

MIDDLESBROUGH COUNCIL	
------------------------------	--

Report of:	Richard Horniman, Corporate Director of Regeneration and Housing
-------------------	--

Relevant Executive Member:	Councillor Ian Blades, Executive Member for Neighbourhoods
-----------------------------------	--

Submitted to:	Executive
----------------------	-----------

Date:	6 May 2026
--------------	------------

Title:	Enforcement Policies
---------------	----------------------

Report for:	Decision
--------------------	----------

Status:	Public
----------------	--------

Council Plan priority:	A healthy place
-------------------------------	-----------------

Key decision:	Yes
----------------------	-----

Why:	Decision(s) will have a significant impact in two or more wards
-------------	---

Subject to call in?	Yes
----------------------------	-----

Why:	Non-urgent decision
-------------	---------------------

Proposed decision(s)
<ol style="list-style-type: none"> 1. That Executive approves the General Enforcement Policy 2026-2031. 2. That Executive approves the Public Protection Private Sector Housing Enforcement Policy 2026-2031 3. That Executive approves the Public Protection Civil Penalties Policy 2026-2031 (under the Renters’ Rights Act 2025 and other housing legislation) 4. That Executive delegates authority to the Director of Regeneration and Housing to make minor changes to the above policies in response to changes to governance guidance or legislation. 5. That a further report is brought to Executive to provide an update on the demands and the resource costs of delivering the Renters’ Rights Act 2025.

Executive summary
The Legislative and Regulatory Reform Act 2006, and the Regulators’ Code made under it, set out that regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent, and that regulatory activities should be

targeted only at cases in which action is needed.

The Council satisfies this responsibility by setting out how it intends to exercise regulatory functions and enforcement measures in its general and specific enforcement policies and its statement(s) of principles.

The policies, to which this Executive report apply, commit the Council to good enforcement practice, setting out the enforcement options the Council has and the circumstances in which it uses its enforcement powers and sanctions.

The policies will apply specifically to the Public Protection Service (Regeneration and Housing Directorate) and to the Neighbourhoods and Environmental Enforcement services (Environment, Communities and Culture Directorate). The Directorates have a wide range of legislation and associated enforcement powers and functions which are used to protect public health and social wellbeing; protect and enhance fair and equitable trade, protect consumer safety and lawful interests, protect employers and workers; protect and enhance the safety and wellbeing of tenants in rented accommodation; and protect and enhance the broader environment.

Enforcement policies need to be reviewed periodically and specifically if there is a significant change in the enforcement protocols or sanctions available to the Council in its delivery of regulatory functions. The policies will replace the current general enforcement and civil penalties policies and enable the Council to apply new enforcement sanctions and powers derived from new and amended legislation.

The Renters Rights Act 2026 has introduced a significant 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, which includes the application of civil penalties for breaches of conditions attached to licences issued to Houses in Multiple Occupation and designated selective landlord licensing and additional licensing areas (licensing of houses in multiple occupation with 3 or 4 occupants not living as a single household)

The current Civil Penalty Policy was approved in October 2022 prior to the introduction of the Renters' Rights Act 2025, and a revised policy is required to reflect the suite of new powers and offences and amendments to the penalty and evidential thresholds.

The Private Sector Housing Enforcement Policy 2026-2031 and The Civil Penalties Policy 2026-2031 are aligned with a nationally recognised framework template which ensures consistency in regulation and protection from legal challenge.

If these policies are not updated or introduced, 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.

The implications of the recommendation(s) have been considered by the appropriate officers of the Council and are set out in the main body of the report.

1. Purpose of this report and its contribution to the achievement of the Council Plan ambitions

- 1.1 To seek approval of three new policies relating to the general and regulatory functions delivered by Public Protection, Neighbourhoods and Environmental Enforcement functions to enable the Council to satisfy its statutory obligations in line with the provisions of the Legislative and Regulatory Reform Act 2006 and the Regulators Code made under it, and the Renters’ Rights Act 2025 and associated housing legislation.

Our ambitions	Summary of how this report will support delivery of these ambitions and the underpinning aims
A successful and ambitious town	<ul style="list-style-type: none"> - To attract investment in residential properties and ensure housing provision meets local demand.
A healthy Place	<ul style="list-style-type: none"> - To promote conditions for improved health and wellbeing, achieve better housing standards in the private rental sector, and in particular for low-income households who are reliant on the private rental sector for safe and comfortable housing.
Safe and resilient communities	<ul style="list-style-type: none"> - To directly address anti-social behaviour related to the private rented sector, and to support broader aims of reducing crime and anti-social behaviour – allowing residents to live safer lives.
Delivering best value	<ul style="list-style-type: none"> - The proposed policies help the council to achieve best value by ensuring consistent, transparent decision-making that targets resources where they have the greatest impact. They will build public confidence and compliance which supports more efficient, preventative service delivery.

2. Recommendations

- 2.1 That Executive approves the General Enforcement Policy 2026-2031
- 2.2 That Executive approves the Public Protection Private Sector Housing Enforcement Policy 2026-2031.
- 2.3 That Executive approves the Public Protection Civil Penalties Policy 2026-2031 (under the Renters’ Rights Act 2025 and other housing legislation)
- 2.4 That Executive delegate authority to the Corporate Director of Regeneration and Housing to make minor change to the above policies in response to change to governance guidance or legislation.
- 2.5 That Executive approves that a further report is brought to provide an update on the demands and the resource costs of delivering the Renters’ Rights Act 2025.

3. Rationale for the recommended decision(s)

- 3.1 To ensure the Council has an approved framework for delivering Public Protection, Neighbourhoods and Environmental Enforcement regulatory functions.
- 3.2 To ensure that the Council satisfies its obligations under the Legislative and Regulatory Reform Act 2006 and the Regulators Code made under it, and the Renters' Rights Act 2025 and associated housing legislation.
- 3.3 To avoid or mitigate the risk of inconsistent enforcement, legal challenge to decisions and reduced ability to demonstrate compliance with statutory guidance and best practice.
- 3.4 Delegation of decision to make minor changes to policies is to ensure that changes to new legislation and guidance are accounted for and policies can be applied effectively without need for full Executive approval.
- 3.5 To inform Executive about the additional demands of the Renters' Rights Act and the impact on staffing resources and costs.

4. Background and relevant information

General Enforcement Policy 2026-2031

- 4.1 The purpose of the General Enforcement Policy is to set out the measures the Council can take to protect the public, the environment, consumers and legitimate businesses, by ensuring that legal requirements are met and that everyone acts/operates within the law. Enforcement includes both informal and formal approaches to securing compliance with law, while protecting and enhancing the rights and interests of local people, visitors and businesses. This policy covers the regulatory provisions for Public Protection, Neighbourhoods and Environmental Enforcement.
- 4.2 For general enforcement matters, a graduated approach is taken, which endeavours to support both businesses and individuals to meet their legal obligations, prior to considering formal enforcement action. Formal enforcement can range from the service of statutory notices to prosecution or the issue of civil financial penalties. Formal action is usually only taken when informal, advisory and educative approaches have not been, or will not be, successful, and where the level of offending or severity of impact of offences is high.
- 4.3 Enforcement policies should be reviewed routinely and specifically when significant changes to legislation and enforcement powers / functions are introduced. The General Enforcement Policy 2026-2031 has taken into account new and amended legislation, including powers to serve Community Protection Notices and issue fixed penalty notices, and the power to seek Closure Orders under the Anti-social Behaviour, Crime and Policing Act 2014.

Private Rented Sector Housing Enforcement Policy 2026-2031

- 4.4 The Renters' Rights Act 2026 represents a fundamental shift in the regulation of the private rented housing sector. Tenants will see stronger protections including the replacement of assured shorthold tenancies with periodic assured tenancies, improved rights and better security of tenure, and greater protection from unlawful interference from landlords or their agents.
- 4.5 The Renters' Rights Act 2026 places a statutory duty on local housing authorities to enforce landlord and rented accommodation legislation, altering the balance between informal action and formal enforcement. Where breaches legislation are identified, the Council must now actively consider enforcement action to meet this duty, rather than defaulting to advice or informal resolution in the first instance. As a result, the Regulators' Code can no longer be relied upon to justify informal action as the starting point for compliance under the Renters' Rights Act 2025. This explains the need for a separate Private Sector Housing Enforcement Policy 2026-2031 which does not rely on the principles set out in the Regulators' Code.
- 4.6 Historically, enforcement of private rented sector legislation has varied significantly between local housing authorities, with markedly different enforcement outcomes. 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 discrepancies to the level of tenant protections.
- 4.7 To address these concerns, the Association of Chief Environmental Health Officers (ACEHO) has developed a suite of national model policies, including a Civil Penalty Policy. These policies aim to promote greater consistency, transparency and robustness in local authority enforcement approaches, whilst allowing for appropriate local discretion, where appropriate. The Private Sector Housing Enforcement Policy 2026-2031 and The Civil Penalties Policy 2026-2031 are aligned with this nationally recognised framework strengthening the Council's ability to meet its statutory duties under the Renters' Rights Act 2026.
- 4.8 The implementation of the Renters' Rights Act 2025 requires a coordinated and timely update to the Civil Penalties Policy and the previous Public Protection Enforcement Policy. Failure to update these policies risks inconsistency in enforcement decisions and activities, increasing exposure to challenge, as well as an inability to demonstrate that the Council is meeting its statutory duties to enforce landlord legislation under section 107 of the Renters' Rights Act 2025.

Civil Penalties Policy 2026-2031

- 4.9 There is a current Civil Penalty Policy which was developed prior to the introduction of the Renters' Rights Act 2025. This policy has been revised to reflect the suite of new offences and amendments to the penalty and evidential thresholds used when calculating the level of civil penalty, and to new statutory guidance.
- 4.10 Civil penalties offer a faster, less resource-intensive enforcement route compared to the time-consuming process of criminal prosecution, which places a burden on the

court system. This allows regulatory bodies to deal with more cases effectively and quickly

- 4.11 The statutory guidance on civil penalties under the Renters' Rights Act 2025 and other housing legislation informs Councils' that civil penalties are available as an alternative to criminal prosecution for relevant landlord and rented accommodation and that there is no expectation that Councils take informal steps to address breaches or offences under the Renters Rights Act 2025 and other housing legislation. The guide includes starting points which Councils should use for setting civil penalties, based on the seriousness of the offending.
- 4.12 The Council has the power to impose a civil penalty of up to £40,000, with a level of civil penalty imposed decided on a case-by-case basis in line with the Civil Penalties Policy. The policy sets out the level of a civil penalty in each case where it has been determined to issue a civil penalty as an appropriate enforcement option.
- 4.13 The Council, through its policy, will determine the level of penalty after having taken into consideration factors specific to the offending, including aggravating and mitigating factors, and financial considerations. In setting a final civil penalty amount the Council will take account of any information supplied by the offender about their financial circumstances which will usually include all gains from rental income. It is recognised that in areas where rents are lower or higher than the national average the Council may apply a general adjustment via its civil penalties policy and issue a penalty that is proportionate to the local rental market. This adjustment should still maintain a level of civil penalty such that the offender does not financially benefit from their offending behaviour and the level of fine is relevant to the impact of the offending on tenants and the Council.
- 4.14 The legislation states that any income received from civil penalties is retained by the Council and used to further the Council's statutory functions in relation to its enforcement activities covering the private rented sector.

Additional information

- 4.15 Adopting the polices referred to in this report will ensure the Council can continue to effectively deliver regulatory functions and use appropriate enforcement sanctions. However, as there will be new regulatory duties placed on the Council, particularly due to the changes introduced under the Renters' Rights Act 2025, and an increase in demands on services, this will place a pressure on existing resources in terms of the number of qualified officers to deliver services and associated costs. New Burden's funding of £115k has been made available for 26/27 to deliver the new responsibilities. This level of funding will fund 2 full time officers which is unlikely to be sufficient. Once the legislation is implemented officers will be in a better position to know the resource required and the additional cost will be considered under the medium-term financial plan (MTFP). This will be reported back to Executive, together with an update on the implications of the new legislation.

5. Ward Member Engagement if relevant and appropriate

- 5.1 Ward member views have not been sought in relation to these policies.

6. Other potential alternative(s) and why these have not been recommended

6.1 Not to approve the new policies. This would mean an increased risk of a legal challenge against enforcement decisions action, particularly in respect of the new / amended enforcement functions and powers.

Impact(s) of the recommended decision(s)

Topic	Impact
Financial (including procurement and Social Value)	New Burden's funding of £115k has been made available for 26/27 to deliver the Renters' Rights Act 2025. This will fund 2 full time officers which is unlikely to be sufficient to deliver the new responsibilities. Once the legislation is implemented officers will be in a better position to know the resource required and the cost will be considered under the medium-term financial plan (MTFP). This will be reported back to Executive, together with an update on the implications of the new legislation. Income from civil penalties will be retained by the Council and used to offset any additional costs.
Legal	<ol style="list-style-type: none"> 1. The Council may be subject to legal challenge if it does not have enforcement policies that set out how it will meet and deliver enforcement duties and functions. 2. The use of enforcement measures may be subject to legal challenge.
Risk	<ol style="list-style-type: none"> 1. Compliance with legislative duties and responsibilities ensured 2. Potential for legal challenge reduced 3. Effective protection of residents, businesses and visitors
Human Rights, Public Sector Equality Duty and Community Cohesion	There are no negative impacts. The policies ensure the protection of human rights including protection from crime and anti-social behaviour, protection of consumer rights, and the broader protection of health, safety and wellbeing.
Reducing Poverty	There are no negative impacts. Those people living on lower incomes and in the deprived areas are the most affected by poor housing conditions in the private rented sector and benefit from the protections offered by the Renters Reform Act and other housing legislation.
Climate Change / Environmental	There are no negative impacts. Effective enforcement ensures direct positive impact on the local environment
Children and Young People Cared for by the Authority and Care Leavers	There are no negative impacts. Effective enforcement seeks to protect children and young people from risks to health, and protection from crime and antisocial behaviour. Effective enforcement of housing related laws seeks to protect children and young people from harm.

Data Protection	There are no negative impacts on data protection. The policies and the functions they relate to will be implemented in line with all data protection requirements.
-----------------	--

Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
Approved policies to be published and implemented	Judith Hedgley	Within 14 days of Executive approval.
That a further update report is provided to Executive on resources required and costs of the implementation of the Renters’ Rights Act 2025.	Judith Hedgley	12-18 months

Appendices

1	Appendix 1: Impact Assessment
2	Appendix 2: Civil Penalties Policy
3	Appendix 3: General Enforcement Policy
4	Appendix 4: Private Sector Housing Policy

Background papers

Body	Report title	Date
Department for Business and Innovation Skills – Better Regulation Office	Regulators' Code	1 st April 2014
Ministry of Housing, Communities & Local Government	Civil penalties under the Renters' Rights Act 2025 and other housing legislation - GOV.UK	13 November 2025
Ministry of Housing, Communities & Local Government	Guide to the Renters Rights Act	6 November 2025

Contact: Judith Hedgley
Email: Judith_hedgley@middlesbrough.gov.uk

Contact: Wayne Flowers
Email: Wayne_flowers@middlesbrough.gov.uk