

To: Cabinet
Date: 8 July 2026
Report of: David Butler, Director of Planning and Regulation
Title of Report: Private Sector Housing Enforcement Policy

Summary and recommendations	
Decision being taken:	To approve the Private Sector Housing Enforcement Policy for adoption
Key decision:	Yes
Cabinet Member:	Councillor Mike Rowley, Cabinet Member for Regulation of the Private Rented Sector and Preventing Homelessness
Corporate Priority:	Good, Affordable Homes
Policy Framework:	Housing and Homeless Strategy 2023-28

Recommendation(s): That Cabinet resolves to:
Approve the Private Sector Housing Enforcement Policy (at Appendix 1) for adoption. Delegate authority to the Director of Planning and Regulation, in consultation with the Director of Law and Governance and the Portfolio Holder, to approve future updates to the policy where such changes are consistent with the overall policy approach and reflect changes to legislation or relevant case law.

Appendix No.	Appendix Title	Exempt from Publication
Appendix 1	Private Sector Housing Enforcement Policy	No
Appendix 2	Risk Register	No
Appendix 3	Equality Impact Statement	No

Introduction and background

1. The Housing Act 2004 places a duty on local authorities to keep housing conditions in their district under review with a view to identifying any action that may need to be taken. The Renters' Rights Act 2025 (RRA) has significantly extended the Council's statutory enforcement responsibilities in the private rented sector. New duties under the RRA include a requirement under section 107 to enforce what the Act terms the "Landlord Legislation", a defined set of provisions covering tenancy reform, unlawful eviction and harassment, and landlord obligations under the Housing Act 1988. A further duty under section 110 requires the Council to report to the Secretary of State on the exercise of those functions.
2. The Council's Corporate Enforcement Policy sets out the broad principles underpinning the Council's approach to enforcement across all service areas. That policy remains in force and unchanged. However, private sector housing enforcement operates under a distinct and technically complex legislative framework, involving a wide range of specialist powers and obligations under the Housing Act 2004, the RRA and associated legislation. This requires a dedicated policy to guide officer decision-making and ensure enforcement action is taken in a consistent, transparent and legally defensible way.
3. The Council operates full property licensing across the city, including mandatory and additional HMO licensing and selective licensing. This gives it an established enforcement baseline and an experienced Residential Regulation Team. The introduction of a dedicated enforcement policy reflects the scale of the Council's regulatory responsibilities in this area and aligns Oxford's approach with sector best practice.

The Policy

4. The Private Sector Housing Enforcement Policy (Appendix 1) sets out the Council's approach to enforcing its duties under the relevant legislation. It covers the full range of enforcement tools available, including Improvement Notices, Prohibition Orders, Emergency Remedial Action, civil financial penalties, Rent Repayment Orders, Banning Orders and entry to the Rogue Landlord Database.
5. In practice, the policy sets out what landlords, letting agents and tenants can expect when the Council investigates a complaint, identifies a breach of housing law, or considers whether to take formal enforcement action.
6. Much of this policy reflects and formalises existing practice. The Council has operated an experienced enforcement function in the private rented sector for a number of years and the policy largely codifies the approach officers already take. The principal changes reflect the new duties and powers introduced by the RRA, including the duty to enforce the Landlord Legislation and the expanded investigatory powers available to officers.
7. The policy incorporates the investigatory and entry powers introduced by the RRA, including powers to require information and enter premises, and sets out the circumstances in which formal action will be taken in the first instance.
8. The policy has been developed in line with the model policy published by the Association of Chief Environmental Health Officers (ACEHO), the professional body

for housing enforcement authorities in England. Several local authorities have already adopted dedicated housing enforcement policies on this basis.

9. The Regulators' Code sets out principles of good regulation that public bodies are expected to follow when exercising certain enforcement functions, including acting proportionately and being transparent with those they regulate. The RRA and the Landlord Legislation as defined by section 107 sit outside the scope of the Code, meaning those enforcement functions are not subject to its principles. The policy makes this distinction explicit, as it affects how officers approach enforcement decisions under different parts of the legislative framework.

Alternative options considered

10. The alternative would be to continue relying solely on the Corporate Enforcement Policy as the framework for private sector housing enforcement. This was not considered appropriate given the technical complexity of the Council's housing enforcement responsibilities, the new statutory duties introduced by the RRA, and the increased risk of legal challenge to enforcement decisions in the absence of a specialist, publicly available framework.

Implications of Local Government Reorganisation

11. In preparing this report, regard has been given to Government guidance on financial decision-making in advance of Local Government Reorganisation.
12. The adoption of this policy does not involve capital expenditure, borrowing or long-term financial commitments. It is a framework document that enables the Council to carry out its existing statutory enforcement functions. Any successor authority would retain the ability to review, amend or replace the policy in accordance with prevailing legislation and guidance.
13. Adopting the policy at this stage ensures continuity and legal defensibility in enforcement decision-making during any transition period.

Financial implications

14. The adoption of this policy has no financial implications for the Council's General Fund. It does not require additional expenditure above that already committed to private sector housing enforcement.
15. Civil penalty income generated through enforcement activity is applied to fund enforcement work in the private rented sector, in accordance with Regulation 4 of the Rent Repayment Orders and Financial Penalties (Amounts Recovered) (England) Regulations 2017. A robust, legally defensible enforcement framework reduces the risk of successful appeals against civil penalty notices, which supports the sustainability of that income stream.
16. If our policies become outdated and do not reflect current best practice there is a risk that more challenges could be made and that more of those challenges would be successful, which would result in additional costs and a reduction in income from financial penalties.

Legal issues

17. Section 107 of the RRA imposes a duty on the Council to enforce the Landlord Legislation as defined in that section. Section 110 imposes a further duty to report

to the Secretary of State on the exercise of those functions. The policy provides the framework against which enforcement decisions can be made and scrutinised.

18. Officers are required to have regard to the policy when making enforcement decisions. This enables the Council to demonstrate that action has been taken in accordance with an approved, publicly available framework. Where the Council cannot demonstrate it has followed its own policy, defendants are entitled to cite that failure as part of any challenge or appeal. Having a clear, up to date policy therefore reduces both the number and success rate of appeals against enforcement action.

Level of risk

19. The updated risk register is attached at Appendix 2. The principal risk associated with this decision is the legal and reputational risk of enforcement decisions being successfully challenged in the absence of a formal framework. Adoption of the policy directly mitigates that risk.

Equalities impact

1. The Equality Impact Assessment is attached at Appendix 3. Private sector housing enforcement is primarily directed at improving property conditions and management standards. The Council's enforcement activity is largely focused on protecting vulnerable people and has a neutral or positive equality impact.

Carbon and Environmental Considerations

20. Many enforcement actions taken in the private rented sector result in improved property standards, which can contribute to improved energy efficiency and reduced carbon emissions. Adoption of this policy supports a consistent and proactive approach to enforcement, which is likely to have a positive environmental impact over time.

Conclusion

21. The Renters' Rights Act 2025 has significantly expanded the Council's statutory enforcement duties in the private rented sector. Adopting a dedicated Private Sector Housing Enforcement Policy ensures the Council has a specialist, publicly available framework that reflects those duties, aligns with sector best practice and supports legally defensible decision-making. Cabinet is therefore recommended to approve the policy for adoption.

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