

North Yorkshire Council

Executive

12 May 2026

Introduction of a new Enforcement Policy aligned with Renters Rights Act

1.0 PURPOSE OF REPORT

- 1.1 To seek Executive approval to adopt a new Housing Authority Enforcement Policy for private sector housing, ensuring compliance with the Renters' Rights Act 2025 and associated housing legislation, in accordance with the Council's governance and decision-making framework.
- 1.2 To seek confirmation of the appropriate delegations to support the effective implementation of the Housing Enforcement Policy and the Council's statutory duties, functions, responsibilities and enforcement duties under the Renters' Rights Act 2025.

2.0 SUMMARY

- 2.1 The Council has an overarching enforcement policy; however, services require more specific policies which sit beneath this framework, including the existing housing standards enforcement policy.
- 2.2 The Renters' Rights Act 2025 becomes law on 1st May 2026, although some investigatory parts of the Act have been in force since late last year. The Act significantly strengthens the role of local authorities in regulating the private rented sector, introducing new offences, enforcement powers, and reporting duties. In response, the Association of Chief Environmental Health Officers in England (ACEHO) has produced a nationally endorsed model Housing Authority Enforcement Policy for adoption by local housing authorities.
- 2.3 The proposal policy is based on ACEHO Model Housing Authority Enforcement Policy (Appendix A) and sets out clear principles and processes for enforcement across a wide range of housing legislation, including but not limited to:
 - Housing Act 2004 (Parts 1–5 and 7)
 - Renters' Rights Act 2025
 - Protection from Eviction Act 1977
 - Housing and Planning Act 2016
 - Energy Efficiency (Private Rented Property) Regulations 2015
 - Smoke and Carbon Monoxide Alarm Regulations
- 2.4 The policy provides a detailed enforcement framework, covering investigatory powers, informal and formal enforcement action, emergency powers, civil financial penalties, prosecutions, Rent Repayment Orders and banning orders. Adoption will ensure that North Yorkshire Council's enforcement activity is consistent, proportionate, transparent, and defensible, while enabling robust action against serious or persistent non-compliance.

3.0 BACKGROUND

- 3.1 The Renters' Rights Act 2025 was introduced to address longstanding weaknesses in the private rented sector, including high levels of non-decent housing, insecurity for tenants and inconsistent enforcement across England. National data continues to show that the private rented sector contains the highest proportion of homes with serious hazards and poor living conditions, and the Act seeks to create a fairer, safer and more accountable system. In North Yorkshire, around one-fifth of all homes are privately rented, and a significant proportion of the stock is pre-1929 and therefore more vulnerable to hazards.
- 3.2 The Renters' Rights Act 2025 introduces significant reforms to the private rented sector aimed at improving security, standards, and fairness for tenants. Key provisions include the abolition of Section 21 'no-fault' evictions, the replacement of assured shorthold tenancies with a single system of assured periodic tenancies and strengthened controls on rent increases. The Act also places new duties on landlords in relation to property standards, non-discrimination and tenant rights, alongside enhanced investigatory and enforcement duties and powers for local housing authorities, including the ability to impose civil penalties or pursue prosecution for non-compliance with the requirements of the Act.
- 3.3 The Council already has a statutory duty under section 3 of the Housing Act 2004 to keep housing conditions in its area under review and to take appropriate enforcement action where hazards are identified which includes a duty on the Council to take enforcement action in respect of category 1 hazards under the Housing health and safety rating system. The Renters' Rights Act 2025 builds on this framework by placing additional duties on councils to enforce landlord legislation and to report on enforcement activity to the Secretary of State.
- 3.4 Our current enforcement policy does not reflect the changes brought about by the Act. Failure to maintain a clear, up-to-date and legally sound enforcement policy exposes the Council to increased legal challenge, reputational risk, and inconsistency in decision-making, particularly given the scale and complexity of the new enforcement regime.
- 3.5 The proposed policy establishes a graduated but firm approach to enforcement, explicitly recognising that while informal engagement and advice may be appropriate in some cases, formal enforcement action may be taken as a first response. This is particularly the case where:
- There is a risk to public health or safety
 - There is a history of non-compliance
 - Breaches are deliberate or serious
 - Offences relate to the Renters' Rights Act 2025 or landlord legislation
- 3.6 For Category 1 hazards, the policy reflects the Council's mandatory duty to take enforcement action, and for Category 2 hazards, the expectation that enforcement will be taken to remove or reduce the hazards to an acceptable level.
- 3.7 A core element of the policy is the use of statutory investigatory powers, including powers to:
- Require information and documents from landlords, agents and other relevant persons
 - Enter residential and business premises, with or without warrant depending on circumstances
 - Seize and retain documents for evidential purposes
 - Act where there is obstruction, non-compliance, or provision of false or misleading information

These powers are critical to enabling effective enforcement under both existing housing legislation and the Renters' Rights Act 2025.

- 3.8 The policy sets out the full range of formal enforcement tools available to the Council, including but not limited to:
- Improvement Notices, Prohibition Orders and Hazard Awareness Notices
 - Emergency Prohibition Orders and Emergency Remedial Action where there is an imminent risk of serious harm
 - Works in default where a landlord fails to comply with statutory notices
 - Prosecution or the use of civil financial penalties as an alternative to prosecution
 - Enforcement of HMO and selective licensing requirements through licence conditions and management regulations.

- 3.9 The policy confirms the Council's powers and duties in relation to civil financial penalties, including for:
- Failure to comply with statutory notices
 - Licensing offences
 - Unlawful eviction and harassment
 - New key offences introduced by the Renters' Rights Act 2025

Civil penalties operate alongside prosecution and are used as an alternative to a prosecution as a means of enforcement. Their use will be guided by a standalone civil penalty policy. In accordance with housing legislation, income received from Civil Penalty Notices (CPNs) may be retained by the local authority but must be applied solely for the purpose of furthering its statutory enforcement functions within the private rented sector.

- 3.10 The policy also places strong emphasis on the use of Rent Repayment Orders (RROs), confirming the Council's duty to consider RROs for qualifying offences and its expectation that RROs will normally be pursued where public funds have been paid to a non-compliant landlord.
- 3.11 For the most serious or persistent offenders, the policy enables the Council to apply for Banning Orders, preventing individuals from letting or managing property or engaging in letting agency work.
- 3.12 The policy confirms that the Council will seek to recover reasonable costs associated with enforcement activity wherever legislation allows, including costs arising from investigation, inspections, notices, monitoring, works in default and legal proceedings.
- 3.13 The model policy is intended for adoption at a local level, with responsibility resting with each local authority to ensure that it is compatible with its own governance arrangements and legal and operational requirements. No material local amendments are proposed to the model policy. Adoption of the policy does not fetter or otherwise restrict the Council's discretion in the determination of individual cases; rather, it provides a consistent, transparent and legally robust framework to support proportionate and defensible enforcement decision-making.
- 3.14 Adopting this policy will support the Council's wider objectives to improve housing standards, protect tenants, support responsible landlords, and ensure fair, proportionate, and transparent enforcement activity.

4.0 CONSULTATION UNDERTAKEN AND RESPONSES

4.1 Although a public consultation is not required to implement this policy, key internal and external partners have been engaged in its development. Legal Services have been consulted, and their advice has been incorporated into both the policy and this report. Housing staff involved in service delivery locally and nationally have also contributed to ensure the policy reflects current practice and recognised good practice across the sector. The policy is based on the nationally endorsed model Housing Authority Enforcement Policy produced by the Association of Chief Environmental Health Officers in England (ACEHO).

5.0 CONTRIBUTION TO COUNCIL PRIORITIES

5.1 The Enforcement Policy directly supports the Council's *Place and Environment* priority by ensuring safe, sustainable and good-quality homes across North Yorkshire, improving neighbourhood conditions and strengthening local resilience. It also contributes to the *Health and Wellbeing* priority by tackling hazards such as damp, mould and cold homes, reducing health inequalities, and protecting residents, particularly vulnerable households, from risks that can adversely affect their physical and mental health.

6.0 ALTERNATIVE OPTIONS CONSIDERED

6.1 Retaining the existing policy is not a viable option. The current policy does not reflect the significant legislative changes introduced by the Renters' Rights Act 2025, including the new statutory duty to enforce from 1 May 2026. Failure to update the policy would expose the Council to operational, compliance and challenge risk.

6.2 The Council could develop its own standalone enforcement policy. However, this approach is not recommended as it would diverge from the nationally endorsed model policy, increasing the risk of inconsistency with sector-wide good practice and reducing the legal defensibility of enforcement decisions.

7.0 IMPACT ON OTHER SERVICES

7.1 Implementation of the updated Enforcement Policy, and the wider requirements of the Renters' Rights Act, is likely to generate additional demand on support services, particularly Legal Services, due to the increased volume and complexity of enforcement activity, formal notices and potential appeals. Resource implications will continue to be monitored as the legislation beds in.

8.0 FINANCIAL IMPLICATIONS

8.1 The updated Enforcement Policy is expected to increase the use of civil penalties as an alternative to prosecution, generating income which is ring-fenced in legislation for reinvestment in further housing enforcement activity. While civil penalties are anticipated to be used more frequently, prosecution will continue to be pursued, where deemed appropriate, for the most serious and high-risk offences. This includes cases where prosecution remains the most appropriate and proportionate course of action, or where no statutory power exists for the Council to impose a civil penalty.

8.2 The Council has also received approximately £200,000 in burdens funding from central government to support implementation of the Renters' Rights Act. This funding is being utilised to provide additional capacity within the Private Housing Standards Team to meet the increased statutory duties arising from the new legislation.

9.0 LEGAL IMPLICATIONS

- 9.1 The adoption of the updated Enforcement Policy will ensure the Council has a legally robust and transparent framework for carrying out its statutory duties as a Housing Authority. The policy reflects the legislative changes introduced by the Renters' Rights Act and aligns with the nationally endorsed model policy, strengthening the Council's ability to make consistent, proportionate and defensible enforcement decisions. Having in place an adopted policy and procedures which demonstrate fairness, openness and transparency will assist the Council in defending any legal challenges to enforcement action or civil penalties taken under the new regime.
- 9.2 In this context, it is also necessary for the Executive to formally confirm the delegation of the Council's statutory duties, functions, responsibilities and enforcement powers under the Renters' Rights Act 2025 to authorised officers. While the Act itself applies automatically, clear delegation is required to ensure that enforcement action, including the use of enhanced civil penalty powers, is exercised lawfully, consistently and in accordance with the adopted policy framework. Confirming delegation, alongside adoption of the updated Enforcement Policy, provides assurance that officers are properly empowered to act on the Council's behalf and that enforcement decisions taken under the new legislative regime are legally sound, auditable, and capable of withstanding external challenge.

10.0 EQUALITIES IMPLICATIONS

- 10.1 An Equality Impact Assessment Screening tool has been completed (Appendix B).

11.0 CLIMATE CHANGE IMPLICATIONS

- 11.1 An initial Climate Change Impact Assessment has been completed (Appendix C). As the proposal relates to updating the Council's Housing Standards Enforcement Policy in line with new statutory requirements, there is no anticipated change in operational activity that would increase carbon emissions. The policy itself does not introduce new functions or practices that would materially affect the Council's carbon footprint. On this basis, a full CCIA is not required.

12.0 PERFORMANCE IMPLICATIONS

- 12.1 The implementation of the updated Enforcement Policy, alongside the new statutory duties introduced by the Renters' Rights Act, is expected to result in a significant increase in enforcement activity. This is likely to include a higher volume of formal investigations, statutory notices, civil penalties and, for the most serious breaches and where considered appropriate, criminal prosecutions. The Act also introduces substantial new monitoring and reporting requirements for local authorities, including mandatory data submissions to central government and future integration with the national Private Rented Sector Database. Collectively, these changes will require robust performance management arrangements, high-quality and reliable data, and regular oversight to ensure that the Council meets its statutory obligations and can evidence effective, proportionate and timely enforcement.

13.0 RISK MANAGEMENT IMPLICATIONS

- 13.1 The updated Enforcement Policy strengthens the Council's risk management position by ensuring that enforcement activity is undertaken within a clear, consistent and legally robust framework aligned with national guidance. The policy enables the Council to respond proportionately to risks such as serious hazards, non-compliance, deliberate offences and breaches of the Renters' Rights Act, thereby reducing the likelihood of harm to residents and ensuring appropriate use of statutory investigatory powers.

14.0 ICT IMPLICATIONS

- 14.1 The new statutory monitoring and reporting requirements introduced by the Renters' Rights Act will need to be incorporated into the Council's existing housing enforcement database. This will require ICT support to develop fields and reporting functions that allow accurate, consistent and efficient capture of enforcement activity and ensure the Council can meet national data-return obligations.

15.0 CONCLUSIONS

- 15.1 Adopting the ACEHO Model Housing Authority Enforcement Policy, with local amendments, will provide the Council with a comprehensive, legally robust, and sector-endorsed enforcement framework, enabling officers to make consistent, proportionate, and defensible decisions across an increasingly complex regulatory landscape.

The policy strengthens the Council's ability to:

- Take early and decisive enforcement action where risks are high
- Use the full range of investigatory and enforcement powers available
- Apply financial and punitive sanctions effectively against serious non-compliance
- Recover costs and protect public funds
- Reduce legal, reputational and governance risk

The policy is being adopted with local branding and minor/local operational references, without altering its substantive legal content.

16.0 REASONS FOR RECOMMENDATIONS

- 16.1 The updated Enforcement Policy is required to meet the Council's strengthened duties under the Renters' Rights Act 2025 and to ensure a clear, consistent and legally robust approach to housing enforcement. Adoption of the policy will support effective, timely action to improve housing conditions and reduce risk to residents across North Yorkshire.

17.0 RECOMMENDATIONS

- 17.1 Adopt the proposed Housing Authority Enforcement Policy.
- 17.2 Delegate authority to the Assistant Director of Housing, in consultation with the Executive Member for Culture, Arts and Housing to make minor amendments to the Housing Enforcement Policy as required, including updates necessary to ensure ongoing alignment with nationally updated model policies.
- 17.3 Confirm the delegation of the Council's statutory duties, functions, responsibilities and enforcement powers under the Renters' Rights Act 2025 to the Corporate Director of Community Development, to ensure the Council can lawfully, consistently, and effectively discharge its statutory enforcement duties, including the issue of civil (financial) penalties under the new legislative regime.

Nic Harne
Corporate Director
Community Development
North Yorkshire Council

Report Author - Lynn Williams - Head of Housing Renewal
Emma Jesper - Private Housing Standards Manager

Appendices

Appendix A : Housing Authority Enforcement Policy

Appendix B : Equalities Impact Assessment

Appendix C : Climate Change Impact Assessment

Background papers

None