

Brighton & Hove City Council

Cabinet

Agenda Item 170

Subject: Private Sector Housing Enforcement Policy

Date of meeting: Thursday, 23 April 2026

Report of: Cabinet Member for Housing

Lead Officer: Name: Corporate Director for Homes & Adult Social Care

Contact Officer: Name: Diane Hughes

Email: diane.hughes@brighton-hove.gov.uk

Ward(s) affected: All wards

Key Decision: Yes

Reason(s) Key: Is significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions (wards)

For general release

1. Purpose of the report and policy context

- 1.1 The Council's Private Sector Housing (PSH) Enforcement Policy was published in 2020, with minor updates since then. In October 2025 the Renters' Rights Act introduced 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.
- 1.2 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.
- 1.3 The Council will where it concludes that there is a pattern of behaviour which would lead to a landlord being considered as a rogue landlord, will normally and in line with its legal obligations, take all legal steps available to it, to address illegality which reflects the Councils intent to have zero tolerance approach to rogue landlords.

- 1.4 Our work to improve standards and conditions in the private rented sector contributes to key priorities within the Council Plan 2023-2027 (A fair and inclusive city - homes for everyone) and Housing Strategy 2024-29 Homes for Everyone (Improving housing quality, safety and sustainability - improve standards in the private rented sector).

2. Recommendations

- 2.1 Cabinet agrees that the amended Private Sector Housing Enforcement Policy, as set out in Appendix 1, is adopted from 1 May 2026.
- 2.2 Cabinet delegates authority to Corporate Director Homes & Adult Social Care in consultation with the Cabinet Member for Housing to make such amendments to the policy as may be required following adoption as outlined in paragraph 3.6 of this report.

3. Context and background information

- 3.1 The private rented sector is an important source of housing in the city with 33% of homes in Brighton & Hove are rented privately, compared to 20% in England. The growth in the private rented sector in Brighton & Hove means that nearly one in 3 households in the city are renting privately with some wards with over 50% of homes in the private rented sector. In addition, there are over 3,800 Houses in Multiple Occupation in the city with 8,500 properties covered by our licensing schemes. Over the past year we have also received 465 requests for assistance. We provide regular performance reporting and an annual housing strategy update to track and communicate progress on our private sector housing activities. In addition, the Renters' Rights Act introduces a duty on local authorities to report on their private rented sector enforcement activity, which will include quarterly returns to Ministry of Housing, Communities and Local Government.
- 3.2 Having a private sector housing enforcement policy is essential for local authorities to ensure consistent, transparent, and fair regulation of housing standards. It provides a legal framework for addressing unsafe conditions, holding landlords accountable through action like statutory notices, and improving property conditions. With the introduction of the Renters' Rights Act there is an opportunity to ensure the policy also covers tenure related reforms and consumer standard related requirements creating a holistic policy for the council. Trading Standards and Housing Options alongside the Private Sector Housing Team will also utilise the policy for enforcement of relevant sections of the Renters' Rights Act. Relevant officers will be given delegated powers under the existing scheme of delegation to cover the additional new powers. For those who do not already have enforcement powers delegated to them this will be new powers, for those with existing powers it will simply be an amendment to those powers.
- 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 differentials in the extent of tenant protections.

- 3.4 In response to these concerns, the voluntary group, Association of Chief Environmental Health Officers (ACEHO) in partnership with some local authorities and Justice for Tenants have 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.
- 3.5 We are therefore updating our current policy to include key elements of the model enforcement policy and aligning our approach to Civil Penalty Notices with the model Civil Penalty Policy. Following a model national policy for fine calculation will ensure consistency in fine calculation and reduce the likelihood of enforcement decisions and risk of appeals and tribunals. Alongside the policy we are also proposing to use a fine generator calculator which will provide a quick, consistent method for officers to calculate the fines.
- 3.6 The existing Private Sector Housing Enforcement Policy has demonstrated its effectiveness in supporting robust, fair, and proportionate regulation of housing standards. It has enabled officers to intervene decisively where required while maintaining transparency and accountability in enforcement activity. It is proposed that the new policy take effect from 1 May 2026 with transitional arrangements in place to ensure legal and procedural continuity. For a limited period of approximately 6 months, both the existing and new policies will operate in tandem, with the applicable policy determined by the date on which the offence was committed. This approach ensures fairness and legal certainty for ongoing cases, avoids retrospective application of policy and allows the Council to conclude enforcement activities initiated under the current framework. Once legacy cases have resolved, the existing policies will be formally withdrawn, leaving a single updated policy framework in place.

Not all elements of the act have been given a commencement date of 1 May 2026 and new Housing Health & Safety Rating System operating and enforcement guidance is expected to come into force in June 2026. Recommendation 2.2 will enable us to update the policy when these additional provisions are in force.

- 3.7 The revised policy and appendices are included at Appendix 1 with main changes to the current policy listed in the table below:

Area	Current Policy	Proposed Policy	Change Detail
Legislative Framework and Offence Coverage	Based on Housing Act 2004, Housing & Planning Act 2016, related legislation and general civil penalty powers	Aligned with Renters' Rights Act 2025 as implemented up to 1 May 2026. Updates to other legislation including building safety and electrical standards	Amendments to reflect incoming powers and duties (large expansion of breaches and offences)
Enforcement Approach	Graduated approach promoting support and voluntary compliance in most cases unless high risk or history of non-compliance	Allows formal action as the first step where 'landlord legislation' breach/offence committed.	Stronger early intervention powers in adherence with section 107
Civil Penalty Calculation	Locally determined matrix considering number of factors	Replaced with statutory matrix including set starting points and other structured factors including landlord type	Introduction of statutory starting points and a nationally consistent calculation method
Civil Penalty financial assessment/ representation consideration	Not included at present	Detailed evidence requirements	Stronger evidential basis required
Discount for prompt payment of fines	Not included at present	Include a discount	15% if paid within 28 days

- 3.8 Agreeing a new enforcement policy is one way the council is preparing for the introduction of the Renters Rights Act. Preparatory work has been ongoing amongst services to ensure we are ready to respond to cases arising from the new legislation. This includes utilising New Burdens Funding and increasing our resources in Trading Standards to address consumer standards with letting agents and Tenancy Relations Officers in our Housing Options Team to respond to issues of illegal eviction and harassment.

4. Analysis and consideration of alternative options

- 4.1 The council could make limited amendments to the current Private Sector Housing Enforcement Policy (and Civil Penalty Policy) to reference the Renters' Rights Act, without adopting a revised framework linked to civil penalties. This is not recommended as it will mean the policies do not adequately reflect the council's new duties and there is a reputational risk for ineffectively implementing the Renters' Rights Act. In addition, there is a higher likelihood of legal challenge and policy failure under scrutiny with reduced clarity for officers, landlords and tenants.

5. Community engagement and consultation

- 5.1 The council has been working closely with other authorities in Sussex on the roll out of Renters Rights Act and amendments to enforcement policies and have arranged for a Pan Sussex Landlord Forum on 28 April 2026 to share further information with landlords. In addition, we have updated the [council's website](#) to ensure information is available on the new obligations and how to report cases for advice and investigation. Working positively with landlords, offering clear expectations and constructive guidance will support landlords to meet the expectations of the act. This builds on our existing practice through licensing schemes for offering discounted licence fees recognising professionalism in the sector and for landlords who achieve an EPC C rating rewards investment in energy-efficient homes.
- 5.2 The council has also engaged with the wider work with Operation Jigsaw and their knowledge hub online community which enables sharing of best practice across industry and local authority peers.
- 5.3 A communications campaign for tenants is in progress which highlights the new legislation and the difference our revised enforcement policy will make.
- 5.4 An all member briefing was held on 16 April.

6. Financial implications

- 6.1 The adoption of the revised Private Sector Housing Enforcement Policy does not create additional funding needs. The policy primarily updates and clarifies the Council's enforcement framework to reflect the Renters' Rights Act 2025 and nationally recognised model policies, rather than expanding the scope of services beyond existing statutory duties. The delivery will therefore be managed within current approved budgets, with implementation activity aligned to existing staffing and enforcement structures.

Where additional enforcement activity arises as the new duties bed in, this is expected to be supported through New Burdens funding associated with the Renters' Rights Act, alongside existing service budgets. However, demand

levels and timing remain uncertain, and financial impacts will need to be monitored as implementation progresses.

- 6.2 The expanded use of civil penalties may generate income, but this is demand led, uncertain, and cannot be assumed or built into base budgets. Any receipts will be treated in line with statutory requirements and used to support enforcement activity rather than to offset core service pressures. Ongoing impacts will be monitored through the normal TBM processes.

Name of finance officer consulted: Ferrise Hall Date consulted 17/03/2026

7. Legal implications

- 7.1 There are a number of legal implications which arise as a result of the Renter's Right's Act. Predominantly these relate to assured short hold tenancies.
- 7.2 BHCC tenancies are secure and the changes are not applicable to these tenancies. Where it comes to other social landlords, they will be subject to many of the requirements especially as they relate to tenancies held as assured short hold tenancies. The main elements which do not apply are scheduled to come into effect in 2027 following consultation on the Regulator of Social Housing's Tenancy Standard. There is the potential for situations to arise where there is overlap between the Councils enforcement duties and the relationship as LHA who is allocating through the statutory process. RSL's have alternate dispute resolution processes embedded such as internal complaints and the Ombudsman process. Care will need to be taken to ensure appropriate allocation of resources. This should not stop enforcement visits, but there may already be a resolution in place that can be effective.
- 7.3 The primary change will sit within the private rented sector. The Government has been clear it seeks to professionalise the landlord rental market. It is noted that BHCC holds many arrangements with landlords particularly in the leasing of property for use as temporary accommodation. In most instances BHCC will lease and become landlord and so there is no direct impact. In other instances, BHCC will have to monitor arrangements with private sector providers.
- 7.4 The most significant changes are to the Council's enforcement powers where landlords have not complied with their duties, have failed to keep the property in a decent standard and have carried out illegal evictions. This is referenced in the report and appendices. There are no additional legal comments other than what is set out in the documents. Many of these powers are new and so there is likely to be a period of time when the enforcement beds down. The volume of requests for assistance is unknown, and it may be that there will have to be a prioritisation process as necessary.

Name of lawyer consulted: Simon Court Date consulted 12 March 2026.

8. Risk implications

- 8.1 Risk minimisation is central to ensuring the effective and proportionate implementation of the new Private Sector Housing Enforcement Policy. This will be achieved through a structured approach that includes early identification of emerging issues, consistent application of policy, and strong internal governance. Clear decision-making frameworks, officer training, and quality assurance processes will help reduce the likelihood of inconsistent enforcement or legal challenge.
- 8.2 Engaging proactively with landlords, tenants, and partner agencies will further mitigate risks by improving compliance, transparency, and shared understanding of responsibilities. Regular reviews of enforcement actions, alongside monitoring of local housing market conditions, will ensure that risks are continually assessed and addressed, supporting fair, safe, and defensible outcomes.
- 8.3 The following table highlights current risks and steps to mitigate them:

Risk category	Description	Mitigation
Legal	There is a risk that failure to adopt updated enforcement and civil penalty policies aligned with the Renters' Rights Act could result in the Council being unable to demonstrate compliance with our statutory duty to enforce landlord legislation under section 107 once it comes into force on 1 May 2026. This may increase the likelihood of successful challenge to enforcement decisions, particularly where informal action is relied upon without clear justification, or where penalty-setting lacks a transparent and consistent framework.	Adoption of the proposed policy suite, with clear decision-making criteria and transitional arrangements, will provide a defensible and legally robust basis for enforcement action.
Reputational	Inconsistent application of enforcement powers or civil penalties may contribute to perceptions of a "postcode lottery" for landlords, undermining confidence in the Council's regulatory approach and damaging its reputation as a fair and proportionate regulator. This risk is heightened where landlords operate across multiple local authority areas.	Alignment with nationally recognised model will support consistency and transparency in enforcement outcomes.
Project (operational delivery)	The introduction of new policies from 1 May 2026, alongside a transitional period where legacy cases are concluded under existing policies, may create complexity for officers and	Clear internal guidance, officer briefings, and defined transitional arrangements based on the date of offence and

	decision makers, with a risk of procedural error or misapplication of policy.	management oversight will support correct application of the appropriate policy framework during the transition period.
Legal (challenge and appeals)	The expanded use of civil penalties under the Renters' Rights Act may lead to an increase in representations, appeals, and non-payment of penalties, particularly during the early stages of implementation.	A clear civil penalty methodology, consistent enforcement approach, and alignment with best practice, including the development of a dedicated civil penalty debt recovery framework, will support effective recovery and reduce the risk of protracted disputes. The policy frameworks have been developed with regard to decisions made at court, the First tier and Upper-tier Tribunals.
People	The enhanced enforcement expectations under the Renters' Rights Act may place additional pressure on officer capacity, particularly during the initial implementation phase. It may be difficult to recruit experienced staff to undertake this function.	Clear policies will streamline decision-making, reduce rework, and support more efficient enforcement activity. Triaging of cases will enable correct prioritisation of cases and ongoing monitoring will allow emerging capacity issues to be identified and addressed. Developing a targeted recruitment strategy and strengthening retention through career pathways and professional development.

9. Equalities implications

- 9.1 The Renters' Rights Act 2025 introduces sweeping reforms to the private rented sector, including the abolition of Section 21 "no fault" evictions, limiting rent increases to once per year, capping advance rent at one month, and shifting all tenancies to periodic agreements—changes designed to increase stability and reduce financial barriers for renters. Crucially, the Act also strengthens anti-discrimination protections by making it unlawful for

landlords to refuse tenants because they receive benefits or have children, a practice that has disproportionately affected groups with protected characteristics, such as women, disabled people, and single parents. Measures such as banning rental bidding wars, improving standards, and preventing retaliatory evictions further reduce opportunities for indirect discrimination that previously allowed unsafe or unfair housing practices to persist, particularly impacting marginalised renters.

- 9.2 These reforms directly support and strengthen a housing enforcement policy by providing clearer statutory duties and powers for local authorities: enforcement teams can now more easily intervene where landlords ignore anti-discrimination rules or continue to use prohibited practices such as excessive advance rent demands or bidding wars. Together, these elements reinforce an enforcement policy framework focused on fairness, compliance, and accountability, helping councils target rogue landlords, uphold tenants' rights, and better protect residents—especially those with protected characteristics who are statistically more vulnerable to poor housing conditions and discriminatory treatment.

10. Sustainability implications

- 10.1 Enforcement of Minimum Energy Efficiency Standards (MEES), appropriate insulation, working heating and ventilation systems and ensuring property condition standards are met will help reduce the number of households spending disproportionate income on heating. It will also help reduce CO₂ emissions from heating poorly insulated homes and has a lower energy demand which contributes to local and national net zero goals.

11. Health and Wellbeing Implications:

- 11.1 Poor quality housing is one of the strongest social determinants of health (physical and mental health). Stronger consistent enforcement ensures private landlords meet their legal duties, which in turn improves living conditions and reduces harm.
- 11.2 Children, older adults, and people with chronic conditions are most affected by poor housing and therefore a robust policy protects those at greatest risk of health inequalities.

Other Implications

12. Procurement implications

- 12.1 There are no procurement implications for this proposal.

13. Crime & disorder implications:

- 13.1 Implementation of this policy contributes to safer, more resilient neighbourhoods by improving property standards, promoting responsible

landlord behaviour, and mitigating environmental and behavioural conditions that can lead to crime or disorder.

- 13.2 Where the Council identifies potential criminal offences arising from breaches of housing legislation, officers may conduct interviews under caution in accordance with the Police and Criminal Evidence Act 1984 (PACE) and its associated Codes of Practice. These interviews ensure that individuals suspected of committing an offence are given the opportunity to respond to allegations in a manner that is fair, transparent, and compliant with legal requirements.

14. Conclusion

- 14.1 Adopting the revised Private Sector Housing Enforcement Policy provides the most robust, legally compliant, and consistent approach to enforcement under the Renters' Rights Act and other legislation and ensures the council can meet statutory duties, implement the Renters' Rights Act effectively and that the intended tenant protections are driven forward. The policy will take effect from 1 May 2026, with transitional arrangements allowing the existing policy to operate in tandem, for a limited period to conclude legacy cases.

Supporting Documentation

1. Appendices

1. Appendix 1 Private Sector Housing Enforcement Policy (and appendices)

2. Background documents

1. [Private Sector Housing \(PSH\) Enforcement Policy](#) (Current policy)
2. [Renters' Rights Bill: Impact assessment - GOV.UK](#)