

Committee Report Checklist

Please submit the completed checklists with your report. If final draft report does not include all the information/sign offs required, your item will be delayed until the next meeting cycle.

Stage 1

Report checklist – responsibility of report owner

ITEM	Yes / No	Date
Councillor engagement / input from Chair prior to briefing	This will take place once the drafts are agreed internally	14/04/2026
Relevant Group Head review	DA	17/4/26
MAT+ review (to have been circulated at least 5 working days before Stage 2)	Yes	01/05/2026
This item is on the Forward Plan for the relevant committee	Yes	13/04/2026
	Reviewed by	
Finance comments (circulate to Finance)	AB	23/04/2026
Risk comments (circulate to Lee O'Neil)		
Legal comments (circulate to Legal team)	JC	30/4/26
HR comments (if applicable)	N/A	

For reports with material financial or legal implications the author should engage with the respective teams at the outset and receive input to their reports prior to asking for MO or s151 comments.

Do not forward to stage 2 unless all the above have been completed.

Stage 2

Report checklist – responsibility of report owner

ITEM	Completed by	Date rec'd
Monitoring Officer commentary – at least 5 working days before MAT	L Heron	30/04/26
S151 Officer commentary – at least 5 working days before MAT	T. Collier	23/4/26
Commissioner engagement.	J Kingston	30/05/2026
		No issues

	Delete as applicable:	
Confirm final report cleared by MAT		

Community Wellbeing and Housing Committee

Tuesday 02 June 2026

Title	Environmental Health General Enforcement Policy: Housing Enforcement and Civil Penalties in Support of the Renters' Rights Act 2025
Purpose of the report	To make a decision
Report Author	Fidelma Bahoshy, Joint Senior Environmental Health Manager
Ward(s) Affected	All Wards
Exempt	No
Corporate Priority	Addressing Housing Need Services Community
Recommendations	<p>Committee is asked to:</p> <ol style="list-style-type: none"> 1. Approve the Environmental Health General Enforcement Policy 2026. 2. Approve the Housing Enforcement Policy 2026. 3. Approve the Civil Financial Penalty Policy 2026. 4. Delegate authority to the Group Head of Place, Protection and Prosperity, in consultation with the Monitoring Officer, to make minor non-material amendments to the policies where required by changes in legislation or statutory guidance.
Reason for Recommendation	To ensure the Council has up-to-date, transparent and legally robust enforcement and penalty policies that align with the Renters' Rights Act 2025 and associated housing legislation, enabling proportionate, consistent and effective enforcement action.

1. Executive summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> • The Council has a statutory duty to enforce housing standards and landlord legislation. Existing enforcement and penalty frameworks require updating to reflect the Renters' Rights Act 2025 and current statutory guidance. 	<ul style="list-style-type: none"> • Without updated policies, enforcement decisions risk inconsistency, increased legal challenge and reduced effectiveness. Clear, up-to-date policies are required to ensure enforcement activity is fair, transparent and proportionate, and to ensure the Council's approach is fully aligned with the

	requirements and intent of the new Renters' Rights legislation.
This is what we want to do about it	These are the next steps
<p>Revise one current policy and adopt two new policies as follows:</p> <ul style="list-style-type: none"> • a revised Environmental Health General Enforcement Policy, • a new Housing Enforcement Policy, and • a new standalone Civil Financial Penalty Policy, <p>This will ensure the Council's enforcement framework is legally robust, transparent, consistent and aligned with the Renters' Rights Act 2025 and associated statutory guidance.</p>	<ul style="list-style-type: none"> • Formal adoption of the policies • Publication on the Council's website • Officer training and operational implementation

2. Key issues

- 2.1 The key issue for the Committee is ensuring that the Council has legally robust and defensible enforcement policies in place to support the implementation of the Renters' Rights Act 2025, and that these policies collectively provide a clear, coherent and interrelated framework for housing enforcement activity and the application of civil financial penalties.
- 2.2 The Renters' Rights Act 2025 introduces a significantly expanded enforcement and civil penalty framework and places new statutory duties on local housing authorities to enforce a broader range of landlord obligations. The Act includes new compliance requirements, enhanced penalties for repeat or serious non-compliance, and clearer expectations that enforcement activity must be fair, consistent and proportionate. To meet these duties, the Council must ensure that its enforcement policies are fully aligned with the new legislative framework.
- 2.3 The Council's existing Environmental Health Enforcement Policy (**Appendix 2**) was developed prior to the introduction of the Renters' Rights Act and reflects a regulatory environment in which local authorities retained broad discretion to resolve non-compliance through informal or advisory action, consistent with the principles of the Regulators' Code. While this approach remains appropriate for many Environmental Health functions, it does not adequately reflect the new statutory duties, offences, penalty thresholds or evidential requirements introduced by the Renters' Rights Act in relation to housing enforcement.
- 2.4 The Renters' Rights Act represents a fundamental shift in approach. Section 107 places a statutory duty on local housing authorities to enforce defined categories of landlord legislation, altering the balance between informal action and formal enforcement. Where breaches are identified, the Council must now actively consider enforcement action in order to meet this duty, rather than defaulting to advice or informal resolution as a starting point. As a result,

the Regulators' Code can no longer be relied upon to justify informal action as the primary approach to housing enforcement under the Act.

- 2.5 Historically, enforcement of private rented sector legislation has varied significantly between local authorities, leading to inconsistent outcomes for landlords and tenants and creating what has been described as a 'postcode lottery'. Such inconsistency increases uncertainty for landlords operating across multiple areas, risks undermining confidence in the regulatory system, and increases the likelihood of challenge to enforcement decisions, as well as discrepancies in levels of tenant protection.
- 2.6 In response to these concerns, the Association of Chief Environmental Health Officers (ACEHO) has developed a suite of national model policies, including a new Housing Enforcement Policy (**Appendix 1**) and a Civil Financial Penalty Policy (**Appendix 3**). These policies are intended to promote greater consistency, transparency and robustness in enforcement approaches, while still allowing for appropriate local discretion. Aligning the Council's policies with this nationally recognised framework supports a consistent and defensible approach to enforcement, strengthens governance and accountability, and assists the Council in meeting its statutory duties under the Renters' Rights Act.
- 2.7 Other district and borough councils across Surrey are also adopting these policies, supporting a consistent approach ahead of local government reorganisation and the establishment of the future West Surrey and East Surrey unitary authorities.

2.8 **Housing Enforcement Policy (Appendix 1 – New Housing Enforcement Policy 2026)**

The Housing Enforcement Policy has been developed to reflect the changes introduced by the Renters' Rights Act 2025 and related housing legislation. The policy sets out the Council's statutory duties and enforcement powers, including expanded investigatory powers, information gathering requirements, rights of entry, and offences relating to obstruction and non-compliance.

The policy establishes a clearer and more structured approach to enforcement activity, including when informal action may be appropriate and when the Council may proceed directly to formal enforcement, particularly where there are serious risks to health and safety, repeated non-compliance, or breaches of defined landlord legislation. The policy also strengthens governance, transparency and consistency in decision making, while reaffirming the Council's commitment to proportionality, fairness, and compliance with the Human Rights Act 1998.

2.9 **Environmental Health General Enforcement Policy (Appendix 2 – Amended Environmental Health Enforcement Policy 2026)**

The Environmental Health General Enforcement Policy has been reviewed and updated to provide a clear overarching framework for enforcement activity across all Environmental Health functions. A full summary of changes is set out in **Appendix 4 Summary of changes**.

Appendix 4 Summary of changes provides a comparative summary of amendments to the existing Environmental Health Enforcement Policy only; the Housing Authority Enforcement Policy and Civil Financial Penalty Policy are new policies and therefore are not subject to change analysis.

The revised policy ensures alignment with the Regulators' Code, the Council's corporate enforcement principles, and the new enforcement powers and duties arising from the Renters' Rights Act 2025 where relevant. It clearly sets out the Council's approach to compliance, proportionality, consistency, transparency and accountability, including criteria for informal action, formal enforcement and escalation, and provides the foundation within which the housing specific and civil penalty policies operate.

2.10 Civil Financial Penalty Policy (Appendix 3 – New Spelthorne Borough Council Civil Financial Penalty Policy 2026)

The Civil Financial Penalty Policy has been introduced as a standalone policy to provide a transparent and consistent framework for setting and imposing civil financial penalties where legislation allows an alternative to prosecution. The policy reflects statutory guidance and establishes a structured penalty setting methodology, including statutory starting points, landlord type adjustments, mitigating and aggravating factors, and applicable statutory maximums.

The policy also sets out a clear procedural framework, including notices of intent, representation stages, final notices, appeal rights, payment periods and prompt payment discounts. This provides greater clarity and certainty for landlords and agents and ensures that penalty decisions are fair, proportionate, transparent and legally defensible.

2.11 Relationship between the policies

Together, the three policies establish a clear and coherent enforcement framework:

- The Environmental Health General Enforcement Policy sets the overarching principles and approach to enforcement across Environmental Health functions;
- The Housing Enforcement Policy applies those principles to housing specific legislation and powers; and
- The Civil Financial Penalty Policy provides a structured and transparent framework for calculating and imposing financial penalties where legislation permits an alternative to prosecution.
- This integrated approach supports lawful, proportionate and consistent decision making, reduces the risk of challenge, and strengthens governance and accountability.

3. Options appraisal and proposal

3.1 Option 1 (Recommended) – Adopt the Environmental Health General Enforcement Policy 2026, Housing Enforcement Policy 2026, and Civil Financial Penalty Policy 2026.

3.2 Benefits

- Provides a clear, consistent and legally robust framework for housing enforcement and civil financial penalties in line with the Renters' Rights Act 2025 and associated legislation.

- Supports transparent, proportionate and defensible decision making, reducing the risk of legal challenge and inconsistency.
- Strengthens tenant protections and improves housing standards through effective enforcement.
- Provides clarity and certainty for enforcement officers, landlords and agents regarding expectations, enforcement approach and penalty-setting.
- Enables recovery of enforcement-related costs and supports deterrence of repeat noncompliance.
- Ensure full compliance with the Renters' Rights Act 2025
- Ensures consistency across teams within the boundary of the new West Surrey unitary authority.

3.3 Disbenefits

- Implementation will require officer training, procedural updates and supporting activity, including delivery of the Justice for Tenants training to 13 officers across Environmental Health (Residential), Business Support and Management Support. The training is expected to take less than one day and will be completed within four weeks of adoption of the policies. Contact has been made with the training provider to progress arrangements.
- May result in increased representations, appeals or complaints as civil penalties are more actively applied.

3.4 Option 2 – Do not adopt one, two or all three policies

There is an option for Members not to adopt the proposed policies. This is not recommended as this would mean the Council would not be compliant with the requirements of the Renters' Rights Act and unable to fulfil its statutory obligations.

3.5 Benefits

- No immediate implementation or training requirements.
- Avoids short term increases in enforcement-related challenges or appeals.

3.6 Disbenefits

- The Council would not be fully compliant with the Renters' Rights Act.
- Leaves the Council reliant on outdated or incomplete enforcement frameworks that do not fully reflect current legislation.
- Increases the risk of inconsistent decision making and successful legal challenge.
- Weakens the Council's ability to take effective, proportionate enforcement action and impose civil financial penalties.
- Undermines transparency and confidence in the Council's regulatory role.

3.7 Recommendation

That Members consider Option 1 and agree to adopt the Environmental Health General Enforcement Policy 2026, Housing Enforcement Policy 2026 and Civil Financial Penalty Policy 2026 to provide an updated enforcement framework aligned with the Renters' Rights Act 2025.

4. Risk implications

4.1 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.

4.2 Legal and Compliance Risk

There is a risk of legal challenge to enforcement action or the imposition of civil financial penalties if decisions are not taken consistently or in line with statutory requirements.

4.3 Mitigation: The adoption of clear, comprehensive and legally compliant policies provides a transparent framework for decision-making. Officer training, internal governance checks, and oversight by the Monitoring Officer will ensure consistent application aligned with statutory guidance.

4.4 Operational Risk

Implementation of the policies and training may increase the volume and complexity of enforcement activity, representations and appeals, placing additional demands on officers.

4.5 Mitigation: Clear procedural guidance, structured decision-making frameworks within the policies, and prioritisation of cases will support efficient use of resources. Enforcement activity will be managed within existing service capacity and reviewed as part of normal service planning. Implementation relies on timely officer training and procedural updates

4.6 Financial Risk

4.7 There is a risk that enforcement activity, appeals, and reliance on penalties and legal cost recovery could result in unanticipated legal or administrative costs. As this is a new and evolving area, not all cases will be successful and local data on recovery rates is currently limited.

4.8 Mitigation: A £133k growth bid has been approved to increase Environmental Health capacity. Policies support the recovery of enforcement costs through civil penalties where appropriate, and strengthened legislative powers improve the likelihood of success. Financial performance and case outcomes will be closely monitored through existing budget oversight arrangements, with assumptions refined as evidence develops.

4.9 Reputational Risk

Enforcement action and the use of civil penalties may be perceived negatively by some landlords or members of the public.

Mitigation: The policies emphasise proportionality, transparency and fairness. Clear communication of expectations, decision rationale and rights of representation will support public confidence in the Council's regulatory role.

4.10 Implementation Risk

Failure to embed the policies effectively could reduce their effectiveness or result in inconsistent application.

Mitigation: Following approval, the policies will be published, officers briefed and supporting internal guidance updated to ensure consistent implementation across the service.

5. Financial implications

- 5.1 The policies support recovery of enforcement costs and the imposition of civil penalties where legislation permits. Any income generated is intended to support enforcement activity and compliance monitoring. No additional budget growth is required. Confidence in cost recovery assumptions is currently moderate, reflecting the limited local data and the team's relatively limited experience in this area of enforcement. While strengthened legislative powers are expected to improve success rates, a measured approach has been taken given the variability in outcomes. This position will be kept under review as case evidence and recovery performance become clearer.
- 5.2 At this stage, no firm estimate of penalty income for 2026/27 is available due to variability in case outcomes. Income assumptions remain prudent and will be refined through in-year monitoring.

6. Legal comments

- 6.1 The Council is under a statutory duty to enforce the Housing Act 2004 and Renters' Rights Act 2025 and to report to the Secretary of State on the exercise of its functions
- 6.2 The Renters' Rights Act 2025 extends the Council's powers and duties in dealing with non-compliance by Private Rented Sector landlords. This includes the ability to commence prosecution proceedings for offences or issue a Civil Financial Penalty for breaches and offences. The Council's adoption of robust and legally compliant enforcement policies will enable the effective enforcement of the Housing Act 2004 and the Renters Rights Act 2025.

7. Corporate implications

- 7.1 Commissioners' comments
No issues from Commissioners 23/4/2026.

8. S151 Officer comments

- 8.1 The S151 Officer confirms that all financial implications have been taken into account and that the recommendations are fully funded from within the 2026-27 Budget on the basis that the cost of supporting enforcement activity will be covered by the income generated from civil enforcement penalties.

9. Monitoring Officer comments

- 9.1 The Monitoring Officer confirms that the relevant legal implications have been taken into account.

10. Procurement comments

- 10.1 There are no procurement implications in this report.

11. Equality and Diversity

11.1 The policies support fairness and non-discrimination, particularly protections for vulnerable tenants including children, benefit recipients, and those at risk of harassment or unlawful eviction.

12. Sustainability/Climate Change Implications

12.1 Enforcement of housing standards, including energy efficiency requirements, supports improved housing quality and reduced environmental impact.

13. Timetable for implementation

13.1 Committee approval: 3 June 2026

Publication and officer briefing: Immediate, following approval

It is proposed that the new policies take effect 48 hours from adoption 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.

14. Contact

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Please submit any material questions to the Committee Chair and Officer Contact by two days in advance of the meeting.

Background papers: There are none.

Appendices:

Appendix 1: Housing Enforcement Policy 2026

Appendix 2: EH Enforcement Policy 2026

Appendix 3: Spelthorne BC Civil Financial Penalty Policy 2026

Appendix 4: Summary of Changes to the Environmental Health Enforcement Policy (2026)