Committee	Housing Overview and Scrutiny
Date and Time	26 November 2026 2pm
	Public

Shropshire Housing Authority Enforcement & Civil Penalty Policies

Cabinet Member:	Councillor James Owen – Portfolio Holder for Housing
Lead Director:	Wendi Shepherd – Service Director/Deputy Director of Public Health
Service Area:	Housing Enforcement
Report Author	Kieron Smith – Environmental Protection and Housing Manager Joanne Millward – Principal Housing Enforcement Officer
Officer contact details	Kieron.smith@shropshire.gov.uk Joanne.millward@shropshire.gov.uk
Electoral Divisions Affected	All
Key Decision?	N/A
Cabinet Forward Plan	N/A
Report considered by	N/A

1 Purpose of Report

On 10 June 2026, Cabinet approved the updated Shropshire Housing Authority Enforcement Policy and Civil Penalty Policy to align the Council's approach with the Renters' Rights Act 2025. Cabinet delegated authority to the Service Director to make necessary amendments as the legislative framework developed, in consultation with the Portfolio Holder for Housing, and directed that delegated changes be reported to the Housing Overview and Scrutiny Committee.

This report provides assurance on two amendments: the addition of financial penalties under section 6A of the Housing Act 2004 for relevant failures to remove Category 1 hazards, and the introduction of the national Register your rental property service, which forms part of the Private Rented Sector Database framework

2 Executive Summary

2.1 The updated policies as per “purpose of report” now include the Council’s power to impose a financial penalty where a responsible person fails to secure the removal of a Category 1 hazard at qualifying residential premises when it would have been reasonably practicable to do so. This is an additional enforcement mechanism and does not replace the Council’s duty to take appropriate enforcement action where a Category 1 hazard is identified.

2.2 The Enforcement and Civil Penalty Policies were developed as a national framework for adoption by local authorities in accordance with statutory guidance. The statutory guidance sets the starting points for each offence. The amendments have followed the statutory guidance and national framework. The statutory maximum is £7000. Shropshire Council will adopt the national framework and follow the principals of the statutory guidance to have a starting point of £6,000 for section 6A penalties. The process for determining any adjustments from this starting point will continue to follow the civil penalty policy and guidance. Decisions will remain evidence-based and subject to the guidance, statutory notice, representation, and appeal processes.

2.3 The Register - Your Rental Property Service - was enacted through the Renters Rights Act 2025, with a regional roll-out. Private landlords within scope will be required to register themselves and each relevant rented property, maintain the information and renew registration annually. The database will support transparency, landlord accountability, and intelligence-led enforcement.

2.4 Where landlords fail to comply with the requirements of the Register, Civil Penalties can be served. The Private Rented Sector Database Regulations 2026 have been laid before Parliament but, as of 17 November 2026, remain draft Regulations and have not yet been made. Subject to Parliamentary approval, the registration requirements are intended to commence in the West Midlands, including Shropshire, on 15 December 2026. Amendments to the Civil Penalty Policy will be made to reflect the Parliamentary approval and any updated statutory guidance and national framework. Further amendments in respect of the register are expected on 15 September 2027.

2.6 Amendments maintain the policies in line with the developing national framework and strengthen the Council’s ability to protect tenants, support compliant landlords and discharge its statutory enforcement responsibilities. Implementation will require continued officer training, legal and procedural oversight, communications, data management and monitoring of capacity and demand.

3 Recommendations

3.1 That the Housing Overview and Scrutiny Committee notes the amendments made to the Shropshire Housing Authority Enforcement Policy and Civil Penalty Policy under the authority delegated by Cabinet on 10 June 2026.

3.2 That the Committee notes:

the addition of the financial penalty provisions under section 6A of the Housing Act 2004 relating to Category 1 hazards.

continuing amendments required for the introduction of the Register -Your Rental Property Service and the commencement of the West Midlands registration phase from 15 December 2026.

the operational implications for the Housing Enforcement Service and supports continued monitoring, with implementation evidence informing the formal review of the policies in June 2027.

4 Risk Assessment and Opportunities Appraisal

4.1 The amendments provide an opportunity to strengthen tenant protection, improve landlord accountability, and support earlier intervention where serious hazards or non-compliance are identified. The national database should also improve information about the private rented sector and enable more targeted, risk-based regulatory activity.

Legal and compliance risk

There is a risk of unlawful, inconsistent, or disproportionate action if the statutory tests for section 6A are not properly evidenced or if the policies do not remain aligned with legislation, statutory guidance, and Tribunal decisions. This will be mitigated through a documented decision framework, legal oversight where appropriate, management authorisation, officer training, and periodic policy review.

Operational and implementation risk

The new penalty power and database duties may increase enquiries, investigations, representations, appeals, and debt recovery activity. Clear procedures, standard documents, case management controls, and phased implementation will support consistent delivery.

Capacity and workforce risk

The expanded regulatory framework will place additional pressure on officer capacity and create dependencies across Legal Services, Finance, Debt Recovery, Customer Services, Communications, Information Technology, Housing Options and Trading Standards. Demand, workload, skills, retention, and staff wellbeing will require continued review.

Reputation and consistency risk

Inconsistent use of the new powers could undermine confidence among tenants and responsible landlords. Alignment with the national framework, transparent decision-making and performance reporting will support fairness, consistency, and defensibility.

4.2 **Risk Table**

Risk	Mitigation	Assurance / monitoring
Legal challenge	Section 6A decision record; evidential review; legal advice where required.	Representations, appeals, and outcomes reviewed.
Procedural inconsistency	Officer guidance, training, authorisation, and standard templates.	Management audit and case sampling.
Increased demand	Workload monitoring, prioritisation, and cross-service working.	Quarterly demand and capacity review.
Database non-compliance	Landlord communications and intelligence-led enforcement.	Registration and enforcement data reviewed as available.

5 Financial Implications

5.1 Implementation may create additional costs through officer time, training, legal support, information management, customer contact, appeals, and debt recovery. New Burdens funding has been provided nationally for implementation of the Renters' Rights reforms, but the adequacy of funding will need to be monitored against actual demand.

5.2 Income may arise from civil financial penalties and national database arrangements where legislation permits funds to support enforcement activity. Income is uncertain and enforcement decisions must not be influenced by income-generation considerations. Any retained income will be managed in accordance with legislative requirements and the Council's financial procedures.

5.3 The section 6A Civil Penalty Policy provides a £6,000 starting point and a maximum penalty of £7,000. The final amount in an individual case will depend on the statutory framework, the evidence and the applicable aggravating, mitigating and landlord-type adjustments.

6 Climate Change Appraisal

6.1 Effective housing-condition enforcement can support warmer and more energy-efficient homes by addressing deficiencies such as excess cold, damp and mould, inadequate insulation, and inefficient heating. These benefits must be balanced against the need for proportionate, technically appropriate works and the statutory basis for each enforcement decision.

7 Legal Considerations

7.1 Cabinet approved the updated policies on 10 June 2026. The decision recognised that further amendments would be required as the Renters' Rights Act 2025 was implemented through commencement provisions, regulations, guidance, and emerging case law. Authority was delegated to the Service Director – Communities and Customer, in consultation with the Portfolio Holder for Housing, with delegated

changes to be reported to this Committee and a formal policy review scheduled for June 2027.

Section 6A financial penalties for Category 1 hazards

7.2 Part 1 of the Housing Act 2004 requires the Council to take appropriate enforcement action where a Category 1 hazard is identified. Section 6A enables a financial penalty to be imposed where the responsible person has failed to secure removal of the hazard, in circumstances where it would have been reasonably practicable to do so.

7.3 Before imposing a penalty, officers must establish the statutory gateway, including that the premises and hazard fall within scope, identify the responsible person, demonstrate what could reasonably have been done and record the associated action being taken under the Housing Act 2004. The penalty supplements rather than replaces action to address the hazard.

Register - Your Rental Property Service

7.4 The national service requires private landlords within scope to register themselves and their relevant rented properties. Registration is being introduced regionally, beginning in the West Midlands on 15 December 2026, with the initial regional registration period ending on 14 March 2027.

7.5 Landlords will provide identity, contact, property, and compliance information and will renew registration annually. A paper-based route is available where digital access is not suitable. During the initial rollout, the requirement principally applies to properties let under an assured or regulated tenancy, subject to statutory exceptions.

7.6 The database should improve transparency and intelligence, assist the identification of landlords and rented homes, and support a more targeted response to non-compliance. It will also generate additional communication, advice, investigation, and enforcement requirements for the Council.

Summary of Policy Changes

Area	Previous position	Updated position	Practical effect
Category 1 hazards	Housing Act enforcement action available for Category 1 hazards.	Section 6A financial penalty included where statutory conditions are met.	Additional direct sanction alongside action to remove or control the hazard.
Penalty methodology	No section 6A tariff.	£6,000 starting point; £7,000 statutory maximum, subject to the policy methodology.	Transparent and consistent calculation framework.
Landlord and property information	Information obtained from complaints, inspections, licensing, and other intelligence.	National registration of landlords and relevant rented properties.	Improved intelligence and ability to identify potential non-compliance.

Governance	Policies approved in June 2026 with delegated amendment authority.	Delegated amendments reported to Overview and Scrutiny.	Member assurance before the formal June 2027 review.

8 Additional Information

8.1 Proposed implementation monitoring will include the number and outcome of section 6A cases; Category 1 hazards and subsequent compliance; representations and appeals; financial penalty recovery; database-related enquiries and enforcement; service demand; officer capacity; and any further legislative, guidance, or case-law changes.

The first data will need to be interpreted cautiously because implementation is phased and early volumes may not indicate mature demand or long-term compliance trends

9 Conclusions

9.1 The amendments are a planned and necessary continuation of the policy framework approved by Cabinet. Section 6A strengthens the Council's response where those responsible fail to address the most serious housing hazards, while the Register your rental property service should improve transparency and the information available to support proportionate enforcement.

9.2 The principal issues for scrutiny are whether implementation is consistent and legally robust, whether the service has sufficient capacity and supporting systems, and whether the new arrangements deliver improved compliance and tenant protection. Continued monitoring will provide evidence for the formal review of the policies in June 2027.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet report: Shropshire Housing Authority Enforcement & Civil Penalty Policies, 10 June 2026; Shropshire Housing Authority Enforcement Policy; Shropshire Housing Authority Civil Penalty Policy; Renters' Rights Act 2025; Housing Act 2004.

Appendices

Updated Shropshire Housing Authority Enforcement Policy

Updated Shropshire Housing Authority Civil Penalty Policy