

Implementation of the Renters Right Act 2025 and associated policies	
Executive Summary	<p>The Renters' Rights Act 2025 introduces major reforms to landlord and tenant law, significantly expanding the duties and enforcement responsibilities of local authorities.</p> <p>To ensure North Norfolk District Council can lawfully implement these new powers from 1 May 2026, including enhanced investigatory powers, new tenancy rights, and extended civil penalty provisions, a new Housing Standards Enforcement Policy and the Civil Penalties Policy must be in place.</p> <p>The policies will set out how the Council will apply these new statutory duties, including enforcing new offences, applying increased penalty thresholds, and ensuring consistent and transparent decision making.</p>
Options considered	The only alternative is to continue with current policies, but this would be unlawful after 1 May 2026.
Consultation(s)	As these changes are in response to legislation, there is no requirement to hold a public consultation, and the law has now been enacted with an effective date of 1 st May 2026.
Recommendations	<p>Cabinet is recommended to:</p> <p>(a) Approve the contents of the new Housing Standards Enforcement Policy, attached as Appendix 1 and agree that this policy shall be implemented and take effect from the 1st of May 2026.</p> <p>(b) Grant delegated authority to Assistant Director People Services, to make where necessary any minor amendments and updates to the Housing Standards Enforcement Policy required, to reflect any organisational or further legislative changes which take place following implementation.</p> <p>(c) Approve the Civil Penalties Policy, attached as Appendix 2 and agree that this policy shall be implemented and take effect from the 1st of May 2026.</p> <p>(d) Grant delegated authority to the Assistant Director for People Services and Assistant Director Environmental & Leisure Services in consultation with the relevant Portfolio Holder, to make where necessary any minor amendments and updates to the Civil Penalties Policy required, to reflect any organisational or further legislative changes which take place following implementation.</p>
Reasons for recommendations	The adoption of these two new policies in place of the Council's current policies is required to enable the Council to undertake its new duties under the Renters' Rights Act 2025 from 1 st May 2026.
Background papers	To assist local authorities in understanding their new rights and responsibilities under the Renters' Rights Act 2025 the Government has published a new collection of statutory and other related guidance for local authorities which can be found here:

	Renters' Rights Act: guidance for local authorities and councils - GOV.UK
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Wards affected	All Wards
Cabinet member(s)	Cllr. Callum Ringer Cllr. Jill Boyle
Contact Officer	Emily Capps and Trudi Grant

Links to key documents:	
Corporate Plan:	The Renters' Rights Act 2025 directly supports the Council's strategic priorities by improving housing standards, protecting vulnerable tenants, and strengthening community wellbeing in line with priorities on developing communities, meeting housing need, and being a responsible and accountable council.
Medium Term Financial Strategy (MTFS)	Implementation of the Renters' Rights Act 2025 will require ongoing enforcement capacity. The cost will be borne from New Burdens funding supporting initial setup. Ongoing costs will be covered from civil penalty income although this only offers variable, non-reliable cost recovery. We are not looking to increase the base budget currently.
Council Policies & Strategies	The Renters' Rights Act 2025 directly supports the Council's strategic priorities by improving housing standards, protecting vulnerable tenants, and strengthening community wellbeing in line with priorities on developing communities, meeting housing need, and being a responsible and accountable council. It also aligns with the forthcoming Housing, Homelessness and Rough Sleeping Strategy 2026 by enhancing the Council's ability to prevent poor housing conditions, challenge unlawful practices, and safeguard residents across the district.

Corporate Governance:	
Is this a key decision	Yes
Has the public interest test been applied	N/A.
Details of any previous decision(s) on this matter	N/A

1. Purpose of the report

- 1.1 This report outlines the new legal provisions introduced by the Act and presents two new policies required for implementation from 1 May 2026.
- 1.2 The policies are:
 - Housing Standards Enforcement Policy **Appendix 1**
 - Civil Penalty Policy **Appendix 2**
- 1.3 The Housing Standards Enforcement Policy sets out how the Council will regulate housing standards and apply enforcement powers under the Housing Act 2004 and Renters' Rights Act 2025.
- 1.4 The Civil Penalty Policy establishes a structured framework for issuing financial penalties based on severity, landlord profile, and mitigating/aggravating factors.

2. Introduction & Background

- 2.1 The Renters' Rights Act 2025 received Royal Assent on 27 October 2025 and introduces significant reforms to the private rented sector.
- 2.2 The Act strengthens tenant protections and introduces new responsibilities for landlords, alongside expanded enforcement duties for local authorities.
- 2.3 Key changes include:
 - Abolition of Section 21 evictions
 - Introduction of periodic tenancies
 - Strengthened enforcement powers and civil penalties
 - Creation of a landlord database and ombudsman
 - Extension of Decent Homes Standard and Awaab's Law
- 2.4 Full details of the changes can be seen at **Appendix 3**.
- 2.5 The changes will be introduced in three phases. Phase one will launch the new tenancy regime and will take effect on 1 May 2026.
- 2.6 The remaining two phases will follow later: Phase two will introduce the new Private Rented Sector Landlord Ombudsman and the National Landlord and Property database, while Phase three will focus on improving housing standards through the extension of Awaab's Law and an enhanced Decent Homes Standard.
- 2.7 The enactment and implementation of the Act, places new powers, duties and offences. To be prepared for the implementation of the provisions, there requires the amendment or revision of several different constitution documents, policies and procedures including:
 - **Amendments and updates to the council's scheme of delegation**, to authorise officers to use the new powers and duties in the Act and associated legislation which the Act amends.

- **A Housing Standards enforcement policy** - To provide clarity on the duty to enforce within the Renters' Rights Act and other legislation. Recognise the fact that most of the Landlord legislation is outside of the Regulators' Code and therefore cannot be enforced under the existing Enforcement Policy. The aim being to enable enforcement decisions to be taken in line with the statutory guidance. The proposed policy is in Appendix 1.
- **A Civil Penalty Policy** under the Renters' Rights Act 2025 and other housing legislation - To create a consistent approach to making enforcement decisions in line with the statutory guidance and to reflect the new penalties and fines that the Act introduces. The proposed policy is in Appendix 2.
- **A Housing 'debt recovery' policy** or potential update to existing Debt Recovery policies - With the introduction of new Civil Penalties, there is a need for successful debt recovery arrangements. A clear, published policy that is visibly enforced will act as a deterrent. To follow.

2.8 This report addresses the first two of these policy requirements, (Housing Standards Enforcement policy and Civil Penalty Policy). Both proposed policies have both been drafted by Justice for Tenants and have been endorsed by the Association for Chief Environmental Health Officers (ACEHO). They have been shared with local authorities as part of Operation Jigsaw, the body funded by central government to provide advice and guidance to local authorities in the implementation of the Renters Rights Act 2025.

2.9 Whilst neither MHCLG nor Jigsaw can officially endorse either policy, we are aware that the development of these policies has incorporated a detailed review of relevant guidance, procedural precedents relating to financial penalties, and consideration of over half of all First Tier Tribunal appeal decisions. The starting points for the Civil Penalty Notice fines have been taken from the recommendation from the Ministry for Housing, Communities, and Local Government (MHCLG).

2.10 There are other parts of the Renters' Rights Act that we know will be implemented in the future, but the timescales have not yet been published. However, we also have additional clauses that will be required to be added to the policies once these additional parts become live. These clauses are attached and we are requesting that the Assistant Director People Services and the Assistant Director Environmental & Leisure Services are given delegated authority to allow these clauses to be added at the appropriate times. Examples provided in appendix 4.

3. Proposals and Options

3.1 Historically, the Council has not adopted a dedicated Housing Enforcement Policy. Instead, enforcement activity has been guided by the Council's overarching Enforcement Policy, the principles set out in the Enforcement Concordat, and more detailed provisions contained within supporting appendices.

3.2 This overarching policy is currently under review. However, considering the forthcoming Renters' Rights Act, which is expected to significantly strengthen and expand enforcement powers across England and Wales, the development of a dedicated Housing Enforcement Policy has become essential.

3.3 A standalone policy will support officers in applying these enhanced powers consistently and proportionately, while also providing greater transparency and clarity to landlords who may be subject to enforcement action.

3.4 The proposed Housing Standards Enforcement Policy sets out how the Council will enforce property standards, particularly under the Housing Act 2004 and the Renters' Rights Act 2025. The new duties introduced through the Renters' Rights Act 2025 create two categories of non-compliance: **breaches** and **offences**.

3.5 Breaches

A breach refers to non-compliance by a landlord where prosecution is not an option, but the Council may impose a civil penalty. From **1 May 2026**, local authorities will be able to issue penalties of up to **£7,000** to landlords, agents, or anyone acting on their behalf for the following:

- Claiming a tenancy is fixed-term rather than rolling, for example by adding an end date
- Claiming to end a tenancy verbally
- Requiring a tenant to end a tenancy verbally
- Failing to provide written notice to a tenant where the law requires the landlord to state that a specified possession ground may be used

3.4 Offences

An offence refers to more serious non-compliance where the Council may either prosecute or impose a civil penalty. From **1 May 2026**, local authorities may issue civil penalties of up to **£40,000** as an alternative to prosecution where a landlord (or someone acting for them):

- Relets or remarkets a property within the 12-month "restricted period" after relying on statutory possession grounds 1 or 1A, unless reasonable steps were taken to avoid this or an exception applies
- Uses a possession ground knowing or being reckless as to whether the court would grant possession, causing a tenant to leave within four months without a possession order
- Commits a further breach within five years of a previous offence
- Commits a further breach within five years of receiving a civil penalty that has not been withdrawn
- Continues to breach for more than 28 days after a civil penalty has been issued and not withdrawn or under appeal

3.5 Additional duties

The Renters' Rights Act 2025, associated regulations, and government guidance also require councils to update how they enforce existing duties, including those relating to HMO licensing and the management of hazards in private rented homes.

3.6 Housing Act 2004 duties

As a local housing authority, the Council has a duty under section 3(1) of the Housing Act 2004 to keep housing conditions across the district under review and determine what actions should be taken. Section 3(2) sets out available actions, including enforcement under Part 1, property licensing, and management orders under Parts 2 to 4.

3.7 Inspections

Under section 4 of the Housing Act 2004, the Council must inspect a residential property where it considers an inspection necessary to identify Category 1 or 2 hazards. The Council must also inspect following any formal complaint received about the condition of a residential property.

3.8 Approach to enforcement

The revised Policy explains how the Council will apply enforcement powers. While the Council will continue to provide advice and use informal action where appropriate, formal action will be taken where non-compliance occurs or serious hazards are identified. The Policy also outlines the Council's extensive investigatory powers, including the ability to request information, enter properties, seize documents, and use warrants to force entry where required.

3.9 Civil Penalty Policy

The Civil Penalty Policy replaces the current financial penalties policy (last updated July 2025). The Renters' Rights Act expands the number of offences that can be dealt with through civil penalties.

3.10 Purpose of civil penalties

Civil penalties offer an alternative to prosecution for a wide range of housing-related offences, including new tenancy reform requirements. They are intended for serious or repeated breaches and require the same "beyond reasonable doubt" standard of evidence used in criminal courts.

3.11 Types of offences covered

The Policy covers offences under several pieces of legislation, including:

- Housing Act 2004 (e.g. HMO licensing failures, overcrowding, improvement notices)
- Housing Act 1988
- Electrical safety regulation breaches
- Renters' Rights Act 2025 tenancy reforms, including:
 - Discrimination in lettings (e.g. children, benefits)
 - Breaches of advertising and rent-bidding prohibitions
 - Unlawful eviction and harassment

3.12 Penalty setting matrix

The Policy introduces a structured matrix aligned with national good practice to determine penalty levels, considering:

- Severity of the offence
- Landlord experience or portfolio size
- Aggravating or mitigating factors
- Financial circumstances

3.13 Penalty levels

Statutory guidance provides the starting points for penalty values. Maximum penalties range from **£7,000** for lower-level breaches to **£40,000** for the most serious offences. North Norfolk District Council may also offer early-payment discounts to encourage prompt engagement and compliance.

3.14 Debt recovery

A civil penalty cannot be referred for debt recovery until **12 months** after it is issued. The Council does not currently have a Civil Penalty Debt Recovery Policy. The Association of Chief Environmental Health Officers (ACEHO) recommends

such a policy as essential. A draft policy will therefore be developed and brought forward for democratic approval.

4. Corporate Priorities

4.1 The Act aligns with the Housing, Homelessness and Rough Sleeping Strategy. It also supports the Council's strategic priorities by:

- Improving housing standards
- Protecting vulnerable residents
- Strengthening communities

5. Financial and Resource Implications

5.1 The Government has allocated £18.2m nationally in New Burdens funding for 2025/26.

5.2 North Norfolk District Council has received £32,270 in 2025 for initial implementation. This is part of the budget for Environmental Health.

5.3 Additional funding of £37,436 has been granted for 2026/27 and £17,626 for 2027/28. This has been granted under the MHCLG Homelessness, Rough Sleeping and Domestic Abuse Grant (2026).

5.4 Civil penalty income may be retained but is variable and cannot be relied upon as a stable funding source.

5.5 Additional staffing and enforcement capacity may be required.

5.6 These changes will impact multiple services including Housing Options, Environmental Health Enforcement, Debt Recovery, and Legal Services.

Comments from the S151 Officer:

Initial costs will be met from new burdens funding and existing budgets. The Government model assumes enforcement activities will be self funding. If that assumption proves incorrect Officers will seek authorization from Members to increase budgets if required.

6. Legal Implications

6.1 The Act introduces new duties and enforcement powers, including mandatory action and civil penalties for non-compliance.

6.2 The Council must adopt updated policies to ensure lawful implementation from 1 May 2026.

6.3 Failure to do so would expose the Council to legal challenge.

Comments from the Monitoring Officer

The Monitoring Officer (or member of the Legal team on behalf of the MO) will complete this section. They will outline any legal advice provided.

It is necessary that the Council adopt appropriate policies that reflect the changes being implemented by the Renters Rights Act. This is an important piece of legislation that serves to protect tenants in privately rented properties, providing them with greater security and certainty, and preventing discrimination. A failure to adopt the proposed policies leaves the Council with significantly reduced powers to ensure private landlords comply with these new requirements but could leave it at risk of legal challenge.

7. Risks

7.1 Failure to adopt the policies may result in:

- Judicial Review
- Inability to meet statutory duties
- Reputational damage

7.2 There is also a financial risk that civil penalty income may not fully recover enforcement costs.

8. Net Zero Target

8.1 There are no direct climate implications.

8.2 However, improved housing standards may indirectly improve energy efficiency and reduce carbon emissions.

9. Equality, Diversity & Inclusion

9.1 When considering the impact of the Housing Standards Enforcement Policy and the Civil Penalties Policy on protected characteristic groups, and the implications for the Public Sector Equality Duty (Equality Act 2010), it can be considered that both proposals will be positive for all groups because they strengthen the enforcement of housing standards, improve safety and living conditions, and protect tenants who are disproportionately impacted by poor-quality or unsafe accommodation.

9.2 Together, the policies support fair treatment, reduce health inequalities, deter non-compliant landlord practices, and ensure that decisions are applied consistently and transparently, helping to advance equality and safeguard vulnerable residents.

10. Community Safety issues

10.1 The implementation of this Policy allows the Council to carry out its Housing functions. Effective use of this Policy raises standards and reduces offences relating to the provision of poor housing and / or poor tenancy management.

11. Conclusion and Recommendations

11.1 The Renters' Rights Act 2025 represents a significant shift in housing regulation.

11.2 Adoption of the proposed policies is essential to ensure lawful enforcement, protect tenants, and support compliance within the private rented sector.

11.3 Without these policies, the Council would be unable to effectively implement the Act and would face legal and operational risks.

11.4 Cabinet is recommended to:

(a) Approve the contents of the new Private Housing Standards Enforcement Policy, attached as Appendix 1 and agree that this policy shall be implemented and take effect from the 1st of May 2026.

(b) Grant delegated authority to the Assistant Director People Services and the Assistant Director for Environmental and Leisure Services to make where necessary any minor amendments and updates to the policy required, in order to reflect any organisational or further legislative changes which take place following implementation.

(c) Approve the Civil Penalties Policy, attached as Appendix 2 and agree that this policy shall be implemented and take effect from the 1st of May 2026.

(d) Grant delegated authority to the Assistant Director for People Services and Assistant Director Environmental & Leisure Services to make where necessary any minor amendments and updates to the policy required, to reflect any organisational or further legislative changes which take place following implementation.

12. Appendices

Appendix 1 - Housing Standards Enforcement Policy (attached)

Appendix 2- Civil Penalty Policy (attached)

Appendix 3 - The principles of the Renters Rights Act 2025

The Renters' Rights Act 2025 introduces significant changes to the private sector rental market in England, aimed at enhancing tenant protections and establishing new responsibilities for landlords. As such, it places new duties on local authorities and will have a direct impact on the regulatory activity of the Environmental Protection Team (Housing Regulation), and Housing Options service which are respectively responsible for private sector housing regulation, homelessness duties and administration of the Housing Register. There will also be impacts on the workload of the Legal Team.

The Act introduces changes that will:

- **Strengthen local authority enforcement** by expanding civil penalties, introducing a package of investigatory powers and bringing in a new requirement for local authorities to report to Government on enforcement activity.
- **Adjust civil penalties** with an increase of the maximum applicable penalty from £30,000 to £40,000, alongside the introduction of new mandatory penalties of £7,000 for various legislative breaches.
- **Abolish section 21** evictions and move to a simpler tenancy structure where all assured tenancies are periodic – providing more security for tenants and empowering them to challenge poor practice and unfair rent increases without fear of eviction. This is being introduced swiftly to ensure all tenants gain security as soon as possible.
- **Strengthen rent repayment orders** by extending their application to superior landlords, doubling the maximum penalty and ensuring repeat offenders have to repay the maximum amount.
- **Ensure possession grounds are fair to both parties**, giving tenants more security, while ensuring landlords can recover their property, when reasonable. The Act introduces new safeguards for tenants, including allowing additional time for them to find alternative housing if the landlord seeks possession to move in or sell, and measures to prevent unscrupulous landlords from misusing grounds for possession.
- **Provide stronger protections against 'backdoor' evictions** by allowing tenants to challenge excessive, above-market rent increases intended to force them out. Landlords will retain the right to raise rents to market levels, with an independent tribunal available to adjudicate disputes where necessary.
- **Give tenants strengthened rights to request a pet** in the property, which the landlord must consider and cannot unreasonably refuse.

- **Make it illegal for landlords and agents to discriminate** against prospective tenants in receipt of benefits or with children – helping to ensure everyone is treated fairly when looking for a home.
- **End the practice of rental bidding** by prohibiting landlords and agents from asking for or accepting offers above the advertised rent. Landlords and agents will be required to publish an ‘asking rent’ for their property, and it will be illegal to accept offers made above this rate.
- **Create a Private Rented Sector Database** to help landlords understand their legal obligations and demonstrate compliance (giving good landlords confidence in their position), alongside providing better information to tenants to make informed decisions when entering into a tenancy agreement. It will also support local councils – helping them target enforcement activity where it is needed most. Landlords will need to be registered on the database in order to use certain possession grounds.
- **Introduce a new Private Rented Sector Landlord Ombudsman** that will provide quick, fair, impartial and binding resolution for tenants’ complaints about their landlord. This will bring tenant-landlord complaint resolution on par with established redress practices for tenants in social housing and consumers of property agent services.
- **Apply the Decent Homes Standard to the private rented sector** to give renters safer, better value homes and remove the blight of poor-quality homes in local communities.
- **Apply ‘Awaab’s Law’ to the PRS**, setting clear legal expectations about the timeframes within which landlords in the private rented sector must take action to make homes safe where they contain serious hazards.

Appendix 4 – Additional clauses for future insertion

Clauses to be added to the Housing Standards Enforcement Policy when new parts of the ACT come into play.

<p>Civil Financial Penalties for specified offences</p>	<p>Additional offences to be added to list:</p> <ul style="list-style-type: none"> • Offences in relation to the PRS database [Part 2, Chapter 3 Renters’ Rights Act 2025] • Offences in relation to the landlord ombudsman [Part 2, Chapter 2 Renters’ Rights Act 2025] • Breach of the decent homes’ standard [Part 3, Renters’ Rights Act 2025]
<p>Rent Repayment Orders</p>	<p>Additional qualifying offences:</p> <ul style="list-style-type: none"> • Landlord’s failure to become a member of a landlord redress scheme [Renters’ Rights Act 2025, s67] • Landlord’s failure to join a PRS database [s92 Renters’ Rights Act 2025] • Landlord’s failure to comply with the requirements of a PRS database, or in providing false or misleading information to the database operator [s92 Renters’ Rights Act 2025] • Offences in relation to the landlord ombudsman [s67 Renters’ Rights Act 2025]
<p>New section regarding PRS Database</p>	<p>Entry onto the PRS database Under s83(1) of the Renters’ Rights Act 2025, the Authority has a duty to make an entry on the Private Rental Sector database in respect of a person where:</p> <ul style="list-style-type: none"> • A relevant Banning Order has been made against that person following an application by the authority; • The person has been convicted of a relevant Banning Order offence following criminal proceedings brought by the authority; or • The authority has imposed a Financial Penalty on the person in relation to a Banning Order offence. <p>Under section 83(2), the Authority has the power to make an entry where:</p> <ul style="list-style-type: none"> • The person has been convicted of a relevant Banning Order offence following criminal proceedings brought by someone other than a local housing authority, or • A Financial Penalty has been imposed on the person in relation to a relevant Banning Order offence by a person other than a local housing authority.