

ADOPTION OF A REVISED HOUSING CIVIL SANCTIONS POLICY

Head of Service:	Rod Brown, Head of Housing & Community
Report Author	Oliver Nelson
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Appendices (attached):	Appendix 1 – Proposed revised Civil Penalty Policy

Summary

As a consequence of the implementation timeline for the Renters Rights Act, it is necessary to adopt a revised Civil Penalty Policy to take into account the new offences which have been created.

Recommendation (s)

The Committee is asked to:

- (1) Approve and adopt the revised policy as set out in appendix 1 with effect from 1 May 2026.**
- (2) Nominate and Authorise the Head of Housing and Community, in consultation with the Chair of the Community and Wellbeing Committee to make future amendments to the policy arising from changes to legislation, guidance and case precedents being set.**
- (3) Nominate and Authorise the Head of Housing and Community, Public Protection Manager, Principal Environmental Health Officer and Environmental Health Officers to determine individual financial penalties in accordance with this, and any future revisions of this policy.**

1 Reason for Recommendation

- 1.1 To ensure the Council continues to have a compliant policy which is fully defensible in any appeal against the application of a housing civil sanction.

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- 1.2 To have the facility for Officers to make rapid changes to the policy in response to the developing body of case law generated by tribunal decisions nationally and through any changes to legislation or guidance.
- 1.3 To ensure that the necessary officer delegations are in place in perpetuity and throughout any future adjustments which might be required.

2 Background

- 2.1 Having gained Royal Assent in the Autumn, the government have published the implementation roadmap for the Renters Rights Act which extends to the early 2030s for the long lead time items, but which also contains new duties on Local Housing Authorities from 1 May 2026.
- 2.2 Importantly the May 2026 changes introduce a duty for the Local Housing Authority to take enforcement action in respect of a range existing and new offences and contraventions. Enforcement is defined as either a prosecution, or the imposition of a financial penalty. Consequently, it is vital for the Council to hold a robust and defensible Civil Sanctions Policy in anticipation of it being used much more extensively than previously.
- 2.3 The proposed revised policy in appendix 1 is the product of 900 hours of work by the legal team from the not for profit organisation “Justice for Tenants” who have worked with around 140 councils in England, including Epsom & Ewell, to draft the policy. The policy has been designed using experience gained nationally in the use of such policies and is fully updated to reflect the changes in legislation, guidance and case law precedents.
- 2.4 The changes between the two versions are
 - 1..1 Setting out the policy in respect of the new breaches of tenancy arrangements such as attempting to enforce a fixed term tenancy or increasing the rent outside of the statutory process within the Housing Act 1988 (inserted by Renters Rights Act 2025).
 - 1..2 Setting out the policy in respect of breaches of Protection of Eviction Act 1977.
 - 1..3 Setting out the policy in respect of breaches of the new provisions included in the Renters Rights Act itself such as discrimination and rental bidding.

3 Risk Assessment

Legal or other duties

- 3.1 Equality Impact Assessment

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3.1.1 It is not expected that the implementation of this policy will impact on the Council's public sector equality duty.

3.2 Crime & Disorder

3.2.1 No expected additional considerations

3.3 Safeguarding

3.3.1 None for the purposes of this report

3.4 Dependencies

3.4.1 The use of this policy is dependant on changes to the Council's enforcement and compliance policy also on the agenda for this committee meeting.

4 Financial Implications

4.1 The Council has received limited new burdens funding in 2025/2026 and expects to do so again in 2026/2027 although at the time of this report it is uncertain as to the value of this.

4.2 Had the Council continued to exist, the increase in the workload arising from these new statutory duties would almost certainly have required additional long term staffing and a likely restructure of the Environmental Health team. At the time of this report discussions are underway as to what additional resource may be required prior to vesting day in recognition that the increase in work will lag the implementation of the Act. There is a chronic skills shortage in this area of work and a fixed term position is unlikely to be attractive to possible candidates. Instead discussions are being held around optional temporary agency support, and with future East Surrey counterpart councils around the possibilities of shared posts which would then roll into the new council structure when it becomes operational.

4.3 It is increasingly plausible that the enforcement in the private sector housing sector could in the future become self funding, particularly for larger authorities with an effective and efficient pipeline of civil sanctions. However, Epsom & Ewell Borough Council is not of a sufficient size nor has sufficient time left to it to fully achieve this.

4.4 Nevertheless, in 2025-2026 the use of the existing and previous policy has generated provisional ringfenced income totalling £88,300 however much of this income is currently subject to the outcome of tribunal appeals and cost recovery exercises for those who have failed to pay.

4.5 **Section 151 Officer's comments:** While limited New Burdens funding may continue in 2026/27, it may not fully offset the additional workload. Any additional cost pressures should be monitored as implementation progresses to inform resource planning ahead of vesting day.

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5 Legal Implications

5.1 The Council will have a statutory obligation to take enforcement action in respect of a wide range of breaches and offences, which dictates the requirement for a robust and defensible policy.

5.2 **Legal Officer's comments: None save as outlined in this report**

6 Policies, Plans & Partnerships

6.1 **Council's Key Priorities:** The following Key Priorities are engaged:

- Safe and Well

6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.

6.3 **Climate & Environmental Impact of recommendations:** None

6.4 **Sustainability Policy & Community Safety Implications:** None

6.5 **Partnerships:** None at this stage

6.6 **Local Government Reorganisation Implications:** Contained within the body of the report.

7 Background papers

7.1 The documents referred to in compiling this report are as follows:

Previous reports:

- [Adoption of a Revised Housing Civil Penalty Policy – Epsom & Ewell Borough Council Community and Wellbeing Committee 8 July 2025.](#)

Other papers:

- “Implementing the Renters' Rights Act 2025: Our roadmap for reforming the Private Rented Sector” Ministry of Housing, Communities and Local Government (online) [accessed 21/1/26].