

ENVIRONMENTAL HEALTH HOUSING POLICY 2025 - 2028

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1. INTRODUCTION TO THE SERVICE

Introduction

On 9th January 2017 Public Protection Partnership (PPP) was formed, this was a shared service covering Environmental Health, Licensing and Trading Standards provided for Bracknell Forest Council, West Berkshire Council and Wokingham Borough Council. On 31 March 2022 Wokingham Borough Council left the partnership. As such this plan will only cover the work of Bracknell Forest and West Berkshire Councils.

PPP governance arrangements have led to the PPP being directed by a separate committee of elected members representing each authority (Joint Public Protection Committee, JPPC) who are advised by a joint management board (JMB) made up of relevant Directors representing each authority and lead officers from PPP.

The PPP serves a rising population of almost 300,000 residents, comprising around 127,000 (BFBC) and 163,000 (WBDC). Whilst the two authorities share many similarities such as the types of businesses, their more modern industrial and historic towns and villages, political governance, and health demography, each area is also unique. For example, major retail, shopping and leisure facilities within the Lexicon can be found within BFBC, within West Berkshire, rural landscapes, farming and horse racing are commonplace.

Scope of the Compliance and Programme Team.

Environmental Health Housing sits within the Compliance and Programme (C&P) Team in within the PPP.

In addition, the C&P team enforces food hygiene and Infectious Disease Control; Health & Safety in all Local Authority enforced premises, and environmental protection such as commercial nuisance, air quality, contaminated land and private water supply.

Scope of the Environmental Health Housing Policy

This Environmental Health Housing Policy applies specifically to each Council's environmental health housing enforcement functions and duties. Local Authorities are required to keep under review the housing conditions in their areas with a view to identifying what courses of actions are necessary under the various Housing Acts. This includes the following:

- Regulating standards of repair, amenity and safety in the private rented sector and dealing with housing hazards.
- Investigating service requests from tenants of Registered Social Landlords.
- Carrying out investigations relating to vacant dwellings and dealing with issues they present.
- Regulating standards of management, repair, amenity and safety in houses in multiple occupation (HMOs).
- Administration of the Council's Houses in Multiple Occupation mandatory Licensing Scheme.

- The licensing of Caravan Sites and park home sites and camp sites.
- Regulating standards in the private rented sector in relation to immigration inspections.
- Homes for Ukraine (from March 2022) where officers carry out home safety checks on host homes, and welfare checks when guests arrived.
- Taking enforcement action including the use of civil penalties.
- Setting the civil penalty in respect of landlords' duties to install and maintain smoke and carbon monoxide detectors ([see appendix 1](#)).

Vision of PPP

To protect and support residents and legitimate business through the successful use of information and intelligence, delivering safe and healthy neighbourhoods.

Mission of PPP

- Provide people information to enable them to make informed decisions and understand their rights and responsibilities.
- Create an atmosphere where legitimate and compliant businesses can thrive and not have their interests undermined by those who choose not to comply.
- Preserve the health, wellbeing and safety of the communities we serve.

To enable a service the size of the Public Protection Partnership to achieve this vision we work to a set of values and an operating model which enables us to respond to changing demands.

Values of PPP

Our values have a major influence on the way we want to be seen:

- Objectivity in decision-making
- the desire to meet the needs of the community and
- an approach to service delivery which is professional on every level.

Inter Authority Agreement Overarching Priorities of PPP

In the Inter Authority Agreement the overarching priorities of PPP are:

- Community Protection.
- Protecting and Improving Health.
- Protection of the Environment.
- Supporting Prosperity and Economic Growth.
- Effective and Improving Service Delivery.

From these the Public Protection Partnership Priorities are developed. These are detailed in the [Strategic Assessment](#) which is presented each year to the Joint Public Protection Committee.

In 2024 we carried out a review of our strategic assessment and of the priorities of the service to bring themes together, to reorder priorities and to create a more cohesive grouping of

topics across the PPP remit. This has now been presented to the Joint Public Protection Committee and been approved and published as the Strategic Assessment 2024-2027.

Cross Cutting Priorities

The cross-cutting priorities set in PPP are those that cover all areas of the service, Environmental Health, Trading Standards and Licensing:

- eCrime.
- Climate Change and Environmental Protection.
- Protecting Vulnerable Adults and Children.
- Safeguarding (which includes modern slavery).
- Safer Streets.
- Protecting and Improving Health.

Operational Priorities

The Operational Priorities, in alphabetical order, set in the PPP strategic Assessment are as follows:

1. Building Safer Communities
2. **Improved Living Environment**
3. Protecting Consumers from Fraud
4. Reducing Harm in Young People
5. Protecting and Informing Consumers
6. Protection of the Environment
7. Promoting Animal Welfare
8. Safety in the Workplace
9. Safe and Healthy Food Chain

Business as Usual Activity is supported also.

In terms of Housing the operational priority 'Improved Living Environment' covers the work of the service.

Areas not deemed as the Strategic Priorities will be carried out but will not be given priority

Emerging Priorities

The work we carry out and the prioritisation we give to that work is dependent on circumstances. Should circumstances change then we adapt to meet those challenges. In recent years we have seen the impact of Covid on the prioritisation of our work. More recently we have had the prioritisation of the work of the team shifted to Homes for Ukraine.

2. HOUSING PRIORITIES

The Role of the Compliance and Programme Housing Team with regard to the Overarching Themes and Strategic Priorities

Community Protection	<p>The main role of the team is to ensure that premises for which we are the enforcing authority for private sector housing, including caravan and park homes sites (see appendix 2) are compliant with the legislation; the purpose of this legislation is to protect residents' health and safety, many of whom are vulnerable, from living in poor conditions.</p> <p>We provide safeguards to the community through an effective licensing service and will act as champions for the local area. We will deal with anti-social behaviour in identified problem areas and with aggressive and unreasonable landlords irrespective of whether they are Registered Social Landlords or those in private rental.</p> <p>Our work with commercial to residential conversion properties conversion project looks to ensure commercial buildings that are converted into residential accommodation are safe and fit for purpose from the planning stage (as part of the consultation process) to responding and investigating complaints of potentially unsafe living conditions.</p> <p>We work to identify and regularise unlicensed Houses of Multiple Occupation (HMOs) (see appendix 3). Mandatory HMOs are properties where there are five residents or more from two households sharing facilities, and these are required to be licenced with us.</p>
Protecting and Improving Health	<p>We enforce Housing legislation. Our role within this meets the requirement to protect health safety and wellbeing of residents within the PPP area irrespective of tenure; in doing so we will tackle the causes of health inequalities, both physical and mental. Note that we cannot enforce in Council owned housing.</p> <p>We will develop and deliver initiatives designed to improve and enhance health and wellbeing of individuals, for example. specific projects aimed at areas such as damp houses, cold dwellings.</p>

Protection of the Environment	<p>Enforcing within residential properties in connection with waste disposal and drainage and ensuring sources of contaminants are secure.</p> <p>We will ensure Private Sector Housing and Park Homes are energy efficient, through adequate heating and repair, and compliance with MEES Minimum Energy Efficiency Standards (see appendix 4).</p>
Supporting Prosperity and Economic Growth	<p>By enforcing the legislation consistently in all residential premises ensuring that landlords are not economically advantaged by non-compliance we will be supporting compliant local businesses to thrive through the provision of advice and guidance.</p> <p>By assessing all Relevant Protected Site owners using the Fit and Proper Person Regulations we will ensure owners are fit and proper to run their sites in a safe and well-maintained manner.</p> <p>Trading Standards has a range of responsibilities with respect to letting agents. These include the enforcement of the requirements on tenants' deposits and the legislation relating to tenants' fees. The service is also responsible for the regulation of property descriptions and wider fair / unfair trading legislation in so far as it relates to the sector.</p>
Effective and Improving Service Delivery	<p>Working on Quality Management Systems to ensure the service is consistent and streamlines feedback from landlord and residents with an ethos of continuous improvement.</p> <p>We will continue to develop PPP staff, to ensure a competent workforce that are committed to delivering and improving.</p> <p>We will work on improving PPP communication with the housing sector, through social media and Landlords Forum.</p> <p>By the implementation of the national intelligence model, we identify and effectively tackle priority areas.</p> <p>We will build effective working relationships with key partners within the Councils to deliver the key objectives of the Service and the partner Councils.</p>

	Building effective relationships with key external partners including Thames Valley Police, Royal Berkshire Fire and Rescue Service, housing providers, other local authorities, Immigration Service
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The Role of the Compliance and Programme Housing Team with regard to the Cross Cutting Themes

Climate Change and Environmental Protection	As part of our work with rented properties we look at energy efficiency in homes, we have extended this work in that we have recently moved a Senior Trading Standards officer into the team so that this work can progress and improve the links between our reactive work and programmed work with energy performance certificates.
Protecting Vulnerable Adults and Children	The number and complexity of investigations involving people from recognised vulnerable groups has driven the PPP to adapt its risk management approach. Skills in communication, safeguarding and partnership working have never been more important in the workloads of officers and managers. This will be a key consideration in any priorities and projects initiated.
Safeguarding/ Modern Day Slavery	Thames Valley Police continue to run a number of operations looking at the issue of exploitation where people are being kept in poor conditions and forced to work for limited financial reward. An anti-slavery network has been set up across the Thames Valley. The PPP must be alive to this risk, and all priorities and projects should be evaluated to consider how it may be able to improve the intelligence picture.
Safer Streets	This is an initiative to help people feel safer in their environment. Housing can help by tackling nuisance behaviour and empty homes (see appendix 5) and general disrepair.
Protecting and Improving Health	All of the work of the PPP Housing team aligns with protecting and improving health, none more so that our work to improve living conditions and our specific work on damp and mould

3. STRUCTURE AND PARTNERS

Compliance and Programme EH Housing Team Staffing (May 2025)

Category of staff	Acceptable Housing Related Qualification such as the HHSRS	Number of Officers in post May 2022/ FTE	Number of Officers in post May 2025	Full Time Equivalent for carrying out Housing work May 2025
Strategic Manager	BSc/ MSc in Environmental Health	0.81/0.1	0.81 Strategic Management	0.3 Strategic Management
Principal Environmental Health Officer¹	BSc /MSc in Environmental Health	1/1	1 operational management	1 operational management
Senior/Environmental Health Officers	BSc/ MSc in Environmental Health	1/1	1	1
Senior Trading Standards Officer²	TSP Diploma	-	1	1
Senior / Environmental Control Officers	HHSRS certificate BTec – housing or equivalent	2/2	3	3
Graduate EHO	BSc /MSc in Environmental Health and working towards Registration with CIEH	-	1	1
Regulatory Services Officer	Level 4 apprenticeship in Regulatory Services	-	1	1
Total		4.81/4.1 FTE	8.81	8.3 FTE

- ¹the Principal EHO post was vacant from May 2024 to February 2025 when successfully recruited to. The work of the post was covered by the Strategic Manager in the interim.

Staffing Changes

Within the PPP we are aware of the importance of EH Housing, and this has been echoed by the respective Councils who view this as a priority area. Funding was made available after 2022 which enabled two new officers to be recruited into the team. Additionally, the team

was extended by the placement of an officer who completed their level 4 apprenticeship with PPP into housing.

² In 2025 PPP, when reviewing and consolidating the priorities, the management team made the decision to move 1FTE Senior Trading Standards Officer into the EH Housing Team. This is to assist with joined up working on housing issues, the Trading Standards element of the housing workstream has been transferred under the Principal Environmental Health Officer for Housing. Trading Standards have a range of responsibilities with respect to letting agents. These include the enforcement of the requirements on tenants' deposits, the legislation relating to tenants' fees and the 'minimum energy efficiency standards' (MEES) for rented properties. The service is also responsible for the regulation of property descriptions and wider fair / unfair trading legislation in so far as it relates to the sector.

Staff Development Plan

- All staff are subject to a formal appraisal each year with interim monthly review meetings.
- Part of this appraisal process is the development of a training needs analysis for staff.
- Housing Officers must complete a competency matrix
- A matrix of the training needs of the team is compiled.
- 20 Hrs of 'Continuing Professional Development' (CPD) training is provided for all staff operating under the Chartered Institute of Environmental Health (CIEH) Membership; 30 hours for Chartered Members.
- Each officer is responsible for keeping a record of training undertaken and maintaining their own CPD records.
- A system of quality monitoring of work has been instigated as we are committed to continuous improvement

Key Service Partners and Partnerships

- LA Housing Departments, Planning Enforcement and Building Control; Bracknell Forest and West Berkshire Councils.
- Royal Berkshire Fire and Rescue Service.
- Thames Valley Police.
- HM Immigration Service.

4. PPP HOUSING WORK PLAN

In order to translate the service priorities into a work plan, PPP use the following as a framework:

- **P**revention – What action can PPP take that would stop a problem occurring
- **I**ntelligence – What information can the PPP gather to help make better decisions
- **E**nforcement – what action can the PPP take to ensure those breaking the law are taken to task.

In keeping with this, a summary of the work which will be progressed by the Compliance and Programme team in relation to Housing is as follows:

PREVENTION	To carry out each Council's statutory duties in relation to Private Sector Housing Standards (reactive and programmed work).
	To ensure unlicensed HMOs are brought to compliance; licence applications are processed, and that licensed HMOs maintain the required standard.
	To review existing Park Home licences to ensure fit for purpose; to work on unlicensed sites to bring them to compliance.
	We will ensure all relevant park home sites have their nomination Fit and Proper Person identified through the process of registration – and that this information is available to all.
	We will investigate complaints from tenants, and where referrals are made to us from other agencies.
	We will investigate complaints from residents in the Registered Social Landlord sector to ensure decent housing.
	Work with LA Housing Partners to carry out House Condition Surveys; and where these are carried out use of the surveys to address the needs demonstrated. The House Condition Survey for West Berkshire was commissioned and carried out in 2024.
	We will carry out projects aimed at assisting landlords and tenants to improve housing conditions with respect to damp and mould / cold homes.
	We will proactively look at commercial to residential conversion premises to ensure that they are suitable.
	We will work with our partners on the safety of those premises identified over 18m high, and 11 – 18m with cladding causing a fire risk.
	We will carry out visits and safeguarding checks in connection with Homes for Ukraine.
	We will investigate complaints from residents and businesses regarding trading standards housing issues.
	We will respond to requests for service concerning trading standards regarding letting agents and the regulation of property descriptions and

	wider fair / unfair trading legislation in so far as it relates to the sector, including the enforcement of the requirements on tenants' deposits, the legislation relating to tenants' fees.
	We will work reactively and proactively on ensuring properties rented out in the private rented sector have a minimum energy rating of E on an Energy Performance Certificate (EPC).
	We will work to ensure that estate and letting agents that operate within our area are complying with the necessary regulation around tenant fees and redress schemes.
	We will monitor emerging issues, such as Air BnB use and short term lets to establish compliance.
	We will link the Furniture and furnishings guidance enforced by trading standards with the HMO licensing regime.
INTELLIGENCE	Active media and social media campaigns on high-risk areas and emerging issues.
	Hold Landlord Forums in partnership with the LA Housing Departments and the Royal Berkshire Fire and Rescue Service RBFRS.
	Work with landlords to raise standards.
	Where there is funding, we will commission a LA House Condition Survey and we use the information to target our work.
	Liaise with RBFRS to understand high risk areas and target work in these areas.
	Use of information from MHCLG National Remediation Safety for resident safety in higher risk buildings.
	Ensure that we keep up to date with the progression of the Renters Rights Bill through Parliament and action plan its implementation.
ENFORCEMENT	Develop staff to undertake complex housing and licensing investigations and knowledge about property tribunals.
	We have dedicated case management support for housing and site licence investigations.
	Training in housing topics and legislation so we can determine breaches and ensure competency in line with relevant legislation and associate regulations.
	Training of officers in private sector housing investigation, evidence gathering, decision making and production of case file and Court proceedings to optimise success rates.
	Ensuring competency of Authorised Officers using a competency assessment toolkit to ensure that the action taken by Authorised Officers is correct and does not cause unlawful economic implications to the businesses or put the public at risk.

	Clear inspection program of targeted residential properties, including mobile home and caravan sites, and ensure non-compliance is actioned.

The PPP recognises the importance of EH Housing, and this has been echoed by the respective Councils who view this as a priority area. Therefore, funding was made available to enable two new officers to be recruited into the team over the period up to 2025. This allowed areas of added value to be carried out, specifically:

Unlicensed HMO	Project – Identify unlicensed HMOs as part of the House Condition Survey and active Borough Surveillance and to let adverts, and monitoring of reactive work. Education regarding definition of HMO – landlords and tenants
Conversions of Commercial to Residential premises	Project – to Identify conversion premises commercial to residential and ensure that these meet housing standards – in conjunction with RBFRS and Building Control.

5. SECURING COMPLIANCE

Securing Action by Relevant Duty Holders

Health and Safety Rating System (HHSRS) provided by the Housing Act 2004 and the associated guidance.

Whilst the HHSRS is fundamental, housing legislation also covers matters such as the provision of smoke and carbon monoxide alarms in rented housing, energy efficiency, overcrowding, and the management of Houses in Multiple Occupation and caravan sites.

Where unsatisfactory or unsuitable housing conditions have been identified, the Council will aim to address the situation through a combination of:

- Giving advice and assistance; and/or
- Operation of licensing schemes (applicable to Houses in Multiple Occupation and Caravan Sites); and/or
- Enforcement action.

The approach taken will depend on the individual circumstances of each case and this policy sets out the factors that are taken into account when determining the course of action that it is appropriate to take. The Council are not bound by the policy and may deviate where there are unusual circumstances that warrant that.

The purpose of the intervention programmes we carry out is to improve housing outcomes by:

- Securing actions by relevant duty holders
- Targeting those that influence risk reduction
- Dealing with serious risk and least controlled hazards
- Enforcing on those that seek economic advantage from non-compliance

We are committed to ensuring compliance and will make this a focus over the coming years, to tackle non-compliance.

Enforcement Action

Enforcement action will be appropriate in some cases where there is a breach of a statutory obligation, most notably where a property owner has failed to provide to his/her tenants conditions and facilities that are safe and satisfactory. Enforcement action is usually discretionary but is mandatory in some prescribed circumstances, for example where a serious or imminent risk of harm exists.

It is recognised that some contraventions of housing law may be minor and/or inadvertent and appropriately tackled on an informal basis. With regard to decision-making, the Council will apply the principles of good enforcement practice set out in the Regulators' Code (April 2014). In this context, the Council aims to:

- carry out its activities in a way that supports those that it regulates.
- Provide simple and straightforward ways to interact with those it regulates.
- Target resources based on risk and the risk will be considered when making decisions about enforcement.
- Share information about compliance and risk where appropriate to avoid duplication of regulatory effort.
- Make available clear information, guidance and advice to help those it regulates to meet their responsibilities to comply with legal requirements.
- Ensure that the Council's approach to regulatory activities is transparent.

In the first instance the Council will generally seek to resolve situations by agreement in an informal manner and without recourse to formal enforcement action. This may involve giving advice to residents (tenants and owner-occupiers) and property owners.

Where properties are rented, the Council seeks to work in partnership with landlords to ensure properties are improved such that they meet required standards. Where possible, the landlord will be given an opportunity to carry out works within a reasonable timescale. This approach may not, however, be possible in some circumstances, for example, where:

- The situation requires urgent remedial action.
- Serious or imminent risk of harm exists.
- The legislation dictates other actions.
- The person responsible is not contactable.
- The proposed timescale for works is considered too long.
- The person responsible appears uncooperative and/or has a history of non-compliance.

At all interactions the Council will seek to ensure that there are no vulnerable occupants exposed to serious hazards.

The Council will normally seek occupants' views, where possible, and take these into account when deciding what action to take in relation to hazards.

When deciding whether to take enforcement action, all circumstances will be taken into account, including the following (where known):

- The nature and severity of the defects.
- The risks to the occupants and/or people visiting the property.
- The tenure of the property.
- The views of the occupant(s).
- The number of occupants, their ages and whether they are vulnerable.
- The willingness and ability of the responsible person to carry out repairs within a reasonable time frame.
- The management record of the owner and the number of other properties they control.
- Whether the owner has been convicted of relevant offences previously and/or is listed on any database of rogue landlords (taking into account the Rogue Landlord Enforcement Guidance for Local Authorities).
- The use of any management agent and the number of properties they control.

There are a number of options for formal action, ranging from formal Notices to Civil Penalties and Prosecution. The decision as to which may be the most appropriate will depend on the circumstances of the case, the relevant legislation and guidance, the risk to health and safety, and the required tests relevant to each option.

In all cases the Council seeks to provide clear advice in plain language.

Civil Penalties for Housing Offences

The Housing and Planning Act 2016 amends the Housing Act 2004 to allow financial penalties, up to a maximum of £30,000, to be imposed as an alternative to prosecution for certain relevant housing offences. Various procedures and statutory guidance have to be followed when issuing such penalties.

Where an offence has been committed under the relevant legislation and the Council is satisfied that there would be a reasonable prospect of conviction, the Council will then consider whether to proceed with a prosecution or issue a civil penalty.

The level and seriousness of offence will be taken into account along with any aggravating factors.

The decision as to which is the most appropriate and effective sanction will be taken on a case-by-case basis taking into account all relevant factors in each case.

At the [Joint Public Protection Committee October 2022](#), the Committee approved the direction that the PPP are taking in Environmental Health Sector Housing with regards to the use of Civil Penalty Notices.

Charging for Enforcement Action

Section 49 of the Housing Act 2004 gives the Council's the power to make a reasonable charge as a means of recovering certain expenses incurred in:

- serving an improvement notice.
- making a prohibition order.
- serving a hazard awareness notice.
- taking emergency remedial action.
- making an emergency prohibition order.
- making a demolition order

The expenses are in connection with inspection of the premises, subsequent consideration of action and the service of notices. A charge will be made for all eligible enforcement action where works are not commenced by the specified date, unless there are extenuating circumstances. This charge will reflect the costs incurred by the authority. The charges are detailed in the Fees and Charges Policy that is set each year.

The charge set is the hourly rate.

Works in Default

Where a notice, order or licence has not been complied with this PPP will consider where the legislation makes provision, carrying out works to secure compliance with the notice. Except in urgent cases the owner/person responsible must be served with:

- a) The relevant notice of intention; and
- b) Information which clearly states the effect of the proposed action, and its subsequent costs including administration charges and details of how such sums may be recovered or made a charge on the property. Immediate action: this includes the power to take emergency action by entry to premises, if necessary, and make safe areas or articles which are causes of imminent danger of serious harm under section 40 and 43 of the Housing Act 2004. Attempts will always be made to contact the responsible person to carry out these works themselves before resorting to this action.

It will be an offence if that persons tries to obstruct the PPP or any contractors working on behalf of the PPP once works have started.

The complete costs will be recovered in accordance with the relevant statutory provisions.

It should also be noted that carrying out works in default does not prevent prosecution which may also be appropriate.

Rent Repayment Orders

Rent Repayment Orders (RRO) ([appendix 6](#)) can be made by the First Tier Tribunal where they are satisfied beyond reasonable doubt that a landlord has committed certain offences (whether a landlord has been convicted of that offence or not).

Rogue Landlord Data Base

The majority of landlords in the private rented sector provide decent and well managed accommodation, but there are a small number of rogue landlords and property agents who knowingly flout their legal obligations and rent out accommodation, which is substandard, frequently to vulnerable tenants.

PPP will make an entry on to the National Rogue Landlord's database where a person has been prosecuted or has received a civil penalty for offences occurring within PPP Council's area; and also, where a successful banning order has been made on application by PPP.

Details can be found at [Appendix 7](#)

Banning Orders for Housing Offences

A "banning order" means an order, made by the First-tier Tribunal, banning a person 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.

Section 18 of the Act which enables a banning order to include a ban on involvement in certain bodies corporate.

PPP will consider applying for a Banning Order where a landlord has been convicted of a relevant serious offence. In most instances this will be where landlords have committed other banning order offences, regardless of location, and the latest offence was particularly serious and caused or had the potential to cause severe harm for the tenant. Regard will be given to the circumstances of each case and the Government guidance in force at the time.

[See appendix 8.](#)

6. HORIZON SCANNING

Renters Rights Bill

The Renters Rights Bill started life under the previous Conservative Government as the Renters Reform Bill which fell away prior to the election in 2024. An updated 'Rights' Bill was published in the autumn of 2024 which significantly extended previous proposals to take account of manifesto commitments of the incoming Labour Government. The Bill seeks to introduce a whole range of new protections for tenants, strengthen enforcement and embed improved housing standards in the rented sector. Specifically, it proposes:

- Abolition of section 21 ‘no fault’ (no reason) evictions and moving to a new tenancy structure where all assured tenancies are periodic – providing more security for tenants and empowering them to challenge poor practice and unfair rent increases without fear of eviction.
- Steps to equalise the fairness of possession grounds for both parties, giving tenants more security, while ensuring landlords can recover their property when it’s reasonable to do so. The Bill introduces new safeguards for tenants, giving them more time to find a home if landlords evict to move in or sell, and ensuring unscrupulous landlords cannot misuse grounds. Section 8 of the Housing Act 1988 is being extended with a range of updated mandatory and discretionary grounds for eviction.
- Provide stronger protections against so called ‘backdoor evictions’ by ensuring tenants are able to appeal excessive above-market rents which are purely designed to force them out. Landlords will still be able to increase rents to market price for their properties, and an independent tribunal will make a judgement on whether they are excessive if needed.
- Make it illegal for landlords and agents to discriminate against prospective tenants in receipt of benefits or with children.
- End the practice of rental bidding by prohibiting landlords and agents from asking for or accepting offers above the advertised rent. Landlords and agents will be required to publish an asking rent for their property, and it will be illegal to accept offers made above this rate.
- Introduce a new Private Rented Sector Landlord Ombudsman that will provide binding resolutions for tenants’ complaints about their landlord. This will bring tenant-landlord complaint resolution on par with established redress practices for tenants in social housing and consumers of property agent services.
- Create a Private Rented Sector Database providing advice to landlords. This will also support local authorities – helping them target enforcement activity where it is needed most. Landlords will need to be registered on the database in order to use certain possession grounds.
- Tenants will be given the right to request a pet in the property which the landlord must consider and cannot unreasonably refuse. Landlords will be able to require pet insurance to cover any damage to their property
- Apply the Decent Homes Standard to the private rented sector to give renters safer, better value homes and remove the blight of poor-quality homes in local communities. The Decent Homes Standard covers issues such as repair, living standards e.g. kitchens must be under 20 years old as well as protections from cold homes through insulation etc.
- Apply ‘Awaab’s Law’ to the sector, setting clear legal expectations about the timeframes within which landlords in the private rented sector must take action to make homes safe where they contain serious hazards.
- Strengthen local authority enforcement by expanding civil penalties, introducing a package of investigatory powers and bringing in a new requirement for local authorities to report on enforcement activity.
- Strengthening of rent repayment orders by extending them to superior landlords, doubling the maximum penalty and ensuring repeat offenders have to repay the maximum amount.

In relation to new powers for local authorities and their authorised officers. These include:

- An extension of civil penalties and rent repayment orders, placing a new duty on the council to take enforcement action. The Government are looking at introducing a national framework for setting civil penalties based on clear culpability and harm considerations, supporting a consistent approach to civil penalty setting and reducing the likelihood of reductions on appeal.
- Currently officers work with Justice for Tenants who provide a framework for the correct processing and drafting of the civil penalties.
- Enhanced powers of investigation to give environmental health housing staff similar powers to trading standards for these purposes. These will include new enhanced investigatory powers that will make it easier for local councils to obtain financial information from landlords and third parties when seeking to build a case for suspected breaches of the Act. This will also include the power to enter business premises and – in more limited circumstances – residential premises to obtain on-site evidence.
- A power to issue civil penalties against landlords who fail to comply with the provisions of the Act e.g. if they fail to register on the Private Rented Sector Database or with the Ombudsman or abuse the new grounds of possession or against landlords who evict their tenants illegally.
- The penalty levels will be raised with a minor breach incurring a civil penalty of up to £7,000 and serious or repeat non-compliance civil penalty of up to £40,000. Alternatively, officers will be able to pursue a criminal prosecution with an unlimited fine.
- Extension of the rent repayment order system to some of the new offences in the bill, increasing the maximum penalty to two years' rent and requiring repeat offenders to repay the maximum amount of rent.

In terms of timing the Bill has passed all stages in the House of Commons and the House of Lords and is, at time of writing, in the final stages of Consideration of Amendments. It is likely to receive Royal Assent in the Autumn of 2025 and then be introduced in stages by commencement order.

The Government have indicated that the first package of measures to be introduced will be those relating to evictions (including the revocation of Section 21 and updating of Section 8) and enforcement of matters relating to breaches of these provisions.

The areas that will most impact the PPP Housing Team will follow, possibly enacted later in 2026, as secondary legislation will be required for their implementation.

PPP Housing will be working with the LA Housing Departments of West Berkshire and Bracknell Forest to look at the detail and division of the work under the Bill.

Supported Living (Regulatory Oversight) Act 2023

[The Supported Living \(Regulatory Oversight\) Act 2023](#) came into force on the 29th August 2023 having started life as a Private Members Bill. The aim of the Act is to address concerns over the level of care provided in ‘exempt accommodation’. Previously the National Audit Office had looked at the sector and identified a regulatory deficit.

Supported accommodation provides residents with care, supervision or support. It is usually managed by a local authority, housing association, charity or voluntary organisation. ‘Exempt accommodation’ is accommodation where the normal cap on housing benefit does not apply allowing for payment for some degree of care or support.

The Act itself allows the Government to set up the ‘Supported Housing Advisory Panel’. Applications for panel membership closed in December 2024. The panel will have representatives from local authorities, charities, social service, social landlords and residents. The Act also allows the Government to put in place new National Supported Housing Standards and licensing powers. These could include the type or condition of accommodation, as well as the care or support provided.

The proposed licensing regime would be administered by local authorities and is described as being akin to the existing HMO licensing scheme. However, this will not be introduced until such time as the National Supported Housing Standards are in place.

Local authorities are also tasked with carrying out a review of supported housing accommodation in their areas and producing a ‘supported housing strategy’. The strategy will be cognisant of the demand in the coming five years. Once the strategy has been published the social services and the statutory housing services of an authority must have regard to it.

In terms of implementation timing there is still a fair degree of uncertainty. The next stages are the formation of the advisory panel and there will be a consultation on the standards and licensing regime. More should be known in the near future.

It is clear that both pieces of legislation will have impacts for the PPP, and this will include resource impacts. The government have stated that new burdens funding will be available but at this stage the amount is not known.

7. REVIEW

This Policy will be reviewed to respond to any changes at least every three years and will consider any changes to legislation, legal challenges and any discrepancies raised.

8. APPENDICES

APPENDIX 1 Smoke and Carbon Monoxide Detectors in Rented Housing

[The Smoke and Carbon Monoxide Alarm \(England\) Regulations 2015](#) introduced new legal duties on private sector landlords, most notably to install at least one smoke alarm on every storey of their properties and a carbon monoxide alarm in any room containing a solid fuel burning appliance (e.g. a coal fire, or wood burning stove).

The Council must serve a Remedial Notice where the Council has reasonable grounds to believe that there is a breach of a landlord's duty and, if that Remedial Notice is breached, the Council may impose a civil penalty charge. This is subject to procedures for review of the penalty charge if requested by the landlord and an appeals procedure to a tribunal which may quash or confirm the penalty charge notice or may reduce (but not increase) the amount of the penalty charge. The amount of the penalty charge is left to the discretion of the Council but must not exceed £5000. The Council is required to prepare and publish a statement of principles which sets out how it will determine the amount of a penalty charge.

The Council's statement of principles in respect of penalty charges is as follows:

The provision of smoke detectors and carbon monoxide alarms does not place an excessive burden on a landlord and a penalty charge only applies if, following discovery of the breach, the landlord does not comply with a subsequent Remedial Notice. In addition, the penalty charge is subject to an appeals process. Whereas the maximum potential penalty may present an excessive financial burden in some circumstances, it is also recognised that the charge serves as a deterrent against non-compliance and the penalty charge ought to be higher for repeat offenders. In the interests of simplicity and clarity for what landlords may expect, the scheme of penalty charges will be as follows:

- £3,000 (the standard penalty charge) in the case of a first breach by the landlord;
- £5,000 for any second or subsequent breach.

APPENDIX 2 Caravan Site Licensing Scheme

[The Caravan Sites and Control of Development Act 1960](#) requires the licensing of certain caravan sites which includes most mobile home parks. Such licences will attach suitable conditions which are based on a set of national model standards relating to the standards of facilities that ought to be provided.

To cover regulatory costs, an annual licence fee may be charged, and the applicable charges will be reviewed each year and set out in the PPP's fees and charges scheme. In accordance with Section 10A(2) of the Caravan Sites and Control of Development Act 1960, the Council is obliged to prepare and publish a fees policy. This policy, which sets out the principle by which the fees will be determined, is provided by the JPPC (Joint Public Protection Committee) papers 13th September 2021 which are published on the West Berkshire Council Website. The PPP annual fees and charges scheme will then provide annual updates of that policy.

A site owner, or nominated manager, must be a fit and proper person to lawfully operate a park home site. The Council will carry out checks as appropriate and necessary on application. Fees are payable with the application, and the application will not be considered until the appropriate fee has been received by the Council.

The methodology associated with the policy, processes and fee setting associated with The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 was agreed at the Joint Public Protection Committee meeting on the 14 June 2021. It was however recognised that each of the local authorities covered by the partnership had their own constitutional requirements associated with the setting of fees that would need to be adhered to. For West Berkshire this was passed at West Berkshire Committee 8th July 2021. For Bracknell Forest this was passed at the Executive Meeting 8th July 2021.

The PPP annual fees and charges scheme will then provide annual updates of that policy.

PPP maintains and publishes the Fit and Proper Persons Register. Entries on the register will last for up to 5 years. A person's status on the register may be reviewed at any time.

If a person is deemed not to be fit and proper, the site licence holder will be able to find a more appropriate person. The Council may nominate a manager on request. In certain circumstances the Council may apply to the Courts for the licence to be revoked.

APPENDIX 3 Houses in Multiple Occupation Licensing Scheme

[The Housing Act 2004](#) covers licensing of certain rented properties. In general (at the time of publication), mandatory licensing is required for all Houses in Multiple Occupation (HMOs) that have five or more occupants, comprising two or more separate households, but living within the same property and sharing some of the facilities.

There are discretionary licensing schemes that local authorities may choose to bring into force. The Additional HMO licensing scheme would apply in cases where it is expected that an especially high number of HMOs concentrated in any area would give rise to additional problems. Selective licensing can require any private rented property to have a licence where there is a particular need to control specific issues arising, for example in relation to housing conditions or crime. The adoption of such additional schemes is not considered in the PPP areas at this time.

Accordingly, at present PPP will operate the mandatory HMO licensing scheme only.

Appendix 4 Minimum Energy Efficiency Standards (MEES)

It is unlawful to rent a property which breaches the requirement for a minimum E rating, unless there is an applicable exemption.

A civil penalty will be imposed for breaches.

Officers consider the availability of wider grant-funded aid when dealing with properties not achieving the required standard and support households accordingly.

The requirement to have an EPC (Energy Performance Certificate) is not just looked at in respect of the property itself which is being let out. It also applies where there has been a requirement for the building, of which the property itself being let is part, to also have an EPC. This is particularly relevant to non-self-contained units such as bedsits and the position regarding these is explained further.

It should be noted that if the letting is not legally an assured tenancy (shorthold or not) or one of the other tenancy types within the scope of the Regulations then the MEES does not apply.

Where a landlord obtains an EPC, but is not legally required to have one, the landlord will not be required to meet the MEES. A voluntary MEES of this type may be registered on the official EPC database but there is no requirement to do so.

Flats and Bedsits

Flats and houses are subject the Regulations. Flats within the meaning of 'self-contained' units require their own individual EPC at the point of letting or sale.

If a bedsit is within a property that does have an EPC, then the Regulations will need to be complied with before the bedsit can be rented out if its F or G (or an exemption is registered). Although normally bedsits do not need an EPC, where the house containing the bedsit has been sold the whole property needs to have an EPC. In those cases, the Regulations will apply.

Improvements which can be required

Improvement work which can be required is any energy efficiency improvement work which qualifies for Green Deal and installation of gas for an off-gas property so long as the mains are within 23 metres from the property. The landlord can choose what work needs to be carried out as long as the minimum E rating is obtained. A higher rating can also be achieved where the landlord chooses to carry out additional works.

Prohibition on Letting

A domestic private rented property is substandard if the EPC rating is F or G, unless an exemption applies. The legislation prohibits a landlord from letting out a substandard property. Where F or G properties are let the landlord is liable to penalties.

Registration of Exceptions

All exemptions (including temporary exemptions) will be required to be notified to the PRS Exemption Register. It is a database of exemptions and is open to public inspection. Failure to register the exemption will render the exemption ineffective and will amount to non-compliance with the Regulations.

The Enforcement Authority will be entitled to require landlords to furnish them with evidence supporting a claim for an exemption. Landlords will be in breach of the Regulations if they claim an exemption to which they are not entitled.

Enforcement

Local authorities will enforce compliance with the Regulations. Where a local authority suspects non-compliance the local authority can serve a compliance notice on the landlord requesting further information it considers necessary to confirm compliance. If provided but insufficient to provide compliance the local authority may proceed to issuing a penalty notice.

Penalties for a single offence may be cumulative, up to a maximum of £5,000. Further penalties may be awarded for non-compliance with the original penalty notice where a landlord continues to rent out a non-compliant property. Penalties are again cumulative up to a maximum of £5,000.

Appeals

Appeals are heard at the First-Tier Tribunal (General Regulatory Chamber).

Appendix 5 Empty Homes

Empty properties will be investigated where such properties are brought to the attention of PPP in terms of complaints relating to the state of the property affecting the community in terms of nuisance for example verminous.

Where empty properties are assessed to be a public health and safety concern officers will use [The Local Government \(Miscellaneous Provisions\) Act 1982](#) Section 29 which gives powers to serve a Notice of intended works for the prevention of unauthorised entry or danger to public health. This is usually by way of boarding up to prevent unauthorised access.

Appendix 6 Rent Repayment Orders

Under the [Housing and Planning Act 2016](#) a Rent Repayment Order occurs when a tribunal order a landlord or agent to repay rent to tenant(s) because they have broken the law. This is usually between 6 months and 1 year of rent

The same Act also introduces the option of applying for a Rent Repayment Order (RRO) in respect of the following offences:

- Failure to comply with an Improvement Notice
- Failure to comply with a Prohibition Order
- Breaching of a Banning Order
- Using violence to secure entry to a property
- Illegal eviction or harassment of the occupiers of a property
- Having control of an unlicensed house in multiple occupation
- Having control of an unlicensed property

Where rent is paid by the Council, an RRO award is retained by the Council, whilst an award to tenants paying their own rent is due to the tenant considering using RRO's as a sanction, or responding to a tenant who wishes to utilise this route should first discuss this with their the line manager as this course of action seeks to recover a monetary value that sits with the host authority (namely the housing services).

Similarly, tenants paying their own rent could apply to the (First Tier Property Tribunal) FTPT for an RRO, once an offence has been secured by the Local Authority.

PPP officers should support this course of actions by assisting the tenant accordingly.

Appendix 7 Rogue Landlord Database

The measures introduced by the Government to tackle rogue landlords include the Rogue Landlord Database

Local Authorities are responsible for entering names on the database and maintaining the contents which includes adding details if a banning order has been imposed.

All local authorities have access to the database for the purposes of identifying landlords, agents and owners with properties in more than one borough. This national database has been set up by Housing Communities & Local Government (HCLG) using a DELTA platform for the purpose of listing rogue landlords and property agents convicted of certain offences, including immigration offences.

Officers use the register as part of their usual checks regarding 'fit and proper' tests.

Appendix 8 Banning Orders

Under the Housing and Planning Act 2016 a local housing authority in England may apply for a banning order against a person who has been convicted of a banning order offence.

If a local housing authority in England applies for a banning order against a body corporate that has been convicted of a banning order offence, it must also apply for a banning order against any officer who has been convicted of the same offence in respect of the same conduct.

A Relevant Housing Offence includes:

- Illegally evicting or harassing a residential occupier in contravention of the protection from Eviction Act 1977 or the Criminal Law Act 1977 or;
- Any of the following offences with an Improvement Notice (section 30).
- Offences in relation to Licensing of Housing in Multiple Occupation (HMOs) (section 72).
- Offences in relation to licensing of houses under Part 3 of the Act (section 95).
- Allowing an HMO that is not subject to licensing become overcrowded.
- Failure to comply with management regulations in respect of HMOs (section 234)

A relevant offence also includes:

- An offence under section 36 of the Gas Safety (Installation and Use) Regulations 1998.
- Failure to comply with a Prohibition or Emergency Order under sections 20, 21, and 32 of the Regulatory Reform (Fire Safety) Order 2005 provided it relates to a property that is being rented out or managed by a landlord or property agent.

NB: Banning Order offences also apply to Immigration Offences, Serious Criminal offences, and Other Criminal offences.

The First-tier Tribunal may make a banning order against a person who:

- has been convicted of a banning order offence, and
- Was a residential landlord or a property agent at the time the offence was committed (but see subsection (3) of the Act).
- A banning order may only be made on an application by a local housing authority in England that has complied with section 15.
- Where an application is made under section 15(1) against an officer of a body corporate, the First-tier Tribunal may make a banning order against the officer even if the condition in subsection (1) (b) of the Act of this section is not met.

In deciding whether to make a banning order against a person, and in deciding what order to make, the Tribunal must consider:

- the seriousness of the offence of which the person has been convicted,
- any previous convictions that the person has for a banning order offence,
- whether the person is or has at any time been included in the database of rogue landlords and property agents, and

- The likely effect of the banning order on the person and anyone else who may be affected by the order.
- Duration and effect of banning order
- A banning order must specify the length of each ban imposed by the order.
- A ban must last at least 12 months.

A banning order may contain exceptions to a ban for some or all of the period to which the ban relates, and the exceptions may be subject to conditions.