

Stroud District Council's Private Sector Housing Enforcement Policy

Version 2 April 2026

Stroud District Council's Private Sector Housing Enforcement Policy

This policy applies to non-compliance with housing legislation which protects the health, safety and welfare of; private rented tenants, social housing tenants and owner occupiers. **It replaces all previous policies on private sector housing enforcement including the issuing of civil penalties.**

Non-compliance in private rented accommodation is usually, but not exclusively, brought to the council's attention by a tenant complaint. The case officer will log details of the complaint and then contact the relevant parties to initiate an investigation.

The following sets out what private sector tenants, landlords and owners can expect from the private sector housing enforcement officers at Stroud District Council, when a complaint is received.

Tenants

- Tenants are expected to inform their landlord of any defects within the property in writing and provide a reasonable time for compliance, before registering a complaint with the Council. However, it is accepted that there are circumstances where it would be difficult or inappropriate for a tenant to take this step, for example if the tenant is vulnerable, facing harassment from their landlord or otherwise unable to contact the landlord themselves for valid reasons. In these circumstances, The Council may initiate contact with the landlord directly. Complaints will not usually progress until the landlord has been made aware of the problem by their tenant and given an opportunity to carry out repairs /improvement. In some cases, in accordance with the statutory duty imposed on Councils, the Council will proceed with enforcement in circumstances where the complaint has been satisfactorily resolved.
- Social Housing tenants are expected to raise formal complaints with their landlord in accordance with their Housing Provider's published complaints process. The Social Housing (Regulation) Act 2023 introduced Awaab's Law and requires social housing landlords to address hazards within specific timeframes. If the complaint is progressing the Council may not take further action until the outcome of that complaint is reached. However, if the complaint is not progressing or has taken an unreasonable amount of time to conclude, then the Council may intervene.
- The Council will provide tenants with at least 24 hours' notice of any intention to enter a property in compliance with section 239 of the Housing Act 2004, before an inspection is carried out, except in circumstances where entry is required under one of the exemptions prescribed under section 239 of the Act. The tenant may waive this requirement.
- The Council will advise tenants in writing of the outcome of an investigations and/or inspection and let the tenant know what action will be taken and any agreement reached with the landlord for remedial work. Copies of any notices served will be provided.
- Tenants are expected to allow the landlord and/ or any representatives, reasonable access to attend to remedial works and that they cooperate with the landlord, their representatives or contractors as appropriate.
- Tenants may be directed to a property agent redress scheme if appropriate, but this will not prevent the Council from taking further action if the tenant wants to pursue their complaint via the Council, and it is appropriate for the Council to take further enforcement.

Situations where the Council may not provide assistance to a tenant.

Whilst each case will be judged individually, there are some situations where follow up enforcement may not be possible due to the inappropriate behaviours or actions of a tenant. Such situations would provide a statutory defence to a landlord or property owner that they had a reasonable excuse for failing to comply with the Council's notices or order. There would be little benefit therefore in the Council pursuing cases where there is a realistic prospect that the application of a statutory defence would be successful, and it would not be proportionate or fair to do so. The following actions /behaviours by the tenant will be considered:

- Refusing all access to a landlord or their representatives to inspect and/or carry out remedial works. Evidence would be requested.
- Deliberate damage to a property by the tenant, with reasonable proof being available.
- Repeated failure to keep appointments without reasonable excuse. Evidence may be requested.
- Aggressive behaviour; including verbal or physical abuse to landlord, council staff or contractors.
- The Council advise tenants to pay rent as required in their contract even if they have a dispute with their landlord.

Private Landlords (and their appointed representatives)

- The Council wants to support responsible landlords to raise housing standards. However, the Council expects landlords to have a good understanding of the housing standards and management issues that should be met in privately rented accommodation.
- Landlords must not let properties in contravention of legal requirements which relate to the health, safety and welfare of tenants. New or amateur landlords should seek the advice of landlord groups or associations and/or use professional letting agents if they do not have the necessary experience or knowledge required to meet the legal requirements for letting a property.
- Following an inspection of a property, the Council will advise landlords of its findings in writing and provide an overview of any Housing Health and Safety Rating System assessment formally carried out. Landlords will be advised of any remedial works required to the property to address serious or persistent hazards and any non-compliance issues with landlord legislation which must be addressed.
- Landlords must have up-to-date copies that can easily be produced at the request of the Council of all mandatory safety documentation including where applicable, gas safety certificates, electrical safety reports, energy performance certificates. For licensable HMOs additional documents are required in line with the licence conditions and include a Fire Risk Assessment.
- The Council may ask landlords to confirm where a deposit is lodged, and if applicable, provided confirmation of membership of a redress scheme. A landlord must provide copies of test certificates for equipment on site including portable electrical appliances, fire alarms and other equipment, and provide a copy of tenancy agreement(s) or leases.
- Landlords will be required to provide confirmation that remedial work has been organised and to provide copies of quotes, name of and start date for a contractor, or other documentation as evidence that work has been arranged.

- Statutory notices or orders will be served where appropriate (see statutory action section) which will take into account the proposed remediation and agreed timescales where this has been established.
- Further formal enforcement action after the service of any appropriate notice or order will be conducted in accordance with this document and the corporate enforcement policy.
- Currently we do not charge for the service of notices but if this is introduced at a later date by the Council it will be publicised and attached to this document as an addendum.
- The Council will reinspect or consider other evidence to confirm that all remedial works required have been carried out to a satisfactory standard. A notice or order served cannot be revoked without formal confirmation that all works are completed.
- Council has a statutory duty to act as detailed by S107 of the Renters' Rights Act 2025 to enforce the specified Landlords legislation and this will result in the issuing of a civil penalty where a relevant breach/offence occurs.

Owner occupiers

- Owner occupiers are expected to maintain properties they live in to a reasonable standard free of health risks, and without causing nuisance to neighbours.
- If a property occupied by an owner is brought to the Council's attention and the condition is thought to present a serious health and safety risk to the occupiers or others living there or visiting, the Council will consider taking appropriate action, including service of a statutory notice or order to reduce or eliminate the risk.
- If eligible, the owner occupier may apply for any loan or grant funding available, and the Council will provide guidance and assistance to help vulnerable individuals improve their property.
- This policy does not cover void property. The Council has a separate policy for empty homes.

Investigatory Powers

The Council has statutory investigatory powers relating to the collection of information and relating to the entry of premises including, but not limited to, the powers detailed below.

Power to Investigate

S114 Renters' Rights Act 2025 gives the Council power to issue a notice to a relevant person to require the person to provide specified information to the Council.

This notice may be given to any person with an estate or interest in the land; the licensor; their agents; or a marketer of a property. It may be given in regard to any offence under the following Legislation:

- Sections 1 and 1A of the Protection from Eviction Act 1977;
- Chapter 1 of Part 1 of the Housing Act 1988;
- Section 83(1) or 84(1) of the Enterprise and Regulatory Reform Act 2013;
- Sections 21 to 23 of the Housing and Planning Act 2016;
- Chapter 3 of Part 1 and Part 2 of the Renters' Rights Act 2025.

Failure to comply with a s114 notice is an offence under s131 Renters' Rights Act 2025, as is being obstructive and intentionally or recklessly making false or misleading statements in response to a s.113 notice.

S115 Renters' Rights Act 2025 permits the Council when it reasonably suspects a breach of the Rented Accommodation Legislation to issue a notice to any person requiring them to provide the information specified. This may only be done to investigate whether a breach has occurred under the Rented Accommodation Legislation, or to determine the amount of a penalty. For the purposes of this section, the Rented Accommodation Legislation means:

- Sections 1 and 1A of the Protection from Eviction Act 1977;
- Chapter 1 of Part 1 of the Housing Act 1988;
- Parts 1 to 4 and 7 of the Housing Act 2004 ;
- Section 83(1) or 84(1) of the Enterprise and Regulatory Reform Act 2013;
- Sections 21 to 23 of the Housing and Planning Act 2016;
- Chapter 3 of Part 1 and Part 2 of the Renters' Rights Act 2025.

Where an individual has not complied with a s115 notice, s116 Renters' Rights Act 2025 enables the Council to make an application to the Court to enforce the provisions of the notice and seek reimbursement for the costs of the application.

S131 Renters' Rights Act provides that, in addition to the offence of non-compliance with a s114 notice, it is an offence for an individual to obstruct a Council officer seeking to exercise their powers without reasonable excuse. It is also an offence to fail to give an officer any additional assistance or information which they reasonably require without reasonable excuse.

S235 Housing Act 2004 allows the Council to issue a notice to relevant individuals, including occupiers, directing them to provide specified documents under their control for the purpose of investigating whether an offence has been committed under Parts 1 to 4 of the Housing Act 2004 or exercising the Council's functions under Parts 1 to 4 of the Housing Act 2004.

S16 Local Government (Miscellaneous Provisions) Act 1976 also permits the Council to issue a notice to an occupier, manager, or individual with an interest in the land to compel them to provide the Council with information on the nature of their interest and the names and addresses of current occupiers.

Entry to Premises

S118 Renters' Rights Act 2025 permits Council officers to enter business premises of relevant people (including landlords, letting agents, and marketers) if it is necessary for the production or seizure of documents under s122-s123 Renters' Rights Act 2025. This power will be exercised without a warrant.

S121 Renters' Rights Act 2025 allows a Council officer named in a warrant to enter premises used for a rental sector business which is not mainly accommodation if there are documents on the premises which the officer could require under s122 or seize under s123. In addition, for this power to be exercised, one of the following conditions must be met:

- That access to the premises has been or is likely to be refused, and the Council has provided notice of their intention to apply for a warrant to the occupier.

- Those documents on the premises would likely be concealed or interfered with if notice of entry were to be given;
- That no occupier is present, and waiting for their return might defeat the purpose of the entry.

Following a s118 or s121 Renters' Rights Act 2025 entry, s122 allows an officer at any reasonable time to require a relevant person on the premises to produce any documents relating to the business and to take copies of them. This may only be exercised to ascertain whether there has been a breach of the Rented Accommodation Legislation where an officer reasonably suspects there has been a breach or an offence; or to ascertain whether the documents may be required in evidence for proceedings regarding a breach or offence.

Following a s118 or s121 Renters' Rights Act 2025 entry, s123 authorises Council officers to seize and detain documents that the officer reasonably suspects may be required as evidence in proceedings relating to a breach of, or an offence under, the Rented Accommodation Legislation. When doing so, the officer will provide evidence of the officer's identity and authority if reasonably practicable. The officer will take reasonable steps to inform the person from whom documents have been seized that they have been seized and will provide that person with a written record of what has been taken.

S126 Renters' Rights Act 2025 permits the Council to enter premises that are suspected to be subject to a residential tenancy and inspection is necessary for the purpose of investigation or whether there has been a breach of or an offence committed under specified legislation. Entry must be at a reasonable time if the officer considers it necessary as part of an investigation into potential offences specified in subsection 1(b). Where required, the Council will give at least 24 hours' notice of this to the occupier and individuals with an interest in the property as per subsection 1(c), detailing in writing why the entry is necessary and the suspected offences. Where there are occupiers found on the premises, the officer will provide evidence of the officer's identity and authority to at least one of the occupiers if reasonably practicable.

In addition, s239 Housing Act 2004 permits Council officers to enter, if necessary and at a reasonable time, a property in order to carry out a survey or examination. This may be done if any one of the following is met:

- to determine if any Part 1-4 enforcement functions should be exercised;
- the premises are part of an Improvement Notice or Prohibition Order;
- a management order is in force under Chapter 1 or 2 of Part 4 on the premises.

In certain circumstance the Council may obtain a warrant to enter, by force, if necessary, under s240 Housing Act 2004.

Statutory action to deal with poor housing standards- S5 of the Housing Act 2004

The main power of the Council to deal with poor housing standards are covered by the Housing Act 2004 part 1. This relates to the enforcement of housing standards and the use of the housing health and safety rating system (HHSRS), a risk assessment tool. The tool scores hazards according to the potential for harm and determines a banding A-G, which relates to a category 1 high risk (A-C) or category 2 (D-G) which denotes medium to low risk.

Officers are trained and qualified in the use of the HHSRS risk assessment process. They are authorised to investigate, assess, and take further action in relation to HHSRS process. The outcome of the process will inform the officer on the severity of risk, which in turn will dictate the appropriate

course of action, as detailed below. Principal Environmental Health / Private Sector Housing Officers are authorised to take enforcement action by the Head of Environmental Health in line with the Council's delegated powers under its Constitution.

High risk – category 1 hazards where there is high risk of harm to the occupier (bands A-C)

The Council has a **legal duty** to take an appropriate course of enforcement action where a category 1 hazard is established following an inspection and assessment of a property, this duty overrides any other Council policy.

However, in undertaking this duty the Council will, wherever possible, consult with the landlord over the nature of remedial works and attempt to agree a realistic timescale for implementing that work. The appropriate course of action must be one of the following, although other options of demolition and clearance may be considered but are not covered in this document.

- Service of an improvement notice
- Service of a hazard awareness notice
- Service of a prohibition order
- Emergency prohibition order
- Emergency remedial action

Statutory guidance regarding the appropriate use of these enforcement actions will be followed at all times. This also advises when it may be appropriate to suspend actions if circumstances permit, usually where there is no immediate risk, or the risk is mitigated by other factors.

In most cases, it should be possible for the case officer to communicate with the landlord following an inspection over the remediation actions required and agree a timescale for implementing them. However, in emergency cases or where the landlord does not engage with the case officer it may be necessary to take action without agreement being reached.

In all cases the landlord will be provided with the statutory appeals process and will be encouraged to contact the Council with any concerns they have. It is possible to vary a notice or order if subsequent issues arise which had not been known or considered prior to the action being taken.

Upon request, it is possible to extend compliance time for works to be completed when unforeseen matters delay progress. The landlord must contact the Council as soon as they become aware of any delay. The case officer may ask for evidence to be provided or a written undertaking that works can be completed within the new timeframe. An extension would not normally be permitted if the works have not commenced on site, unless there are genuinely compelling reasons. The Council has discretion to refuse an extension of time.

In some cases, works may be quickly progressed, or even completed, negating the service of any enforcement actions.

Medium risk - category 2 hazards (band D and E)

Category 2 hazards will be considered for formal action where they fall within one or more of the following criteria;

- Where there is still significant risk to health and safety of the occupant (such hazards are likely to be those rated at band D but not exclusively).
- The defects/disrepair contributing to the hazard are such that if not dealt with in a reasonable amount of time, are likely to deteriorate to an extent that the hazard rating will increase.

- The individual hazards present, though of a minor nature, their cumulative effect is to render the property a serious risk to the health and/or safety of any occupier of the property.

Low risk - category 2 hazards - bands E, F and G

For hazards categorised as low risk the council will only provide informative guidance to the landlord and tenant. A hazard awareness notice may be served or informal advice, including verbal advice, may be given.

Cumulative hazards

Enforcement action may also be taken where the individual hazards present, though of a minor nature, their cumulative effect is to render the property a serious risk to the health and/or safety of any occupier of the property.

Land charges

Notices and orders served must be registered as a local land charge. They will remain as a local land charge until formally revoked by service of a revocation notice by the Council.

Variation and revocation of order and notices

The Council must revoke notices and orders which have been complied with in compliance with the Housing Act 2004. It is also possible to vary notices where works are part completed, or other changes occur.

Statutory action to deal with standards in the private rented accommodation other than Part 1 of the Housing Act 2004

The Council is the enforcing authority for a number of other legislative requirements imposed on private sector landlords. These cover standards for energy efficiency, smoke and carbon monoxide alarms, electrical safety, membership of letting agency redress schemes and landlord legislation under the Renters' Rights Act 2025. The following regulations except for D have separate enforcement policies which are attached as the following appendices. Regulation C comes under the Council's civil penalty policy for Renters Rights Act and other housing legislation.

A - The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (as amended)

B - The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014

C - The Electrical Safety Standards in the Private Rented Sector (England) Regulations

D - The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015

The above legislation lays out specific requirements that all private sector landlords must follow. Failure to comply with any of the above will result in proportionate enforcement action being taken by the Council. There is an expectation that landlords must be familiar with their legal duties under the above Regulations.

Renters' Rights Act 2025

S107 Renters' Rights Act 2025 imposes a duty on the Council to enforce the Landlord Legislation. The Landlord Legislation is comprised of the following:

- Chapters 3 and 6 of Part 1 of the Renters' Rights Act 2025,
- Part 2 of the Renters' Rights Act 2025,
- Sections 1 and 1A of the Protection from Eviction Act 1977, and
- Chapter 1 of Part 1 of the Housing Act 1988.

Houses in Multiple Occupation (HMO)

The Private Sector Housing service is responsible for the licensing of houses in multiple occupation and for ensuring that the Council's approved standards and national licensing conditions are met. Failure to comply with these is an offence under the Housing Act 2004, part 2.

HMO licences applications

The Council currently only issues licenses for national mandatory licensing, where 5 or more tenants share basic amenities.

The Council can refuse a licence if the property is not capable of meeting the criteria necessary for a licence to be issued. The Council can refuse a licence also if the licence holder and, or the manager are not considered under the Act, to be "Fit and Proper" to hold the licence. Guidance is provided in the Act.

Licenses are issued for a 5-year period once an application is fully validated, processed, and issued. However, if circumstances arise which cast doubt on the ability of the manager or licence holder to meet the licensing conditions or Council's HMO standards, then this may be reduced to a shorter period, usually 12 months. There will be no reduction in the licence fee for licences issued for a shorter period of time than the usual 5 years.

If the Council discovers an HMO operating without a licence in contravention of the Act or if an HMO continues to operate after a licence is refused, but still has 5 or more tenants, then the Council will consider if the landlord has a realistic prospect of being able to succeed with a reasonable excuse defence in law. If there is no reasonable excuse then further enforcement options will be considered and the appropriate course of action followed. (See further enforcement options below)

A Temporary Exemption Notice may be used under section 62 of the Housing Act 2004 if the circumstances are appropriate.

HMO Management Regulations

There is an expectation that landlords of all HMO will be familiar with the applicable Management of Houses in Multiple Occupation (England) Regulations and will comply with them.

Minor contraventions under the Regulations may be dealt with informally either verbally or in writing. More serious or repeat offences will be considered appropriate for further enforcement action as described in this document. (see further enforcement options)

Illegal eviction and harassment

Illegal eviction, threats to evict and activity which is intended to cause harassment of private sector tenants will be treated seriously by the Council. Allegations of harassment will be swiftly investigated to collect evidence from tenants and landlords. If evidence is obtained to support an allegation of unlawful eviction or harassment as defined by the Protection from Eviction Act 1997, then the council has a power to impose a civil penalty as per its agreed policy.

In addition to enforcement under the Protection from Eviction Act 1977, for activities that cause harassment and interfere with the tenants' peaceful enjoyment of the property the Council will also consider the use of Community Protection Notices to deal with anti-social behaviour under the Anti-Social Behaviour, Crime and Policing Act 2014.

If evidence is obtained which suggests on going, sustained harassment then further enforcement action will be pursued. Tenants will be interviewed to obtain a statement and if required an interview under caution will be offered to the landlord.

Private sector housing officers will work with the Housing Advice Team to ensure that tenants are aware of the support available from the Council if they are facing homelessness as a result of illegal eviction or harassment.

Further Enforcement options

Non-compliance or breaches of legislation will be escalated in line with the specific legislative areas detailed in this document. Landlords must comply with notices or orders served subject to any appeal outcome. Landlords must let properties in line with all legal requirements, comply with Management Regulations for HMOs and follow legal processes to bring a tenancy to an end. The council may consider that further enforcement action is not necessary for a minor offence or breach.

There are a number of potential options for further enforcement:

- Issue a civil penalty
- Issue a warning
- Prosecution
- Rent repayment orders
- Works in default

For some breaches of the following Regulations, issuing a civil penalty is the only enforcement option available. Breaches under the following legislation are not offences for which a landlord may be prosecuted or issued with a simple caution/warning. The specific policy for each Regulation is found in the following attached Appendices at the end of this policy.

- The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (as amended) Appendix A
- The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 Appendix B
- The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 Appendix D

The Electrical Safety Standards in the Private Rented Sector (England) Regulations are covered under the Council's approved Civil penalties Policy for the Renters' Rights Act and other housing legislation.

Decision making

The Council will ensure enforcement action is taken in line with the Regulators Code and the principles of good regulation where required by The Legislative and Regulatory Reform (Regulatory Functions) Order 2007. Of particular note, the following pieces of legislation are covered by the Order:

- Parts 8, 9 and 10 of the Housing Act 1985
- Part 8 of the Housing Act 1996
- Parts 2 to 5 of the Housing Act 2004

For some offences the Council will need to make a reasoned judgement about the most suitable enforcement action to take. This would be where there are different options for example a prosecution or a civil penalty being pursued. This will not be the case if the specific legislation mandates a duty to issue a civil penalty. The case officers, where appropriate, will use an enforcement matrix to aid decision making and help determine the most appropriate course of enforcement action to take. The principle of the matrix is to enable a score to be produced, reflective of the seriousness of the offence. Scores are banded and this then recommends the type of action to take. This is to aid officers in decision making but not necessarily the only consideration.

Prosecutions

Where a Civil Financial Penalty is an available alternative to prosecution, the Council will assess each case individually with a view to using the power to prosecute in more serious cases or where there has been a history of non-compliance.

The decision to prosecute is delegated to the Head of Environmental Health under the Council's constitution, supported as necessary by the Council's legal service.

The decision to prosecute will be determined by the evidential strength of the Council's case and the relevant public interest factors set down by the Director of Public Prosecutions in the Code for Crown Prosecutors.

Civil Financial Penalties for specified offences

This section relates to Civil Financial Penalties issued by the Council for breaches of the housing law below.

- Offences in relation to Regulation 3 of the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020
- Failure to give a written statement of terms under section 16D of the Housing Act 1988
- Failure to give an existing tenant information about changes made by the Renters' Rights Act under paragraph 7(2) of schedule 6 to the Renters' Rights Act 2025
- Attempting to let a property for a fixed term under section 16E of the Housing Act 1988
- Attempting to end a tenancy orally or by service of a notice to quit under section 16E of the Housing Act 1988
- Serving an eviction notice that attempts to end a tenancy outside the prescribed section 8 process under section 16E of the Housing Act 1988

- Relying on a ground where the person does not reasonably believe that the landlord is/will be able to obtain possession under section 16E of the Housing Act 1988
- Relying on a ground knowing the landlord would not be able to obtain possession or being reckless as to whether they would under section 16J of the Housing Act 1988
- Failing to provide a tenant with prior notice that a ground which requires it may be used under section 16E of the Housing Act 1988
- Reletting or remarketing a property before expiry of the 12 month no-let period after using the moving and selling grounds under sections 16E and 16J of the Housing Act 1988
- Discriminating against prospective tenants during the letting process on the grounds that those tenants are in receipt of benefits or have children under sections 33 and 34 of the Renters' Rights Act 2025
- Marketing a letting without stating the proposed rent under section 56 of the Renters' Rights Act 2025
- Inviting or encouraging any person to offer to pay an amount of rent under the proposed letting that exceeds the stated rent under section 56 of the Renters' Rights Act 2025
- Accepting an offer from any person to pay an amount of rent under the proposed letting that exceeds the stated rent under section 56 of the Renters' Rights Act 2025

Civil penalties may also be issued by the Council as an alternative to prosecution for the following offences:

- Failure to comply with an Improvement Notice (section 30 of the Housing Act 2004)
- Offences in relation to licensing of Houses in Multiple Occupation (section 72 of the Housing Act 2004)
- Offences in relation to licensing of houses under Part 3 of the Act (section 95 of the Housing Act 2004)
- Offences of contravention of an overcrowding notice (section 139 of the Housing Act 2004)
- Failure to comply with management regulations in respect of Houses in Multiple Occupation (section 234 of the Housing Act 2004)
- Breach of a banning order (section 21 of the Housing and Planning Act 2016)
- Unlawful eviction and harassment of occupier as defined under the Protection from Eviction Act 1997

The Council will issue all of the above civil penalties in line with its agreed procedure to ensure a fair, proportionate and consistent approach is followed by officers. The "Civil penalties under the Renters' Rights Act 2025 and other housing legislation" policy will apply once the Council has decided to commence civil penalty proceedings.

Rent repayment orders (RROs) - Housing and Planning Act 2016

Where a landlord has been convicted or received a Civil Financial Penalty in respect of the offence, the Tribunal must award the maximum applicable amount, except in exceptional circumstances.

This power will be considered in response to all qualifying offences and where there is sufficient evidence for a successful application to the First Tier Tribunal.

The qualifying offences are:

- Unlawful eviction and harassment of occupier as defined under the Protection from Eviction Act 1997
- Offences in relation to unlicensed HMOs [s72(1) Housing Act 2004]
- Offences in relation to unlicensed houses [s95(1) Housing Act 2004]
- Failure to comply with an Improvement Notice [s30(1) Housing Act 2004]
- Failure to comply with a Prohibition Order [s32(1) Housing Act 2004]
- Breach of a Banning Order [s21 Housing and Planning Act 2016]
- Using Violence to secure entry [s6(1) Criminal Law Act 1977]
- Knowingly or recklessly misusing a possession ground [s16J(1) Housing Act 1988]
- Letting or marketing of a property within twelve months of using the 'moving in' or 'selling' ground of eviction [s16J(2) Housing Act 1988]
- Continuous breach of certain tenancy reform requirements [s16J(3) Housing Act 1988]

An application for an RRO may be in addition to other formal action, such as prosecution proceedings or the imposition of a Civil Penalty. Where the Council has issued a Civil Financial Penalty or pursued prosecution, it will usually apply for a Rent Repayment Order where public funds have been paid to a landlord who has committed a qualifying offence.

S49 of the Housing and Planning Act 2016 enables the Council to assist tenants in applying for Rent Repayment Orders. The Council will usually assist tenants by referring or signposting them to Justice For Tenants.

Works in default

In situations where a landlord or property owner fails to comply with a formal notice requiring works, the Council may undertake works in default for the owner and then recover the costs or place a charge on the property. The costs recovered will include any reasonable charges incurred by the Council in exercising its powers including officers time spent in dealing with all related matters, charged at the applicable hour rate. The power may be exercised in addition to further enforcement or penalties for non-compliance. There is no duty to undertake works in default it is at the Council's discretion to do so.

Banning Orders

For serious offenders, where a landlord has committed one or more offences specified in The Housing and Planning Act 2016 (Banning Order Offences) Regulations 2018, the Council may apply to the First Tier Tribunal for a banning order that bans a landlord from:

- Letting housing in England;
- Engaging in English letting agency work;
- Engaging in English property management work; or
- Doing two or more of those things.

A banning order, if granted, must be for a minimum period of 12 months. There is no statutory maximum period for a banning order.

The Council will generally pursue a banning order for the most serious offenders. It will take into account the seriousness of the offence(s), whether the landlord has committed other banning order offences (or received any civil penalty in relation to a banning order offence) and any history of failing to comply with their obligations or legal responsibilities. It will also take into account other relevant factors, including:

- The harm, or potential harm, caused to the tenant
- The need to punish the offender
- The need to deter the offender from repeating the offence
- The need to deter others from committing similar offences.

Rogue landlords


The Housing and Planning Act 2016 part 2 gives the Council additional powers to deal with rogue landlords. This includes:

- A database of rogue landlords and property agents.
- Banning orders
- Civil penalties of up to £30,00 for specific offences.
- Extension of rent repayment orders – include failure to comply with an improvement notice under section 30 of the Housing Act 2024, and illegal eviction or harassment under section 1 of the Protection from Eviction Act.

The Council will make full use of these powers in line with national guidance to ensure that rogue landlords cannot operate in the Stroud District.

Policy amendment

This policy was originally agreed by the Council's Housing Committee on the 25th March 2025. It has been amended to accommodate the landlord legislation introduced by the Renters' Rights Act 2025. The committee delegated authority to Head of Environmental Health in consultation with One Legal and the Chair/ Vice Chair of Housing Committee to make amendments as necessary or to incorporate new statutory enforcement duties as required. This version 2 of the private sector housing policy and the associated revised policy for issuing civil penalties eg the Civil penalties under the Renters' Rights Act 2025 and other housing legislation policy have been agreed under the delegated authority granted as follows:

Title / position	Name	Consultation date	Signature
Head of Environmental Health	Sarah Clark	27 th April 2026	
Chair of Housing Committee	Gary Luff	1 st May 2026	Gary Luff
Vice Chair of Housing Committee	Lucas Schoemaker	1 st May 2026	Lucas Schoemaker
Representative for One legal	Rachael Baldwin - Lawyer	21 st April 2026	Rachael Baldwin

Updates and amendments – official recording

Amendments for Renters Rights Act 2025 using JfT model enforcement policy 2/4/2026

Comments from Rachel Baldwin One Legal incorporated. 27/4/2026