

Cheltenham Borough Council

Cabinet 14th April 2026

Private Sector Housing Enforcement Policy

Accountable member:

Cabinet Member for Housing and Customer Services, Cllr Flo Clucas

Accountable officer:

Louis Krog, Head of Public Protection

Ward(s) affected:

All

Key Decision: No

Executive summary:

The Renters' Rights Act 2025 places new duties on this Authority 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, this Authority must ensure it has a clear housing enforcement policy which is fully aligned with the new legislative framework. Section 8.2 of the Authority's corporate enforcement policy refers to individual service specific enforcement policies of which this is one.

Without a clear housing enforcement policy there is a risk of inconsistent enforcement, legal challenge to decisions and reduced ability to demonstrate compliance with statutory guidance and best practice. Having this policy is essential to ensure the Authority can meet its statutory obligations as of 1st May 2026 when new duties come into force.

Recommendations: That Cabinet:

1. approves the new Private Sector Housing Enforcement Policy at Appendix iii to take effect from 1st May 2026 with transitional arrangements of 6 months to allow the current corporate policy to operate to conclude legacy cases.
 2. authorises the Head of Public Protection to take such actions and decisions as are necessary to facilitate the effective implementation and operation of the Authority's powers referred to in this report.
 3. authorises the Head of Public Protection, in consultation with the Cabinet Member for Housing and Customer Services, to approve minor variations to the policy in line with any revised statutory guidance.
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1. Implications

1.1 Financial, Property and Asset implications

The revised Private Sector Housing Enforcement Policy provides the Council with increased enforcement powers ensuring consistency in decision making and landlords compliance with the Renters' Rights Act. This can potentially translate into more penalties being issued and this income would help with offsetting investment in the implementation of the new duties imposed by the Act.

Signed off by: Ela Jankowska, Finance Business Partner
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1.2 Legal implications

Signed off by: Alison McKane, Deputy Monitoring Officer
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1.3 Environmental and climate change implications

There are no associated environmental or climate implication associated with this report.

Signed off by: Maizy McCann, Climate Officer, maizy.mccann@cheltenham.gov.uk

1.4 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Quality homes, safe and strong communities
- Reducing inequalities, supporting better outcomes

1.5 Equality, Diversity and Inclusion Implications

See Appendix 2

2 Background

2.1 The Renters' Rights Act 2025 introduces new duties on Cheltenham Borough Council as a Housing Authority to enforce a broader range of landlord obligations from 1st May 2026. 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, we must ensure relevant policies are fully aligned with the new legislative framework.

2.2 Our existing corporate enforcement policy was reviewed prior to the introduction of the Renters' Rights Act 2025 and does not reflect the suite of new offences.

2.3 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. Formulating a housing enforcement policy is essential to ensure this Authority can meet its statutory obligations.

2.4 The Authority'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 Authority's existing regulatory practice.

2.5 The Renters' Rights Act 2025 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 Authority 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 2025.

2.6 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.

2.7 In response to these concerns, a voluntary group, the Association of Chief Environmental Health Officers (ACEHO) and Justice for tenants have developed a suite of national framework policies, including an enforcement policy. This is intended to promote greater consistency, transparency and robustness in local authority enforcement approaches while allowing for local discretion where appropriate. Aligning the Authority's new enforcement policy 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 Authority's ability to meet its statutory duties under the Renters' Rights Act 2025.

3 Reasons for recommendations

3.1 Failure to adopt a private sector housing enforcement policy risks inconsistency in enforcement decisions and activities, increasing exposure to challenge, as well as an inability to demonstrate that we are meeting our statutory duties to enforce landlord legislation under section 107 of the Act. Approval is therefore sought to adopt the proposed policy with effect from 1st May 2026 aligning our enforcement approach with the new legislative framework.

4 Alternative options considered

4.1 No alternatives have been considered as we do not currently have a service specific private sector housing enforcement policy.

5 Consultation and feedback

5.1 A public consultation was held for 3 weeks which ended 3rd March 2026. A draft copy of the policy was also distributed to the regional engagement representative of the National Residential Landlords Association (NRLA) and Citizens Advice. No comments were received.

5.2 The Policy was also discussed with internal partners including One legal, strategic housing and housing options. Only minor wording formatting changes were made.

6 Key risks

6.1 Absence of a specific housing enforcement policy may result in legal challenge for not fulfilling our statutory duties to enforce robustly under the Renters' Rights Act 2025 to which the Regulators code does not apply.

6.2 Absence of a compliant housing enforcement policy and reliance solely on the corporate enforcement policy may result in legal challenges and associated financial and reputational risks.

6.3 Inconsistent enforcement across council boundaries will send the wrong message to landlords and may result in reduced protection for tenants

Report author:

Bernadette Reed, Public and Environmental Health Manager

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Appendices:

- i. Risk Assessment
- ii. Equality Impact Assessment – Screening
- iii. Private Sector Housing Enforcement Policy

Background information:

NA

Appendix i: Risk Assessment

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
1	Absence of a specific housing enforcement policy may result in legal challenge for not fulfilling our statutory duties to enforce under the Renters Rights Act 2025	Head of Public Protection	3	4	12	Remove the risk	Provide a service specific housing enforcement policy to complement the corporate enforcement policy	Bernadette Reed	01/05/26
2	Absence of a compliant enforcement policy will be contrary to the requirements of the Renters Rights Act 2025 to which the Regulators code does not apply The Legislative and Regulatory Reform (Regulatory Functions) Order 2007 ie enforcement consideration as first approach.	Head of Public Protection	3	3	9	Reduce the risk	The work is a collaborative effort between Cheltenham Council, the Associated of Chief EHOs and Justice for tenants and is fit for purpose	Bernadette Reed	01/05/26
3	Reputational and financial risk through legal challenge of weak policy	Head of Public Protection	3	3	9	Reduce the risk	The work is a collaborative effort between Cheltenham Council, the Associated of	Bernadette Reed	01/05/26

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
							Chief EHOs and Justice for tenants		
4	Inconsistent enforcement across council boundaries may lead to a post code lottery and reduced protection for tenants	Head of Public Protection	2	2	4	Reduce the risk	Landlord will be treated the same wherever in the country they operate	Bernadette Reed	01/05/26

Appendix ii: Equality Impact Assessment (Screening)

1. Identify the policy, project, function or service change

a. Person responsible for this Equality Impact Assessment

Officer responsible: Bernadette Reed	Service Area: Environmental Health, Private Sector Housing, Public Protection
Title: Private Sector Housing Enforcement Policy	Date of assessment: 11/03/26
Signature: 	

b. Is this a policy, function, strategy, service change or project?

Choose an item.

Policy

c. Name of the policy, function, strategy, service change or project

Private Sector Housing Enforcement Policy

Is this new or existing?

**Already exists
and is being
reviewed**

This is a service specific enforcement policy which will sit within the corporate enforcement policy. It will ensure that new duties to enforce legislation under the Renters' Rights Act 2025 which are not subject to the Regulators code are clearly reflected in the enforcement policy and enforcement approach.

d. What are the aims, objectives and intended outcomes and who is likely to benefit from it?

Aims:

To adopt a specific fully compliant private sector housing enforcement policy. This will ensure fairness, consistency and transparency in our enforcement activities ultimately giving greater protection benefits to tenants and improved access to a safe and secure home. We aim to

	support good landlords and take action against those who do not comply.
Objectives:	To conduct investigations then determine the most appropriate course of action having regard to the enforcement policy. Where the Regulators code does not apply for elements of the Renters' Rights Act 2025 then we must actively consider enforcement eg a civil penalty notice or prosecution where the relevant tests are met. This is clearly reflected in the policy.
Outcomes:	Improved transparency, consistency and fairness when carrying out enforcement activities for both tenants, landlords and those acting on behalf of landlords.
Benefits:	This will ensure a transparent and consistent approach to enforcement and enhanced protection for tenants. It will reduce the risk of any legal challenge following enforcement activity and reduce any reputational or financial risk to the Authority. Regional variations in enforcement will be removed and criminal landlords will be deterred.

e. What are the expected impacts?

Are there any aspects, including how it is delivered or accessed, that could have an impact on the lives of people, including employees and customers.

No

Do you expect the impacts to be positive or negative?

No impact expected

Please provide an explanation for your answer:

We currently have a corporate enforcement policy which informs our decision making. We currently take action against landlords and others who do not comply with legal requirements. This policy will merely add clarity and transparency for elements of the new Renters' Rights Act 2025 which are not subject to the Regulators Code. A public consultation was carried out as described above and no comments were received.

If your answer to question e identified potential positive or negative impacts, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

f. Identify next steps as appropriate

Stage Two required	No
Owner of Stage Two assessment	
Completion date for Stage Two assessment	