

## **AMENDMENTS TO THE ENFORCEMENT AND COMPLIANCE POLICY**

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

### **Summary**

A report recommending the adoption of a housing enforcement policy to ensure the Council's enforcement decisions remain compliant with the Renters Rights Act.

### **Recommendation (s)**

#### **The Committee is asked to:**

- (1) Approve and adopt the Housing Enforcement Policy in appendix 1 to this report**
- (2) Nominate and Authorise the Public Protection Manager to carry out consequential amendments to the existing Compliance and Enforcement Policy so as to remove elements relating to housing enforcement.**

### **1 Reason for Recommendation**

- 1.1 Owing to the new duties on the Council as a Local Housing Authority it is necessary to adopt an enforcement policy specific to the housing enforcement service area. Currently the Council operates a broader, more generic policy covering many different service areas but the complexities involved in the Renters Rights Act 2025 demand a bespoke approach.
- 1.2 It is proposed that the policy will replace the housing elements of the existing Compliance and Enforcement Policy and this earlier policy to be amended accordingly under delegated authority.

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- 1.3 The results of these adjustments will be an enforcement policy for housing whilst preserving the separate enforcement and compliance policy for other matters.

## 2 Background

- 2.1 The reform of the private rented sector is being delivered via the Renters Rights Act 2025 (The Act), with an implementation timeframe stretching into the early 2030s. Whilst several of the new duties fall to landlords, councils in their capacity as Local Housing Authorities are having to consider new duties coupled with greater powers of investigation.
- 2.2 One significant change is the introduction of a general duty to enforce contained within section 107 of the Act, which requires the authority to either prosecute or impose a financial penalty in respect of offences contained within certain sections of the Act, parts of the Housing Act 1988 and the Protection from Eviction Act 1977.
- 2.3 This is a departure from previous arrangements whereby the authority had a greater flexibility in how it carried out its duties and where enforcement could be guided by locally adopted policy. This is the first time a Local Housing Authority has been required to take a particular course of action in the context of the regulation of the sector.
- 2.4 Importantly however, it is still necessary to satisfy the evidential test at a criminal standard, even if, in the case of a financial penalty, it results in a civil debt.
- 2.5 The proposed policy in appendix 1 of this report is derived from a standardised approach being adopted by many authorities which satisfies the requirements of the Act and which sets out the Council's approach to the enforcement of housing matters whilst accommodating the situation described in paragraph 2.2.

## 3 Risk Assessment

Legal or other duties

- 3.1 Equality Impact Assessment

3.1.1 none

- 3.2 Crime & Disorder

3.2.1 none

- 3.3 Safeguarding

3.3.1 none

- 3.4 Dependencies

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3.4.1 Successful delivery of civil sanctions is dependant on a robust and defensible civil sanctions policy which is on the committee's agenda.

## 4 Financial Implications

- 4.1 The housing enforcement service is delivered by the Environmental Health Team with approximately 1.2 FTE officer time allocated (of which 0.58 is currently an agency member of staff). From this resource the Council delivers the statutory HMO licensing programme as well as responding to approximately 100 complaints of disrepair and housing conditions in the area per year.
- 4.2 There is no certainty of the impact on work volumes arising from the creation of many new offences and the expectation, outlined in paragraph 2.2, that these be prosecuted or subject to a civil sanction. However there is no scenario resulting in a reduced workload and it is likely that additional staff resource will be required. Discussions are underway as to how best achieve this in view of Local Government Reorganisation taking place along similar timeframes to the Renters Rights Act.
- 4.3 The impact on supporting services, notably legal, is mitigated by access to the Justice for Tenants legal team, a not for profit organisation who are supporting local authorities and with which the Council has signed a Memorandum of Understanding.
- 4.4 Finally owing to the close working relationships between the Council's Environmental Health Service and Housing Service, arrangements have been made by which referrals can be made and joint training given.
- 4.5 **Section 151 Officer's comments:** Finance will work with service officers to monitor any additional resource pressures and manage these through the regular budget monitoring process.

## 5 Legal Implications

- 5.1 The Council may be subject to legal challenge if it does not comply with the new section 107 duty to take enforcement action for a range of offences.
- 5.2 **Legal Officer's comments:** none other than as set out in the above 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.

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- 6.3 **Climate & Environmental Impact of recommendations:** None
- 6.4 **Sustainability Policy & Community Safety Implications:** None
- 6.5 **Partnerships:** The provisions partially engage the local trading standards service operating through the joint Surrey County Council / Buckinghamshire Council shared arrangements. All Surrey boroughs and districts participate in a joint coordination group together with trading standards colleagues.
- 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:**

- Epsom & Ewell Borough Council Strategy and Resources Committee 25 September 2025 “Revised Compliance and Enforcement Policy”.

### **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].