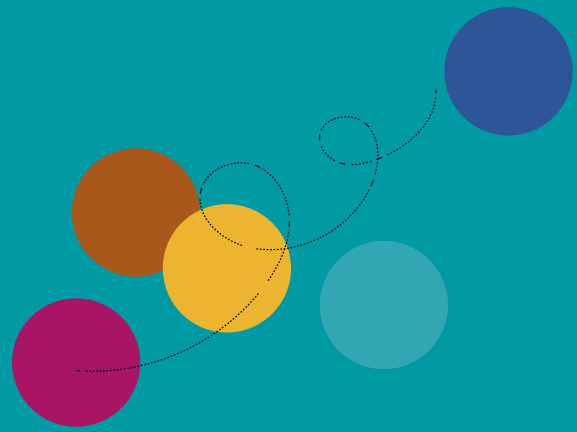




NORWICH
City Council



Private Sector Housing Enforcement Policy 2025



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Relevant legislation or regulation:

Legislative and Regulatory Reform Act 2006 (Regulators' Code); Housing Act 2004; Housing and Planning Act 2016; Environmental Protection Act 1990; Protection from Eviction Act 1977; Building Act 1984; Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (MEES); Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020; Renters' Rights Act (2025)

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1. Introduction

This policy sets out how Norwich City Council regulates and enforces housing standards in the private rented sector. It ensures that all housing enforcement decisions are lawful, proportionate, consistent, accountable and aligned with statutory and regulatory duties.

This policy applies to all enforcement activity undertaken by Norwich City Council in relation to residential premises that fall under its regulatory responsibility. This includes action against:

- Private landlords
- Managing and letting agents
- Property owners and persons in control
- Individuals or bodies corporate, as defined in legislation.

For the purpose of this policy, the term 'duty holder' used in the Council's Corporate Enforcement Policy refers to landlords, agents, and other persons or bodies with legal responsibility for housing standards.

This policy supports the Council's statutory responsibilities under the:

- Housing Act 2004, (including the Housing Health and Safety Rating System (HHSRS), licensing provisions, and enforcement powers).
- Housing and Planning Act 2016 (civil penalties, banning orders, database of rogue landlords).
- Environmental Protection Act 1990
- Public Health Acts 1936 and 1961
- Protection from Eviction Act 1977
- Building Act 1984
- The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (MEES)
- Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

It aligns with:

- The Regulators' Code (2014)
- The Norwich City Council Corporate Plan 2024 – 2029 ("We Are Norwich")
- The Private Sector Housing Regulation and Compliance Framework
- Renters' Rights Act (2025). The Council will review and update this policy following enactment and the publication of associated regulations and statutory guidance.

2. Purpose and Scope

This policy provides a framework for consistent, transparent, and accountable enforcement action regarding housing standards in the Private Rented Sector. It covers all stages of intervention, from informal advice to formal legal action, in accordance with relevant legal powers.

This policy applies to the regulation of:

- Category 1 and 2 hazards identified under the Housing Health and Safety Rating System (HHSRS)
- Mandatory additional, and selective licensing of houses in multiple occupation (HMOs) and privately rented properties
- Civil penalties and criminal prosecutions for housing-related offences
- Enforcement of minimum energy efficiency standards (MEES)
- Electrical safety enforcement
- Banning orders and rogue landlord database referrals
- Rent repayment orders (RROs)
- Decent Homes Standard for the Private Rented Sector alongside legislative changes arising from the Renters' Rights Act (2025).

The policy applies to all residential premises and tenures covered by the legislation listed in the introduction. It also applies to any individual or legal entity found to be in breach of relevant housing legislation or associated statutory obligations.

3. Strategic Alignment

This policy supports the delivery of the Norwich City Council Corporate Plan 2024–2029 (“We Are Norwich”), particularly the ambitions to create a fairer, greener, and more equal city. It contributes to the following outcomes:

- A Fairer Norwich: improving the safety, security, and quality of homes by ensuring compliance with housing standards and protecting tenants from poor practice.
- A Greener Norwich: tackling fuel poverty and supporting the city’s carbon-reduction ambitions through enforcement of energy-efficiency standards in the private rented sector.
- A More Equal Norwich: promoting fairness and protecting vulnerable residents from unlawful eviction, discrimination, and unsafe living conditions.
- An Open and Modern Council: delivering transparent, evidence-based enforcement that demonstrates accountability and public confidence.

4. Enforcement Principles

The purpose of this section is to set out the fundamental principles Norwich City Council will apply when exercising its regulatory and enforcement functions under housing legislation. These principles provide the legal and ethical foundation upon which decisions are made and ensure fairness, consistency, and proportionality in enforcement.

They are consistent with the expectations of the Regulators' Code, the Human Rights Act 1998, the Equality Act 2010, and administrative law principles of public decision-making. In applying these principles, the Council will have due regard to its Public Sector Equality Duty, ensuring that enforcement action does not disproportionately affect individuals with protected characteristics.

Norwich City Council's approach to enforcement will reflect the following principles:

- **Proportionality:** Action taken will correspond to the seriousness of the risk, harm, or offence. The least restrictive option necessary to protect the public or secure compliance will be chosen.
- **Consistency:** Decisions will be consistent with statutory guidance, internal protocols, and case law to ensure fairness across cases and officers.
- **Transparency:** Those subject to enforcement will understand what is required, what breaches have occurred, and the consequences of non-compliance.
- **Accountability:** All enforcement decisions will be documented with an auditable trail. Officers are accountable to internal management, the public, and where necessary, the courts.
- **Targeting:** Resources will be directed towards the most serious non-compliance, including those who put vulnerable persons at risk or repeatedly breach legal duties.

These principles underpin the Council's enforcement activity and will be applied across all stages of intervention to ensure lawful, proportionate, and equitable outcomes.

5. Informal Action

The Council's approach to enforcement prioritises early engagement and voluntary compliance wherever this is appropriate and proportionate. Informal action will be considered where it can achieve a satisfactory outcome without compromising tenant safety or undermining the Council's statutory duties.

Informal intervention may include:

- Providing advice, guidance, or compliance letters to encourage voluntary improvements
- Issuing written or verbal warnings where appropriate.
- Liaising with landlords, managing agents, or responsible persons to agree remedial actions within a reasonable timescale.

Informal action will not be used where:

- There is a serious or imminent risk to health or safety
- A landlord or agent has a history of non-compliance or poor management
- The breach involves deliberate or reckless behaviour
- The law requires formal action to be taken (for example, under the Housing Act 2004)

All informal actions will be clearly recorded within the enforcement case record, providing an auditable trail of the advice given, the expected outcome, and any follow-up actions taken.

Where informal measures fail to achieve compliance within the agreed timescale, or where circumstances warrant, the Council will escalate to formal enforcement action in accordance with Section 6 of this policy.

6. Formal Enforcement Powers

Where informal action is ineffective, inappropriate, or insufficient to protect tenants and the wider public, Norwich City Council will use its statutory enforcement powers. These powers derive from primary legislation and must be exercised in a lawful, proportionate, and evidence-based manner.

Formal action will only be taken by authorised officers, in accordance with internal procedures and the Council's scheme of delegation.

The Council may use one or more of the following powers under the Housing Act 2004:

- Improvement Notices (Sections 11 and 12) requiring remedial works to remove Category 1 or 2 hazards.
- Prohibition Orders (Sections 20–21) restricting or prohibiting occupation of unsafe dwellings.
- Emergency Remedial Action or Emergency Prohibition Orders (Sections 40–43) – allowing immediate action in cases of imminent risk of serious harm.
- Hazard Awareness Notices, notifying owners of identified hazards and recommending voluntary action.
- Demolition Orders or Clearance Area declarations (Housing Act 1985)
- Works in Default (Section 42) enabling the Council to carry out remedial works and recover costs from the person responsible.

- Injunctions or prosecutions for serious or deliberate breaches where civil penalties are inappropriate.

In addition to the Housing Act 2004, the Council has powers under a range of other legislation, including:

- Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015, enforcing compliance with Minimum Energy Efficiency Standards (MEES)
- Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020, ensuring landlords meet electrical safety requirements.
- Environmental Protection Act 1990, addressing statutory nuisances and unsanitary conditions.
- Building Act 1984, taking action on defective premises and drainage, and enforcing building regulations where relevant to housing conditions.
- Local Government (Miscellaneous Provisions) Act 1982, entering properties to carry out necessary works or inspections to secure compliance.
- Public Health Acts 1936 and 1961, dealing with drainage, refuse accumulation, and insanitary conditions affecting health.

These powers are exercised where housing-related hazards or public health risks cannot be adequately addressed under the Housing Act 2004 alone.

All formal enforcement decisions will be:

- Based on clear evidence and the legal thresholds for intervention
- Made with due regard to the Equality Act 2010, the Human Rights Act 1998, and the principles of the Regulators' Code
- Documented to provide an auditable decision-making trail
- Subject to internal quality assurance and, where appropriate, legal review

Evidence and documentation supporting enforcement action will be securely stored, disclosed in accordance with legal requirements, and made available to defendants or appellants within statutory timescales.

7. Civil Penalties and Financial Enforcement

This section sets out the Council's power to issue financial penalties as an alternative to prosecution for certain housing offences. These powers provide a proportionate, cost-effective, and transparent means of enforcement in accordance with government guidance.

Under the Housing and Planning Act 2016, Norwich City Council may impose civil penalties of up to £30,000 per offence for the following breaches:

- Failure to licence a property
- Breach of licence conditions

- Offences of the Housing Act 2004 relating to housing standards or management
- Breaches of the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020
- Letting or continuing to let properties in breach of the Minimum Energy Efficiency Standards (MEES) Regulations 2015

The level of penalty will be determined in accordance with the Council's Civil Penalties and Electrical Safety Standards Policy.

Civil penalties may be imposed alongside or instead of other formal enforcement actions where appropriate. All decisions will be fully documented and subject to internal quality assurance.

Each civil penalty will be supported by a written assessment setting out the evidence, harm level, culpability, and any mitigating or aggravating factors in line with statutory guidance.

8. Licensing Enforcement

This section explains how Norwich City Council administers and enforces property licensing schemes under the Housing Act 2004. Licensing is a statutory mechanism used to improve housing conditions, ensure responsible management, and protect tenants in higher-risk properties.

The Council operates mandatory HMO licensing and may designate areas for additional or selective licensing under Part 2 and Part 3 of the Housing Act 2004, subject to the required legal consultation and approval procedures.

Licensing enforcement applies to:

- Failure to licence a property or breach of licence conditions
- Failure to provide prescribed information or documentation
- Non-compliance with licence conditions, including those relating to property management, safety, and occupancy

Failure to comply may result in a civil penalty, rent repayment order, licence revocation, or prosecution.

Licensing decisions will be made in accordance with the Council's scheme of delegation, taking into account proportionality, previous compliance history, and the need to protect tenants from harm.

9. Rent Repayment Orders (RROs)

This section sets out how Norwich City Council will use its powers to recover rent payments made by tenants or housing benefit in cases of serious housing offences. Rent Repayment

Orders (RROs) are available under the Housing Act 2004, as amended by the Housing and Planning Act 2016.

The Council may apply for Rent Repayment Orders, or support tenants to apply, where a landlord has:

- Operated an unlicensed property
- Failed to comply with an improvement notice
- Breached a banning order
- Engaged in unlawful eviction or harassment

Rent Repayment Orders can require repayment of up to 12 months' rent. Each case will be considered on its merits, taking into account tenant vulnerability, the landlord's conduct, and enforcement history.

Where appropriate, the Council may also seek to recover financial benefits obtained through unlawful activity under the Proceeds of Crime Act 2002 (POCA). Any recovered funds will be used to support further enforcement work and promote a fair and compliant private rented sector.

Where appropriate, the Council will seek to recover legal costs following successful prosecution or financial recovery under the Proceeds of Crime Act 2002

This approach ensures that offenders do not profit from criminal behaviour and reinforces the Council's commitment to tackling rogue landlords through proportionate and effective enforcement.

10. Banning Orders and Prosecution

Under the Housing and Planning Act 2016, Norwich City Council has the power to apply for a Banning Order to prevent a person from letting housing, engaging in letting agency or property management work, or acting as a director of a company involved in these activities.

A Banning Order may be sought where a landlord or agent has been convicted of a relevant offence, including serious or repeated breaches of housing and safety legislation.

The Council will consider pursuing a Banning Order where:

- The offence demonstrates deliberate or reckless disregard for tenant safety or the law
- The offender has a history of non-compliance or previous convictions for housing offences
- There is evidence of significant financial gain through unlawful activity
- Other enforcement actions have failed to achieve compliance

Applications for Banning Orders will be made through the First-tier Tribunal (Property Chamber). Where a Banning Order is granted, the offender's details will be entered into the Database of Rogue Landlords and Property Agents.

The Council may also initiate prosecution where an offence is so serious that a civil penalty would not reflect the gravity of the breach, or where there is a strong public interest in pursuing criminal proceedings. All prosecutions will be undertaken in accordance with the Code for Crown Prosecutors and the Council's enforcement policy principles of proportionality, consistency, and transparency.

Where criminal proceedings lead to conviction, the Council will consider action under the Proceeds of Crime Act 2002 (POCA) to recover any financial benefit obtained through unlawful conduct. Any funds recovered under POCA will be reinvested into further housing enforcement activity to prevent future offences and promote fair practice across the private rented sector.

11. Appeals and Complaints Procedure

Norwich City Council is committed to ensuring that all enforcement decisions are fair, transparent, and made in accordance with the law. Individuals or organisations subject to enforcement action will be informed in writing of the reasons for the decision, the evidence relied upon, and any rights of appeal or representation available to them.

Where legislation provides a statutory right of appeal, this will be clearly set out within the notice or decision letter. Examples include appeals to the First-tier Tribunal (Property Chamber) under the Housing Act 2004 or to the Magistrates' Court for certain offences.

Where representations are permitted, the Council will consider any written representations received within the timescale stated before confirming its final decision. Enforcement activity may be suspended where appropriate and lawful while representations or appeals are under review.

Any person who is dissatisfied with the way an enforcement decision has been made, or who believes the Council has failed to follow proper procedure, may also make a complaint under the Council's Corporate Complaints Procedure, which is available on the Council's website.

The Council will handle all appeals and complaints in accordance with its legal obligations and internal governance processes, ensuring that enforcement remains fair, proportionate, and accountable.

12. Partnership Working

Norwich City Council recognises that effective enforcement relies on strong partnership working with a range of statutory and non-statutory agencies. Collaboration supports early intervention, intelligence sharing, and coordinated action to tackle poor housing conditions, unlawful management practices, and criminal behaviour in the private rented sector.

The Council will work in partnership with:

- Norfolk County Council Trading Standards to address unfair or illegal trading practices by landlords or agents.
- Norfolk Fire and Rescue Service to ensure compliance with fire-safety standards in residential premises.
- Norfolk Constabulary to support investigations into harassment, illegal eviction, and offences linked to criminal exploitation or anti-social behaviour.
- HM Revenue and Customs (HMRC) where there is evidence of financial or tax irregularity related to rented properties.
- Home Office Immigration Enforcement where unlawful occupation, modern slavery, or exploitation of tenants is suspected.
- Department for Work and Pensions (DWP) and Housing Benefit teams to investigate potential benefit fraud connected to housing offences.
- Environmental Health and Building Control to address hazards, structural defects, and breaches of public health or building regulations.
- Legal Services to provide legal oversight, case review, and representation in enforcement proceedings.

The Council will also cooperate with neighbouring local authorities to share intelligence on non-compliant landlords, particularly where properties are operated across district boundaries.

Where criminal investigations result in conviction, the Council may work jointly with enforcement partners to pursue financial recovery under the Proceeds of Crime Act 2002 (POCA), ensuring that offenders do not profit from unlawful activity.

Through these partnerships, Norwich City Council aims to deliver a joined-up, intelligence-led approach to enforcement, maximising resources, preventing duplication, and ensuring that tenants across the city are protected from exploitation and poor housing conditions.

13. Equality, Data Protection and Governance

Norwich City Council is committed to ensuring that all enforcement activities are carried out in accordance with the principles of equality, fairness, and transparency. The Council will have due regard to its responsibilities under the Equality Act 2010, including the Public Sector Equality Duty, to ensure that no individual or group is unlawfully discriminated against.

Equality considerations and any reasonable adjustments made will be recorded in each enforcement case file to evidence compliance with the Public Sector Equality Duty.

When taking enforcement action, officers must consider whether there are any individuals who may be indirectly affected and who have protected characteristics under the Equality Act 2010. This includes ensuring that enforcement against a landlord does not inadvertently disadvantage tenants or other parties who are protected by the Act.

All enforcement activity will also comply with the Human Rights Act 1998, ensuring that decisions respect the rights of individuals to privacy, property, and a fair hearing.

The Council will process personal data obtained through enforcement activities in accordance with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR). Information will only be shared where it is lawful and proportionate to do so, and in line with the Council's Information Governance and Data Sharing policies.

Governance arrangements for enforcement decisions include internal oversight by service managers and legal review where appropriate. Decisions will be recorded, reviewed, and subject to audit to ensure consistency, proportionality, and compliance with statutory duties.

The Council will review a sample of enforcement decisions annually to ensure consistency and learning across cases.

All enforcement decisions will be recorded in writing, authorised under the Council's Scheme of Delegation, and reviewed by a senior officer or legal advisor before issue to ensure proportionality, legality, and consistency.

Where a potential conflict of interest arises, for example, if the Council is the duty holder of a property under investigation the matter will be escalated to the Chief Executive. In such cases, the Council will seek independent advice or oversight from another Norfolk authority in line with the Corporate Enforcement Policy (July 2023).

This approach ensures that Norwich City Council's enforcement activities are fair, accountable, and legally sound, while protecting the rights and privacy of individuals involved.

14. Legislative Updates

The Renters' Rights Act (2025) represents one of the most significant reforms to the private rented sector in recent years. Norwich City Council will review and update this policy within six months of enactment and the publication of any related statutory guidance or regulations.

The Act introduces new and expanded local authority responsibilities, including:

- A mandatory duty to enforce landlord legislation: moving from discretionary powers to a statutory obligation for local authorities to act on breaches.
- Enhanced investigatory powers: enabling the Council to obtain information from landlords, agents, and third parties for enforcement and compliance purposes.
- Strengthened rights of entry and document seizure: allowing officers to gather evidence where serious housing offences are suspected.
- Increased civil penalties and sanctions: ensuring greater consistency in enforcement across England.
- The creation of a national Private Rented Sector Database and a strengthened landlord redress framework: improving transparency, tenant protection, and accountability.

These reforms will expand the scope of the Council's enforcement role and increase expectations on local authorities to regulate effectively. Norwich City Council will prepare for implementation by reviewing resourcing, training, and governance arrangements to ensure continued compliance, operational readiness, and delivery of a fair and effective private rented sector enforcement service.



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