

Meeting General Purposes Committee
Portfolio Area Housing and Housing Development
Date 14th April 2026

RENTERS RIGHTS ACT 2025 – NEW ENFORCEMENT POLICY

NON-KEY DECISION

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1 PURPOSE

- 1.1 To consider the Council’s draft Renters’ Rights Act 2025 Enforcement Policy which sets out the Councils approach to regulation and enforcement relating to private rented sector housing under the new provisions of the Renters’ Rights Act 2025.

2 RECOMMENDATIONS

- 2.1 That the General Purposes Committee agrees the proposed Stevenage Borough Council draft Renters’ Rights Act 2025 Enforcement Policy (attached at **Appendix A**).
- 2.2 That the General Purposes Committee recommend the Stevenage Borough Council draft Renters’ Rights Act 2025 Enforcement Policy to Cabinet.

3 BACKGROUND

- 3.1 The Renters' Rights Act 2025 ('the Act') gained Royal Assent on 27th October 2025. The Act makes substantial changes to the law concerning rented homes, including provisions abolishing fixed term assured tenancies and assured shorthold tenancies and imposing new obligations on landlords and others in relation to the marketing and letting of rented homes.
- 3.2 The Act places a statutory duty on local housing authorities to enforce the 'landlord legislation' as defined under the Act and confers on them new investigatory and enforcement powers.
- 3.3 This policy sets out how Stevenage Borough Council will enforce the new provisions and how it will apply the new regulatory powers under the Act. The aims of this policy are to:
- Ensure that, where landlords are not complying with their obligations under the Act which fall within the remit of local housing authorities, effective regulatory action is taken by the Council using the enforcement powers available.
 - Ensure that enforcement powers are applied in a fair, transparent, proportionate and consistent manner.
 - Provide clarity to tenants, landlords and other interested parties on the approach that the Council will take in the regulation and enforcement of private sector housing standards under the Act.
- 3.4 The policy has been developed having regard to the new statutory enforcement guidance published by the Government, which local housing authorities must have regard to in carrying out their duties under the Act. A link to the enforcement guidance (comprised of a set of separate online publications) is provided under Background Documents. Further detail on the legislative framework is set out in the policy.
- 3.5 The new provisions under the Act are being brought into effect in stages. The policy relates to those provisions coming into effect on 1st May 2026, in respect of which the statutory enforcement guidance has been produced. Other parts of the Act will come into effect later, notably those relating to a new Private Rented Sector Database (see Section 6) and redress scheme for private tenants. Updates to the policy will therefore be needed later in 2026/27 as further secondary legislation and statutory guidance is published. The policy makes provision for these further updates to be made by the Director for Planning and Regulation in consultation with the portfolio holder for Housing and Housing Development.

4 CONSULTATION

- 4.1 In developing this policy, consultation was limited to internal consultation within the Environmental Health and Licensing and Housing Options services which are primarily responsible, respectively, for enforcing the legislation and providing advice and assistance to tenants. No comments were received that necessitated consideration of any changes to the policy.
- 4.2 It was not considered necessary to conduct a public consultation exercise given that much of the policy content relates to matters prescribed by the legislation and statutory guidance. As stated above, the Council has a statutory duty to enforce the legislation to which this policy relates. The policy sets out how the Council will fulfil its functions under the Act within the framework established by the legislation and the statutory guidance.

5 REASONS FOR RECOMMENDED COURSE OF ACTION

- 5.1 Section 107 of the Act states that *'it is the duty of every local housing authority to enforce the landlord legislation in its area.'* Section 107 then goes on to define the term 'landlord legislation' as including the other relevant provisions of the Act.
- 5.2 The implementation of and adherence to the proposed policy will ensure consistency of the Council's approach in enforcing the legislation and compliance with the statutory enforcement guidance in doing so. It will also give assurance to tenants and those operating rental businesses as to the response that they can expect from the Council where non-compliance with the landlord duties under the Act arises.
- 5.3 A key consideration for local housing authorities in setting enforcement policy is the stage at which enforcement action should be initiated after non-compliance is first identified. This is addressed in the draft policy content (section 6 of the policy) which, in summary, sets out the position as follows:
- Landlords are expected to conduct their rental business in a professional manner and in full compliance with the law.
 - The statutory enforcement guidance makes clear that local housing authorities:
 - (a) Need not take informal steps to address non-compliance before commencing formal action (i.e. issuing a civil penalty notice or commencing prosecution proceedings).
 - (b) Should take account of the need for effective deterrence and punishment and what is in the best interests of tenants.

- Therefore, where non-compliance with the landlord legislation is established, the Council will normally take formal action, without recourse first to informal action.
- Informal action may be taken to achieve compliance in the first instance where there are considered to be good reasons for doing so which outweigh the considerations in favour of immediate formal action, having regard to the reasons for non-compliance and the other relevant circumstances of the case.
- Where a decision is made to take informal action first, clear timescales for compliance will be given to the landlord. The investigating officer will then follow up promptly to determine whether the non-compliance has ceased and will proceed to formal action if necessary.

5.4 It is proposed that the approach outlined above, which outlines an 'enforcement first' approach in general but does not preclude informal action in the first instance where there is strong justification for this, achieves a suitable balance between the need to ensure the protection of tenants and the safeguarding of their rights, and the importance of ensuring a fair and consistent approach to enforcement action and that any decision to initiate prosecution proceedings is in the public interest. It is noted that the Regulator's Code does not apply to the Renter's Right Act 2025, as it does to much of the other legislation that the Environmental Health service is required to enforce and a 'graduated' approach to enforcement whereby informal action is taken first is not required. This is made expressly clear within the statutory enforcement guidance.

6 FINANCIAL IMPLICATIONS

- 6.1 The need for additional resource within the Council's Environmental Health and Licensing Service has been identified, to meet the additional regulatory burden in enforcing the provisions of the Act addressed in the policy – and further provisions under the Act due to come into enforce later in 2026/27.
- 6.2 New burdens funding from the Government totalling £98,191 for the period up until the end of 2027/28, in addition to £37,000 of the Revenue Support Grant for 2026/27 has been allocated for this purpose. Recruitment of two additional officers to the Environmental Health and Licensing Service began in March 2026.
- 6.3 Part 2, Chapter 3 of the Act makes provision for the Government to introduce a Private Rented Sector Database. All private sector landlords will be required to register themselves and their properties on this database, which is expected to be rolled out from Autumn 2026. Registration fees paid by landlords will in part be rebated to local housing authorities and ring-fenced for the enforcement of private sector housing legislation. This will therefore generate

income for local housing authorities for this purpose, but the amount of the fees that landlords will pay and the proportion to be rebated to local housing authorities is unknown at the time of writing this report.

- 6.4 It is possible that additional resource may be needed after 2027/28 to maintain the required level of regulatory activity within the Environmental Health and Licensing service, given that no further new burdens funding from the Government is expected after this period and that income from the Private Rented Sector Database registration fees may be insufficient for this purpose. A future growth bid for the service may therefore be required.

7 LEGAL IMPLICATIONS

- 7.1 As stated, the Council has a statutory duty under Section 107 of the Act to enforce the landlord legislation. This policy sets out a consistent approach in how the Council will meet this duty.

- 7.2 In doing so, the Council must also have regard to the aforementioned statutory enforcement guidance. The policy has been developed with reference to this guidance.

- 7.3 Prior to and following the Act gaining Royal Assent, the changes made by the Act to strengthen rights and protections for tenants have had a high profile, including in national media. There is also significant interest among organisations which have campaigned for these additional rights and protections for tenants.

- 7.4 The performance of local housing authorities in terms of implementing the new legislation is therefore likely to be under significant public scrutiny, particularly as the Act includes a statutory requirement for them to report to Government on their housing enforcement activity, on a quarterly and annual basis. Requests for this data from interested parties under the Freedom of Information Act are likely to be received by local authorities. As well as adverse publicity, there is a potential for local authorities to face legal challenges where they fail to meet their duty under Section 107 of the Act.

8 EQUALITIES AND DIVERSITY IMPLICATIONS

- 8.1 An Equalities Impact Assessment was carried out in March 2026. This concluded that the policy aims to result in a consistent and transparent approach to the enforcement of the Renters' Rights Act 2025, which will apply equally to private rented sector landlords, rental businesses and other persons acting on a landlord's behalf in the course of such a business.

- 8.2 The assessment further concluded that having a clear, consistent and transparent approach helps to ensure confidence that the approach that the Council will take will be fair and applied on an equal and impartial basis to those with duties as landlords under the legislation.
- 8.3 In addition, the strengthened rights and protections for tenants within the private rented sector is expected to have an overall positive effect for those in disadvantaged groups or with certain protected characteristics.
- 8.4 A copy of the Equalities Impact Assessment can be found at **Appendix B** of the draft policy document.

9 BACKGROUND DOCUMENTS

- BD1 [Renters' Rights Act: guidance for local authorities and councils - GOV.UK](#)
- BD2 [Renters' Rights Act 2025](#)

10 APPENDICES

- A Renters' Rights Act 2025 Enforcement Policy
- B Equalities Impact Assessment