

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

Appendix 2

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Section 1: Summary details

Directorate and Service Area	Wellbeing and Housing – Housing Services
What is being assessed (e.g. name of policy, procedure, project, service or proposed service change).	Housing Civil Penalties Policy
Is this a new or existing function or policy?	Revised policy to cover existing and expanded service function
Summary of assessment 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. The Renters’ Rights Act 2025 places significant new duties on the Council to enforce an expanded range of landlord obligations through the imposition of civil penalties or prosecution. This policy seeks to ensure we can undertake our statutory duties efficiently, effectively and lawfully.</p> <p>Through our housing enforcement activities under this policy, we also seek to:</p> <ul style="list-style-type: none"> • Ensure that accommodation is safe and operated appropriately and responsibly • Enhance the safety, health, and wellbeing of residents and contribute to reducing inequalities through improved housing conditions. • Contribute to tackling fuel poverty and climate change by improving the energy efficiency of rented homes in the district through enforcement.
Completed By	David North
Authorised By	Richard Smith

Date of Assessment	March 2026
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Section 2: Detail of proposal

<p>Context / Background</p> <p>Briefly summarise the background to the policy or proposed service change, including reasons for any changes from previous versions.</p>	<p>The Renters’ Rights Act introduces a significantly expanded civil penalty framework and places new duties on the Council to enforce a broader range of landlord obligations. This includes new compliance requirements, enhanced penalties for repeat or serious non-compliance, and clearer expectations that enforcement activity is fair, consistent and proportionate. To meet these requirements, the Council must ensure its relevant policies are fully aligned with the new legislative framework.</p> <p>The Councils existing Civil Penalty and Enforcement Policies were developed prior to the introduction of the Renters’ Rights Act and do not reflect the suite of new offences or amendments to penalty or evidential thresholds.</p> <p>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 as of 1 May 2026.</p> <p>The Council’s current 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.</p> <p>The Renters’ Rights Act represents a fundamental shift from that position. Section 107 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.</p>
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	<p>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.</p> <p>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 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. 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 and strengthens the Council’s ability to meet its statutory duties under the Renters’ Rights Act.</p>
<p>Proposals</p> <p>Explain the detail of the proposals, including why this has been decided as the best course of action.</p>	<p>It ensures that the Council can meet its statutory duties under the Renters’ Rights Act 2025 section 107. It provides a clear and consistent framework for enforcement decision making and supports alignment.</p> <p>This option minimises risk of legal challenge, ensures that the Council is implementing the Renters’ Rights Act effectively and that the intended tenant protections are driven forwarded.</p> <ul style="list-style-type: none"> • Full compliance with the Renters’ Rights Act 2025 • Clear officer guidance and defensible enforcement outcomes • Reduces legal challenge and reputational risks
<p>Evidence / Intelligence</p> <p>List and explain any data, consultation outcomes, research findings, feedback from service users and stakeholders etc, that</p>	<p>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</p>

<p>supports your proposals and can help to inform the judgements you make about potential impact on different individuals, communities or groups and our ability to deliver our climate commitments.</p>	<p>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.</p> <p>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 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. 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 and strengthens the Council’s ability to meet its statutory duties under the Renters’ Rights Act.</p>
<p>Alternatives considered / rejected</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><u>Option 1:</u> Retain existing policies with minor amendments only.</p> <p>Make limited amendments to the current Enforcement and Civil Penalty Policies to reference the Renters’ Rights Act, without adopting a revised framework linked to civil penalties.</p> <p>Implications:</p> <ul style="list-style-type: none"> • 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 <p>This option is therefore rejected</p>

Section 3: Impact Assessment - Protected Characteristics

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"/>	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.	N/A	N/A	N/A

Section 3: Impact Assessment - Additional Wider Impacts

Additional Wider 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
Other Council Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Increased enforcement activity is likely to increase workload for legal services. Having a clear and robust policy will help to enable cases to be defended and determined more quickly and easily.	N/A	N/A	N/A
Providers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Social Value ¹	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A

¹ 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

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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:

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
Enable carbon emissions reduction at district/county level?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Through its enforcement activities the Council can require energy efficiency improvement works be undertaken to rented 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.

Review Date	2029
Person Responsible for Review	Housing Grants and Standards Manager
Authorised By	Head of Housing