- 3.1 The Council's existing Housing Civil Penalty Policy was developed prior to the introduction of the Renters' Rights Act and does not reflect the suite of new offences or amendments to penalty or evidential thresholds. Without updated policies, there is a risk of inconsistent enforcement, legal challenge to decisions and reduced ability to demonstrate compliance with statutory guidance and best practice. Updating these policies is essential to ensure the Council can meet its statutory obligations from 1 May 2026.
- 3.2 The Council's current Housing Standards Enforcement Policy was developed within a regulatory framework where local authorities retained broad discretion to resolve non-compliance through informal or advisory action, reflecting the principles of the Regulators' Code. That approach assumed enforcement was generally discretionary and that informal resolution would often be appropriate as a first response. This framework underpins much of the Council's existing regulatory practice. The Renters' Rights Act (RRA) represents a fundamental shift from that position. Section 107 of the RRA places a statutory duty on local housing authorities to enforce landlord legislation, altering the balance between informal action and formal enforcement. 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. As a result, the Regulators Code can no longer be relied upon to justify informal action as the starting point for compliance under the Renters' Rights Act.

- 3.3 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, where similar breaches may result in markedly different enforcement outcomes depending on the authority involved. 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. 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 and an Enforcement Policy, with a further policy on Civil Penalty Debt Recovery policy currently in development. These policies are intended to promote greater consistency, transparency and robustness in local authority enforcement approaches, while allowing for appropriate local discretion where appropriate.
- 3.4 Aligning the Council's policies with this nationally recognised framework supports a consistent and defensible approach to enforcement, reduces the risk of unfavourable outcomes to legal challenge, strengthens the Council's ability to meet its statutory duties under the Renters' Rights Act and puts the Council in a positive position moving towards Local Government Reorganisation.

4. Details

- 4.1 The Housing Civil Penalties Policy sets out in detail the factors and processes relevant to determining civil penalties.
- 4.2 Under the Renters' Rights Act, if a local housing authority suspects non-compliance with housing or landlord legislation, it must consider what proactive steps may be reasonably necessary to establish that a breach or offence has occurred. Where it is not possible to remove the non-compliance because for example tenants have already been illegally evicted from their home, the local housing authority must issue a civil penalty notice or start prosecution proceedings if it is satisfied that the necessary evidential threshold has been reached and proceeding is in the public interest.
- 4.3 Being based on the national model policy enables the Council to effectively enforce this new regulatory regime using an approach that is consistent with the other councils across Oxfordshire and further afield.
- 4.4 The overall approach to determining civil penalties under this revised Housing Civil Penalties Policy remains broadly similar to the existing policy approved in 2025. The main changes are the insertion of the new breaches and offences under the Renters' Rights Act, the incorporation of penalty starting points set by new statutory guidance, revised adjustment factors (e.g. landlord portfolio size), and revised aggravating and mitigating factors.

- 4.5 The model civil penalties policy only covered Housing Act 2004 and Renters' Rights Act 2025 offences. For simplicity and to avoid the need for separate policies we have included other relevant offences which we enforce (for example breaches of the Tenant Fees Act) into this proposed policy. These other breaches were included in our 2025 policy and have been updated so the approach is consistent with the rest of the policy.
- 4.6 Various other breaches and offences under the Renters' Rights Act are due to be commenced over the next year, and as this is such a new and significant area of law it is anticipated that there will be a need to make minor updates in response to updated regulations and caselaw.

5. Alternative Options and Reasons for Rejection

- 5.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Retain existing policy

This is an option that could be taken. However, it would have the following implications:

- Policies will not adequately reflect the statutory duty to enforce under section 107
 - Ongoing risk of inconsistency across England
 - Reduced clarity for officers, landlords and tenants
 - Higher likelihood of legal challenge and policy failure under scrutiny
 - Reputational risk for ineffectively implementing the Renters' Rights Act
- This option is therefore rejected.

6 Conclusion and Reasons for Recommendations

- 6.1 It is important that the Council has up to date policies and procedures for key service areas and it is important that they are legislatively and operationally sound.

Decision Information

Key Decision	Yes Community threshold met
Subject to Call in	Yes
If not, why not subject to call in	Not applicable
Ward(s) Affected	All wards

Document Information

Appendices	
Appendix 1	Housing Civil Penalties Policy
Appendix 2	ECIA – Housing Civil Penalties Policy
Background Papers	None
Reference Papers	None
Report Author	Richard Smith – Head of Housing
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Executive Director Approval (unless Executive Director or Statutory Officer report)	Kristian Aspinall – Executive Director Neighbourhood Services, 25 March 2026