

NORTH HERTFORDSHIRE DISTRICT COUNCIL



2 April 2026

Our Ref Cabinet Tuesday, 14 April 2026
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To: Members of the Cabinet:

Executive Members Councillors: Val Bryant (Chair) Sean Nolan (Vice Chair) Ian Albert,
Amy Allen, Daniel Allen, Mick Debenham, Tamsin Thomas, Laura Williams and
Donna Wright.

**NOTICE IS HEREBY GIVEN OF A
MEETING OF THE CABINET**

to be held in the

**COUNCIL CHAMBER - DISTRICT COUNCIL OFFICES, GERNON
ROAD, LETCHWORTH, SG6 3JF**

on

TUESDAY, 14TH APRIL, 2026 AT 7.30 PM

Yours sincerely,

Isabelle Alajooz
Director – Governance

****MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION ON YOUR TABLET BEFORE ATTENDING THE MEETING****

Agenda

Part I

Item		Page
1.	APOLOGIES FOR ABSENCE	
2.	MINUTES - 17 FEBRUARY 2026 To take as read and approve as a true record the minutes of the meeting of the Committee held on the 17 February 2026.	(Pages 7 - 20)
3.	NOTIFICATION OF OTHER BUSINESS Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chair will decide whether any item(s) raised will be considered.	
4.	CHAIR'S ANNOUNCEMENTS <u>Climate Emergency</u> The Council has declared a climate emergency and is committed to achieving a target of zero carbon emissions by 2030 and helping local people and businesses to reduce their own carbon emissions. A Cabinet Panel on the Environment has been established to engage with local people on matters relating to the climate emergency and advise the council on how to achieve these climate change objectives. A Climate Change Implementation group of councillors and council officers meets regularly to produce plans and monitor progress. Actions taken or currently underway include switching to green energy, incentives for low emission taxis, expanding tree planting and working to cut food waste. In addition the council is a member of the Hertfordshire Climate Change and Sustainability Partnership, working with other councils across Hertfordshire to reduce the county's carbon emissions and climate impact. The Council's dedicated webpage on Climate Change includes details of the council's climate change strategy, the work of the Cabinet Panel on the Environment and a monthly briefing on progress. <u>Ecological Emergency</u> The Council has declared an ecological emergency and is committed to addressing the ecological emergency and nature recovery by identifying appropriate areas for habitat restoration and biodiversity net gain whilst ensuring that development limits impact on existing habitats in its process.	

The Council has set out to do that by a) setting measurable targets and standards for biodiversity increase, in both species and quantities, seeking to increase community engagement, b) to work with our partners to establish a Local Nature Partnership for Hertfordshire and to develop Nature Recovery Networks and Nature Recovery Strategy for Hertfordshire and c) to investigate new approaches to nature recovery such as habitat banking that deliver biodiversity objectives and provide new investment opportunities.

Declarations of Interest

Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.

5. PUBLIC PARTICIPATION

To receive petitions, comments and questions from the public.

6. ITEMS REFERRED FROM OTHER COMMITTEES

(Pages
21 - 42)

- 6A) Overview and Scrutiny Committee – Lease on Letchworth Multi-Storey Car Park - **to be considered with Item 10.**
- 6B) Overview and Scrutiny Committee – RIPA Update and Annual Review – **to be considered with Item 11.**
- 6C) Overview and Scrutiny Committee – Section 106 Task and Finish Group Report – **to be considered with Item 12.**
- 6D) Overview and Scrutiny Committee – Council Delivery Plan 2025-26 (Q3 Update) - **to be considered with Item 13.**
- 6E) Finance, Audit and Risk Committee – Third Quarter Treasury Management Review 2025/26 – **to be considered with Item 14.**
- 6F) Finance, Audit and Risk Committee – Third Quarter Capital Budget Monitoring Review 2025/26 – **to be considered with Item 15.**
- 6G) Finance, Audit and Risk Committee – Third Quarter Revenue Budget Monitoring 2025/26 – **to be considered with Item 16.**

Any Items referred from other committees will be circulated as soon as they are available.

7. STRATEGIC PLANNING MATTERS

REPORT OF THE INTERIM STRATEGIC PLANNING MANAGER

(Pages
43 - 146)

This report identifies the latest position on key planning and transport issues affecting the Council.

8.	RENTERS RIGHT ACT REPORT OF THE DIRECTOR – REGULATORY	(Pages 147 - 532)
	Please note that this report is for Cabinet to consider four legal documents all of which are directly affected by the Renters Rights Act, 2025 (the Act), and need to be either amended or in place before the Act takes effect from the 1 st May 2026.	
9.	ARRANGEMENTS FOR CARRYING OUT PUBLIC HEALTH FUNERALS REPORT OF THE DIRECTOR – REGULATORY	(Pages 533 - 554)
	The purpose of this report is to provide the key information to enable North Herts Council to adopt the Policy to accommodate the provision for carrying out Public Health Funerals in accordance with obligations place on the Council by section 46 of the Public Health (Control of Diseases) Act 1984.	
10.	LEASE ON LETCHWORTH MULTI STOREY CAR PARK REPORT OF THE DIRECTOR – ENTERPRISE	(Pages 555 - 562)
	This report sets out negotiations that have taken place between the Martin Group and the Council with regards to the potential surrender of the Letchworth Multi Storey Car Park.	
11.	REGULATION OF INVESTIGATORY POWERS ACT (RIPA) UPDATE AND ANNUAL REVIEW REPORT OF THE DIRECTOR – GOVERNANCE/MONITORING OFFICER	(Pages 563 - 638)
	This Report provides an update on the Council's current use of RIPA and reports on the annual policy review. The Report also provides an update on the proposed amendments to the Council's RIPA Policies following its annual review.	
12.	SECTION 106 TASK AND FINISH GROUP REPORT 2026 REPORT OF THE SECTION 106 TASK AND FINISH GROUP	(Pages 639 - 718)
	The report details the Task and Finish Group's review of North Herts' application of the Section 106 (s106) mechanism for securing developer contributions from new development and provides an overview of the assessment undertaken and recommendations identified.	
13.	COUNCIL DELIVERY PLAN 2025-26 (QUARTER 3 UPDATE) REPORT OF THE DIRECTOR – RESOURCES	(Pages 719 - 760)
	Report presenting progress on delivering the Council Delivery Plan for 2025-26.	
14.	THIRD QUARTER TREASURY MANAGEMENT REVIEW 2025/26 REPORT OF THE DIRECTOR – RESOURCES	(Pages 761 - 780)
	To update Cabinet on progress with delivering the Treasury Strategy for 2025/26, as at the end of December 2025.	

- 15. THIRD QUARTER CAPITAL BUDGET MONITORING REVIEW 2025/26** (Pages
REPORT OF THE DIRECTOR – RESOURCES 781 -
796)
- To update Cabinet on progress with delivering the capital programme for 2025/26, as at the end of December 2025.
- 16. THIRD QUARTER REVENUE BUDGET MONITORING 2025/26** (Pages
REPORT OF THE DIRECTOR – RESOURCES 797 -
812)
- The purpose of this report is to inform Cabinet of the summary position on revenue income and expenditure forecasts for the financial year 2025/26, as at the end of the third quarter.

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Public Document Pack Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

CABINET

MEETING HELD IN THE COUNCIL CHAMBER - DISTRICT COUNCIL OFFICES, GERNO
ROAD, LETCHWORTH, SG6 3JF
ON TUESDAY, 17TH FEBRUARY, 2026 AT 7.30 PM

MINUTES

Present: *Councillors: Val Bryant (Chair), Sean Nolan (Vice-Chair), Ian Albert, Mick Debenham, Tamsin Thomas, Laura Williams, Donna Wright and Daniel Allen.*

In Attendance: *Isabelle Alajooz (Director - Governance and Monitoring Officer), Georgina Chapman (Policy & Strategy Team Leader), Ian Couper (Director - Resources), Jo Doggett (Director - Regulatory), Jo Dufficy (Director - Customers), Robert Filby (Trainee Committee, Member and Scrutiny Officer), Frank Harrison (Environmental Health Manager), Martin Lawrence (Strategic Housing Manager), Susan Le Dain (Committee, Member and Scrutiny Officer), James Lovegrove (Committee, Member and Scrutiny Manager), Nigel Smith (Director - Place), Sohanna Srinivasan (Principal Planning & Urban Design Officer) and Louise Symes (Strategic Infrastructure and Projects Manager).*

Also Present: *There were no members of the public present.*

Councillor Claire Winchester was present as Chair of the Overview and Scrutiny Committee.

18 APOLOGIES FOR ABSENCE

Audio recording – 2 minutes 19 seconds

Apologies for absence were received from Councillor Amy Allen.

19 MINUTES - 20 JANUARY 2026

Audio recording – 2 minutes 26 seconds

Councillor Val Bryant, as Chair, proposed and Councillor Daniel Allen seconded and, following a vote it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 20 January 2026 be approved as a true record of the proceedings and be signed by the Chair.

20 NOTIFICATION OF OTHER BUSINESS

Audio recording – 3 minutes 10 seconds

There was no other business notified.

21 CHAIR'S ANNOUNCEMENTS

Audio recording – 3 minutes 15 seconds

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be recorded.
- (2) The Chair reminded Members that the Council had declared both a Climate Emergency and an Ecological Emergency. These are serious decisions, and mean that, as this was an emergency, all of us, Officers and Members had that in mind as we carried out our various roles and tasks for the benefit of our District.
- (3) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.
- (4) The Chair advised for the purposes of clarification that 4.8.23(a) of the Constitution did not apply to this meeting.

22 PUBLIC PARTICIPATION

Audio recording – 4 minutes 32 seconds

There was no public participation at the meeting.

23 ITEMS REFERRED FROM OTHER COMMITTEES

Audio recording – 4 minutes 38 seconds

The Chair advised that the items referred from the Overview and Scrutiny Committee and Finance, Audit and Risk Committee would be taken with the respective items on the agenda.

24 CORPORATE PEER CHALLENGE FOLLOW UP

Audio recording – 5 minutes 16 seconds

The Chair invited Councillor Claire Winchester, as Chair of the Overview and Scrutiny Committee, to present the referral on this item. Councillor Winchester advised that there had been discussions around:

- How steps had been taken to address the points raised in the Corporate Peer Challenge review, and that good progress had been made to address these.
- How this was a significant piece of work which had the potential to be of lasting benefit for everyone involved.
- Agreement that this was a pragmatic response to reflect on and the need to prioritise the last few decision points in the report.
- Officer and Member relations and what could be done to improve them.
- The advantages of providing questions in advance of meetings where possible and the importance of Member briefing sessions to increase communication.

Councillor Val Bryant, as Leader of the Council, presented the report entitled 'Corporate Peer Challenge Follow Up' and advised that the peer team had undertaken a one day follow up visit in December 2025 and they had recognised the good progress the Council was making.

Following a question from Councillor Donna Wright, Councillor Val Bryant explained that Recommendation 4 – Partnerships, would be followed up by Councillor Daniel Allen as he was Leader of the Council at the time of the Corporate Peer Challenge.

The following Members took part in the debate:

- Councillor Daniel Allen
- Councillor Ian Albert

Points raised during the debate included:

- Thanks for all the work undertaken by Officers, Cabinet and the Overview and Scrutiny Committee during the Corporate Peer Challenge.
- Staff were a key resource for the Council and therefore additional resources had been set aside for the next two financial years to support staff during the Local Government Reorganisation.

Councillor Daniel Allen proposed and Councillor Sean Nolan seconded and, following a vote, it was:

RESOLVED: That Cabinet:

- (1) Noted the findings of the CPC follow up report.
- (2) Noted the progress against the CPC action plan.

REASON FOR DECISIONS: To ensure that the Council responds to the matters identified within the CPC follow up report, ensuring that the benefits of the CPC process are realised.

25 BIODIVERSITY DUTY REPORT 2026

Audio recording – 12 minutes 28 seconds

Councillor Daniel Allen, as Executive Member for Governance, presented the report entitled 'Biodiversity Duty Report 2026' and advised that:

- In accordance with the Biodiversity Duty (Environment Act of 2021), local authorities and local planning authorities must publish a biodiversity report.
- The strengthened Biodiversity Duty required public authorities to consider what could be done to conserve and enhance biodiversity.
- To ensure that the Council was compliant it needed to publish a Biodiversity Duty Report within 12 weeks of the reporting period end date.
- The end of the first reporting period could be no later than 1 January 2026. The first Biodiversity Duty Report was attached in Appendix A.
- Under the Biodiversity Duty, the Council was required to reconsider the biodiversity actions every five years.

In response to a question from Councillor Laura Williams, the Policy and Strategy Team Leader advised that:

- Reporting would be provided by monitoring and feedback however some actions were more measurable than others.
- Member would be kept updated by the quarterly report presented to the Political Liaison Board.

The following Members took part in the debate:

- Councillor Daniel Allen
- Councillor Sean Nolan

Points raised during the debate included:

- As the Council had declared both an ecological and climate emergency, the Biodiversity Duty would help to ensure a fairer, greener North Hertfordshire.
- It was good to see in the report the many biodiversity actions the Council had been working on, including the bee corridor project.

Councillor Daniel Allen proposed and Councillor Donna Wright seconded and, following a vote, it was:

RESOLVED: That Cabinet noted the contents of the Biodiversity Duty Report 2026 at Appendix A and approve its publication on the council's website.

REASON FOR DECISION: To ensure the council is compliant with the Biodiversity Duty (Environment Act 2021) and its requirement to publish a biodiversity duty report within twelve weeks of the reporting period end date. The end date of the first reporting period must be no later than 1 January 2026.

26 HOMELESSNESS PREVENTION GRANT ALLOCATIONS AND UPDATE

Audio recording – 19 minutes 43 seconds

N.B. Councillor Ian Albert declared an interest in the item due to his membership of the Black Squirrel Credit Union. Following advice from the Director – Governance, Cllr Albert remained in the Chamber but did not take part in the debate or vote on the item.

Councillor Mick Debenham, as Executive Member for Regulatory, presented the report entitled 'Homelessness Prevention Grant Allocations and Update' and advised that this report was seeking approval for the proposed allocations of the remainder of the 2025/26 award of homelessness grants of up to £365k, as outlined in Table 3 in paragraph 8.2 of the report.

Following a question from Councillor Donna Wright, Councillor Mick Debenham advised that if there was any overspend on the budget allocation for temporary accommodation costs, the Council would be responsible for these costs.

Following a question from Councillor Daniel Allen, the Strategic Housing Manager advised that a decision had been made by the Ministry of Housing, Communities and Local Government (MHCLG) to combine the homelessness and rough sleeping grants into a new Homelessness, Rough Sleeping and Domestic Abuse Grants for 2026/27 with provisional allocations for the next three financial years.

Following a question from Councillor Daniel Allen, the Director – Resources advised that the government was looking to simplify the funding formula for local governments by merging existing grants into the general funding provided and for the Council to then decide itself where to allocate those funds.

Councillor Daniel Allen praised the work of the Black Squirrel Credit Union with assistance with homelessness prevention and relief for North Hertfordshire clients.

Councillor Mick Debenham proposed and Councillor Daniel Allen seconded and, following a vote, it was:

RESOLVED: That Cabinet approved the funding proposals for the allocation of the remainder of the 2025/26 award of homelessness grants as outlined in Table 3 in paragraph 8.2.

REASON FOR DECISION: There is a need to secure additional services for homeless households in the district. Adopting the recommendation at 2.1 secures the provision of high-quality local services to help those in need, which is also consistent with the priorities set out in the Council's Housing Strategy (2024 – 2029).

27 NORTH HERTS COUNCIL STRAY DOGS POLICY

Audio recording – 25 minutes 57 seconds

Councillor Mick Debenham, as Executive Member for Regulatory, presented the report entitled 'North Herts Council Stray Dogs Policy' and advised that:

- The purpose of this report was to provide key information to enable North Herts Council to adopt a Stray Dogs Policy in accordance with the Environmental Protection Act of 1990.
- This Act required the Council to have a suitable policy to collect stray dogs and to hold them for a statutory 7-day period.
- If the dog was not collected by the end of this period, the dog would be passed to the owners of a boarding kennel and for them to seek to re-home the dog if possible.
- The draft Stray Dogs Policy could be found at the end of the report.
- Cabinet were being asked to adopt the policy and to note the recommendations.

Following a question from Councillor Daniel Allen, the Environmental Health Manager advised that:

- The limit of the £300 which had been deemed a reasonable amount to accommodate treatment for illness or injury to a seized dog and had also been comparable to the local fee for a Veterinary Surgeon to euthanise a dog, as details in paragraph 5.2.1 of the policy, had been set to limit potential excess use of public money.
- The Council was aware that any treatment decided necessary by the Veterinary Surgeon during the 7-day holding period could cost more than this amount and the health and welfare of the dog would always be considered.
- This policy would be periodically reviewed by the Council, and this amount could always be altered as necessary.

Following a question from Councillor Daniel Allen, Councillor Val Bryant highlighted that there was a delegation to the Executive Member and Director to make future amendments to the policy, and therefore the exact amount provided for treatment could be reviewed at a later stage.

Councillor Mick Debenham proposed and Councillor Tamsin Thomas seconded and, following a vote, it was:

RESOLVED: That Cabinet:

- (1) Adopted the Policy as presented.
- (2) Noted the following, in considering this policy:
 - (a) The Policy, at point 1.2, states the accepted definition of a Stray Dog, which the Act does not provide.
 - (b) The Act requires the appointment of a Responsible Officer for the purpose of discharging these duties and the Policy, at point 1.3 accommodates this.
 - (c) The Policy sets out in section 2, the conditions whereupon a stray dog will and will not be collected or seized, as this is not fully defined in the Act.
 - (d) The Policy also sets out at point 2.4 how the Council will manage stray dogs which are or are believed to be a Prohibited Breed, as defined under the Dangerous Dogs Act, 1991.

- (e) The Policy, in section 4, states the legal requirement under the Microchipping of Dogs (England) Regulations, 2015, that all qualifying dogs be microchipped and how this will be accommodated.
- (f) The Act requires the Council to ensure the health and welfare of any collected stray dog during the 7-day retention period. The Policy states how the Council will accommodate this requirement, including the scope and limitations of this obligation at points 5.2 and 5.3.
- (g) The Policy, in section 6 states the conditions required for returning the collected stray dog to the owner, including at point 6.3 the requirement for all accrued costs to be paid in full with no option of any instalments or discount (except that offered when micro-chipping unchipped stray dogs).
- (h) The Policy states, in section 7, states how the Council will dispose of the stray dog either at the end of the 7-day retention period or before in necessary for humane reasons. Part 7.5 outlines how dangerous dogs will controlled and should be considered in conjunction with point d, above.
- (i) The Policy, at section 9 seeks to delegate future amendments of this Policy to the Director – Regulatory in consultation with the Executive Member for Regulatory in accordance with the provisions of the Council’s Constitution.

REASON FOR DECISIONS: To enable the Council to clearly state how it intends to meet its obligations under the Act, whilst putting in place limitations against the unreasonable use of public funds and to protect the Responsible Officer against undue criticism or challenges which could in turn risk the perception and reputation of the Council.

28 DESIGN CODE SUPPLEMENTARY PLANNING DOCUMENT - APPROVAL FOR PUBLIC CONSULTATION

Audio recording – 36 minutes 37 seconds

Councillor Donna Wright, as Executive Member for Place, presented the report entitled ‘Design Code Supplementary Planning Document – Approval for Public Consultation’ and advised that:

- This report presented a new district wide draft Design Code Supplementary Planning Document (SPD) to provide additional information and clarity to Local Plan Policies SP9 and D1 along with other relevant policies in the Plan.
- The Urban Design Team had been working for two years on this design code.
- The purpose of the SPD was to provide information on the design expectations and requirements for development in North Hertfordshire.
- This SPD would offer good policy advice to decisions-makers when determining planning applications.
- The SPD adopted seven place objectives for design across the district, which should all be clear, practical and measurable expectations.
- The working draft Design Code SPD was set out in Appendix A.
- Part 1 of the draft was set around the vision objectives of the Design Code.
- Part 2 contained details of the 42 codes arranged into five chapters.
- The Council was required to adopt the SPD by 30 June 2026 and if not done, it would result in the existing design code which was fifteen years out of date being the fall-back policy.
- Subject to approval by Cabinet, the draft SPD would be made available for public consultation for a four-week period commencing early March 2026.
- Any comments would be included in the final version of the SPD to be adopted which would then be re-presented to Cabinet ahead of the 30 June deadline.
- This SPD stated that the number of detached houses must be kept to under 30% of the total number of dwellings in town and urban locations and 50% in rural locations, as set out in SS02.01 on page 25 of Appendix A.

The following Members took part in the debate:

- Councillor Daniel Allen
- Councillor Val Bryant
- Councillor Sean Nolan

Points raised during the debate included:

- This was an excellent piece of work which would help to protect the towns and villages in the district ahead of the Local Government Reorganisation.
- Thanks to the Principal Urban Design Planning Officer and the rest of the design team for producing this SPD.
- That there had been good interaction with residents at meetings which had help with understanding of the needs of the district.
- This was an exciting and interesting process which would create environments that people wanted to live in.

Councillor Donna Wright proposed and Councillor Daniel Allen seconded and, following a vote, it was:

RESOLVED: That Cabinet:

- (1) Endorsed the scope, structure and detailed codes drafted to date for the draft Design Code SPD, attached as Appendix A for the purpose of the consultation only.
- (2) Approved the draft Design Code SPD for a period of public consultation in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.
- (3) Delegated authority was granted to the Director: Place in consultation with the Executive Member for Place to finalise the consultation draft, including the approval of any outstanding technical, illustrative or presentational elements, provided that no changes are made which would materially alter the policy intent, scope or effect of the draft SPD endorsed by Cabinet.

REASONS FOR DECISIONS:

- (1) To allow the draft Design Code SPD to be progressed to public consultation so that it may be developed and eventually adopted to support the Local Plan and decisions on planning applications.
- (2) To support a common standard for design quality across North Herts.
- (3) To reinforce and deliver the Council's pledges and ambitions as set out in the Climate and Ecological Emergency declarations through design.
- (4) To ensure the best prospects of the Design Code SPD being finalised and approved before the Government's recently announced 'cut off' date of 30 June 2026 for planning documents of this nature to be adopted.

29 PROPOSED CAR PARKING TARIFFS FOR 2026/27

Audio recording – 45 minutes 52 seconds

Councillor Donna Wright, as Executive Member for Place, presented the report entitled 'Proposed Car Parking Tariffs for 2026/27' and advised that:

- This report presented recommendations for off-street and on-street car park tariff increases for 2026/27.
- The Medium-Term Financial Strategy (MTFS) approved by the Council, required a 2% annual uplift in parking income.
- This year the Council had investigated three options, and the recommended approach was Option 3 as the most viable option which offered a 2% uplift with a revised option for Royston.
- Meetings had been held with Royston Town Council and the Royston BID to produce a simplified tariff structure for Royston.
- Both Royston Town Council and Royston BID had indicated they could not continue to subsidise free parking after 3pm and would like to offer a December free parking scheme which was under early discussions.
- The proposed car parking tariff increases have been considered by all the other BIDs and positive feedback had been received.
- Knebworth Parish Council had no comment on the proposed increases and would continue with their subsidy of the 30-minute car parking tariff.
- The Council would continue discussions with the Royston BID and the Royston Town Council regarding a preferred subsidy for 2026/27, with the possibility of free parking in December as requested.
- Option 3 offered a balanced approach to car parking tariff increases and would resolve operational issues.

Following a question from Councillor Sean Nolan, the Strategic Infrastructure and Projects Manager advised that the Council would require three months notice to publicise and to also put in effect changes to parking machines for a December free parking scheme to be implemented.

The following Members took part in the debate:

- Councillor Val Bryant
- Councillor Ian Albert

Points raised during the debate included:

- How impressed Members were with the number of consultations that had taken place.
- This report demonstrated that the Council had listened to communities and where funding from the budget was possible would implement some of the proposals from the town centre BIDs.

Councillor Donna Wright proposed and Councillor Ian Albert seconded and, following a vote, it was:

RESOLVED: That Cabinet:

- (1) Adopted the proposed off-street and on-street car park tariff increases for 2026/27 referred to as Option 3 in paragraphs 8.2.14 of this Report and as set out in: (i) Tables 1, 2 and 4 for Hitchin, Letchworth and Knebworth at Appendix A, and (ii) Tables 5a for Royston off-street car parks and 6a for Royston on-street parking bays in Market Hill at Appendix B.
- (2) Increased the proposed charges for season tickets for each of its long stay car parks in Hitchin, Letchworth and Royston and business permits at St. Martins Road car park in Knebworth for 2026/27 as set out in Tables 7 and 8 at Appendix A.
- (3) Increased the charges for resident permits, visitor permits, business permits and visitor tickets for resident parking zones for 2026/27 as set out in Section 8.4 of this report.
- (4) Delegated to the Director of Place, in consultation with the Executive Member for Planning and Transport all decisions necessary to give effect to the recommendations including the issuing of the Notice of Variation to the 2024 Off-Street Parking Traffic Regulation Orders and the 2023 On-Street Consolidation Order.
- (5) Noted the 'direction of travel' with regard possible subsidy schemes arising from the proposed programme of tariffs and charges.

REASON FOR DECISIONS: To implement an increase in car parking tariffs, season tickets and permits within resident parking zones in order to effectively manage their use and in accordance with the Council's fees and charges policy as set out in its Medium- Term Financial Strategy (MTFS). To set car parking tariffs that support the achievement of modal shift away from private car use and to help support the vitality of town centres.

30 BUDGET 2026/27 (REVENUE AND CAPITAL BUDGETS)

Audio recording – 55 minutes 38 seconds

In the absence of the Chair of Finance, Audit and Risk Committee, the Chair invited Councillor Ian Albert, as Executive Member of Resources, to present the referral and report entitled 'Budget 2026/27 (Revenue and Capital Budgets)'. Councillor Albert advised that:

- No concerns had been raised at Finance, Audit and Risk Committee concerning the budget from their prospective.
- Finance, Audit and Risk Committee had noted that the Council was having to borrow to fund capital projects but were aware that management of the budget and the general fund was good.
- Finance, Audit and Risk Committee were keen to support the allocation to investigate the provision of allotments in Great Ashby, as this was a long-standing issue.
- The budget being proposed was in line with the Council Plan.
- There had been engagement with Members during the budget setting process and budget workshops had been held.
- The Council knew how important resources were to enable the delivery of strategic services.
- The provisional settlement from the government was positive alongside the changes to pension contributions.
- The General Fund balance was strong and was more than £10m above the minimum balance recommended of £3.5M.
- The Council could therefore look to fund some projects by transferring some of the revenue reserves into a capital programme to benefit communities across the district.

- The final settlement from government included an extra £70K in homelessness grants for 2026/27.
- The provision of the three-year settlement provided additional security, however the Council needed to bear in mind that the allocations for years 2 and 3 were provisional.
- Details of uncertainties on future costs and incomes were set out in the Section 25 report of the Chief Financial Officer which was included in Appendix D.
- Council Tax was proposed to increase by 2.99% which would generate over £400K of extra funding and was in line with the Medium Term Financial Strategy.
- The Council provided a good Council Tax Reduction Scheme for those residents in most need.
- The overall position meant that there would be a balanced budget in 2028/29.
- £2M across the next two years had been set aside to cover any costs associated with the Local Government Reorganisation (LGR).
- Some of the new capital investment proposals for 2026/27 included £4.7M for a learner pool at the Royston Leisure Centre, £200K for digital and other signage at Hitchin car parks and £200K for additional water play features at North Herts Leisure Centre.
- There were already many existing projects the Council had committed to, such as the museum storage project, which would protect vital archives to be of benefit to communities for many years to come.
- The Council was working with the Great Ashby Community Council and residents to provide additional allotment provision if possible.
- Recommendation 2.8 was to allow the spend on pool covers to be brought forward to this financial year to enable the work to be carried out before the pools opened.
- A Council Tax premium on second homes would be applied from April 2026, which had been previously approved by Council.
- To achieve a final budget proposal, he was requesting to add the following items to the budget to be incorporated into the final budget report to Council on 26 February 2026. An allocation for 2026/27 of £70k to the Hertfordshire Futures, £194k to North Herts Citizens Advice, £30k to the North Herts Centre for Voluntary Services, £15k to North Herts Minority Ethnic Forum. These amounts would all be subject to inflationary increases for the following 2 years.
- There would also be a £7k allocation included to provide security at evening Committee meetings.

Councillor Val Bryant, as Leader of the Council, requested that another addition be made to the budget to extend the funding for the additional Executive Member for LGR for an additional 2 years. The work of the Executive Member had proved to be vital and there was still much work to be done in the approach to LGR.

Councillor Ian Albert therefore proposed that an additional budget line of £9K revenue was allocated in the budget to secure additional funding for the Executive Member for LGR for 2026/27 and 2027/2028.

The following Members asked questions:

- Councillor Donna Wright
- Councillor Laura Williams
- Councillor Daniel Allen

In response to questions, Councillor Ian Albert advised that:

- The Council recognised the importance of understanding its capacity to deliver projects and the time required by staff to deliver what was asked of them.
- The budget was kept closely under review to see whether any projects needed to be reprioritised.
- The Council liaised with other local authorities to see if there were any opportunities to work together to save costs.

In response to questions, the Director – Resources advised that:

- £1M had been allocated in the budget each year for the next two years for costs associated with LGR and this would cover the Council contribution to any LGR costs, staff back-filling cover as required and also to support staff with any training that may be required.
- If the funds set aside in the budget for Ransomware costs were too low, the Council would have to fund any extra costs from the reserves, but this was not considered a significant risk to the overall budget.
- The Council Delivery Plan contained details of any risks and the impact of the LGR would be monitored closely.

The following Members took part in the debate:

- Councillor Tamsin Thomas
- Councillor Laura Williams
- Councillor Sean Nolan
- Councillor Donna Wright
- Councillor Daniel Allen
- Councillor Ian Albert

Points raised during the debate included:

- The museum storage was a vital piece of work, and it was welcomed to see provision for this in the budget.
- The allotments at Great Ashby enhanced the green space and to provide additional allotment areas would demonstrate that the Council had listened to the residents.
- The Council was fortunate to have enough reserves in the budget to implement positive projects for the community.
- Benefits from this budget would be seen over the coming decades for the Council and the new unitary authority.
- The proposals outlined demonstrated a sensible and strategic use of reserves.
- Prudent investments had given the Council resilience in preparing for the LGR.
- The change to refuse and waste collection service to a three weekly collection had not only been significant in managing costs for North Herts Council but had also had a wider beneficial impact on Hertfordshire County Council.

The Director – Resources advised that the amended figure for recommendation 2.4 was likely to be £27.524M, but that this would be confirmed at Council on 26 February 2026.

Councillor Ian Albert proposed as amended and Councillor Sean Nolan seconded and, following a vote, it was:

RECOMMENDED TO COUNCIL: That it:

- (1) Notes the position on the Collection Fund and how it will be funded.
- (2) Notes the position relating to the General Fund balance and that due to the risks identified a minimum balance of £3.5 million is recommended.
- (3) Notes the Chief Finance Officer's section 25 report (Appendix D) which provides a commentary on the risks and reliability of estimates contained in the budget.
- (4) Approves the revenue savings and investments as detailed in Appendix B to be amended.
- (5) Approves the capital programme as detailed in Appendix C.
- (6) Approves a net expenditure budget of £27.323m, as detailed in Appendix E with amount and detail to be amended.
- (7) Approves a Council Tax increase of 2.99%, which is in line with the provisions in the Medium Term Financial Strategy.
- (8) Approves bringing forward the capital budget for pool covers at the outdoor pools to 2025/26.
- (9) Notes that a Council Tax premium on Second Homes will be implemented from 1st April 2026, which is adopting the decision taken by Council on 29 February 2024.

REASONS FOR RECOMMENDATION:

- (1) To ensure that all relevant factors are considered in arriving at a budget (revenue and capital) and Council Tax level for 2026/27.
- (2) To ensure that the budget is aligned to Council priorities for 2024-28 as set out in the Council Plan.

31 INVESTMENT STRATEGY 2026/27

Audio recording – 1 hour 34 minutes 31 seconds

In the absence of the Chair of Finance, Audit and Risk Committee, the Chair invited Councillor Ian Albert, as Executive Member of Resources, to present the referral and report entitled 'Investment Strategy 2026/27'. Councillor Albert advised that:

- Finance, Audit and Risk Committee had expressed thanks and recognition of the swift implementation of the motion from Council on responsible investment.
- There had been some comments around the specific definition of the Environmental, Social and Governance (ESG) fund metrics being utilised.
- Finance, Audit and Risk Committee had noted the strong capital assets and the increased level of £5M for deposits placed with other local authorities to maximise returns was supported.
- The additional clauses were considered sensible to be adopted.
- This Investment Strategy set out the assets owned by the Council, how they were maintained and plans for any new assets.

- The Investment Strategy determined how the Council would fund capital spend, including the approach to borrowing and the minimum revenue provision.
- All of this combined with the revenue forecasts identified the surplus cash available for investment.
- The main change to this Investment Strategy related to addressing the motion 'The Local Government Pension Scheme & Responsible Investment' which was passed at Council on 4 December 2025.
- A meeting had taken place with the treasury advisors to the Council to see how the requirements of the motion could be addressed, whilst minimising risk to the Council.
- Following this meeting, a change had been made to the Investment Strategy for the Council to invest with banks offering ESG investments, as outlined in Table 8.8 in the report.
- It was proposed to increase the amount allowed to be invested in other local authorities to £5M, as local authorities were seen as secure investments. This also reflected a number of local authorities were now seeking minimum investments of £5M.
- It was proposed to reduce the longer-term investments, in light of the Local Government Reorganisation process where shorter term investments would be more appropriate.
- This Investment Strategy offered a sensible, pragmatic and appropriate approach both on management of investments and moving the motion passed at Council on 4 December 2025.

Councillor Sean Nolan expressed thanks to everyone involved with implementing the motion from Council so quickly. Cllr Nolan added that the Investment Strategy had been a positive form of income for the Council over the past few years.

Councillor Ian Albert proposed and Councillor Sean Nolan seconded and, following a vote, it was:

RECOMMENDED TO COUNCIL: That it:

- (1) Approves the adoption of the Investment Strategy (as attached at Appendix A).
- (2) Approves the adoption of the four clauses in relation to the Code of Practice on Treasury Management (as detailed in paragraphs 8.10 to 8.16).

REASON FOR RECOMMENDATIONS: To ensure the Council's compliance with CIPFA's code of practice on Treasury Management, the Local Government Act 2003, statutory guidance from Government, and the CIPFA Prudential Code. As well as determining and managing the Councils risk appetite in respect of investments.

The meeting closed at 9.10 pm

Chair

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Item No	Referred from:	Overview and Scrutiny Committee
6A	Date:	24 March 2026
	Title of item:	Lease on Letchworth Multi Storey Car Park
To be considered alongside agenda item:		Agenda Item 10

The report considered by the Overview and Scrutiny Committee at the meeting held on 24 March 2026 can be found here: [Agenda for Overview and Scrutiny Committee on Tuesday, 24th March, 2026, 7.30 pm | North Herts Council](#)

RECOMMENDED TO CABINET:

- (1) That Cabinet approve the surrender of the lease for the Letchworth Multi Storey Car Park.
- (2) That, subject to recommendation 1 above, delegated authority is granted to the Director – Enterprise in consultation with the Executive Member for Enterprise to negotiate and approve the details of any surrender in line with the broad principles in this report.

REASON FOR RECOMMENDATIONS: After undertaking a review of the current operation and long-term needs of this car park, the surrender of this lease provides a positive outcome to the Council and the conditions that have been negotiated ensure there will be improvements to the car park which will benefit the public and economic vitality of the town centre.

Audio recording – 34 minutes 33 seconds

Councillor Sean Nolan, on behalf of the Executive Member for Enterprise, presented the report entitled ‘Lease on Letchworth Multi Storey Car Park’ and advised that:

- The report set out the surrender of the Letchworth Multi Storey Car Park lease, which would also be presented to Cabinet in April.
- The Martin Group were aiming to undertake a regeneration of the Garden Square Shopping Centre, and as part of this, they had contacted the Council to request a surrender of the lease.
- Negotiations between the Council and The Martin Group on the conditions of the surrender had been detailed at paragraph 8 of the report.
- It was estimated that surrendering the lease would provide a capital saving of £3.4M but could generate a revenue cost of £430,000 over 9 years.
- Plans by The Martin Group to improve the car park included automatic number plate recognition, increased security, and opening the car park for 24 hours.
- Aspirations for residential parking within the car park would be accommodated as surveys undertaken by officers had demonstrated spare capacity.
- Members representing Letchworth wards who attended a briefing with officers had shown support for surrendering the lease, and no follow up questions were received from those that could not attend.
- Thoughts on the report were requested from the Committee before consideration by Cabinet.

The following Members asked questions:

- Councillor Claire Winchester
- Councillor Jon Clayden
- Councillor Paul Ward
- Councillor Elizabeth Dennis
- Councillor Martin Prescott

In response to questions, Councillor Sean Nolan advised that:

- Parking tariffs had formed part of the negotiations with The Martin Group, and they had recognised the need for competitive pricing with nearby car parks.
- 24-hour parking would be thought to reduce commuter parking around the station where this had become an issue.
- If The Martin Group decided not to redevelop the shopping centre, this would not impact their surrender of the lease.

In response to questions, the Director – Enterprise advised that:

- The Martin Group would have to account for external factors such as tariffs in Council owned car parks and other car parks in the town when setting theirs.
- Season tickets and discounts for wider users of the car park had not been discussed with The Martin Group, but as they were a private company, it was speculated that they would investigate these options to encourage greater usage.
- Comments on the position of The Martin Group regarding the redevelopment could not be provided, but the surrender of the lease had been requested by them to facilitate residential parking, and the feasibility of this had been confirmed by officers.
- The Martin Group were aware of antisocial behaviour in the car park and had detailed additional security measures to address this with 24 hour opening times.

In response to questions, the Director – Resources advised that:

- Operating costs, revenue generated, and other values that the lease held such as parking provision for staff had been factored into the considerations and included in the report.
- The above factors were more helpful than using the asset value of the car park.

Councillor Martin Prescott advised that he agreed with the surrender of the lease, as the car park had never been profitable and there were concerns over the costs of repairs required, which would be at taxpayer expense. Additionally, The Martin Group would look to address the issues with antisocial behaviour and maintain parking provision for staff.

Councillor Martin Prescott proposed and Councillor Dominic Griffiths seconded and, following a vote, it was:

RECOMMENDED TO CABINET:

- (1) That Cabinet approve the surrender of the lease for the Letchworth Multi Storey Car Park.
- (2) That, subject to recommendation 1 above, delegated authority is granted to the Director – Enterprise in consultation with the Executive Member for Enterprise to negotiate and approve the details of any surrender in line with the broad principles in this report.

REASON FOR RECOMMENDATIONS: After undertaking a review of the current operation and long-term needs of this car park, the surrender of this lease provides a positive outcome to the Council and the conditions that have been negotiated ensure there will be improvements to the car park which will benefit the public and economic vitality of the town centre.

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Item No	Referred from:	Overview and Scrutiny Committee
6B	Date:	24 March 2026
	Title of item:	Regulation of Investigatory Powers Act ('RIPA') Annual Review
To be considered alongside agenda item:		Agenda Item 11

The report considered by the Overview and Scrutiny Committee at the meeting held on 24 March 2026 can be found here: [Agenda for Overview and Scrutiny Committee on Tuesday, 24th March, 2026, 7.30 pm | North Herts Council](#)

RECOMMENDED TO CABINET: The adoption of the amended RIPA Policy (Appendix A).

REASONS FOR RECOMMENDATION:

- (1) The Council is required to ensure it has an up-to-date, compliant and operationally usable RIPA framework that reflects current legislation and codes of practice and supports effective governance and assurance.
- (2) Approval of the updated policy reduces legal, regulatory and reputational risk, supports lawful enforcement activity where required, and strengthens transparency and democratic oversight.

Audio recording – 2 hours 5 minutes 21 seconds

Councillor Daniel Allen, as Executive Member for Governance, presented the report entitled 'Regulation of Investigatory Powers Act ('RIPA') Update and Annual Review' and advised that:

- The report provided the annual update on the use of powers by the Council under the RIPA, along with the latest outcome of the policy review.
- The Council had not used any of the RIPA powers in the last year, which reflected the cautious approach they took to only use them in exceptional circumstances.
- The amended policy gave several clarifications and updates on Member and Officer roles and responsibilities, guidance on online investigations into social media, and other areas, which were detailed in the report.

Councillor Paul Ward highlighted a formatting error with the flow chart on page 141 of the report.

Councillor Jon Clayden proposed and Councillor Paul Ward seconded and, following a vote, it was:

RESOLVED: That the Committee noted the content of the report.

RECOMMENDED TO CABINET: The adoption of the amended RIPA Policy (Appendix A).

REASONS FOR RECOMMENDATION:

- (1) The Council is required to ensure it has an up-to-date, compliant and operationally usable RIPA framework that reflects current legislation and codes of practice and supports effective governance and assurance.

- (2) Approval of the updated policy reduces legal, regulatory and reputational risk, supports lawful enforcement activity where required, and strengthens transparency and democratic oversight.

Item No	Referred from:	Overview and Scrutiny Committee
6C	Date:	24 March 2026
	Title of item:	Section 106 Task and Finish Group Report
To be considered alongside agenda item:		Agenda Item 12

The report considered by the Overview and Scrutiny Committee at the meeting held on 24 March 2026 can be found here: [Agenda for Overview and Scrutiny Committee on Tuesday, 24th March, 2026, 7.30 pm | North Herts Council](#)

RECOMMENDED TO CABINET: That recommendations 1-8, as detailed in Appendix A to the report, be considered by Cabinet.

REASON FOR RECOMMENDATION: To enable the Overview and Scrutiny Committee the opportunity to scrutinise the s106 Task and Finish Group report and to consider which recommendations should be considered by Cabinet.

Audio recording – 2 hours 9 minutes 5 seconds

Councillor Ralph Muncer, as Chair of the Section 106 Task and Finish Group, presented the report entitled 'Section 106 Task and Finish Group Report' and advised that:

- The Local Plan adopted in 2022 would deliver 13,000 homes across the district, and reformed Government policies would only add to the burden to deliver housing.
- Communities deserved infrastructure that accompanied housing developments.
- The report provided a review of the current mechanism for S106 contributions, assessed whether it was fit for purpose and made recommendations to improve it.
- A disconnect between the Council and its communities on infrastructure priorities had been identified, and the recommendations would make communities feel that they were more involved.
- Other Members of the S106 Task and Finish Group, the Director – Place, Development and Conservation Manager, Hertfordshire County Council Officers, the Scrutiny Officer and the Committee, Member and Scrutiny Manager should be thanked for their support and contributions towards the group.
- S106 contributions was a broad policy area, and they had tried to address this through focused recommendations, that would deal with its issues directly.

The following Members asked questions:

- Councillor Claire Winchester
- Councillor Elizabeth Dennis
- Councillor Vijaiya Poopalasingham
- Councillor David Chalmers
- Councillor Jon Clayden
- Councillor Paul Ward

In response to questions, Councillor Ralph Muncer advised that:

- Lessons could be learned from the workings of the group to help inform the workings of any future task and finish groups.
- It had been disappointing to see a lack of consultation responses, particularly from some parties like the NHS Integrated Care Board, therefore, unilateral engagement might be needed.
- It was accepted that the roles of Community Partnership Officers would have to be reprioritised as resourcing was an issue.
- S106 training in recommendation 3 could potentially be offered to Members as well, and communication reporting would keep them better informed about S106 funding.
- There was an organisational readiness and excitement to engage in this proposed new process, as it would have the potential to deliver real benefits to communities now and in the future. However, the focus of engagement as part of this had been with Senior Officers, who had highlighted concerns about resourcing, and it would be for Cabinet to consider whether this would be an appropriate use of Community Partnership Officers.
- Engagement had taken place with Community Partnership Officers. However, more work would be required to explore what the training provided would look like and that it would appropriately delivered to support Officers to feel confident in this proposal to support communities. This work would be explored further should the recommendations be adopted by Cabinet.
- This work would provide resilience to communities ahead of Local Government Reorganisation (LGR), and a strong foundation for a new unitary authority to build upon.
- Chairs of Community Forums had not been consulted on the recommendations, but it had been decided that they would be the best place to consider community infrastructure priorities for unparished areas.
- Regulations for the S106 process could not be changed, therefore, the recommendations focused on simplifying the process for stakeholders and closing the gap between local authorities and the communities they served to deliver better outcomes.
- If recommendation 8 was approved, they could explore different ways of making the Government aware of this such as writing to Government Ministers.
- Recommendation 7 may not be fully achievable within current Government regulations, but it would aim to encourage more community engagement by developers and build on the Statement of Community Involvement.
- The response rate to the consultation had been disappointing, therefore, they had released it a second time to capture more views.
- It was hoped that this process would encourage more engagement on planning related consultations in the future if consultees could see that their views had been listened to through the recommendations.
- The lone developer response to the consultation, which suggested having a standardised S106 agreement template, had been noted, and could be considered by the Planning Team to make any improvements to the current process.

In response to questions, the Director – Place advised that:

- The Planning Team were pleased with the recommendations that had been put forward, and they were already investigating the implementation of some of them through the Local Plan Review and other mechanisms.
- They were also investigating how they would work with Parish Councils under the new plan making system to help them submit Neighbourhood Priority Statements.
- Pre-application engagement by developers could not be mandated, but they could explore tools to encourage this, such as through a Development Charter.

- The Local Plan and its underpinning evidence meant that developers were not liable to pay S106 contributions for developments of 9 homes or less, but a viability assessment had been commissioned to investigate the possibility of this in the Local Plan Review.

In response to questions, Councillor Donna Wright, as Executive Member for Place, advised that the recommendations set out clear, practical measures that could improve how S106 contributions were managed by increasing transparency and community involvement.

In response to questions, Councillor Paul Ward advised that:

- It had been concluded that improving the current S106 contributions mechanism would be more beneficial than replacing it with the Community Infrastructure Levy.
- Recommendations 1-4 would increase transparency of the mechanism, improve skills for those involved, and better prepare stakeholders to respond with their priorities.
- Recommendation 7 had been formed not only to improve community engagement by developers, but also to improve the outcomes from it by ensuring that developers demonstrated how they had considered community feedback in their applications.

In response to questions, Councillor Ruth Brown advised that:

- Community Partnership Officers understood communities and could act as a conduit between the Council, Parish Councils and communities where there was a disconnect.
- Timing and community priorities were the main issues with the current S106 mechanism.
- Good community engagement by developers should be recognised through an award mechanism to promote good practice, even if it could not be mandated.

Councillor Ralph Muncer proposed and Councillor Jon Clayden seconded the recommendations in the report.

The following Members took part in the debate:

- Councillor Elizabeth Dennis
- Councillor Vijaiya Poopalasingham
- Councillor Jon Clayden
- Councillor Ralph Muncer
- Councillor Claire Winchester

The following points were made as part of the debate:

- An additional recommendation should be included for councillors to be trained, empowered and supported to work alongside Community Partnership Officers on the S106 mechanism.
- Councillors should be engaging with community groups already and be provided with S106 training to fulfil their roles.
- Recommendations 2 and 3 should be undertaken with caution as corporate risk would materialise as advice given by Community Partnerships Officers on S106 applications would be open to scrutiny, therefore, the feasibility of this should be properly investigated.
- A response from the Community Partnership Team to the recommendations should be provided before any decisions were taken by Cabinet.
- It was unclear whether Community Forums were the right place to consider S106 contributions, and their Chairs should be consulted.
- Recommendation 1 would ensure that projects could be quickly identified in the S106 process.

- S106 training for Parish Councils would mean less reliance on Community Partnership Officers to help them respond to S106 consultation forms.
- Recommendation 2 had been made after seeking advice from several sources and considering other alternatives.
- Additional resources to better support communities would be strongly welcomed.
- Recommendation 4 was an easy win and would improve transparency of the S106 mechanism.
- It was acknowledged that recommendations 7 and 8 were needed and made sense, but it would be hard to fully implement them, and they might have little impact if they could not be made mandatory.

In response to points raised in the debate, Councillor Val Bryant, as Leader of the Council, advised that there would be elections to a shadow authority in 14 months, the budget for 2026/27 had already been approved, and the Executive Member for Governance had not been consulted on the recommendations, therefore, there would be drawbacks in implementing them.

In response to points raised by Councillor Val Bryant, Councillor Ralph Muncer advised that:

- Planning applications would continue to be submitted to the Council up until April 2028, and communities would continue to suffer if they did not act now.
- It was acknowledged that there would be challenges in implementing the recommendations.
- Senior Officers had been consulted on the recommendations to ensure that they would be deliverable.
- Although Executive Members had not been consulted on the recommendations, there would be an opportunity for them to consider the report and its recommendations at the next Cabinet meeting.

Councillor Claire Winchester summarised the discussions and outlined that:

- Upskilling Community Partnership Officers, Councillors and other staff to support S106 applications had been discussed, but they should be aware of the capacity of Community Partnership Officers, who should be consulted on the feasibility of changing their roles.
- Chairs of Community Forums should be consulted on how lists for Community Infrastructure Priorities would be drawn up as these were important.
- It was noted that the budget for the next financial year had been set, and that the Council would cease to exist in two years, but the work undertaken by the S106 Task and Finish Group had been important and could be carried forward to a new unitary authority.
- Better communication and transparency around the S106 process was vital, and work on this was encouraged.
- While recommendations 7 and 8 were less achievable, it was understood why they had been formed.

Having been proposed and seconded and, following a vote, it was:

RESOLVED: That the Overview and Scrutiny Committee:

- (1) Noted the content of the report and its recommendations.
- (2) Provided comment on the proposed recommendations and confirmed which recommendations were to be recommended to Cabinet.

RECOMMENDED TO CABINET: That recommendations 1-8, as detailed in Appendix A to the report, be considered by Cabinet.

REASON FOR RECOMMENDATION: To enable the Overview and Scrutiny Committee the opportunity to scrutinise the s106 Task and Finish Group report and to consider which recommendations should be considered by Cabinet.

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Item No	Referred from:	Overview and Scrutiny Committee
6D	Date:	24 March 2026
	Title of item:	Council Delivery Plan 2025-26 (Q3 Update)
To be considered alongside agenda item:		Agenda Item 13

The report considered by the Overview and Scrutiny Committee at the meeting held on 24 March 2026 can be found here: [Agenda for Overview and Scrutiny Committee on Tuesday, 24th March, 2026, 7.30 pm | North Herts Council](#)

RECOMMENDED TO CABINET: That Cabinet notes progress against Council projects and performance indicators, as set out in the Council Delivery Plan (Appendix A), and approves new milestones and changes to milestones.

REASON FOR RECOMMENDATION: The Council Delivery Plan (CDP) monitoring reports provide the Overview and Scrutiny Committee, and Cabinet, with an opportunity to monitor progress against the key Council projects, and understand any new issues, risks, or opportunities.

Audio recording – 4 minutes 6 seconds

N.B. Councillor Ralph Muncer left the Council Chamber at 19:36.

Councillor Val Bryant, as Leader of the Council, presented the report entitled ‘Council Delivery Plan 2025-26 (Quarter 3 Update)’ and advised that:

- The report provided the usual, regular updates on the Council Delivery Plan and its projects, Key Performance Indicators (KPIs) and risks.
- Three projects had been completed, including the recently completed project entitled ‘Engaging the Community on our Finances’.
- The Museum Collection Facility had been added to the plan as detailed at paragraph 8.2 of the report.
- Projects with an amber delivery status were outlined at paragraph 8.3.
- Actions to address KPIs with a red status had been set out at paragraph 8.5.
- Waste collection performance data was shown at paragraph 8.6, and officers were working with Veolia with to obtain the data for North Herts on this.
- Implementation of new KPIs into the Council Delivery Plan both in 2025-26 and 2026-27 had been described at paragraph 8.9.
- The Committee could specify areas that they would like to see more information on in the next monitoring report, as per recommendation 2.2 in the report.

The following Members asked questions:

- Councillor Jon Clayden
- Councillor Elizabeth Dennis
- Councillor Paul Ward
- Councillor Dominic Griffiths
- Councillor David Chalmers
- Councillor Claire Winchester

In response to questions, Councillor Val Bryant advised that:

- Data for North Herts on the KPI entitled 'Missed collections per 100,000 lifts (per month)' had been received and would be forwarded onto Members for information.
- The Customer Service Team communicated with other departments to identify where call demand spikes would occur ahead of time, and as a Council, they were trying to spread the delivery of projects and events to prevent peaks.
- Increased calls to the customer service centre were also caused by residents experiencing anxious events or to verify if communications from the Council were genuine.
- Three Member Workshops on the Churchgate project had been scheduled.
- A unitary authority would be able to pick up the new Local Plan as it was anticipated that it would be ready by March 2028.
- Big projects such as Churchgate and the Museum Collection Facility had precise timelines, which gave them confidence to deliver those, even with Local Government Reorganisation (LGR) taking place.

In response to questions, the Director – Resources advised that the error relating to Milestone 12 on page 38 of the report would be corrected to read 'Finalisation and adoption of the Local Plan'.

In response to questions, the Director – Enterprise advised that:

- The next report on Churchgate would be presented to Cabinet in June, but not Full Council. However, future reports on Churchgate would be considered at Full Council once delivery plans had been finalised and the project needed a budget approving.
- Feedback provided by Members at the Churchgate workshops would be taken forward.
- Churchgate was progressing well and professionals had been appointed to assist with the design stage.
- Churchgate was in its early stages and as they continued to carry out work, it was hoped that the risk would decrease as factors became more certain.
- The project plan for Churchgate would be shared with Members.
- Dates relating to the easements of land for the Leisure Centre Decarbonisation project would be clarified to Members at a later stage.

In response to questions, the Chair advised that the report on Churchgate would be presented to the Overview and Scrutiny Committee meeting in June before going to Cabinet.

Councillor David Chalmers highlighted that the Council had several large projects underway, and that they would need to continue monitoring how these were being delivered alongside LGR and before the Council ceased to exist.

In response to Councillor David Chalmers, Councillor Val Bryant advised that they had a Council Plan in place, and they would continue working towards the targets within this.

In response to Councillor David Chalmers, Councillor Vijaiya Poopalasingham advised that they had robust processes in place to manage risks through this Committee and the Finance, Audit and Risk Committee, and the approved budget had committed to delivering projects on their respective timelines.

The Chair summarised discussions and outlined the importance of monitoring complex projects to ensure that they could all be achieved, and they would continue to do this going forward.

Councillor Jon Clayden proposed and Councillor Dominic Griffiths seconded and, following a vote, it was:

RESOLVED: That the Overview & Scrutiny Committee provided comment on the Council Delivery Plan Quarter 2 monitoring report.

RECOMMENDED TO CABINET: That Cabinet notes progress against Council projects and performance indicators, as set out in the Council Delivery Plan (Appendix A), and approves new milestones and changes to milestones.

REASON FOR RECOMMENDATION: The Council Delivery Plan (CDP) monitoring reports provide the Overview and Scrutiny Committee, and Cabinet, with an opportunity to monitor progress against the key Council projects, and understand any new issues, risks, or opportunities.

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Item No	Referred from:	Finance, Audit & Risk Committee
6E	Date:	25 March 2026
	Title of item:	Third Quarter Treasury Management Review 2025/26
To be considered alongside agenda item:		Agenda Item 14

The report considered by the Finance, Audit & Risk Committee at the meeting held on 25 March 2026 can be found here: [Agenda for Finance, Audit and Risk Committee on Wednesday, 25th March, 2026, 7.30 pm | North Herts Council](#)

RECOMMENDED TO CABINET: That the Finance, Audit and Risk Committee provided comments and recommend to Cabinet:

- (1) That Cabinet notes the position of Treasury Management activity as at the end of December 2025.

REASON FOR RECOMMENDATION: To ensure the Council's continued compliance with CIPFA's code of practice on Treasury Management and the Local Government Act 2003 and that the Council manages its exposure to interest and capital risk.

Audio recording – 1 hour 34 minutes 9 seconds

N.B. Cllr Paul Ward declared an interest in this item due to his employment and left the chamber and did not return.

The Director – Resources presented the report entitled 'Third Quarter Treasury Management Review 2025/26' and highlighted that:

- The Council had complied with the treasury strategy throughout quarter three.
- The split of investments was as shown in paragraph 8.4
- There had been an increase in interest rates in recent weeks as Local Authorities were generally borrowing money to support their cashflows, and the Council was able to take advantage of this.
- The global situation was impacting inflation and meant that interest rates might stay higher than previously forecast. This was positive for investment income, but there was a bigger concern for Council budgets if that resulted in ongoing inflation pressures.

The following Members asked questions:

- Councillor Vijaiya Poopalasingham
- Councillor Ruth Brown
- Independent Member John Cannon

In response to questions, the Director – Resources stated that:

- 82% of the Council investments were in Local Authorities and the risk of this in Local Government Reorganisation (LGR) was split into two; the borrowing made by the authority going through LGR would follow into the new authority and the higher risk would be down to potential demand and capacity for lending of this type.
- The counterparty limits for all Councils would generally be set based on a proportion of total funds. Where Councils have larger amounts of available funds then they would have higher counterparty limits.
- The funds that matured in January 2026 would have been reinvested on a short-term basis. The issue the Council has had this year was due to the large capital spend there was uncertainty over when payment would be required. So cash had been kept invested on a short-term basis so money could be paid when it became due.

Councillor Vijaiya Poopalasingham proposed and Councillor Stewart Willoughby seconded and, following a vote, it was:

RECOMMENDED TO CABINET: *That the Finance, Audit and Risk Committee provided comments and recommend to Cabinet:*

- (1) That Cabinet notes the position of Treasury Management activity as at the end of December 2025.

REASON FOR RECOMMENDATION: To ensure the Council's continued compliance with CIPFA's code of practice on Treasury Management and the Local Government Act 2003 and that the Council manages its exposure to interest and capital risk.

Item No	Referred from:	Finance, Audit & Risk Committee
6F	Date:	25 March 2026
	Title of item:	Third Quarter Capital Budget Monitoring Review 2025/26
To be considered alongside agenda item:		Agenda Item 15

The report considered by the Finance, Audit & Risk Committee at the meeting held on 25 March 2026 can be found here: [Agenda for Finance, Audit and Risk Committee on Wednesday, 25th March, 2026, 7.30 pm | North Herts Council](#)

RECOMMENDED TO CABINET: That the Finance, Audit and Risk Committee provided comments and recommend to Cabinet:

- (1) That Cabinet notes the forecast expenditure of £23.350M in 2025/26 on the capital programme, paragraph 8.3 refers.
- (2) That Cabinet approves the adjustments to the capital programme for 2026/27, as a result of the revised timetable of schemes detailed in table 2 and 3, increasing the estimated spend by £3.011M.
- (3) That Cabinet approves a change of scope to the Priory Gardens Bandstand project from renovation to rebuild and an increase of the budget in 2026/27 by £0.025M.
- (4) That Cabinet notes the position of the availability of capital resources, as detailed in table 4 paragraph 8.6 and the requirement to keep the capital programme under review for affordability.

REASON FOR RECOMMENDATIONS: Cabinet is required to approve adjustments to the capital programme and ensure the capital programme is fully funded.

Audio recording – 1 hour 29 minutes 4 seconds

The Director – Resources presented the report entitled ‘Third Quarter Capital Budget Monitoring Review 2025/26’ and highlighted that:

- The capital report showed slippage into the following year with the explanations for each slippage in table 2.
- There were changes to the overall costs of schemes in 2025/26, these changes totalled a net decrease of £0.81million as detailed in Table 3.
- Two underspends were reported relating to Fibre Waste Bin purchases and EV charging at the Letchworth depot.
- There was an underlying need to borrow, with revenue contributions of £3.2 million, set out in table 4.

In response to a question from Independent Member John Cannon, the Director – Resources stated that the discrepancy between the two papers of the Council asset worth would be rectified in future papers and Members would be made aware of the correct value.

Councillor Vijaiya Poopalasingham proposed and Councillor Ruth Brown seconded.

As part of the debate Councillor Ruth Brown commented that it was positive to see that the Priory Gardens Bandstand was going to be rebuilt rather than renovated.

Having been proposed and seconded and, following a vote, it was:

RECOMMENDED TO CABINET: That the Finance, Audit and Risk Committee provided comments and recommend to Cabinet:

- (1) That Cabinet notes the forecast expenditure of £23.350M in 2025/26 on the capital programme, paragraph 8.3 refers.
- (2) That Cabinet approves the adjustments to the capital programme for 2026/27, as a result of the revised timetable of schemes detailed in table 2 and 3, increasing the estimated spend by £3.011M.
- (3) That Cabinet approves a change of scope to the Priory Gardens Bandstand project from renovation to rebuild and an increase of the budget in 2026/27 by £0.025M.
- (4) That Cabinet notes the position of the availability of capital resources, as detailed in table 4 paragraph 8.6 and the requirement to keep the capital programme under review for affordability.

REASON FOR RECOMMENDATION: Cabinet is required to approve adjustments to the capital programme and ensure the capital programme is fully funded.

Item No	Referred from:	Finance, Audit & Risk Committee
6G	Date:	25 March 2026
	Title of item:	Third Quarter Revenue Budget Monitoring 2025/26
To be considered alongside agenda item:		Agenda Item 16

The report considered by the Finance, Audit & Risk Committee at the meeting held on 25 March 2026 can be found here: [Agenda for Finance, Audit and Risk Committee on Wednesday, 25th March, 2026, 7.30 pm | North Herts Council](#)

RECOMMENDED TO CABINET: That the Finance, Audit and Risk Committee provided comments and recommend to Cabinet:

- (1) That Cabinet note this report.
- (2) That Cabinet approves the changes to the 2025/26 General Fund budget, as identified in table 3 and paragraph 8.2, a £902k decrease in net expenditure.
- (3) That Cabinet approves the changes to the 2026/27 General Fund budget, as identified in table 3 and paragraph 8.2, a total £201k increase in net expenditure.

REASON FOR RECOMMENDATION: Members were able to monitor, make adjustments within the overall budgetary framework and request appropriate action of Services who do not meet the budget targets set as part of the Corporate Business Planning process.

Audio recording – 1 hour 10 minutes 07 seconds

The Director – Resources presented the report entitled 'Third Quarter Revenue Budget Monitoring 2025/26' and highlighted that:

- The reasons for variances on the Revenue Budget were shown in table 3.
- There Council did not have a borrowing requirement at the end of 2024/25 as not all the capital reserves had been spent. The original for 2025/26 budget included a charge for Minimum Revenue Provision, so at that was not required there was an underspend of £400,000.
- The budget for 2026/27, set in February, reflected the updated estimates on the need for internal borrowing.
- Carry forwards were usually more common toward the end of the financial year and these were also detailed in table 3.
- There were two red Corporate Health Indicators, the Leisure Centres Management Fee for paying Everyone Active during the decarbonisation works and the Commercial Refuse & Recycling Service.
- Table 5 indicates current activity levels, where these drive financial performance, and how these compare to the prior year to indicate the direction of current trends. The Council was still above the trend for Leisure Centre usage despite the decarbonisation works.
- Commercial Refuse & Recycling Service customer numbers were declining, but the income had decreased at much slower rate due to a smaller group of customers buying more services, including recycling services.

- There was a slight increase in car parking income, although average ticket prices had reduced, meaning the volume of purchases had increased, which showed faster turnover in car parks.
- The funding summary showed in terms of funding the Council was in line with the budget forecast.
- The increase in the general fund balance should be mitigated by the carry forwards which would create budgets for next year so they money would be spent.

The following Members asked questions:

- Councillor Daniel Wright-Mason
- Councillor Ruth Brown
- Councillor Vijaiya Poopalasingham
- Independent Member John Cannon

In response to questions, the Director – Resources stated that:

- Towards the end of the financial year, it was common for there to be more underspends and overspends being declared.
- Churchgate was a financial risk. It was highlighted in the report that funding was provided for the current stages of the regeneration project development. There were always issues with letting a shopping centre, but it was still generating income. Looking forward there would likely come a stage where the Council would need a large capital budget for Churchgate regeneration.
- Commercial refuse and recycling did have some increased competition, and businesses were minimising their waste, which created an increased drop in income, but this was better for sustainability. Work was being done to encourage recycling collection rather than residual (non-recyclable) waste.
- Due to a backdate in audits relating to housing benefits audits it had not been possible to finalise the positions and identify issues with amounts that could be reclaimed from the DWP. Once these had been brought up to date there would be further costs for the 22/23 and 23/24 periods, likely to be around £200,000 per year. It was hoped that these audits could be resolved during 2026/27. These costs could be absorbed within the General Fund balance. There was no way to appeal the audit outcomes.

Councillor Vijaiya Poopalasingham proposed and Daniel Wright-Mason Councillor seconded and, following a vote, it was:

RECOMMENDED TO CABINET: That the Finance, Audit and Risk Committee provided comments and recommend to Cabinet:

- (1) That Cabinet note this report.
- (2) That Cabinet approves the changes to the 2025/26 General Fund budget, as identified in table 3 and paragraph 8.2, a £902k decrease in net expenditure.
- (3) That Cabinet approves the changes to the 2026/27 General Fund budget, as identified in table 3 and paragraph 8.2, a total £201k increase in net expenditure.

REASON FOR RECOMMENDATION: Members were able to monitor, make adjustments within the overall budgetary framework and request appropriate action of Services who do not meet the budget targets set as part of the Corporate Business Planning process.

CABINET

14 April 2026

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: STRATEGIC PLANNING MATTERS

REPORT OF: RACHAEL ROONEY, INTERIM STRATEGIC PLANNING MANAGER: PLACE

EXECUTIVE MEMBER: CLLR DONNA WRIGHT, EXECUTIVE MEMBER FOR PLACE

COUNCIL PRIORITY: THRIVING COMMUNITIES / ACCESSIBLE SERVICES / RESPONSIBLE GROWTH / SUSTAINABILITY

1. EXECUTIVE SUMMARY

- 1.1 This report identifies the latest position on key planning and transport issues affecting the Council.

2. RECOMMENDATIONS

- 2.1. That the report on strategic planning matters be noted.
- 2.2. That the responses in Appendices A, B and C; and the proposed next steps in relation to the Local Plan review are endorsed.

3. REASONS FOR RECOMMENDATIONS

- 3.1. To keep Cabinet informed of recent developments on strategic planning matters.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. The Executive Member has been briefed on the relevant matters in this report. Where appropriate these have also been reported to the Council's internal, informal Strategic Planning Project Board. This includes cross-party representation from all political groups. The Project Board is chaired by the Executive Member for Place.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1. Members will be aware of, and familiar with, many of the issues surrounding strategic planning matters. This report is intended to provide Members with the current positions on the following key matters where there has been substantive change since the report in January 2026.

8. RELEVANT CONSIDERATIONS

Government Changes

- 8.1. On 16 December 2025, the Government consulted on [a revised National Planning Policy Framework](#) (NPPF). The consultation closed on 10 March 2026. Appendix A includes the Council's covering letter and detailed officer technical comments. Key issues raised include:
- **Green Belt:** The response highlighted Full Council's Motion of 29 January 2026, which raised concerns about how villages are treated in relation to "grey belt" and the potential for villages to merge with each other or with neighbouring towns.
 - **Statutory Weight for National Development Management Policies (NDMPs):** Concerns were highlighted about the tension with Section 38(6) of the Planning and Compulsory Purchase Act 2004, noting that non-statutory NDMPs may be vulnerable to legal challenge and could create uncertainty.
 - **Development Around Train Stations:** While the principle is supported, concerns were raised about a potential shift away from a plan-led approach and whether minimum density requirements are appropriate for rural stations.
 - **Presumption in Favour of Sustainable Development:** Although supportive in principle, we expressed concerns about its application outside settlements, particularly for authorities falling below a five-year housing land supply due to stalled sites.
 - **Climate Change:** We support the aims of Policy CC1 to reduce emissions, but noted tensions with Policy PM13, which restricts Local Plans from setting local standards in key areas and may undermine these objectives.
 - **Allocation of 10% of Housing on Sites Between 1 and 2.5 Hectares:** Concerns were raised about potential incentives for site subdivision and the likelihood that such sites may not be promoted through a call for sites in areas without a five-year housing land supply, given the comparative speed of speculative applications.
 - **Affordable Housing:** We do not support the removal of the requirement for on-site affordable housing on medium-sized sites, particularly in rural areas where such sites are often an important source of supply.

- **Five-Year Housing Land Supply and Housing Delivery Test:** We expressed concern that local authorities are penalised for development not coming forward even after permission is granted and suggested that shared responsibility across the system would support more reliable delivery.
- **Density:** We raised concerns that it is not appropriate for the NPPF to specify a fixed density figure, emphasising that local authorities must retain the ability to set standards based on local character, infrastructure capacity, design considerations, and environmental constraints.

8.2. The Hertfordshire Infrastructure & Planning Partnership (HIPP) also submitted a response to the NPPF consultation. Key points included:

- **Ambition:** Welcoming the ambition to strengthen strategic planning and improve plan-making efficiency, while seeking further clarity to ensure the framework is workable and deliverable.
- **Weight of policy:** Concern that policies would be given very limited weight if inconsistent in any way with the NPPF.
- **Medium scale development:** Requesting clarification on new category, noting risks to development quality, infrastructure funding, and the potential for speculative applications.
- **Allocation of 10% of housing on small sites:** Concern this adds complexity and may not lead to the most sustainable locations.
- **Viability assessment:** Support for viability assessments being focused at plan-making stage, while recognising some will still be needed at application stage.
- **Pre application advice:** Concern that limiting pre-application advice to major development could lead to inconsistency and missed opportunities.
- **Non-compliance:** Emphasising the need for applicants to fully justify any non-compliance with policy.
- **NDMPs:** Concern about the non-statutory status of NDMPs, the prohibition on duplicating them in Local Plans, and the uncertainty over the weight they should carry.
- **Local Policy innovation:** Concern about reduced scope for local policy innovation on biodiversity net gain.
- **Presumption:** Concern that the proposed presumption in favour of sustainable development within settlements and near stations could undermine the plan-led system.
- **Removal of SPDs:** Concern about the removal of SPDs (Supplementary Planning Documents) and the limited scope and flexibility of Supplementary Plans due to requirement for examination.

- **Data Centres:** Highlighting the absence of reference to data centres despite recent Government announcements.
- 8.3. The Government held a consultation on the [proposed geographies for Spatial Development Strategies \(SDS\)](#) between February and March. SDS are a new 'layer' of strategic plans introduced under the new plan-making system. The consultation proposes that Hertfordshire is the most appropriate boundary for the SDS for the area, as opposed to any alternate or larger geography. Hertfordshire Growth Board have responded on behalf of authorities in the area supporting this proposal. Hertfordshire County Council (HCC) would (pending Local Government Reorganisation) be responsible for preparing the SDS. Further information on the timetable and scope for the SDS is expected to be put forward by HCC later in the year.
 - 8.4. On 6 March, the Government laid the [regulations for the new plan-making system](#). These came into effect on 25 March and replaced the 2012 regulations. The new regulations set out the requirements for Local Plans to be prepared within a 30-month period, with prescribed stages that must be followed in a certain order, statutory consultation periods at specific points, and a defined list of bodies that must be consulted. The implications for the review of our Local Plan are set out below.
 - 8.5. Further consultations were released at the end of March in relation to the [proposed National Scheme of Delegation](#) for planning committees and [increases in planning application fees](#). A new [Direction has also been issued by the Secretary of State](#). This requires local authorities to refer any housing schemes for 150 homes or more and which they intend to refuse planning permission. This will enable Ministers to decide whether to call in that application.
 - 8.6. [Amendments to Part L of the Building Regulations](#) have been published. These implement the Future Homes and Buildings Standards. These will come into effect in March 2027 for most new builds and will ensure new homes will become zero carbon in use as the electricity grid decarbonises.

North Herts Local Plan

- 8.7. Following the new plan-making system coming into effect on 25 March 2026, the Council's formal Notice of its intention to review the Local Plan and publish a revised timetable based on the new regulations will be submitted in mid to late April. Once published, these will be found here:
[Local Plan Update | North Herts Council](#)
- 8.8. The 20 January Cabinet Report gave delegated powers to submit a Notice of the Council's intention to review the Local Plan and publish a timetable subject to revised timings based on the date the regulations came into force.
- 8.9. Following publication of the regulations, the proposed local plan timetable has been reviewed to ensure that key milestones align with (for example) planned committee cycles, appropriate windows for public consultation exercises and the anticipated programme for Local Government Reform (LGR). This timetable has been discussed with, and supported by, the informal cross-party Project Board.

- 8.10. Internal legal advice has confirmed that neither the publication of the timetable, in accordance with the existing delegated authority, nor the initial 'scoping' phase and public engagement require any further, formal decisions. The proposed Content and Evidence consultation will be presented to Cabinet later in 2026.
- 8.11. In this context, it is planned that the Council Notice and revised timetable will be published on Monday 20th April 2026 with the mandatory [at least] 4 month notice period ending on 12th October 2026. Other key dates include:
- Scoping Consultation: 11 May – 22 June 2026 (6 weeks)
 - Gateway 1 assessment: October 2026
 - Content and Evidence Document consultation: 13 October – 24 November 2026 (6 weeks)
 - Gateway 2 assessment: April – May 2027 (TBC)
 - Draft Local Plan consultation: 26 October 2027 – 4 January 2027. (Subject to confirmed dates for Full Council meetings and any oversight and timings of a shadow authority committee)
 - Gateway 3 assessment: April – May 2028
 - Examination: June – November 2028
 - Adoption: December 2028
- 8.12. It is anticipated that the scoping consultation will consist of the following:
- Narrative setting out why the Local Plan is being revised and the implications for Local Government Reorganisation
 - A section on how people want to be involved in the Local Plan as it progresses
 - Developing a Strategic Vision for the District
 - Key issues that should be included in the Local Plan
- 8.13. A list of the evidence base to support the preparation of the Local Plan, with expected dates of publication, will also be published on the website.
- 8.14. The timetable is required to be kept up to date every month. The 30 month plan preparation will begin on 13th October 2026 with the Local Plan required to be adopted by 13th April 2029.
- 8.15. Further Government guidance and templates are expected for the timetable and initial consultation phases. Any updates to the above will be provided as an addendum to this report or reported verbally at the meeting.

Proposed Expansion of Luton Airport

- 8.16. As previously reported, the Secretary of State for Transport approved Luton Rising's Development Consent Order (DCO) application for the expansion of London Luton Airport in April 2025.
- 8.17. A judicial review was brought by The Luton And District Association for the Control of Aircraft Noise (LADACAN) with the High Court ruling in favour of the SoS's (Secretary of State) decision to permit the Luton Rising's DCO application for the expansion of London Luton Airport in November 2025.
- 8.18. LADACAN have been granted a hearing at the Court of Appeal to be heard in May 2026 where they will seek to overturn this judgement.
- 8.19. Subject to the outcome of these legal proceedings, Luton Rising are seeking to progress with implementation of the DCO later in 2026. Early considerations will include the proposed replacement Country Park that will be located within North Herts along with establishing the monitoring and review groups required by the consent.

Strategic Sites

- 8.20. The Strategic Planning Project Board continues to meet regularly. The status of work on the six, largest Strategic Sites in the Local Plan is summarised below:

Policy SP14: North of Baldock	The masterplan for this site was adopted as a material consideration for any future planning applications by Full Council in June 2025. An outline application was submitted in October 2025 (application reference 25/02571/OP) and remains under consideration. Additional information has been submitted and public consultation on this is underway.
SP15: North of Letchworth	The masterplan for this site was adopted as a material consideration for any future planning applications by Full Council in July 2024. The applicant is currently in the process of procuring a development partner.
SP16: North of Stevenage	The masterplan for this site was adopted as a material consideration for any future planning applications by Full Council in November 2024. Members resolved to approve the outline planning application (23/01935/OP) in March 2025 subject to completion of the s106 agreement. This legal agreement is being prepared.

SP17: Highover Farm, Hitchin	Outline planning permission for this site was granted in November 2024 on completion of the s106 legal agreement following a resolution to grant permission by the Planning Committee in October 2023. Reserved matters for infrastructure have been approved following committee resolution in October 2025 alongside a number of conditions including a Design Code for the site. The application for the first phases of new homes was received in November 2025 (25/02794/RM) and is due to be presented to Planning Control Committee in April 2026.
SP18: North-east of Great Ashby	The masterplan for this site was adopted as a material consideration for any future planning applications by Full Council in November 2024. An outline application was submitted in January 2026 (25/03080/HYA) and remains under consideration.
SP19: East of Luton	The masterplan for this site was adopted as a material consideration for any future planning applications by Full Council in January 2025. Amendments to the two, separate outline planning applications were submitted November 2025 and are under consideration (Council application references 17/00830/1 and 16/02014/1). There are separate applications for the main access points into the sites (22/02904/FP, 22/02905/FP).

- 8.21. Other masterplans for significant sites are being progressed through a variety of PPAs, pre-application discussions and current planning applications lodged with the Council ([Masterplans in current applications | North Herts Council \(north-herts.gov.uk\)](https://www.north-herts.gov.uk/masterplans)).

Other Local Authorities' Local Plans

- 8.22. We are neighboured by eight other Local Authorities who are all at differing stages of their Local Plans. We maintain regular contact with regard to the status of their Local Plans and input to consultations as appropriate. Details of the most recent positions of our neighbours is set out below.
- 8.23. The regulations under the new plan-making system still require authorities to collaborate on strategic issues. Whilst the legal duty has been removed, inspectors will still consider how authorities have collaborated as Local Plans are examined.

St. Albans City and District Council

- 8.24. St Albans consulted on their Regulation 18 between July – September 2023 and Regulation 19 between September and November 2024. Officers raised the following issues:
- whether the level of secondary school education was sufficient for the growth proposed around Harpenden, noting that residents in Kimpton and Blackmore End in North Herts currently rely on Secondary School provision in Harpenden;
 - whether additional bus provision was needed for site allocations north east of Harpenden
 - as well as ensuring the cumulative impacts associated Local Plan allocations, North Herts sites (east of Luton and Codicote) and the expansion of Luton Airport on traffic through the villages within the rural area east of the A1081, north of the A1057, west of the A1(M) and south of the A505.
- 8.25. The Council submitted the Local Plan for examination in November 2024. Stage 1 sessions were held in April and May 2025 with Stage 2 hearings held in October and November 25. North Herts did not appear at the hearing sessions. The inspector issued a post hearing letter in January 2026 which set out a number of modifications to enable the Plan to be found sound. These issues were consulted upon in March 2026 and relate to Green Belt Village designations, housing land supply and Gypsy and Traveller accommodation. St Albans Council expect the Local Plan to be adopted shortly. More details on the Local Plan can be found on [St Albans City and District Council's website](#).

Uttlesford District Council

- 8.26. Uttlesford's Local Plan was adopted on 25 March 2026. More details can be found on [Uttlesford District Council's website](#). Uttlesford shares only a short, common boundary at the east of the district near Nuthampstead. The Plan includes policies and requirements to ensure that any cumulative impacts of development in Uttlesford which might affect the District, notably on the A505 east of Royston, are appropriately considered.

Stevenage Borough Council

- 8.27. Stevenage Borough Council is undertaking a partial review of its Local Plan. The Council undertook the following consultations:
- Regulation 18: July – Aug 2024
 - Regulation 19: November 2024 – February 2025
 - Addendum (Regulation 19 to Pre-Submission): June – August 2025
- 8.28. The examination took place in December 2026. North Herts officers raised two main points:
- A full Local Plan review would have been more appropriate than a partial review, as it would have allowed a 15-year plan period rather than leaving only five years remaining, providing a more robust basis for housing delivery.

- Concerns were raised about the presentation of changes across the documents, which made them difficult to navigate, and about the lack of clarity regarding how and why more strategic issues were introduced at later stages.
- 8.29. Officers attended several hearing sessions during the examination. Following the hearings, the Inspector issued a post-hearing statement confirming that the Plan was capable of being found sound, subject to a number of modifications. None of these were in relation to points raised by North Herts. Further detail is provided within the [Inspector's post hearing note](#). Stevenage consulted on their main modifications between 18 February and 31 March 2026. North Herts officers did not submit a response as we had no further comments to make. More information is available on [Stevenage Borough Council's website](#).
- 8.30. Stevenage is also intending to undertake a full review of their Local Plan as part of the first wave of authorities in the new system. Officers are therefore working with Stevenage to identify opportunities for joint evidence-base work and to align policy approaches where possible in preparation for Local Government Reorganisation.

Luton Borough Council

- 8.31. Luton Borough Council had consulted on Regulation 18 Issues and Options consultation and call for sites between December 2024 and February 2025. The Council then undertook a further call for sites between May and June 2025. A further Regulation 18 consultation was planned for March/April 2026, however, the Council has since decided to prepare its Local Plan under the new plan-making system. Officers have met to discuss provisional programmes and opportunities to align evidence-base work under the new system. More details can be found on [Luton Borough Council's website](#).

Central Bedfordshire Council

- 8.32. Central Bedfordshire Local Plan was adopted in July 2021. A full review of the Local Plan started in November 2023. A Call for Sites exercise was carried out November 2024 to January 2025. Central Bedfordshire were intending on commencing as Regulation 18 consultation in early 2026, however, are now intending on preparing their Local Plan under the new system. It is expected they will publish an updated timetable in March/ April 2026. Officers have scheduled further duty to cooperate meetings to ensure alignment of strategic cross boundary issues as both Local Plans progress.

East Hertfordshire District Council

- 8.33. East Hertfordshire Local Plan was adopted in 2018. A full review of their Local Plan started in 2024 and included a call for sites and vision consultation. East Herts is now preparing the Local Plan under the new system and is intending to be part of the first wave of authorities in the new system alongside Stevenage and ourselves. Officers are therefore working with East Herts to identify opportunities for joint evidence-base work and to align policy approaches where possible in preparation for Local Government Reorganisation.

East Herts is intended on submitting its Notice of intention to review its Local Plan and a revised timetable in advance of the 30 June 2026 deadline.

- 8.34. More details can be found on [East Herts Council's website](#).

Welwyn Hatfield District Council

- 8.35. Welwyn Hatfield Local Plan was adopted in October 2023. A review of the Local Plan started in 2024 with two call for sites in spring and summer 2025. The Council have just completed a Regulation 18 consultation and a further call for sites which closed on 26 March 2026. The Council is intending of undertaking a Regulation 19 consultation in September 2026 with a view of submitting the draft Plan to the Secretary of State before the deadline of December 2026 to be considered under the current system rather than the new plan-making system. North Herts officers have submitted a response to the Regulation 18 consultation which welcomes Welwyn's commitment to meet its housing need and to align policy approaches where possible in preparation for Local Government Reorganisation. This is attached as Appendix C.
- 8.36. More details can be found on [Welwyn Hatfield District Council's website](#).

South Cambridgeshire District Council / Greater Cambridgeshire Shared Planning

- 8.37. The Council is preparing a joint Local Plan with Cambridge City Council under the Greater Cambridge Local Plan. The draft Plan (Regulation 19) was consulted on between December 2025 and January 2026. North Herts officers made two key comments:
- Identifying the long-term strategic potential of the Ashwell and Morden area, in line with national policy encouraging development around railway stations, and suggesting further joint exploration of whether it could help meet longer-term housing needs for both authorities.
 - Highlighting the significant deficit of outdoor sports facilities in and around Royston, and exploring whether the emerging Plan could support delivery of such facilities.
- 8.38. Greater Cambridge intends to consult on the draft Local Plan (Regulation 19) in summer 2026 and submit it to the Secretary of State by December 2026 to be examined under the current system. North Herts officers will continue to work with Greater Cambridge as the Plan progresses.
- 8.39. More details can be found on [Greater Cambridge Shared Planning's website](#).

Neighbourhood Plans

- 8.40. There are currently no Neighbourhoods Plans in preparation. Under planning reforms, local communities will be able to prepare 'Neighbourhood Priorities Statements' (NPS). These are a lighter-touch alternate to Neighbourhood Plans. The (potential) role of NPS will be explored with parish and town councils as part of the scoping consultation in the preparatory stages of the new Local Plan.

Other matters

North Herts Council's Draft Town Centres Strategy

- 8.41. The Town Centres Strategy was consulted on between 3 December 2025 and 30 January 2026. Residents, businesses, community groups and partner organisations on our Local Plan database were invited to participate in the consultation. Officers are currently undertaking an analysis of the consultation responses. It is expected that the final Town Centre Strategy will be presented to Cabinet for adoption in June / July 2026. A supporting Delivery Plan will be prepared during the autumn / winter 2026 in collaboration with the Economic Development team.

9. LEGAL IMPLICATIONS

- 9.1. Under (Section 5, paragraph 5.7.18) of the Council's Constitution (the Terms of Reference for Cabinet), the Constitution states that Cabinet may exercise the Council's functions as Local Planning Authority and receive reports on strategic planning matters, applications for, approval/designation, consultation/referendums revocations (or recommend revocation) of neighbourhood plans and orders, (except to the extent that those functions are by law the responsibility of the Council or delegated to the Service Director: Place).
- 9.2. The preparation of statutory plans and supporting documents is guided by a range of acts and associated regulations including the Planning and Compulsory Purchase Act 2004 (as amended, the PCPA) and the Localism Act 2011.
- 9.3. Under the Council's Constitution (14.6.10 (b) iv B) all functions relating to National Infrastructure Planning including co-ordination of the Council's response to any consultation, examination or other any other matter concerned with major infrastructure projects, is delegated to the Service Director Place.
- 9.4. New regulatory requirements have been issued for the preparation of local plans. This includes enacting various amendments to the PCPA. The planned annual review of the Council's Constitution in Summer 2026 will be used to ensure that relevant requirements and delegations align with the requirements and language of the new plan-making system.

10. FINANCIAL IMPLICATIONS

- 10.1. The general costs of activities identified in this report - including the additional, temporary posts identified in Section 15 below - are met through existing revenue budgets, reserves or benefit from external funding or other arrangements to recover costs.
- 10.2. £20k has been set aside in the budget for any additional work associated with the London Luton Airport DCO application following the conclusion of the Examination from the SoS,(Secretary of State) and following the outcome of the Judicial Review and any ongoing work arising from a positive decision, such as implementing monitoring levels and the enforcement of the approved scheme.
- 10.4 A bid for MHCLG funding was submitting in January 2026 to support the preparation of Local Plan as part of the new plan making system. We have received confirmation that we will receive £108,474 by 31 March 2026. This will support staff capacity and evidence base preparation and augment the currently identified revenue budget for this corporate priority project. The funding is based on the commitment to publish a Notice to commence the Plan by 30 June 2026 and publish Gateway 1 assessment by 31 October 2026.

11. RISK IMPLICATIONS

- 11.1. Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.
- 11.2. Delays to the publishing of regulations relating to Local Plans has meant the Local Plan timetable has needed to be revised to ensure compliance with the new regulations. While the Local Plan can still be prepared within the new 30-month timetable, it is unlikely that the Council will be able to submit the Plan for examination before Local Government Reorganisation (LGR) in March 2028. However, key decisions will be taken ahead of this.
- 11.3. As neighbouring authorities advance their own Local Plans, it is essential to maintain alignment on strategic matters, particularly with those authorities that may be integrated with us through Local Government Reorganisation (LGR). Officers continue to hold regular meetings with neighbouring authorities to support constructive and collaborative working relationships. This includes ongoing work through the NEC group, as well as preparatory work for the future Strategic Development Strategy (SDS) and its relationship with the Local Plan.
- 11.4. A substantial number of Government consultations affecting the planning system—both plan-making and decision-taking—have recently been issued, with more expected. Officers will continue to monitor these developments closely and assess their implications for ongoing and future work at North Herts.
- 11.5. Resourcing issues across the planning profession remain a concern. The inability to recruit or retain experienced officers poses a risk to delivering the required programme of work for the Local Plan.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2. There are not considered to be any direct equality issues arising from this report. Future individual schemes or considerations may well be subject to appropriate review to ensure they comply with latest equality legislative need. Any risks and opportunities identified will also be subject to assessment for impact on those that share a protected characteristic.

13. SOCIAL VALUE IMPLICATIONS

- 13.1. The Social Value Act and “go local” requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. Several of the schemes noted at section 8 will have considerable impact on the environment as they come to fruition. Many of these will be subject to their own statutory requirements for environmental assessment such as Sustainability Appraisal or Environmental Impact Assessment. The need for further assessment, for example where there is no statutory requirement, is considered on a case-by-case basis.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1. No new implications arising directly from this report. Staffing and capacity within the planning service is monitored and managed on an on-going basis.
- 15.2. There are presently four vacancies in the Development Management service with recruitment ongoing. This includes fixed-term posts to provide additional capacity.
- 15.3. Two permanent posts within the Strategic Planning Service have been filled. There is currently a vacancy for a fixed term post which will be advertised shortly. The strategic planning manager post is currently filled on an interim basis and is expected to be advertised in the spring 2026. There is also an agency staff post to support the call for sites work.

16. CONTACT OFFICERS

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Appendices

Appendix A – NPPF 2026 – North Herts response

Appendix B – HIPP response to the NPPF

Appendix C – Welwyn and Hatfields Regulation 18 – North Herts response



Celebrating 50 years

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10 March 2026

Dear Sir/Madam

Proposed reforms to the National Planning Policy Framework and other changes to the planning system

Thank you for consulting North Hertfordshire Council on the proposed changes to the National Planning Policy Framework. This response sets out our overarching comments on the key issues arising from the draft revisions. A detailed response to each consultation question is provided in the appendix.

Clarity and Definitions

There is a need for greater clarity and precision in several terms and phrases used within the updated NPPF. Clear definitions are essential to ensure consistency in interpretation and to provide certainty for plan-making and decision-taking.

- The definition of a “Large Built-Up Area”.
- A clear list of acceptable and unacceptable uses within settlements would be particularly helpful for very small settlements where interpretation varies widely.

- The term “reasonable walking distance” for development around train stations is too vague.
- Clarification is needed on the relationship between vision-led transport planning and transport modelling. Modelling is costly and time-consuming; without explicit guidance, Local Plans risk delay.
- The repeated use of the phrase “most appropriate level” introduces ambiguity and risks inconsistent application.

Statutory Weight for National Development Management Policies

Granting statutory weight to NDMPs could provide benefits, including greater national consistency, reduced duplication in Local Plans, and a more streamlined plan-making process. However, the current tension with Section 38(6) of the Planning and Compulsory Purchase Act 2004 means that non-statutory NDMPs risk legal challenge and could create uncertainty.

Local Plans must retain the ability to refine or supplement national policy where robust local evidence justifies a different approach. A statutory NDMP framework should therefore:

- Allow limited, evidence-based local variation.
- Set out clearly how conflicts between NDMPs and local policies will be resolved.
- Include formal consultation, transparent review processes, and clear transitional arrangements to avoid disadvantaging plans at different stages.

Development Around Train Stations

While development around train stations is supported in principle, we have concerns about the potential shift away from a plan-led approach.

- Many rural stations fall within top 60 Travel to Work Areas, but development within walking distance of these stations could fundamentally alter rural character.
- Policy L3 (minimum densities around stations) risks imposing densities that are inappropriate for rural contexts and could place pressure on local infrastructure.
- Density should remain a locally determined matter, based on site-specific circumstances and coherent placemaking.

Presumption in Favour of Sustainable Development

We support the principle of the presumption in favour of sustainable development. However, we have concerns about its application outside settlements.

- If an authority falls below a five-year housing land supply due to stalled sites—through no fault of the authority—the presumption could enable development in locations that undermine the spatial strategy.
- Large unplanned sites could divert infrastructure investment away from planned growth areas, weakening the coherence of the overall strategy.

Within settlements, the phrase “benefits of approving development are likely to be substantially outweighed by adverse effects” alters the planning balance. For biodiversity, mapped and designated areas are finite and irreplaceable; their loss cannot be justified if the aim is genuinely sustainable development.

Climate Change

We support the aims of policy CC1, which requires proactive planning to mitigate climate change and ensure local plans contribute to reductions in greenhouse gas emissions.

However, we have concerns that PM13 may undermine these aims by restricting Local Plans from setting local standards in key areas.

- This creates a potential contradiction: CC1 requires ambitious action, yet PM13 limits the tools available to achieve it.
- The Government’s rationale is that the Future Homes Standard will deliver these reductions, but its publication and implementation have been delayed.
- Local Plans under the new system could be adopted by 2028/29, meaning they could play a crucial role in accelerating progress.

Relying solely on building regulations risks being too slow and inflexible. Allowing Local Plans to set higher local energy efficiency standards, where viability allows, would support faster progress toward net zero and reflect local needs and ambitions. This is essential for those authorities that have declared a Climate Change Emergency.

Allocation of 10% of Housing on Sites Between 1 and 2.5 Hectares

Whilst this approach helps ensure an appropriate range and size of sites are brought forward to meet the authority’s identified needs, it is important that the policy includes safeguards to prevent larger sites, particularly those that would ordinarily be master-planned or delivered in phases, from being artificially subdivided to fall below the relevant thresholds.

Local authorities may also struggle to meet the requirement for 10% of allocations to fall within the 1–2.5 hectare range. Landowners of smaller sites are often reluctant to wait for the Local Plan process—given the long timescales involved—and may instead pursue speculative or windfall development, particularly in areas without a five-year housing land supply. This behaviour could significantly limit the pool of sites available for allocation and, in turn, restrict an authority’s ability to meet the 10% target in practice.

Affordable Housing

We disagree with the removal of the requirement for on-site affordable housing on medium sites. While flexibility may be appropriate in some cases, this should be done on viability considerations. Removing the requirement risks reducing affordable housing delivery, particularly in rural areas where medium-sized sites can often be a good source of supply. It also reduces the ability to plan for mixed and balanced communities.

5 year housing land supply and Housing Delivery Test

Local authorities work hard to ensure that development can be brought forward efficiently, but once planning permission is granted, delivery is largely outside our control. Strengthening national guidance, improving transparency, and ensuring shared responsibility across the system would help support more reliable housing delivery.

Density

It is not appropriate for the NPPF to specify a fixed density figure. Local authorities must retain the ability to set standards based on:

- local character
- infrastructure capacity
- design sensitivities
- environmental constraints

Green Belt

North Hertfordshire Council passed a Motion on 29 January 2026 expressing concerns about how villages are treated in relation to grey belt and the potential for villages to merge with each other or with neighbouring towns.

This motion can be found here: [Agenda item - NOTICE OF MOTIONS | North Herts Council](#)

Officers of the Council have additionally prepared technical responses to many of the detailed questions contained in the consultation. These are set out in the attached Appendix. Officer comments reflect their objective, professional opinions and expertise on these matters. These should be taken into consideration recognising that, where comments relate to matters other than those set out above, these are not presently formally endorsed positions of the Council.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D Wright', with a stylized, cursive script.

Cllr Donna Wright

Executive Member for Place

North Hertfordshire District Council

Appendix 1

Technical Officers comments

- 1) **Do you have any views on how statutory National Development Management Policies could be introduced in the most effective manner, should a future decision be made to progress these?**

Giving statutory weight to NDMPs could bring clear benefits: greater national consistency, reduced duplication in local plans, and a more streamlined plan-making process. However, the current tension with Section 38(6) of the Planning and Compulsory Purchase Act 2004 means that non-statutory NDMPs risk legal challenge and could introduce uncertainty.

It remains essential that local plans can refine or supplement national policy where robust local evidence justifies a different approach. A statutory NDMP framework must therefore allow limited, evidence-based local variation and set out clearly how conflicts between NDMPs and local policies will be resolved.

If introduced, statutory NDMPs should be subject to consultation, with a transparent process for review and clear transitional arrangements so that plans at different stages are not disadvantaged and decision-making remains robust during the changeover.

Changes to structure and content

- 2) **Do you agree with the new format and structure of the draft Framework which comprises separate plan-making policies and national decision-making policies? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree. The revised format and structure are welcomed and provide clearer distinction between what should be addressed through plan-making and what should guide decision-making. However, the introduction of non-statutory Development Policies creates uncertainty and a potential risk of legal challenge. Because these policies would not form part of the statutory development plan, yet are intended to carry significant weight, they would not sit on the same footing as adopted Local Plan policies. This imbalance could undermine clarity for decision-makers and weaken the overall robustness of the planning framework.

- 3) **Do you agree with the proposed set of annexes to be incorporated into the draft Framework? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Party disagree. While the annexes provide useful technical detail that supports understanding of policy approaches and methodologies, they are not policy in their own

right. The level of detail they contain makes it more appropriate for them to remain as annexes rather than being integrated into the main body of the NPPF, where they could interrupt the structure and clarity of the Framework.

Do you agree with incorporating Planning Policy for Traveller Sites within the draft Framework? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree. It is important there is a clear policy approach for planning for travellers sites within the main body of the NPPF.

Chapter 1: Introduction

- 4) **Do you agree with the proposed approach to simplifying the terminology in the Framework where weight is intended to be applied? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree***

Agree. The use of different terms does create the potential for inconsistent interpretation and for unintended weight to be attached where none is intended. Ensuring terminology is used consistently across the Framework is therefore important.

Chapter 2: Plan-making policies

The plan-making framework

- 5) **Do you agree with the role, purpose and content of spatial development strategies set out in policy PM1? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree. The proposed SDS framework has the potential to address strategic, cross-boundary issues more effectively, however its success will depend heavily on how these bodies are constituted and empowered.

To operate at the appropriate strategic scale, SDS bodies must be sized and structured to work confidently at the broader level without simply cascading unresolved decisions down to local authorities. If SDS bodies lack the capacity, authority or clarity of remit to take decisions that genuinely sit at the strategic tier, the burden will fall back onto local planning authorities, undermining the purpose of the reform. For SDS to function as intended, these bodies must be properly resourced and equipped with the decision-making powers necessary to deliver on the outcomes they identify. At the same time, their work must be informed by meaningful involvement from local authorities and communities, ensuring that strategic decisions remain grounded in local realities. This

balance of strategic capability combined with local engagement is essential if SDS are to provide coherent, effective planning across functional geographies.

It would be helpful for the government to provide further clarity on how the sequencing of SDS and Local Plans is intended to operate in practice. In particular, there is a risk that Local Plans may be prepared or updated before an SDS is sufficiently advanced, making it difficult to safeguard land for strategic infrastructure such as transport corridors, water infrastructure, energy networks, or other cross-boundary requirements.

Clear guidance on the expected sequencing, or on mechanisms to ensure alignment would help avoid inconsistencies and reduce the need for early Local Plan reviews.

- 6) **Do you agree that alterations should be made to spatial development strategies at least every 5 years to reflect any changes to housing requirements for the local planning authorities in the strategy area? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

a) If not, do you think there should be a different approach, for example, that alterations should only be made to spatial development strategies every five years where there are significant changes to housing need in the strategy area?

Disagree. SDSs should be reviewed every 10 years and should have a 30 year plan period. Given the scale and long-term nature of strategic planning, frequent or marginal updates would undermine certainty for local authorities, developers and communities, and risk weakening the strategic purpose of SDSs.

A 10 year review cycle provides stability needed for effective long-term planning and delivery. Regardless of whether the SDS itself requires updating, the accompanying Infrastructure Delivery Plan should be refreshed to reflect changes in funding, delivery opportunities and infrastructure priorities, ensuring that Local Plans beneath the SDS can be prepared on a sound and up-to-date basis.

- 7) **If spatial development strategies are not altered every five years, should related policy on the requirements used in five year housing land supply and housing delivery test policies, set out in Annex D of the draft Framework, be updated to allow housing requirement figures from spatial development strategies to continue to be applied after 5 years, so long as there has not been a significant change in that area's local housing need? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree.

- 8) **Do you agree with the role, purpose and content of local plans set out in policy PM2? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree. We support the overall intent of PM2; however, we have concerns about the feasibility of delivering Local Plans within the proposed timescales. The current delays with issuing the new regulations and guidance, its impacts on the timings of Council decision-making cycles, and lack of recognition of implications for authorities going through Local Government Reorganisation raises questions about practical deliverability.

The resource implications are substantial. Many local authorities are already operating with constrained capacity, and the simultaneous progression of multiple plans through the system is likely to create bottlenecks, especially where input from the Planning Inspectorate is required at similar stages. This convergence of demand risks undermining the ability of authorities to meet the proposed deadlines, despite best efforts.

- 9) **Do you think that local plans should cover a period of at least 15 years from the point of adoption of the plan? Yes/No**

Yes. A 15-year plan period provides an appropriate long-term horizon for effective planning. While it is right to expect certainty over the first 10 years, inspectors should apply a more flexible approach to the later years of the plan period, where forecasting is inherently less reliable. The requirement for a five-year review also ensures that Local Plans are regularly reassessed and can respond to changing circumstances. This offers a sensible balance: maintaining stability for long-term priorities while allowing plans to adapt to updated evidence or emerging issues.

Preparing plans

- 11) **Do you agree with the principles set out in policy PM6(1c), including its provisions for preventing duplication of national decision-making policies? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree. While the principle of avoiding duplication between national policy and Local Plans is sound, there is a significant concern about how this will operate in practice. Local authorities can find themselves midway through preparing a Local Plan when the Government revises the NPPF, potentially removing or altering a policy that the emerging plan relies upon. This creates uncertainty for plan-makers and risks undermining the substantial investment of time and resources required to produce a sound plan.

The NPPF does not currently provide any guarantee or explanation of how such situations would be managed, nor does it set out what transitional provisions would protect authorities from the consequences of mid-process policy changes. Without clear safeguards, local councils remain exposed to shifting national policy during critical stages of plan preparation.

Greater clarity is needed on how the Government intends to manage the relationship between evolving national policy and ongoing Local Plan development. Clear transitional arrangements would provide stability, reduce risk, and support the timely delivery of robust Local Plans.

12) Do you agree with the approach to initiating plan-making in PM7? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree. We still reserve judgement on whether a 30-month timetable is genuinely appropriate for producing a coherent and comprehensive Local Plan. While the motivation to speed up plan-making is understandable, and indeed necessary, the current timeframe may not fully reflect the complexity of evidence-gathering, engagement, and cross-boundary coordination required to produce a sound plan.

Regarding the PID, it would be extremely helpful for Government to provide a clear national template setting out exactly what local authorities are expected to include, and the breadth and depth of detail required.

13) Do you agree with the approach to the preparation of plan evidence set out in policy PM8? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Agree. Joint commissioning and coordinated evidence production can significantly reduce duplication and cost, while also helping to ensure consistency across functional geographies. In many areas this already reflects established practice, and embedding this expectation more firmly in national policy should support more efficient evidence gathering and more coherent strategic planning across local authority boundaries.

A standard list of required evidence, alongside standardised templates and methodologies, would further help ensure that evidence bases are proportionate and consistent. This is particularly important where authorities may face capacity or skills gaps, as it would promote a more even quality of evidence and reduce the risk of divergence in findings that stem from methodological differences rather than genuine local variation.

The reference to only updating where there are strong reasons to do so is also welcomed. Local authority budgets are often constrained, and authorities may need to make decisions on what to prioritise.

14) Do you agree with the approach to identifying land for development in PM9? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Agree. Providing a clear, consistent framework for how sites should be assessed and allocated is helpful for both plan-making and decision-taking. A nationally defined

process can support transparency and ensure that key considerations, such as deliverability, infrastructure capacity, environmental constraints, and community priorities are addressed in a proportionate and consistent way.

However, it remains important that the approach retains sufficient flexibility for local authorities to reflect local evidence and spatial context. National principles should guide the process, but Local Plans must remain the primary vehicle for determining which sites are most appropriate within each area.

- 15) Do you agree with the policies on maintaining and demonstrating cross-boundary cooperation set out in policy PM10 and policy PM11? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree. Clear expectations for how authorities should engage with one another are essential for addressing strategic matters that do not align neatly with administrative boundaries, such as infrastructure planning, housing markets, environmental management, and economic development.

The proposed approach provides a more transparent and accountable framework for documenting cooperation, which should help reduce disputes at examination and support more coherent spatial planning across wider geographies. It will be important, however, that the requirements remain proportionate and do not duplicate existing duties or create unnecessary administrative burdens.

The introduction of SDSs should also help with this.

- 16) Do you agree that policy PM12 increases certainty at plan-making stage regarding the contributions expected from development proposals? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree. PM12 increases certainty by clearly setting out expected development contributions at the plan-making stage. This upfront clarity reduces later negotiation, supports transparent viability assessments, and promotes more consistent and efficient decision-making.

- 17) Do you agree that plans should set out the circumstances in which review mechanisms will be used, or should national policy set clearer expectations? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

National policy should set out clear expectations for the circumstances in which review mechanisms should be used. However, if local authorities consider there are additional circumstances that warrant inclusion, this should be considered and agreed through the Local Plan examination.

- 18) Do you agree with policy PM13 on setting local standards, including the proposal to commence s.43 of the Deregulation Act 2015? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly disagree. Whilst we support the introduction of consistent national standards for energy efficiency, we are concerned that the anticipated Future Homes Standard does not propose meaningful improvements to fabric efficiency compared with the current Building Regulations. A fabric-first approach prioritising high levels of insulation, airtightness, and reduced heat loss, should remain central to national policy.

Reducing energy demand at source is the most reliable and cost-effective way to lower household energy bills, improve comfort, and support long-term decarbonisation. Lower baseline energy consumption would also ease pressure on constrained parts of the electricity network, enabling growth in areas where grid capacity currently limits development.

This benefit would be further strengthened if the requirement for rooftop solar PV were combined with battery storage and EV charging controlled through a central smart energy control panel managing solar PV, battery storage, and EV charging. This would enable homes to generate, store, and use more of their own energy.

The inability to set local standards means that, where viability allows, opportunities to require higher performance and contribute more meaningfully to wider climate objectives are lost. This limits the scope for local authorities to drive improvements in energy efficiency and sustainability through the planning system. This is particularly important where Council has declared a Climate Emergency.

Examining plans

- 19) Do you agree that the tests of soundness set out in policies PM14 and PM15 will allow for a proportionate assessment of spatial development strategies, local plans and minerals and waste plans at examination? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree. The proposed framework strikes a reasonable balance between ensuring plans are robust, evidence-based, and deliverable, while avoiding unnecessary burdens that could slow down plan-making.

A clearer and more proportionate set of tests should help streamline examinations, improve consistency across different plan types, and give local authorities greater confidence in preparing plans that are focused on key strategic issues rather than excessive procedural detail.

- 20) **Do you have any specific comments on the content of the plan-making chapter which are not already captured by the other questions in this section?**

We do not have any additional comments on the content of the plan-making chapter beyond those already provided in response to the other questions in this section. The points we have raised elsewhere capture our key observations on the proposed approach, including areas where further clarity or refinement would be beneficial.

Chapter 3: Decision-making policies

Preparing planning proposals

- 21) **Do you agree with the principles set out in policy DM1? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree. Early engagement can help developers understand local issues and adjust their proposals before a planning application is submitted. However, early engagement with local people prior to an application may give a vocal minority disproportionate influence over development, potentially to the detriment of the wider community whose housing and employment needs may not be as actively represented.

A proportionate approach is needed—one that encourages constructive dialogue without creating unreasonable expectations.

- 22) **Do you agree with the policy DM2 on information requirements for planning applications? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree. Establishing a clear, proportionate, and nationally consistent framework for validation will help reduce uncertainty for applicants and ensure that local planning authorities receive the information they need to assess proposals effectively.

A more standardised approach should also help minimise unnecessary variation between authorities, reduce delays at the validation stage, and support a more efficient and transparent planning process overall. It will be important, however, that the policy continues to allow for flexibility where genuinely site-specific or locally justified information is required.

- 23) **Do you have any views on whether such a policy could be better implemented through regulations?**

We note that many of the matters addressed in Policy DM2 appear to overlap with the existing provisions of the Development Management Procedure Order (DMPO), which already sets out statutory information requirements for planning applications. It would be helpful for the government to clarify how DM2 is intended to sit alongside the DMPO, and whether it introduces any substantive changes beyond what is already required in legislation.

Ensuring that the policy framework does not duplicate or conflict with the DMPO will be important for maintaining a clear and streamlined validation process.

24) **Do you agree with the principles set out in DM3? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly disagree. Clause 1(a) may have unintended consequences. It may be helpful to add a reference to seeking proportionate solutions.

We support the use of pre apps as an important tool for negotiation, however if extensive negotiation is reintroduced into live applications, applicants will have little incentive to engage meaningfully at the pre-application stage, and local planning authorities may feel obliged to negotiate even where proposals are fundamentally poor.

The proposed approach could also limit the ability of LPAs to issue clear refusals for development that does not meet policy requirements. The current system already expects authorities to impose conditions where they can reasonably address issues, rather than refusing permission unnecessarily. Requiring further negotiation on all live applications risks creating delay, uncertainty, and additional workload without improving outcomes. Again, it may be helpful to add a reference to negotiation on unforeseen problems.

A more targeted and proportionate approach would better support timely decision-making and maintain the integrity of the preapplication and application stages.

25) **Do you agree that policy DM5 would prevent unnecessary negotiation of developer contributions, whilst also providing sufficient flexibility for development to proceed? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree***

Agree. Policy DM5 provides a clear framework for developer contributions while retaining the flexibility needed to respond to site specific viability issues. This clarity helps ensure a consistent basis for land valuation and policy compliant schemes, while Clause D allows the policy to adapt to significantly changed economic conditions.

The inclusion of a review mechanism is also essential. It ensures that as market conditions evolve, councils can capture any uplift in value and secure appropriate contributions without reopening unnecessary or protracted negotiations. Together, these measures limit unnecessary negotiations while still enabling development to proceed.

- 26) **Do you have any further comments on the likely impact of policy DM5: Development viability?**

We have no further comments to make on the likely impact of policy DM5.

- 27) **Do you have any views on how the process of modifying planning obligations under S106A, where needed once a section 106 agreement has been entered into, could be improved?**

Clarity and guidance on this would be useful as there is confusion for all parties relating to this process.

- 28) **Do you have any views on how the process of modifying planning obligations could be improved in advance of any legislative change, noting the government's commitment to boosting the supply of affordable housing.**

We consider that the proposals do not go far enough. If the Government is serious about accelerating housing delivery, a more fundamental reform is needed. A national scheme of standardised contributions, weighted by region to reflect viability, would provide far greater transparency, predictability, and efficiency for developers and local authorities alike. Coupled with a standardised Section 106 template, this would significantly reduce negotiation time, minimise disputes, and support faster decision making.

Local planning authorities should also be able to pool contributions more flexibly to fund emerging infrastructure needs, rather than being constrained by overly narrow project definitions. A 10 year spending period before unspent contributions are returned would strike a reasonable balance between accountability and the practical realities of delivering major infrastructure.

Taken together, these measures would create a more streamlined, certain, and delivery-focused system.

- 29) **Do you agree with the approach for planning conditions and obligations set out in policy DM6, especially the use of model conditions and obligations? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

We support the approach in principle, particularly the emphasis on using conditions where appropriate, and the ability to proceed where a statutory consultee has not provided a timely response. This will help avoid unnecessary delays and reinforce the expectation that issues capable of being addressed through conditions should not lead to refusal.

We also recommend that the policy explicitly addresses the use of conditions in retrospective applications. Comprehensive and coordinated conditions are essential to ensure that enforcement, whether informal or formal, and any revised schemes

submitted can be managed effectively and brought into compliance. Clear guidance on this point would support more consistent practice across authorities.

- 30) **Do you agree that policy DM7 clarifies the relationship between planning decisions and other regulatory regimes? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly agree. It will help prevent utilities, such as water companies, from effectively embargoing new development through blanket objections or delays. This is particularly important given the pattern of responses often received from statutory consultees (for example, Anglian Water), where objections can halt or significantly slow down otherwise acceptable schemes.

The policy also provides helpful clarity for other consultees, such as highways authorities, who sometimes stray into issues governed by their own regulatory regimes rather than planning policy. Ensuring that consultees remain within their proper remit will support a more efficient, proportionate, and predictable decision-making process.

- 31) **Do you agree with the new intentional unauthorised development policy in policy DM8? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly disagree. A development either complies with planning policy and is acceptable, or it does not comply and/or causes harm. The perceived intentionality of the developer should not be a material consideration. Introducing intent into enforcement decisions would be confusing, subjective, and extremely difficult to assess or evidence. It risks personalising decisions rather than focusing on planning merits.

This represents a fundamental shift away from the established purpose of enforcement, which is to remedy harm arising from unauthorised development, not to punish individuals. The Town and Country Planning Act does not make it an offence to carry out development without first obtaining planning permission, and current practice rightly centres enforcement decisions on the extent of harm. Unauthorised development is not considered more harmful simply because of the developer's perceived motives.

It is also unclear how this proposed approach would interact with the existing ability to impose conditions on retrospective applications to make development acceptable in planning terms. The current system already provides flexibility to resolve breaches proportionately, and LPAs can take formal action where harm cannot be addressed.

While we agree that reliance on retrospective applications should be discouraged, the proposal risks pivoting away from informal resolution toward punitive measures that are currently reserved for non-compliance with enforcement notices. This would not improve outcomes and could undermine confidence in the enforcement system.

32) **Are there any specific types of harm arising from intentional unauthorised development, and any specific impacts from the proposed policy, which we should consider?**

We consider the proposed approach to be very difficult to implement in practice. It is unclear how a local planning authority would determine what conditions should be imposed to make an unauthorised development acceptable in planning terms, particularly where the development has already been carried out and the harm is evident. This creates significant uncertainty and risks inconsistent decision-making.

We agree that stronger measures are appropriate for development that is built out following a refusal, and for schemes that deviate so significantly from an approved permission that a new full application is required. In such cases, the current enforcement tools can be limited, especially where resourcing constraints make direct action unrealistic. A more robust framework would help address situations where harmful development proceeds regardless of the planning process.

The same applies to unauthorised uses that generate revenue. These can continue to operate profitably while the planning application, appeal, enforcement, prosecution, and POCA processes run their course. This undermines public confidence and creates perverse incentives. Limiting from the outset the circumstances in which unacceptable and harmful unauthorised development can occur would be far more effective than relying on lengthy and resource-intensive enforcement routes.

Overall, while the intention behind the proposal is understood, the practical implications are unclear and risk creating more problems than they solve.

33) **Do you agree with the new Article 4 direction policy in policy DM10? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree.

Chapter 4: Achieving sustainable development

- 34) **Do you agree with the proposed approach to setting a spatial strategy in development plans? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly Agree. This policy provides helpful clarity on the intended purpose of Local Plans and the strategic direction expected within each local authority area. However, aligning a local authority's spatial strategy with the emerging SDS may prove challenging where the local authority is more advanced in its Local Plan preparation than the SDS-producing body.

In such circumstances, there is a real risk of misalignment between the two tiers of strategy, potentially requiring local authorities to revisit or delay elements of their work to ensure conformity once the SDS is finalised. This could undermine plan-making efficiency and introduce uncertainty into the process at a point when clarity and stability are essential.

- 35) **Do you agree with the proposed definition of settlements in the glossary? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree. We support the proposed definition of settlements as set out in the draft glossary. In our view, the definition is clear, proportionate, and provides a practical foundation for consistent interpretation across policy areas. Establishing this clarity is essential for effective implementation, and the proposed wording achieves that aim without introducing unnecessary complexity.

- 36) **Do you agree with the revised approach to the presumption in favour of sustainable development? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

We agree in principle, but we have concerns about aspects of the presumption outside settlements. If an authority falls below a five-year housing land supply because sites have stalled—through no fault of the authority—the presumption could lead to permissions in locations that undermine the overall spatial strategy. This is particularly problematic if these are large sites, which may divert infrastructure investment away from planned growth areas and weaken the coherence of the wider strategy.

- 37) **Do you agree to the proposed approach to development within settlements? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly agree. The cross-referencing to policies HC7, HC8 and N6 is welcome and provides a coherent framework. However, the wording that “the benefits of approving development are likely to be substantially outweighed by adverse effects” alters the planning balance. In areas of particular importance for biodiversity, this risks weakening the protections these policies are intended to secure.

These areas are a finite and irreplaceable resource. If they are mapped and designated, they are done so for clear ecological reasons, and their loss cannot be justified if the aim is to achieve genuinely sustainable development. This is essential to ensuring that biodiversity assets of the highest importance are safeguarded for the long term.

- 38) **Do you agree to the proposed approach to development outside settlements? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree. We support the proposed approach to development outside established settlements in certain cases. It is essential that planning policy recognises the diversity of land uses that characterise rural areas and the distinct role they play in sustaining local communities. A balanced and proportionate framework must acknowledge that the rural economy depends not only on traditional agricultural activity but also on a wide range of ancillary and complementary uses.

By explicitly recognising these varied land uses, the proposed approach provides a more realistic foundation for decision-making. Rural businesses, land-based industries, and community services often require flexibility in terms of location, scale, and operational needs. A policy framework that understands these requirements is better placed to enable appropriate development while still safeguarding the character and environmental quality of the countryside.

A nuanced understanding of rural land use is vital to ensuring that planning policy supports a thriving rural economy, maintains essential services, and allows communities to adapt to changing economic and social pressures.

We also believe that policy S5 should include a clear cross-reference to N6. While it makes partial reference to HC8 in relation to Local Green Space, nature conservation considerations are equally, if not more, important outside settlement boundaries. Much of the LNRS and APIB mapping lies in these areas, and the policy framework should explicitly recognise their significance.

Ensuring that S5 aligns with N6 would provide a more coherent and consistent approach to safeguarding biodiversity across the full range of locations where important habitats

are found. Without this, there is a risk that ecologically valuable land beyond settlement edges may not receive the level of protection intended by the wider policy suite.

We do have concerns in relation to some of the categories. See answer below.

- 39) **Do you have any views on the specific categories of development which the policy would allow to take place outside settlements, and the associated criteria? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly disagree. We have concerns about situations where an authority falls below a five-year housing land supply because sites have stalled through no fault of the authority. In these cases, the presumption could lead to permissions in locations that undermine the area's overall spatial strategy. This risk is heightened for larger sites, which may divert infrastructure investment away from planned growth areas.

The wording of criterion j.i is also unclear. The term "well related" is ambiguous and open to interpretation. The policy should be more explicit about what "well related" means in practice, whether this refers to physical proximity, functional links, design coherence, infrastructure capacity, or another defined relationship. Clearer wording would help ensure consistent understanding and implementation.

The reference to "limited infilling within groups of houses" requires further clarification. It is unclear what constitutes a "group" of houses in this context, for example, whether this means two or more dwellings, or a more cohesive cluster with an established built form.

- 40) **Do you agree with the proposed approach to development around stations, including that it applies only to housing and mixed-use development capable of meeting the density requirements in chapter 12? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Disagree. It is not appropriate for the NPPF to specify a fixed density figure unless clearly framed as a starting point. Local authorities must retain the ability to set standards based on:

- local character
- infrastructure capacity
- design sensitivities
- environmental constraints

A single national density requirement would not reflect the differences between different areas.

As drafted, this criterion is also too narrow and lacks clarity. The supporting footnote focuses solely on weekday daytime services, which may provide connectivity to standard working hours but does not reflect the needs of shift workers, whose travel often occurs early in the morning, late at night, or at weekends. It also provides no detail on what “services” are considered important. Given that commuting accounts for only 12% of trips (National Travel Survey 2024), access to education, retail, leisure, social, cultural, and sporting activities is equally, if not more, important in determining whether a place is genuinely well connected.

While it is right that land close to railway stations should be considered for development, the presence of a station alone does not automatically make a location sustainable, whether in transport terms or more broadly. A more holistic definition of connectivity is needed.

The caveat that development should not prejudice “proposals for long-term comprehensive development in the same location” should be clarified to mean sites or proposals identified in a SDS, Local Plan or Supplementary Plan rather than unspecified future possibilities.

Whilst we recognise the sustainability benefits of directing development at or close to stations, such proposals can conflict with key heritage aims. There is therefore some concern regarding sections such as policy S2 1(d) and L3 3. In certain locations, intensification around stations may place pressure on the setting, character or significance of nearby heritage assets. Clearer guidance is needed to ensure that the drive for sustainable, transit-oriented development does not inadvertently undermine heritage objectives, and that appropriate balancing mechanisms are built into policy.

Furthermore, the policy should also explicitly reference N6 to ensure that nature conservation is fully considered. Proximity to a station does not diminish the ecological value of surrounding land; in fact, such locations can offer important opportunities for nature recovery, particularly where strategic habitat networks or LNRS priorities are present.

If higher densities are encouraged in these areas, there is a real risk that opportunities for biodiversity enhancement could be overlooked. To avoid this, LNRSs must be taken into account from the outset, ensuring that development responds positively to identified priorities and contributes meaningfully to nature recovery rather than inadvertently constraining it.

- 41) **Do you agree that neighbourhood plans should contain allocations to meet their identified housing requirement in order to qualify for this policy? *Strongly agree, partly agree, neither agree or disagree, partly disagree, strongly disagree.***

Agree. Neighbourhood Plans have an important role to play in shaping local development, and we believe they should be encouraged to make site allocations wherever possible. In practice, however, many Neighbourhood Plans avoid allocating land, often due to

concerns about complexity, local sensitivities, or the risk of challenge. As a result, these plans do not benefit from any meaningful protection under the proposed ‘tilted balance’ provisions.

Introducing a clear incentive, whereby Neighbourhood Plans that allocate sites are afforded additional weight or protection against the presumption in favour of sustainable development, could help shift this behaviour. A policy mechanism that rewards proactive planning would give communities greater confidence that the effort involved in making allocations will be recognised and upheld. This, in turn, may lead to more Neighbourhood Plans taking responsibility for identifying growth locations, supporting both local ownership and a more plan-led system overall.

This challenge is compounded by the fact that Locality funding is no longer available for neighbourhood plan forums. Without this support, many groups lack the resources or technical capacity to undertake robust assessments of local housing needs. As a result, neighbourhood plans may be even less able to engage meaningfully with the scale and type of development required.

A clearer framework is needed to reconcile these competing pressures and to ensure that neighbourhood planning supports, rather than frustrates, the delivery of sustainable development.

Chapter 5: Meeting the challenge of climate change

Plan-making policy

- 42) **Do you agree with the approach to planning for climate change in policy CC1?**
Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Partly disagree. We welcome the strong emphasis on directing development to sustainable locations, supporting higher-density growth, promoting nature-based solutions and Nature Recovery Strategies, and adopting a vision-led approach to sustainable transport. These elements form an important foundation for a more sustainable planning system.

However, to be fully aligned with Net Zero objectives, the Framework should place greater emphasis on improving the energy efficiency of new buildings. Higher standards of fabric efficiency—such as improved insulation, airtightness and ventilation—are essential to reducing energy demand. As drafted, Policy CC1 conflicts with policy PM13 which limits the ability of local authorities to set higher standards particularly where viability considerations would allow. The absence of embodied carbon considerations also represents a missed opportunity given its significant contribution to built-environment emissions.

Notwithstanding the above, clause 1c is particularly important. In areas such as North Hertfordshire, where chalk streams are globally rare and already under considerable

pressure, the cumulative impact of new development on water demand requires a coordinated national approach. Local planning authorities cannot address these challenges in isolation. Without national-level intervention on water efficiency, supply management and long-term resilience, development risks placing unsustainable pressure on these highly sensitive catchments.

National decision-making policies

- 43) **Do you agree with the approach to mitigating climate change through planning decisions in policy CC2? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly disagree. While the use of sustainable technologies is important, it should not be treated as a material consideration capable of outweighing poor design or other fundamental planning concerns. Good planning requires a balanced assessment, and sustainability measures cannot compensate for development that is otherwise unacceptable.

There is a risk of duplication or inconsistency between the planning system and Building Regulations, which could create confusion for applicants and decision-makers.

A clearer distinction between what is appropriately addressed through planning and what is better regulated through Building Regulations would help ensure a more streamlined and effective approach.

There should be explicit recognition of the value of trees, as set out in Policy N3, as carbon sinks. Their role in carbon sequestration, urban cooling, biodiversity and wider ecosystem services is fundamental to climate mitigation and should be referenced directly within CC2.

CC2(1a) refers to “sustainable transport modes”, but the current definition remains problematic. It continues to include “ultra-low and zero-emission vehicles”, which risks relieving planning authorities and developers of the responsibility to support a meaningful transition to active travel and public transport.

There is also a contradiction between the need to take a proactive approach to climate change mitigation and the requirements of Policy PM13. To meet climate objectives, we need highly insulated, airtight homes with mechanical ventilation systems that reduce overall energy demand. The NPPF should also include a policy on embodied carbon, omitted from the Future Homes Standard, requiring it to be assessed, reduced and verified. A reference to embodied carbon should be referenced under this Policy.

The anticipated introduction of mandatory rooftop PV on new dwellings (via the Future Homes Standard) should be accompanied by mandatory battery storage. This would allow households to benefit fully from the energy they generate and support grid balancing by smoothing supply and demand.

In addition to the specific points on the approach to Policy CC2, we would like to make the following observation on the glossary definition of sustainable transport.

Although the definition of sustainable transport is qualified by the word “efficient”, this is ambiguous. It could refer to energy efficiency or space efficiency. Hybrid vehicles are not especially energy-efficient, and single-occupancy cars, regardless of fuel type, are neither space-efficient nor energy-efficient. The definition also fails to consider public health impacts, including road danger, emissions from internal combustion engines in hybrid vehicles, and particulate pollution from tyres, brakes and road surfaces.

Car-sharing, while potentially beneficial, has limited relevance to spatial planning. Electric vehicle infrastructure is already adequately addressed elsewhere and does not require EVs to be included within the definition of “sustainable transport modes”.

For planning purposes, a clearer and more appropriate definition would be:

“Any safe, space-efficient, energy-efficient, healthy and accessible means of transport, including walking, wheeling, cycling and public transport.”

- 44) **Do you agree with the approach to climate change adaptation through planning decisions in policy CC3? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree. CC3(1)(d) could be clearer in articulating the full range of benefits that trees provide. In addition to their contribution to biodiversity and visual amenity, trees play a critical role in climate adaptation by providing shade, mitigating the urban heat island effect, and absorbing rainwater. Explicitly referencing these functions would strengthen the policy and ensure that the climate resilience value of trees is fully recognised and consistently applied in decision-making.

- 45) **Does the policy on wildfire adaptation clearly explain when such risks should be considered and how these risks should be mitigated? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Neither agree nor disagree as we have no experience in this issue.

- 46) **How should wildfire adaptation measures be integrated with wider principles for good design, and what additional guidance would be helpful?**

We have no view or comment to offer on this issue.

- 47) **Do you have any other comments on actions that could be taken through national planning policy to address climate change?**

Allowing Local Plans to set standards (i.e., energy efficiency standards) that go beyond existing regulations would provide a more flexible approach and allow local authorities to deliver net zero development to meet local and national targets more quickly.

Solar panels should be mandatory on the roofs of all new commercial buildings, such as large supermarkets, B8 uses, warehouses, and agro-industrial buildings. These developments typically have large roof areas that are well-suited to solar generation and represent a significant opportunity to contribute to national renewable energy targets. Car parks roofs also represent a significant opportunity.

On-site renewable energy generation should be accompanied by battery storage. This ensures that energy generated can be used efficiently, supports grid balancing, and enables occupiers to benefit fully from the renewable energy produced on site.

Whole-life carbon assessments should be required for major developments to account for both embodied and operational carbon. This is essential to ensure that development genuinely contributes to climate mitigation rather than simply shifting emissions between construction and operational phases.

On-site water reuse should be supported. Current “wholesome water” regulations mean that water companies can only supply potable water to homes, even though many household uses do not require drinking-water quality. Planning policy should encourage dwelling- or development-scale water reuse systems to reduce demand on potable water supplies and improve resilience.

Chapter 6: Delivering a sufficient supply of homes

Plan-making policies

- 48) **Do you agree the requirements for spatial development strategies and local plans in policy HO1 and policy HO2 are appropriate? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Policy HO1 is clear in its purpose and provides a straightforward framework for establishing housing requirements. Policy HO2 supports the intention set out above regarding allocations through Neighbourhood Plan.

A further issue arises around the point at which a housing need figure becomes sufficiently “fixed” to allow a Local Authority to progress its Local Plan with confidence. If housing need is recalculated annually, there is a real possibility that the figure underpinning a draft Plan could become out of date before the document reaches examination. While this scenario may be unlikely, and Local Authorities would no doubt plan contingencies, areas with high or rapidly changing housing need may find that such contingencies are insufficient. This creates uncertainty for plan-making authorities and communities alike and could undermine the stability and predictability that the planning system is intended to provide.

- 49) **Is further guidance required on assessing the needs of different groups, including older people, disabled people, and those who require social and affordable housing? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree. Further guidance would be helpful on how Local Authorities should assess the needs of different groups.

Clear and consistent definitions are essential to avoid misinterpretation and to ensure that assessments are robust, transparent, and comparable across areas. Setting out the specific requirements of each group in a structured and accessible way would support more accurate evidence-gathering and help ensure that plan-making genuinely reflects the needs of all parts of the community.

- 50) **Do you agree with the approach to incorporating relevant policies of Planning Policy for Traveller Sites within this chapter? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree. Whilst we support the inclusion of a dedicated policy on Traveller Sites, it is important to acknowledge the practical challenges associated with gathering robust evidence on the need and scale of provision. In many areas, the difficulty does not stem

from a lack of diligence on the part of the Local Authority, but rather from limited engagement by the very communities the policy seeks to support. This can result in an underestimation of need and, consequently, insufficient provision being planned for.

Further national guidance on how authorities preparing SDSs can improve engagement and avoid this evidence gaps would therefore be highly valuable. Clearer expectations, recommended methodologies, and examples of effective practice would help ensure that assessments are both accurate and inclusive, ultimately leading to better-informed and more deliverable policies.

- 51) **Is further guidance needed on how authorities should assess the need for traveller sites and set requirement figures? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

As above.

- 52) **Do you agree the new Annex D to the draft Framework is sufficiently clear on how local planning authorities should set the appropriate buffer for their local plan 5-year housing land supply? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly Agree. Further clarity is required on how the proposed approach will operate in practice.

- 53) **Do you agree the new Annex D to the draft Framework is sufficiently clear on the wider procedural elements of 5-year housing land supply, the Housing Delivery Test and how they relate to decision-making? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly disagree. The calculation of the Five-Year Housing Land Supply (5YHLS) remains highly open to interpretation, and this lack of precision continues to create unnecessary dispute and inconsistency. Government should provide much clearer guidance on what must be included under each component of the calculation, for example, a definitive point at which a dwelling is considered “completed.” Without this clarity, Local authorities and developers will inevitably reach different conclusions from the same evidence base.

To support greater consistency, Government should also issue a standardised national template for all Local Authorities to use when publishing their 5YHLS. This would allow authorities to input their figures into a uniform framework, ensuring that the resulting outputs are robust, comparable, and not vulnerable to misinterpretation or manipulation.

A consistent, country-wide approach would significantly reduce the scope for challenge and improve public confidence in the process.

In addition, developers should be required to publish expected delivery rates for all sites, regardless of size. This would place responsibility on developers as well as local authorities, enabling under-delivery to be identified more transparently and allowing appropriate action to be taken where necessary, including the potential revocation of planning permission. Such measures would help break the cycle in which some developers acquire land, delay build-out, and benefit from rising land values without contributing to housing delivery.

Local authorities work hard to ensure that development can be brought forward efficiently, but once planning permission is granted, delivery is largely outside our control. Strengthening national guidance, improving transparency, and ensuring shared responsibility across the system would help address this imbalance and support more reliable housing delivery.

- 54) **Do you agree the requirements to establish a 5 year supply of deliverable traveller sites and monitor delivery are sufficiently clear? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Disagree. There is currently no guidance on how this requirement should be implemented, and without such clarity it is difficult to see how local authorities could deliver it effectively. As noted earlier, engagement with some communities can already be challenging, and expecting authorities to produce robust assessments without a clear methodology or defined expectations risks creating an undeliverable obligation. Further detailed guidance is essential if this policy is to be workable in practice.

- 55) **Do you agree the plan-making requirements, for both local plans and spatial development strategies, in relation to large scale residential and mixed-use development are sufficiently clear? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree. The policy could go further in providing direction on the sequencing of housing and mixed-use elements within major developments. In practice, we are increasingly finding that mixed-use components are being delivered as “meanwhile” uses, often out of necessity. These uses then become embedded within the emerging community, and when the time comes to revert the land to its originally intended purpose, objections frequently arise. This creates tension, delays, and uncertainty for both developers and local communities.

A clearer policy steer on the expected phasing of housing versus mixed-use elements would help avoid these issues. In addition, there should be a stronger requirement for developers to be transparent from the outset about what will be delivered, when, and for how long. This would help manage community expectations and reduce the risk of

conflict later in the development process. Greater upfront clarity would ultimately support smoother delivery and more sustainable place-making.

- 56) **Do you agree our proposed changes to the definition of designated rural areas will better support rural social and affordable housing? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

We do not see the relevance of Section 157 of the Housing Act in this context. That provision relates specifically to restrictions on the disposal of former council houses in National Parks and certain designated rural areas. Its purpose is to control the resale of such properties, not to define what constitutes a “rural area” for planning policy purposes. It is therefore unclear why it has been referenced here, or how it is intended to inform the definition of rural areas within the draft policy. Further explanation would be helpful to ensure the reference is meaningful and correctly applied.

- 57) **Do you agree with our proposals to ask authorities to set out the proportion of new housing that should be delivered to M4(2) and M4(3) standards? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree.

- 58) **Do you agree 40% of new housing delivered to M4(2) standards over the plan period is the right minimum proportion? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree. We would support a higher percentage set nationally.

- 59) **Do you agree the proposals to support the needs of different groups, through requiring authorities to identify sites or set requirements for parts of allocated sites are proportionate? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree. This approach provides an appropriate level of flexibility while ensuring that the needs of diverse groups are properly considered and planned for within the development process.

- 60) **Do you agree with our proposals to ask authorities to set out requirements for a broader mix of tenures to be provided on sites of 150 homes or more? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree.

- 61) **Do you agree with proposals for authorities to allocate land to accommodate 10% of the housing requirement on sites of between 1 and 2.5 hectares? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree. Whilst this approach helps ensure an appropriate range and size of sites are brought forward to meet the authority's identified needs, it is important that the policy includes safeguards to prevent larger sites, particularly those that would ordinarily be masterplanned or delivered in phases, from being artificially subdivided to fall below the relevant thresholds. Any such practice would undermine strategic planning, distort the evidence base, and risk creating misaligned, piecemeal development that fails to deliver coherent place-making.

It is therefore essential that only genuinely small-scale sites qualify, and that the policy is supported by clear guidance to avoid unintended consequences. This will help maintain the integrity of the plan-making process and ensure that development comes forward in a coordinated and sustainable manner.

Policy HO6(1)(a) also requires Local Plans to allocate land to accommodate 10% of the housing requirement on sites no larger than one hectare. In practice, this may be extremely challenging. Landowners of smaller sites may be reluctant to wait for a Local Plan allocation – due to the timescales involved - and may instead choose to pursue speculative proposals/ windfall, especially in areas without a five-year housing land supply. This may limit the ability of authorities to allocate sufficient land to meet this 10% target.

National decision-making policies

- 62) **Are any changes to policy HO7 needed in order to ensure that substantial weight is given to meeting relevant needs?**

While substantial weight should rightly be given to meeting identified local needs, we are concerned about how this interacts with the presumption in favour of sustainable development—particularly where a five-year housing land supply cannot be demonstrated.

A practical example relates to affordable home ownership (AHO). In some rural areas, AHO units have been sold to applicants without a local connection because the local market has been exhausted. This illustrates the tension between meeting local needs and meeting wider district-level housing requirements and highlights the need for a more nuanced policy framework.

Overall, there is a risk that an over-emphasis on “local needs” could lead to sub-optimal development patterns, while an over-reliance on the presumption in favour of

development could undermine local priorities. A clearer balance between the two is needed.

- 63) **Do you agree that proposals to add military affordable housing to the definition of affordable housing, and allow military housing to be delivered as part of affordable housing requirements, will successfully enable the provision of military homes? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Disagree. We do not consider it necessary to add “military affordable housing” to the definition of affordable housing. A member or former member of the Armed Forces, as well as a bereaved or estranged spouse or civil partner, is already deemed to have a local connection. This means they can apply for affordable housing anywhere regardless of their current address, and therefore an additional category is not required.

- 64) **Do you agree flexibility relating to the size of market homes provided will better enable developments providing affordable housing? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly disagree. We are unclear what this question is seeking to achieve. As drafted, it is ambiguous. It is not clear whether the intention is to encourage:

- fewer but larger homes, or
- higher-density schemes with smaller units to improve viability and therefore fund affordable housing.

These two interpretations lead to very different outcomes, and we do not support the approach if it is intended to justify allowing smaller units simply to improve viability. However, we would support an approach that seeks to limit or control the development of disproportionately large properties where these do not meet identified need.

- 65) **Would requiring a minimum proportion of social rent, unless otherwise specified in development plans, support the delivery of greater number of social rent homes? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Disagree. Our concern is that increasing the proportion of social rent within schemes is likely to have a significant impact on viability. If viability is reduced, the overall number of affordable homes delivered will fall, and other tenures may be squeezed out. This could ultimately result in fewer affordable units being provided overall.

That said, social rent is extremely important in this district due to very high house prices. Our evidence shows that a far greater proportion of households require genuinely

affordable social rented homes. While we recognise the viability challenges, it is equally important not to deliver homes that people cannot afford to live in.

A balanced approach is therefore needed, one that recognises the essential role of social rent in meeting local needs but also ensures that viability considerations do not undermine the overall delivery of affordable housing.

66) **Are changes to planning policy needed to ensure that affordable temporary accommodation, such as stepping stone housing, is appropriately supported, including flexibilities around space standards?**

We believe there should be no exceptions to meeting the minimum nationally described space standards. These standards are fundamental to ensuring basic quality of life, health and wellbeing, and should not be compromised.

However, we recognise that there may be limited circumstances, particularly in conversion proposals, where some flexibility could be appropriate. This is likely to be more relevant in dense urban areas where existing building constraints make full compliance difficult without undermining the viability or feasibility of bringing buildings back into use.

It is also important to ensure that temporary accommodation is appropriately supported. Even where accommodation is not intended to be permanent, it must still provide safe, healthy and dignified living conditions.

67) **Do you agree that applicants should have discretion to deliver social and affordable housing requirements via cash payments in lieu of on-site delivery on medium sites? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

We do not support this approach, particularly in relation to medium-scale sites, which can still deliver a meaningful number of affordable homes. Decisions about thresholds and the requirement for on-site provision should be set at the local level, based on robust evidence of need and viability. The responsibility for delivering affordable housing then sits clearly with the local authority, rather than being diluted through national flexibility.

This proposal requires far more evidence and justification. As a non-stock-holding authority, we rely heavily on the market to deliver affordable housing. If developers are given greater opportunity to make payments in lieu, many would choose this option rather than provide affordable homes on site. In our experience, financial contributions are rarely sufficient to deliver the equivalent number, or quality, of affordable homes that would otherwise have been secured within the development.

For these reasons, we strongly disagree with the proposal. On-site provision remains the most effective and reliable way to meet identified housing needs, support mixed and balanced communities, and ensure that affordable housing is delivered rather than deferred.

If so, would it be desirable to limit the circumstances in which cash contributions in lieu of on-site delivery can be provided – for example, should it not be permitted on land released from the Green Belt where the Golden Rules apply? Please explain your answer.

We do not support this being permitted. Our priority is the delivery of affordable housing to meet identified needs and the creation of mixed and balanced communities. Allowing developers to provide off-site contributions instead of on-site affordable homes would undermine both objectives. On-site provision ensures integration, supports sustainable communities, and provides certainty that affordable homes are delivered rather than deferred.

If you do not believe applicants should have blanket discretion to discharge social and affordable housing requirements through commuted sums, do you think cash contributions in lieu of on-site delivery should be permitted in certain circumstances – for example where it could be evidenced that onsite delivery would prevent a scheme from being delivered? Please explain your answer.

We do not support widening the circumstances in which commuted sums may be accepted. However, we do already accept commuted sums in genuinely exceptional cases—for example, to avoid mixed-tenure blocks of flats, or where robust evidence demonstrates that the affordable housing cannot be delivered on site or on an identified alternative site. These situations are rare, and our strong preference remains for on-site provision wherever possible.

- 68) **What risks and benefits would you expect this policy to have? Please explain your answer. The government is particularly interested in views on the potential impact on SME housing delivery, overall housing delivery, land values, build out rates, overall social and affordable housing delivery, and Registered Providers (including SME providers).**

As set out above, we do not support this approach. Allowing greater flexibility for off-site provision risks creating exclusive communities and undermining the objective of delivering mixed and balanced neighbourhoods. There is also a real danger that developers and landowners could “salami slice” larger sites into smaller parcels to avoid on-site affordable housing requirements altogether.

The consequence is that we may fail to deliver the affordable housing needed to meet identified local needs. As a non-stock-holding authority, we rely on the market to provide affordable homes. If developers are permitted to make payments in lieu more readily, there is a significant risk that:

- affordable housing is not delivered where it is needed
- commuted sums are insufficient to secure equivalent provision elsewhere
- delivery is delayed or prevented entirely, particularly where no suitable land is available

This would directly undermine our ability to meet housing needs and support mixed, inclusive communities.

For these reasons, we strongly oppose widening the circumstances in which off-site provision or commuted sums can be accepted.

69) **What guidance or wider changes would be needed to enable Local Planning Authorities to spend commuted sums more effectively and more quickly? Please explain your answer.**

We cannot identify any specific additional guidance that would be particularly helpful, but any national guidance produced would need to be clear and unambiguous. The key issue is not the guidance itself, but the practical ability of local authorities to spend commuted sums effectively, particularly where they do not own housing stock and/or have no land available for affordable housing delivery.

In these circumstances, councils are reliant on Registered Provider partners to bring forward additional affordable homes, either as part of market-led schemes or through regeneration projects. This can limit opportunities to use commuted sums in a timely and effective way and may reduce the overall impact of such contributions on meeting identified housing needs.

70) **Would further guidance be helpful in supporting authorities to calculate the appropriate value of cash contributions in lieu?**

We already have a formula for calculating commuted sums set out in our SPD, but universal national guidance would provide greater clarity and transparency for both local authorities and developers. A consistent approach, comparable to the Biodiversity Net Gain (BNG) credit system, would be particularly helpful. The BNG model offers a logical, evidence-based process that is easy to follow and apply, and a similar framework for commuted sums would support more consistent and robust decision-making across the country.

- 71) **Do you support proposals to enable off site delivery where affordable housing delivery can be optimised to produce better outcomes in terms of quality or quantity? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Disagree. Allowing lower standards or separating affordable housing from market housing would undermine the creation of mixed and balanced communities. The quality of affordable homes should never be compromised, and affordable housing should be integrated within developments to ensure equality, inclusion and long-term sustainability.

- 72) **Do you agree the with the criteria set out regarding the locations of specialist housing for older people? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly agree.

- 73) **Do you agree with the criteria set out regarding the locations of community-based specialist accommodation, including changes to the glossary? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

As above.

- 74) **Do you agree with the criteria set out regarding the locations of purpose-built student accommodation and large-scale shared living accommodation, including changes to the glossary? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree.

- 75) **Do you agree the proposals provide adequate additional support for rural exception sites? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree. Such development should be required to meet a clearly identified specific housing need and should adjoin an existing settlement. This approach ensures that rural exception schemes remain genuinely needs-led, appropriately located, and well-integrated with existing communities.

- 76) **Do you agree with proposals to remove First Homes exception sites as a discrete form of exception site? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree. First Homes have not been an option in our district. However, we do have concerns regarding HO10.2(c). The requirement for a “majority” of affordable housing is unclear and appears to contradict the fundamental principle of exception sites, which are intended to deliver affordable housing to meet locally identified needs.

- 77) **Do you agree proposals for a benchmark land value for rural exception sites will help to bring forward more rural affordable homes? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Neither agree nor disagree. We are unsure whether the introduction of a benchmark land value for rural exception sites would help to bring forward more rural affordable homes. It is not clear at this stage how such a benchmark would operate in practice or whether it would genuinely incentivise landowners to release land at appropriate values. Further evidence is needed to understand whether this approach would support delivery or inadvertently constrain it.

- 78) **Do you agree the proposals to set out requirements for traveller sites at policy HO12 adequately capture relevant aspects from Planning Policy for Traveller Sites, whilst ensuring fair treatment for traveller sites in the planning system? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

- 79) **Please provide your reasons, particularly if you disagree**

Disagree. It is not clear how criterion (d) would be realistic or enforceable in practice. Without a clear mechanism for implementation or monitoring, this requirement risks becoming ineffective and could undermine the overall purpose of the policy.

- 80) **Do you agree the proposals in policy HO13 will help to ensure development proposals are built out in a reasonable period? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly disagree. Following the grant of planning permission, it takes time to discharge conditions, finalise legal and technical matters, and put all necessary arrangements in place before development can commence. It is therefore unclear what this policy is trying to achieve.

The reference to a “reasonable period” in HO13 is particularly problematic. This is extremely difficult for planning officers to measure, and many factors affecting delivery are entirely outside the control of the local authority. The requirement feels unrealistic and unenforceable in practice. It is also unclear how local authorities would be expected to obtain reliable information about local market conditions or absorption rates.

It may be helpful to add reference to penalties for developers who commence a scheme to ensure planning permission does not lapse but then do not progress the development in a timely manner.

- 81) **Do you agree the requirements to take a flexible approach to the consenting framework for large scale residential and mixed-use development is sufficient to ensure the opportunities of large-scale development are supported? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree that flexibility is required for larger schemes given the long timescales.

- 82) **Are any more specific approaches or definitions needed to support the delivery of very large (super strategic) sites, including new towns? *Yes, no***

No, as these are very rare.

- 83) **Do you agree with the proposed changes to the Housing Delivery Test rule book? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

We reiterate a concern raised earlier regarding the persistent issue of developers securing planning permissions but failing to bring those permissioned sites forward for delivery. This pattern enables developers to benefit from rising land values without contributing to the actual supply of new homes. It is a structural problem that undermines the credibility and effectiveness of the planning system.

Local authorities have no direct control over whether developers choose to build out sites for which permission has already been granted. Despite this, the current Housing Delivery Test (HDT) places the burden of under-delivery squarely on local authorities, even when they have fulfilled their responsibilities by granting sufficient permissions. This creates a fundamental imbalance in accountability.

It would therefore be more appropriate for the HDT to take explicit account of the number of homes that have been permissioned, not solely those completed. Government should begin to hold developers to account for the non-delivery of sites they control. A fair and transparent system must recognise the shared responsibility between local authorities, who enable development through planning permissions, and developers, who are responsible for delivering homes on the ground.

Any approach that fails to reflect this shared responsibility risks perpetuating a skewed system that favours developer interests and profit-taking over the timely provision of homes for the communities that need them. Aligning the HDT with both permissions granted and delivery achieved would create a more balanced, evidence-based framework.

We agree that authorities should be assessed against their adopted housing requirement where an up-to-date plan is in place, and against local housing need where a plan is not current. However, this assessment must be accompanied by a more robust mechanism to ensure that developers are held accountable for the delivery of the homes they have permission to build.

Chapter 7: Building a strong, effective economy

Plan-making policy

- 84) **Do you agree that more emphasis should be placed on relevant national strategies and the need for flexibility in planning for economic growth, as drafted in policy E1? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree. The policy should draw a clearer distinction between the role and requirements of economic strategies at the SDS level and those of the Local Plan. Some of the potential barriers to investment are more appropriately addressed strategically through the SDS, where a broader spatial and economic framework can provide certainty and direction. This, in turn, should support and enable effective economic development at the local level.

There is a well-established hierarchical approach to planning for economic growth, and the policy would be strengthened by explicitly recognising and promoting this structure. Ensuring that strategic issues are resolved at the SDS stage would allow Local Plans to focus on delivery, site-specific considerations, and locally tailored economic opportunities.

National decision-making policies

- 85) **Do you agree with the approach to meeting the need for business land and premises in policy E2? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree. The policy provides a clear and balanced framework to support economic growth and ensure that appropriate sites and premises are available to meet identified needs.

- 86) **Do you agree with the proposed new decision-making policy supporting freight and logistics development in policy E3? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly disagree. The introduction to E3(1) refers to development being “efficient” without explaining in what respect, whether operational efficiency, energy efficiency, space efficiency, or something else. Greater clarity is needed to ensure consistent interpretation.

The amended definition of “sustainable transport modes” suggested in response to Q43 is also relevant here. Local deliveries can be made using cycle-based vehicles on cycle networks, which should be recognised. While it is desirable for larger delivery vehicles to be electric, this is not a matter for spatial planning policy.

In addition, E3(1)(c) partly duplicates the requirements of TR5(1)(a), and this overlap should be addressed to avoid unnecessary repetition.

- 87) **Do you agree with the approach to rural business development in policy E4? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly disagree. Our concern relates to the potential adverse impacts on the road network, including increased intensity of use and wider transport and highways implications. These matters need to be fully considered and appropriately mitigated.

However, we support the broader intention of the policy, particularly in relation to supporting local landowners and farmers. They play a vital role in managing and maintaining much of the landscape, biodiversity and countryside. We therefore support farm diversification and measures that provide greater support to the farming community.

Chapter 8: Ensuring the vitality of town centres

Plan-making policy

- 88) **Do you agree with the proposed changes to policy for planning for town centres?**
Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Partly agree. More emphasis should be placed on the role of the evening economy in supporting the vitality and viability of town centres. While the policy addresses several important aspects of town-centre function, it would benefit from a stronger recognition of how well-managed evening and night-time activities contribute to footfall, local employment, cultural vibrancy, and the overall resilience of town centres.

A clearer policy steer on the value of evening economies, including hospitality, cultural venues, leisure uses, and community-focused activities, would help ensure that town centres remain active, inclusive, and economically sustainable beyond standard daytime hours.

National decision-making policies

- 89) **Do you agree with the approach to development in town centres in policy TC2?**
Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Partly disagree. There is a significant risk of conflict between new residential uses and existing town centre or late-night activities. Introducing unregulated residential uses into these areas could constrain or displace commercial units—such as retail, cafés and other active ground-floor uses—that are essential to the vitality and function of town centres.

Allowing residential uses without appropriate safeguards may therefore undermine the wider objectives for mixed, vibrant centres and limit opportunities for businesses to occupy suitable premises.

We consider it important to maintain consolidated town centre areas, with residential uses focused primarily within secondary areas rather than core commercial frontages. This approach helps to protect the vitality and viability of town centres, ensuring that key retail, leisure and service uses remain concentrated in the most accessible and active locations, while still allowing for appropriate levels of residential development in suitable adjoining areas.

- 90) **What impacts, if any, have you observed on the operation of planning policy for town centres since the introduction of Use class E?**

There is growing concern about the proliferation of barbers, sweet shops and cafés, alongside a marked loss of comparison retail floorspace. Comparison retail is increasingly being pushed to out-of-town locations, which is undermining the vitality and viability of high streets and town centres. This shift weakens the diversity of the retail offer, reduces footfall, and accelerates the decline of traditional centres.

A more balanced approach is needed to protect comparison retail within town centres and prevent further erosion of their core function.

- 91) **Do you believe the sequential test in policy TC3 should be retained? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree. The sequential test in Policy TC3 should be retained. It provides an essential safeguard to ensure that town centre uses are directed to the most appropriate and sustainable locations, supporting the vitality and viability of established centres and preventing unnecessary out-of-centre development.

- 92) **Do you agree with the approach to town centre impact assessments in policy TC4? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Neither agree nor disagree. At this stage, we do not have evidence or experience that would lead us to support or object to the proposed changes.

Chapter 9: Supporting high quality communications

National decision-making policies

- 93) **Do you agree that the updated policies provide clearer and stronger support for the rollout of 5G and gigabit broadband? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly disagree. Introducing the “adverse” or cumulative health impacts of mobile phone masts as a material consideration would, in practice, lead to the refusal of almost all mast proposals. If masts, or a concentration of masts, are now considered to pose health risks, this is an issue that must be addressed at a national level by an appropriate expert working group, not delegated to the planning system.

Furthermore, most masts are now permitted development under the GPDO, where health impacts are not a consideration. Creating a two-tier system, where health impacts must be assessed for masts requiring planning permission, but not for those erected under permitted development, would be inconsistent, unworkable and illogical.

This approach risks undermining national digital infrastructure objectives and places an unreasonable and inappropriate burden on local planning authorities.

- 94) **Do you agree the requirements for minimising visual impact and reusing existing structures are practical for applicants and local planning authorities? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Disagree. The policy as drafted is effectively meaningless given the current permitted development regime. Permitted development masts can now reach 20 m in height and are often accompanied by large cabinets, typically around 1.8 m high, positioned on pavements. These cabinets can emit an audible hum, and together with the mast structures themselves, they are visually intrusive in the streetscape.

Any mast requiring planning permission will, by definition, exceed the scale of permitted development and therefore be even taller and more visually prominent. It is unrealistic to suggest that such installations would not have a high level of adverse visual impact on the locality.

The policy therefore fails to reflect the practical realities of modern telecommunications infrastructure and does not provide a meaningful or workable basis for decision-making.

- 95) **Do you agree the supporting information requirements are proportionate and sufficient without creating unnecessary burdens? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

We do not have a view on this matter.

Chapter 10: Securing Clean Energy and Water

Plan-making policies

- 96) **Do you agree with the approach to planning for energy and water infrastructure in policy W1? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree. However, it is not clear who would be consulted on this information or who would be responsible for making a decision based on it. Without clarity on roles, responsibilities and processes, the policy risks being unworkable in practice and could lead to inconsistent or contested decision-making.

- 97) **Do you agree with the amendments to current Framework policy on planning for renewable and low-carbon energy development and electricity network infrastructure in policy W2? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree. We would support this in principle, although we recognise the practical difficulties of implementing such an approach from a plan-making perspective. Further clarity and guidance would be needed to ensure it can be applied consistently and effectively.

National decision-making policies

- 98) **Do you agree with the proposed approach to supporting development for renewable and low carbon development and electricity network infrastructure in policy W3? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree. This aspect of the policy needs to be given greater weight if it is to secure support from officers and planning committees. The inclusion of “substantial weight” is therefore welcomed, as it provides clarity on the importance of this consideration and strengthens its influence within the decision-making process.

- 99) **Do you agree with the proposed approach to supporting development for water infrastructure in policy W4? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree. It is essential that proposals for water supply, drainage and wastewater development are positively planned for.

Chapter 11: Facilitating the sustainable use of minerals

Plan-making policies

- 100) **Do you agree with the proposed prohibition on identifying new coal sites in policy M1, and to the removal of coal from the list of minerals of national and local importance? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

We have no comment to make on this section of the NPPF. This matter is best addressed by Hertfordshire County Council, who are better placed to provide an informed response on the issues raised.

- 101) **Do you agree with how policy M1 sets out how the development plan should consider oil and gas? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

We have no comment to make on this section of the NPPF. This matter is best addressed by Hertfordshire County Council, who are better placed to provide an informed response on the issues raised.

- 102) **Do you agree with the proposed addition of critical and growth minerals to the glossary definition of ‘minerals of national and local importance’? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

We have no comment to make on this section of the NPPF. This matter is best addressed by Hertfordshire County Council, who are better placed to provide an informed response on the issues raised.

- 103) **Do you agree criteria b of policy M2 strikes the right balance between preventing minerals sterilisation and facilitating non minerals development? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

We have no comment to make on this section of the NPPF. This matter is best addressed by Hertfordshire County Council, who are better placed to provide an informed response on the issues raised.

National decision-making policies

- 104) **Do you agree policy M3 appropriately reflects the importance of critical and growth minerals? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

We have no comment to make on this section of the NPPF. This matter is best addressed by Hertfordshire County Council, who are better placed to provide an informed response on the issues raised.

- 105) **Do you agree with the exclusion of development involving onshore oil and gas extraction from policy M3? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

- 106) **Please provide your reasons, particularly if you disagree.**

We have no comment to make on this section of the NPPF. This matter is best addressed by Hertfordshire County Council, who are better placed to provide an informed response on the issues raised.

- 107) **Do you agree policy M4 sufficiently addresses the impacts of mineral development, noting that other national decision-making policies will also apply? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

- 108) **Please provide your reasons, particularly if you disagree.**

We have no comment to make on this section of the NPPF. This matter is best addressed by Hertfordshire County Council, who are better placed to provide an informed response on the issues raised.

- 109) **Do you agree with approach to coal, oil and gas in policy M5? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

We have no comment to make on this section of the NPPF. This matter is best addressed by Hertfordshire County Council, who are better placed to provide an informed response on the issues raised.

- 110) **Are there any other exceptional circumstances in which coal extraction should be permitted? Yes/No**

- 111) **If yes, please outline the exceptional circumstances in which you think coal extraction should be permitted.**

We have no comment to make on this section of the NPPF. This matter is best addressed by Hertfordshire County Council, who are better placed to provide an informed response on the issues raised.

- 112) **Do you agree policy M6 strikes the right balance between preventing the sterilisation of minerals reserves and minerals-related activities, and facilitating non-minerals development? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

We have no comment to make on this section of the NPPF. This matter is best addressed by Hertfordshire County Council, who are better placed to provide an informed response on the issues raised.

- 113) **Does policy M6 provide sufficient clarity on the role of Minerals Consultation Areas? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

We have no comment to make on this section of the NPPF. This matter is best addressed by Hertfordshire County Council, who are better placed to provide an informed response on the issues raised.

Chapter 12: Making effective use of land

Plan-making policy

- 114) **Do you agree policy L1 provides clear guidance on how Local Plans should be prepared to promote the efficient use of land? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***
- 115) **If not, what further guidance is needed?**

Partly agree.

L1(1)(a) should use a defined term in place of the word “area”. It is unclear whether this refers to the Local Plan area as a whole or the vicinity of a specific settlement. Greater precision is needed to avoid ambiguity.

L1(1)(a)(i) should use “repurpose” or “change of use” rather than “re-use”, which does not accurately reflect the planning terminology or the range of interventions that may be required.

In L1(2), the phrase “where necessary” is open to wide interpretation. Clearer guidance is required on the circumstances in which compulsory purchase powers should be considered. Mayors and local planning authorities need confidence that these powers can be used relatively quickly and cost-effectively—not only for land assembly to enable development, but also to secure safe access and connectivity for active travel and public transport.

Government should also recognise that few local authorities have significant experience in using CPO powers, and many have severely under-resourced legal teams. Without clearer national guidance and practical support, the effective use of CPO powers will remain limited.

The potential for allocated sites to deliver meaningful Biodiversity Net Gain (BNG) must form a core part of the assessment when land is promoted for development. Sites located within LNRS focus areas or those identified as ACIBs are particularly important in this regard. In such locations, BNG should not be met through off-site measures; instead, on-site delivery should be prioritised to ensure that development directly contributes to the strategic ecological priorities identified for the area.

Where feasible, gains in excess of the minimum 10% requirement should be sought. Maximising on-site ecological enhancement in these priority areas will help realise the full ecological potential of development land and, in turn, provide significant benefits for both new and existing residents through improved access to nature and stronger nature-connection outcomes.

National decision-making policies

- 116) **Do you agree policy L2 provides clear guidance on how development proposals should be assessed to ensure efficient use of land? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree. We welcome stronger national policy support for making more efficient use of land, as this will help officers to encourage developers to deliver higher-density schemes where appropriate. Having this direction set clearly at national level is helpful and provides a stronger basis for local decision-making.

It is concerning that no reference is made to the potential ecological value of brownfield or previously developed land. Such sites can support highly distinctive and biodiverse habitats, particularly Open Mosaic Habitats, which are increasingly recognised as a scarce and valuable resource for nature.

Given their importance for invertebrates, pioneer species, and early-successional habitats, brownfield sites should not be assumed to be of low ecological value. The policy would be strengthened by explicitly acknowledging their potential contribution to nature recovery and ensuring that their biodiversity value is properly assessed and safeguarded before redevelopment is considered.

- 117) **Do you agree policy L2 identifies appropriate typologies of development to support intensification? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly disagree. We agree with criterion (b), but object to (d), which we consider inappropriate and unjustified within the policy framework.

The policy could be strengthened by being more explicit about the types of meanwhile uses that are encouraged. In particular, productive landscape uses, such as temporary community growing projects, offer clear social, environmental, and community benefits during periods when land is awaiting development.

Explicitly referencing these forms of meanwhile use would help normalise them within the planning process and ensure that land contributes positively to local wellbeing and nature recovery, even on a temporary basis.

- 118) **Do you agree the high-level design principles provided in policy L2(d) appropriate for national policy? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly disagree. Allowing additional storeys on existing roofs could have a significant adverse visual impact on established areas. In practice, most roof-level developments

are visually poor, disrupt the proportions of buildings, and detract from the character of the surrounding townscape.

Sky gaps are an important part of streetscapes, providing setting, context and a sense of openness. They also help to reveal the evolution and architectural language of an area over time. The introduction of additional storeys would erode these qualities, dilute local distinctiveness, and risk creating an unattractive and incoherent roofscape.

Overall, the approach would undermine the visual integrity and character of existing areas.

- 119) **Do you agree policy L2 (d)(i) achieves its intent to enable appropriate development that may differ from the existing street scene, particularly in cases such as corner plot redevelopment and upwards extensions. *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly disagree. Each location is unique, and not all corner plots will be suitable for intensive development. Applying a blanket expectation for increased scale or massing on corner sites fails to recognise the varied character, constraints and sensitivities of different areas. A more nuanced, context-led approach is essential to avoid inappropriate development and protect local distinctiveness.

- 120) **Do you agree with the proposed safeguards in policy L2 that allow development in residential curtilages? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly disagree. The intent of the policy is unclear, and as drafted it could allow an infill dwelling with a footprint significantly larger than the host property, potentially up to twice its size, and occupying a substantial proportion of the original curtilage. Development of this scale would appear out of context, disrupt established plot patterns, and result in harm to the character and appearance of the locality.

A point of clarification would be helpful regarding situations where a dwelling has already been intensified through development within its curtilage, and the newly created dwellings subsequently seek to extend. In such cases, how is cumulative impact to be managed? A more precise and context-sensitive approach is required to avoid inappropriate overdevelopment.

- 121) **Do you agree policy L3 provides clear guidance on achieving appropriate densities for residential and mixed-use schemes? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Disagree. The policy wording is clear, but we do not agree with the approach. We do not consider it appropriate for the NPPF to specify a fixed number unless it is explicitly framed as a starting point. Local authorities should retain the ability to set their own standards based on local context. A small-town station or a rural station will have very different characteristics and requirements, and a single national figure would not reflect these variations.

- 122) **Do you agree with the minimum density requirements set out within policy L3? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly disagree.

A blanket density requirement is neither appropriate nor suitable for all areas. Local context must remain a fundamental consideration, as different locations have varying character, constraints, infrastructure capacity and design sensitivities. Applying a single density expectation across diverse settings would risk inappropriate development and undermine place-specific planning.

Hard-coding densities in guidance, combined with a strong presumption to refuse proposals that do not meet them, is highly likely to result in inappropriate forms of development. Other important factors—such as landscape sensitivity, heritage constraints, and the availability of safe and sustainable travel options to schools and local amenities—may justify a lower density in certain locations. A rigid density requirement would fail to account for these considerations and could lead to poor planning outcomes.

- 123) **Do you agree that using dwellings per hectare is an appropriate metric for setting minimum density requirements? Additionally, is our definition of ‘net developable area’ within the NPPF suitable for this policy? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree. The phrase “within the net developable area of the site” is misleading, as it appears intended to refer only to land within a reasonable walking distance of a station. To avoid ambiguity, we suggest amending the wording to:

“...within the net developable area of the site that is within a reasonable walking distance of the closest station entrance, ...”

This more accurately reflects the intended scope and ensures consistent interpretation.

- 124) **Do you agree with the proposed definition of a ‘well-connected’ station used to help set higher minimum density standards in targeted growth locations? In particular, are the parameters we’re using for the number of Travel to Work Areas and service frequency appropriate for defining a ‘well-connected’ station? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly disagree. The current wording focuses too heavily on travel to work, which represents only around 12% of all trips (National Travel Survey NTS 0611). While surface rail accounts for 7.2–8.3% of commuting and business trips, it serves only 1.4% of personal trips (NTS 0409).

A genuinely “well-connected” station must provide access not only to employment centres but also to daily amenities such as schools, shops, sporting facilities, leisure venues and cultural destinations. The definition should therefore be broadened to reflect the full range of everyday journeys that shape how people use places.

125) Are there other types of location (such as urban core, or other types of public transport node) where minimum density standards should be set nationally? Yes/No

No. Context must be given proper consideration. We would not support national standards, as the range of appropriate solutions varies significantly between different areas and their distinct characters. A single national approach would fail to reflect local circumstances and could lead to inappropriate outcomes.

126) Should we define a specific range of residential densities for land around stations classified as ‘well-connected’?

127) If so, what should that range be, and which locations should it apply to?

We agree that higher densities should be expected in areas surrounding stations, as this is essential to achieving genuinely sustainable patterns of development. Concentrating homes within walking and cycling distance of high-quality public transport maximises the use of sustainable travel modes and reduces reliance on private cars, which is central to the success of any transit-oriented settlement.

However, while densities should be markedly higher than in more peripheral areas, this should not imply that high-rise development is appropriate or desirable. Density must be defined by the character, scale, and setting of the local area. A blanket, broad-brush approach to density targets would risk undermining local distinctiveness and could create abrupt transitions that fail to integrate with existing settlements.

Instead, density expectations should be informed by the built form of nearby communities, with the aim of achieving a seamless and contextually sensitive extension of the settlement pattern. This approach allows for higher densities where they are most sustainable, while still respecting the established character of the area.

Ultimately, the success of a new settlement will depend on striking the right balance between density and the sustainable transport options that connect residents to the station. Well-designed, higher-density neighbourhoods that are walkable, legible, and well-served by public transport will support both environmental objectives and high-quality placemaking.

128) **Do you agree policy L4 provides clear high-level guidance on good design for residential extensions? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

129) **Please provide your reasons, particularly if you disagree.**

Disagree. No consideration is given to the impact on neighbouring amenity, which is a fundamental element of householder development. The term “blend effectively” is unclear and open to subjective interpretation. In some cases, it may be more appropriate for an extension *not* to blend with the existing dwelling, particularly where a contrasting design would better respect the character of the host property or the wider area.

It is also unclear why “appearance” has been removed from the policy, given its longstanding role in assessing householder proposals.

We do not agree with footnote 46. Any assessment should be made on a site-by-site basis, taking into account the original property and any previous extensions. A blanket approach would fail to reflect the varied circumstances of individual plots.

Chapter 13: Protecting Green Belt land

Plan-making policies

- 130) **Do you agree that policy GB1 provides appropriate criteria for establishing new Green Belts? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

- 131) **Please provide your reasons, particularly if you disagree.**

Agree. The policy appears coherent and sufficient. We have no further comments to add at this stage.

- 132) **Do you agree policy GB2 gives sufficient detail on the expected roles spatial development strategies and local plans play in assessing Green Belt land? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree. The policy is clear in setting out the respective roles of the SDS and Local Plans.

Please note that we have further comments relating specifically to the treatment of grey belt, which are addressed under question 145 below.

- 133) **Do you agree with proposals to better enable development opportunities around suitable stations to be brought forward? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

We consider that our concerns regarding development around stations have already been addressed under question 40 above. In this context, Green Belt is simply one of several policy designations to be weighed alongside the characteristics of the station environs.

The approach of not requiring exceptional circumstances for development around stations provides a degree of flexibility and helps to streamline the process of releasing sustainable, well-connected locations for development. This is an appropriate and pragmatic mechanism for supporting growth in areas with strong public transport accessibility.

- 134) **Do you agree the expectations set out in policy GB5 are appropriate and deliverable in Local Plans? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

- 135) **Please provide your reasons, particularly if you disagree.**

Agree. The policy offers a range of acceptable alternative uses within the Green Belt, and this flexibility is welcome. Allowing uses that deliver community, environmental, and ecological benefits strengthens the overall value of the Green Belt designation. We

support this approach, as it enables the Green Belt to function not only as a tool for managing development but also as a positive asset for local communities and nature.

National decision-making policies

- 136) **Do you agree policies GB6 and GB7 set out appropriate tests for considering development on Green Belt land? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Footnote 49 conflicts with footnote 24. Both should be aligned so that they refer to *original buildings*, consistent with the approach set out in footnote 49. This is essential for clarity and for ensuring consistent application of the policy.

Part GB7(c) should also be amended so that *hamlets are treated in the same way as areas outside settlements*. This would ensure the policy reflects the character and scale of development typically found in such locations.

- 137) **Do you agree policy GB7(1h) successfully targets appropriate development types and locations in the Green Belt, including that it applies only to housing and mixed-use development capable of meeting the density requirements in chapter 12? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

We set out our response to housing near to stations under Question 40.

- 138) **Please provide your reasons, including any evidence that this policy would lead to adverse impacts on Gypsies and Travellers.**

This question is unclear within the context of GB7. The policy wording does not provide enough clarity to understand how the question should be interpreted or applied, making it difficult to provide a meaningful response.

- 139) **Do you agree that site-specific viability assessment should be permitted on development proposals subject to the Golden Rules in these three circumstances? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree.

- 140) **With regards to previously developed land, are there further changes to policy or guidance that could be made to help ensure site-specific viability assessments are**

used only for genuinely previously developed land, and not predominantly greenfield sites?

No. Site-specific issues can and do arise, and these may justify the need for viability assessments outside the narrowly defined circumstances. A rigid approach would fail to account for the varied and sometimes unpredictable constraints that individual sites present.

- 141) **Do you agree with setting an affordable housing ‘floor’ for schemes subject to the Golden Rules accompanied by a viability assessment subject to the terms set out? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree. Setting this at a national level would help address the national housing crisis by providing greater consistency and reducing opportunities for developers to under-provide. A clear national standard should also help minimise delays in the planning process.

- 142) **Please explain your answer, including your view on the appropriate approach to setting a ‘floor’, and the right level for this?**

If the aim of this policy is to ensure viability so that homes are actually delivered, then we would support it. We consider a figure of 10% or 15% to be appropriate, provided this is set out clearly and unambiguously in policy. Clear national guidance would help ensure consistency and reduce uncertainty in the development process.

- 143) **Do you agree with local planning authorities testing viability at the plan-making stage using a standardised Benchmark Land Values scenario of 10 times Existing Use Value for greenfield, Green Belt land? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Disagree. Land values vary significantly across the country, and a single national approach would fail to reflect these differences. Any policy must allow for local variation to ensure it remains realistic and deliverable in different market conditions.

- 144) **Do you have any other comments on the use of nationally standardised Benchmark Land Values for local planning authorities to test viability at the plan-making stage?**

We do not have any further comments on the use of nationally standardised Benchmark Land Values for local planning authorities to test viability at the plan-making stage.

- 145) **Do you agree that proposed changes to the grey belt definition will improve the operability of the grey belt definition, without undermining the general protections given to other footnote 7 areas? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree. The removal of footnote 7 does not undermine the general protection to given to those areas.

It should be noted that North Hertfordshire Council carried a Motion on 29 January 2026 that set out its position in relation to concerns over how villages are treated in relation to grey belt and the potential for the merging of villages together and /or with neighbouring towns.

This motion can be found here: [Agenda item - NOTICE OF MOTIONS | North Herts Council](#)

Chapter 14: Achieving well-designed places

Plan-making policies

- 146) **Do you agree that policy DP1 provides sufficient clarity on how development plans should deliver high quality design and placemaking outcomes? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly agree. DP1 provides sufficient clarity on how development plans should deliver high-quality design and placemaking outcomes. The policy sets out clear expectations and gives local planning authorities a robust framework to secure well-designed, context-responsive development.

- 147) **Do you agree with the approach to design tools set out in policy DP2? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree. The emphasis on using appropriate tools to support high-quality design is welcome, but the policy would benefit from greater clarity on how these tools should be applied in different contexts. Flexibility is important to ensure that local character, constraints and opportunities can be properly reflected, rather than relying on a uniform set of tools in all circumstances.

With the phasing out of SPDs, it is unclear what “Design Guides” in this policy is intended to refer to. It appears that the appropriate mechanisms for securing design quality at a local scale would instead be masterplans or design codes. Further explanation is needed on what constitutes a Design Guide, how it should be used, and the weight it would carry in decision-making. Without this clarity, the policy risks inconsistency in interpretation and application.

National decision-making policies

- 148) **Do you agree policy DP3 clearly set out principles for development proposals to respond to their context and create well-designed places? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly agree. Policy DP3 clearly sets out the principles for development proposals to respond to their context and create well-designed places. The policy provides a robust and coherent framework that supports context-sensitive, high-quality design and ensures that proposals contribute positively to their surroundings.

Policy 1(a) particularly the final sentence: “This should not preclude innovation and change where appropriate, especially where an increased scale or density of development is justified in accordance with policies L2 and L3.” It remains essential that any assessment of proposals gives full weight to the significance of Conservation Areas,

including its established character and appearance. This principle should not be diluted by an overly broad interpretation of “innovation and change”.

This issue is also relevant to the wording of Policy L2 1(d) and the latter part of L3 (2), which states: “The existing character of an area should be taken into account, in accordance with policy DP3, but should not preclude development which makes the most of an area's potential.” While the aspiration to unlock potential is understood, it must be balanced with a robust and context-led understanding of heritage significance, particularly in areas where character is a defining asset.

Where design guides, design codes and masterplans are required, they should be firmly grounded in an appreciation of both local and wider context. These tools should identify opportunities to reinforce and enhance existing character, especially within regeneration areas, rather than inadvertently eroding it. Ensuring that such documents are informed by economic, social and environmental considerations, as well as meaningful local engagement, will be critical to their effectiveness.

A clear commitment to context-sensitive design guidance will help ensure that planning conditions are implemented consistently, that expectations for applicants are transparent, and that resulting schemes remain both deliverable and aligned with community aspirations. This approach will build confidence in the planning process and help ensure that future development strengthens, rather than compromises, the qualities that make places distinctive.

DP3 1(d) currently refers to NE3, but this appears to be an error and should instead reference N3. Correcting this would ensure internal consistency and avoid confusion in policy interpretation.

In addition, it would be beneficial for the policy to make explicit reference to integrated habitat features such as swift bricks, bat and bee bricks, and hedgehog highways in fences. These features are low-cost, high-value interventions that can be incorporated into most developments with minimal design implications, yet they deliver meaningful biodiversity benefits. Including them within the policy framework would help normalise their use and support wider ecological enhancement in line with national and local nature recovery objectives.

- 149) **Do you agree with the proposed approach to using design review and other design processes in policy DP4? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree with proposed approach in relation design review panels, appropriate conditions and ensuring quality is maintained through the process.

In addition, we wanted to highlight the following omissions in national policy.

In line with the cross-government strategy to build a safer society for women and girls, there should be specific policies focused on designing places, spaces and buildings that are, and feel, safe for women and girls. This reflects a key action from the published strategy, which states:

“Women and girls must both feel safe and be safe in every aspect of public life, including shared and open spaces such as streets, parks, transport hubs, and public buildings. Safety is not just about reducing risk, it is about creating environments that foster confidence, dignity, and freedom of movement. Design and planning are critical tools in achieving this... By embedding considerations of VAWG into planning and transport guidance, we can ensure that safety is built into the fabric of our communities, making public spaces welcoming and secure for all.”

The recently published draft Design and Placemaking Planning Practice Guidance contains only three brief and generic references to designing places for women and girls. This is insufficient. National policy should include clear descriptions of the types of environments that women and girls, and many others, experience as safe or unsafe, inclusive or exclusive, welcoming or intimidating, and the design features that contribute to those perceptions. Relevant examples include outdoor play areas, bus stops, car parks, underpasses, stairwells, unlit paths, parks and connecting routes.

The NPPF should give planning weight to whether an application follows best-practice guidance on designing places for women and girls. In relevant cases, this should be capable of supporting either the granting or refusal of permission.

The organisation *Make Space for Girls* has published useful guidance and case studies on designing public spaces that better meet the needs of women and girls.

Chapter 15: Promoting sustainable transport

Plan-making policies

- 150) **Do you agree that policy TR1 will provide an effective basis for taking a vision-led approach and supporting sustainable transport through plan-making? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

TR1 and other policies refer to the “vision for the plan area” and the need for a “vision-led” approach. The commentary that accompanied the consultation on the current NPPF included a good explanation that has not carried through to the current or draft NPPF or updated guidance:

“At present, planning for travel too often follows a simplistic ‘predict and provide’ pattern, with insufficient regard for the quality of places being created or whether the transport infrastructure which is planned is fully justified. Challenging the default assumption of automatic traffic growth, where places are designed for a ‘worst case’ peak hour scenario, can drive better outcomes for residents and the environment. It means working with residents, local planning authorities and developers to set a vision for how we want places to be and designing the transport and behavioural interventions to help us achieve this vision. This approach is known as ‘vision-led’ transport planning and, unlike the traditional ‘predict and provide’ approach, it focuses on the outcomes desired, and planning for achieving them.”

TR1 (1a) should say “connectivity” rather than “accessibility”. This distinction is fundamental to the DfT Connectivity Tool, which measures access to amenities rather than access to transport. It should also reference Bus Service Improvement Plans.

To clarify the intent, TR1 (1e) should replace “Providing for ...” with “Allocating or safeguarding land for ...”.

TR1 needs to address the problem of uncertainty of transport impacts. CIL Regulation 122 treats mitigation as binary, based on forecasts. But forecasts are inherently uncertain and are almost entirely based on historical data (e.g. TRICS) and extrapolation from historical data (e.g. NTEM). The NPPF and many other government and local policies seek to “bend the curve” and create a future that is significantly different from business as usual. The policies, strategies, plans and mitigations that have achieved this in the UK and elsewhere in the world are localised; their effectiveness in other contexts is unproven.

It is therefore essential that planners can deal with significant uncertainty in transport outcomes in a robust, proportionate and fair way. That means requiring site promoters and planning applicants to explore mitigations that go beyond what can be demonstrated to be compliant with CIL Regulation 122 (based on precedent case law and appeal decisions). This is where monitor-and-manage comes in: to secure funding for mitigations that will be implemented only if monitoring demonstrates that further mitigation is needed.

Monitor-and-manage needs to be an explicitly permitted planning policy, for which funding can be secured without needing to satisfy a strict interpretation of CIL Regulation 122. The NPPF may wish to set a time limit on the holding of unused monitor-and-manage funds of, say, five years following notification of completion.

- 151) **Do you agree that policy TR2 strikes an appropriate balance between supporting maximum parking standards where they can deliver planning benefits, and requiring a degree of flexibility and consideration of business requirements in setting those standards? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly Agree. It would be helpful if the policy referred to Controlled Parking Zones (CPZs). Most local authorities require local support for the introduction of CPZs, which means they cannot be introduced as a planning requirement. Support for CPZs in the NPPF would nudge Parking Authorities to update their policies to include a strategic planning route to introducing CPZs.

National decision-making policies

- 152) **Do you agree with the changes proposed in policy TR3(1a), including the reference to proposals which could generate a significant amount of movement, and the proposed use of the Connectivity Tool? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly Agree. TR3 (1) introduction should refer to “connectivity” rather than “accessibility” for the reason given in response to Q150.

Agree with TR3 (1a).

Though TR3 (1d) is welcome, it potentially conflicts with CIL Regulation 122, which requires any mitigation paid for by a development to be “directly related to the development”. Disagree with TR3 (2) because it unjustifiably privileges one tool above all others.

The Connectivity Tool, though important and useful, does not provide a definitive assessment of the connectivity of a proposed development. In particular, it is very weak on its assessment for active travel, where the quality of available routes is critically important to whether people will in fact use them. The tool assumes that all roads are safe to cycle along even though most are not (for all but the most confident and experienced) because of traffic speeds or volumes, narrow lanes, steep hills, lack of lighting, etc. Similarly, most rural roads lack footways but are treated as walkable. Public transport connectivity is highly dependent on bus services and timetables that change frequently. The tool uses a historical snapshot of those, which will become increasingly unrepresentative of current reality. Finally, there is no obvious justification for privileging

the DfT-developed tool over commercially available tools, which are improving continuously, and may be more accurate or up to date for a particular site location.

Suggested alternative phrasing: “Relevant evidence and appropriate evaluative, propositional and modelling tools, such as the Connectivity Tool (Connectivity Tool - GOV.UK), should be used to assess the actual and potential connectivity of locations proposed for development.”

- 153) **Do you agree that proposed policy TR4 provides a sufficient basis for the effective integration of transport considerations in creating well-designed places? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly agree. TR4 (1a) should say “... bus **and** other public transport services ...”. There will be almost no places where only train or tram provide sufficient connectivity.

- 154) **Do you agree with policy TR5 as a basis for supporting the provision and retention of roadside facilities where there is an identified need? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly agree. It would be helpful to define what is covered by “roadside facilities”. It should include public toilets for professional drivers (delivery, coach, bus and taxi).

The restriction to “located outside settlements” means the policy applies almost exclusively to service stations and trunk roads. Such facilities (mainly petrol and charging stations, but some lorry parking) already exist within settlements and there will always be a need for them.

There should also be a complementary plan-making policy to ensure that land is allocated or safeguarded in accordance with strategic transport plans.

- 155) **Do you agree that the amended wording proposed in policy TR6 provides a clearer basis for considering when transport assessments and travel plans will be required, and for considering impacts on the transport network? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly disagree. It is difficult to imagine how, using existing data and tools, especially strategic transport models (which are complex and costly to program and run), it is reasonable and proportionate for an applicant to model multiple future scenarios, in accordance with TR6 (4).

- 156) **Do you agree the proposed text in policy TR7 provide an effective basis for assessing proposals for marine ports, airports and general aviation facilities? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree. TR7 (1d) provides no indication of what is “acceptable”. Is this to be left entirely to local officers’ judgement? In which case the clause is redundant. Or is this going to expanded up in new PPG?.

There should also be a complementary plan-making policy to ensure that land is allocated or safeguarded in accordance with strategic transport plans.

- 157) **Do you agree with the additional policy on maintaining and improving rights of way proposed in policy TR8? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly agree. Currently, local authorities responsible for public rights of way are severely under-resourced to manage the existing network yet alone expand and improve it. Additional funding is needed, at least some of which will need to be secured through S106 agreements. TR8 should therefore provide justifications that support local authorities in securing planning obligations (to demonstrate compliance with CIL regulation 122) and to exercise CPO powers. These may include public health and wellbeing benefits and reducing ecological stress on the most accessible open green spaces and countryside.

Chapter 16: Promoting healthy communities

Plan-making policies

- 158) **Do you agree with the approach to planning for healthy communities in policy HC1, including the expectation that the development plan set local standards for different types of recreational land, drawing upon relevant national standards? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree.

- 159) **Do you agree that Local Green Space should be ‘close’ to the community it serves? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly agree. A Local Green Space cannot meaningfully serve its purpose if it is not genuinely close to the community it is intended to benefit. Proximity is fundamental to the designation: it underpins accessibility, everyday use, and the social and wellbeing value that LGS status is designed to protect. Ensuring that “local” remains a defining criterion is therefore essential to maintaining the integrity and effectiveness of the designation.

Decision-making policies

- 160) **Do you agree that the proposed policies at HC3 and HC4 will support the provision of community facilities and public service infrastructure serving new development? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree. Although it can often be difficult for local communities to propose projects for developers to support. These groups often lack the technical knowledge, resources and confidence to prepare proposals, and they rely heavily on planning officers for assistance. This places significant demands on already stretched local authority teams. More support and clearer national guidance are needed to help communities understand what types of projects are appropriate, how to develop them, and how they can meaningfully engage in the process.

- 161) **Do you have any views on whether further clarity is required to improve the application of this policy, including the term ‘fast food outlets’, and the types of uses to which it applies?**

We support the principle, as this is often implemented at a local level already. However, there are practical challenges that need further clarification. For example, what constitutes a reasonable walking distance for a teenager varies significantly and should be defined more clearly in policy or guidance. In addition, assessing walking distances for schools located in town centres is particularly complex due to higher densities, traffic patterns and competing land uses. Clearer national guidance would help ensure consistent and realistic assessments.

- 162) **Do you agree with the proposed approach to retaining key community facilities and public service infrastructure in policy HC6? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree.

- 163) **Do you agree with the approach taken to recreational facilities in policy HC7, including the addition of ‘and/or’ with reference to quantity and quality of replacement provision? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly disagree. Allowing “quantity *and/or* quality” weakens the protection and risks reducing overall provision—not only of playing fields but also wider sports facilities, open space, play areas and allotments. This approach means that even where replacement is proposed, there would be no requirement to match the quality of the existing provision, creating a clear risk of net decline.

Criteria **a** and **c** should be amalgamated to provide a clearer and more robust safeguard. Once open space is lost, it is lost permanently. Alternative uses—including opportunities to deliver space for nature in line with LNRS priorities—must therefore be fully explored

and prioritised before any loss is considered acceptable. A framework based on “and” rather than “or” would better reflect the importance of safeguarding these assets and prevent decision-making from defaulting to the least protective option.

- 164) **Do you agree with the clarification that Local Green Space should not fall into areas regarded as grey belt or where Green Belt policy on previously developed land apply? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly agree. If Local Green Space (LGS) designation is to carry meaningful weight, it must be accompanied by robust protection from development pressures. Recognition alone is insufficient; without clear safeguards, the purpose of LGS designation risks being undermined. Ensuring that these areas are genuinely protected is essential to maintaining their local value and delivering long-term community and environmental benefits.

Chapter 17: Pollution, Public Protection and Security

Plan-making policy

- 165) **Do you agree with policy P1 as a basis for identifying and addressing relevant risks when preparing plans? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree. The policy provides a clear and proportionate framework for ensuring that risk is properly considered at the plan-making stage.

Decision-making policies

- 166) **Are any additional tools or guidance needed to enable better decision-making on contaminated land?**

We are not aware of any additional tools or guidance required to support better decision-making on contaminated land. The existing framework appears sufficient for assessing and managing contamination risks as part of the planning process.

- 167) **Do you agree with the criteria set out in proposed policy P3 as a basis for securing acceptable living conditions and managing pollution? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree.

The impacts of artificial lighting on nature are well-documented, and it is essential that policy strikes an appropriate balance between perceived requirements for public safety and the significant detrimental effects that lighting can have on nocturnal wildlife.

The increasing availability of new technologies, such as adaptive lighting, dimming regimes, and directional or spectrum-controlled luminaires, offers practical ways to reduce ecological harm without compromising safety. Alongside this, greater public awareness of the potential impacts of lighting on nature could help shift expectations and support more sensitive lighting design.

Recognising these issues within policy is therefore an important step toward reducing avoidable pressures on wildlife and supporting healthier, more resilient ecosystems.

- 168) **Do you agree policy P4 makes sufficiently clear how decision-makers should apply the agent of change principle? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree. The policy sets out a clear and workable framework for ensuring that new development appropriately mitigates its impacts on existing uses.

- 169) **Do you agree policy P5 provides sufficient basis for addressing possible malicious threats and other hazards when considering development proposals? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree. To ensure consistency across the document, the policy should also refer back to the Well Designed Places chapter, reinforcing the need for integrated, design-led approaches to safety and resilience.

- 170) **Do you agree that substantial weight should be given to the benefits of development for defence and public protection purposes? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Neither agree nor disagree. We have no comment to make on this policy.

Chapter 18: Managing Flood Risk and Coastal Change

Plan-making policies

- 171) **Do you agree with the proposed changes set out in policy F3 to improve how Coastal Change Management Areas are identified and taken into account in development plans? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

We have no comment to make on this policy.

National decision-making policies

- 172) **Do you agree with the proposed clarifications to the sequential test set out in policy F5? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree. The amendments provide greater certainty for decision-makers and support a more consistent application of the test in practice.

- 173) **Do you agree with the proposed approach to the exception test set out in policy F6? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree. The clarification provides a clear and proportionate framework for applying the test and supports consistent decision-making in areas at risk of flooding.

- 174) **Do you agree with the proposed requirement in policy F8 for sustainable drainage systems to be designed in accordance with the National Standards? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree. Regard should also be given to the wider benefits that SuDS can provide, including opportunities for amenity space, biodiversity enhancement, and improved visual quality. In many cases, SuDS features, particularly attenuation basins, are designed as large, land-hungry voids that offer little or no additional value to residents or development users.

SuDS should be integrated into the design of developments from the outset, ensuring they deliver multiple social, ecological, and aesthetic benefits alongside their primary function of managing surface water during flood events. A more holistic, multifunctional approach would strengthen the contribution of SuDS to placemaking and environmental resilience.

- 175) **Do you agree with the proposed new policy to avoid the enclosure of watercourses, and encourage the de-culverting and re-naturalisation of river channels? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree. We welcome the inclusion of policy F8 3, but further clarification is needed on how “compelling reasons” will be defined and applied in practice. Without a clear definition, there is a risk of inconsistent interpretation across planning authorities, which could undermine the intended strength of the policy.

Providing explicit criteria or guidance on what constitutes a “compelling reason” would help ensure that decisions are transparent, robust, and aligned with the overarching objectives of nature recovery and environmental protection.

- 176) **Do you agree with the proposed changes to policy for managing development in areas affected by coastal change? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

We have no comment to make on this policy.

- 177) **The National Coastal Erosion Risk Map sets out where areas may be vulnerable to coastal change based on different scenarios. Do you have views on how these scenarios should be applied to ensure a proportionate approach in applying this policy?**

We have no comment to make on this policy.

- 178) **Do you agree with the proposed new additions to Table 2: Flood Risk Vulnerability Classifications? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree. The updates provide helpful clarification and support a more consistent application of the vulnerability categories in plan-making and decision-taking.

Chapter 19: Conserving and enhancing the natural environment

Plan-making policies

- 179) **Do you agree that the proposed approach to planning for the natural environment in policy N1, including the proposed approach to biodiversity net gain, strikes the right balance between consistency, viability, deliverability, and supporting nature recovery? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly agree. The explicit recognition of the national significance of chalk streams is particularly welcome. Retaining the protection of Best and Most Versatile (BMV) land through the avoidance of site allocations is also a positive and necessary approach. Likewise, the reflection of LNRS ACIBs within the policy framework for new development represents a constructive step toward aligning planning decisions with strategic nature recovery priorities.

However, the wording in criterion 1c introduces ambiguity. The phrase “avoiding and minimising” creates uncertainty about the expected standard of protection. These terms imply different levels of intervention and appear to echo the mitigation hierarchy, which can inadvertently weaken policy intent by suggesting that harm may be acceptable if minimised.

For clarity and stronger ecological protection, the policy would be more effective if it simply required “avoiding harm.” This would provide a clearer expectation for decision-makers and ensure consistency with the overarching aim of safeguarding sensitive and irreplaceable natural assets.

- 180) **In what circumstances would it be reasonable to seek more than 10% biodiversity net gain on sites being allocated in the development plan, especially where this could support meeting biodiversity net gain obligations on other neighbouring sites in a particular area?**

Where an LNRS has identified an area as an ACIB or as a focus area for specific habitat or species enhancement measures, opportunities for delivery should be actively supported on allocated development sites. In many cases, this may appropriately result in biodiversity gains exceeding the minimum 10% BNG requirement.

Allowing and encouraging higher levels of BNG in these priority areas would help ensure that development contributes meaningfully to the strategic objectives of the LNRS, supports coherent nature recovery, and maximises ecological outcomes where they are most needed.

National decision-making policies

- 181) **Do you agree policy N2 sets sufficiently clear expectations for how development proposals should consider and enhance the existing natural characteristics of sites proposed for development? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly agree. We particularly welcome the inclusion of criterion 1(g). The explicit acknowledgement of risks arising from potential future failure is an important and often overlooked aspect of safeguarding nature sites. Our understanding is that this is intended to relate primarily to climate-related resilience and the increasing likelihood of assets or habitats becoming vulnerable under future conditions.

If this interpretation is correct, it is a valuable addition. However, it would be helpful for the policy to clarify whether 1(g) is solely concerned with climate-driven resilience issues, or whether it is also intended to encompass risks associated with management company or adoption failures. Clearer guidance on the intended scope would support consistent application across local planning authorities.

- 182) **Do you agree the policy in Policy N4 provides a sufficiently clear basis for considering development proposals affecting protected landscapes and reflecting the statutory duties which apply to them? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree. Policy N4 provides a sufficiently clear basis for considering development proposals affecting protected landscapes and appropriately reflects the statutory duties that apply to them. The policy offers a clear framework for decision-making and ensures that the significance and sensitivity of protected landscapes are properly considered.

- 183) **Do you agree policy N6 provides clarity on the treatment of internationally, nationally and locally recognised site within the planning system? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly disagree. Local Wildlife Sites should also be given status and protection. These areas often contain habitats and species of significant local importance, and without explicit recognition in policy they risk being overlooked in decision-making. Strengthening their status would help ensure that biodiversity is properly safeguarded across all parts of the local environment, not only within nationally designated sites.

We strongly agree with the inclusion of APIBS within N6, as this provides welcome alignment with the definition used in LNRs and ensures consistency across the policy framework. The reference to criterion 1c is particularly valuable in a local context, especially for areas that do not contain international designations but nevertheless experience significant development pressures.

Local sites form an essential component of the wider nature network, often providing the only remaining high-value habitats in heavily developed landscapes. National policy that explicitly recognises their vulnerability — and the need to safeguard them — is therefore both timely and necessary. We welcome the acknowledgement of these potential threats and the strengthened policy support that N6 offers.

184) Are there any further issues for planning policy that we need to consider as we take forward the implementation of Environmental Delivery Plans?

We understand that Environmental Delivery Plans (EDPs) are intended to identify and deliver strategic conservation measures that address specific environmental impacts of development on protected sites or species. Their purpose is to streamline existing environmental obligations and to move beyond the current mitigation-focused approach, improving environmental outcomes while supporting the timely delivery of housing and infrastructure.

Where a developer opts to use an EDP, they will not be required to undertake their own assessments or deliver site-specific mitigation for the issues covered by that EDP.

Greater clarity on the level at which EDPs are expected to be produced would be helpful. In particular, it would be useful to understand whether EDPs are intended to operate at a strategic (SDS) level, at a local planning authority level, or potentially at both. Clear guidance on this point would support effective implementation and ensure consistency in how EDPs are prepared and applied.

Chapter 20: Conserving and enhancing the historic environment

- 185) **Do you agree the government should implement the additional regard duties under Section 102 of the Levelling-Up and Regeneration Act? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly agree. This is a more consistent approach in planning decisions, requiring special regard to the desirability of preserving or enhancing heritage assets. We welcome the explicit inclusion of scheduled monuments, registered parks and gardens, protected wrecks and World Heritage Sites within this framework. This clarity will help ensure that all designated heritage assets are considered appropriately and consistently in the decision-making process.

- 186) **Do you have any evidence as to the impact of implementing the additional regard duties for development?**

We have no evidence as to the impact of implementing the additional duties for development. Further monitoring and evaluation would be required to understand how these duties influence decision-making and outcomes in practice.

Plan-making policies

- 187) **Do you agree with the approach to plan-making for the historic environment, including the specific requirements for World Heritage Sites and Conservation Areas, set out in policies H1 – H3? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

We assume this question is in relation to HE1 – HE3 rather than H1 – H3. We agree the approach to conservation and environment of the historic environment for Local Plan's to take forward.

National decision-making policies

- 188) **Do you agree with the approach to assessing the effects of development on heritage assets set out in policy H5? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly agree. We support the requirements for applicants to submit proportionate assessments, employing appropriate expertise where necessary, to evaluate the significance of affected heritage assets and the potential effects of development proposals on that significance. We also support the guidance on categorising levels of potential impact that development may have on heritage assets and their settings.

This structured approach provides clarity for applicants, decision-makers and consultees, and supports consistent, robust heritage assessments.

- 189) **Do you agree with the approach to considering impacts on designated heritage assets in policy HE6, including the change from "great weight" to "substantial weight", and in particular the interactions between this and the statutory duties? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree. We welcome the use of consistent wording. To further improve clarity and ensure consistent interpretation, it may be helpful to introduce a table setting out the order or scale of weight that could be given to different areas. A visual hierarchy would make the policy easier to understand and apply, particularly for decision-makers and communities.

It is particularly helpful that the substantial-weight test is to be applied “irrespective of whether any potential effect amounts to a positive effect, harm, substantial harm, or total loss of its significance.” In simple terms, we generally apply the broad principle that the greater the significance of a heritage asset, the greater the potential harm.

However, questions arise in relation to HE6:2, which states that “development proposals which would have a positive effect on designated heritage assets should be approved.” In practice, planning decisions, especially at appeal, often involve multiple heritage assets with conflicting impacts. It is common for a proposal to deliver benefits to one asset (for example, restoration or securing a viable new use) while causing harm to another (such as through impacts on setting or loss of historic fabric). Inspectors must weigh these competing effects alongside public benefits in a balanced judgment.

- 190) **Do you agree with the new policies in relation to world heritage, conservation areas and archaeological assets in policies HE8 – HE10? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree.

- 191) **Do you have any other comments on the revisions to the heritage chapter?**

We have no further comments in relation to this chapter.

Further questions

Transitional arrangements

- 192) **Do you agree with the transitional arrangements approach to decision-making?**
Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Further clarity is needed on whether new Local Plan policies will have any real scope to diverge from NDMPs where robust local evidence supports doing so. The draft NPPF appears to rule out such flexibility, yet the consultation text on transitional arrangements implies that newly examined Local Plan policies may retain greater weight even if they differ from national policy.

The consultation notes that development plan policies would carry *very little weight* where they are inconsistent with the Framework, except where they have been examined and adopted against the new Framework.

- 193) **Do you have any further thoughts on the policies outlined in this consultation?**

We have made a number of suggestions to the terms in the glossary. These comments have been set out under the related policy question.

As set out previously, it is important that the NDMPs are given statutory weight to ensure they are part of the Development Plan and in line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, to reduce the

Written Ministerial Statements and other documents

- 194) **Do you agree with the list of Written Ministerial Statements set out in Annex A to the draft Framework whose planning content would be superseded by the policies proposed in this consultation?** ***Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree. We support the list of Written Ministerial Statements set out in Annex A of the draft Framework and agree that their planning-related content should be superseded by the policies proposed in this consultation. Providing clarity on which statements will no longer carry weight is helpful for ensuring consistency in decision-making and reducing ambiguity for applicants, local authorities and communities.

Annex A - Data Centres and onsite energy generation

- 195) **Do you consider the planning regime, including reforms being delivered through the Planning and Infrastructure Act, provide sufficient flexibility for energy generation**

projects co-located with data centres to be consented under either the NSIP or TCPA regime? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree. Providing greater clarity on the size thresholds that define a nationally significant data centre would be beneficial. At present, leaving this determination to be made on a case-by-case basis introduces uncertainty for both applicants and decision-makers. Establishing clear, nationally consistent thresholds would support a more predictable planning process, reduce the risk of inconsistent interpretations, and give developers earlier certainty about the appropriate consenting route. This would also help local planning authorities understand when proposals fall within their remit and when they should be escalated, ultimately improving efficiency and transparency across the system.

196) Would raising the Planning Act 2008 energy generation thresholds for renewable projects that are co-located with data centres in England (for the reason outlined above) be beneficial? Yes/No

Yes. We agree that the proposed approach has the potential to improve the speed and consistency of decision-making. However, it is important to recognise that this shift will place additional demands on already overstretched local planning authorities. Without parallel measures to increase capacity, skills, and resourcing within LPAs, there is a risk that the intended efficiencies could be undermined in practice. Any reform aimed at accelerating decisions should therefore be accompanied by a realistic assessment of the operational pressures facing LPAs and a commitment to supporting them to meet these new expectations.

197) Do you have any views on how we should define ‘co-located energy infrastructure’? Please provide your reasons.

We have no comment to make on this matter.

198) Do you think the renewable energy generation thresholds under Section 15 of the Planning Act 2008 for other use types of projects should be increased, or should this be limited to projects co-located with data centres? Yes/No

Yes, we consider there to be a strong case for increasing the renewable energy generation thresholds under Section 15 of the Planning Act 2008 for project types beyond data centres. The current thresholds can capture relatively modest schemes, which may be more appropriately determined at a local level. Raising these limits would help ensure that the Nationally Significant Infrastructure Project (NSIP) regime is reserved for genuinely strategic proposals.

However, there is an important question about whether any uplift should apply universally or be limited to renewable energy projects that are co-located with data centres. Co-location can deliver clear system benefits, such as improved grid efficiency, reduced curtailment, and more predictable demand profiles, and there may be a rationale for providing a more streamlined consenting route for such integrated schemes.

If thresholds are increased only for co-located projects, this could incentivise innovation and encourage closer alignment between energy generation and digital infrastructure. Conversely, applying higher thresholds more broadly could reduce pressure on the NSIP system and support a wider range of renewable energy developments.

A clear policy position on this point would provide much-needed certainty for developers, investors, and local planning authorities, and would help ensure that the consenting framework aligns with the government's wider energy and digital infrastructure objectives

199) What benefits or risks do you foresee from making this change? Please provide your reasons.

See above.

Annex B - Viability: Standardised inputs in viability assessment

200) Would you support the use of growth testing for strategic, multi-phase schemes? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly Agree. We support the use of growth testing for strategic, multi-phase schemes. Larger developments are typically delivered over long timeframes, during which market conditions, costs and values can change significantly. A structured growth-testing approach would help ensure that viability assessments remain realistic and transparent throughout the life of a scheme.

It would be helpful for Government to set clear, nationally consistent growth assumptions for a 15–20 year period, which is updated annually. This would reduce the time local authorities spend negotiating bespoke assumptions with developers and would provide greater certainty for all parties. National assumptions would also help avoid inconsistent approaches between authorities and reduce the scope for dispute.

It will be important, however, that guidance clearly defines the circumstances in which developers may resubmit viability evidence. This should be limited to situations where there is a material and demonstrable divergence from the agreed growth assumptions, rather than allowing repeated or opportunistic reassessments. Clear thresholds or triggers would help maintain confidence in the system and prevent unnecessary delays to delivery.

- 201) **Would you support the optional use of growth testing for regeneration schemes?**
Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Strongly agree. For the reasons as above.

- 202) **Do you agree greater specificity, including single figures, which local planning authorities could choose to diverge from where there is evidence for doing so, would improve speed and certainty? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree. Greater specificity — including the use of single, nationally set figures — would help improve both speed and certainty in viability discussions. A clear national benchmark would reduce the time currently spent negotiating assumptions on a case-by-case basis and would help ensure a more level playing field across different local authority areas.

It may, however, be appropriate for national policy to set different profit levels for different types of development, reflecting the varying levels of risk associated with bringing forward, for example, brownfield regeneration, strategic greenfield sites, or specialist forms of housing. Even so, these should still be expressed as specific figures to maintain clarity and consistency.

We recognise that there may be exceptional circumstances where a particular site faces significantly higher risk than is typical. In such cases, it should be for the developer to demonstrate why a departure from the nationally set figure is justified. These situations should be the exception rather than the norm, and national policy should set out clear criteria for when such exceptions may be considered.

We also agree that where a local authority has robust, locally specific evidence supporting divergence from the national figures, they should be able to adopt alternative assumptions. This should be tested and agreed through the Local Plan examination process.

Given that Supplementary Planning Documents will no longer exist, there will need to be a clear mechanism for updating locally set figures if circumstances change significantly between Local Plan reviews. It is not yet clear whether Supplementary Plans would provide an appropriate vehicle for this.

- 203) **Are there any site types, tenures, or development models to which alternative, lower figures to 15-20% of Gross Development Value might reasonably apply?**

We have no comment to make on this matter.

- 204) **Are there further ways the government can bring greater specificity and certainty over profit expectations across landowners, site promoters and developers such that the system provides for the level of profit necessary for development to proceed, reducing the need for subjective expectations?**

We have no comment to make on this matter.

- 205) **Existing Viability Planning Practice Guidance refers to developer return in terms a percentage of gross development value. In what ways might the continued use of gross development value be usefully standardised?**

We have no comment to make on this matter.

- 206) **Do you agree there are circumstances in which metrics other than profit on gross development value would support more or faster housing delivery, or help to maximise compliance with plan policy? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

We have no comment to make on this matter.

- 207) **Are there types of development on which metrics other than profit on gross development value should be routinely accepted as a measure of return e.g. strategic sites large multi-phased schemes, or build to rent schemes?**

We have no comment to make on this matter.

- 208) **Do you agree that guidance should be updated to reflect the fact a premium may not be required in all circumstances? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree. There are circumstances where a premium is not required, for example where public sector land is being disposed of in partnership with a development partner or where wider public value is being prioritised. In such cases, applying a landowner premium could undermine viability and prevent schemes with significant social, economic or regeneration benefits from coming forward.

However, guidance will need to be clear about when a premium is not appropriate, and the evidence required to justify this.

- 209) **Do you agree that extant consents should not be assumed to be sufficient proof of alternative use value, unless other provisions relating to set out in plans are met? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly agree. Extant consents should not be treated as sufficient proof of alternative use value. Allowing this would create a clear risk that developers could submit applications for schemes they have no genuine intention of delivering, solely to establish an artificial fallback position for viability purposes. This could undermine viability assessments and incentivise speculative behaviour.

- 210) **If extant consents were not to be assumed as sufficient proof of alternative use value, should this be at the discretion of the decision-maker, or should another metric (e.g. period of time since consent granted) be used? *Decision maker discretion / Another metric / Neither***

Neither.

- 211) **What further steps should the government take to ensure non-policy compliant schemes are not used to inform the determination of benchmark land values in the viability assessments that underpin plan-making?**

We have no comment to make on this matter.

- 212) **Do you agree that the residual land value of the development proposal should be cross-checked with the residual land values of comparable schemes; to help set the viability assessment in context. *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree. Residential land values should be crossed checked with genuinely comparable schemes help identify outliers, reduce the scope for unrealistic assumptions, and support more consistent decision-making.

There should be a clear time limit on how far back comparable schemes can be used, to ensure that assessments reflect broadly similar market conditions, policy requirements and cost environments. Without such a limit, there is a risk that outdated comparables could distort the assessment.

Annex C - Reforming Site Thresholds

Implementation of new medium category in the Framework

- 213) **Do you agree that a 2.5 hectare threshold is appropriate? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

We do not agree with the proposed approach. Defining medium development by reference to a 2.5ha site threshold creates a risk of unintended consequences, most notably the potential for applicants to manipulate site boundaries in order to fall below the threshold. This could undermine the purpose of the policy and reduce confidence in its application.

In our view, the number of homes proposed provides a more reliable and transparent basis for defining the scale of development. It is less open to manipulation and more closely aligned with the actual impacts that local authorities and communities must plan for, including infrastructure requirements, design considerations and cumulative effects.

An alternative approach could be to base the threshold on net developable area, excluding land required for essential infrastructure. This would help ensure that proposals are assessed on the true scale of development rather than on the extent of land needed for features such as SUDS basins, open space, or other site-specific requirements.

Using net developable area would reduce the incentive for applicants to adjust red lines or manipulate site boundaries and would provide a more consistent and transparent measure of development intensity. It would also ensure that schemes which do not require land-intensive infrastructure are not disproportionately affected by a gross site-area threshold.

- 214) **Do you agree that a unit threshold of between 10 and 49 units is appropriate? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Agree.

- 215) **Do you foresee risks or operability issues anticipated with the proposed definition of medium development? *Yes/No.***

- 216) **If so, please explain you answer and provide views on potential mitigations.**

Yes. The principal operational issues that would arise from the mitigations proposed would be that the public would expect a greater level of information to be provided with such a submission and it would be down to the LPA to manage these expectations.

Implementation of new medium category in regulations

- 217) **Do you have any views on whether the current small development exemption should be extended to cover a wider range of sites – indicatively to sites of fewer than 50 dwellings, or fewer than 120 bedspaces in purpose-built student accommodation?**

Yes, there should be conformity between planning and building regulations thresholds to avoid any confusion.

- 218) **If the exemption were to be extended, do you have any views on whether the development of 120 purpose-built student accommodation bedspaces is an appropriate equivalent to a development of 50 dwellings for the purposes of the levy exemption?**

Yes. The proposed threshold of 120 purpose-built student accommodation bedspaces as an equivalent to 50 dwellings is a reasonable and proportionate basis for the levy exemption. It reflects typical occupancy levels for both forms of development and provides a clear, workable benchmark for applying the exemption consistently.

- 219) **If the exemption were to be extended, do you have any views on whether the exemption should be based solely on the existing metrics (dwellings/bedspaces) or whether there should also be an area threshold.**

It is not considered that there would be any additional benefit in providing an area threshold as well as dwellings/bedspaces. It is more appropriate to base the exemption on population rather than site area as the levy relates to floorspace rather than site area.

- 220) **If you do have views on possible changes to the small developments levy exemption, please specify the potential impact of the possible change of the levy exemption on people with protected characteristics as defined in section 149 of the Equality Act 2010.**

We do not consider it would have any impact under Section 149 of the Equality Act 2010.

- 221) **What do you consider to be the potential economic, competitive, and behavioural impacts of possible changes to the levy exemption? Please provide any evidence or examples to support your response.**

We do not consider that there would be any economic, competitive, or behavioural impacts from the changes to the levy exemption.

Uplifting the Permission in Principle threshold

- 222) **Do you agree with the proposal to extend the Permission in Principle application route to medium development? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly disagree. Permission in Principle (PiP) is not an appropriate mechanism for medium developments. For schemes of this scale, the fundamental question of acceptability typically hinges on matters considered at the Technical Details Consent stage — including design, layout, infrastructure requirements, environmental impacts, and mitigation. These issues are too substantial and too independent to be deferred. Using PiP for medium-scale proposals would therefore risk granting an initial consent without sufficient understanding of the key factors that determine whether a development is deliverable, sustainable, or acceptable in planning terms.

- 223) **Do you have views about whether there should be changes to the regulatory procedures for these applications, including whether there should be a requirement for a short planning statement?**

Agree. Requiring a short planning statement would be beneficial, particularly for sites affected by policy constraints such as the Green Belt. A concise statement would allow applicants to set out the key policy considerations, demonstrate how the proposal responds to those constraints, and provide decision-makers with essential context at an early stage. This would support greater transparency, help filter out unsuitable sites sooner, and ensure that both applicants and LPAs approach constrained locations with a clearer understanding of the issues at stake.

Public Sector Equality Duty

- 224) **Do you have any views on the impacts of the above proposals for you, or the group or business you represent and on anyone with a relevant protected characteristic?**

An equality impact assessment should accompany the draft NPPF to ensure that potential impacts are identified and addressed by Government as part of the policy-making process, rather than relying on consultation respondents to provide them. Publishing this assessment would also give respondents the opportunity to consider the findings, judge whether they are sufficiently robust, and highlight where further analysis or mitigation may be required.

- 225) **Is there anything that could be done to mitigate any impact identified?**

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Dear Sir/Madam

Consultation Response to the December 2025 Draft National Planning Policy Framework (NPPF)

Thank you for the opportunity to comment on the Draft National Planning Policy Framework (NPPF) published on 16 December 2025. This letter represents the collective comments of the Hertfordshire Infrastructure and Planning Partnership (HIPP) on the proposals.

The Hertfordshire Infrastructure & Planning Partnership, or “HIPP,” comprises the planning / transport portfolio holders and heads of planning from the eleven councils in Hertfordshire as well as representation from Hertfordshire Futures (Local Enterprise Partnership) and others. The partnership is supported by Hertfordshire Planning Group, comprising heads of planning and invited guests, as well as sub-groups which bring together planning policy managers and development management managers.

HIPP’s overarching purpose is “to provide a forum to discuss and develop a shared view and to propose joint work programmes on planning and infrastructure issues of common concern, working co-operatively within Hertfordshire and across county borders.”

Hertfordshire is characterised by:

- 80% Green Belt coverage
- Significant cross-boundary housing and infrastructure interdependencies
- Acute water stress and environmental sensitivity
- Major transport corridors of national importance
- A complex pattern of local plan timetables and evidence requirements

We therefore welcome the draft NPPF’s ambition to strengthen strategic planning, improve plan making efficiency, and align infrastructure with growth. However, further clarification is requested to ensure the framework is workable, deliverable, and responsive to the realities of planning in a highly constrained county.

The proposed wording that a policy should be given “very limited weight” if it is “in any way” inconsistent with the NPPF creates significant ambiguity. The phrase implies that a single inconsistent criterion within an otherwise sound local plan policy could undermine the entire policy’s weight. HIPP do not consider this to be the Government’s intention and consider this should be revised to clarify that only material inconsistencies that fundamentally conflict with national policy should affect the weight of adopted local plan policies.

The introduction of a new medium-scale development category, with proportionate requirements for infrastructure contributions, needs further clarity. In Hertfordshire, developments of this scale comprise a large proportion of deliverable sites. They therefore play a critical role in funding and delivering local infrastructure. These sites also tend to be less engaged with plan making processes. There is a risk that the new category may; reduce the overall quality of development, weaken the infrastructure funding base, encourage speculative applications that do not align with strategic planning. Expectations for medium-scale developments should be clarified to ensure they continue to contribute appropriately to infrastructure and quality outcomes.

The proposed requirement for 10% of housing allocations to be on small sites risks creating an unnecessarily complex and resource intensive site allocation process. Rather than enabling councils to focus on the most sustainable, deliverable and strategically appropriate sites, it could force authorities to identify small sites that may be less suitable, harder to assemble, or more constrained. HIPP support the intention that viability should be addressed at plan making rather than decision making stage. However, in practice, viability assessments are still likely to be submitted at application stage due to the time lag between plan adoption and delivery. Without clear parameters, this risks undermining planned infrastructure delivery. Clarity should be provided on; when decision-stage viability assessments may be submitted, who is permitted to request them, and the circumstances under which they should carry weight.

Limiting pre-application advice to major development overlooks the significant impact that smaller schemes can have on local character, design quality, amenity and cumulative infrastructure pressures. Applying the requirement only to major applications risks inconsistency, missed opportunities for early issue-resolution, and avoidable delays later in the process.

Extending the expectation for pre-application engagement to all development types would ensure that development of all scales contributes positively to place-making and aligns with local priorities.

Given the time period of a local plan, it is often expected that circumstances may change, particularly towards the latter end of a plan period. Infrastructure Delivery Plans (IDP) are meant to be iterative, and the extent to which IDP inputs change over time may have an impact on the ability of a site to mitigate its impact. There should be significant emphasis on the need for applicants to justify non-compliance with policy, if a local authority has accepted the principle of development on a site, it will be at the expectation that a full suite of mitigation measures will come forward – any variance from that initial expectation should be clearly presented and understood. Any deviation from local plan policy undermines the plan-led system and reduces confidence in local authority decisions.

The decision to make National Decision Making Policies non statutory, coupled with the proposed requirement that local plans do not duplicate them has raised a concern regarding the weight that will need to be applied to non-statutory national policies. Without statutory weight it may be difficult to apply national policies effectively. This change, by potentially elevating national policy to an equal or superior status to the local plan undermines the "plan-led" system established by Section 38(6) of the

Planning and Compulsory Purchase Act 2004, creating more uncertainty. Local authorities may need to develop additional local policies to avoid gaps, undermining the intended simplification.

Additionally there is concern that the ability for local policy innovation and responsiveness to local issues may be constrained. The ability to have locally specific Biodiversity Net Gain targets should be retained.

The proposed presumption in favour of development within settlements and within reasonable walking distance of train stations raises concerns that this contradicts the plan-led system and may undermine objectives relating to design, sustainability, biodiversity, heritage and resource protection elsewhere in the NPPF. The suitability of routes, not just distance needs to be carefully considered to ensure walking connections are safe and attractive, and developments should be required to enhance these routes.

Proximity to a railway station does not inherently equate to sustainable transport accessibility. In Hertfordshire many stations have limited frequencies (it is not considered that four trains per hour is equivalent to a high-frequency urban service), local journeys will remain on the local transport network. A wider multimodal assessment is considered necessary to determine sustainable locations for high density growth.

Additionally, this approach could promote small speculative development to be approved in these areas undermining the strategic plan-led ambitions for the wider area.

The removal of Supplementary Planning Documents (SPDs) is challenging given the limited scope of replacement Supplementary Plans. Given their limited scope and requirement for examination, Supplementary Plans cannot provide the flexible, timely, and detailed policy updates that SPDs currently enable. This may result in excessively long local plan policies or a policy vacuum where guidance is required to reflect changing circumstances between plan cycles.

There is no reference to data centres in the draft NPPF. Given the recent Government announcements recognising data centres as critical infrastructure, the absence of policy guidance is a significant omission. Data centres raise complex site, design, and environmental considerations; national guidance is needed to consider these issues consistently and appropriately.

Finally, the Draft NPPF includes numerous terms that are vague, inconsistent, or undefined, making interpretation challenging.

Examples include:

- “reasonable walking distance”
- “physically well-related”
- “high level of connectivity”
- “medium development”
- “radical” (in relation to climate change outcomes)
- “safe”, “secure”, and various definitions of “harm”

- “major development” (remove inconsistency between the NPPF and the DMPO, especially important with the new Medium development definition coming in)

Such terminology increases the likelihood of inconsistency in decision-making, unnecessary disputes, and potential appeals.

I hope that this response to the consultation is of use to shaping future proposals. Please do not hesitate to contact HIPP should you require any further information. The main officer contact for HIPP is Sara Saunders, Director for Place at East Herts. Please contact either Cllr Glover-Ward via email at Vicky.Glover-Ward@eastherts.gov.uk or Sara Saunders at sara.saunders@eastherts.gov.uk

Yours sincerely

Cllr Glover-Ward
Vice Chair of HIPP

Planning Policy
Welwyn Hatfield Borough Council
The Campus
Welwyn Garden City
AL8 6AE

25 March 2026

Dear Phil

Welwyn Hatfield Local Plan – Regulation 18 Consultation

Thank you for consulting us on your Regulation 18 consultation for your emerging Local Plan. We welcome the opportunity to comment and provide the following observations on matters of cross-boundary relevance.

Housing Delivery

We note that the proposed housing delivery period covers 10 years rather than the standard 15-year timeframe. We understand that this approach reflects the anticipated Local Government Review and the expected restructuring of local authorities, with confirmation anticipated in the summer. Given that a new, larger authority is expected to be operational by April 2028, we recognise that any requirement to extend the housing delivery period beyond 10 years will be addressed through the new authority's plan-making responsibilities.

We also note your intention to fully meet your own housing need. On this basis, we have no further comments to make regarding the housing element of the Plan.

Employment

We acknowledge that the call for sites has resulted in a limited number of employment land submissions, including two proposals for data centres. We support the consideration of data centres at a strategic level across Hertfordshire and agree that this is an issue best addressed through the emerging Spatial Development Strategy (SDS). A coordinated approach will help ensure that the scale, location, and infrastructure requirements of such facilities are planned effectively across the wider area.

Evidence Base

We welcome and support the ongoing collaboration across our district and your borough on joint evidence base work. This shared approach is particularly valuable where cross-boundary issues arise and will help ensure that both our Local Plan processes are supported by consistent, robust, and up-to-date evidence.

I hope you find our comments helpful. Should you wish to discuss any of the points raised or require clarification on any matter, then please do contact me.

Yours sincerely

A handwritten signature in black ink that reads "RcRooney". The signature is written in a cursive, slightly stylized font.

Rachael Rooney

Interim Strategic Planning Manager

CABINET

DATE: 14 April 2026

*PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: Renter Rights Act 2025 – Policy Changes

REPORT OF: Director - Regulatory

EXECUTIVE MEMBER: Cllr Mick Debenham, Executive Member for Regulatory

COUNCIL PRIORITY: THRIVING COMMUNITIES

1. EXECUTIVE SUMMARY

Please note that this report is for Cabinet to consider four legal documents all of which are directly affected by the Renters Rights Act, 2025 (the Act), and need to be either amended or in place before the Act takes effect from the 1st May 2026.

The Act introduces a substantially expanded civil penalty framework and places new duties on the Council to enforce a wider range of landlord obligations. By adopting a phased introduction of new compliance requirements, starting with limiting the scope for eviction, it also introduces new higher penalties for non-compliance. It also adopts enforcement to be the preferred response differing significantly from most previous statutes.

To ensure the consistency of the delivery of this Act with other Housing Authorities and to therefore limit legal challenges the Council must ensure its policies fully align with the needs of the new legislative framework and accepts the revised 'standard' format of those new policies presented here.

This report therefore highlights the need to amend the Council's Corporate Enforcement Policy, its appendices B – Environmental Health and G – Access to Housing, and to introduce new Housing Enforcement and Civil Penalties policies to properly represent the new statutory requirements of the Act.

2. RECOMMENDATIONS

2.1. That the Council be recommended to adopt the following policy amendments and new related policies, so as to enable the Council to enforce the requirements of the Act from 1 May 2026:

- i. Amendments to the Corporate Statement of Enforcement Policy (CSEP)
- ii. Amendments to the CSEP Appendix B: Environmental Health.
- iii. Amendments to the CSEP Appendix G: Access to Housing.
- iv. Adoption of The Housing Authority Enforcement Policy.

- v. Adoption of The Civil Penalties Policy for Proceedings under the Renters Rights Act 2025 and other Housing Legislation.

2.2. It is also recommended that authority to make future amendments to:

- i. The CSEP, Appendix B: Environmental Health
- ii. The CSEP, Appendix G: Access to Housing
- iii. The Housing Authority Enforcement Policy
- iv. The Civil Penalties Policy for Proceedings under the Renters Rights Act 2025 and other Housing Legislation

Be delegated from this Cabinet and passed to the Director – Regulatory in consultation with the Executive Member for Regulatory in accordance with the provisions of the Council’s Constitution.

3. REASONS FOR RECOMMENDATIONS

- 3.1 The recommendations ensure the Council can meet its statutory duties under Section 107 of the Renters Rights Act 2025 and permits the necessary amendments to existing Council policies and provisions. This will enable the Council to better protect those constituents living in the rented sector, provide clear foundation for those providing rented accommodation and mitigate the risk of legal challenges and reputational harm should the Council fail to fully adopt this new statute.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. The Council has the statutory duty to fulfil the obligations placed on it by Act, but it is for the Council to decide how this is achieved. Certain key enforcement provisions required by the Act contradict many of those required by the Council for other legislation so suitable measures are required to accommodate these differences.
- 4.2. Rejecting the recommendations outright will mean the Council fails to have in place defined measures as to how it will deliver the provisions necessary under the Act and will instead give full discretion to officers authorised under the Act to decide how to apply the legislation. Due to the lack of protection afforded to the Council, or its Officers, this option should be rejected.
- 4.3. The new Policies presented, i.e., the Housing Authority Enforcement Policy and the Civil Penalties Policy are in a format which differs from those previous adopted by the Council, but which has been approved by the Ministry of Housing, Communities and Local Government of the United Kingdom (MHCLG). This is to facilitate consistency of regulation by local authorities, and whilst not intended to remove any local assessment of an issue or the application of the law, it could be viewed as Central Government directing how local Councils should deliver the law. The Council is required to have policies stating how it will apply this Act, but Cabinet can reject the format presented and require policies to be in a different format, including in a format previously adopted by the Council. Doing this, however, removes the protection afforded by having policies in

a nationally approved format, having policies consistent with many other local authorities, and allows procedures to be developed based on a national standard, therefore affording better consistency and protection to the Council and its offices. For these reasons, Cabinet should reject the consideration of having policies in a format other than those presented.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 As this Policy states how, the Council will meet its obligations under the necessary provisions of the Act, the scope for local interpretation as to how compliance is achieved is limited. As such, consultation was limited to key Elected Members, Senior and selected other Officers in the Council

5.2 Internal consultation took place between 10 March to 24 March 2026

5.3 The Consultees were:

Councillor Mick Debenham, Executive Member for Regulatory

Councillor Matt Barnes, Shadow Member for Regulatory

Councillor Michael Muir, Shadow Member for Regulatory

Councillor Ralph Muncer Leader of the Conservative Group

Anthony Roche, Chief Executive

Jo Doggett, Director – Regulatory

Isabelle Alajooz, Director – Governance

Johanne Dufficy, Director – Customers

Steve Crowley, Director – Enterprise

Nigel Smith, Director – Place

Ian Couper, Director – Resources

Sarah Kingsley, Director – Environment

Legal Services

Human Resources

Accounts

Policy and Risks

5.4 Response to the consultation were received from:

Legal Services

Policy and Risk

5.5 All responses were considered and where appropriate, the Policy was amended to its current, presented form.

A summary of the responses and their impact on the Policy is given in Appendix G.

6. FORWARD PLAN

6.1 This report contains a recommendation on a key executive decision that was first notified to the public in the Forward Plan on 16 January 2026.

7. BACKGROUND

- 7.1. This report asks the Council to consider and approve the policy amendments and adopt the new policies necessary to ensure the Council is compliant with its statutory duties under the Renters Rights Act 2025 and has in place the statutory framework to enforce the Act via civil penalties. This includes adopting a formal-first approach to enforcement for certain breaches or offences, which contradicts the Council existing Corporate Statement of Enforcement Policy, hence the need to change this as part of these measures.
- 7.2. It has been recognised that most of the control and power available in the rented residential sector has rested with the landlords, thereby putting the tenant at an unreasonable disadvantage. To redress this inequality, the Act tries to rebalance the equation, not by removing powers, but instead, by clarifying what powers and obligations each party has. This rebalancing is then supplemented by providing Housing Authorities greater powers to regulate the sector.
- 7.3. To further aim to redress the balance of power, there is the expectation that providers of rented residential homes should know the standards they should adhere to before and throughout any tenancy, and that as a result, the enforcement powers available to Housing Authorities should better reflect this. Most enforcement powers available to local authorities meet the requirements of the Regulators' Code and adopt a graduated scale of enforcement starting from the need to provide the necessary information, through offering advice, then an opportunity to comply, and only when these have failed, would enforcement be considered. To support the assumption that providers of rental accommodation should know what is required before they make their homes available, the Act radically changes the enforcement expectations. The Act requires enforcement to take place for any non-compliance unless there is strong supporting evidence that informal measures will achieve full compliance in the first instance. As this approach contradicts the Council current Corporate Statement of Enforcement Policy, it is for this reason that this has been changed, both in the main body of the document, and in appendix B, the provisions covering the powers available to Environmental Health, and appendix G, which details the provisions providing access to housing to those facing or at risk of homelessness.
- 7.4. Regulation of the Act is mainly via the imposition of civil penalties for non-compliance, and to encourage compliance, the scale of the civil penalties has been enhanced to a point where repeated non-compliance will significantly affect the finances of those failing to comply. It is for this reason that a targeted Civil Penalties Policy has been drafted which will help the Council to better protect residents living in the rented residential sector which is recognised as including some of the poorest quality housing available.
- 7.5 The policy also seeks to delegate future amendments of the documents stated in 2.2 above to the Director – Regulatory in consultation with the Executive Member for Regulatory, in accordance with the provisions of the Council's Constitution. This will offer a more effective and efficient process to accommodate the future amendments and developments of the Act already known and planned for by MHCLG.

8. RELEVANT CONSIDERATIONS

- 8.1 The Renters' Right Act 2025 received Royal Assent on 27th October 2025. The Act aims to strengthen tenant protections, modernise tenancy law and provide a clear, more enforceable regulatory framework for local authorities.
- 8.2 The Act will be implemented via a phased approach. Part 1 of the Act is in relation to tenancy reform and will come into force on 1st May 2026. Part one includes:
- Abolition of Section 21 'no-fault' evictions, ending the ability of landlords to evict tenants without statutory grounds. Possession will instead rely on revised and strengthened Section 8 grounds.
 - Automatic move to assured periodic tenancies, with all existing and new tenancies converting to open-ended periodic agreements. Fixed-term tenancies will no longer be permitted.
 - Rent reforms, limiting increases to once every 12 months via the statutory Section 13 process, with tenants retaining the right to challenge above-market increases.
 - Prohibitions on rental bidding and rent in advance, ensuring landlords cannot invite or accept offers above the advertised rent or require more than one month's rent upfront.
 - Strengthened protections against discrimination, including a ban on refusing prospective tenants on the basis of receiving benefits or having children.
 - New rights for tenants to request pets, with landlords required to consider requests reasonably.
- 8.3 Alongside tenancy changes, the Act introduces a strengthened enforcement landscape for local authorities, supported by new investigatory powers, civil penalties and clearer duties to enforce breaches and offences. Authorities will have a statutory duty to enforce all new restrictions applying to assured tenancies from 1 May 2026.
- 8.4 Further reforms will follow in later phases, including the introduction of the Private Rented Sector Database (early 2027), Private Landlord Ombudsman (unconfirmed implementation date but between 2028 – 2035) and enhanced property standards via the implementation of a Decent Homes Standard (unconfirmed implementation date but between 2028 – 2035).
- 8.5 In addition, local authorities will have a mandatory data reporting duty to MHCLG for oversight on enforcement requirements. Once the Act has been fully implemented there will be 60 data points reported on a quarterly basis. The full details of what is to be reported and when this is to commence has yet to be confirmed. One aspect to this delay, is that the current IT databases local authorities use to handle their complaint or investigation records needs to be both capable to collecting the data required and compatible with the reporting requirements MHCLG want to impose; this is not currently the situation. As a result, MHCLG is in discussions with the various IT houses and once the matter has been addressed, it is assumed that the various IT databases, including Tascomi, which is used by the Council, will then be updated.

- 8.6 The Renters' Rights Act 2025 introduces significant changes to tenancy law, landlord obligations and local authority enforcement duties. To ensure the Council remains legally compliant from 1 May 2026, it is essential that the enforcement framework is updated. The Council's current Corporate Statement of Enforcement Policy and Appendix B Environmental Health were developed within a regulatory framework where local authorities had broad discretion to address non-compliance through informal or advisory action, reflecting the principles of the Regulators' Code. This approach assumed enforcement was largely discretionary, with informal resolution often appropriate as a first response. This framework continues to underpin much of the Council's existing regulatory practice.
- 8.7 The Renters' Rights Act also represents a fundamental shift from this regulatory position. Section 107 of the Act places a statutory duty on local housing authorities to enforce the '*landlord legislation*', changing the balance between informal action and formal enforcement. When breaches of the defined '*landlord legislation*' are identified, the Council must now actively consider enforcement action, rather than defaulting to advice or informal resolution in the first instance. As a result, the Regulators Code can no longer be relied upon to justify informal action as the starting point for compliance under the Renters' Rights Act.

* The '*landlord legislation*' is defined as:

- Chapters 3 and 6 of Part 1 of the Renters' Right Act 2025
- Part 2 of the Renters' Rights Act 2005
- Sections 1 and 1A of the Protection from Eviction Act 1977
- Chapter 1 of Part 1 of the Housing Act 1988.

The 'landlord legislation' and tenancy reforms are summarised in more detail in Appendix H and further reading is provided in the linked background papers.

- 8.8 Historically, enforcement of private rented sector legislation has varied widely between local housing authorities. Differences in local policy frameworks, penalty setting practices and escalation approaches have created a 'postcode lottery' for landlords, where similar breaches depending on the authority. This inconsistency undermines confidence in the regulatory system, creates uncertainty for landlords operating across multiple areas, increases the risk of challenge to enforcement decisions, and results unequal levels of tenant protection. Furthermore, the Regulators' Code requires all enforcement agencies to follow a graduated enforcement response starting with the least impactful measure, e.g., offering compliance advice, before considering more robust measures, e.g., enforcement notices or finally prosecution for non-compliance. The combination of both aspects has meant that enforcement of standards has often been slow or even absent from previous responses, and this has not been a satisfactory response.
- 8.9 In response to these concerns, the voluntary group, Association of Chief Environmental Health Officers (ACEHO) in partnership with Jigsaw and Justice for Tenants, has developed a suite of national model policies, including a Civil Penalty Policy and Housing Authority Enforcement Policy, with a Civil Penalty Debt Recovery Policy currently in development. These policies aim to promote greater consistency, transparency and robustness in local authority enforcement, while still allowing for appropriate local discretion. Aligning the Council's enforcement policies, at least initially insofar as the Renters' Rights Act is concerned with this nationally recognised framework will support

a consistent and defensible approach to enforcement, reduce the risk of legal challenge due to policy differences and strengthen the Council's ability to meet its statutory duties under the Renters' Rights Act. This approach will also help align the Councils enforcement framework with that of other Hertfordshire authorities, supporting smoother integration and organisational consistency in preparation for Local Government Reorganisation.

- 8.10 The implementation of the Renters' Rights Act requires a coordinated and timely update to the Council's Civil Penalty framework, Corporate Statement of Enforcement Policy, Appendix B (Environmental Health) and Appendix G (Housing Needs), to ensure compliance with the new statutory duties and offences. Failure to update these frameworks risks inconsistent enforcement, increased exposure to challenge, and inability to demonstrate compliance with the Council's duty to enforce the landlord legislation under Section 107 of the Renters Right Act. Approval is therefore sought to adopt the amendment and new related policies from 1 May 2026 aligning the Council's enforcement approach with the new legislative framework.

8.11 Summary of Amendments

It has been stated that the Act makes a number of significant changes to what is enforced as well as how such interventions will have to be made. A summary of these changes is given here. Please note, that although not stated in the table, the points refer only to those aspects of the Council's Enforcement response that is affected by the Act.

Housing Authority Enforcement Policy:

Area	Current Policy – prior to adopting the changes brought about by the Act	Proposed Policy – as imposed by adopting the changes made by the Act	Change Detail
Legislative Framework and Offence Coverage	Based on Housing Act 2004, Housing & Planning Act 2016 and general civil penalty powers	Aligned with Renters' Rights Act 2025 as implemented up to 1 st May 2026	Amendments to reflect incoming powers and duties
Regulators' Code	Council commits to regulating in accordance with the Regulators Code unless high risk or history of non-compliance	Removed in regard to Section 107 of the Renters' Rights Act imposing a statutory duty to take enforcement action on 'landlord legislation'. Still in place for legislation that falls within The Legislative and Regulatory Reform (Regulatory Functions) Order 2007	Enforcement change – no longer appropriate to consider informal approach in the first instance where breach/offence of 'landlord legislation' or for other matters under the or The Renters' Right Act 2025

Enforcement Approach	Graduated approach promoting support and voluntary compliance in most cases unless high risk or history of non-compliance	Allows formal action as the first step where 'landlord legislation' breach/offence committed.	Stronger early intervention powers in adherence with section 107 of the Renters' Right Act
Investigatory Powers	General overview of current provisions	Adds extensive Renters' Rights investigatory powers	Expansion of powers
Rent Repayment Orders & Banning Orders	Included but less detailed	Expansion to align with Renters' Rights Act	Expansion to align with Renters' Right Act

Civil Penalty Policy:

Area	Current Policy – prior to adopting the changes brought about by the Act	Proposed Policy – as imposed by adopting the changes made by the Act	Change Detail
Legislative Framework and Offence Coverage	Based on Housing Act 2004, Housing & Planning Act 2016 and general civil penalty powers	Aligned with Renters' Rights Act 2025 as implemented up to 1 st May 2026	Amendments to reflect incoming powers and duties
Penalty Calculation	Locally determined matrix considering number of factors	Replaced with statutory matrix including set starting points and other structured factors including landlord type	Introduction of statutory starting points and a nationally consistent calculation method
Aggravating/Mitigating Factors	List of general considerations	Significantly expanded list including vulnerability factors, duration, severity, obstruction and harm level	More structured and transparent penalty adjustments
Financial Assessment / Representation Consideration	Minimal reference, not prescriptive	Detailed evidence requirements	Stronger evidential basis required

9. LEGAL IMPLICATIONS

- 9.1 The Renters' Right Act 2025 introduces a strengthened regulatory framework for the private rented sector with new statutory duties, expanded investigatory powers, and a more prescriptive civil penalty regime. From 1 May 2026, the Council must enforce all elements of the Act's defined 'landlord legislation'. Section 107 of the Act places a clear duty on local housing authorities to take enforcement action where breaches or offences are identified, making a shift away from the previous discretionary, Regulators' Code-based approach.
- 9.2 Failure to adopt the amended and new related policies, may lead to the following risks:
 - 9.2.1 Non-compliance with statutory duties: without an updated policy suite aligned with the Renters' Right Act, the Council may be unable to demonstrate that enforcement decisions are lawful, proportionate and compliant with Section 107. This increases the risk of successful challenge through judicial review; tribunal appeals or the Local and Social Care Ombudsman.
 - 9.2.2 Challenge to enforcement action and civil penalty decisions: The Act introduces a statutory civil penalty matrix and stricter evidential requirements. Relying on outdated policies that do not reflect these changes increase the likelihood that enforcement notices or penalties will be overturned on appeal due to procedural defects or inconsistent application of statutory criteria.
 - 9.2.3 Risk of unlawful or disproportionate enforcement: The updated policies clarify when formal action is legally required and ensure decisions are consistent with the Renters' Right Act, statutory guidance and emerging case law. Without adoption, officers may continue using discretionary frameworks that are no longer for Renters' Right Act related offences.
- 9.3 Adoption of the amended and new related policies will ensure that the enforcement activity is lawful, robust and defensible, and that the Council is prepared for the commencement of Part 1 of the Act from 1 May 2026. The amended and new related policies reflect statutory guidance, emerging best practice and relevant tribunal decisions, thereby reducing the legal risk and supporting consistent, transparent and compliant enforcement.
- 9.4 The Cabinet's Terms of Reference is provided under the Council's Constitution at paragraph 5.7.15; "To oversee the provision of all the Council's services other than those functions reserved to the Council", and paragraph 5.7.28; "To make a decision where a policy or strategy does not exist."
- 9.5 In considering delegating future decisions affecting the policies and appendices identified in this report, the Cabinet's Terms of Reference are provided in paragraph 14.6.2: "This scheme [of delegating powers to offices] operates under Section 101 of the Local Government Act, 1972 (council functions) and sections 9E Local Government Act, 200 (executive functions), as facilitated by paragraph 14.6.11(b)(iv).
- 9.6 In approving the Policies identified in this report and amending the Appendices, the Cabinet would therefore be acting in accordance with its statutory requirements and in accordance with the Council's constitution.

10. FINANCIAL IMPLICATIONS

- 10.1. The policies and amended appendices listed in this report set out how the Council will fulfil its legal obligations under the relevant Acts. As these changes do not impose the need to amend the service delivery teams responsible for this intervention, there is no direct financial cost to the Council arising from such matters as a result of these policy changes.
- 10.2 The Civil Penalty Policy introduces updated penalty levels and a civil penalty matrix in line with the Renters' Rights Act 2005 and statutory guidance. Any income received from civil penalties may be retained by the council in accordance with existing regulations and must be used to fund enforcement activity within the private rented sector.
- 10.3 Due to the scope where Civil Penalties may be imposed and the scale of the penalties, there is a risk of appeals to the appropriate tribunal and for non-payment of the debt. It would be in the Council's interest to challenge any appeal and prosecute as appropriate any non-payment. Such costs are recoverable as part of the permitted action under the Act, so whilst there is a risk of an initial increase in the cost of delivering this aspect of the Act, such costs would be recoverable. Unfortunately, due to the lack of knowledge of the impact of the Act on the housing conditions in the district, this financial risk is not known and cannot be calculated at this stage.
- 10.4 Whilst the Council does have policies attributable to civil penalties, a policy covering the necessary provisions identified by the Act is not yet available. This will be developed, either nationally following guidance from MHCLG, or locally and submitted to a future Cabinet for approval in due course.
- 10.5 It has been recognised by MHCLG that implementing the necessary changes required for the Act will impose significant burdens on each local authority. As a result, New Burdens Funding has been made available to Councils, and although it is for each Council to use this as they deem necessary, the monies must go to introducing this Act and cannot be pooled into the Council's general fund. The funding amounts has been based on the estimated number of private rented properties each Council has, based on the last national census information, and will be paid over three instalments. The first was received during Q4 of 2025/26, the second instalment is due during 2026/27, with the final being paid in 2027/28.

The amounts allocated to this Council are:

- I. 2025/26 – £32, 945.88 (received)
- II. 2026/27 – £55,440.00 (no date for release yet provided by MHCLG)
- III. 2027/28 – £26,104.00 (no date for release yet provided)

To date, it has been agreed that a contractor already known to and respected by Environmental Health will be employed for an initially short period to backfill the post of a Senior Officer focussing on preparing for and implementing the work necessary ensure this Council is in a position to deliver its statutory obligations under the Act from 1st May 2026. Any future use of this targeted funding will be considered as the Council starts to deliver this new work. As a result of this additional funding, it is anticipated that implemented the necessary requirements of the Act will not impose any additional financial burdens on the Council.

- 10.6 The Act will introduce a statutory Private Rented Sector Landlords' Database. The current schedule for this to be rolled out is from late 2026 although its full roll-out and adopting is not expected until 2027. MHCLG is in discussion with the various IT houses so this schedule may change, but at present, there is no indication of any additional costs to the local authority users for the introduction of the necessary revised software. However, given the potential scale of changes necessary, even if there is no direct cost for new software, there is likely to be additional resource requirement to amend our database, and this will come at an additional cost. If this is required, this funding may come from the New Burdens Funding already received or separate additional funding solely for this purpose. As a result, and at present, it is anticipated that this work will not be an additional funding burden to the Council.

11. RISK IMPLICATIONS

- 11.1 The Council has a statutory obligation to introduce those measures necessary for it to be in a position to regulate under the Renters' Right Act, 2025. The measures identified in this report and supplemented by the new policies presented for adoption and the amendments to existing policies and their appendices achieve this objective. Whilst it is acknowledged that there are still gaps in our understanding and experiences implied by this new statute, these gaps will be filled over time. Accepting the recommendations presented in this report mitigate the most significant risks afforded by the Council, namely that of failing to have in place measures necessary to meet our statutory duties.
- 11.2 The expanded use of civil penalties under the Act may lead to increased representations, appeals and non-payment of penalties, particularly during the early stage of implementation. A clear civil penalty methodology, consistent enforcement approach and alignment with emerging best practice, including the development of a civil penalty debt recovery policy and mechanism, will support effective recovery and reduce the risk of protracted disputes. It is recognised that a Civil Debt Recovery Policy focussed on the requirements of the Act has yet to be developed, but due to the likely timescale of at least several months for when such a policy will need to be followed, it is envisaged that a Policy will be in place and adopted by this Council, and as such, this risk is recognised, including by MHCLG who have also delayed producing a template policy, as it has for the more urgent policies, but is currently considered as manageable.
- 11.3 The enhanced enforcement expectations under the Renters' Rights Act may place additional pressure of officer capacity, particularly during initial implementation. Clear policies will streamline decision-making, reduce rework, and support more efficient enforcement activity. A review of the current customer experience will ensure relevant services are prepared to respond, prioritise cases appropriately and refer matters for enforcement where necessary. Ongoing monitoring will enable emerging capacity issues to be identified and addressed effectively. Although we still need to confirm that the measures in place, or due to be in place for the 1st May 2026 will be appropriate, there is still the inevitable risk that issues may arise. If they do, such matters will have to be addressed as they are found.
- 11.4 As this Act affects every local authority in essentially the same way, i.e., with the need to introduce new policies and procedures, we are and will continue to work with other authorities and agencies to pre-empt issues and address risks as they are found. To this effect, this authority will continue to work with all the other Housing Authorities of Hertfordshire, and work with Jigsaw, Justice for Tenants and The Association of Chief Environmental Health Officers, all of whom are focussing on implementing this Act.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2. As the policies only set out how the Council will fulfil its legal obligations under the relevant Acts, there are no equalities implications associated with this.

13. SOCIAL VALUE IMPLICATIONS

- 13.1. The Social Value Act and “go local” requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. There are no known Environmental impacts or requirements that apply to this report and recommendations to approve and adopt the policy changes.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1. There will be no impact.

16. APPENDICES

- 16.1 Appendix A: Renters’ Right Act 2025
- Appendix B: Renters’ Right Act 2025 – A summary of the key tenancy reforms and landlord legislation
- Appendix C: Corporate Statement of Enforcement Policy (CSEP)
- Appendix D: CSEP Appendix B Environmental Health
- Appendix E: CSEP Appendix G Access to Housing
- Appendix F: Housing Authority Enforcement Policy
- Appendix G: Civil Penalties Policy for proceedings under the Renters Rights Act and other housing legislation
- Appendix H: Consultation summary of responses

17. CONTACT OFFICERS

- 17.1 Frank Harrison, Environmental Health Managers,
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Lucy Tucker, Environmental Protection and Housing Manager,
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18. BACKGROUND PAPERS

18.1 Guidance to the Renters Rights Act 2025: [Guide to the Renters' Rights Act - GOV.UK](#)

Renters Rights Act: Guidance for Local Authorities and Councils: [Renters' Rights Act: guidance for local authorities and councils - GOV.UK](#)

Implementing the Renters Rights Act 2025: Our roadmap for reforming the Private Rented Sector: [Implementing the Renters' Rights Act 2025: Our roadmap for reforming the Private Rented Sector - GOV.UK](#)

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Renters' Rights Act 2025

2025 CHAPTER 26

An Act to make provision changing the law about rented homes, including provision abolishing fixed term assured tenancies and assured shorthold tenancies; imposing obligations on landlords and others in relation to rented homes and temporary and supported accommodation; and for connected purposes. [27th October 2025]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

TENANCY REFORM

CHAPTER 1

ASSURED TENANCIES

PROSPECTIVE

End of certain kinds of assured tenancy

- 1 Assured tenancies to be periodic with rent period not exceeding a month**
In [the 1988 Act](#), before [section 5](#) insert—

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

“4A Assured tenancies to be periodic with rent period not exceeding a month

- (1) Terms of an assured tenancy are of no effect so far as they provide—
 - (a) for a tenancy to be a fixed term tenancy, or
 - (b) for periods of the tenancy to be different from the periods for which rent is payable (“rent periods”).
- (2) Where terms of an assured tenancy are of no effect by virtue of subsection (1)(a) or (b), the tenancy has effect as a periodic tenancy under which the periods of the tenancy are the same as the rent periods.
- (3) Terms of an assured tenancy which provide for the rent periods are of no effect unless each rent period is—
 - (a) a period of 28 days or shorter, or
 - (b) a monthly rent period.
- (4) Those terms may provide for different rent periods at different times during the assured tenancy (but each rent period must be permitted by subsection (3)).
- (5) Where terms of an assured tenancy are of no effect by virtue of subsection (3), the tenancy has effect as if it provided—
 - (a) for successive rent periods of one month beginning with the first day of the tenancy, and
 - (b) for the rent for each such rent period—
 - (i) to be the amount calculated in accordance with the formula in subsection (6), and
 - (ii) to be due on the first day of the period.
- (6) The formula is—

$$\frac{R}{D} \times 30.42$$

where—

R is the rent that would have been due for the first rent period of the tenancy under the terms that are of no effect by virtue of subsection (3);

D is the number of whole days in that period.

- (7) Except as provided by subsections (1) and (3), nothing in this section limits any right of the landlord and the tenant to vary a term of a tenancy by agreement.
- (8) For the purposes of this section, terms of an assured tenancy provide for “monthly” rent periods if they provide for rent to be payable for successive periods of one month, disregarding any provision for the first period to be a different period not exceeding 30 days.”

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

II S. 1 not in force at Royal Assent, see [s. 145\(1\)\(8\)](#)

2 Abolition of assured shorthold tenancies

In [the 1988 Act](#)—

- (a) omit section 6A (demotion to assured shorthold tenancy because of anti-social behaviour);
- (b) omit Chapter 2 of Part 1 (assured shorthold tenancies).

Commencement Information

I2 S. 2 not in force at Royal Assent, see [s. 145\(1\)\(8\)](#)

PROSPECTIVE

Grounds for possession

3 Changes to grounds for possession

(1) [Schedule 1](#) contains amendments of [Schedule 2](#) to [the 1988 Act](#) (grounds for possession of dwelling-houses let on assured tenancies).

(2) In [section 7](#) of [the 1988 Act](#) (orders for possession)—

- (a) in [subsection \(3\)](#), for “subsections (5A) and (6)” substitute “the following provisions of this section”;
- (b) in [subsection \(4\)](#) omit “, subject to subsections (5A) and (6) below,”;
- (c) in [subsection \(5\)](#) omit the words from “and Part IV” to the end”;
- (d) after [subsection \(5\)](#) insert—

“(5ZA) The court may not make an order for possession of a dwelling-house on any of Grounds 1 to 5H or Ground 6A where—

- (a) a smallholding was previously let to the tenant under a tenancy to which the Agricultural Holdings Act 1986 applies (“the agricultural tenancy”),
- (b) the agricultural tenancy came to an end as a result of the operation of a notice to quit given in case A in [Part 1](#) of [Schedule 3](#) to [that Act](#) (“case A”),
- (c) the assured tenancy was granted immediately after the agricultural tenancy came to an end, and
- (d) the dwelling-house is let under the assured tenancy—
 - (i) by the person who was the landlord under the agricultural tenancy (“the former agricultural landlord”), or

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (ii) by another person pursuant to a contract or other agreement entered into with the former agricultural landlord under which—
 - (A) the dwelling-house is to be let as suitable alternative accommodation for the purposes of paragraph (b) of case A, and
 - (B) this subsection is to apply.
- (5ZB) The court may not make an order for possession of a dwelling-house let on an assured tenancy on any of Grounds 1 to 5H or Ground 6A where, on the basis of the proposed let of the dwelling-house on that tenancy, the dwelling-house was deemed to be suitable alternative accommodation under paragraph 1(c) of Part 4 of Schedule 2 to the Housing Act 1985 for the purposes of section 84(2)(b) and (c) of that Act.”;
- (e) in **subsection (5A)**—
 - (i) in **paragraph (a)**, for “, 2, 5” substitute “to 5H, 6A, 6B”
 - (ii) omit **paragraph (b)** (but not the “and” at the end).
- (f) after **subsection (5A)** insert—

“(5B) The court may not make an order for possession of a dwelling-house let on an assured tenancy granted in accordance with section 554(3)(c) (before its repeal) or (ca) of the Housing Act 1985 on any of Grounds 1 to 5H or Ground 6A.
- (5C) In relation to the making of an order for possession of a dwelling-house let on an assured periodic tenancy arising under **Schedule 10** to the **Local Government and Housing Act 1989**, Ground 6 is to apply as if—
 - (a) in paragraph (b), the words “, but only in a case where section 7(5ZA) applies in relation to the tenancy” were omitted;
 - (b) in the general redevelopment conditions, paragraph (f) was omitted;
 - (c) in the landlord’s acquisition condition, in paragraph (a), the reference to the grant of the tenancy is a reference to the grant of the long residential tenancy which existed immediately before the assured periodic tenancy arose.
- (5D) If the only grounds for possession which the court is satisfied are established are either or both of Grounds 7A and 14 in Schedule 2, the court may not make an order for possession to take effect within—
 - (a) the period of 14 days beginning with the date of service of the notice under section 8; or
 - (b) where the court has exercised the power conferred by section 8(1)(b), the period of 14 days beginning—
 - (i) if a purported notice of possession (within the meaning given by section **16M**) was served on the tenant and the court considers it just and equitable, with the date on which the notice was served;
 - (ii) otherwise, with the date on which the proceedings for possession began.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(5E) In subsection (5C), a reference to a “long residential tenancy” is a reference to a tenancy to which Schedule 10 to the Local Government and Housing Act 1989 applies.”

(g) omit subsections (6), (6A), (6B) and (7).

(3) In section 8 of the 1988 Act (notice of proceedings for possession)—

(a) in subsection (1)(a) for “(4B)” substitute “(4AA)”;

(b) in subsection (3)(b) for “(3A) to (4B)” substitute “(4) to (4AA)”;

(c) omit subsection (3A);

(d) in subsection (4)—

(i) for “Ground 14” substitute “either or both of Grounds 7A and 14”;

(ii) after “whether” insert “with or”;

(iii) omit “or with any ground other than Ground 7A”;

(e) for subsections (4A) and (4B) substitute—

“(4AA) If a notice under this section does not specify Ground 7A or 14 in Schedule 2, the date specified in the notice as mentioned in subsection (3)(b) must not be before the end of the longest period shown in the following table for any ground specified in the notice.

Ground specified in notice	Period
1, 1A, 1B, 2, 2ZA, 2ZB, 2ZC, 2ZD, 4A, 6, 6A, 6B	four months beginning with the date of service of the notice
5, 5A, 5B, 5C, 5D, 5H, 7, 9	two months beginning with the date of service of the notice
5E, 5F, 5G, 8, 10, 11, 18	four weeks beginning with the date of service of the notice
4, 7B, 12, 13, 14ZA, 14A, 15, 17	two weeks beginning with the date of service of the notice”;

(f) after subsection (5) insert—

“(5A) A notice given by an intermediate landlord under Ground 2ZA is to be treated, when the superior tenancy ends, as a notice given by the person who became the landlord by virtue of section 18 under Ground 2ZC.

(5B) A notice given by an intermediate landlord under Ground 2ZB is to be treated, when the superior tenancy ends, as a notice given by the person who became the landlord by virtue of section 18 under Ground 2ZD.”;

(g) omit subsection (6).

(4) After section 8 of the 1988 Act insert—

“8ZA Disapplication of conditions where notice dispensed with

(1) This section applies where the court exercises the power conferred by section 8(1)(b) in proceedings relating to Ground 4A, 5G or 6 in Schedule 2.

(2) The court may, if it considers it just and equitable to do so—

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- (a) where the proceedings relate to Ground 4A, disapply paragraph (d) of the ground;
- (b) where the proceedings relate to Ground 5G, disapply paragraph (b) of the ground;
- (c) where the proceedings relate to Ground 6, disapply paragraph (aa)(ii) (B) of the ground.

(3) References in this section to grounds in Schedule 2 are to those grounds read in accordance with paragraph 12(2) of that Schedule.”

(5) After section 11 of the 1988 Act insert—

“11A Possession on ground 6B: compensation of tenant

- (1) This section applies where a court makes an order for possession of a dwelling-house let on an assured tenancy on Ground 6B in Schedule 2 to this Act (whether or not the order is also made on any other ground).
- (2) The court may order the landlord to pay to the tenant such sum as appears sufficient as compensation for damage or loss sustained by that tenant as a result of the order for possession.
- (3) In deciding whether to make an order under this section, and what compensation to order, the court must (in particular) take into account the circumstances which led to Ground 6B being available as a ground for making an order for possession (including any conduct by the tenant which caused or contributed to Ground 6B being available).”

Commencement Information

I3 S. 3 not in force at Royal Assent, see [s. 145\(1\)\(8\)](#)

4 Possession for anti-social behaviour: relevant factors

In [the 1988 Act](#), in [section 9A](#)—

- (a) in [subsection \(2\)](#), after [paragraph \(c\)](#) insert—
 - “(d) whether the person against whom the order is sought has co-operated with any attempt by the landlord to encourage the conduct to cease.”;
- (b) after [subsection \(2\)](#) insert—
 - “(3) Where the person against whom the order is sought is a tenant occupying an HMO, in considering effects mentioned in subsection (2)(a) the court must have particular regard to the effect on other occupiers who share with that person accommodation or facilities within the HMO.
 - (4) For the purposes of [subsection \(3\)](#) occupiers of an HMO share accommodation or facilities if they are each entitled to use that accommodation or those facilities under the terms of a tenancy or licence to occupy.

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(5) In [subsection \(3\)](#) “HMO” has the same meaning as in [Part 2](#) of the [Housing Act 2004](#) (see section 77 of that Act).”

Commencement Information

I4 S. 4 not in force at Royal Assent, see [s. 145\(1\)\(8\)](#)

5 Form of notice of proceedings for possession

In [section 8](#) of the [1988 Act](#), after [subsection \(6\)](#) insert—

“(7) Regulations made under section 45(1) by virtue of subsection (3) may—

- (a) provide for the form to be published by the Secretary of State;
- (b) provide that the form to be used is the version that has effect at the time the requirement applies.”

Commencement Information

I5 S. 5 not in force at Royal Assent, see [s. 145\(1\)\(8\)](#)

PROSPECTIVE

Rent and other terms

6 Statutory procedure for increases of rent

(1) [Section 13](#) of the [1988 Act](#) (increases of rent) is amended in accordance with [subsections \(2\) to \(8\)](#).

(2) In the heading for “periodic tenancies” substitute “tenancies other than relevant low-cost tenancies”.

(3) For [subsection \(1\)](#) substitute—

“(1) This section applies to any assured tenancy other than a relevant low-cost tenancy.”

(4) In [subsection \(2\)](#)—

- (a) in [paragraph \(a\)](#), for “the minimum period” substitute “two months”;
- (b) in [paragraph \(b\)](#)—
 - (i) for the words before [sub-paragraph \(i\)](#) substitute “either”;
 - (ii) after [sub-paragraph \(i\)](#) insert “or”;
- (c) in [paragraph \(c\)](#)—
 - (i) in the words before [sub-paragraph \(i\)](#), after “below” insert “, either”;
 - (ii) after [sub-paragraph \(i\)](#) insert “or”.

(5) Omit [subsection \(3\)](#).

(6) In [subsection \(4\)](#)—

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- (a) in paragraph (a), for “by an application in the prescribed form refers the notice to the appropriate tribunal” substitute “applies to the appropriate tribunal under section 14(A3)”;
- (b) in paragraph (b) for “variation of the rent which is different from” substitute “new rent which is lower than”.

(7) After subsection (4) insert—

“(4A) The rent for a period of an assured tenancy to which this section applies may not be greater than the rent for the previous period except by virtue of—

- (a) a notice under this section or an agreement under subsection (4)(b) following such a notice,
- (b) a determination under section 14, or
- (c) an agreement in writing between the landlord and the tenant varying the rent, following a determination by the appropriate tribunal under section 14, where the agreed rent is lower than the rent that would be payable under section 14ZA or 14ZB as a result of the determination;

and any provision relating to an assured tenancy to which this section applies is of no effect so far as it provides that the rent for a particular period of the tenancy must or may be greater than the rent for the previous period otherwise than by virtue of a notice, determination or agreement mentioned in this subsection.

(4B) Except as provided by subsection (4A), nothing in this section (or in sections 14 to 14ZB) limits any right of the landlord and the tenant under an assured tenancy to which this section applies to vary any term of the tenancy by agreement.

(4C) In this section “relevant low-cost tenancy” means—

- (a) an assured tenancy of social housing, within the meaning of Part 2 of the Housing and Regeneration Act 2008, where the landlord is a private registered provider of social housing, and
- (b) any other assured tenancy of a description specified in regulations made by the Secretary of State.

(4D) Regulations under subsection (4C)(b)—

- (a) may make different provision for different purposes;
- (b) are to be made by statutory instrument.

(4E) A statutory instrument containing regulations under subsection (4C)(b) is subject to annulment in pursuance of a resolution of either House of Parliament.”

(8) Omit subsection (5).

(9) After section 13 of the 1988 Act insert—

“13A Increases of rent under relevant low-cost tenancies

- (1) This section applies to a relevant low-cost tenancy within the meaning given by section 13(4C).
- (2) For the purpose of securing an increase in the rent under a tenancy to which this section applies, the landlord may serve on the tenant a notice in the

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prescribed form proposing a new rent to take effect at the beginning of a new period of the tenancy specified in the notice, being a period beginning not earlier than—

- (a) one month after the date of the service of the notice, and
- (b) in the case of an assured agricultural occupancy, the first anniversary of the date on which the first period of the tenancy began, and
- (c) if the rent under the tenancy has previously been increased by virtue of a notice under this subsection or a determination under section 14, either—
 - (i) in the case of an assured agricultural occupancy, the first anniversary of the date on which the increased rent took effect, or
 - (ii) in any other case, the appropriate date.

(3) The appropriate date is—

- (a) in a case to which subsection (4) applies, the date that falls 53 weeks after the date on which the increased rent took effect;
- (b) in any other case, the date that falls 52 weeks after the date on which the increased rent took effect.

(4) This subsection applies where—

- (a) the rent under the tenancy has been increased by virtue of a notice under this section or a determination under section 14 on at least one occasion after the coming into force of the [Regulatory Reform \(Assured Periodic Tenancies\) \(Rent Increases\) Order 2003](#), and
- (b) the fifty-third week after the date on which the last such increase took effect begins more than six days before the anniversary of the date on which the first such increase took effect.

(5) Where a notice is served under subsection (2), a new rent specified in the notice takes effect as mentioned in the notice unless, before the beginning of the new period specified in the notice—

- (a) the tenant applies to the tribunal under section 14(A3), or
- (b) the landlord and the tenant agree on a variation of the rent which is different from that proposed in the notice or agree that the rent should not be varied.

(6) Nothing in this section (or in section 14) affects the right of the landlord and the tenant under a relevant low-cost tenancy within the meaning given by section 13(4C) to vary by agreement any term of the tenancy (including a term relating to rent).

13B Challenge to validity of notice to increase rent

Where a tenant under an assured tenancy makes an application to the appropriate tribunal, the tribunal may determine whether a notice served on the tenant under section 13(2) or [13A\(2\)](#) is valid.”

Commencement Information

I6 S. 6 not in force at Royal Assent, see [s. 145\(1\)\(8\)](#)

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7 Challenging amount or increase of rent

- (1) **Section 14** of the **1988 Act** (determination of rent by tribunal) is amended in accordance with subsections **(2)** to **(9)**.
- (2) In the title, after “of” insert “open-market”.
- (3) Before **subsection (1)** insert—
 - “(A1) A tenant under an assured tenancy other than a relevant low-cost tenancy may make an application to the appropriate tribunal for the purpose of challenging the rent payable under the tenancy.
 - (A2) No application may be made under subsection **(A1)** if—
 - (a) the rent payable under the tenancy is pursuant to a previous determination under this section, or
 - (b) more than six months have elapsed since the beginning of the tenancy.
 - (A3) A tenant under any assured tenancy may make an application to the appropriate tribunal for the purpose of challenging a new rent proposed in a notice under section 13(2) or **13A(2)**.”
- (4) In **subsection (1)**—
 - (a) for the words from the beginning to “that section,” substitute “Where an application is made under subsection **(A1)** or **(A3)**,”;
 - (b) for **paragraphs (a)** and **(b)** substitute—
 - “(a) which has the same periods as those of the tenancy to which the application relates;
 - (b) which begins—
 - (i) in the case of an application under subsection **(A1)**, on the date of the application;
 - (ii) in the case of an application under subsection **(A3)**, at the beginning of the new period specified in the notice; and”;
 - (c) in **paragraph (c)** for “notice” substitute “application”;
 - (d) omit **paragraph (d)** and the “and” before it.
- (5) In **subsection (3)**—
 - (a) in the words before **paragraph (a)**—
 - (i) omit the words from “in relation to” to “above,”;
 - (ii) for “notice”, in the second place it occurs, substitute “application”;
 - (b) in **paragraphs (a)** and **(b)** for “service of the notice” substitute “the application”.
- (6) In **subsection (3A)**—
 - (a) in the words before **paragraph (a)**, for the words from “on” to “served,” substitute “of the application”;
 - (b) in **paragraph (a)**, for “that notice was served” substitute “the application was made”.
- (7) Omit **subsections (6)** and **(7)**.
- (8) In **subsection (8)** omit “of a rent for a dwelling-house”.

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(9) Omit **subsection (9)**.

(10) After **section 14** of **the 1988 Act** insert—

“14ZA Effect of determination: rent payable

- (1) This section applies where the appropriate tribunal makes a determination on an application under section 14(A1) in relation to a tenancy.
- (2) The rent payable under the tenancy following the determination is—
 - (a) the new rent amount, and
 - (b) the appropriate amount (if any) in respect of rates.
- (3) The rent payable under the tenancy following the determination takes effect from the date that the appropriate tribunal directs.
- (4) The new rent amount is—
 - (a) the open-market rent, if lower than the tenancy rent, and
 - (b) otherwise, the tenancy rent.
- (5) The date must not be earlier than the date of the application.
- (6) In this section—

“the appropriate amount in respect of rates” means the amount of rent attributable to any rates borne as mentioned in section 14(5);

“the open-market rent” means the amount of rent determined by the appropriate tribunal on the application, in accordance with section 14(1);

“the tenancy rent” means the rent payable under the tenancy immediately before the determination is made, excluding the appropriate amount in respect of rates (if any).

14ZB Effect of determination: proposed new rent

- (1) This section applies where the appropriate tribunal makes a determination on an application under section 14(A3) in relation to a tenancy.
- (2) The rent payable under the tenancy following the determination is—
 - (a) the new rent amount, and
 - (b) the appropriate amount (if any) in respect of rates.
- (3) The rent payable under the tenancy following the determination takes effect from—
 - (a) the beginning of the new period specified in the notice under section 13(2) or 13A(2), if that date is on or after the date of the determination,
 - (b) the beginning of the first new period of the tenancy which begins on or after the date of the determination, if the beginning of the new period specified in the notice under section 13(2) or 13A(2) is before the date of the determination, or

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- (c) if it appears to the tribunal that applying paragraph (a) or (b) would cause undue hardship to the tenant, a date that the appropriate tribunal directs.
- (4) A date specified under subsection (3)(c) must fall before the end of the period of two months beginning with the date of the determination.
- (5) The new rent amount is—
 - (a) the open-market rent, if lower than the proposed rent, and
 - (b) otherwise, the proposed rent.
- (6) The Secretary of State may by regulations make provision so as to substitute, in relation to relevant tenancies, a different date as the effective date.
- (7) The effective date may not be earlier than the beginning of the new period specified in the notice served on the tenant under section 13(2) or 13A(2).
- (8) Regulations under subsection (6)—
 - (a) may amend this section;
 - (b) may make different provision for different purposes;
 - (c) may make supplemental, consequential, incidental, transitional, transitory or saving provision;
 - (d) are to be made by statutory instrument.
- (9) A statutory instrument containing regulations under subsection (6) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (10) In this section—
 - “the appropriate amount in respect of rates” has the meaning given by section 14ZA(6);
 - “the effective date” means a date for the time being specified in subsection (3)(b) as the date from which the rent payable takes effect;
 - “the open-market rent” has the meaning given by section 14ZA(6);
 - “the proposed rent” means the amount of rent specified in the notice under section 13(2) or 13A(2), excluding the appropriate amount in respect of rates (if any);
 - “relevant tenancies” means tenancies in relation to which an application under section 14(A3) is made on or after the date on which the regulations under subsection (6) come into force.”
- (11) Omit sections 14A and 14B of the 1988 Act.

Commencement Information

I7 S. 7 not in force at Royal Assent, see s. 145(1)(8)

8 Prohibition of rent in advance after lease entered into (except initial rent)

In the 1988 Act, after section 4A (inserted by section 1 of this Act) insert—

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“4B Assured tenancy: prohibition of rent in advance (except initial rent)

- (1) Terms of an assured tenancy which provide for when rent is due are of no effect so far as they provide for rent to be due in advance.
- (2) But subsection (1) does not apply—
 - (a) to a tenancy entered into before the commencement date (which has the same meaning as in section 146(3) of the Renters' Rights Act 2025),
 - (b) to an excepted tenancy, or
 - (c) to terms of any other assured tenancy so far as they provide for initial rent to be due during the permitted pre-tenancy period.
- (3) Where terms of an assured tenancy providing for when the rent for a rent period is due are of no effect by virtue of this section, the tenancy has effect as if it provided for the rent for that rent period to be due on the substitute rent day for that rent period.
- (4) In a case where the terms of the tenancy (after taking account of [section 4A](#)) are such that—
 - (a) one or more of the periods of the tenancy will be compliant rent periods, and
 - (b) the compliant rent periods have a regular pattern,the regular rent day which falls during a rent period is the “substitute rent day” for the rent period.
- (5) In any other case, the first day of a rent period is the “substitute rent day” for the rent period.
- (6) The compliant rent periods of a tenancy “have a regular pattern” if those periods meet the following two conditions—
 - (a) all of the compliant rent periods will be the same length (and, for this purpose, all periods of one month are the same length);
 - (b) the rent for all of the compliant periods will be due—
 - (i) on the same day during each of the periods (such as the same day of the week in a weekly period or the same date in the month in a monthly period), or
 - (ii) on the same description of day during each of the periods (such as the last day, or first weekday, of a period);and that day, or day of that description, is the “regular rent day”.
- (7) The condition in subsection (6)(a) is met even if the first period of the tenancy is of a different length from all the other compliant periods; and, in such a case, the condition in subsection (6)(b) is met even if the rent for the first period of the tenancy is due on a different day, or description of day, from all the other compliant periods.
- (8) For provision enabling a holding deposit to be used to pay initial rent due during the permitted pre-tenancy period, see [Schedule 2](#) to the [Tenant Fees Act 2019](#).

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- (9) The Secretary of State may, by regulations, amend this section for the purpose of making provision about the descriptions of rent due in advance to which subsection (1) does not apply.
- (10) Regulations under subsection (9)—
- (a) may make different provision for different purposes;
 - (b) are to be made by statutory instrument.
- (11) A statutory instrument containing regulations under subsection (9) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (12) In this paragraph—
- “compliant rent period”: a rent period is a compliant rent period if the rent for the period is due during the period — and, in determining this, the effect of this section on when rent is due must be disregarded;
- “due in advance”, in relation to rent, means due before the rent period for which it is payable;
- “excepted tenancy” means—
- (a) an assured tenancy of social housing (within the meaning of [Part 2](#) of the [Housing and Regeneration Act 2008](#)) if the landlord is a private registered provider of social housing;
 - (b) an assured tenancy granted pursuant to [Part 7](#) of the [Housing Act 1996](#) (homelessness);
- “initial rent” means rent that is payable for—
- (a) the first rent period, or
 - (b) any later rent period which ends during the initial 28 day period;
- and here “initial 28 day period” means the period of 28 days beginning with the first day of the first rent period;
- “permitted pre-tenancy period” means the period that—
- (a) begins when the tenancy is entered into, and
 - (b) ends with the day before the first day of the tenancy;
- “regular rent day” has the meaning given in subsection (6)(b);
- “rent period” means a period for which rent is payable under the assured tenancy;
- “substitute rent day” means the day determined in accordance with subsection (4) or (5).”

Commencement Information

I8 S. 8 not in force at Royal Assent, see [s. 145\(1\)\(8\)](#)

9 Prohibition of rent in advance before lease entered into

- (1) [Schedule 1](#) to the [Tenant Fees Act 2019](#) (permitted payments) is amended in accordance with subsections (2) and (3).
 - (2) After paragraph 1(1) (rent is a permitted payment) insert—
- “(1A) But a payment of rent is a prohibited payment if—

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- (a) it is payable before the tenancy is entered into, and
- (b) the tenancy is an assured tenancy.

(1B) This paragraph is subject to paragraph 1A.”

(3) For sub-paragraph (2) of paragraph 1 substitute—

“Increased rent

1A (1) If the amount of rent payable in respect of any relevant period (“P1”) is more than the amount of rent payable in respect of any later relevant period (“P2”), the additional amount payable in respect of P1 is a prohibited payment.

(2) That is subject to the following provisions of this paragraph.”

(4) After section 5 of the Tenant Fees Act 2019 insert—

“Other provision about rent in advance

5A Pre-tenancy payments of rent: prohibitions

(1) A landlord must not—

- (a) invite or encourage a relevant person to make a prohibited pre-tenancy payment of rent to the landlord in connection with an assured tenancy of housing in England,
- (b) accept an offer from a relevant person to make a prohibited pre-tenancy payment of rent to the landlord in connection with an assured tenancy of housing in England, or
- (c) accept from a relevant person a prohibited pre-tenancy payment of rent in connection with an assured tenancy of housing in England.

(2) A landlord must not—

- (a) invite or encourage a relevant person to make a prohibited pre-tenancy payment of rent to a third party in connection with an assured tenancy of housing in England,
- (b) accept an offer from a relevant person to make a prohibited pre-tenancy payment of rent to a third party in connection with an assured tenancy of housing in England, or
- (c) accept from a third party a prohibited pre-tenancy payment of rent in connection with an assured tenancy of housing in England.

(3) A letting agent must not—

- (a) invite or encourage a relevant person to make a prohibited pre-tenancy payment of rent to the letting agent in connection with an assured tenancy of housing in England,
- (b) accept an offer from a relevant person to make a prohibited pre-tenancy payment of rent to the letting agent in connection with an assured tenancy of housing in England, or
- (c) accept from a relevant person a prohibited pre-tenancy payment of rent in connection with an assured tenancy of housing in England.

(4) A letting agent must not—

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- (a) invite or encourage a relevant person to make a prohibited pre-tenancy payment of rent to a third party in connection with an assured tenancy of housing in England,
 - (b) accept an offer from a relevant person to make a prohibited pre-tenancy payment of rent to a third party in connection with an assured tenancy of housing in England, or
 - (c) accept from a third party a prohibited pre-tenancy payment of rent in connection with an assured tenancy of housing in England.
- (5) The Secretary of State may, by regulations made by statutory instrument, amend this section for the purpose of making provision about the descriptions of rent due in advance to which any provision of subsection (1), (2), (3) or (4) applies.
- For this purpose “rent due in advance” means rent due before the period for which it is payable.
- (6) Regulations under subsection (5)—
- (a) may make different provision for different purposes;
 - (b) may make supplemental, incidental, consequential, transitional, transitory or saving provision;
 - (c) are to be made by statutory instrument.
- (7) A statutory instrument containing regulations under subsection (5) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (8) In this section “prohibited pre-tenancy payment of rent” means a payment of rent that is prohibited by paragraph 1(1A) of Schedule 1.

5B Effect of a breach of section 5A

- (1) A term of an agreement between a letting agent and a relevant person which breaches section 5A is not binding on a relevant person.
 - (2) Where a term of an agreement is not binding on a relevant person as a result of this section, the agreement continues, so far as practicable, to have effect in every other respect.”
- (5) The **Tenant Fees Act 2019** is further amended as follows—
- (a) in **section 6** (enforcement by local weights and measures authorities)—
 - (i) in **subsection (1)**, in **paragraph (b)** omit “and” and after **that paragraph** insert—

“(ba) section 5A (pre-tenancy payments of rent: prohibitions), and”;
 - (ii) in **subsection (3)**, for “or 2” substitute “, 2 or 5A”;
 - (b) in **section 7** (enforcement by district councils), in subsection (1), for “and 2” substitute “, 2 and 5A”;
 - (c) in **section 8** (financial penalties), in subsection (1), for “or 2” substitute “, 2 or 5A”;
 - (d) in **section 10** (recovery by enforcement authority of amount paid)—
 - (i) in **subsection (1)(a)**, for “or 2” substitute “, 2 or 5A”;
 - (ii) after **subsection (2)** insert—

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- “(2A) But that obligation to pay the amount, or remaining part, of the prohibited payment is subject to subsection (3), unless it is a case where the payment is prohibited by paragraph 1(1A) of Schedule 1 (pre-tenancy payment of rent).”;
- (iii) in [subsection \(3\)](#), for “But subsection (2) does not apply in relation to a prohibited payment” substitute “Subsection (2) does not apply in relation to the prohibited payment”;
- (e) in [section 15](#) (recovery by relevant person of amount paid), in subsection (1) (a), for “or 2” substitute “, 2 or [5A](#)”.

Commencement Information

I9 S. 9 not in force at Royal Assent, see [s. 145\(1\)\(8\)](#)

10 Repayment of rent paid for days after end of tenancy

In [the 1988 Act](#), after [section 14ZB](#) (inserted by section 7 of this Act) insert—

“14ZC Repayment of rent paid for days after end of tenancy

- (1) A person who paid rent as a tenant under an assured tenancy is entitled to be repaid any part of that rent that relates to days falling after the end of the tenancy.
- (2) Subsection (1) does not affect any other entitlement to payment arising at the end of an assured tenancy.”

Commencement Information

I10 S. 10 not in force at Royal Assent, see [s. 145\(1\)\(8\)](#)

11 Right to request permission to keep a pet

(1) In [the 1988 Act](#), after [section 16](#) insert—

“16A Requesting consent to keep a pet

- (1) It is an implied term of every assured tenancy to which this section applies that—
- (a) a tenant may keep a pet at the dwelling-house if the tenant asks to do so in accordance with this section and the landlord consents;
- (b) such consent is not to be unreasonably refused by the landlord;
- (c) the landlord is to give or refuse consent in writing on or before the 28th day after the date of the request, except as provided by subsections (2) to (5).
- (2) Where the landlord reasonably requests further information from the tenant about the pet on or before the 28th day after the date of the tenant's request—

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- (a) if the tenant provides that information, the landlord may delay giving or refusing consent until the 7th day after the date on which the tenant provides any further information that the landlord requests;
 - (b) if the tenant does not provide that information, the landlord is not required to give or refuse consent.
- (3) Where—
 - (a) the keeping of the pet at the dwelling-house would require the landlord to obtain the consent of a superior landlord under the terms of a superior tenancy, and
 - (b) the landlord seeks the consent of the superior landlord on or before the 28th day after the date of the tenant's request,
 the landlord may delay giving or refusing consent until the 7th day after the date on which the landlord receives consent or refusal from the superior landlord.
- (4) Where the landlord and the tenant agree that the landlord may delay giving or refusing consent, the landlord may delay until whatever date is agreed between the landlord and the tenant.
- (5) Where more than one of subsections (2) to (4) apply, the landlord may delay until the latest date to which the landlord may delay giving or refusing consent under any of the subsections.
- (6) This section applies to every assured tenancy other than a tenancy of social housing, within the meaning of [Part 2](#) of the [Housing and Regeneration Act 2008](#).

16B Requests for consent to keep a pet: further provision

- (1) For the purposes of section [16A](#), a tenant keeps a pet at a dwelling-house if the tenant permits the pet to live at the dwelling-house (whether or not the tenant is the owner of the pet).
- (2) Section [16A](#) does not limit the terms that may be agreed in relation to the presence at the dwelling-house of pets which do not live there.
- (3) The tenant's request under section [16A](#) must—
 - (a) be in writing;
 - (b) include a description of the pet for which consent is sought.
- (4) The circumstances in which it is reasonable for a landlord to refuse consent include those in which—
 - (a) the pet being kept at the dwelling-house would cause the landlord to be in breach of an agreement with a superior landlord;
 - (b) an agreement between the landlord and a superior landlord prohibits the keeping of a pet at the dwelling-house without consent of the superior landlord, and the landlord has taken reasonable steps to obtain that consent but the superior landlord has not given it.
- (5) In proceedings in which a tenant alleges that the landlord has breached the implied term created by section [16A](#), the court may order specific performance of the obligation."

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- (2) In [section 45\(1\)](#) of [the 1988 Act](#), in the appropriate place insert—
- ““pet” means an animal kept by a person mainly for—
- (a) personal interest,
 - (b) companionship,
 - (c) ornamental purposes, or
 - (d) any combination of paragraphs (a) to (c);”

Commencement Information

III S. 11 not in force at Royal Assent, see [s. 145\(1\)\(8\)](#)

Duties of landlords etc

PROSPECTIVE

12 Duty of landlord and contractor to give statement of terms etc

In [the 1988 Act](#), after section [16B](#) (inserted by section [11](#) of this Act) insert—

“Duties of landlords and persons acting on their behalf

16D Duty of landlord and contractor to give statement of terms etc

- (1) This section applies to an assured tenancy other than a tenancy granted by implication, after an implied surrender of a previous assured tenancy between the same parties, where the implied surrender and grant result from an agreement to vary the terms of the previous tenancy.
- (2) The landlord under a tenancy to which this section applies must give the tenant a written statement of—
 - (a) such terms of the tenancy as are specified in regulations made by the Secretary of State, whether in the form of an agreement in writing between the landlord and tenant or a record of terms otherwise agreed, and
 - (b) any other information in writing about any of the following which is required to be given by regulations made by the Secretary of State—
 - (i) the tenancy;
 - (ii) the dwelling-house let on the tenancy;
 - (iii) the tenant;
 - (iv) the landlord;
 - (v) the rights of the landlord or the tenant in relation to the tenancy or the dwelling-house let on it.
- (3) The landlord may include in a statement under subsection (2) a statement of the landlord's wish to be able to recover possession on one or more of Grounds 1B, 2ZA to 2ZD, 4, 5 to 5H, 6A or 18 in Schedule 2 (for the consequences of specifying a ground mentioned in this subsection in a notice

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under section 8 where no statement under this subsection is so included, see section 16E(1)(f) and section 16I(1)(a)).

(4) Subject to subsections (5) to (7), the statement under subsection (2) must be given before the tenancy is entered into.

(5) Where a tenancy to which this section applies—

- (a) arises by succession as mentioned in section 39(5), or
- (b) is an assured agricultural occupancy in respect of which the agricultural worker condition is fulfilled by virtue of paragraph 3 of Schedule 3,

the statement under subsection (2) must be given within the period of 28 days beginning with the date on which the landlord acknowledges the tenant's right to a tenancy.

(6) Where a tenancy becomes a tenancy to which this section applies by virtue of section 143C(3) of the Housing Act 1996 (demoted tenancies: change of landlord), the statement under subsection (2) must be given within the period of 28 days beginning with the date on which the new landlord becomes the landlord under the tenancy.

(7) In any other case where a tenancy becomes a tenancy to which this section applies, the statement under subsection (2) must be given within the period of 28 days beginning with the date on which the tenancy becomes an assured tenancy.

(8) Where a landlord has entered into a contract with a person which requires that person to ensure compliance with this section (whether or not this section is referred to individually), subsection (2) also applies to that person, as it applies to the landlord.

(9) Regulations under this section—

- (a) may make different provision for different purposes;
- (b) are to be made by statutory instrument.

(10) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”

Commencement Information

I12 S. 12 not in force at Royal Assent, see [s. 145\(1\)\(8\)](#)

13 Other duties

(1) In the 1988 Act, after section 16D (inserted by section 12 of this Act) insert—

“16E Other duties

(1) A relevant person must not, in relation to an assured tenancy—

- (a) purport to let a dwelling-house on the tenancy for a fixed term (see section 4A),

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- (b) purport to bring the tenancy to an end by service of a notice to quit (see section 5(1)),
 - (c) purport to bring the tenancy to an end, or require that it is brought to an end, orally,
 - (d) serve on the tenant a purported notice of possession,
 - (e) rely on a ground in Schedule 2 where the person does not reasonably believe that the landlord is, will or may be able to obtain an order for possession on that ground, or
 - (f) where the tenancy is one to which section 16D applies, rely on one or more of Grounds 1B, 2ZA to 2ZD, 4, 5 to 5H, 6A or 18 in Schedule 2 if no statement was given to the tenant under section 16D(3) in respect of them.
- (2) Subject to section 16F, where a relevant person relies on Ground 1 or 1A in Schedule 2 in relation to an assured tenancy, the landlord must not, within the restricted period—
 - (a) let the dwelling-house on a tenancy for a term of 21 years or less, or
 - (b) permit a person to occupy the dwelling-house—
 - (i) under a licence to occupy, and
 - (ii) for monetary consideration.
- (3) Subject to section 16F, where a relevant person relies on Ground 1 or 1A in Schedule 2 in relation to an assured tenancy, a relevant person in relation to that tenancy must not—
 - (a) within the restricted period, market the dwelling-house to let on a tenancy for a term of 21 years or less,
 - (b) within the restricted period, market the dwelling-house to be occupied—
 - (i) under a licence to occupy, and
 - (ii) for monetary consideration,
 - (c) authorise another person to market the dwelling-house to let on a tenancy for a term of 21 years or less, so far as the authorisation would allow that other person to market it within the restricted period, or
 - (d) authorise another person to market the dwelling-house to be occupied—
 - (i) under a licence to occupy, and
 - (ii) for monetary consideration,so far as the authorisation would allow that other person to market it within the restricted period.
- (4) Where a prohibition in subsection (2) or (3) applies to a person, it continues to apply to that person until the end of the restricted period, whether or not the tenancy continues during that period.
- (5) A breach of subsection (1)(f) does not prevent a court from making an order for possession of the dwelling-house on the ground in question (but see section 16I(1)(a)).

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16F Exceptions from letting and marketing prohibitions

- (1) Section 16E(2) (prohibition on letting and licensing within restricted period) does not apply where—
 - (a) the relevant person relies on Ground 1 and—
 - (i) the tenant or licensee is a person mentioned in paragraphs (a) to (d) of that ground, or
 - (ii) a person mentioned in paragraphs (a) to (d) of Ground 1 also occupies the dwelling-house and does so as their only or principal home;
 - (b) the relevant person relies on Ground 1A and—
 - (i) the licensee has agreed to purchase the landlord's interest in the dwelling-house and the licence to occupy is granted in anticipation of that purchase, or
 - (ii) the licensee has agreed to the landlord granting the licensee a lease of the dwelling-house for a term certain of more than 21 years which is not terminable before the end of that term by notice given by or to the landlord, and the licence to occupy is granted in anticipation of the grant of that lease, or
- (2) Section 16E(3) (prohibition on marketing within restricted period) does not apply where the marketing is in connection with letting, or occupation under a licence, which is permitted as a result of subsection (1).
- (3) Subsection (4) applies where the relevant person relies on Ground 1A and—
 - (a) before the assured tenancy was entered into, a relevant person had given the tenant under the assured tenancy ("T") a written statement that the landlord under that tenancy ("L") is a shared owner of the dwelling-house and that section 16E(2) or (3) might not apply to a subsequent letting, or grant of a licence, of the dwelling-house (because of this subsection and subsection (4)),
 - (b) when the assured tenancy was entered into, L was a shared owner of the dwelling-house, and
 - (c) before the date specified in the notice as mentioned in section 8(3)(b), a relevant person had given the landlord under the shared ownership lease of the dwelling-house a written statement that L intends to assign L's interest under that shared ownership lease.
- (4) Section 16E(2) or (3) does not prohibit a relevant person from carrying out a controlled activity if—
 - (a) before the relevant person carries out that activity—
 - (i) the dwelling-house has been valued by a member of the Royal Institution of Chartered Surveyors in connection with the assignment of L's interest under the shared ownership lease, or
 - (ii) L has advertised, or made an arrangement under which another person has advertised, that the dwelling-house is or may be available for acquisition by way of the assignment of L's interest under the shared ownership lease, and

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- (b) when the relevant person carries out that activity, L is a shared owner of the dwelling-house.

(5) In subsections (3) and (4)—

“controlled activity” means an activity that would (if subsection (4) did not apply) be prohibited by section 16E(2) or (3);

“shared owner”, in relation to a dwelling-house, means a person—

- (a) who is the tenant of the dwelling-house under a shared ownership lease, and
- (b) whose share in the premises demised by the lease is less than 100%;

and for this purpose, the tenant’s share in the premises demised is the tenant’s initial share in those premises, plus any additional share or shares in those premises which the tenant has acquired;

“shared ownership lease” means a lease—

- (a) granted on payment of a premium calculated by reference to a percentage of the value of the premises demised by the lease or of the cost of providing them, or
- (b) under which the tenant (or the tenant’s personal representatives) will or may be entitled to a sum calculated by reference, directly or indirectly, to the value of those premises.

16G Interpretation of terms related to marketing in section 16E

- (1) For the purposes of section 16E a person markets a dwelling-house to let on a tenancy when—
 - (a) the person advertises that the dwelling-house is or may be available to let on a tenancy, or
 - (b) in the course of lettings agency work, the person informs any other person that the dwelling is or may be so available.
- (2) For the purposes of section 16E a person markets a dwelling-house to be occupied under a licence when—
 - (a) the person advertises that the dwelling-house is or may be available to be occupied under a licence, or
 - (b) in the course of lettings agency work, the person informs any other person that the dwelling is or may be so available.
- (3) But subsections (1)(a) and (2)(a) do not apply in relation to a person who publishes an advertisement in the course of a business that does not involve lettings agency work if the advertisement has been provided by another person.
- (4) For the purposes of this section, “lettings agency work” means things done by a person in the course of a business in response to instructions received from—
 - (a) a person (“a prospective landlord”) seeking to find another person to occupy a dwelling-house, or
 - (b) a person (“a prospective occupier”) seeking to find a dwelling-house to occupy.

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- (5) However, “lettings agency work” does not include any of the following things when done by a person who does nothing else within subsection (4)—
- (a) publishing advertisements or disseminating information;
 - (b) providing a means by which a prospective landlord or a prospective occupier can, in response to an advertisement or dissemination of information, make direct contact with a prospective occupier or prospective landlord;
 - (c) providing a means by which a prospective landlord and a prospective occupier can communicate directly with each other.
- (6) “Lettings agency work” also does not include things of a description, or things done by a person of a description, specified for the purposes of this section in regulations made by the Secretary of State.
- (7) Regulations under this section—
- (a) may make different provision for different purposes;
 - (b) are to be made by statutory instrument.
- (8) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”
- (2) The Secretary of State may, by regulations, repeal section 16F(3) to (5) of the 1988 Act.

Commencement Information

I13 S. 13 in force at Royal Assent for specified purposes, see [s. 145\(2\)](#)

PROSPECTIVE

14 Landlords acting through others

In the 1988 Act, after section 16G (inserted by section 13 of this Act) insert—

“16H Landlords acting through others

Nothing in section 16D or 16E prevents a landlord from fulfilling or contravening an obligation through another person acting on their behalf.”

Commencement Information

I14 S. 14 not in force at Royal Assent, see [s. 145\(1\)\(8\)](#)

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PROSPECTIVE

Landlords etc: financial penalties and offences

15 Landlords etc: financial penalties and offences

In the 1988 Act, after section 16H (inserted by section 14 of this Act) insert—

“Landlords etc: financial penalties and offences

16I Financial penalties

- (1) A local housing authority may impose a financial penalty on a person if satisfied beyond reasonable doubt—
 - (a) that the person contravened section 16D or any paragraph of section 16E(1) other than paragraph (e), or
 - (b) that—
 - (i) the person contravened paragraph (e) of section 16E(1), and
 - (ii) the tenant surrendered the tenancy within the period of four months beginning with the date of the contravention, without an order for possession of the dwelling-house being made.
- (2) Where a landlord fulfils the requirement in section 16D, a local housing authority may not impose a financial penalty on a person who contravenes section 16D only by virtue of subsection (8) of that section.
- (3) More than one penalty may be imposed on the same person in relation to a contravention of section 16D only if—
 - (a) the contravention continues after the end of 28 days beginning with the day after that on which the previous penalty for the contravention was imposed, unless the person appeals against the decision to impose the penalty within that period, or
 - (b) if the person appeals against that decision within that period, the contravention continues after the end of 28 days beginning with the day after that on which the appeal is finally determined, withdrawn or abandoned.
- (4) Subsection (3) does not enable a penalty to be imposed after the final notice in respect of the previous penalty has been withdrawn or quashed on appeal.
- (5) Where a local housing authority has imposed a financial penalty on a person in relation to a contravention of paragraph (b) or (d) of section 16E(1), the local housing authority may not impose a financial penalty in relation to a contravention of the other of those two paragraphs arising from the same conduct.
- (6) The amount of a financial penalty imposed under this section is to be determined by the authority imposing it, but must not be more than £7,000.
- (7) Where—

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- (a) a local housing authority is satisfied as mentioned in subsection (1) in relation to two or more persons, and
 - (b) the contraventions in relation to which the local housing authority is so satisfied arise from the same conduct by one or more of the persons acting on behalf of the others,

the local housing authority may impose a financial penalty under this section on the persons (or some of them) jointly, and if the local housing authority does so, the persons on whom the penalty is imposed are jointly and severally liable to pay it.
- (8) No financial penalty may be imposed under this section in respect of any conduct if—
 - (a) the person has been convicted of an offence under section 16J in respect of the conduct,
 - (b) criminal proceedings under that section have been instituted against the person in respect of the conduct and the proceedings have not been concluded,
 - (c) criminal proceedings under that section in respect of the conduct have been concluded and the person has not been convicted of the offence, or
 - (d) a financial penalty has been imposed under section 16K in respect of that conduct.
- (9) The Secretary of State may give guidance to local housing authorities about the exercise of their functions under this section.
- (10) Local housing authorities must have regard to any guidance issued under subsection (9).
- (11) For the purposes of this section and section 16J—
 - (a) a financial penalty is imposed under this section or section 16K on the date specified in the final notice as the date on which the notice is given, and
 - (b) “final notice” has the meaning given by paragraph 6 of Schedule 2ZA.

16J Offences

- (1) A relevant person is guilty of an offence if, in relation to an assured tenancy—
 - (a) the person relies on a ground in Schedule 2, knowing that the landlord would not be able to obtain an order for possession on that ground, or being reckless as to whether the landlord would be able to do so, and
 - (b) the tenant surrenders the tenancy within the period of four months beginning with the date the ground was relied on, without an order for possession of the dwelling-house being made.
- (2) A person is guilty of an offence if the person contravenes section 16E(2) or (3) but it is a defence for a person who contravenes section 16E(3) otherwise than as a landlord to show that they took all reasonable steps to avoid contravening it.
- (3) A person is guilty of an offence if—

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- (a) a relevant penalty has been imposed on the person and the final notice imposing the penalty has not been withdrawn, and
 - (b) the conduct in respect of which the penalty was imposed continues after the end of the period of 28 days beginning with—
 - (i) the day after that on which the penalty was imposed on the person, or
 - (ii) if the person appeals against the final notice in respect of the penalty within that period, the day after that on which the appeal is finally determined, withdrawn or abandoned.
- (4) A person is guilty of an offence if—
 - (a) the person conducts themselves in a manner giving rise to liability to a financial penalty under section 16I, and
 - (b) within the period of five years ending with the day on which the conduct occurs—
 - (i) a relevant penalty has been imposed on the person for different conduct and the final notice imposing the penalty has not been withdrawn, or
 - (ii) the person has been convicted of an offence under this section for different conduct.
- (5) In subsections (3) and (4) “relevant penalty” means a financial penalty which is imposed under section 16I or 16K where—
 - (a) the period for bringing an appeal against the penalty under paragraph 10(2) of Schedule 2ZA has expired without an appeal being brought,
 - (b) an appeal against the financial penalty under that paragraph has been withdrawn or abandoned, or
 - (c) the final notice imposing the penalty has been confirmed or varied on appeal.
- (6) A person may not be convicted of an offence under subsection (1), (2) or (4) in respect of any conduct if a financial penalty has been imposed under section 16I or 16K in respect of that conduct.
- (7) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of an officer of a body corporate, the officer as well as the body corporate commits the offence and is liable to be proceeded against and punished accordingly.
- (8) Where an offence under subsection (2) committed by a body corporate is proved to be attributable to any neglect on the part of an officer of a body corporate, the officer as well as the body corporate commits the offence and is liable to be proceeded against and punished accordingly.
- (9) Where the affairs of a body corporate are managed by its members, subsections (7) and (8) apply in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were an officer of the body corporate.
- (10) A person guilty of an offence under this section is liable on summary conviction to a fine.

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16K Financial penalties as an alternative to prosecution under section 16J

- (1) A local housing authority may impose a financial penalty on a person if satisfied beyond reasonable doubt that the person is guilty of an offence under section 16J.
- (2) No financial penalty may be imposed under this section in respect of any conduct if—
 - (a) the person has been convicted of an offence under section 16J in respect of the conduct,
 - (b) criminal proceedings under that section in respect of the conduct have been instituted against the person and the proceedings have not been concluded, or
 - (c) criminal proceedings under that section in respect of the conduct have been concluded and the person has not been convicted of the offence.
- (3) The amount of a financial penalty imposed under this section is to be determined by the authority imposing it, but must not be more than £40,000.
- (4) Where—
 - (a) a local housing authority is satisfied as mentioned in subsection (1) in relation to two or more persons, and
 - (b) the offences in relation to which the local housing authority is so satisfied arise from the same conduct by one or more of the persons acting on behalf of the others,the local housing authority may impose a financial penalty under this section on the persons (or some of them) jointly, and if the local housing authority does so, the persons on whom the penalty is imposed are jointly and severally liable to pay it.
- (5) The Secretary of State may give guidance to local housing authorities about the exercise of their functions under this section.
- (6) Local housing authorities must have regard to any guidance issued under subsection (5).

16L Financial penalties: supplementary and interpretation

- (1) The Secretary of State may give financial assistance (by way of grant, loan guarantee or in any other form) or make other payments to a local housing authority in respect of the local housing authority's functions under or by virtue of sections 16I to 16K.
- (2) The Secretary of State may by regulations amend the amount specified in section 16I(6) or 16K(3) to reflect changes in the value of money.
- (3) Regulations under this section are to be made by statutory instrument.
- (4) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(5) [Schedule 2ZA](#) makes provision about—

- (a) the procedure for imposing financial penalties under sections [16I](#) and [16K](#),
- (b) appeals against financial penalties under sections [16I](#) and [16K](#),
- (c) enforcement of financial penalties under sections [16I](#) and [16K](#), and
- (d) how local housing authorities are to deal with the proceeds of financial penalties under sections [16I](#) and [16K](#).”

Commencement Information

I15 S. 15 not in force at Royal Assent, see [s. 145\(1\)\(8\)](#)

16 Financial penalties: procedure, appeals and enforcement

In [the 1988 Act](#), after [Schedule 2](#) insert—

“SCHEDULE 2ZA section 16L

FINANCIAL PENALTIES UNDER SECTIONS [16I](#) AND [16K](#)

Notice of intent

- 1 Before imposing a financial penalty on a person under section [16I](#) or [16K](#) a local housing authority must give the person notice of its proposal to do so (a “notice of intent”).
- 2 (1) The notice of intent must be given before the end of the period of 6 months beginning with the first day on which the authority has sufficient evidence of the conduct to which the financial penalty relates.
(2) But if the person is continuing to engage in the conduct on that day, and the conduct continues beyond the end of that day, the notice of intent may be given—
 - (a) at any time when the conduct is continuing, or
 - (b) within the period of 6 months beginning with the last day on which the conduct occurs.
- 3 The notice of intent must set out—
 - (a) the date on which the notice of intent is given,
 - (b) the amount of the proposed financial penalty,
 - (c) the reasons for proposing to impose the financial penalty, and
 - (d) information about the right to make representations under paragraph [4](#).

Right to make representations

- 4 (1) A person who is given a notice of intent may make written representations to the local housing authority about the proposal to impose a financial penalty.

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- (2) Any representations must be made within the period of 28 days beginning with the day after that on which the notice was given (“the period for representations”).

Final notice

- 5 After the end of the period for representations the local housing authority must—
- (a) decide whether to impose a financial penalty on the person, and
 - (b) if it decides to impose a financial penalty, decide the amount of the penalty.
- 6 If the authority decides to impose a financial penalty on the person, it must give the person a notice (a “final notice”) imposing that penalty.
- 7 The final notice must require the penalty to be paid within the period of 28 days beginning with the day after that on which the notice was given.
- 8 The final notice must set out—
- (a) the date on which the final notice is given,
 - (b) the amount of the financial penalty,
 - (c) the reasons for imposing the penalty,
 - (d) information about how to pay the penalty,
 - (e) the period for payment of the penalty,
 - (f) information about rights of appeal, and
 - (g) the consequences of failure to comply with the notice.

Withdrawal or amendment of notice

- 9 (1) A local housing authority may at any time—
- (a) withdraw a notice of intent or final notice, or
 - (b) reduce the amount specified in a notice of intent or final notice.
- (2) The power in sub-paragraph (1) is to be exercised by giving notice in writing to the person to whom the notice was given.

Appeals

- 10 (1) A person to whom a final notice is given may appeal to the First-tier Tribunal against—
- (a) the decision to impose the penalty, or
 - (b) the amount of the penalty.
- (2) An appeal under this paragraph must be brought within the period of 28 days beginning with the day after that on which the final notice was given.
- (3) If a person appeals under this paragraph, the final notice is suspended until the appeal is finally determined, withdrawn or abandoned.
- (4) An appeal under this paragraph—
- (a) is to be a re-hearing of the local housing authority’s decision, but

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(b) may be determined having regard to matters of which the authority was unaware.

(5) On an appeal under this paragraph the First-tier Tribunal may confirm, vary or cancel the final notice.

(6) The final notice may not be varied under sub-paragraph (5) so as to make it impose a financial penalty of more than the local housing authority could have imposed.

Recovery of financial penalty

11 (1) This paragraph applies if a person fails to pay the whole or any part of a financial penalty which, in accordance with this Schedule, the person is liable to pay.

(2) The local housing authority which imposed the financial penalty may recover the whole or part of the penalty on the order of the county court as if it were payable under an order of that court.

(3) In proceedings before the county court for the recovery of a financial penalty or part of a financial penalty, a certificate which is—

(a) signed by the chief finance officer of the local housing authority which imposed the penalty, and

(b) states that the amount due has not been received by a date specified in the certificate,
is conclusive evidence of that fact.

(4) A certificate to that effect and purporting to be so signed is to be treated as being so signed unless the contrary is proved.

(5) In this paragraph “chief finance officer” has the same meaning as in [section 5](#) of the [Local Government and Housing Act 1989](#).

Proceeds of financial penalties

12 Where a local housing authority imposes a financial penalty under this Act, it may apply the proceeds towards meeting the costs and expenses (whether administrative or legal) incurred in, or associated with, carrying out any of its enforcement functions under this Act or otherwise in relation to the private rented sector.

13 Any proceeds of a financial penalty imposed under this Act which are not applied in accordance with paragraph 12 must be paid to the Secretary of State.

14 (1) In paragraph 12, enforcement functions “in relation to the private rented sector” means enforcement functions relating to—

(a) residential premises in England that are let, or intended to be let, under a tenancy,

(b) the common parts of such premises,

(c) the activities of a landlord under a tenancy of residential premises in England,

(d) the activities of a superior landlord in relation to such a tenancy,

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- (e) the activities of a person carrying on English letting agency work within the meaning of [section 54](#) of the [Housing and Planning Act 2016](#) in relation to such premises, or
 - (f) the activities of a person carrying on English property management work within the meaning of [section 55](#) of the [Housing and Planning Act 2016](#) in relation to such premises.
- (2) For the purposes of this paragraph “residential premises” has the meaning given by [section 1](#) of the [Housing Act 2004](#) except that it does not include social housing within the meaning of [Part 2](#) of the [Housing and Regeneration Act 2008](#).
- (3) For the purposes of this paragraph “tenancy” includes a licence to occupy.”

Commencement Information

I16 S. 16 not in force at Royal Assent, see [s. 145\(1\)\(8\)](#)

PROSPECTIVE

Landlords etc: supplementary

17 Duties of landlords etc, penalties and offences: interpretation

In the 1988 Act, after section [16L](#) (inserted by section [15](#) of this Act) insert—

“Duties of landlords etc, penalties and offences: interpretation

16M Duties of landlords etc, penalties and offences: interpretation

(1) In sections [16D](#) to [16L](#), Schedule [2ZA](#) and this section—

“legal representative” means a person carrying on a legal activity, within the meaning of the Legal Services Act 2007, in the course of a business, where the person—

- (a) is an authorised person in relation to a reserved legal activity for the purposes of that Act, or
- (b) is of a description specified for the purposes of this section in regulations made by the Secretary of State;

“local housing authority” means a district council, a county council in England for an area for which there is no district council, a London borough council, the Common Council of the City of London (in its capacity as a local authority) or the Council of the Isles of Scilly;

“purported notice of possession” means any written document which is not in accordance with section 8 but which (however expressed)—

- (a) purports to be a notice under section 8, or

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- (b) purports to bring an assured tenancy to an end or to require that it is brought to an end (by reference to a ground in Schedule 2 or otherwise),
and is not a claim form or a document produced pursuant to proceedings in the court for possession of the dwelling-house;
“relevant person”, in relation to a tenancy, means—
 - (a) the landlord,
 - (b) a person acting on behalf of the landlord otherwise than as a legal representative, or
 - (c) a person purporting to act on behalf of the landlord.
- (2) For the purposes of 16D to 16L a person relies on a ground in Schedule 2 in relation to a tenancy where the person—
 - (a) serves on the tenant a notice under section 8, or a purported notice of possession, asserting that the landlord is, will or may be able to obtain an order for possession on that ground, or
 - (b) having not done anything within paragraph (a) in relation to the ground, files a claim form or particulars of claim with the court, for the purpose of beginning proceedings for possession on that ground.
- (3) In section 16E “the restricted period” is to be read in accordance with subsections (4) to (7).
- (4) Subject to subsections (5) to (7) “the restricted period” means—
 - (a) in relation to a relevant person relying on Ground 1 or 1A in a notice under section 8 or a purported notice of possession (see subsection (2)(a)), the period—
 - (i) beginning with the date on which the notice or purported notice is served, and
 - (ii) ending with the last day of the period of twelve months beginning with the date specified in the notice or purported notice as the earliest date on which proceedings for possession will begin;
 - (b) in relation to a relevant person relying on Ground 1 or 1A in a claim form or particulars of claim (see subsection (2)(b)), the period of twelve months beginning with the date on which the claim form or particulars of claim are filed with the court for the purpose of bringing proceedings for possession.
- (5) Where subsection (6) applies, the reference in subsection (4)(a)(ii) to the date specified in the notice or purported notice as the earliest date on which proceedings for possession will begin is to be read as a reference to the earliest date that could have been validly so specified in a notice under section 8, served on the same date, specifying Ground 1 or 1A alone.
- (6) This subsection applies—
 - (a) where (because it also specifies Ground 7A or 14) a notice under section 8 specifies, as the earliest date on which proceedings for possession will begin, an earlier date than the earliest date that could have been validly so specified in a notice under section 8 specifying Ground 1 or 1A alone;
 - (b) where a purported notice of possession—

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- (i) does not specify a date as the earliest date on which proceedings will begin, or
 - (ii) specifies as the earliest date on which proceedings will begin a date that could not have been specified in a valid notice under section 8 served on the same date, specifying Ground 1 or 1A alone.
- (7) Where, before the end of the restricted period, the court makes an order for possession of the dwelling-house on a ground other than Ground 1 or 1A, the restricted period ends with the day on which the order is made.
- (8) Regulations under this section—
- (a) may make different provision for different purposes;
 - (b) are to be made by statutory instrument.
- (9) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”

Commencement Information

I17 S. 17 not in force at Royal Assent, see [s. 145\(1\)\(8\)](#)

18 No criminal liability of the Crown under Part 1 of 1988 Act

In [section 44](#) of the [1988 Act](#) (application of Part 1 of that Act to Crown property)—

- (a) in [subsection \(1\)](#), for “subsection (2)” substitute “subsections [\(1A\)](#) and [\(2\)](#)”;
- (b) after subsection (1) insert—

“(1A) In Chapter 1—

- (a) section [16J](#) does not bind the Crown;
- (b) in section [16K\(1\)](#) as it applies by virtue of subsection (1), the reference to a person being guilty of an offence under section [16J](#) is to be read as a reference to the person—
 - (i) being a landlord under an assured tenancy, or acting or purporting to act on behalf of such a landlord, and (in relation to that tenancy) satisfying the condition in paragraph [\(a\)](#) of section [16J\(1\)](#) where the condition in paragraph [\(b\)](#) of section [16J\(1\)](#) is also satisfied,
 - (ii) contravening section [16E\(2\)](#) or [\(3\)](#),
 - (iii) satisfying the conditions in paragraphs [\(a\)](#) and [\(b\)](#) of section [16J\(3\)](#), or
 - (iv) satisfying the conditions in paragraphs [\(a\)](#) and [\(b\)\(i\)](#) of section [16J\(4\)](#),
 and section [16K\(4\)](#) is to be read accordingly.

(1B) Subsection [\(1A\)\(a\)](#) does not affect the criminal liability of persons in the service of the Crown.”

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Commencement Information

I18 S. 18 not in force at Royal Assent, see [s. 145\(1\)\(8\)](#)

19 Guarantor not liable for rent payable after tenant's death

In the 1988 Act, after section [16M](#) (inserted by [section 17](#) of this Act) insert—

“Guarantors

16N Guarantor not liable for rent payable after tenant's death

(1) This section applies where—

- (a) an individual (the “guarantor”) is a party to an arrangement (the “guarantee”) under which the individual guarantees payment by the tenant of rent under an assured tenancy (“guaranteed rent”), and
- (b) the guarantor became a party to the guarantee on or after the commencement date.

(2) If—

- (a) only one person is the tenant under the assured tenancy, and
- (b) that person dies,

the guarantee is of no effect if, or to the extent that, it guarantees payment of guaranteed rent for the period beginning with the death of that person.

(3) If—

- (a) two or more persons are the tenant under the assured tenancy, and
- (b) all of those persons die,

the guarantee is of no effect if, or to the extent that, it guarantees payment of guaranteed rent for the period beginning with the deaths of those persons (if they all die on the same day) or beginning with the death of the last of those persons to die (if they do not all die on the same day).

(4) If—

- (a) two or more persons are the tenant under the assured tenancy,
- (b) the guarantor is a family member of only one of those persons, and
- (c) that family member of the guarantor dies,

the guarantee is of no effect if, or to the extent that, it guarantees payment of guaranteed rent for the period beginning with the death of that family member.

(5) If—

- (a) two or more persons are the tenant under the assured tenancy,
- (b) the guarantor is a family member of more than one of those persons, and
- (c) all of those family members of the guarantor die,

the guarantee is of no effect if, or to the extent that, it guarantees payment of guaranteed rent for the period beginning with the deaths of those family

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members (if they all die on the same day) or beginning with the death of the last of those family members to die (if they do not all die on the same day).

- (6) For the purposes of this section, the guaranteed rent for the period beginning with the death of a person, or with the deaths of two or more persons, is—
- (a) guaranteed rent which—
 - (i) is for the rent period during which the person dies or persons die (the “relevant rent period”), and
 - (ii) is attributable to the time after the death of the person or persons, and
 - (b) guaranteed rent for every rent period after the relevant rent period.
- (7) For that purpose, the guaranteed rent for the relevant rent period which is attributable to the time after the death of the person or persons is the amount calculated in accordance with this formula—

$$\frac{D}{T} \times R$$

where—

D is the total number of days in the relevant rent period which fall on and after the day of the death of the person or persons;
 T is the total number of days in the relevant rent period;
 R is the guaranteed rent for the relevant rent period.

16P Section 16N: application and interpretation

- (1) Section 16N applies to a guarantee—
- (a) whether or not it is in writing;
 - (b) if it is in writing, whether or not it is in the lease;
 - (c) whether or not it also guarantees the payment of any sum other than the rent.
- (2) In section 16N and this section—
- “commencement date” has the meaning given by [section 146\(3\)](#) of the Renters' Rights Act 2025;
 - “family member” is to be read in accordance with subsections (3) and (4);
 - “rent period” means a period for which rent is payable.
- (3) For the purposes of section 16N, the guarantor is a family member of the following persons—
- (a) the spouse, civil partner or co-habitee of the guarantor;
 - (b) a person who is—
 - (i) a child,
 - (ii) a grandchild,
 - (iii) a parent,
 - (iv) a grandparent,
 - (v) a sibling,
 - (vi) a niece or nephew,

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- (vii) an aunt or uncle, or
 - (viii) a cousin,
 - of the guarantor or of the spouse, civil partner or co-habitee of the guarantor;
 - (c) a person who is the spouse, civil partner or co-habitee of a person falling within paragraph (b).
- (4) If, in accordance with subsection (3), a person (F)—
- (a) is a family member of the guarantor when the guarantee is entered into, or
 - (b) becomes a family member of the guarantor after the guarantee is entered into,
- F is to be regarded as being a family member of the guarantor at all times afterwards (regardless of whether F continues to be so in accordance with subsection (3)).
- (5) For the purposes of this section—
- (a) one person (C) is the “co-habitee” of another person (P) if P lives with C as if they were married or in a civil partnership;
 - (b) a “niece or nephew” of a person (P) is a child—
 - (i) of a sibling of P, or
 - (ii) of a person who is the spouse, civil partner or co-habitee of a sibling of P;
 - (c) an “aunt or uncle” of a person (P) is a sibling of a parent of P;
 - (d) a “cousin” of a person (P) is a child—
 - (i) of an aunt or uncle of P, or
 - (ii) of a person who is the spouse, civil partner or co-habitee of an aunt or uncle of P;
 - (e) “sibling” includes a sibling of the half-blood and a step-sibling.”

Commencement Information

I19 S. 19 not in force at Royal Assent, see s. 145(1)(8)

PROSPECTIVE

Other changes

20 Notices to quit by tenants under assured tenancies: timing

- (1) Section 5 of the Protection from Eviction Act 1977 (notices to quit) is amended as follows.
- (2) In subsection (1), for paragraph (b) substitute—
 - “(b) it satisfies subsection (1ZA).”
- (3) After subsection (1) insert—

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“(1ZA) A notice to quit satisfies this subsection—

- (a) where it is given by a tenant in relation to premises let under an assured tenancy, if it is given—
 - (i) not less than any length of time before the date on which the notice is to take effect, not exceeding two months, that the landlord has agreed to in writing, or
 - (ii) in the absence of agreement under sub-paragraph (i), not less than two months before the date on which the notice is to take effect;
- (b) otherwise, if it is given not less than four weeks before the date on which it is to take effect.

But in relation to landlords under assured tenancies see [section 5\(1\)](#) of the [Housing Act 1988](#) (notice to quit by landlord is of no effect).

(1ZB) In the case of a joint assured tenancy, an agreement under subsection (1ZA)(a)(i) is not valid unless it is made between the landlord and all of the tenants.

(1ZC) That does not affect the validity of any notice to quit premises let under a joint assured tenancy that is given by only one or some of the tenants.

(1ZD) In this section “joint assured tenancy” means an assured tenancy where two or more persons are tenants under the tenancy.”

Commencement Information

I20 S. 20 not in force at Royal Assent, see [s. 145\(1\)\(8\)](#)

21 Notices to quit by tenants under assured tenancies: other

After [section 5](#) of the [Protection from Eviction Act 1977](#) insert—

“5A Notices to quit by tenants under assured tenancies

- (1) Any provision that would bind a tenant as to the means of giving a notice in writing to quit premises let under an assured tenancy is of no effect.
- (2) For the purposes of subsection (1) the “means of giving a notice in writing” is the mode by which the words of the notice are represented or reproduced in a visible form.
- (3) A notice by a tenant to quit premises let under an assured tenancy may be withdrawn before the date on which it takes effect by the tenant and landlord agreeing in writing to the withdrawal.
- (4) In the case of a joint assured tenancy, an agreement under subsection (3) is not valid unless it is made between the landlord and all of the tenants.
- (5) That does not affect the validity of any notice to quit premises let under a joint assured tenancy that is given by only one or some of the tenants.

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(6) In this section “joint assured tenancy” means an assured tenancy where two or more persons are tenants under the tenancy.”

Commencement Information

I21 S. 21 not in force at Royal Assent, see [s. 145\(1\)\(8\)](#)

22 Limitation on obligation to pay removal expenses

(1) Section 11 of the 1988 Act (payment of removal expenses) is amended as follows.

(2) In the heading, after “expenses” insert “by social landlords”.

(3) Before subsection (1) insert—

“(A1) This section applies to a dwelling-house let on an assured tenancy if—

- (a) the landlord is a relevant social landlord, and
- (b) the dwelling-house is social housing.”

(4) In subsection (1), for “a dwelling-house let on an assured tenancy on Ground 6 or Ground 9” substitute “the dwelling-house on Ground 6, 6A or 9”.

(5) After subsection (1) insert—

“(1A) If the court makes the order for possession on Ground 6 in circumstances where—

- (a) the additional RSL condition is met, and
- (b) that condition is met in case B (alternative accommodation provided temporarily until other alternative accommodation becomes available),

the landlord must also pay to the tenant a sum equal to the reasonable expenses likely to be incurred by the tenant in removing from the alternative accommodation provided temporarily.”

(6) In subsection (2), after “(1)” insert “or [\(1A\)](#)”.

(7) After subsection (3) insert—

“(4) In this section—

“relevant social landlord” means—

- (a) a private registered provider of social housing,
- (b) a body registered as a social landlord in the register maintained under [section 1](#) of the [Housing Act 1996](#),
- (c) a body registered as a social landlord in the register kept under [section 20\(1\)](#) of the [Housing \(Scotland\) Act 2010](#), or
- (d) a housing trust, within the meaning of the [Housing Associations Act 1985](#), which is a charity;

“social housing” has the same meaning as in [Part 2](#) of the [Housing and Regeneration Act 2008](#).”

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Commencement Information

I22 S. 22 not in force at Royal Assent, see [s. 145\(1\)\(8\)](#)

23 Assured agricultural occupancies: grounds for possession

In [section 25](#) of [the 1988 Act](#) (security of tenure in relation to assured agricultural occupancies)—

- (a) omit [subsection \(1\)](#);
- (b) in [subsection \(2\)](#)—
 - (i) for “Part II” substitute “Part 1”;
 - (ii) for “Ground 16” substitute “Grounds 2ZA to 2ZD, 5A and 5C”.

Commencement Information

I23 S. 23 not in force at Royal Assent, see [s. 145\(1\)\(8\)](#)

24 Assured agricultural occupancies: opting out etc

- (1) [The 1988 Act](#) is amended as follows.
- (2) In [section 24](#) (assured agricultural occupancies), after [subsection \(1\)](#) insert—

“(1A) Subsection (1) has effect subject to [section 24A\(1\)](#) (opting out).”
- (3) In [subsection \(2\)\(a\)](#) of [that section](#) omit “which is not an assured shorthold tenancy”.
- (4) In [subsection \(3\)](#) of [that section](#), for “shall be treated as if it were such a tenancy” substitute “, and every opted-out tenancy, is to be treated as if it were an assured tenancy”.
- (5) After [that section](#) insert—

“24A Opting out

- (1) A tenancy that would otherwise be an assured agricultural occupancy for the purposes of this Part is not such an occupancy for those purposes if—
 - (a) before the tenancy is entered into, an opt-out notice (see [subsection \(2\)](#)) is served by the person who is to be the landlord on the person who is to be the tenant, and
 - (b) the tenancy is not the continuation of an existing occupancy (see [subsection \(3\)](#)).
- (2) An opt-out notice is a notice, in such form as may be prescribed, stating that the tenancy is not to be an assured agricultural occupancy.
- (3) A tenancy is the continuation of an existing occupancy if—
 - (a) the person to whom the tenancy is granted or, as the case may be, at least one of the persons to whom it is granted was, immediately before it was granted, a tenant under an assured agricultural occupancy, and

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- (b) the person by whom it is granted or, as the case may be, at least one of the persons by whom it is granted was, immediately before it was granted, a landlord under the assured agricultural occupancy referred to in paragraph (a).

- (4) In this Chapter “opted-out tenancy” means a tenancy that, but for this section, would be an assured agricultural occupancy.”

Commencement Information

I24 S. 24 not in force at Royal Assent, see [s. 145\(1\)\(8\)](#)

25 Accommodation for homeless people: duties of local authority

- (1) The [Housing Act 1996](#) is amended as follows.
- (2) In [section 193](#) (duty to persons with priority need who are not homeless intentionally)
 - (a) in [subsection \(1A\)](#), omit [paragraph \(b\)](#) (exception for notice of refusal to co-operate) and the “or” before it;
 - (b) in [subsection \(6\)](#) omit [paragraph \(cc\)](#);
 - (c) in [subsection \(7AB\)](#) omit [paragraph \(c\)](#) and the “and” before it;
 - (d) in [subsection \(7AC\)](#)—
 - (i) in [paragraph \(a\)](#) omit “shorthold”;
 - (ii) at the end of [paragraph \(a\)](#) insert “and”;
 - (iii) omit [paragraph \(c\)](#) and the “and” before it.
- (3) In [section 193C](#) (consequences of deliberate and unreasonable refusal to co-operate) omit [subsections \(3\) to \(10\)](#) (homelessness relief duty).
- (4) Omit [section 195A](#) (duty to offer accommodation following re-application after private sector offer).

Commencement Information

I25 S. 25 not in force at Royal Assent, see [s. 145\(1\)\(8\)](#)

26 Tenancy deposit requirements

- (1) [Chapter 4](#) of [Part 6](#) of the [Housing Act 2004](#) (tenancy deposit schemes) is amended as follows.
- (2) In [section 212](#)—
 - (a) in [subsection \(1\)](#), for “shorthold” substitute “assured”;
 - (b) in [subsection \(2\)](#), for “shorthold” substitute “assured”;
 - (c) in [subsection \(8\)](#)—
 - (i) at the appropriate place insert—

““assured tenancy” means an assured tenancy within the meaning of [Chapter 1](#) of [Part 1](#) of the [Housing Act 1988](#) (for

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transitional provision see [Schedule 6](#) to the Renters' Rights Act 2025);”

(ii) omit the definition of “shorthold tenancy”;

(iii) in the definition of “tenancy deposit”, for “a shorthold” substitute “an assured”;

(d) in [subsection \(9\)](#), in [paragraph \(a\)](#), for “shorthold” substitute “assured”.

(3) In [section 213](#), in each place it occurs, for “a shorthold” substitute “an assured”.

(4) In [section 214](#)—

(a) in [subsection \(1\)](#)—

(i) for “a shorthold” substitute “an assured”;

(ii) omit “on or after 6 April 2007”;

(b) after [subsection \(1\)](#) insert—

“(1ZA) In relation to a tenancy that, immediately before the commencement date, was an assured shorthold tenancy, subsection (1) applies as if after “assured tenancy”, in the first place it occurs, there were inserted “on or after 6 April 2007”.

(1ZB) In [subsection \(1ZA\)](#)—

“assured shorthold tenancy” means an assured shorthold tenancy within the meaning of [Chapter 2](#) of [Part 1](#) of the [Housing Act 1988](#) as it had effect before the amendments made by the Renters' Rights Act 2025;

“the commencement date” has the meaning given by [section 146\(3\)](#) of the Renters' Rights Act 2025.”;

(c) in [subsection \(5\)](#), for “a shorthold” substitute “an assured”.

(5) For [section 215](#) substitute—

“215 Sanctions for non-compliance

(1) Where a tenancy deposit has been paid in connection with an assured tenancy, the court may make an order for possession of the dwelling-house let on the assured tenancy only if the tenancy deposit is being held in accordance with an authorised scheme.

(2) Where a tenancy deposit has been paid in connection with an assured tenancy, the court may make an order for possession of the dwelling-house let on the assured tenancy only if such requirements of the scheme as fell to be complied with by the landlord on receiving the tenancy deposit have been complied with (whether or not within the period mentioned by [section 213\(3\)](#)) in relation to the tenancy deposit.

(3) Where a tenancy deposit has been paid in connection with an assured tenancy, the court may make an order for possession of the dwelling-house let on the assured tenancy only if the requirements of [section 213\(5\)](#) and [\(6\)\(a\)](#) have been complied with.

(4) Subsections [\(1\)](#) to [\(3\)](#) do not apply in relation to an order for possession made on [Ground 7A](#) or [14](#) in [Schedule 2](#) to the [Housing Act 1988](#) (whether or not any other grounds for possession are met).

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- (5) Subsections (1) to (3) do not apply where—
- (a) the tenancy deposit has been returned to the tenant in full or with such deductions as are agreed between the landlord and tenant, or
 - (b) an application to the county court has been made under section 214(1) and has been determined by that court, withdrawn or settled by agreement between the parties.
- (6) If any deposit given in connection with an assured tenancy could not be lawfully required as a result of section 213(7), the court may not make an order for possession of the dwelling-house let on the assured tenancy until the property in question is returned to the person by whom it was given as a deposit.
- (7) In subsection (6) “deposit” has the meaning given by section 213(8).
- (8) In relation to an assured tenancy that was entered into before the commencement date, subsection (2) is to be read as if the words “on or after 6 April 2007” were inserted after “assured tenancy” in the first place it occurs.
- (9) See also paragraph 11 of Schedule 6 to the Renters' Rights Act 2025 (disapplication of amendments to this Chapter in relation to a tenancy that immediately before the commencement date was an assured tenancy other than an assured shorthold tenancy).
- (10) In this section—
- “assured shorthold tenancy” means an assured shorthold tenancy within the meaning of Chapter 2 of Part 1 of the Housing Act 1988 as it had effect before the amendments made by the Renters' Rights Act 2025;
 - “the commencement date” has the meaning given by section 146(3) of the Renters' Rights Act 2025;
 - “the court” means a court having jurisdiction to make an order for possession of a dwelling-house let on an assured tenancy (see section 40 of the Housing Act 1988);
 - “dwelling-house” has the same meaning as in Part 1 of the Housing Act 1988 (see section 45 of that Act).”
- (6) Omit section 215A.
- (7) In section 215B—
- (a) in the title, for “Shorthold” substitute “Assured”;
 - (b) in subsection (1)—
 - (i) in paragraph (a) for “a shorthold” substitute “an assured”;
 - (ii) in paragraph (d) for “shorthold” substitute “assured”.
- (8) Omit section 215C.
- (9) In Schedule 10—
- (a) for “shorthold tenancies”, in each place it occurs, substitute “assured tenancies”;
 - (b) for “a shorthold tenancy”, in each place it occurs, substitute “an assured tenancy”.

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Commencement Information

I26 S. 26 not in force at Royal Assent, see [s. 145\(1\)\(8\)](#)

27 Tenant fees

- (1) The [Tenant Fees Act 2019](#) is amended as follows.
- (2) Omit [section 17](#).
- (3) In [section 28\(1\)](#) (interpretation)—
 - (a) for the definition of “assured shorthold tenancy” substitute—

““assured tenancy” means an assured tenancy within the meaning of [Chapter 1](#) of [Part 1](#) of the [Housing Act 1988](#) (for transitional provision see [Schedule 6](#) to the Renters' Rights Act 2025);”;
 - (b) omit the definition of “long lease”;
 - (c) in the definition of “tenancy”, for [paragraph \(a\)](#) substitute—

“(a) an assured tenancy other than a tenancy of social housing.”.
- (4) In [section 32](#) (Crown application), in [subsection \(3\)\(b\)](#), for “assured shorthold tenancy” substitute “assured tenancy”.
- (5) In [Schedule 3](#) (financial penalties etc), in [paragraph 12\(3\)\(a\)](#), for “assured shorthold tenancy” substitute “assured tenancy”.

Commencement Information

I27 S. 27 not in force at Royal Assent, see [s. 145\(1\)\(8\)](#)

PROSPECTIVE

Other amendments

28 Liability of tenants under assured tenancies for council tax

- In [section 6\(6\)](#) of the [Local Government Finance Act 1992](#), in the definition of “material interest”—
- (a) for “or a” substitute “, a”;
 - (b) after “more” insert “or a tenancy that is or was previously an assured tenancy within the meaning of the Housing Act 1988”.

Commencement Information

I28 S. 28 not in force at Royal Assent, see [s. 145\(1\)\(8\)](#)

29 Other amendments

[Schedule 2](#) contains amendments relating to [this Chapter](#).

Status: This version of this Act contains provisions that are prospective.

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Commencement Information

I29 S. 29 not in force at Royal Assent, see [s. 145\(1\)\(8\)](#)

Powers of Secretary of State

30 Powers of Secretary of State in connection with [Chapter 1](#)

- (1) The Secretary of State may by regulations amend provision made by or under an Act passed before or later in the same session as this Act so that the provision has effect in relation to periodic assured tenancies in a manner that corresponds or is similar to the manner in which it had effect immediately before the commencement date in relation to—
 - (a) fixed term assured tenancies, or
 - (b) assured shorthold tenancies.
- (2) The Secretary of State may by regulations amend provision made by or under an Act passed before or later in the same session as this Act so that the provision has effect, in relation to a ground in [Schedule 2](#) to the [1988 Act](#) as amended by this Act, in a manner that corresponds or is similar to the manner in which it had effect immediately before the commencement date in relation to any ground in [that Schedule](#).
- (3) The amendments that may be made under [subsection \(1\)\(b\)](#) include any to ensure that provision applying immediately before the commencement date in relation to notices under [section 21](#) of the [1988 Act](#) applies on and after that day, with or without modifications, in relation to notices under [section 8](#) of [that Act](#).
- (4) The transitional provision that may be included in regulations under [subsection \(1\)](#) or [\(2\)](#) by virtue of [section 140\(1\)\(a\)](#) includes provision for pre-application instruments which the Secretary of State considers do not (or will not) operate appropriately as a result of any provision of the regulations to—
 - (a) have effect with specified modifications, or
 - (b) cease to have effect (in whole or in part).
- (5) For the purposes of [subsection \(4\)](#)—
 - (a) “pre-application instrument” means an agreement or other instrument entered into—
 - (i) before the regulations come into force, or
 - (ii) when or after they come into force under a contract entered into before then or by the acceptance of an offer made before then;
 - (b) the circumstances in which the Secretary of State may consider that a pre-application instrument does not operate appropriately as a result of regulations under [subsection \(1\)](#) or [\(2\)](#) include (but are not limited to) those in which—
 - (i) as a result of any provision of the regulations, provision made by the instrument is to any extent spent, obsolete, unnecessary or otherwise not of practical utility;
 - (ii) as a result of any provision of the regulations, it is unclear what the effect is of provision made by the instrument;

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- (iii) as a result of any provision of the regulations, a person may be placed in breach of obligations arising under the instrument or made subject to more burdensome obligations under the instrument;
 - (iv) the instrument makes direct or indirect reference to any enactment as it had effect before being amended by the regulations.
- (6) Regulations made by virtue of [subsection \(4\)](#) must provide that they do not prevent—
 - (a) the variation or revocation of provision modified by the regulations, or
 - (b) the re-making of provision that has ceased to have effect as a result of the regulations.
- (7) Regulations made by virtue of [subsection \(4\)](#) may apply to an instrument as it has effect in relation to times before the coming into force of the regulations but after the commencement date.
- (8) Nothing in [this Chapter](#) limits the provision that may be made by regulations under [this section](#).
- (9) Nothing in [this section](#) limits the provision that may be made in regulations under [Part 5](#).
- (10) In [this section](#)—
 - “assured shorthold tenancy” is to be read in accordance with [Part 1](#) of the [1988 Act](#) as it had effect immediately before the commencement date;
 - “the commencement date” has the meaning given by [section 146\(3\)](#).

Commencement Information

I30 S. 30 in force at Royal Assent for specified purposes, see [s. 145\(2\)](#)

CHAPTER 2

TENANCIES THAT CANNOT BE ASSURED TENANCIES

31 Long tenancies and financial services products

- (1) In [Part 1](#) of [Schedule 1](#) to the [1988 Act](#) (tenancies which cannot be assured tenancies), after paragraph 3C insert—

“Fixed term tenancies of more than 21 years

3D A fixed term tenancy of a term certain of more than 21 years from the date of the grant of the tenancy.

Fixed term tenancies of 7 to 21 years granted before the Renters' Rights Act 2025

3E (1) A tenancy of a term certain of—

- (a) 21 years or less, but
- (b) more than 7 years,

from the date of the grant of the tenancy.

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- (2) This paragraph applies only to tenancies entered into—
- (a) before the day on which the Renters' Rights Act 2025 was passed,
 - (b) during the period of two months beginning with that day, or
 - (c) after the end of that period under a contract entered into before the end of that period.

Regulated home purchase plans

- 3F (1) A tenancy which, when it is granted, forms part of a regulated home purchase plan.
- (2) In this paragraph “regulated home purchase plan” has the same meaning that it has from time to time in regulation 63F(3)(a) of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 ([S.I. 2001/544](#)).
- (3) The Secretary of State may, by regulations, amend this paragraph in consequence of an order made under section 22 of the Financial Services and Markets Act 2000.
- (4) Regulations under this paragraph—
- (a) may make different provision for different purposes;
 - (b) are to be made by statutory instrument.
- (5) A statutory instrument containing regulations under this paragraph may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”
- (2) In [section 133](#) of [the 1988 Act](#) (consent required for certain subsequent disposals), in [subsection \(11\)\(f\)](#), for “4” substitute “[3D](#)”.
- (3) In the [Landlord and Tenant Act 1985](#)—
- (a) in [section 9B](#) (leases to which section 9A of that Act applies), in [subsection \(1\)\(b\)](#)—
 - (i) after “subsection (1A)” insert “, [\(1AA\)](#)”;
 - (ii) for the words from “leases” to “more” substitute “certain leases to which section 11 applies”;
 - (b) in [section 13](#) (leases to which section 11 of that Act applies: general rule)—
 - (i) after subsection (1) insert—

“(1ZA) But that is subject to subsections (1ZA) to [\(1ZC\)](#).”;
 - (ii) in subsection (1ZA), for “But in” substitute “In”;
 - (iii) after subsection (1ZB) insert—

“(1ZC) Section 11 does not apply to a lease of a dwelling-house in England which—

 - (a) was an assured tenancy immediately before the commencement date (which has the meaning given by section [146\(3\)](#) of the Renters' Rights Act 2025), and
 - (b) was granted—
 - (i) for a term of seven years or more, and

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- (ii) by a person other than a private registered provider of social housing.”;
 - (iv) in subsection (1A) omit paragraph (b) and the word “or” preceding it;
 - (v) after **subsection (1A)** insert—
 - “(1AA) Section 11 also applies to a lease of a dwelling-house in England granted on or after the day on which **section 166** of the **Localism Act 2011** came into force which is a tenancy for a fixed term of more than seven years that—
 - (a) would be an assured tenancy if it were not for a term of more than seven years,
 - (b) is not a shared ownership lease, and
 - (c) is granted by a private registered provider of social housing.”;
 - (vi) in **subsection (1B)**, for “In subsection (1A)” substitute “In this section”.
- (4) In **paragraph 1** of **Schedule 10** to the **Local Government and Housing Act 1989** (security of tenure on ending of long residential tenancies), in **sub-paragraph (1)(a)** after “low rent” insert “and were not for a term of more than seven years”.
- (5) Where, immediately before the day on which **this section** comes into force, proceedings for an order for possession under **section 8** of the **1988 Act** in reliance on a valid notice given under **that section** of **that Act** have been commenced in relation to a tenancy and have not been concluded, or have not been commenced but have not become time-barred—
- (a) the tenancy remains an assured tenancy, and the notice remains valid, until any time when such proceedings in reliance on the notice become time-barred or are concluded, and
 - (b) until that time the amendments made by **subsections (1)** and **(4)** do not apply in relation to the tenancy.
- (6) For the purposes of **subsection (5)**, proceedings are “time-barred” after the time limit mentioned in **section 8(3)(c)** of the **1988 Act**.

Commencement Information

I31 **S. 31** in force at 27.12.2025, see **s. 145(5)(a)**

32 Accommodation for homeless people or students

- (1) In **section 209** of the **Housing Act 1996** (interim accommodation in relation to which an assured tenancy will not normally arise), in **subsection (1)**, after “190,” insert “199A,”.
- (2) In Schedule 1 to the 1988 Act, paragraph 8 (lettings to students that are not assured tenancies) is amended as follows—
- (a) for sub-paragraph (1) substitute—
 - “(1) A tenancy which is granted to a person who is pursuing, or intends to pursue, a course of study provided by a specified educational institution if—

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- (a) the tenancy is granted—
 - (i) by that institution,
 - (ii) by another specified educational institution, or
 - (iii) by a specified body of persons, or
 - (b) either of the following is a member of a specified housing management code of practice—
 - (i) a person appointed to act on the landlord's behalf in respect of the tenancy;
 - (ii) a person appointed to discharge management functions in respect of the building which comprises the dwelling-house or in which the dwelling-house is situated.
- (1A) Subsection (1) is subject to sub-paragraphs (2B) to (2D) and (5) to (7).”;
- (b) after sub-paragraph (2) insert—
 - “(2A) Regulations under sub-paragraph (2) may, in particular, specify as a body of persons—
 - (a) the members, or
 - (b) a class of the members,from time to time of a housing management code of practice which is specified for this purpose by regulations under sub-paragraph (2).
 - (2B) The Secretary of State may by regulations made by statutory instrument—
 - (a) specify a class of building, and
 - (b) provide that a tenancy—
 - (i) does not fall within this paragraph if the dwelling-house is in a building of the specified class, or
 - (ii) falls within this paragraph only if the dwelling-house is in a building of the specified class.
 - (2C) The Secretary of State may by regulations made by statutory instrument—
 - (a) specify a student landlord or a class of student landlord,
 - (b) specify a class of building in relation to the specified student landlord or specified class of student landlord, and
 - (c) provide that, where the landlord is the specified student landlord, or a student landlord of the specified class, the tenancy—
 - (i) does not fall within this paragraph if the dwelling-house is in the specified class of building, or
 - (ii) falls within this paragraph only if the dwelling-house is in the specified class of building.
 - (2D) The Secretary of State may by regulations made by statutory instrument—
 - (a) specify a person appointed to act on the landlord's behalf in respect of the tenancy or to discharge management

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- functions in respect of the building or a class of such persons,
- (b) specify a class of building in relation to the specified person or specified class of persons, and
- (c) provide that a tenancy—
 - (i) does not fall within this paragraph if the dwelling-house is in the specified class of building and there is a person appointed to act on the landlord's behalf in respect of the tenancy or to discharge management functions in respect of the building who is specified or is in the specified class of such persons, or
 - (ii) falls within this paragraph only if the dwelling-house is in the specified class of building and there is a person appointed to act on the landlord's behalf in respect of the tenancy or to discharge management functions in respect of the building who is specified or is in the specified class of such persons.
- (2E) Regulations under sub-paragraph (2B)(a) or (2C)(b) or (2D)(b) may, in particular, specify as a class of building—
 - (a) the buildings, or
 - (b) a class of the buildings,
 from time to time subject to a housing management code of practice which is specified for this purpose by regulations under sub-paragraph (1)(b), (2B)(a) or (2C)(b).
- (2F) Regulations under sub-paragraph (2C)(a) may, in particular, specify as a class of student landlord—
 - (a) the members, or
 - (b) a class of the members,
 from time to time of a housing management code of practice which is specified for this purpose by regulations under sub-paragraph (2C)(a).”;
- (c) in sub-paragraph (3), for “the power conferred by sub-paragraph (2) above” substitute “a power conferred by this section”;
- (d) after sub-paragraph (3) insert—
 - “(4) Regulations under this paragraph—
 - (a) may make different provision for different purposes;
 - (b) may make supplemental, consequential, incidental, transitional, transitory or saving provision.
- (5) The question of whether or not a tenancy is within this paragraph is to be determined by reference to the circumstances at the time when the tenancy is granted.
- (6) A change in the circumstances after that time does not affect whether or not a tenancy is within this paragraph, except in a case where—

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- (a) the tenant is entitled to possession of the dwelling-house at a time after the tenancy was granted, and
 - (b) at the time when the tenant is entitled to possession—
 - (i) condition A is met (see sub-paragraph (8)),
 - (ii) condition B is met (see sub-paragraphs (9) and (10)), or
 - (iii) both of those conditions are met.
- (7) In such a case, the tenancy ceases to fall within this paragraph (and accordingly this paragraph ceases to prevent the tenancy from being an assured tenancy) at the time when the tenant is entitled to possession.
- (8) Condition A is met if—
 - (a) the tenancy was exempt solely by reference to a code of practice, but
 - (b) at the time when the tenant is entitled to possession of the dwelling-house, the landlord's interest under the lease does not attract the exemption under this paragraph.
- (9) Condition B is met if—
 - (a) at the time when the tenancy was granted—
 - (i) regulations under sub-paragraph (2B), (2C) or (2D) were in force, but
 - (ii) those regulations did not prevent the tenancy from being within this paragraph, but
 - (b) at the time when the tenant is entitled to possession of the dwelling-house—
 - (i) regulations under sub-paragraph (2B), (2C) or (2D) are in force, and
 - (ii) those regulations prevent the tenancy from being within this paragraph.
- (10) But condition B is not met in any circumstances that are specified, or are of a description specified, for this purpose by regulations made by the Secretary of State.
- (11) For the purposes of this paragraph—
 - (a) “management functions” in respect of a building includes functions relating to—
 - (i) the provision of services, or
 - (ii) the repair, maintenance, improvement or insurance of the building;
 - (b) “student landlord” means an institution or body of persons specified, or of a class specified, for the purposes of this paragraph (see sub-paragraph (2));
 - (c) “housing management code of practice” means a code of practice approved by the Secretary of State under section 233 of the Housing Act 2004 (codes relating to the management of HMOs or excepted accommodation);

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- (d) a building is “subject to” a housing management code of practice if it—
 - (i) is a particular building subject to the code, or
 - (ii) is of a class of buildings subject to the code;
- (e) a reference to—
 - (i) a class of the buildings from time to time subject to a housing management code of practice, or
 - (ii) a class of the members from time to time of a housing management code of practice,
 includes the buildings or members that are from time to time in a class provided for in the code of practice;
- (f) a tenancy is “exempt solely by reference to a code of practice” if—
 - (i) the tenancy was granted by a body of persons who were, at the time of the grant, a specified landlord solely by reference to a code of practice, or
 - (ii) at the time of the grant, sub-paragraph (1)(b) applied to the tenancy but sub-paragraph (1)(a) did not apply to the tenancy;
- (g) a reference to the landlord’s interest under the lease not attracting the exemption under this paragraph is a reference to—
 - (i) a case where the landlord is not a student landlord and there is no person appointed to act on the landlord’s behalf in respect of the tenancy or to discharge management functions in respect of the relevant building; or
 - (ii) a case where the landlord is not a student landlord and there is a person appointed to act on the landlord’s behalf in respect of the tenancy or to discharge management functions in respect of the relevant building, but that person is not a member of a specified housing management code of practice;
 and for that purpose the “relevant building” is the building which the dwelling-house comprises or in which the dwelling-house is situated;
- (h) a body of persons are “a specified landlord solely by reference to a code of practice” if they—
 - (i) are a member of a housing management code of practice that is specified by regulations under sub-paragraph (2A), and
 - (ii) are not specified by regulations under sub-paragraph (2) as a body of persons otherwise than as a member of that code of practice.”

Commencement Information

I32 S. 32 in force at 27.12.2025, see s. 145(5)(a)

Status: This version of this Act contains provisions that are prospective.

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CHAPTER 3

DISCRIMINATION IN THE RENTAL MARKET: ENGLAND

Discrimination and discriminatory terms: children and benefits status

33 Discrimination relating to children

- (1) A relevant person must not, in relation to a dwelling that is to be let on an agreement which may give rise to a relevant tenancy—
 - (a) on the basis that a child would or may live with or visit a person at the dwelling if the dwelling were the person's home, prevent the person from—
 - (i) enquiring whether the dwelling is available for let,
 - (ii) accessing information about the dwelling,
 - (iii) viewing the dwelling in order to consider whether to seek to rent it, or
 - (iv) entering into a tenancy of the dwelling, or
 - (b) apply a provision, criterion or practice in order to make people who would have a child live with or visit them at the dwelling, if it were their home, less likely to enter into a tenancy of the dwelling than people who would not.
- (2) [Subsection \(1\)](#) does not apply if—
 - (a) the relevant person can show that the conduct is a proportionate means of achieving a legitimate aim, or
 - (b) the relevant person can show that the prospective landlord of the dwelling, or a person who would be a superior landlord in relation to the dwelling, is insured under a contract of insurance—
 - (i) to which [section 38](#) does not apply, and
 - (ii) which contains a term which makes provision (however expressed) requiring the insured to prohibit a tenant under a relevant tenancy from having a child live with or visit them at the dwelling or to restrict the circumstances in which such a tenant may have a child live with or visit them at the dwelling,and the conduct is a means of preventing the insured from breaching that term.
- (3) Conduct does not breach the prohibition in [subsection \(1\)](#) if it consists only of—
 - (a) one or more of the following things done by a person who does nothing in relation to the dwelling that is not mentioned in [this paragraph](#)—
 - (i) publishing advertisements or disseminating information;
 - (ii) providing a means by which a prospective landlord can communicate directly with a prospective tenant;
 - (iii) providing a means by which a prospective tenant can communicate directly with a prospective landlord, or
 - (b) things of a description, or things done by a person of a description, specified for the purposes of [this section](#) in regulations made by the Secretary of State.

Commencement Information

I33 S. 33 in force at Royal Assent for specified purposes, see [s. 145\(2\)](#)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

34 Discrimination relating to benefits status

- (1) A relevant person must not, in relation to a dwelling that is to be let on an agreement which may give rise to a relevant tenancy—
 - (a) on the basis that a person is or may be a benefits claimant, prevent the person from—
 - (i) enquiring whether the dwelling is available for let,
 - (ii) accessing information about the dwelling,
 - (iii) viewing the dwelling in order to consider whether to seek to rent it, or
 - (iv) entering into a tenancy of the dwelling, or
 - (b) apply a provision, criterion or practice in order to make benefits claimants less likely to enter into a tenancy of the dwelling than people who are not benefits claimants.
- (2) [Subsection \(1\)](#) does not apply if the relevant person can show that the prospective landlord of the dwelling, or a person who would be a superior landlord in relation to the dwelling, is insured under a contract of insurance—
 - (a) to which [section 38](#) does not apply, and
 - (b) which contains a term which makes provision (however expressed) requiring the insured to prohibit a tenant under a relevant tenancy from being a benefits claimant,

and the conduct is a means of preventing the insured from breaching that term.
- (3) Conduct does not breach the prohibition in [subsection \(1\)](#) if it consists only of—
 - (a) one or more of the following things done by a person who does nothing in relation to the dwelling that is not mentioned in [this paragraph](#)—
 - (i) publishing advertisements or disseminating information;
 - (ii) providing a means by which a prospective landlord can communicate directly with a prospective tenant;
 - (iii) providing a means by which a prospective tenant can communicate directly with a prospective landlord, or
 - (b) things of a description, or things done by a person of a description, specified for the purposes of [this section](#) in regulations made by the Secretary of State.

Commencement Information

I34 S. 34 in force at Royal Assent for specified purposes, see [s. 145\(2\)](#)

PROSPECTIVE

35 Discriminatory terms in a tenancy relating to children or benefits status

- (1) A term of a relevant tenancy or regulated tenancy is of no effect so far as the term makes provision (however expressed) prohibiting the tenant from having a child live with or visit them at the dwelling or restricting the circumstances in which the tenant may have a child do so.
- (2) [Subsection \(1\)](#) does not apply if—
 - (a) the provision is a proportionate means of achieving a legitimate aim, or

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- (b) the landlord or a superior landlord is insured under a contract of insurance—
 - (i) to which [section 38](#) does not apply, and
 - (ii) which contains a term which makes provision (however expressed) requiring the insured to prohibit the tenant from having a child live with or visit them at the dwelling or to restrict the circumstances in which the tenant may have a child live with or visit them at the dwelling,and the provision in the tenancy is a means of preventing the insured from breaching that term.
- (3) A term of a relevant tenancy or regulated tenancy is of no effect so far as the term makes provision (however expressed) prohibiting the tenant from being a benefits claimant.
- (4) [Subsection \(3\)](#) does not apply if the landlord or a superior landlord is insured under a contract of insurance—
 - (a) to which [section 38](#) does not apply, and
 - (b) which contains a term which makes provision (however expressed) requiring the insured to prohibit the tenant from being a benefits claimant,and the provision in the tenancy is a means of preventing the insured from breaching that term.

Commencement Information

I35 S. 35 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

36 Terms in superior leases relating to children or benefits status

- (1) A term of a lease of premises that consist of or include a dwelling is of no effect so far as the term makes provision (however expressed) requiring a tenant under that or any inferior lease to—
 - (a) prohibit a sub-tenant under a relevant tenancy or regulated tenancy from having a child live with or visit them at the dwelling, or
 - (b) restrict the circumstances in which a sub-tenant under a relevant tenancy or regulated tenancy may have a child live with or visit them at the dwelling.
- (2) [Subsection \(1\)](#) does not apply if—
 - (a) the provision is a proportionate means of achieving a legitimate aim, or
 - (b) the landlord under the lease or a superior landlord is insured under a contract of insurance—
 - (i) to which [section 38](#) does not apply, and
 - (ii) which contains a term which makes provision (however expressed) requiring the insured to prohibit a sub-tenant from having a child live with or visit them at the dwelling or to restrict the circumstances in which a sub-tenant may have a child live with or visit them at the dwelling,

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and the provision in the lease is a means of preventing the insured from breaching that term.

- (3) A term of a lease of premises that consist of or include a dwelling is of no effect so far as the term makes provision (however expressed) requiring a tenant under that or any inferior lease to prohibit a sub-tenant under a relevant tenancy or regulated tenancy from being a benefits claimant.
- (4) Subsection (3) does not apply if the landlord under the lease or a superior landlord is insured under a contract of insurance—
 - (a) to which [section 38](#) does not apply, and
 - (b) which contains a term which makes provision (however expressed) requiring the insured to prohibit a sub-tenant from being a benefits claimant,
 and the provision in the lease is a means of preventing the insured from breaching that term.
- (5) For the purposes of this section, the terms of a lease include—
 - (a) the terms of any agreement relating to the lease, and
 - (b) any document or communication from the landlord that gives or refuses consent for sub-letting under the lease to a category or description of person.

Commencement Information

I36 S. 36 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

37 Terms in mortgages relating to children or benefits status

- (1) A term of a mortgage of premises that consist of or include a dwelling is of no effect so far as the term makes provision (however expressed) requiring the mortgagor to—
 - (a) prohibit a tenant under a relevant tenancy or regulated tenancy from having a child live with or visit them at the dwelling, or
 - (b) restrict the circumstances in which a tenant under a relevant tenancy or regulated tenancy may have a child live with or visit them at the dwelling.
- (2) A term of a mortgage of premises that consist of or include a dwelling is of no effect so far as the term makes provision (however expressed) requiring a mortgagor to prohibit a tenant under a relevant tenancy or regulated tenancy from being a benefits claimant.

Commencement Information

I37 S. 37 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

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PROSPECTIVE

38 Terms in insurance contracts relating to children or benefits status

- (1) A term of a contract of insurance to which [this section](#) applies is of no effect so far as the term makes provision (however expressed) requiring the insured to—
 - (a) prohibit a tenant under a relevant tenancy or regulated tenancy from having a child live with or visit them at the dwelling, or
 - (b) restrict the circumstances in which a tenant under a relevant tenancy or a regulated tenancy may have a child live with or visit them at the dwelling.
- (2) A term of a contract of insurance to which [this section](#) applies is of no effect so far as the term makes provision (however expressed) requiring the insured to prohibit a tenant under a relevant tenancy or regulated tenancy from being a benefits claimant.
- (3) [This section](#) applies to contracts of insurance which were entered into or whose duration was extended on or after the day on which [this section](#) comes into force.

Commencement Information

I38 S. 38 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Discrimination and discriminatory terms: power to protect others

39 Power of the Secretary of State to protect others

- (1) If the Secretary of State is satisfied that—
 - (a) a discriminatory rental practice exists in relation to dwellings that are to be let on agreements which may give rise to relevant tenancies (“relevant rental dwellings”), and
 - (b) because of that discriminatory rental practice, the victims of that practice are significantly less likely to enter into relevant tenancies of dwellings than other people,the Secretary of State may make regulations prohibiting that discriminatory rental practice.
- (2) A “discriminatory rental practice” exists in relation to relevant rental dwellings if some or all relevant persons—
 - (a) on the basis that people are members of a particular group, prevent those people from—
 - (i) enquiring whether relevant rental dwellings are available for let,
 - (ii) accessing information about relevant rental dwellings,
 - (iii) viewing relevant rental dwellings in order to consider whether to seek to rent them, or
 - (iv) entering into tenancies of relevant rental dwellings, or
 - (b) apply a provision, criterion or practice in order to make a particular group of people less likely to enter into tenancies of relevant rental dwellings than people not in that group.

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- (3) The “victims” of a discriminatory rental practice are—
- (a) where a particular group of people are prevented from doing the things mentioned in [subsection \(2\)\(a\)](#), the people in that group;
 - (b) where a provision, criterion or practice is applied in order to make a particular group of people less likely to enter into tenancies as mentioned in [subsection \(2\)\(b\)](#), the people in that group.
- (4) Regulations “prohibiting” a discriminatory rental practice are regulations relating to—
- (a) the discriminatory rental practice, and
 - (b) the persons who are the victims of it,
- which make provision corresponding to the other anti-discrimination legislation in [this Chapter](#)
- (5) The “other anti-discrimination legislation in [this Chapter](#)” is—
- (a) [sections 33](#) and [34](#), except for [sections 33\(3\)\(b\)](#) and [34\(3\)\(b\)](#), and
 - (b) [sections 35](#) to [38](#);
- but regulations under [this section](#) may make provision corresponding to the provision that may be made under [section 33\(3\)\(b\)](#) or [34\(3\)\(b\)](#).
- (6) Before making regulations prohibiting a discriminatory rental practice, the Secretary of State must consult such of the following persons as the Secretary of State considers appropriate—
- (a) victims of the discriminatory rental practice or one or more representatives of such persons;
 - (b) landlords and prospective landlords under relevant tenancies or one or more representatives of such persons;
 - (c) landlords under regulated tenancies or one or more representatives of such persons;
 - (d) other landlords and prospective landlords under leases of premises that consist of or include a dwelling or one or more representatives of such persons;
 - (e) mortgagees of dwellings or one or more representatives of such persons;
 - (f) insurers of dwellings or one or more representatives of such persons;
 - (g) local housing authorities or one or more representatives of local housing authorities.
- (7) For that purpose a “representative” of persons of a particular kind, or of local housing authorities, is a body or other person which appears to the Secretary of State to represent the interests of persons of that kind, or of local housing authorities.

Commencement Information

I39 S. 39 in force at Royal Assent for specified purposes, see [s. 145\(2\)](#)

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Discrimination: financial penalties

40 Financial penalties for breach of anti-discrimination provisions

- (1) A local housing authority may impose a financial penalty under [this subsection](#) on a person if satisfied on the balance of probabilities that the person has breached a requirement imposed by—
 - (a) [section 33](#) or [34](#), or
 - (b) provision in regulations made under [section 39](#).
- (2) More than one financial penalty may be imposed under [subsection \(1\)](#) on the same person in respect of the same conduct only if—
 - (a) the conduct continues after the end of 28 days beginning with the day after that on which the previous penalty in respect of the conduct was imposed on the person, unless the person appeals against the decision to impose the penalty within that period, or
 - (b) if the person appeals against the decision to impose the penalty within that period, the conduct continues after the end of 28 days beginning with the day after that on which the appeal is finally determined, withdrawn or abandoned.
- (3) Where a person applies a single provision, criterion or practice on more than one occasion in relation to the same dwelling, each application of that provision, criterion or practice is to be treated as the same conduct for the purposes of [subsection \(2\)](#).
- (4) If—
 - (a) the local housing authority imposes a financial penalty under [subsection \(1\)](#) on a person, and
 - (b) within the period of five years ending with the date on which that penalty was imposed, a previous financial penalty under [subsection \(1\)](#) was imposed on that person in relation to a breach of the same section or provision in regulations made under [section 39](#),then the local housing authority may impose an additional financial penalty under [this subsection](#) on that person.
- (5) The amount of a financial penalty imposed under [this section](#) is to be determined by the authority imposing it, but must not be more than £7,000.
- (6) Neither [subsection \(2\)](#) nor [subsection \(4\)](#) enables a penalty to be imposed after the final notice in respect of the previous penalty has been withdrawn or quashed on appeal.
- (7) Where—
 - (a) a local housing authority is satisfied as mentioned in [subsection \(1\)](#) in relation to two or more persons, and
 - (b) the breaches in relation to which the local housing authority is so satisfied arise from the same conduct by one or more of the persons acting on behalf of the others,the local housing authority may impose a financial penalty under [that subsection](#) on the persons (or some of them) jointly, and if the local housing authority does so, the persons on whom the penalty is imposed are jointly and severally liable to pay it.
- (8) The Secretary of State may give guidance to local housing authorities about the exercise of their functions under [this section](#).

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- (9) Local housing authorities must have regard to any guidance issued under [subsection \(8\)](#).
- (10) The Secretary of State may by regulations amend the amount specified in [subsection \(5\)](#) to reflect changes in the value of money.
- (11) For the purposes of [this section](#)—
 - (a) a financial penalty is imposed under [this section](#) on the date specified in the final notice as the date on which the notice is given, and
 - (b) “final notice” has the meaning given by [paragraph 6 of Schedule 5](#).

Commencement Information

I40 S. 40 in force at Royal Assent for specified purposes, see [s. 145\(2\)](#)

PROSPECTIVE

Supplementary

41 No prohibition on taking income into account

Nothing in [this Chapter](#) prohibits taking a person's income into account when considering whether that person would be able to afford to pay rent under a relevant tenancy.

Commencement Information

I41 S. 41 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

42 Interpretation of [Chapter 3](#)

(1) In [this Chapter](#)—

“benefits claimant” means a person who—

- (a) is entitled to payments (including payments made directly to a landlord) under or by virtue of the [Social Security Contributions and Benefits Act 1992](#) or the [Welfare Reform Act 2012](#), or would be so entitled were a relevant tenancy to be granted to the person,
- (b) is entitled to payments (including payments made directly to a landlord) under or by virtue of the [Jobseekers Act 1995](#), the [State Pension Credit Act 2002](#), the [Tax Credits Act 2002](#), the [Welfare Reform Act 2007](#) or the [Pensions Act 2014](#),
- (c) is in receipt of a reduction in the amount of council tax payable in respect of the person's current home under a scheme made by a billing authority under or by virtue of [section 13A](#) of the [Local Government Finance Act 1992](#), or
- (d) would be entitled to a reduction in the amount of council tax payable in respect of the dwelling in question under a scheme made by the billing authority in whose area the dwelling is situated under or by virtue of

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section 13A of the Local Government Finance Act 1992, if the person were to—

- (i) rent the dwelling on a relevant tenancy, and
- (ii) if an application is a precondition of entitlement, apply to the billing authority for a reduction under the scheme;

“child” means a person under the age of 18;

“dwelling” means a “dwelling-house” within the meaning of Part 1 of the 1988 Act (see section 45 of that Act) in England;

“prospective landlord” means a person who proposes to let a dwelling on an agreement which may give rise to a relevant tenancy;

“prospective tenant” means a person seeking to find a dwelling to rent;

“regulated tenancy” has the same meaning as in the Rent Act 1977 (see section 18 of that Act);

“relevant person”, in relation to a relevant tenancy, means—

- (a) the prospective landlord;
- (b) a person acting or purporting to act directly or indirectly on behalf of the prospective landlord;

“relevant tenancy” means an assured tenancy within the meaning of the 1988 Act, other than a tenancy that is—

- (a) a tenancy of social housing, within the meaning of Part 2 of the Housing and Regeneration Act 2008, or
- (b) a tenancy of supported accommodation, within the meaning given by paragraph 12 of Schedule 2 to the 1988 Act.

- (2) In this Chapter a reference to doing something on the basis of particular facts includes reference to doing it on the basis of a belief in those facts.

Commencement Information

142 S. 42 not in force at Royal Assent, see s. 145(1)(7)

CHAPTER 4

DISCRIMINATION IN THE RENTAL MARKET: WALES

PROSPECTIVE

Prohibitions of discrimination

43 Discrimination relating to children or benefits status: Welsh language

- (1) The Welsh language text of the Renting Homes (Fees etc.) (Wales) Act 2019 (anaw 2) is amended as follows.
- (2) In section 1, after subsection (2), insert—

“(2A) Mae Rhan 2A yn ei gwneud yn drosedd i landlord neu berson sy’n gweithredu ar ran landlord neu’n honni ei fod yn gweithredu ar ran landlord wahaniaethu

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mewn perthynas â chontractau meddiannaeth yn erbyn personau a fyddai â phlant yn byw gyda hwy neu'n ymweld â hwy neu sy'n hawlyddion budd-daliadau, ac yn gwneud darpariaeth arall ynghylch gwahaniaethu o'r math hwnnw.”

(3) After [section 8](#) insert—

“RHAN 2A

GWAHARDD GWAHANIAETHU

8A Gwahardd gwahaniaethu yn ymwneud â phlant

- (1) Mae'n drosedd i berson perthnasol, mewn perthynas ag annedd sydd i fod yn destun contract meddiannaeth—
 - (a) ar y sail y byddai plentyn yn byw gyda pherson neu'n ymweld â pherson yn yr annedd, neu y gallai plentyn fyw gyda pherson neu ymweld â pherson yn yr annedd, pe bai'r annedd, yn gartref i'r person, atal y person rhag—
 - (i) ymholi a yw'r annedd ar gael i'w rhentu,
 - (ii) cael mynediad at wybodaeth am yr annedd,
 - (iii) gweld yr annedd er mwyn ystyried a ddylai geisio ei rhentu, neu
 - (iv) sicrhau contract meddiannaeth mewn cysylltiad â'r annedd neu sicrhau bod contract o'r fath yn cael ei adnewyddu neu ei barhau, neu
 - (b) cymhwyso darpariaeth, maen prawf neu arfer er mwyn peri bod pobl a fyddai â phlentyn yn byw gyda hwy neu'n ymweld â hwy yn yr annedd yn llai tebygol o sicrhau contract meddiannaeth mewn cysylltiad â'r annedd neu'n llai tebygol o sicrhau bod contract o'r fath yn cael ei adnewyddu neu ei barhau na phobl a fyddai heb blentyn yn byw gyda hwy neu'n ymweld â hwy.
- (2) Mae'n amddiffyniad i'r person perthnasol brofi bod yr ymddygiad yn fodd cymesur o gyflawni nod dilys.
- (3) Mae'n amddiffyniad i'r person perthnasol brofi bod darpar landlord yr annedd, neu berson a fyddai'n uwchlandlord mewn perthynas â'r annedd, wedi ei yswirio o dan contract yswiriant—
 - (a) nad yw adran [8H](#) yn gymwys iddo, a
 - (b) sy'n cynnwys teler sy'n ei gwneud yn ofynnol i'r sawl sydd wedi ei yswirio wahardd deiliad contract rhag bod â phlentyn yn byw gydag ef neu'n ymweld ag ef yn yr annedd neu sy'n ei gwneud yn ofynnol i'r landlord gyfyngu'r amgylchiadau lle caniateir i ddeiliad contract wneud hynny,

a bod yr ymddygiad yn fodd i atal y person sydd wedi ei yswirio rhag torri'r teler hwnnw.
- (4) Mae person sy'n euog o drosedd o dan is-adran [\(1\)](#) yn agored ar euogfarn ddiannod i ddirwy.

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8B Gwahardd gwahaniaethu yn ymwneud â statws o ran budd-daliadau

- (1) Mae'n drosedd i berson perthnasol, mewn perthynas ag annedd sydd i fod yn destun contract meddiannaeth—
 - (a) ar y sail bod person yn hawlydd budd-daliadau neu y gallai fod yn hawlydd budd-daliadau, atal y person rhag—
 - (i) ymholi a yw'r annedd ar gael i'w rhentu,
 - (ii) cael mynediad at wybodaeth am yr annedd,
 - (iii) gweld yr annedd er mwyn ystyried a ddylai geisio ei rhentu, neu
 - (iv) sicrhau contract meddiannaeth mewn cysylltiad â'r annedd neu sicrhau bod contract o'r fath yn cael ei adnewyddu neu ei barhau, neu
 - (b) cymhwyso darpariaeth, maen prawf neu arfer er mwyn peri bod hawlyddion budd-daliadau yn llai tebygol o sicrhau contract meddiannaeth mewn cysylltiad â'r annedd neu'n llai tebygol o sicrhau bod contract o'r fath yn cael ei adnewyddu neu ei barhau na phobl nad ydynt yn hawlyddion budd-daliadau.
- (2) Mae'n amddiffyniad i'r person perthnasol brofi bod darpar landlord yr annedd, neu berson a fyddai'n uwchlandlord mewn perthynas â'r annedd, wedi ei yswirio o dan contract yswiriant—
 - (a) nad yw adran 8H yn gymwys iddo, a
 - (b) sy'n cynnwys teler sy'n ei gwneud yn ofynnol i'r sawl sydd wedi ei yswirio wahardd deiliad contract ar yr annedd rhag bod yn hawlydd budd-daliadau,a bod yr ymddygiad yn fodd i atal y person sydd wedi ei yswirio rhag torri'r teler hwnnw.
- (3) Mae person sy'n euog o drosedd o dan is-adran (1) yn agored ar euogfarn ddiannod i ddirwy.

8C Eithriad ar gyfer cyhoeddi hysbysiadau etc

Nid yw ymddygiad yn gyfystyr a throedd o dan adran 8A(1) nac adran 8B(1) os nad yw ond yn cynnwys—

- (a) un neu ragor o'r pethau a ganlyn a wneir gan berson nad yw'n gwneud dim mewn perthynas â'r annedd sydd heb ei grybwyll yn y paragraff hwn—
 - (i) cyhoeddi hysbysiadau neu ledaenu gwybodaeth;
 - (ii) darparu cyfrwng y gall darpar landlord gyfathrebu drwyddo yn uniongyrchol â darpar ddeiliad contract;
 - (iii) darparu cyfrwng y gall darpar ddeiliad contract gyfathrebu drwyddo yn uniongyrchol â darpar landlord, neu
- (b) pethau o ddisgrifiad, neu bethau a wneir gan berson o ddisgrifiad, a bennir at ddibenion yr adran hon mewn rheoliadau.

8D Parhau i dorri gwaharddiad ar ôl cosb benodedig

- (1) Mae person yn cyflawni trosedd—

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- (a) os oes hysbysiad cosb benodedig wedi ei roi i'r person o dan adran 13 am drosedd o dan y Rhan hon mewn perthynas ag annedd ac nad yw wedi ei dynnu'n ôl, a
- (b) os yw'r ymddygiad y rhoddwyd yr hysbysiad cosb benodedig mewn cysylltiad ag ef yn parhau mewn perthynas â'r annedd honno ar ôl diwedd y cyfnod o 28 o ddiwrnodau sy'n dechrau â'r dyddiad y rhoddwyd yr hysbysiad o dan adran 13.

(2) Mae person sy'n euog o drosedd o dan is-adran (1) yn agored ar euogfarn ddiannod i ddirwy.

8E Ailadrodd tor gwaharddiad ar ôl cosb benodedig

(1) Mae person yn cyflawni trosedd—

- (a) os oes hysbysiad cosb benodedig wedi ei roi i'r person o dan adran 13 am drosedd o dan y Rhan hon ac nad yw wedi ei dynnu'n ôl, a
- (b) os yw'r person yn cyflawni trosedd arall o dan yr un adran o fewn y cyfnod o 5 mlynedd sy'n dechrau â'r dyddiad y rhoddwyd yr hysbysiad o dan adran 13.

(2) Mae person sy'n euog o drosedd o dan is-adran (1) yn agored ar euogfarn ddiannod i ddirwy.

8F Telerau mewn uwchlesau yn ymwneud â phlant neu statws o ran budd-daliadau

(1) Nid yw teler mewn les ar fangre sy'n ffurfio annedd neu sy'n cynnwys annedd yn rhwymo i'r graddau y byddai (oni bai am yr adran hon) yn ei gwneud yn ofynnol i denant o dan y les honno neu unrhyw is-les—

- (a) gwahardd deiliad contract rhag bod â phlentyn yn byw gydag ef neu'n ymweld ag ef yn yr annedd, neu
- (b) cyfyngu'r amgylchiadau lle caniateir i ddeiliad contract fod â phlentyn yn byw gydag ef neu'n ymweld ag ef yn yr annedd,

(ond mae'r les yn parhau, i'r graddau y bo hynny'n ymarferol, i gael effaith ym mhob cyswllt arall).

(2) Nid yw is-adran (1) yn gymwys—

- (a) os yw'r gofyniad yn fodd cymesur o gyflawni nod dilys, neu
- (b) os yw'r landlord o dan y les neu uwchlandlord wedi ei yswirio o dan contract yswiriant—

(i) nad yw adran 8H yn gymwys iddo, a

(ii) sy'n cynnwys teler sy'n gwneud darpariaeth (sut bynnag y'i mynegir) yn ei gwneud yn ofynnol i'r sawl sydd wedi ei yswirio wahardd deiliad contract rhag bod â phlentyn yn byw gydag ef neu'n ymweld ag ef yn yr annedd neu gyfyngu'r amgylchiadau lle caniateir i ddeiliad contract fod â phlentyn yn byw gydag ef neu'n ymweld ag ef yn yr annedd,

a bod y gofyniad yn y les yn fodd i atal y sawl sydd wedi ei yswirio rhag torri'r teler hwnnw.

(3) Nid yw teler mewn les ar fangre sy'n ffurfio annedd neu sy'n cynnwys annedd yn rhwymo i'r graddau y byddai (oni bai am yr adran hon) yn ei gwneud yn

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ofynnol i denant o dan y les honno neu unrhyw is-les wahardd deiliad contract rhag bod yn hawlydd budd-daliadau (ond mae'r les yn parhau, i'r graddau y bo hynny'n ymarferol, i gael effaith ym mhob cyswllt arall).

- (4) Nid yw is-adran (3) yn gymwys os yw'r landlord o dan y les neu uwchlandlord wedi ei yswirio o dan contract yswiriant—
- (a) nad yw adran 8H yn gymwys iddo, a
 - (b) sy'n cynnwys teler sy'n gwneud darpariaeth (sut bynnag y'i mynegir) yn ei gwneud yn ofynnol i'r sawl sydd wedi ei yswirio wahardd deiliad contract rhag bod yn hawlydd budd-daliadau,
- a bod y gofyniad yn y les yn fodd i atal y sawl sydd wedi ei yswirio rhag torri'r teler hwnnw.
- (5) At ddibenion yr adran hon, mae telerau les yn cynnwys—
- (a) telerau unrhyw gytundeb sy'n ymwneud â'r les, a
 - (b) unrhyw ddogfen neu gyfathrebiad oddi wrth y landlord sy'n rhoi neu'n gwrthod cydsyniad i isosod o dan y les i gategori neu ddisgrifiad o berson.

8G Telerau mewn morgais yn ymwneud â phlant neu statws o ran budd-daliadau

- (1) Nid yw teler mewn morgais ar fangre sy'n ffurfio annedd neu sy'n cynnwys annedd yn rhwymo i'r graddau y byddai (oni bai am yr adran hon) yn ei gwneud yn ofynnol i'r morgaisiwr—
- (a) gwahardd deiliad contract rhag bod â phlentyn yn byw gydag ef neu'n ymweld ag ef yn yr annedd, neu
 - (b) cyfyngu'r amgylchiadau lle caniateir i ddeiliad contract fod â phlentyn yn byw gydag ef neu'n ymweld ag ef yn yr annedd,
- (ond mae'r morgais yn parhau, i'r graddau y bo hynny'n ymarferol, i gael effaith ym mhob cyswllt arall).
- (2) Nid yw teler mewn morgais ar fangre sy'n ffurfio annedd neu sy'n cynnwys annedd yn rhwymo i'r graddau y byddai (oni bai am yr adran hon) yn ei gwneud yn ofynnol i'r morgaisiwr wahardd deiliad contract rhag bod yn hawlydd budd-daliadau (ond mae'r morgais yn parhau, i'r graddau y bo hynny'n ymarferol, i gael effaith ym mhob cyswllt arall).

8H Telerau mewn contractau yswiriant yn ymwneud â phlant neu statws o ran budd-daliadau

- (1) Nid yw teler mewn contract yswiriant y mae'r adran hon yn gymwys iddo yn rhwymo i'r graddau y byddai (oni bai am yr adran hon) yn ei gwneud yn ofynnol i'r sawl sydd wedi ei yswirio—
- (a) gwahardd deiliad contract rhag bod â phlentyn yn byw gydag ef neu'n ymweld ag ef yn yr annedd sy'n destun contract meddiannaeth, neu
 - (b) cyfyngu'r amgylchiadau lle caniateir i ddeiliad contract fod â phlentyn yn byw gydag ef neu'n ymweld ag ef yn yr annedd sy'n destun contract meddiannaeth,
- (ond mae'r contract yswiriant yn parhau, i'r graddau y bo hynny'n ymarferol, i gael effaith ym mhob cyswllt arall).

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- (2) Nid yw telor mewn contract yswiriant y mae'r adran hon yn gymwys iddo yn rhwymo i'r graddau y byddai (oni bai am yr adran hon) yn ei gwneud yn ofynnol i'r sawl sydd wedi ei yswirio wahardd deiliad contract annedd sy'n destun contract meddiannaeth rhag bod yn hawlydd budd-daliadau (ond mae'r contract yswiriant yn parhau, i'r graddau y bo hynny'n ymarferol, i gael effaith ym mhob cyswllt arall).
- (3) Mae'r adran hon yn gymwys i gcontractau yswiriant a wnaed neu yr estynnwyd eu cyfnod ar neu ar ôl y diwrnod y daw'r adran hon i rym.

8I Dim gwaharddiad ar roi ystyriaeth i incwm

Nid oes dim yn y Rhan hon yn gwahardd rhoi ystyriaeth i incwm person wrth ystyried a fyddai'r person hwnnw yn gallu fforddio talu rhent o dan contract meddiannaeth.

8J Dehongli Rhan 2A

- (1) Yn y Rhan hon—

mae i “contract meddiannaeth” (“*occupation contract*”) yr un ystyr ag yn [Neddf Rhentu Cartrefi \(Cymru\) 2016 \(dccc 1\)](#) (gweler adran 7 o'r Ddeddf honno);

ystyr “darpar ddeiliad contract” (“*prospective contract-holder*”) yw person sy'n ceisio dod o hyd i annedd i'w rhentu o dan contract meddiannaeth;

ystyr “darpar landlord” (“*prospective landlord*”) yw person sy'n bwriadu gosod annedd o dan contract meddiannaeth;

ystyr “hawlydd budd-daliadau” (“*benefits claimant*”) yw person—

- (a) sydd â hawl i gael taliadau (gan gynnwys taliadau a wneir yn uniongyrchol i landlord) o dan Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992 neu Ddeddf Diwygio Lles 2012 neu yn rhinwedd y deddfau hynny, neu a fyddai â hawl o'r fath pe bai'r person yn dod yn ddeiliad contract o dan contract meddiannaeth,
- (b) sydd â hawl i gael taliadau (gan gynnwys taliadau a wneir yn uniongyrchol i landlord) o dan neu yn rhinwedd Deddf Ceiswyr Gwaith 1995, Deddf Credyd Pensiwn y Wladwriaeth 2002, Deddf Credydau Treth 2002, Deddf Diwygio Lles 2007 neu Ddeddf Pensiynau 2014,
- (c) sy'n cael gostyngiad yn swm y dreth gyngor sy'n daladwy mewn perthynas â chartref presennol y person o dan gynllun a wneir gan awdurdod bilio o dan neu yn rhinwedd adran 13A o Ddeddf Cyllid Llywodraeth Leol 1992, neu
- (d) a fyddai â'r hawl i gael gostyngiad yn swm y dreth gyngor sy'n daladwy mewn perthynas â'r annedd o dan sylw o dan gynllun a wneir gan yr awdurdod bilio y mae'r annedd yn ei ardal o dan neu yn rhinwedd adran 13A o Ddeddf Cyllid Llywodraeth Leol 1992, pe bai'r person—
 - (i) yn rhentu'r annedd o dan contract meddiannaeth, a

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- (ii) os yw gwneud cais yn rhagamod ar gyfer hawlio gostyngiad, yn gwneud cais i'r awdurdod bilio am ostyngiad o dan y cynllun;
ystyr “person perthnasol” (“*relevant person*”), mewn perthynas â chontract meddiannaeth, yw—
(a) y darpar landlord;
(b) person sy'n gweithredu'n uniongyrchol neu'n anuniongyrchol ar ran y darpar landlord neu sy'n honni ei fod yn gweithredu'n uniongyrchol neu'n anuniongyrchol ar ran y darpar landlord;
ystyr “plentyn” (“*child*”) yw person o dan 18 oed.
- (2) Yn y Rhan hon, mae cyfeiriad at wneud rhywbeth ar sail ffeithiau penodol yn cynnwys cyfeiriad at wneud hynny ar sail cred yn y ffeithiau hynny.”
- (4) In [section 10\(4\)](#)—
(a) after the opening words insert—
“(za) mewn perthynas â throsedd o dan Ran 2A neu o dan reoliadau o dan adran [47](#) neu [48](#) o Ddeddf Hawliau Rhentwyr 2025—
(i) person sy'n landlord o dan gontract meddiannaeth neu sydd wedi bod yn landlord o dan gontract o'r fath;
(ii) person sy'n ddeiliad contract o dan gontract meddiannaeth neu sydd wedi bod yn ddeiliad contract o dan gontract o'r fath;
(iii) person sy'n berson perthnasol mewn perthynas â chontract meddiannaeth neu sydd wedi bod yn berson perthnasol mewn perthynas â chontract o'r fath;
(zb) mewn perthynas â throsedd o dan unrhyw ddarpariaeth arall o'r Ddeddf hon—”;
(b) paragraphs (a) to (c) become paragraphs (i) to (iii) of paragraph [\(zb\)](#).
- (5) After [section 10\(4\)](#) insert—
“(4A) Yn is-adran (4)—
mae i “contract meddiannaeth” (“*occupation contract*”) yr un ystyr ag yn [Neddf Rhentu Cartrefi \(Cymru\) 2016 \(dccc 1\)](#) (gweler adran 7 o'r Ddeddf honno);
mae i “person perthnasol” (“*relevant person*”) yr ystyr a roddir yn adran [8J](#).”
- (6) In [section 13\(1\)](#) after “3” insert “neu Ran 2A o'r Ddeddf hon neu o dan reoliadau o dan adran [47](#) neu [48](#) o Ddeddf Hawliau Rhentwyr 2025”.
- (7) In [section 17](#)—
(a) after [subsection \(3\)](#) insert—
“(3A) At ddibenion y Rhan hon fel y mae'n ymwneud â throseddau o dan Ran 2A neu o dan reoliadau o dan adran [47](#) neu [48](#) o Ddeddf Hawliau Rhentwyr 2025, mae awdurdod pwysau a mesurau lleol yn awdurdod gorfodi ychwanegol mewn perthynas â'r ardal y mae'n awdurdod pwysau a mesurau ar ei chyfer.”;

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- (b) in **subsection (4)** the words from “ystyr” to the end become a definition;
- (c) at the end of **subsection (4)** insert—
 “mae i “awdurdod pwysau a mesurau lleol” yr ystyr a roddir i “local weights and measures authority” gan adran 69(2) o Ddeddf Pwysau a Mesurau 1985.”

(8) In **section 27(3)** after “adran 7,” insert “adran **8C**.”

Commencement Information

I43 S. 43 not in force at Royal Assent, see **s. 145(1)(7)**

44 Discrimination relating to children or benefits status: English language

- (1) The English language text of the **Renting Homes (Fees etc.) (Wales) Act 2019 (anaw 2)** is amended as follows.
- (2) In **section 1**, after **subsection (2)**, insert—
 “(2A) **Part 2A** makes it an offence for a landlord or person acting or purporting to act on a landlord’s behalf to discriminate in relation to occupation contracts against persons who would have children live with or visit them or who are benefits claimants, and makes other provision about discrimination of that kind.”
- (3) After **section 8** insert—

“PART 2A

PROHIBITION OF DISCRIMINATION

8A Prohibition of discrimination relating to children

- (1) It is an offence for a relevant person, in relation to a dwelling that is to be the subject of an occupation contract—
 - (a) on the basis that a child would or may live with or visit a person at the dwelling if the dwelling were the person’s home, to prevent the person from—
 - (i) enquiring whether the dwelling is available for rent,
 - (ii) accessing information about the dwelling,
 - (iii) viewing the dwelling in order to consider whether to seek to rent it, or
 - (iv) obtaining the grant, renewal or continuance of an occupation contract in respect of the dwelling, or
 - (b) to apply a provision, criterion or practice in order to make people who would have a child live with or visit them at the dwelling less likely to obtain the grant, renewal or continuance of an occupation contract in respect of the dwelling than people who would not.
- (2) It is a defence for the relevant person to prove that the conduct is a proportionate means of achieving a legitimate aim.

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- (3) It is a defence for the relevant person to prove that the prospective landlord of the dwelling, or a person who would be a superior landlord in relation to the dwelling, is insured under a contract of insurance—
- (a) to which [section 8H](#) does not apply, and
 - (b) which contains a term which requires the insured to prohibit a contract-holder from having a child live with or visit them at the dwelling or requires the landlord to restrict the circumstances in which a contract-holder may do so,
- and the conduct is a means of preventing the insured from breaching that term.
- (4) A person guilty of an offence under [subsection \(1\)](#) is liable on summary conviction to a fine.

8B Prohibition of discrimination relating to benefits status

- (1) It is an offence for a relevant person, in relation to a dwelling that is to be the subject of an occupation contract—
- (a) on the basis that a person is or may be a benefits claimant, to prevent the person from—
 - (i) enquiring whether the dwelling is available for rent,
 - (ii) accessing information about the dwelling,
 - (iii) viewing the dwelling in order to consider whether to seek to rent it, or
 - (iv) obtaining the grant, renewal or continuance of an occupation contract in respect of the dwelling, or
 - (b) to apply a provision, criterion or practice in order to make benefits claimants less likely to obtain the grant, renewal or continuance of an occupation contract in respect of the dwelling than people who are not benefits claimants.
- (2) It is a defence for the relevant person to prove that the prospective landlord of the dwelling, or a person who would be a superior landlord in relation to the dwelling, is insured under a contract of insurance—
- (a) to which [section 8H](#) does not apply, and
 - (b) which contains a term which requires the insured to prohibit a contract-holder of the dwelling from being a benefits claimant,
- and the conduct is a means of preventing the insured from breaching that term.
- (3) A person guilty of an offence under [subsection \(1\)](#) is liable on summary conviction to a fine.

8C Exception for publication of advertisements etc

Conduct does not constitute an offence under [section 8A\(1\)](#) or [section 8B\(1\)](#) if it consists only of—

- (a) one or more of the following things done by a person who does nothing in relation to the dwelling that is not mentioned in this paragraph—
 - (i) publishing advertisements or disseminating information;

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- (ii) providing a means by which a prospective landlord can communicate directly with a prospective contract-holder;
- (iii) providing a means by which a prospective contract-holder can communicate directly with a prospective landlord, or
- (b) things of a description, or things done by a person of a description, specified for the purposes of this section in regulations.

8D Continuing breach of prohibition after fixed penalty

- (1) A person commits an offence if—
 - (a) a fixed penalty notice has been given to the person under section 13 for an offence under this Part in relation to a dwelling and has not been withdrawn, and
 - (b) the conduct in respect of which the fixed penalty notice was given continues in relation to that dwelling after the end of the period of 28 days beginning with the date on which the notice under section 13 was given.
- (2) A person guilty of an offence under [subsection \(1\)](#) is liable on summary conviction to a fine.

8E Repeated breach of prohibition after fixed penalty

- (1) A person commits an offence if—
 - (a) a fixed penalty notice has been given to the person under section 13 for an offence under this Part and has not been withdrawn, and
 - (b) the person commits another offence under the same section within the period of 5 years beginning with the date on which the notice under section 13 was given.
- (2) A person guilty of an offence under [subsection \(1\)](#) is liable on summary conviction to a fine.

8F Terms in superior leases relating to children or benefits status

- (1) A term of a lease of premises that consist of or include a dwelling is not binding to the extent that (but for this section) it would require a tenant under that or any inferior lease to—
 - (a) prohibit a contract-holder from having a child live with or visit them at the dwelling, or
 - (b) restrict the circumstances in which a contract-holder may have a child live with or visit them at the dwelling,
 (but the lease continues, so far as practicable, to have effect in every other respect).
- (2) Subsection [\(1\)](#) does not apply if—
 - (a) the requirement is a proportionate means of achieving a legitimate aim, or
 - (b) the landlord under the lease or a superior landlord is insured under a contract of insurance—
 - (i) to which [section 8H](#) does not apply, and

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- (ii) which contains a term which makes provision (however expressed) requiring the insured to prohibit a contract-holder from having a child live with or visit them at the dwelling or to restrict the circumstances in which a contract-holder may have a child live with or visit them at the dwelling,

and the requirement in the lease is a means of preventing the insured from breaching that term.

- (3) A term of a lease of premises that consist of or include a dwelling is not binding to the extent that (but for this section) it would require a tenant under that or any inferior lease to prohibit a contract-holder from being a benefits claimant (but the lease continues, so far as practicable, to have effect in every other respect).

- (4) Subsection (3) does not apply if the landlord under the lease or a superior landlord is insured under a contract of insurance—

- (a) to which [section 8H](#) does not apply, and
- (b) which contains a term which makes provision (however expressed) requiring the insured to prohibit a contract-holder from being a benefits claimant,

and the requirement in the lease is a means of preventing the insured from breaching that term.

- (5) For the purposes of this section, the terms of a lease include—

- (a) the terms of any agreement relating to the lease, and
- (b) any document or communication from the landlord that gives or refuses consent for sub-letting under the lease to a category or description of person.

8G Terms in mortgages relating to children or benefits status

- (1) A term of a mortgage of premises that consist of or include a dwelling is not binding to the extent that (but for this section) it would require the mortgagor to—

- (a) prohibit a contract-holder from having a child live with or visit them at the dwelling, or
- (b) restrict the circumstances in which a contract-holder may have a child live with or visit them at the dwelling,

(but the mortgage continues, so far as practicable, to have effect in every other respect).

- (2) A term of a mortgage of premises that consist of or include a dwelling is not binding to the extent that (but for this section) it would require the mortgagor to prohibit a contract-holder from being a benefits claimant (but the mortgage continues, so far as practicable, to have effect in every other respect).

8H Terms in insurance contracts relating to children or benefits status

- (1) A term of a contract of insurance to which this section applies is not binding to the extent that (but for this section) it would require the insured to—

- (a) prohibit a contract-holder from having a child live with or visit them at the dwelling subject to an occupation contract, or

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- (b) restrict the circumstances in which a contract-holder may have a child live with or visit them at the dwelling subject to an occupation contract,

(but the insurance contract continues, so far as practicable, to have effect in every other respect).

- (2) A term of a contract of insurance to which this section applies is not binding to the extent that (but for this section) it would require the insured to prohibit a contract-holder of a dwelling that is subject to an occupation contract from being a benefits claimant (but the insurance contract continues, so far as practicable, to have effect in every other respect).
- (3) This section applies to contracts of insurance which were entered into or whose duration was extended on or after the day on which this section comes into force.

8I No prohibition on taking income into account

Nothing in this Part prohibits taking a person's income into account when considering whether that person would be able to afford to pay rent under an occupation contract.

8J Interpretation of [Part 2A](#)

- (1) In this Part—

“benefits claimant” (“*ceisydd budd-daliadau*”) means a person who—

- (a) is entitled to payments (including payments made directly to a landlord) under or by virtue of the [Social Security Contributions and Benefits Act 1992](#) or the [Welfare Reform Act 2012](#), or would be so entitled were the person to become a contract-holder under an occupation contract,
- (b) is entitled to payments (including payments made directly to a landlord) under or by virtue of the [Jobseekers Act 1995](#), the [State Pension Credit Act 2002](#), the [Tax Credits Act 2002](#), the [Welfare Reform Act 2007](#) or the [Pensions Act 2014](#),
- (c) is in receipt of a reduction in the amount of council tax payable in respect of the person's current home under a scheme made by a billing authority under or by virtue of [section 13A](#) of the [Local Government Finance Act 1992](#), or
- (d) would be entitled to a reduction in the amount of council tax payable in respect of the dwelling in question under a scheme made by the billing authority in whose area the dwelling is situated under or by virtue of [section 13A](#) of the [Local Government Finance Act 1992](#), if the person were to—
 - (i) rent the dwelling under an occupation contract, and
 - (ii) if an application is a precondition of entitlement, apply to the billing authority for a reduction under the scheme;

“child” (“*plentyn*”) means a person under the age of 18;

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“occupation contract” (“*contract meddiannaeth*”) has the same meaning as in the [Renting Homes \(Wales\) Act 2016 \(anaw 1\)](#) (see [section 7](#) of that Act);

“prospective contract-holder” (“*darpar ddeiliad contract*”) means a person seeking to find a dwelling to rent under an occupation contract;

“prospective landlord” (“*darpar landlord*”) means a person who proposes to let a dwelling under an occupation contract;

“relevant person” (“*person perthnasol*”), in relation to an occupation contract, means—

- (a) the prospective landlord;
- (b) a person acting or purporting to act directly or indirectly on behalf of the prospective landlord.

(2) In this Part a reference to doing something on the basis of particular facts includes reference to doing it on the basis of a belief in those facts.”

(4) In [section 10\(4\)](#)—

(a) after the opening words insert—

“(za) in respect of an offence under [Part 2A](#) or under regulations under [section 47](#) or [48](#) of the Renters' Rights Act 2025—

- (i) a person who is or has been a landlord under an occupation contract;
- (ii) a person who is or has been a contract-holder under an occupation contract;
- (iii) a person who is or has been a relevant person in relation to an occupation contract;

(zb) in respect of an offence under any other provision of this Act—”;

(b) [paragraphs \(a\) to \(c\)](#) become [paragraphs \(i\) to \(iii\)](#) of [paragraph \(zb\)](#).

(5) After [section 10\(4\)](#) insert—

“(4A) In subsection (4)—

“occupation contract” (“*contract meddiannaeth*”) has the same meaning as in the [Renting Homes \(Wales\) Act 2016 \(anaw 1\)](#) (see [section 7](#) of that Act);

“relevant person” (“*person perthnasol*”) has the meaning given in [section 8J](#).”

(6) In [section 13\(1\)](#) after “3” insert “or [Part 2A](#) of this Act or under regulations under [section 47](#) or [48](#) of the Renters' Rights Act 2025”.

(7) In [section 17](#)—

(a) after [subsection \(3\)](#) insert—

“(3A) For the purposes of this Part as it relates to offences under [Part 2A](#) or under regulations under [section 47](#) or [48](#) of the Renters' Rights Act 2025, a local weights and measures authority is an additional enforcement authority in relation to the area for which it is the local weights and measures authority.”;

(b) in [subsection \(4\)](#) the words from ““licensing” to the end become a definition;

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(c) at the end of [subsection \(4\)](#) insert—

““local weights and measures authority” has the meaning given by [section 69\(2\)](#) of the [Weights and Measures Act 1985](#).”

(8) In [section 27\(3\)](#) after “section 7,” insert “section [8C](#),”.

Commencement Information

I44 S. 44 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

45 Amendment of short title of [Renting Homes \(Fees etc.\) \(Wales\) Act 2019](#)

- (1) Deddf Rhentu Cartrefi (Ffioedd etc.) (Cymru) 2019 may be cited as Deddf Rhentu Cartrefi (Ffioedd, Gwahaniaethu etc.) (Cymru) 2019.
- (2) The [Renting Homes \(Fees etc.\) \(Wales\) Act 2019 \(anaw 2\)](#) may be cited as the Renting Homes (Fees, Discrimination etc.) (Wales) Act 2019.
- (3) In the Welsh language text of the following provisions, for “Deddf Rhentu Cartrefi (Ffioedd etc.) (Cymru) 2019” substitute “Deddf Rhentu Cartrefi (Ffioedd, Gwahaniaethu etc.) (Cymru) 2019”—
 - (a) [section 41\(2A\)](#) of the [Housing \(Wales\) Act 2014 \(anaw 7\)](#);
 - (b) in [Schedule 9A](#) to the [Renting Homes \(Wales\) Act 2016 \(anaw 1\)](#)—
 - (i) the italic heading before paragraph 5;
 - (ii) paragraph 5(1)(a);
 - (iii) paragraph 5(2)(a);
 - (c) in [regulation 2](#) of the [Renting Homes \(Rent Determination\) \(Converted Contracts\) \(Wales\) Regulations 2022 \(S.I. 2022/781 \(W. 170\)\)](#), paragraph (b) of the definition of “rhent”;
 - (d) in [Schedule 2](#) to the [Renting Homes \(Model Written Statements of Contract\) \(Wales\) Regulations 2022 \(S.I. 2022/28 \(W. 13\)\)](#), in [Part 3](#) of the model written statement, in term 68—
 - (i) the heading;
 - (ii) paragraphs (1)(a) and (2)(a).
- (4) In the English language text of the following provisions, for “Renting Homes (Fees etc.) (Wales) Act 2019” substitute “Renting Homes (Fees, Discrimination etc.) (Wales) Act 2019”—
 - (a) [section 41\(2A\)](#) of the [Housing \(Wales\) Act 2014](#);
 - (b) in [Schedule 9A](#) to the [Renting Homes \(Wales\) Act 2016](#)—
 - (i) the italic heading before paragraph 5;
 - (ii) paragraph 5(1)(a);
 - (iii) paragraph 5(2)(a);
 - (c) in [regulation 2](#) of the [Renting Homes \(Rent Determination\) \(Converted Contracts\) \(Wales\) Regulations 2022](#), paragraph (b) of the definition of “rent”;
 - (d) in [Schedule 2](#) to the [Renting Homes \(Model Written Statements of Contract\) \(Wales\) Regulations 2022](#), in [Part 3](#) of the model written statement, in term 68—
 - (i) the heading;
 - (ii) paragraphs (1)(a) and (2)(a).

Status: This version of this Act contains provisions that are prospective.

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(5) In [section 31](#) of the [Renting Homes \(Fees etc.\) \(Wales\) Act 2019](#)—

- (a) in the Welsh language text after “Ffioedd” insert “, Gwahaniaethu”;
- (b) in the English language text after “Fees” insert “, Discrimination”.

Commencement Information

I45 S. 45 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

Discriminatory terms

46 Amendments of [Renting Homes \(Wales\) Act 2016](#) regarding discrimination

- (1) The Welsh language text of the [Renting Homes \(Wales\) Act 2016 \(anaw 1\)](#) is amended as follows.
- (2) In [section 30](#), after [paragraph \(d\)](#) insert—
 - “(da) mae’n gwahardd landlordiaid rhag ymyrryd â hawl deiliaid contract i gael plant yn byw gyda hwy neu’n ymweld â hwy, neu i’ hawlio budd-daliadau.”.
- (3) After [section 54](#) insert—

“PENNOD 6A

GWAHARDD GWAHANIAETHU YN ERBYN POBL SYDD
Â PHLANT NEU SY’N HAWLYDDION BUDD-DALIADAU

54A Yr hawl i blant fyw yn yr annedd neu ymweld â hi

- (1) Yn ddarostyngedig i is-adran (2), caniateir i ddeiliad y contract o dan gontract meddiannaeth ganiatáu i berson nad yw wedi cyrraedd 18 oed fyw yn yr annedd neu ymweld â hi.
- (2) Ni chaniateir i’r landlord o dan gontract meddiannaeth ymyrryd â hawl deiliad y contract o dan is-adran (1) na chyfyngu ar arfer yr hawl honno, oni bai bod yr ymyrryd neu’r cyfyngu yn fodd cymesur o gyflawni nod dilys.
- (3) Mae’r adran hon yn ddarpariaeth sylfaenol sydd wedi ei hymgorffori fel un o delerau pob contract meddiannaeth, ac eithrio pan fo’r landlord neu uwchlandlord wedi ei yswirio o dan gontract yswiriant—
 - (a) nad yw adran [8H](#) o Ddeddf Rhentu Cartrefi (Ffioedd, Gwahaniaethu etc.) (Cymru) 2019 yn gymwys iddo, a
 - (b) sy’n cynnwys telor sy’n gwneud darpariaeth (sut bynnag y’i mynegir) yn ei gwneud yn ofynnol i’r sawl sydd wedi ei yswirio wahardd y deiliad contract rhag bod â pherson nad yw wedi cyrraedd 18 oed yn byw gydag ef neu’n ymweld ag ef yn yr annedd neu gyfyngu’r

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amgylchiadau lle caniateir i ddeiliad y contract fod â pherson o'r fath yn byw gydag ef neu'n ymweld ag ef yn yr annedd.

54B Yr hawl i hawlio budd-daliadau

- (1) Ni chaniateir i'r landlord o dan gontract meddiannaeth wahardd deiliad y contract rhag bod yn hawlydd budd-daliadau o fewn yr ystyr a roddir gan adran 8J o Ddeddf Rhentu Cartrefi (Ffioedd, Gwahaniaethu etc.) (Cymru) 2019.
- (2) Mae'r adran hon yn ddarpariaeth sylfaenol sydd wedi ei hymgorffori fel un o delerau pob contract meddiannaeth, ac eithrio pan fo'r landlord neu uwchlandlord wedi ei yswirio o dan gontract yswiriant—
 - (a) nad yw adran 8H o Ddeddf Rhentu Cartrefi (Ffioedd, Gwahaniaethu etc.) (Cymru) 2019 yn gymwys iddo, a
 - (b) sy'n cynnwys teler sy'n gwneud darpariaeth (sut bynnag y'i mynegir) yn ei gwneud yn ofynnol i'r sawl sydd wedi ei yswirio wahardd deiliad y contract rhag hawlio taliadau a grybwyllir yn is-adran (1)."
- (4) In [Schedule 1](#) (overview of fundamental provisions incorporated as terms of occupation contracts), in Table 3 in [Part 1](#), Table 4 in [Part 2](#) and Table 5 in [Part 3](#), at the appropriate place in each insert—

“Adran 54A	Rhaid i L beidio ag ymyrryd â hawl D-C i fod â phersonau o dan 18 oed yn ymweld â'r annedd neu'n byw yno
Adran 54B	Rhaid i L beidio â gwahardd D-C rhag hawlio budd-daliadau lles”.

- (5) The English language text of the [Renting Homes \(Wales\) Act 2016](#) (anaw 1) is amended as follows.
- (6) In [section 30](#), after [paragraph \(d\)](#) insert—

“(da) it prohibits landlords from interfering with contract-holders having children live with or visit them, or claiming benefits,”.
- (7) After [section 54](#) insert—

“CHAPTER 6A

PROHIBITION OF DISCRIMINATION AGAINST PEOPLE WITH CHILDREN AND BENEFITS CLAIMANTS

54A Right for children to live at or visit dwelling

- (1) Subject to subsection (2), the contract-holder under an occupation contract may permit a person who has not reached the age of 18 to live in or visit the dwelling.
- (2) The landlord under an occupation contract must not interfere with or restrict the exercise of the contract-holder's right under subsection (1), unless the

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interference or restriction is a proportionate means of achieving a legitimate aim.

(3) This section is a fundamental provision which is incorporated as a term of all occupation contracts, except where the landlord or a superior landlord is insured under a contract of insurance—

- (a) to which section 8H of the Renting Homes (Fees, Discrimination etc.) (Wales) Act 2019 does not apply, and
- (b) which contains a term which makes provision (however expressed) requiring the insured to prohibit the contract-holder from having a person who has not reached the age of 18 live with or visit them at the dwelling or to restrict the circumstances in which the contract-holder may have such a person live with or visit them at the dwelling.

54B Right to claim benefits

(1) The landlord under an occupation contract must not prohibit the contract-holder from being a benefits claimant within the meaning given by section 8J of the Renting Homes (Fees, Discrimination etc.) (Wales) Act 2019.

(2) This section is a fundamental provision which is incorporated as a term of all occupation contracts, unless the landlord or a superior landlord is insured under a contract of insurance—

- (a) to which section 8H of the Renting Homes (Fees, Discrimination etc.) (Wales) Act 2019 does not apply, and
- (b) which contains a term which makes provision (however expressed) requiring the insured to prohibit the contract-holder from claiming payments mentioned in subsection (1)."

(8) In Schedule 1 (overview of fundamental provisions incorporated as terms of occupation contracts), in Table 3 in Part 1, Table 4 in Part 2 and Table 5 in Part 3, at the appropriate place in each insert—

“Section 54A	L must not interfere with C-H’s right to have persons under 18 visit or live at the dwelling
Section 54B	L must not prohibit C-H from claiming welfare benefits”.

Commencement Information

I46 S. 46 not in force at Royal Assent, see s. 145(1)(7)

Supplementary

47 Power of Welsh Ministers to protect others

(1) If the Welsh Ministers are satisfied that—

- (a) a discriminatory rental practice exists in relation to dwellings that may be the subject of occupation contracts (“relevant rental dwellings”), and

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- (b) because of that discriminatory rental practice, the victims of that practice are significantly less likely to obtain the grant, renewal or continuance of occupation contracts than other people,

the Welsh Ministers may make regulations prohibiting that discriminatory rental practice.
- (2) A “discriminatory rental practice” exists in relation to relevant rental dwellings if some or all relevant persons—
 - (a) on the basis that people are members of a particular group, prevent those people from—
 - (i) enquiring whether relevant rental dwellings are available for rent,
 - (ii) accessing information about relevant rental dwellings,
 - (iii) viewing relevant rental dwellings in order to consider whether to seek to rent them, or
 - (iv) obtaining the grant, renewal or continuance of occupation contracts in respect of relevant rental dwellings, or
 - (b) apply a provision, criterion or practice in order to make a particular group of people less likely to obtain the grant, renewal or continuance of occupation contracts of relevant rental dwellings than people not in that group.
- (3) The “victims” of a discriminatory rental practice are—
 - (a) where a particular group of people are prevented from doing the things mentioned in [subsection \(2\)\(a\)](#), the people in that group;
 - (b) where a provision, criterion or practice is applied in order to make a particular group of people less likely to obtain the grant, renewal or continuance of occupation contracts as mentioned in [subsection \(2\)\(b\)](#), the people in that group.
- (4) Regulations “prohibiting” a discriminatory rental practice are regulations relating to—
 - (a) the discriminatory rental practice, and
 - (b) the persons who are the victims of it,

which make provision corresponding to the relevant anti-discrimination legislation.
- (5) The relevant anti-discrimination legislation is—
 - (a) [Part 2A](#) of the Renting Homes (Fees, Discrimination etc.) (Wales) Act 2019, except for section [8C\(b\)](#), and
 - (b) [Chapter 6A](#) of [Part 3](#) of the [Renting Homes \(Wales\) Act 2016](#);

but regulations under [this section](#) may make provision corresponding to the provision that may be made under section [8C\(b\)](#) of the Renting Homes (Fees, Discrimination etc.) (Wales) Act 2019.
- (6) Before making regulations prohibiting a discriminatory rental practice, the Welsh Ministers must consult such of the following persons as the Welsh Ministers consider appropriate—
 - (a) victims of the discriminatory rental practice or one or more representatives of such persons;
 - (b) landlords and prospective landlords under occupation contracts or one or more representatives of such persons;
 - (c) other landlords and prospective landlords under leases of premises that consist of or include a dwelling or one or more representatives of such persons;
 - (d) mortgagees of dwellings or one or more representatives of such persons;

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- (e) insurers of dwellings or one or more representatives of such persons;
 - (f) local housing authorities or one or more representatives of local housing authorities.
- (7) For that purpose a “representative” of persons of a particular kind, or of local housing authorities, is a body or other person which appears to the Welsh Ministers to represent the interests of persons of that kind, or of local housing authorities.
- (8) Regulations under [this section](#) may amend, repeal or revoke provision made from time to time by or under the relevant anti-discrimination legislation.
- (9) In [this section](#)—
- “benefits claimant” has the meaning given by section 8J of the Renting Homes (Fees, Discrimination etc.) (Wales) Act 2019;
 - “local housing authority” means the council for a county or county borough in Wales;
 - “occupation contract” has the same meaning as in the [Renting Homes \(Wales\) Act 2016](#) (see section 7 of that Act);
 - “relevant person” has the meaning given by section 8J of the Renting Homes (Fees, Discrimination etc.) (Wales) Act 2019.

Commencement Information

I47 S. 47 in force at Royal Assent for specified purposes, see [s. 145\(2\)](#)

48 Power of Secretary of State to protect others

The Secretary of State may by regulations make provision that the Welsh Ministers could make under [section 47](#) but for the limitation in [section 49](#).

Commencement Information

I48 S. 48 in force at Royal Assent for specified purposes, see [s. 145\(2\)](#)

49 Regulations

Regulations under section [8C](#) of the Renting Homes (Fees, Discrimination etc.) (Wales) Act 2019 (as inserted by this Act) or [section 47](#) of this Act may only make provision which would be within the legislative competence of Senedd Cymru if contained in an Act of the Senedd.

Commencement Information

I49 S. 49 in force at Royal Assent for specified purposes, see [s. 145\(2\)](#)

Status: This version of this Act contains provisions that are prospective.

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CHAPTER 5

DISCRIMINATION IN THE RENTAL MARKET: SCOTLAND

PROSPECTIVE

Discrimination and discriminatory terms: children and benefits status

50 Discrimination relating to children or benefits status

- (1) The [Private Housing \(Tenancies\) \(Scotland\) Act 2016 \(asp 19\)](#) is amended in accordance with [subsections \(2\) to \(4\)](#).
- (2) After [section 6](#) insert—

“PART 1A

CHOICE OF TENANT

6A Offence of discriminating in relation to children

- (1) It is an offence for a relevant person to, in relation to a property that is to be let on an agreement which may give rise to a private residential tenancy—
 - (a) prevent a person, on the basis that the relevant person believes that the property would or may be used by a child if the property were the person's home, from—
 - (i) enquiring whether the property is available for let,
 - (ii) accessing information about the property,
 - (iii) viewing the property in order to consider whether to seek to rent it, or
 - (iv) entering into a tenancy of the property, or
 - (b) apply a provision, criterion or practice in order to make people who would allow the property to be used by a child less likely to enter into a tenancy of the property than people who would not.
- (2) It is a defence for the relevant person to show—
 - (a) that the conduct is a proportionate means of achieving a legitimate aim, or
 - (b) that the property is insured under an excluded contract of insurance and the conduct is a means of preventing the insured from breaching the term which causes the contract to be an excluded contract of insurance.
- (3) Conduct does not constitute an offence under subsection (1) if it consists only of—
 - (a) things done by a person who does nothing in relation to the property other than one or more of the following things—
 - (i) publishing advertisements or disseminating information,

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- (ii) providing a means by which a prospective landlord can communicate directly with a prospective tenant,
 - (iii) providing a means by which a prospective tenant can communicate directly with a prospective landlord, or
 - (b) things of a description, or things done by a person of a description, specified for the purposes of this section in regulations made by the Scottish Ministers.
- (4) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) For the purpose of this section—
- (a) a property is used by a child if a child lives with or visits a person at the property,
 - (b) a contract of insurance is an excluded contract of insurance if—
 - (i) section 52 of the Renters' Rights Act 2025 (terms in insurance contracts relating to children or benefits status) does not apply to it, and
 - (ii) it contains a term which makes provision (however expressed) requiring the insured to prohibit a tenant under a private residential tenancy from allowing a child to use the property, or to restrict the circumstances in which such a tenant may allow a child to do so.

6B Offence of discriminating in relation to benefits status

- (1) It is an offence for a relevant person to, in relation to a property that is to be let on an agreement which may give rise to a private residential tenancy—
- (a) prevent a person, on the basis of the person's benefits status, from—
 - (i) enquiring whether the property is available for let,
 - (ii) accessing information about the property,
 - (iii) viewing the property in order to consider whether to seek to rent it, or
 - (iv) entering into a tenancy of the property, or
 - (b) apply a provision, criterion or practice in order to make people who are or who, if the property were their home, may become benefits claimants less likely to enter into a tenancy of the property than people who are not.
- (2) It is a defence for the relevant person to show that the property is insured under an excluded contract of insurance and the conduct is a means of preventing the insured from breaching the term which causes the contract to be an excluded contract of insurance.
- (3) Conduct does not constitute an offence under subsection (1) if it consists only of—
- (a) things done by a person who does nothing in relation to the property other than one or more of the following things—
 - (i) publishing advertisements or disseminating information,
 - (ii) providing a means by which a prospective landlord can communicate directly with a prospective tenant,

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- (iii) providing a means by which a prospective tenant can communicate directly with a prospective landlord, or
- (b) things of a description, or things done by a person of a description, specified for the purposes of this section in regulations made by the Scottish Ministers.
- (4) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) For the purpose of this section—
 - (a) something is done on the basis of a person's benefits status if it is done on the basis that the relevant person believes that the person is, or may be or, if the property were the person's home, may become a benefits claimant,
 - (b) a contract of insurance is an excluded contract of insurance if—
 - (i) section 52 of the Renters' Rights Act 2025 (terms in insurance contracts relating to children or benefits status) does not apply to it, and
 - (ii) it contains a term which makes provision (however expressed) requiring the insured to prohibit a tenant under a private residential tenancy from being a benefits claimant.

6C Discriminatory terms relating to children or benefits status

- (1) A term of a private residential tenancy is of no effect so far as the term makes provision (however expressed)—
 - (a) prohibiting the tenant from having a child live with or visit the tenant at the property or restricting the circumstances in which the tenant may have a child do so, or
 - (b) prohibiting the tenant from being a benefits claimant.
- (2) But—
 - (a) subsection (1)(a) does not apply if the provision is a proportionate means of achieving a legitimate aim,
 - (b) subsection (1)(a) and (b) does not apply to the extent that the landlord is insured under an excluded contract of insurance and the provision in the tenancy is a means of preventing the landlord from breaching the term which causes the contract to be an excluded contract of insurance.
- (3) For the purpose of subsection (2)(b), a contract of insurance is an excluded contract of insurance if—
 - (a) section 52 of the Renters' Rights Act 2025 (terms in insurance contracts relating to children or benefits status) does not apply to it, and
 - (b) it contains a term which makes provision (however expressed) requiring the landlord—
 - (i) to prohibit the tenant from having a child live with or visit the tenant at the property or to restrict the circumstances in which the tenant may have a child live with or visit the tenant at the property, or
 - (ii) to prohibit the tenant from being a benefits claimant.

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6D No prohibition on taking income into account

Nothing in this Part prohibits taking a person's income into account when considering whether that person would be able to afford to pay rent under a private residential tenancy.

6E Interpretation of Part 1A

In this Part—

“benefits claimant” means a person who—

- (a) is entitled to payments (including payments made directly to a landlord) under or by virtue of benefits and welfare legislation, or
- (b) is entitled, by virtue of [section 80](#) of the [Local Government Finance Act 1992](#), to a reduction in the amount of council tax payable in respect of the property on the basis of income or an entitlement to a payment mentioned in paragraph (a),

“benefits and welfare legislation” means—

- (a) the [Social Security Contributions and Benefits Act 1992](#),
- (b) the [Jobseekers Act 1995](#),
- (c) the [State Pension Credit Act 2002](#),
- (d) the [Tax Credits Act 2002](#),
- (e) the [Welfare Reform Act 2007](#),
- (f) the [Welfare Reform Act 2012](#),
- (g) the [Pensions Act 2014](#),
- (h) the [Social Security \(Scotland\) Act 2018](#),

“child” means a person under the age of 18,

“prospective landlord” means a person who proposes to let a property on an agreement which may give rise to a private residential tenancy,

“prospective tenant” means a person seeking to find a property to rent,

“relevant person”, in relation to a property, means—

- (a) the prospective landlord,
- (b) a person acting or purporting to act directly or indirectly on behalf of the prospective landlord.”

(3) Before [section 76](#), insert—

“75A Crown application

- (1) Nothing in [Part 1A](#) makes the Crown criminally liable.
- (2) But the Court of Session may, on an application by the Lord Advocate, declare unlawful any act or omission for which the Crown would be criminally liable were it not for subsection (1).
- (3) Subsection (1) does not affect the criminal liability of persons in the service of the Crown.”

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- (4) In [section 77](#) (regulation-making powers), in [subsection \(4\)](#), after “sections” insert “6A(3)(b), 6B(3)(b),”.
- (5) The [Housing \(Scotland\) Act 1988](#) is amended in accordance with [subsection \(6\)](#).
- (6) After [section 26](#) insert—

“26A Discriminatory terms relating to children or benefits status

- (1) A term of an assured tenancy is of no effect so far as the term makes provision (however expressed)—
 - (a) prohibiting the tenant from having a child live with or visit the tenant at the dwelling or restricting the circumstances in which the tenant may have a child do so, or
 - (b) prohibiting the tenant from being a benefits claimant.
- (2) But—
 - (a) [subsection \(1\)\(a\)](#) does not apply if the provision is a proportionate means of achieving a legitimate aim, and
 - (b) [subsection \(1\)\(a\)](#) and [\(b\)](#) does not apply to the extent that the landlord is insured under an excluded contract of insurance and the provision in the tenancy is a means of preventing the landlord from breaching the term which causes the contract to be an excluded contract of insurance.
- (3) For the purpose of [subsection \(2\)\(b\)](#), a contract of insurance is an excluded contract of insurance if—
 - (a) [section 52](#) of the Renters' Rights Act 2025 (terms in insurance contracts relating to children or benefits status) does not apply to it, and
 - (b) it contains a term which makes provision (however expressed) requiring the landlord—
 - (i) to prohibit the tenant from having a child live with or visit the tenant at the dwelling or to restrict the circumstances in which the tenant may have a child live with or visit the tenant at the dwelling, or
 - (ii) to prohibit the tenant from being a benefits claimant.
- (4) In this section—
 - “benefits claimant” means a person who—
 - (a) is entitled to payments (including payments made directly to a landlord) under or by virtue of benefits and welfare legislation, or
 - (b) is entitled, by virtue of [section 80](#) of the [Local Government Finance Act 1992](#), to a reduction in the amount of council tax payable in respect of the property on the basis of income or an entitlement to a payment mentioned in paragraph (a),
 - “benefits and welfare legislation” means—
 - (a) the [Social Security Contributions and Benefits Act 1992](#),
 - (b) the [Jobseekers Act 1995](#),
 - (c) the [State Pension Credit Act 2002](#),

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (d) the [Tax Credits Act 2002](#),
 - (e) the [Welfare Reform Act 2007](#),
 - (f) the [Welfare Reform Act 2012](#),
 - (g) the [Pensions Act 2014](#),
 - (h) the [Social Security \(Scotland\) Act 2018](#),
- “child” means a person under the age of 18.”

(7) The [Rent \(Scotland\) Act 1984](#) is amended in accordance with [subsection \(8\)](#).

(8) After [section 101](#) insert—

“101A Discriminatory terms relating to children or benefits status

- (1) A term of a protected or statutory tenancy is of no effect so far as the term makes provision (however expressed)—
- (a) prohibiting the tenant from having a child live with or visit the tenant at the dwelling or restricting the circumstances in which the tenant may have a child do so, or
 - (b) prohibiting the tenant from being a benefits claimant.
- (2) But—
- (a) [subsection \(1\)\(a\)](#) does not apply if the provision is a proportionate means of achieving a legitimate aim, and
 - (b) [subsection \(1\)\(a\)](#) and [\(b\)](#) does not apply to the extent that the landlord is insured under an excluded contract of insurance and the provision in the tenancy is a means of preventing the landlord from breaching the term which causes the contract to be an excluded contract of insurance.
- (3) For the purpose of [subsection \(2\)\(b\)](#), a contract of insurance is an excluded contract of insurance if—
- (a) [section 52](#) of the Renters' Rights Act 2025 (terms in insurance contracts relating to children or benefits status) does not apply to it, and
 - (b) it contains a term which makes provision (however expressed) requiring the landlord—
 - (i) to prohibit the tenant from having a child live with or visit the tenant at the dwelling or to restrict the circumstances in which the tenant may have a child live with or visit the tenant at the dwelling, or
 - (ii) to prohibit the tenant from being a benefits claimant.
- (4) In this section—
- “benefits claimant” means a person who—
- (a) is entitled to payments (including payments made directly to a landlord) under or by virtue of benefits and welfare legislation, or
 - (b) is entitled, by virtue of [section 80](#) of the [Local Government Finance Act 1992](#), to a reduction in the amount of council tax payable in respect of the property on the basis of income or an entitlement to a payment mentioned in [paragraph \(a\)](#),

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

“benefits and welfare legislation” means—

- (a) the [Social Security Contributions and Benefits Act 1992](#),
 - (b) the [Jobseekers Act 1995](#),
 - (c) the [State Pension Credit Act 2002](#),
 - (d) the [Tax Credits Act 2002](#),
 - (e) the [Welfare Reform Act 2007](#),
 - (f) the [Welfare Reform Act 2012](#),
 - (g) the [Pensions Act 2014](#),
 - (h) the [Social Security \(Scotland\) Act 2018](#),
- “child” means a person under the age of 18.”

Commencement Information

I50 S. 50 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

51 Terms in standard securities relating to children or benefits status

- (1) A term of a standard security over land that consists of or includes a dwelling is of no effect so far as the term makes provision (however expressed) requiring the debtor in the standard security to—
 - (a) prohibit a tenant under a relevant tenancy from having a child live with or visit the tenant at the dwelling, or
 - (b) restrict the circumstances in which a tenant under a relevant tenancy may have a child live with or visit the tenant at the dwelling.
- (2) A term of a standard security over land that consists of or includes a dwelling is of no effect so far as the term makes provision (however expressed) requiring the debtor in the standard security to prohibit a benefits claimant from being a tenant under a relevant tenancy.

Commencement Information

I51 S. 51 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

52 Terms in insurance contracts relating to children or benefits status

- (1) A term of a contract of insurance to which this section applies is of no effect so far as the term makes provision (however expressed) requiring the insured to—
 - (a) prohibit a tenant under a relevant tenancy from having a child live with or visit the tenant at the dwelling which forms the subject of the tenancy, or
 - (b) restrict the circumstances in which a tenant under a relevant tenancy may have a child live with or visit the tenant at the dwelling.
- (2) A term of a contract of insurance to which this section applies is of no effect so far as the term makes provision (however expressed) requiring the insured to prohibit a benefits claimant from being a tenant under a relevant tenancy.
- (3) This section applies to contracts of insurance which are entered into or whose duration is extended on or after the day on which this section comes into force.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Commencement Information

I52 S. 52 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Discrimination and discriminatory terms: power to protect others

53 Power of Scottish Ministers to protect others

- (1) The Scottish Ministers may by regulations make provision about relevant tenancies, corresponding to the provision made by this Chapter in relation to persons who would have a child live with or visit them or persons who are benefits claimants, in relation to persons of another description.
- (2) Before making regulations under [subsection \(1\)](#), the Scottish Ministers must consult such persons as they consider appropriate.
- (3) Regulations under [subsection \(1\)](#)—
 - (a) may amend, repeal or revoke provision made by or under—
 - (i) an Act of the Scottish Parliament,
 - (ii) an Act (including this Act),whenever passed or made;
 - (b) may only make provision which would be within the legislative competence of the Scottish Parliament if contained in an Act of that Parliament.

Commencement Information

I53 S. 53 in force at Royal Assent for specified purposes, see [s. 145\(2\)](#)

54 Power of Secretary of State to protect others

The Secretary of State may by regulations make provision that the Scottish Ministers could make under section [53\(1\)](#) but for the limitation in section [53\(3\)\(b\)](#).

Commencement Information

I54 S. 54 in force at Royal Assent for specified purposes, see [s. 145\(2\)](#)

PROSPECTIVE

Supplementary

55 Interpretation of [Chapter 5](#)

In this Chapter—

“benefits claimant” means a person who—

Status: This version of this Act contains provisions that are prospective.

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- (a) is entitled to payments (including payments made directly to a landlord) under or by virtue of benefits and welfare legislation or would be so entitled were the person to become a tenant under a private residential tenancy, or
 - (b) is entitled, or would (on application or otherwise), if the person were to rent the property, be entitled, by virtue of [section 80 of the Local Government Finance Act 1992](#), to a reduction in the amount of council tax payable in respect of the property on the basis of income or an entitlement to a payment mentioned in paragraph (a);
- “benefits and welfare legislation” means—
- (a) the [Social Security Contributions and Benefits Act 1992](#);
 - (b) the [Jobseekers Act 1995](#);
 - (c) the [State Pension Credit Act 2002](#);
 - (d) the [Tax Credits Act 2002](#);
 - (e) the [Welfare Reform Act 2007](#);
 - (f) the [Welfare Reform Act 2012](#);
 - (g) the [Pensions Act 2014](#);
 - (h) the [Social Security \(Scotland\) Act 2018 \(asp 9\)](#);
- “child” means a person under the age of 18;
- “relevant tenancy” means—
- (a) a private residential tenancy under the [Private Housing \(Tenancies\) \(Scotland\) Act 2016 \(asp 19\)](#);
 - (b) an assured tenancy under the [Housing \(Scotland\) Act 1988](#);
 - (c) a protected or statutory tenancy under the [Rent \(Scotland\) Act 1984](#);
- “tenant” includes sub-tenant.

Commencement Information

I55 S. 55 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

CHAPTER 6

STATING THE PROPOSED RENT AND RENTAL BIDDING

PROSPECTIVE

56 Requirement to state rent and to avoid rental bidding

- (1) [This section](#) applies to a letting of a dwelling (a “proposed letting”) if the letting is to be on an agreement which may give rise to a relevant tenancy.
- (2) A relevant person must not advertise in writing, or otherwise offer in writing, the proposed letting unless—
 - (a) the rent that is to be payable under the letting is a specific amount (the “proposed rent”), and
 - (b) the advertisement or offer states the proposed rent.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (3) A relevant person must not—
- (a) invite or encourage any person to offer to pay an amount of rent under the proposed letting that exceeds the stated rent, or
 - (b) accept an offer from any person to pay an amount of rent under the proposed letting that exceeds the stated rent.
- (4) For the purposes of [subsection \(3\)\(a\) or \(b\)](#), the “stated rent” is the proposed rent which is stated—
- (a) by the relevant person who is inviting or encouraging, or accepting, the offer of rent, or
 - (b) by any other relevant person,
- in any written advertisement for, or written offer of, the proposed letting.
- (5) [Subsection \(2\)](#) does not apply to a sign displayed at the dwelling, or at premises in which the dwelling is situated, which merely advertises that the dwelling is to let.
- (6) In [this section](#)—
- “prospective landlord” means the person who proposes to make a proposed letting;
 - “relevant person”, in relation to a proposed letting, means—
 - (a) the prospective landlord, or
 - (b) a person acting or purporting to act directly or indirectly on behalf of the prospective landlord;
 - “relevant tenancy” means an assured tenancy within the meaning of [the 1988 Act](#), other than a tenancy that is—
 - (a) a tenancy of social housing, within the meaning of [Part 2](#) of the [Housing and Regeneration Act 2008](#), or
 - (b) a tenancy of supported accommodation, within the meaning given by [paragraph 12](#) of [Schedule 2](#) to [the 1988 Act](#).

Commencement Information

I56 S. 56 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

57 Financial penalties

- (1) A local housing authority may impose a financial penalty under [this subsection](#) on a person if satisfied on the balance of probabilities that the person has breached the prohibition imposed by [section 56\(2\) or \(3\)](#).
- (2) If—
- (a) the local housing authority imposes a financial penalty under [subsection \(1\)](#) on a person, and
 - (b) within the period of five years ending with the date on which that penalty was imposed, a previous financial penalty under [subsection \(1\)](#) was imposed on that person in relation to a breach of the same subsection of [section 56](#),
- then the local housing authority may impose an additional financial penalty under [this subsection](#) on that person.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (3) The amount of a financial penalty imposed under [this section](#) is to be determined by the authority imposing it, but must not be more than £7,000.
- (4) [Subsection \(2\)](#) does not enable a penalty to be imposed after the final notice in respect of the previous penalty has been withdrawn or quashed on appeal.
- (5) Where—
 - (a) a local housing authority is satisfied as mentioned in [subsection \(1\)](#) in relation to two or more persons, and
 - (b) the breaches in relation to which the local housing authority is so satisfied arise from the same conduct by one or more of the persons acting on behalf of the others,
 the local housing authority may impose a financial penalty under [that subsection](#) on the persons (or some of them) jointly, and if the local housing authority does so, the persons on whom the penalty is imposed are jointly and severally liable to pay it.
- (6) The Secretary of State may give guidance to local housing authorities about the exercise of their functions under [this section](#).
- (7) Local housing authorities must have regard to any guidance issued under [subsection \(6\)](#).
- (8) The Secretary of State may by regulations amend the amount specified in [subsection \(3\)](#) to reflect changes in the value of money.
- (9) For the purposes of [this section](#)—
 - (a) a financial penalty is imposed under [this section](#) on the date specified in the final notice as the date on which the notice is given, and
 - (b) “final notice” has the meaning given by [paragraph 6 of Schedule 5](#).

Commencement Information

I57 S. 57 in force at Royal Assent for specified purposes, see [s. 145\(2\)](#)

CHAPTER 7

MISCELLANEOUS

PROSPECTIVE

58 Penalties for unlawful eviction or harassment of occupier

- (1) The [Protection from Eviction Act 1977](#) is amended as follows.
- (2) In [section 1](#), after [subsection \(6\)](#) insert—
 - “(7) A person may not be convicted of an offence under this section in respect of any conduct if a financial penalty has been imposed under [section 1A](#) in respect of that conduct.”
- (3) After [section 1](#) insert—

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

“1A Financial penalty for offence under section 1

- (1) A local housing authority may impose a financial penalty on a person if satisfied beyond reasonable doubt that the person has committed an offence under section 1 in relation to premises in England.
- (2) No financial penalty may be imposed in respect of any conduct amounting to an offence under section 1 if—
 - (a) the person has been convicted of an offence under that section in respect of the conduct,
 - (b) criminal proceedings for an offence under that section in respect of the conduct have been instituted against the person and the proceedings have not been concluded, or
 - (c) criminal proceedings for an offence under that section in respect of the conduct have been concluded and the person has not been convicted of the offence.
- (3) The amount of a financial penalty imposed under this section is to be determined by the authority imposing it, but must not be more than £40,000.
- (4) The Secretary of State may give guidance to local housing authorities about the exercise of their functions under this section.
- (5) Local housing authorities must have regard to any guidance issued under subsection (4).
- (6) Schedule A1 makes provision about—
 - (a) the procedure for imposing financial penalties,
 - (b) appeals against financial penalties,
 - (c) enforcement of financial penalties, and
 - (d) how local housing authorities are to deal with the proceeds of financial penalties.
- (7) The Secretary of State may by regulations amend the amount specified in subsection (3) to reflect changes in the value of money.
- (8) Regulations under this section are to be made by statutory instrument.
- (9) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) In this section and Schedule A1, “local housing authority” means a district council, a county council in England for an area for which there is no district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly.”

(4) Before **Schedule 1** insert—

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“SCHEDULE A1

Section 1A

FINANCIAL PENALTY FOR OFFENCE UNDER SECTION 1

Notice of intent

- 1 Before imposing a financial penalty on a person under section 1A a local housing authority must give the person notice of its proposal to do so (a “notice of intent”).
- 2 (1) The notice of intent must be given before the end of the period of 6 months beginning with the first day on which the authority has sufficient evidence of the conduct to which the financial penalty relates.
 (2) But if the person is continuing to engage in the conduct on that day, and the conduct continues beyond the end of that day, the notice of intent may be given—
 - (a) at any time when the conduct is continuing, or
 - (b) within the period of 6 months beginning with the last day on which the conduct occurs.
- 3 The notice of intent must set out—
 - (a) the date on which the notice of intent is given,
 - (b) the amount of the proposed financial penalty,
 - (c) the reasons for proposing to impose the financial penalty, and
 - (d) information about the right to make representations under paragraph 4.

Right to make representations

- 4 (1) A person who is given a notice of intent may make written representations to the local housing authority about the proposal to impose a financial penalty.
 (2) Any representations must be made within the period of 28 days beginning with the day after that on which the notice was given (“the period for representations”).

Final notice

- 5 After the end of the period for representations the local housing authority must—
 - (a) decide whether to impose a financial penalty on the person, and
 - (b) if it decides to impose a financial penalty, decide the amount of the penalty.
- 6 If the authority decides to impose a financial penalty on the person, it must give the person a notice (a “final notice”) imposing that penalty.
- 7 The final notice must require the penalty to be paid within the period of 28 days beginning with the day after that on which the notice was given.
- 8 The final notice must set out—

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- (a) the date on which the final notice is served,
- (b) the amount of the financial penalty,
- (c) the reasons for imposing the penalty,
- (d) information about how to pay the penalty,
- (e) the period for payment of the penalty,
- (f) information about rights of appeal, and
- (g) the consequences of failure to comply with the notice.

Withdrawal or amendment of notice

- 9 (1) A local housing authority may at any time—
- (a) withdraw a notice of intent or final notice, or
 - (b) reduce the amount specified in a notice of intent or final notice.
- (2) The power in sub-paragraph (1) is to be exercised by giving notice in writing to the person to whom the notice was given.

Appeals

- 10 (1) A person to whom a final notice is given may appeal to the First-tier Tribunal against—
- (a) the decision to impose the penalty, or
 - (b) the amount of the penalty.
- (2) An appeal under this paragraph must be brought within the period of 28 days beginning with the day after that on which the final notice was given.
- (3) If a person appeals under this paragraph, the final notice is suspended until the appeal is finally determined, withdrawn or abandoned.
- (4) An appeal under this paragraph—
- (a) is to be a re-hearing of the local housing authority's decision, but
 - (b) may be determined having regard to matters of which the authority was unaware.
- (5) On an appeal under this paragraph the First-tier Tribunal may confirm, vary or cancel the final notice.
- (6) The final notice may not be varied under sub-paragraph (5) so as to make it impose a financial penalty of more than the local housing authority could have imposed.

Recovery of financial penalty

- 11 (1) This paragraph applies if a person fails to pay the whole or any part of a financial penalty which, in accordance with this Schedule, the person is liable to pay.
- (2) The local housing authority which imposed the financial penalty may recover the whole or part of the penalty on the order of the county court as if it were payable under an order of that court.

Status: This version of this Act contains provisions that are prospective.

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- (3) In proceedings before the county court for the recovery of a financial penalty or part of a financial penalty, a certificate which is—
 - (a) signed by the chief finance officer of the local housing authority which imposed the penalty, and
 - (b) states that the amount due has not been received by a date specified in the certificate,is conclusive evidence of that fact.
- (4) A certificate to that effect and purporting to be so signed is to be treated as being so signed unless the contrary is proved.
- (5) In this paragraph “chief finance officer” has the same meaning as in [section 5](#) of the [Local Government and Housing Act 1989](#).

Proceeds of financial penalties

- 12 Where a local housing authority imposes a financial penalty under this Act, it may apply the proceeds towards meeting the costs and expenses (whether administrative or legal) incurred in, or associated with, carrying out any of its enforcement functions under this Act or otherwise in relation to the private rented sector.
- 13 Any proceeds of a financial penalty imposed under this Act which are not applied in accordance with paragraph 12 must be paid to the Secretary of State.
- 14 (1) In paragraph 12, enforcement functions “in relation to the private rented sector” means enforcement functions relating to—
 - (a) residential premises in England that are let, or intended to be let, under a tenancy,
 - (b) the common parts of such premises,
 - (c) the activities of a landlord under a tenancy of residential premises in England,
 - (d) the activities of a person carrying on English letting agency work within the meaning of [section 54](#) of the [Housing and Planning Act 2016](#) in relation to such premises, or
 - (e) the activities of a person carrying on English property management work within the meaning of [section 55](#) of the [Housing and Planning Act 2016](#) in relation to such premises.(2) For the purposes of this paragraph, “residential premises” has the meaning given by [section 1](#) of the [Housing Act 2004](#) except that it does not include social housing within the meaning of [Part 2](#) of the [Housing and Regeneration Act 2008](#).
- (3) For the purposes of this paragraph, “tenancy” includes a licence to occupy.”

Commencement Information

I58 S. 58 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Status: This version of this Act contains provisions that are prospective.

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59 Abandoned premises under assured shorthold tenancies

In the [Housing and Planning Act 2016](#), omit [Part 3](#) (recovering abandoned premises under assured shorthold tenancies).

Commencement Information

I59 [S. 59](#) in force at 27.12.2025, see [s. 145\(5\)\(b\)](#)

PROSPECTIVE

60 Remedying of hazards occurring in dwelling-houses in England

- (1) The [Landlord and Tenant Act 1985](#) is amended as follows.
- (2) In [section 10A](#) (remedying of hazards occurring in dwellings let on social housing leases)—
 - (a) in the heading, for “dwellings let on relevant social housing leases” substitute “dwelling-houses in England”;
 - (b) for [subsection \(1\)](#) substitute—

“(1) This section applies to a lease of a dwelling-house in England if either of the following applies—

 - (a) the lease is a lease for a term of less than 7 years, or
 - (b) the lease is of a kind mentioned in [section 13\(1A\)](#), [\(1AA\)](#) or [\(1AB\)](#);

but this is subject to [subsection \(1A\)](#).

(1A) This section does not apply to any lease of a kind mentioned in [section 14](#) (exceptions).”;
- (c) in [subsection \(3\)](#), for “dwelling” substitute “dwelling-house”;
- (d) after [subsection \(5\)](#) insert—

“(5A) For the purposes of [subsection \(1\)](#) it is immaterial that the lease also demises other property (which may consist of or include one or more other dwelling-houses).

(5B) In determining for the purposes of [subsection \(1\)\(a\)](#) whether a lease is for a term of less than 7 years—

 - (a) any part of the term falling before the grant or creation is to be ignored and the lease is to be treated as a lease for a term commencing with the grant or creation;
 - (b) a lease which is determinable at the option of the lessor before the expiry of 7 years from the commencement of the term is to be treated as a lease for a term of less than 7 years;
 - (c) a lease (other than one to which [paragraph \(b\)](#) applies) is not to be treated as a lease for a term of less than 7 years if it confers on the lessee an option for renewal for a term which, together with the original term, amounts to 7 years or more.”;
- (e) omit [subsection \(6\)](#);
- (f) in [subsection \(7\)](#)—

Status: This version of this Act contains provisions that are prospective.

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- (i) for the definitions of “lease”, “lessor” and “lessee” substitute—
 - ““lease” does not include a mortgage term;
 - “lease of a dwelling-house” means a lease by which a building or part of a building is let wholly or mainly as a private residence, and “dwelling-house” means that building or part of a building, together with any yard, garden, outhouses and appurtenances belonging to it or usually enjoyed with it;
 - “lessee” means the person for the time being entitled to the term of a lease;
 - “lessor” means the person for the time being entitled to the reversion expectant on a lease;”;
 - (ii) omit the definitions of “low cost home ownership accommodation” and “social housing”.
- (3) In [section 10B](#) (regulations under section 10A: supplementary provision)—
- (a) in [subsection \(1\)\(a\)](#), for the words from “42” to “2023” substitute “[60](#) of the Renters' Rights Act 2025”;
 - (b) in [subsection \(3\)\(b\)\(i\)](#), for “dwelling” substitute “dwelling-house”;
 - (c) for [subsection \(4\)\(a\)](#) substitute—
 - “(a) limit the application of section 10A by reference to leases or dwelling-houses of particular descriptions;”;
 - (d) omit [subsection \(6\)](#).
- (4) In [section 39](#) (index of defined expressions), for the entry for “dwelling-house” substitute—

“dwelling-house—

(in the provisions relating to remedying of hazards)

section 10A

(in the provisions relating to repairing obligations)

[section 16](#)”.

Commencement Information

I60 S. 60 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

61 Remedying of hazards occurring in accommodation in England occupied under licence

- (1) After [section 10B](#) of the [Landlord and Tenant Act 1985](#) insert—

“10C Remedying of hazards occurring in accommodation in England occupied under licence

- (1) The Secretary of State may make—
- (a) regulations which specify a description of licences to occupy residential premises; and

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) regulations which require the licensor under a regulated licence to take action, in relation to prescribed hazards which affect or may affect the licensed accommodation, within the period or periods specified in the regulations.
- (2) There is implied in a regulated licence a term that the licensor will comply with all prescribed requirements that are applicable to that licence.
- (3) Regulations under [subsection \(1\)\(b\)](#) are enforceable against licensors only through actions for breach of the term that is implied by [subsection \(2\)](#).
- (4) In any proceedings for a breach of the term that is implied by [subsection \(2\)](#), it is a defence for the licensor to prove that they used all reasonable endeavours to avoid that breach.
- (5) In this section and [section 10D](#) —
 - “prescribed hazard” has the same meaning as in [section 10](#) (see [section 10\(2\)](#) and [\(3\)](#));
 - “prescribed requirement” means a requirement prescribed in regulations under [subsection \(1\)\(b\)](#);
 - “regulated licence” means a licence to occupy that is of a description specified in regulations under [subsection \(1\)\(a\)](#);
 - “residential premises” has the same meaning as in [section 1\(4\)](#) of the [Housing Act 2004](#) (but disregarding paragraph (e)(ii) of that subsection).

10D Regulations under [section 10C](#): supplementary provision

- (1) Regulations under [section 10C\(1\)\(a\)](#) may (in particular) specify a description of licences to occupy by reference to any of the following—
 - (a) the nature of the licensor;
 - (b) the nature of the licensee;
 - (c) the nature of the accommodation occupied;
 - (d) the purpose of the occupation of the accommodation;
 - (e) the legal nature of the licence.
- (2) Regulations under [section 10C\(1\)\(b\)](#) may apply to—
 - (a) licences granted before the day when [section 10C](#) came into force;
 - (b) prescribed hazards which began before that day;
 - (c) only some descriptions of prescribed hazards.
- (3) Regulations under [section 10C\(1\)\(b\)](#) may—
 - (a) specify a period that is not of a specific duration (for example a reasonable or appropriate period, including a period decided by the licensor, or another person);
 - (b) specify two (or more) periods in relation to particular action.
- (4) Regulations under [section 10C\(1\)\(b\)](#) may (in particular)—
 - (a) require the licensor to take particular action, or action that is intended to produce a particular outcome, in relation to a prescribed hazard;

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- (b) require the licensor to take action in relation to a prescribed hazard that is not of itself intended to remedy the hazard, for example by requiring the licensor—
 - (i) to investigate whether or how a prescribed hazard is affecting the licensed accommodation, or
 - (ii) to secure that the licensee and any other members of their household are provided with alternative accommodation at no cost to them;
 - (c) require the licensor to take action in relation to a prescribed hazard only—
 - (i) in particular circumstances, or
 - (ii) if particular conditions are met;
 - (d) provide that the licensor is not required to take action in relation to a prescribed hazard—
 - (i) in particular circumstances, or
 - (ii) if particular conditions are met.
- (5) The Secretary of State may by regulations make provision, in relation to a term that is implied by [section 10C\(2\)](#), which corresponds to any provision made in relation to an implied covenant by [section 9A\(4\)](#) to (8).
- (6) A power to make regulations under [section 10C](#) or this section includes power to make—
- (a) incidental, transitional or saving provision;
 - (b) different provision for different purposes.
- (7) Regulations under [section 10C](#) or this section are to be made by statutory instrument.
- (8) A statutory instrument containing regulations under [section 10C](#) or this section may not be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.”
- (2) Until [section 100\(3\)](#) (decent homes standard) comes into force, the definition of “residential premises” in [section 1\(4\)](#) of the [Housing Act 2004](#) has effect for the purposes of [section 10C](#) and [10D](#) of the [Landlord and Tenant Act 1985](#) as if it were amended in accordance with [section 100\(3\)](#).

Commencement Information

I61 S. 61 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

62 Student accommodation that is not an HMO

- (1) Schedule 14 to the Housing Act 2004 (buildings which are not HMOs) is amended in accordance with subsections [\(2\)](#) and [\(4\)](#).
- (2) After paragraph 3 insert—

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“Buildings occupied by students: England

3A (1) Any building in England—

- (a) which is occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education at a specified educational establishment, or at an educational establishment of a specified description, and where the person managing or having control of it is the educational establishment in question, or
- (b) which is occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education at an educational establishment and where the person managing or having control of it is a specified person or a person of a specified description.

(2) In—

- (a) sub-paragraph (1)(a) “specified” means specified for the purposes of that sub-paragraph in regulations made by the Secretary of State;
- (b) sub-paragraph (1)(b) “specified” means specified for the purposes of that sub-paragraph in regulations made by the Secretary of State;

and the regulations may (in particular) provide that an educational establishment is specified, or of a specified description, for the purposes of sub-paragraph (1)(b).

(3) Those regulations may, in particular, specify—

- (a) as a description of educational establishment for the purposes of sub-paragraph (1)(a), or
- (b) as a description of person for the purposes of sub-paragraph (1)(b),

the members from time to time, or a description of the members from time to time, of a housing management code of practice which is specified in the regulations.

(4) The Secretary of State may by regulations—

- (a) specify a class of building, and
- (b) provide that a building—
 - (i) does not fall within this paragraph if it is of the specified class, or
 - (ii) falls within this paragraph only if it is of the specified class.

(5) The Secretary of State may by regulations—

- (a) specify a building manager or a class of building manager,
- (b) specify a class of building in relation to the specified building manager or the specified class of building manager, and
- (c) provide that a building which the specified building manager, or a building manager of the specified class, manages or has control of—

Status: This version of this Act contains provisions that are prospective.

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- (i) does not fall within this paragraph if the building is of the specified class, or
 - (ii) falls within this paragraph only if the building is of the specified class.
- (6) Regulations under sub-paragraph (4)(a) or (5)(b) may, in particular, specify as a class of building—
 - (a) the buildings, or
 - (b) a class of the buildings,
 from time to time subject to a housing management code of practice which is specified for this purpose by regulations under sub-paragraph (4)(a) or (5)(b).
- (7) Regulations under sub-paragraph (5)(a) may, in particular, specify as a class of building manager—
 - (a) the members, or
 - (b) a class of the members,
 from time to time of a housing management code of practice which is specified for this purpose by regulations under sub-paragraph (5)(a).
- (8) For the purposes of this paragraph—
 - (a) “building manager” means an educational establishment or other person managing or having control of a building;
 - (b) “housing management code of practice” means a code of practice approved by the Secretary of State under section 233 (codes relating to the management of HMOs or excepted accommodation);
 - (c) a building is “subject to” a housing management code of practice if it—
 - (i) is a particular building subject to the code, or
 - (ii) is of a class of buildings subject to the code;
 - (d) a reference to—
 - (i) a class of the buildings from time to time subject to a housing management code of practice, or
 - (ii) a class of the members from time to time of a housing management code of practice,
 includes the buildings or members that are from time to time in a class provided for in the code of practice.”
- (3) Any regulations made by the Secretary of State under paragraph 4 of Schedule 14 to the Housing Act 2004 before the coming into force of this section are to continue to have effect on and after the coming into force of this section as if made under paragraph 3A of that Schedule (inserted by this section).
- (4) In paragraph 4 (buildings occupied by students)—
 - (a) in the heading, after “students” insert “: Wales”;
 - (b) in sub-paragraph (1), in the words before paragraph (a), after “building” insert “in Wales”.
 - (c) in sub-paragraph (2), for “appropriate national authority” substitute “Welsh Ministers”.

Status: This version of this Act contains provisions that are prospective.

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- (d) in sub-paragraph (3), for “appropriate national authority” substitute “Welsh Ministers”.
- (e) in sub-paragraph (4)—
 - (i) in the words before paragraph (a), for “appropriate national authority may have regard to the extent to which, in its opinion” substitute “Welsh Ministers may have regard to the extent to which, in their opinion”;
 - (ii) in paragraph (a), for “authority” substitute “Welsh Ministers”.
- (5) In consequence of the other amendments made by this section—
 - (a) in paragraph 16E(3) of Schedule 2 to the Finance Act 2019 (inserted by Schedule 1 to the Finance Act 2025) (meaning of “institutional building”), in paragraph (i)(i) and (ii) (buildings occupied by students), for “paragraph 4” substitute “paragraph 3A or 4”;
 - (b) in the Capital Allowances Act 2001, in section 270CF (exclusion from qualifying use: residential use), in subsection (1)(b), for “paragraph 4” substitute “paragraph 3A or 4”.
- (6) Any regulations made by the Treasury under paragraph 16E(3)(i)(ii) of Schedule 2 to the Finance Act 2019 before the coming into force of this section which designate provision as provision corresponding to paragraph 4 of Schedule 14 to the Housing Act 2004 are to continue to have effect on and after the coming into force of this section as if they designated the provision as provision corresponding to paragraph 3A or 4 of that Schedule.

Commencement Information

I62 S. 62 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PART 2

RESIDENTIAL LANDLORDS

CHAPTER 1

MEANING OF “RESIDENTIAL LANDLORD”

63 Meaning of “residential landlord”

(1) In [this Part](#)—

“residential landlord” means the landlord under a relevant tenancy of a dwelling in England that is not social housing;

“residential tenancy” and “residential tenant” are to be read accordingly.

(2) In [subsection \(1\)](#)—

“dwelling” means a building or part of a building which is occupied or intended to be occupied as a separate dwelling;

“social housing” has the same meaning as in [Part 2](#) of the [Housing and Regeneration Act 2008](#).

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (3) In [this section](#), “relevant tenancy” means—
- (a) an assured tenancy within the meaning of [the 1988 Act](#), or
 - (b) a regulated tenancy within the meaning of the [Rent Act 1977](#).
- (4) The Secretary of State may by regulations amend [this Chapter](#) so as to—
- (a) change the meaning of “residential landlord” in relation to a relevant tenancy—
 - (i) so that, in addition to or instead of the landlord under the relevant tenancy, it includes any or all superior landlords in relation to that tenancy, or
 - (ii) so that it does not include superior landlords added by virtue of [this paragraph](#);
 - (b) change the meaning of “relevant tenancy” so as to add or remove a particular kind of—
 - (i) tenancy of a dwelling that is periodic or granted for a term of less than 21 years, or
 - (ii) licence to occupy a dwelling;
 - (c) change the meaning of “dwelling”—
 - (i) so that, in addition to a building or part of a building, it includes any other structure, vehicle or vessel,
 - (ii) so that it includes a building or part of a building, and anything for the time being included in the meaning of “dwelling” by virtue of [sub-paragraph \(i\)](#), which is occupied or intended to be occupied as a dwelling that is not a separate dwelling, or
 - (iii) so that it does not include anything added by virtue of [this paragraph](#).
- (5) Kinds of tenancy or licence added or removed under [subsection \(4\)\(b\)](#) may be identified by reference to any matters connected directly or indirectly with a tenancy or licence, including the characteristics or circumstances of any person who is so connected.
- (6) In [subsection \(4\)\(b\)](#)—
- (a) the reference to a tenancy of a dwelling includes a tenancy under which the dwelling is occupied for the purposes of either House of Parliament, and
 - (b) the reference to a licence to occupy a dwelling includes such a licence under which the dwelling is occupied for the purposes of either House of Parliament.
- (7) The provision that may be made in regulations under [subsection \(4\)](#) by virtue of [section 140\(1\)\(a\)](#) includes provision amending [section 99](#).
- (8) The provision that may be made in regulations under [subsection \(4\)](#) by virtue of [section 140\(1\)\(b\)](#) includes different provision for the purposes of different Chapters of [this Part](#).

Commencement Information

I63 S. 63 in force at Royal Assent for specified purposes, see [s. 145\(2\)](#)

I64 [S. 63](#) in force at 27.12.2025 for specified purposes by [S.I. 2025/1354](#), [reg. 2\(a\)\(i\)](#)

Status: This version of this Act contains provisions that are prospective.

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CHAPTER 2

LANDLORD REDRESS SCHEMES

Landlord redress schemes

64 Landlord redress schemes

- (1) The Secretary of State may make regulations requiring a residential landlord to be a member of a landlord redress scheme.
- (2) A “landlord redress scheme” means a scheme—
 - (a) which provides for a complaint made by or on behalf of a prospective, current or former residential tenant against a member of the scheme to be independently investigated and determined by an independent individual, and
 - (b) which is—
 - (i) approved by the Secretary of State for the purposes of regulations under [subsection \(1\)](#), or
 - (ii) administered by or on behalf of the Secretary of State and designated by the Secretary of State for those purposes.
- (3) A scheme must not be approved or designated under [subsection \(2\)\(b\)](#) unless it satisfies the conditions set out in regulations made under [section 65\(1\)](#).
- (4) In [subsection \(2\)\(a\)](#) “prospective residential tenant” means a person who—
 - (a) offers to become a residential tenant of a dwelling that is marketed for the purpose of creating a residential tenancy, or
 - (b) with a view to deciding whether to become a residential tenant of a dwelling that is marketed for that purpose—
 - (i) requests information about the dwelling from a person marketing it, or
 - (ii) visits or requests to visit such a dwelling by arrangement with a person marketing it.
- (5) Regulations under [subsection \(1\)](#) may—
 - (a) require a person to be a member of a landlord redress scheme before a dwelling is marketed for the purpose of creating a residential tenancy under which that person will be a residential landlord;
 - (b) prohibit a person from marketing a dwelling for the purpose of creating a residential tenancy unless the person who will be a residential landlord if the tenancy is granted is a member of a landlord redress scheme;
 - (c) require a person to remain a member of the scheme after ceasing to be a residential landlord, for a period specified in the regulations.
- (6) Regulations under [subsection \(1\)](#) may require a person—
 - (a) to provide relevant property information to the administrator of a landlord redress scheme, on applying to become a member of the scheme;
 - (b) at any time after becoming a member of a landlord redress scheme, to notify the administrator of the scheme of any change to relevant property information previously provided by the person as soon as reasonably practicable, or within a period, as specified in the regulations.

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- (7) For the purposes of [subsection \(6\)](#), “relevant property information” means such information as may be specified in the regulations relating to—
- (a) any residential tenancy under which the person is the residential landlord;
 - (b) any dwelling which is proposed to be marketed for the purpose of creating a residential tenancy under which the person will be the residential landlord.
- (8) Before making regulations under [subsection \(1\)](#), the Secretary of State must be satisfied that all persons who are to be required to be a member of a landlord redress scheme will be eligible to join such a scheme before being so required (subject to any provision in the scheme about expulsion, as to which see [section 65\(2\)\(1\)](#)).
- (9) Nothing in [this Chapter](#) prevents a landlord redress scheme from providing (subject to regulations under [section 65](#))—
- (a) for membership to be open to persons who wish to join as voluntary members;
 - (b) for the investigation or determination of any complaints under a voluntary jurisdiction;
 - (c) for voluntary mediation services;
 - (d) for the exclusion from investigation and determination under the scheme of any complaint in such cases or circumstances as may be specified in or determined under the scheme.
- (10) In [subsection \(9\)](#)—
- “complaints under a voluntary jurisdiction” means complaints in relation to which there is no duty to be a member of a landlord redress scheme, where the members against whom the complaints are made have voluntarily accepted the jurisdiction of the scheme over those complaints;
- “voluntary mediation services” means mediation, conciliation or similar processes provided at the request of a member in relation to complaints made—
- (a) against the member, or
 - (b) by the member against another person;
- “voluntary members” means members who are not subject to a duty to be a member of a landlord redress scheme.

Commencement Information

I65 S. 64 in force at Royal Assent for specified purposes, see [s. 145\(2\)](#)

65 Approval and designation of landlord redress schemes

- (1) The Secretary of State must by regulations set out conditions which are to be satisfied for a scheme to be approved or designated under [section 64\(2\)\(b\)](#).
- (2) The conditions must include conditions requiring the scheme to include provision in accordance with the regulations—
 - (a) for the appointment of an individual to be responsible for overseeing and monitoring the investigation and determination of complaints under the scheme,
 - (b) about the terms and conditions of that individual and the termination of their appointment,

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- (c) about the complaints that may be made under the scheme, which must include provision enabling the making of complaints about non-compliance with any codes of practice for residential landlords that are issued or approved by the Secretary of State,
 - (d) about the time to be allowed for scheme members to resolve matters before a complaint is accepted under the scheme in relation to those matters,
 - (e) about the circumstances in which a complaint may be rejected,
 - (f) about co-operation (which may include the joint exercise of functions) of an individual who is investigating or determining a complaint with persons who have functions in relation to other kinds of complaint and with local housing authorities,
 - (g) about the provision of information to the persons mentioned in [paragraph \(f\)](#) and the Secretary of State,
 - (h) if members are required to pay fees in respect of compulsory aspects of the scheme, about the amount or amounts of those fees,
 - (i) if there are voluntary aspects of the scheme—
 - (i) for fees to be payable in respect of those aspects of the scheme, and
 - (ii) about the amount or amounts of those fees,
 - (j) for the individual determining a complaint to be able to require members to provide redress of the following types to the complainant—
 - (i) providing an apology or explanation,
 - (ii) paying compensation, and
 - (iii) taking such other actions in the interests of the complainant as the individual determining the complaint may specify,
 - (k) about the enforcement of the scheme and decisions made under the scheme,
 - (l) for a person to be expelled from the scheme only—
 - (i) in circumstances specified in the regulations,
 - (ii) once steps to secure compliance that are specified in the regulations have been taken, and
 - (iii) once the decision to expel the person has been reviewed by an independent person in accordance with the regulations,
 - (m) for an expulsion to be revoked in circumstances specified in the regulations,
 - (n) prohibiting a person from joining the scheme when the person has been expelled from another landlord redress scheme, except in circumstances specified in the regulations,
 - (o) for circumstances in which the administration of the scheme is to be transferred to a different administrator, and
 - (p) about the closure of the scheme by the administrator.
- (3) Conditions set out in regulations under [subsection \(1\)](#) may include conditions requiring the administrator or proposed administrator of a scheme to undertake to do things on an ongoing basis following approval or designation.
- (4) Fee conditions relating to—
- (a) fees payable in respect of compulsory aspects of the scheme may provide for the amount or amounts of the fees to be calculated by reference to such of the scheme costs as may be specified in the regulations, which may include scheme costs relating to the voluntary aspects of the scheme;

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- (b) fees payable in respect of voluntary aspects of the scheme must provide for the amount or amounts of the fees to be calculated so that (taking one year with another) they are sufficient to meet such of the costs of the voluntary aspects of the scheme as may be specified in the regulations.
- (5) Conditions set out in regulations by virtue of [subsection \(2\)\(o\)](#) may require an approved scheme to provide for the administration of that scheme to be transferred to the Secretary of State or a person acting on behalf of the Secretary of State in circumstances specified in the regulations.
- (6) Where conditions set out in regulations by virtue of [subsection \(2\)\(o\)](#) require an approved scheme to include the provision mentioned in [subsection \(5\)](#), the regulations may provide for a scheme whose administration is transferred as mentioned in [that subsection](#) to be treated as a designated scheme instead of an approved one.
- (7) [Subsections \(2\) to \(6\)](#) do not limit the conditions that may be set out in regulations under [subsection \(1\)](#).
- (8) The Secretary of State may by regulations make further provision about the approval or designation of landlord redress schemes under [section 64\(2\)\(b\)](#), including provision—
 - (a) about the number of redress schemes that may be approved or designated (which may be one or more);
 - (b) about the making of applications for approval;
 - (c) about the period for which an approval or designation is valid;
 - (d) about the withdrawal of approval or revocation of designation.
- (9) Regulations under [this section](#) may—
 - (a) confer functions (including functions involving the exercise of a discretion) on the Secretary of State, or authorise or require a scheme to do so;
 - (b) provide for the delegation of such functions by the Secretary of State, or authorise or require a scheme to provide for that.
- (10) In [this section](#)—
 - “compulsory aspects”, in relation to a scheme, means aspects of the scheme relating to complaints in relation to which there is a duty to be a member of a landlord redress scheme;
 - “compulsory member”, in relation to a scheme, means a member of the scheme who is subject to a duty to be a member of a landlord redress scheme;
 - “costs of the voluntary aspects”, in relation to a scheme, means the scheme costs if, or to the extent that, they relate to the voluntary aspects of the scheme (including scheme costs that are attributed to the voluntary aspects of the scheme);
 - “fee condition” means a condition set out in regulations by virtue of [subsection \(2\)\(h\)](#) or [\(i\)\(ii\)](#);
 - “scheme costs”, in relation to a scheme, means the costs (whether or not connected with a fee-payer) that are incurred in or associated with, or likely to be incurred in or associated with—
 - (a) the establishment and administration of the scheme (including the investigation and determination of complaints under the scheme);
 - (b) the performance of any other functions under this Chapter;
 - (c) the performance of any other functions under the scheme;
 including such costs that are, or are likely to be incurred by—

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- (a) the administrator of a redress scheme, or
 - (b) the individual responsible for overseeing and monitoring the investigation and determination of complaints under the scheme,
- in connection with enforcement by other persons of requirements imposed by or under this Chapter.

“voluntary aspects”, in relation to a scheme, means aspects of the scheme that relate to—

- (a) complaints under a voluntary jurisdiction,
- (b) voluntary mediation services, or
- (c) voluntary members;

and terms used in this definition have the meanings given by [section 64\(10\)](#).

Commencement Information

I66 S. 65 in force at Royal Assent for specified purposes, see [s. 145\(2\)](#)

66 Financial penalties

- (1) A local housing authority may impose a financial penalty on a person if satisfied beyond reasonable doubt that the person has—
 - (a) breached regulations under [section 64\(1\)](#), or
 - (b) committed an offence under [section 67](#).
- (2) The amount of a financial penalty imposed under [this section](#) is to be determined by the authority imposing it, but must not be more than—
 - (a) £7,000, if it is imposed under [subsection \(1\)\(a\)](#), or
 - (b) £40,000, if it is imposed under [subsection \(1\)\(b\)](#).
- (3) More than one penalty may be imposed in respect of the same conduct only if—
 - (a) the conduct continues after the end of 28 days beginning with the day after that on which the final notice in respect of the previous penalty for the conduct was given to the person, unless the person appeals against that notice within that period, or
 - (b) if the person appeals against that notice within that period, the conduct continues after the end of 28 days beginning with the day after that on which the appeal is finally determined, withdrawn or abandoned.
- (4) [Subsection \(3\)](#) does not enable a penalty to be imposed after the final notice in respect of the previous penalty has been withdrawn or quashed on appeal.
- (5) No financial penalty may be imposed in respect of any conduct amounting to an offence under [section 67](#) if—
 - (a) the person has been convicted of an offence under [that section](#) in respect of the conduct,
 - (b) criminal proceedings for an offence under [that section](#) in respect of the conduct have been instituted against the person and the proceedings have not been concluded, or
 - (c) criminal proceedings for an offence under [that section](#) in respect of the conduct have been concluded and the person has not been convicted.

Status: This version of this Act contains provisions that are prospective.

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- (6) The Secretary of State may give guidance to local housing authorities about the exercise of their functions under [this section](#).
- (7) Local housing authorities must have regard to any guidance issued under [subsection \(6\)](#).
- (8) The Secretary of State may by regulations amend the amounts specified in [subsection \(2\)](#) to reflect changes in the value of money.
- (9) For the purposes of [this section](#) and [section 67](#)—
 - (a) a financial penalty is imposed under [this section](#) on the date specified in the final notice as the date on which the notice is given, and
 - (b) “final notice” has the meaning given by [paragraph 6 of Schedule 5](#).

Commencement Information

I67 S. 66 in force at Royal Assent for specified purposes, see [s. 145\(2\)](#)

PROSPECTIVE

67 Offences

- (1) A person commits an offence if—
 - (a) a relevant penalty has been imposed on the person and the final notice imposing the penalty has not been withdrawn, and
 - (b) the conduct in respect of which the penalty was imposed continues after the end of the period of 28 days beginning with—
 - (i) the day after that on which the penalty was imposed on the person, or
 - (ii) if the person appeals against the final notice in respect of the penalty within that period, the day after that on which the appeal is finally determined, withdrawn or abandoned.
- (2) A person commits an offence if—
 - (a) a relevant penalty has been imposed on the person in respect of a breach of regulations under [section 64\(1\)](#) and the final notice imposing the penalty has not been withdrawn, and
 - (b) the person engages in conduct which constitutes a different breach of such regulations within the period of five years beginning with the day on which the penalty was imposed.
- (3) A person commits an offence if—
 - (a) either—
 - (i) a relevant penalty has been imposed on the person in respect of an offence under [this section](#) and the final notice imposing the penalty has not been withdrawn, or
 - (ii) the person has been convicted of such an offence, and
 - (b) the person breaches regulations under [section 64\(1\)](#) within the period of five years beginning with the day on which the relevant penalty was imposed or the person was convicted.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (4) In [subsections \(1\) to \(3\)](#) “relevant penalty” means a financial penalty which is imposed under [section 66](#) where—
- (a) the period for bringing an appeal against the penalty under [paragraph 10 of Schedule 5](#) has expired without an appeal being brought,
 - (b) an appeal against the financial penalty under [that paragraph](#) has been withdrawn or abandoned, or
 - (c) the final notice imposing the penalty has been confirmed or varied on appeal.
- (5) A person may not be convicted of an offence under [subsection \(2\)](#) or [\(3\)](#) if a financial penalty has been imposed under [section 66](#) in respect of the same conduct.
- (6) A person guilty of an offence under [this section](#) is liable on summary conviction to a fine.
- (7) Where an offence under [this section](#) committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of a body corporate, the officer as well as the body corporate commits the offence and is liable to be proceeded against and punished accordingly.
- (8) Where the affairs of a body corporate are managed by its members, [subsection \(6\)](#) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were an officer of the body corporate.

Commencement Information

I68 S. 67 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

68 Decision under a landlord redress scheme may be made enforceable as if it were a court order

- (1) The Secretary of State may by regulations make provision for, or in connection with, authorising the administrator of a landlord redress scheme to apply to a court or tribunal for an order that a determination made under the scheme and accepted by the complainant in question be enforced as if it were an order of a court.
- (2) Before making the regulations, the Secretary of State must consult—
- (a) one or more bodies appearing to the Secretary of State to represent the interests of residential landlords,
 - (b) one or more bodies appearing to the Secretary of State to represent the interests of residential tenants, and
 - (c) such other persons as the Secretary of State considers appropriate.

Commencement Information

I69 S. 68 in force at Royal Assent for specified purposes, see [s. 145\(2\)](#)

Status: This version of this Act contains provisions that are prospective.

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PROSPECTIVE

69 Landlord redress schemes: no Crown status

A person exercising functions under a landlord redress scheme (other than the Secretary of State) is not to be regarded as the servant or agent of the Crown or as enjoying any status, privilege or immunity of the Crown or as exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local, and any property held by such a person is not to be regarded as property of, or held on behalf of, the Crown.

Commencement Information

I70 S. 69 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

Guidance

70 Guidance for scheme administrator and local housing authority

- (1) The Secretary of State may from time to time issue or approve guidance for local housing authorities and the administrators of landlord redress schemes about cooperation between such local housing authorities and persons exercising functions under the schemes.
- (2) A local housing authority must have regard to any guidance issued or approved under this section.
- (3) The Secretary of State must exercise the powers in section [65](#) for the purpose of ensuring that the administrator of a redress scheme has regard to any guidance issued or approved under this section.

Commencement Information

I71 S. 70 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

Interpretation

71 Interpretation of [Chapter 2](#)

- (1) In this Chapter “landlord redress scheme” has the meaning given by section [64\(2\)](#).
- (2) For the meanings of “residential landlord”, “residential tenancy” and “residential tenant” see section [63](#).

Status: This version of this Act contains provisions that are prospective.

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Commencement Information

I72 S. 71 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

Related amendments

72 Housing activities under social rented sector scheme

- (1) [Schedule 2](#) to the [Housing Act 1996](#) (social rented sector: housing complaints) is amended as follows.
- (2) In [paragraph 1](#)—
 - (a) in [sub-paragraph \(1\)](#), after “housing activities” insert “other than private rented sector activities”;
 - (b) in [sub-paragraph \(3\)](#), at the end insert “, subject to [paragraph 2A](#)”.
- (3) In [paragraph 2\(1\)](#)—
 - (a) in paragraph 4, after “scheme” insert “which must not include any private rented sector activities, except so far as the Secretary of State consents in writing to complaints about such activities being made under the scheme.”;
 - (b) after paragraph 7 insert—

“7A Where the scheme provides for the housing ombudsman to be employed by the person administering the scheme, provision for the enforcement of directions given under [paragraph 10\(3\)\(b\)](#).”
- (4) After [paragraph 2](#) insert—

“2A Criteria under [paragraph 2\(b\)](#) of [paragraph 2\(1\)](#) must include criteria preventing a person who—

 - (a) is a residential landlord, within the meaning given by [section 63](#) of the Renters' Rights Act 2025, and
 - (b) is not a social landlord,

from becoming a member of the scheme.”
- (5) For [paragraph 10](#) substitute—

“10

 - (1) The housing ombudsman for the purposes of an approved scheme is to be appointed by the Secretary of State on such terms as the Secretary of State thinks fit.
 - (2) The Secretary of State may at any time remove a housing ombudsman from office.
 - (3) In relation to an approved scheme which provides for the housing ombudsman to be employed by the person administering the scheme—
 - (a) the reference in [sub-paragraph \(1\)](#) to the terms on which the housing ombudsman is appointed includes a reference to the terms of the housing ombudsman's employment by that person;

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- (b) the power of the Secretary of State under sub-paragraph (2) to remove a housing ombudsman from office includes power to give the person administering the scheme a direction in writing to cease to employ the individual who is housing ombudsman as housing ombudsman (and a direction under this paragraph may be revoked or varied by a further direction under this paragraph).
- (4) Where an approved scheme does not provide that it is to be administered by a body corporate—
 - (a) the Secretary of State may by order provide that the housing ombudsman for the purposes of the scheme is to be a corporation sole, and
 - (b) the staff to administer the scheme and otherwise assist the ombudsman in the discharge of functions are to be appointed and employed by the ombudsman.
- (5) Where an approved scheme provides that it is to be administered by a body corporate the Secretary of State may delegate functions under sub-paragraph (1) or (2) to the body administering the scheme.
- (6) A delegation under sub-paragraph (5) may specify—
 - (a) the extent to which the functions are delegated;
 - (b) any conditions to which the delegation is subject.
- (7) A delegation under sub-paragraph (5)—
 - (a) must be in writing;
 - (b) may be varied or revoked by the Secretary of State, in writing, at any time;
 - (c) does not prevent the Secretary of State from exercising the functions.
- (8) A housing ombudsman is not to be regarded as the servant or agent of the Crown or as enjoying any status, privilege or immunity of the Crown or as exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local, and any property held by a housing ombudsman is not to be regarded as property of, or held on behalf of, the Crown.”
- (6) After [paragraph 12](#) insert—

“Interpretation

- 13 In this Schedule “private rented sector activities” means activities carried on by a person as a residential landlord within the meaning given by [section 63](#) of the Renters' Rights Act 2025.”

Commencement Information

I73 S. 72 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

73 Other amendments connected with landlord redress schemes

[Schedule 3](#) contains amendments connected with landlord redress schemes.

Status: This version of this Act contains provisions that are prospective.

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Commencement Information

I74 S. 73 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

74 Local Commissioners' investigation of complaints by persons who are not tenants

In [section 26](#) of the [Local Government Act 1974](#), at the end of [subsection \(8\)](#) insert “unless—

- (a) the investigation is in respect of action described in paragraph 5A or 5B of that Schedule, and
- (b) the person affected is not an individual of a description whom a scheme approved under [Schedule 2](#) to the [Housing Act 1996](#) (investigation of social housing complaints by housing ombudsman) provides may make a complaint under that scheme in respect of that action.”

Commencement Information

I75 S. 74 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

CHAPTER 3

THE PRIVATE RENTED SECTOR DATABASE

The database and the database operator

PROSPECTIVE

75 The database

- (1) The database operator must establish and operate a database containing—
 - (a) entries in respect of persons who are, or intend to become, residential landlords,
 - (b) entries in respect of dwellings which are, or are intended to be, let under residential tenancies, and
 - (c) entries made under [section 83](#) in respect of the following—
 - (i) persons against whom relevant banning orders have been made,
 - (ii) persons who have been convicted of, or on whom financial penalties have been imposed in relation to, relevant banning order offences, and
 - (iii) persons who have been convicted of offences, on whom financial penalties have been imposed or who have been subject to regulatory action, of a description prescribed by regulations under that section.
- (2) In this Chapter—

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- (a) “landlord entry” means an entry in the database in respect of a person mentioned in [subsection \(1\)\(a\)](#);
 - (b) “dwelling entry” means an entry in the database in respect of a dwelling mentioned in [subsection \(1\)\(b\)](#).
- (3) Landlord and dwelling entries may be either active or inactive: see sections [77\(4\)](#) and [79](#).

Commencement Information

I76 S. 75 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

76 The database operator

- (1) In this Chapter “database operator” means—
 - (a) the Secretary of State, or
 - (b) a person who the Secretary of State has arranged to be the database operator.
- (2) The arrangements—
 - (a) may include provision for payments by the Secretary of State;
 - (b) may include provision about bringing the arrangements to an end.
- (3) The Secretary of State may by regulations—
 - (a) require the database operator to ensure that the database has features and functionality specified in the regulations,
 - (b) confer on the database operator powers to enter into contracts and other agreements for the purpose of facilitating the operation of the database,
 - (c) provide for functions of the database operator specified in the regulations to be carried out by lead enforcement authorities, local housing authorities or others specified in the regulations instead of, or in addition to, being carried out by the database operator, and
 - (d) make transitional or saving provision which applies when there is a change of database operator.
- (4) Regulations under [subsection \(3\)\(d\)](#) may relate to a specific change of database operator or to changes that might arise from time to time.

Commencement Information

I77 S. 76 in force at Royal Assent for specified purposes, see [s. 145\(2\)](#)

Landlord and dwelling entries

77 Making entries in the database

- (1) The Secretary of State may by regulations make provision about the making of landlord and dwelling entries in the database.
- (2) The regulations may, in particular—
 - (a) provide for how, and by whom, a landlord or dwelling entry is to be made,

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- (b) require information or documents to be provided,
 - (c) impose other requirements, including requirements for the payment of fees, and
 - (d) allow an entry to be made before all of the requirements imposed by the regulations have been complied with, provided that any requirements not complied with by that time are complied with before the end of a period specified in the regulations.
- (3) The period specified as mentioned in [subsection \(2\)\(d\)](#) must not exceed the period of 28 days beginning with the day on which the entry is made.
- (4) A landlord or dwelling entry made in accordance with the regulations is an active entry from the time it is made until it becomes an inactive entry in accordance with regulations under [section 79](#).
- (5) See [section 86](#) for the power to make regulations specifying the information contained in active landlord and dwelling entries that is to be made available to the public by the database operator.

Commencement Information

178 S. 77 in force at Royal Assent for specified purposes, see [s. 145\(2\)](#)

78 Requirement to keep active entries up-to-date

- (1) The Secretary of State may by regulations make provision requiring active landlord and dwelling entries in the database to be kept up-to-date.
- (2) The regulations may, in particular—
 - (a) provide for how, and by whom, an active landlord or dwelling entry is to be kept up-to-date,
 - (b) require information or documents to be provided,
 - (c) impose other requirements, and
 - (d) specify the time by which the requirements must be complied with.
- (3) The requirements that may be imposed by regulations under [this section](#) do not include requirements for the payment of fees.

Commencement Information

179 S. 78 in force at Royal Assent for specified purposes, see [s. 145\(2\)](#)

79 Circumstances in which active entries become inactive and vice versa

- (1) The Secretary of State may by regulations make provision about the circumstances in which an active landlord or dwelling entry in the database is to become an inactive entry, and vice versa.
- (2) The regulations may, in particular—

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- (a) provide for an active landlord or dwelling entry to become inactive after a period specified in or determined in accordance with the regulations if requirements specified in the regulations are not met,
 - (b) provide for an active landlord or dwelling entry to become inactive in circumstances in which an active entry is no longer required in respect of the landlord or dwelling, and
 - (c) specify requirements that must be met for an inactive landlord or dwelling entry to become an active entry.
- (3) The requirements that may be imposed by regulations under this section include requirements for the payment of fees.

Commencement Information

I80 S. 79 in force at Royal Assent for specified purposes, see [s. 145\(2\)](#)

80 Verification, correction and removal of entries

- (1) The Secretary of State may by regulations make provision about—
- (a) the verification of landlord and dwelling entries in the database,
 - (b) the correction of errors in such entries, and
 - (c) the removal of such entries from the database.
- (2) The regulations may, in particular—
- (a) require a proportion of landlord and dwelling entries, and of anything required to be provided by regulations under [section 77](#), [78](#) or [79](#), specified in or determined in accordance with the regulations to be verified by local housing authorities or others,
 - (b) make provision about how that verification is to be carried out,
 - (c) authorise the correction of errors in landlord and dwelling entries and specify by whom such corrections may be made, and
 - (d) authorise the removal from the database of landlord and dwelling entries that appear to a person specified in the regulations not to meet requirements imposed by or under this Chapter for inclusion in the database.

Commencement Information

I81 S. 80 in force at Royal Assent for specified purposes, see [s. 145\(2\)](#)

81 Fees for landlord and dwelling entries

- (1) This section applies where regulations under [section 77](#) or [79](#) require payment of a fee.
- (2) The regulations must—
- (a) specify the amount or amounts of the fee, or
 - (b) provide for the amount or amounts of the fee to be determined by the database operator by reference to such of the relevant costs as may be specified in the regulations.

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- (3) The amount or amounts specified in the regulations under [subsection \(2\)\(a\)](#) may be calculated by reference to the relevant costs.
- (4) The “relevant costs” are the costs (whether or not connected with a fee-payer) that are incurred in or associated with, or likely to be incurred in or associated with—
 - (a) the establishment and operation of the database;
 - (b) the enforcement of requirements imposed by or under this Chapter;
 - (c) the performance of any other functions under this Chapter;
 - (d) the enforcement of any other requirements imposed by or under this Act or otherwise in relation to the private rented sector.
- (5) The amount or amounts specified in the regulations under [subsection \(2\)\(a\)](#) or determined in accordance with [subsection \(2\)\(b\)](#) may, in the case of a fee charged for an entry in the database to become active again after becoming inactive as a result of provision made by virtue of [section 79\(2\)\(a\)](#), be higher than the fee that would otherwise be charged had the entry remained active.
- (6) The fees are to be payable to the database operator by such persons and in such circumstances as the regulations may provide.
- (7) The Secretary of State may direct the database operator to pay to local housing authorities or into the Consolidated Fund the amount it receives in respect of the fees it charges, or any part of that amount.
- (8) If the Secretary of State is the database operator—
 - (a) [subsection \(7\)](#) does not apply, and
 - (b) the Secretary of State may pay to local housing authorities the amount it receives in respect of fees it charges, or any part of that amount.
- (9) For the purposes of this section—

requirements “in relation to the private rented sector” means requirements relating to—

 - (a) residential premises in England that are let, or intended to be let, under a tenancy;
 - (b) the common parts of such premises;
 - (c) the activities of a landlord under a tenancy of residential premises in England;
 - (d) the activities of a superior landlord in relation to such a tenancy;
 - (e) the activities of a person carrying on English letting agency work within the meaning of [section 54](#) of the Housing and Planning Act 2016 in relation to such premises;
 - (f) the activities of a person carrying on English property management work within the meaning of [section 55](#) of the Housing and Planning Act 2016 in relation to such premises;

“residential premises” has the meaning given by [section 1](#) of the Housing Act 2004 except that it does not include social housing within the meaning of [Part 2](#) of the Housing and Regeneration Act 2008;

“tenancy” includes a licence to occupy.

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Commencement Information

182 S. 81 in force at Royal Assent for specified purposes, see [s. 145\(2\)](#)

Marketing, advertising and letting

82 Restrictions on marketing, advertising and letting dwellings

- (1) A person must not market a dwelling for the purpose of creating a residential tenancy unless—
 - (a) there is an active landlord entry in the database in respect of the person who will be the residential landlord if the tenancy is granted, and
 - (b) there is an active dwelling entry in the database in respect of the dwelling.
- (2) A person who advertises a dwelling for the purpose of creating a residential tenancy must include in any written advertisement the unique identifiers allocated by the database operator to—
 - (a) the person who will be the residential landlord if the tenancy is granted, and
 - (b) the dwelling.
- (3) A person who is a residential landlord in relation to a dwelling is under a duty to ensure that—
 - (a) there is an active landlord entry in the database in respect of the person and an active dwelling entry in the database in respect of the dwelling, and
 - (b) any requirements relating to the entries imposed by regulations under [section 78](#) are complied with.
- (4) The Secretary of State may by regulations specify cases or circumstances in which—
 - (a) a person of a description specified in the regulations is to be subject to the duty in [subsection \(3\)](#) instead of the residential landlord;
 - (b) a duty imposed by this section, either does not apply at all or does not apply for a period specified in or determined in accordance with the regulations.
- (5) A breach of [subsection \(1\)](#), [\(2\)](#) or [\(3\)](#) does not affect the validity or enforceability of a residential tenancy or other contract by virtue of any rule of law relating to the validity or enforceability of contracts in circumstances involving illegality.

Commencement Information

183 S. 82 in force at Royal Assent for specified purposes, see [s. 145\(2\)](#)

Entries relating to banning orders, offences, financial penalties, etc.

83 Entries relating to banning orders, offences, financial penalties, etc.

- (1) A local housing authority must make an entry in the database in respect of a person if—
 - (a) a relevant banning order has been made against the person following an application by the authority,

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- (b) the person has been convicted of a relevant banning order offence following the institution of criminal proceedings by the authority, or
 - (c) the authority has imposed a financial penalty on the person in relation to a relevant banning order offence.
- (2) A local housing authority may make an entry in the database in respect of a person if—
 - (a) the person has been convicted of a relevant banning order offence following the institution of criminal proceedings by a person other than a local housing authority, or
 - (b) a financial penalty has been imposed on the person in relation to a relevant banning order offence by a person other than a local housing authority.
- (3) The person who instituted the criminal proceedings or imposed the penalty must provide to the local housing authority such information as the authority requests for the purpose of making an entry under [subsection \(2\)](#).
- (4) The Secretary of State may by regulations impose a duty on local housing authorities to make entries in the database under [subsection \(2\)](#) in circumstances specified in the regulations.
- (5) An entry may be made under [subsection \(1\)](#) or [\(2\)](#) only if—
 - (a) the period for appealing against any order, conviction or penalty mentioned in those subsections has expired, and
 - (b) any such appeal has been finally determined, withdrawn or abandoned.
- (6) The Secretary of State may by regulations authorise or require local housing authorities to make an entry in the database in respect of a person—
 - (a) who is convicted of an offence, on whom a financial penalty is imposed or who is subject to regulatory action, of a description prescribed by the regulations, and
 - (b) where the offence, financial penalty or regulatory action relates to conduct which occurred at a time when the person was a residential landlord or marketing a dwelling for the purpose of creating a residential tenancy.
- (7) Regulations under [subsection \(6\)](#) may, in particular—
 - (a) describe an offence by reference to—
 - (i) the nature of the offence,
 - (ii) the characteristics of the offender,
 - (iii) the place where the offence is committed,
 - (iv) the circumstances in which it is committed,
 - (v) the court sentencing a person for the offence, or
 - (vi) the sentence imposed, and
 - (b) make provision for local housing authorities to obtain information from another person for the purpose of making an entry in the database under the regulations.
- (8) An entry made under [this section](#) must include—
 - (a) the name of the person in respect of whom the entry is made,
 - (b) where the entry is made under [subsection \(1\)](#), the date the banning order was made and the date on which the person will cease to be subject to it, and
 - (c) such other information as may be prescribed by regulations made by the Secretary of State.

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- (9) Regulations under [subsection \(8\)\(c\)](#) may, in particular, require an entry to include—
- (a) the person's address or other contact details,
 - (b) details of any dwellings in relation to which the person is a residential landlord, and
 - (c) details of the offence, financial penalty or regulatory action to which the entry relates.
- (10) A local housing authority must take reasonable steps to ensure that any entry it has made in the database under [this section](#) is correct and up-to-date.
- (11) See [section 86](#) for the power to make regulations specifying the information contained in entries under [this section](#) that is to be made available to the public by the database operator.
- (12) In [this Chapter](#)—
- “relevant banning order” means an order under [Chapter 2](#) of [Part 2](#) of the [Housing and Planning Act 2016](#) that—
- (a) is made on or after the day on which [this section](#) comes into force,
 - (b) bans a person from letting housing (within the meaning of [that Part](#) of [that Act](#)) in England, and
 - (c) relates to an offence committed at a time when the person against whom the order was made was—
 - (i) a residential landlord, or
 - (ii) marketing a dwelling for the purpose of creating a residential tenancy.
- “relevant banning order offence” means a banning order offence (as defined in [Part 2](#) of the [Housing and Planning Act 2016](#)) committed—
- (a) on or after the day on which [this section](#) comes into force, and
 - (b) at a time when the person who committed the offence was—
 - (i) a residential landlord, or
 - (ii) marketing a dwelling for the purpose of creating a residential tenancy.

Commencement Information

I84 S. 83 in force at Royal Assent for specified purposes, see [s. 145\(2\)](#)

PROSPECTIVE

Further duties of database operator

84 Allocation of unique identifiers

- (1) The database operator must allocate an identifier (referred to in this Chapter as a “unique identifier”) to each person in respect of whom, and dwelling in respect of which, an entry is made in the database under this Chapter.

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- (2) The identifier must be a sequence of letters, numbers or both that enables the person or dwelling to be distinguished from any other person in respect of whom, or dwelling in respect of which, there is an entry in the database.
- (3) This section does not require the database operator to allocate a unique identifier to a person to whom, or dwelling to which, a unique identifier has previously been allocated.

Commencement Information

I85 S. 84 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

85 Other duties

- (1) The database operator must—
 - (a) ensure that facilities are available for persons who are unable to use a computer or other electronic device, or do not wish to do so, to make and maintain landlord and dwelling entries in the database,
 - (b) ensure that local housing authorities are able to edit the database for the purpose of carrying out the functions conferred on them by or under this Chapter,
 - (c) ensure that facilities are available for breaches of any requirement imposed by [section 82](#) to be reported to the database operator and that reports of such breaches are passed on to such local housing authorities as the database operator thinks appropriate, and
 - (d) publish advice and information explaining to residential landlords and residential tenants their rights and obligations under this Chapter.
- (2) The database operator must report to the Secretary of State on—
 - (a) the performance of the database, and
 - (b) any matters or trends relating to the database and the information contained in it that the database operator considers are appropriate to be brought to the attention of the Secretary of State.
- (3) Reports under [subsection \(2\)](#) are to be made at such times, and cover such matters—
 - (a) as may be agreed between the database operator and the Secretary of State, or
 - (b) in default of such agreement, as the Secretary of State may direct.
- (4) Subsection [\(2\)](#) does not apply if the Secretary of State is the database operator.

Commencement Information

I86 S. 85 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Access to and use of information in database

86 Access to the database

- (1) The Secretary of State may by regulations—

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) specify the information contained in active landlord and dwelling entries in the database, and in entries made in the database under [section 83](#), which the database operator is to make available to the public,
 - (b) make provision requiring an active landlord entry and an entry made under [section 83](#) in respect of the same person to be linked,
 - (c) in the case of an entry made by a local housing authority in respect of a person under [section 83](#)—
 - (i) specify the period after which information contained in the entry is to be made available to the public, which must be no less than 21 days beginning with the day on which the entry is made,
 - (ii) make provision for the person to be notified by the local housing authority of the period for the purpose of making representations to the authority about any errors in information contained in the entry, and
 - (iii) specify the circumstances in which information contained in such an entry is to cease to be available to the public, and
 - (d) specify the manner and form in which information is to be made available to the public by the database operator under the regulations.
- (2) The database operator must give access to information in the database to the following—
- (a) lead enforcement authorities,
 - (b) local housing authorities,
 - (c) local weights and measures authorities in England,
 - (d) mayoral combined authorities, as defined by [section 107A\(8\)](#) of the [Local Democracy, Economic Development and Construction Act 2009](#), and
 - (e) the Greater London Authority.
- (3) If the Secretary of State is not the database operator, the database operator must give access to information in the database to the Secretary of State.

Commencement Information

I87 S. 86 in force at Royal Assent for specified purposes, see [s. 145\(2\)](#)

87 Disclosure by database operator etc

- (1) The database operator must not disclose restricted information from the database except—
- (a) in accordance with [section 86\(2\)](#) or (3), or
 - (b) where authorised by regulations under this section.
- (2) The Secretary of State may by regulations make provision authorising the disclosure from the database of restricted information where the disclosure is necessary—
- (a) to enable or facilitate compliance with a statutory requirement specified in the regulations,
 - (b) to enable or facilitate compliance with a requirement of a rule of law specified in the regulations, or
 - (c) to facilitate the exercise of statutory functions specified in the regulations.

Status: This version of this Act contains provisions that are prospective.

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- (3) The regulations may—
- (a) specify the manner and form in which the information may be disclosed, and
 - (b) impose restrictions on the use and further disclosure of information disclosed under the regulations.
- (4) A disclosure authorised by the regulations does not breach—
- (a) any obligation of confidence owed by the database operator, or
 - (b) any other restriction on the disclosure of information (however imposed).
- (5) Nothing in this section or the regulations authorises the making of a disclosure that would contravene the data protection legislation (but in determining whether a disclosure would do so, take into account the powers conferred by this section and the regulations).
- (6) A person commits an offence if the person knowingly or recklessly discloses restricted information in contravention of—
- (a) [subsection \(1\)](#), or
 - (b) a restriction on further disclosure imposed by regulations under this section.
- (7) A person guilty of an offence under [subsection \(6\)](#) is liable on summary conviction to a fine.
- (8) In this section—
- “data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);
 - “restricted information” means information that—
 - (a) is not made available to the public by virtue of regulations under [section 86](#), and
 - (b) relates to and identifies a particular person (including a body corporate).
- (9) For the purposes of [subsection \(8\)](#) information identifies a particular person if the identity of that person—
- (a) is specified in the information,
 - (b) can be deduced from the information, or
 - (c) can be deduced from the information taken together with any other information.

Commencement Information

188 S. 87 in force at Royal Assent for specified purposes, see [s. 145\(2\)](#)

PROSPECTIVE

88 Use of information from the database

- (1) A lead enforcement authority may only use information obtained from the database for purposes connected with the authority's functions under the provisions of the landlord legislation for which it is responsible.

Status: This version of this Act contains provisions that are prospective.

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- (2) A local housing authority may only use information obtained from the database for purposes connected with the authority's functions relating to housing, residential landlords or residential tenancies.
- (3) A local weights and measures authority may only use information obtained from the database for purposes connected with the authority's functions of enforcing standards relating to housing.
- (4) A mayoral combined authority and the Greater London Authority may only use information obtained from the database for purposes connected with the authority's functions relating to housing.

Commencement Information

I89 S. 88 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

Removal of entries

89 Removal of entries from database

- (1) The database operator must remove a landlord or dwelling entry from the database if it has been an inactive entry throughout a continuous period of 5 years.
- (2) The database operator must remove an entry made under [section 83](#) at the end of the period of 10 years beginning with the day on which the entry is made.
- (3) But if, in the case of an entry made in respect of a relevant banning order, the ban imposed by the order continues after the end of the period mentioned in [subsection \(2\)](#), that subsection does not apply and the database operator must remove the entry when the ban ends.

Commencement Information

I90 S. 89 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Enforcement

90 Restriction on gaining possession

- (1) In [section 7](#) of the 1988 Act (orders for possession)—
 - (a) in [subsection \(4\)](#), after “then” insert “, subject to subsection ([5ZC](#))”;
 - (b) after subsection ([5ZB](#)) (inserted by section [3\(2\)\(d\)](#) of this Act) insert—

“(5ZC) The court may not make an order for possession of a dwelling-house while the landlord (or, in the case of joint landlords, any of the joint landlords) is in breach of section [82\(3\)\(a\)](#) of the Renters' Rights

Status: This version of this Act contains provisions that are prospective.

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Act 2025 in relation to the dwelling-house, unless the ground for possession is Ground 7A in Part 1 of Schedule 2 to this Act or Ground 14 in Part 2 of that Schedule.”

- (2) The Secretary of State may by regulations amend [section 7](#) of the 1988 Act for the purpose of changing—
- (a) the person or persons by whom, or
 - (b) the circumstances in which,
- a breach of [section 82\(3\)\(a\)](#) of this Act prevents the making of an order for possession.

Commencement Information

I91 S. 90 in force at Royal Assent for specified purposes, see [s. 145\(2\)](#)

91 Financial penalties

- (1) A local housing authority may impose a financial penalty on a person if satisfied beyond reasonable doubt that the person has—
- (a) breached a requirement imposed by [section 82\(1\), \(2\) or \(3\)](#),
 - (b) committed an offence under [section 92](#).
- (2) The amount of a financial penalty imposed under this section is to be determined by the authority imposing it, but must not be more than—
- (a) £7,000, if it is imposed under [subsection \(1\)\(a\)](#), or
 - (b) £40,000, if it is imposed under [subsection \(1\)\(b\)](#).
- (3) More than one financial penalty may be imposed under this section in respect of the same conduct only if—
- (a) the conduct continues after the end of 28 days beginning with the day after that on which the previous penalty in respect of the conduct was imposed on the person, unless the person appeals against the decision to impose the penalty within that period, or
 - (b) if the person appeals against the decision to impose the penalty within that period, the conduct continues after the end of 28 days beginning with the day after that on which the appeal is finally determined, withdrawn or abandoned.
- (4) Subsection [\(3\)](#) does not enable a penalty to be imposed after the final notice in respect of the previous penalty has been withdrawn or quashed on appeal.
- (5) No financial penalty may be imposed under this section in respect of any conduct if—
- (a) the person has been convicted of an offence under [section 92](#) in respect of the conduct,
 - (b) criminal proceedings for an offence under that section in respect of the conduct have been instituted against the person and the proceedings have not been concluded, or
 - (c) criminal proceedings for an offence under that section in respect of the conduct have been concluded and the person has not been convicted.
- (6) The Secretary of State may give guidance to local housing authorities about the exercise of their functions under this section.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (7) Local housing authorities must have regard to any guidance issued under [subsection \(6\)](#).
- (8) The Secretary of State may by regulations amend the amounts specified in [subsection \(2\)](#) to reflect changes in the value of money.
- (9) For the purposes of this section and section [92](#)—
 - (a) a financial penalty is imposed under this section on the date specified in the final notice as the date on which the notice is given, and
 - (b) “final notice” has the meaning given by [paragraph 6 of Schedule 5](#).

Commencement Information

I92 S. 91 in force at Royal Assent for specified purposes, see [s. 145\(2\)](#)

PROSPECTIVE

92 Offences

- (1) A person commits an offence if the person knowingly or recklessly provides information to the database operator which is false or misleading in a material respect in purported compliance with a requirement imposed by regulations under [this Chapter](#).
- (2) A person commits an offence if—
 - (a) a relevant penalty has been imposed on the person and the final notice imposing the penalty has not been withdrawn, and
 - (b) the conduct in respect of which the penalty was imposed continues after the end of the period of 28 days beginning with—
 - (i) the day after that on which the penalty was imposed on the person, or
 - (ii) if the person appeals against the decision to impose the penalty within that period, the day after that on which the appeal is finally determined, withdrawn or abandoned.
- (3) A person commits an offence if—
 - (a) a relevant penalty has been imposed on the person in respect of a breach of a requirement imposed by [section 82\(1\), \(2\) or \(3\)](#) and the final notice imposing the penalty has not been withdrawn, and
 - (b) the person engages in conduct which constitutes a different breach of such a requirement within the period of five years beginning with the day on which the penalty was imposed.
- (4) A person commits an offence if—
 - (a) either—
 - (i) a relevant penalty has been imposed on the person in respect of an offence under [this section](#) and the final notice imposing the penalty has not been withdrawn, or
 - (ii) the person has been convicted of such an offence, and

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- (b) the person breaches a requirement imposed by [section 82\(1\), \(2\) or \(3\)](#) within the period of five years beginning with the day on which the relevant penalty was imposed or the person was convicted.
- (5) In [subsections \(2\) to \(4\)](#) “relevant penalty” means a financial penalty which is imposed under [section 91](#) where—
 - (a) the period for bringing an appeal against the decision to impose the penalty under [paragraph 10](#) of [Schedule 5](#) has expired without an appeal being brought,
 - (b) an appeal against the decision to impose the penalty under [that paragraph](#) has been withdrawn or abandoned, or
 - (c) the final notice imposing the penalty has been confirmed or varied on appeal.
- (6) A person may not be convicted of an offence under [subsections \(1\), \(3\) or \(4\)](#) if a financial penalty has been imposed under [section 91](#) in respect of the same conduct.
- (7) A person guilty of an offence under [this section](#) is liable on summary conviction to a fine.
- (8) Where an offence under [this section](#) committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of a body corporate, the officer as well as the body corporate commits the offence and is liable to be proceeded against and punished accordingly.
- (9) Where the affairs of a body corporate are managed by its members, [subsection \(8\)](#) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were an officer of the body corporate.

Commencement Information

193 S. 92 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Final provisions

PROSPECTIVE

93 Power to direct database operator and local housing authorities

- (1) The Secretary of State may from time to time give directions—
 - (a) to the database operator about the manner in which it is to exercise its functions, and
 - (b) to local housing authorities about the manner in which they are to exercise the functions conferred on them by or under [this Chapter](#).
- (2) Directions under [subsection \(1\)](#) may provide, in particular, that a function is only to be exercised—
 - (a) after consultation with the Secretary of State, or
 - (b) with the consent of the Secretary of State.

Status: This version of this Act contains provisions that are prospective.

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(3) [Subsection \(1\)\(a\)](#) does not apply if the Secretary of State is the database operator.

Commencement Information

194 S. 93 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

94 Entries under [section 83](#): minor and consequential amendments

- (1) The [Housing and Planning Act 2016](#) is amended as follows.
- (2) In [section 28](#) (database of rogue landlords and property agents), after [subsection \(3\)](#) insert—
 - “(4) In relation to rogue landlords, see also the database established under [section 75](#) of the Renters' Rights Act 2025.”
- (3) In [section 29](#) (duty to include person with banning order), after [subsection \(2\)](#) insert—
 - “(3) In this section, references to a “banning order” are to a banning order made—
 - (a) before the day on which [Chapter 3](#) of [Part 2](#) of the Renters' Rights Act 2025 comes into force, or
 - (b) on or after that day if—
 - (i) the order does not ban the person against whom it is made from letting housing in England, or
 - (ii) the order relates to an offence to which [subsection \(4\)](#) applies.
 - (4) This subsection applies to an offence which was committed by a person who at the time was neither—
 - (a) a residential landlord as defined in [Part 2](#) of the Renters' Rights Act 2025 (see sections [63](#) and [99\(2\)](#) of that Act), nor
 - (b) marketing a dwelling for the purpose of creating a residential tenancy, as defined for the purposes of that Part of that Act (see section [99\(3\)](#) to [\(7\)](#) of that Act).”
- (4) In [section 30](#) (power to include person convicted of banning order offence), after [subsection \(7\)](#)—
 - “(8) In this section, references to a “banning order offence” are to a banning order offence committed—
 - (a) before the day on which [Chapter 3](#) of [Part 2](#) of the Renters' Rights Act 2025 comes into force, or
 - (b) on or after that day if it is an offence to which [subsection \(9\)](#) applies.
 - (9) This subsection applies to a banning order offence which was committed by a person who at the time was neither—
 - (a) a residential landlord as defined in [Part 2](#) of the Renters' Rights Act 2025 (see sections [63](#) and [99\(2\)](#) of that Act), nor

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- (b) marketing a dwelling for the purpose of creating a residential tenancy, as defined for the purposes of that Part of that Act (see section 99(3) to (7) of that Act)."

Commencement Information

195 S. 94 not in force at Royal Assent, see s. 145(1)(7)

95 Different provision for different purposes: joint landlords

The different provision that may be made in regulations under this Chapter by virtue of section 140(1)(b) includes different provision for joint landlords, for example provision for or in relation to a single landlord entry in respect of joint landlords.

Commencement Information

196 S. 95 in force at Royal Assent for specified purposes, see s. 145(2)

PROSPECTIVE

96 Interpretation of Chapter 3

(1) In this Chapter—

“database” means the database established under section 75;

“lead enforcement authority” and “the landlord legislation” have the same meanings as in Part 4;

“relevant banning order” and “relevant banning order offence” have the meanings given by section 83;

“unique identifier” has the meaning given by section 84(1).

(2) Section 111(6) (lead enforcement authority “responsible” for the provisions of the landlord legislation) applies for the purposes of this Chapter as it applies for the purposes of Part 4.

Commencement Information

197 S. 96 not in force at Royal Assent, see s. 145(1)(7)

Status: This version of this Act contains provisions that are prospective.
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CHAPTER 4

PART 2: SUPPLEMENTARY PROVISION

PROSPECTIVE

97 Financial assistance by Secretary of State

The Secretary of State may give financial assistance (by way of grant, loan, guarantee or in any other form) or make other payments to a person who exercises functions under or by virtue of this Part.

Commencement Information

I98 S. 97 not in force at Royal Assent, see s. 145(1)(7)

PROSPECTIVE

98 Rent repayment orders for offences under the Housing Act 1988 and sections 67 and 92 of this Act

- (1) The Housing and Planning Act 2016 is amended as follows.
 (2) In section 40 (introduction and key definitions), in subsection (3)—
 (a) at the end of line 2 of the table in that subsection insert—

“2A	Housing Act 1988	section 16J(1)	Knowingly or recklessly misusing a possession ground
2B		section 16J(2)	Breach of restriction on letting or marketing dwelling-house
2C		section 16J(3)	Tenancy reform: continuing breaches”;

- (b) in line 5 of the table in that subsection, in the third column, for “control or management of unlicensed HMO” substitute “offences relating to unlicensed HMOs”;
 (c) in line 6 of the table in that subsection, in the third column, for “control or management of unlicensed house” substitute “offences relating to unlicensed houses”;
 (d) at the end of the table in that subsection insert—

“8	Renters’ Rights Act 2025	section 67(1)	Landlord schemes: redress continuing breaches

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9	section 92(1)	Private rented sector database: provision of false or misleading information
10	section 92(2) (but only if the penalty imposed relates to a breach of a requirement imposed by section 82(3))	Private rented sector database: continuing breaches”.
(3) In section 41 (application for rent repayment order)— (a) in subsection (2)(b), for “12 months” substitute “2 years”; (b) after subsection (2) insert— “(2A) The requirement in subsection (2)(a) does not apply to an application for a rent repayment order in relation to an offence under section 16J(1) or (2) of the Housing Act 1988.” (4) In section 42 (notice of intended proceedings), in subsection (5), for “12 months” substitute “2 years”. (5) In section 44 (amount of order: tenants)— (a) in subsection (2), in the first column of the table— (i) in the first row, for “or 2” substitute “, 2, 2A or 9”, and (ii) in the second row, for “3” to “7” substitute “2C, 3, 4, 5, 6, 7, 8 or 10”; (b) in subsection (2), after the first row of the table insert—		
“an offence mentioned in row 2B of the table in section 40(3)		the period of 2 years ending with the date of the offence or, if the tenancy ends before that date, the date on which it ends”;
(c) in subsection (4)— (i) omit the “and” at the end of paragraph (b), (ii) in paragraph (c), after “of” insert “, or received a financial penalty in respect of,” and (iii) at the end of paragraph (c) insert “, and (d) whether the landlord has at any time had a rent repayment order made against them.”		
(6) In section 45 (amount of order: local housing authorities)— (a) in subsection (2), in the first column of the table — (i) in the first row, for “or 2” substitute “, 2, 2A or 9”, and (ii) in the second row, for “3” to “7” substitute “2C, 3, 4, 5, 6, 7, 8 or 10”; (b) in subsection (2), after the first row of the table insert—		
“an offence mentioned in row 2B of the table in section 40(3)		the period of 2 years ending with the date of the offence or, if the tenancy ends before that date, the date on which it ends”;
(c) in subsection (4)— (i) omit the “and” at the end of paragraph (b),		

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- (ii) in [paragraph \(c\)](#), after “of” insert “, or received a financial penalty in respect of,” and
- (iii) at the end of [paragraph \(c\)](#) insert “, and
- (d) whether the landlord has at any time had a rent repayment order made against them.”
- (7) In [section 46](#) (amount of order following conviction)—
 - (a) in [subsection \(1\)](#), for “both” substitute “either”;
 - (b) for [subsection \(3\)](#) substitute—
 - “(3) Condition 2 is that the order is made against a landlord in relation to an offence (the “relevant offence”) where the landlord has at any time (whether or not in relation to the same tenancy or housing)—
 - (a) been convicted of another offence which is the same offence as the relevant offence,
 - (b) received a financial penalty in respect of another offence which is the same offence as the relevant offence, or
 - (c) had a rent repayment order made against them in respect of another offence which is the same offence as the relevant offence.”;
 - (c) after [subsection \(4\)](#) insert—
 - “(4A) For the purposes of subsection (3), an offence under [section 72\(1\)](#) of the [Housing Act 2004](#) is to be treated as the same offence as an offence under [section 95\(1\)](#) of that Act (and vice versa).”

Commencement Information

199 S. 98 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

99 Interpretation of [Part 2](#)

- (1) In [this Part](#) “dwelling” has the meaning given by [section 63\(2\)](#).
- (2) For the meanings of “residential landlord”, “residential tenancy” and “residential tenant” in this Part, see [section 63](#).
- (3) For the purposes of this Part, a person markets a dwelling for the purpose of creating a residential tenancy when—
 - (a) the person advertises that the dwelling is or may be available for let under a residential tenancy, or
 - (b) in the course of lettings agency work, the person informs any other person that the dwelling is or may be so available.
- (4) But [subsection \(3\)\(a\)](#) does not apply in relation to a person who publishes an advertisement in the course of a business that does not involve lettings agency work if the advertisement has been provided by another person.
- (5) For the purposes of [this section](#), “lettings agency work” means things done by a person in the course of a business in response to instructions received from—
 - (a) a person (“a prospective landlord”) seeking to find another person to whom to let a dwelling, or

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- (b) a person (“a prospective tenant”) seeking to find a dwelling to rent.
- (6) However, “lettings agency work” does not include any of the following things when done by a person who does nothing else within [subsection \(5\)](#)—
 - (a) publishing advertisements or disseminating information;
 - (b) providing a means by which a prospective landlord or a prospective tenant can, in response to an advertisement or dissemination of information, make direct contact with a prospective tenant or prospective landlord;
 - (c) providing a means by which a prospective landlord and a prospective tenant can communicate directly with each other.
- (7) “Lettings agency work” also does not include things of a description, or things done by a person of a description, specified in regulations made by the Secretary of State.

Commencement Information

I100 S. 99 in force at Royal Assent for specified purposes, see [s. 145\(2\)](#)

I101 S. 99 in force at 27.12.2025 for specified purposes by [S.I. 2025/1354](#), [reg. 2\(a\)\(ii\)](#)

PART 3

DECENT HOMES STANDARD

100 Decent homes standard

- (1) The [Housing Act 2004](#) is amended as follows.
- (2) In [section 1](#) (new system for assessing housing conditions and enforcing housing standards), after [subsection \(3\)](#) insert—
 - “(3A) This Part also provides—
 - (a) for regulations to specify requirements that must be met in England by qualifying residential premises, and
 - (b) for the enforcement of those requirements by local housing authorities in England.”
- (3) In [subsection \(4\)](#) of [that section](#), after [paragraph \(d\)](#) insert—
 - “(e) accommodation in England—
 - (i) the availability for occupation of which is secured under [Part 7](#) of the [Housing Act 1996](#) (homelessness), and
 - (ii) that is of a description specified by regulations made by the Secretary of State, or”
- (4) After [subsection \(4\)](#) of [that section](#), insert—
 - “(4A) Before making regulations under subsection (4)(e)(ii), the Secretary of State must consult such persons as the Secretary of State considers appropriate.
 - (4B) The requirement to consult under subsection [\(4A\)](#) may be satisfied by consultation before (as well as after) the passing of the Renters' Rights Act 2025.”

Status: This version of this Act contains provisions that are prospective.

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(5) After [section 2](#) insert—

“Additional standards for certain housing in England

2A Power to set standards for qualifying residential premises

- (1) The Secretary of State may by regulations specify requirements to be met by qualifying residential premises.
- (2) The matters which may be covered by the requirements include (but are not limited to) the following matters—
 - (a) the state of repair of the premises,
 - (b) things to be provided for use by, or for the safety, security or comfort of, persons occupying the premises, and
 - (c) the means of keeping the premises at a suitable temperature.
- (3) The requirements are to consist of one or both of the following—
 - (a) requirements which the Secretary of State considers appropriate to be subject to enforcement under section 5 (duty of local housing authorities to take enforcement action), referred to in this Part as “type 1 requirements”, and
 - (b) requirements which the Secretary of State considers appropriate to be subject to enforcement under section 7 (power of local housing authorities to take enforcement action), referred to in this Part as “type 2 requirements”.
- (4) The regulations may contain exceptions from the requirements.

2B Qualifying residential premises

- (1) The following are “qualifying residential premises” for the purposes of this Part—
 - (a) a dwelling or HMO in England—
 - (i) which is let under a relevant tenancy, or
 - (ii) which is supported exempt accommodation,
 except where the dwelling or HMO is social housing and the landlord under the tenancy, or the provider of the accommodation, is a registered provider of social housing,
 - (b) an HMO in England where at least one unit of accommodation which forms part of the HMO is let on a relevant tenancy, except where the unit is social housing and the landlord under the tenancy is a registered provider of social housing,
 - (c) a building or part of a building constructed or adapted for use as a house in multiple occupation if—
 - (i) it is for the time being only occupied by persons who form a single household, and
 - (ii) the accommodation which those persons occupy is let under a relevant tenancy or is supported exempt accommodation,
 except where the accommodation which those persons occupy is social housing and the landlord under the tenancy, or the provider

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of the supported exempt accommodation, is a registered provider of social housing,

- (d) any accommodation falling within paragraph (e) of the definition of “residential premises” in section 1(4) (homelessness), except where the accommodation is social housing and the provider of the accommodation is a registered provider of social housing, and
- (e) any common parts of a building in England containing one or more flats falling within paragraph (a), (b), (c) or (d) of this subsection.

(2) In this Part—

“relevant tenancy” means—

- (a) an assured tenancy within the meaning of the [Housing Act 1988](#),
- (b) an assured agricultural occupancy within the meaning of [Part 1](#) of [that Act](#), or
- (c) a regulated tenancy within the meaning of the [Rent Act 1977](#);

“social housing” has the same meaning as in [Part 2](#) of the [Housing and Regeneration Act 2008](#);

“supported exempt accommodation” has the same meaning as in the [Supported Housing \(Regulatory Oversight\) Act 2023](#) (see section 12 of that Act).

(3) The Secretary of State may by regulations amend this section so as to change the meaning of “relevant tenancy” so as to add or remove a particular kind of—

- (a) tenancy that is periodic or granted for a term of less than 21 years, or
- (b) licence to occupy.

(4) Before making regulations under subsection (3), the Secretary of State must consult such persons as the Secretary of State considers appropriate.”

(6) In [Schedule 4](#), [Part 1](#) contains amendments of the [Housing Act 2004](#) and [Part 2](#) contains amendments of other Acts.

Commencement Information

I102 S. 100 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

I103 [S. 100\(1\)\(5\)](#) in force at 27.12.2025 for specified purposes by [S.I. 2025/1354](#), [reg. 2\(a\)\(iii\)](#)

I104 [S. 100\(6\)](#) in force at 27.12.2025 for specified purposes by [S.I. 2025/1354](#), [reg. 2\(b\)](#)

101 The standard of MOD accommodation

(1) The Secretary of State must prepare and publish in relation to each year a report on—

- (a) the extent to which service family accommodation in England meets the relevant standards during that year, and
- (b) the work to maintain and improve the standard of service family accommodation in England that is undertaken during that year and planned for subsequent years.

(2) The Secretary of State—

- (a) may make the required assessment, or
- (b) may arrange for an independent person to make the required assessment,

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in relation to any year.

- (3) If the Secretary of State makes the required assessment in relation to a year, the Secretary of State must—
 - (a) arrange for an independent person to evaluate the assessment, and
 - (b) include that evaluation in the annual report relating to that year.
- (4) The Secretary of State must lay each annual report before Parliament.
- (5) The required assessment for a particular year may be made by reference to what is, in the view of the person carrying out the assessment, a representative sample of service family accommodation.
- (6) The duty imposed by subsection (1) may be complied with by the preparation and publication of a report which relates to service family accommodation in England and elsewhere in the United Kingdom.
- (7) For the purposes of this section, service family accommodation meets the relevant standards if the accommodation would be a decent home when assessed in accordance with the 2006 decent homes standard.
- (8) The Secretary of State may, by regulations, amend this section so as to make provision about what it means for service family accommodation to meet the relevant standards (which may include provision that operates by reference to other subordinate legislation).
- (9) But that power is not exercisable unless and until, in the Secretary of State's view, it has ceased to be appropriate for the 2006 decent homes standard to be used for the purposes of the required assessment (having regard, in particular, to whether, or how, that standard continues to be used for other assessments of the standard of living accommodation).
- (10) In this section—

“2006 decent homes standard” means the document called “A Decent Home: Definition and guidance for implementation” that was published by the Department for Communities and Local Government on 7 June 2006;

“annual report” means a report prepared in accordance with subsection (1);

“independent” means appearing to the Secretary of State to be independent of—

 - (a) the Secretary of State,
 - (b) other Ministers of the Crown,
 - (c) government departments, and
 - (d) persons who provide, manage or maintain service family accommodation;

“required assessment” means an assessment of the extent to which service family accommodation meets the relevant standards during a year;

“service family accommodation” means any building or part of a building which is provided for the use of service families as living accommodation (whether or not it is provided by the Secretary of State); and for this purpose a “service family” is—

 - (a) a person subject to service law and members of the person's family, or
 - (b) a civilian subject to service discipline and members of the civilian's family;

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and expressions used in this definition have the same meanings as they have in the Armed Forces Act 2006;

“year” means—

- (a) 1 April 2026 to 31 March 2027, and
- (b) each subsequent period of one year beginning with 1 April.

Commencement Information

I105 S. 101 in force at Royal Assent for specified purposes, see [s. 145\(2\)](#)

PART 4

ENFORCEMENT

PROSPECTIVE

CHAPTER 1

SANCTIONS

102 Financial penalties

[Schedule 5](#) makes provision about—

- (a) the procedure for imposing a financial penalty under sections [40](#), [57](#), [66](#), [91](#),
- (b) appeals against financial penalties under those sections,
- (c) enforcement of financial penalties under those sections, and
- (d) how local housing authorities are to deal with the proceeds of financial penalties under those sections.

Commencement Information

I106 S. 102 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

103 Rent repayment orders: liability of landlords and superior landlords

- (1) The [Housing and Planning Act 2016](#) is amended as follows.
- (2) In [section 40](#) (introduction and key definitions), for [subsections \(1\) and \(2\)](#) substitute—

“(1) This Chapter confers power on the First-tier Tribunal to make a rent repayment order where an offence to which this Chapter applies has been committed by—

- (a) a landlord under a tenancy of housing in England, or
- (b) any superior landlord in relation to such a tenancy.

- (2) A rent repayment order is an order requiring the landlord or superior landlord who committed the offence to—

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Changes to legislation: *Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) pay a tenant an amount in respect of rent paid by or on behalf of the tenant (whether the rent was paid to the landlord or superior landlord against whom the order is made, or to another person), or
 - (b) pay a local housing authority an amount in respect of a relevant award of universal credit paid (to any person) in respect of rent under the tenancy.
- (2A) In a case where the offence was committed by a superior landlord—
 - (a) references in the following provisions of this Chapter to the landlord are to be read as references to the superior landlord, and
 - (b) housing in relation to which the person in question is a superior landlord is to be treated for the purposes of this Chapter as let by that person.”
- (3) In section 41 (application for rent repayment order), in subsection (1), for “person” substitute “landlord”.
- (4) In [section 43](#) (making of rent repayment order), at the end of [subsection \(3\)](#) insert—
 - “(d) section 46A (where an order is made against more than one landlord or there has been a previous order).”
- (5) In [section 44](#) (amount of order: tenants)—
 - (a) in [subsection \(2\)](#)—
 - (i) after “rent paid” (in the first place) insert “by, or on behalf of, the tenant”,
 - (ii) for “during” substitute “in respect of”,
 - (iii) in the heading to the second column to the table, after “by” insert “, or on behalf of,”, and
 - (iv) for “12 months” (in both places) substitute “2 years”,
 - (b) in [subsection \(3\)](#)—
 - (i) for “repay” substitute “pay”, and
 - (ii) in paragraph (a), after “paid” insert “by, or on behalf of, the tenant”, and
 - (c) in subsection (4), after paragraph (a) insert—
 - “(aa) the amount of any rent received by the tenant in respect of the period mentioned in the table in relation to the housing let to the tenant,”.
- (6) In [section 45](#) (amount of order: local housing authorities)—
 - (a) in [subsection \(2\)](#)—
 - (i) for “during” substitute “in respect of”, and
 - (ii) for “12 months” (in both places) substitute “2 years”, and
 - (b) in [subsection \(3\)](#)—
 - (i) for “repay” substitute “pay”, and
 - (ii) omit “that the landlord” (in the second place).
- (7) After [section 46](#) insert—

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“46A Amount of order: supplementary

- (1) A rent repayment order made against more than one landlord must provide for the landlords to be jointly and severally liable for the amount due under the order.
- (2) If a rent repayment order (“the original order”) has been made in respect of rent under a tenancy and another rent repayment order (“the new order”) is made in respect of rent under the same tenancy, the new order may not require payment to be made in respect of any period in respect of which the original order required payment to be made.”
- (8) In [section 52](#) (interpretation), in subsection (1), in the appropriate place insert—
““landlord” is to be read in accordance with section 40(2A);”

Commencement Information

I107 S. 103 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

104 Rent repayment orders: liability of directors etc

In the [Housing and Planning Act 2016](#), after section 51 insert—

“51A Landlord which is body corporate: liability of directors etc

- (1) This section applies where—
 - (a) a landlord which is a body corporate has committed an offence to which this Chapter applies, and
 - (b) the offence—
 - (i) was committed with the consent or connivance of a relevant person in relation to the body corporate, or of a person purporting to act in the capacity of a relevant person in relation to the body corporate, or
 - (ii) was a specified offence and was attributable to any neglect on the part of such a person.
- (2) That person, as well as the body corporate, is treated for the purposes of this Chapter as having committed the offence.
- (3) In this Chapter a reference to the landlord includes that person.
- (4) In this section—

“relevant person” means—

 - (a) in relation to a body corporate other than one the affairs of which are managed by its members, a director, manager, secretary or other similar officer of the body;
 - (b) in relation to a body corporate the affairs of which are managed by its members, a member who exercises functions of management with respect to it;

“specified offence” means an offence under—

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- (a) [section 1\(2\)](#) of the [Protection from Eviction Act 1977](#);
- (b) [section 16J\(2\)](#) or [\(3\)](#) of the [Housing Act 1988](#);
- (c) [section 30\(1\)](#), [32\(1\)](#), [72\(1\)](#) or [95\(1\)](#) of the [Housing Act 2004](#);
- (d) section 21 of this Act;
- (e) [section 67\(1\)](#) or [92\(2\)](#) of the Renters' Rights Act 2025.”

Commencement Information

I108 S. 104 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

105 Unlicensed HMOs and houses: offences

- (1) [Section 72](#) of the [Housing Act 2004](#) (offences in relation to licensing of HMOs) is amended in accordance with [subsections \(2\)](#) to [\(4\)](#).

- (2) For [subsection \(1\)](#) substitute—

“(1) If an HMO is required to be licensed under this Part (see [section 61\(1\)](#)) but is not so licensed, an offence is committed by—

- (a) any person within [subsection \(1A\)](#), and
- (b) any person who as landlord under a tenancy or licensor under a licence to occupy has an estate or interest in, or a right in relation to, the HMO that is superior (whether directly or indirectly) to the estate, interest or right of any person within [subsection \(1A\)](#).

(1A) The following are within this subsection—

- (a) any person having control of or managing the HMO, and
- (b) any person who is the landlord or licensor in relation to a person occupying the HMO under a tenancy or licence.”

- (3) After [subsection \(4\)](#) insert—

“(4A) In proceedings against a person for an offence under [subsection \(1\)\(a\)](#) it is a defence for them to prove that they had a reasonable excuse—

- (a) for having control of or managing the HMO, or
- (b) for being the landlord or licensor in relation to a person occupying the HMO under a tenancy or licence,

in circumstances in which the HMO was required to be licensed under this Part but was not so licensed.

(4B) In proceedings against a person for an offence under [subsection \(1\)\(b\)](#) it is a defence for them to prove that they—

- (a) did not know, and had a reasonable excuse for not knowing, that the building or part of the building concerned was an HMO,
- (b) took all reasonably practicable steps to ensure that the HMO was licensed under this Part, or
- (c) had some other reasonable excuse for failing to ensure that the HMO was so licensed.

(4C) For the purposes of [subsection \(4B\)](#), a term in the tenancy agreement or licence to occupy relating to the occupation of the building or part of the

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building that is an HMO does not on its own constitute a defence under any of paragraphs (a) to (c) of that subsection.”

(4) In **subsection (5)**—

- (a) for “subsection (1), (2) or (3)” substitute “subsection (2) or (3)”, and
- (b) omit **paragraph (a)** (together with the “or” at the end of it).

(5) **Section 95** of the **Housing Act 2004** (offences in relation to licensing of houses under Part 3) is amended in accordance with **subsections (6) to (8)**.

(6) For **subsection (1)** substitute—

“(1) If a house is required to be licensed under this Part (see section 85(1)) but is not so licensed, an offence is committed by—

- (a) any person within **subsection (1A)**, and
- (b) any person who as landlord under a tenancy or licensor under a licence to occupy has an estate or interest in, or a right in relation to, the house that is superior (whether directly or indirectly) to the estate, interest or right of any person within **subsection (1A)**.

(1A) The following are within this subsection—

- (a) any person having control of or managing the house;
- (b) any person who is the landlord or licensor in relation to a person occupying the house under a tenancy or licence.”

(7) After **subsection (3)** insert—

“(3A) In proceedings against a person for an offence under **subsection (1)(a)** it is a defence for them to prove that they had a reasonable excuse—

- (a) for having control of or managing the house, or
- (b) for being the landlord or licensor in relation to a person occupying the house under a tenancy or licence,

in circumstances in which the house was required to be licensed under this Part but was not so licensed.

(3B) In proceedings against a person for an offence under **subsection (1)(b)** it is a defence for them to prove that they—

- (a) did not know, and had a reasonable excuse for not knowing, that the house was one to which this Part applies,
- (b) took all reasonably practicable steps to ensure that the house was licensed under this Part, or
- (c) had some other reasonable excuse for failing to ensure that the house was so licensed.

(3C) For the purposes of **subsection (3B)**, a term in the tenancy agreement or licence to occupy relating to the occupation of the house does not on its own constitute a defence under any of paragraphs (a) to (c) of that subsection.”

(8) In **subsection (4)**—

- (a) for “subsection (1) or (2)” substitute “subsection (2)”, and
- (b) for the words following “excuse” substitute “for failing to comply with the condition”.

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Commencement Information

I109 S. 105 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

106 Service of improvement notices on landlords and licensors

In [Schedule 1](#) to the [Housing Act 2004](#) (procedure and appeals relating to improvement notices), in [paragraph 2\(2\)](#)—

- (a) after “the notice” insert “on whichever of the following the authority considers ought to take the action specified in it”,
- (b) in [paragraphs \(a\) and \(b\)](#), omit “on” in each place, and
- (c) after [paragraph \(b\)](#) insert—
 - “(c) (in either case) if the premises or any part of them are let under a tenancy that is periodic or was granted for a term of 21 years or less, or are occupied under a licence—
 - (i) the landlord or licensor;
 - (ii) any superior landlord or licensor.”

Commencement Information

I110 S. 106 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

CHAPTER 2

ENFORCEMENT AUTHORITIES

PROSPECTIVE

107 Enforcement by local housing authorities: general duty

- (1) It is the duty of every local housing authority to enforce the landlord legislation in its area.
- (2) But the duty in [subsection \(1\)](#) does not prevent a local housing authority from taking enforcement action in respect of a breach of, or an offence under, the landlord legislation which occurs outside of its area.
- (3) The duty is also subject to [sections 108\(3\)](#) (enforcement by another local housing authority), [109\(3\)](#) (enforcement by county council in England which is not a local housing authority) and [113\(4\)](#) (enforcement by the lead enforcement authority).
- (4) A county council in England which is not a local housing authority may—
 - (a) enforce the landlord legislation;
 - (b) for that purpose, exercise any powers that a local housing authority may exercise for the purposes of enforcing that legislation.
- (5) In [this Part](#) “the landlord legislation” means—
 - (a) [Chapters 3 and 6 of Part 1](#) of this Act,

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- (b) [Part 2](#) of this Act,
 - (c) [sections 1](#) and [1A](#) of the [Protection from Eviction Act 1977](#), and
 - (d) [Chapter 1](#) of [Part 1](#) of the [1988 Act](#).
- (6) For the purposes of [this Part](#), a reference to taking enforcement action is a reference to—
- (a) imposing a financial penalty, or
 - (b) instituting proceedings against a person for an offence, under the landlord legislation.

Commencement Information

1111 S. 107 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

108 Enforcement by local housing authorities: duty to notify

- (1) Where a local housing authority (“LA1”) proposes to take enforcement action in respect of a breach of, or an offence under, the landlord legislation which occurs (or which also occurs) in the area of another local housing authority (“LA2”), LA1 must notify LA2 that it proposes to do so.
- (2) If LA1 notifies LA2 under [subsection \(1\)](#) but does not take the action referred to in [that subsection](#), LA1 must notify LA2 of that fact.
- (3) Where a local housing authority receives a notification under [subsection \(1\)](#), the authority is relieved of the duty under [section 107\(1\)](#) in relation to the breach or offence unless the authority receives a notification under [subsection \(2\)](#).
- (4) [Subsection \(5\)](#) applies where—
 - (a) a local housing authority (“LA1”) has imposed a financial penalty under the landlord legislation,
 - (b) the breach or offence to which the penalty relates occurred in the area of another local housing authority (“LA2”), and
 - (c) the final notice imposing the penalty has not been withdrawn.
- (5) LA1 must notify LA2 as soon as reasonably practicable if—
 - (a) the period for bringing an appeal against the penalty expires without an appeal being brought,
 - (b) an appeal against the penalty is withdrawn or abandoned, or
 - (c) the final notice imposing the penalty is confirmed or varied on appeal.
- (6) [Subsection \(7\)](#) applies where—
 - (a) a local housing authority (“LA1”) has instituted proceedings against a person for an offence under the landlord legislation, and
 - (b) the conduct to which the offence relates occurred in the area of another local housing authority (“LA2”).

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- (7) LA1 must notify LA2 as soon as reasonably practicable if the person is convicted of the offence.

Commencement Information

I112 S. 108 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

109 Enforcement by county councils: duty to notify

- (1) A county council in England—
 - (a) which is not a local housing authority, and
 - (b) which proposes to take enforcement action in respect of a breach of, or an offence under, the landlord legislation,
 must notify any local housing authority in whose area the breach or offence occurred.
- (2) If the county council notifies a local housing authority under [subsection \(1\)](#) but does not take the action referred to in [that subsection](#), it must notify the local housing authority of that fact.
- (3) Where a local housing authority receives a notification under [subsection \(1\)](#), the authority is relieved of the duty under [section 107\(1\)](#) in relation to the breach or offence unless the authority receives notification under [subsection \(2\)](#).
- (4) [Subsection \(5\)](#) applies where—
 - (a) a county council in England which is not a local housing authority has imposed a financial penalty in respect of a breach of, or an offence under, the landlord legislation, and
 - (b) the final notice imposing the penalty has not been withdrawn.
- (5) The county council must as soon as reasonably practicable notify any local housing authority in whose area the breach or offence occurred if—
 - (a) the period for bringing an appeal against the penalty expires without an appeal being brought,
 - (b) an appeal against the penalty is withdrawn or abandoned, or
 - (c) the final notice imposing the penalty is confirmed or varied on appeal.
- (6) A county council in England—
 - (a) which is not a local housing authority, and
 - (b) which institutes proceedings against a person for an offence under the landlord legislation,
 must as soon as reasonably practicable notify any local housing authority in whose area the offence occurred if the person is convicted of the offence.

Commencement Information

I113 S. 109 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

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110 Duty to report

- (1) A local housing authority, or a county council which is not a local housing authority, must report to the Secretary of State on the exercise of its functions under the landlord legislation.
- (2) A report under [subsection \(1\)](#) must—
 - (a) be provided at such time and in such form as the Secretary of State requires, and
 - (b) contain such information as the Secretary of State requires.

Commencement Information

I114 [S. 110](#) in force at 27.12.2025, see [s. 145\(5\)\(c\)](#)

111 Lead enforcement authority

- (1) The Secretary of State may make arrangements for a relevant person to be the lead enforcement authority for the purposes of any provisions of the landlord legislation.
- (2) The arrangements may include arrangements—
 - (a) for payments by the Secretary of State;
 - (b) about bringing the arrangements to an end.
- (3) The Secretary of State may by regulations made by statutory instrument make transitional or saving provision which applies when there is a change in the lead enforcement authority for any provisions of the landlord legislation.
- (4) The regulations may relate to a specific change in the lead enforcement authority or to changes that might arise from time to time.
- (5) In [this Part](#)—

“lead enforcement authority” means a relevant person which the Secretary of State has arranged to be a lead enforcement authority under [subsection \(1\)](#);

“relevant person” means—

 - (a) a combined authority established under [section 103](#) of the [Local Democracy, Economic Development and Construction Act 2009](#),
 - (b) the Greater London Authority, or
 - (c) a local housing authority.
- (6) For the purposes of [this Part](#), a lead enforcement authority is “responsible” for the provisions of the landlord legislation for the purposes of which it is such an authority under arrangements made under [subsection \(1\)](#).

Commencement Information

I115 [S. 111](#) in force at Royal Assent, see [s. 145\(6\)](#)

Status: This version of this Act contains provisions that are prospective.

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PROSPECTIVE

112 General duties and powers of lead enforcement authority

- (1) A lead enforcement authority must oversee the operation of the provisions for which it is responsible.
- (2) A lead enforcement authority must provide—
 - (a) relevant local authorities, and
 - (b) the public in England,with information and advice about the operation of the provisions for which it is responsible, in such form and manner as the lead enforcement authority considers appropriate.
- (3) A lead enforcement authority may disclose information to a relevant local authority for the purposes of enabling that authority to determine whether there has been a breach of, or an offence under, the provisions for which the lead enforcement authority is responsible.
- (4) A lead enforcement authority may issue guidance to relevant local authorities about the exercise of their functions under any of the provisions for which it is responsible.
- (5) Relevant local authorities must have regard to any guidance issued under [subsection \(4\)](#).
- (6) A lead enforcement authority must keep under review and from time to time advise the Secretary of State about the following—
 - (a) the operation of the landlord provisions for which it is responsible;
 - (b) social and commercial developments relating to tenancies in England, other than tenancies of social housing, so far as it considers those developments relevant to the provisions for which it is responsible.
- (7) The Secretary of State may give a lead enforcement authority directions as to the exercise of any of its functions.
- (8) A direction may relate to all or particular kinds of relevant local authorities and may make different provision for different purposes.
- (9) In [this section](#)—

“relevant local authority” means—

 - (a) a local housing authority, or
 - (b) a county council in England which is not a local housing authority;

“social housing” has the same meaning as in [Part 2](#) of the [Housing and Regeneration Act 2008](#);

“tenancies” includes licences to occupy.

Commencement Information

I116 S. 112 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PROSPECTIVE

113 Enforcement by the lead enforcement authority

- (1) A lead enforcement authority may—
 - (a) take steps to enforce the provisions for which it is responsible where it considers it necessary or expedient to do so;
 - (b) for that purpose, exercise any powers that a local housing authority may exercise for the purpose of the enforcement of those provisions.
- (2) Where a lead enforcement authority proposes to take steps under [subsection \(1\)](#) in respect of a breach of, or an offence under, the provisions for which it is responsible, it must notify the local housing authority in whose area the breach or offence occurred that it proposes to do so.
- (3) If a lead enforcement authority notifies a local housing authority under [subsection \(2\)](#) but does not take the steps referred to in [that subsection](#), the lead enforcement authority must notify the local housing authority of that fact.
- (4) Where a local housing authority receives a notification under [subsection \(2\)](#), the authority is relieved of the duty under [section 107\(1\)](#) in relation to the breach or offence unless the authority receives a notification under [subsection \(3\)](#).
- (5) But a lead enforcement authority may require a local housing authority to assist the lead enforcement authority in taking the steps referred to in [subsection \(1\)](#).
- (6) A relevant local authority must report to a lead enforcement authority, whenever the lead enforcement authority requires and in such form and with such particulars as it requires, on the exercise of that relevant local authority's functions under the provisions for which the lead enforcement authority is responsible.
- (7) The powers of a local housing authority referred to in [subsection \(1\)\(b\)](#) include the power to authorise persons to exercise powers of officers under [Chapter 3](#) (see [section 132\(2\)](#)).
- (8) [Section 126\(10\)](#) is to be read, in relation to an officer of a lead enforcement authority, as if—
 - (a) the reference to a deputy chief officer whose duties relate to a purpose within [subsection \(1\)\(b\)](#) of [that section](#) were a reference to—
 - (i) a person who is employed by, or acts on the instructions of, the body which is the lead enforcement authority and has overall responsibility for the exercise of the functions of that body in that capacity (“the head of the lead enforcement authority”), or
 - (ii) a person who is employed by, or acts on the instructions of, the lead enforcement authority, and has been authorised by the head of the lead enforcement authority to give special authorisations within the meaning of [section 126](#), and
 - (b) [paragraph \(b\)\(ii\)](#) were omitted.
- (9) In [this section](#) “relevant local authority” has the same meaning as in [section 112](#).

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

II17 S. 113 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

CHAPTER 3

INVESTIGATORY POWERS

Investigatory powers under this Act

114 Power of local housing authority to require information from relevant person

- (1) An officer of a local housing authority may, for purposes connected with any function of the authority under or by virtue of legislation set out in the list in [subsection \(3\)](#), give a notice to a relevant person requiring the person to provide the local housing authority or an officer with the information specified in the notice.
- (2) In [this Chapter](#) “relevant person”, in relation to a power under [this Chapter](#), means a person who has, in the twelve months ending with the day on which the power is exercised—
 - (a) had an estate or interest in premises which consist of or include any relevant accommodation, otherwise than as a mortgagee not in possession,
 - (b) been a licensor of premises which consist of or include any relevant accommodation,
 - (c) acted or purported to act on behalf of a person within [paragraph \(a\)](#) or [\(b\)](#), or
 - (d) marketed any relevant accommodation for the purposes of creating a residential tenancy, within the meaning of [Part 2](#) (see [section 99](#)).
- (3) Here is the list—

[sections 1](#) and [1A](#) of the [Protection from Eviction Act 1977](#);
[Chapter 1](#) of [Part 1](#) of the [Housing Act 1988](#);
[section 83\(1\)](#) or [84\(1\)](#) of the [Enterprise and Regulatory Reform Act 2013](#);
[sections 21](#) to [23](#) of the [Housing and Planning Act 2016](#);
[Chapter 3](#) of [Part 1](#) and [Part 2](#) of this Act.
- (4) A notice under [this section](#) must be in writing and must specify that it is given under [this section](#).
- (5) The notice may specify—
 - (a) the time within which and the manner in which the relevant person to whom it is given must comply with it;
 - (b) the form in which information must be provided.
- (6) The notice may require—
 - (a) the creation of documents, or documents of a description, specified in the notice, and
 - (b) the provision of those documents to an enforcement authority or officer.
- (7) The notice must include information about the possible consequences of not complying with a notice under [this section](#).

Status: This version of this Act contains provisions that are prospective.

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- (8) A requirement to provide information or create a document is a requirement to do so in a legible form.
- (9) A notice under [this section](#) does not require a person to provide any information or create any documents which the person would be entitled to refuse to provide or produce in proceedings in the High Court on the grounds of legal professional privilege.
- (10) In [subsection \(2\)](#) “relevant accommodation” means any residential accommodation in England that is connected with the exercise or proposed exercise of the function in relation to which the power under [this Chapter](#) is exercised.

Commencement Information

1118 [S. 114](#) in force at 27.12.2025, see [s. 145\(5\)\(d\)](#)

115 Power of local housing authority to require information from any person

- (1) Where an officer of a local housing authority reasonably suspects that there has been a breach of, or an offence under, the rented accommodation legislation, the officer may for a purpose mentioned in [subsection \(2\)](#) give notice to any person requiring the person to provide the local housing authority or an officer with information specified in the notice.
- (2) The purposes are—
 - (a) investigating whether there has been a breach of, or an offence under, the rented accommodation legislation, or
 - (b) determining the amount of a penalty under that legislation.
- (3) In [this Chapter](#) “the rented accommodation legislation” means—
 - [sections 1 and 1A](#) of the [Protection from Eviction Act 1977](#);
 - [Chapter 1](#) of [Part 1](#) of the [Housing Act 1988](#);
 - [Parts 1 to 4 and 7](#) of the [Housing Act 2004](#) so far as relating to qualifying residential premises within the meaning given by [section 2B](#) of [that Act](#);
 - [section 83\(1\) or 84\(1\)](#) of the [Enterprise and Regulatory Reform Act 2013](#);
 - [sections 21 to 23](#) of the [Housing and Planning Act 2016](#);
 - [Chapter 3](#) of [Part 1](#) and [Part 2](#) of this Act.
- (4) A notice under [this section](#) must be in writing and must specify that it is given under [this section](#).
- (5) The notice may specify—
 - (a) the time within which and the manner in which the person to whom it is given must comply with it;
 - (b) the form in which information must be provided.
- (6) The notice may require—
 - (a) the creation of documents, or documents of a description, specified in the notice, and
 - (b) the provision of those documents to an enforcement authority or officer.

Status: This version of this Act contains provisions that are prospective.

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- (7) The notice must include information about the possible consequences of not complying with a notice under [this section](#).
- (8) A requirement to provide information or create a document is a requirement to do so in a legible form.

Commencement Information

I119 [S. 115](#) in force at 27.12.2025, see [s. 145\(5\)\(d\)](#)

116 Enforcement of power to require information from any person

- (1) If a person fails to comply with a notice under [section 115](#), the local housing authority or an officer of the authority may make an application under [this section](#) to the court.
- (2) If it appears to the court that the person has failed to comply with the notice, it may make an order under [this section](#).
- (3) An order under [this section](#) is an order requiring the person to do anything that the court thinks it is reasonable for the person to do, for any of the purposes for which the notice was given, to ensure that the notice is complied with.
- (4) An order under [this section](#) may require the person to meet the costs of the application.
- (5) If the person is a company, partnership or unincorporated association, the court in acting under [subsection \(4\)](#) may require an official who is responsible for the failure to meet the costs or expenses.
- (6) In [this section](#)—
 - “the court” means—
 - (a) the High Court, or
 - (b) the county court;
 - “official” means—
 - (a) in the case of a company, a director, manager, secretary or other similar officer,
 - (b) in the case of a limited liability partnership, a member,
 - (c) in the case of a partnership other than a limited liability partnership, a partner, and
 - (d) in the case of an unincorporated association, a person who is concerned in the management or control of its affairs.

Commencement Information

I120 [S. 116](#) in force at 27.12.2025, see [s. 145\(5\)\(d\)](#)

117 Limitation on use of information provided under [section 115](#)

- (1) In any criminal proceedings against a person who provides information in response to a notice under [section 115](#) (including information contained in a document created in response to such a notice)—

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- (a) no evidence relating to the information may be adduced by or on behalf of the prosecution, and
 - (b) no question relating to the information may be asked by or on behalf of the prosecution.
- (2) [Subsection \(1\)](#) does not apply if, in the proceedings—
 - (a) evidence relating to the information is adduced by or on behalf of the person providing it, or
 - (b) a question relating to the information is asked by or on behalf of that person.
- (3) [Subsection \(1\)](#) does not apply if the proceedings are for an offence under [section 5](#) of the [Perjury Act 1911](#) (false statutory declarations and other false statements without oath).

Commencement Information

1121 [S. 117](#) in force at 27.12.2025, see [s. 145\(5\)\(d\)](#)

118 Business premises: entry without warrant

- (1) An officer of a local housing authority may, at any reasonable time, enter any premises in England if—
 - (a) the officer reasonably believes the premises to be occupied by a relevant person for the purposes of a rental sector business, and
 - (b) the officer considers it necessary to enter the premises in order to exercise the powers under [section 122](#) or [123](#) for purposes connected with any function of the authority under or by virtue of the rented accommodation legislation.
- (2) [Subsection \(1\)](#) does not authorise entry into premises used wholly or mainly as residential accommodation.
- (3) In the case of a routine inspection, the power in [subsection \(1\)](#) may only be exercised if a notice has been given to an occupier of the premises in accordance with the requirements in [subsection \(4\)](#), unless [subsection \(5\)](#) applies.
- (4) Those requirements are that—
 - (a) the notice is in writing and is given by an officer of the local housing authority,
 - (b) the notice sets out why the entry is necessary and indicates the nature of the offences under [section 131\(1\)](#) and [\(2\)](#), and
 - (c) there are at least 24 hours between the giving of the notice and the entry.
- (5) A notice need not be given if the occupier (or one of the occupiers if there is more than one) has waived the requirement to give notice.
- (6) In [this section](#) “routine inspection” means an exercise of the power in [subsection \(1\)](#) other than where—
 - (a) the officer reasonably considers that to give notice in accordance with [subsection \(3\)](#) would defeat the purpose of the entry, or
 - (b) it is not reasonably practicable in all the circumstances to give notice in accordance with [that subsection](#).

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- (7) An officer entering premises under [subsection \(1\)](#) may be accompanied by such persons, and may take onto the premises such equipment, as the officer thinks necessary.
- (8) An officer entering premises under [subsection \(1\)](#) may take photographs or make recordings.
- (9) In [this section](#) “rental sector business” means a business connected with—
 - (a) the letting of residential accommodation in England,
 - (b) the creation of licences to occupy such accommodation,
 - (c) the marketing of such accommodation for the purpose of creating a tenancy or licence to occupy, or
 - (d) the management of such accommodation when occupied under a tenancy or licence to occupy.

Commencement Information

I122 [S. 118](#) in force at 27.12.2025, see [s. 145\(5\)\(d\)](#)

119 Duties where occupiers are on business premises entered without warrant

- (1) If an officer of a local housing authority enters premises under [section 118\(1\)](#) and finds one or more occupiers on the premises, the officer must—
 - (a) produce evidence of the officer’s identity and authority to that occupier or (if there is more than one) to at least one of them, and
 - (b) if the entry takes place otherwise than in the course of a routine inspection, provide to that occupier or (if there is more than one) to at least one of them a document that—
 - (i) sets out why the entry is necessary, and
 - (ii) indicates the nature of the offences under [section 131\(1\)](#) and [\(2\)](#).
- (2) An officer need not comply with [subsection \(1\)](#) if it is not reasonably practicable to do so.
- (3) Proceedings resulting from the exercise of the power under [section 118\(1\)](#) are not invalid merely because of a failure to comply with [subsection \(1\)](#).

Commencement Information

I123 [S. 119](#) in force at 27.12.2025, see [s. 145\(5\)\(d\)](#)

120 Business premises: warrant authorising entry

- (1) A justice of the peace may issue a warrant authorising an officer of a local housing authority who is named in the warrant to enter premises in England that are specified in the warrant if the justice of the peace is satisfied, on written information on oath given by that officer—
 - (a) that the officer would, in entering the premises, be acting in the course of employment by, or on the instructions of, the local housing authority, and
 - (b) that there are reasonable grounds for believing that—

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- (i) the premises are occupied by a relevant person for the purposes of a rental sector business,
 - (ii) the premises are not used wholly or mainly as residential accommodation,
 - (iii) on the premises there are documents which an officer of the local housing authority could require a person to produce under [section 122](#), or could seize under [section 123](#), and
 - (iv) condition A, B or C is met.
- (2) Condition A is that—
- (a) access to the premises has been or is likely to be refused, and
 - (b) notice of the local housing authority's intention to apply for a warrant under [this section](#) has been given to an occupier of the premises.
- (3) Condition B is that it is likely that documents on the premises would be concealed or interfered with if notice of entry of the premises were given to an occupier of the premises.
- (4) Condition C is that no occupier is present, and it might defeat the purpose of the entry to wait for their return.
- (5) In [this section](#) “rental sector business” has the meaning given by [section 118\(9\)](#).

Commencement Information

I124 [S. 120](#) in force at 27.12.2025, see [s. 145\(5\)\(d\)](#)

121 Business premises: entry under warrant

- (1) A warrant under [section 120](#) authorises the officer named in the warrant to enter the premises at any reasonable time, using reasonable force if necessary.
- (2) A warrant under [that section](#) does not authorise entry into premises used wholly or mainly as residential accommodation.
- (3) A warrant under [that section](#) ceases to have effect at the end of the period of one month beginning with the day it is issued.
- (4) An officer entering premises under a warrant under [section 120](#) may be accompanied by such persons, and may take onto the premises such equipment, as the officer thinks necessary.
- (5) An officer entering premises under a warrant under [section 120](#) may take photographs or make recordings.
- (6) If, when the officer enters the premises, the officer finds one or more occupiers on the premises, the officer must produce the warrant for inspection to that occupier or (if there is more than one) to at least one of them.
- (7) [Subsection \(8\)](#) applies if no occupier is present when the premises are entered.
- (8) On leaving the premises the officer must—
 - (a) leave a notice on the premises stating that the premises have been entered under a warrant under [section 120](#), and

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- (b) leave the premises as effectively secured against trespassers as the officer found them.

Commencement Information

I125 [S. 121](#) in force at 27.12.2025, see [s. 145\(5\)\(d\)](#)

122 Power to require production of documents following entry

- (1) An officer of a local housing authority who has entered premises under [section 118\(1\)](#) or under a warrant under [section 120](#) may, for the purposes mentioned in [subsection \(2\)](#), at any reasonable time—
 - (a) require a relevant person occupying the premises, or anyone on the premises acting on behalf of such a person, to produce any documents relating to the relevant business to which the person on the premises has access, and
 - (b) take copies of, or of any entry in, any such document.
- (2) The purposes are—
 - (a) to ascertain whether there has been compliance with the rented accommodation legislation where an officer of the local housing authority reasonably suspects a breach of, or an offence under, that legislation;
 - (b) to ascertain whether the documents may be required as evidence in proceedings for such a breach or offence.
- (3) The power in [subsection \(1\)](#) is available regardless of whether—
 - (a) the purpose for which the documents are required relates to the relevant person or some other person, or
 - (b) the proceedings referred to in [subsection \(2\)\(b\)](#) could be taken against the relevant person or some other person.
- (4) That power includes power to require the person to give an explanation of the documents.
- (5) Where a document required to be produced under [subsection \(1\)](#) contains information recorded electronically, the power in [that subsection](#) includes power to require the production of a copy of the document in a form in which it can easily be taken away and in which it is visible and legible.
- (6) [This section](#) does not permit an officer to require a person to create a document other than as described in [subsection \(5\)](#).
- (7) [This section](#) does not permit an officer to require a person to produce any document which the person would be entitled to refuse to produce in proceedings in the High Court on the grounds of legal professional privilege.
- (8) In [this section](#) “relevant business” means the business for the purposes of which the premises are occupied.

Commencement Information

I126 [S. 122](#) in force at 27.12.2025, see [s. 145\(5\)\(d\)](#)

Status: This version of this Act contains provisions that are prospective.

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123 Power to seize documents following entry

- (1) An officer of a local housing authority who has entered premises under [section 118\(1\)](#) or under a warrant under [section 120](#) may seize and detain documents which the officer reasonably suspects may be required as evidence in proceedings relating to a breach of, or an offence under, the rented accommodation legislation.
- (2) If one or more occupiers are on the premises, an officer seizing documents under [this section](#) must provide to that occupier or (if there is more than one) to at least one of them evidence of the officer's identity and authority, before seizing the documents.
- (3) The officer need not comply with [subsection \(2\)](#) if it is not reasonably practicable to do so.
- (4) An officer seizing documents under [this section](#) must take reasonable steps to—
 - (a) inform the person from whom they are seized that they have been seized, and
 - (b) provide that person with a written record of what has been seized.
- (5) In determining the steps to be taken under [subsection \(4\)](#), an officer exercising a power under [this section](#) must have regard to any relevant provision about the seizure of property made by a code of practice under [section 66](#) of the [Police and Criminal Evidence Act 1984](#).
- (6) [This section](#) does not confer any power on an officer to seize from a person any document which the person would be entitled to refuse to produce in proceedings in the High Court on the grounds of legal professional privilege.
- (7) For the purpose of exercising the power under [this section](#), the officer may, to the extent that is reasonably necessary for that purpose—
 - (a) require a person with authority to do so to access any electronic device in which information may be stored or from which it may be accessed, and
 - (b) if such a requirement has not been complied with, access the electronic device.
- (8) Documents seized under [this section](#) may not be detained—
 - (a) for a period of more than 3 months beginning with the day on which they were seized, or
 - (b) where the documents are reasonably required to be detained for a longer period by the local housing authority for the purposes of the proceedings for which they were seized, for longer than they are required for those purposes.

Commencement Information

I127 [S. 123](#) in force at 27.12.2025, see [s. 145\(5\)\(d\)](#)

124 Access to seized documents

- (1) [This section](#) applies where any document seized by an officer of a local housing authority under [this Chapter](#) is detained by the officer or authority.
- (2) If a request for permission to be granted access to that document is made to the local housing authority by a person who had custody or control of it immediately before it was seized, the local housing authority must allow that person access to it under the supervision of an officer.

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- (3) If a request for a photograph or copy of that document is made to the local housing authority by a person who had custody or control of it immediately before it was seized, the local housing authority must—
 - (a) allow that person access to it under the supervision of an officer for the purpose of photographing or copying it, or
 - (b) photograph or copy it, or cause it to be photographed or copied.
- (4) Where any document is photographed or copied under [subsection \(3\)](#), the photograph or copy must be supplied to the person who made the request within a reasonable time from the making of the request.
- (5) [This section](#) does not require access to be granted to, or a photograph or copy to be supplied of, any document if the local housing authority has reasonable grounds for believing that to do so would prejudice the doing of anything for the purposes of which it was seized.
- (6) A local housing authority may recover the reasonable costs of complying with a request under [this section](#) from the person by whom or on whose behalf it was made.
- (7) References in [this section](#) to a person who had custody or control of a document immediately before it was seized include a representative of such a person.

Commencement Information

I128 [S. 124](#) in force at 27.12.2025, see [s. 145\(5\)\(d\)](#)

125 Appeal against detention of documents

- (1) Where documents are being detained as the result of the exercise of a power in [this Chapter](#), a person with an interest in the documents may apply for an order requiring them to be released to that or another person.
- (2) An application under [this section](#) may be made—
 - (a) to any magistrates' court in which proceedings have been brought for an offence as the result of the investigation in the course of which the documents were seized, or
 - (b) if no proceedings within [paragraph \(a\)](#) have been brought, by way of complaint to a magistrates' court.
- (3) On an application under [this section](#), the court may make an order requiring documents to be released only if satisfied that condition A or B is met.
- (4) Condition A is that—
 - (a) no proceedings have been brought for an offence as the result of the investigation in the course of which the documents were seized, or
 - (b) the period of 6 months beginning with the date the documents were seized has expired.
- (5) Condition B is that—
 - (a) proceedings of a kind mentioned in [subsection \(4\)\(a\)](#) have been brought, and
 - (b) those proceedings have been concluded.

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- (6) A person aggrieved by an order made under [this section](#) by a magistrates' court, or by the decision of a magistrates' court not to make such an order, may appeal against the order or decision to the Crown Court.
- (7) An order made under [this section](#) by a magistrates' court may contain such provision as the court thinks appropriate for delaying its coming into force pending the making and determination of any appeal.

Commencement Information

I129 [S. 125](#) in force at 27.12.2025, see [s. 145\(5\)\(d\)](#)

126 Suspected residential tenancy: entry without warrant

- (1) A specially authorised officer of a local housing authority may enter premises in England at any reasonable time, if—
 - (a) the officer reasonably suspects that the premises, or part of the premises, are subject to a residential tenancy within the meaning of [Part 2](#) (see [section 63](#)), and
 - (b) the officer considers it necessary to inspect the premises for the purpose of investigating whether there has been, in relation to the premises—
 - (i) a breach of [section 82\(3\)](#),
 - (ii) an offence under [subsection \(1\)](#) of [section 92](#),
 - (iii) an offence under [subsection \(2\)](#) of [section 92](#) where the continuing conduct referred to in [paragraph \(b\)](#) of [that subsection](#) is a breach of [section 82\(3\)](#),
 - (iv) an offence under [subsection \(3\)](#) of [section 92](#) where the different breach referred to in [paragraph \(b\)](#) of [that subsection](#) is a breach of [section 82\(3\)](#),
 - (v) an offence under [subsection \(4\)](#) of [section 92](#) where the breach referred to in [paragraph \(b\)](#) of [that subsection](#) is a breach of [section 82\(3\)](#), or
 - (vi) an offence under [section 1](#) of the [Protection from Eviction Act 1977](#), and
 - (c) notice has been given in accordance with the requirements of [subsection \(2\)](#) to—
 - (i) an occupier of the premises, and
 - (ii) any person who has an estate or interest in the premises, other than a mortgagee not in possession and has supplied the local housing authority with an address for the purposes of [this paragraph](#),unless notice is not required as a result of [subsection \(3\)](#) or [\(4\)](#).
- (2) The requirements referred to in [subsection \(1\)\(c\)](#) are that—
 - (a) the notice is in writing and is given by an officer of the local housing authority,
 - (b) the notice sets out why the entry is necessary and indicates the nature of the offences under [section 131\(1\)](#) and [\(2\)](#) (obstruction), and
 - (c) there are at least 24 hours between the giving of the notice and the entry.
- (3) A notice need not be given to a person who has waived the requirement to give notice.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) A notice need not be given in accordance with subsection (1)(c)(ii) to a person who is a residential landlord within the meaning of Part 2 (see section 63).
- (5) If—
 - (a) premises are entered in exercise of the power conferred by subsection (1), and
 - (b) notice is not given to any person because of subsection (4),an officer of the local housing authority must give that person notice in writing of the exercise of that power within a reasonable period after its exercise.
- (6) The notice must—
 - (a) identify the premises that were entered,
 - (b) state when the premises were entered, and
 - (c) state the purpose for which the premises were entered.
- (7) A specially authorised officer entering premises under subsection (1) may be accompanied by such persons, and may take onto the premises such equipment, as the officer thinks necessary.
- (8) A specially authorised officer entering premises under subsection (1) may take photographs or make recordings.
- (9) A specially authorised officer must, if requested to do so, produce the officer's special authorisation for inspection by a person to whom notice is required to be given under this section or anyone acting on behalf of such a person.
- (10) For the purposes of this section an officer of a local housing authority is “specially authorised” where the officer's authorisation by the local housing authority for the purposes of the power under subsection (1) (see section 132(2))—
 - (a) states the particular purpose for which the officer is authorised to exercise the power, and
 - (b) is given by the local housing authority acting through—
 - (i) a deputy chief officer of the authority whose duties include duties relating to a purpose within subsection (1)(b), or
 - (ii) an officer of the authority to whom such a deputy chief officer reports directly, or is directly accountable, as respects duties so relating.

Commencement Information

I130 S. 126 in force at 27.12.2025, see s. 145(5)(d)

127 Duties where occupiers are on residential premises entered without warrant

- (1) If an officer of a local housing authority enters premises under section 126(1) and finds one or more occupiers on the premises, the officer must produce evidence of the officer's identity and special authorisation to that occupier or (if there is more than one) to at least one of them.
- (2) An officer need not comply with subsection (1) if it is not reasonably practicable to do so.
- (3) Proceedings resulting from the exercise of the power under section 126(1) are not invalid merely because of a failure to comply with subsection (1).

Status: This version of this Act contains provisions that are prospective.

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- (4) In [this section](#) “special authorisation” has the same meaning as in [section 126](#) (see subsection (10) of that section).

Commencement Information

I131 [S. 127](#) in force at 27.12.2025, see [s. 145\(5\)\(d\)](#)

128 Suspected residential tenancy: warrant authorising entry

A justice of the peace may issue a warrant authorising an officer of a local housing authority who is named in the warrant to enter premises in England that are specified in the warrant if the justice of the peace is satisfied, on written information on oath given by that officer—

- (a) that the officer would, in entering the premises, be acting in the course of employment by, or on the instructions of, the local housing authority,
- (b) that there are reasonable grounds for suspecting that the premises, or part of the premises, are subject to a residential tenancy within the meaning of [Part 2](#) (see [section 63](#)),
- (c) that it is necessary for the officer to inspect the premises for the purpose of investigating whether there has been, in relation to the premises, a breach or an offence mentioned in [section 126\(1\)\(b\)](#),
- (d) that—
 - (i) admission to the premises has been sought for the purposes of entry under [section 126\(1\)](#) but has been refused,
 - (ii) that no occupier is present and it might defeat the purpose of the entry to await their return, or
 - (iii) that application for admission would defeat the purpose of the entry.

Commencement Information

I132 [S. 128](#) in force at 27.12.2025, see [s. 145\(5\)\(d\)](#)

129 Suspected residential tenancy: entry under warrant

- (1) A warrant under [section 128](#) authorises the officer named in the warrant to enter the premises at any reasonable time, using reasonable force if necessary.
- (2) A warrant under [that section](#) ceases to have effect when the inspection of the premises has been completed.
- (3) An officer entering premises under a warrant under [section 128](#) may be accompanied by such persons, and may take onto the premises such equipment, as the officer thinks necessary.
- (4) An officer entering premises under [section 128](#) may take photographs or make recordings.
- (5) If, when the officer enters the premises, the officer finds one or more occupiers on the premises, the officer must produce the warrant for inspection to that occupier or (if there is more than one) to at least one of them.

Status: This version of this Act contains provisions that are prospective.

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- (6) [Subsection \(7\)](#) applies if no occupier is present when the premises are entered.
- (7) On leaving the premises the officer must—
 - (a) leave a notice on the premises stating that the premises have been entered under a warrant under [section 128](#), and
 - (b) leave the premises as effectively secured against trespassers as the officer found them.

Commencement Information

I133 [S. 129](#) in force at 27.12.2025, see [s. 145\(5\)\(d\)](#)

130 Powers of accompanying persons

A person who accompanies an officer of a local housing authority entering premises under, or under a warrant under, [this Chapter](#)—

- (a) has the same powers under [this Chapter](#) as the officer in relation to the premises, but
- (b) must exercise those powers only in the company, and under the supervision, of the officer.

Commencement Information

I134 [S. 130](#) in force at 27.12.2025, see [s. 145\(5\)\(d\)](#)

131 Offences

- (1) A person commits an offence if the person—
 - (a) without reasonable excuse obstructs an officer of a local housing authority who is exercising or seeking to exercise in accordance with [this Chapter](#) a power under any provision of [this Chapter](#) other than [section 115](#),
 - (b) without reasonable excuse fails to comply with a requirement properly imposed by an officer of a local housing authority under any provision of [this Chapter](#) other than [section 115](#), or
 - (c) without reasonable cause fails to give an officer of a local housing authority any other assistance or information which the officer reasonably requires of the person for the purpose of exercising a power under any provision of [this Chapter](#) other than [section 115](#).
- (2) A person commits an offence if, in giving information to an officer who is exercising or seeking to exercise a power under this Chapter, the person—
 - (a) makes a statement which the person knows is false or misleading in a material respect, or
 - (b) recklessly makes a statement which is false or misleading in a material respect.
- (3) A person who is not an officer of a local housing authority commits an offence if the person purports to act as such under this Chapter.
- (4) A person who is guilty of an offence under subsection (1) or (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Status: This version of this Act contains provisions that are prospective.

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- (5) A person who is guilty of an offence under subsection (3) is liable on summary conviction to a fine.
- (6) Nothing in this section requires a person to answer any question or give any information if to do so might incriminate that person.

Commencement Information

1135 S. 131 in force at 27.12.2025, see s. 145(5)(d)

132 Investigatory powers: interpretation

- (1) In this Chapter—
 - “document” includes information recorded in any form;
 - “give”—
 - (a) in relation to a notice to an occupier of premises, includes delivering or leaving it at the premises or sending it there by post, and “given”, in relation to such a notice, is to be read accordingly;
 - (b) in relation to a notice to a person referred to in [section 126\(1\)\(c\)\(ii\)](#), includes delivering or leaving it at the address supplied by the person or sending it to that address by post, and “given”, in relation to such a notice, is to be read accordingly;
 - “occupier”, in relation to premises, means any person an officer of a local housing authority reasonably suspects to be an occupier of the premises;
 - “premises” includes any stall, vehicle, vessel or aircraft;
 - “relevant person”: see [section 114\(2\)](#);
 - “the rented accommodation legislation”: see [section 115\(3\)](#).
- (2) References in [this Chapter](#) to an officer—
 - (a) are to a person authorised in writing by a local housing authority to exercise powers under [this Chapter](#), and
 - (b) in relation to a particular power only cover a particular officer if and to the extent that the officer has been authorised to exercise that power.
- (3) References in [this Chapter](#) to the functions of a local housing authority by virtue of particular legislation include references to any function of the authority of investigating whether an offence has been committed under that legislation.
- (4) A duty or power to process information that is imposed or conferred by, or by virtue of, [this Chapter](#) does not operate to authorise the processing of information which would contravene—
 - (a) the data protection legislation (but the duty or power is to be taken into account in determining whether the processing would contravene that legislation), or
 - (b) [Parts 1 to 7](#) or Chapter 9 of the [Investigatory Powers Act 2016](#).
- (5) In [subsection \(4\)](#) “the data protection legislation” has the same meaning as in the [Data Protection Act 2018](#) (see section 3 of that Act).

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Commencement Information

I136 S. 132 in force at 27.12.2025, see s. 145(5)(d)

Amendments

133 Additional powers of seizure under **Criminal Justice and Police Act 2001**

In **Part 1** of **Schedule 1** to the **Criminal Justice and Police Act 2001**, at the end insert—

“*Renters' Rights Act 2025*

73W Each of the powers of seizure conferred by section 122(1)(b) and section 123 of the Renters' Rights Act 2025.”

Commencement Information

I137 S. 133 in force at 27.12.2025, see s. 145(5)(d)

134 Use by local housing authority of certain information

- (1) **Section 212A** of the **Housing Act 2004** (tenancy deposit schemes: provision of information to local authorities) is amended in accordance with **subsections (2) and (3)**.
- (2) In **subsection (5)**, after **paragraph (a)** (but before the “or” at the end) insert—
 - “(aa) for a purpose connected with the exercise of the authority’s functions under or by virtue of Part 7 in relation to any qualifying residential premises within the meaning given by section 2B,
 - (ab) for a purpose connected with the authority’s functions under or by virtue of the following in relation to any premises—

sections 1 and 1A of the **Protection from Eviction Act 1977**,
Chapter 1 of **Part 1** of the **Housing Act 1988**,
section 83(1) or 84(1) of the **Enterprise and Regulatory Reform Act 2013**,
sections 21 to 23, 41 and 133 to 135 of the **Housing and Planning Act 2016**,
Chapter 3 of **Part 1** and **Part 2** of the Renters' Rights Act 2025.”.
- (3) In **subsection (5)**, in paragraph (b), for “of those Parts in relation to any premises” substitute “provision mentioned in paragraphs (a) to (ab) in relation to premises or qualifying residential premises (as the case may be)”.
- (4) **Section 237** of the **Housing Act 2004** (use of housing benefit and council tax information for certain other statutory purposes) is amended in accordance with **subsections (5) and (6)**.
- (5) In **subsection (1)**, after **paragraph (a)** (but before the “or” at the end) insert—
 - “(aa) for any purpose connected with the exercise of any of the authority’s functions under or by virtue of Part 7 in relation to any qualifying residential premises within the meaning given by section 2B,

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- (ab) for any purpose connected with any of the authority's functions under or by virtue of the following in relation to any premises—
 - sections 1 and 1A of the Protection from Eviction Act 1977,
 - Chapter 1 of Part 1 of the Housing Act 1988,
 - section 83(1) or 84(1) of the Enterprise and Regulatory Reform Act 2013,
 - sections 21 to 23, 41 and 133 to 135 of the Housing and Planning Act 2016,
 - Chapter 3 of Part 1 and Part 2 of the Renters' Rights Act 2025.”.
- (6) In subsection (1), in paragraph (b), for “of those Parts in relation to any premises” substitute “provision mentioned in paragraphs (a) to (ab) in relation to premises or qualifying residential premises (as the case may be).

Commencement Information

I138 S. 134 in force at 27.12.2025, see s. 145(5)(d)

135 Investigatory powers under the Housing Act 2004

- (1) In section 235 of the Housing Act 2004 (power to require documents to be produced), in subsection (1)—
 - (a) after paragraph (a) (but before the “or” at the end) insert—
 - “(aa) for any purpose connected with the exercise of any of the authority's functions under this Part in relation to any qualifying residential premises within the meaning given by section 2B,”;
 - (b) in paragraph (b) for “those Parts in relation to any premises” substitute “Parts 1 to 4 in relation to any premises or under this Part in relation to any qualifying residential premises within the meaning given by section 2B”.
- (2) In section 239 of that Act (powers of entry), after subsection (5) insert—
 - “(5A) In relation to any qualifying residential premises within the meaning given by section 2B, notice need not be given—
 - (a) to any owner;
 - (b) to any occupier who has waived the requirement to give notice.
 - (5B) If—
 - (a) premises are entered in exercise of the power conferred by subsection (3), and
 - (b) notice is not given to any person because of subsection (5A)(a),the authorised person or proper officer must give that person notice of the exercise of that power within a reasonable period after its exercise.
 - (5C) The notice must—
 - (a) identify the premises that were entered,
 - (b) state when the premises were entered, and
 - (c) state the purpose for which the premises were entered.”

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Commencement Information

I139 [S. 135](#) in force at 27.12.2025, see [s. 145\(5\)\(d\)](#)

136 Client money protection schemes: investigatory powers of local authorities

In [paragraph 10](#) of [Schedule 5](#) to the [Consumer Rights Act 2015](#) (duties and powers to which Schedule 5 applies), at the appropriate place insert—

“[regulations 5](#) and [8](#) of the [Client Money Protection Schemes for Property Agents \(Requirement to Belong to a Scheme etc.\) Regulations 2019](#)”.

Commencement Information

I140 [S. 136](#) in force at 27.12.2025, see [s. 145\(5\)\(d\)](#)

PART 5

GENERAL

137 Interpretation

In this Act—

“lease” includes any tenancy;

“local housing authority” (except in [section 47](#)) means a district council, a county council in England for an area for which there is no district council, a London borough council, the Common Council of the City of London (in its capacity as a local authority) or the Council of the Isles of Scilly;

“the 1988 Act” means the [Housing Act 1988](#).

Commencement Information

I141 [S. 137](#) in force at Royal Assent, see [s. 145\(6\)](#)

138 Crown application

- (1) Subject to [subsections \(2\) to \(8\)](#), this Act and any regulations made under it bind the Crown.
- (2) [Sections 67](#) and [92](#) do not bind the Crown.
- (3) In [paragraph \(b\)](#) of [section 66\(1\)](#) as it applies by virtue of [subsection \(1\)](#), the reference to a person committing an offence under [section 67](#) is to be read as a reference to the person satisfying the conditions in [subsection \(1\)\(a\)](#) and [\(b\)](#), [\(2\)\(a\)](#) and [\(b\)](#), or [\(3\)\(a\)](#) and [\(b\)](#) of that section.
- (4) In [paragraph \(b\)](#) of [section 91\(1\)](#) as it applies by virtue of [subsection \(1\)](#), the reference to a person committing an offence under [section 92](#) is to be read as a reference to the person either—

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- (a) knowingly or recklessly providing information to the database operator which is false or misleading in a material respect in purported compliance with a requirement imposed by regulations under [Chapter 3 of Part 2](#), or
 - (b) satisfying the conditions in [subsection \(2\)\(a\) and \(b\)](#), [\(3\)\(a\) and \(b\)](#), or [\(4\)\(a\) and \(b\) of section 92](#).
- (5) [Sections 118 to 130](#) do not bind the Crown.
- (6) Nothing in [section 131](#) makes the Crown criminally liable.
- (7) The High Court may declare unlawful any act or omission for which the Crown would be criminally liable under [section 131](#) but for [subsection \(6\)](#).
- (8) An amendment or repeal made by this Act binds the Crown to the extent that the provision amended or repealed binds the Crown (but in the case of an amendment of [the 1988 Act](#), this is subject to the amendments made by [section 18](#)).
- (9) Nothing in [this section](#) affects the criminal liability of persons in the service of the Crown.

Commencement Information

I142 S. 138 in force at Royal Assent, see [s. 145\(6\)](#)

139 Application to Parliament

- (1) Where regulations under [section 63\(4\)\(b\)](#) provide for the meaning of “relevant tenancy” given by that section to include a tenancy or licence under which a dwelling is occupied for the purposes of either House of Parliament, [Part 2](#) (and [Part 3](#) so far as relating to [Part 2](#)) has effect in its application in relation to such a tenancy or licence with the following modifications—
 - (a) [sections 67](#) and [92](#) do not apply;
 - (b) in paragraph [\(b\) of section 66\(1\)](#), the reference to a person committing an offence under [section 67](#) is to be read as a reference to the person satisfying the conditions in [subsection \(1\)\(a\) and \(b\)](#), [\(2\)\(a\) and \(b\)](#), or [\(3\)\(a\) and \(b\) of that section](#);
 - (c) in paragraph [\(b\) of section 91\(1\)](#), the reference to a person committing an offence under [section 92](#) is to be read as a reference to the person either—
 - (i) knowingly or recklessly providing information to the database operator which is false or misleading in a material respect in purported compliance with a requirement imposed by regulations under [Chapter 3](#), or
 - (ii) satisfying the conditions in [subsection \(2\)\(a\) and \(b\)](#), [\(3\)\(a\) and \(b\)](#), or [\(4\)\(a\) and \(b\) of section 92](#).
- (2) The following provisions do not apply in relation to premises that are occupied for the purposes of either House of Parliament—
 - (a) [Chapter 3 of Part 1](#);
 - (b) [sections 114](#) and [118 to 130](#).
- (3) Nothing in [section 131](#) makes the Corporate Officer of the House of Commons or the Corporate Officer of the House of Lords criminally liable.

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- (4) The High Court may declare unlawful any act or omission for which the Corporate Officer of the House of Commons or the Corporate Officer of the House of Lords would be criminally liable under section 131 but for subsection (3).
- (5) Nothing in this section affects the criminal liability of relevant members of the House of Lords staff or of the House of Commons staff (as defined by sections 194 and 195 of the Employment Rights Act 1996).

Commencement Information

I143 S. 139 in force at Royal Assent, see s. 145(6)

140 Regulations

- (1) A power to make regulations under this Act includes power to make—
 - (a) consequential, supplementary, incidental, transitional or saving provision;
 - (b) different provision for different purposes or areas;
 - (c) the full provision to which the power extends or any less provision (whether by way of exception or otherwise).
- (2) The power of the Secretary of State and the Scottish Ministers under subsection (1)(a) to make transitional provision includes power to provide for regulations to apply (with or without modifications) in relation to tenancies or licences entered into, or advertising begun, before the date on which the regulations come into force.
- (3) The power of the Welsh Ministers under subsection (1)(a) to make transitional provision includes power to provide for regulations to apply (with or without modifications) in relation to occupation contracts granted, renewed or continued, or advertising begun, before the date on which the regulations come into force.
- (4) Regulations under this Act are to be made by statutory instrument, except where they are made by the Scottish Ministers (see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).
- (5) A statutory instrument containing regulations under section 13(2), 30, 39, 48, 54, 63, 64, 65, 77, 82(4), 83(6), 86, 87(2), or 90(2) or 101 or paragraph 32 of Schedule 6 (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (6) Any other statutory instrument containing regulations under this Act made by the Secretary of State is subject to annulment in pursuance of a resolution of either House of Parliament, unless it contains regulations under section 111(3) only.
- (7) A statutory instrument containing regulations made by the Welsh Ministers under section 47 may not be made unless a draft of the instrument has been laid before and approved by a resolution of Senedd Cymru.
- (8) Regulations made by the Scottish Ministers under section 53 are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).
- (9) If a draft of a statutory instrument containing regulations under section 64 would, apart from this subsection, be treated for the purposes of the standing orders of either House

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of Parliament as a hybrid instrument, it is to proceed in that House as if it were not a hybrid instrument.

(10) [This section](#) does not apply to regulations under [this Part](#).

Commencement Information

I144 S. 140 in force at Royal Assent, see [s. 145\(6\)](#)

141 Power of Welsh Ministers to make consequential provision

- (1) The Welsh Ministers may by regulations made by statutory instrument make provision that is consequential on [Part 1](#).
- (2) Regulations under [this section](#) may amend, repeal or revoke provision made by or under—
 - (a) an Act or Measure of Senedd Cymru passed before this Act, or
 - (b) an Act passed—
 - (i) before this Act, or
 - (ii) later in the same session of Parliament as this Act.
- (3) The power to make regulations under [this section](#) includes power to make—
 - (a) supplementary, incidental, transitional or saving provision;
 - (b) different provision for different purposes.
- (4) The power under [subsection \(3\)\(a\)](#) to make transitional provision includes power to provide for the regulations to apply (with or without modifications) in relation to occupation contracts granted, renewed or continued, or advertising begun, before the date on which the regulations come into force.
- (5) Regulations under [this section](#) may only make provision which would be within the legislative competence of Senedd Cymru if contained in an Act of the Senedd.
- (6) A statutory instrument containing (whether alone or with other provision) regulations under [this section](#) that amend or repeal provision made by an Act or Measure of Senedd Cymru, or by an Act, may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru.
- (7) Any other statutory instrument containing regulations under [this section](#) is subject to annulment in pursuance of a resolution of Senedd Cymru.

Commencement Information

I145 S. 141 in force at Royal Assent, see [s. 145\(6\)](#)

142 Power of Scottish Ministers to make consequential provision

- (1) The Scottish Ministers may by regulations make provision that is consequential on [Chapter 5 of Part 1](#) (see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 ([asp 10](#)), as a result of which such regulations are to be made by Scottish statutory instrument).

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- (2) Regulations under [this section](#) may amend, repeal or revoke provision made by or under—
 - (a) an Act of the Scottish Parliament passed before this Act, or
 - (b) an Act passed—
 - (i) before this Act, or
 - (ii) later in the same session of Parliament as this Act.
- (3) The power to make regulations under [this section](#) includes power to make—
 - (a) supplementary, incidental, transitional or saving provision;
 - (b) different provision for different purposes.
- (4) The power under [subsection \(3\)\(a\)](#) to make transitional provision includes power to provide for the regulations to apply (with or without modifications) in relation to tenancies entered into, or advertising begun, before the date on which the regulations come into force.
- (5) Regulations under [this section](#) may only make provision which would be within the legislative competence of the Scottish Parliament if contained in an Act of that Parliament.
- (6) Regulations made under [this section](#) that amend or repeal provision made by an Act of the Scottish Parliament, or by an Act, are subject to the affirmative procedure (see [section 29](#) of the [Interpretation and Legislative Reform \(Scotland\) Act 2010 \(asp 10\)](#)).
- (7) Any other regulations made under [this section](#) are subject to the negative procedure (see [section 28](#) of [that Act](#)).

Commencement Information

I146 S. 142 in force at Royal Assent, see [s. 145\(6\)](#)

143 Power of Secretary of State to make consequential provision

- (1) The Secretary of State may by regulations made by statutory instrument make provision that is consequential on this Act.
- (2) Regulations under [this section](#) may amend, repeal or revoke provision made by or under an Act passed—
 - (a) before this Act, or
 - (b) later in the same session of Parliament as this Act.
- (3) The power to make regulations under [this section](#) includes power to make—
 - (a) supplementary, incidental, transitional or saving provision;
 - (b) different provision for different purposes.
- (4) The power under [subsection \(3\)\(a\)](#) to make transitional provision includes—
 - (a) power to provide for the regulations to apply (with or without modifications) in relation to tenancies or licences entered into, or advertising begun, before the date on which the regulations come into force;
 - (b) in relation to regulations that make provision that is consequential on [Chapter 1](#) or [2](#) of [Part 1](#), power to provide for pre-application instruments which the

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Secretary of State considers do not (or will not) operate appropriately as a result of any provision of the regulations to—

- (i) have effect with specified modifications, or
- (ii) cease to have effect (in whole or in part).

(5) For the purposes of [subsection \(4\)\(b\)](#)—

- (a) “pre-application instrument” means an agreement or other instrument made before the regulations come into force;
- (b) the circumstances in which the Secretary of State may consider that a pre-application instrument does not operate appropriately as a result of regulations under [this section](#) include (but are not limited to) those in which—
 - (i) as a result of any provision of the regulations, provision made by the instrument is to any extent spent, obsolete, unnecessary or otherwise not of practical utility;
 - (ii) as a result of any provision of the regulations, it is unclear what the effect is of provision made by the instrument;
 - (iii) as a result of any provision of the regulations, a person may be placed in breach of obligations arising under the instrument or made subject to more burdensome obligations under the instrument;
 - (iv) the instrument makes direct or indirect reference to any enactment as it had effect before being amended by the regulations.

(6) Regulations made by virtue of [subsection \(4\)\(b\)](#) must provide that they do not prevent—

- (a) the variation or revocation of provision modified by the regulations, or
- (b) the re-making of provision that has ceased to have effect as a result of the regulations.

(7) Regulations made by virtue of [subsection \(4\)\(b\)](#) may apply to an instrument as it has effect in relation to times before the coming into force of the regulations but after the day on which [Chapter 1](#) or [2](#) of [Part 1](#) (as the case may be) comes into force.

(8) A statutory instrument containing (whether alone or with other provision) regulations under [this section](#) that—

- (a) amend or repeal provision made by an Act, or
- (b) are made by virtue of [subsection \(4\)\(b\)](#),

may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

(9) Any other statutory instrument containing regulations under [this section](#) is subject to annulment in pursuance of a resolution of either House of Parliament.

Commencement Information

I147 S. 143 in force at Royal Assent, see [s. 145\(6\)](#)

144 Extent

- (1) This Act extends to England and Wales only, subject to subsections [\(2\)](#) to [\(4\)](#).
- (2) [Part 1](#), Chapter [5](#) extends to Scotland only.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (3) This Part extends to England and Wales and Scotland.
- (4) An amendment or repeal made by this Act has the same extent as the provision amended or repealed.

Commencement Information

I148 S. 144 in force at Royal Assent, see [s. 145\(6\)](#)

145 Commencement

- (1) This Act comes into force on such day as the Secretary of State may by regulations made by statutory instrument appoint, subject to [subsections \(2\) to \(6\)](#).
- (2) This Act comes into force for the purposes of making regulations on the day on which it is passed.
- (3) [Chapter 4 of Part 1](#) comes into force on such day as the Welsh Ministers by order made by statutory instrument appoint.
- (4) [Chapter 5 of Part 1](#) comes into force on such day as the Scottish Ministers may by regulations appoint (see [section 27](#) of the [Interpretation and Legislative Reform \(Scotland\) Act 2010 \(asp 10\)](#), as a result of which such regulations are to be made by Scottish statutory instrument).
- (5) The following come into force at the end of the period of two months beginning with the day on which this Act is passed—
 - (a) [Chapter 2 of Part 1](#);
 - (b) [section 59](#);
 - (c) [section 110](#);
 - (d) [Chapter 3 of Part 4](#).
- (6) [Section 111](#) and [this Part](#) come into force on the day on which this Act is passed.
- (7) Different days may be appointed under [this section](#) for different purposes, subject to [subsection \(8\)](#).
- (8) Different days may be appointed for different purposes in relation to [Chapter 1 of Part 1](#) only so that—
 - (a) one day is appointed for the purposes of assured tenancies that are not social housing assured tenancies, and
 - (b) one or more different days are appointed for the purposes of social housing assured tenancies;
 and here “social housing assured tenancy” means an assured tenancy of social housing (within the meaning of [Part 2](#) of the [Housing and Regeneration Act 2008](#)) where the landlord is a private registered provider of social housing.

Commencement Information

I149 S. 145 in force at Royal Assent, see [s. 145\(6\)](#)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

146 Existing assured tenancies to continue as [section 4A](#) assured tenancies

- (1) The commencement of [Chapter 1](#) of [Part 1](#) (which, in particular, has the effect that, on the commencement date, an existing tenancy becomes a [section 4A](#) assured tenancy) does not affect the continuation of an existing tenancy on and after the commencement date (as a [section 4A](#) assured tenancy that is subject to the other provisions of [that Chapter](#)).

- (2) [Schedule 6](#) contains transitional provision.

- (3) In [this section](#)—

“commencement date” means the day on which [Chapter 1](#) of [Part 1](#) comes into force in accordance with [section 145](#) (and accordingly where different days are appointed for different purposes in relation to that Chapter, a reference in this Act to the commencement date is a reference to the day on which that Chapter comes into force for the purposes of the tenancy to which the reference relates);

“existing tenancy” means an assured tenancy which is entered into before the commencement date;

“[section 4A](#) assured tenancy” means an assured tenancy to which [section 4A](#) of the [1988 Act](#) (as inserted by [section 1](#) of this Act) applies.

Commencement Information

I150 S. 146 in force at Royal Assent, see [s. 145\(6\)](#)

147 Fixed term assured tenancy and statutory periodic tenancy to be treated as single assured tenancy

- (1) For the purposes of the relevant provisions, a fixed term assured tenancy and a periodic tenancy that arises on its expiry by virtue of [section 5](#) of the [1988 Act](#) are to be treated as a single assured tenancy which—

- (a) is entered into when the fixed term tenancy was entered into, and
- (b) becomes a periodic tenancy on the expiry of the fixed term.

- (2) In [this section](#), “the relevant provisions” means—

- (a) [section 146](#),
- (b) [Schedule 6](#),
- (c) [section 5](#) of the [Protection from Eviction Act 1977](#) as amended by [section 20](#), and
- (d) [Part 1](#) of the [1988 Act](#) as amended by [Chapter 1](#) of [Part 1](#).

- (3) The Secretary of State may by regulations amend [this section](#) to provide for [this section](#) to apply for the purposes of other provision made by or under an Act passed before or later in the same session as this Act.

- (4) A statutory instrument containing regulations under [this section](#) (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

- (5) Regulations under [this section](#) may make different provision for different purposes.

- (6) Regulations under [this section](#) are to be made by statutory instrument.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I151 S. 147 in force at Royal Assent, see [s. 145\(6\)](#)

148 Transitional provision

- (1) The Welsh Ministers may by regulations made by statutory instrument make transitional or saving provision in connection with the coming into force of any provision of [Chapter 4](#) of [Part 1](#).
- (2) The Scottish Ministers may by regulations make transitional or saving provision in connection with the coming into force of any provision of [Chapter 5](#) of [Part 1](#) (see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 ([asp 10](#)), as a result of which such regulations are to be made by Scottish statutory instrument).
- (3) The Secretary of State may by regulations made by statutory instrument make transitional or saving provision in connection with the coming into force of any other provision of this Act.
- (4) The power to make regulations under [subsection \(1\)](#) includes power to provide for a provision of [Chapter 4](#) of [Part 1](#) to apply (with or without modifications) in relation to occupation contracts granted, renewed or continued, or advertising begun, before the date on which the provision comes into force.
- (5) The power to make regulations under [subsection \(2\)](#) includes power to provide for a provision of [Chapter 5](#) of [Part 1](#) to apply (with or without modifications) in relation to tenancies entered into, or advertising begun, before the date on which the provision comes into force.
- (6) The power to make regulations under [subsection \(3\)](#) includes power to amend or repeal any provision made by [Part 2](#) of [Schedule 6](#) to this Act.
- (7) The power to make regulations under [subsection \(3\)](#) includes—
 - (a) power to provide for a provision of this Act to apply (with or without modifications) in relation to tenancies or licences entered into, or advertising begun, before the date on which the provision comes into force, and
 - (b) power to provide for pre-application instruments which the Secretary of State considers do not (or will not) operate appropriately as a result of any provision of [Chapter 1](#) or [2](#) of [Part 1](#) to—
 - (i) have effect with specified modifications, or
 - (ii) cease to have effect (in whole or in part).
- (8) For the purposes of [subsection \(7\)\(b\)](#)—
 - (a) “pre-application instrument” means an agreement or other instrument entered into—
 - (i) before the commencement date, or
 - (ii) on or after that date either under a contract entered into before that date or by the acceptance of an offer made before that date;
 - (b) the circumstances in which the Secretary of State may consider that a pre-application instrument does not operate appropriately as a result of [Chapter 1](#) or [2](#) of [Part 1](#) include (but are not limited to) those in which—

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- (i) as a result of any provision of [Chapter 1](#) or [2](#) of [Part 1](#), provision made by the instrument is to any extent spent, obsolete, unnecessary or otherwise not of practical utility;
 - (ii) as a result of any provision of [Chapter 1](#) or [2](#) of [Part 1](#), it is unclear what the effect is of provision made by the instrument;
 - (iii) as a result of any provision of [Chapter 1](#) or [2](#) of [Part 1](#), a person may be placed in breach of obligations arising under the instrument or made subject to more burdensome obligations under the instrument;
 - (iv) the instrument makes direct or indirect reference to fixed term assured tenancies or assured shorthold tenancies (within the meaning of [Part 1](#) of the [1988 Act](#) as it had effect immediately before the commencement date);
 - (v) the instrument makes direct or indirect reference to periodic assured tenancies that are not relevant assured tenancies within the meaning given by [Part 2](#) of [Schedule 6](#);
 - (vi) the instrument otherwise makes direct or indirect reference to any enactment as it had effect before being amended by [Chapter 1](#) or [2](#) of [Part 1](#).
- (9) Regulations made by virtue of [subsection \(7\)\(b\)](#) must provide that they do not prevent—
- (a) the variation or revocation of provision modified by the regulations, or
 - (b) the re-making of provision that has ceased to have effect as a result of the regulations.
- (10) Regulations made by virtue of [subsection \(7\)\(b\)](#) may apply to an instrument as it has effect in relation to times before the coming into force of the regulations but after the day on which [Chapter 1](#) or [2](#) of [Part 1](#) (as the case may be) comes into force.
- (11) A statutory instrument containing (whether alone or with other provision) regulations under [subsection \(3\)](#) that—
- (a) fall within [subsection \(7\)\(b\)](#), or
 - (b) amend or repeal provision made by [Part 2](#) of [Schedule 6](#) to this Act,
- may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (12) In [this section](#) “the commencement date” has the meaning given by [section 146\(3\)](#).
- (13) The powers under [this section](#) include power to make different provision for different purposes.

Commencement Information

I152 S. 148 in force at Royal Assent, see [s. 145\(6\)](#)

149 Short title

This Act may be cited as the Renters' Rights Act 2025.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Commencement Information

I153 S. 149 in force at Royal Assent, see [s. 145\(6\)](#)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

PROSPECTIVE

SCHEDULE 1

Section 3

CHANGES TO GROUNDS FOR POSSESSION

Introductory

- 1 **Schedule 2** to the 1988 Act (grounds for possession of dwelling-houses let on assured tenancies) is amended as follows.

Commencement Information

1154 Sch. 1 para. 1 not in force at Royal Assent, see **s. 145(1)(7)**

Amendments of Ground 1: occupation by landlord or family

- 2 For Ground 1 (excluding the italic heading) substitute—
“The current tenancy began at least 1 year before the relevant date and the landlord who is seeking possession requires the dwelling-house as the only or principal home of any of the following—
(a) the landlord;
(b) the landlord’s spouse or civil partner or a person with whom the landlord lives as if they were married or in a civil partnership;
(c) the landlord’s—
(i) parent;
(ii) grandparent;
(iii) sibling;
(iv) child;
(v) grandchild;
(d) a child or grandchild of a person mentioned in paragraph (b).

A relationship of the half-blood is to be treated as a relationship of the whole blood.

In the case of joint landlords seeking possession, references to “the landlord” in this ground are to be read as references to at least one of those joint landlords.

When calculating whether the current tenancy began at least 1 year before the relevant date, both—

- (a) the day when the current tenancy began, and
(b) the relevant date,

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must be included in the calculation.”

Commencement Information

I155 Sch. 1 para. 2 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

New ground for sale of dwelling-house

3 After Ground 1 insert—

“Ground 1A

The following conditions are met—

- (a) the landlord who is seeking possession intends to sell a freehold or leasehold interest in the dwelling-house or to grant a lease of the dwelling-house for a term certain of more than 21 years which is not terminable before the end of that term by notice given by or to the landlord;
- (b) the assured tenancy on which the dwelling-house is let did not come into being by virtue of any provision of [Schedule 1](#) to the [Rent Act 1977](#) or [section 4](#) of the [Rent \(Agriculture\) Act 1976](#);
- (c) either—
 - (i) the current tenancy began at least 1 year before the relevant date, or
 - (ii) at the relevant date, notice of a compulsory acquisition in relation to the dwelling-house has been given, the landlord intends to sell their interest in the dwelling-house to the acquiring authority and the acquiring authority intends to acquire it;
- (d) the landlord seeking possession is not—
 - (i) a non-profit registered provider of social housing,
 - (ii) a body registered as a social landlord in the register maintained under [section 1](#) of the [Housing Act 1996](#),
 - (iii) a body registered as a social landlord in the register kept under [section 20\(1\)](#) of the [Housing \(Scotland\) Act 2010](#),
 - (iv) a housing trust, within the meaning of the [Housing Associations Act 1985](#), which is a charity, or
 - (v) where the dwelling-house is social housing within the meaning of [Part 2](#) of the [Housing and Regeneration Act 2008](#), a profit-making registered provider of social housing.

In paragraph (c)(ii), “sell” includes transfer.

When calculating whether the current tenancy began at least 1 year before the relevant date, both—

- (a) the day when the current tenancy began, and
- (b) the relevant date,

must be included in the calculation.”

Status: This version of this Act contains provisions that are prospective.

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Commencement Information

I156 Sch. 1 para. 3 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

New ground for possession after rent-to-buy agreement

4 After Ground 1A (inserted by [paragraph 3](#) of this Schedule) insert—
“Ground 1B

The following conditions are met—

- (a) the landlord who is seeking possession intends—
 - (i) to sell a freehold or leasehold interest in the dwelling-house,
 - (ii) to grant a lease of the dwelling-house for a term certain of more than 21 years which is not terminable before the end of that term by notice given by or to the landlord, or
 - (iii) to grant an assured tenancy to another person;
- (b) the assured tenancy on which the dwelling-house is let did not come into being by virtue of any provision of [Schedule 1](#) to the [Rent Act 1977](#) or [section 4](#) of the [Rent \(Agriculture\) Act 1976](#);
- (c) the landlord who is seeking possession is a private registered provider of social housing;
- (d) the assured tenancy was entered into pursuant to a rent-to-buy agreement;
- (e) the period stated in that agreement has expired;
- (f) the landlord who is seeking possession has complied with—
 - (i) any provision of the rent-to-buy agreement requiring the landlord to offer the dwelling-house for sale to the tenant, and
 - (ii) any requirements in the agreement about such an offer.

In this ground—

“rent-to-buy agreement” means an agreement in writing which—

- (a) provides for the tenant to pay rent that is no higher than 80% of market rent (and here “rent” and “market rent” include any amount payable by way of service charge), and
- (b) gives notice that the landlord intends after a period stated in the agreement which is not less than 5 years or, for dwelling-houses in Greater London, 10 years from the beginning of the tenancy to offer the dwelling-house for sale to the tenant.”

Commencement Information

I157 Sch. 1 para. 4 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Amendments of Ground 2: sale by mortgagee

5 In Ground 2—

- (a) in the words before [paragraph \(a\)](#) omit “granted before the beginning of the tenancy”;
- (b) omit [paragraph \(c\)](#) (and the “and” before it).

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Commencement Information

I158 Sch. 1 para. 5 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

New ground for possession when superior lease ends

6

After Ground 2 insert—

“Ground 2ZA

The landlord who is seeking possession—

- (a) holds the interest in the dwelling-house under a superior tenancy where—
 - (i) the superior landlord has given a valid notice to terminate that tenancy as a result of which the superior tenancy will end within the period of 12 months beginning with the relevant date, or
 - (ii) the superior tenancy is a fixed term tenancy of a term certain which will expire (if the tenancy does not come to an end earlier) within the period of 12 months beginning with the relevant date, and
- (b) is, or, in the case of joint landlords seeking possession, at least one of them is—
 - (i) a private registered provider of social housing,
 - (ii) a tenant of the superior landlord under a tenancy of an agricultural holding within the meaning of the Agricultural Holdings Act 1986 which is a tenancy to which that Act applies, or a farm business tenancy within the meaning of the [Agricultural Tenancies Act 1995](#),
 - (iii) a person who held the dwelling-house for the purpose of making it available for occupation as supported accommodation, or
 - (iv) a company of which a local authority owns at least 50% of the issued share capital.”

Commencement Information

I159 Sch. 1 para. 6 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

New grounds for possession in cases where there is a superior lease

7

After Ground 2ZA (inserted by paragraph 6 of this Schedule) insert—

“Ground 2ZB

The landlord who is seeking possession holds the interest in the dwelling-house under a superior tenancy which is a fixed term tenancy of a term certain of more than 21 years and—

- (a) the fixed term will expire (if the tenancy does not come to an end earlier) within the period of 12 months beginning with the relevant date, or

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- (b) if the superior tenancy has continued following the expiry of the fixed term, any party to the superior tenancy has served a valid notice to terminate that tenancy as a result of which the superior tenancy will end within the period of 12 months beginning with the relevant date.

Ground 2ZC

The landlord who is seeking possession became the landlord by virtue of section 18 no more than 6 months before the date on which the possession proceedings were commenced, and the previous landlord under the assured tenancy was, or, in the case of previous joint landlords, at least one of them was—

- (a) a private registered provider of social housing,
- (b) a tenant of the superior landlord under a tenancy of an agricultural holding within the meaning of the Agricultural Holdings Act 1986 which is a tenancy to which that Act applies, or a farm business tenancy within the meaning of the [Agricultural Tenancies Act 1995](#),
- (c) a person who held the dwelling-house for the purpose of making it available for occupation as supported accommodation, or
- (d) a company of which a local authority owns at least 50% of the issued share capital.

Ground 2ZD

The landlord who is seeking possession became the landlord by virtue of section 18, no more than 6 months before the date on which the possession proceedings were commenced, as a result of a superior tenancy which was a fixed term tenancy of a term certain of more than 21 years coming to an end—

- (a) on the expiry of the fixed term,
- (b) within the period of 12 months ending with the date on which the fixed term would have expired if the tenancy had not come to an end, or
- (c) after the expiry of the fixed term, as a result of a valid notice to terminate the tenancy.”

Commencement Information

I160 Sch. 1 para. 7 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Repeal of Ground 3: holiday accommodation

8 Omit Ground 3.

Commencement Information

I161 Sch. 1 para. 8 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Amendments of Ground 4: student accommodation

9 In Ground 4—

- (a) omit the opening words;
- (b) omit [paragraph \(a\)](#) (together with the final “and”);
- (c) [paragraph \(b\)](#) becomes an unnumbered paragraph;
- (d) after that unnumbered paragraph insert “and—

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- (c) if the tenancy arose by succession as mentioned in section 39(5), notice was given to the previous tenant under Case 14 of [Schedule 15](#) to the [Rent Act 1977](#), and
- (d) the tenancy is not an assured agricultural occupancy in respect of which the agricultural worker condition is fulfilled by virtue of paragraph 3 of Schedule 3.”

Commencement Information

I162 Sch. 1 para. 9 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

New ground for possession of student accommodation for occupation by students

10 After Ground 4 insert—

“Ground 4A

The following conditions are met—

- (a) the dwelling-house is in an HMO or is an HMO,
- (b) the tenant meets the student test when the tenancy is entered into,
- (c) the landlord or, in the case of joint landlords, at least one of them, gives the tenant, before the tenancy is entered into, a written statement of the landlord’s wish to be able to recover possession on the basis that—
 - (i) the tenant meets the student test when the tenancy is entered into, and
 - (ii) the landlord intends, on the next occasion on which the dwelling-house is let, to let it to a tenant who meets the student test when that new tenancy is entered into,
- (d) the period—
 - (i) beginning with the day on which the tenancy was entered into, and
 - (ii) ending with the day on which the tenant was entitled to possession of the dwelling-house,
 is six months or less,
- (e) the relevant date falls within the period beginning with 1 June and ending with 30 September in any year, and
- (f) the landlord seeking possession intends, on the next occasion on which the dwelling-house is let, to let it to a tenant who meets the student test when that new tenancy is entered into.

For the purposes of the conditions in paragraphs (b), (c) and (f), a tenant meets the student test when a tenancy is entered into if—

- (a) the tenant is a full-time student at that time, or
- (b) at that time, the landlord reasonably believes that the tenant would become a full-time student during the tenancy.

But, in a case where two or more persons are or would be the tenant, the tenant does not meet the student test unless all of those persons meet that test.

In this ground, “full-time student” means a person receiving education provided by means of a full-time course—

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- (a) of any description mentioned in [Schedule 6](#) to the [Education Reform Act 1988](#) provided by an institution in England or Wales;
- (b) of any description mentioned in [section 38\(2\)](#) of the [Further and Higher Education \(Scotland\) Act 1992](#) provided by an institution in Scotland;
- (c) of any description mentioned in [Schedule 1](#) to the [Further Education \(Northern Ireland\) Order 1997](#) (S.I. 1997/1772 (N.I. 15)) provided by an institution in Northern Ireland.

In a case where, because of paragraph 8(7) of Schedule 1 to the 1988 Act, a tenancy becomes an assured tenancy, the condition in paragraph (c) of the first paragraph of this ground is met if the written statement referred to there is given within the period of 28 days beginning with the date on which the tenancy becomes an assured tenancy.”

Commencement Information

I163 Sch. 1 para. 10 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Amendment of Ground 5: ministers of religion

11 In Ground 5—

- (a) omit [paragraph \(a\)](#) (together with the final “and”);
- (b) after [paragraph \(b\)](#) insert—
 - “(c) if the tenancy arose by succession as mentioned in [section 39\(5\)](#), notice was given to the previous tenant under Case 15 of [Schedule 15](#) to the [Rent Act 1977](#), and
 - (d) the tenancy is not an assured agricultural occupancy in respect of which the agricultural worker condition is fulfilled by virtue of [paragraph 3](#) of [Schedule 3](#).”

Commencement Information

I164 Sch. 1 para. 11 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

New ground for possession for occupation by agricultural worker

12 After Ground 5 insert—

“Ground 5A

The landlord seeking possession requires the dwelling-house for the purpose of housing a qualifying agricultural worker.

For the purpose of this ground a person is a “qualifying agricultural worker” in case A or B.

Case A is where—

- (a) the person will be employed in agriculture as a seasonal or permanent employee under a contract of employment, and
- (b) the employer under that contract is—
 - (a) the landlord, or

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- (b) in the case of joint landlords seeking possession, at least one of those landlords.

Case B is where—

- (a) the person will be—

- (i) employed in agriculture under a contract of employment, but the employer under that contract is not the landlord or, in the case of joint landlords, any of those landlords, or
- (ii) working in agriculture under a contract that is not a contract of employment, whether the contract is express or implied and (if express) whether oral or in writing,

- (b) the person will be employed or working in agriculture under that contract wholly or mainly for—

- (i) the landlord, or
- (ii) in the case of joint landlords seeking possession, at least one of the landlords, and

- (c) the relevant landlord intends that employment or work to continue for at least six months after the relevant date;

and here “relevant landlord” means the landlord, or whichever of the joint landlords, the person will be wholly or mainly working for.

In this ground—

“agriculture” has the same meaning as in the Rent (Agriculture) Act 1976 (see section 1 of that Act);

“contract of employment” has the meaning given by section 230(2) of the Employment Rights Act 1996.”

Commencement Information

I165 Sch. 1 para. 12 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

New ground for possession for occupation by person who meets employment requirements

13 After Ground 5A (inserted by [paragraph 12](#) of this Schedule) insert—

“Ground 5B

The landlord seeking possession—

- (a) is a private registered provider of social housing,
- (b) holds the dwelling-house for the purpose of accommodating persons who meet requirements connected with their employment, and
- (c) requires the dwelling-house to let it under a new tenancy to a person who meets those requirements,

and the tenant in possession does not fulfil those requirements.”

Commencement Information

I166 Sch. 1 para. 13 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Status: This version of this Act contains provisions that are prospective.

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Ground 16 to be renumbered as Ground 5C and to be a mandatory ground for possession

- 14 (1) Ground 16 in Part 2 of Schedule 2, together with the italic heading before it, moves to after Ground 5B (inserted by [paragraph 13 of this Schedule](#)) and becomes Ground 5C in Part 1 of [that Schedule](#).

- (2) For the first paragraph of the new Ground 5C substitute—

“The dwelling-house was let to the tenant in consequence of the tenant’s employment—

- (a) by the landlord seeking possession,
- (b) in the case of joint landlords seeking possession, by at least one of them,
- (c) by a previous landlord under the tenancy, or
- (d) pursuant to an agreement between any of those landlords and the employer,

and either—

- (a) the tenant has ceased to be in that employment, or
- (b) the tenancy was granted for the purpose of providing the tenant with accommodation during the early period of their employment, that purpose has been fulfilled and the landlord seeking possession intends to let the dwelling-house to another current or future employee of the employer.

In this ground, “the employer” means the tenant’s employer at the time the tenant entered the tenancy.”

- (3) After the second paragraph of the new Ground 5C insert—

“This ground also applies to the letting of a dwelling-house to a tenant in consequence of the tenant’s service in the office of constable, but with the following modifications.

“Employment” means service in the office of constable.

In the first paragraph of this ground, in paragraph (d), “the employer” means any of the following persons—

- (a) the chief officer of a police force;
- (b) a policing body;
- (c) in relation to a constable’s service under the direction and control of a person who is not a constable (the “senior person”)—
 - (i) the senior person, or
 - (ii) a person or body with the function of maintaining or securing the maintenance of the body of which the senior person is a member.

The first paragraph of this ground has effect as if the following were substituted for the second paragraph (b)—

“(b) the tenancy was granted for a particular purpose relating to the tenant’s service as a constable and—

- (i) that purpose has been fulfilled, or
- (ii) the tenancy is no longer required for that purpose.”

In those modifications—

- (a) “service in the office of a constable” includes a constable’s service under the direction and control of a person who is not a constable;

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- (b) “chief officer of a police force” means—
- (i) a chief officer of police (which has the same meaning as in the Police Act 1996 — see section 101(1) of that Act),
 - (ii) the chief constable of the Ministry of Defence Police,
 - (iii) the chief constable of the British Transport Police,
 - (iv) the chief constable of the Civil Nuclear Constabulary,
 - (v) the chief constable of the Police Service of Scotland, or
 - (vi) the chief constable of the Police Service of Northern Ireland;
- (c) “policing body” means—
- (i) a local policing body (which has the same meaning as in the Police Act 1996 — see section 101(1) of that Act),
 - (ii) the Secretary of State in relation to the Ministry of Defence Police,
 - (iii) the British Transport Police Authority,
 - (iv) the Civil Nuclear Police Authority,
 - (v) the Scottish Police Authority, or
 - (vi) the Northern Ireland Policing Board.”

(4) In the italic heading, for “16” substitute “5C”.

Commencement Information

I167 Sch. 1 para. 14 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

New ground for possession for end of employment requirements

15 After Ground 5C (as renumbered by [paragraph 14](#) of this Schedule) insert—

“Ground 5D

The landlord seeking possession is a private registered provider of social housing, the tenancy agreement includes a requirement connected with the tenant’s employment and the tenant no longer fulfils that requirement.”

Commencement Information

I168 Sch. 1 para. 15 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

New ground for possession for occupation as supported accommodation

16 After Ground 5D (inserted by [paragraph 15](#) of this Schedule) insert—

“Ground 5E

The landlord seeking possession requires possession of the dwelling-house to let it as supported accommodation where—

- (a) the landlord holds the dwelling-house for the purpose of making it available for occupation as supported accommodation, and
- (b) the tenant did not enter the assured tenancy for the purpose of receiving care, support or supervision.”

Status: This version of this Act contains provisions that are prospective.

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Commencement Information

1169 Sch. 1 para. 16 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

New grounds for possession of dwelling-house occupied as supported accommodation

17 (1) After Ground 5E (inserted by [paragraph 16](#) of this Schedule) insert—

“Ground 5F

The dwelling-house was supported accommodation when the tenancy was granted and any of the following applies—

- (a) the tenancy was granted for the purpose of providing the tenant with support services for a limited time in order to enable the tenant to be able to live in other accommodation in the future and the period for which those support services were to be provided has ended;
- (b) a person other than the landlord provides or provided support services to the tenant, but—
 - (i) the support services have come to an end or the person is not fulfilling their obligations under the arrangements for the provision of those services, and
 - (ii) where the dwelling-house is not managed accommodation, the landlord has used reasonable endeavours to find another person to provide support services to the tenant but has not been able to do so;
- (c) where the accommodation or support services were funded wholly or partly by someone other than the landlord or the tenant—
 - (i) that funding is no longer being provided,
 - (ii) where the dwelling-house is not managed accommodation, the landlord used reasonable endeavours to identify alternative funding before the relevant date but was not able to do so, and
 - (iii) it would not be reasonable for the landlord to continue to provide accommodation or for the person who provided support services to continue that provision in the circumstances;
- (d) the financial viability of the landlord or of supported accommodation or support services the landlord provides to others would, in the landlord's reasonable opinion, be threatened if the landlord were to continue to provide or fund a supported accommodation project of which the tenant's dwelling-house forms part and the landlord used reasonable endeavours to identify alternative funding for the project before the relevant date but was not able to do so;
- (e) the tenant does not need the level of support services that are provided;
- (f) the tenant does not need any support services;
- (g) the support services that are provided do not meet the tenant's needs;
- (h) the dwelling-house has physical features intended to enable persons with needs for particular support services to live more independently than they could do so without those features and those physical features are not needed by the tenant;
- (i) the dwelling-house is physically unsuitable for a person with the tenant's needs for support services to live in.

Status: This version of this Act contains provisions that are prospective.

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In paragraph (d), “supported accommodation project” means—

- (a) supported accommodation consisting of two or more dwelling-houses in the same building as, or otherwise nearby, each other,
- (b) supported accommodation consisting of two or more dwelling-houses occupied by tenants who receive support services of a similar kind, or
- (c) support services of a similar kind provided to tenants of two or more dwelling-houses that are supported accommodation.

In this ground, references to the “landlord” are to the landlord who is seeking possession.”

(2) After Ground 17 insert—

“Ground 18

The tenancy is of supported accommodation and the tenant has unreasonably refused to co-operate with the person providing support services with regard to those services.”

Commencement Information

I170 Sch. 1 para. 17 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

New ground for possession for tenancy granted for homelessness duty

18 After Ground 5F (inserted by [paragraph 17](#) of this Schedule) insert—

“Ground 5G

The tenant’s occupation of the dwelling-house was (at any time during the period of occupation) in pursuance of a local housing authority’s duty to the tenant under [section 193](#) of the [Housing Act 1996](#) and—

- (a) the local housing authority has notified the landlord that the tenancy is not required for the purposes of that duty, and
- (b) the relevant date is no more than 12 months after the date on which the local housing authority notified the landlord as mentioned in paragraph (a).

In this ground “local housing authority” means a district council, a county council in England for an area for which there is no district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly.”

Commencement Information

I171 Sch. 1 para. 18 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

New ground for possession of stepping stone accommodation

19 After Ground 5G (inserted by [paragraph 18](#) of this Schedule) insert—

“Ground 5H

The landlord seeking possession is a registered provider of social housing or a charity and—

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- (a) the tenancy was granted because the tenant met one or more eligibility conditions,
- (b) a written tenancy agreement set out the eligibility condition (the “specified condition”) or the eligibility conditions (the “specified conditions”) that the tenant met,
- (c) either—
 - (i) the tenant no longer meets the specified condition or specified conditions, or
 - (ii) the tenancy was granted in order to provide accommodation for a limited period to help the tenant transition to living independently and that period has come to an end,
- (d) the rent is no higher than 80% of market rent (and here “rent” and “market rent” include any amount payable by way of service charge), and
- (e) the tenancy was not granted—
 - (i) pursuant to a nomination as mentioned in [section 159\(2\)\(c\)](#) of the [Housing Act 1996](#),
 - (ii) as a tenancy of supported accommodation, or
 - (iii) in pursuance of a local housing authority’s duty under [section 193](#) of the [Housing Act 1996](#).

Each of the following is an “eligibility condition” for the purposes of this ground—

- (a) the tenant is in work, or work of a description specified in the condition, for which the tenant is paid;
- (b) the tenant is actively seeking work, or work of a description specified in the condition, for which the tenant would be paid;
- (c) the tenant is—
 - (i) of a particular age, or
 - (ii) within a particular range of ages,specified in the condition.

For the purposes of paragraph (a) or (b) of the definition of “eligibility condition”, a description of work may (in particular) be expressed by reference to—

- (a) work for a particular employer or description of employer or work at a particular place of work or description of place of work;
- (b) the amount which the tenant is paid for the work;
- (c) the duration or expected duration of the contract or other arrangement under which the work is done.

In this ground a reference—

- (a) to work includes self-employment;
- (b) to seeking work includes seeking to become self-employed.

The question of whether the tenant no longer meets the specified condition or specified conditions is to be determined for the purposes of this ground in accordance with the terms of the tenancy agreement.

But if—

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- (a) the terms of the tenancy agreement do not make any provision about that question,
 - (b) there are two or more specified conditions, and
 - (c) the tenant no longer meets one or more of those conditions,
- the tenant no longer meets the specified conditions for the purposes of this ground.

The Secretary of State may by regulations (“eligibility condition regulations”) make provision (including provision amending this ground)—

- (a) to add, vary or remove any eligibility condition;
- (b) about the meaning of any eligibility condition.

Eligibility condition regulations may make different provision for different purposes.

A statutory instrument containing eligibility condition regulations may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Commencement Information

1172 Sch. 1 para. 19 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Amendments of Ground 6: redevelopment

20 For Ground 6 (excluding the italic heading) substitute—

“These conditions are met—

- (a) the general redevelopment conditions (in every case);
- (b) the landlord’s acquisition condition, but only in a case where section 7([5ZA](#)) applies in relation to the tenancy;
- (c) the additional RSL condition, but only in a case where the landlord seeking possession is—
 - (i) a relevant social landlord, and
 - (ii) the person who intends to carry out the work mentioned in this ground.

The “general redevelopment conditions” are met if—

- (a) the landlord seeking possession is mentioned in the first column in a row of the table in this ground;
- (b) the tenancy is mentioned in the second column of that row;
- (c) a person mentioned in the third column of that row intends to—
 - (i) demolish or reconstruct the whole or a substantial part of the dwelling-house, or
 - (ii) carry out substantial works on the dwelling-house or any part of it, or any building of which it forms part;
- (d) the intended work cannot reasonably be carried out without the tenant giving up possession of the dwelling-house because—
 - (i) the tenant is not willing to agree to such a variation of the terms of the tenancy as would give such access and other facilities as would permit the intended work to be carried out,

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- (ii) the nature of the intended work is such that no such variation is practicable,
 - (iii) the tenant is not willing to accept an assured tenancy of such part only of the dwelling-house (in this sub-paragraph referred to as “the reduced part”) as would leave in the possession of the landlord so much of the dwelling-house as would be reasonable to enable the intended work to be carried out and, where appropriate, as would give such access and other facilities over the reduced part as would permit the intended work to be carried out, or
 - (iv) the nature of the intended work is such that such a tenancy is not practicable;
- (e) either —
- (i) the assured tenancy began at least 6 months before the relevant date, or
 - (ii) notice of a compulsory acquisition was given in respect of the dwelling-house where—
 - (A) the acquiring authority was the person who became the landlord who is seeking possession, and
 - (B) the dwelling-house was transferred to that landlord within the period of 12 months ending with the relevant date;
 - (f) the assured tenancy on which the dwelling-house is let did not come into being by virtue of any provision of [Schedule 1](#) to the [Rent Act 1977](#), as amended by Part 1 of Schedule 4 to this Act or, as the case may be, [section 4](#) of the [Rent \(Agriculture\) Act 1976](#), as amended by Part 2 of that Schedule.

The “landlord’s acquisition condition” is met if—

- (a) the landlord seeking possession acquired their interest in the dwelling-house before the grant of the tenancy, or
- (b) that interest was in existence at the time of that grant and neither that landlord (or, in the case of joint landlords, any of them) nor any other person who, alone or jointly with others, has acquired that interest since that time acquired it for money or money’s worth.

The “additional RSL condition” is met in case A, case B or case C.

Case A: a case where alternative accommodation that meets the following conditions is available for the tenant or will be available for the tenant when the order for possession takes effect—

- (a) it is let as a separate dwelling with adequate security of tenure;
- (b) it is affordable;
- (c) it is in an appropriate location;
- (d) it is not overcrowded.

Case B: a case where alternative accommodation that meets the following conditions is available for the tenant or will be available for the tenant when the order for possession takes effect—

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- (a) it is being provided temporarily until other alternative accommodation becomes available which will meet the conditions in case A;
- (b) it is affordable;
- (c) it is in an appropriate location;
- (d) it is not overcrowded.

Case C: a case where—

- (a) the tenancy of the dwelling-house was not granted pursuant to a nomination as mentioned in [section 159\(2\)\(c\)](#) of the [Housing Act 1996](#),
- (b) when the tenancy was granted, the landlord intended to—
 - (i) demolish or reconstruct the whole or a substantial part of the dwelling-house, or
 - (ii) carry out substantial works on the dwelling-house or any part of it, or any building of which it forms part, within a specific period, and
- (c) the relevant social landlord gave the tenant, before the tenancy was entered into, a written statement of the landlord's wish to be able to recover possession on the basis of that intention to carry out that work within that period (and that period must be included in the statement).

For the purpose of the additional RSL condition, accommodation—

- (a) is let “with adequate security of tenure” if it is let—
 - (i) on an assured tenancy, or
 - (ii) on terms which will, in the opinion of the court, afford to the tenant security of tenure reasonably equivalent to the security afforded by an assured tenancy;
- (b) is “affordable” if it is—
 - (i) no more expensive than the dwelling-house of which possession is being sought, or
 - (ii) reasonably suitable to the means of the tenant;
- (c) is “in an appropriate location” if it is—
 - (i) reasonably close to the dwelling-house of which possession is being sought, or
 - (ii) reasonably suitable to the needs of the tenant and the tenant's family as regards proximity to place of work;
- (d) is “overcrowded” if the result of the occupation of the accommodation by the tenant and the tenant's family would be that it would be an overcrowded dwelling for the purposes of [Part 10](#) of the [Housing Act 1985](#).

TABLE

<i>Landlord seeking possession</i>	<i>Tenancy</i>	<i>Landlord intending to redevelop</i>
a relevant landlord	any tenancy	(a) the landlord who is seeking possession (b) a superior landlord

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<i>Landlord seeking possession</i>	<i>Tenancy</i>	<i>Landlord intending to redevelop</i>
the unit-holder of a commonhold unit in relation to which a commonhold association exercises functions	tenancy of a dwelling-house in or comprises the commonhold unit	(a) the landlord who is seeking possession (b) the commonhold association
any landlord other than a relevant social landlord or a unit-holder of a commonhold unit in relation to which a commonhold association exercises functions	any tenancy	the landlord who is seeking possession

In this ground—

“commonhold association”, “commonhold unit” and “unit-holder” have the meanings given by [Part 1](#) of the [Commonhold and Leasehold Reform Act 2002](#) (see sections 11 to 13 and 34 of that Act);

“relevant social landlord” means—

- (a) a non-profit registered provider of social housing,
- (b) a body registered as a social landlord in the register maintained under [section 1](#) of the [Housing Act 1996](#),
- (c) a body registered as a social landlord in the register kept under [section 20\(1\)](#) of the [Housing \(Scotland\) Act 2010](#),
- (d) a housing trust, within the meaning of the [Housing Associations Act 1985](#), which is a charity, or
- (e) where the dwelling-house is social housing within the meaning of [Part 2](#) of the [Housing and Regeneration Act 2008](#), a profit-making registered provider of social housing.”

Commencement Information

I173 Sch. 1 para. 20 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

New ground for possession of alternative accommodation provided during redevelopment

21 After Ground 6 insert—

“Ground 6A

These conditions are met—

- (a) the landlord seeking possession (the “current landlord”) is a relevant social landlord;
- (b) the dwelling-house (the “current home”) was made available for occupation by the tenant, or a predecessor in title of the tenant,

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to enable redevelopment of another dwelling-house (the “previous home”) which—

- (i) was the only or principal home of the tenant or predecessor in title, and
- (ii) was occupied by the tenant or predecessor in title under a tenancy (the “previous tenancy”) of which the landlord was—
 - (A) a relevant social landlord, or
 - (B) a registered provider of social housing other than a private registered provider of social housing;
- (c) alternative accommodation that—
 - (i) consists of the previous home and is affordable, or
 - (ii) consists of other premises and is affordable, in an appropriate location and not overcrowded,
 is available for the tenant or will be available for the tenant when the order for possession takes effect;
- (d) that alternative accommodation is to be let as a separate dwelling with adequate security of tenure.

For the purpose of this ground, accommodation—

- (a) is let “with adequate security of tenure” if it is let—
 - (i) on an assured tenancy, or
 - (ii) on terms which will, in the opinion of the court, afford to the tenant security of tenure reasonably equivalent to the security afforded by an assured tenancy;
- (b) is “affordable” if it—
 - (i) is no more expensive than the previous home, making these assumptions—
 - (A) that the redevelopment of the previous home has not taken place, and
 - (B) that the tenant, or predecessor in title, has continued to be the tenant of the previous home under the previous tenancy, or
 - (ii) is reasonably suitable to the means of the tenant;
- (c) is “in an appropriate location” if it is—
 - (i) reasonably close to the previous home, or
 - (ii) reasonably suitable to the needs of the tenant and the tenant’s family as regards proximity to place of work;
- (d) is “overcrowded” if the result of the occupation of the accommodation by the tenant and the tenant’s family would be that it would be an overcrowded dwelling for the purposes of Part 10 of the Housing Act 1985.

In this Ground—

“redevelopment”, in relation to the dwelling-house that is the previous home, means—

- (a) demolishing or reconstructing the whole or a substantial part of the dwelling-house, or

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- (b) carrying out substantial works on the dwelling-house or any part of it, or any building of which it forms part;

“relevant social landlord” has the same meaning as in Ground 6.”

Commencement Information

I174 Sch. 1 para. 21 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

New ground for possession to allow compliance with enforcement action

22 After Ground 6A (inserted by paragraph 21) insert—

“Ground 6B

Any of the following applies—

- (a) letting the dwelling-house causes the landlord to breach a banning order under [section 16](#) of the [Housing and Planning Act 2016](#), or would do so if the landlord were to continue to let the dwelling-house;
- (b) an improvement notice under [section 11](#) or [12](#) of the [Housing Act 2004](#)—
 - (i) specifies the dwelling-house or premises in which the dwelling-house is contained as requiring remedial action, and
 - (ii) specifies overcrowding as the deficiency giving rise to the hazard in respect of which that remedial action is to be taken;
- (c) a prohibition order under [section 20](#) or [21](#) of the [Housing Act 2004](#) prohibits use of—
 - (i) the dwelling-house,
 - (ii) the common parts, or
 - (iii) any part of the dwelling-house or of the common parts,either for all purposes or for any purpose that is incompatible with continued occupation by the tenant;
- (d) the dwelling-house is or is in an HMO which is required to be licensed under [section 61](#) of the [Housing Act 2004](#), and—
 - (i) the landlord applied for a licence under [section 63](#) of the [Housing Act 2004](#) and the local housing authority refused to grant a licence, or
 - (ii) the landlord held a licence but the licence has been revoked;
- (e) the dwelling-house is or is in a house which is required to be licensed under [section 85](#) of the [Housing Act 2004](#), and—
 - (i) the landlord applied for a licence under [section 87](#) of the [Housing Act 2004](#) and the local housing authority refused to grant a licence, or
 - (ii) the landlord held a licence but the licence has been revoked;
- (f) the dwelling-house is or is in an HMO which is licensed under [Part 2](#) of the [Housing Act 2004](#) or a house which is licensed under [Part 3](#) of [that Act](#) and that HMO or house is occupied by more than the maximum number of households or persons specified in the licence;
- (g) compliance with a planning enforcement notice or injunction would be, or is, incompatible with continued occupation of the dwelling-house by the tenant.

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In this ground—

“common parts” has the same meaning as in Ground 13;

“house” has the same meaning as in [Part 3](#) of the [Housing Act 2004](#) (see section 99 of that Act);

references to the “landlord” are to the landlord who is seeking possession or, in the case of joint landlords seeking possession, to at least one of them;

“planning enforcement notice or injunction” means—

- (a) an enforcement notice issued under section 172 or 182 of the TCPA 1990 that has taken effect,
- (b) a breach of condition notice served under section 187A of the TCPA 1990,
- (c) an injunction granted under section 187B of the TCPA 1990,
- (d) a listed building enforcement notice issued under section 38, 45 or 46 of the P(LBCA)A 1990 that has taken effect, or
- (e) an injunction granted under section 44A of the P(LBCA)A 1990;

“P(LBCA)A 1990” means the Planning (Listed Building and Conservation Areas) Act 1990;

“TCPA 1990” means the Town and Country Planning Act 1990;

“the local housing authority” has the meaning given in [section 261](#) of the [Housing Act 2004](#).”

Commencement Information

I175 Sch. 1 para. 22 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Amendments of Ground 7: death of tenant

23 In Ground 7—

- (a) in the first unnumbered paragraph for the words from “The tenancy” to “devolved” insert “The tenancy has devolved on a person (the “new tenant”)”;
- (b) after the first unnumbered paragraph insert—

“But, if the new tenant is occupying the dwelling-house as the new tenant’s only or principal home immediately before the death of the former tenant, an order for possession on this Ground may not be made unless—

 - (a) the tenancy has previously devolved on the former tenant under a will or intestacy (whenever that devolution occurred), or
 - (b) the tenancy is a special tenancy immediately before the death of the former tenant.

In this Ground “special tenancy” means—

- (a) a tenancy of social housing (within the meaning given by Part 2 of the Housing and Regeneration Act 2008) where the landlord is a private registered provider of social housing;

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- (b) a tenancy entered into pursuant to a rent-to-buy agreement (which has the same meaning as in Ground 1B) where the landlord is a private registered provider of social housing;
 - (c) a tenancy of supported accommodation, within the meaning given by paragraph 12 of Schedule 2;
 - (d) a tenancy where the former tenant's occupation of the dwelling-house is in pursuance of a local housing authority's duty to the tenant under section 193 of the Housing Act 1996 (and here "local housing authority" has the same meaning as in Ground 5G);
 - (e) a tenancy which meets the conditions in paragraphs (a), (b), (d) and (e) in the first paragraph of Ground 5H."
- (c) omit the third unnumbered paragraph.

Commencement Information

I176 Sch. 1 para. 23 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Amendments of Ground 8: rent arrears

24 In Ground 8—

- (a) in [paragraph \(a\)](#), for "eight" substitute "thirteen";
- (b) in [paragraph \(b\)](#), for "two" substitute "three";
- (c) omit [paragraphs \(c\) and \(d\)](#);
- (d) at the end insert—

"When calculating how much rent is unpaid for the purpose of this ground, if the tenant is entitled to receive an amount for housing as part of an award of universal credit under [Part 1](#) of the [Welfare Reform Act 2012](#), any amount that was unpaid only because the tenant had not yet received the payment of that award is to be ignored."

Commencement Information

I177 Sch. 1 para. 24 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Power to amend [Schedule 2](#) and new interpretation provisions

25 After [Part 4](#) of [Schedule 2](#) to the 1988 Act insert—

"PART 5

INTERPRETATION

12 (1) In this Schedule—

"acquiring authority" means, where notice of a compulsory acquisition has been given, the person who would be authorised to make the compulsory acquisition if the order

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or legislation to which the notice relates were to become operative;

“HMO” has the same meaning as in [Part 2 of the Housing Act 2004](#) (see section 77 of that Act);

“housing association” has the meaning given by [section 1 of the Housing Associations Act 1985](#);

“managed accommodation” means supported accommodation into which a tenant has been admitted in order to meet a need for care, support or supervision, in a case in which that care, support or supervision is provided otherwise than by the landlord or a person acting on behalf of the landlord;

“relevant date”—

- (a) in Grounds 2ZA, 2ZB and 5F, means the date of service of the notice under section 8;
- (b) otherwise, means the date specified in the notice under section 8

but see [sub-paragraph \(2\)](#) where the court exercises the power conferred by section 8(1)(b);;

“support services” in relation to a tenant in supported accommodation, means care, support or supervision—

- (a) which is provided by the landlord or a person acting on behalf of the landlord, or
- (b) which the tenant was admitted into the accommodation for the purpose of receiving;

“supported accommodation” means a dwelling-house let—

- (a) by—
 - (i) a housing association,
 - (ii) a private registered provider of social housing,
 - (iii) a registered charity, or
 - (iv) a voluntary organisation, and
- (b) to a tenant who receives care, support or supervision provided either—
 - (i) by the landlord or a person acting on behalf of the landlord, or
 - (ii) by someone else, if the tenant has been admitted into the accommodation in order to meet a need for care, support or supervision.

(2) Where the court exercises the power conferred by section 8(1)(b) (power to dispense with notice under section 8) references in this Schedule to the relevant date are to be read as references to the date on which proceedings for possession began.

(3) For the purposes of this Schedule, each of the following constitutes giving notice of a compulsory acquisition—

- (a) in the case of a compulsory acquisition which is to be authorised by a compulsory purchase order—
 - (i) publication of the notice required by section 11 of, or (as the case may be) [paragraph 2 of Schedule 1](#) to, the

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Acquisition of Land Act 1981, in accordance with that Act, or

- (ii) service of the notice required by section 12 of, or (as the case may be) paragraph 3 of Schedule 1 to, that Act, in accordance with that Act;
 - (b) in the case of a compulsory acquisition which is to be authorised by any other order, publication or service of any notice that any provision of or made under any Act requires to be published or served in connection with that acquisition, in accordance with that Act;
 - (c) in the case of a compulsory acquisition which is to be authorised by a special enactment, publication or service of a notice that, in connection with that acquisition, is published or served in accordance with any Standing Order of either House of Parliament relating to private business.
- (4) In sub-paragraph (3)—
- “compulsory purchase order” means a compulsory purchase order within the meaning given by the Acquisition of Land Act 1981 (see section 2 of that Act);
- “special enactment” means—
- (a) a local or private Act which authorises the compulsory acquisition of land specifically identified in that Act, or
 - (b) a provision which—
 - (i) is contained in an Act other than a local or private Act, and
 - (ii) authorises the compulsory acquisition of land specifically identified in that Act.

PART 6

POWERS TO AMEND CERTAIN GROUNDS AND DEFINITIONS

- 13 (1) The Secretary of State may by regulations amend this Schedule so as to—
- (a) amend Ground 2ZA to change the descriptions of the landlord who may use the ground;
 - (b) amend Ground 2ZC to change the descriptions of previous landlord mentioned in it;
 - (c) provide for Ground 5C to apply only where the landlord seeking possession or the employer is of a particular description;
 - (d) amend Ground 5H to change the descriptions of landlord who may use the ground;
 - (e) add other situations to the list in the first paragraph of Ground 6B in which that ground may be relied on or remove any situations added by virtue of this sub-paragraph;
 - (f) amend the definition of “special tenancy” in Ground 7;
 - (g) amend the definition of “supported accommodation” or “managed accommodation” in paragraph 12.

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- (2) Regulations under this paragraph may—
- (a) make consequential, supplementary, incidental, transitional or saving provision;
 - (b) make different provision for different purposes.
- (3) Regulations under this paragraph are to be made by statutory instrument.
- (4) A statutory instrument containing regulations under this paragraph may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Commencement Information

I178 Sch. 1 para. 25 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

SCHEDULE 2

Section 29

AMENDMENTS RELATING TO [CHAPTER 1](#) OF [PART 1](#)

Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951

- 1 The [Reserve and Auxiliary Forces \(Protection of Civil Interests\) Act 1951](#) is amended as follows.

Commencement Information

I179 Sch. 2 para. 1 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

- 2 In [section 16](#) (protection of tenure of certain rented premises by extension of Housing Act 1988) as it applies otherwise than to Scotland—
- (a) omit [subsection \(1\)](#);
 - (b) in [subsection \(2\)\(a\)](#) omit “which is a periodic tenancy”;
 - (c) in [subsection \(3\)](#), for “Neither subsection (1) nor subsection (2) above applies” substitute “Subsection (2) does not apply”;
 - (d) in [subsection \(4\)](#), for “subsections (1) and” substitute “subsection”.

Commencement Information

I180 Sch. 2 para. 2 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

- 3 In [section 17](#) (provision supplementary to section 16 of that Act) as it applies otherwise than to Scotland—
- (a) omit [subsection \(1\)](#);

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- (b) in **subsection (2)**—
 - (i) in **paragraph (a)** omit “which is a periodic tenancy”;
 - (ii) for **paragraph (b)** and the words after it substitute—
 - “(b) immediately before the time when the tenancy would otherwise have come to an end as mentioned in paragraph (a)—
 - (i) the tenant under the terms of the tenancy has the exclusive occupation of some accommodation (in this section referred to as “the separate accommodation”), and has the use of other accommodation in common with another person or other persons, not being or including the landlord, but
 - (ii) by reason only of such circumstances as are mentioned in section 16(4), **subsection (1)** of **section 3** of the **Housing Act 1988** (provisions where tenant shares accommodation with persons other than landlord) does not have effect with respect to the separate accommodation,
- during the remainder of the period of protection, **section 3** of the **Housing Act 1988** applies in relation to the separate accommodation as if the circumstances referred to in sub-paragraph (ii) did not exist and, accordingly, as if the tenancy had become an assured tenancy immediately before it would otherwise have come to an end.”;
- (c) in **subsection (3)** for “Neither subsection (1) nor subsection (2) above applies” substitute “Subsection (2) does not apply”.

Commencement Information

I181 Sch. 2 para. 3 not in force at Royal Assent, see **s. 145(1)(7)**

- 4 In **section 18** (protection of tenure under a licence or rent free letting) as it applies otherwise than to Scotland, in **subsection (1)**, omit “a statutory periodic tenancy which is”.

Commencement Information

I182 Sch. 2 para. 4 not in force at Royal Assent, see **s. 145(1)(7)**

- 5 In **section 19** (limitation of application of Housing Act 1988 by virtue of sections 16 to 18 of that Act) as it applies otherwise than to Scotland—
 - (a) in **paragraph (a)** omit “the statutory periodic tenancy which is deemed to arise or, as the case may be,”;
 - (b) in **paragraph (b)** omit “before the time when that statutory periodic tenancy was deemed to arise or, as the case may be,”.

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Commencement Information

I183 Sch. 2 para. 5 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

- 6 In [section 20](#) (modifications) as it applies otherwise than to Scotland—
- (a) in [subsection \(2\)](#)—
 - (i) in the opening words, for “Ground 16” substitute “Ground 5C”;
 - (ii) in [paragraph \(b\)](#) omit “statutory periodic tenancy or”;
 - (b) in [subsection \(3\)](#), in the words before [paragraph \(a\)](#), for “16” substitute “18”.

Commencement Information

I184 Sch. 2 para. 6 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

- 7 In [section 23](#) (interpretation) omit the definitions of “fixed term tenancy” and “statutory periodic tenancy”.

Commencement Information

I185 Sch. 2 para. 7 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Commencement Information

- I179** Sch. 2 para. 1 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
- I180** Sch. 2 para. 2 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
- I181** Sch. 2 para. 3 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
- I182** Sch. 2 para. 4 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
- I183** Sch. 2 para. 5 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
- I184** Sch. 2 para. 6 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
- I185** Sch. 2 para. 7 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Greater London Council (General Powers) Act 1973

- 8 In section 25 of the Greater London Council (General Powers) Act 1973 (provision of temporary sleeping accommodation to constitute material change of use), in subsection (2)—
- (a) in paragraph (a), after “person” insert “otherwise than under or by virtue of an assured tenancy”;
 - (b) after that paragraph insert—
 - “(aa) “assured tenancy” means an assured tenancy within the meaning of Chapter 1 of Part 1 of the Housing Act 1988;”

Commencement Information

I186 Sch. 2 para. 8 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

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Housing Act 1985

9 The Housing Act 1985 is amended as follows.

Commencement Information

I187 Sch. 2 para. 9 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

10 In section 81ZA (grant of secure tenancies in cases of domestic abuse), in subsection (4), in the definition of “qualifying tenancy”, in paragraph (b), omit subparagraph (i).

Commencement Information

I188 Sch. 2 para. 10 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

11 In section 81B (cases where old-style English secure tenancies may be granted), in subsection (2C), in the definition of “qualifying tenancy”, in paragraph (b), omit “which is not an assured shorthold tenancy and”;

Commencement Information

I189 Sch. 2 para. 11 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

12 In section 82A (demotion because of anti-social behaviour)—
(a) in subsection (1), omit paragraphs (ba) and (c);
(b) in subsection (8), omit paragraph (b).

Commencement Information

I190 Sch. 2 para. 12 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

13 In section 171B (extent of preserved right), omit subsection (1A).

Commencement Information

I191 Sch. 2 para. 13 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

14 In section 553 (effect of repurchase on certain existing tenancies (England)), in subsection (2)—
(a) in paragraph (a), omit the words “or an assured tenancy”;
(b) in paragraph (b), omit the words from “or in accordance” to the end of that paragraph (including the “and” at the end of that paragraph);
(c) omit paragraph (c).

Commencement Information

I192 Sch. 2 para. 14 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

15 In section 554 (grant of tenancy to former owner-occupier), in subsection (3)—

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- (a) omit paragraph (c) (and the “or” at the end of that paragraph);
- (b) after paragraph (b), insert—
“*(ca) an assured tenancy, or*”.

Commencement Information

I193 Sch. 2 para. 15 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

- 16 In Part 4 of Schedule 2 (grounds for possession: secure tenancies), in paragraph (1) (c), omit the words from “which is neither” to the end of that paragraph.

Commencement Information

I194 Sch. 2 para. 16 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

- 17 In Schedule 3 (grounds for withholding consent to assignment by way of exchange), in ground 2A, in the definition of “demotion order”, omit “or section 6A of the Housing Act 1988”.

Commencement Information

I195 Sch. 2 para. 17 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Commencement Information

I187 Sch. 2 para. 9 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
I188 Sch. 2 para. 10 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
I189 Sch. 2 para. 11 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
I190 Sch. 2 para. 12 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
I191 Sch. 2 para. 13 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
I192 Sch. 2 para. 14 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
I193 Sch. 2 para. 15 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
I194 Sch. 2 para. 16 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
I195 Sch. 2 para. 17 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Landlord and Tenant Act 1985

- 18 In [section 13\(1A\)](#) of the [Landlord and Tenant Act 1985](#) (as amended by [section 31](#)) omit [paragraph \(b\)](#) and the “or” before it.

Commencement Information

I196 Sch. 2 para. 18 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Agricultural Holdings Act 1986

- 19 In [Schedule 3](#) to the [Agricultural Holdings Act 1986](#) (cases where consent of tribunal to operation of notice to quit is not required), in [Part 2](#), in [paragraph 3](#)—
(a) in sub-paragraph (1), for paragraphs (c) and (d) substitute—

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- “(c) premises which are to be let as a separate dwelling such that they will then be let on an assured tenancy (construing that term in accordance with [Part 1](#) of the [Housing Act 1988](#))—
- (i) by the person who was the landlord under the tenancy of the agricultural holding (“the former agricultural landlord”), or
 - (ii) by another person pursuant to a contract or other agreement entered into with the former agricultural landlord under which—
 - (A) the premises are to be let as suitable alternative accommodation for the purposes of paragraph (b) of case A, and
 - (B) subsection ([5ZA](#)) of section 7 of that Act is to apply;
- (d) premises which are to be let as a separate dwelling in any other case on terms which will afford to the tenant security of tenure reasonably equivalent to the security that would be afforded by [Chapter 1](#) of [Part 1](#) of [that Act](#) in a case within paragraph (c).”;
- (b) omit sub-paragraph (2).

Commencement Information

I197 Sch. 2 para. 19 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Housing Act 1988

20 [The 1988 Act](#) is amended as follows.

Commencement Information

I198 Sch. 2 para. 20 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

21 In [section 1](#) (assured tenancies), in [subsection \(5\)](#), omit “(and under any statutory periodic tenancy which arises on the coming to an end of that tenancy)”.

Commencement Information

I199 Sch. 2 para. 21 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

22 In [section 1A](#) (application of Chapters 1, 2 and 3 of Part 1 to dwelling in Wales), in [subsection \(3\)](#), after “tenancy” insert “, without the amendments made by the Renters' Rights Act 2025”.

Commencement Information

I200 Sch. 2 para. 22 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

23 In [section 5](#) (security of tenure)—

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- (a) in **subsection (1)**—
 - (i) in **paragraph (a)(i)** omit “or 21”;
 - (ii) omit **paragraphs (b) and (c)** (but not the “or” after them);
 - (iii) in the words after **paragraph (d)**, for “a periodic” substitute “an”;
- (b) omit **subsections (2) to (7)**.

Commencement Information

I201 Sch. 2 para. 23 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

- 24 Omit **section 6**.

Commencement Information

I202 Sch. 2 para. 24 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

- 25 In **section 9** (extended discretion of court in possession claims), in **subsection (6)**, omit **paragraph (b)** and the “or” before it.

Commencement Information

I203 Sch. 2 para. 25 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

- 26 In **section 10A** (power to order transfer of tenancy in certain cases) omit **subsection (8)**.

Commencement Information

I204 Sch. 2 para. 26 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

- 27 In **section 15** (limited prohibition on assignment etc. without consent), in **subsection (3)**, omit “a statutory periodic tenancy or”.

Commencement Information

I205 Sch. 2 para. 27 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

- 28 In **section 17** (succession to assured tenancy)—
- (a) in **subsection (1)(a)**, omit “periodic”;
 - (b) in **subsection (1A)(a)**, omit “periodic”;
 - (c) omit **subsection (1B)**;
 - (d) omit **subsection (1C)**;
 - (e) in **subsection (1D)**, for “, (1A), (1B) or (1C)” substitute “or (1A)”;
 - (f) in **subsection (5)**, omit “or (1B)(c) above”;
 - (g) in **subsection (6)**, omit “, (1C)”;
 - (h) omit **subsection (7)**.

Status: This version of this Act contains provisions that are prospective.

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Commencement Information

I206 Sch. 2 para. 28 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

- 29 In [section 18](#) (provisions as to reversions on assured tenancies)—
- (a) in [subsection \(3\)](#)—
- (i) in the words before [paragraph \(a\)](#) omit “which is a periodic tenancy (including a statutory periodic tenancy)”;
 - (ii) omit [paragraph \(a\)](#) and the “or” after it;
 - (iii) in [paragraph \(b\)](#), for “periodic” substitute “assured”;
 - (iv) in the words after [paragraph \(b\)](#), for “periodic” substitute “assured”;
- (b) omit [subsection \(4\)](#).

Commencement Information

I207 Sch. 2 para. 29 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

- 30 In [section 34](#) (restrictions on new protected tenancies and agricultural occupancies) omit [subsection \(3\)](#).

Commencement Information

I208 Sch. 2 para. 30 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

- 31 In [section 37](#) (no further assured tenancies under Housing Act 1980), in [subsection \(5\)](#), omit “(and under any statutory periodic tenancy which arises on the coming to an end of that tenancy)”.

Commencement Information

I209 Sch. 2 para. 31 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

- 32 (1) Section 39 (statutory tenants: succession) is amended as follows.
- (2) In subsection (5), in the words after paragraph (b), omit “periodic”.
- (3) In subsection (6)—
- (a) in the words before paragraph (a), omit “periodic”;
 - (b) in paragraph (d), after the second “tenancy” insert “(but this is subject to section 4A)”;
 - (c) in paragraph (e), for “sections 13 to 15” substitute “sections 13 to [16B](#)”;
 - (d) omit paragraph (f).
- (4) Omit subsection (7).
- (5) In subsection (8)—
- (a) omit “periodic”;
 - (b) after “(above)” insert “; and section 24A does not apply in relation to the assured tenancy to which the successor becomes entitled”.

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(6) For subsection (9) substitute—

“(9) Where, immediately before the predecessor’s death, the predecessor was a tenant under a fixed term tenancy (the “former tenancy”), the following provisions of this subsection apply in relation to the assured tenancy to which the successor becomes entitled on the predecessor’s death (the “new tenancy”)—

- (a) not later than the first anniversary of the date of the predecessor’s death, the landlord may serve on the tenant, or the tenant may serve on the landlord, a notice in the prescribed form (a “notice of variation”)—
 - (i) proposing terms of the new tenancy, other than terms as to the amount of the rent, that are different from the terms which have effect by virtue of subsection (6)(e) (the “implied terms”), and
 - (ii) if the landlord or the tenant considers it appropriate, proposing an adjustment of the amount of the rent to take account of the proposed terms;
- (b) where a notice of variation has been served under paragraph (a)—
 - (i) within the period of three months beginning on the date on which the notice was served on him, the landlord or the tenant, as the case may be, may, by an application in the prescribed form, refer the notice to the appropriate tribunal under [paragraph \(c\)](#), and
 - (ii) if the notice is not so referred, then, with effect from such date, not falling within the period referred to in [sub-paragraph \(i\)](#), as may be specified in the notice, the terms proposed in the notice shall become terms of the tenancy in substitution for any of the implied terms dealing with the same subject matter and the amount of the rent shall be varied in accordance with any adjustment so proposed;
- (c) where a notice of variation is referred to the appropriate tribunal, the appropriate tribunal must consider the terms proposed in the notice and must determine whether those terms, or some other terms (dealing with the same subject matter as the proposed terms), are such as, in the appropriate tribunal’s opinion, might reasonably be expected to be found in an assured tenancy of the dwelling-house concerned, being a tenancy—
 - (i) which begins on the date of the predecessor’s death, and
 - (ii) which is granted by a willing landlord on terms which, except in so far as they relate to the subject matter of the proposed terms, are those of the new tenancy at the time of the appropriate tribunal’s consideration;
- (d) whether or not a notice of variation proposes an adjustment of the amount of the rent under the former tenancy, where the appropriate tribunal determine any terms under [paragraph \(c\)](#), they must, if they consider it appropriate, specify such an adjustment to take account of the terms so determined;
- (e) in making a determination under [paragraph \(c\)](#), or specifying an adjustment of an amount of rent under [paragraph \(d\)](#), there must

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be disregarded any effect on the terms or the amount of the rent attributable to the granting of a tenancy to a sitting tenant;

- (f) where a notice of variation is referred to the appropriate tribunal, then, unless the landlord and the tenant otherwise agree, with effect from such date as the appropriate tribunal may direct—
 - (i) the terms determined by the appropriate tribunal become terms of the new tenancy in substitution for any of the implied terms dealing with the same subject matter, and
 - (ii) the amount of the rent under the statutory periodic tenancy is altered to accord with any adjustment specified by the appropriate tribunal;

but for the purposes of [sub-paragraph \(ii\)](#) the appropriate tribunal must not direct a date earlier than the date specified, in accordance with subsection (3)(b) above, in the notice of variation;

- (g) nothing in this section requires the appropriate tribunal to continue with a determination under [paragraph \(c\)](#) if the landlord and tenant give notice in writing that they no longer require such a determination or if the tenancy has come to an end.”

Commencement Information

I210 Sch. 2 para. 32 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

- 33 In [section 41](#) (rent assessment committees: procedure and information powers), in [subsection \(2\)](#), omit “or Chapter II”.

Commencement Information

I211 Sch. 2 para. 33 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

- 34 In [section 41A](#) (amounts attributable to services) omit “or 22”.

Commencement Information

I212 Sch. 2 para. 34 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

- 35 In [section 45](#) (interpretation of Part 1)—
 - (a) in [subsection \(1\)](#) omit the definition of “statutory periodic tenancy”;
 - (b) in [subsection \(2\)](#) omit “Subject to paragraph 11 of Schedule 2 to this Act,”.

Commencement Information

I213 Sch. 2 para. 35 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

- 36 In [Schedule 2](#) (grounds for possession)—
 - (a) in [Part 3](#), in [paragraph 2\(a\)](#), omit the words from “other than—” to the end of [sub-paragraph \(ii\)](#) (but not the “, or” at the end of the paragraph);
 - (b) omit [Part 4](#).

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Commencement Information

I214 Sch. 2 para. 36 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

37 In [Schedule 4](#) (statutory tenants: succession), in [Part 3](#), omit [paragraph 24](#).

Commencement Information

I215 Sch. 2 para. 37 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Commencement Information

- I198** Sch. 2 para. 20 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
- I199** Sch. 2 para. 21 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
- I200** Sch. 2 para. 22 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
- I201** Sch. 2 para. 23 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
- I202** Sch. 2 para. 24 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
- I203** Sch. 2 para. 25 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
- I204** Sch. 2 para. 26 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
- I205** Sch. 2 para. 27 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
- I206** Sch. 2 para. 28 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
- I207** Sch. 2 para. 29 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
- I208** Sch. 2 para. 30 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
- I209** Sch. 2 para. 31 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
- I210** Sch. 2 para. 32 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
- I211** Sch. 2 para. 33 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
- I212** Sch. 2 para. 34 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
- I213** Sch. 2 para. 35 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
- I214** Sch. 2 para. 36 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
- I215** Sch. 2 para. 37 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Local Government and Housing Act 1989

38 The [Local Government and Housing Act 1989](#) is amended as follows.

Commencement Information

I216 Sch. 2 para. 38 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

39 In [Schedule 10](#) (security of tenure on ending of long residential tenancies)—

- (a) in [paragraph 5\(1\)\(a\)](#), omit “, other than Ground 16”;
- (b) for [paragraph 5\(2\)](#) substitute—

“(2) Ground 6 in Schedule 2 to the 1988 Act may not be specified in a landlord’s notice to resume possession if the tenancy is a former 1954 Act tenancy.

(2A) Where that Ground applies to any other long residential tenancy in accordance with sub-paragraph (1), it is to apply as if—

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- (a) in paragraph (b) of that Ground, the words “, but only in a case where section 7(5ZA) applies in relation to the tenancy,” were omitted;
- (b) in the general redevelopment conditions, paragraph (f) was omitted.”;
- (c) in paragraph 6(3)(c)—
 - (i) omit “(other than an assured shorthold tenancy)”;
 - (ii) for “5” substitute “5H”;
- (d) in paragraph 11(3)—
 - (i) in the opening words, omit “(not being an assured shorthold tenancy)”;
 - (ii) in paragraph (c), for “5” substitute “5H”;
- (e) in paragraph 11(5)—
 - (i) in the opening words, omit “(not being an assured shorthold tenancy)”;
 - (ii) in paragraph (c), for “5” substitute “5H”;
- (f) in paragraph 12(1), omit “or Chapter II”;
- (g) in paragraph 13(4), for “15” substitute “18”.

Commencement Information

I217 Sch. 2 para. 39 not in force at Royal Assent, see s. 145(1)(7)

- 40 In Schedule 11 (minor and consequential amendments), omit paragraphs 103 and 108.

Commencement Information

I218 Sch. 2 para. 40 not in force at Royal Assent, see s. 145(1)(7)

Commencement Information

I216 Sch. 2 para. 38 not in force at Royal Assent, see s. 145(1)(7)

I217 Sch. 2 para. 39 not in force at Royal Assent, see s. 145(1)(7)

I218 Sch. 2 para. 40 not in force at Royal Assent, see s. 145(1)(7)

Housing Act 1996

- 41 The Housing Act 1996 is amended as follows.

Commencement Information

I219 Sch. 2 para. 41 not in force at Royal Assent, see s. 145(1)(7)

- 42 In section 64 omit the entry for “assured shorthold tenancy”.

Status: This version of this Act contains provisions that are prospective.

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Commencement Information

I220 Sch. 2 para. 42 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

43 Omit [sections 96 to 100](#).

Commencement Information

I221 Sch. 2 para. 43 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

44 In section 124 (introductory tenancies), in subsection (2)(b), omit “, other than an assured shorthold tenancy,”.

Commencement Information

I222 Sch. 2 para. 44 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

45 In section 125 (duration of introductory tenancy)—
 (a) in subsection (3), omit “, or a relevant assured shorthold tenancy,”;
 (b) omit subsection (3A).

Commencement Information

I223 Sch. 2 para. 45 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

46 In [section 143](#) (index of defined expressions) omit “and assured shorthold tenancy”.

Commencement Information

I224 Sch. 2 para. 46 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

47 In section 143C (change of landlord), in subsection (3), omit “shorthold”.

Commencement Information

I225 Sch. 2 para. 47 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

48 In [section 175](#) (homelessness and threatened homelessness), in [subsection \(5\)](#)—
 (a) in [paragraph \(a\)](#), for “section 21 of the Housing Act 1988 (orders for possession on expiry or termination of assured shorthold tenancy)” substitute “section 8 of the Housing Act 1988 (notice of proceedings for possession)”;
 (b) in [paragraph \(b\)](#), for “that notice will expire” substitute “the date specified in that notice is”.

Commencement Information

I226 Sch. 2 para. 48 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

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- 49 In [section 188](#) (interim duty to accommodate in case of apparent priority need) omit [subsection \(1A\)](#).

Commencement Information

I227 Sch. 2 para. 49 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

- 50 In [section 193A\(4\)](#) (consequences of refusal of final accommodation offer or final Part 6 offer at the initial relief stage)—
- (a) in [paragraph \(a\)](#) omit “shorthold”;
 - (b) at the end of [paragraph \(a\)](#) insert “and”;
 - (c) omit [paragraph \(c\)](#) and the “and” before it.

Commencement Information

I228 Sch. 2 para. 50 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

- 51 In [section 195](#) (duties in cases of threatened homelessness), in [subsection \(6\)](#)—
- (a) in the words before [paragraph \(a\)](#), for “section 21 of the Housing Act 1988 (orders for possession on expiry or termination of assured shorthold tenancy)” substitute “section 8 of the Housing Act 1988 (notice of proceedings for possession)”;
 - (b) in [paragraph \(a\)](#)—
 - (i) for “will expire” substitute “specifies a date that is”;
 - (ii) for “expired” substitute “passed”.

Commencement Information

I229 Sch. 2 para. 51 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

- 52 In [section 209](#) (discharge of interim duties: arrangements with private landlord), in [subsection \(2\)](#), in the words after [paragraph \(b\)](#), for the words from “assured shorthold tenancy” (in the first place it occurs) to the end substitute “assured tenancy”.

Commencement Information

I230 Sch. 2 para. 52 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

- 53 In [section 218](#) (index of defined expressions: Part 7), in the entry for assured tenancy and assured shorthold tenancy, omit “and assured shorthold tenancy”.

Commencement Information

I231 Sch. 2 para. 53 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

- 54 In [section 230](#) (minor definitions: general), in the first definition, omit “, “assured shorthold tenancy””.

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Commencement Information

I232 Sch. 2 para. 54 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

55 Omit [Schedule 7](#).

Commencement Information

I233 Sch. 2 para. 55 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Commencement Information

I219 Sch. 2 para. 41 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
I220 Sch. 2 para. 42 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
I221 Sch. 2 para. 43 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
I222 Sch. 2 para. 44 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
I223 Sch. 2 para. 45 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
I224 Sch. 2 para. 46 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
I225 Sch. 2 para. 47 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
I226 Sch. 2 para. 48 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
I227 Sch. 2 para. 49 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
I228 Sch. 2 para. 50 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
I229 Sch. 2 para. 51 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
I230 Sch. 2 para. 52 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
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I232 Sch. 2 para. 54 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
I233 Sch. 2 para. 55 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Capital Allowances Act 2001

56 In the [Capital Allowances Act 2001](#), in [section 490\(3\)\(b\)](#) (assured tenancy allowances), omit “(but not an assured shorthold tenancy)”.

Commencement Information

I234 Sch. 2 para. 56 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Police Reform Act 2002

57 In [section 100](#) of the [Police Reform Act 2002](#) (Metropolitan Police Authority housing) omit [subsection \(4\)](#).

Commencement Information

I235 Sch. 2 para. 57 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Status: This version of this Act contains provisions that are prospective.

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Homelessness Act 2002

- 58 In [section 7](#) of the [Homelessness Act 2002](#) (events causing main homelessness duty to cease)—
- (a) for [subsection \(1\)](#) substitute—
- “(1) Section 193 of the 1996 Act (events which bring main homelessness duty to an end) is amended in accordance with subsections (3) to (5).”;
- (b) omit [subsection \(2\)](#).

Commencement Information

I236 Sch. 2 para. 58 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Finance Act 2003

- 59 In [Schedule 9](#) to the [Finance Act 2003](#) (stamp duty land tax: right to buy, shared ownership leases etc)—
- (a) in [paragraph 13](#), in each place it occurs, for “assured shorthold tenancy” substitute “assured tenancy”;
- (b) in [paragraph 14](#), in each place it occurs, for “assured shorthold tenancy” substitute “assured tenancy”.

Commencement Information

I237 Sch. 2 para. 59 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Anti-social Behaviour Act 2003

- 60 In the [Anti-social Behaviour Act 2003](#)—
- (a) in [section 14](#) (security of tenure: anti-social behaviour) omit [subsection \(4\)](#);
- (b) omit [section 15](#);
- (c) in Schedule 1 (demoted tenancies), omit paragraph 2(3).

Commencement Information

I238 Sch. 2 para. 60 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Housing Act 2004

- 61 The Housing Act 2004 is amended as follows.

Commencement Information

I239 Sch. 2 para. 61 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

- 62 Omit section 75.

Status: This version of this Act contains provisions that are prospective.

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Commencement Information

I240 Sch. 2 para. 62 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

63 Omit section 98.

Commencement Information

I241 Sch. 2 para. 63 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

64 In section 116 (general effect of final management orders), in subsection (4)—

- (a) in paragraph (a)(ii), omit “(subject to paragraph (b))”;
- (b) for paragraph (b) substitute—
 - “(b) paragraph (a) does not apply to the creation of an interest in the nature of an assured tenancy within the meaning of Part 1 of the Housing Act 1988.”

Commencement Information

I242 Sch. 2 para. 64 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

65 In section 136 (making of final EDMOs), in subsection (5), before paragraph (a) insert—

- “(aa) where the EDMO is to be made by a local housing authority in England, paragraph 2 is to be read as requiring the notice under paragraph 1 to also set out the rights and powers of the authority under paragraph 10(3) of Schedule 7 in connection with a dwelling in relation to which a final EDMO is in force;”.

Commencement Information

I243 Sch. 2 para. 65 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

66 In Schedule 7 (general effect of final EDMOs), in paragraph 10(4)—

- (a) in paragraph (a)(ii) omit “(subject to paragraph (b))”;
- (b) for paragraph (b) substitute—
 - “(b) paragraph (a) does not apply to the creation of an interest in the nature of an assured tenancy within the meaning of the Housing Act 1988.”

Commencement Information

I244 Sch. 2 para. 66 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Commencement Information

I239 Sch. 2 para. 61 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

I240 Sch. 2 para. 62 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

I241 Sch. 2 para. 63 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Status: This version of this Act contains provisions that are prospective.

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I242 Sch. 2 para. 64 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

I243 Sch. 2 para. 65 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

I244 Sch. 2 para. 66 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Housing and Regeneration Act 2008

67 The [Housing and Regeneration Act 2008](#) is amended as follows.

Commencement Information

I245 Sch. 2 para. 67 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

68 In section 180 (right to acquire)—
(a) in subsection (2)(a), omit “, other than a long tenancy”;
(b) in subsection (2A), omit “shorthold”.

Commencement Information

I246 Sch. 2 para. 68 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

69 In Schedule 11 (possession orders relating to certain tenancies), in Part 1—
(a) omit [paragraph 7](#);
(b) omit [paragraph 9](#).

Commencement Information

I247 Sch. 2 para. 69 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Commencement Information

I245 Sch. 2 para. 67 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

I246 Sch. 2 para. 68 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

I247 Sch. 2 para. 69 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Regulatory Enforcement and Sanctions Act 2008

70 In [Schedule 3](#) to the [Regulatory Enforcement and Sanctions Act 2008](#) (enactments specified for the purposes of Part 1), in the appropriate place, insert—
“Tenant Fees Act [2019 \(c.4\)](#)”

Commencement Information

I248 Sch. 2 para. 70 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Charities Act 2011

71 (1) The Charities Act 2011 is amended as follows.

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Changes to legislation: *Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) In section 117 (restrictions on disposition of land: general), in subsection (2)(b)(ii), after “less” insert “or which are assured tenancies”.

(3) In section 120 (requirements for leases which are for 7 years or less)—

- (a) in the heading, after “less” insert “or which are assured tenancies”;
- (b) in subsection (1), the words from “a lease” to the end become paragraph (a);
- (c) after that paragraph insert “, or
 - (b) a lease that is an assured tenancy within the meaning of Chapter 1 of Part 1 of the Housing Act 1988.”

Commencement Information

I249 Sch. 2 para. 71 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Localism Act 2011

72 In the [Localism Act 2011](#)—

- (a) in [section 148](#) (duties to homeless persons) omit [subsection \(6\)\(b\)](#) and the “and” before it;
- (b) in [section 149](#) (duties to homeless persons: further amendments) omit [subsections \(2\)](#) and [\(4\)](#);
- (c) in section 158 (secure and assured tenancies: transfer of tenancy)—
 - (i) omit subsection (3)(b)(i) and the “and” after it;
 - (ii) omit subsection (4)(b) and the “or” before it;
 - (iii) in subsection (8)(b), omit the words “that is not an assured shorthold tenancy”;
 - (iv) in subsection (9)(b), omit the words “that is not an assured shorthold tenancy”;
 - (v) in subsection (10), omit “shorthold”;
- (d) in section 159 (further provisions about transfer of tenancy under section 158), in subsection (6)(c), for “and “assured shorthold tenancy” have” substitute “has”;
- (e) in [section 162](#) (secure and assured tenancies: recovery of possession after tenant’s death) omit [subsection \(4\)](#);
- (f) omit [section 163](#);
- (g) omit [section 164](#);
- (h) in section 184 (tenancy deposit schemes), omit subsections (10) to (13);
- (i) in [Schedule 14](#) (grounds on which landlord may refuse to surrender and grant tenancies), in [paragraph 6\(4\)](#), in the definition of “demotion order”, omit “or section 6A of the Housing Act 1988”.

Commencement Information

I250 Sch. 2 para. 72 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Deregulation Act 2015

73 In the [Deregulation Act 2015](#)—

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- (a) omit [section 31](#);
- (b) omit [sections 33 to 41](#).

Commencement Information

I251 Sch. 2 para. 73 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Immigration Act 2016

- 74 In [section 41](#) of the [Immigration Act 2016](#) (order for possession of dwelling-house), in [subsection \(3\)](#), omit [paragraphs \(c\) and \(d\)](#).

Commencement Information

I252 Sch. 2 para. 74 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Renting Homes (Wales) Act 2016 (anaw 1)

- 75 In [Schedule 12](#) to the [Renting Homes \(Wales\) Act 2016](#)—
- (a) in the Welsh language text, after [paragraph 29](#) insert—

“29A At ddibenion paragraffau 28 a 29, mae Deddf Tai 1988 yn gymwys heb y diwygiadau a wnaed gan [Ddeddf Rhentwyr \(Diwygio\) 2025 \(p.26\)](#).”;
 - (b) in the English language text, after [paragraph 29](#) insert—

“29A For the purposes of paragraphs 28 and 29, the Housing Act 1988 applies without the amendments made by the Renters' Rights Act [2025 \(c.26\)](#).”

Commencement Information

I253 Sch. 2 para. 75 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Homelessness Reduction Act 2017

- 76 In [section 4](#) of the [Homelessness Reduction Act 2017](#) (duty in cases of threatened homelessness) omit subsection 4.

Commencement Information

I254 Sch. 2 para. 76 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Status: This version of this Act contains provisions that are prospective.

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PROSPECTIVE

SCHEDULE 3

Section 73

AMENDMENTS CONNECTED WITH LANDLORD REDRESS SCHEMES

Local Government Act 1974

- 1 The [Local Government Act 1974](#) is amended in accordance with [paragraphs 2 to 5](#).

Commencement Information

I255 Sch. 3 para. 1 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

- 2 (1) [Section 33](#) (consultation between Local Commissioner and other Commissioners and Ombudsmen) is amended as follows.
- (2) In the heading, for the words from “Local Commissioner” to the end substitute “Local Commissioner and other appropriate persons”.
- (3) In [subsection \(1\)](#)—
- (a) for the words from “subject of an investigation” to “about the matter and,” substitute “subject of a relevant investigation, the Local Commissioner shall consult with the appropriate person about the matter and,”;
 - (b) for the words from “initiate a complaint” to the end substitute “initiate a relevant complaint in relation to which the person consulted would be the appropriate person”.
- (4) In [subsection \(2\)](#)—
- (a) for the words from “the Parliamentary Commissioner” to “in relation to” substitute “an appropriate person in relation to”;
 - (b) for the words from “consult” to “about” substitute “consult that person about”.
- (5) In [subsection \(3\)](#)—
- (a) for the words from “conducting an investigation” to “the complaint relates” substitute “conducting a relevant investigation, the appropriate person forms the opinion that the complaint to which the investigation relates also relates”;
 - (b) for “he”, in both places it occurs, substitute “the appropriate person”.
- (6) After [subsection \(3\)](#) insert—
- “(3ZA) Subsection (3) does not apply in relation to any of the following relevant investigations—
- (a) an investigation by the Health Service Commissioner for England in accordance with the Act of 1993;
 - (b) an investigation by the Public Services Ombudsman for Wales in accordance with the [Public Services Ombudsman \(Wales\) Act 2005](#);
 - (c) an investigation by the Scottish Public Services Ombudsman in accordance with the Act of 2002.”

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (7) Omit **subsections (3A) to (3C)**.
- (8) In **subsection (4)**, for the words from “subsection (3)” to “subsection (2)”, substitute “subsection (3), a Local Commissioner is consulted about a relevant complaint, subsection (2)”.
- (9) After **subsection (5)** insert—
- “(5A) In this section—
- (a) “relevant investigation” means an investigation specified in column 1 of the table;
 - (b) “relevant complaint” means a complaint specified in column 2 of the table;
 - (c) “appropriate person”—
 - (i) in relation to a relevant investigation, means the person in column 3 of the table in the row in which the investigation is specified;
 - (ii) in relation to a relevant complaint, means the person in column 3 of the table in the row in which the complaint is specified.

1	2	3
<i>Relevant investigations</i>	<i>Relevant complaints</i>	<i>Appropriate persons</i>
An investigation by the Parliamentary Commissioner in accordance with section 5 of the Act of 1967	A complaint under the Act of 1967	The Parliamentary Commissioner
An investigation by the Health Service Commissioner for England in accordance with the Act of 1993	A complaint under the Act of 1993	The Health Service Commissioner for England
An investigation by a housing ombudsman under the Housing Act 1996	A complaint under the Housing Act 1996	The housing ombudsman
An investigation by the Scottish Public Services Ombudsman in accordance with the Act of 2002	A complaint under the Act of 2002	The Scottish Public Services Ombudsman
An investigation by the Public Services Ombudsman for Wales in accordance with the Public Services Ombudsman (Wales) Act 2005	A complaint under the Public Services Ombudsman (Wales) Act 2005	The Public Services Ombudsman for Wales
An investigation by the new homes ombudsman under	A complaint under the new homes ombudsman scheme	The new homes ombudsman

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1	2	3
Relevant investigations	Relevant complaints	Appropriate persons
the new homes ombudsman scheme (see section 136 of the Building Safety Act 2022)		
An investigation under a leasehold and a estate management redress scheme (see section 100 of the Leasehold and Freehold Reform Act 2024)	A complaint under a leasehold and a estate management redress scheme	The person responsible for overseeing and monitoring the investigation and determination of complaints under the scheme
An investigation under a landlord redress scheme (see section 64 of the Renters' Rights Act 2025)	A complaint under a landlord redress scheme	The person responsible for overseeing and monitoring the investigation and determination of complaints under the scheme”
Commencement Information I256 Sch. 3 para. 2 not in force at Royal Assent, see s. 145(1)(7)		
3	(1) Section 33ZA (collaborative working between Local Commissioners and others) is amended as follows. (2) In subsection (1), for the words from “jurisdiction of” to the end substitute “jurisdiction of an appropriate person, the Local Commissioner may, subject to subsection (2) below, conduct an investigation under this Part jointly with that appropriate person and any other appropriate person who, in the opinion of the Local Commissioner, has jurisdiction in relation to the matters which are the subject of the Local Commissioner’s investigation.” (3) Omit subsections (1A) and (1B). (4) In subsection (3), for the words from “investigated by” to the end substitute “investigated by an appropriate person relates partly to a matter within the Local Commissioner’s jurisdiction by virtue of this Part, the Local Commissioner may conduct an investigation under this Part jointly with that appropriate person and any other appropriate person who is also investigating the complaint.” (5) After subsection (5) insert— “(6) For the purposes of this section— (a) “appropriate person” means any of the following— (i) the Parliamentary Commissioner; (ii) the Health Service Commissioner for England; (iii) a housing ombudsman; (iv) the new homes ombudsman; (v) an individual who investigates complaints under a redress scheme;	

Status: This version of this Act contains provisions that are prospective.

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- (b) “redress scheme” means—
 - (i) a leasehold and estate management redress scheme;
 - (ii) a landlord redress scheme;
- (c) a matter is within the jurisdiction of an individual who investigates complaints under a redress scheme if it is a matter which could be the subject of an investigation under that scheme.”

Commencement Information

I257 Sch. 3 para. 3 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

- 4 In [section 33ZB](#) (arrangements for provision of administrative and other services), for [subsection \(4\)](#) substitute—

“(4) The persons within this subsection are—
the Commission;
the Parliamentary Commissioner;
the Health Service Commissioner for England;
the person administering a scheme approved under [Schedule 2](#) to the [Housing Act 1996](#) (scheme for enabling complaints to be investigated by a housing ombudsman);
the new homes ombudsman;
the person maintaining the new homes ombudsman scheme under arrangements made pursuant to [section 136](#) of the [Building Safety Act 2022](#);
the administrator of a leasehold and estate management redress scheme;
the administrator of a landlord redress scheme.”

Commencement Information

I258 Sch. 3 para. 4 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

- 5 In [section 34](#) (interpretation), in [subsection \(1\)](#), at the appropriate places insert—
““head of landlord redress”, in relation to a landlord redress scheme, means the person responsible for overseeing and monitoring the investigation and determination of complaints under the scheme;”
““landlord redress scheme” has the meaning given by [section 64\(2\)](#) of the Renters' Rights Act 2025;”.

Commencement Information

I259 Sch. 3 para. 5 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Commencement Information

I255 Sch. 3 para. 1 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

I256 Sch. 3 para. 2 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

I257 Sch. 3 para. 3 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

I258 Sch. 3 para. 4 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

I259 Sch. 3 para. 5 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Housing Act 1996

- 6 (1) **Paragraph 10A** of **Schedule 2** to the **Housing Act 1996** (housing complaints: collaborative working with Local Commissioners) is amended as follows.
- (2) In the heading above **that paragraph**, for “Local Commissioners” substitute “other appropriate persons”.
- (3) In **sub-paragraph (1)**, for the words from “a Local Commissioner” to the end substitute “an appropriate person, the housing ombudsman may, subject to sub-paragraph (2), conduct an investigation under this Act jointly with that person and any other appropriate person the housing ombudsman considers has jurisdiction.”
- (4) Omit **sub-paragraph (1A)**.
- (5) In **sub-paragraph (3)**, for the words from “a Local Commissioner” to the end substitute “an appropriate person relates partly to a matter within the jurisdiction of the housing ombudsman, the housing ombudsman may conduct an investigation jointly with that person and any other appropriate person investigating the complaint.”
- (6) In **sub-paragraph (4)**, for the words from “investigation jointly with” to the end substitute “investigation jointly with one or more appropriate persons, the requirements of paragraph 7 may be satisfied by a report made jointly with those persons.”
- (7) For **sub-paragraph (6)** substitute—
- “(6) For the purposes of this paragraph—
- (a) “appropriate person” means any of the following—
- (i) a Local Commissioner;
- (ii) the new homes ombudsman;
- (iii) an individual who investigates complaints under a redress scheme;
- (b) “redress scheme” means—
- (i) a redress scheme within the meaning of **section 100(4)** of the **Leasehold and Freehold Reform Act 2024** (leasehold and estate management redress schemes);
- (ii) a landlord redress scheme within the meaning of **section 64(2)** of the Renters' Rights Act 2025;
- (c) a matter is within the jurisdiction of an individual who investigates complaints under a redress scheme if it is a matter which could be the subject of an investigation under that scheme.”

Commencement Information

I260 Sch. 3 para. 6 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Government of Wales Act 1998

- 7 In [paragraph 17](#) of [Schedule 12](#) to the [Government of Wales Act 1998](#) (minor and consequential amendments), omit [sub-paragraphs \(2\) and \(3\)](#).

Commencement Information

I261 Sch. 3 para. 7 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Public Services Ombudsman (Wales) Act 2005

- 8 In [paragraph 15](#) of [Schedule 6](#) to the [Public Services Ombudsman \(Wales\) Act 2005](#) (consequential amendments)—
- (a) in [sub-paragraph \(2\)](#), omit [paragraphs \(c\) and \(e\)](#);
 - (b) omit [sub-paragraph \(3\)](#).

Commencement Information

I262 Sch. 3 para. 8 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Localism Act 2011

- 9 In [section 182](#) of the [Localism Act 2011](#) (transfer of functions to housing ombudsman), omit [subsections \(2\) to \(6\)](#).

Commencement Information

I263 Sch. 3 para. 9 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Building Safety Act 2022

- 10 The [Building Safety Act 2022](#) is amended in accordance with [paragraphs 11 and 12](#).

Commencement Information

I264 Sch. 3 para. 10 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

- 11 In [Schedule 3](#) (cooperation and information sharing), in [paragraph 3](#), for [sub-paragraph \(5\)](#) substitute—

“(5) “Relevant scheme” means any of the following—

- a scheme approved under [Schedule 2](#) to the [Housing Act 1996](#) (housing complaints: social landlords);
- a redress scheme to which persons are required by virtue of [section 83](#) of the [Enterprise and Regulatory Reform Act 2013](#) (lettings agency work) to be members;
- a redress scheme to which persons are required by virtue of [section 84](#) of [that Act](#) (property management work) to be members;
- the new homes ombudsman scheme;

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a redress scheme within the meaning of [section 100\(4\)](#) of the [Leasehold and Freehold Reform Act 2024](#) (leasehold and estate management redress schemes);
a landlord redress scheme within the meaning of [section 64\(2\)](#) of the Renters' Rights Act 2025.”

Commencement Information

I265 Sch. 3 para. 11 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

12 In [Schedule 10](#) (amendments in connection with new homes ombudsman), omit [paragraphs 1 to 5](#).

Commencement Information

I266 Sch. 3 para. 12 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Commencement Information

I264 Sch. 3 para. 10 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
I265 Sch. 3 para. 11 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)
I266 Sch. 3 para. 12 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Leasehold and Freehold Reform Act 2024

13 In [Schedule 13](#) to the [Leasehold and Freehold Reform Act 2024](#) (amendments in connection with leasehold and estate management redress schemes), omit [paragraphs 2, 3, 4, 6 and 7](#).

Commencement Information

I267 Sch. 3 para. 13 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

SCHEDULE 4 Section 100(6)

DECENT HOMES STANDARD

PART 1

AMENDMENTS OF [HOUSING ACT 2004](#)

1 The [Housing Act 2004](#) is amended as follows.

Commencement Information

I268 Sch. 4 para. 1 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

I269 Sch. 4 para. 1 in force at 27.12.2025 for specified purposes by S.I. 2025/1354, reg. 2(c)(i)

PROSPECTIVE

- 2 (1) Section 1 (new system for assessing housing conditions and enforcing housing standards) is amended as follows.
- (2) In subsection (3)(a), omit “hazard”.
- (3) After subsection (8) insert—
- “(9) But unoccupied HMO accommodation is “qualifying residential premises” for the purposes of this Part only to the extent provided for by section 2B(1)(c).”

Commencement Information

I270 Sch. 4 para. 2 not in force at Royal Assent, see s. 145(1)(7)

PROSPECTIVE

- 3 (1) **Section 4** (inspections by local housing authorities) is amended as follows.
- (2) For **subsection (1)** substitute—
- “(1) If a local housing authority consider as a result of any matters of which they have become aware in carrying out their duty under section 3, or for any other reason, that it would be appropriate for any residential premises in their district to be inspected with a view to determining—
- (a) whether any category 1 or 2 hazard exists on the premises, or
- (b) in the case of qualifying residential premises, whether the premises meet the requirements specified by regulations under **section 2A**,
- the authority must arrange for such an inspection to be carried out.”
- (3) In **subsection (2)**—
- (a) omit the “or” at the end of paragraph (a), and
- (b) after **that paragraph** insert—
- “(aa) in the case of qualifying residential premises, that the premises may not meet the requirements specified by regulations under **section 2A**, or”.
- (4) After **subsection (5)** insert—
- “(5A) Regulations made under subsection (4) by the Secretary of State may also make provision about the manner of assessing whether qualifying residential premises meet the requirements specified by regulations under **section 2A**.”
- (5) In **subsection (6)**—
- (a) omit the “or” at the end of paragraph (a), and
- (b) after **that paragraph** insert—

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“(aa) that any qualifying residential premises in their district fail to meet the requirements specified by regulations under [section 2A](#), or”.

(6) In the heading, omit “to see whether category 1 or 2 hazards exist”.

Commencement Information

I271 Sch. 4 para. 3 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

- 4 (1) [Section 5](#) (general duty to take enforcement action) is amended as follows.
- (2) For [subsection \(1\)](#) substitute—
- “(1) If a local housing authority consider that—
- (a) a category 1 hazard exists on any residential premises, or
- (b) any qualifying residential premises fail to meet a type 1 requirement,
- the authority must take the appropriate enforcement action in relation to the hazard or failure.”
- (3) In [subsection \(2\)\(c\)](#), for “a hazard” substitute “an”.
- (4) In [subsections \(3\) to \(6\)](#), after “hazard” (in each place) insert “or failure”.
- (5) In the heading, after “hazards” insert “and type 1 requirements”.

Commencement Information

I272 Sch. 4 para. 4 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

- 5 In the heading to [section 6](#) (how duty under section 5 operates in certain cases), omit “Category 1 hazards”.

Commencement Information

I273 Sch. 4 para. 5 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

- 6 After [section 6](#) insert—
- “**6A Financial penalties relating to category 1 hazards or type 1 requirements**
- (1) This section applies where—

Status: This version of this Act contains provisions that are prospective.

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- (a) a local housing authority is required by section 5(1) to take the appropriate enforcement action in relation to—
 - (i) the existence of a category 1 hazard on qualifying residential premises other than the common parts of a building containing one or more flats, or
 - (ii) a failure by qualifying residential premises other than the common parts of a building containing one or more flats to meet a type 1 requirement, and
 - (b) in the opinion of the local housing authority it would have been reasonably practicable for the responsible person to secure the removal of the hazard or the meeting of the requirement.
- (2) When first taking that action, the local housing authority may also impose on the responsible person a financial penalty under this section in relation to the hazard or failure.
- (3) In subsections (1) and (2), “the responsible person” is the person on whom an improvement notice may be served in accordance with paragraphs A1 to 4 of Schedule 1 in relation to the hazard or failure.
- (4) For the purposes of subsection (3)—
- (a) it is to be assumed that serving such a notice in relation to the hazard or failure is a course of action available to the authority, and
 - (b) any reference in paragraphs A1 to 4 of Schedule 1 to “the specified premises” is, in relation to the imposition of a financial penalty under this section, to be read as a reference to the premises specified in the final notice in accordance with paragraph 8(c) of Schedule A1.
- (5) In subsection (4)(b), “final notice” has the meaning given by paragraph 6 of Schedule A1.
- (6) The amount of the penalty is to be determined by the authority but must not be more than £7,000.
- (7) A penalty under this section may relate to—
- (a) more than one category 1 hazard on the same premises,
 - (b) more than one failure to meet type 1 requirements by the same premises, or
 - (c) any combination of such hazards or failures on or by the same premises.
- (8) The Secretary of State may by regulations amend the amount specified in subsection (6) to reflect changes in the value of money.
- (9) Schedule A1 makes provision about—
- (a) the procedure for imposing a financial penalty under this section,
 - (b) appeals against financial penalties under this section,
 - (c) enforcement of financial penalties under this section, and
 - (d) how local housing authorities are to deal with the proceeds of financial penalties under this section.”

Status: This version of this Act contains provisions that are prospective.

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Commencement Information

I274 Sch. 4 para. 6 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

- 7 (1) **Section 7** (powers to take enforcement action) is amended as follows.
- (2) In **subsection (1)**, for “that a category 2 hazard exists on residential premises” substitute “that—
- (a) a category 2 hazard exists on residential premises, or
 - (b) qualifying residential premises fail to meet a type 2 requirement.”.
- (3) In **subsection (2)(c)**, for “a hazard” substitute “an”.
- (4) In **subsection (3)**—
- (a) after “hazard” (in the first place) insert “or failure to meet a type 2 requirement”, and
 - (b) after “hazard” (in the second place) insert “or failure”.
- (5) In the heading, after “hazards” insert “and type 2 requirements”.

Commencement Information

I275 Sch. 4 para. 7 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

- 8 In **section 8** (reasons for decision to take enforcement action), in **subsection (5)(a)**, omit “hazard”.

Commencement Information

I276 Sch. 4 para. 8 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

- 9 (1) **Section 9** (guidance about inspections and enforcement action) is amended as follows.
- (2) In **subsection (1)(b)**, omit “hazard”.
- (3) After **that subsection** insert—
- “(1A) The Secretary of State may give guidance to local housing authorities in England about exercising their functions under this Chapter in relation to—
- (a) assessing whether qualifying residential premises meet the requirements specified by regulations under [section 2A](#), or
 - (b) financial penalties.”

Status: This version of this Act contains provisions that are prospective.

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Commencement Information

I277 Sch. 4 para. 9 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

I278 Sch. 4 para. 9(1) in force at 27.12.2025 for specified purposes by [S.I. 2025/1354, reg. 2\(c\)\(i\)](#)

I279 Sch. 4 para. 9(3) in force at 27.12.2025 for specified purposes by [S.I. 2025/1354, reg. 2\(c\)\(ii\)](#)

PROSPECTIVE

- 10 In the heading of Chapter 2 of Part 1 (improvement notices, prohibition orders and hazard awareness notices), omit “hazard”.

Commencement Information

I280 Sch. 4 para. 10 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

- 11 (1) **Section 11** (improvement notices relating to category 1 hazards: duty of authority to serve notice) is amended as follows.
- (2) For **subsection (1)** substitute—
- “(1) If—
- (a) the local housing authority are satisfied that—
- (i) a category 1 hazard exists on any residential premises, or
- (ii) any qualifying residential premises fail to meet a type 1 requirement, and
- (b) no management order is in force in relation to the premises under Chapter 1 or 2 of Part 4,
- serving an improvement notice under this section in respect of the hazard or failure is a course of action available to the authority in relation to the hazard or failure for the purposes of section 5 (category 1 hazards and type 1 requirements: general duty to take enforcement action).”
- (3) In **subsection (2)**, after “hazard” insert “or failure”.
- (4) In **subsection (3)(a)**, after “exists” insert “, or which fail to meet the requirement,”.
- (5) In **subsection (4)**—
- (a) after “exists,” insert “or which fail to meet the requirement,” and
- (b) in paragraph (a), after “hazard” insert “or failure”.
- (6) In **subsection (5)(a)**, for the words from “that” to “but” substitute “that—
- (i) if the notice relates to a hazard, the hazard ceases to be a category 1 hazard;
- (ii) if the notice relates to a failure by premises to meet a type 1 requirement, the premises meet the requirement; but”.
- (7) In **subsection (6)**, for the words from “to” to the end substitute “to—

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- (a) more than one category 1 hazard on the same premises or in the same building containing one or more flats,
 - (b) more than one failure to meet type 1 requirements by the same premises or the same building containing one or more flats, or
 - (c) any combination of such hazards and failures—
 - (i) on or by the same premises, or
 - (ii) in or by the same building containing one or more flats.”
- (8) In **subsection (8)**—
- (a) after “hazard” (in the first place) insert “or failure”, and
 - (b) after “hazard” (in the second place) insert “or secure that the premises meet the requirement”.
- (9) In the heading, after “hazards” insert “and type 1 requirements”.

Commencement Information

I281 Sch. 4 para. 11 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

- 12 (1) **Section 12** (improvement notices relating to category 2 hazards: power of authority to serve notice) is amended as follows.
- (2) For **subsection (1)** substitute—
- “(1) If—
- (a) the local housing authority are satisfied that—
 - (i) a category 2 hazard exists on any residential premises, or
 - (ii) any qualifying residential premises fail to meet a type 2 requirement, and
 - (b) no management order is in force in relation to the premises under Chapter 1 or 2 of Part 4,
- the authority may serve an improvement notice under this section in respect of the hazard or failure.”
- (3) In **subsection (2)**, after “hazard” insert “or failure”.
- (4) In **subsection (4)**, for the words from “to” to the end substitute “to—
- (a) more than one category 2 hazard on the same premises or in the same building containing one or more flats,
 - (b) more than one failure to meet type 2 requirements by the same premises or the same building containing one or more flats, or
 - (c) any combination of such hazards and failures—
 - (i) on or by the same premises, or
 - (ii) in or by the same building containing one or more flats.”
- (5) In the heading, after “hazards” insert “and type 2 requirements”.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I282 Sch. 4 para. 12 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

13 (1) [Section 13](#) (contents of improvement notices) is amended as follows.

(2) In [subsection \(2\)](#)—

- (a) after “hazard” (in each place) insert “or failure”,
- (b) after “hazards” insert “or failures”, and
- (c) in paragraph (b), after “exists” insert “or to which it relates”.

(3) In [subsection \(5\)](#), after “hazard” insert “or failure”.

Commencement Information

I283 Sch. 4 para. 13 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

14 In [section 16\(3\)](#) (revocation and variation of improvement notices)—

- (a) after “hazards” (in the first place) insert “or failures (or a combination of hazards and failures)”, and
- (b) in paragraph (a), after “hazards” insert “or failures”.

Commencement Information

I284 Sch. 4 para. 14 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

15 (1) [Section 19](#) (change in person liable to comply with improvement notice) is amended as follows.

(2) For [subsection \(2\)](#) substitute—

“(2) In subsection (1), the reference to a person ceasing to be a “person of the relevant category”—

- (a) in the case of an improvement notice served on a landlord or superior landlord under [paragraph A1\(3\)](#) of Schedule 1, is a reference to the person ceasing to hold the estate in the premises by virtue of which the person was the landlord or superior landlord, and
- (b) in any other case, is a reference to the person ceasing to fall within the description of person (such as, for example, the holder of a licence under Part 2 or 3 or the person managing a dwelling) by reference to which the notice was served on the person.”

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(3) In [subsection \(7\)](#), for “or (9)” substitute “, (9) or (10)”.

(4) After [subsection \(9\)](#) insert—

“(10) If—

- (a) the original recipient was served as a landlord or superior landlord under [paragraph A1\(3\)](#) of Schedule 1, and
- (b) the original recipient ceases as from the changeover date to be a person of the relevant category as a result of ceasing to hold the estate in the premises by virtue of which the person was the landlord or superior landlord,

the new holder of the estate or, if the estate has ceased to exist, the reversioner, is the “liable person”.”

Commencement Information

I285 Sch. 4 para. 15 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

16 (1) In [section 20](#) (prohibition orders relating to category 1 hazards: duty of authority to make order) is amended as follows.

(2) For [subsection \(1\)](#) substitute—

“(1) If—

- (a) the local housing authority are satisfied that—
 - (i) a category 1 hazard exists on any residential premises, or
 - (ii) any qualifying residential premises fail to meet a type 1 requirement, and
- (b) no management order is in force in relation to the premises under Chapter 1 or 2 of Part 4,

making a prohibition order under this section in respect of the hazard or failure is a course of action available to the authority in relation to the hazard or failure for the purposes of section 5 (category 1 hazards and type 1 requirements: general duty to take enforcement action).”

(3) In [subsection \(3\)](#)—

- (a) in paragraph (a), after “exists” insert “, or which fail to meet the requirement,”, and
- (b) for [paragraph \(b\)](#) substitute—
 - “(b) if those premises are—
 - (i) one or more flats, or
 - (ii) accommodation falling within paragraph (e) of the definition of “residential premises” in section 1(4) (homelessness) that is not a dwelling, HMO or flat, it may prohibit the use of the building containing the flat or flats or accommodation (or any part of the building) or any external common parts;”.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) In **subsection (4)**—
- (a) after “exists,” insert “or which fail to meet the requirement,”, and
 - (b) in paragraph (a), after “hazard” insert “or failure”.
- (5) In **subsection (5)**, for the words from “to” to the end substitute “to—
- (a) more than one category 1 hazard on the same premises or in the same building containing one or more flats,
 - (b) more than one failure to meet type 1 requirements by the same premises or the same building containing one or more flats, or
 - (c) any combination of such hazards and failures—
 - (i) on or by the same premises, or
 - (ii) in or by the same building containing one or more flats.”
- (6) In the heading, after “hazards” insert “and type 1 requirements”.

Commencement Information

I286 Sch. 4 para. 16 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

- 17 (1) **Section 21** (prohibition orders relating to category 2 hazards: power of authority to make order) is amended as follows.
- (2) For **subsection (1)** substitute—
- “(1) If—
- (a) the local housing authority are satisfied that—
 - (i) a category 2 hazard exists on any residential premises, or
 - (ii) any qualifying residential premises fail to meet a type 2 requirement, and
 - (b) no management order is in force in relation to the premises under Chapter 1 or 2 of Part 4,
- the authority may make a prohibition order under this section in respect of the hazard or failure.”
- (3) In **subsection (4)**, for the words from “to” to the end substitute “to—
- “(a) more than one category 2 hazard on the same premises or in the same building containing one or more flats,
 - (b) more than one failure to meet type 2 requirements by the same premises or the same building containing one or more flats, or
 - (c) any combination of such hazards and failures—
 - (i) on or by the same premises, or
 - (ii) in or by the same building containing one or more flats.”
- (4) In the heading, after “hazards” insert “and type 2 requirements”.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I287 Sch. 4 para. 17 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

- 18 (1) [Section 22](#) (contents of prohibition orders) is amended as follows.
- (2) In [subsection \(2\)](#)—
- (a) after “hazard” (in each place) insert “or failure”,
 - (b) after “hazards” insert “or failures”, and
 - (c) in paragraph (b), after “exists” insert “or to which it relates”.
- (3) In [subsection \(3\)\(b\)](#), after “hazards” insert “, or failure or failures,”.

Commencement Information

I288 Sch. 4 para. 18 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

- 19 (1) [Section 25](#) (revocation and variation of prohibition orders) is amended as follows.
- (2) In [subsection \(1\)](#), for the words from “that” to the end substitute “that—
- (a) in the case of an order made in respect of a hazard, the hazard does not then exist on the residential premises specified in the order in accordance with [section 22\(2\)\(b\)](#), and
 - (b) in the case of an order made in respect of a failure by premises so specified to meet a requirement specified by regulations under [section 2A](#), the premises then meet the requirement.”
- (3) In [subsection \(3\)](#)—
- (a) after “hazards” (in the first place) insert “or failures (or a combination of hazards and failures)”, and
 - (b) in paragraph (a), after “hazards” insert “or failures”.

Commencement Information

I289 Sch. 4 para. 19 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

- 20 In the italic heading before [section 28](#), omit “Hazard”.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I290 Sch. 4 para. 20 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

- 21 (1) [Section 28](#) (hazard awareness notices relating to category 1 hazards: duty of authority to serve notice) is amended as follows.
- (2) For [subsections \(1\)](#) and [\(2\)](#) substitute—
- “(1) If—
- (a) the local housing authority are satisfied that—
- (i) a category 1 hazard exists on any residential premises, or
- (ii) any qualifying residential premises fail to meet a type 1 requirement, and
- (b) no management order is in force in relation to the premises under Chapter 1 or 2 of Part 4,
- serving an awareness notice under this section in respect of the hazard or failure is a course of action available to the authority in relation to the hazard or failure for the purposes of section 5 (category 1 hazards and type 1 requirements: general duty to take enforcement action).
- (2) An awareness notice under this section is a notice advising the person on whom it is served of—
- (a) the existence of a category 1 hazard on, or
- (b) a failure to meet a type 1 requirement by,
- the residential premises concerned which arises as a result of a deficiency on the premises in respect of which the notice is served.”
- (3) In [subsection \(3\)\(a\)](#), after “exists” insert “, or which fail to meet the requirement,”.
- (4) In [subsection \(4\)](#)—
- (a) after “exists,” insert “or which fail to meet the requirement,” and
- (b) in paragraph (a), after “hazard” insert “or failure”.
- (5) In [subsection \(5\)](#), for the words from “to” to the end substitute “to—
- (a) more than one category 1 hazard on the same premises or in the same building containing one or more flats,
- (b) more than one failure to meet type 1 requirements by the same premises or the same building containing one or more flats, or
- (c) any combination of such hazards and failures—
- (i) on or by the same premises, or
- (ii) in or by the same building containing one or more flats.”
- (6) In [subsection \(6\)](#)—
- (a) after “hazard” (in each place) insert “or failure”,
- (b) after “hazards” insert “or failures”, and
- (c) in paragraph (a), after “exists” insert “or to which it relates”.
- (7) In [subsection \(8\)](#), for “a hazard” substitute “an”.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(8) At the end insert—

“(9) A notice under this section in respect of residential premises in Wales is to be known as a “hazard awareness notice”.”

(9) In the heading—

- (a) omit “Hazard”, and
- (b) after “category 1 hazards” insert “and type 1 requirements”.

Commencement Information

I291 Sch. 4 para. 21 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

22 (1) **Section 29** (hazard awareness notices relating to category 2 hazards: power of authority to serve notice) is amended as follows.

(2) For **subsections (1)** and **(2)** substitute—

“(1) If—

- (a) the local housing authority are satisfied that—
 - (i) a category 2 hazard exists on any residential premises, or
 - (ii) any qualifying residential premises fail to meet a type 2 requirement, and
- (b) no management order is in force in relation to the premises under Chapter 1 or 2 of Part 4,

the authority may serve an awareness notice under this section in respect of the hazard or failure.

(2) An awareness notice under this section is a notice advising the person on whom it is served of—

- (a) the existence of a category 2 hazard on, or
 - (b) a failure to meet a type 2 requirement by,
- the residential premises concerned which arises as a result of a deficiency on the premises in respect of which the notice is served.”

(3) In **subsection (3)**, for “a hazard” substitute “an”.

(4) In **subsection (4)**, for the words from “to” to the end substitute “to—

- (a) more than one category 2 hazard on the same premises or in the same building containing one or more flats,
- (b) more than one failure to meet type 2 requirements by the same premises or the same building containing one or more flats, or
- (c) any combination of such hazards and failures—
 - (i) on or by the same premises, or
 - (ii) in or by the same building containing one or more flats.”

(5) In **subsection (5)**—

- (a) after “hazard” (in each place) insert “or failure”,

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Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (b) after “hazards” insert “or failures”, and
- (c) in paragraph (a), after “exists” insert “or to which it relates”.

(6) In **subsection (8)**, for “a hazard” substitute “an”.

(7) At the end insert—

“(9) A notice under this section in respect of residential premises in Wales is to be known as a “hazard awareness notice”.”

(8) In the heading—

- (a) omit “Hazard”, and
- (b) after “category 2 hazards” insert “and type 2 requirements”.

Commencement Information

I292 Sch. 4 para. 22 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

- 23 (1) **Section 30** (offence of failing to comply with improvement notice) is amended as follows.
- (2) In **subsection (2)**, after “hazard” insert “or failure”.
 - (3) In **subsection (3)**, omit “not exceeding level 5 on the standard scale”.
 - (4) In **subsection (5)**, after “hazard” insert “or failure”.

Commencement Information

I293 Sch. 4 para. 23 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

- 24 In **section 32** (offence of failing to comply with prohibition order etc), in **subsection (2)(a)**, omit “not exceeding level 5 on the standard scale”.

Commencement Information

I294 Sch. 4 para. 24 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

- 25 In **section 35** (power of court to order occupier or owner to allow action to be taken on premises), for the definition of “relevant person” in **subsection (8)** substitute—
- ““relevant person”, in relation to any premises, means—
 - (a) a person who is an owner of the premises;

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- (b) a person having control of or managing the premises;
- (c) the holder of any licence under Part 2 or 3 in respect of the premises;
- (d) in the case of qualifying residential premises which are let under a relevant tenancy, the landlord under the tenancy and any person who is a superior landlord in relation to the tenancy.”

Commencement Information

I295 Sch. 4 para. 25 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

- 26 (1) **Section 40** (emergency remedial action) is amended as follows.
- (2) For **subsection (1)** substitute—
- “(1) If—
- (a) the local housing authority are satisfied that—
 - (i) a category 1 hazard exists on any residential premises, or
 - (ii) any qualifying residential premises fail to meet a type 1 requirement, and
 - (b) they are further satisfied that the hazard or failure involves an imminent risk of serious harm to the health or safety of any of the occupiers of those or any other residential premises, and
 - (c) no management order is in force under Chapter 1 or 2 of Part 4 in relation to the premises mentioned in paragraph (a)(i) or (ii),
- the taking by the authority of emergency remedial action under this section in respect of the hazard or failure is a course of action available to the authority in relation to the hazard or failure for the purposes of section 5 (category 1 hazards and type 1 requirements: general duty to take enforcement action).”
- (3) In **subsection (2)**, after “hazard” insert “or failure”.
- (4) In **subsection (4)**, for the words from “of” to the end substitute “of—
- (a) more than one category 1 hazard on the same premises or in the same building containing one or more flats,
 - (b) more than one failure to meet type 1 requirements by the same premises or the same building containing one or more flats, or
 - (c) any combination of such hazards and failures—
 - (i) on or by the same premises, or
 - (ii) in or by the same building containing one or more flats.”

Commencement Information

I296 Sch. 4 para. 26 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PROSPECTIVE

- 27 In **section 41** (notice of emergency remedial action), in **subsection (2)**—
- (a) after “hazard” (in each place) insert “or failure”,
 - (b) after “hazards” insert “or failures”, and
 - (c) in paragraph (a), after “exists” insert “or to which it relates”.

Commencement Information

I297 Sch. 4 para. 27 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

- 28 In **section 43** (emergency prohibition orders), for **subsection (1)** substitute—
- “(1) If—
- (a) the local housing authority are satisfied that—
 - (i) a category 1 hazard exists on any residential premises, or
 - (ii) any qualifying residential premises fail to meet a type 1 requirement, and
 - (b) they are further satisfied that the hazard or failure involves an imminent risk of serious harm to the health or safety of any of the occupiers of those or any other residential premises, and
 - (c) no management order is in force under Chapter 1 or 2 of Part 4 in relation to the premises mentioned in paragraph (a)(i) or (ii),
- making an emergency prohibition order under this section in respect of the hazard or failure is a course of action available to the authority in relation to the hazard or failure for the purposes of section 5 (category 1 hazards and type 1 requirements: general duty to take enforcement action).”

Commencement Information

I298 Sch. 4 para. 28 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

- 29 In **section 44** (contents of emergency prohibition orders), in **subsection (2)**—
- (a) after “hazard” (in each place) insert “or failure”,
 - (b) after “hazards” insert “or failures”, and
 - (c) in paragraph (a), after “exists” insert “or to which it relates”.

Commencement Information

I299 Sch. 4 para. 29 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Status: This version of this Act contains provisions that are prospective.
Changes to legislation: *Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

PROSPECTIVE	
30	In section 49 (power to charge for certain enforcement action)— (a) in subsection (1)(c) , for “a hazard” substitute “an”, and (b) in subsection (2) , for “a hazard” substitute “an”.

Commencement Information
I300 Sch. 4 para. 30 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE	
31	In section 50 (recovery of charge under section 49), in subsection (2)(b) , for “a hazard” substitute “an”.

Commencement Information
I301 Sch. 4 para. 31 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE													
32	In section 54 (index of defined expressions: Part 1)— (a) at the appropriate places insert— <table><tr><td>“Qualifying residential premises</td><td>Section 2B(1)”;</td></tr><tr><td>“Relevant tenancy</td><td>Section 2B(2)”;</td></tr><tr><td>“Social housing</td><td>Section 2B(2)”;</td></tr><tr><td>“Supported exempt accommodation</td><td>Section 2B(2)”;</td></tr><tr><td>“Type 1 requirement</td><td>Section 2A(3)(a)”;</td></tr><tr><td>“Type 2 requirement</td><td>Section 2A(3)(b)”, and</td></tr></table> (b) in the entry for “Hazard awareness notice”, in the first column, omit “Hazard” (and, accordingly, move the entry to the appropriate place).	“Qualifying residential premises	Section 2B(1) ”;	“Relevant tenancy	Section 2B(2) ”;	“Social housing	Section 2B(2) ”;	“Supported exempt accommodation	Section 2B(2) ”;	“Type 1 requirement	Section 2A(3)(a) ”;	“Type 2 requirement	Section 2A(3)(b) ”, and
“Qualifying residential premises	Section 2B(1) ”;												
“Relevant tenancy	Section 2B(2) ”;												
“Social housing	Section 2B(2) ”;												
“Supported exempt accommodation	Section 2B(2) ”;												
“Type 1 requirement	Section 2A(3)(a) ”;												
“Type 2 requirement	Section 2A(3)(b) ”, and												

Commencement Information
I302 Sch. 4 para. 32 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PROSPECTIVE

- 33 (1) Section 250 (orders and regulations) is amended as follows.
- (2) After subsection (2) insert—
- “(2A) The power under subsection (2)(b) includes power—
- (a) to provide for regulations under sections 2A and 2B(3) to apply (with or without modifications) in relation to tenancies or licences entered into before the date on which the regulations come into force;
 - (b) for regulations under section 2B(3)(b) to provide for Part 1 to apply in relation to licences with such modifications as may be specified in the regulations.”
- (3) In subsection (6), before paragraph (a) insert—
- “(za) regulations under sections 2A and 2B(3).”

Commencement Information

I303 Sch. 4 para. 33 not in force at Royal Assent, see s. 145(1)(7)

PROSPECTIVE

- 34 Before Schedule 1 insert—

“SCHEDULE
A1

Section 6A

PROCEDURE AND APPEALS RELATING TO
FINANCIAL PENALTIES UNDER SECTION 6A

Notice of intent

- 1 Before imposing a financial penalty on a person under section 6A a local housing authority must give the person notice of the authority's proposal to do so (a “notice of intent”).
- 2 The notice of intent must be given before the end of the period of 6 months beginning with the first day on which the authority has evidence sufficient to require it to take the appropriate enforcement action under section 5(1) in relation to—
 - (a) the existence of the category 1 hazard, or
 - (b) the failure to meet the type 1 requirement.
- 3 The notice of intent must set out—
 - (a) the date on which the notice of intent is given,
 - (b) the amount of the proposed financial penalty,
 - (c) the reasons for proposing to impose the penalty,
 - (d) information about the right to make representations under paragraph 4.

Status: This version of this Act contains provisions that are prospective.

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Right to make representations

- 4 (1) A person who is given a notice of intent may make written representations to the authority about the proposal to impose a financial penalty.
- (2) Any representations must be made within the period of 28 days beginning with the day after the day on which the notice of intent was given (“the period for representations”).

Final notice

- 5 After the end of the period for representations the local housing authority must—
 - (a) decide whether to impose a financial penalty on the person, and
 - (b) if it decides to do so, decide the amount of the penalty.
- 6 If the local housing authority decides to impose a financial penalty on the person, it must give a notice to the person (a “final notice”) imposing that penalty.
- 7 The final notice must require the penalty to be paid within the period of 28 days beginning with the day after that on which the notice was given.
- 8 The final notice must set out—
 - (a) the date on which the final notice is given,
 - (b) the amount of the financial penalty,
 - (c) the premises—
 - (i) on which the authority considers a category 1 hazard exists;
 - (ii) which the authority considers fail to meet a type 1 requirement,
 - (d) the reasons for imposing the penalty,
 - (e) information about how to pay the penalty,
 - (f) the period for payment of the penalty,
 - (g) information about rights of appeal, and
 - (h) the consequences of failure to comply with the notice.

Withdrawal or amendment of notice

- 9 (1) A local housing authority may at any time—
 - (a) withdraw a notice of intent or final notice, or
 - (b) reduce an amount specified in a notice of intent or final notice.
- (2) The power in sub-paragraph (1) is to be exercised by giving notice in writing to the person to whom the notice was given.

Appeals

- 10 (1) A person to whom a final notice is given may appeal to the First-tier Tribunal against—

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- (a) the decision to impose the penalty, or
 - (b) the amount of the penalty.
- (2) An appeal under this paragraph must be brought within the period of 28 days beginning with the day after that on which the final notice is given to the person.
- (3) If a person appeals under this paragraph, the final notice is suspended until the appeal is finally determined, withdrawn or abandoned.
- (4) An appeal under this paragraph—
 - (a) is to be a re-hearing of the authority's decision, but
 - (b) may be determined having regard to matters of which the authority was unaware.
- (5) On an appeal under this paragraph the First-tier Tribunal may quash, confirm or vary the final notice.
- (6) The final notice may not be varied under sub-paragraph (5) so as to impose a financial penalty of more than the local housing authority could have imposed.

Recovery of financial penalty

- 11
 - (1) This paragraph applies if a person fails to pay the whole or any part of a financial penalty which, in accordance with this Schedule, the person is liable to pay.
 - (2) The local housing authority which imposed the financial penalty may recover the penalty, or part of it, on the order of the county court as if it were payable under an order of that court.
 - (3) In proceedings before the county court for the recovery of a financial penalty or part of a financial penalty, a certificate which is—
 - (a) signed by the chief finance officer of the authority which imposed the financial penalty, and
 - (b) states that the amount due has not been received by a date specified in the certificate,is conclusive evidence of that fact.
 - (4) A certificate to that effect and purporting to be so signed is to be treated as being so signed unless the contrary is proved.
 - (5) In this paragraph “chief finance officer” has the same meaning as in [section 5](#) of the [Local Government and Housing Act 1989](#).

Proceeds of financial penalties

- 12 Where a local housing authority imposes a financial penalty under [section 6A](#), it may apply the proceeds towards meeting the costs and expenses (whether administrative or legal) incurred in, or associated with, carrying out any of its enforcement functions under Part 1 of this Act, the Renters' Rights Act 2025 or otherwise in relation to the private rented sector.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 13 Any proceeds of a financial penalty imposed under section 6A which are not applied in accordance with paragraph 12 must be paid to the Secretary of State.
- 14 (1) In paragraph 12, the reference to enforcement functions “in relation to the private rented sector” means enforcement functions relating to—
- (a) residential premises in England that are let, or intended to be let, under a tenancy,
 - (b) the common parts of such premises,
 - (c) the activities of a landlord under a tenancy of residential premises in England,
 - (d) the activities of a superior landlord in relation to such a tenancy,
 - (e) the activities of a person carrying on English letting agency work within the meaning of section 54 of the Housing and Planning Act 2016 in relation to such premises, or
 - (f) the activities of a person carrying on English property management work within the meaning of section 55 of the Housing and Planning Act 2016 in relation to such premises.
- (2) For the purposes of this paragraph “residential premises” does not include social housing.
- (3) For the purposes of this paragraph “tenancy” includes a licence to occupy.”

Commencement Information

I304 Sch. 4 para. 34 not in force at Royal Assent, see s. 145(1)(7)

PROSPECTIVE

- 35 (1) Schedule 1 (procedure and appeals relating to improvement notices) is amended as follows.
- (2) Before paragraph 1 insert—
- “Service of improvement notices: qualifying residential premises which fail to meet type 1 and 2 requirements*
- A1 (1) This paragraph applies instead of paragraphs 1 to 3 where—
- (a) the specified premises are qualifying residential premises other than—
 - (i) homelessness accommodation (see paragraph B1), or
 - (ii) common parts (see paragraph 4), and
 - (b) an improvement notice relates to a failure by the premises to meet a requirement specified by regulations under section 2A (whether or not the notice also relates to a category 1 or 2 hazard).
- (2) Sub-paragraph (3) applies in relation to the premises if they are—

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) a dwelling or HMO let under a relevant tenancy,
 - (b) an HMO where at least one unit of accommodation which forms part of the HMO is let under a relevant tenancy, or
 - (c) a building or a part of a building constructed or adapted for use as a house in multiple occupation if—
 - (i) it is for the time being only occupied by persons who form a single household, and
 - (ii) the accommodation which those persons occupy is let under a relevant tenancy.
- (3) The notice must be served on the landlord under the tenancy unless—
- (a) the tenancy is a sub-tenancy, in which case the notice may instead be served on a superior landlord in relation to the tenancy if, in the opinion of the local housing authority, the superior landlord ought to take the action specified in the notice;
 - (b) the premises are a dwelling which is licensed under Part 3 of this Act, or an HMO which is licensed under Part 2 or 3 of this Act, in which case the notice may instead be served on the holder of the licence if, in the opinion of the local housing authority, the holder ought to take the action specified in the notice.
- (4) Where sub-paragraph(3) does not apply in relation to the premises and the premises are supported exempt accommodation, the notice must be served on the authority or body which provides the accommodation.
- (5) In this paragraph—
- “common parts” means common parts that are qualifying residential premises by virtue of section 2B(1)(d);
 - “homelessness accommodation” means accommodation in England—
 - (a) the availability of which is secured under Part 7 of the Housing Act 1996 (homelessness), and
 - (b) which is residential premises, whether by virtue of paragraph (e) or another paragraph of section 1(4).

Service of improvement notices: homelessness accommodation (whether or not it is qualifying residential premises)

- B1
- (1) This paragraph applies where the specified premises in the case of an improvement notice are homelessness accommodation (which has the same meaning here as in paragraph A1).
 - (2) The notice must be served on any person—
 - (a) who has an estate or interest in the premises, and
 - (b) who, in the opinion of the local housing authority, ought to take the action specified in the notice.
 - (3) This paragraph applies instead of paragraph 1, 2 or 3 (in a case where that paragraph would otherwise apply to the improvement notice)."

(3) In paragraph 5(1), for “1 to” substitute “A1 to”.

(4) In paragraph 12—

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: *Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) in sub-paragraph (1), after “hazard” insert “or failure”, and
- (b) in sub-paragraph (2)(b), for “a hazard” substitute “an”.

(5) In paragraph 17, after “hazard” (in each place) insert “or failure”.

Commencement Information

I305 Sch. 4 para. 35 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

36 (1) Schedule 2 (procedure and appeals relating to prohibition orders) is amended as follows.

(2) In paragraph 1—

(a) after sub-paragraph (2) insert—

“(2A) Where the specified premises are qualifying residential premises which—

- (a) are a dwelling or HMO let under a relevant tenancy,
- (b) are an HMO where at least one unit of accommodation which forms part of the HMO is let on a relevant tenancy, or
- (c) are a building or a part of a building constructed or adapted for use as a house in multiple occupation—
 - (i) that is for the time being only occupied by persons who form a single household, and
 - (ii) where the accommodation which those persons occupy is let under a relevant tenancy,

the authority must also serve copies of the order on any other person who, to their knowledge, is the landlord under the tenancy or a superior landlord in relation to the tenancy.

(2B) Where—

- (a) sub-paragraph (2A) does not apply in relation to the specified premises,
- (b) the specified premises consist of or include the whole or any part of a building containing homelessness accommodation, and
- (c) the person providing the homelessness accommodation—
 - (i) is a tenant of that accommodation under a tenancy which has an unexpired term of 3 years or less (the “short tenancy”), and
 - (ii) accordingly is not an owner in relation to the homelessness accommodation (see section 262(7)(b)),

the authority must also serve copies of the order on any person who, to their knowledge, is a tenant under the short tenancy, a landlord under the short tenancy, or a superior landlord in relation

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to the short tenancy, and who is not otherwise required to be served with a copy of the notice under this paragraph.

(2C) In sub-paragraph (2B) “homelessness accommodation” means accommodation in England—

- (a) the availability of which is secured under Part 7 of the Housing Act 1996 (homelessness), and
- (b) which is residential premises, whether by virtue of paragraph (e) or another paragraph of section 1(4).”, and
- (b) in sub-paragraph (3), for “sub-paragraph (2)” substitute “this paragraph”.

(3) In paragraph 2—

- (a) for sub-paragraph (1) substitute—

“(1) This paragraph applies to a prohibition order where the specified premises consist of or include—

- (a) the whole or any part of a building containing—
 - (i) one or more flats, or
 - (ii) accommodation falling within paragraph (e) of the definition of “residential premises” in section 1(4) (homelessness) that is not a dwelling, HMO or flat, or
- (b) any common parts of such a building.”
- (b) after sub-paragraph (2) insert—

“(2A) Where the specified premises consist of or include qualifying residential premises which—

- (a) are a dwelling or HMO let under a relevant tenancy,
- (b) are an HMO where at least one unit of accommodation which forms part of the HMO is let on a relevant tenancy, or
- (c) are a building or a part of a building constructed or adapted for use as a house in multiple occupation—
 - (i) that is for the time being only occupied by persons who form a single household, and
 - (ii) where the accommodation which those persons occupy is let under a relevant tenancy,

the authority must also serve copies of the order on any other person who, to their knowledge, is the landlord under the tenancy or a superior landlord in relation to the tenancy.

(2B) Where—

- (a) sub-paragraph (2A) does not apply in relation to the specified premises,
- (b) the specified premises consist of or include the whole or any part of a building containing homelessness accommodation, and
- (c) the person providing the homelessness accommodation—
 - (i) is a tenant of that accommodation under a tenancy which has an unexpired term of 3 years or less (the “short tenancy”), and

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- (ii) accordingly is not an owner in relation to the homelessness accommodation (see section 262(7)(b)),

the authority must also serve copies of the order on any person who, to their knowledge, is a tenant under the short tenancy, a landlord under the short tenancy, or a superior landlord in relation to the short tenancy, and who is not otherwise required to be served with a copy of the notice under this paragraph.

(2C) In sub-paragraph (2B) “homelessness accommodation” means accommodation in England—

- (a) the availability of which is secured under Part 7 of the Housing Act 1996 (homelessness), and
- (b) which is residential premises, whether by virtue of paragraph (e) or another paragraph of section 1(4).”,
- (c) in sub-paragraph (3), after “(2)” insert “, (2A) or (2B)”, and
- (d) in sub-paragraph (4), for “sub-paragraph (2) or (3)” substitute “this paragraph”.

(4) In paragraph 8—

- (a) in sub-paragraph (1), after “hazard” insert “or failure”, and
- (b) in sub-paragraph (2)(b), for “a hazard” substitute “an”.

(5) In paragraph 12, after “hazard” (in each place) insert “or failure”.

(6) In paragraph 16(1)—

- (a) omit the “or” at the end of paragraph (b), and
- (b) at the end of paragraph (c) insert “, or
- (d) in the case of qualifying residential premises which—
 - (i) are a dwelling or HMO let under a relevant tenancy,
 - (ii) are an HMO where at least one unit of accommodation which forms part of the HMO is let on a relevant tenancy, or
 - (iii) are a building or a part of a building constructed or adapted for use as a house in multiple occupation that is for the time being only occupied by persons who form a single household and where the accommodation which those persons occupy is let under a relevant tenancy,

any person on whom copies of the prohibition order are required to be served by paragraph 1(2A) or 2(2A).”

Commencement Information

I306 Sch. 4 para. 36 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

- 37 (1) [Schedule 3](#) (improvement notices: enforcement action by local housing authorities) is amended as follows.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(2) In paragraph 3, after “hazard” (in each place) insert “or failure”.

(3) In paragraph 4, after “hazard” (in both places) insert “or failure”.

Commencement Information

I307 Sch. 4 para. 37 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

PART 2

AMENDMENTS OF OTHER ACTS

Land Compensation Act 1973

38 (1) [Section 33D](#) of the [Land Compensation Act 1973](#) (loss payments: exclusions) is amended as follows.

(2) In [subsection \(4\)](#)—

- (a) in paragraph (b), after “hazard” insert “or type 1 requirement”, and
- (b) in paragraph (c), after “hazard” insert “or type 2 requirement”.

(3) In [subsection \(5\)](#)—

- (a) in paragraph (a), after “hazard” insert “or type 1 requirement”, and
- (b) in paragraph (b), after “hazard” insert “or type 2 requirement”.

Commencement Information

I308 Sch. 4 para. 38 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Housing Act 1985

39 In [section 269A](#) of the [Housing Act 1985](#) (appeals suggesting certain other courses of action), in [subsection \(2\)\(c\)](#), for “a hazard” substitute “an”.

Commencement Information

I309 Sch. 4 para. 39 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Housing and Regeneration Act 2008

40 In [section 126B](#) of the [Housing and Regeneration Act 2008](#) (functions of health and safety lead), in [subsection \(3\)\(b\)\(ii\)](#), after “hazards” insert “and type 1 and 2 requirements”.

Status: This version of this Act contains provisions that are prospective.

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Commencement Information

I310 Sch. 4 para. 40 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Housing and Planning Act 2016

- 41 In [section 40\(4\)](#) of the [Housing and Planning Act 2016](#) (offences under sections 30(1) and 32(1) of the Housing Act 2004), after “on” insert “, or a failure to meet a requirement by,”.

Commencement Information

I311 Sch. 4 para. 41 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Tenant Fees Act 2019

- 42 In [Schedule 3](#) to the [Tenant Fees Act 2019](#) (financial penalties), in [paragraph 12\(1\)](#), after paragraph (c) insert—
 “(ca) the activities of a superior landlord in relation to such a tenancy,”.

Commencement Information

I312 Sch. 4 para. 42 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

PROSPECTIVE

SCHEDULE 5

Section 102

FINANCIAL PENALTIES

Notice of intent

- 1 Before imposing a financial penalty on a person under [section 40](#), [57](#), [66](#) or [91](#), a local housing authority must give the person notice of its proposal to do so (a “notice of intent”).

Commencement Information

I313 Sch. 5 para. 1 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

- 2 (1) The notice of intent must be given before the end of the period of 6 months beginning with the first day on which the authority has sufficient evidence of the conduct to which the financial penalty relates.
- (2) But if the person is continuing to engage in the conduct on that day, and the conduct continues beyond the end of that day, the notice of intent may be given—

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- (a) at any time when the conduct is continuing, or
- (b) within the period of 6 months beginning with the last day on which the conduct occurs.

Commencement Information

I314 Sch. 5 para. 2 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

- 3 The notice of intent must set out—
- (a) the date on which the notice of intent is given,
 - (b) the amount of the proposed financial penalty,
 - (c) the reasons for proposing to impose the penalty, and
 - (d) information about the right to make representations under [paragraph 4](#).

Commencement Information

I315 Sch. 5 para. 3 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Commencement Information

I313 Sch. 5 para. 1 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

I314 Sch. 5 para. 2 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

I315 Sch. 5 para. 3 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Right to make representations

- 4 (1) A person who is given a notice of intent may make written representations to the authority about the proposal to impose a financial penalty.
- (2) Any representations must be made within the period of 28 days beginning with the day after the day on which the notice of intent was given to the person (“the period for representations”).

Commencement Information

I316 Sch. 5 para. 4 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Final notice

- 5 After the end of the period for representations the enforcement authority must—
- (a) decide whether to impose a financial penalty on the person, and
 - (b) if it decides to do so, decide the amount of the penalty.

Commencement Information

I317 Sch. 5 para. 5 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

- 6 If the local housing authority decides to impose a financial penalty on the person, it must give a notice to the person (a “final notice”) imposing that penalty.

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Commencement Information

I318 Sch. 5 para. 6 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

- 7 The final notice must require the penalty to be paid within the period of 28 days beginning with the day after that on which the notice was given.

Commencement Information

I319 Sch. 5 para. 7 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

- 8 The final notice must set out—
- (a) the date on which the final notice is given,
 - (b) the amount of the financial penalty,
 - (c) the reasons for imposing the penalty,
 - (d) information about how to pay the penalty,
 - (e) the period for payment of the penalty,
 - (f) information about rights of appeal, and
 - (g) the consequences of failure to comply with the notice.

Commencement Information

I320 Sch. 5 para. 8 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Commencement Information

I317 Sch. 5 para. 5 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

I318 Sch. 5 para. 6 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

I319 Sch. 5 para. 7 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

I320 Sch. 5 para. 8 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Withdrawal or amendment of notice

- 9 (1) A local housing authority may at any time—
- (a) withdraw a notice of intent or final notice, or
 - (b) reduce an amount specified in a notice of intent or final notice.
- (2) The power in [sub-paragraph \(1\)](#) is to be exercised by giving notice in writing to the person to whom the notice was given.

Commencement Information

I321 Sch. 5 para. 9 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Appeals

- 10 (1) A person to whom a final notice is given may appeal to the First-tier Tribunal against—

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- (a) the decision to impose the penalty, or
 - (b) the amount of the penalty.
- (2) An appeal under [this paragraph](#) must be brought within the period of 28 days beginning with the day after that on which the final notice is given to the person.
- (3) If a person appeals under [this paragraph](#), the final notice is suspended until the appeal is finally determined, withdrawn or abandoned.
- (4) An appeal under [this paragraph](#)—
 - (a) is to be a re-hearing of the authority's decision, but
 - (b) may be determined having regard to matters of which the authority was unaware.
- (5) On an appeal under [this paragraph](#) the First-tier Tribunal may quash, confirm or vary the final notice.
- (6) The final notice may not be varied under [sub-paragraph \(5\)](#) so as to impose a financial penalty of more than the local housing authority could have imposed.

Commencement Information

I322 Sch. 5 para. 10 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Recovery of financial penalty

- 11
- (1) [This paragraph](#) applies if a person fails to pay the whole or any part of a financial penalty which, in accordance with [this Schedule](#), the person is liable to pay.
 - (2) The local housing authority which imposed the financial penalty may recover the penalty or part on the order of the county court as if it were payable under an order of that court.
 - (3) In proceedings before the county court for the recovery of a financial penalty or part of a financial penalty, a certificate which is—
 - (a) signed by the chief finance officer of the authority which imposed the penalty, and
 - (b) states that the amount due has not been received by a date specified in the certificate,is conclusive evidence of that fact.
 - (4) A certificate to that effect and purporting to be so signed is to be treated as being so signed unless the contrary is proved.
 - (5) In [this paragraph](#) “chief finance officer” has the same meaning as in [section 5](#) of the [Local Government and Housing Act 1989](#).

Commencement Information

I323 Sch. 5 para. 11 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Status: This version of this Act contains provisions that are prospective.

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Proceeds of financial penalties

- 12 Where a local housing authority imposes a financial penalty under [section 40, 57, 66 or 91](#), it may apply the proceeds towards meeting the costs and expenses (whether administrative or legal) incurred in, or associated with, carrying out any of its enforcement functions under this Act or otherwise in relation to the private rented sector.

Commencement Information

I324 Sch. 5 para. 12 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

- 13 Any proceeds of a financial penalty imposed under [section 40, 57, 66 or 91](#) which are not applied in accordance with [paragraph 12](#) must be paid to the Secretary of State.

Commencement Information

I325 Sch. 5 para. 13 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

- 14 (1) In [paragraph 12](#), enforcement functions “in relation to the private rented sector” means enforcement functions relating to—
- residential premises in England that are let, or intended to be let, under a tenancy,
 - the common parts of such premises,
 - the activities of a landlord under a tenancy of residential premises in England,
 - the activities of a superior landlord in relation to such a tenancy,
 - the activities of a person carrying on English letting agency work within the meaning of [section 54](#) of the [Housing and Planning Act 2016](#) in relation to such premises, or
 - the activities of a person carrying on English property management work within the meaning of [section 55](#) of the [Housing and Planning Act 2016](#) in relation to such premises.
- (2) For the purposes of [this paragraph](#) “residential premises” has the meaning given by [section 1](#) of the [Housing Act 2004](#) except that it does not include social housing within the meaning of [Part 2](#) of the [Housing and Regeneration Act 2008](#).
- (3) For the purposes of [this paragraph](#), “tenancy” includes a licence to occupy.

Commencement Information

I326 Sch. 5 para. 14 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Commencement Information

I324 Sch. 5 para. 12 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

I325 Sch. 5 para. 13 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

I326 Sch. 5 para. 14 not in force at Royal Assent, see [s. 145\(1\)\(7\)](#)

Status: This version of this Act contains provisions that are prospective.

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SCHEDULE 6

Section 146(2)

TRANSITIONAL PROVISION

PART 1

APPLICATION OF CHAPTER 1 OF PART 1 TO EXISTING TENANCIES

Tenancies which become periodic on the commencement date

- 1 (1) [This paragraph](#) applies to an existing tenancy which becomes a periodic tenancy on the expiry of a fixed term.
- (2) Where the fixed term expires immediately before the commencement date, the amendments made by [Chapter 1 of Part 1](#) do not apply in relation to the tenancy until immediately after the first periodic term has begun.

Commencement Information

I327 Sch. 6 para. 1 in force at Royal Assent, see [s. 145\(6\)](#)

Section 1: start of deemed rent period for existing tenancies

- 2 In relation to an existing tenancy, [section 4A of the 1988 Act](#) (inserted by section 1) is to be read as if—
 - (a) in subsection (3), for the words before [paragraph \(a\)](#), there were substituted “Terms of an assured tenancy which provide for the rent periods are of no effect, so far as relating to rent periods beginning on or after the commencement date (within the meaning given by section 146 of the Renters' Rights Act 2025), unless each rent period beginning on or after that date is—”;
 - (b) in subsection (5), for [paragraph \(a\)](#) (and the “and” following it) there were substituted—
 - “(a) for successive rent periods of one month beginning—
 - (i) if the commencement date is a date on which a rent period would, but for subsection (3), have begun, with the commencement date, or
 - (ii) otherwise, with the day after the last day of the rent period within which the commencement date falls, and”;
 - (c) in subsection (6), for “R is the rent that would have been due for the first rent period of the tenancy under the terms that are of no effect by virtue of subsection (3)” there were substituted “R is the rent due for the rent period before the first rent period provided for by subsection (5)(a)”.

Commencement Information

I328 Sch. 6 para. 2 in force at Royal Assent, see [s. 145\(6\)](#)

Status: This version of this Act contains provisions that are prospective.

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Section 2: claim form for section 21 possession proceedings already requested

- 3 (1) This paragraph applies where—
- (a) before the commencement date—
 - (i) a valid notice under [section 21](#) of [the 1988 Act](#) has been given, and
 - (ii) the claimant in possession proceedings has requested the court to issue the claim form for those proceedings, and
 - (b) immediately before the commencement date, possession proceedings have not begun or have not been concluded.
- (2) The notice under section 21 remains valid until possession proceedings are concluded.
- (3) The amendments made by [Chapter 1](#) of [Part 1](#) do not apply in relation to the tenancy until the notice under section 21 ceases to be valid by virtue of sub-paragraph (2) (and accordingly the tenancy remains an assured shorthold tenancy until then).
- (4) In relation to a tenancy to which sub-paragraph (3) applies, section [146\(3\)](#) (except in its application to this paragraph) has effect as if the following were substituted for the definition of “commencement date”—
- ““commencement date” means the date on which, by virtue of paragraph 3 of [Schedule 6](#), the amendments made by [Chapter 1](#) of [Part 1](#) apply in relation to a tenancy;”.
- (5) In this paragraph “possession proceedings” means proceedings for an order for possession under [section 21](#) of [the 1988 Act](#) in reliance on a valid notice given under that section.

Commencement Information

I329 Sch. 6 para. 3 in force at Royal Assent, see [s. 145\(6\)](#)

Section 2: claim form for section 21 possession proceedings not already requested

- 4 (1) This paragraph applies where, before the commencement date—
- (a) a valid notice under [section 21](#) of [the 1988 Act](#) has been given, and
 - (b) the claimant in possession proceedings has not requested the court to issue the claim form for those proceedings.
- (2) Section 21 of the 1988 Act has effect as if the following were substituted for subsections (4D) and (4E)—
- “(4D) Subject to subsection (4E), proceedings for an order for possession under this section in relation to a dwelling-house in England may not be begun if the claimant in the proceedings requests the court to issue the claim for the proceedings after the end of the applicable period.
- (4DA) For that purpose the “applicable period” is—
- (a) the period of six months beginning with the date on which the notice was given under subsection (1) or (4), or
 - (b) the period of three months beginning with the commencement date, if this three month period ends before the six month period mentioned in [paragraph \(a\)](#).

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(4E) Where—

- (a) a notice under subsection (4) has been given in relation to a dwelling-house in England, and
- (b) paragraph (b) of that subsection requires the date specified in the notice to be more than two months after the date the notice was given,

proceedings for an order for possession under this section may not be begun if the claimant in the proceedings requests the court to issue the claim for the proceedings after the end of the applicable period.

(4EA) For that purpose the “applicable period” is—

- (a) the period of four months beginning with the date specified in the notice, or
- (b) the period of three months beginning with the commencement date, if this three month period ends before the four month period mentioned in [paragraph \(a\)](#).

(4EB) In subsections [\(4DA\)](#) and [\(4EA\)](#) “commencement date” has the meaning given by [section 146](#) of the Renters' Rights Act 2025.”

(3) The notice under section 21 remains valid—

- (a) until the end of the applicable period, except where the claimant has requested the court to issue the claim form for possession proceedings before the end of that period;
- (b) until possession proceedings are concluded, if the claimant has requested the court to issue the claim form for those proceedings before the end of the applicable period.

(4) The amendments made by [Chapter 1](#) of [Part 1](#) do not apply in relation to the tenancy until the notice under section 21 ceases to be valid by virtue of sub-paragraph [\(3\)](#) (and accordingly the tenancy remains an assured shorthold tenancy until then).

(5) In relation to a tenancy to which sub-paragraph [\(4\)](#) applies, section [146\(3\)](#) (except in its application to this paragraph) has effect as if the following were substituted for the definition of “commencement date”—

““commencement date” means the date on which, by virtue of paragraph 4 of [Schedule 6](#), the amendments made by [Chapter 1](#) of [Part 1](#) apply in relation to a tenancy;”.

(6) In this paragraph—

“applicable period”, in relation to possession proceedings, has the same meaning that it has in relation to those proceedings in section 21 of the 1988 Act as modified by sub-paragraph [\(2\)](#);

“possession proceedings” means proceedings for an order for possession under [section 21](#) of [the 1988 Act](#) in reliance on a valid notice given under that section.

Commencement Information

I330 Sch. 6 para. 4 in force at Royal Assent, see [s. 145\(6\)](#)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Section 3(2)(g): saving of section 7(7) in relation to tenancies where fixed term ends before commencement date

- 5 **Section 7(7)** of the 1988 Act continues to apply after the commencement date, despite **section 3(2)(g)**, in relation to an existing tenancy that was a fixed term tenancy before the commencement date.

Commencement Information

I331 Sch. 6 para. 5 in force at Royal Assent, see **s. 145(6)**

Section 6: no effect on rent increases before commencement date

- 6 The amendments made by **section 6** do not affect the validity of any increase in rent under an existing tenancy, before the commencement date, in reliance on a provision—
- (a) which was at the time binding on the tenant, and
 - (b) under which the rent for a particular period of the tenancy would or might be greater than the rent for an earlier period.

Commencement Information

I332 Sch. 6 para. 6 in force at Royal Assent, see **s. 145(6)**

Sections 12, 13 and 15: provision of information in writing

- 7 (1) Where an existing tenancy is wholly or partly in writing—
- (a) **section 16D** and **16E(1)(f)** of the 1988 Act (inserted by sections 12 and 13) do not apply;
 - (b) **section 16I(1)** of that Act (inserted by section 15) is to be read as if for “contravened **section 16D**” there were substituted “contravened paragraph 7(2) of **Schedule 6** to the Renters' Rights Act 2025”.
- (2) The landlord under any existing tenancy that is wholly or partly in writing—
- (a) must give the tenant any information in writing about the changes made by this Act which is required to be given by regulations made by the Secretary of State; and
 - (b) must do so before the end of the period of one month beginning with the commencement date.
- (3) Where a landlord referred to in **sub-paragraph (2)** has entered into a contract with a person which requires that person to ensure compliance with **that sub-paragraph** (whether or not it is referred to individually), **sub-paragraph (2)** also applies to that person, as it applies to the landlord.
- (4) Regulations under **sub-paragraph (2)** may—
- (a) provide for the information to be given in the form of a document produced by the Secretary of State;
 - (b) provide that the document to be given is the version that has effect at the time the requirement applies.

Status: This version of this Act contains provisions that are prospective.

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- (5) Where an existing tenancy is wholly oral, [section 16D\(4\)](#) of [the 1988 Act](#) (inserted by [section 12](#)) is to be read as if, for “before the tenancy is entered into” there were substituted “before the end of the period of one month beginning with the commencement date (within the meaning given by [section 146](#) of the Renters' Rights Act 2025)”.
- (6) Regulations under [sub-paragraph \(2\)](#)—
- (a) may make different provision for different purposes;
 - (b) are to be made by statutory instrument.
- (7) A statutory instrument containing regulations under [sub-paragraph \(2\)](#) is subject to annulment in pursuance of a resolution of either House of Parliament.

Commencement Information

I333 Sch. 6 para. 7 in force at Royal Assent, see [s. 145\(6\)](#)

[Section 15](#): no liability in respect of conduct before commencement date

- 8 Conduct engaged in, in relation to an existing tenancy, before the commencement date—
- (a) does not give rise to liability to a financial penalty under [section 16I](#) or [16K](#) of [the 1988 Act](#) (inserted by [section 13](#)), and
 - (b) does not constitute an offence under [section 16J](#) (as so inserted).

Commencement Information

I334 Sch. 6 para. 8 in force at Royal Assent, see [s. 145\(6\)](#)

[Section 20](#): no effect on notice to quit given before commencement date

- 9 The amendment made by [section 20](#) does not affect the validity of any notice given under [section 5](#) of the [Protection from Eviction Act 1977](#) in relation to an existing tenancy before the commencement date.

Commencement Information

I335 Sch. 6 para. 9 in force at Royal Assent, see [s. 145\(6\)](#)

[Section 24](#): existing opt-out notices for assured agricultural occupancies

- 10 Where an existing tenancy would be an assured agricultural occupancy but for a notice served under [paragraph 9\(2\)](#) of [Schedule 2A](#) to [the 1988 Act](#), the tenancy is to be treated for the purposes of [Chapter 3](#) of [Part 1](#) of [the 1988 Act](#) as amended by this Act, on and after the commencement date, as a tenancy in relation to which an opt-out notice has been served under [section 24A](#) of [the 1988 Act](#) (inserted by [section 24](#) of this Act).

Status: This version of this Act contains provisions that are prospective.

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Commencement Information

I336 Sch. 6 para. 10 in force at Royal Assent, see [s. 145\(6\)](#)

Section 26: tenancy deposits

- 11 The amendments made by [section 26](#) do not apply in relation to an existing tenancy that, immediately before the commencement date, was an assured tenancy other than an assured shorthold tenancy.

Commencement Information

I337 Sch. 6 para. 11 in force at Royal Assent, see [s. 145\(6\)](#)

Section 27: tenant fees

- 12 The amendments made by [section 27](#) do not apply in relation to an existing tenancy that, immediately before the commencement date, was an assured tenancy other than an assured shorthold tenancy.

Commencement Information

I338 Sch. 6 para. 12 in force at Royal Assent, see [s. 145\(6\)](#)

Schedule 1: student accommodation ground

- 13 (1) In relation to an existing tenancy, ground 4A in [Schedule 2](#) to [the 1988 Act](#) has effect as if—
- (a) in the first paragraph, the following were substituted for paragraphs (b) and (c)—
 - “(b) either or both of the following applies—
 - (i) the tenant met the student test when the tenancy was entered into;
 - (ii) the tenant meets the student test when the written statement referred to in paragraph (c) is given,
 - (c) the landlord or, in the case of joint landlords, at least one of them, gives the tenant, before the end of the period of one month beginning with the commencement date (within the meaning given by [section 146](#) of the Renters' Rights Act 2025), a written statement of the landlord's wish to be able to recover possession on the basis that—
 - (i) the condition in paragraph (b) is met, and
 - (ii) the landlord intends, on the next occasion on which the dwelling-house is let, to let it to a tenant who meets the student test when that new tenancy is entered into,”;
 - (b) paragraph (d) were omitted;
 - (c) the following were substituted for the second and third paragraphs—

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“For the purposes of the conditions in paragraphs (b), (c) and (f), a tenant meets, or met, the student test at a particular time if—

- (a) the tenant is, or was, a full-time student at that time, or
- (b) at that time, the landlord reasonably believes, or believed, that the tenant would become a full-time student during the tenancy.

But, in a case where two or more persons are or would be, or were, the tenant, the tenant does not, or did not, meet the student test unless all of those persons meet, or met, that test.”

- (2) In relation to an existing tenancy which is a qualifying student tenancy, ground 4A in Schedule 2 to the 1988 Act has effect—

- (a) subject to the modifications in sub-paragraph (1) of this paragraph, and
- (b) additionally as if, in the first paragraph of ground 4A, paragraphs (a) and (e) were omitted.

- (3) For the purposes of this paragraph, an existing tenancy is a “qualifying student tenancy” if any of the following is a member of a specified housing management code of practice—

- (a) the landlord;
- (b) a person appointed to act on the landlord’s behalf in respect of the tenancy;
- (c) a person appointed to discharge management functions in respect of the building which comprises the dwelling-house or in which the dwelling-house is situated.

- (4) In sub-paragraph (3)—

“housing management code of practice” means a code of practice approved by the Secretary of State under section 233 of the Housing Act 2004 (codes relating to the management of HMOs or excepted accommodation);

“management functions” in respect of a building includes functions relating to—

- (a) the provision of services, or
- (b) the repair, maintenance, improvement or insurance of the building;

“specified” means specified in regulations made by the Secretary of State.

Commencement Information

I339 Sch. 6 para. 13 in force at Royal Assent, see [s. 145\(6\)](#)

Schedule 1: stepping stone accommodation ground

- 14 In relation to an existing tenancy, paragraph (b) in Ground 5H in [Schedule 2 to the 1988 Act](#) is to be read as if after “agreement” there were inserted “or a written statement given to the tenant before the commencement date (within the meaning given by section [146](#) of the Renters’ Rights Act 2025)”.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I340 Sch. 6 para. 14 in force at Royal Assent, see [s. 145\(6\)](#)

Schedule 1: redevelopment ground

- 15 In relation to an existing tenancy, paragraph (c) in case C where the “additional RSL condition” is met in Ground 6 in [Schedule 2 to the 1988 Act](#) is to be read as if for “before the tenancy was entered into” there were substituted “before the end of the period of one month beginning with the commencement date (within the meaning given by section [146](#) of the Renters' Rights Act 2025)”.

Commencement Information

I341 Sch. 6 para. 15 in force at Royal Assent, see [s. 145\(6\)](#)

Claim form for section 8 possession proceedings already requested

- 16 (1) This paragraph applies where—
- (a) before the commencement date—
 - (i) a valid notice under section 8 of the 1988 Act has been given, and
 - (ii) the claimant in possession proceedings has requested the court to issue the claim form for those proceedings, and
 - (b) immediately before the commencement date, possession proceedings have not begun or have not been concluded.
- (2) The notice under section 8 remains valid until possession proceedings are concluded.
- (3) The amendments made by [Chapter 1 of Part 1](#) do not apply in relation to the tenancy until the notice under section 8 ceases to be valid by virtue of sub-paragraph (2) (and accordingly the tenancy remains an assured shorthold tenancy until then).
- (4) In relation to a tenancy to which sub-paragraph (3) applies, section [146\(3\)](#) (except in its application to this paragraph) has effect as if the following were substituted for the definition of “commencement date”—
- ““commencement date” means the date on which, by virtue of paragraph [16](#) of [Schedule 6](#), the amendments made by [Chapter 1 of Part 1](#) apply in relation to a tenancy;”.
- (5) In this paragraph “possession proceedings” means proceedings for an order for possession under section 8 of the 1988 Act in reliance on a valid notice given under that section.

Commencement Information

I342 Sch. 6 para. 16 in force at Royal Assent, see [s. 145\(6\)](#)

Claim form for section 8 possession proceedings not already requested

- 17 (1) This paragraph applies where, before the commencement date—

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- (a) a valid notice under section 8 of the 1988 Act has been given, and
 - (b) the claimant in possession proceedings has not requested the court to issue the claim form for those proceedings.
- (2) The notice under section 8 remains valid—
 - (a) until the end of the applicable period, except where the claimant has requested the court to issue the claim form for possession proceedings before the end of that period;
 - (b) until possession proceedings are concluded, if the claimant has requested the court to issue the claim form for those proceedings before the end of the applicable period.
- (3) The amendments made by [Chapter 1](#) of [Part 1](#) do not apply in relation to the tenancy until the notice under section 8 ceases to be valid by virtue of sub-paragraph (2) (and accordingly the tenancy remains an assured shorthold tenancy until then).
- (4) In relation to a tenancy to which sub-paragraph (3) applies, section [146\(3\)](#) (except in its application to this paragraph) has effect as if the following were substituted for the definition of “commencement date”—

““commencement date” means the date on which, by virtue of paragraph [17](#) of [Schedule 6](#), the amendments made by [Chapter 1](#) of [Part 1](#) apply in relation to a tenancy;”.
- (5) In this paragraph—

“applicable period”, in relation to possession proceedings—

 - (a) the period of twelve months included in the notice under section 8 of the 1988 Act in accordance with subsection (3)(c) of that section, or
 - (b) the period of three months beginning with the commencement date, if this three month period ends before the twelve month period mentioned in paragraph (a);

“possession proceedings” means proceedings for an order for possession under section 8 of the 1988 Act in reliance on a valid notice given under that section.

Commencement Information

I343 Sch. 6 para. 17 in force at Royal Assent, see [s. 145\(6\)](#)

Interpretation

- 18 In [this Schedule](#) “commencement date” and “existing tenancy” have the meanings given by [section 146](#).

Commencement Information

I344 Sch. 6 para. 18 in force at Royal Assent, see [s. 145\(6\)](#)

Status: This version of this Act contains provisions that are prospective.

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PART 2

EXISTING INSTRUMENTS WHICH PERMIT OR REQUIRE LETTING ETC

Key definitions

- 19 (1) “Residential premises” are premises that consist of or include one or more dwelling-houses in England.
- (2) A lease of residential premises (whether or not in writing) is a “relevant pre-application instrument” if it was entered into—
 - (a) before the commencement date, or
 - (b) on or after that date under a contract entered into before that date.
- (3) A mortgage arrangement which relates to residential premises is a “relevant pre-application instrument” if it was entered into—
 - (a) before the commencement date, or
 - (b) on or after that date by the acceptance of an offer made before that date.
- (4) A contract of insurance which relates to residential premises is a “relevant pre-application instrument” if it was entered into—
 - (a) before the commencement date, or
 - (b) on or after that date by the acceptance of an offer made before that date.
- (5) A section 106 obligation is a “relevant pre-application instrument” if it was entered into before the commencement date.
- (6) In relation to a relevant pre-application instrument, “affected dwelling-house” means—
 - (a) if the relevant pre-application instrument is a lease, the dwelling-house, or each dwelling-house, let by the lease;
 - (b) if the relevant pre-application instrument is a mortgage arrangement, the dwelling-house, or each dwelling-house, to which the mortgage arrangement relates;
 - (c) if the relevant pre-application instrument is a contract of insurance, the dwelling-house, or each dwelling-house, to which the contract of insurance relates;
 - (d) if the relevant pre-application instrument is a section 106 obligation, the dwelling-house, or each dwelling-house, to which the section 106 obligation relates.
- (7) In relation to times before the commencement date, an assured tenancy is a “relevant” assured tenancy if—
 - (a) it is not an assured shorthold tenancy,
 - (b) it is a periodic tenancy, and
 - (c) each period of the tenancy is—
 - (i) a period of 28 days or shorter, or
 - (ii) a monthly period,
 including where there are different periods at different times, each of which falls within sub-paragraph (i) or (ii).

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- (8) In relation to times on or after the commencement date, an assured tenancy is a “relevant” assured tenancy if—
- (a) it is a periodic tenancy, and
 - (b) each period of the tenancy is—
 - (i) a period of 28 days or shorter, or
 - (ii) a monthly period,including where there are different periods at different times, each of which falls within sub-paragraph (i) or (ii).

Commencement Information

I345 Sch. 6 para. 19 in force at Royal Assent, see [s. 145\(6\)](#)

Saving for existing powers to vary

- 20 Nothing in this Part of this Schedule prevents a relevant pre-application instrument from being varied or modified by the parties to it (and accordingly paragraphs 21 to 26 and paragraph 28 are subject to any such variation or modification).

Commencement Information

I346 Sch. 6 para. 20 in force at Royal Assent, see [s. 145\(6\)](#)

Relevant pre-application instruments that permit letting on tenancies that are no longer possible

- 21 (1) This paragraph applies to a relevant pre-application instrument if either or both of conditions A and B are met in relation to the affected dwelling-house.
- (2) *Condition A:* immediately before the commencement date, the relevant pre-application instrument—
- (a) permitted the affected dwelling-house to be let under an assured shorthold tenancy, but
 - (b) did not permit the affected dwelling-house to be let under a relevant assured tenancy.
- (3) *Condition B:* immediately before the commencement date, the relevant pre-application instrument—
- (a) permitted the affected dwelling-house to be let under an assured tenancy (other than an assured shorthold tenancy), but
 - (b) did not permit the affected dwelling-house to be let under a relevant assured tenancy.
- (4) The relevant pre-application instrument has effect on and after the commencement date as if it permits the affected dwelling-house to be let under a relevant assured tenancy.
- (5) That power to let under a relevant assured tenancy is exercisable in the same circumstances, and on the same terms, as the pre-commencement power to let was

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exercisable immediately before the commencement date, except so far as that would be inconsistent with any provision made by or under this Act.

- (6) In this paragraph “pre-commencement power to let” means—
- (a) if only condition A is met, the power to let mentioned in sub-paragraph (2)(a);
 - (b) if only condition B is met, the power to let mentioned in sub-paragraph (3)(a);
 - (c) if conditions A and B are both met, the power to let mentioned in sub-paragraph (3)(a).

Commencement Information

I347 Sch. 6 para. 21 in force at Royal Assent, see [s. 145\(6\)](#)

Relevant pre-application instruments that permit letting on tenancies that continue to be possible

- 22 (1) This paragraph applies to a relevant pre-application instrument if, immediately before the commencement date, the relevant pre-application instrument permitted the affected dwelling-house to be let under a relevant assured tenancy.
- (2) That power to let under a relevant assured tenancy continues to be exercisable in the same circumstances, and on the same terms, as it was exercisable immediately before the commencement date, except so far as that would be inconsistent with any provision made by or under this Act.

Commencement Information

I348 Sch. 6 para. 22 in force at Royal Assent, see [s. 145\(6\)](#)

Relevant pre-application instruments that require letting on tenancies that are no longer possible

- 23 (1) This paragraph applies to a relevant pre-application instrument if either or both of conditions A and B are met.
- (2) *Condition A*: immediately before the commencement date—
- (a) the relevant pre-application instrument required the affected dwelling-house to be let, and
 - (b) that requirement—
 - (i) would have been complied with by letting the affected dwelling-house under an assured shorthold tenancy, but
 - (ii) would not have been complied with by letting the affected dwelling-house under a relevant assured tenancy.
- (3) *Condition B*: immediately before the commencement date—
- (a) the relevant pre-application instrument required the affected dwelling-house to be let, and
 - (b) that requirement—

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- (i) would have been complied with by letting the affected dwelling-house under an assured tenancy (other than an assured shorthold tenancy), but
 - (ii) would not have been complied with by letting the affected dwelling-house under a relevant assured tenancy.
- (4) The relevant pre-application instrument has effect on and after the commencement date as if it requires the affected dwelling-house to be let under a relevant assured tenancy.
- (5) That requirement to let under a relevant assured tenancy must be complied with in the same circumstances, and on the same terms, as the pre-commencement requirement had to be complied with immediately before the commencement date, except so far as that would be inconsistent with any provision made by or under this Act.
- (6) In this paragraph “pre-commencement requirement” means—
 - (a) if only condition A is met, the requirement to let mentioned in subparagraph (2)(b)(i);
 - (b) if only condition B is met, the requirement to let mentioned in subparagraph (3)(b)(i);
 - (c) if conditions A and B are both met, the requirement to let mentioned in subparagraph (3)(b)(i).

Commencement Information

I349 Sch. 6 para. 23 in force at Royal Assent, see [s. 145\(6\)](#)

Relevant pre-application instruments that require letting on tenancies that continue to be possible

- 24 (1) This paragraph applies to a relevant pre-application instrument if, immediately before the commencement date—
- (a) the relevant pre-application instrument required the affected dwelling-house to be let, and
 - (b) that requirement would have been complied with by letting the affected dwelling-house under a relevant assured tenancy.
- (2) That requirement to let under a relevant assured tenancy must still be complied with in the same circumstances, and on the same terms, as it had to be complied with immediately before the commencement date, except so far as that would be inconsistent with any provision made by or under this Act.

Commencement Information

I350 Sch. 6 para. 24 in force at Royal Assent, see [s. 145\(6\)](#)

Status: This version of this Act contains provisions that are prospective.

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Pre-commencement s.106 obligations with provision relating to letting on terms that are no longer possible

- 25 (1) This paragraph applies to a pre-application section 106 obligation if, immediately before the commencement date, it prevented or restricted the taking of particular action unless or until the affected dwelling-house was let under a superseded tenancy.
- (2) On and after the commencement date, the pre-application section 106 obligation has effect as if it prevents or restricts the taking of the particular action unless or until the affected dwelling-house is let under a relevant assured tenancy.
- (3) Any such letting under a relevant assured tenancy is to be made in the same circumstances, and on the same terms, as a letting under a superseded tenancy immediately before the commencement date, except so far as that would be inconsistent with any provision made by or under this Act.

Commencement Information

I351 Sch. 6 para. 25 in force at Royal Assent, see [s. 145\(6\)](#)

Pre-commencement s.106 obligations with provision relating to letting on terms that continue to be possible

- 26 (1) This paragraph applies to a pre-application section 106 obligation if, immediately before the commencement date—
- (a) provision of the pre-application section 106 obligation prevented or restricted the taking of particular action unless or until the affected dwelling-house was let, and
 - (b) that provision would have ceased to prevent or restrict that action if the affected dwelling-house was let under a relevant assured tenancy.
- (2) Such a letting under a relevant assured tenancy must still be made in the same circumstances, and on the same terms, as a letting under a relevant assured tenancy immediately before the commencement date, except so far as that would be inconsistent with any provision made by or under this Act.

Commencement Information

I352 Sch. 6 para. 26 in force at Royal Assent, see [s. 145\(6\)](#)

Requirements under the Community Infrastructure Regulations 2010

- 27 (1) This paragraph applies where—
- (a) a planning permission is granted before the commencement date on a relevant determination,
 - (b) the planning permission was granted on the basis of a pre-application section 106 obligation, and
 - (c) at the time the planning permission was granted, the pre-application section 106 obligation met the requirements under regulation 122(2) of the Community Infrastructure Regulations 2010.

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- (2) On and after the commencement date any effect of this Part is to be disregarded when considering whether the pre-application section 106 obligation continues to meet those requirements.
- (3) In this paragraph “relevant determination” has the meaning given by regulation 122(3) of the Community Infrastructure Regulations 2010.

Commencement Information

I353 Sch. 6 para. 27 in force at Royal Assent, see [s. 145\(6\)](#)

Leases which cannot be returned at end of term free of sub-lease

- 28 (1) This paragraph applies to a lease if—
- (a) the lease was entered into before the commencement date or under a contract entered into before that date,
 - (b) the lease is—
 - (i) periodic, or
 - (ii) a fixed term lease of a term certain not exceeding 21 years,
 - (c) the lease is modified by paragraph 21 or 23,
 - (d) a dwelling-house is sub-let under the lease on a tenancy (entered into before or after the commencement date) which is (or becomes on or after that date, by virtue of this Act or otherwise) a relevant assured tenancy, and
 - (e) the tenancy was entered into in accordance with the terms of the lease as they stood when the tenancy was entered into (or, if it was not, the breach has been waived by the landlord).
- (2) The lease has effect as if it provided that a failure by the lessee at the end of the lease to return the premises to the landlord free from the relevant assured tenancy does not constitute a breach of the lease.

Commencement Information

I354 Sch. 6 para. 28 in force at Royal Assent, see [s. 145\(6\)](#)

Application to agreements etc relating to leases, mortgage arrangements or contracts of insurance

- 29 In this Part of this Schedule references to a lease, mortgage arrangement or contract of insurance, and references to the terms of a lease, mortgage arrangement or contract of insurance, include references to—
- (a) the terms of any agreement relating to the lease, mortgage arrangement, or contract of insurance, and
 - (b) any document or communication from a party to the lease, mortgage arrangement, or contract of insurance, which gives or refuses consent for letting in relation to a category or description of tenancy.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I355 Sch. 6 para. 29 in force at Royal Assent, see [s. 145\(6\)](#)

Application to sub-letting

- 30 (1) In a case where the relevant pre-application instrument is a lease, a reference in this Part of this Schedule to a letting of the affected dwelling-house is a reference to a sub-letting of those premises under that lease or any inferior lease.
- (2) In the case of any other relevant pre-application instrument, a reference in this Part of this Schedule to a letting of the affected dwelling-house includes a reference to a sub-letting of those premises under any lease or inferior lease of those premises.

Commencement Information

I356 Sch. 6 para. 30 in force at Royal Assent, see [s. 145\(6\)](#)

Application in certain circumstances

- 31 (1) In a case where a relevant pre-application instrument—
- (a) gave, or gives, a discretion whether to let an affected dwelling-house, but
 - (b) required, or requires, the affected dwelling-house to be let under a tenancy of a particular description if it is let,
- the instrument is to be regarded as permitting (and not as requiring) the dwelling-house to be let under that description of tenancy (and this Part of this Schedule applies accordingly).
- (2) The following provisions of this paragraph apply if there are two or more affected dwelling-houses in relation to the relevant pre-application instrument.
- (3) This Part of this Schedule applies separately in relation to each of those dwelling-houses.
- (4) But, if any term of the instrument is such that it gave, or gives, a discretion as to which particular dwelling-house or dwelling-houses the term applies to, this Schedule does not affect that discretion (but the term otherwise has effect subject to this Part of this Schedule).

Commencement Information

I357 Sch. 6 para. 31 in force at Royal Assent, see [s. 145\(6\)](#)

Power to disapply or modify this Part

- 32 (1) The Secretary of State may by regulations disapply or modify the effect of this Part of this Schedule in relation to relevant pre-application instruments of a specified description.
- (2) Where the Secretary of State makes regulations under this paragraph disapplying the effect of this Part, the fact that this Schedule has previously applied in relation to a

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

relevant pre-application instrument does not prevent the exercise of the powers in section 148(7)(b) in relation to the relevant pre-application instrument.

Commencement Information

I358 Sch. 6 para. 32 in force at Royal Assent, see [s. 145\(6\)](#)

Meaning of “permitting” letting

- 33 A relevant pre-application instrument permitted, or permits, the affected dwelling-house to be let under a tenancy of a particular description if letting the affected dwelling-house under a tenancy of that description would not have breached the terms of the relevant pre-application instrument.

Commencement Information

I359 Sch. 6 para. 33 in force at Royal Assent, see [s. 145\(6\)](#)

Interpretation

- 34 In this Part of this Schedule—
- “affected dwelling-house” has the meaning given in paragraph 19(6);
 - “assured shorthold tenancy” is to be read in accordance with [Part 1 of the 1988 Act](#) as it had effect immediately before the commencement date;
 - “assured tenancy”, in relation to a time before the commencement date, is to be read in accordance with [Part 1 of the 1988 Act](#) as it had effect at that time;
 - “the commencement date” has the meaning given by section 146(3);
 - “contract of insurance” has the meaning given by article 3(1) of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001;
 - “dwelling-house” has the same meaning as in [Part 1 of the 1988 Act](#) — see section 45 of that Act);
 - “mortgage arrangement which relates to residential premises” or “mortgage arrangement” means an arrangement under which—
 - (a) credit is or continues to be provided to a person, and
 - (b) the obligation of the person to repay is secured by a legal or equitable mortgage or other charge on the residential premises;
 - “pre-application section 106 obligation” means a section 106 obligation that was entered into before the commencement date;
 - “relevant assured tenancy” has the meaning given in paragraph 19(7) and (8);
 - “relevant pre-application instrument” has the meaning given in paragraph 19(2) to (5);
 - “residential premises” has the meaning given in paragraph 19(1);
 - “section 106 obligation” means a planning obligation under section 106 of the Town and Country Planning Act 1990;
 - “superseded tenancy” means—
 - (a) an assured shorthold tenancy, and

***Status:** This version of this Act contains provisions that are prospective.*

***Changes to legislation:** Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

- (b) an assured tenancy (other than an assured shorthold tenancy) that is not a relevant assured tenancy.

Commencement Information

I360 Sch. 6 para. 34 in force at Royal Assent, see [s. 145\(6\)](#)

Status:

This version of this Act contains provisions that are prospective.

Changes to legislation:

Renters' Rights Act 2025 is up to date with all changes known to be in force on or before 10 March 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 43 coming into force by [S.I. 2026/6 art. 2\(a\)](#)
- s. 44 coming into force by [S.I. 2026/6 art. 2\(b\)](#)
- s. 45 coming into force by [S.I. 2026/6 art. 2\(c\)](#)
- s. 46 coming into force by [S.I. 2026/6 art. 2\(d\)](#)
- s. 47 coming into force by [S.I. 2026/6 art. 2\(e\)](#)
- s. 48 coming into force by [S.I. 2026/6 art. 2\(f\)](#)
- s. 49 coming into force by [S.I. 2026/6 art. 2\(g\)](#)

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Appendix B: Renters' Right Act 2025 – A summary of the key tenancy reforms and landlord legislation.

The information below, summarises the key tenancy reforms introduced to the Private Rented Sector (PRS) under the Act, and also outlines what the 'landlord legislation' comprises, which take effect from 1 May 2026.

Tenancy reforms

Abolish section 21 'no fault' evictions - landlords in the PRS will no longer be able to use section 21 of the Housing Act 1988 to evict their tenants. Landlords will only be able to evict tenants using the grounds in section 8, which has been extended. (this will not apply to the social rented sector until 2026/27).

Introduce Assured Periodic Tenancies – most new tenancies and existing tenancies in the PRS will become Assured Periodic Tenancies. This means tenants will be able to stay in their property for as long as they want, or until a landlord serves a valid section 8 notice. Tenants will be able to end their tenancy by giving two months' notice.

Reformed possession grounds – landlords will only be able to evict tenants when they have a valid reason. Possession grounds will be extended to make it easier for landlords to evict tenants who commit anti-social behaviour, or who are in serious persistent rent arrears.

Limit rent increases to once a year – landlords will have to follow the section 13 procedure and provide the tenant with a notice detailing the proposed rent increase at least two months before it is due to take effect, tenants will be able to challenge them more easily at the Tribunal.

Ban rental bidding and rent in advance – landlords and letting agents will not be able to ask for, encourage, or accept an offer that is higher than the advertised rent. Landlords and agents will also not be able to request more than one month's rent in advance.

Make it illegal to discriminate against renters who have children or receive benefits – landlords and letting agents will not be able to do anything to make a tenant less likely to rent a property (or prevent them from renting it) because they have children or receive benefits. This includes withholding information about a property (including its availability), stopping someone from viewing it, or refusing to grant a tenancy.

Require landlords in the PRS to consider tenant requests to rent with a pet – landlords will have an initial 28 days to consider their tenant's request, and they will have to provide valid reasons if they refuse it.

Strengthen both local council enforcement and rent repayment orders - civil penalties will be expanded, and there will be a new requirement for local councils to report on enforcement activity. Rent repayment orders will be extended to superior landlords, the maximum penalty will be doubled, and repeat offenders required to pay the maximum amount.

New investigatory powers - giving local councils a stronger ability to inspect properties, demand documents, and access third-party data to crack down on rogue landlords and enforce housing standards more effectively. These came into effect on 27 December 2025.

The 'Landlord Legislation'

Section 107, Renters' Rights Act 2025 imposes a duty on the Council to enforce the Landlord Legislation within their area. The Landlord Legislation is comprised of the following:

Chapter 3 of Part 1 of the Renters' Right Act 2025:

- Prohibits rental discrimination based on children or benefit status, landlords cannot restrict advertising against families with children or benefit claimants or prevent them from enquiring about lets, accessing information, viewing or entering into a tenancy, including adding restrictive clauses to tenancy agreements.

Chapter 6 of Part 1 of the Renters' Right Act 2025:

- Requires stating a fixed rent and bans rent-bidding, landlords cannot invite, encourage or accept offers above the advertised rent.

Part 2 of the Renters' Right Act 2025:

- Establishes rules for residential landlords including definitions, requirements for landlords to join approved redress/ombudsman schemes and the introduction of the national private rented landlord database and duties to enforce registration through civil penalties and preventing unregistered landlords from operating.

Sections 1 and 1A of the Protection from Eviction Act 1977:

- Section 1 makes unlawful eviction a criminal offence and places a duty on local authorities to investigate allegations of unlawful eviction / harassment and where necessary initiate legal action.
- Section 1A allows local authorities to impose a civil penalty for offences committed under section 1.

Chapter 1 of Part 1 of the Housing Act 1988:

- Defines the legal framework for assured tenancies and sets core rules on:
 - I. Security of tenure: tenants can only be evicted if the landlord proves a statutory ground for possession. Tenancies will no longer have a fixed term and continue as a statutory periodic tenancy.
 - II. Possession: statutory mandatory and discretionary grounds are expanded and defined, section 8, Housing Act 1988.
 - III. Rent provisions: new rules for rent increases included a statutory procedure that must be followed and tenants can challenge them at Tribunal. Also, prohibits rent in advance (except for the initial rent amount).
 - IV. Other rights include banning discrimination against families with children and benefits claimants, tenants can't be pressured to offer rents above what advertise, landlords must consider requests for pets.



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CORPORATE STATEMENT OF ENFORCEMENT POLICY

Adopted July 2024

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¹ Added 30.10.24 administrative.

1. Introduction

The purpose of this Policy is to set out North Hertfordshire District Council's (referred to as 'North Hertfordshire District Council', 'North Herts Council', or 'Council') enforcement principles, practice and provide guidance to Council officers, businesses and the public. Enforcement action is a wide term which includes informal and formal steps and covers a range of options detailed below. When undertaking such action, the Council will have regard to this Policy, and any service specific enforcement policy/ procedure. The Council undertakes enforcement for a number of services, and these specific ones are detailed in the Appendices listed. This is indicative of the areas of enforcement at the time of approval, is therefore indicative rather than exhaustive, as this is subject to change over time as regulatory duties and legislation, statutory guidance or case law emerges. If not specifically covered in this Policy or Appendices, then the legislation, and or statutory guidance, codes or case law will apply, together with the mission statement and General principles.

This overarching Policy does not seek to duplicate the specific ones detailed in the Appendices, but to provide a framework. In developing and updating these policies, regard has been given to the Regulators' Code 2014² issued under section 23 of the Legislative and Regulatory Reform Act 2006 ('the Act'), and good practice. This Policy explains the approach that will be adopted by officers when carrying out the Council's duties and how the Council will respond to noncompliance. Each service area has its own procedures and protocols that will have regard to this Policy, though there may be local variations within them; these are contained in the Appendices below. The Policy covers both criminal and civil enforcement practices and is based on the Council's enforcement mission statement.

2. Enforcement Mission Statement

A consistent and proportionate approach to enforcement that is targeted, and contributes to achieving the Council's priorities, policy aims and meets the needs of the community.

3. General Principles

In line with the requirements of the Act, the Council will have regard to the following principles when considering enforcement action:

- **Transparency:** to ensure enforcement action to be taken by the Council is easily understood. Clear distinctions will be made between legal requirements and recommendations about good practice which are not compulsory. Where possible the Council shall be sharing information about compliance and risk.
- **Accountability:** to ensure that the Council is answerable for its enforcement practices and can be held to account for the actions it takes.
- **Proportionality:** to consider whether proposed action is proportionate considering all relevant factors, including the severity of the offence, likely outcome, risk and costs of proceedings.
- **Consistency:** to ensure that similar issues are dealt with in an equitable way, making full use of guidance produced by Government and other agencies.
- **Targeted:** only at cases where action is needed.

The Council will act in accordance with the relevant legislation, guidance, and case law as appropriate, when investigating breaches of regulatory compliance and when considering enforcement action. The Council's authorised officers will also comply with the requirements of the particular legislation under which they are acting, and with any associated guidance or codes of practice.

² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf

4. Shared Enforcement and Corporate Approach

The range of enforcement matters dealt with by the Council may sometimes require officers to work with other departments or agencies to maximise effective enforcement.

Consideration should be given as to whether it is appropriate to share information with external agencies or colleagues in other departments. Where activity impacts across different Council departments, officers should adopt a corporate and collaborative approach, working together to seek the best results overall. All instances of data sharing must comply with relevant Data Protection Legislation³.

5. Aims of Enforcement Action

If enforcement action is necessary, then the Council utilises the sanctions and penalties available to it in order to:

- change the behaviour of the offender;
- change attitudes in society to offences which may not be serious in themselves, but which are widespread;
- eliminate any financial gain or benefit from offending or non-compliance;
- be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that should be associated with a criminal conviction;
- be proportionate to the nature of the offence and the harm caused;
- address the harm caused by regulatory non-compliance, where appropriate; and,
- deter future non-compliance.

6. Levels of Enforcement Action

Where primary legislation or statutory guidance prescribes an enforcement approach that departs from the Regulators' Code (for example, elements of Part 1 of the Housing Act 2004 and the Renters' Rights Act 2025), this Corporate Policy yields to that regime. Officers must still act lawfully and proportionately but are not required to apply Levels 1–2 before formal action where statute imposes a duty or presumption to enforce.

Prior to taking enforcement action, Council officers must ensure that they are authorised to do so under the Council's Constitution and their delegations. Officers will generally consider the following enforcement options when taking action:

- **LEVEL 1 – Compliance, Advice and Guidance:** to assist individuals, existing and prospective businesses and other organisations to comply with their legal obligations. This will be achieved by providing written and verbal advice, information leaflets and the opportunity for face-to-face contact to discuss and help resolve potential problems.
- **LEVEL 2 - Informal Warnings:** these will be used to reinforce advice and guidance where minor breaches of the law occur, and it is not appropriate to take formal action. Warnings are more likely to be appropriate for minor contraventions where it can be reasonably expected that informal warnings will achieve compliance. Warnings issued in respect of more significant breaches of the law should include timescales within which the breaches should be remedied. Monitoring should be undertaken as appropriate where there are ongoing breaches.

³ Means: all applicable data protection and privacy legislation in force from time to time in the UK including the General Data Protection Regulation ((EU) 2016/679); the Data Protection Act 2018; the Privacy and Electronic Communications Directive 2002/58/EC (as updated by Directive 2009/136/EC) and the Privacy and Electronic Communications Regulations 2003 (SI 2003/2426) as amended, or any successor legislation.

- **LEVEL 3 - Formal Action:** this includes the use of statutory (legal) notices and is generally taken if compliance advice or informal warnings are not considered to be the most appropriate route. Before formal action is taken, other than where immediate action is required, officers will provide an opportunity to discuss the circumstances of the case and, where possible, attempt to resolve points of difference.
- **LEVEL 4 - Legal Proceedings:** this includes, amongst other things, the issue of fixed penalty notices, simple cautions, prosecutions, injunction proceedings, review and revocation of licences and execution of works in default.

Enforcement will normally move from Level 1 through to Level 4, although depending on the facts of a given matter, it may be appropriate to adopt a fluid approach to how a matter proceeds through the above Levels. For example, in certain circumstances a matter may begin at Level 1 but then, if required, go straight to Level 3 or 4. Likewise it may be suitable to commence proceedings at Level 3 or 4 if the criteria for formal action or prosecution are met. Where there are duties under specific legislation proceedings may also commence at Level 3 or 4 bypassing Level 1 and 2.

Different service areas may have their own service specific sanctions available to them; including such things as civil penalties that can be utilised as an alternative to prosecution. Where these specific sanctions are available to a given service area, these will be set out in the relevant procedure document in the appendices below.

7. No Action

In certain circumstances, contraventions may not warrant any action. This can be where the cost of compliance significantly outweighs the detrimental impact of the contravention, or where the cost of the required enforcement action to the Council significantly outweighs the detrimental impact of the contravention on the community. A decision of no action may also be taken where action is inappropriate in the circumstances, such as where an organisation has ceased to trade, or the offender has mental capacity considerations or is elderly and frail and formal action would seriously damage their well-being.

8. Statutory notices

Some legislation provides for the service of statutory notices, which require a person, business or organisation to comply with specific requirements.

Generally, the notice will explain:

- what is wrong
- what is required to put things right
- the timescale in which to put things right
- what will happen if the notice is not complied with.

In some circumstances where a formal notice has been served there might be a right of appeal against the Council's decision. In such cases an explanation of the method of appeal will be provided at the time the notice is issued.

9. Works in Default

In general, it is Council policy to either caution or prosecute individuals, organisations or businesses that do not comply with a statutory notice. In addition, failure to carry out specified work may result in the Council carrying out the works in default and recovering all costs. In such cases the expenses associated with default works will usually be recovered by issuing an invoice to the relevant party. Where appropriate, these costs may be recovered by way of a charge against land/ property, and such a charge may be further enforced through sale of the land/ property.

In calculating the recovery of costs incurred when undertaking works in default the Council will have regard to the following:

- Contractor's costs or expenses;

- Costs associated with officer time (including overhead costs); and
- Legal costs or expenses.

10. Fixed Penalty Notice ('FPN')

For certain offences, e.g. fly-tipping, household waste duty of care offences, breaches of community protection notices (CPN's), depositing of litter, abandoned vehicles, there is provision for fixed penalty notices to be issued. Where there is evidence that an offence has been committed, authorised officers from the Council may issue the appropriate penalty ticket. The issue of an FPN gives an offender the opportunity to discharge their liability to prosecution by the payment of set fine within a specified period. FPNs will only be issued when there is adequate evidence to support a prosecution. If the fine is not paid in full within the stated period then the Council is likely to mount such a prosecution.

Details of the Council's FPN scheme, including which offences are included, the level of fine and early payment discounts amongst other things, can be viewed on the council's website⁴

11. Cautions

The Police, Crime, Sentencing and Courts Act 2022, introduced a concept of two different cautions known as diversionary or community cautions, which are to replace simple cautions. At the point of reviewing this Policy these provisions have not been brought into force and once they are, their use will follow the legislative provision and the Code of Practice for Diversionary and Community Cautions. Until that time, the provisions relating to simple cautions will be applied by the Council.

A simple caution is a non-statutory, non-conviction disposal for adult offenders aged 18 or over. Under certain circumstances, a simple caution may be used as an alternative to prosecution and will usually be considered before making a decision to prosecute. A simple caution is a serious matter. It may be used to influence any decision whether or not to prosecute should the individual, organisation or business reoffend, and it may be referred to in any subsequent court proceedings. Regard will be given to government guidance by the Ministry of Justice – Simple Caution for Adult Offenders⁵.

Simple cautions are intended to:-

- deal quickly and simply with certain offences;
- avoid unnecessary appearance in criminal courts;
- reduce the chance of offenders re-offending.

Before issuing a caution the following will be relevant:

- i. there must be evidence of guilt sufficient to give a realistic prospect of conviction and it must be in the public interest to offer a simple caution;
- ii. that it is a low-level first time offending situation;
- iii. not a repeat offence *and where relevant and appropriate* a victim's views will be taken into account;
- iv. the offender must understand and be capable of understanding the significance of the simple caution and admit the offence by signing a declaration;
- v. the person against whom a caution is issued must have legal responsibility for the offence(s), for example in the case of a company, and be 18 years or over.

Where an individual chooses not to accept a simple caution the Council will normally consider prosecution.

⁴ [Home | North Herts Council \(north-herts.gov.uk\)](https://www.north-herts.gov.uk)

⁵ <https://www.gov.uk/government/publications/simple-cautions-guidance-for-police-and-prosecutors> or any subsequent guidance

The decision to offer a caution will normally be taken in consultation between the relevant service manager and the Director – Governance, or those officers delegated to make that decision under a scheme of delegation.

12. Prosecution

The Council will take individual circumstances into account when deciding whether to initiate a prosecution and will only bring proceedings when it is considered to be in the public interest. Before deciding to prosecute there must be sufficient evidence for a realistic prospect of conviction, taking account of any defence that may be available. In certain circumstances, including cases of dishonesty or fraud, or other serious health and safety cases, prosecution may be taken without prior warning.

In addition, the decision to prosecute will always take into account the CPS Code for Crown Prosecutors. This Code includes the requirement that both the evidential test and public interest test referred to above are met before issuing proceedings.

Most prosecution proceedings require the authorisation of the Director: - Governance under the Council's Constitution, although some require specific officers to do so, such as Health and Safety, in consultation with the Director. Officers must ensure that Legal Services are consulted at the appropriate stage to consider the evidential and public interest tests and institute proceedings where appropriate.

In certain circumstances, the Council will also consider associated application to court if someone is convicted of an offence (or pleads guilty) such as a criminal behaviour order.

13. Unauthorised Encampments

For the purposes of this Policy an "Unauthorised encampments" (UE) occurs when one or more persons occupy land without consent, in or with a vehicle (which includes, although is not limited to, any vehicle, whether or not it is in a fit state for use on roads, and includes any chassis or body, with or without wheels, and or caravans). This also covers situations where there is no planning approval and/ or caravan sites licences.

"Trespassing" is the presence and or occupation of Council land or buildings by one or more persons without consent; this may be with or without a moveable habitat, such a tent or other similar equipment.

The Council will consider all options in relation to UE's on Council land or buildings, however, can and is likely to use common law powers in the first instance. It has been established that a landowner has the common law right where someone has trespassed on their land to obtain possession of their lands without obtaining a specific court order, by use of Certified Bailiffs now known as Certified Enforcement Agents. This may also entail removing and or seizing vehicles associated with the UE.

Each case must be treated on its merits with the safety of all concerned, including those who are involved in the UE and the potential for disorder or disruption as major guiding factors.

14. Licences

The Council is responsible for licensing a wide range of activities from taxis and the sale of alcohol to scrap metal dealers and dog breeders. These administrative documents are normally subject to certain conditions that are imposed either by legislation or the Council. The specific approach towards such matters, is set out in the appropriate Appendix.

15. Proceeds of Crime Applications

The Council, either through its own officers or in cooperation with the Police, may make an application under the Proceeds of Crime Act 2002 to restrain and/or confiscate the assets of

an offender. The purpose of any such proceedings is to recover the financial benefit that the offender has obtained from their criminal conduct. Proceedings are conducted according to the civil standard of proof. Officers should consider whether such an application is appropriate when initiating a prosecution.

16. Considering the views of those affected by offences

The Council undertakes enforcement on behalf of the public at large and not just in the interests of any particular individual or group. When considering the public interest test and whether enforcement action is appropriate, any views expressed by those affected by the offence(s) will be taken into account.

Those people affected by an offence will be kept informed of any decision that makes a significant difference to the case in which they are involved.

The Council understands that people making complaints may not wish their identity to be made known to the party about whom the complaint is being made. Accordingly, it will take care to respect the confidentiality of complainants wherever possible. However, most types of formal enforcement action, such as a prosecution, cannot take place unless the complainant is prepared for their identity to be revealed and they may be required to attend court. The Council will endeavour to make it clear whether or not complainant confidentiality can be maintained in these circumstances, although it should be made clear that this is a matter for the Court and it is unlikely in the majority of cases.

Most complaints require an investigation to be mounted and this may, on occasion, require a regular dialogue with the complainant in order to establish evidence. Accordingly, it is not possible for the Council to initiate such an investigation where the complainant does not wish to provide their name and contact details. Therefore, anonymous complaints will only be investigated wherever it is appropriate, practicable and in the public interest to do so.

17. Publication of Enforcement Action

Where enforcement action is successful, officers may want to publicise the outcome to inform the public and deter potential offenders, this may be done through press releases as well as other means. In doing so, officers should have regard to the relevant Council procedures.

The Council may publicise enforcement outcomes where lawful and in the public interest. In deciding whether and how to publish, officers will record consideration of: (a) deterrence value; (b) seriousness and harm; (c) risk of prejudicing live proceedings; (d) privacy/data-protection impacts and necessity; and (e) accuracy and balance. Publication will comply with data-protection law and Article 10 ECHR.

18. Waste Management

Waste management is a shared service with East Hertfordshire Council and the council do not have dedicated waste enforcement team. Currently enforcement work is undertaken on an ad hoc basis by the Council's legal department. Should the Council require the shared service to undertake enforcement then this will have to be arranged and agreed with East Hertfordshire Council.

19. Victim rights

Where appropriate, services will take into account the views of any victim, injured party or relevant person to establish the nature and extent of any harm or loss - including potential harm and loss - and its significance when making the decision. However, if you are unhappy with the Council's approach you may raise this with the enforcement officer concerned or via the Comments, Compliments and Complaints policy process, details of which can be found on the Council's website or via the Councils Offices in Letchworth Garden City.

Appendix D

APPENDIX B: ENVIRONMENTAL HEALTH

1.0 General statement of purpose and scope

The Environmental Health Enforcement Policy forms part of the Council's overarching Corporate Enforcement Policy (CEP). It follows the principles laid down in the core policy and does not seek to duplicate these except where necessary to aid clarity or context.

- 1.1 In framing this policy, regard has been made to the Regulators Code, corporate policies, specific legislation under which an investigation is conducted and associated national guidance. In addition to the primary legislation that applies to the work of the Environmental Health Service (the "Service"), the following statutory instruments have also been considered:

- Human Rights Act 1998
- Regulatory Enforcement and Sanctions Act 2008
- Legislative and Regulatory Reform Act 2006
- Police and Criminal Evidence Act 1984
- Regulation of Investigatory Powers Act 2000
- Criminal Justice Act 2003
- Criminal Proceedings and Investigation Act 1996
- Local Government Act 1972
- Equality Act 2010
- Regulation of Investigatory Powers Act 2000C
- Renters' Rights Act 2025

- 1.2 This policy also considers the implied prioritisation of enforcement over less formal means of achieving compliance as required by the Renters' Rights Act 2025. Although permitting less formal options to achieve compliance, the assumption with provisions covered by this Act is that these measures should only be used where there is clear evidence that they will achieve compliance. In every other instance, when considering any intervention under this Act, enforcement shall be the first and main course of redress.
- 1.3 This policy covers all the core functions of the Service. It outlines the approach to enforcement and lays down the principles which will be followed in deciding appropriate and proportionate action in relation to any given case.

In this policy, enforcement includes any criminal or civil action taken by the Service aimed at ensuring parties such as members of the public or businesses comply with the law.

Reasonable steps will be taken to assist businesses and individuals in complying with legal requirements, however the Service is prepared to ensure compliance by exercising formal powers where they exist, and when necessary.

Where appropriate the Service will seek to raise awareness and increase compliance levels by publicising unlawful practices, criminal activity and related enforcement action taken. This may include publicising the outcomes from specific court cases.

2.0 Environmental Health

The Service is responsible for the enforcement of a wide range of regulatory powers. The purpose of this policy is to detail the processes the Service will follow when determining enforcement actions in relation to carrying out its statutory duties on behalf of the Council.

The main activities delivered by the Service are:

- Food safety
- Occupational health and safety
- Environmental protection
- Public health
- Housing standards and protection of tenants
- Stray dog control

This policy is not intended to be operational guidance but to provide a basis for framing operational interventions and procedures regarding enforcement activities. Each case will be dealt with on its own merits and due to the range of activities covered by the Service, this policy is not exhaustive. However, all formal enforcement action and performance carried out by the Service will be reviewed and considered under this policy.

3.0 Principles of good enforcement

The Service will take an open, fair, and balanced approach in dealing with breaches of legislation. Where possible, officers will raise awareness and promote good practice by signposting affected parties to relevant guidance and good practice.

Where a supportive and guidance related approach has not worked to resolve a potential breach of legislation, the Service will not hesitate to take proportionate formal action as appropriate.

Advice regarding non-compliance with legislation, the actions required to be taken to remedy poor or non-compliance, and decisions surrounding our actions will be provided as part of the intervention.

Where believed necessary, the Service will consider the decision on its chosen course of action with other external authorities and/or Council Services, to ensure actions are proportionate and consistent. Where immediate enforcement action is permitted and deemed to be required, and if the breach of legislation is sufficiently serious and/or if there is an imminent public health or safety risk the Service will intervene immediately and without any prior consultation, although such consultation may take place after the initial response if felt to be necessary.

Officers who are deemed to be competent and authorised under specific legislation will investigate potential breaches of that legislation and take responsibility for managing the investigations and making decisions regarding enforcement action. As part of this process, they regularly consult with colleagues and managers to determine the best and most appropriate course of action to take. In relation to prosecutions, cases will be case reviewed during the investigation with an equally competent fellow officer or a manager before submitting it to the Council's Legal Services for further escalation.

3.1 The Office for Product Safety and Standards

The Service will also adhere to the guidance issued by the Office for Product Safety and Standards, although this will be balanced with the requirement to ensure full statutory compliance in all aspects of the Service's core work.

3.2 The Regulators' Code

The over-arching Council Enforcement Policy states the intention to adhere to the requirements of the Regulators' Code, and the Service will adhere and comply with these requirements, where appropriate. Where specific legislation presumes intervention outside of the Regulators Code, the duties set out in that legislation will take precedence. All officers within the Service fully understand and accept that where improvements are necessary, they can be achieved following a graduated approach ranging from offering advice and guidance, but may need to revert to enforcement, or direct prosecution in extreme cases if non-compliance is a regular aspect or the risks posed are sufficiently severe.

As the CEP over-arches this policy, the requirements of that referring to the Regulators' Code will take precedence, except where primary legislation requires statutory intervention to override the graduated approach set out within the Regulators' Code.

3.3 Police and Criminal Evidence Act, 1984 (PACE), the Human Rights Act, CPIA and the Code of Practice for Crown Prosecutors

The CEP states how officers of the Council will adhere to the requirements of these statutes giving fundamental rights to all, the Service will also adhere to the CEP for these requirements.

3.4 Regulation of Investigatory Powers Act 2000

As stated by the proceeding sections, the CEP also states the Councils expectation to adhere to the requirements of the Regulation of Investigatory Powers Act, 2000 (RIPA) when carrying out its statutory duties. Whilst it is unlikely that the work of the Service will need to use any of the provisions of this statute, if it does need to do so, it will adhere to the requirements of this act in full.

3.5 Primary Authority arrangements

The Primary Authority scheme was launched in 2009 by the Office for Product Safety and Standards under The Regulatory Enforcement Sanctions Act 2008. This is a means by which businesses can receive assured and tailored advice on how to comply with regulations through a single statutory and regulatory point of contact. Officers will comply with the requirements of this Act when considering interventions or enforcement action against any business or organisation that has a Primary Authority relationship.

3.6 Equality, diversity, and equal opportunities

The council is committed to treating all customers fairly and all enforcement decisions will be fair, independent, and objective, and the Service will fully adhere with this requirement.

3.7 Delegated powers and officer authorisation

All enforcement officers in the Service are provided with written records of delegation and authorisation. The delegations assign functions, powers, and duties of the Council to the officers, mainly within broad functional descriptions. It is consistent with the Council's Scheme of Delegation as incorporated within the Council's Constitution. Where necessary, the named officer will be authorised in accordance the specific statute.

The levels of delegated powers and officer authorisation is dependent on their experience, competency, qualifications, and designation held and determined by the managers of the Service.

3.8 Identification of officers

All enforcement officers in the Service are provided with written records of delegation and authorisation and are provided with a warrant card with photographic identification.

3.9 Recording activity and potential evidence, taking samples, documents, etc.

The Service is required to collect and retain information and evidential records to:

- Observe, obtain, or witness any material that could be considered relevant to any criminal or civil investigation,
- To secure evidence after witnessing events.

3.9.1 Pocket notebooks or other contemporaneous notes in form of inspection proformas or on-site records will be used at all times for the collection and retention of information. Where evidence pertinent to the investigation is collected, this will be in accordance with PACE.

3.9.2 Photographic, video, and other digital evidence will be obtained, secured, and retained, and if this is potentially to be used as evidence, it will be obtained, and retained in accordance with PACE and the Council's General Data Protection Regulation Policy.

3.10 Shared enforcement, information sharing with partners and data protection.

The Service will work with, and consult, other external agencies and Council Service as necessary where there is a shared role in enforcement. There may also be occasions when there is a need to work with other agencies by carrying out joint inspections. In such circumstances the Service may agree standards of cooperation such as Memoranda of Understanding, Joint Consultation Policies or similar.

In determining the most appropriate form of investigation and enforcement action, officers will have regard, so far as they are aware, to other potential or existing action other Council services or outside agencies are undertaking. This will be particularly important in the case of listed buildings and conservation areas which may restrict the use of the premises or the nature of works and could be linked to interventions the Service are considering.

Where enforcement action is being taken by another Council service or outside agency, upon request, we will provide all reasonable assistance including the production of witness statements and the collection and sharing of evidence etc., subject to any legal constraints and the meeting of any reasonable expenses.

Where the Service has a shared enforcement role with either another Council service or external authority, officers will liaise with the relevant party to ensure effective co-ordination and avoidance of inconsistencies.

3.11 Powers of entry and associated powers, obstruction, and warrants

Officers will be duly authorised to carry out certain activities in line with competence, assessment and or qualification. This includes, but not limited to:

3.12 Powers of Entry

The Service, through a wide range of legislation is provided with specific powers of entry. This is a power given to an authorised officer from the Council to enable that officer to perform their duties, to allow them to assess the levels of compliance associated with the premises. In this capacity, and subject to the provisions of the delegated power, premises may include businesses, vehicles, or land for specific purposes. Each statute permitting powers of entry specifies the scope and limitation of the power, and the Service will satisfy these limitations in each case. This might, for instance, include conducting a search, seizing relevant items, or collecting samples.

Powers of entry include enabling delegated and authorised officers to undertake inspections and investigations for a wide range of regulatory responsibilities including, but not limited to food safety, health and safety and environmental protection legislation, in addition to dealing with emergencies or searching for evidence during those investigations. Legislation will determine what officers are allowed to do once they have entered the premises (associated powers).

3.13 Powers of Seizure

The Service is also provided with extensive and specific powers of seizure, allowing for the seizure of such things, including goods, documents, items or anything else related to an investigation, which, if left unseized may adversely affect the investigation. These powers relate to specific legislation, which also specifies the conditions and limitations when those powers may be used. The Service will adhere to these requirements when it is exercising the use of these provisions.

Where any seized items are subject to any form of testing, the results of that testing will be made available to the person who had ownership of the goods, and this information may be used in relation to any enforcement action arising from that investigation.

The Service has processes and procedures in place to ensure that officers are competent, capable, and suitably qualified, and only those deemed to be such by the managers of the respective parts of the Service will be authorised to use this power.

As part of the assessment to enable officers to be authorised with this power, the Service will ensure our enforcement officers are equipped with the appropriate level of skills, competencies, and experience commensurate with the role and responsibilities and the support necessary to undertake their job effectively and efficiently. Continuing Professional Development (CPD), qualifications, training, and development to meet statutory codes of practice, HSE's Section 18 Standard or any other limiting criteria will be ensured for each authorised officer.

3.14 Obstruction of an Officer

Much of the legislation under which officers are authorised, there is an offence of obstructing an officer in the conduct of their duties. This can include failing to give appropriate assistance, providing false information, and stopping an Officer from conducting an inspection. Obstruction is taken very seriously, as it is the prevention of a person from doing their lawful duty. In such cases, formal action will be considered, including prosecution, if the person(s) does not take heed to being advised to desist (either verbally or in writing).

3.15 Seeking of Warrants

Although much of the legislation falling to the Service to enforce allows powers to be delegated to authorised officers, in certain specified instances, the authorised officer will also need a warrant issued by the courts to execute those powers. Where this requirement exists, such warrants will be sought from the court, and used in the execution of that power provided for in accordance with the enabling statute.

3.16 Service deployment assessments

The enforcement and regulatory activities undertaken by the Service are as a result of either formal inspection programmes, complaints received by the Service, matters of concern identified by officers of the Service whilst undertaking their duties or concerns raised by other agencies. Where appropriate, assessments are undertaken to guide the deployment of resources to facilitate the investigation, and to allow the Service to meet its statutory obligations. The following table highlights the source of the guidance for this assessment with regard to the inspections and investigations carried out by the Service for each statutory area of responsibility.

Area	Activity	Assessment Methodology
Anti-social Behaviour	Complaints of anti-social behaviour, and/or conduct/behaviour having a detrimental impact on the quality of life of those in the locality	Home Office Anti-social behaviour powers: Statutory guidance for frontline professionals
Food safety	Food premises proactive inspection programme	Food Standards Agency (FSA) Food Law Code of Practice England) FSA Food Law Practice Guidance Local procedures
	Inspections resulting from food complaints and food premises complaints from the public and/or employees	
Occupational health and safety	Health and safety proactive inspection and intervention programme	HSE Guidance and National Local Authority Enforcement Code
	Inspections resulting from RIDDOR notifications and workplace complaints from the public and/or employees	

Environmental protection and public health	Environmental permitting	DEFRA risk assessment methodology
	Rubbish and accumulations, vermin and other public health pests, statutory nuisance, noise from construction sites	Various pieces of national guidance and local risk assessment system
Housing enforcement	Housing disrepair in the rented and/owner occupied sector; and the protection of tenants.	HHSRS Enforcement Guidance HHSRS Operating Guidance MEES Guidance Electrical Safety Standards Guidance Smoke and Carbon Monoxide Guidance Renters' Rights Act Guidance for Local Authorities
	Non-licensable houses in multiple occupation	LACORS guidance HMO Amenities standards Local risk assessment system
	Empty homes	Empty homes Strategy Local risk assessment system
Private water supplies	Water sampling	DWI guidance Local risk assessment system

The recognised assessment principles are used where appropriate in deciding how to respond to and prioritise the work of the Service including responding to accident reports, infectious disease notifications, complaints, and notifications from other agencies.

4.0 The range of enforcement and regulatory sanctions

- 4.1 The core part of the Council's CEP sets out the general enforcement options, ranging from no action, up to prosecution or a similar level sanction, including the use of this higher response as the first action where the circumstance justifies it or where the legislation requires this. The Service follows this approach, whilst taking a number of statute specific factors into consideration when deciding what enforcement response is appropriate in each case.
- 4.2 Whilst the statute-specific options available to the Service fall within the range covered by the CEP, those measures include:
- No action – due to no breaches being present,
 - Informal action – offering either verbal and/or in written advice or recommendations to achieve compliance with best practice or industry standard, and that no public risk is identified,
 - Formal action – this will be taken in accordance with the requirements of each enabling statute and aims to address matters posing a risk to the public or non-compliance. This may include the use of enforcement notices,

statute-specific orders, works in default, penalty charges, forfeiture, seizure, injunctions, proceeds of crime applications, prosecution or other similar responses permissible under the appropriate statute. Where formal action is taken, the Service will seek to recover all and any costs associated with the action subject to the decision of the deciding judiciary as well as imposing any financial penalty as permitted by the enabling statute.

- The Service will also have due regard to the development and legal changes to the scope of statutes whereupon legal decisions, e.g., caselaw, change the provisions or use of statute, and thus enabling the Service to use other non-core environmental health legislation to benefit our communities, e.g., The Crime and Policing Act, 2014, and the extensions of the use of Community Protection Warnings and Orders.

4.3 As stated and where appropriate, the Service follows the principles as set out in the Regulator's Code, including adhering to a graduated approach for enforcement. Where legislation falls outside the Code, the enforcement approach will follow the specific duties required under that legislation rather than that highlighted in the Regulators Code. In general, the Service seeks to enforce with a lower sanction for less serious, one-off offences, escalating to higher sanctions for serious and/or repeat offences, potentially including prosecution or another higher-level sanctions as the Service's first course of action in extreme cases, i.e., those posing very serious risks, those perpetrated by repeat offenders or where there is a history of disregard and non-compliance such that public safety is put at a high risk. Within such cases, the Service will retain the provision to escalate sanctions and use those measures it deems most likely to be effective whilst remaining within the relevant statutory framework and the over-arching principles of the Regulators' Code. Each case will be considered on its own merits having regard to all relevant factors. In every case, the appropriate enforcement option is carefully considered and approved in line with the Council's scheme of delegation before such interventions are made.

4.4 The Service will have due consideration to the requirements of each statute it regulates and enforces in respect to the requirements imposed on its officers when they become aware of a breach of that statute. The respective Acts may impose either a power to act, or a duty to do so. The former allows a greater degree of discretion to enable a satisfactory resolution, whereas the latter states the nature of intervention which has to be followed, and tends to require the service of an enforcement notice as the first level of response.

4.5 Charges associated with civil penalty notices are detailed in a separate Fees and Charges Policy and will be updated as appropriate.

5.0 **Reviewing the policy**

5.1 This Environmental Health Enforcement Policy, which is Appendix B of the CEP, will be reviewed on a regular basis, and in any event, at least every five years, to ensure it reflects good practice, national guidance, codes of practice, and changes in legislation and caselaw.

5.2 In addition, should the Service receive any feedback regarding this policy from any source, this too will feed into the review.

5.3 Responses to formal complaints investigations may also be considered to ensure good practice and compliance with this policy, and where changes in the way our

communities interact with the Service are seen, these may also be considered as part of that review.

- 5.3 Officers are trained and familiar with the Council's Employee Personal Conflicts of Interest Policy to ensure that any conflicts of interest that occur between an officer's official duties and their personal/private interests do not impact the Service or the implementation of this policy. Managers will monitor officer's adherence to the Employee Personal Conflicts of Interest Policy and act to ensure no such conflicts occur.
- 5.4 Environmental health legislation is continually being introduced, repealed, and amended; case law guidance and approved codes of practice are also regularly updated. Amendments and further appendices/annexes may be added to this policy to reflect any such changes and ensure that officers receive appropriate delegated powers and authorisations and follow best practice.

6.0 Anti-social Behaviour

The Anti-social Behaviour Crime and Policing Act 2014 can be used in addition to or in place of a number of core functions that fall unto the Service to regulate or enforce. The powers contained in this Act allow the Service to deal quickly with a number of issues as they arise to ensure the best results for victims and the wider public.

6.1 Relevant powers contained in this Act include:

- Civil Injunctions,
- Criminal Behaviour Orders,
- Community Protection Warnings/Notices
- Public Spaces Protection Orders,
- Closure Powers.

The Service will consider the use of these powers where expediated action is required and/or to replace or strengthen enforcement action taken under other specific environmental health legislation.

7.0 Food Safety

7.1 Scope

This policy covers food safety enforcement as one of the key intervention areas that fall under the remit of the Service and considers all aspects of food hygiene regulation including enforcement and prosecution. In addition to the policy being influenced by new statute and caselaw, the national regulator also directs food hygiene regulation, including by issuing guidance and objectives. These include the Food Standards Agency (FSA), which is the National Regulator, via the Framework Agreement on Local Authority Food Law Enforcement' and the Food Law Code of Practice (England) (FLCoP) issued under section 40 of the Food Safety Act 1990, the Department of Health (DoH), Depart for Food, Environment and Rural Affairs (Defra) and subject to the nature of their expectations or guidance, this policy will reflect their objectives..

The response by officers authorised to regulate food safety mirrors those of the Regulators' Code and follows the accepted hierarchy of enforcement with responses ranging from no action required up to and including immediate prosecution as each case requires, and allows the known previous history of those involved to be factored into any decision-making process, in accordance with the FLCoP.

7.1.1 Where appropriate this part of the Policy will be read in conjunction with the Occupational Health and Safety Enforcement Policy (see part 7.) of this policy below as this too is carried out by the same officers.

7.2 Officer Competency

The competency of officers specialising in food safety shall follow the guidance in the FLCoP and other guidance issued from time to time by the national regulator or other recognised bodies.

7.2.1 Only officers qualified and deemed to be competent and experienced under the Food Safety Act, 1990, and the associated Regulations and codes of practice specific to this provision made under this Act will be authorised. An authorised officer will be duly considered authorised to enforce all aspects of food safety law unless other specific requirements exceed this, and their authorisation is restricted.

7.2.2 In the event of enforcement being required, enforcement notices will only be signed by officers authorised to do so, and the officer must have witnessed the contravention first hand and be satisfied that it constitutes a breach of the food safety legislation before they sign the notice.

7.2.3 Hygiene Emergency Prohibition Notices shall be signed only by officers who, in addition to other requirements permitting them to be authorised, shall have at least two years post qualification experience in food safety matters, are currently involved in food law enforcement and who are properly trained, competent, and duly authorised. The officer will ensure a second opinion is obtained from a fellow duly authorised officer prior to the notice being issued.

7.2.4 The Council recognises and affirms the importance of achieving and maintaining consistency in their approach to making all decisions which concern food safety enforcement action, including prosecution. To achieve and maintain consistency, it is important that the guidance in statutory Codes of Practice, other recognised and relevant guidance and advice offered through any relevant Primary Authority is always considered and followed where appropriate.

7.2.5 In premises where the Council are the proprietor of a food business any breaches of the law must be brought, without undue delay, to the attention of the relevant Service Director. In all other aspects, such food premises will be dealt with no differently from any other in the district.

7.2.6 Where the Council is considering taking enforcement action which is not consistent with current guidance not subject of guidance, or where the guidance appears to be contradictory, the matter shall be brought to the attention of the Hertfordshire and Bedfordshire Food Liaison Group and where consensus cannot be reached to the FSA via the Food Focus Group.

7.3 The use of formal enforcement tools

FORMAL ACTION

7.3.1 Whilst the requirements of this section still mirror those of the CEP and the general provisions of the Environmental Health enforcement policy, for clarity, should any

food safety enforcement be undertaken, these are the consideration food enforcement officers will apply.

- 7.3.2 Before formal action is taken, it is acknowledged that officers will have made every reasonable step to advise and encourage the person responsible to comply with their requirements, but that such informal action has been shown to be ineffective. Equally, as part of the review of the case, prior to commencing formal action the officer will also be able to discuss the case with a fellow authorised officer or team manager to confirm the appropriateness of the action.

In circumstances of public safety or there is an imminent risk, the officer shall consider enforcement or even prosecution as being the most suitable first intervention, and this policy provides for this action.

STATUTORY FOOD ENFORCEMENT NOTICES AND RELATED PROCEDURES

- 7.3.3 In relation to the following formal actions:

- Hygiene Improvement Notice
- Hygiene Emergency Prohibition Notice
- Voluntary (closure) procedure
- Emergency prohibition procedures
- Seizure and detention of food
- Voluntary (surrender of food) procedures
- Remedial Actions Notices
- The use of other relevant legislation, for example Community Protection Warnings, Community Protection Notices and Criminal Behaviour Orders pursuant to the Anti-social Behaviour, Crime and Policing Act 2014

Consideration regarding these provisions will be given to the guidance in the FLCoP. Other relevant guidance will also be considered as well as the site specific and case specific factors.

PROSECUTION

- 7.3.4 The Service, and the Council recognises that the following are circumstances which are likely to warrant prosecution:

- The alleged offence involves an obvious breach of the law such that the public health, safety or well-being is or has been put at risk.
- The alleged offence involves a failure by the suspected offender to correct an identified serious potential risk to food safety, having been given a reasonable opportunity to comply with the lawful requirements of an authorised officer.
- The offence involves a failure to comply in full or in part with the requirements of a statutory notice.
- There is a history of similar offences, related to risk to public health.
- Inspectors have been intentionally obstructed in the lawful course of their duties.

- 7.3.5 Prior to any prosecution, the authorised officer, must be satisfied that there is relevant, admissible and reliable evidence that an offence has been committed by an identifiable person / company; this forms the Evidential Test. In addition, the officer must also be assured that the prosecution is in the Public Interest, and without both these criteria

being met, the prosecution shall not proceed. As part of confirming this threshold, the officer may seek assistance and guidance from competent colleagues or officers in the Council's Legal Services team.

7.3.6 The following guidance criteria are some of the factors that it may be relevant to have regard to when considering the instigation of legal proceedings.

- The seriousness of the alleged offences.
- The previous history of the party concerned.
- The likelihood of the defendant being able to establish a due diligence defence.
- The availability of any important witnesses and their willingness to co-operate.
- The willingness of the party to prevent a recurrence of the problem.
- The probable public benefit of a prosecution and the importance of the case.
- Whether other action (Simple Cautioning, improvement notices) will be more appropriate or effective.

SIMPLE CAUTIONS

7.3.7 In certain circumstances when legal proceedings are being considered, the Council may consider offering to discharge the matter by way of a Simple Caution. The procedure adopted and the form and content of the caution will be in accordance with relevant guidance. Any internal guidance will also be considered.

8.0 Occupational Health and Safety

8.1 Scope

- 8.1.1 This section of this policy covers occupational health and safety (OHS) enforcement as one of the key intervention areas that fall under the remit of the Service and as such, will consider all aspects of the law that fall to this Local Authority to regulate and enforce. In addition to the policy being influenced by new statute and caselaw, the national regulator also directs OHS regulation, including by issuing guidance and objectives. The national regulator is the Health and Safety Executive (HSE), working with the Local Authority and Safety Unit (LASU) and the HSE and Local Authority Unit (HELA) to interpret and apply the Health and Safety at Work, etc., Act, 1974 (this Act) and the Regulations and guidance issued under this legislation. In addition, the other over-arching requirements of the CEP also apply, and these too will be considered in regulating this statute.
- 8.1.2 Where appropriate this part of the Policy will be read in conjunction with the Food Safety Policy (see part 6.) of this policy as this regulation is carried out by the same officers.
- 8.1.3 Unlike all other regulation and enforcement carried out where it is this Council who is the enforcing agency and officers are authorised to act on behalf of the Council, under this Act, it is the officer who has the direct delegation and authorisation. To comply with this, officers appointed to the role of enforcing this Act will first be deemed competent by the Service in accordance with the guidance and requirements provided for by the HSE.
- 8.1.4 The Council will ensure that officers deemed to be suitably qualified, competent and who have sufficient experience under are appointed under Section 19 of this Act are

authorised to initiate enforcement action, in accordance with HSE guidance, currently set out in LAC 22/8.

- 8.1.5 To ensure the competency of authorised officers is maintained, the Service will identify and make provision to ensure its officers receive suitable training and guidance, and that targeted interventions are developed, implemented and carried out, in accordance with the enforcement allocations provided by the HSE and Local Authority Circular (LAC) 67/2 which identifies and targets those work sectors most at risk of poor OHS.

8.2 Other relevant considerations

- 8.2.1 The Council recognises and affirms the importance of achieving and maintaining consistency in delivering the enforcement of OHS regulation and enforcement. To achieve and maintain this consistency, authorised officers will have due consideration to this Act, the Regulations made thereunder and the Codes of Practice, guidance and Approved Industry Standards applicable to the business sectors that fall to Local Authorities to enforce.

- 8.2.2 Officers will also have due regard to the relevant Primary Authority and will consider the guidance and instruction issued in relation to this agreement as part of any intervention or enforcement.

- 8.2.3 Where the authorised officer is considering taking enforcement action which is not consistent with the allocation Regulations or LAC 67/2, the officer will raise the matter with the Hertfordshire and Bedfordshire Health and Safety Liaison Group or the HSE to clarify the necessity of the intervention, and on occasion, seek approval from the HSE to act. It is recognised that as OHS regulation is shared by the HSE and Local Councils the allocation is not always absolute, so this provision to clarify roles forms an essential part of regulating this Act.

8.3 The use of formal enforcement tools

- 8.3.1 As part of the requirement for authorised officers to take action under this Act, the officer shall have due consideration initially to ensure that there is or is likely to be a breach of this Act and the provisions made thereunder, that the business sector where the enforcement is required falls unto them to enforce, and that the requirements of the HSE Enforcement Management Model has been reviewed and followed. Once these considerations have been fulfilled, the choices for action are:

- To take no action.
- To give verbal or written advice.
- To take informal action.
- To use statutory notices.
- To use Simple Cautions where local policy dictates.
- To prosecute.
- To use other relevant provisions of legislation, for example to seize or destroy unsafe items, plant, or equipment.
- Or a combination thereof.

- 8.3.3 Compliance shall be sought following the accepted graduated response accepted by the Council in the CEP and expected under the Regulators' Code. Only in the more serious instances or where repeated poor or non-compliance is found should formal enforcement through improvement or prohibition notices be considered. Prosecutions should be reserved for the most serious offences which either result or could have resulted in serious injury or ill health or which represent a blatant disregard by

employers, employees or others of their responsibilities under health, safety, or welfare legislation.

- 8.3.4 Investigations into serious workplace accidents, substantial near-misses or fatalities that occur in workplaces allocated to this authority will be given the utmost priority. Although a lead officer will be designated to carry out the investigation, a competent and equally authorised support officer will also be identified to act as support, but to also undertake interim case reviews during the investigation. Subject to the risks posed by the breach, or seriousness of the injury, the officer may seek to prosecute the business as the first level of response, although this will still be subject to the thresholds of the evidential and public interest tests applicable to the case.

In cases where a workplace fatality has occurred, whilst the authorised officer shall still investigate the matter under the requirements of this Act, the investigation is likely to intervene with the Coroner, and although the investigation should proceed as normal, the officer will have to consider this additional duty, and the impact of liaising with the family of the deceased. Where necessary, both the Service and the Council will support the officer throughout this duty. In addition to determining the appropriate level of enforcement in such cases, the officer will have to present their evidence and investigation report to the Coroner and due to the prioritisation of this legislation, this response may have to be the initial formal response required of the officer.

FORMAL ACTION

- 8.4 Any enforcement action will be directed against duty holders responsible for the breach. This may be employers in relation to employees or others; the self-employed; owners of premises; suppliers of equipment; designers of equipment or clients of projects; or employees themselves. Where there are several duty holders enforcement authorities may take action against more than one.

STATUTORY NOTICES

- 8.5.1 The enabling Act clearly sets out the full requirements for the authorised officer should they need to take enforcement action, including the types of notices that may be used and when, whether immediate prosecution may be used, the nature of the information that needs to be provided in relation to the breaches and to whom, the provision of information about lodging an appeal against such a notice, and the scope of the supplementary information that must also be provided or made available as a result. The Service will fulfil this obligation and adhere to these requirements when circumstances arise that warrant such an intervention. Within this section, only a summary of the key points of this requirement will be presented below.
- 8.5.2 Before formal enforcement action is taken, officers will adhere to the requirements of the CEP and offer a graduated response to hopefully achieve compliance by providing the duty holder an opportunity to discuss the circumstances of the case and, if possible, resolve points of difference, unless immediate action is required (for example, in the interests of health and safety or environmental protection, or to prevent evidence being destroyed).
- 8.5.3 Where immediate action is considered necessary, an explanation of why such action was required will be given at the time and confirmed in writing in most cases within 5 working days and, in all cases, within 10 working days.
- 8.5.4 An Improvement Notice will be issued only when the officer is of the opinion that there is or has been a contravention of one or more of the relevant statutory provisions at the time of the visit in circumstances that make it likely that the contravention will

continue, and that allowing a period of reasonable time to improve the situation will not endanger anyone.

- 8.5.5 Prohibition Notices can be issued to have an immediate or deferred effect, and will be used to render a dangerous occurrence, or risk of occurrence safe. Due to the urgency of the risk required to be present to warrant this notice, it is unlikely that a deferred notice will be served although this Act does allow for such measures if they are considered appropriate. The Notice will only be served if the officer is of the opinion that there is, or will be a risk of serious personal injury.
- 8.5.6 Should notices be served, this Act requires supplementary information about the recipients' rights of appeal to an Employment Tribunal against formal action to be served in writing and clearly setting out the provisions as to how to lodge such an appeal. The authorised officer will adhere to this requirement.

The officer will also provide employees or their representatives with certain information about matters of serious concern affecting their health, safety, and welfare; such information may be given orally, or in writing.

When notices are served, a second copy must be provided for the attention of employees or their representatives so that they too are kept informed of risks that may affect their OHS.

- 8.5.7 Subject to the nature and severity of the risk posed, an authorised officer may consider both the service of notices and prosecution, albeit in the following circumstances:
- (i) Where a situation is so hazardous that even when a prohibition notice is served, the severity and scale of the risk also warrants immediate prosecution, and,
 - (ii) if a prosecution is taken due to the circumstance of an accident, in which case notices may also be used to improve the safety.

In these situations, the information for the prosecution should allow for any appeal period to pass, or any associated appeal to be heard, except where the matter is to remedy matters of immediate risk.

- 8.5.8 Non-compliance with a served Notice will normally result in prosecution.

PROSECUTION

- 8.6 This Act makes provision for those responsible for breaches to be prosecuted, and where there is sufficient evidence and a public interest to do so, and at least one of the following conditions apply, prosecution is likely to be the outcome of the investigation. The conditions are:

- Where there is a death or serious injury as a result of a breach of the legislation,
- Where there is a blatant disregard for the law, particularly where the economic advantages of breaking the law are substantial and others are placed at a disadvantage or in danger as a result,
- When there appears to have been reckless disregard for the health and safety of work people or others,
- Where there have been repeated breaches in an establishment, or in various branches of a business, and it appears that management is neither

- willing nor structured to deal adequately with these,
- Where a particular type of breach of statute is prevalent in a business sector and it is commonly known that compliance is expected,
- Where non-compliance is substantial and poses a high level of risk,
- Where a particular breach has caused serious public alarm,
- Where there are persistent poor standards for control of health hazards.
- Where there has been failure to comply with an improvement or prohibition notice or a repetition of a breach that was subject to a Simple Caution.
- Where the authorised officer has been intentionally obstructed in the lawful course of their duties.
- Where officers are assaulted, enforcing authorities will seek police assistance with a view to seeking prosecution of offenders.

The decision to prosecute in the above cases does not preclude the issue of notices as well.

PROSECUTION WITHOUT PRIOR WARNING

- 8.7 As a general rule a person or a company should be given a reasonable opportunity to comply with the law, although in some circumstances the authorised officer does have the power to prosecute without giving prior warning. Examples of such circumstances include the more serious matters identified in the previous section.

PROSECUTION FOLLOWING AN ACCIDENT

- 8.8.1 Seriousness of the contravention is the prime consideration in deciding whether to take a prosecution following an accident rather than the seriousness of the injury or accident. The extent to which management was responsible for the circumstances which led to the accident, and whether the employer had been previously warned of a similar infringement, are also relevant. An important consideration is what those responsible could have done to avoid the breach in the absence of an accident, or whether the accident was the acceptance that safety was not previously considered. Whilst the nature or severity of an accident is not the prime concern to initiate prosecution, the evidence it provides will contribute to the prosecution case.

In cases where a fatality has occurred, and there is a possibility of a charge of manslaughter being made, such cases must be referred to the Crown Prosecution Service.

- 8.8.2 In all cases where a fatality has occurred, the authorised officer will have due regard to the 'Work Related Death Protocol' (WRDP), and will, where necessary, work in close cooperation with the HSE, and the blue light services involved in the case. Whilst the WRDP will identify which authority will have primacy for the investigation, the HSE, all Local Authorities and all blue light agencies have signed up to it, and should work cooperatively to reach a conclusion. Where officers are requested to assist or provide information under this agreement, in general it is expected that they will do this.

SIMPLE CAUTIONS

- 8.9 In certain circumstances when legal proceedings are being considered, the authorised officer may consider offering to discharge the matter by way of a Simple Caution. The procedure adopted and the form and content of the caution will be in accordance with relevant guidance. Any internal guidance will also be considered.

9.0 Environmental Protection and Public Health

9.1 Scope

9.1.1 The Service undertakes regulatory duties including the following environmental protection matters:

- Noise nuisance arising from both domestic and commercial premises (including noise/vibration from construction sites) and equipment or vehicles in the street.
- Air pollution control, including smoke, odour, and dust statutory nuisances.
- Other statutory nuisances e.g., excess artificial light, insects, premises in such a state as to be prejudicial to health or a nuisance.
- Permitting of industrial processes having the potential to release harmful pollutants to the air.
- Enforcement of controls over contaminated land, to ensure that contaminants do not interfere with human health, animal/plant health or the built environment, and to assess whether contaminants are likely to affect rivers, aquifers, or other controlled water courses.
- Local Air Quality Management (LAQM) duties as regards the Environment Act 1995.
- Smoke Control Areas as designated by the Clean Air Act 1993
- Control of dark and black smoke.
- Investigation and abatement of public health nuisances relating to housing, businesses, and land.
- Investigation and enforcement of defective drains, private sewers, cess pits, septic tanks, and sewage treatment plants.
- Investigation and elimination of pests and vermin infesting land, premises and persons as may be appropriate.
- Anti-social behaviour associated with core environmental health functions.
- Subject to statutory amendments, additional matters may also fall to the Service to regulate, or some of the above provisions may be removed.

9.1.2 This section of the Environmental Health Enforcement Policy provides specific guidance on regulatory activities associated with environmental protection and public health.

9.2 Other relevant considerations

9.2.1 Regard will be had to statutory guidance, and any other relevant guidance or good practice documentation considered to be relevant to a particular enforcement situation.

9.3 The use of formal enforcement tools

9.3.1 The general principals relating to enforcement decision making in relation to pollution control activities are as outlined in the core section of the Council's CEP and in the introduction to the Environmental Health Enforcement Policy in Annex 2 of that document.

ENFORCEMENT ACTIVITY RELATING TO STATUTORY NUISANCES

- 9.3.2 Abatement notices can be an effective and quick method of securing compliance with the requirements of the Environmental Protection Act 1990 (EPA) in that they require problems to be rectified without the potential delays and uncertainty of going to Court.
- 9.3.3 The EPA requires local authorities to investigate complaints of statutory nuisance, it is for the authority to decide whether a statutory nuisance exists, is likely to occur or reoccur. Under Section 80 of the EPA, once satisfied that there is a statutory nuisance, a local authority must serve an abatement notice.
- 9.3.4 On the rare occasions when abatement notices are breached the legislation provides for a number of enforcement sanctions. Paragraphs 8.3.5 onwards indicate the likely response of the Service in such circumstances, although the Council reserves the right to consider the use of all enforcement mechanisms in accordance with the principles outlined in this Policy and permitted in the EPA.

SEIZURE OF NOISE MAKING EQUIPMENT FROM DOMESTIC PREMISES

- 9.3.5 Where the requirements of the notice are not carried out, in many instances the Council is empowered to do whatever is necessary to abate the nuisance. This can include the seizure of noise making equipment.
- 9.3.6 In domestic settings the Council is likely to favour the seizure of noise-making equipment for the first evidenced breach of an abatement notice as this is likely to offer rapid relief to those adversely affected by the noise in question. Furthermore, this intervention is likely to be a more cost-effective approach than formal prosecution.
- 9.3.7 If appropriate, the Council will seek a warrant from a Magistrate authorising entry to premises, if necessary, by force, to facilitate seizure of noise making equipment. The Council will seek to recover the full costs associated with the seizure of noise making equipment.

FORFEITURE OF NOISE MAKING EQUIPMENT

- 9.3.8 If, after noise making equipment has been returned to the recipient of the abatement notice or a successful prosecution has taken place, further breaches are witnessed, the Council is likely to repeat the seizure of equipment and seek permission from a Magistrates' Court for its permanent forfeiture.

ENFORCEMENT ACTIVITY RELATING TO CONSTRUCTION SITE NOISE

- 9.3.9 A certain amount of noise (including vibration) is inherent in most types of construction and building operations, which can rarely be completely prevented. However, noise from construction and demolition sites can be very disturbing.
- 9.3.10 The Service will work with the Council's Planning Service, and where it is practicable to do so, will seek noise limits to be imposed on demolition or construction work, either by time, see 8.3.12, below, or via noise limits. These powers are available under the Control of Pollution Act 1974 (COPA) as well as the EPA. Contractors can apply for a 'prior consent' under COPA which sets out allowable working hours and noise limits – the Council encourages the use of prior consents since they represent a proactive method of pollution control.
- 9.3.11 Where circumstances prevail, the Service can serve a notice imposing requirements as to how construction works should be carried out so as to minimise noise and

disturbance. The notice can cover controls such as working hours and noise limits; failure to comply with a notice may result in a prosecution being taken.

9.3.12 Whilst each construction site is different (and will be assessed as such) the generally acceptable hours for noisy work within populated areas of North Hertfordshire are:

Monday to Friday	08:00-18:00
Saturdays	08:00-13:00
Sundays and Bank Holidays	At no time

9.3.13 For particularly noisy work, e.g., piling, and de-watering, it may be necessary for authorised officers to further restrict these times.

9.3.14 However, the Service recognises that some operations, for safety or practical reasons, cannot always be undertaken within the above time restrictions. Operations outside of the above hours may, however, be agreed by the Council if it can be demonstrated that the works cannot be carried out at any other time and that items of plant and equipment are operated and maintained so that their use causes the minimum amount of noise.

9.3.15 Sometimes, emergency works have to be undertaken, e.g., the repair to a burst water main. In such circumstances the normal daytime hours of operation would not apply, and the work would be allowed to take place as soon as possible, which if undertaken at night, may cause some noise disturbance, although this is likely to be permitted under the legislation.

9.3.16 Also, works on main roads would normally be undertaken outside peak traffic times in order to minimise additional congestion. In such circumstances evening and night-time working may be permitted. Noise would, however, still be required to be kept to as low a level as reasonably practicable.

ENFORCEMENT ACTIVITY RELATING TO PERMITTED PROCESSES

9.4.1 Regulation 23 of the Pollution Prevention and Control Regulations 2000 (PPC) places a duty on local authorities to take the necessary action to ensure that permit conditions (as defined) are complied with. The Council recognises that the appropriate regulation of organisations covered by the PPC pollution control regime is necessary in order to protect local communities, amenities and the wider environment. As such, the following type of offences will be considered for enforcement action under this provision:

- Operating without a permit,
- Failure to comply with a condition,
- Failure to notify a relevant change in operation,
- Failure to supply without reasonable excuse information requested under the regulations,
- Making false or misleading statements,
- Making false entries in any record,
- Forgery and deception in relation to documents,
- Failure to comply with a court order,
- Obstruction of Council officers in carrying out their duties.

- 9.4.2 If, in the opinion of authorised officers of the Council, the operation of the installation (or part of an installation) poses an imminent risk of serious pollution, the Service will serve a suspension notice, forcing the cessation of the activity, unless it intends to carry out the works in default to control the risk under regulation 26. If this is the preferred option, the Service will have the provision to recover all reasonable costs incurred, but does potentially become liable for future breaches if the intervention is inadequate or of a poor standard.

PROSECUTION

- 9.4.3 The Authority recognises that the following examples are circumstances which are likely to warrant prosecution, although this is not an exhaustive list:

- The alleged offence involves an obvious breach of the law such that the public health is at risk, there has been a serious adverse environment impact or serious nuisance caused,
- The offence involves a failure to comply in full or in part with the requirements of a statutory notice,
- There is a history of similar offences either at the site, or at other sites owned and operated by the permit-holder.

- 9.4.4 The Officer, must be satisfied that there is relevant, admissible substantial and reliable evidence that an offence has been committed by an identifiable person / company, and that it is in the public interest that a prosecution should follow.

- 9.4.5 Legal proceedings may be taken in conjunction with other sanctions such as works in default accompanied by enforcement action for the recovery of costs.

10.0 Housing Standards and Protection of Tenants

10.1 Scope

- 10.1.1 The Service has regulatory responsibilities with regard to housing including having due regard for the following:

- Regulating standards of repair, amenity and safety in the rented sector and dealing with housing hazards in owner/occupied premises,
- Ensuring vacant properties do not pose any statutory issues in the neighbourhood and aiming to bring them back into occupation in conjunction with the Service's Empty Homes Strategy,
- Regulating standards of management, repair, amenity and safety in houses in multiple occupation,
- Inspection of bed and breakfast establishments and any private accommodation used for the temporary housing of homeless people and asylum seekers as appropriate,
- Investigating and enforcing against the illegal eviction and harassment of tenants.

- 10.1.2 The purpose of this part of the policy is to outline the Council's approach to securing compliance with the law in relation to housing disrepair. The Council will aim to minimise the burden on landlords and owner/occupiers, but due regard shall be given to the safety and living standards of the occupants, and in particular, the policy outlines the extent to which the Council will intervene to make use of the powers in Part 1 of the Housing Act 2004 relating to the Housing Health and Safety Rating System (HHSRS). It sets out what owners, landlords, their agents and tenants can expect from

officers. This provision should be read alongside the Housing Authority Enforcement Policy and the Civil Penalties Policy, which describe the approach to the Renters' Right Act 2025 and the amendments to related legislation including the Protection Against Eviction Act 1977.

10.1.3 In considering the most appropriate course of action, the Service will have regard to the extent of control that an occupier, landlord or owner-occupier has over works required to the dwelling. Although it tends to be the owner's responsibility to carry out works to reduce or eliminate hazards, action will be considered against whoever is deemed to be responsible for the remedial work.

10.1.4 In most cases, owner-occupiers will not be required to carry out works to their own home, and a Hazard Awareness Notice is likely to be the most appropriate action. However, in certain circumstances such as where an imminent risk of serious harm to occupants or others, or where the property condition could affect the health and safety of people outside the housing, the service may issue undertake the appropriate enforcement action in accordance with the statute.

10.2 Other relevant considerations

10.2.1 Regard will be had to statutory guidance, and any other relevant guidance or good practice documentation considered to be relevant to a particular enforcement situation.

10.2.2 Regard will be had to the Council's Housing Strategy 2024-2029, and the area in which the Environmental Health Service can contribute, , namely:

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- Ensuring high standards of housing,
- Preventing and managing homelessness.

10.2.3 Whilst the Council has still to formerly consider how best it will implement the Empty Homes Strategy, the service will have regard for the key principles, namely:

- To gather relevant, accurate and current information about empty homes in the district wherever practicable,
- To try to raise awareness of empty homes and return empty homes back into use through all available and appropriate means in the district,
- To aim to reduce the number of empty homes and return empty homes back into use through all available and appropriate means. Specific measures include:
 - Support and the provision of advice,
 - A transparent, graduated approach from assistance to enforcement,
 - Targeted appropriate action,
 - Consideration of funding initiatives,
 - Council Tax Premiums on empty homes,
 - Enforcement to tackle specific problems and where voluntary re-occupation is not achieved.

10.2.4 Signing of formal notices will be undertaken in line with the Council's scheme of delegation.

10.2.5 Where legislation requires a statement of principles these are added as an annex to Appendix B Environmental Health:

Annex 1: The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 as amended by The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022

Annex 2: Statement of principles to determine the amount of a penalty charge for a breach of minimum energy efficiency standards (MEES) with respect to domestic privately rented property

10.3 Identifying the need for action

10.3.1 Where the Council considers it appropriate to inspect premises to determine whether a hazard exists, it must do so.

10.3.2 In accordance with section 239 of the Housing Act 2004 at least 24 hours' notice will normally be given to owners (if known) and occupiers (if any) if access to the property is required, although if either party invite the officer, due consideration will be had to this, and an acceptance is likely. As full an inspection as is reasonably possible will be carried out to establish the nature and extent of hazards in the dwelling, and an accurate record will be kept of the inspection.

10.3.3 The Service will respond to requests for assistance concerning unsatisfactory housing conditions and tenancy issues. In the first instance for most cases, tenant(s) are expected to take their own action to resolve the problem. This should be in the form of a written complaint to their landlord, allowing them sufficient time to respond. Where tenant(s) approach the Service with a complaint, we will ask to see a copy of any such correspondence prior to initiating action.

10.3.4 Where a tenant has not be able to resolve the matter their landlord or in where there is imminent risk we will accept an enquiry or referral, the level of intervention by Council Officers will be decided having regard to:

- The vulnerability of any occupant,
- The effect that the problem has on the occupants, neighbourhoods, or the surrounding area,
- The relevant legislation, particularly whether there is a duty to investigate certain matters and enforce to achieve compliance, and,
- Any relevant history of the owners, neighbours, tenancy, or landlord, particularly the landlords' history of carrying out repairs either informally or following the service of a notice.

10.3.5 The Council is generally not able to respond to complaints from leaseholders about their lease or tenure.

10.3.6 Any leaseholder enquiries should be directed to:

The Leasehold Advisory Service
Fleetbank House, 2-6 Salisbury Square,
London, EC4Y 8JX
Telephone: 020 7832 2500
<http://www.lease-advice.org>

10.3.7 The Service may carry out pro-active inspections of HMOs, and take appropriate action to ensure compliance with the relevant legislation and the Council's standards.

10.3.8 Such inspection programmes will be subject to available resources and for the following purposes:

- An assessment of risk to the occupants,
- Inspection of HMOs to assess for hazards under the HHSRS,
- Inspection of HMOs for compliance with the HMO Management Regulations,
- Surveys to identify licensable HMOs,
- Inspection of private sector homes and hostels that are funded, supported or procured for use by the Council, to ensure compliance with relevant standards,
- Inspection of property portfolios in the ownership or management of any landlord where serious concerns over management standards have been identified in any one of the properties in the portfolio, and,
- Inspection of multi-occupied properties owned or managed by Registered Providers or public sector organisations such as the NHS, Police, Probation Service, etc. Although such properties are exempt from the definition of an HMO, action may still be taken with respect to hazards identified under the HHSRS. It is appropriate that such properties should meet equivalent standards to those in the private sector.

10.4 The use of formal enforcement tools

10.4.1 The general principles guiding enforcement decisions in relation to housing matters are as set out in the core section of the Council's CEP but should be read alongside the Housing Standards and Protection of Tenants Section of this policy, the Housing Authority Enforcement Policy and Civil Penalty Policy.

10.4.2 Where enforcement or other statutory instrument allows, the Council may undertake works in default as well as or in place of taking other enforcement action. Where works in default are undertaken, the Council will seek to recover the cost of undertaking such works, as outlined in the core section of the Council's Enforcement Policy. To this effect, a charge against the property may be placed which will then be considered further should any debt recovery provisions be considered.

10.5 Statutory Notices

10.5.1 The Council has a range of options for service of statutory notices under different legislation. Under some provisions, the Council has a duty to serve an enforcement notice. Under other provisions, it is acceptable for the Council to take an informal approach first, but should then take enforcement action within a reasonable period, subject to the particular guidance and depending on the circumstances, where the informal approach has not achieve compliance.

10.5.2 In other cases, there is a power to serve a notice with the aim of resolving a particular situation. This power will be exercised in accordance with the general principles set out in the Council's core policy and the Environmental Health Enforcement Policy.

10.5.3 In the case of Category 1 hazards which pose a serious and imminent risk of harm to the occupier(s) or members of the public and as defined by the HHSRS, then an informal approach is not appropriate. However, if contact can be made with the person responsible, and a written assurance is given that remedial action will be taken within an acceptable period, then, subject to the agreement of a senior

officer, it may be acceptable to withhold action for that period. If however, the informal agreement is not upheld, enforced remedial action will ensue.

10.5.4 Certain notices, orders and charges are required to be registered as a local land charge and whilst the matter is outstanding, these will be disclosed to any prospective purchaser making a local land search.

10.5.5 Section 49 of the Housing Act 2004 gives local authorities 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,
- Reviewing a suspended improvement notice,
- Reviewing a suspended prohibition order.

10.5.6 It is the Council's policy to levy an appropriate charge in all situations where the above notices are served, except for a HAN served on owner-occupiers, unless there are extenuating circumstances. However, particularly for HAN, matters such as the gravity of the hazard, response to informal requests for action, and previous non-compliance will be taken into account when deciding whether to charge. The charge will reflect the costs incurred by the Authority in undertaking the inspection and preparing and serving the relevant notice.

10.5.7 The Council publishes its standard charge for serving Housing Act notices in its annual fees and charges summary. In addition to the standard charge, reasonable expenses may include specialist support, such as testing of electrical installations and the recovery of these will also be sought. The Environmental Health Manager has discretion to waive or reduce the charge if there are exceptional or extenuating circumstances.

10.6 Housing Act 2004 Category 1 and 2 Hazards

10.6.1 The Housing Act 2004 puts local authorities under a duty to take appropriate action in relation to a Category 1 hazard found under the Housing Health and Safety Rating System (HHSRS). In such cases the authority must take the most appropriate of the following courses of action:

- To serve an Improvement Notice,
- To make a Prohibition Order,
- To serve a Hazard Awareness Notice,
- To make a Demolition Order in accordance with s265 of the Housing Act 1985,
- To declare a clearance area in accordance with s289 of the 1985 Act,
- To serve an Emergency Remedial Action notice,
- To make an Emergency Prohibition Order.

10.6.2 Only one of the above courses of action can be taken at any one time (except for emergency measures). It is for the local authority to decide which course of action is the best in the circumstances, and the basis of this decision must be provided with each notice served in the format of a "Statement of Reasons". The views of the

- manager and occupier of the property should, if possible, be considered in the decision-making process.
- 10.6.3 Where there are concerns about a vulnerable person, the appropriate agencies should be consulted to help make a decision regarding the appropriate enforcement action.
- 10.6.4 The Fire Authority must be consulted where a fire hazard exists in a House in Multiple Occupation (HMO) or in any common parts of a building containing one or more flats.
- 10.6.5 Local authorities have similar powers to deal with Category 2 hazards as those listed in 10.6 above, except that they cannot use the emergency measures but can make a Demolition Order, and declare a clearance area, but only in circumstances prescribed in the Regulations. In deciding whether to take action to address Category 2 hazards (where action is discretionary) the following factors should be considered:
- Where the owner is being asked to deal with 'Category 1' hazards the 'Category 2' hazards should be dealt with at the same time where they materially affect the comfort of the occupying tenant, or they cause the property to be in serious disrepair,
 - Multiple hazards may be found which on their own are not too serious but in combination present a more serious situation than one single 'Category 1' hazard,
 - If the hazard relates to fire safety the Fire Authority should be consulted and the appropriate action taken based on their recommendations,
 - If the hazard or combination of hazards materially affects the comfort of the occupying tenant or causes property to be in serious disrepair the appropriate enforcement action should be taken.
- 10.6.6 Generally, Category 2 hazards will only be dealt with when the necessary circumstances as defined in the legislation are met. If such thresholds are not met, any intervention may only be advisory unless authorised by the Environmental Protection & Housing Manager or Environmental Health Manager.
- 10.6.7 Where formal action is required, an Improvement Notice will provide the most appropriate action for most Category 1 hazards; repair or renewal is generally cost effective because of the high value of property in North Herts. However, Prohibition Orders may be required on part or all of a dwelling where there is imminent risk of serious harm, e.g., to reduce overcrowding, or where there is inadequate natural lighting or there is no protected means of escape in case of fire from the top floor.
- 10.6.8 Where an Emergency Prohibition Order is served, the Council will, if necessary, take all reasonable steps to help the occupants find other accommodation when the tenants are not able to make their own arrangements.
- 10.6.9 Emergency Remedial Action will be considered where there is a Category 1 hazard under the Housing Act 2004 and there is imminent risk of serious harm.
- 10.7 Tenure
- 10.7.1 In considering the most appropriate course of action, the Council will have regard to the extent of control that an occupier has over works required to the dwelling. It is usually the owner's responsibility to carry out works to reduce or eliminate

hazards. Action can be taken against an owner-occupier but as owner-occupiers have control over any hazards in the home and tenants in the main do not, most enforcement action will involve requiring a private landlord or Registered Provider of Social Housing (Housing Association) to carry out works.

- 10.7.2 Where the Service has identified hazards and the Housing Association has a programme of works to make their stock decent, the officer will liaise with the landlord over any works necessary to deal with Category 1 and 2 hazards in advance of the planned improvements. In particular, with the Space and Crowding hazard, account will be taken of the availability of suitable alternative accommodation and the priority given for alternative accommodation for tenants living in overcrowded conditions which are the subject of a Category 1 or high Category 2 hazard.
- 10.7.3 With owner/occupied premises, in most cases they will not be required to carry out works to their own home, and a Hazard Awareness Notice is more likely to be the most appropriate action. If the premises is in such a state as to be prejudicial to health or a nuisance as defined by the EPA, enforcement action in the form of an abatement notice may be required.
- 10.7.4 However, the Council may in certain circumstances require works to be carried out, or to use Emergency Remedial Action, or serve an Emergency Prohibition Order, in respect of an owner-occupied dwelling. This is likely to be where there is an imminent risk of serious harm to the occupiers themselves or to others, or where the condition of the dwelling is such that it may adversely affect the health and safety of others outside the household. This may be because of a serious, dangerous deficiency at the property, or for example to carry out fire precaution works to a flat on a long leasehold in a block in multiple occupation.
- 10.7.5 An Improvement Notice or Prohibition Order may be suspended until a time or event specified, and in some cases, of any tenure, may be more appropriate than a Hazard Awareness Notice. Typically, the event will be a change of occupancy. For example, an Improvement Notice may be suspended at the wishes of an elderly occupier who does not want the disturbance of extensive works, or where a member of the vulnerable age group is not present. The notice might require an owner to notify the Council of a change of occupancy to ensure that the notice can be reviewed.
- 10.8 Level to which Hazards are to be Improved
- 10.8.1 Where an improvement notice is served, the Council will generally require works to prevent a recurrence of the hazard within five years.
- 10.8.2 Section 11 of the Housing Act 2004 requires only that where there is a Category 1 hazard, the works specified must reduce the hazard to a Category 2. However, the Council will generally seek to specify works which, whilst not necessarily achieving the ideal, will achieve a significant reduction in the hazard level, if possible, to the national average or below if the national average is D or above.
- 10.8.3 The Council will try to ensure that any works required to mitigate a hazard are carried out to a standard that prevents building elements deteriorating.
- 10.9 Vacation of a Property following Statutory Action

10.9.1 In general, the following action will be taken, according to the circumstances:

- When a property becomes vacant following the service of an Improvement Notice relating to Category 1 hazards and the Notice has not been complied with;
- If the landlord confirms in writing that s/he intends to use the house for their own or their own family's use, then the Improvement Notice may be suspended until so occupied, when it will be revoked and replaced by a Hazard Awareness Notice,
- If the landlord fails to give any indication regarding his/her future proposals for the property, or if it appears that the property is likely to remain vacant, then the Improvement Notice will continue to be enforced, since the operation of an Improvement Notice is not dependent upon tenure,
- Where a landlord gives an undertaking, in writing, that the required remedial work will be completed prior to any new tenant moving in, then the Improvement Notice may be suspended until the house is reoccupied, or some other stated date. The situation will be reviewed every six months. However, this decision will be reached on a case-by-case basis, and particularly if retaliatory eviction is suspected, the Notice may continue to be enforced,
- Where the property becomes vacant following the service of an Improvement Notice relating to Category 2 hazards, the notice will be revoked and replaced by a Hazard Awareness Notice. Suspension of the Notice, as in the case for Category 1 hazards, may be appropriate where it appears that there is a likelihood that the property will be re-let

10.10 Prosecution

10.10.1 The Authority recognises that the following are circumstances which are likely to warrant prosecution under this provision. The following are examples of such circumstances but this is not an exhaustive list.

- The alleged offence involves an obvious breach of the law such that the public health, safety or well-being is or has been put at risk.
- The offence involves a failure to comply in full or in part with the requirements of a statutory notice.
- There is a history of similar offences relating to housing conditions.

10.10.2 Prosecution will be considered as the most appropriate course of action in the most severe cases.

10.10.3 The greater the harm caused to, and the vulnerability of the occupants, the more likely it is that a prosecution is required. Consideration will also be given to whether an Officer has been threatened, assaulted, or obstructed in the course of their duties. Where such an offence has occurred, the Council will also seek police assistance with a view to prosecution of offenders.

10.10.4 Consideration will also be given to whether the suspect is, or was at the time of the offence, suffering from any significant mental or physical ill health, as in some circumstances this may mean that it is less likely that a prosecution is required. When having regard to the offender's health, the Council will also consider how serious the offence was, whether it is likely to be repeated, and the need to safeguard the public.

10.10.5 The Officer, must be satisfied that there is relevant, admissible substantial and reliable evidence that an offence has been committed by an identifiable person / company.

10.10.6 Where notices are not complied with, the Council will normally use its powers to prosecute or to carry out works in default, reclaiming any costs duly accrued; administration costs to cover officer time and council costs will be added to the works cost. Prosecution will generally be the preferred initial option, unless the Environmental Protection & Housing Manager or Environmental Health Manager considers that there is an urgent need for the works to be carried out to protect the health and safety of the tenant.

10.11 Other Legislation

10.11.1 Whilst the Housing Act 2004 is the predominant legislation governing housing regulation and the enforcement of conditions in England there is significant other legislation both in force, and in use and available for officers in the Service according to the particular circumstances and their professional judgement.

10.11.2 Where other legislation carries regulatory and enforcement powers, the general prosecution and default policy detailed in the CEP and this policy will be applicable. The legislation currently still available includes:

- Public Health Act 1936, Section 45
- Prevention from Damage by Pests Act 1949, Section 4
- Public Health Act 1961, Section 17
- Building Act 1984, Section 59
- Building Act 1984, Section 64
- Building Act 1984, Section 70
- Building Act 1984, Section 76
- Environmental Protection Act 1990 (EPA) Section 80 Abatement Notice
- The Smoke and Carbon Monoxide Alarm (England) Regulations 2015
- .
- The Energy Efficiency (Private Rented Property) (England and Wales) Regs 2015 (also known as MEES)

10.12 Banning Orders

Part 2, Chapter 2 of the Housing and Planning Act 2016 permits a Council to apply for a Banning Order against a person who has been convicted of one or more of the relevant offences as prescribed in The Housing and Planning Act 2016 (Banning Order Offences) Regulations 2018. This provision will be used where appropriate and in consideration of the provisions of this Act. If this provision is to be used, this section should be read alongside the Housing Authority Enforcement Policy, which sets out the approach to Banning Orders.

10.12.1 The Council *may* make an entry in the National Database of 'Rogue Landlords and Letting agents' if a person has been convicted of a Banning Order offence, or if they have received a financial penalty in respect of a Banning Order offence at least twice within a period of 12 months. When considering if this is an appropriate course of action the Council will have regard to any guidance issued by the Government. The Council *must* make an entry to record a Banning Order made following an application by the Council.

10.12.2 Prior to making an entry on the database, the Council will issue the person with a decision notice, specifying the period for which the entry will be maintained.

10.13 Rent Repayment Orders

Part 2 of the Housing and Planning Act 2016 permits the Council to seek a Rent Repayment Order at the First Tier Tribunal Property Chamber to require the landlord of the property where the offence(s) has been committed to refund rent to the tenants or the Council. Section 48 of the Housing and Planning Act 2016 places a duty on the Council to consider applying for Rent Repayment Orders. This provision will be used where appropriate and in consideration of this Act. If this provision is to be used, this section should be read alongside the Housing Authority Enforcement Policy, which sets out the approach to Rent Repayment Orders.

10.14 Restoration of Supplies

10.14.1 Section 33 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by the Local Government and Housing Act 1989, gives Local Authorities the discretionary power to reconnect gas, electricity or water supplies upon the written request of a tenant, where they are satisfied that they are likely to be or have been disconnected as a result of the landlord's failure to pay his/her account.

10.14.2 The local authority may recover the cost (normally the reconnection fee and first invoice to the statutory undertaker) by collecting rent after having served Notice on the occupiers as a civil debt or as a charge against the property.

10.14.3 This is viewed as an emergency approach to deal with an immediate problem, and will only be considered where the households affected contain a person or persons deemed to be at risk, e.g., elderly, person(s) with disabilities, or those who would otherwise be considered as being vulnerable.

10.14.4 If none of the households fall within the 'at risk' groups, they will normally be advised to become the registered consumer. In the case of an HMO, the Management Regulations may be used to require the provision of individual supplies.

10.15 Renters Right Act 2025

10.15.1 Section 107 of the Renters' Rights Act 2025 places a duty on Local Authorities to enforce the Landlord Legislation within their area. The Landlord Legislation comprises :

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

The Housing Authority Enforcement Policy sets out the principles the Service will apply when enforcing these duties, as well as those arising under Part 1 of the Housing Act 2004. As these duties fall outside of the scope of the Regulators Code, the Service is permitted to take formal enforcement action as a first step, rather than adopting the graduated approach described in the CEP.

10.15.2 The Renters' Rights Act has also introduced new investigatory powers relating to the collection of information and the entry of premises. The Services

approach to exercising these powers is set out in the Housing Authority Enforcement Policy.

10.16 Civil Penalties

- 10.16.1 The Local Authority has the power to impose civil penalties under the Renters' Rights Act 2025, Housing Act 2004 and other housing legislation. These powers are detailed in the dedicated policy '*Civil Penalties Policy for proceedings under the Renters' Right Act 2025 and other housing legislation*'. This policy should be read alongside Appendix B of the CEP and the Housing Authority Enforcement Policy.

11. Anti-social Behaviour, Crime and Policing Act 2014

Community Protection Notices

- 11.1 The Community Protection Notice can be used to deal with, ongoing problems or nuisances which are having a detrimental effect on a community's quality of life by targeting those responsible. These can be issued to an individual or body (business, organisation etc) if their conduct is having a detrimental effect on the quality of life of those in the locality, that the conduct is persistent and continuing and that the conduct is unreasonable.

There are a number of processes that need to have been undertaken before a Community Protection Notice is issued. The Service may choose to write to the individual/body to inform that the Community Protection Notice process may be followed if the behaviour does not improve. Should this not have the desired impact then the team must:

- Inspect/monitor reports they have received, or the relevant team has received in relation to the behaviour,
- Issue an official Community Protection Warning which is a requirement of the Act before a Community Protection Notice is issued,
- If the behaviour continues, issue a Community Protection Notice specifying the conduct to be stopped or action to be taken
- Monitor the behaviour of the offender after the Community Protection Notice is served

Legislation and formal enforcement if deemed appropriate

- 11.2 The Community Protection Notice is covered in sections 43 to 58 of the Anti-social Behaviour, Crime and Policing Act 2014. The legal test to allow the use of this power is that the behaviour has to:

- Have a detrimental effect on the quality of life of those in the locality
- Be of a persistent or continuing nature; and
- be unreasonable.

Breach of legislation is a Criminal Offence

A fixed penalty notice can be issued of up to £100 if appropriate.

12 Drinking Water Quality

12.1 Scope

12.1.1 Local authorities have a general duty under the Water Industry Act 1991 to keep themselves informed about the wholesomeness and sufficiency of water supplies provided to premises in their area, including every private supply to any such premises. Local authorities have specific remedial powers in relation to private water supplies. The Service is responsible for fulfilling the Council's duties and powers in respect of drinking water quality matters.

12.2 Other relevant considerations

12.2.1 Regard will be had to guidance from the Drinking Water Inspectorate and the UK Health Security Agency in fulfilling the Council's roles.

12.2.2 Signing of formal notices will be undertaken in line with the Council's scheme of delegation.

12.3 The use of formal enforcement tools

12.3.1 The general principles relating to enforcement decision making in relation to water quality activities are as outlined in the core section of the Council's enforcement policy, the Private Water Supplies (England) Regulations 2016 and in the introduction to the Environmental Health Enforcement Policy. However, the criticality of safe drinking water is paramount to public health and this will be the significant factor in deciding the appropriate course of action in any particular situation.

12.3.2 Many of private water supplies in North Hertfordshire are domestic supplies, often serving single properties. In such instances, the Council's preferred approach is to address issues informally except where there is a specific requirement to take a formal approach.

12.3.3 In relation to domestic private water systems supplying more than one household and those defined as commercial supplies, the Council is more likely to take a formal approach, but every case will be judged on its merits, having regard to the public health circumstances and the requirements of the legislation.

12.3.4 If any private water supply is not deemed to be wholesome or any domestic supply is not deemed to have a supply that is wholesome and sufficient, the Council may serve a notice stating its reasons and the remedial steps that it believes are required, giving a suitable time period for compliance. If the notice is breached, the Council may undertake works in default. Whether the Council chooses to do so will depend on the circumstances of the case. Where the Council decides to undertake works in default, it will seek to recover its full costs, unless there are exceptional reasons not to do so.

12.3.5 If any private supply of water intended for human consumption constitutes a potential danger to human health, the Council must serve a notice stating the grounds for serving the notice and the remedial action required. Failure to comply with the notice is an offence and the Council may consider prosecution proceedings in accordance with its normal procedure for such matters.

12.3.6 The Council will normally seek to recover its full costs in fulfilling its duties under this section where it is empowered to do so, unless there are exceptional circumstances.

13 Stray Dogs

13.1 Scope

13.1.1 The Council has a duty under the Environmental Protection Act 1990 to deal with stray dogs in the district. Any stray dogs on public land must, if practicable, be seized and detained. Attempts must be made to advise the owner of the dog that the dog has been seized. Where any dog has been detained for seven clear days without the dog being claimed and the Council's expenses having been paid in full, the Council may dispose of the dog.

13.2 Regulations made in 2014 under the Animal Welfare Act 2006 made it mandatory from 6th April 2016 for dog owners to microchip any dog over 8 weeks old.

13.3 The use of formal enforcement tools

The Council may:

- Serve on the keeper of a dog which is not microchipped a notice requiring the keeper to have the dog microchipped within 21 days,
- Where the keeper of a dog has failed to comply with a notice under paragraph (a), without the consent of the keeper (i) arrange for the dog to be microchipped; and (ii) recover from the keeper the cost of doing so,
- Take possession of a dog without the consent of the keeper for the purpose of checking whether it is microchipped or for the purpose of microchipping it in accordance with the above.

13.4 The Council's policy in relation to microchipping is to encourage voluntary compliance. Formal action will normally only be considered in the case of repeat offences. The Council will incentivise dog owners to have their dogs microchipped in setting fees for handling stray dogs.

13.5 The Council will normally seek to recover its full costs in fulfilling its duties under this section where it is empowered to do so, unless there are exceptional circumstances.

14. Governance

This policy sets out how the Council meets its obligations under the Act(s). This policy will be reviewed periodically to ensure that it fully meets the requirements of the law. Reviews will be undertaken by the senior officers of the Environmental Health Team and where amendments are required, and in accordance with the provisions of the Council's Constitution, the decision to authorise a revised policy will be delegated to the Director – Regulatory in consultation with the Executive Member for Regulatory, with the decision being recorded as a Delegated Decision in due course.

Annex 1: To Appendix B Environmental Health

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 as amended by The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022

North Herts Council's Statement of Principles – 2024 revision

Introduction

This statement sets out the principles that North Herts Council (the Council) will apply in exercising its powers under the Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 ("the Regulations").

The Regulations came into force on 1 October 2022 extending the Smoke and Carbon Monoxide Alarm (England) Regulations 2015, made pursuant to the Housing Act 2004 and the Energy Act 2013.

Purpose

The Council is required under the Regulations to prepare and publish a Statement of Principles which it must follow when determining the amount of a penalty charge.

The Council may revise its statement of principles at any time, but where it does so, it must publish the revised statement.

When deciding on the amount to be applied as a penalty charge, the Council will have regard to the statement of principles in force at the time the breach occurred.

The duties

The regulations impose the following duties on 'a relevant landlord' of 'a specified tenancy' of residential premises, to ensure that:

- a smoke alarm is installed on each storey of the premises where there is living accommodation (for these purposes living accommodation includes bathrooms and lavatories);
- a carbon monoxide alarm is installed in any room of the premises which is used wholly or partly as living accommodation, and which contains a fixed combustion appliance other than a gas cooker;
- that at the start of any new tenancy, checks are made by the landlord, or someone acting on his behalf, that the alarm(s) serving the premises is/are in proper working order; and
- where, following a report by a tenant or their representative to the landlord, a prescribed alarm is found not to be in proper working order, the alarm is repaired or replaced. Both the determination (following a report) as to whether the alarm is in proper working order, and any required repair or replacement must be carried out by or on behalf of the landlord as soon as reasonably practicable.

A 'relevant landlord' is defined as 'the immediate landlord in respect of a specified tenancy'.

A 'specified tenancy' is a tenancy, licence, lease, sub-lease or sub-tenancy of residential premises which grants one or more persons the right to occupy all or part of the premises as their only or main residence in return for the payment of rent. The Schedule to the Regulations (as amended) excludes certain categories of letting arrangement where the accommodation is shared with the landlord or falls outside of the traditional private rented sector.

Exclusions from the requirements

The following are exempt from the regulations:

- Properties subject to Part 2 or Part 3 licensing under the Housing Act 2004 (i.e. as licensable Houses in Multiple Occupation);
- Accommodation shared with a landlord or landlord's family;
- Long leases: leases which grant a right of occupation for 7 years or more without a break clause;
- Student halls of residence, hostels and refuges, care homes, hospitals and hospices, certain other accommodation relating to healthcare provision, and low cost ownership homes, (as other legislation applies).

Enforcement

Where the Council has reasonable grounds for believing that a landlord is in breach of one or more of the above duties, we have a duty to serve that person with a Remedial Notice within 21 days detailing the actions that must be taken to comply with the Regulations.

For the purposes of this provision, 'reasonable grounds' may include being informed by a tenant, letting agent or officer that the required alarms are not installed. The regulations do not require that the Council enter the property or prove non-compliance in order to issue a Remedial Notice, however, the Council will aim to visit such properties to confirm that the required works have not been undertaken.

Remedial Notice

The Council must serve the notice on the relevant landlord in a method prescribed by the Regulations¹, and as such the Remedial Notice must:

- specify the premises;
- specify the duty being failed;
- specify the remedial action the Council considers should be taken;
- require the landlord to take that action within 28 days beginning with the date the notice is served;
- explain that the landlord is entitled to make written representations against the notice within that 28 day compliance period;
- specify to whom any representations against the notice may be sent;
- explain the effect of regulations 6, 7 and 8, including the maximum penalty charge which the Council may impose.

Written Representations

Where written representations are made, the Council will consider these representations within 28 days and the remedial notice will be suspended until the Council informs the landlord in writing of the outcome of the consideration.

A landlord will not be taken to be in breach of the duty to comply with the remedial notice if they can show they have taken all reasonable steps to comply with the notice. If the landlord is prevented from entering the property by a tenant or an occupier of the property, they will not

considered to be in breach simply by reason of failing to take legal proceedings to secure entry.

If a landlord faced with access issues can demonstrate that they have made several access attempts at reasonable times and attempted to work with the tenant to find a solution, they will be viewed as having taken all reasonable steps to comply.

Landlords may provide evidence such as dated photographs, confirmations by the tenant; installation and inventory records when making their written representations.

The Council will review the case and decide if the landlord is in breach, by judging on a balance of probabilities. A **Review Notice** will be issued with a decision to confirm, vary or withdraw the notice, within seven days of the expiry of the original period for making representations (28 days).

Where the Council decides that a landlord is in breach and confirms or varies the remedial notice, the suspension ceases to have effect and the landlord will have a further 21 days to comply with the remedial notice.

If after the 28 days the landlord has not complied and cannot show they have taken all reasonable steps to do so, the Council must decide if the landlord is in breach by judging on a balance of probabilities. If a tenant informs the Council that no remedial action has been taken it is reasonable for the Council to be satisfied, on the balance of probabilities, that the landlord is in breach.

Remedial Action

Where the Council is satisfied on the balance of probabilities that a landlord has not taken the remedial action specified in the Notice, within the timescale stipulated in that document, the Council will:

- Arrange (where the occupier consents) to undertake the remedial action specified in the Notice within 28 days (regulation 7); and
- Require the landlord to pay a penalty charge of such amount as the authority may determine but which must not exceed £5000 (regulation 8).

The Council will not be taken to be in breach of the duty where it can show it has taken all reasonable steps to comply. Where an authorised person is prevented from entering a property by a landlord or tenant, they will not be considered to be in breach simply by reason of failing to take legal action to secure entry.

The Council cannot recover the cost of carrying out any remedial works; collection of a civil penalty is the only method of recovery.

Penalty Charge

If the Council is satisfied, on the balance of probabilities, that a landlord has not complied with a remedial notice they may require the landlord to pay a penalty charge of up to £5,000. Where the Council intends to impose a penalty, it must give written notice of its intention to do so – a 'penalty charge notice'. The level of penalty imposed will be in line with this statement of principles.

The penalty charge notice (PCN) must be served within 6 weeks of the landlords' failure to comply with the remedial notice.

It must set out certain required information as prescribed by the Regulations.² As such, the Penalty Charge Notice must state:

- the reasons for the penalty charge;
- the premises to which the penalty charge relates;
- the number and type of alarms (if any) which an authorised person has installed;
- the amount of the penalty charge;
- that the landlord is required, within the specified period, to pay the penalty charge or request a review;
- how payment of the penalty charge must be made; and
- the person to whom, and the address (including if appropriate any email address) to which, a notice requesting a review may be sent and to which any representations relating to the review may be addressed.

The purpose of imposing a financial penalty

The primary purpose of the Council exercising its regulatory power is to promote and protect the public interest.

The primary aims of financial penalties are to:

- lower the risk to tenants' health and safety;
- eliminate any financial gain or benefit from non-compliance with the regulations;
- reimburse the costs incurred by the Council in arranging remedial action in default of the landlord;
- change the behaviour of the landlord and deter future non-compliance;
- penalise the landlord for not installing alarms in line with the Regulations and after being required to do so, under notice;
- proportionately address potential harm outcomes, the nature of the breach, and the cost benefit to comply with these legal requirements.

Criteria for determining the penalty charge

The Regulations state the amount of the penalty charge must not exceed £5,000.

	Payment period	Penalty Charge
First Offence	28 days	£2500
	Early repayment option within 14 days	£1250
Second and subsequent offences	28 days	£5000

Early Payment Option

The Council has discretion to offer an early payment reduction where payment is made within 14 days. The Council will offer an early payment reduction of 50% to the landlord where it is the landlord's first offence. Each landlord is only entitled to one early payment reduction regardless of number of properties.

Review and Appeals in relation to a Penalty Charge Notice (PCN)

Review

If a landlord does not agree with the penalty charge notice, they can make a request in writing to the Council for it to be reviewed. This request must be made within 28 days from the date on which the Penalty Charge Notice is served.

Information on how to request a review will be included in the PCN and is explained at the end of this statement.

If the Council receives a request for a review, the Council must consider any representations made by the landlord and decide whether to confirm, vary or withdraw the PCN. The Council must serve a **Notice of Decision** on the landlord, as to whether to confirm, vary or withdraw the notice.

The Council in making its decision will consider the following:

1. Whether the facts of the matter supported the service of the PCN.
2. Whether the decision was correct having regard to the relevant laws.
3. The amount of the penalty charge was reasonable having regard to any mitigating, aggravating or other circumstances submitted with the request for review. Adjustments to the penalty charge will be in steps of £100, including to increase, subject to the maximum penalty charge being capped at £5,000.
4. Whether the early payment reduction has already been offered.
5. That there must be a significant factor to make an adjustment.

Where the Council decides to confirm or vary a penalty charge notice, it must inform the landlord that they can appeal to the First-tier Tribunal.

Appeals (First-tier Tribunal)

A Landlord who has requested a review of a PCN and has been served with a decision notice confirming or varying the PCN, may appeal to the First-tier Tribunal (General Regulatory Chamber) against the Council's decision. Appeals should be made within 28 days from the date of the decision notice served by the Council.

Appeals can be made on the grounds that:

- a) the decision of the Council to vary or confirm the penalty charge notice was based on a factual error;
- b) the decision was wrong in law;
- c) the amount of the penalty charge is unreasonable;
- d) the decision was unreasonable for any other reason.

The operation of the PCN is suspended until the appeal is finally determined or withdrawn. The tribunal may quash, confirm or vary the PCN, but may not increase the amount of the penalty charge.

Any notice served on a landlord under the regulations may be amended, or revoked in writing at any time.

Communications

All communications for representations made against the Remedial Notice or the Penalty Charge Notice are to be sent in writing to:

Environmental Health Manager,
Council Offices,
Gernon Road,
Letchworth Garden City,
SG6 3JF

OR

Can be emailed to env.health@north-herts.gov.uk

The [Smoke and Carbon Monoxide Alarm \(Amendment\) Regulations 2022: guidance for landlords and tenants - GOV.UK \(www.gov.uk\)](#) provides further information including guidance on the type of alarms and where they need to be located.

Annex 2: To Appendix B Environmental Health

Statement of principles to determine the amount of a penalty charge for a breach of minimum energy efficiency standards (MEES) with respect to domestic privately rented property

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (“the Regulations”) make it unlawful to rent out a domestic property if it has an EPC (Energy Performance Certificate) rating of F or G (unless a valid exemption has been registered on the PRS Exemptions register).

The Regulations make it unlawful to fail to comply with a compliance notice served by the Council.

The Regulations cover all relevant properties, even where there has been no change of tenancy.

The Regulations were introduced to improve the energy efficiency of housing in the private rented sector and to reduce greenhouse gas emissions and tackle climate change. They should help make tenants’ homes more thermally efficient.

An energy performance certificate (EPC) gives the property an energy efficiency rating – A rated properties are the most energy efficient and G rated are the least efficient. It’s valid for 10 years and must be provided by the owner of a property, when it is rented or sold.

If you are a landlord and you fail, when requested, to provide an EPC for the start of a tenancy, you will be in breach of the Regulations.

An EPC contains information about the type of heating system and typical energy costs. It also gives recommendations about how the energy use could be reduced, lowering running costs. You can find the recommended energy efficiency improvements on the current EPC.

If you’re a private landlord, you must either:

- ensure your rented properties have an EPC with a minimum ‘E’ rating
- register a valid PRS exemption on the PRS exemptions register

Failure to do either of these is a breach of the Regulations.

The Council investigates any potential breaches of the regulations. If the Council is satisfied that you are, or have at any time in the 18 months preceding the date of service of the penalty notice, breached the Regulations, you may be subject to a penalty notice imposing a financial penalty. The Council may also impose a publication penalty.

The “publication penalty” means publication, for a minimum period of 12 months, or such longer period as the Council may decide, on the PRS Exemptions Register of such of the following information in relation to a penalty notice as the Council decides:

- Where the landlord is not an individual, the landlord’s name
- Details of the breach of these Regulations in respect of which the penalty notice has been issued
- The address of the property in relation to which the breach has occurred, and
- The amount of any financial penalty imposed.

The Council will impose the following financial penalties:

- (a) letting a property with an F or G rating for less than 3 months: £2,000
- (b) letting a property with an F or G rating for more than 3 months: £4,000
- (c) registering false or misleading information on the PRS exemptions register: £1,000
- (d) failing to provide information to the Council demanded by a compliance notice: £2,000

The Council may not impose a financial penalty under both subsections (a) and (b) above in relation to the same breach of the Regulations. But they may impose a financial penalty under either paragraph (a) or paragraph (b), together with financial penalties under paragraphs (c) and (d), in relation to the same breach. Where penalties are imposed under more than one of these paragraphs, the total amount of the financial penalty may not be more than £5,000.

APPENDIX G: ACCESS TO HOUSING

1. SCOPE

The Council undertakes a range of duties in connection with helping the public to access housing.

The Council, as the local housing authority, has a duty under section 107 of the Renters' Rights Act 2025 to enforce the 'landlord legislation' in its area. This includes protecting residential tenants from illegal eviction and harassment, under sections 1 and 1A of the Protection from Eviction Act 1977. Enforcement action is defined as imposing a financial penalty or instituting proceedings against a person for an offence in their area.

This also considers the implied prioritisation of enforcement over less formal means of achieving compliance as required by the Renters' Rights Act 2025. Although permitting less formal options to achieve compliance, the assumption with provisions covered by this Act is that these measures should only be used where there is clear evidence that they will achieve compliance. In every other instance, when considering any intervention under this Act, enforcement shall be the first and main course of redress.

Section 107, Renters' Rights Act 2025 defines 'landlord legislation' as follows:

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

It is an offence under Sections 171 and 214 of the Housing Act 1996 for a person to make a statement which is false, or to knowingly withhold information from the Council which would be relevant to their application for housing assistance. Where fraud or deception is suspected, the Council will consider all enforcement options, including prosecution.

The Council's Housing Team is responsible for the operational management of these functions (for illegal eviction/harassment cases, any action would be carried out in conjunction with the Environmental Health team).

2. THE USE OF ENFORCEMENT TOOLS

The general principles relating to enforcement decision making are explained within the main body of this Policy.

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Housing Authority Enforcement Policy

April 2026



1. Purpose

- 1.1 This policy sets out the Council's principles for enforcing and executing its duties as a Housing Authority under the relevant statutes.
- 1.2 Section 3, Housing Act 2004 imposes a duty on the Council to keep housing conditions in the district under review with a view to identifying any action that may need to be taken.
- 1.3 Section 107, Renters' Rights Act 2025 imposes a duty on the Council to enforce the Landlord Legislation. The Landlord Legislation is comprised of the following:
 - Chapters 3 and 6 of Part 1 of the Renters' Rights Act 2025,
 - Part 2 of the Renters' Rights Act 2025,
 - Sections 1 and 1A of the Protection from Eviction Act 1977, and
 - Chapter 1 of Part 1 of the Housing Act 1988.
- 1.4 Section 110, Renters' Rights Act 2025 imposes a duty on the Council to report to the Secretary of State on the exercise of its functions under the Landlord Legislation.
- 1.5 In this policy, the term 'landlord' should be read as including letting agents, managing agents, licensors, property owners, directors of corporate landlords and any other person involved in the letting or management of privately rented accommodation.
- 1.6 In this policy, the terms 'House of Multiple Occupation' or 'HMO' is defined by the Housing Act 2004.

2. Aims of the Policy

- 2.2 The purpose of this enforcement policy is to provide guidance for Housing Authority officers to ensure enforcement action is taken in line with the provisions of the Renters' Rights Act 2025 and mandatory guidance to local authorities.
- 2.3 The Act and the 'Landlord Legislation' (as defined by S107) sit outside of the Regulators' Code, and its provisions do not apply.
- 2.4. Part 1 of the Housing Act 2004 is also outside of the code's scope.
- 2.5 Notwithstanding this, the following legislation and its enforcement does come within the Legislative and Regulatory Reform (Regulatory Functions) Order 2007 and is therefore within the scope of the Regulators Code and the principles of good regulation:
 - Parts 8, 9 and 10 of the Housing Act 1985
 - Part 8 of the Housing Act 1996

- Parts 2 to 5 of the Housing Act 2004

- 2.6 This policy document sets out what owners, landlords, their agents or any other person involved in the letting or management of privately rented accommodation, and tenants of private rented sector properties, can expect from officers when dealing with non-compliance.
- 2.7 All enforcement action taken will be in accordance with relevant statutory codes of practice, Council procedures and protocols, and official guidance from central and local government bodies.
- 2.8 As a public body under the Human Rights Act 1998, the Council will apply the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

3. Approach to Enforcement

- 3.1 The Council wants to support responsible landlords to raise housing standards. However, the Council expects landlords to have a good understanding of the housing standards and management issues that should be met in privately rented accommodation.
- 3.2 Section 5, Housing Act 2004 places a duty on Councils to take appropriate enforcement action where a Category 1 hazard exists.
- 3.3 Section 7, Housing Act 2004 gives Councils a discretionary duty to take action where a Category 2 hazard exists. The Council will usually take action where a Category 2 hazard exists.
- 3.4 In addition, Council officers will often investigate and identify the need to take enforcement action through a range of routes, including (but not limited to): proactive inspections of dwellings through licensing provisions; in response to a complaint or request for assistance; and referrals from other public bodies. All investigations will be carried out in accordance with the relevant statutory requirements. The Council will ensure that appropriate governance is in place to ensure that action is taken in accordance with appropriate policies.
- 3.5 The Council may commence enforcement with formal action instead of informal action in the first instance. In deciding whether to do so, the circumstances of the case will be taken into account. Relevant factors may include, but are not limited to:
 - Where there is a risk to public health
 - Where there is a blatant or deliberate contravention of the law
 - Where there is history of non-compliance
- 3.6 The Council will usually take formal action in the first instance if there has been:
 - Non-compliance with previous formal or informal action
 - Offences in relation to the licensing of HMOs
- 3.7 The Council will take formal enforcement action in the first instance for breaches of the Landlord Legislation.

4. Investigatory powers

4.1 In addition to the Council's informal and formal powers of enforcement, there are investigatory powers relating to the collection of information and relating to the entry of premises including, but not limited to, the powers detailed below.

4.2 Power to Investigate

4.2.1 Section 114, Renters' Rights Act 2025 gives the Council power to issue a notice to a relevant person to require the person to provide specified information to the Council.

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

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

4.2.3 Failure to comply with a Section 114 notice is an offence under section 131, Renters' Rights Act 2025, as is being obstructive and intentionally or recklessly making false or misleading statements in response to a Section 113 notice.

4.2.4 Section 115, Renters' Rights Act 2025 permits the Council when it reasonably suspects a breach of the Rented Accommodation Legislation to issue a notice to any person requiring them to provide the information specified. This may only be done to investigate whether a breach has occurred under the Rented Accommodation Legislation, or to determine the amount of a penalty. For the purposes of this section, the Rented Accommodation Legislation means:

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

4.2.5 Where an individual has not complied with a section 115 notice, section 116, Renters' Rights Act 2025 enables the Council to make an application to the Court to enforce the provisions of the notice and seek reimbursement for the costs of the application.

4.2.6 Section 131, Renters' Rights Act provides that, in addition to the offence of non-compliance with a section 114 notice, it is an offence for an individual to obstruct a Council officer seeking to exercise their powers without reasonable excuse. It is also an offence to fail to give an officer any additional assistance or information which they reasonably require without reasonable excuse.

4.2.7 Section 235, Housing Act 2004 allows the Council to issue a notice to relevant individuals, including occupiers, directing them to provide specified documents under their control for the purpose of investigating whether an offence has been committed under Parts 1 to 4 of the

Housing Act 2004 or exercising the Council's functions under Parts 1 to 4 of the Housing Act 2004.

- 4.2.8 Section 16, Local Government (Miscellaneous Provisions) Act 1976 also permits the Council to issue a notice to an occupier, manager, or individual with an interest in the land to compel them to provide the Council with information on the nature of their interest and the names and addresses of current occupiers and of any others with an interest in the land.

4.3 Entry to Premises

- 4.3.1 Section 118, Renters' Rights Act 2025 permits Council officers to enter business premises of relevant people (including landlords, letting agents, and marketers) if it is necessary for the production or seizure of documents under section 122 and section 123 Renters' Rights Act 2025. This power will be exercised without a warrant.

- 4.3.2 Section 121, Renters' Rights Act 2025 allows a Council officer named in a warrant to enter premises used for a rental sector business which is not mainly accommodation if there are documents on the premises which the officer could require under section 122 or seize under section 123. In addition, for this power to be exercised, one of the following conditions must be met:

- That access to the premises has been or is likely to be refused, and the Council has provided notice of their intention to apply for a warrant to the occupier;
- Those documents on the premises would likely be concealed or interfered with if notice of entry were to be given;
- That no occupier is present, and waiting for their return might defeat the purpose of the entry.

- 4.3.3 Following a Section 118 or Section 121, Renters' Rights Act 2025 entry, section 122 allows an officer at any reasonable time to require a relevant person on the premises to produce any documents relating to the business and to take copies of them. This may only be exercised to ascertain whether there has been a breach of the Rented Accommodation Legislation where an officer reasonably suspects there has been a breach or an offence; or to ascertain whether the documents may be required in evidence for proceedings regarding a breach or offence.

- 4.3.4. Following a Section 118 or Section 121, Renters' Rights Act 2025 entry, section 123 authorises Council officers to seize and detain documents that the officer reasonably suspects may be required as evidence in proceedings relating to a breach of, or an offence under, the Rented Accommodation Legislation. When doing so, the officer will provide evidence of the officer's identity and authority if reasonably practicable. The officer will take reasonable steps to inform the person from whom documents have been seized that they have been seized, and will provide that person with a written record of what has been taken.

- 4.3.5 Section 126, Renters' Rights Act 2025 permits the Council to enter residential premises used for a tenancy at a reasonable time if the officer considers it necessary as part of an investigation into potential offences specified in subsection 1(b). Where required, the Council will give at least 24 hours' notice of this to the occupier and individuals with an interest in the property as per subsection 1(c), detailing in writing why the entry is necessary and the suspected offences. Where there are occupiers found on the premises, the officer will provide

evidence of the officer's identity and authority to at least one of the occupiers if reasonably practicable.

4.3.6 In addition, section 239, Housing Act 2004 permits Council officers to enter, if necessary and at a reasonable time, a property in order to carry out a survey or examination. This may be done if any one of the following is met:

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

4.3.7 In certain circumstances the Council may obtain a warrant to enter, by force if necessary, under section 240, Housing Act 2004.

5. Informal action

5.1 Informal action taken by the Council may be written or verbal advice. Additionally, a visit may be made at the outset by Council Officers in cases where the initial complaint or contact indicates that an immediate investigation by a Council officer is warranted.

5.2 In cases where officers visit an address, whether this is a result of a landlord's failure to adequately resolve a highlighted issue or as part of an audit or other investigation, written or verbal advice may be deemed sufficient should the inspection highlight only very minor deficiencies.

5.3 Where written advice is deemed appropriate by the Council and is provided, timescales will normally be included to undertake any specified work or actions.

5.4 While the Council will use its discretion on whether to carry out informal action for a Category 2 hazard, it does not need to provide written or verbal advice before commencing formal action.

6. Formal action

6.1. If formal action is considered appropriate, the following options are available to the Council.

6.2 Housing Act 2004 Part 1

- issue an Improvement Notice in respect of any Category 1 hazards and any Category 2 hazards on the property. This requires the person to whom it is served to undertake the remedial action specified on the Notice within a given timeframe. The mandated work and the timeframe will be determined by the Council depending on the nature and scale of the work.
- issue a Prohibition Order in respect of any Category 1 hazards and any Category 2 hazards on the property. This prevents occupation of whole or part of the property, or can be used to limit occupant numbers, within a specified time frame.
- issue a Hazard Awareness Notice in respect of any Category 1 hazards and any Category 2 hazards on the property. This makes the owner and occupiers aware of the hazards identified; however, it does not require remedial action. As a result, and because it does not secure risk-reducing works within a specified timeframe, a Hazard Awareness Notice will not usually be the most appropriate course of action where remedial works are necessary to reduce the risk of harm to occupiers or potential occupiers.

- make an Emergency Prohibition Order. This immediately prohibits the use of all or part of a dwelling if there is an imminent risk of serious harm to the health or safety of the occupants or others.
- Where there is a Category 1 hazard present, Section 40, Housing Act 2004 allows the Council to undertake Emergency Remedial Action on the Category 1 hazard without prior notice.
- The Council also has the power to suspend action taken under Part 1 Housing Act 2004 in situations where it has the power or duty to take enforcement action through the service of an Improvement Notice or Prohibition Order. This will be at the Council's discretion and will normally be considered for the purpose of minimising inconvenience to the current occupiers.
- Demolition and Clearance are options for both Category One or Category Two hazards.
- Section 30, Housing Act 2004 provides that failure to comply with an Improvement Notice is a criminal offence, which will normally be followed by prosecution or the issuing of a civil penalty.
- Section 32, Housing Act 2004 provides that failure to comply with a Prohibition Order is a criminal offence, which will normally be followed by prosecution.
- Other formal notices served by the Council may not relate to the landlord undertaking remedial works but may cover a range of other matters including, but not limited to, exercising a right of entry under section 239, of the Housing Act 2004 and a request to provide information or the need to abate or avoid overcrowding.

6.3 Work in default

The enforcement options for non-compliance with formal Notices or breach of licence conditions include the carrying out of works specified in the Notice. This power may be exercised in addition to other enforcement proceedings taken for non-compliance. The Council has no duty to undertake works in default and it will be at its discretion.

6.4 Emergency or suspended enforcement action

- 6.4.1 Where there is a Category 1 hazard present, section 43, Housing Act 2004 permits the Council to issue an Emergency Prohibition Order. This immediately prohibits the use of all or part of a dwelling if there is an imminent risk of serious harm to the health or safety of the occupants or others.
- 6.4.2 Section 40, Housing Act 2004 allows the Council to undertake Emergency Remedial Action on the Category 1 hazard without prior notice. The Council may then seek reimbursement of costs incurred on the work and the administration of the scheme.
- 6.4.3 The Council also has the power to suspend action taken under Part 1 Housing Act 2004 in situations where it has the power or duty to take enforcement action through the service of an Improvement Notice or Prohibition Order. This will be at the Council's discretion and will normally be considered for the purpose of minimising inconvenience to the current occupiers.

6.4 HMO License Conditions

- 6.4.1 Conditions can be added to HMO licenses to require work to meet specified standards or to address HMO Management Regulation requirements. In general, authorities should seek to identify, remove or reduce category 1 or category 2 hazards in the house by the exercise of Part 1 functions and not by means of license conditions however this does not prevent the

authority from imposing license conditions relating to the installation or maintenance of facilities or equipment even if the same result could be achieved by the exercise of Part 1 functions;

- 6.4.2 Failure to comply with these conditions is a criminal offence, which may result in prosecution or the issuing of a civil penalty

6.5 Other Legislative alternatives

There may be other legislative alternatives available to remedy deficiencies that cause Category Two hazards which an authority may choose as a more appropriate enforcement approach.

6.6. Prosecution

- 6.6.1 Where a Civil Financial Penalty is an available alternative to prosecution, the Council will only consider using its power to prosecute under Part 1 Housing Act 2004 in more serious cases.

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

- 6.6.3 In many circumstances, where an offence is committed by a body corporate, legislation enables local authorities to pursue persons involved with the body corporate in addition to, or instead of, the body corporate. These include company officers and, where applicable, company members.

- 6.6.4 The Council will determine, on a case-by-case basis, whether to take enforcement action against any person or persons that they consider fall within the scope of this category in addition to prosecuting the body corporate.

6.7 Civil Financial Penalties for specified offences

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

- 6.7.2 The Council has the power to impose a Civil Financial Penalty for the following:

- Unlawful eviction and harassment of an occupier as defined under the Protection from Eviction Act 1997
- Failure to comply with an Improvement Notice [section 30, Housing Act 2004]
- Offences in relation to licensing of Houses in Multiple Occupation (HMOs) [section 72, Housing Act 2004]
- Offences in relation to the Selective Licensing of 'houses' [section 95, Housing Act 2004]
- Failure to comply with an Overcrowding Notice [section 139, Housing Act 2004]
- Failure to comply with a management regulation in respect of an HMO [section 234, Housing Act 2004]
- Offences in relation to Regulation 3 of the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020
- Failure to comply with a banning order [section 21, Housing and Planning Act 2016]
- Failure to give a written statement of terms under section 16D of the Housing Act 1988

- Failure to give an existing tenant information about changes made by the Renters' Rights Act under paragraph 7(2) of schedule 6 to the Renters' Rights Act 2025
- Attempting to let a property for a fixed term under section 16E of the Housing Act 1988
- Attempting to end a tenancy orally or by service of a notice to quit under section 16E of the Housing Act 1988
- Serving an eviction notice that attempts to end a tenancy outside the prescribed section 8 process under section 16E of the Housing Act 1988
- Relying on a ground where the person does not reasonably believe that the landlord is/will be able to obtain possession under section 16E of the Housing Act 1988
- Relying on a ground knowing the landlord would not be able to obtain possession or being reckless as to whether they would under section 16J of the Housing Act 1988
- Failing to provide a tenant with prior notice that a ground which requires it may be used under section 16E of the Housing Act 1988
- Reletting or remarketing a property before expiry of the 12 month no-let period after using the moving and selling grounds under sections 16E and 16J of the Housing Act 1988
- Discriminating against prospective tenants during the letting process on the grounds that those tenants are in receipt of benefits or have children under sections 33 and 34 of the Renters' Rights Act 2025
- Marketing a letting without stating the proposed rent under section 56 of the Renters' Rights Act 2025
- Inviting or encouraging any person to offer to pay an amount of rent under the proposed letting that exceeds the stated rent under section 56 of the Renters' Rights Act 2025
- Accepting an offer from any person to pay an amount of rent under the proposed letting that exceeds the stated rent under section 56 of the Renters' Rights Act 2025

6.7.3 Civil Financial Penalties in respect of these offences operate according to their own dedicated policy.

6.8 Rent Repayment Orders

6.8.1 Part 2 of the Housing and Planning Act 2016 permits the Council to seek a Rent Repayment Order at the First Tier Tribunal Property Chamber to require the landlord of the property where the offence(s) has been committed to refund rent to the tenants or the Council. Section 48 of the Housing and Planning Act 2016 places a duty on the Council to consider applying for Rent Repayment Orders.

6.8.2 The Tribunal may order up to the statutory maximum and will determine the amount having regard to statute and statutory guidance, including the conduct of the landlord, the period and seriousness of the conduct, any financial benefit derived, and any relevant mitigation. Where a landlord has been convicted or has received a civil penalty in respect of the same conduct, the Tribunal will ordinarily consider a higher award; exceptional circumstances may justify a lower amount.

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

6.8.4 The qualifying offences are:

- Unlawful eviction and harassment of an occupier as defined under the Protection from Eviction Act 1997

- Failure to comply with an Improvement Notice [section 30, Housing Act 2004]
- Offences in relation to unlicensed HMOs [section 72(1), Housing Act 2004]
- Offences in relation to unlicensed houses [section 95(1), Housing Act 2004]
- Failure to comply with an Improvement Notice [section 30(1), Housing Act 2004]
- Failure to comply with a Prohibition Order [section 32(1), Housing Act 2004]
- Breach of a Banning Order [section 21, Housing and Planning Act 2016]
- Using Violence to secure entry [section 6(1), Criminal Law Act 1977]
- Knowingly or recklessly misusing a possession ground [section 16J(1), Housing Act 1988]
- Letting or marketing of a property within twelve months of using the 'moving in' or 'selling' ground of eviction [section 16J(2), Housing Act 1988]
- Continuous breach of certain tenancy reform requirements [section 16J(3), Housing Act 1988]

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

6.8.6 Section 49 of the Housing and Planning Act 2016 enables the Council to assist tenants in applying for Rent Repayment Orders. The Council will usually assist tenants by referring or signposting them to a relevant organisation.

6.9 Banning Orders

6.9.1 Part 2, Chapter 2 of the Housing and Planning Act 2016 permits a Council to apply for a Banning Order against a person who has been convicted of one or more of the relevant offences. This would prevent the landlord from:

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

6.9.2 The Council may consider a Banning Order for the more serious offenders. It will take into account the seriousness of the offence(s), whether the landlord has committed other offences (or received any Civil Penalty in relation to a Banning Order offence) and any history of failing to comply with their obligations or legal responsibilities. It will also take into account other relevant factors, including but not limited to:

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

6.10 Costs and Charges

6.10.1 The Council incurs costs in carrying out its functions. Where legislation allows, the Council will seek to recover reasonable costs and expenses associated with its enforcement, licensing and wider regulatory activity. This may include (non-exhaustively) costs arising from

inspections, investigation, evidence gathering, notices and other statutory documentation, follow-up action, compliance monitoring, and works or other interventions.

6.10.2 Recovery may be pursued using all available lawful routes, which may include civil action, local land charges, and enforcement against the property.

6.10.3 Where permitted, interest may be applied to outstanding sums until paid.

7. Complaints

Contact may be made with the Council about any matters listed here by completed the online form: [Comments, compliments and complaints | North Herts Council](#)

or by post at:

Customer Service Centre
Council Offices
Gernon Road
Letchworth Garden City
SG6 3JF

A service user can still make a complaint in cases where the Council has instigated legal proceedings. However, making a complaint will not stop any impending legal action.

Where statutory notices have been served, making a complaint does not replace the statutory rights of appeal or the right to make representations. It also does not allow extra time to comply with any notice or order.

If a service user disagrees with a statutory notice, they should take action as specified in the notice or order to make an appeal, if any exist. Reference should be made to any notes that may accompany the notice or order for more detail.

8. Governance

This policy sets out how the Council meets its obligations under the Act(s). This policy will be reviewed periodically to ensure that it fully meets the requirements of the law. Reviews will be undertaken by the senior officers of the Environmental Health Team and where amendments are required, and in accordance with the provisions of the Council's Constitution, the decision to authorise a revised policy will be delegated to the Director – Regulatory in consultation with the Executive Member for Regulatory, with the decision being recorded as a Delegated Decision in due course.

Appendix G

Draft



Civil Penalty Policy – April 2026

For proceedings under the Renters' Rights Act 2025 and other Housing legislation

1. Purpose

- 1.1 This policy applies once the Council has made a decision to commence civil penalty proceedings as part of enforcement action under the Renters' Rights Act 2025 or other relevant housing legislation.
- 1.2 In this policy, the term 'landlord' should be read as including letting agents, managing agents, licensors, property owners, corporate landlords, directors of corporate landlords, registered providers of social housing and any other person involved in the letting or management of accommodation.
- 1.3 In this policy, the term 'corporate landlord' should be read as referring to a body corporate that meets the definition of 'landlord' above.
- 1.4 In this policy, the term 'House in Multiple Occupation' (or 'HMO') is defined in the Housing Act 2004.
- 1.5 The term 'breach' is used to refer to non-compliance by landlords where the Council may impose a civil penalty of up to £7,000 and there is not an option to prosecute. The term 'offence' is used to refer to non-compliance by landlords where the Council may either prosecute or impose a civil penalty of up to £40,000.
- 1.6 The following breaches are subject to a civil penalty with a statutory maximum of £7,000:
 - Failure to give a written statement of terms and any other prescribed information under section 16D of the Housing Act 1988.
 - Attempting to let a property for a fixed term under section 16E of the Housing Act 1988.
 - Attempting to end a tenancy by service of a notice to quit under section 16E of the Housing Act 1988.
 - Attempting to end a tenancy orally or requiring that it is ended orally under section 16E of the Housing Act 1988.
 - Serving an eviction notice that attempts to end a tenancy outside the prescribed section 8 process under section 16E of the Housing Act 1988.

- Relying on a ground where the landlord does not reasonably believe that the landlord is/will be able to obtain possession under section 16E of the Housing Act 1988.
- Failing to provide a tenant with prior notice that a ground which requires it may be used under section 16E of the Housing Act 1988.
- Failure to give an existing tenant prescribed information about changes made by the Renters' Rights Act 2025 in the prescribed form and timeframe under paragraph 7(2) of schedule 6 to the Renters' Rights Act 2025.
- Discrimination relating to children in the lettings process under section 33 of the Renters' Rights Act 2025.
- Discrimination relating to benefits in the lettings process under section 34 of the Renters' Rights Act 2025.
- Failure to specify proposed rent within a written advertisement or offer under section 56 of the Renters' Rights Act 2025.
- Inviting, encouraging or accepting any offer of rent greater than the stated rate under section 56 of the Renters' Rights Act 2025.

1.7 The following breaches are subject to a civil penalty with a statutory maximum of £40,000:

- Breach of duty under Regulation 3, 3B, 3C, and 3D of The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020.

1.8 The following offences are subject to a civil penalty with a statutory maximum of £40,000:

- Unlawful eviction and harassment of occupier under section 1 of the Protection from Eviction Act 1977.
- Continuation of conduct subject to a relevant penalty (under s.16I or s.16K Housing Act 1988) after the 28-day period (or, if appealed, after conclusion of the appeal) where the final notice has not been withdrawn under section 16J of the Housing Act 1988
- Conduct giving rise to liability under s.16I, where within the preceding five years the landlord has either (i) had a relevant penalty (under s.16I or s.16K Housing Act 1988) imposed for different conduct and the final notice has not been withdrawn, or (ii) been convicted under s.16J for different conduct under section 16(J) of the Housing Act 1988.
- Relying on a ground knowing the landlord would not be able to obtain possession or being reckless as to whether they would under section 16J of the Housing Act 1988.
- Breach of restrictions relating to reletting (s16(E)(2) Housing Act 1988) or remarketing (s16(E)(3) Housing Act 1988) a property within restricted period after using Grounds 1 or 1A of Schedule 2 Housing Act 1988 under section 16J of the Housing Act 1988.
- Breach of a banning order under section 21 of the Housing and Planning Act 2016.

- Failure to comply with an Improvement Notice under section 30 of the Housing Act 2004.
 - Contravention of an overcrowding notice under section 139 of the Housing Act 2004.
 - Failure to obtain a selective licence under section 95 of the Housing Act 2004.
 - Failure to obtain an HMO licence under section 72 of the Housing Act 2004.
 - Knowingly permitting over-occupation of an HMO under section 72 of the Housing Act 2004.
 - Failure to comply with management regulations in respect of HMOs under section 234 of the Housing Act 2004.
 - Failure to comply with HMO licence conditions under section 72 of the Housing Act 2004.
 - Failure to comply with selective licence conditions under section 95 of the Housing Act 2004.
- 1.9 If a landlord has committed multiple breaches or offences, a separate civil penalty can, and usually will, be imposed for each breach and offence. In each case, the level of any civil penalty imposed will be determined in accordance with this policy.
- 1.10 If multiple landlords have committed the same breach or offence at the same property, a separate civil penalty can, and usually will, be imposed on each offender. In each case, the level of civil penalty imposed on each offender will be in accordance with this policy.
- 1.11 This policy outlines the Council's methodology and mechanism for assessing and setting the level of a civil penalty at all stages where a civil penalty is under consideration, including the preparation of a notice of intent, and where a final decision has been made to impose a civil penalty.
- 1.12 When applying the civil penalties matrix, interim calculations at individual stages may result in figures that exceed the statutory maximum. Where the final amount reached following application of all relevant steps exceeds the statutory maximum, the civil penalty will be reduced to the applicable statutory maximum.
- 1.13 The Council considers the need for transparency and consistency to be of primary importance to ensure fairness in the discharge of its functions. The general objective of this policy is, therefore, to promote both transparency and consistency in the imposition of financial penalties so that those involved in the letting or management of accommodation (a) know how the Council will generally penalise relevant breaches and offences and (b) are assured that, generally, like cases will be penalised similarly, and different cases penalised differently.
- 1.14 The Council recognises that, despite its best efforts, landlords may operate unlawfully for a significant period without detection, and that only a proportion of those committing relevant breaches and offences will be identified. Accordingly, the Council seeks to ensure that civil penalties are set at a level that makes it clear to the landlord concerned and to others that operating unlawfully as a landlord is financially disadvantageous when compared to operating lawfully.

- 1.15 The Council has a duty to act fairly, transparently and consistently when assessing civil penalties. To maintain fairness between all landlords, the Council will not give weight to claims advanced as factors that might reduce the amount of a civil penalty unless those claims are supported by evidence that the Council reasonably considers to be relevant, reliable, credible, and sufficient in scope and detail to enable proper assessment of the claim, having regard to the nature of the claim, the information ordinarily available to the landlord, and the need for consistent and fair decision-making. Allowing inadequately evidenced assertions to influence outcomes would risk rewarding those who provide incomplete or misleading information and would create an unfair advantage over landlords who provide a full and properly evidenced account. Accordingly, the Council expects landlords against whom a civil penalty is being considered to provide all documents and records that would ordinarily exist if their account were accurate. Where such evidence is not provided, and no explanation that the Council considers adequate is given, the Council may draw an adverse inference.
- 1.16 Where claims are advanced without sufficient supporting evidence, the Council may request specified supporting material before determining whether to issue a final notice or whether any mitigation has been sufficiently evidenced so as to justify a lower civil penalty.
- 1.17 The further objectives of using financial penalties in particular as a means of enforcing the above breaches and offences are explained below.

2. Statutory Guidance

- 2.1 The Government has issued statutory guidance entitled “Civil penalties under the Renters' Rights Act 2025 and other housing legislation”. The Council has regard to this guidance in the exercise of their functions in respect of civil penalties.
- 2.2 The Council has considered the following factors in developing this civil penalty policy to help ensure that the civil penalty is set at an appropriate level.
- a) **Severity of the breach or offence.** The more serious the breach or offence, the higher the penalty should be.
 - b) **Culpability and track record of the offender.** A higher penalty will be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities.
 - c) **The harm caused to the tenant.** This is a very important factor when determining the level of penalty. The greater the actual harm or the potential for harm, principally to the tenant but also potentially the local community, the higher the penalty should be.

- d) **Punishment of the offender.** The penalty should, in a way that is fair, both punish the offender and demonstrate the consequences of not complying with their responsibilities.
- e) **Deter the offender from repeating breaches or offences.** The ultimate goal is to prevent any further offending and help ensure that the offender fully complies with all of their legal responsibilities in future. The level of the penalty should therefore be set at a level that it is likely to have a very significant deterrent effect.
- f) **Deter others from committing similar breaches or offences.** While the fact that someone has received a civil penalty may not be in the public domain, the civil penalty policy itself will be and local authorities should consider how their formal enforcement activity can be effectively publicised.

An important part of deterrence is the realisation on the part of landlords that the local housing authority is proactive in levying civil penalties where the need to do so exists and the civil penalty will be set at a high enough level such that operating lawfully will be the sensible financial choice.

2.3 **Remove any financial benefit the offender may have obtained as a result of committing the breach or offence.**

The principle here is that it should not be in the offender's financial interest to commit a breach or offence rather than comply, for example that the penalty for breaching licensing conditions in respect of occupancy of a property is less than the additional rent received as a result of the over-crowding. The absence of any financial benefit to the landlord does not mean though that the penalty should be reduced.

3. **Civil Penalties Matrix**

- 3.1 In determining the level of a civil penalty, officers will have regard to the matrix set out below. The matrix consists of the following sequential steps:
 - a) Determining the starting point based on the seriousness of the breach or offence.
 - b) Adjustment for factors relating to the type of landlord; size and type of portfolio controlled, owned or managed; experience of the landlord ("Landlord Type")
 - c) Mitigating and aggravating factors the Council deems significant including, but not limited to, factors relating to the track record and culpability of the landlord and the actual or potential harm to the occupants.
 - d) Financial considerations.
 - e) Applying the totality principle.

3.2 Starting point based of seriousness of the breach or offence

The Ministry of Housing, Communities & Local Government has provided statutory guidance that prescribes starting points for all breaches and offences based on the seriousness of the breach or offence. The exception to this prescription is for breaches of licensing conditions under sections 72(3) and 95(2) of the Housing Act 2004, where the Council has determined its own starting levels based on the seriousness of the specific licence condition or type of licence condition that has not be complied with.

3.3 Adjustment for factors relating to the type of landlord; size and type of portfolio controlled, owned or managed; experience of the landlord (“Landlord Type”)

3.3.1 While all landlords are expected to comply fully with their legal obligations, the Council considers that a higher standard of professionalism and regulatory awareness is reasonably expected of landlords who operate at greater scale, who have greater experience, or who are involved in more complex forms of letting. Where such landlords fail to comply with their obligations, this will ordinarily justify a higher civil penalty.

3.3.2 In particular, a higher degree of professionalism is expected of landlords who:

- Control, own, or manage a significant portfolio of properties;
- Have significant experience in the letting or management of property;
- Are or have been involved in the letting or management of Houses in Multiple Occupation (HMOs);
- Are corporate landlords; or
- Are or have been directors of corporate landlords.

3.3.3 An upward adjustment of 20% of the applicable starting point will be applied where the landlord meets any one or more of the following criteria:

- The landlord has, at any point in time, controlled, owned, or managed six or more properties. These properties need not have been held concurrently or at the time civil penalty proceedings are brought.
- The landlord has, at any point in time, controlled, owned, or managed three or more properties that operated as HMOs, whether or not concurrently.
- The landlord is, or has previously been, a director of a corporate landlord.
- The landlord is a corporate landlord.
- The landlord has, in the Council’s assessment and by reference to the available evidence, significant experience in the letting or management of property.

3.3.4 A downward adjustment of 20% of the applicable starting point will be applied only where all of the following criteria are met:

- The landlord has, at any point in time, controlled, owned, or managed no more than two properties.
- The landlord has controlled, owned, or managed no more than one property that has operated as an HMO, at any point in time.
- The landlord has, in the Council's assessment and by reference to the available evidence, very limited experience in the letting or management of property.

3.4 Mitigating and aggravating factors the Council deems significant including, but not limited to, factors relating to the track record and culpability of the landlord and the actual or potential harm to the occupants

3.4.1 To promote fairness and consistency in the administration of civil penalties, the Council will apply a structured and consistent framework when determining the extent to which mitigating and aggravating factors affect the quantum of any civil penalty.

3.4.2 General approach

Each breach or offence may have offence-specific mitigating and/or aggravating factors, which will be considered alongside the generic factors set out below.

Where multiple civil penalties are issued under this policy against the same landlord at the same time, and except where expressly stated otherwise, mitigating and aggravating factors will be considered and applied separately to each civil penalty when determining the quantum of each penalty.

3.4.3 Mitigating factors

The Council may reduce the level of a civil penalty by up to 20% of the applicable starting point to reflect the presence of mitigating factors.

Only in exceptional circumstances may the Council depart from the application of this policy in respect of mitigating factors and apply a reduction in excess of 20%. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple mitigating factors.

Within the framework of this policy, the Council has not sought to provide an exhaustive list of mitigating factors, recognising that a wide range of circumstances may potentially give rise to mitigation. However, the following generic mitigating factors will be considered in respect of each breach or offence:

a) **Steps taken to remedy the basis of the breach or offence**

Non-exhaustive examples include:

- Promptly remedying all elements of the breach or offence after receiving communication from the Council.
- Promptly remedying all the significant elements of the breach or offence leaving only less significant elements of the breach or offence.

b) **A high level of cooperation**

Non-exhaustive examples include:

- Proactive provision of significant information the Council reasonably considers relevant beyond that required by statutory notice.

c) **Acceptance of liability**

Non-exhaustive examples include:

- Accepting liability before or within the period for representations.

Where a landlord relies on a reasonable excuse defence or otherwise contests liability, this mitigating factor will not usually apply.

d) **Health circumstances**

Non-exhaustive examples include:

- A serious health condition or medical incident experienced by the landlord during, or in the period immediately preceding, the breach or offence, where there is clear and reliable evidence that the condition had a direct and material impact on the landlord's ability to comply with the relevant legal obligation. Examples may include, but are not limited to, a heart attack, stroke, cancer diagnosis, or other acute or serious medical event causing significant incapacity or impairment.

e) **Diminished culpability (limited responsibility)**

Non-exhaustive examples include:

- A joint landlord who has evidenced that compliance arrangements for the subject property were directed and controlled by another joint landlord, and not by them.
- A landlord who became involved only after an unforeseen change in circumstances (such as the death of the previous landlord) and who committed the breach or offence only for a limited period while putting their affairs in order.

The instruction of a managing or letting agent, or reliance on an agent's actions or omissions, will not of itself constitute diminished culpability.

3.5 Aggravating factors

3.5.1 The Council may increase the level of a civil penalty by up to 20% of the applicable starting point to reflect the presence of aggravating factors.

3.5.2 Only in exceptional circumstances may the Council depart from the application of this policy in respect of aggravating factors and apply an increase in excess of 20%. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple aggravating factors.

The following generic aggravating factors will be considered in respect of each breach or offence:

a) **Previous history of non-compliance.**

Non-exhaustive examples include:

- Previous successful prosecutions (including relevant spent convictions), previous civil penalties, previous rent repayment orders, previous works in default, previous simple cautions.

Concurrent investigations or proceedings relating to other civil penalties, prosecutions, or rent repayment orders will not be treated as previous non-compliance.

b) **Non-cooperation with the Council.**

Non-exhaustive examples include:

- Failure to comply with notices issued under section 16 of the Local Government (Miscellaneous Provisions) Act 1976, section 235 of the Housing Act 2004, or section 114 of the Renters' Rights Act 2025.
- Failing to provide a substantive response to a letter of alleged offence.
- Failing to attend previously agreed meetings.

Where the Council has prosecuted, or is pursuing a prosecution, in respect of the same act or omission involving failure to provide legally required information (including failure to comply with a statutory notice), that conduct will not also be treated as an aggravating factor for the purposes of setting the civil penalty, in order to avoid double counting.

Where multiple civil penalties are imposed against the same landlord at the same time, this aggravating factor will be applied only to the civil penalty with the highest starting point, unless there is a clear and reasoned basis for applying it differently.

c) **Deliberate intent or negligence when committing the offence.**

Non-exhaustive examples include:

- Knowledge that the breach or offence was occurring.
- Continuation of offending after communication from the Council.
- Premeditation or planning, including steps taken to prevent detection or effective investigation.

- Providing false or misleading information to the Council.
- Applying pressure to occupants to deter cooperation with the Council.

d) **The number of occupants affected.**

Non-exhaustive examples include:

- 3-5 occupants affected.

e) **Duration of non-compliance.**

Non-exhaustive examples include:

- The offence or breach occurred over a 3–6 month period.

f) **Vulnerability of occupants**

Non-exhaustive examples include children and young adults, persons vulnerable by reason of age, disability or sensory impairment, persons with drug or alcohol dependency, victims of domestic abuse, children in care, persons with complex health needs, persons who do not speak English as a first language, victims of trafficking or sexual exploitation, refugees, asylum seekers, and pregnant women.

3.6 Financial considerations

- 3.6.1 The Council will review the quantum of the civil penalty and consider whether it is sufficient to act as an effective deterrent to future non-compliance. Where the Council has evidence that it considers to be sufficiently reliable regarding rental income and/or asset value from the landlord's, it may determine that an increase in the level of the penalty is appropriate in order to achieve effective deterrence.
- 3.6.1 It is essential that, as an absolute minimum, landlords do not financially benefit from their offending behaviour.
- 3.6.2 Financial circumstances will ordinarily be considered after any written representations have been received and as part of the determination of any final notice.
- 3.6.3 Where a landlord seeks to rely on a strained or limited financial position as a basis for reducing the level of a civil penalty, that position must be supported by appropriate and verifiable evidence sufficient to enable the Council to assess the landlord's financial position consistently, objectively, and transparently. Unsupported assertions, partial disclosure, or selective provision of information will not be given weight.

3.6.4 At a minimum, and where such information exists, the following should be provided as part of any written representations:

- The last three full tax years full self-assessment tax returns filed with HMRC, including all additional and supplemental pages;
- The last three full tax years' SA302 documents & tax year overviews;
- The last three months' payslips;
- The last three years P60 certificates;
- The last twelve months' Universal Credit payment statements;
- A list of all property assets owned or jointly owned (not limited to rental properties), together with corresponding Land Registry title documents;
- A list of all property assets owned, or held on a long lease, by any corporate entity in which the landlord has a beneficial interest, together with corresponding Land Registry documentation;
- The most recent annual mortgage statement for each property, or the last twelve months' mortgage statements where the mortgage has been in place for less than twelve months;
- Valuation statements for all ISAs held;
- Statements from any cryptoasset exchange accounts showing balances and valuations;
- A list of all shareholdings;
- Recent bank statements for any account holding a balance in excess of £5,000;
- Recent statements for all secured and unsecured loans;
- Bankruptcy orders and official notifications of bankruptcy.

3.6.5 Where the Council is not satisfied that it has been provided with sufficiently reliable, complete, and accurate information to assess the landlord's financial position, the Council may draw the inference that the landlord is able to pay the civil penalty as imposed.

3.6.6 A claimed inability to pay will not, of itself, outweigh the need to ensure effective deterrence or to remove any financial benefit obtained as a result of the breach or offence.

3.7 The totality principle

3.7.1 The Council will have regard to the totality principle to ensure that the overall outcome of its enforcement action is just and proportionate. In exceptional cases, and having regard to the particular circumstances of the case, the Council may take account of totality at an earlier stage by deciding not to pursue a civil penalty in respect of a specific breach or offence where doing so would render the overall outcome disproportionate.

3.7.2 In general, however, the application of the totality principle will form the final step in the Council's decision-making process, undertaken after any written representations have been considered and before final notices are issued, once the level of each individual civil penalty has been assessed in accordance with this policy.

- 3.7.3 As a final step before issuing final notices, the Council will consider whether multiple civil penalties being imposed under this policy against the same landlord at the same time result in an aggregate amount that is just and proportionate. Where the Council concludes that the aggregate amount would not be just and proportionate, it will consider whether a proportionate reduction of the penalties is appropriate.
- 3.7.4 The totality principle does not operate across different legal persons who are separately liable in law, nor does it operate across civil penalties imposed at different times. In general, it applies only to multiple civil penalties imposed under this policy on the same person at the same time. Where, however, legislation provides that an officer of a body corporate, or a person concerned in its management, may be separately liable in relation to the same conduct as the body corporate, and that officer also holds a shareholding interest in the body corporate, the Council will, where civil penalties are imposed at the same time on both the body corporate and the officer arising from that same conduct, consider whether the combined outcome results in punitive duplication and is therefore not just and proportionate.
- 3.7.5 Where a reduction is applied under the totality principle, the Council will ordinarily do so by applying a uniform percentage reduction across all relevant civil penalties being issued at the same time, being those civil penalties that form part of the same totality assessment. Where, however, the application of the totality principle is required to address punitive duplication arising from a shared economic interest between a body corporate and an officer, the Council may apply a differential adjustment to ensure that the overall outcome is just and proportionate.
- 3.7.6 This approach reflects the statutory guidance on the application of the totality principle and is intended to promote consistency, transparency, and proportionality, while avoiding arbitrary or selective adjustment of individual penalties.
- 3.7.7 In accordance with the statutory guidance, any rent repayment orders made in respect of the same breach or offence will be disregarded for the purposes of assessing the totality of civil penalties under this policy.

4. Offences and breaches where a civil penalty may be levied and relevant considerations as to the level of that penalty

4.1 Protection from Eviction Act 1977 offences

4.1.1 Unlawful eviction and harassment of occupier - section 1 of the Protection from Eviction Act 1977

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£35,000	£40,000	£28,000	£35,000	£42,000

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- Violence or threats of violence.
- Disposal of possessions or threats to dispose of possessions.
- Breach or evasion of an injunction or undertaking.
- Loss of home.

4.2 Housing Act 1988 breaches and offences

4.2.1 Failure to give a written statement of terms and any other prescribed information - section 16D of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- Provision of some of the required terms and prescribed information within the required period.

Offence-specific aggravating factors:

- None.

Attempting to let a property for a fixed term - section 16E(1)(a) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

4.2.2 Attempting to end a tenancy by service of a notice to quit - section 16E(1)(b) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- Tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit.

4.2.3 Attempting to end a tenancy orally or requiring that it is ended orally - section 16E(1)(c) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- Tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit.

4.2.4 Serving a possession notice that attempts to end a tenancy outside the prescribed section 8 process - section 16E(1)(d) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- Tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit.

4.2.5 Relying on a ground where the person does not reasonably believe that the landlord is, will, or may be able to obtain possession on that ground and the tenant(s) surrendered the tenancy within the period of four months beginning with the date of the contravention, without an order for possession of the dwelling-house being made - section 16E(1)(e) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

4.2.6 Failing to provide a tenant with prior notice that a ground which requires it may be used - section 16E(1)(f) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£3,000	£7,000	£2,400	£3,000	£3,600

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

4.2.7 Failure to give an existing tenant prescribed information about changes made by the Renters' Rights Act 2025 in the prescribed form and timeframe - paragraph 7(2) of schedule 6 to the Renters' Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- Provision of some of the required prescribed information within the required period.
- Provision of prescribed information but not in the prescribed form.

Offence-specific aggravating factors:

- None.

4.2.8 Continuation of conduct subject to a relevant penalty (under s.16I or s.16K Housing Act 1988) after the 28-day period (or, if appealed, after conclusion of the appeal) where the final notice has not been withdrawn — section 16J(3) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Double the starting level for the two constituent breaches added together	£40,000	Dependent on the constituent breaches	Dependent on the constituent breaches	Dependent on the constituent breaches

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

4.2.9 Conduct giving rise to liability under s.16I, where within the preceding five years the person has either (i) had a relevant penalty (under s.16I or s.16K Housing Act 1988) imposed for different conduct and the final notice has not been withdrawn, or (ii) been convicted under s.16J for different conduct – section 16(J)(4) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Double the starting level for the two constituent breaches added together	£40,000	Dependent on the constituent breaches	Dependent on the constituent breaches	Dependent on the constituent breaches

Offence-specific mitigating factors:

- Dependent on the most recent conduct giving rise to liability to a civil penalty under section 16I of the Housing Act 1988.

Offence-specific aggravating factors:

- Dependent on the most recent conduct giving rise to liability to a civil penalty under section 16I of the Housing Act 1988.

4.2.10 Relying on a ground where the person knows that the landlord would not be able to obtain an order for possession on that ground, or being reckless as to whether the landlord would be able to do so and the tenant(s) surrendered the tenancy within the period of four months beginning with the date the ground was relied on, without an order for possession of the dwelling-house being made – section 16J(1) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£30,000	£40,000	£24,000	£30,000	£36,000

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

4.2.11 Breach of restrictions relating to reletting (s16(E)(2) Housing Act 1988) or remarketing (s16(E)(3) Housing Act 1988) a property within restricted period after using Grounds 1 or 1A of Schedule 2 Housing Act 1988 - section 16J(2) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

4.3 Housing and Planning Act 2016 offences

4.3.1 Breach of a banning order - section 21(1) of the Housing and Planning Act 2016

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£35,000	£40,000	£28,000	£35,000	£42,000

Offence-specific mitigating factors:

- A single, isolated incident.

Offence-specific aggravating factors:

- Concealment or evasion.

4.4 Renters Rights Act 2025 breaches

4.4.1 Discrimination relating to children in the lettings process – section 33(1) of the Renters' Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

4.4.2 Discrimination relating to benefits in the lettings process – section 34(1) of the Renters' Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

4.4.3 Failure to specify proposed rent within a written advertisement or offer – section 56(2) of the Renters' Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£3,000	£7,000	£2,400	£3,000	£3,600

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

4.4.4 Inviting, encouraging or accepting any offer of rent greater than the stated rate – section 56(3) of the Renters' Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

4.5 The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 breach of duties

4.5.1 Failure to comply with The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 Regulation 3: (3)(b), (3)(d), (3)(e). Regulation 3D: (a), (b), (c), (f)

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£5,000	£40,000	£4,000	£5,000	£6,000

Offence-specific mitigating factors:

- The report or record evidences that the electrical installations were compliant at all points.

Offence-specific aggravating factors:

- The number or nature or severity of the issues observed on the report or record.

4.5.2 Failure to comply with The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 Regulation 3: (1)(a), (1)(b), (1)(c), (3)(a), (3)(c), (3)(ca), (5)(b), (5)(c). Regulation 3B: (1)(a), (1)(b), (1)(c). Regulation 3C: (1), (2)(a). Regulation 3D: (d), (e)

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£12,500	£40,000	£10,000	£12,500	£15,000

Offence-specific mitigating factors:

- The report or record evidences that the electrical installations were compliant at all points.

Offence-specific aggravating factors:

- The number or nature or severity of the issues observed on the report or record.

4.5.3 Failure to comply with The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 Regulation 3: (4), (5a), (6). Regulation 3C: (2)(b), (4)

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- The number or nature or severity of the issues observed on the report or record.

4.6 Housing Act 2004 offences

4.6.1 Failure to comply with an improvement notice - section 30(1) of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

Offence-specific mitigating factors:

- The nature and extent of hazard(s) that are present once the deadline for compliance has passed.
- Whether the property is unoccupied once the deadline for compliance has passed.
- Access to the property was prevented by the actions or refusal of the occupant(s) and a landlord can evidence that they took steps to obtain access to the property for the purpose of carrying out the required works, but those steps fell short of establishing a reasonable excuse for non-compliance.

Offence-specific aggravating factors:

- The nature and extent of hazard(s) that are present once the deadline for compliance has passed.

4.6.2 Failure to comply with an overcrowding notice - section 139(7) of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- The level of overcrowding present.

4.6.3 Failure to obtain an HMO licence - section 72(1) of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£17,000	£40,000	£13,600	£17,000	£20,400

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- The landlord has knowledge or experience of licensing requirements.
- The condition of the unlicensed property.

4.6.4 Knowingly permitting over-occupation of an HMO - section 72(2) of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- There are suitable amenity and space provisions in the HMO.

Offence-specific aggravating factors:

- The level of over-occupation present.

4.6.5 Failure to Comply with The Management of Houses in Multiple Occupation [England] Regulations 2006 and The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 – section 234(3) of the Housing Act 2004

The Management of Houses in Multiple Occupation (England) Regulations 2006 impose duties on the persons managing HMOs in respect of:

- Providing information to occupiers [Regulation 3]
- Taking safety measures, including fire safety measures [Regulation 4]
- Maintaining the water supply and drainage [Regulation 5]
- Supplying and maintaining gas and electricity, including having these services/appliances regularly inspected [Regulation 6]
- Maintaining common parts [Regulation 7]
- Maintaining living accommodation [Regulation 8]
- Providing sufficient waste disposal facilities [Regulation 9]

The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 impose duties on the persons managing HMOs as defined by Section 257 Housing Act 2004 in respect of:

- Providing information to occupiers [regulation 4]
- Taking safety measures, including fire safety measures [regulation 5]
- Maintaining the water supply and drainage [regulation 6]
- Supplying and maintaining gas and electricity, including having these services/appliances regularly inspected [regulation 7]
- Maintaining common parts [regulation 8]
- Maintaining living accommodation [regulation 9]
- Providing sufficient waste disposal facilities [regulation 10]

4.6.6 Where there are multiple breaches of a single Management Regulation at a single HMO, a single civil penalty will be imposed which will cover all the breaches of that Management Regulation.

4.6.7 Where multiple Management Regulations have been breached at a single HMO, a separate civil penalty will be imposed for each Management Regulation that has been breached.

4.6.8:

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to provide information to occupier	£3,000	£40,000	£2,400	£3,000	£3,600

Offence-specific mitigating factors:

- The nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The nature and extent of offences within the specific regulation
- The landlord has refused to provide any outstanding contact information more than 48 hours after it has been requested by an occupant or on behalf of an occupant.

4.6.9:

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to take safety measures	£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

4.6.10:

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to maintain water supply and drainage	£10,000	£40,000	£8,000	£10,000	£12,000

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

4.6.11:

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to supply and maintain gas and electricity	£12,000	£40,000	£9,600	£12,000	£14,400

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

4.6.12:

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to maintain common parts, fixtures, fittings and appliances	£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

4.6.13:

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to maintain living accommodation	£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

4.6.14:

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty to provide waste disposal facilities	£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:

- The nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The nature and extent of offences within the specific regulation

- The lack of sufficient refuse and/or litter containers either inside and/or outside the property has been previously reported
- The refuse and/or litter that requires disposal includes hazardous materials

4.6.15 Breach of licence conditions – Section 72(3) Housing Act 2004

All granted HMO licences impose a set of conditions on the licence holder. It is important that the licence holder of a licensed property complies with all imposed conditions, but the Council recognises that a failure to comply with certain licence conditions is likely to have a much bigger impact on the safety and comfort of residents than others.

The starting levels for each different type of licence condition breach is set out below based on the seriousness of the offence. Where a licence condition could be interpreted to fall within two different potential starting levels, the higher starting level will be chosen.

Where multiple licence conditions have been breached at a single property, a separate civil penalty will be imposed for each licence condition that has been breached.

4.6.16 Failure to comply with licence conditions related to:

- **Signage or the provision of information for tenants**
- **Provision of written terms of occupancy for tenants**
- **Procedures regarding complaints**
- **Procedures regarding vetting of incoming tenants**
- **Compliance with deposit protection legislation**
- **The recording and provision of information regarding rent payments**
- **Procedures relating to rent collection**
- **The provision of information regarding occupancy of the property**
- **The provision of information regarding change of managers or licence holder details**
- **The provision of information related to changes in the property**
- **Requirements relating to the sale of the property**
- **Attending training courses**
- **Requirements to hold insurance**
- **The provision of insurance documentation**
- **The provision of or obtaining of suitable references**
- **The provision of keys and alarm codes**
- **Security provisions for access to the property**
- **The provision of suitable means for occupiers to regulate temperature**
- **Carrying out items on a schedule of works not otherwise mentioned in the HMO licence conditions section of this policy, relating to non-compliance with items on a schedule of works**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£40,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach

4.6.17 Failure to comply with licence conditions related to:

- **Procedures and actions regarding Inspections**
- **Procedures regarding Repair issues**
- **Maintenance and use of common parts (including gardens, outbuildings and property exterior) and living areas**
- **Safeguarding occupiers and minimising disruption during works**
- **The provision of information regarding alterations and construction works**
- **Procedures regarding emergency issues**
- **Waste and waste receptacles, pests, minor repairs, alterations or decoration.**
- **Giving written notice prior to entry**
- **Allowing access for inspections**
- **Minimising risk of water contamination**
- **The compliance of furnishings or furniture with fire safety regulations**
- **Carrying out items on a schedule of works in relation to provision of mechanical extraction or electrical sockets**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach

4.6.18 Failure to comply with licence conditions related to:

- The provision of documentation regarding energy performance certificates, fire detection and prevention, emergency lighting, carbon monoxide detection, fire risk assessments, gas installations, electric installations and appliances
- Notification of legal proceedings, contraventions and other relevant information that may affect a fit and proper person status
- Procedures and actions regarding ASB
- Carrying out items on a schedule of works in relation to the provision of personal hygiene facilities, kitchen facilities or heating

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£12,500	£40,000	£10,000	£12,500	£15,000

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach

4.6.19 Failure to comply with licence conditions related to:

- Minimum floor areas
- Occupancy rates
- Occupancy of rooms or areas that are not to be used as sleeping accommodation
- Limits on number of households allowed to occupy the property or part of the property

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach

4.6.20 Failure to comply with licence conditions related to:

- The condition or existence of smoke alarms, carbon monoxide alarms, emergency lighting, gas installations, electric installations and appliances, fire detection or other fire safety features or requirements
- The provision and maintenance of safe means of escape, including requirements to keep escape routes and exits free from obstruction
- Carrying out items on a schedule of works in relation to fire safety or the provision of a Carbon Monoxide detector

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach

5. Process for imposing a civil penalty and the right to make written representations

5.1 Notice of intent

Before imposing a civil penalty on a landlord, the Council will give the landlord a notice of intent. The notice of intent will set out:

- The amount of the proposed civil penalty
- The reasons for proposing to impose the civil penalty
- Information about their right to make written representations

5.2 Right to make written representations

A landlord who is given a notice of intent may make written representations to the Council about the proposal to impose a civil penalty. Any representations must be made within a period of 28 days beginning with the day after the date on which the notice of intent was given.

5.3 Decision after the representations period

After the end of the period for representations the Council will:

- Decide whether to impose a civil penalty on the landlord; and
- If it decides to impose a civil penalty, decide the amount of the penalty. This amount can be higher or lower than the amount stated in the notice of intent.

A landlord's rectification of the identified breach or offence during the representations period will rarely, of itself, lead the Council to conclude that the imposition of a civil penalty is inappropriate. However, compliance at that stage will usually be relevant to the assessment of mitigating factors that may reduce the level of any civil penalty imposed.

Similarly, an admission of liability will rarely, of itself, lead the Council to conclude that the imposition of a civil penalty is inappropriate. An admission of liability will, however, usually be relevant to the assessment of mitigating factors that may reduce the level of any civil penalty imposed.

5.4 Final notice

If, following the receipt of written representations and/or the expiry of the time period to make written representations, the Council decides to impose a civil penalty on the landlord, it will give the landlord a final notice imposing that penalty.

The final notice will set out:

- The amount of the civil penalty
- The reasons for imposing the penalty
- Information about how to pay the penalty
- The period for payment of the penalty
- Information about rights of appeal
- The consequences of failure to comply with the notice

6. Discount for prompt payment

6.1 Where a civil penalty imposed by a final notice is paid in full within the period specified in that notice (normally 28 days beginning with the day after the final notice is given), the Council will apply a discount of 15% to the amount of the civil penalty.

6.2 The availability of the discount is conditional upon full payment being received within the specified period. The discount period will not be extended or suspended by the bringing of an appeal. A landlord who chooses to appeal may still benefit from the discount by paying the civil penalty in full within the specified period; however, where payment is not made within that period, the discount will not apply.

6.3 Illustrative example of the application of the discount:

The landlord of an HMO property fails to obtain a licence. They only operate two HMO properties and there are no other relevant factors or aggravating features. The starting point for the offence under the Council's civil penalties matrix is £17,000.

Following the issue of a notice of intent proposing a civil penalty of £17,000, the landlord makes written representations. Having considered those representations, the Council determines to impose a civil penalty of £16,000, as set out in the final notice.

If the landlord pays the civil penalty in full within the payment period specified in the final notice, a 15% prompt payment discount is applied, resulting in a discounted payment of £13,600.

7. Appeals

- 7.1 A landlord who is given a final notice may appeal to the First-tier Tribunal (Property Chamber) against the decision to impose a civil penalty and/or the amount of the civil penalty. Any appeal must be made within 28 days beginning with the day after the date on which the final notice was given.
- 7.2 Where an appeal is brought, the final notice is suspended until the appeal is finally determined or withdrawn.
- 7.3 An appeal to the First-tier Tribunal is by way of a re-hearing of the Council's decision. In determining an appeal, the Tribunal may have regard to matters of which the Council was unaware at the time the decision to impose the civil penalty was made.
- 7.4 The Tribunal may dismiss an appeal if it is satisfied that the appeal is frivolous, vexatious, an abuse of process, or has no reasonable prospect of success.
- 7.5 The First-tier Tribunal may invite the parties to consider mediation or another form of alternative dispute resolution. The Council will not generally agree to mediation in relation to the level of a civil penalty, as civil penalties are determined by reference to this Policy to promote fair, consistent, and proportionate outcomes. Agreeing reductions outside the Policy framework would risk undermining consistency and the Council's enforcement objectives.
- 7.6 On determination of an appeal, the Tribunal may:
- Confirm the civil penalty
 - Vary the amount of the civil penalty (whether by increase or reduction)
 - Cancel the civil penalty
- 7.7 Where the Tribunal varies a civil penalty by increasing its amount, it may do so only up to the applicable statutory maximum for the relevant breach or offence (£7,000 or £40,000, as applicable).
- 7.8 A party to the appeal may apply for permission to appeal the decision of the First-tier Tribunal to the Upper Tribunal (Lands Chamber).

8. Governance

This policy sets out how the Council meets its obligations under the Act(s). This policy will be reviewed periodically to ensure that it fully meets the requirements of the law. Reviews will be undertaken by the senior officers of the Environmental Health Team and where amendments are required, and in accordance with the provisions of the Council's Constitution, the decision to authorize a revised policy will be delegated to the Director – Regulatory in consultation with the Executive Member for Regulatory, with the decision being recorded as a Delegated Decision in due course.

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Appendix H: Consultation Summary of Responses

Renters Rights Act – Policy Changes

Cabinet Meeting: 14 April 2026

General/Formatting:

Noted: that there were various numbering formatting amendments and corrections needed to the corporate statement of enforcement and civil penalty policy.

Noted: within each policy document where grammar and typos have been highlighted and corrected.

Comment: uniform the citation of legislation within the documents. Amended.

To be noted: the changes made to the corporate statement of enforcement policy and appendix G & B, were completed using the version downloaded from NHDC website. The PDF version was converted to a word document which caused issues with the formatting, hence why the document has been separated into appendices B, C and D, and the rest of the appendices are omitted as these are not being changed.

Corporate Statement of Enforcement Policy

Noted: insert of 'adopted' to the front page.

Noted: inserted paragraph to section 17 in relation to publicising enforcement outcomes.

Comment: Appendix G: Access to Housing. Where reference is made to 'landlord legislation' within this section it should also be defined. Inserted: paragraph to define the 'landlord legislation'.

Appendix B Environmental Health

Comment: Why have the five priorities under section 3.1 been removed? Answer: We have removed the priorities as we have no control over them and they could regularly change. It is enough to state that we will adhere to them so that we don't have to continually update our policy should the Officer of Product Safety change them.

Comment: Why has the section on officer safety been removed? Answer: Officer safety is managed in line with our lone worker protocols and risk assessments; it is not necessary to cover it in the enforcement policy also.

Comment: At 10.2.2, why have the first two areas of focus been crossed out? Answer: it is because the EH service doesn't have any contribution to these strategy areas, so we have taken them out and left the areas which we do contribute to. We have amended the first line to reflect that.

Comment: Has the Protection from Eviction section been deleted because the Renter's Rights Bill has completely changed this? Answer: The Renters Right Act introduced the duty to enforce the 'landlord legislation' in its area, which includes unlawful eviction under the protection from eviction act – previously it was just a power. So, I have deleted this para and combined it under the RRA para, plus further detail on principles and approach to RRA and unlawful eviction is covered in the new Housing Authority Enforcement Policy.

Comment: section 9.3.12: District is not a defined term (unless you think it should be). Inserted: deleted 'District' and amended to 'North Hertfordshire'.

Civil Penalties Policy for RRA

Comment: section 1.3 should 'corporate landlord' be a defined term. It is not defined in law. It is just a term for the policy. Decision was to keep the term in lower case.

Comment (x2): need to define the meaning of 'breach' and 'offence' within the context of civil penalties under the Renters' Rights Act 2025 and other housing legislation. Inserted: section 1.5 the definition of 'breach' and offence' as it is defined in the civil penalty under the Renters' Rights Act 2005 and other housing legislation statutory guidance.

Noted comment: *'Agree that section 4 onwards should be in an appendix'* – this will be considered in future amendments of the policy.

Housing Authority Enforcement Policy

Comment: section 4.3.1 'where section 118 Renters' Rights Act 2025 permits council officers to enter business premises if it is necessary for the production or seizure of documents under s122 and s123, this power will be exercised. This power will be exercised without a warrant.' Question was whether this should be 'can be' or 'will be'. Decision: section 118, is about entering business premises without a warrant, so this should remain as will be. Section 120 is about entering business premises with a warrant.

Inserted replacement of section 6.8.2. Amended version clarifies that it is the Tribunal who determines the level of fine. The previous paragraph was unclear and could have been read that the Councils directed the final Tribunal's determination.

CABINET MEETING

DATE: 14th April 2026

PART 1 – PUBLIC DOCUMENT

<i>Any queries must be directed to the Democratic Services Manager</i>

**TITLE OF REPORT: North Herts Council: Arrangements for carrying out
Public Health Funerals**

REPORT OF: Director - Regulatory

EXECUTIVE MEMBER: Cllr Mick Debenham, Executive Member for Regulatory

COUNCIL PRIORITY: ACCESSIBLE SERVICES / SUSTAINABILITY

1. EXECUTIVE SUMMARY

The purpose of this report is to provide the key information to enable North Herts Council (the Council) to adopt the Policy to accommodate the provision for carrying out Public Health Funerals in accordance with obligations placed on the Council by section 46 of the Public Health (Control of Diseases) Act, 1984 (the Act).

2. RECOMMENDATIONS

- 2.1. It is recommended that Cabinet adopt the Policy as presented.
Please note that this format has been adopted as this document is made available to our residents to help them through the requirements necessary to arrange a funeral should they need to.
- 2.2. It should be noted that under the provisions of section 46 of the Act, each local authority has the responsibility to make necessary funeral arrangements for anybody who dies in their district where no other suitable arrangements are being or are likely to be made. This policy sets out how the Council will deliver this duty and outlines the limitations of this obligation.
- 2.3. The policy sets out what measures will be followed to try to locate a will, identify relatives who may wish to arrange the funeral and identify anything of value to try to offset funeral costs. The policy also confirms that should the Council arrange the funeral, we will provide a simple but dignified service administered by a minister, a representative of another faith or a civil funeral celebrant as well as permitting friends and family to attend the service.
- 2.4. The policy also seeks to delegate future amendments of this Policy to the Director – Regulatory in consultation with the Executive Member for Regulatory in accordance with the provisions of the Council's Constitution.

3. REASONS FOR RECOMMENDATIONS

- 3.1. The reason for recommending the approval of this Policy is to enable the Council to clearly state how it intends to meet its obligations under the Act, whilst putting in place limitations against the unreasonable use of public funds and to protect the reputation of the Council and the officers involved.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. The Council has the statutory duty to fulfil the obligations placed on it by sections 46 of the Act, but it is for the Council to decide how this is achieved. Rejecting this Policy will mean that the Council will continue to deliver this statutory duty via the administration and discretion of officers in the Environmental Health team thereby limiting the protections and discretion afforded to the Council and its officers by this Policy. Therefore, rejecting this policy is not an option that should reasonably be considered.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. As this Policy states how the Council will meet its obligations under the necessary provisions of the Act, the scope for local interpretation as to how compliance is achieved is limited. As such, consultation was limited to key Elected Members, Senior and selected other Officers in the Council and the Council's existing contracted funeral provider.

- 5.2. Consultation took place between 15th January 2026 and the 1st February 2026.

- 5.3. The Consultees were:

Councillor Mick Debenham, Executive Member for Regulatory
Councillor Matt Barnes, Shadow Member for Regulatory
Councillor Michael Muir, Shadow Member for Regulatory
Anthony Roche, Chief Executive
Jo Doggett, Director – Regulatory
Isabelle Alajooz, Director – Governance
Johanne Dufficy, Director – Customers
Steve Crowley, Director – Enterprise
Nigel Smith, Director – Place
Ian Couper, Director – Resources
Sarah Kingsley, Director – Environment
Alan North, Service Manager, Green Space
Neil Fairey, Cemeteries and Area Monitoring Officer
Lucy Tucker, Team Manager – Environmental Protection and Housing
Officers of Environmental Health Commercial Team
Neville Funeral Service, current funeral contractor for the Council

- 5.4. Responses to the consultation were received from:

Neville Funeral Service
Suzanne Lane, officer of Environmental Health service

- 5.5. All responses were considered and where appropriate, the Policy was amended to its current, presented form.
A summary of the responses and their impact on the Policy is given in Appendix B.

6. FORWARD PLAN

- 6.1 This report contains a recommendation on a key Executive decision that was first notified to the public in the Forward Plan on the 19th December 2025.

7. BACKGROUND

- 7.1. This report has been written to enable the Council to adopt a policy which clearly sets out how it will comply with the statutory duties stated in section 46 of the Public Health (Control of Diseases) Act, 1984. These require the Council to make necessary funeral arrangements for anybody who dies in their district where no other suitable arrangements are being or are likely to be made. Deaths occurring in other districts, even if the deceased is a resident of North Herts fall outside of this obligation, except when a resident dies at The Lister Hospital in Stevenage whilst undergoing treatment, or in transit as part of their treatment plan, see 8.4.a. below.
- 7.2. Other than requiring the Council to make the necessary arrangements, the Act does not detail what shall or shall not be provided by such arrangements. This policy sets out how the Council will deliver this duty and outlines the limitations of this obligation.
- 7.3. The Council will seek to find a will outlining the wishes of the deceased insofar as the disposal of their estate is concerned, details of next of kin or another person willing and able to undertake the funeral. Where such information is found, the Council will not be involved in the funeral arrangements. However, where it is left to the Council to undertake the funeral, the Council will also seek to recover its costs, in accordance with the provisions stated in the Act.
- 7.4. The Council is not empowered to administer any aspect of any remaining estate. Once the Council has recovered its costs, if there are no family members, the Council will refer the case to the Government Legal Department to ensure the correct and proper disposal of any property. Where the Council has removed some non-value possessions, it will retain these for a defined period unless requested by the family of the deceased. Similarly, if officers must secure the property, the keys will be retained by the Council until requested by the family. If no such request is received, or where there is no family, this aspect will also be referred to the Government Legal Department.
- 7.5. Whilst the Council may make available to the public limited information about the deceased to enable heir hunters to look for next of kin or other beneficiaries, the Council will not specifically work with such agencies. Furthermore, where it appears to the Council that such agencies request unreasonable delays to the funeral to enable them to find beneficiaries, this will not be permitted, and the funeral will take place within a reasonable and appropriate time.

8. RELEVANT CONSIDERATIONS

- 8.1. The Act requires the Council to make adequate provision for funerals for those who die in its district where no other arrangements are or are likely to be put in place. It does not, however specify how the Council should undertake this duty, and allows the Council to impose its own considered limitations, both in the scope of what may be considered, and the restrictions limiting the funeral.
- 8.2. The funeral undertaken by the Council will be respectful with a service appropriate to the beliefs of the deceased and will appear no different to any other simple ceremony but will aim to achieve the most appropriate use of public funds. As such, requests for additional items, e.g., flowers, grave markers, etc., cannot be considered.
- 8.3. Unless the deceased gave special instruction in their will for them to be cremated, and provided there is sufficient funding in their estate, the Council will only provide a burial. The Council will not accept any additional funding for additional services as part of the burial. If family, friends or others specifically wish for the deceased to be cremated, e.g., to assist in transporting the remains of the deceased elsewhere, or for any other specific requests, these will not be accommodated by the Council.
- 8.4. The Council will not become involved:
 - a. If the deceased died outside of the district. The only exception to this is if they died whilst being an in-patient at The Lister Hospital in Stevenage, or whilst being transported to or from there for treatment. This is due to guidance offered by the Department of Health in 2005 moving this responsibility from the hospital to the local authority of the hospital, and us supporting Stevenage Borough Council in this matter as there are no similar hospitals in our district.
 - b. If there are other arrangements already or likely to be put in place, as this indicates that alternative arrangements and funding are available.
 - c. If the funeral has already taken place, the Council will not refund any aspect of the costs, as this shows alternative arrangements were available.
 - d. If a will has been made indicating how the estate should be settled and sufficient funds are therefore available to accommodate the funeral.

9. LEGAL IMPLICATIONS

- 9.1. The Public Health (Control of Diseases) Act, 1984, section 46, imposes a duty on the Council to make necessary funeral arrangements for anybody who dies in the district where no other arrangements are in place, are being put in place or are likely to be put in place. That is, where the deceased has no family, no prior arrangements are in place or there is no will.
- 9.2. The Cabinet's Terms of Reference are provided under the Council's Constitution at paragraph 5.7.15; "To oversee the provision of all the Council's services other than those functions reserved to the Council", and paragraph 5.7.28; "To make a decision where a policy or strategy does not exist."

- 9.3. In considering delegating future decisions affecting this Policy, the Cabinet's Terms of Reference are provided in paragraph 14.6.2: "This scheme [of delegating powers to officers] operates under Section 101 of the Local Government Act, 1972 (council functions) and sections 9E Local Government Act, 200 (executive functions), as facilitated by paragraph 14.6.11(b)(iv).
- 9.4. In approving this Policy, the Cabinet would therefore be acting in accordance with the Council's constitution and to confirm how the Council will fulfil its statutory duties.

10. FINANCIAL IMPLICATIONS

- 10.1. This Policy sets out how the Council will fulfil its legal obligations under the Act. It does not seek to challenge the funding already provided to deliver this service. As such, this Policy imposes no additional revenue, capital or other financial burdens beyond those already in place for this service.

11. RISK IMPLICATIONS

- 11.1. The Council has a statutory duty under the Act to make the necessary arrangements to accommodate the provision for carrying out Public Health Funerals for anybody who dies in their district where no other suitable arrangements are being or are likely to be made for the funeral of the deceased. Thus far, the management of this duty has been undertaken by officers appointed to the role, and it has been under their discretion as to how this duty has been met. Although this measure has thus far been appropriate, proportionate and correct, continuing to do so without a clear policy to define permitted boundaries poses unnecessary risks to the Council and the officers concerned.
- 11.2. By adopting this policy, the degree of flexibility available to the officers concerned is defined, therefore limiting the potential risks posed to the Council should any decisions be made which, although legal and in accordance with the Act, are unpopular or felt to be inappropriate.
- 11.3. As well as providing the Council protection to these potential risks, these limitations also afford protection to the officer undertaking this work, enabling them to act in accordance with the Council's adopted Policy, as well as the Act.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2. As this Policy only sets out how the Council will fulfil its legal obligations under the Act, there are no equalities implications associated with this.

13. SOCIAL VALUE IMPLICATIONS

- 13.1. As the recommendations in this report apply only to how the Council will fulfil its obligations under the Act, the Social Value Act and "go local" requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. There are no known Environmental impacts or requirements that apply to the Policy or this report.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 Whilst the Policy and this report outline how the Council will fulfil its obligations under the Act, it provides those officers involved in this role with the protection afforded by an adopted Policy. Although there is little scope for variation in how the Council meets its obligations, those that are in place are sometimes challenged, and this Policy, once adopted enhances the protection available to officers.
- 15.2 The Council already undertakes this work, and it is recognised as a role for the officers in the Commercial Team of Environmental Health. This Policy therefore does not seek to add any additional burden on the existing workforce nor seek to increase the existing workforce.

16. APPENDICES

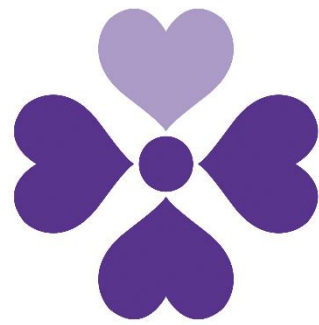
- 16.1 Appendix A: The Public Health (Control of Diseases) Act, 1984, section 46
- 16.2 Appendix B: Summary of the responses to the Consultation with indication as to whether they led to any alteration of the draft Policy.
- 16.3 Appendix C: Comparison of costs for Cremation compared to Burials at the Council Burial Ground in Letchworth.

17. CONTACT OFFICERS

- 17.1 Report author: Frank Harrison, Environmental Health Manager, frank.harrison@north-herts.gov.uk; ext. 4861
- 17.2 Lead Officer for the provision of Public Health Funerals: Liz DeVere, Commercial Team Manager, Liz.DeVere@north-herts.gov.uk; ext. 4520

18. BACKGROUND PAPERS

- 18.1 All background papers are included as appendices in section 16.



**North
Herts**
Council

Arrangements for carrying out Public Health Funerals

Introduction

When someone dies it can be a very distressing time for those arranging a funeral, especially if there are concerns about how the funeral is to be paid for. This Policy clearly sets out the help offered to those needing this guidance and assistance, what will be provided by North Herts Council (the Council), and equally important, what cannot.

If you are concerned about how you are going to pay for the funeral, it is important that you discuss this with your chosen Funeral Director at an early stage in the arrangements as they may be able to offer an instalment arrangement. Please be aware that once you have entered into a contract with the funeral director you will be responsible for paying their costs, including the funeral.

When North Herts Council (the Council) is asked to undertake the funeral by a next of kin, the Council will ask if the next of kin is in receipt of benefits. If so, they may be entitled to a funeral expenses' payment administered by the Department of Work and Pensions. Any person enquiring about help with funeral costs will first be directed to the Government web site (see below) where there are details on how to make a claim.

Further information about Funeral Payments, including an application form, can be found on the Direct Gov website at: [Get help with funeral costs \(Funeral Expenses Payment\): How it works - GOV.UK \(www.gov.uk\)](https://www.gov.uk/get-help-with-funeral-costs)

Public Health Funerals

The Council is responsible for making funeral arrangements for anybody who dies within their boundary where no other arrangements are being or are likely to be made, e.g., when the deceased has no family, no prior funeral arrangements are in place, and they haven't left a will. This responsibility is placed on the Council by section 46 of the Public Health (Control of Diseases) Act 1984 (the Act). This section also states that the Council may recover all their costs incurred in making the funeral arrangements from the estate of the deceased (i.e., their property and possessions).

If the deceased died outside of the Council boundary, the funeral arrangements will be the responsibility of the local authority where they died, even if they had lived within North Hertfordshire.

The Council will not be able to become involved if funeral arrangements have already been made, or if the funeral has already taken place. The Council cannot provide any funding for funeral arrangements to families, whether the funeral has taken place or not.

It is normally a partner, executor or other family member who would be responsible for making funeral arrangements for a deceased person, and they would also be responsible for the costs.

If there is nobody willing or able to make the funeral arrangements, the case may be referred to the Council, who will then be responsible for making the arrangements. The Council can be contacted via the Council's [Public health funerals](#) website.

If we are able to identify a family or surviving relative of the deceased, the nearest surviving relative will be required to sign a form stating that they are willing for the Council to make the funeral arrangements and understand that costs will be recovered from the deceased's estate if this is possible. If the family have already removed any possessions from where the deceased lived, these may need to be returned to the Council to help offset the funeral costs. If you are a landlord, you should not enter or remove any items from the deceased's accommodation until after the house search has taken place.

Once the Council has been notified of a case, details of the deceased are currently entered onto the register of public health funerals on the Council's web site. Although the Council currently discloses this information, doing so is not mandatory and the Council has the discretion to remove the register from the website should we feel this to be more appropriate. The information on the register is the maximum extent of the information that the Council provide regarding a case, and we cannot give advice regarding the deceased's estate.

Following investigation, if the case remains with the Council, the Environmental Health team will deal with all aspects of the organisation of a funeral. This includes registering the death, dealing with the funeral directors to make the arrangements, and paying for the funeral. Where the Council arrange the funeral, this will be the most economical funeral available. Any requests received from relatives or other interested parties incurring additional costs will not be granted. The Council will not part-fund the funeral and will only arrange a basic funeral with no discretionary items, for example, flowers, and grave markers will not be provided. The Council will not accept contributions for additional items at the funeral.

A funeral will be a burial in a common grave with a graveside service. It will normally be held in Wilbury Hills Cemetery Letchworth, unless it is established beyond reasonable doubt that the deceased would have chosen cremation for religious, cultural or personal reasons, or if a check of the Council's burial records reveals that the deceased owned a grave elsewhere within the North Hertfordshire boundary and there is room for them to be interred within it. The Council is not legally obliged to comply with the requests of any will, however, where the deceased has made a will, requesting cremation, this will be considered where sufficient funds are available in the estate to cover these costs. Where there is no will, the Council will not consider any verbal wishes from family or other interested parties.

Except in the circumstances stated above, the funeral offered by the Council will not include a cremation.

The Council's contracted funeral directors will provide everything necessary for a simple but dignified service, including a coffin, transport of the deceased to the Cemetery in a hearse, and sufficient bearers to transfer the coffin to the grave. The funeral director will also arrange for a minister of religion or a representative of the faith of the deceased to carry out a short graveside service. If a non-religious service is appropriate, a civil funeral celebrant will be used. Family and friends may attend the funeral service but will have no choice as to where and when it is held. To the casual observer, the funeral will appear no different to a simple ceremony not arranged by the Council.

Due to the requirements of the Act, any funeral being undertaken by the Council will take place within a reasonable time and as soon as it can practicably be arranged.

Property Search

Prior to making the funeral arrangements, the Environmental Health team will search the last known address of the deceased. The purpose of the search is to:

- Look for and locate a will
- Find information about possible relatives - who may wish to arrange the funeral
- Find anything of value in the property that may be sold to offset funeral costs
- Find information about bank accounts and savings which may contribute to the costs of the funeral.

The search will be conducted by two officers of the Environmental Health service, and a written record will be made of each item removed from the property.

Where family members cannot be immediately found any personal effects (non-monetary value e.g., photographs or correspondence) removed from the property will be retained under secure conditions at the Council offices for up to 24 months following the funeral. If after 24 months these items are not retrieved, they will be disposed of.

Next of kin or other interested parties must not enter the deceased property until the search has been carried out to the satisfaction of the Environmental Health service. Where the next of kin wish to be present at the search of the property, they must be accompanied by officers from the Council at all times. The Council will not allow other interested parties to be present during a search.

Where a will is found, the details will be passed to the executor of the will, and no further action will be taken by the Council. That is, it will be assumed that the funeral will be undertaken in accordance with the will, unless the executor wishes to revoke these duties, see below. The Environmental Health service is not responsible for clearing or cleaning the property. Following the completion of the search, the property will be secured, and, in the case of a rented property, the keys returned to the Landlord. If the property was owned by the deceased, and no next of kin have been located, the case will be referred to the [Government Legal Department](#) and their instructions regarding the property will be followed. In such cases the keys to the property will be securely stored at the Council offices until requested by officers of the Government Legal Department.

Executors of a Will

The Council cannot make funeral arrangements where the deceased left a will and the executor is traced; in these circumstances the executor would be expected to organize the funeral. If the executor wishes to revoke their duties, they must make a formal renunciation of the will and declare that they wish to have no further involvement in the funeral arrangements. Details regarding the process of renunciation and how to apply can be found here [Form PA15: Give up probate executor rights - GOV.UK \(www.gov.uk\)](#).

Efforts to find next of kin

The Council will make reasonable efforts to find next of kin, but this must be balanced against the need to arrange the funeral in a timely fashion. Locating next of kin will allow the Council to inform them that their relative has passed away and to provide them with an opportunity to arrange the funeral. The steps taken may include but may not be limited to, making details of the deceased available to various heir hunters via the Council's website, using correspondence found during the property search, or speaking to friends and neighbors of the deceased. Where next of kin are found and express a wish to carry out the funeral this must be completed within a reasonable time as not to be to the detriment of public health.

Estate Administration

The Council are entitled to recover their costs when making funeral arrangements under Section 46 of the Act. They are not, however, empowered to administer the estate. Where the Council has reason to believe that there will be a surplus of over £500.00 in the estate once all costs incurred in making the funeral arrangements have been reimbursed, the Council will refer the case to the Government Legal Department under the Bona Vacantia provisions. Where there are known family members, the case cannot be referred to the Government Legal Department.

Under such circumstances, the Council will hold any items removed during the property search for up to 24 months or until a legally entitled person demonstrates their suitability to administer the estate through the holding of Letters of Administration obtained from the Courts. Under no circumstances will property or correspondence from the estate be given to any family member or their representative without this proper lawful authority. Any items removed by officers of the Council during the property search will be held for a period of up to 24 months from the date of the funeral.

In the event that we are contacted by a relative seeking information about any property or correspondence of the deceased and we hold information about the identity of the administrator(s) of the deceased's estate, we will pass on the relevant individual's details to the administrator(s) and that will be the extent of our duty unless we are contacted by a relative's legal representatives who are able to justify a legal basis for the release of the information or documents sought.

Death in a Hospital

If the deceased died as an in-patient in a hospital managed by an NHS Trust and there are no relatives, traditionally the NHS Trust assumed responsibility for the funeral arrangements and recovered their expenses from the deceased's estate. However, following guidance published by the Department of Health in 2005 this responsibility is passed to the local authority in whose area the hospital is situated. There are no large hospitals within the North Hertfordshire District area but in cases where a North Hertfordshire resident dies during transportation to hospital or while undergoing emergency treatment at the local hospital and there is no one willing or able to carry out the funeral arrangements the Council will take on this responsibility.

Governance

This policy sets out how the Council meets its obligations under the Act. This policy will be reviewed periodically to ensure that it fully meets the requirements of the law. Reviews will be undertaken by the senior officers of Environmental Health and where amendments are required, and in accordance with the provisions of the Council's Constitution, the decision to authorize a revised policy will be delegated to the Director – Regulator in consultation with the Executive Member for Regulatory, with the decision being recorded as a Delegated Decision in due course.

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Public Health (Control of Disease) Act 1984

1984 CHAPTER 22

PART III

Disposal of Dead Bodies

46 Burial and cremation.

- (1) It shall be the duty of a local authority to cause to be buried or cremated the body of any person who has died or been found dead in their area, in any case where it appears to the authority that no suitable arrangements for the disposal of the body have been or are being made otherwise than by the authority.
- [^{F1}(2) Any council which is the local authority for the purposes of the Local Authority Social Services Act 1970 may cause to be buried or cremated the body of any deceased person who immediately before his death was being provided with accommodation under Part 1 of the Care Act 2014.
- (2A) A local authority within the meaning of the Social Services and Well-being (Wales) Act 2014 may cause to be buried or cremated the body of any deceased person who immediately before his death was being provided with accommodation under Part 4 of that Act.]
- (3) An authority shall not cause a body to be cremated under subsection (1) or (2) above where they have reason to believe that cremation would be contrary to the wishes of the deceased.
- (4) Subsections (1) and (2) above do not affect any enactment regulating or authorising the burial, cremation or anatomical examination of the body of a deceased person.
- (5) An authority may recover from the estate of the deceased person ^{F2}... expenses incurred under subsection (1) or subsection (2) above, ^{F3}...

Changes to legislation: There are currently no known outstanding effects for the Public Health (Control of Disease) Act 1984, Section 46. (See end of Document for details)

- (6) Without prejudice to any other method of recovery, a sum due to an authority under subsection (5) above is recoverable summarily as a civil debt by proceedings brought within three years after the sum becomes due.
- (7) The Secretary of State may cause such inquiries to be held as he may deem necessary or desirable for the purposes of this section.
- (8) The Secretary of State may by order made by statutory instrument direct that this section, in its application to the Isles of Scilly, shall have effect subject to exceptions, adaptations and modifications.

Textual Amendments

- F1** S. 46(2)(2A) substituted for s. 46(2) (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016](#) (S.I. 2016/413), regs. 2(1), **41**
- F2** Words in s. 46(5) repealed (6.4.2009) by [Health and Social Care Act 2008](#) (c. 14), ss. 147(1)(g), 170(3)(4), **Sch. 15 Pt. 5** (with [Sch. 13](#)); S.I. 2009/462, art. 4(a)(c); S.I. 2009/631, art. 2(a)(c)
- F3** Words repealed by [Social Security Act 1986](#) (c. 50, SIF 113:1), s. 86, **Sch. 11**

Modifications etc. (not altering text)

- C1** S. 46 modified (6.4.2010) by [The Southampton Port Health Authority Order 2010](#) (S.I. 2010/1218), arts. 1(1), 4, **Sch.**
- C2** S. 46 modified (6.4.2010) by [The Cornwall Port Health Authority Order 2010](#) (S.I. 2010/1215), arts. 1(1), 4, **Sch.** (with art. 2)
- C3** S. 46 modified (6.4.2010) by [The Bristol Port Health Authority Order 2010](#) (S.I. 2010/1214), arts. 1, 4, **Sch.**
- C4** S. 46 applied (with modifications) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011](#) (S.I. 2011/939), arts. 1(1), 9, **Sch. 2**
- C5** S. 46: functions transferred and modified (14.6.2016) by [The River Tees Port Health Authority Order 2016](#) (S.I. 2016/644), arts. 1(1), 9, **Sch. 2**
- C6** S. 46: functions etc. assigned to the port health authority and modified (31.3.2017) by [The Weymouth Port Health Authority Order 2017](#) (S.I. 2017/558), arts. 1(1), 9, **Sch. 2** (with art. 9(3))
- C7** S. 46: functions etc. assigned to the Port Health Authority (7.11.2024) by [The London Port Health Authority Order 2024](#) (S.I. 2024/1161), arts. 1(1), 4(2), **Sch.** (with arts. 4(3), 5(2))

Changes to legislation:

There are currently no known outstanding effects for the Public Health (Control of Disease) Act 1984, Section 46.

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APPENDIX B – SUMMARY OF THE RESPONSES TO THE CONSULTATION FOR THE PUBLIC HEALTH FUNERAL POLICY

Response to the Consultation for the arrangements to provide Public Health Funerals in North Herts

As part of the consultation for the arrangements to provide Public Health Funerals in North Herts, several responses were received; the points below are the answers to those responses.

- One response fully supported the arrangements presented in the draft Policy.
- Can the referral process for those seeking access to Public Health Funerals be made clearer and better identify who can make such a referral, or request.
 - The policy was amended to include a direct access pathway for those wishing to request the Council to make the arrangements for a Public Health Funeral. There is no clear statement as to who could make such a request, as to do so may imply that those not listed may not be able to make such a request. Instead, there is the statement saying that if nobody is willing or able to make the arrangements, then the Council can be contacted.
- Can the Policy better define the timeframe in which the funeral will be carried out.
 - The Act requires the Council to make the arrangements necessary for the funeral if no other arrangements are or are likely to be put in place. There is no legal provision for a timeframe, and as such, it is not possible for the Council to introduce one. The reason for this is that there are often many inherent matters that need to be agreed before the funeral can take place so introducing a set timeframe is not likely to be practicable. Instead, requiring the funeral to take place as soon as practicable is the most reasonable option for this matter.

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APPENDIX C

Cremation -v- Burials for PHF at the Council Burial Ground, Letchworth

This comparison is based upon current costs available and charged to the Council for funerals carried out by our contractor at the Council Burial Ground in Letchworth against the charges the Council would incur if we were to provide a cremation service.

All Public Health Funerals (PHF) are carried out by our contractor, Nevilles Ltd. who won the contract for all Hertfordshire Local Authorities in 2025.

Their prices presented in the table below cover the cost of collection of deceased, storage (to accommodate the necessary essential administration), a basic casket, transport to crematorium/cemetery in a hearse and bearers. Costs for ministers, cremation and burial are additional to the contract as they're invoiced by the crematorium/cemetery for each funeral.

Direct Cost Considerations

Costs in addition to the above which will remain the same.

	Digging grave for whole body or ashes	Cremation cost	Minister/Celebrant (Price dependent on who is used)	Storage of ashes	Total in addition to the contract
Burial	£938.00	N/A	£270.00	N/A	£1208.00
Cremation	£456.00 ¹	£1,225.00	£270.00	(125.00)	£1951.00 ²
¹ Price for each grave dug per cremation. An alternative would be to permit up to 8 cremation interments per grave, which would equate to £57.00 each, although this service is not currently available					
² Price stated is to inter ashes at NHC cemetery. An alternative option would be to store the ashes for up the maximum of 5-years at £1,350.00 (cremation plus storage) if no one was able to collect the ashes. After the 5-years, the ashes would still need to be disposed of, either via interment, at the additional cost, or scattering in a suitable location, of which there currently is none.					
N.B. If the Council were to accommodate cremation, it would be expected that a Garden of Remembrance be provided so that family and friends collecting the ashes would have an area to distribute them. Such an area is not currently available so would need to be accommodated. If the Council chose not to provide such an area, those retaining the ashes would need to be advised of the limited areas provided to scatter the remains.					
All prices as of February 2026					

All other Hertfordshire Local Authorities provide PHF via cremation unless the deceased stated they wanted burial, but no other Council owns their own cemetery, and so would be exposed to normal commercial costs. As North Herts Council owns the cemetery and we use common graves, i.e., graves shared by up to 3 deceased interments, this means we pay a reduced fee.

Please note, Common Graves interments are fully legal and meet all statutory obligations to ensure the safe burial of any deceased.

Other Considerations

In addition to the direct costs as presented above other considerations would need to be included when undertaking a suitable comparison.

Number of funerals

Due to the necessary investigative and administrative work necessary to ensure an appropriate and compliant funeral takes place, each funeral typically take approximately 21 hours to complete. The cost for this work is not added to the overall funeral costs as this is a statutory duty on the Council, and although we are permitted to recover expenses, staffing costs are excluded.

Due to the amount of work required for each PHF, the number undertaken will have a significant impact on the service. The table below shows the number of initial requests for the Council to deliver PHF in each of the last four years, compared to the number undertaken.

North Herts Council			
Year (Calendar Year)	Number of requests for PHF	Number of funerals carried out	Percentage uptake
2022	16	3	18.8
2023	14	3	21.4
2024	14	3	21.4
2025	13	2	15.4
Total	57	11	19.3
Total hours based on the number of PHF and average hours / PHF = 231 hours			

Whilst it can be seen that the numbers are reasonably consistent, taking these figures in isolation limits their effectiveness. As such, the information for PHF was benchmarked with Stevenage Borough Council and East Herts Council with whom North Herts Council already work closely on various matters.

Stevenage Borough Council (SBC) – PHF mainly via cremation			
Year (Financial Year)	Number of requests for PHF	Number of funerals carried out	Percentage uptake
2022/2023	43	32	74.4
2023/2024	33	24	72.7
2024/2025	42	20	47.6
2025/2026	23	15	65.2
Total	141	91	64.5
SBC permit family and friends to collect ashes, have a fully attended service and to provide flowers as part of their PHF.			
N. B. as The Lister Hospital is in this district, SBC are responsible to provide a PHF for all those who die in the hospital, except where an agreement like the agreement with NHC exists.			
No total hour calculation provided as SBC did not provide this information.			

East Herts Council – PHF mainly via cremation			
Year (Calendar Year)	Number of requests for PHF	Number of funerals carried out	Percentage uptake
2022	16	10	62.5
2023	12	6	50.0
2024	14	9	64.3
2025	11	5	45.5
Total	53	30	56.6
No total hour calculation provided as EHDC did not provide this information.			

These benchmarked figures clearly show that over the same period, the numbers are also reasonably consistent (except 2025/26 for Stevenage). The figures highlight that the take up of PHF for both SBC and EHDC are both significantly higher than for NHC.

Possible reasoning for the difference

Anecdotally officers find that those requesting a PHF initially ask for a funeral to be carried out as they claim to have no funds they wish to put towards the funeral. However, when the information about the arrangements for a PHF as performed by this Council, they prefer to seek an alternative funeral provider.

Conclusion

Other than accommodating cremations as a PHF for those who have expressly stated this for religious purposes, or have made sufficient accommodate for such, if the arrangements for the provision of a PHF were considered solely on cost, burials, at the prices quoted, is considerably lower than cremation.

A further consideration is that the Council already has all of the means and capacity to deliver burials, at least for the foreseeable future, whereas if cremation was to be provided, significant additional facilities and costs would need to be accommodated.

CABINET

14 APRIL 2026

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: LEASE ON LETCHWORTH MULTI STOREY CAR PARK

REPORT OF: STEVE CROWLEY, DIRECTOR - ENTERPRISE

EXECUTIVE MEMBER: CLLR TAMSIN THOMAS, EXECUTIVE MEMBER FOR ENTERPRISE

COUNCIL PRIORITY: ACCESSIBLE SERVICES & SUSTAINABILITY

1. EXECUTIVE SUMMARY

This report sets out negotiations that have taken place between the Martin Group and the Council with regards to the potential surrender of the Letchworth Multi Storey Car Park.

2. RECOMMENDATIONS

- 2.1. That Cabinet approve the surrender of the lease for the Letchworth Multi Storey Car Park.
- 2.2. That, subject to recommendation 2.1, delegated authority is granted to the Director of Enterprise in consultation with the Executive Member for Enterprise to negotiate and approve the details of any surrender in line with the broad principles in this report.

3. REASONS FOR RECOMMENDATIONS

- 3.1. After undertaking a review of the current operation and long-term needs of this car park, the surrender of this lease provides a positive outcome to the Council and the conditions that have been negotiated ensures there will be improvements to the car park which will benefit the public and economic vitality of the town centre.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. Not to surrender the lease and to continue to operate the car park under the current lease agreement until April 2037. This would require investment for repair and maintenance by the Council of approximately £3.4m.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. The Executive Members for Enterprise, Resources and Place have been kept regularly updated on this item and are supportive of the surrender of the lease.
- 5.2. Officers provided a report to Political Liaison Board (PLB) at its December 2025 meeting setting out the initial proposal from the Martin Group and the impacts of this.

- 5.3. All Letchworth Councillors were invited to a briefing that took place on 19 February 2026. Following the briefing an overview document was sent out to all. From those that attended, there was support of the surrender of the lease and no follow up questions were received from those that did not attend but received the overview document.

6. FORWARD PLAN

- 6.1 This report contains a recommendation on a key Executive decision that was first notified to the public in the Forward Plan on the 19 December 2025.

7. BACKGROUND

- 7.1. The Martin Group hold the long lease of the Garden Square Shopping Centre and multi-storey car park from Letchworth Garden City Heritage Foundation. They acquired the long lease in 2021 and this has 161 years until expiry. The Martin Group underlet the car park to the Council under a lease expiring in April 2037.
- 7.2. The Martin Group are looking to undertake a regeneration of the Shopping Centre and are currently at the pre-application stage. As part of this they have contacted the Council and have asked if we would consider the surrender of the car park lease. If we were to surrender the lease, they would not impose dilapidation repairs that they have estimated to be approximately £750k and they would permit the Council to continue to have parking spaces (exact numbers and costs to be agreed). If we decide to continue with the leasehold, the Status Quo will remain and they would expect us to undertake the dilapidation repairs.
- 7.3. Officers have had a dilapidations survey undertaken and the estimated capital cost for immediate works is approximately £460k. However, if we retained the car park until the end of the lease, there would be further repair and maintenance (lifecycle refurbishment) work required which is estimated to be £3.4m, as set out in the finance section 10 below.

8. RELEVANT CONSIDERATIONS

- 8.1. Overview of car park:
- 8.2. The car park was built in (approximately) 1975, it contains 367 spaces, currently distributed as follows: 114 short stay (levels 1-3), 244 long stay (levels 4-9) disabled parking spaces, 1 motorcycle bay and 2 electric vehicle charging bays.
- 8.3. The Council holds a lease of the car park dated 4 January 1979 for a term ending in April 2037. It is a full repairing lease, therefore, the landlord can instruct for work to be undertaken if the leaseholder is not maintaining it to the correct standard. At the end of the lease the leaseholder must ensure the building is handed back in good condition. However, it is required to remove 'trade fixtures' would include the parking machines and electric charging points.
- 8.4. The cost of operating the car park based on the current level of repair and maintenance is a neutral position. This takes into account the income from car park users against the costs of running the car park (e.g. rent, rates, electricity, property compliance). It doesn't include any income from season tickets, as they aren't linked to a specific car park. Whilst some people may buy a season ticket specifically to use Letchworth Multi-storey, we don't think this will be significant.

- 8.5. Repair and Maintenance - significant works have been undertaken on the structure over the years, including deck repairs in 1999, 2012, and 2016, as well as a lift replacement in 2012 and full lighting replacement in 2013. These activities align with expected life cycle renewal and refurbishment standards. Ongoing maintenance and compliance costs are currently budgeted at £5k but often exceed that amount so the budget has been increased to £12k.
- 8.6. In 2023, a decision was made not to proceed with major refurbishment works due to uncertainty regarding the council's lease arrangements. Nevertheless, essential health and safety measures have been implemented, including the installation of fire doors, some lighting renewal, and localised brickwork repairs.
- 8.7. Public, commercial utilisation of the multi-storey is low. The number of paid transactions and the rate of parking turnover are – adjusted for their relative sizes – well below that achieved in other Council-managed car parks in and around the town centre including Hillshott and the Town Hall. Usage data shows an average of around 150 paid transactions per day, compared to more than double this number of spaces. Parking regulations are generally well complied with and Penalty Charge Notice (PCN) activity is also relatively low.
- 8.8. The car park is well used by staff and tenants of the District Council Officers, with free parking made available as a benefit, though use is mitigated by the Council's approach to hybrid working. A manual survey of usage over a fortnight period suggested, on average, around 65-70 staff and tenant permits are utilised on weekdays, peaking at around 85-90 permits. It is recognised that occasional events or meetings may see usage peak beyond these levels.
- 8.9. Negotiations
- 8.10. Officers presented a report to PLB at its December meeting setting out the Martin Group's initial proposals and the potential implications of the options. As an overview, the key issues are:
- Protection of parking for the public, staff and tenants of the 2nd and 3rd floor.
 - Economic impact on the town if parking tariffs aren't in keeping with the rest of the town
 - The cost of repair and maintenance if the landlord proceeded with the interim dilapidations claim
 - Ongoing repair and maintenance
 - General operating costs and parking enforcement of the car park.
- 8.11. PLB approved the recommendation, which was for officers to explore a conditional surrender of the leases with an aim to negotiate the conditions that deal with the issues that are set out above in 8.10.
- 8.12. Officers have had several meetings with the Martin Group to discuss the Council's concerns, and the following provides an overview of their proposal and officers observations: -
- a. Tariffs - the Martin Group recognise the need to ensure these are competitive with other local car parks.

- b. Car Park Enforcement - they will be introducing an automatic number plate recognition system. Therefore, all enforcement will be undertaken via this system. Based on this, the Council will deploy our Civil Enforcement Officers to other locations.
- c. Free staff and tenant parking until April 2028, for up to 100 spaces daily - If this exceeds 100 then the Council will be charged the daily rate. From April 2028 – March 2030 the Martin's Group have offered a 20% discount for tickets purchased and after that date it will be at the normal rate. The Council has the use of Hillshot car park and could introduce on-street parking if required to ensure we have sufficient capacity. Details of all finances are set out in section 10.
- d. Use of the 'rest room' (used by Civil Enforcement Officers at the start and end of their shifts and when on their breaks) - free of charge until April 2028, after that date there will be a charge, however this cost has not yet been agreed, but it is likely to be a nominal sum. Officers are confident there will be alternative locations if a cost can't be agreed.
- e. Storerooms – to be able to use these free of charge until April 2028. After 2028, the Council will hand these rooms back to the Martin Group.
- f. In terms of long-term proposed use of the car park the Martin Group have suggested the following breakdown (Numbers are approximates). Council and subtenants - 100 / Residential 150 / Shopping centre users 150. We (the Council) will utilise our spaces Monday to Friday which is the quieter times for the retail in the town. The gives full availability at the weekends. It should be noted that any residential use would not be in place until 2030 at the earliest. It is also expected that our requirement for parking might also reduce after April 2028, therefore, more parking could be available for public use.
- g. Opening Hours – The Martin Group would like to open discussions with key stakeholders around the potential to open 24 hours per day. They would be keen to understand how this would affect the use of the town centre, shopping centre, as they feel this would benefit it.
- h. Anti-social Behaviour - As part of any surrender the Martin Group propose to implement security in the shopping centre to ensure that the property is patrolled, and the car park feels safe and anti-social behaviour is kept to a minimum. As part of this overhaul, they also propose to increase the levels of cleanliness and lighting provision.

8.13. Based on the above officers would recommend the Council surrender this lease as the Martin Group will be improving the operation of this car park and ensure there is good access for the public and council users.

9. LEGAL IMPLICATIONS

- 9.1. By virtue of section 111 of the Local Government Act 1972, a local authority shall have power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions. Therefore, the Council is acting within its powers by agreeing to the surrender of the existing lease.
- 9.2. Local authorities are given powers under section 123 of The Government Act 1972 to dispose of land in any manner they wish, including the sale of their freehold interest, granting a lease or assigning any unexpired term on a lease, and the granting of easements.

- 9.3. In accordance with the constitution at 14.6.7 the Director for Enterprise holds the following delegated powers: The Director shall exercise the following functions powers and duties except those reserved to Council, Cabinet or a Committee in relation to: agreeing terms for and accepting the surrender of leases.

10. FINANCIAL IMPLICATIONS

- 10.1. The Council's budget for property costs for the car park (for 2025/26) is now £92k. That includes rent, rates, energy, BID levy, security and regular maintenance (£10k). Property compliance costs are met from a separate budget and these totals another £6k. Overall costs are therefore around £98k per year.
- 10.2. Income from car park ticket sales is forecast this year (2025/26) at £105k, net of VAT. There are also costs associated with the collection of that income, which are cash collection (around £5k), bank Charges (£1k) and pay by phone fees (£5k). Net income is therefore around £94k.
- 10.3. The cleaning of the car park is undertaken by a contractor, officers are currently agreeing the cost saving for this, which is estimated to be £27k. With that included there would be a net revenue saving of terminating the lease of around £31k per year.
- 10.4. Property Services have estimated the additional revenue and capital costs associated with retaining the car park. These are irregular costs, and include costs identified in the latest dilapidations report, likely dilapidations costs at the end of the lease (2037), deck surface repairs, lift refurbishment and replacement lighting, Over the period (up to 2037) these could total £3.4 million, including provisions for inflation.
- 10.5. The negotiations with Martin Group mean that the Council will not incur any costs for use of parking provision or storage until April 2028. The use of the District Council Offices (DCO) from April 2028 onwards could be affected by the Local Government Reorganisation (LGR) process. Some of the savings from LGR are assumed to be as a result of property rationalisation. That could mean a reduced need for the DCO building, or the building is used closer to capacity, and it could mean that users of the building are more reliant on driving to get there. The Martin Group have offered a discount of 20% for the 2 years after April 2028. Based on current season ticket prices, the cost of 100 spaces (with estimated inflation and a 20% discount) would be around £63k in 2028/29 and £64k in 2029/30. The costs from 2030/31 onwards (without a 20% discount) would be estimated to start at £82k and increase to £92k by 2036/37. On that basis the total over the 9-year period would be £734k. These costs could be mitigated by use of alternative parking provision that the Council controls. They would also be netted off by the annual revenue saving detailed above of around £31k (increasing with inflation). The potential 9 year net cost would then reduce to around £430k (with inflation applied to the £31k saving) and would be lower if alternative parking provision was used. The net cost would be higher if more parking spaces were required (e.g. more regular use of the capacity available, where users of the building are more likely to use their car).
- 10.6. There are potential one-off costs of removing existing parking machines and EV charging equipment. However, the requirement to do this (or not) will be dependent on the precise terms of any lease surrender and / or any associated transitional arrangements that might be agreed to allow Martin Group to make and install alternate arrangements. The

pay machines are relatively new and there could be an opportunity to recoup costs by retaining these to replace or supplement any machines elsewhere in the District (i.e. mitigating future acquisition, maintenance or replacement costs) or investigating their re-sale.

- 10.7. Some of the costs of the maintenance of the car park (if it is retained by the Council) could be capitalised. This would apply to costs that enhance or improve the car park (e.g. improved lighting or substantial deck works that extend the life). Capital costs can be spread over a longer period but do still form a cost to the taxpayer. The period that costs can be spread over may be limited to the remaining lease period as that is the period that the Council gets a benefit from owning the car park.

11. RISK IMPLICATIONS

- 11.1. Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.
- 11.2. The financial risk to the Council depends on the required use of car parking spaces beyond 2028, either by the Council (or subsequent Unitary Authority) or a future tenant/user of the building. The value of the building (either capital or revenue) could be affected by whether it has access to parking.
- 11.3. Initially there were concerns raised by councillors with regards the impact on the economic vitality of the town centre, however, these concerns have been addressed by the proposals put forward by the Martin Group. It should be noted though, that the success of proposed mitigating measures will be dependent on their ongoing implementation by the Martin Group.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2. There has not been an Equalities Impact Assessment carried out, as surrendering the lease has no equalities implications.

13. SOCIAL VALUE IMPLICATIONS

- 13.1. The Social Value Act and “go local” requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. There are no known Environmental impacts or requirements that apply to this report.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1. There are no known Human Resource implications that apply to this report.

16. APPENDICES

16.1 None

17. CONTACT OFFICERS

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18. BACKGROUND PAPERS

18.1 None

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CABINET

14 APRIL 2026

*PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: REGULATION OF INVESTIGATORY POWERS ACT ('RIPA') UPDATE AND ANNUAL REVIEW

REPORT OF: SERVICE DIRECTOR – GOVERNANCE / MONITORING OFFICER

EXECUTIVE MEMBER: COUNCILLOR DANIEL ALLEN

COUNCIL PRIORITY: THRIVING COMMUNITIES / ACCESSIBLE SERVICES

1. EXECUTIVE SUMMARY

This Report provides an update on the Council's current use of RIPA and reports on the annual policy review. The Report also provides an update on the proposed amendments to the Council's RIPA Policies following its annual review.

2. RECOMMENDATIONS

That Cabinet:

- 2.1. notes the content of the report; and
- 2.2. resolves to adopt the amended RIPA Policy (Appendix A).

3. REASONS FOR RECOMMENDATIONS

- 3.1. The Council is required to ensure it has an up-to-date, compliant and operationally usable RIPA framework that reflects current legislation and codes of practice and supports effective governance and assurance.
- 3.2. Approval of the updated policy reduces legal, regulatory and reputational risk, supports lawful enforcement activity where required, and strengthens transparency and democratic oversight.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. Internal consultation has been undertaken with relevant officers. External consultation is not required; however, the policy update has been informed by statutory Codes of Practice and inspection/assurance expectations applicable to all public authorities.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1. The Regulation of Investigatory Powers Act 2000 (“RIPA”) enables local authorities to carry out certain types of surveillance activity, as long as specified procedures are followed. The information obtained as a result of surveillance operations can be relied upon in court proceedings providing RIPA is complied with. The Investigatory Powers Act 2016 (“IPA”) is the main legislation governing the acquisition of communications data. The information obtained as a result of these acquisitions can also be relied upon in court proceedings providing IPA is complied with.
- 7.2. The Council is required to have arrangements and a RIPA Policy in place. Full details of the RIPA requirements and compliance are set out in the Policy, with relevant documents and guidance document available to relevant officers via the intranet should they consider it necessary to seek to use these powers.
- 7.3. RIPA regulates the use of certain surveillance powers by public authorities, including: –
- Directed Surveillance (covert surveillance conducted as part of a specific investigation likely to result in obtaining private information about an individual), –
 - Use of Covert Human Intelligence Sources (CHIS), and
 - Access to communications data (e.g. details of subscribers to telephone numbers or email accounts)
- 7.4. The Council is a very rare user of these powers, although the Shared Anti-Fraud Service (‘SAFs’) does so (note below). It is important that it has sufficient oversight of its activities to ensure that any considered use is compliant with the subject’s human rights.
- 7.5. External Inspections are carried out from time-to-time by the Investigatory Powers Commissioner’s Office (‘IPCO’), so it is important that all documentation is properly completed and (where relevant) authorised to confirm that it is carried out on a lawful basis. The Council was last inspected by the IPCO in 2023. They were satisfied with the arrangements as reported through to the Committee in January 2024. The next inspection will not be due until 2026.
- 7.6. The Shared Anti-Fraud Service (‘SAFs’) does, utilise such powers and these are regulated through Herts County Council’s processes and attends our officer Corporate Enforcement meetings. Where relevant an officer(s) of NAFN (National Anti-Fraud Network) attends our quarterly corporate enforcement forum meetings and keep our enforcement officers and authorising officers up to date. Training is also provided via that forum by NAFN.
- 7.7. Members will also note that in accordance with good practice guidelines Members receive quarterly updates on the use of any powers via the Member Information Service.
- 7.8. In terms of Communications data, the IPA provided an updated framework for lawful acquisition of Communications Data, include the who, where, what, when and how a Local Authority can obtain communications and Communications Data (Entity and Events Data)

- 7.9. All such applications must be processed through the NAFN as the Single Point of Contact (SPoC), who will consider the application prior to submitting this for approval to the Office for Communications Data Authorisations (OCDA). All applications must be approved before Communications Data is acquired. The Investigatory Powers Commissioner oversees the use of the powers. All applications submitted to NAFN are completed via their online portal. The form is available for completion within that workflow system and reflects the current Home Office application form. NAFN does not accept application forms outside of the workflow system and any application queries go via the NAFN RIPA SPoC. This means there is an experienced person qualify controls and checks any applications considered / made by North Herts Council.

8. RELEVANT CONSIDERATIONS

- 8.1. The Council maintains a Regulation of Investigatory Powers Act (RIPA) Policy to ensure that any use of covert surveillance or covert human intelligence sources is lawful, necessary and proportionate and subject to appropriate authorisation and oversight.

The existing policy has served the Council well and remains broadly sound. However, as part of good governance and routine policy maintenance, a review has been undertaken to ensure that the document reflects current legislation, guidance and operational practice.

Nature of the amendments:

- 8.2. The amendments represent a targeted update and clarification of the existing policy rather than a fundamental change in approach.
- 8.3. The Council's position remains unchanged: the use of RIPA powers is expected to be rare and will only be considered where it is lawful, necessary and proportionate and where less intrusive options have been considered.
- 8.4. The revisions primarily focus on improving clarity, reflecting current practice and ensuring the policy continues to align with national guidance and expectations.

Governance and oversight

- 8.5. The updated policy provides clearer description of the governance framework that supports the use of investigatory powers.
- 8.6. This includes refreshed wording on the roles of the Senior Responsible Officer, Authorising Officers and supporting officers, and clearer reference to Member oversight and reporting.
- 8.7. These changes are intended to improve clarity and transparency and to ensure the policy reflects current expectations around governance and assurance.

Legislative framework and communications data

- 8.8. The revised policy provides clearer explanation of the relationship between RIPA and the Investigatory Powers Act 2016, particularly in relation to communications data.

- 8.9. This clarification helps ensure officers understand which legislative framework applies in different circumstances and supports correct and consistent application of the law.

Online investigations and social media

- 8.10. The policy has been updated to provide clearer guidance on the use of the internet and social media in investigations.
- 8.11. This reflects the increasing relevance of online information in enforcement activity and helps ensure officers understand when activity may require authorisation.
- 8.12. Necessity, proportionality and review arrangements
- 8.13. The updated policy provides additional clarity around the assessment of necessity and proportionality and reinforces the importance of regular review and timely cancellation of authorisations where appropriate.
- 8.14. These updates support consistency and good record keeping.

Joint working, record keeping and training

- 8.15. The policy has also been refreshed to provide clearer wording on joint working with other agencies, record keeping and retention, and training and awareness for relevant officers.
- 8.16. These updates ensure the policy remains aligned with current practice and guidance.

Summary

- 8.17. Overall, the amendments refresh and update the existing policy to ensure it remains clear, current and aligned with legislation, Codes of Practice and regulatory expectations.
- 8.18. The revisions do not change the Council's cautious approach to the use of RIPA powers but ensure the supporting governance framework remains up to date.

9. LEGAL IMPLICATIONS

- 9.1. The Overview and Scrutiny Committee's Terms of Reference in the Council's Constitution at paragraph 6.2.7(r) states that it shall be entitled to consider reports relating to the authority's use of the Regulation of Investigatory Powers Act (2000) (RIPA).
- 9.2. The Overview and Scrutiny Committee are asked to consider this report and make a recommendation to Cabinet in line with its Terms of Reference. It is Cabinet's responsibility to adopt the RIPA Policy. Paragraph 5.6.1 of the Council's Constitution states that Cabinet may, by resolution, prepare and agree to implement policies and strategies other than those reserved to Council.
- 9.3. The Council is required to comply with the Regulation of Investigatory Powers Act 2000 ('RIPA') as amended in carrying out surveillance activities. Having an up-to-date policy ensures compliance with the statutory regime and empowers the Council to actively investigate matters if required to do so.

- 9.4. The updated policy supports the Council's ongoing legal compliance framework and helps ensure continued alignment with legislation and Codes of Practice.

10. FINANCIAL IMPLICATIONS

- 10.1. There are no direct financial implications arising from approval of the updated policy.

11. RISK IMPLICATIONS

- 11.1. Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.
- 11.2. The primary risks addressed by this report are legal/regulatory and reputational risks arising from outdated or unclear policy.
- 11.3. The updated policy mitigates risk by strengthening governance, auditability, training, clarity on online activity, and alignment with data protection requirements.
- 11.4. Failure to maintain an up-to-date policy increases the risk of procedural errors, unlawful activity, evidential challenge and adverse inspection findings.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2. Covert activity engages privacy rights and must be applied fairly, proportionately and without discrimination.
- 12.3. The updated policy strengthens safeguards around proportionality, decision-making and oversight, which supports fair and consistent application.
- 12.4. An Equality Impact Assessment is not considered necessary for this policy update as it strengthens procedural safeguards and does not change service access arrangements.

13. SOCIAL VALUE IMPLICATIONS

- 13.1. The Social Value requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. There are no known Environmental impacts or requirements that apply to this report.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 The updated policy includes strengthened training and awareness expectations which will be managed through existing management arrangements and induction/refresher programmes.

16. APPENDICES

16.1 Appendix A – Updated RIPA Policy (final clean version)

16.2 Appendix B – Tracked changes version of the RIPA Policy (for transparency/assurance).

17. CONTACT OFFICERS

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18. BACKGROUND PAPERS

18.1 None.

NORTH HERTFORDSHIRE DISTRICT COUNCIL

REGULATION OF INVESTIGATORY POWERS ACT
2000 (RIPA)

POLICY & PROCEDURES



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1 INTRODUCTION & BACKGROUND

- 1.1 This policy sets out how North Hertfordshire District Council will comply with the Regulation of Investigatory Powers Act 2000 (RIPA), the Investigatory Powers Act 2016 and associated Codes of Practice when carrying out covert surveillance, using covert human intelligence sources (CHIS) or acquiring communications data.
- 1.2 This policy provides the framework for the lawful and responsible use of investigatory powers by the Council. The Council recognises that covert surveillance can interfere with an individual's right to respect for private and family life under Article 8 of the Human Rights Act 1998. The Council therefore expects the use of RIPA powers to be exceptional and a last resort. This policy applies to all Council services and to any third parties undertaking investigations on the Council's behalf. The Investigatory Powers Act 2016 replaced Part I of RIPA and now governs the interception of communications and the acquisition of communications data. Part II of RIPA continues to regulate the use of directed surveillance and covert human intelligence sources. Officers must seek advice from Legal Services before seeking to obtain communications data to ensure the correct legislative framework is applied.
- 1.3 The use of covert investigatory powers by the Council is expected to be rare and will only take place where it is lawful, necessary and proportionate and where less intrusive methods have been considered and found to be unsuitable.
- 1.4 This Policy is the framework on which the Council applies the provisions of The Regulation of Investigatory Powers Act 2000 (RIPA) as it relates to covert surveillance. It incorporates the provisions of the Investigatory Powers Act 2016 (IPA) and the Police, Crime, Sentencing and Courts Act 2022 (PCSCA), which introduce updated powers for acquiring communications data and extracting electronic data. It must be read in conjunction with the statutory codes of practice issued by the Secretary of State and any additional guidance provided by Investigatory Powers Commissioner's Office (IPCO) and individual Directorates to deal with the specific issues of their service.
- 1.5 The Council is required to adhere to the statutory codes of practice issued under RIPA and IPA, including those on covert surveillance, use of covert human intelligence sources (CHIS), and communications data acquisition. This policy also incorporates recent guidance issued by the Investigatory Powers Commissioner's Office (IPCO), particularly on the use of social media for surveillance and proportionality assessments when handling electronic data.

- 1.6 For the avoidance of doubt, all references to the Home Office Codes of Practice relate to the latest versions which were issued in relation to covert surveillance and covert human intelligence sources; and in relation to the acquisition and disclosure of Communications Data. References to the Code of Practice and other relevant Guidance document relate to the latest version which was issued¹.
- 1.7 The Human Rights Act 1998 requires the Council to have respect for the private and family life of citizens. However, in rare cases, it may be lawful, necessary and proportionate for the Council to act covertly in ways that may interfere with an individual's rights.
- 1.8 The rights conferred by Article 8 of the Human Rights Act 1998 are qualified, so it is still possible for a public authority to infringe those rights providing the following criteria are satisfied;
- 1.9 It is done in accordance with the law
- 1.10 **It is necessary:** Necessity means that in the particular circumstances of each enquiry there is no reasonably available overt method of obtaining the information that is being sought. This test will have to be applied to each case on its own merits but if there is a reasonable alternative to covert surveillance then the necessity test will probably not be satisfied.
- 1.11 **It is proportionate:** Judging proportionality will probably involve three considerations.
- Is the proposed method of surveillance excessive in relation to the seriousness of the matter that is being investigated? Is it proportional to the mischief under investigation?
 - Is there a reasonable available alternative method of investigation that would be less intrusive of privacy rights? i.e. It is the only option, other overt means having been considered and discounted.
 - Can collateral intrusion be avoided, and is the surveillance proportional to the degree of anticipated intrusion on the target and others? In addition to the subject there may be a possibility that the privacy rights of a third party may be infringed during surveillance.
- 1.12 It is possible that unauthorised surveillance will be a breach of a person's right to privacy under Article 8. Even if surveillance without due authorisation in a particular instance is not illegal, if authorisation is not obtained, the surveillance carried out will not have the protection that RIPA affords.

¹ Home Office – Communications Data Code of Practice 2018

- 1.13 If the correct procedures are not followed:
- The authorisation will not take effect as it will not be approved by the Magistrates Court if there are not reasonable grounds
 - Court proceedings that rely upon the information obtained by surveillance may be undermined
 - A complaint of maladministration may be made to the Ombudsman
 - The Council could be the subject of an adverse report by the Investigatory Powers Commissioner's Office
 - A claim could be made leading to the payment of compensation by the Council
- 1.14 Through the application of authorisation procedures and Magistrates Court approval RIPA ensures that a balance is maintained between the public interest and the human rights of individuals.
- 1.15 RIPA does not;
- Make unlawful anything that is otherwise lawful
 - Impose any new statutory duties (N.B. but see paragraphs 1.5 –1.7 on the possible consequences of non compliance)
 - Prejudice or disapply any existing powers available to the Council to obtain information by any means not involving conduct that is governed by RIPA. (For example, it does not affect the Council's current powers to obtain information from the DVLA or the Land Registry).
- 1.16 If the RIPA procedures are followed correctly the conduct of an investigation will be deemed lawful for all purposes (section 27 RIPA). This protection extends to criminal and civil proceedings, and a complaint to either the Local Government Ombudsman or the Investigatory Powers Tribunal. It therefore provides protection both for the Council and any officer who may have been involved in an investigation.
- 1.17 It is important to note that the legislation does not only affect directly employed Council staff. Where external agencies are working for North Hertfordshire District Council, carrying out the Authority's statutory functions, the Authority remains liable for compliance with its duties. It is essential that all external agencies comply with the regulations, as they are contractually obliged to do so. Therefore, work carried out by agencies on the Council's behalf should be properly authorised by one of the Council's designated Authorising Officers and requires Magistrates Court approval for applications and renewals. Authorisation for surveillance should not be sought on behalf of another statutory or other organisation or agency. The advice of the Senior Responsible Officer ('SRO') should be sought in the event of uncertainty.
- 1.18 Applications to the Magistrates' Court for approval of an authorisation must be made in accordance with the requirements of the Court.

- 1.19 The use of the powers conferred by RIPA is subject to scrutiny by the Investigatory Powers Commissioner's Office, which carries out periodic inspections of the Council's practices and procedures. Furthermore, RIPA also provides for the establishment of a Tribunal to determine complaints about the use of RIPA powers. It is therefore essential that surveillance is always carried out in compliance with RIPA, the policies and codes of practice referred to in this document and any advice or guidance that may be issued from time to time by the Director: Governance.
- 1.20 The Council is subject to inspection by the Investigatory Powers Commissioner's Office (IPCO). The Council is committed to maintaining robust governance arrangements, accurate record keeping and effective oversight of all investigatory powers exercised under RIPA and the Investigatory Powers Act 2016.
- 1.21 The Senior Responsible Officer (SRO) has overall responsibility for ensuring compliance with this policy, the relevant Codes of Practice and all statutory requirements. The SRO will ensure that any errors are reported to IPCO in accordance with the Codes of Practice and that periodic reports are provided to elected Members.
- 1.22 RIPA provides a means of authorising certain acts of covert surveillance for a variety of purposes. To fully understand the effects of RIPA, it is essential to understand the various types of activity that are covered, and those that are not permitted, and the purposes that will justify surveillance.
- 1.23 The provisions of RIPA that apply to Local Authorities provide a regulatory framework that permits;
- The use of Directed Surveillance (Part 3)
 - The use of Covert Human Intelligence Sources (Part 4)
 - The Acquisition and Disclosure of Communications Data (Part 5)

2 SURVEILLANCE

- 2.1 Local Authorities and the Police are permitted under RIPA to carry out covert directed surveillance and to use covert human intelligence sources the definitions for each being as follows;

2.2 “Surveillance” includes:

- Monitoring, observing, listening to persons, watching or following their movements, listening to their conversations or their other activities or communications;
- Recording anything monitored, observed or listened to in the course of surveillance; and
- Surveillance by, or with, the assistance of a surveillance device, which will include cameras, video, and listening or recording devices.

Surveillance can be either **overt** or **covert**.

2.3 Overt Surveillance

2.4 Most of the surveillance undertaken by the Council will be done overtly – there will be nothing secretive, clandestine or hidden about it. In many cases officers will be going about Council business openly (e.g. a routine inspection by an Environmental Health Officer) or will have notified the subject of the investigation that they are likely to be under surveillance. In the latter case officers need to be particularly alert to the possibility that the proposed surveillance may entail collateral intrusion into the lives and activities of persons other than the subject of the investigation (e.g. a visitor to premises). If there is the slightest possibility of collateral intrusion a RIPA authorisation should be obtained before any surveillance is carried out.

2.5 Surveillance will be overt if the subject has been told it will happen. This will be the case where a noisemaker is warned that recordings will be made if the noise continues; or where an entertainment licence is issued subject to conditions, and the licensee is told that officers may visit without notice or without identifying themselves to the owner/proprietor to check that the conditions are being met. Such warnings should be given to the person concerned in writing.

2.6 Overt surveillance does not require any authorisation under RIPA. Neither does low-level surveillance consisting of general observations in the course of law enforcement (for example, an officer visiting a site to check whether a criminal offence had been committed). Repeated visits may amount to systematic surveillance however, and require authorisation: if in doubt, advice should be sought from the RIPA Monitoring Officer or the Senior Responsible Officer.

2.7 Home Office guidance also suggests that the use of equipment such as binoculars or cameras, to reinforce normal sensory perception by enforcement officers as part of general observation does not need to be regulated by RIPA, if the systematic surveillance of an individual is not involved. However, if binoculars or cameras are used in relation to anything taking place on any residential premises, or in any private vehicle, the surveillance can be intrusive even if the use is only fleeting. Any such surveillance will be intrusive “if it consistently provides information of the same quality as might be expected to be obtained from a device actually present on the premises or in the vehicle”. The quality of the image obtained rather than the duration of the observation is what is determinative. It should be remembered that the council is not permitted to undertake intrusive surveillance.

2.8 Use of body worn cameras should be overt. Badges should be worn by officers stating body cameras are in use and it should be announced that recording is taking place. In addition, cameras should only be switched on when recording is necessary – for example, when issuing parking tickets.

2.9 Covert Surveillance

Covert surveillance is covert where it is ‘carried out in a manner **calculated** to ensure that the person or persons subject to the surveillance are unaware that it is or may be taking place’.

RIPA requires the authorisation of two types of covert surveillance (directed surveillance and intrusive surveillance) plus the use of covert human intelligence sources (CHIS) or acquisition of Communications Data.

2.10 Covert Human Intelligence Source (CHIS)

2.11 A person is a covert human intelligence source if that person ‘establishes or maintains a personal or other relationship with a person for the covert purpose of obtaining information or providing access to any information to another person, or they covertly disclose information obtained by the use of such a relationship’. Covert in this context means that it is calculated that the subject should be unaware of the purpose of the relationship.

2.12 A member of the public who volunteers information to the Council is not a covert human intelligence source.

2.13 The conduct or use of CHIS must be authorised in accordance with RIPA:

- **Conduct** of a CHIS: This is establishing or maintaining a personal or other relationship with a person for the covert purpose of (or is incidental to) obtaining or passing on information.
- **Use** of a CHIS: This includes inducing, asking or assisting a person to engage in the conduct of a source or to obtain information by means of the conduct of such a source.
- The use of a juvenile CHIS may only be authorised for four months at a time.

2.14 Members of the public who report allegations of anti social behaviour and are asked to keep a note of incidents will not normally be CHIS as they are not usually required to establish or maintain a covert relationship.

2.15 Noise

2.16 Persons who complain about excessive noise, and are asked to keep a noise diary, will not normally be a CHIS, as they are not required to establish or maintain a relationship for a covert purpose. Recording the level of noise (e.g. the decibel level) will not normally capture private information (if non-verbal noise such as music, machinery or an alarm), and therefore does not require authorisation. Recording sound with a DAT recorder or similar, could constitute covert surveillance, although if it can be heard from the street outside, may (as per the Code of Practice²) be regarded as having forfeited any claim to privacy. The easiest option is for this to be undertaken overtly – for example it will be possible to record sound if the noisemaker is warned that this will occur if the level of noise continues.

2.17 Test Purchases

Carrying out test purchases will not normally require the purchaser to establish a relationship with the supplier with the covert purpose of obtaining information, and therefore the purchaser will not normally be a CHIS. For example, authorisation would not normally be required for test purchases carried out in the ordinary course of business (e.g. walking into a shop and purchasing a product over the counter). By contrast, developing a relationship with a person in the shop, to obtain information about the seller's suppliers of an illegal product e.g. illegally imported wild meat, or using covert recording equipment is likely to require authorisation as a CHIS. Similarly, using hidden recording devices to record what is going on in the shop (e.g. a hidden CCTV Camera) may require authorisation as directed surveillance. A combined authorisation can be provided if a CHIS is carrying out directed surveillance.

2.18 Directed surveillance

Directed Surveillance is surveillance that is:

- covert but not intrusive surveillance; (see paragraph 3.2)
- undertaken for the purpose of a specific investigation or operation carried out in such a manner as is likely to result in the obtaining of private information about a person (whether one specifically identified for the purposes of the investigation or operation) and
- not carried out as an immediate response to events which would otherwise make seeking authorisation under RIPA unreasonable (e.g. spotting something suspicious and continuing to observe it).

2.18.1 Surveillance by way of an immediate response to events or circumstances where it would not be 'reasonably practicable' for an authorisation to be sought is not included within the provisions of RIPA.

2.19 Private Information

This phrase is defined in RIPA section 26(10) as including any information relating to a person's private or family life. The European Court of Human Rights has considered this definition and has found that private life is a broad term not susceptible to exhaustive definition. Aspects such as gender identification, name, sexual orientation and sexual life are important elements of the personal sphere protected by Article 8. The Article also protects a right to identity and personal development and the right to establish and develop relationships with other human beings and the outside world and it may include activities of a professional or business nature. There is therefore a zone of interaction of a person with others even in a public context, which may fall within the scope of "private life".

The fact that covert surveillance occurs in a public place or on business premises does not necessarily mean that it cannot result in the acquisition of private information about a person. Prolonged surveillance targeted on a single person will undoubtedly result in the obtaining of private information about them and others that they come into contact with or with whom they associate. Similarly, although the overt use of CCTV cameras does not normally require authorisation, if the camera is used for a particular purpose that involves the prolonged surveillance of a particular person, a RIPA authorisation will be required.

3 Exclusions

3.1 There are some instances where surveillance is not permissible in any circumstances:

3.2 Intrusive Surveillance

RIPA provides that the Council **cannot** authorise intrusive surveillance. This is covert surveillance carried out in relation to anything taking place on residential premises or in any private vehicle, whether by way of a person or device. It will also be intrusive surveillance where a device placed outside consistently provides information of the same or equivalent quality and detail, as might be expected if it were in the premises or vehicle

Residential premises are any part of premises occupied for residential purposes or living accommodation, including hotel rooms or prison cells. However, it does not include common areas in blocks of flats and similar premises.

Private vehicle is a vehicle used primarily for private purposes by the owner or person entitled to use it.

Only the police or other law enforcement agencies are permitted to employ intrusive surveillance. Likewise, the council has no statutory powers to interfere with private property.

3.3 Use of Children to gather information about parent/ guardian

Authorisation may not be granted for the conduct or use of a source under the age of sixteen where it is intended that the purpose is to obtain information about their parent or any person who has parental responsibility for them.

3.4 Vulnerable Individuals

A vulnerable individual is a person who is, or may be, in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of themselves, or unable to protect themselves against significant harm or exploitation. Where it is known or suspected that an individual may be vulnerable they will only be authorised as a CHIS in the most exceptional of circumstances.

3.5 Use of Third Parties and Contractors

Where surveillance activity is undertaken by contractors or partner agencies on behalf of the Council, the Council remains legally responsible for ensuring compliance with RIPA.

Appropriate written agreements must be in place and RIPA authorisation must be obtained by the Council.

4 Grounds for Surveillance

- 4.1 Amendments to the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 (“the 2010 Order”) mean that a local authority can now only grant an authorisation under RIPA for the use of Directed Surveillance where the local authority is investigating criminal offences which attract a custodial sentence of a maximum term of at least 6 months’ imprisonment, or criminal offences relating to the underage sale of alcohol or tobacco under sections 146, 147 or 147A of the Licensing Act 2003 or section 7 of the Children and Young Persons Act 1933 and as amended by subsequent legislation.
- 4.2 Even if the person granting the authorisation believes that the authorisation is necessary, they must also be satisfied that the authorised activity is proportionate to what is sought to be achieved by it. This requires the Authorising Officer to balance the need for surveillance with the level of intrusion into any person’s privacy.
- 4.3 Consideration should be given to collateral intrusion, which is interference with the privacy of persons other than the subject(s) of the surveillance. Such collateral intrusion or interference would be a matter of greater concern in cases where there are special sensitivities, for example in cases of premises used by lawyers or for any form of medical or professional counselling or therapy.

4.4 Confidential information

Careful consideration is also needed when there is a risk of obtaining confidential information.

The Covert Surveillance and Property Interference³ defines this as: “information held in confidence concerning an individual (whether living or dead) who can be identified from it, and the material in question relates to his or her physical or mental health or to spiritual counselling. Such information can include both oral and written communications. Such information as described above is held in confidence if it is held subject to an express or implied undertaking to hold it in confidence or it is subject to a restriction on disclosure or any legal obligation of confidentiality. For example, confidential personal information might include consultations between a health professional and a patient, or information from a patient’s medical records”.

In cases where it is likely that confidential information will be acquired the authorisation must be granted by the Head of the Paid⁴ Service (or in their absence by an authorised Chief Officer).

- 4.5 An application for an authorisation must include a full assessment of the risk of any collateral intrusion or interference so that the Authorising Officer can consider this.

³ 2018 @ para 9.29.

⁴ Where any relevant legislation and or codes of practice refers to the Chief Executive, for interpretation purposes this is deemed to be the person who holds the role of Head of Paid Service or their Deputy.

- 4.6 Authorising Officers must always consider the need for surveillance or CHIS and balance this against an individual's right to privacy under the Human Rights Act 1998. An officer seeking an authorisation should always be able to justify why it is necessary and why other, less intrusive, forms of investigation are unsuitable or have previously been tried without success and thus the matter has escalated to the requirement for covert surveillance.

5 ACQUISITION AND DISCLOSURE OF COMMUNICATIONS DATA

The Investigatory Powers Act 2016 and as amended by the Investigatory Powers (Amendment) Act 2024 ('IPA') provides the statutory framework for the lawful acquisition of Communications Data. Local authority applications must be submitted via the National Anti-Fraud Network (NAFN) and approved by the Office for Communications Data Authorisations (OCDA) in accordance with the Act.

- 5.1 Public Authorities can only apply if this is for 'the applicable crime purpose'. This means the data has to be wholly or partly Events data, the purpose of preventing or detecting serious crime; or in any other case, the purpose of preventing or detecting crime or of preventing disorder.
- 5.2 The types of Communications Data that Local Authorities' can access are Entity and Events Data, which are defined as:

Entity Data: means any data which is about:

- (ii) an association between a telecommunications service and an entity, or
- (iii) an association between any part of a telecommunication system and an entity, and
- (iii) consists of or includes data which identifies or describes the entity (whether or not by reference to the entity's location) and is not events data.

Events Data: any data which identifies or describes an event (whether or not by reference to its location) on, in or by means of a telecommunication system where the event consists of one or more entities engaging in a specific activity at a specific time. Where the purpose of the acquisition is to prevent or detect crime, and the data required is events data, the offence or conduct of the offence being investigated must meet at least one of the definitions of serious crime⁵.

⁵ Section 86(2A) of the Act this means: an offence for which an adult is capable of being sentenced to one year or more in prison; any offence involving violence, resulting in substantial financial gain or involving conduct by a large group of persons in pursuit of a common goal; any offence committed by a body corporate; any offence which involves the sending of a communication or a breach of privacy; or an offence which involves, as an integral part of it, or the sending of a communication or breach of a person's privacy

- 5.3 The IPA has also removed the necessity for local authorities to seek Magistrates or Justice of the Peace approval to acquire Communications Data. Under the Investigatory Powers Act 2016, applications for communications data must be made to the Office for Communications Data Authorisations (OCDA) via the National Anti-Fraud Network (NAFN), who will consider the application prior to submitting this for approval to the OCDA. All applications must be approved before Communications Data is acquired. The Investigatory Powers Commissioner oversees the use of the powers (who with Judicial Commissioners have a role to approve authorisations to identify or confirm the identity of a journalist's source). The application process has otherwise been made more efficient through the ability to submit these electronically⁶.
- 5.4 Sections 37 to 44 of the Police, Crime, Sentencing & Courts Act 2022 (PCSCA) came into force on 8 November 2022. This provides public authorities with a further power to extract data held on electronic devices. It empowers public authorities to extract data from electronic devices where one of the following conditions is met:
- Preventing or detecting serious crime.
 - Locating a missing person.
 - Protecting a child or vulnerable adult from harm.
- 5.5 Before extracting electronic data, there must be:
- a reasonable belief that information stored on the device will be relevant to the investigative purpose,
 - Ensure the extraction of the information is necessary and proportionate to achieve the objective,
 - Comply with the statutory Code of Practice under the PCSCA, ensuring that risks to privacy are minimised.
- 5.6 As indicated in 5.5 above, the three scenarios provided under s37(2) are for the purpose of:
- (a) preventing, detecting, investigating or prosecuting crime;
 - (b) helping to locate a missing person; or
 - (c) protecting a child or an at-risk adult from neglect or physical, mental or emotional harm.
- 5.7 To ensure any extraction of stored communication under s.37 remains lawful, it is essential that the criteria and procedures set out within the PCSCA and the association Code of Practice are fulfilled.
- 5.8 Failure to follow statutory procedures may result in unlawful acquisition of communications data and may expose the Council and individual officers to criminal liability under the Investigatory Powers Act 2016.

⁶ See local authority procedures set out in paragraphs 8.1 to 8.7 of the Communications Data Code of Practice.

6 PROCEDURE TO OBTAIN A RIPA AUTHORISATION

- 6.1 Directed surveillance, the use of CHIS must be lawfully carried out in strict accordance with the terms of the relevant authorisation and Magistrates Court approval.
- 6.2 The Council will only very occasionally make use of CHIS so the applicant officer should consult the Senior Responsible Officer before making an application for a CHIS authorisation in order to ensure that the current statutory requirements and best practice are being observed.
- 6.3 Applications for Communications Data is as indicated above via NAFN.
- 6.4 All applications for authorisation must be sought and granted *before* any surveillance activity takes place. The decision whether or not to authorise an application must not be taken with the benefit of hindsight. This should be borne in mind when submitting an application to the Magistrates' Court under Paragraph 7 below.
- 6.5 Making the Application**
- Before making an application for an authorisation the requesting officer must;
 - read this policy document
 - determine whether the activity that they are proposing to conduct involves directed surveillance or the use of a CHIS
 - assess whether the activity will be in accordance with the law – is it governed by RIPA
 - assess whether the activity is necessary and why
 - assess whether the activity is proportionate.

If the activity could be conducted overtly or if a less intrusive option is available and practical use that option in preference to a RIPA authorisation.

- 6.6 The application form once completed by the applicant officer, must be submitted to an Authorising Officer, together with a health and safety risk assessment that should cover any potential risks to Council officers, or third parties, including members of the public.
- 6.7 The persons entitled to grant authorisations are designated in the Schedule of Authorising Officers, which is kept by the Senior Responsible Officer and is accessible on the Council's Intranet
- 6.8 The Authorising Officer should note:
- the date and time of grant or refusal;
 - the reasons for that decision;
 - the exact date on which the authorisation will be reviewed.

- 6.9 An application must describe:
- any conduct to be authorised;
 - the purpose of the investigation and how long the situation has existed;
 - why it is necessary;
 - why it is proportionate;
 - the intended subjects, if known;
 - the intended product that the surveillance will provide;
 - any potential collateral intrusion and the justification for this;
 - details of any confidential information that may be obtained;

6.10 The Application Forms

- 6.10.1 The Home Office has published standard forms for the use by local authorities. These have been adopted by the Council and can be accessed through the Intranet under *Corporate – Forms - RIPA*. Every box in the application form must be completed or marked n/a where it is not appropriate.
- 6.10.2 Each operation/ investigation must be allocated a unique reference number (URN). This will be the next number in sequence taken from the Central RIPA Log, as identified by the Authorising Officer and should be entered on the form.

7. MAGISTRATES' COURT APPROVAL

- 7.1 All RIPA authorisations (other than Communications Data) will require Magistrates' Court approval in the form of an order to take effect. The court must be satisfied that reasonable grounds exist in relation to the authorisation. The Home Office issued guidance to all Magistrates' Courts in England and Wales for a local authority application seeking an order approving the grant or renewal of a RIPA authorisation or notice⁷.
- 7.2 Legal Services must be consulted on the form and content of the application to the Magistrates' Court for approval. The types of offences for which RIPA authorisation can be obtained by the Council are outlined under section 4 above.

8 DURATION OF AUTHORISATIONS

- 8.1 It is no longer possible for urgent authorisations to be given orally. However, a Magistrate may consider an authorisation out of hours in exceptional circumstances.
- 8.2 Directed surveillance authorisations will cease to have effect (unless renewed) at the end of a period of three months beginning with the day on which it took effect.

⁷ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118174/magistrates-courts-eng-wales.pdf

8.3 Three months' is deemed for the purpose of this guidance to mean three calendar months/twelve weeks from the date of approval by the magistrate.

8.4 Authorisations for the conduct or the use of covert human intelligence sources will last for up to 12 months, beginning with the day on which the grant or renewal takes effect.

8.5 Authorisations relating to Communications Data last 1 month.

8.6 Review

8.6.1 The Authorising Officer must review Directed Surveillance authorisations frequently, at least monthly. The frequency of mid term reviews should be risk assessed based on the nature of the operation. If this is a CHIS authorisation, then ordinarily this would be every 3-4 months. CHIS authorisations must be reviewed at intervals determined by risk assessment and in accordance with the relevant Code of Practice.

8.6.2 RIPA application forms must be reviewed on or before the expiry date of the authorisation which will be the date stated in the application form. When a RIPA authorisation is reviewed the appropriate form should be completed and record:

- the date and time of that review
- confirmation as to whether the surveillance is to continue or not
- the reasons for that decision

8.6.3 Authorisations must be reviewed regularly and cancelled when no longer necessary. Records of reviews and outcomes must be maintained.

8.7 Renewal

8.8 If at any time before an authorisation would cease to have effect, it is necessary for the authorisation to continue for the purpose for which it was given, it may be renewed in writing for a further period of 3 calendar months, beginning with the day when the original authorisation would have expired. Magistrates Court approval is required before a renewal takes effect.

8.9 The Authorising Officer must consider the matter afresh, including taking into account the benefits of the surveillance to date and any collateral intrusion that has occurred.

8.10 Authorisations may be renewed more than once, provided they continue to meet the criteria for authorisation and are approved by the Magistrates' Court.

8.11 Prior to renewal of an authorisation for the use or conduct of a covert human intelligence source, there must be a full review of the use made of that source, the tasks given to that source and the information so obtained.

8.12 Cancellation

- 8.13 The Authorising Officer must cancel an authorisation if they become satisfied that the surveillance is no longer required or appropriate.
- 8.14 Authorisations should not be allowed simply to lapse. The matter should be referred to an Authorising Officer via the same process as for the initial application and a form of cancellation must be completed:
- if the necessary evidence has been obtained; or
 - it is decided at any time that the surveillance is unlikely to produce the evidence sought, then.
- 8.15 The Authorising Officer must then cancel the Application without delay. When cancelling the authorisation, the Authorising Officer is required to consider whether the surveillance was effective, necessary and met its objectives. Cancellations must be made using the cancellation form and should briefly detail what product(s) resulted from the surveillance.
- 8.16 When cancelling an authorisation, the Authorising Officer must ascertain what recorded material has been obtained using directed surveillance. The Authorising Officer should comment on the recorded material and how it is to be managed or used thereafter. If the matter is not proceeding to a prosecution, the Authorising Officer must be satisfied that any recorded material has been securely destroyed.

9 AUTHORISING OFFICERS

- 9.1 Authorisations may only be given by the Authorising Officers listed in Appendix B. Only the Head of Paid Service can authorise the use of a CHIS, or the acquisition of confidential information.
- 9.2 Applications for the acquisition of Communications Data can only be issued by a Home Office accredited single point of contact (SPoC). The Council has two SPoCs, Director: Customers and the Investigations Manager.
- 9.3 NAFN provides a SPoC service to local authorities. Local authorities using the NAFN SPoC service will still be responsible for scrutinising the application for Communications Data prior to contacting NAFN.
- 9.4 **Determining an Application**
- i. The applicant officer must complete the application form in its entirety.
 - ii. Authorisation under RIPA is quite separate from delegated authority to act under the Council's Scheme of Delegation. **RIPA authorisations are for specific investigations only and must be cancelled or renewed once the specific surveillance is complete, or about to expire.**
 - iii. The Authorising Officer should not just "sign off" an authorisation, they must give **personal consideration** to the necessity and proportionality of the proposed

action prior to applying to the Magistrates Court for approval and must personally ensure that the surveillance is reviewed and cancelled.

Any rejected applications must be entered into the RIPA log held by the Director: Governance.

9.5 In the case of applications for authority to carry out **directed surveillance** the Authorising Officer should:

- consider the relevant Codes of Practice
- consider whether the specific operation or investigation has been adequately described
- be satisfied as to the reasons for the application⁸ (see 4.1 for grounds).
- be satisfied that the directed surveillance is **necessary** in the circumstances of the particular case.
- be satisfied that the surveillance is **proportionate** to the stated purpose and objectives
- be satisfied that the possibility of collateral intrusion has been avoided or minimised
- consider the likelihood of confidential information being acquired
- check that an appropriate review period has been listed on the application form.

If there is an alternative practicable means of carrying out the surveillance, which is less intrusive, then the surveillance is neither necessary nor proportionate and should not be authorised. The least intrusive method should be used

Additional Factors when Authorising a CHIS

In addition, when authorising the conduct or use of a CHIS the Authorising Officer must

- be satisfied that the **conduct** and/or **use** of the CHIS is proportionate to what is sought to be achieved.
- be satisfied that **appropriate arrangements** are in place for the management and oversight of the CHIS.
- consider the likely degree of intrusion of all those potentially effected.
- consider any adverse impact on community confidence that may result from the use or conduct, or the information obtained.
- ensure **records** contain statutory particulars and are not available except on a need to know basis.

⁸ S.I. 2010/521, see article 7A

- ensure that authorisations relating to the use of a juvenile CHIS are only for four months at a time.
- be satisfied that a full risk assessment has been undertaken.

9.6 The role of Senior Responsible Officer (SRO) is undertaken by the Director: Governance. The role of RIPA Co-ordinating Officer is undertaken by the Service Director's PA.

The SRO is responsible for:

- the integrity of the process in place within the public authority for the management of CHIS and Directed Surveillance;
- compliance with Part 2 of the Act and with the Codes;
- oversight of the reporting of errors to the relevant oversight Commissioner and the identification of both the cause(s) of errors and the implementation of processes to minimise repetition of errors;
- engagement with the IPCO inspectors when they conduct their inspections, where applicable; and
- where necessary, oversight of the implementation of post-inspection action plans approved by the relevant oversight Commissioner.

9.7 The role of CHIS Handler will be allocated to either one of the Director: Place, Director: Customers, or Director: Regulatory, depending which directorate is using the CHIS. The CHIS Controller will be allocated to one of the other two heads of service by the Head of Paid Service.

The CHIS Handler is responsible for:

- dealing with the CHIS on behalf of the Council;
- directing the day to day activities of the CHIS;
- recording the information supplied by the CHIS; and
- monitoring the CHIS's security and welfare.

The CHIS Controller is responsible for management and supervision of the CHIS Handler, and general oversight of the use of CHIS.

10 WORKING WITH / THROUGH OTHER AGENCIES

- 10.1 The Council may work in conjunction with other public authorities and enforcement bodies, for example, the Police, the Department for Work and Pensions or HM Revenue and Customs. Where the Council participates in a joint operation, it must satisfy itself that appropriate authorisation is in place. The Council must obtain and retain a copy of any partner agency authorisation and ensure that the activity falls within its scope. If another agency chooses to rely on a RIPA authorisation from this Council the Authorising Officer must be made aware.
- 10.2 A copy of another agency's authorisation should be obtained, and copies kept in the same manner as an authorisation granted by the Council. Officers should also ensure that review and renewal dates are noted and that copies of the appropriate forms are also obtained and kept appropriately.
- 10.3 In the event that a member of staff has concerns that an authorisation, Magistrates' Court approval, review, or renewal completed by a partner agency does not comply with the law, codes of practice, or agreed arrangements for surveillance, they should refer the matter to an Authorising Officer of the Council for further action as necessary.
- 10.4 When another agency (e.g. the Police, Inland Revenue etc), wish to use the Council's premises or facilities (other than CCTV) for their own RIPA action, officers should normally co-operate unless there are good operational or management reasons as to why the Council's facilities should not be used for the agency's activities. Suitable insurance or other indemnities may be sought from the agency in return for the Council's co-operation. In such cases the Council's RIPA forms should not be used if it is merely assisting and is not actually involved in the RIPA activity.

11 RECORD MANAGEMENT

- 11.1 The Council must keep a detailed record of all authorisations, Magistrates' Court approvals, reviews, renewals, and cancellations. Copies of all authorisations, Magistrates' Court approvals, records of oral authorisations, reviews, renewals, cancellations and refusals must be kept in a central register held by an Authorised Officer. In addition, all original authorisations, records of oral authorisations, Magistrates' Court approvals, reviews, renewals, cancellations, refusals and other relevant documents must be sent to the RIPA Co-ordinating Officer, who maintains the central RIPA log (record of authorisations and rejections).
- 11.2 All information obtained during directed surveillance should be recorded in a surveillance log. This should be in a format that gives an accurate and suitably detailed account of the events observed and conversations heard at particular times.
- 11.3 Copies of all authorisations, records of oral authorisations, Magistrates' Court approvals, reviews, renewals, cancellations and refusals should be kept for a period of 6 years after the conclusion of any Court proceedings arising for which the surveillance or use of the CHIS was relevant. If it is believed that the records could be relevant to pending or future criminal proceedings, the officer in charge of the investigation shall confirm that they should be retained for a suitable further period, subject to any subsequent review. The Council shall retain records for a minimum period of six years from the date of cancellation of the authorisation, or longer where required for legal proceedings or statutory purposes.. This decision must be notified to the Director: Governance.

12 Records maintained in the Directorates and Centrally

- 12.1 Generally, all material (in whatever media) produced or obtained during the course of investigations subject to RIPA authorisation (whether authorised or not), should be processed, stored and destroyed in accordance with the requirements of the Data Protection Act 2018, General Data Protection Regulation (GDPR) (EU) 2016/679, the Freedom of Information Act 2000 and any other legal requirements, including those of confidentiality and the Council's policies and procedures regarding document retention. The following paragraphs give guidance on some specific situations, but advice should be sought from the Director: Governance, or the Data Protection and Freedom of Information Officer where appropriate. All documents must be retained securely, and electronic copies of documents must be password protected.
- 12.2 Copies of the following documents must be retained securely in the departments. Original documents must be sent to the Senior Responsible Officer within 5 working days. They should be submitted in a sealed envelope marked "Confidential RIPA forms".
- The application and the authorisation together with any supplementary documentation and notification of the approval given by the Authorising Officer;
 - The application to the Magistrates' Court and any relevant approval/court order;
 - A record of the period over which the surveillance has taken place;
 - The frequency of reviews prescribed by the Authorising Officer;
 - A record of the result of each review of the authorisation;
 - Any renewal of an authorisation, together with the supporting documentation submitted when the renewal was requested and Magistrates' Court approval;
 - The date and time when any instruction was given by the Authorising Officer.
 - An electronic log is maintained centrally on a restricted public folder within G/drive. The Log is kept in a password-protected Excel spreadsheet, located in drive G/RIPA 2000/ RIPA Log. Only Authorising Officers can view it.
 - The Council shall retain records for a period of at least 6 years from the ending of the authorisation. The Investigatory Powers Commissioner's Office (IPCO) can review the Council's policies and procedures and individual authorisations. The IPCO usually provide notice before an inspection but can arrive unannounced.

Copies of authorisations, renewals and cancellations are discoverable in legal proceedings. If proper records are not maintained, evidence gathered may be inadmissible.

12.3 Records Relating to the CHIS:

- 12.3.1 All information obtained by the CHIS and by the officer responsible for recording the use of the CHIS should be recorded by means of a daily log. This should be in a format that gives an accurate and suitably detailed account of the events observed and conversations heard at particular times.
- 12.3.2 All information recorded in respect of authorisations, surveillance or the use of CHIS must only be disclosed for the purposes for which it was gathered at the time or for use in any future civil or criminal proceedings brought by or against the Council.
- 12.3.3 Records which reveal the name(s) of the CHIS should only be disclosed to persons to the extent that there is a need for access to them; if legally necessary; or if ordered by any Court.
- 12.3.4 When it is intended to employ a CHIS a record must be kept that records all the detail specified in Appendix 2. The officer in charge of maintaining a record of the use of each CHIS should record all these details. The way these records are kept is designed to try to keep the CHIS safe from discovery by the subjects and safe from any harm which could result from their disclosure and also to keep in the open any money or other benefits paid to a CHIS who is not an employee officer of an authorising body.

13 RECORDED MATERIAL OBTAINED DURING INVESTIGATIONS

- 13.1 Where recorded material (in any form or media) is obtained during the course of an investigation which might be relevant to that investigation, or another investigation, or to pending or future civil or criminal proceedings, then it should not be destroyed, but retained in accordance with the requirements of the Data Protection Act 2018, UK General Data Protection Regulation (UK GDPR), the Freedom of Information Act 2000, and any other legal requirements, including those of confidentiality, and the Council's policies and procedures regarding document retention. Advice should be sought from the Senior Responsible Officer or the Information and Records Manager.
- 13.2 Where recorded material is obtained, which is not related to a criminal or other investigation or to any person who is the subject of the investigation, and there is no reason to suspect that it will be relevant to any future civil or criminal proceedings, it should be destroyed immediately.
- 13.3 Recorded Material obtained in the course of an investigation may be used in connection with investigations other than the one that the relevant authorisation was issued for. However, the use or disclosure of such material outside the Council, unless directed by any court order, should only be considered in exceptional circumstances and in accordance with advice from the Senior Responsible Officer.
- 13.4 Where recorded material obtained is of a confidential nature, then the following additional precautions should be taken:
- Confidential recorded material should not be retained or copied unless it is necessary for a specified purpose;
 - Confidential recorded material should only be disseminated in accordance with legal advice that it is necessary to do so for a specific purpose;
 - Confidential recorded material which is retained should be marked with a warning of its confidential nature. Safeguards should be put in place to ensure that such recorded material does not come into the possession of any person where to do so might prejudice the outcome of any civil or criminal proceedings;
 - Confidential recorded material should be destroyed as soon possible after it is used for the specified purpose.
 - Confidential recorded material should be made available for the IPCO at the time of any Inspection.
- 13.5 If there is any doubt as to whether material is of a confidential nature, advice should be sought from the Senior Responsible Officer.
- 13.6 The Authorising Officer must ascertain what material has been obtained by the use of directed surveillance. The Authorising Officer should comment on the material and how it is to be managed or used thereafter. If the matter is not proceeding to a prosecution, the Authorising Officer must be satisfied that any material has been securely destroyed.

- 13.7 All surveillance activity must comply with the Data Protection Act 2018 and UK GDPR. Information must be securely stored and retained only for as long as necessary and in accordance with the Council's retention policies.

14 SOCIAL NETWORKING SITES

- 14.1 The use of the internet and social media for investigative purposes must be conducted lawfully and in accordance with this policy.

Viewing information that is openly available to the public will not normally require RIPA authorisation. However, RIPA authorisation may be required where officers:

- undertake repeated monitoring of an individual
- create false or misleading online identities
- join closed or private online groups
- interact covertly with individuals online

Officers must seek advice from the RIPA Monitoring Officer before undertaking any covert online activity.

- 14.2 Where privacy settings are available but not applied the data available on Social Networking Sites may be considered 'open source' and an authorisation is not usually required.
- 14.3 Repeat viewing of 'open source' sites, however, may constitute directed surveillance on a case by case basis and this should be borne in mind e.g. if someone is being monitored through, for example, their Facebook profile for a period of time and a record of the information is kept for later analysis, this is likely to require a RIPA authorisation for directed surveillance.
- 14.4 To avoid the potential for inadvertent or inappropriate use of social network sites in investigative and enforcement roles, Council Officers should be mindful of any relevant guidance and the Council's separate policy regarding the use of Social Networking Sites: Conduct of Investigations.
- 14.5 Officers must have regard to the latest version of the Covert Surveillance and Property Interference Code of Practice and any guidance issued by the Investigatory Powers Commissioner's Office relating to online covert activity.

- 14.6 Officers must consider the privacy implications of using social media for investigations. While initial reconnaissance on open profiles may not engage RIPA, systematic monitoring or repeated collection of data will likely require a Directed Surveillance authorisation.
- 14.7 Officers must adhere to the IPCO Code of Practice (2023) on online covert activity, including:
- Avoiding persistent monitoring unless authorisation is obtained.
 - Documenting the necessity and proportionality of using online platforms.
 - Taking additional precautions when engaging with private accounts or restricted content.
- 14.8 Use of covert human intelligence sources (CHIS) in online platforms must be pre-authorised in line with RIPA and IPA requirements.

15 TRAINING

- 15.1 Training on RIPA and the procedures set out in this policy document will be given or authorised by the Director: Governance. Any officer who wishes to undertake surveillance or employ a CHIS and all Authorising Officers must receive and maintain suitable training before signing any RIPA authorisations.
- 15.2 A Central Register of all officers who have received training on RIPA will be maintained by the Service Director: Governance.
- 15.3 As part of the periodic review of this Policy and Procedures the Senior Responsible Officer will determine any ongoing training needs both for Authorising Officers and applicant officers. Refresher courses will be held as necessary.
- 15.4 The responsibility for ensuring that staff receive appropriate training in connection with RIPA lies with Service Directors.
- 15.5 The purpose of the training will be to ensure that both applicant and Authorising Officers are not only familiar with the law governing RIPA regulated activities, but also receive practical advice on the making and consideration of applications. In particular the training will be aimed at familiarising officers with the evidence that is needed to show that a covert operation is necessary, proportionate and likely to be conducted in a manner that will minimise collateral intrusion.
- 15.6 The training will also emphasise the need for Authorising Officers to state clearly the nature of the covert activity that they are authorising and the parameters of that activity i.e. what, where, when, how and against whom.
- 15.7 The importance of setting and observing review, cancellations and renewal dates will form part of the training.

- 15.8 The Senior Responsible Officer will invite pertinent officers to a biannual forum to discuss RIPA and issues relating to enforcement. The forum should aim to benchmark best practice.

16. ELECTED MEMBER INVOLVEMENT

- 16.1 Two new Codes of Practice came into effect on 6 April 2010:

- Regulation of Investigatory Powers (Covert Human Intelligence Source: Code of Practice) Order 2010
- Regulation of Investigatory Powers (Covert Surveillance and Property Interference: Code of Practice) Order 2010

- 16.2 The Codes of Practice state that elected members should:

- Set the RIPA policy at least once a year
- Review the local authority's use of RIPA
- Consider internal reports on the use of RIPA on at least a quarterly basis

- 16.3 The Terms of Reference for Cabinet in the Council's Constitution state that Cabinet is:

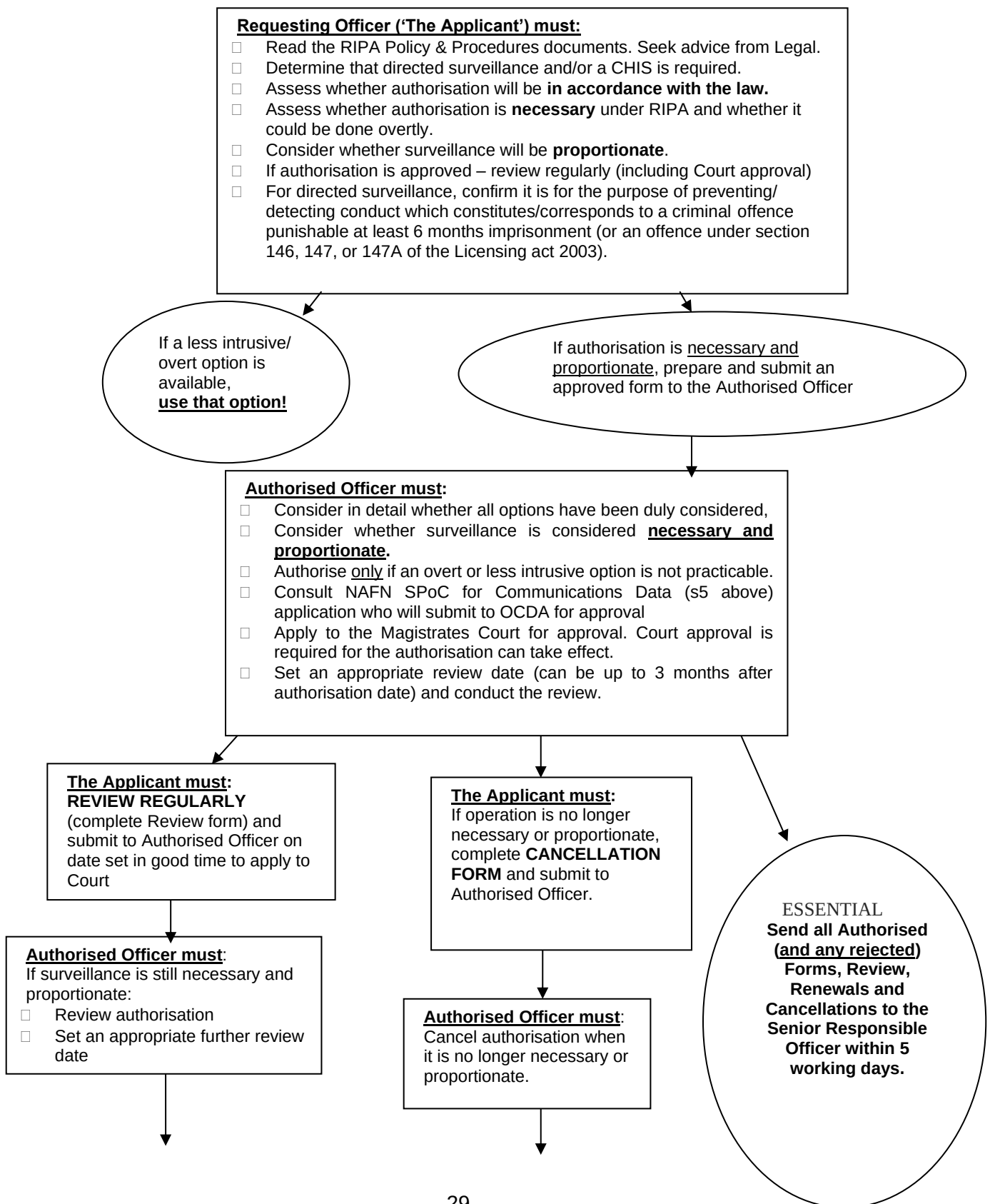
"To prepare and agree to implement policies and strategies other than those reserved to Council."

The setting of the RIPA policy annually is therefore a role for Cabinet. The Partnerships Scrutiny Sub Committee will consider the Policy annually and make recommendations to Cabinet.

- 16.4 The requirement for members to review the local authority's use of RIPA and consider internal reports on the use of RIPA on at least a quarterly basis is to be undertaken by the Overview and Scrutiny Committee in accordance with the terms of reference for that Committee contained in the Council's constitution.

APPENDIX A

FLOW CHART OF RIPA PROCESS



- Send all Quarterly Returns to the Service Director: Governance PA.
- The Codes of Practice state that elected members should:
 - Set the RIPA policy at least once a year
 - Review the local authority's use of RIPA
 - Consider internal reports on the use of RIPA on at least a quarterly basis (these are covered by in a Member Information Note or other appropriate notification).

APPENDIX B

AUTHORISING OFFICERS AND RESPONSIBLE OFFICERS

RIPA Authorising Officers	Head of Paid Service (Chief Executive), or in their absence someone acting as a Deputy. Director: Customers Director: Regulatory Director: Environment Director: Place
Authorising operations where confidential information may be obtained	Head of Paid Service only
CHIS Authorising Officer	Head of Paid Service only
CHIS Controller/Handler	Director: Environment Director: Customers Director: Place
Senior Responsible Officer	Director: Governance and Monitoring Officer
RIPA Co-ordinating Officer	PA to Director: Governance

Please note:

- Where use of a CHIS is authorised, the head of the directorate carrying out the activity shall usually act as the CHIS Handler, with the CHIS Controller role being allocated by the Head of Paid Service.
- Authorising Officers must be “an assistant chief officer or investigations manager” or above.
- The Authorising Officers should not be directly involved in the investigation.

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NORTH HERTFORDSHIRE DISTRICT COUNCIL

REGULATION OF INVESTIGATORY POWERS ACT
2000 (RIPA)

POLICY & PROCEDURES



www.north-herts.gov.uk

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1 INTRODUCTION & BACKGROUND

1.1 This policy sets out how North Hertfordshire District Council will comply with the Regulation of Investigatory Powers Act 2000 (RIPA), the Investigatory Powers Act 2016 and associated Codes of Practice when carrying out covert surveillance, using covert human intelligence sources (CHIS) or acquiring communications data.

4.41.2 This policy provides the framework for the lawful and responsible use of investigatory powers by the Council. The Council recognises that covert surveillance can interfere with an individual's right to respect for private and family life under Article 8 of the Human Rights Act 1998. The Council therefore expects the use of RIPA powers to be exceptional and a last resort. This policy applies to all Council services and to any third parties undertaking investigations on the Council's behalf. The Investigatory Powers Act 2016 replaced Part I of RIPA and now governs the interception of communications and the acquisition of communications data. Part II of RIPA continues to regulate the use of directed surveillance and covert human intelligence sources. Officers must seek advice from Legal Services before seeking to obtain communications data to ensure the correct legislative framework is applied.

4.1.3 The use of covert investigatory powers by the Council is expected to be rare and will only take place where it is lawful, necessary and proportionate and where less intrusive methods have been considered and found to be unsuitable.

4.21.3 This Policy is the framework on which the Council applies the provisions of The Regulation of Investigatory Powers Act 2000 (RIPA) as it relates to covert surveillance. It incorporates the provisions of the Investigatory Powers Act 2016 (IPA) and the Police, Crime, Sentencing and Courts Act 2022 (PCSCA), which introduce updated powers for acquiring communications data and extracting electronic data. It must be read in conjunction with the statutory codes of practice issued by the Secretary of State and any additional guidance provided by Investigatory Powers Commissioner's Office (IPCO) and individual Directorates to deal with the specific issues of their service.

4.31.4 The Council is required to adhering to the statutory codes of practice issued under RIPA and IPA, including those on covert surveillance, use of covert human intelligence sources (CHIS), and communications data acquisition. This policy also incorporates recent guidance issued by the Investigatory Powers Commissioner's Office (IPCO), particularly on the use of social media for surveillance and proportionality assessments when handling electronic data.

4.41.5 For the avoidance of doubt, all references to the Home Office Codes of Practice relate to the latest versions which were issued in relation to covert surveillance and covert human intelligence sources; and in relation to the acquisition and disclosure of Communications Data. References to the Code of Practice and other relevant Guidance document relate to the latest version which was issued¹.

4.51.6 The Human Rights Act ~~2000~~1998 requires the Council to have respect for the private and family life of citizens. However, in rare cases, it may be lawful, necessary and proportionate for the Council to act covertly in ways that may interfere with an individual's rights.

4.61.7 The rights conferred by Article 8 of the Human Rights Act 1998 are qualified, so it is still possible for a public authority to infringe those rights providing the following criteria are satisfied;

4.71.8 It is done in accordance with the law

4.81.9 **It is necessary:** Necessity means that in the particular circumstances of each enquiry there is no reasonably available overt method of obtaining the information that is being sought. This test will have to be applied to each case on its own merits but if there is a reasonable alternative to covert surveillance then the necessity test will probably not be satisfied.

4.91.10 **It is proportionate:** Judging proportionality will probably involve three considerations.

- Is the proposed method of surveillance excessive in relation to the seriousness of the matter that is being investigated? Is it proportional to the mischief under investigation?
- Is there a reasonable available alternative method of investigation that would be less intrusive of privacy rights? i.e. It is the only option, other overt means having been considered and discounted.
- Can collateral intrusion be avoided, and is the surveillance proportional to the degree of anticipated intrusion on the target and others? In addition to the subject there may be a possibility that the privacy rights of a third party may be infringed during surveillance.

¹ Home Office – Communications Data Code of Practice 2018

4.401.11 It is possible that unauthorised surveillance will be a breach of a person's right to privacy under Article 8. Even if surveillance without due authorisation in a particular instance is not illegal, if authorisation is not obtained, the surveillance carried out will not have the protection that RIPA affords.

4.411.12 If the correct procedures are not followed:

- The authorisation will not take effect as it will not be approved by the Magistrates Court if there are not reasonable grounds
- Court proceedings that rely upon the information obtained by surveillance may be undermined
- A complaint of maladministration may be made to the Ombudsman
- The Council could be the subject of an adverse report by the Investigatory Powers Commissioner's Office
- A claim could be made leading to the payment of compensation by the Council

4.421.13 Through the application of authorisation procedures and Magistrates Court approval RIPA ensures that a balance is maintained between the public interest and the human rights of individuals.

4.431.14 RIPA does not;

- Make unlawful anything that is otherwise lawful
- Impose any new statutory duties (N.B. but see paragraphs 1.5 –1.7 on the possible consequences of non compliance)
- Prejudice or disapply any existing powers available to the Council to obtain information by any means not involving conduct that is governed by RIPA. (For example, it does not affect the Council's current powers to obtain information from the DVLA or the Land Registry).

4.441.15 If the RIPA procedures are followed correctly the conduct of an investigation will be deemed lawful for all purposes (section 27 RIPA). This protection extends to criminal and civil proceedings, and a complaint to either the Local Government Ombudsman or the Investigatory Powers Tribunal. It therefore provides protection both for the Council and any officer who may have been involved in an investigation.

~~4.15~~1.16 It is important to note that the legislation does not only affect directly employed Council staff. Where external agencies are working for North Hertfordshire District Council, carrying out the Authority's statutory functions, the Authority remains liable for compliance with its duties. It is essential that all external agencies comply with the regulations, as they are contractually obliged to do so. Therefore, work carried out by agencies on the Council's behalf should be properly authorised by one of the Council's designated Authorising Officers and requires Magistrates Court approval for applications and renewals. Authorisation for surveillance should not be sought on behalf of another statutory or other organisation or agency. The advice of the Senior Responsible Officer ('SRO') should be sought in the event of uncertainty.

~~4.16~~1.17 Applications to the Magistrates' Court for approval of an authorisation must be made in accordance with the requirements of the Court.

~~4.17~~1.18 The use of the powers conferred by RIPA is subject to scrutiny by the Investigatory Powers Commissioner's Office, which carries out periodic inspections of the Council's practices and procedures. Furthermore, RIPA also provides for the establishment of a Tribunal to determine complaints about the use of RIPA powers. It is therefore essential that surveillance is always carried out in compliance with RIPA, the policies and codes of practice referred to in this document and any advice or guidance that may be issued from time to time by the Director: Governance.

~~4.18~~1.19 The Council is subject to inspection by the Investigatory Powers Commissioner's Office (IPCO). The Council is committed to maintaining robust governance arrangements, accurate record keeping and effective oversight of all investigatory powers exercised under RIPA and the Investigatory Powers Act 2016.

~~4.19~~1.20 The Senior Responsible Officer (SRO) has overall responsibility for ensuring compliance with this policy, the relevant Codes of Practice and all statutory requirements. The SRO will ensure that any errors are reported to IPCO in accordance with the Codes of Practice and that periodic reports are provided to elected Members.

~~4.20~~1.21 RIPA provides a means of authorising certain acts of covert surveillance for a variety of purposes. To fully understand the effects of RIPA, it is essential to understand the various types of activity that are covered, and those that are not permitted, and the purposes that will justify surveillance.

4.241.22 The provisions of RIPA that apply to Local Authorities provide a regulatory framework that permits;

- The use of Directed Surveillance (Part 3)
- The uUse of Covert Human Intelligence Sources (Part 4)
- The Acquisition and Disclosure of Communications Data (Part 5)

2 SURVEILLANCE

2.1 Local Authorities and the Police are permitted under RIPA to carry out covert directed surveillance and to use covert human intelligence sources the definitions for each being as follows;

2.2 “Surveillance” includes:

- Monitoring, observing, listening to persons, watching or following their movements, listening to their conversations or their other activities or communications;
- Recording anything monitored, observed or listened to in the course of surveillance; and
- Surveillance by, or with, the assistance of a surveillance device, which will include cameras, video, and listening or recording devices.

Surveillance can be either **overt** or **covert**.

2.3 Overt Surveillance

2.4 Most of the surveillance undertaken by the Council will be done overtly – there will be nothing secretive, clandestine or hidden about it. In many cases officers will be going about Council business openly (e.g. a routine inspection by an Environmental Health Officer) or will have notified the subject of the investigation that they are likely to be under surveillance. In the latter case officers need to be particularly alert to the possibility that the proposed surveillance may entail collateral intrusion into the lives and activities of persons other than the subject of the investigation (e.g. a visitor to premises). If there is the slightest possibility of collateral intrusion a RIPA authorisation should be obtained before any surveillance is carried out.

- 2.5 Surveillance will be overt if the subject has been told it will happen. This will be the case where a noisemaker is warned that recordings will be made if the noise continues; or where an entertainment licence is issued subject to conditions, and the licensee is told that officers may visit without notice or without identifying themselves to the owner/proprietor to check that the conditions are being met. Such warnings should be given to the person concerned in writing.
- 2.6 Overt surveillance does not require any authorisation under RIPA. Neither does low-level surveillance consisting of general observations in the course of law enforcement (for example, an officer visiting a site to check whether a criminal offence had been committed). Repeated visits may amount to systematic surveillance however, and require authorisation: if in doubt, advice should be sought from the RIPA Monitoring Officer or the Senior Responsible Officer.
- 2.7 Home Office guidance also suggests that the use of equipment such as binoculars or cameras, to reinforce normal sensory perception by enforcement officers as part of general observation does not need to be regulated by RIPA, if the systematic surveillance of an individual is not involved. However, if binoculars or cameras are used in relation to anything taking place on any residential premises, or in any private vehicle, the surveillance can be intrusive even if the use is only fleeting. Any such surveillance will be intrusive “if it consistently provides information of the same quality as might be expected to be obtained from a device actually present on the premises or in the vehicle”. The quality of the image obtained rather than the duration of the observation is what is determinative. It should be remembered that the council is not permitted to undertake intrusive surveillance.
- 2.8 Use of body worn cameras should be overt. Badges should be worn by officers stating body cameras are in use and it should be announced that recording is taking place. In addition, cameras should only be switched on when recording is necessary – for example, when issuing parking tickets.

2.9 Covert Surveillance

Covert surveillance is covert where it is ‘carried out in a manner **calculated** to ensure that the person or persons subject to the surveillance are unaware that it is or may be taking place’.

RIPA requires the authorisation of two types of covert surveillance (directed surveillance and intrusive surveillance) plus the use of covert human intelligence sources (CHIS) or acquisition of Communications Data.

2.10 Covert Human Intelligence Source (CHIS)

- 2.11 A person is a covert human intelligence source if that person 'establishes or maintains a personal or other relationship with a person for the covert purpose of obtaining information or providing access to any information to another person, or they covertly disclose information obtained by the use of such a relationship'. Covert in this context means that it is calculated that the subject should be unaware of the purpose of the relationship.
- 2.12 A member of the public who volunteers information to the Council is not a covert human intelligence source.
- 2.13 The conduct or use of CHIS must be authorised in accordance with RIPA:
- **Conduct** of a CHIS: This is establishing or maintaining a personal or other relationship with a person for the covert purpose of (or is incidental to) obtaining or passing on information.
 - **Use** of a CHIS: This includes inducing, asking or assisting a person to engage in the conduct of a source or to obtain information by means of the conduct of such a source.
 - The use of a juvenile CHIS may only be authorised for four months at a time.
- 2.14 Members of the public who report allegations of anti social behaviour and are asked to keep a note of incidents will not normally be CHIS as they are not usually required to establish or maintain a covert relationship.

2.15 Noise

- 2.16** Persons who complain about excessive noise, and are asked to keep a noise diary, will not normally be a CHIS, as they are not required to establish or maintain a relationship for a covert purpose. Recording the level of noise (e.g. the decibel level) will not normally capture private information (if non-verbal noise such as music, machinery or an alarm), and therefore does not require authorisation. Recording sound with a DAT recorder or similar, could constitute covert surveillance, although if it can be heard from the street outside, may (as per the Code of Practice²) be regarded as having forfeited any claim to privacy. The easiest option is for this to be undertaken overtly – for example it will be possible to record sound if the noisemaker is warned that this will occur if the level of noise continues.

2.17 Test Purchases

Carrying out test purchases will not normally require the purchaser to establish a relationship with the supplier with the covert purpose of obtaining information, and therefore the purchaser will not normally be a CHIS. For example, authorisation would not normally be required for test purchases carried out in the ordinary course of business (e.g. walking into a shop and purchasing a product over the counter). By contrast, developing a relationship with a person in the shop, to obtain information about the seller's suppliers of an illegal product e.g. illegally imported wild meat, or using covert recording equipment is likely to require authorisation as a CHIS. Similarly, using hidden recording devices to record what is going on in the shop (e.g. a hidden CCTV Camera) may require authorisation as directed surveillance. A combined authorisation can be provided if a CHIS is carrying out directed surveillance.

~~**Note 251 of the OSC's 2016 Procedures & Guidance document states:**
251. A local authority may prefer to seek the assistance of the police or another public authority to manage its CHIS. In such a case a written protocol between the parties should be produced in order to ensure that an identified CHIS is properly managed (see CHIS Code of Practice 6.12). In the absence of such an agreement the local authority must be capable of fulfilling its statutory responsibilities.~~

2.18 Directed surveillance

Directed Surveillance is surveillance that is:

- covert but not intrusive surveillance; (see paragraph 3.2)

- undertaken for the purpose of a specific investigation or operation carried out in such a manner as is likely to result in the obtaining of private information about a person (whether one specifically identified for the purposes of the investigation or operation) and
- not carried out as an immediate response to events which would otherwise make seeking authorisation under RIPA unreasonable (e.g. spotting something suspicious and continuing to observe it).

2.19 Surveillance by way of an immediate response to events or circumstances where it would not be 'reasonably practicable' for an authorisation to be sought is not included within the provisions of RIPA.

2.20 Private Information

This phrase is defined in RIPA section 26(10) as including any information relating to a person's private or family life. The European Court of Human Rights has considered this definition and has found that private life is a broad term not susceptible to exhaustive definition. Aspects such as gender identification, name, sexual orientation and sexual life are important elements of the personal sphere protected by Article 8. The Article also protects a right to identity and personal development and the right to establish and develop relationships with other human beings and the outside world and it may include activities of a professional or business nature. There is therefore a zone of interaction of a person with others even in a public context, which may fall within the scope of "private life".

The fact that covert surveillance occurs in a public place or on business premises does not necessarily mean that it cannot result in the acquisition of private information about a person. Prolonged surveillance targeted on a single person will undoubtedly result in the obtaining of private information about them and others that they come into contact with or with whom they associate. Similarly, although the overt use of CCTV cameras does not normally require authorisation, if the camera is used for a particular purpose that involves the prolonged surveillance of a particular person, a RIPA authorisation will be required.

3 Exclusions

3.1 There are some instances where surveillance is not permissible in any circumstances:

3.2 Intrusive Surveillance

RIPA provides that the Council **cannot** authorise intrusive surveillance. This is covert surveillance carried out in relation to anything taking place on residential premises or in any private vehicle, whether by way of a person or device.

It will also be intrusive surveillance where a device placed outside consistently provides information of the same or equivalent quality and detail, as might be expected if it were in the premises or vehicle

Residential premises are any part of premises occupied for residential purposes or living accommodation, including hotel rooms or prison cells. However, it does not include common areas in blocks of flats and similar premises.

Private vehicle is a vehicle used primarily for private purposes by the owner or person entitled to use it.

Only the police or other law enforcement agencies are permitted to employ intrusive surveillance. Likewise, the council has no statutory powers to interfere with private property.

3.3 Use of Children to gather information about parent/ guardian

Authorisation may not be granted for the conduct or use of a source under the age of sixteen where it is intended that the purpose is to obtain information about their parent or any person who has parental responsibility for them.

3.4 Vulnerable Individuals

A vulnerable individual is a person who is, or may be, in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of themselves, or unable to protect themselves against significant harm or exploitation. Where it is known or suspected that an individual may be vulnerable they will only be authorised as a CHIS in the most exceptional of circumstances.

3.5 Use of Third Parties and Contractors

Where surveillance activity is undertaken by contractors or partner agencies on behalf of the Council, the Council remains legally responsible for ensuring compliance with RIPA.
Appropriate written agreements must be in place and RIPA authorisation must be obtained by the Council.

4 Grounds for Surveillance

- 4.1 Amendments to the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 (“the 2010 Order”) mean that a local authority can now only grant an authorisation under RIPA for the use of Directed Surveillance where the local authority is investigating criminal offences which attract a custodial sentence of a maximum term of at least 6 months' imprisonment, or criminal offences relating to the underage sale of alcohol or tobacco under sections 146, 147 or 147A of the Licensing Act 2003 or section 7 of the Children and Young Persons Act 1933 [and as amended by subsequent legislation](#).
- 4.2 Even if the person granting the authorisation believes that the authorisation is necessary, they must also be satisfied that the authorised activity is proportionate to what is sought to be achieved by it. This requires the Authorising Officer to balance the need for surveillance with the level of intrusion into any person's privacy.
- 4.3 Consideration should be given to collateral intrusion, which is interference with the privacy of persons other than the subject(s) of the surveillance. Such collateral intrusion or interference would be a matter of greater concern in cases where there are special sensitivities, for example in cases of premises used by lawyers or for any form of medical or professional counselling or therapy.

4.4 Confidential information

Careful consideration is also needed when there is a risk of obtaining confidential information.

The Covert Surveillance and Property Interference³ defines this as:

“information held in confidence concerning an individual (whether living or dead) who can be identified from it, and the material in question relates to his or her physical or mental health or to spiritual counselling. Such information can include both oral and written communications. Such information as described above is held in confidence if it is held subject to an express or implied undertaking to hold it in confidence or it is subject to a restriction on disclosure or any legal obligation of confidentiality. For example, confidential personal information might include consultations between a health professional and a patient, or information from a patient’s medical records”.

In cases where it is likely that confidential information will be acquired the authorisation must be granted by the Head of the Paid⁴ Service (or in their absence by an authorised Chief Officer).

- 4.5 An application for an authorisation must include a full assessment of the risk of any collateral intrusion or interference so that the Authorising Officer can consider this.
- 4.6 Authorising Officers must always consider the need for surveillance or CHIS and balance this against an individual’s right to privacy under the Human Rights Act 1998. An officer seeking an authorisation should always be able to justify why it is necessary and why other, less intrusive, forms of investigation are unsuitable or have previously been tried without success and thus the matter has escalated to the requirement for covert surveillance.

5 ACQUISITION AND DISCLOSURE OF COMMUNICATIONS DATA

1. — The Investigatory Powers Act 2016 and as amended by the Investigatory Powers (Amendment) Act 2024 ('IPA') provides the statutory framework for the lawful acquisition of Communications Data. Local authority applications must be submitted via the National Anti-Fraud Network (NAFN) and approved by the Office for Communications Data Authorisations (OCDA) in accordance with the Act. an updated framework for lawful acquisition of Communications Data, include the who, where, what, when and how a Local Authority can obtain communications and Communications Data. The IPA sets out the three powers, under sections 60A, 61 and 61A, which can be used to authorise the acquisition of Communications Data (CD), dependent on the statutory purpose and urgency. Only section 60A is relevant to local authorities, although a number of new

³ 2018 @ para 9.29.

⁴ Where any relevant legislation and or codes of practice refers to the Chief Executive, for interpretation purposes this is deemed to be the person who holds the role of Head of Paid Service or their Deputy.

5.1 Public Authorities can only apply if this is for 'the applicable crime purpose'. This means the data has to be wholly or partly Events data, the purpose of preventing or detecting serious crime; or in any other case, the purpose of preventing or detecting crime or of preventing disorder.

5.2 The types of Communications Data that Local Authorities' can access are Entity and Events Data, which are defined as:

Entity Data: means any data which is about —

- an entity, (ii) an association between a telecommunications service and an entity, or (iii) an association between any part of a telecommunication system and an entity,
- consists of or includes data which identifies or describes the entity (whether or not by reference to the entity's location) and is not events data.
- **Events Data:** any data which identifies or describes an event (whether or not by reference to its location) on, in or by means of a telecommunication system where the event consists of one or more entities engaging in a specific activity at a specific time. Where the purpose of the acquisition is to prevent or detect crime, and the data required is events data, the offence or conduct of the offence being investigated must meet at least one of the definitions of serious crime⁶.

5.3 The IPA has also removed the necessity for local authorities to seek Magistrates or Justice of the Peace approval to acquire Communications Data. Under the Investigatory Powers Act 2016, applications for communications data must be made to the Office for Communications Data Authorisations (OCDA) via the National Anti-Fraud Network (NAFN), who will consider the application prior to submitting this for approval to the OCDA. All applications must be approved before Communications Data is acquired. The Investigatory Powers Commissioner oversees the use of the powers (who with Judicial Commissioners have a role to approve authorisations to identify or confirm the identity of a journalist's source). The application process has otherwise been made more efficient through the ability to submit these electronically⁷.

⁵ Sections 11 & 82 IPA 2016

⁶ Section 86(2A) of the Act this means: an offence for which an adult is capable of being sentenced to one year or more in prison; any offence involving violence, resulting in substantial financial gain or involving conduct by a large group of persons in pursuit of a common goal; any offence committed by a body corporate; any offence which involves the sending of a communication or a breach of privacy; or an offence which involves, as an integral part of it, or the sending of a communication or breach of a person's privacy

⁷ See local authority procedures set out in paragraphs 8.1 to 8.7 of the Communications Data Code of Practice.

- 5.4 Sections 37 to 44 of the Police, Crime, Sentencing & Courts Act 2022 (PCSCA) came into force on 8 November 2022. This provides public authorities with a further power to extract data held on electronic devices. It empowers public authorities to extract data from electronic devices where one of the following conditions is met:
- Preventing or detecting serious crime.
 - Locating a missing person.
 - Protecting a child or vulnerable adult from harm.
- 5.5 Before extracting electronic data, there must be:
- a reasonable belief that information stored on the device will be relevant to the investigative purpose,
 - Ensure the extraction of the information is necessary and proportionate to achieve the objective,
 - Comply with the statutory Code of Practice under the PCSCA, ensuring that risks to privacy are minimised.
- 5.6 As indicated in 5.5 above, the three scenarios provided under s37(2) are for the purpose of:
- (a) preventing, detecting, investigating or prosecuting crime;
- (b) helping to locate a missing person; or
- (c) protecting a child or an at-risk adult from neglect or physical, mental or emotional harm.
- 5.7 To ensure any extraction of stored communication under s.37 remains lawful, it is essential that the criteria and procedures set out within the PCSCA and the association Code of Practice are fulfilled.
- 5.8 ~~A failure to follow these procedures correctly could result in a s.3 IPA offence (unlawful interception) being committed.~~ Failure to follow statutory procedures may result in unlawful acquisition of communications data and may expose the Council and individual officers to criminal liability under the Investigatory Powers Act 2016.

6 PROCEDURE TO OBTAIN A RIPA AUTHORISATION

- 6.1 Directed surveillance, the use of CHIS must be lawfully carried out in strict accordance with the terms of the relevant authorisation and Magistrates Court approval.
- 6.2 The Council will only very occasionally make use of CHIS so the applicant officer should consult the Senior Responsible Officer before making an application for a CHIS authorisation in order to ensure that the current statutory requirements and best practice are being observed.
- 6.3 Applications for Communications Data is as indicated above via NAFN.
- 6.4 All applications for authorisation must be sought and granted *before* any surveillance activity takes place. The decision whether or not to authorise an application must not be taken with the benefit of hindsight. This should be borne in mind when submitting an application to the Magistrates' Court under Paragraph 7 below.

6.5 Making the Application

- Before making an application for an authorisation the requesting officer must;
- read this policy document
- determine whether the activity that they are proposing to conduct involves directed surveillance or the use of a CHIS
- assess whether the activity will be in accordance with the law – is it governed by RIPA
- assess whether the activity is necessary and why
- assess whether the activity is proportionate.

If the activity could be conducted overtly or if a less intrusive option is available and practical use that option in preference to a RIPA authorisation.

- 6.6 The application form once completed by the applicant officer, must be submitted to an Authorising Officer, together with a health and safety risk assessment that should cover any potential risks to Council officers, or third parties, including members of the public.

6.7 The persons entitled to grant authorisations are designated in the Schedule of Authorising Officers, which is kept by the Senior Responsible Officer and is accessible on the Council's Intranet

6.8 The Authorising Officer should note:

- the date and time of grant or refusal;
- the reasons for that decision;
- the exact date on which the authorisation will be reviewed.

6.9 An application must describe:

- any conduct to be authorised;
- the purpose of the investigation and how long the situation has existed;
- why it is necessary;
- why it is proportionate;
- the intended subjects, if known;
- the intended product that the surveillance will provide;
- any potential collateral intrusion and the justification for this;
- details of any confidential information that may be obtained;

6.10 The Application Forms

6.10.1 The Home Office has published standard forms for the use by local authorities. These have been adopted by the Council and can be accessed through the Intranet under *Corporate – Forms - RIPA*. Every box in the application form must be completed or marked n/a where it is not appropriate.

6.10.2 Each operation/ investigation must be allocated a unique reference number (URN). This will be the next number in sequence taken from the Central RIPA Log, as identified by the Authorising Officer and should be entered on the form.

7. MAGISTRATES' COURT APPROVAL

7.1 All RIPA authorisations (other than Communications Data) will require Magistrates' Court approval in the form of an order to take effect. The court must be satisfied that reasonable grounds exist in relation to the authorisation. The Home Office issued guidance to all Magistrates' Courts in England and

Wales for a local authority application seeking an order approving the grant or renewal of a RIPA authorisation or notice⁸.

- 7.1 Legal Services must be consulted on the form and content of the application to the Magistrates' Court for approval.
- 7.2 The types of offences for which RIPA authorisation can be obtained by the Council are outlined under section 4 above.

8 DURATION OF AUTHORISATIONS

- 8.1 It is no longer possible for urgent authorisations to be given orally. However, a Magistrate may consider an authorisation out of hours in exceptional circumstances.

8.2 Directed surveillance authorisations will cease to have effect (unless renewed) at the end of a period of three months beginning with the day on which it took effect.

8.28.3 Three months' is deemed for the purpose of this guidance to mean three calendar months/twelve weeks from the date of approval by the magistrate.

8.38.4 Authorisations for the conduct or the use of covert human intelligence sources will last for up to 12 months, beginning with the day on which the grant or renewal takes effect.

8.48.5 Authorisations relating to Communications Data last 1 month.

8.58.6 Review

8.5.18.6.1 The Authorising Officer must review Directed Surveillance authorisations frequently, at least monthly. The frequency of mid term reviews should be risk assessed based on the nature of the operation. If this is a CHIS authorisation, then ordinarily this would be every 3-4 months.⁹ CHIS authorisations must be reviewed at intervals determined by risk assessment and in accordance with the relevant Code of Practice.

⁸ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118174/magistrates-courts-eng-wales.pdf

⁹ ~~IPCO inspection 2020.~~

~~8.5.28.6.2~~ RIPA application forms must be reviewed on or before the expiry date of the authorisation which will be the date stated in the application form. When a RIPA authorisation is reviewed the appropriate form should be completed and record:

- the date and time of that review
- confirmation as to whether the surveillance is to continue or not
- the reasons for that decision

~~8.5.38.6.3~~ Authorisations must be reviewed regularly and cancelled when no longer necessary. Records of reviews and outcomes must be maintained.

~~8.68.7~~ **Renewal**

~~8.78.8~~ If at any time before an authorisation would cease to have effect, it is necessary for the authorisation to continue for the purpose for which it was given, it may be renewed in writing for a further period of 3 calendar months, beginning with the day when the original authorisation would have expired. Magistrates Court approval is required before a renewal takes effect.

~~8.88.9~~ The Authorising Officer must consider the matter afresh, including taking into account the benefits of the surveillance to date and any collateral intrusion that has occurred.

~~8.98.10~~ Authorisations may be renewed more than once, provided they continue to meet the criteria for authorisation and are approved by the Magistrates' Court.

~~8.108.11~~ Prior to renewal of an authorisation for the use or conduct of a covert human intelligence source, there must be a full review of the use made of that source, the tasks given to that source and the information so obtained.

~~8.118.12~~ **Cancellation**

~~8.128.13~~ The Authorising Officer must cancel an authorisation if they become satisfied that the surveillance is no longer required or appropriate.

~~8.138.14~~ 8.148.14 Authorisations should not be allowed simply to lapse. The matter should be referred to an Authorising Officer via the same process as for the initial application and a form of cancellation must be completed:

- if the necessary evidence has been obtained; or
- it is decided at any time that the surveillance is unlikely to produce the evidence sought, then.

~~8.148.15~~ 8.148.15 The Authorising Officer must then cancel the Application without delay. When cancelling the authorisation, the Authorising Officer is required to consider whether the surveillance was effective, necessary and met its objectives. Cancellations must be made using the cancellation form and should briefly detail what product(s) resulted from the surveillance.

~~8.158.16~~ 8.158.16 When cancelling an authorisation, the Authorising Officer must ascertain what recorded material has been obtained using directed surveillance. The Authorising Officer should comment on the recorded material and how it is to be managed or used thereafter. If the matter is not proceeding to a prosecution, the Authorising Officer must be satisfied that any recorded material has been securely destroyed.

9 AUTHORISING OFFICERS

9.1 Authorisations may only be given by the Authorising Officers listed in Appendix B. Only the Head of Paid Service can authorise the use of a CHIS, or the acquisition of confidential information.

9.2 Applications for the acquisition of Communications Data can only be issued by a Home Office accredited single point of contact (SPoC). The Council has two SPoCs, Director: Customers and the Investigations Manager.

9.3 NAFN provides a SPoC service to local authorities. Local authorities using the NAFN SPoC service will still be responsible for scrutinising the application for Communications Data prior to contacting NAFN.

9.4 Determining an Application

The applicant officer must complete the application form in its entirety.

Authorisation under RIPA is quite separate from delegated authority to act under the Council's Scheme of Delegation. **RIPA authorisations are for specific investigations only and must be cancelled or renewed once the specific surveillance is complete, or about to expire.**

The Authorising Officer should not just "sign off" an authorisation, they must give **personal consideration** to the necessity and proportionality of the

proposed action prior to applying to the Magistrates Court for approval and must personally ensure that the surveillance is reviewed and cancelled.

Any rejected applications must be entered into the RIPA log held by the Director: Governance.

9.5 In the case of applications for authority to carry out **directed surveillance** the Authorising Officer should:

- consider the relevant Codes of Practice
- consider whether the specific operation or investigation has been adequately described
- be satisfied as to the reasons for the application¹⁰ (see 4.1 for grounds).
- be satisfied that the directed surveillance is **necessary** in the circumstances of the particular case.
- be satisfied that the surveillance is **proportionate** to the stated purpose and objectives
- be satisfied that the possibility of collateral intrusion has been avoided or minimised
- consider the likelihood of confidential information being acquired
- check that an appropriate review period has been listed on the application form.

If there is an alternative practicable means of carrying out the surveillance, which is less intrusive, then the surveillance is neither necessary nor proportionate and should not be authorised. The least intrusive method should be used

Additional Factors when Authorising a CHIS

In addition, when authorising the conduct or use of a CHIS the Authorising Officer must

- be satisfied that the **conduct** and/or **use** of the CHIS is proportionate to what is sought to be achieved.
- be satisfied that **appropriate arrangements** are in place for the management and oversight of the CHIS.

¹⁰ S.I. 2010/521, see article 7A

- consider the likely degree of intrusion of all those potentially effected.
- consider any adverse impact on community confidence that may result from the use or conduct, or the information obtained.
- ensure **records** contain statutory particulars and are not available except on a need to know basis.
- ensure that authorisations relating to the use of a juvenile CHIS are only for four months at a time.
- be satisfied that a full risk assessment has been undertaken.

9.6 The role of Senior Responsible Officer (SRO) is undertaken by the Director: Governance. The role of RIPA Co-ordinating Officer is undertaken by the Service Director's PA.

The SRO is responsible for:

- the integrity of the process in place within the public authority for the management of CHIS and Directed Surveillance;
- compliance with Part 2 of the Act and with the Codes;
- oversight of the reporting of errors to the relevant oversight Commissioner and the identification of both the cause(s) of errors and the implementation of processes to minimise repetition of errors;
- engagement with the IPCO inspectors when they conduct their inspections, where applicable; and
- where necessary, oversight of the implementation of post-inspection action plans approved by the relevant oversight Commissioner.

9.7 The role of CHIS Handler will be allocated to either one of the Director: Place, Director: Customers, or Director: Regulatory, depending which directorate is using the CHIS. The CHIS Controller will be allocated to one of the other two heads of service by the Head of Paid Service.

The CHIS Handler is responsible for:

- dealing with the CHIS on behalf of the Council;
- directing the day to day activities of the CHIS;
- recording the information supplied by the CHIS; and
- monitoring the CHIS's security and welfare.

The CHIS Controller is responsible for management and supervision of the CHIS Handler, and general oversight of the use of CHIS.

10 WORKING WITH / THROUGH OTHER AGENCIES

- 10.1 The Council may work in conjunction with other public authorities and enforcement bodies, for example, the Police, the Department for Work and Pensions or agencies to carry out covert surveillance and to use CHIS's, eg police, DWP, Inland Revenue HM Revenue and Customs. (but does not include RSLs). ~~It is not necessary for each party to complete its own form of authorisation, and the Council can rely upon a duly authorised form completed by another agency providing that the Authorising Officer is made aware and it has been approved by the Magistrates' Court if required.~~

Where the Council participates in a joint operation, it must satisfy itself that appropriate authorisation is in place. The Council must obtain and retain a copy of any partner agency authorisation and ensure that the activity falls within its scope. If another agency chooses to rely on a RIPA authorisation from this Council the Authorising Officer must be made aware.

~~10.2~~

- ~~10.3~~10.2 A copy of another agency's authorisation should be obtained, and copies kept in the same manner as an authorisation granted by the Council. Officers should also ensure that review and renewal dates are noted and that copies of the appropriate forms are also obtained and kept appropriately.

- ~~10.4~~10.3 In the event that a member of staff has concerns that an authorisation, Magistrates' Court approval, review, or renewal completed by a partner agency does not comply with the law, codes of practice, or agreed arrangements for surveillance, they should refer the matter to an Authorising Officer of the Council for further action as necessary.

- ~~10.5~~10.4 When another agency (e.g. the Police, Inland Revenue etc), wish to use the Council's premises or facilities (other than CCTV) for their own RIPA action, officers should normally co-operate unless there are good operational or management reasons as to why the Council's facilities should not be used for the agency's activities. Suitable insurance or other indemnities may be sought from the agency in return for the Council's co-operation. In such cases the Council's RIPA forms should not be used if it is merely assisting and is not actually involved in the RIPA activity.

11 RECORD MANAGEMENT

11.1 The Council must keep a detailed record of all authorisations, Magistrates' Court approvals, reviews, renewals, and cancellations. Copies of all authorisations, Magistrates' Court approvals, records of oral authorisations, reviews, renewals, cancellations and refusals must be kept in a central register held by an Authorised Officer. In addition, all original authorisations, records of oral authorisations, Magistrates' Court approvals, reviews, renewals, cancellations, refusals and other relevant documents must be sent to the RIPA Co-ordinating Officer, who maintains the central RIPA log (record of authorisations and rejections).

11.11.2 All information obtained during directed surveillance should be recorded in a surveillance log. This should be in a format that gives an accurate and suitably detailed account of the events observed and conversations heard at particular times.

11.211.3 Copies of all authorisations, records of oral authorisations, Magistrates' Court approvals, reviews, renewals, cancellations and refusals should be kept for a period of 6 years after the conclusion of any Court proceedings arising for which the surveillance or use of the CHIS was relevant. If it is believed that the records could be relevant to pending or future criminal proceedings, the officer in charge of the investigation shall confirm that they should be retained for a suitable further period, subject to any subsequent review. The Council shall retain records for a minimum period of six years from the date of cancellation of the authorisation, or longer where required for legal proceedings or statutory purposes, prior to the expiry of the five-year period. This decision must be notified to the Director: Governance.

12 Records maintained in the Directorates and Centrally

- 12.1 Generally, all material (in whatever media) produced or obtained during the course of investigations subject to RIPA authorisation (whether authorised or not), should be processed, stored and destroyed in accordance with the requirements of the Data Protection Act 2018, General Data Protection Regulation (GDPR) (EU) 2016/679, the Freedom of Information Act 2000 and any other legal requirements, including those of confidentiality and the Council's policies and procedures regarding document retention. The following paragraphs give guidance on some specific situations, but advice should be sought from the Director: Governance, or the Data Protection and Freedom of Information Officer where appropriate. All documents must be retained securely, and electronic copies of documents must be password protected.
- 12.2 Copies of the following documents must be retained securely in the departments. Original documents must be sent to the Senior Responsible Officer within 5 working days. They should be submitted in a sealed envelope marked "Confidential RIPA forms".
- The application and the authorisation together with any supplementary documentation and notification of the approval given by the Authorising Officer;
 - The application to the Magistrates' Court and any relevant approval/court order;
 - A record of the period over which the surveillance has taken place;
 - The frequency of reviews prescribed by the Authorising Officer;
 - A record of the result of each review of the authorisation;
 - Any renewal of an authorisation, together with the supporting documentation submitted when the renewal was requested and Magistrates' Court approval;
 - The date and time when any instruction was given by the Authorising Officer.
 - An electronic log is maintained centrally on a restricted public folder within G/drive. The Log is kept in a password-protected Excel spreadsheet, located in drive G/RIPA 2000/ RIPA Log. Only Authorising Officers can view it.
 - The Council shall retain records for a period of at least 6 years from the ending of the authorisation. The Investigatory Powers Commissioner's Office (IPCO) can review the Council's policies and procedures and individual authorisations. The IPCO usually provide notice before an inspection but can arrive unannounced.

Copies of authorisations, renewals and cancellations are discoverable in legal proceedings. If proper records are not maintained, evidence gathered may be inadmissible.

12.3 Records Relating to the CHIS:

- 12.3.1 All information obtained by the CHIS and by the officer responsible for recording the use of the CHIS should be recorded by means of a daily log. This should be in a format that gives an accurate and suitably detailed account of the events observed and conversations heard at particular times.
- 12.3.2 All information recorded in respect of authorisations, surveillance or the use of CHIS must only be disclosed for the purposes for which it was gathered at the time or for use in any future civil or criminal proceedings brought by or against the Council.
- 12.3.3 Records which reveal the name(s) of the CHIS should only be disclosed to persons to the extent that there is a need for access to them; if legally necessary; or if ordered by any Court.
- 12.3.4 When it is intended to employ a CHIS a record must be kept that records all the detail specified in Appendix 2. The officer in charge of maintaining a record of the use of each CHIS should record all these details. The way these records are kept is designed to try to keep the CHIS safe from discovery by the subjects and safe from any harm which could result from their disclosure and also to keep in the open any money or other benefits paid to a CHIS who is not an employee officer of an authorising body.

13 RECORDED MATERIAL OBTAINED DURING INVESTIGATIONS

- 13.1 Where recorded material (in any form or media) is obtained during the course of an investigation which might be relevant to that investigation, or another investigation, or to pending or future civil or criminal proceedings, then it should not be destroyed, but retained in accordance with the requirements of the Data Protection Act 2018, [UK General Data Protection Regulation \(UK GDPR\)](#)~~General Data Protection Regulation (GDPR) (EU) 2016/679~~, the Freedom of Information Act 2000, and any other legal requirements, including those of confidentiality, and the Council's policies and procedures regarding document retention. Advice should be sought from the Senior Responsible Officer or the Information and Records Manager.
- 13.2 Where recorded material is obtained, which is not related to a criminal or other investigation or to any person who is the subject of the investigation, and there is no reason to suspect that it will be relevant to any future civil or criminal proceedings, it should be destroyed immediately.
- 13.3 Recorded Material obtained in the course of an investigation may be used in connection with investigations other than the one that the relevant authorisation was issued for. However, the use or disclosure of such material outside the Council, unless directed by any court order, should only be considered in exceptional circumstances and in accordance with advice from the Senior Responsible Officer.
- 13.4 Where recorded material obtained is of a confidential nature, then the following additional precautions should be taken:
- Confidential recorded material should not be retained or copied unless it is necessary for a specified purpose;
 - Confidential recorded material should only be disseminated in accordance with legal advice that it is necessary to do so for a specific purpose;
 - Confidential recorded material which is retained should be marked with a warning of its confidential nature. Safeguards should be put in place to ensure that such recorded material does not come into the possession of any person where to do so might prejudice the outcome of any civil or criminal proceedings;
 - Confidential recorded material should be destroyed as soon possible after it is used for the specified purpose.
 - Confidential recorded material should be made available for the IPCO at the time of any Inspection.

13.5 If there is any doubt as to whether material is of a confidential nature, advice should be sought from the Senior Responsible Officer.

13.6 The Authorising Officer must ascertain what material has been obtained by the use of directed surveillance. The Authorising Officer should comment on the material and how it is to be managed or used thereafter. If the matter is not proceeding to a prosecution, the Authorising Officer must be satisfied that any material has been securely destroyed.

~~13.6~~13.7 All surveillance activity must comply with the Data Protection Act 2018 and UK GDPR. Information must be securely stored and retained only for as long as necessary and in accordance with the Council's retention policies.

14.1 The use of the internet and social media for investigative purposes must be conducted lawfully and in accordance with this policy.

Viewing information that is openly available to the public will not normally require RIPA authorisation. However, RIPA authorisation may be required where officers:

- undertake repeated monitoring of an individual
- create false or misleading online identities
- join closed or private online groups
- interact covertly with individuals online

Officers must seek advice from the RIPA Monitoring Officer before undertaking any covert online activity.

14.2 Where privacy settings are available but not applied the data available on Social Networking Sites may be considered 'open source' and an authorisation is not usually required.

14.3 Repeat viewing of 'open source' sites, however, may constitute directed surveillance on a case by case basis and this should be borne in mind e.g. if someone is being monitored through, for example, their Facebook profile for a period of time and a record of the information is kept for later analysis, this is likely to require a RIPA authorisation for directed surveillance.

14.4 To avoid the potential for inadvertent or inappropriate use of social network sites in investigative and enforcement roles, Council Officers should be mindful of any relevant guidance and the Council's separate policy regarding the use of Social Networking Sites: Conduct of Investigations.

14.5 Officers must have regard to the latest version of the Covert Surveillance and Property Interference Code of Practice and any guidance issued by the Investigatory Powers Commissioner's Office relating to online covert activity.

~~The Home Office Revised Code of Practice on Covert Surveillance and Property Interference, published in August 2018, provides the following guidance in relation to online covert activity:~~

~~'The growth of the internet, and the extent of the information that is now available online, presents new opportunities for public authorities to view or gather information which may assist them in preventing or detecting crime or carrying out other statutory functions, as well as in understanding and engaging with the public they serve. It is important that public authorities are able to make full and lawful use of this information for their statutory purposes. Much of it can be accessed without the need for RIPA authorisation; use of the internet prior to an investigation should not normally engage privacy considerations. But if the study of an individual's online presence becomes persistent, or where material obtained from any check is to be extracted and recorded and may engage privacy considerations, RIPA authorisations may need to be considered. The following guidance is intended to assist public authorities in identifying when such authorisations may be appropriate.~~

~~The internet may be used for intelligence gathering and/or as a surveillance tool. Where online monitoring or investigation is conducted covertly for the purpose of a specific investigation or operation and is likely to result in the obtaining of private information about a person or group, an authorisation for directed surveillance should be considered, as set out elsewhere in this code. Where a person acting on behalf of a public authority is intending to engage with others online without disclosing his or her identity, a CHIS authorisation may be needed (paragraphs 4.10 to 4.16 of the Covert Human Intelligence Sources code of practice provide detail on where a CHIS authorisation may be available for online activity).~~

~~In deciding whether online surveillance should be regarded as covert, consideration should be given to the likelihood of the subject(s) knowing that the surveillance is or may be taking place. Use of the internet itself may be considered as adopting a surveillance technique calculated to ensure that the subject is unaware of it, even if no further steps are taken to conceal the activity. Conversely, where a public authority has taken reasonable steps to inform the public or particular individuals that the surveillance is or may be taking place, the activity may be regarded as overt and a directed surveillance authorisation will not normally be available.~~

~~As set out below, depending on the nature of the online platform, there may be a reduced expectation of privacy where information relating to a person or group of people is made openly available within the public domain, however in some circumstances privacy implications still apply. This is because the intention when making such information available was not for it to be used for a covert purpose such as investigative activity. This is regardless of whether a user of a website or social media platform has sought to protect such information by restricting its access by activating privacy settings.~~

~~Where information about an individual is placed on a publicly accessible database, for example the telephone directory or Companies House, which is commonly used and known to be accessible to all, they are unlikely to have any reasonable expectation of privacy over the monitoring by public authorities of that information. Individuals who post information on social media networks and other websites whose purpose is to communicate messages to a wide audience are also less likely to hold a reasonable expectation of privacy in relation to that information.~~

~~Whether a public authority interferes with a person's private life includes a consideration of the nature of the public authority's activity in relation to that information. Simple reconnaissance of such sites (i.e. preliminary examination with a view to establishing whether the site or its contents are of interest) is unlikely to interfere with a person's reasonably held expectation of privacy and therefore is not likely to require a directed surveillance authorisation. But where a public authority is systematically collecting and recording information about a particular person or group, a directed surveillance authorisation should be considered. These considerations apply regardless of when the information was shared online.'~~

~~14.4~~14.6 Officers must consider the privacy implications of using social media for investigations. While initial reconnaissance on open profiles may not engage RIPA, systematic monitoring or repeated collection of data will likely require a Directed Surveillance authorisation.

~~14.5~~14.7 Officers must adhere to the IPCO Code of Practice (2023) on online covert activity, including:

- Avoiding persistent monitoring unless authorisation is obtained.
- Documenting the necessity and proportionality of using online platforms.
- Taking additional precautions when engaging with private accounts or restricted content.

~~14.6~~14.8 Use of covert human intelligence sources (CHIS) in online platforms must be pre-authorised in line with RIPA and IPA requirements.

15 TRAINING

15.1 Training on RIPA and the procedures set out in this policy document will be given or authorised by the Director: Governance. Any officer who wishes to undertake surveillance or employ a CHIS and all Authorising Officers must receive and maintain suitable training before signing any RIPA authorisations.

- 15.2 A Central Register of all officers who have received training on RIPA will be maintained by the Service Director: Legal and Community Governance.
- 15.3 As part of the periodic review of this Policy and Procedures the Senior Responsible Officer will determine any ongoing training needs both for Authorising Officers and applicant officers. Refresher courses will be held as necessary.
- 15.4 The responsibility for ensuring that staff receive appropriate training in connection with RIPA lies with Service Directors.
- 15.5 The purpose of the training will be to ensure that both applicant and Authorising Officers are not only familiar with the law governing RIPA regulated activities, but also receive practical advice on the making and consideration of applications. In particular the training will be aimed at familiarising officers with the evidence that is needed to show that a covert operation is necessary, proportionate and likely to be conducted in a manner that will minimise collateral intrusion.
- 15.6 The training will also emphasise the need for Authorising Officers to state clearly the nature of the covert activity that they are authorising and the parameters of that activity i.e. what, where, when, how and against whom.
- 15.7 The importance of setting and observing review, cancellations and renewal dates will form part of the training.
- 15.8 The Senior Responsible Officer will invite pertinent officers to a biannual forum to discuss RIPA and issues relating to enforcement. The forum should aim to benchmark best practice.

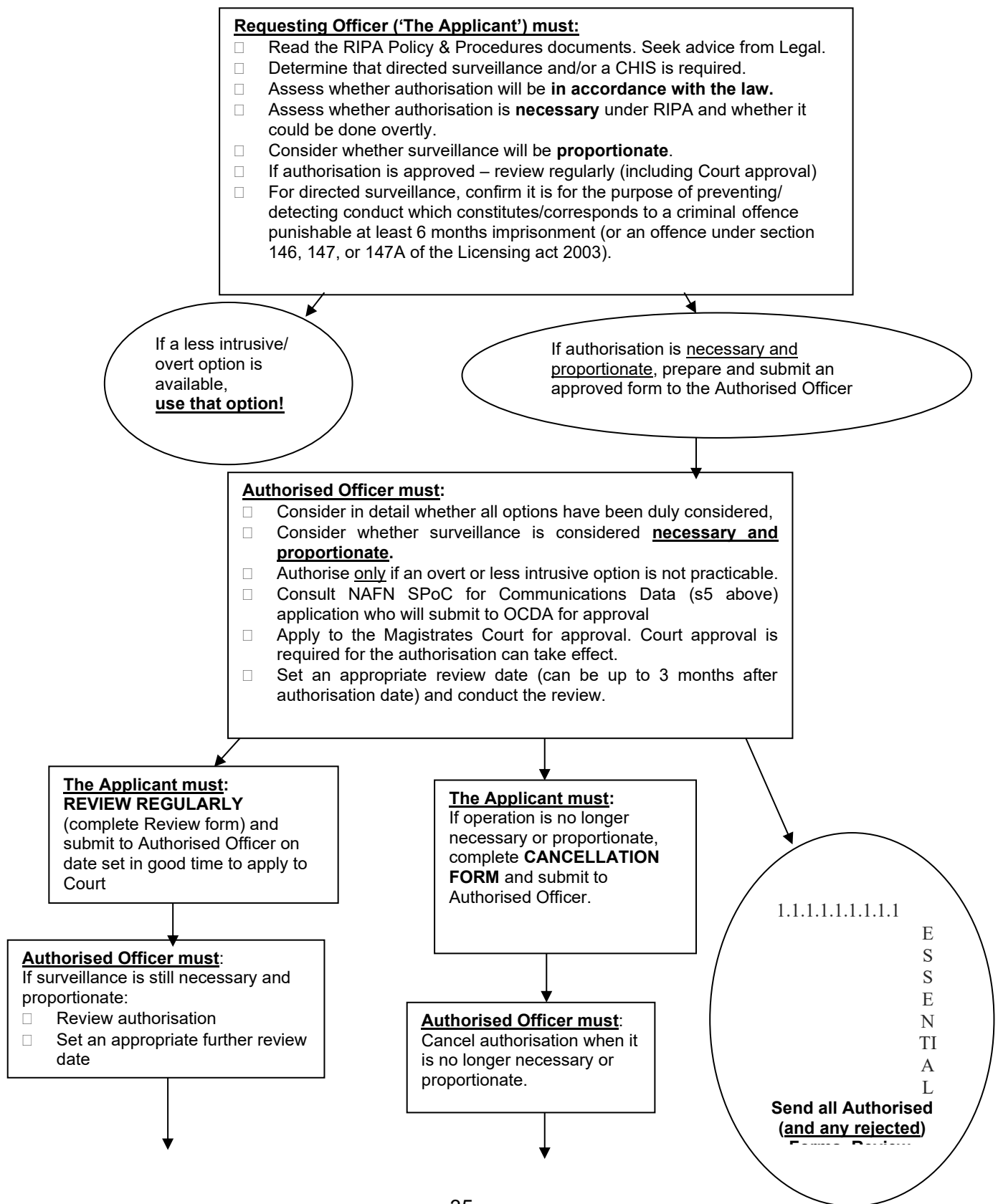
16. ELECTED MEMBER INVOLVEMENT

- 16.1 Two new Codes of Practice came into effect on 6 April 2010:
- Regulation of Investigatory Powers (Covert Human Intelligence Source: Code of Practice) Order 2010
 - Regulation of Investigatory Powers (Covert Surveillance and Property Interference: Code of Practice) Order 2010
- 16.2 The Codes of Practice state that elected members should:
- Set the RIPA policy at least once a year
 - Review the local authority's use of RIPA
 - Consider internal reports on the use of RIPA on at least a quarterly basis
- 16.3 The Terms of Reference for Cabinet in the Council's Constitution state that Cabinet is:

“To prepare and agree to implement policies and strategies other than those reserved to Council.”

The setting of the RIPA policy annually is therefore a role for Cabinet. The Partnerships Scrutiny Sub Committee will consider the Policy annually and make recommendations to Cabinet.

- 16.4 The requirement for members to review the local authority’s use of RIPA and consider internal reports on the use of RIPA on at least a quarterly basis is to be undertaken by the Overview and Scrutiny Committee in accordance with the terms of reference for that Committee contained in the Council’s constitution.

4.6.1.1.1.1.2 FLOW CHART OF RIPA PROCESS

- Send all Quarterly Returns to the Service Director: Governance ~~Legal and Community's~~ PA.
- The Codes of Practice state that elected members should:
 - Set the RIPA policy at least once a year
 - Review the local authority's use of RIPA
 - Consider internal reports on the use of RIPA on at least a quarterly basis (these are covered by in a Member Information Note or other appropriate notification).

APPENDIX B

AUTHORISING OFFICERS AND RESPONSIBLE OFFICERS

RIPA Authorising Officers	Head of Paid Service (Chief Executive), or in their absence someone acting as a Deputy Director: Customers, Director: Regulatory Director: Environment Director: Place
Authorising operations where confidential information may be obtained	Head of Paid Service only
CHIS Authorising Officer	Head of Paid Service only
CHIS Controller/Handler	Director: Environment Director: Customers Director: Place
Senior Responsible Officer	Director: Governance and Monitoring Officer
RIPA Co-ordinating Officer	PA to Director: Governance

Please note:

- Where use of a CHIS is authorised, the head of the directorate carrying out the activity shall usually act as the CHIS Handler, with the CHIS Controller role being allocated by the Head of Paid Service.
- Authorising Officers must be “an assistant chief officer or investigations manager” or above.
- The Authorising Officers should not be directly involved in the investigation.

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CABINET
14 APRIL 2026

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: SECTION 106 TASK AND FINISH GROUP REPORT

REPORT OF THE SECTION 106 TASK AND FINISH GROUP

EXECUTIVE MEMBER: NOT APPLICABLE

COUNCIL PRIORITY: THRIVING COMMUNITIES / ACCESSIBLE SERVICES / RESPONSIBLE GROWTH / SUSTAINABILITY

1. EXECUTIVE SUMMARY

The report details the Task and Finish Group's review of North Herts' application of the Section 106 (s106) mechanism for securing developer contributions from new development and provides an overview of the assessment undertaken and recommendations identified.

2. RECOMMENDATIONS

- 2.1. That recommendations 1-8, as detailed in Appendix 1 to the report, be considered by Cabinet.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To enable the Overview and Scrutiny Committee the opportunity to scrutinise the s106 Task and Finish Group report and recommendations.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None. This report has been brought to the Committee and details the findings of the investigation undertaken.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 The Director: Place and the Development and Conservation Manager at North Herts Council held a s106 member briefing on s106 Obligations and Planning Enforcement.
- 5.2 Surveys and statement requests were sent to stakeholders, including Parish Councils, Housing Developers, Housing Associations, Statutory Consultees for Planning

Applications and others as outlined in the report, for their view and comments on the North Herts s106 mechanism.

- 5.3 Members of the Task and Finish Group reviewed the survey and statement responses to identify further information requirements.
- 5.4 Senior Officers from the Growth and Infrastructure, Highways and Education teams at Hertfordshire County Council were invited to attend an in-person consultation, where members of the Task and Finish Group asked follow on questions from the statement response received.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1 S.106 of the Town and Country Planning Act 1990 provides that planning obligations (commonly known as s106 Agreements) can be imposed by local authorities upon developers to make a development proposal acceptable, that otherwise would not be acceptable. They are usually focussed on site specific mitigation on the impact of a development and therefore it is important that s106 Agreement contributions are spent as intended. The work of the task and finish group is assessing the effectiveness of s106 Agreement contributions is in keeping with the spirit of the Town and Country Planning Act 1990.
- 7.2 At its meeting on [Tuesday 3 September 2024](#), the Overview and Scrutiny Committee discussed that a Task and Finish Group should be established to investigate and ensure the Section 106 mechanism provides the best outcomes for communities in North Hertfordshire.
- 7.3 Councillors had concerns that s106 commitments and contributions were not being delivered or spent and allocations of money were not put into community and social infrastructure for existing and new development within North Herts. It should also be considered whether another mechanism, such as a Community Infrastructure Levy (CIL), would deliver better outcomes for communities in North Herts prior to the adoption of the Local Plan.
- 7.4 With the Local Plan (adopted 2022) now being implemented, concerns have been exacerbated amongst Councillors, local residents and other stakeholders, as development is perceived to be taking place without appropriate levels of community infrastructure (such as, but not limited to Education, Healthcare and Highways Infrastructure) being delivered in order to mitigate the negative impacts of development and provide services to new and existing communities and residents in North Herts.

- 7.5 Regular updates on s106 had been requested at Planning Control Committee, but a further in-depth look at the overall process by the Overview and Scrutiny Committee was agreed.
- 7.6 Following discussions with the Chair and Vice Chair of the Committee, Cllr Muncer volunteered to develop the scoping documents for the Task and Finish Group to investigate the s106 process at North Herts Council.
- 7.7 The s106 Scoping document was approved by the Overview and Scrutiny Committee at their meeting on [Tuesday 12 November 2024](#).
- 7.8 The Panels first meeting was an informal meeting on Wednesday 30 April 2025, followed by its first formal meeting which took place on Wednesday 16 July 2025.
- 7.9 On completion of the investigation, the details of the groups assessment for desired outcomes were noted as recommendations. These were shared with Internal Officers, who provided service response for each of the recommendation as set out in Appendix 1.

8. RELEVANT CONSIDERATIONS

- 8.1 The report of the Task and Finish Group, including the recommendations themselves, as well as commentary on the opportunities of these recommendations and responses from service areas, are included at Appendix 1.
- 8.2 Paragraph 6.2.7(u) of the Council's Constitution enables the Overview and Scrutiny Committee: To appoint time limited task and finish groups to undertake detailed scrutiny work and report back to the Overview and Scrutiny Committee to make recommendations to the Cabinet/Council/relevant Executive Member.
- 8.3 In 2020 the Committee approved the Task and Finish Group which sets out the process to be followed for the establishment of task and finish groups.
- 8.4 The Corporate Peer Action Plan 2020 at part 57 recommends that the Committee "Use the task and finish programme to support early engagement and involvement with policy making."
- 8.5 The Committee, Member and Scrutiny Manager contacted the Group Leaders seeking nominations for the Task and Finish Group. The principle of political proportionality was applied and agreed with the Group Leaders. Members of a Task and Finish Group do not have to be a Member of the Overview and Scrutiny Committee.
- 8.6 A lead officer was appointed by the authority and to act as support to ensure only that factual/legal guidance is given to and discussed by the Task and Finish Group.
- 8.7 All drafts of the scope, report and recommendations were shared with the lead officer/Leadership Team so that a parallel report could be produced by them in whatever format they see fit. This is crucial to ensure that informed decisions that are taken also consider the advice and guidance of senior officers.

9. LEGAL IMPLICATIONS

- 9.1 Overview and Scrutiny Committees were established by the Local Government Act 2000 (s.9) (amended by the Localism Act 2011).
- 9.2 Section 6 of the Council's Constitution set out the Council's obligations with regard to scrutiny.
- 9.3 A task and finish group is an informal group, which undertakes scrutiny work, but is not covered by legislation. Section 6.2.7(u) of the Council's Constitution, however, permits the Overview and Scrutiny Committee to: appoint time limited task and finish groups to undertake detailed scrutiny work and report back to the Overview and Scrutiny Committee to make recommendations to the Cabinet.
- 9.4 S.106 of the Town and Country Planning Act 1990 provides that planning obligations (commonly known as s106 Agreements) can be imposed by local authorities upon developers to make a development proposal acceptable, that otherwise would not be acceptable. They are usually focussed on site specific mitigation on the impact of a development and therefore it is important that s106 Agreement contributions are spent as intended. The work of the task and finish group is assessing the effectiveness of s106 Agreement contributions is in keeping with the spirit of the Town and Country Planning Act 1990.

10. FINANCIAL IMPLICATIONS

- 10.1 Depending on how they are applied in practice, the scope of the recommendation presented in Section 7 and 8 have the potential to be wide reaching. As detailed in Section 14: Human Resource Implications, the wider the reach, the more significant the impact on Officer time in terms of report writing, data analysis, and committee meeting attendance. Given recent funding pressures and the consequent reduction in Officer numbers, significant requests for scrutiny work will limit officer time available to spend on activities such as identifying and delivering cost reductions, income generation and project management.
- 10.2 Although not significant, a committee attendance allowance of £25.17 per Officer per evening meeting is payable to officers in attendance. This is in addition to providing time off in lieu or overtime as an alternative.

11. RISK IMPLICATIONS

- 11.1 Effective overview and scrutiny of policy, administrative, service delivery, and expenditure decisions helps reduce the risk of an inappropriate decision being made. The scope and timeframe for scrutiny interventions should be considered in light of the potential impact of inappropriate scrutiny leading to decisions not being made, inappropriately made or not made at the right time.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 There are no direct equality implications arising from this report. Effective scrutiny is an essential part of ensuring the local government remains transparent, accountable and open which ensures that the delivery of public services benefits all aspects of the community, where practical.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Social Value Act and “go local” requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1 While the process of the Task and Finish Group report does not have direct implications on the environment, the recommendations for s106 spend will likely have impacts on the environment which will be picked up through the Environmental Impact Assessment process

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 The widening of the remit of the Community Partnerships Officers has the potential to significantly impact on officer time in terms of the reprioritisation of already agreed projects, their scope or timetabling or resources. There is also likely to be training required to ensure that Community Partnerships Officers are aware of the relevant considerations when supporting Parish Councils

16. APPENDICES

- 16.1 Appendix 1 – Section 106 T&F Report and Background Papers

17. CONTACT OFFICERS

- 17.1 Jeevan Mann, Scrutiny Officer, Jeevan.Mann@north-herts.gov.uk
- 17.2 James Lovegrove, Committee, Member and Scrutiny Manager, James.Lovegrove@north-herts.gov.uk

18. BACKGROUND PAPERS

- 18.1 Minutes of Overview and Scrutiny Meeting on Tuesday 3 September 2024, at which the Section 106 Task and Finish group was discussed - [Agenda, decisions and Minutes from Overview and Scrutiny Committee - Tuesday, 3rd September, 2024 7.30 pm](#)
- 18.2 Minutes of Overview and Scrutiny Meeting on Tuesday 12 November 2024, at which the Section 106 Task and Finish group scope was approved - [Agenda, decisions and Minutes from Overview and Scrutiny Committee on Tuesday, 12th November, 2024, 7.30 pm | North Herts Council](#)

Section 106 Task and Finish Report

To investigate the effectiveness of Section 106; and to examine whether it is the best mechanism to deliver community infrastructure.

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Section 106 Task and Finish Group Chair's Foreword

The North Hertfordshire Local Plan makes provision for over 13,000 new homes across the district, with the Planning Reforms implemented by Government leaving our communities more vulnerable to speculative development.

Representing a number of communities which have seen development take place, with more homes set to be built, I know a key concern for many across our district is that development is being imposed on communities without adequate infrastructure to support and mitigate the negative impacts of that development.

Without appropriate infrastructure, development is unsustainable and unsustainable development leaves our communities worse off and does a disservice to our residents both old and new.

Too often communities feel that development is being done to them, as opposed to local people and communities being at the centre of the process and what this inquiry has concluded, is that within the Section 106 process in North Hertfordshire there is a disconnect between the infrastructure priorities of the community and the infrastructure which is ultimately delivered through developer contributions.

In this report, we have set out eight key recommendations to improve the Section 106 process in North Hertfordshire.

These recommendations would not only close the gap between our communities and the Councils which serve them but seek to ensure that local people are able to fully benefit from development, with infrastructure schemes funded through Section 106 contributions being grounded in those communities impacted by development.

During the course of our inquiry, we did consider the possibility of recommending that the Community Infrastructure Levy (CIL) be introduced in North Hertfordshire. However, we concluded that this policy change would result in less money being collected from developers to be spent on community infrastructure improvements when compared to the current Section 106 regime, we therefore are not recommending that CIL be adopted in North Hertfordshire.

The planning landscape is constantly evolving and for that reason, reviewing how best to secure and deliver community infrastructure through developer contributions is something that should be an ongoing priority for this Council as we look to the future.

This has been a significant piece of work undertaken by Members and Officers at North Hertfordshire District Council and I would like to thank my colleagues for their invaluable contributions and engagement, Jeevan Mann and James Lovegrove for their assistance and support, as well as all those who took the time to provide crucial evidence, including Nigel Smith and Shaun Greaves, which has enabled my colleagues and I to produce a number of recommendations which if adopted, would help to address the concerns of thousands of people across our towns and villages.

Councillor Ralph Muncer
Chair of Section 106 Task and Finish Group

1. Background

Planning obligations under section 106 of the Town and Country Planning Act 1990 ([Town and Country Planning Act 1990 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1990/68)), are the mechanism which make a development proposal acceptable in planning terms, that would not otherwise be acceptable.

They are focused on site specific mitigation of the impact of development. S106 agreements are often referred to as 'developer contributions' along with highway contributions and the Community Infrastructure Levy.



Following the review of the North Hertfordshire Local Plan in November 2022, communities across the District have seen Planning Applications for sites identified within the Local Plan being given permission and development taking place.

At its meeting on [Tuesday 3 September 2024](#), the Overview and Scrutiny Committee discussed that a Scrutiny Task and Finish Group should be established to investigate and ensure the Section 106 mechanism provides the best outcomes for communities in North Hertfordshire.

Following approval of the Task and Finish Group, political group leaders were asked to nominate Members to sit on the panel, adhering to political proportionality.

A lead officer was appointed by the authority and to act as support to ensure only that factual/legal guidance is given to and discussed by the Task and Finish Group. All drafts of the scope, report and recommendations were shared with the lead officer/Leadership Team so that a parallel report could be produced by them in whatever format they see fit. This is crucial to ensure that informed decisions that are taken also consider the advice and guidance of senior officers.

The Panels first meeting was an informal meeting on Wednesday 30 April 2025, followed by its first formal meeting which took place on Wednesday 16 July 2025. The Panel concluded its business at its final meeting on Thursday 29 January 2026.

The report sets out the recommendations and underpinning evidence to support these. The Panel wishes to thank all stakeholders, witnesses and officers for the assistance provided with its work.

2. Recommendations and Service Responses

Eight recommendations were identified as part of the Task and Finish group consultation; these have been RAG rated by the group for prioritisation and complexity. The key below provides details for each RAG rating:

Prioritisation:

High	Must Have Critical requirements that are vital for success
Medium	Should Have Important but not vital High-value and should be included if possible
Low	Could Have Desirable To be implemented if time and resources permit

Complexity:

High	Complex to implement. Requires additional resource. Cost implications Other associated risks
Medium	May require change to existing policies/ procedures Requires external collaboration Lengthy timescale
Low	Easy to implement May be something currently being developed

Please refer to section 7 for a detailed breakdown of each recommendation.

A service response has been provided for each recommendation from the corresponding stakeholder.

Recommendation 1: Development of ‘Community Infrastructure Priorities’

- Parish Councils within North Hertfordshire develop a list of Community Infrastructure Priorities.
- In unparished areas of the District, we recommend Community Forums assume responsibility for developing these priorities.
- Recommend work is undertaken to investigate the feasibility of formalising this process as part of the updated North Hertfordshire Local Plan.

PRIORITY	COMPLEXITY
High	Medium

Service Response: Director of Place

The Government is proposing reforms to the planning system that will introduce *Neighbourhood Priority Statements (NPS)*.

These will give Parish and Town Councils—and possibly other local groups—a simpler, less resource-intensive way to set out planning priorities for their area, compared with the current Neighbourhood Plan process.

We are waiting for the Government to publish the secondary legislation needed to implement the new planning system. Once this is in place, we will be able to begin work on the Local Plan review and start engaging with stakeholders.

During the *Early Scoping* stage, expected in Spring/Summer 2026, we will consult Parish Councils and other key stakeholders. This will include highlighting the new option to prepare an NPS. We will also look at whether we can provide a straightforward template to help with this.

Any NPS—or other relevant feedback—will help shape the Local Plan and will be considered in discussions on planning applications. Future site allocation work may also draw on these priority statements.

We have provided support to Parish Councils (and other bodies) that have produced a formal Neighbourhood Plan for their area and encouraged the identification of local priorities in these documents.

Service Response: Policy and Community Manager

Community forums are informal meetings to increase public engagement and do not limit public speaking in the same manner as formal committee meetings. The constitution would have to be amended, and the Terms of Reference would need to be amended for the forums to take on this additional responsibility and delegation of decision making. The impact of the additional consideration of s106 obligation may increase the length of the meetings or reduce the participation of the public.

Recommendation 2: Utilisation of Community Partnership Officers

- Community Partnership Officers are trained and utilised to support Parishes in the completion of the Section 106 consultation form and act as a bridge between Parish Councils and the District Council as the Planning Authority.
- See also detail included under Recommendation 3 below.

PRIORITY	COMPLEXITY
High	Medium

Service Response: Director of Place

We previously offered this type of support through our Community Partnership function, but it was discontinued several years ago. As a result, the expertise and capacity needed for this work no longer exist. There is currently no dedicated resource or funding for this, and this would need to be addressed.

We support the principle of helping local communities. However, any reintroduction of this service would need to be carefully designed to ensure clear boundaries between Council roles and to manage risk. Officers may be asked for advice that is subject to legal constraints, which could create legal or reputational risks for the Council if expectations are not met.

Appropriate training and internal processes would be essential.

With the right safeguards and resources in place, the relevant Director would be supportive.

Service Response: Policy and Community Manager

Community Partnership Officers are not planning professionals and therefore do not operate or have detailed knowledge of the Planning framework (S106 obligations as set out in the Community Infrastructure Levy Regulations 2010). Advising on planning matters requires an in-depth understanding of the statutory requirements of the legislation.

Recommendation 3: S106 Training for Parish Councils

- In unparished areas, Community Partnership Officers work with the Chair and Members of Community Forums to complete the Section 106 consultation form.
- As part of the annual planning training offered to Parish Councils, greater emphasis is placed on S106 process and how Parishes can fully engage with the consultation.

PRIORITY	COMPLEXITY
Medium	Low

Service Response: Director of Place

See response to Recommendation 2 above.

Attendance from parish council representatives at previous training sessions was very low and resulted in this being discontinued. Given the large number of parishes in the District, there is not enough staff capacity for officers to visit individual Town and Parish Council meetings.

However, annual online training for all parish councils (and / or sharing of the recordings of this) could be delivered within existing staff resources. More frequent sessions could also be offered if additional funding were available to bring in external support.

Service Response: Policy and Community Manager

There needs to be careful consideration as to expectation of Community Partnership (CP) officers complete the s106 consultation form. The completion by a CP officer does not guarantee that a request will be successful and this needs to be clearly articulated and needs to avoid any perception of bias or predetermination. The exact role of the CP officer needs to be determined very clearly to avoid reputation risk, the correct interpretation of planning legislation and acting within their professional competence, if this is to be implemented. Currently CP officers only signpost to the website and relevant Planning officers for advice on s106 applications.

Recommendation 4: Improvement of Communication and Reporting

- North Hertfordshire District Council Section 106 webpage is updated to include, but not limited to, details of what community projects have been delivered and where, frequently asked questions, an overview of the process and the timeframes which should be expected, restrictions on what Section 106 contributions cannot be spent on and a named contact for more information on Section 106 in North Hertfordshire.
- Reinstatement of the Section 106 report for each area of the District (Southern Rural, Hitchin, Letchworth Garden City, Baldock and Villages and Royston and Villages).

PRIORITY	COMPLEXITY
High	Low

Service Response: Director of Place

Infrastructure Funding Statements (IFS), which already cover many of the issues raised in the recommendation, are now published on our website in line with Government requirements. We will share links to ensure people know what information is currently available.

Work is already underway to improve the website, including clearer navigation to relevant pages and guidance on how to request S106 funding.

The IFS remains a developing document. We have focused first on meeting statutory reporting requirements, but we also intend to make the report more engaging by highlighting specific projects delivered through S106 funding.

Previously, area reports were produced because this level of information was not publicly accessible. With the improvements above—and by increasing awareness of the available content among Councillors and Parish Councils—we believe this approach is the most effective way to meet the recommendation. Introducing additional committee reporting would place further pressure on staff resources. However, we support continued discussion to ensure appropriate access to information and scrutiny.

It may also be helpful to provide further training on how S106 contributions are phased and triggered, and how mitigation schemes are identified and delivered. This would improve understanding of the process and help manage expectations about what can be delivered immediately when development begins and what normally follows later.

Recommendation 5: Improvement of County Councillor Engagement

- That the Executive Member for Place in conjunction with the Chair of the Task and Finish Group, write to Hertfordshire County Council to request that their practices for Section 106 funding for developments in North Hertfordshire include engagement with the relevant County Councillor for the division impacted.

PRIORITY	COMPLEXITY
High	Medium

Service Response: Director of Place

Support that HCC's attention is drawn to this matter. Any response is an operational matter for relevant HCC officers and Councillors to consider.

Recommendation 6: Circulation of Hertfordshire County Council Infrastructure Prospectus

- That the Executive Member for Place in conjunction with the Chair of the Task and Finish group, write to Hertfordshire County Council to request that the distribution of the Infrastructure Prospectus includes relevant Members and Officers at North Hertfordshire District Council

PRIORITY	COMPLEXITY
Medium	Low

Service Response: Director of Place

Support that HCC's attention is drawn to this matter. Any response is an operational matter for relevant HCC officers and Councillors to consider.

Recommendation 7: Developer Engagement with Communities

- There is an expectation that developers engage and consult with the community as early in the planning process as possible, including at the pre-application stage, and following this engagement developers should clearly demonstrate to the District Council either as part of a planning application or supplementary document, the feedback received from the community and the amendments, if any, that have been made in response to this feedback. We also recommend this expectation is formalised as part of the updated North Hertfordshire Local Plan.

PRIORITY	COMPLEXITY
High	High

Service Response: Director of Place

The Council is legally required to produce a Statement of Community Involvement (SCI) to explain how the public will be involved in planning matters. Our SCI was updated in 2023 following adoption of the Local Plan. It encourages developers to engage with local groups and residents at the pre-application stage through letters, public exhibitions and direct contact with immediate neighbours.

A draft legal agreement is required for validation of all Major housing applications. Developments of 50 or more homes must include an application-specific Statement of Community Involvement.

Local Plans cannot set formal policies that require pre-application engagement; we cannot refuse to consider a planning application that is valid. However, we will continue to use the tools available under the new plan-making system to reinforce the expectations set out above.

Recommendation 8: Developer Contributions paid for 9 properties or less

- That as part of the updated North Hertfordshire Local Plan, a mechanism is developed to ensure developers are liable to pay a contribution towards community infrastructure and/or improvements for those developments of 9 homes or less.

PRIORITY	COMPLEXITY
Medium	High

Service Response: Director of Place

The general principle that an accumulation of small developments can impact upon overall infrastructure capacity is recognised. We have recently commissioned viability work to support the Local Plan review. This will assess a range of development scenarios and identify what contributions can reasonably be required from new development.

Government policy is generally moving toward reducing regulatory burdens on smaller schemes. However, there is currently nothing that specifically prevents this approach from being considered. We would need to consider, with infrastructure providers, how to most efficiently proceed with this as it would potentially require them to respond to a significantly higher number of applications.

We will continue to monitor national policy and explore suitable options through the Local Plan, in line with the Task and Finish Group's recommendation.

3. Scope of Review

The Overview and Scrutiny Committee agreed to undertake a review of the Council's planning obligations Section 106, as part of the 2024-25 Work Programme.

The review was raised to determine if Section 106 contributions are being used effectively to mitigate the impact of new development on existing communities and provide appropriate levels of infrastructure to support new development.

Regular updates on the Section 106 obligations have been requested at Planning Control Committee, but an in-depth look at the overall process was agreed by the Overview and Scrutiny Committee, to ensure that Section 106 was the best option for North Hertfordshire Council or to alternatively identify another mechanism that would deliver better outcomes for the local communities.



The scrutiny review supported the Corporate Priorities of Thriving Communities, Responsible Growth, Sustainability and Accessible Services, whilst ensuring that planning contributions are being allocated for appropriate levels of community infrastructure and provide services to new, existing communities and residents in North Herts.

The aim of the review was:

To investigate the effectiveness of Section 106 and to examine whether it is the best mechanism to deliver community infrastructure.

The objectives agreed were:

- To understand how does the S106 funding system currently operate in North Hertfordshire.
- To ensure that Section 106 funding in North Hertfordshire is effective in providing community and social infrastructure for existing and new development.
- To access what the alternatives are available to Section 106 funding.
- To access if alternatives to Section 106 funding would deliver better outcomes for residents in North Hertfordshire.
- To identify if the Section 106 funding system continue in North Hertfordshire or should it be reformed.

The key issues identified for investigation included:

- 1) Rules governing S106 agreements (legal framework and policy)
 - a) To identify how the mechanism for S106 works – current legal and policy framework
- 2) How the current mechanism operates in North Hertfordshire
 - a) To understand and assess how the S106 regime has been implemented at North Hertfordshire – perspectives from County Council, local communities, NHS and developers
 - b) To understand how S106 funding is being allocated to provide community and social infrastructure for existing and new developments (limitations and benefits) – County and NHS allocation process
- 3) Issues/ concerns with the current mechanism
 - a) To identify how effectively the current S106 contributions are being allocated to deliver social and community infrastructure in a timely manner – identify if any problems are arising, understand if such issues could have been foreseen and highlight any specific characteristics such projects have in common.
- 4) Improvements or alternative mechanisms
 - a) To identify if there are any opportunities to enhance the current S106 mechanism to address any limitations.
 - b) To identify and examine alternative available mechanisms and their benefits/ limitations.
 - c) Comparison of S106 and alternative mechanisms.

A full list of the stakeholder groups can be found in Appendix 1

The Task and Finish Group committee comprised the following Members:

- Councillor Ralph Muncer (Chair)
- Councillor Ruth Brown
- Councillor Paul Ward
- Councillor Ian Mantle
- Councillor Daniel Wright-Mason

Support to the Committee was provided by the Scrutiny Officer, Jeevan Mann and Committee, Member and Scrutiny Manager, James Lovegrove.



4. Methodology

The Task and Finish group panel met on 7 occasions to consider the scope of the review, discuss key issues, review the evidence gathered and identify recommendations.

At its first meeting on Wednesday 30th April 2025, the Task and Finish Group developed the objectives and project plan for the review.

The Task and Finish group sought evidence in the way of:

- Internal enquiries to assess the Councils existing S106 mechanism, by way of a member briefing, background documents (Section 9) and interview with the Director of Place and Development and Conservation Manager.
- Internal enquiries to understand CIL and its application, by ways of background documents (Section 9) and interview with Director of Place and Development and Conservation Manager.
- An investigation and evaluation of stakeholder feedback on the councils S106 mechanism, by way of Survey and request for Statements (Appendix 2).



Summaries of the work undertaken at each meeting of the Panel are set out below:

Meeting	Date	Scope
1. Informal Meeting – Scope Review	April 2025	Develop objectives for the Task and Finish Group
2. Initial Planning Meeting	April 2025	High level planning meeting
3. Engagement Planning Meeting	July 2025	Identify Stakeholders and develop questions for the consultation
4. Consultation of NHDC Planning Officers	September 2025	Interview with North Hertfordshire Council Director of Place and Development and Conservation Manager
5. Consultation Analysis	November 2025	Analysis of feedback from consultation survey and statement
6. Consultation of HCC Planning Officers	December 2025	Interview with Hertfordshire County Council s Planning and Education Officers
7. Review of consultation and identification of recommendations	January 2026	Identify and draw out recommendation based on evidence gathered from the consultation

DRAFT TIMELINE

KEY		
AM	All members	
CP	Chair of Panel	
GGL	Group Leaders	
OR&S	Overview & Scrutiny Committee	
OR&S C	Chair of Overview and Scrutiny Committee	
P	Panel Members	
S	Scrutiny Officer	
SD	Senior Officers	
	Complete	
	Due	

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5. Evidence

The following section outlines the evidence that was gathered to address each of the Objectives set out in the Task and Finish group scope:

1) Rules governing S106 agreements (legal framework and policy)

Objective:

- a) To identify how the mechanism for S106 works – current legal and policy framework

Method:

- A briefing was received from North Herts Council Planning Officers and the Development and Conservation Manager to better understand the rules governing the use of the Section 106 Agreement
- The Director of Place provided background papers which had previously been submitted to Cabinet (Section 9) as well as an unpublished comparison report on CIL versus Section 106.

Evidence:

Members received a Briefing on S106 Obligations from Planning Officers and the Development and Conservation Manager, which included the following:

Enforcement

- Principles of planning enforcement.
- Identification of the enforcement powers and tools available to address the application of discretion and expedience in the exercise of those powers.
- Identification of some of the common issues relating to planning enforcement and the involvement of elected members with enforcement matters within their community.

S106 Obligations

- Outline of the Section 106 process, procedures and limitations of S106 obligations. Including when and what is sought in terms of financial contributions and the involvement of elected members, parish/town councils and other parties in this process.

2) How the current mechanism operates in North Hertfordshire

Objective:

- a) To understand and assess how the S106 regime has been implemented at North Hertfordshire – perspectives from County Council, local communities, NHS and developers

Method:

- A short statement request was sent to stakeholders to understand how developer contributions from North Herts District Council are determined, allocated and spent.

Evidence:

Stakeholders provided responses to the following questions:

Statement requests 1

Hertfordshire County Council Planning and Education Officers, Herts and West Essex Integrated Care Board (ICB)

- How does your funding request process work?
- How are contribution amounts determined? (How do you work out how much you need to request)
- What is the internal process for allocating contributions?
- How much community engagement is carried out before making a request?
- How are the priorities for allocation identified?
- How is the spend of funding communicated back to North Herts Council?
- What do you do with the money once you receive it?
- What is your experience with communicating and dealing with North Herts Council?

Statement requests 2

Developers

- How do you find the process?
- Do you have any suggestion for improvements from a developer perspective and reasons for this?
- How do dealings with North Herts District Council compare to local authorities?

Copies of the responses received can be found at Appendix 2.

2) How the current mechanism operates in North Hertfordshire

Objective:

- b) To understand how S106 funding is being allocated to provide community and social infrastructure for existing and new developments (limitations and benefits) – County and NHS allocation process

Method:

- A short survey request was sent to Parishes, Community and Developer to provide them with an opportunity to feedback on the current North Herts S106 mechanism.

Evidence:

Stakeholders provided responses to the following questions:

- Do you know what “Section 106”, often referred to as S106, funding is?
- Do you know how to make a request for something to be paid for through developer contributions at North Herts Council?
- Have you requested or been involved in S106 funding requests at North Herts Council? How did you find the process to complete the S106 request?
- Do you understand the process after submitting your request?
- What if any challenges did you encountered with the S106 process?
- Do you feel that you received adequate feedback/communication following your request?
- Are you aware of any examples in your local area where developer contributions have been spent on a specific project for the community benefit?
- Please select from the available options how the contributions were spent
- Do you feel engaged on how developer contribution decisions are made?
- Do you feel engaged of how developer contributions were spent?
- How should developer contributions be prioritised and spent?
- Would you like to raise any comments regarding the current S106 development contribution mechanism.
- Please note this is not a chance to make a formal request for S106 funding.

Copies of the responses received can be found at Appendix 2.

3) Issues/ concerns with the current mechanism

Objective:

- a) To identify how effectively the current S106 contributions are being allocated to deliver social and community infrastructure in a timely manner – identify if any problems are arising, understand if such issues could have been foreseen and highlight any specific characteristics such projects have in common.

Method:

- A meeting was held by the Task and Finish group to analyse responses received from all stakeholder survey and statements.

Evidence:

Members of the Task and Finish group analysed the survey and statement responses to identify key themes for further investigation, these included:

- A lack of transparency with the S106 process
- Parish Councils, even if they understood S106, said the process to follow was hard
- A lack of understanding when to engage in the S106 process
- No wish list of projects
- Not enough expertise in Parishes
- Parish and District not working closely enough together
- Issues with requirements of finding schemes to be requested funds for
- Parishes not informed of what is left over for local schemes
- Understanding of realistic amounts to request
- Understanding that contributions are for local mitigations, not for general Council needs
- Parish Councils – reluctance to ask for S106
- More engagement early on with non-statutory bodies to outline the process

Following the analysis, it was identified that further investigations would be required and a face-to-face consultation was arranged with Hertfordshire County Council to delve into the issues and concerns identified.

4) Improvements or alternative mechanisms

Objective:

- a) To identify if there are any opportunities to enhance the current S106 mechanism to address any limitations.

Method:

- A meeting was held by the Task and Finish group to analyse responses received from the Hertfordshire County Council Planning and Education Officers and cross reference these against the outputs and analysis from the survey and statement responses that had been received.

Evidence:

An analysis was undertaken to identify key themes, gaps and opportunities for improvements, thereby drawing out recommendations.

The outputs of this activity are captured as recommendations in sections 2 and 7 of this report.

4) Improvements or alternative mechanisms

Objective:

- b) To identify and examine alternative available mechanisms and their benefits/limitations.
- c) Comparison of S106 and alternative mechanisms.

Method:

- North Hertfordshire Planning and Education Officer provided face-to-face statements to assist the Task and Finish Group in understanding the current S106 process and options for alternative mechanism – CIL and S106

Evidence:

Planning and Education Officers answered group member questions regarding S106 Planning Obligations.

6. Analysis

The following section details how the evidence gathered was analysed and used to drive out recommendations.

Three key determiners were used as part of the analysis and include:

Issue: Details the weaknesses / areas for improvement identified

Impact: Details the consequences of the issue

Opportunity: Identifies shifts that can be exploited to achieve benefits



Analysis	Opportunity
<u>Issue</u>: Parishes do not have the skills/ capacity to complete the S106 forms to request obligation monies for community projects. <u>Impact</u>: Parishes are missing opportunities to influence/ request monies to mitigate development impacts within their community.	Train and utilise Community Partnership Officers to Support Parishes in the completion of S106 obligations forms and act as a link/ bridge between Parishes and local authority: The Community Partnership Officers are close to the community and some already support this process. Narrative: Reprioritisation of priorities may be required to facilitate this
<u>Issue</u>: Parishes/ Unparished areas currently do not maintain a list of local community needs to put forward as part of S106 requests. <u>Impact</u>: Parishes/ Unparished areas cannot react to S106 requests in a timely and detailed manner, thereby missing opportunities to request relevant monies for local community projects/ needs.	Encourage Parishes to maintain a Community Infrastructure Priorities list which can then be feed into the Neighbourhood Planning Process. This list should be regularly reviewed, prioritised and filed with the District Council to be referred to when development is imminent. Formalise the process as part of the local plan review.

Analysis	Opportunity
<u>Issue:</u> Parishes do not have the skills to complete the S106 forms to request obligation monies for community projects. <u>Impact:</u> Parishes are missing opportunities to influence/ request monies to mitigate development impacts within their community.	NHDC Planning Officers to provide annual training to Parish Councils/ Clerks, including: • Understanding of the end-to-end process • How to complete key documents Members will need to encourage Parishes to attend the training on an annual basis. • Members to be part of the process to ensure that their communities are in the best possible position to secure infrastructure.
<u>Issue:</u> Communities and Parishes do not have sight of where S106 monies have been spent within local communities and what remains outstanding. <u>Impact:</u> Communities are unable to prioritise or reallocate monies for local community infrastructure projects as they have no sight of the status of S106 obligations for their communities.	Develop/ expand on North Herts S106 webpage to include: • Details of what community projects have been delivered and where • FAQ's / case studies • Overview of Process • Process and decision timeframes • Restrictions • Who to contact for S106 information Reinstate the area-by-area S106 spend report.
<u>Issue:</u> Hertfordshire County Council do not consult with County Members as part of the pre decision on S106 submissions. <u>Impact:</u> Members are unable to feed in community priorities as part of decision making and are also unaware of the basis of decisions to feedback to communities once a decision has been made.	County member input to be incorporated into S106 pre decision process for: • Transparency of decision making • Prioritisation of local community infrastructure needs • Feedback of decision making to communities.

Analysis	Opportunity
<u>Issue:</u> The HCC Infrastructure Prospectus is not distributed to district members/ officers. <u>Impact:</u> District members do not have sight of the wider infrastructure plans for the County and are unable to influence/ feed into this for their local communities.	HCC to include District members in the distribution of the Infrastructure Prospects to enable: District members have an up-to-date view of the infrastructure delivery and can feedback any concerns to District S106 Officers
<u>Issue:</u> Not all developers conduct community engagement to consult the public on planned developments/ impacts and mitigations. <u>Impact:</u> Communities where development takes place do not feel consulted. Impacts because of the development may not be appropriately prioritised and mitigated through the S106 process.	Developers are expected to engage with the community as early in the planning process as possible, including, at the pre-application stage and following this should stipulate their plans because of the local engagement: - Highlight the outputs of this to the District Council - Included in the Local Plan under community engagement
<u>Issue:</u> Developers with less than 9 houses are not currently required to contribute towards S106. <u>Impact:</u> Developers take the less than 9 rule as an opportunity to split out planned developments into several smaller developments to prevent the S106 obligations.	A mechanism is required to ensure that developers are truly developing less than 9 house because of the advantages it will provide to the local communities and not to avoid the need for S106 payments.

7. Recommendation details

The main points from the consultation have been analysed and the committee has put together 8 recommendations based on opportunities identified, which will assist the Council in improving the Section 106 mechanism at North Hertfordshire Council.

Recommendation 1: Development of 'Community Infrastructure Priorities'

It is not normal practice for Parish Councils to maintain a list of potential projects that could be funded through Section 106 contributions, which limits the ability of these authorities to provide timely and detailed responses to the District Council when consulted as part of the Section 106 process. This has the potential to allow for communities to miss out on opportunities to request relevant monies for local community projects and needs.

Therefore, **we recommend that Parish Councils within North Hertfordshire develop a list of Community Infrastructure Priorities** which would provide local residents and Councils with greater clarity as to the infrastructure aspirations within our communities. **In unparished areas of the District, we recommend Community Forums assume responsibility for developing these priorities.** Community Infrastructure Priorities should be regularly reviewed by either Parish Councils or Community Forums and this document should be filed with the District Council to ensure planning officers are aware of the infrastructure priorities of communities impacted by future development.

Additionally, **we recommend work is undertaken to investigate the feasibility of formalising this process as part of the updated North Hertfordshire Local Plan** so that give greater weight is given to the infrastructure priorities of communities when planning applications are assessed by the District Council.

Recommendation 2: Utilisation of Community Partnership Officers

Please see recommendation three for detail.

Recommendation 3: S106 Training for Parish Councils

Parishes within North Hertfordshire often have a single member of staff, the Parish Clerk, who manages the business and operations of the Parish Council. Concerns have been raised about both the capacity and the expertise required to engage with the Section 106 process, particularly during the consultation phase, and there is a risk that because of these issues, Parishes are missing out on opportunities to influence and request monies to mitigate the impact of development within their communities.

Therefore, **we recommend that Community Partnership Officers are trained and utilised to support Parishes in the completion of the Section 106 consultation form and act as a bridge between Parish Councils and the District Council as the Planning Authority. In unparished areas, we recommend Community Partnership Officers work with the Chair and Members of Community Forums to complete the Section 106 consultation form**, ensuring these communities do not miss out on funding for local infrastructure projects. Whilst we acknowledge this recommendation may require reprioritisation within the Community Partnership Team, having looked at alternative options, we believe this responsibility should ultimately lie with the team, not least because Community Partnership Officers are close and in touch with communities across North Hertfordshire, with some already providing similar support to Parish Councils. In order to address the concerns which have been highlighted regarding the expertise required to partake in the Section 106 process, **we recommend that as part of the annual planning training offered to Parish Councils, greater emphasis is placed on S106 process and how Parishes can fully engage with the consultation** to ensure these authorities can secure infrastructure for the communities they serve. District Councillors have an important role in raising awareness of this training and should encourage Parish Councillors and Clerks to attend.

Recommendation 4: Improvement of Communication and Reporting

Communities and Parish Councils struggle to identify where Section 106 monies have been spent within local communities impacted by development, as well as what monies and/or projects remain outstanding. As such, communities are unable to prioritise or reallocate monies for local community infrastructure projects and therefore, **we recommend the North Hertfordshire District Council Section 106 webpage is updated to include, but not limited to, details of what community projects have been delivered and where, frequently asked questions, an overview of the process and the timeframes which should be expected, restrictions on what Section 106 contributions cannot be spent on and a named contact for more information on Section 106 in North Hertfordshire.**

We also recommend the reinstatement of the Section 106 report for each area of the District (Southern Rural, Hitchin, Letchworth Garden City, Baldock and Villages and Royston and Villages).

Recommendation 5: Improvement of County Councillor Engagement

The experience of the County Councillors taking part in this enquiry (Cllr Brown and Cllr Muncer) is that Hertfordshire County Council does not consult with County Members prior to the authority engaging with or submitting their proposals for schemes funded through developer contributions. This limits the opportunity for County Members to engage with County Officers, ensuring Officers are aware of the priorities within the community and take this information into account as part of the decision-making process. County Members also are unaware of the basis on which decisions have been made, presenting challenges with providing feedback and information to communities following a decision having been made by the authority to prioritise certain schemes.

Therefore, **we recommend Hertfordshire County Council review their pre-decision process for Section 106 funding for developments in North Hertfordshire to include engagement with County Councillors** to increase the transparency of decision making, ensure local community infrastructure needs are prioritised and that County Members are able to provide greater feedback to communities as to the decision-making process.

Recommendation 6: Circulation of Hertfordshire County Council Infrastructure Prospectus

Hertfordshire County Council produce an Infrastructure Prospectus; however, this prospectus is not shared with District Councillors or Officers which limits the ability of District Members to have a wider understanding of the strategic infrastructure plans for both the District and the County. This also means District Members are limited in their ability to influence this plan and the schemes that are proposed within it which may have an impact on the communities they represent.

Therefore, **we recommend that Hertfordshire County Council include Members and Officers of North Hertfordshire District Council in the distribution of the Infrastructure Prospectus** to support District Members in having an up-to-date view of infrastructure proposals and delivery, as well as ensuring that feedback can be given and/or concerns raised by District Members to District Section 106 Officers regarding specific projects.

Recommendation 7: Developer engagement with Communities

Some, but not all developers conduct pre-application consultation and engagement with the community regarding proposed developments, and the mitigations developers propose to put in place to address concerns surrounding pressures on local infrastructure. Where this engagement does not take place, communities do not feel they have been listened too or that their concerns have been addressed. Early community engagement is crucial not only to ensure that communities are able to suggest infrastructure improvements to a scheme but can also support placemaking which helps to ground development proposals in the communities they seek to be a part of.

Therefore, **we recommend there is an expectation that developers engage and consult with the community as early in the planning process as possible, including at the pre-application stage, and following this engagement developers should clearly demonstrate to the District Council either as part of a planning application or supplementary document, the feedback received from the community and the amendments, if any, that have been made in response to this feedback. We also recommend this expectation is formalised as part of the updated North Hertfordshire Local Plan.**

Recommendation 8: Developer Contributions paid for developments of 9 properties or less

Currently, developments in North Hertfordshire of 9 properties or less are not required to make a financial contribution for improvements to community infrastructure. This situation means that some developers could take the opportunity to split planned developments into several smaller developments in order to avoid Section 106 obligations which would have a detrimental impact on the communities impacted by these developments. However, we recognise the work of Planning Officers at North Herts Council to ensure that such proposals are identified, with the relevant policies and requirements being applied to ensure that developer contributions are paid on the total quantum of development.

Across North Hertfordshire, we have a significant number of smaller, rural communities, where development of 9 homes or less, has a more pronounced impact on local community infrastructure than if such development were to be proposed in a more urban setting.

Therefore, **we recommend that as part of the updated North Hertfordshire Local Plan, a mechanism is developed to ensure developers are liable to pay a contribution towards community infrastructure and/or improvements for those developments of 9 homes or less.**

8. Conclusion

Following concerns being raised by members of the Council surrounding the effectiveness of the S106 process in North Hertfordshire, the Overview and Scrutiny Committee determined that this matter was of significant importance to warrant further detailed scrutiny and investigation in examining whether the Section 106 regime is the best mechanism to deliver community infrastructure.

What this inquiry has concluded, is that within the Section 106 process in North Hertfordshire there are a number of issues, not least a disconnect between the infrastructure priorities of the community and the infrastructure which is ultimately delivered through developer contributions, which if left unchecked could lead to communities facing determinantal impacts as a result of local development taking place.

Therefore, we have made the recommendations contained within this report, which if adopted, would allow communities to be more engaged with the planning process and ensure that community infrastructure aspirations are prioritised. However, we recognise that the planning landscape is constantly evolving and that some of the recommendations set out in this report would require changes to legislation and regulation that can only be affected by Parliament.

Following the responses received to the recommendations in section two of this report, we also appreciate that some progress is being made by the District Council towards improving the current process, although moving forward it will be crucial to ensure these matters are monitored and continuously reviewed to enable our communities to fully benefit from developer contributions.

9. Appendices

Appendix 1: Stakeholders

Stakeholders asked to respond to survey/ statement requests:

- Conservators of Therfield Heaths and Greens
- 14 Developers
- Hertfordshire County Council Education
- Hertfordshire County Council Growth & Infrastructure
- Hertfordshire County Council Highways
- Herts and West Essex Integrated Care Board
- 23 Housing associations
- Natural England
- North Herts Council Housing
- North Herts Council Legal
- North Herts Council Leisure
- North Herts Council Museums
- North Herts Council Open Space
- North Herts Council Waste
- 27 Parishes in North Hertfordshire
- Sport England

North Herts stakeholders engaged during the review:

- Director – Place
- Development and Conservation Manager

Appendix 2: Stakeholder Consultation results

- 2.1 Stakeholder responses to short survey
- 2.2 Sports England and Others Questionnaire Results
- 2.3 Developer Questionnaire Results
- 2.4 HWE ICBs Response to NHDC Section 106 Statement request
- 2.5 HCC Response to NHDC Section 106 Statement request

10. Background Papers

- 9.1. Background Paper to members 30012025 (*included below*)
- 9.2. [Cabinet December 2018](#) Strategic Planning Matters - [Report](#)
- 9.3. [Cabinet January 2020](#) Draft Developer Contributions SPD - [Report](#)
- 9.4. [Cabinet March 2021](#) Local Plan Implementation - [Report](#)
- 9.5. [Cabinet November 2023](#) Strategic Planning Matters - [Report](#) (Levelling Up and Regeneration Act 2023)
- 9.6. Hertfordshire County Council Case Studies of S106 spend North Herts (*included below*)

BACKGROUND PAPER
TASK AND FINISH GROUP
EFFECTIVENESS OF SECTION 106 FUNDING

1. Introduction

- 1.1** This background paper sets out matters relating to an investigation of the effectiveness of Section 106 obligations in delivering community infrastructure. The paper seeks to provide the Chair of Overview & Scrutiny with sufficient information to enable a Task & Finish Group to be established.

2. Key Issues

- The legal framework and policy governing S106 agreements
- How the current mechanism operates in North Hertfordshire
- Issues or concerns that have been expressed with the current mechanism
- Alternative mechanisms and whether they would enable better outcomes for communities within the District.

3. Legal Framework and Policy

Legislation

- 3.1** S106 of the Town and Country Planning Act 1990 allows a local planning authority to enter into a legally binding agreement or planning obligation with a landowner as part of the granting of planning permission. The obligation is termed a Section 106 agreement. Developers may also submit a Unilateral Undertaking (UU), which is a simplified version of a Section 106 agreement where developers submit a legal deed that covenants to perform planning obligations.
- 3.2** Other relevant legislation includes:
- The Community Infrastructure Levy (CIL) Regulations 2010 (as amended)
- 3.3** The common use of a planning obligation is to secure affordable housing, on-site infrastructure or a financial contribution to provide infrastructure off-site. Regulation 122 of the CIL Regulations (as amended) sets out three tests for Planning Obligations. These are:
- a. Necessary to make the development acceptable in planning terms
 - b. Directly related to the development; and
 - c. Fairly and reasonably related in scale and kind to the development.

Policy

- 3.4** There are local and national planning policies relating to S106 obligations. The Council adopted the North Hertfordshire Local Plan in November 2022.

Following that the Developer Contributions Supplementary Planning Document (SPD) was adopted in January 2023.

- 3.5 The following Local Plan Policies are important to the consideration of applications for planning permission and Planning Obligations.

Policy SP7: Infrastructure requirements and developer contributions

- 3.6 Requires development proposals to make provision for infrastructure that is necessary in order to accommodate additional demands resulting from the development. We will:
- a) Require developers to provide finance and/or contribute towards provision which is fairly and reasonably related in scale and kind to development including:
 - i. On site and/or off site improvements and infrastructure necessary as a result of the development in order to:
 - Ensure appropriate provision of facilities and infrastructure for new residents;
 - contribute toward addressing cumulative impacts that might arise across multiple developments;
 - avoid placing unreasonable additional burdens on the existing community of existing infrastructure;
 - mitigate adverse impacts where appropriate; and/or
 - enhance critical assets or make good their loss or damage; and
 - ii. maintenance and/or operating costs of any such new provision.
 - b) Ensure essential new infrastructure to support new development will be operational no later than the completion of development for during the phase in which it is needed, whichever is earliest;
 - c) Refuse planning permission where appropriate agreements of process ensuring criteria (a) and (b) can be met are not in place;
 - d) Have regard to relevant national guidance or requirements in relation to planning obligations and any Community Infrastructure Levy or successor funding tariff which may be introduced by the Council;
 - e) Work with landowners, developers and other agencies in facilitating the delivery of sites identified in the Local Plan and associated infrastructure and seek to overcome known obstacles ; and
 - f) Need robust evidence to be provided where developers consider that viability issues impact upon the delivery of key infrastructure and/or mitigation measures. This evidence will be used to determine whether an appropriate and acceptable level of contribution and/or mitigation can be secured.

Policy HS2: Affordable housing.

- 3.7 Stipulates that planning permission for new homes will be granted provided that affordable housing is provided in accordance with identified targets (e.g. 40% for developments of 25 or more dwellings) subject to viability.
- 3.8 Whilst the delivery of affordable housing can be controlled by a planning condition attached to a planning permission, there is a preference from affordable housing providers that this matter is controlled by a S106 agreement.

Developer Contributions SPD January 2023

- 3.9 This supplementary planning document sets out detailed guidance on the type and scale of developer contributions that will be sought to support new development in our area and is a material consideration to which significant weight should be attached when determining planning applications. This document is used as guidance when securing obligations, whether by S106 agreements or UU.

Government Policies and Guidance

- 3.10 The National Planning Policy Framework (NPPF December 2024) repeats the statutory tests for S106 Planning Obligations at paragraph 58 (see 3.3 above). Paragraph 59 of the NPPF confirms that *“it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case....”*

All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning practice guidance, including standardised inputs and should be made publicly available.”

- 3.11 Detailed guidance is provided on the use of S106 Planning Obligations and CIL in the National Planning Practice Guidance.

4. How the current mechanism operates in North Hertfordshire

- 4.1 When an application for planning permission is submitted, an applicant may submit what are called draft Heads of Terms. These are a list of planning obligations that the applicant proposes. There may have been pre-application consultations with the Council, the County Council and the local community which would have informed the applicant as to what planning obligations may be sought. The applicant should also review and consider our adopted Developer Contributions SPD, as well as national guidance.

- 4.2 Planning obligations are normally sought for housing development of 10 or more units and affordable housing is sought for developments of 11 units or more in accordance with Local Plan Policy HS2.
- 4.3 On the receipt of an application for planning permission for 10 dwellings or more, Parish Councils are provided with a form to complete setting out details of the financial contributions or other obligations that they are seeking to address the impacts of that development.
- 4.4 The planning case officer will consider the draft Heads of Terms and following consultation with parties including Parish Councils will seek to agree the Heads of Terms with the applicant and instruct legal services relating to the production of a draft S106 agreement or review of a draft UU submitted by the applicant.
- 4.5 Parish Councils may seek assistance from the planning case officer to act as their advisor or planning consultant during this process with regard to seeking s106 funding. However, that is not the officer's role and providing such advice to a third party may constitute a conflict of interest. It is the role of the planning case officer to consider any submissions by third parties and not advise them on what they should submit.
- 4.6 The planning case officer considers any submissions received against legislation and planning policies. If planning obligations sought by Parish Councils or other parties, such as other NHDC departments and the County Council, are found to meet the relevant legislation and planning policies then these are requested from the applicant.
- 4.7 Requests from other Council departments usually lack detail and justification and again it is not the role of the planning case officer to act as advisor or planning consultant for other departments. However, further information can be requested and general guidance on the process can be provided.
- 4.8 Following negotiations with the applicant and agreement of Heads of Terms and the production of a Draft S106 agreement/UU, an application will be considered and the content of the agreed Heads of Terms or provisions within the draft agreement or UU will be set out in the officer report. In most cases developments of a scale requiring a S106 agreement will be reported to the Planning Control Committee. A resolution will be made either to refuse planning permission or grant subject to the applicant entering into a S106 agreement or submitting a completed and signed UU.
- 4.9 Once an obligation has been signed, information is recorded by the Council's Section 106 Monitoring Officer within the Conservation and Enforcement Team. The following information is recorded:
- Planning application reference number and location of development
 - Date of the S106 agreement
 - Whether S106 agreement or UU
 - Obligation type: such as open space, sustainable transport, healthcare, community, waste & recycling etc.

- Details of the obligation due, whether index linked and trigger for payment
 - Clawback period
 - Developer detail
- 4.10 The Council currently have a part-time S106 Monitoring and Planning Compliance officer. The demands on this role will increase as more of the Local Plan allocated sites come forward through the development management process. Monitoring fees are required and form part of the provisions of a S106 agreement and it is anticipated that these fees will fund additional staff resource in the future to ensure that there is effective monitoring.
- 4.11 An Infrastructure Funding Statement (IFS) will be made available shortly on the Council's website. This will set out the following details of all S106 obligations:
- Obligations secured – whether the trigger point for contributions has been met and whether a contribution is now due
 - Obligations received – relevant monies received by the Council.
 - Allocated monies – monies that have been allocated to a specific project as outline in the legal agreement or UU
 - Spent contributions – monies that have been spent on a purpose specified in the S106 legal agreement or UU.
 - Returned contributions – monies that have been returned to a developer
- 4.12 The IFS will be updated regularly, and this will be available for anyone to view the above information.

5. Issues or concerns that have been expressed with the current mechanism

- 5.1 The issues or concerns that officers are aware of are as follows:
- Parish Councils have difficulty in understanding and fully engaging in the process due to an absence of time and/or expertise;
 - That there are limitations to what and when planning obligations may be sought;
 - Whether S106 contributions are being allocated and spent in a timely manner;
 - Time taken to sign legal agreements once a resolution to grant planning permission has been taken;
 - What improvements can be made to the current mechanism; and
 - Awareness of funding.

Parish Council requests

- 5.2 Training was undertaken on 13 January 2025 for NHC Members and Parish Councillors and the issues raised relating to requests from Parish Councils were discussed.

- 5.3 Parish Council's objecting to proposals may be reluctant to engage in the process of seeking Planning Obligations due to the concern that this may be misconstrued as support for a proposal or dilute objections to a proposal. However, officers always encourage engagement as the local authority may not be the determining body, for example in the case of an appeal. Also, any requests are without prejudice to opposition to a proposed development.
- 5.4 A form is supplied for completion by Parish Council's and this form confirms the CIL tests set out above. Parish Councils may have difficulty in understanding these tests and in providing sufficient detail to enable the planning case officer to consider the submission and put these to the applicant.
- 5.5 There is therefore a gap in the current process in terms of obligations that are sought by Parish Council's. This matter could be addressed by allocating resources for independent advice to Parish Councils. The impact, both in time and financial costs, of allocating such a resource from within NHC given current resources are likely to be prohibitive. A more sustainable solution would likely be the regular training for all or a select group of Parish Councillors who can then share their knowledge within the Parishes. This approach could then also address some of the issues discussed below.

Limitations to what and when obligations may be sought

- 5.6 The CIL tests place limitations upon what can be sought. Contributions must address the impacts of a proposed development and not existing shortfalls in infrastructure, facilities or services. The contributions sought must be reasonable and related in scale and kind to the development.
- 5.7 Obligations must be sought during the process of considering the application for planning permission. A legal agreement must specify what contributions may be used for. This cannot be changed later if a recipient such as a Parish Council wishes to spend funds on something else not specified within an agreement.
- 5.8 When contributions are received then they are released on receipt of a duly completed form. The request is assessed against the provisions of the S106 agreement.
- 5.9 There is usually a trigger point for obligations to be paid by the developer and contributions, and they are set out in the legal agreement or UU and contributions must usually be spent within a specified period, this is usually within 10 years of payment otherwise funds must be returned (this is not the case with UU).
- 5.10 Monies are usually paid to this Council where a third party is not a signatory, such as Parish Councils. We monitor the trigger points and receipt of funding requests. It is not within the control of planning officers when requests are received for funds.

- 5.11 The County Council is a signatory to a S106 agreement where they are requesting developer contributions, and such contributions are paid directly to the County Council who are then responsible for monitoring and spending the contributions within the prescribed period.
- 5.12 Issues have arisen with Parish Councils seeking contributions after the negotiation process with the developer has been completed and even after the S106 agreement has been completed and planning permission granted. It is then too late in the process to seek contributions.
- 5.13 Issues have also arisen with Parish Councils seeking agreement to spend allocated funds on a different matter than that specified in a S106 agreement. However, funds received and held can only be released and spent on those matters set out within the S106 agreement.

Are S106 Contributions being allocated and spent in a timely manner?

- 5.14 Contributions towards infrastructure, services and facilities provided by the County Council are monitored and spent by them. This is outside the control North Herts Council.
- 5.15 Developments are monitored in terms of trigger points and contributions are sought from developers at the relevant trigger point.
- 5.16 Monitoring fees are sought which will assist in staff resourcing as more housing is delivered.
- 5.17 Monies are allocated in accordance with the provisions of the relevant S106 agreement or UU.
- 5.18 There is a process in place for funding requests and they are considered in a timely manner in line with the current process. The release of funds requires the approval of the Development and Conservation Manager or the Service Director, Regulatory.
- 5.19 It is a matter for the relevant organisation or Council department to request funds in advance of them being required, and with sufficient information to enable assessment against the relevant provisions of the S016 agreement.

Time taken to sign legal agreements once a resolution to grant planning permission has been taken

- 5.20 The time taken to negotiate S106 agreements before and following the resolution to grant planning permission delays the process of determining applications for planning permission for housing development and consequently the delivery of housing.
- 5.21 Whilst the developer funds the Council's reasonable legal costs, there is limited staff resources available within NHC legal services and at the County Council.

NHC has been forced to outsource some section 106 agreements, in order to prevent delays to the process; but this requires the developer to fund these costs.

- 5.22 There are several signatories to a legal agreement and negotiations are tripartite between the developer, the County Council and North Herts Council. This can be a long and involved process involving many versions of a draft legal agreement before it is finally agreement by all the parties involved in the process.

Awareness of Funding

- 5.23 The current situation with regard s106 funding, availability and spend, was previously communicated once a year at meetings of the previous Area Committees by the Development and Conservation Manager. However, the IFS, which will be available online shortly, will provide greater awareness of what funds are available for infrastructure projects as it is publicly available and regularly updated.

Summary of what improvements can be made to the current mechanism?

- Improvements to the engagement of Parish Council's and Council departments through training both in the process of seeking planning obligations and also in the request for provision of funds.
- Improvements in the resourcing of legal support in the negotiation of S106 agreements, noting that recruitment for a permanent planning lawyer to the legal team has been ongoing since 2020 (and been unsuccessful). This was to replace one of the roles in the team and in the interim (until September 2022), that role was largely undertaken by the Legal Team Leader. When that person left, temporary staff have been employed in succession via agencies as the planning lawyer. It is also worth noting that the increasing numbers of developments within the adopted Local Plan, place additional pressures upon many teams – including Legal. Effectively the planning lawyer role is expected (as others do) to absorb that additional workload (including s106/ UU), and that is not feasible for one role in the longer term.

6. Alternative mechanisms and whether they would enable better outcomes for communities within the District

Community Infrastructure Levy

- 6.1 CIL captures financial contributions for infrastructure requirements resultant from proposed developments. It is a non-negotiable tax and is charged per square metre of chargeable development. A charging schedule is created in draft and consulted upon, at which point it is then examined by an independent inspector.

- 6.2 In setting rates in a charging schedule, the charging authority must strike a balance between the desirability of funding actual and expected infrastructure cost to support those developments, and the economic viability of those developments.
- 6.3 There are exemptions from CIL and processes in place to control that, such as the exemption for affordable housing. Contributions can be reduced through the submission of viability evidence.

Past consideration of CIL

- 6.4 CIL has been considered previously in July 2013, December 2018, January 2020 and on 16 March 2021 when it was resolved by Cabinet not to pursue CIL. The last report to Cabinet in 2021 set out the points for and against CIL.
- 6.5 The matters identified as weighing in favour are:
1. Greater certainty and consistency for developers, the Council and the community;
 2. A reduced need for complex negotiation for individual legal agreements – particularly those that require contributions to the County Council, such as education and highways; and
 3. Capturing contributions for smaller developments.
I would also add exemptions for affordable housing assisting in the delivery of affordable housing where there are viability issues.
- 6.6 Weighing against, the following were identified when last reported to Cabinet:
1. The Council would need to forward fund these given that the relief of administration costs can only commence once the CIL is implemented and collected
 2. Other considerations include that the largest sites (which form the significant majority of anticipated future development in terms of dwelling numbers, albeit from a relatively small number of planning applications) would still require s106 legal agreements even if a CIL were pursued and that CIL can be set at 'risk averse' levels.
 3. The time and resource implications of meeting the statutory implementation requirements and developing the necessary administrative infrastructure.
- 6.7 When this matter is viewed in isolation, officer analysis comes down in favour of introducing CIL reflecting the arguments above. However, when considering the matter in March 2021 the recommendation was accepted that at that time that CIL should not be pursued but that the matter should be revisited once the programme of works set out at that time relating to the implementation of the Local Plan and production of Supplementary Planning Documents is

substantially progressed, thereby freeing up officer resource and when there should be greater clarity on the Governments proposals for the possibility replacement of CIL.

- 6.8 The Local Plan Review has commenced with the timetable adopted by Cabinet in January 2025, and this matter will be considered as part of that review process.
- 6.9 The Government's long-term proposals for funding infrastructure through development remain unclear. The previous Government proposed to replace the current system of developer contributions with a mandatory and locally determined Infrastructure Levy. A framework for this was included in the Levelling Up & Regeneration Act. However, in December 2024, the current Government stated:

"We want to deliver the much-needed affordable housing local communities need and the wider infrastructure that will mitigate the impacts of new development. We believe the best way to achieve this will be to focus on improving the existing system of developer contributions, which means the Government is not implementing the Infrastructure Levy as introduced in the Levelling-up and Regeneration Act 2023".

As such, it seems reasonable to await Government direction on where it sees the future of funding.

Shaun Greaves
Development & Conservation Manager
28 January 2025

Case Study: Codicote Primary School

In 2019, the enlargement of Codicote Church of England Primary School by 1 form of entry was approved by Hertfordshire County Council. The need for expansion was largely as a result of the proposed housing developments in and around the village, and the funding for the scheme was to be predominantly from S106 funds. Specific reference to this mitigation project was identified and included within the adopted North Hertfordshire Local Plan, which also included details of the sequencing of development sites to facilitate delivery of the school expansion at the right time.

Four allocated housing development sites in the village were identified within the adopted North Hertfordshire Local Plan, and the S106 legal agreements linked to the planning permissions included proportionate contributions specifically to be allocated to the expansion of the school. The S106 financial contributions which were sought from these development sites were based on bespoke project costs. The County Council agreed to forward fund the expansion so that the places would be available for children as they moved into the village, with the remaining amount funded by Basic Need Grant. This approach was agreed on the basis that S106 monies would still be secured from subsequent development sites.

The enlargement of the school was completed in September 2023, costing £4.6m to deliver. So far, £2.4m of S106 funding has been collected and used for this project, from development sites at the Land adjacent to Oaklea and south of Cowards Lane (local plan allocation CD1), Codicote Garden Centre (local plan allocation CD2), and the Land south of Heath Lane (local plan allocation CD5). Further funding is still being collected as sites are developed and trigger points for payment of S106 monies are reached.

Case Study: Hitchin library

In 2022 there was a major project to expand the floorspace of Hitchin Library. The library was built in the 1960s with a large staff space on the upper floor. This was reconfigured, moving workroom space from the ground floor and freeing up space downstairs. This enabled additional capacity to be provided in the library in order to mitigate the growth in the area.

A creator Space facility was installed, using the increase in public floorspace and enhancing service provision to meet the needs of new residents. Additional resources to encourage digital creativity were included, and enhanced IT provision was installed.

Contributions from 11 different development sites, collected over the previous 8 years, were all used to contribute to the cost of this project, £133,100, which was exclusively funded by S106 contributions.

Case Study: High Street Graveley/North Road Junction Improvements

This project, completed in May 2024, was to address a long running, high accident rate involving traffic turning from the B197 Graveley road into North Road, whilst also providing the necessary infrastructure for residential and light industrial developments in North Stevenage.

The junction was signalised, whilst the walking routes between Graveley and Stevenage were also improved, including future proofing for shared cycle use, with new continuous street lighting installed to and from the A1M Junction 8.

S106 was provided from 2 sites, one in north Stevenage, and one in Graveley itself, amounting to £248,549. The total cost was £910,312, with the rest of the funding provided from Integrated Transport Plan grant funding.

ID	1
In what capacity are you responding to this	Town/Parish Council
Do you know what Section 106 (often referred	Yes
Do you know how to make a request for	NO
Have you requested or been involved in S106	NO
How did you find the process to complete the	
Do you understand the process after submitting	
What if any challenges did you encounter with the S106 funding request process?	
Do you feel that you received adequate	
Are you aware of any examples in your local	Yes
Please select from the available options how the planning contributions were spent.	Healthcare Community Facilities
Do you feel engaged on how planning	NO
Do you feel engaged on how planning	NO
How should planning contributions be prioritised and spent?	P1 Community Facilities P2 Healthcare P3 Open Space, Play Areas and Sports Facilities P4 Education P5 Highways P6 Transport infrastructure P7 Waste and Recycling P8 Affordable Housing P9 Public realm
Would you like to raise any comments regarding the current S106 planning contribution mechanism?	

ID	2
In what capacity are you responding to this	Housing Association
Do you know what Section 106 (often referred	Yes
Do you know how to make a request for	NO
Have you requested or been involved in S106	NO
How did you find the process to complete the	
Do you understand the process after submitting	
What if any challenges did you encounter with the S106 funding request process?	
Do you feel that you received adequate	
Are you aware of any examples in your local	Yes
Please select from the available options how the planning contributions were spent.	Affordable Housing
Do you feel engaged on how planning	Yes
Do you feel engaged on how planning	Yes
How should planning contributions be prioritised and spent?	P1 Affordable Housing P2 Healthcare P3 Transport infrastructure P4 Education P5 Community Facilities P6 Open Space, Play Areas and Sports Facilities P7 Waste and Recycling P8 Highways P9 Public realm
Would you like to raise any comments regarding the current S106 planning contribution mechanism?	

ID	3
In what capacity are you responding to this	Town/ Parish Council
Do you know what Section 106 (often referred	Yes
Do you know how to make a request for	Yes
Have you requested or been involved in S106	Yes
How did you find the process to complete the	Hard
Do you understand the process after submitting	No
What if any challenges did you encounter with the S106 funding request process?	Lack of communication, unsure what is not accepted
Do you feel that you received adequate	No
Are you aware of any examples in your local	No
Please select from the available options how the planning contributions were spent.	
Do you feel engaged on how planning	No
Do you feel engaged on how planning	No
How should planning contributions be prioritised and spent?	P1 Open Space, Play Areas and Sports Facilities P2 Healthcare P3 Highways P4 Transport infrastructure P5 Waste and Recycling P6 Community Facilities P7 Public realm P8 Education P9 Affordable Housing
Would you like to raise any comments regarding the current S106 planning contribution mechanism?	

ID	4
In what capacity are you responding to this	Town/ Parish Council
Do you know what Section 106 (often referred	NO
Do you know how to make a request for	
Have you requested or been involved in S106	
How did you find the process to complete the	
Do you understand the process after submitting	
What if any challenges did you encounter with the S106 funding request process?	
Do you feel that you received adequate	
Are you aware of any examples in your local	No
Please select from the available options how the planning contributions were spent.	
Do you feel engaged on how planning	Yes
Do you feel engaged on how planning	Yes
How should planning contributions be prioritised and spent?	P1 Affordable Housing P2 Healthcare P3 Highways P4 Education P5 Waste and Recycling P6 Transport infrastructure P7 Open Space, Play Areas and Sports Facilities P8 Community Facilities P9 Public realm
Would you like to raise any comments regarding the current S106 planning contribution mechanism?	

ID	5
In what capacity are you responding to this	Town/ Parish Council
Do you know what Section 106 (often referred	Yes
Do you know how to make a request for	Yes
Have you requested or been involved in S106	Yes
How did you find the process to complete the	Hard
Do you understand the process after submitting	Yes
What if any challenges did you encounter with the S106 funding request process?	Before the Feb 2023 SPD s106 claims by our parish council were based on a tariff system that was straightforward. After Feb 2023 NHC no longer accepted this approach. Ashwell Parish Council made contact with NHC in order to clarify how the s106 claim process should work in the future. There was a considerable degree of uncertainty about this on NHC's part - though it did seem that NHC's planning officers were making best efforts to help in a situation where the new process was unclear. After Feb 2023 Ashwell Parish Council did make a s106 claim that was acceptable to NHC as part of its agreement with the developer but it did involve a considerable amount of research in order to put it together. Having gone through the process Ashwell Parish Council is now much more confident about making claims but at the time it was working very much in the dark.
Do you feel that you received adequate	No
Are you aware of any examples in your local	Yes
Please select from the available options how the planning contributions were spent.	Open spaces, Play Areas and Sports Facilities Transport
Do you feel engaged on how planning	Yes
Do you feel engaged on how planning	Yes
How should planning contributions be prioritised and spent?	P1 Open Space, Play Areas and Sports Facilities
	P2 Affordable Housing
	P3 Waste and Recycling
	P4 Healthcare
	P5 Community Facilities
	P6 Public realm
	P7 Education
	P8 Highways
	P9 Transport infrastructure
Would you like to raise any comments regarding the current S106 planning contribution mechanism?	More communication about the acceptability and progress of s106 claims would be helpful to Ashwell Parish Council. Regarding this survey... Prioritization: please note that Ashwell Parish Council is not able to prioritize the categories listed in the previous section. Priorities will vary depending on the specific needs created by a planning application for which s106 funds are claimed. Prioritization will also vary from time to time, will depend on projects scheduled and how funds from previous s106 claims have been applied. Yes/No answers: for many questions the survey requires simple 'Yes' or 'No' answers. In some, if not all, cases neither option allows an accurate response. It would have been helpful to have an additional comments box.

ID	6
In what capacity are you responding to this	Town/ Parish Council
Do you know what Section 106 (often referred	Yes
Do you know how to make a request for	Yes
Have you requested or been involved in S106	Yes
How did you find the process to complete the	Fine
Do you understand the process after submitting	Yes
What if any challenges did you encounter with the S106 funding request process?	Time scale of the response
Do you feel that you received adequate	Yes
Are you aware of any examples in your local	Yes
Please select from the available options how the planning contributions were spent.	Open spaces, Play Areas and Sports Facilities Community Facilities Highways
Do you feel engaged on how planning	No
Do you feel engaged on how planning	No
How should planning contributions be prioritised and spent?	P1 Open Space, Play Areas and Sports Facilities P2 Healthcare P3 Community Facilities P4 Education P5 Waste and Recycling P6 Affordable Housing P7 Public realm P8 Highways P9 Transport infrastructure
Would you like to raise any comments regarding the current S106 planning contribution mechanism?	There needs to be full and open transparency as soon as S106 has been agreed. On new developments the local community have little initial input.

ID	7
In what capacity are you responding to this	Town/ Parish Council
Do you know what Section 106 (often referred	Yes
Do you know how to make a request for	Yes
Have you requested or been involved in S106	Yes
How did you find the process to complete the	Very Hard
Do you understand the process after submitting	No
What if any challenges did you encounter with the S106 funding request process?	A few years ago, we carried out a local survey into road safety issues in Weston. Based on this, we developed proposals and, in anticipation of the GA1 and GA2 developments, obtained cost estimates from Herts Highways. At that time, we were advised to submit our request for Section 106 funding to NHC promptly, so that the requirements would be known to the Planning Department. When we did so, however, our submission was returned with the instruction to resubmit once a planning application had been lodged. Accordingly, when the GA1 application was submitted, we put forward our Section 106 request. Since then, we have received no feedback or communication from NHC. I attended the NHC Section 106 training session, where the negotiation process after submission was mentioned, and I therefore expected that WPC would be involved at some stage. To date, this has not happened. Instead, the planning application has been approved, including the applicant's proposal for a "monitor and manage" approach with an up-front Section 106 contribution of only £400k. While I am not a highways engineer, it is evident that this sum is likely to be inadequate to cover even the mitigation works required in the immediate vicinity of the development, and can quite easily see circumstances where Weston and Gravely will be short-changed on the significant impact to our communities of having 96 new dwellings on the road leading directly to our communities, where the only alternative is along Calder Way, a single track road that was deliberately designed to deter vehicles from using it. Furthermore, I am not aware that Highways have provided, or been asked for, any details as to how they came to the conclusion that the figure of £400k would be sufficient. A wider flaw in the Section 106 process is its demand for accurate cost estimates while providing no assistance to Parish Councils. Developers, with their substantial resources and financial incentives, are well placed to present their case. Planning authorities have resources but cannot assist parish councils without compromising their position. Parish Councils, however, are voluntary bodies with very limited means, yet are still expected to provide detailed costings. This is not an isolated problem. In the case of the Forge End development, NHC secured another inadequate contribution from developers for low-cost housing. My understanding is that four affordable properties were originally proposed, but only two were delivered due to insufficient funding. Around £80k was left unspent. Because of the rigid and illogical hypothecation rules, these funds could not be reallocated, and the money was effectively wasted. In summary, the Section 106 process appears ill-conceived, opaque, and ineffective. It fails to ensure that adequate mitigation is secured for the communities most affected, leaving Parish Councils disadvantaged and local residents short-changed. As the Chairman of a local Parish Council, it seems to me that, once again, the needs of the smaller rural communities is an after-thought for the County and District Councils, despite the fact that we are the people who have to live with the consequences of these decisions.
Do you feel that you received adequate	No
Are you aware of any examples in your local	Yes
Please select from the available options how the planning contributions were spent.	Affordable Housing Open spaces, Play Areas and Sports Facilities Community Facilities
Do you feel engaged on how planning	No
Do you feel engaged on how planning	Yes
How should planning contributions be prioritised and spent?	P1 Highways
	P2 Open Space, Play Areas and Sports Facilities
	P3 Affordable Housing
	P4 Waste and Recycling
	P5 Healthcare
	P6 Community Facilities
	P7 Public realm
	P8 Education
	P9 Transport infrastructure
Would you like to raise any comments regarding the current S106 planning contribution mechanism?	1. Questionnaire Design -The question "What, if any, challenges did you encounter with the S106 funding request process?" provides only a single line for a response. This format is not appropriate for capturing considered feedback. Our fear is that our submission may be truncated or reformatted in ways that undermine the contribution. 2. Misunderstanding of S106 Purpose -The question "How should planning contributions be prioritised and spent?" suggests a fundamental misunderstanding of the process. S106 agreements are not about discretionary prioritisation but about mitigating the impacts of development. Framing the issue in terms of "priorities" risks misrepresenting the legal and policy framework making responses to this question meaningless. 3. Consultation Approach - Rather than relying on narrow surveys, we strongly recommend that officers and members engage directly with parish councils. Such discussions would highlight the depth of concern, lack of transparency and the disillusionment with the S106 process. 4. GA1 Case Study - We also urge you to review the GA1 situation as a case in point. The "monitor and manage" approach appears to have been adopted despite the fact that many impacts can already be anticipated. The earmarked budget of £400k for this element lacks transparency as there has been no clear explanation of how this figure was calculated or why it is considered sufficient. Conclusion -Without a more robust, transparent, and participatory process, confidence in the S106 system will continue to erode. We urge you to take these concerns seriously and to redesign engagement in a way that reflects the purpose and importance of S106 obligations.

ID	8
In what capacity are you responding to this	Town/ Parish Council
Do you know what Section 106 (often referred	Yes
Do you know how to make a request for	NO
Have you requested or been involved in S106	Yes
How did you find the process to complete the	Hard
Do you understand the process after submitting	No
What if any challenges did you encounter with the S106 funding request process?	Receiving sufficient funding. It would be helpful to know what the allocated amount of money is. Knowing what you can spend money on. Finding out what is left in funding pots.
Do you feel that you received adequate	No
Are you aware of any examples in your local	Yes
Please select from the available options how the planning contributions were spent.	Community Facilities Open spaces, Play Areas and Sports Facilities Transport
Do you feel engaged on how planning	No
Do you feel engaged on how planning	No
How should planning contributions be prioritised and spent?	P1 Community Facilities P2 Open Space, Play Areas and Sports Facilities P3 Transport infrastructure P4 Waste and Recycling P5 Healthcare P6 Public realm P7 Education P8 Highways P9 Affordable Housing
Would you like to raise any comments regarding the current S106 planning contribution mechanism?	We feel that a lot of S106 money is spent elsewhere and not in villages. There should be more transparency on what money is left for villages when S106 money has been allocated elsewhere e.g. into Education and Highways.

ID	9
In what capacity are you responding to this	Town/ Parish Council
Do you know what Section 106 (often referred	Yes
Do you know how to make a request for	Yes
Have you requested or been involved in S106	Yes
How did you find the process to complete the	Fine
Do you understand the process after submitting	Yes
What if any challenges did you encounter with the S106 funding request process?	The length of time taken to make a decision.
Do you feel that you received adequate	Yes
Are you aware of any examples in your local	Yes
Please select from the available options how the planning contributions were spent.	Open spaces, Play Areas and Sports Facilities Transport
Do you feel engaged on how planning	No
Do you feel engaged on how planning	No
How should planning contributions be prioritised and spent?	P1 Affordable Housing P2 Open Space, Play Areas and Sports Facilities P3 Highways P4 Transport infrastructure P5 Healthcare P6 Community Facilities P7 Waste and Recycling P8 Public realm P9 Education
Would you like to raise any comments regarding the current S106 planning contribution mechanism?	It can sometimes take a number of weeks to receive s106 monies once a project has been paid for by the Parish Council. With larger projects this can impact on the cash flow of the Parish Council.

ID	10
In what capacity are you responding to this	Other
Do you know what Section 106 (often referred	Yes
Do you know how to make a request for	Yes
Have you requested or been involved in S106	Yes
How did you find the process to complete the	Fine
Do you understand the process after submitting	Yes
What if any challenges did you encounter with the S106 funding request process?	Answering with waste, leisure and greenspace colleagues - not sure about the process i.e. is there actually a form? Feels a bit ad-hoc. For waste we just check applications and get set price for bins, but no steer on whether we can claim for anything else e.g. new depot, litter bins, etc. We get emails from planning teams related to specific applications and asked if we have any suitable projects in the area that we could seek a contribution - so not sure if there is a form as such? Lack of capacity in teams to respond to requests from planners.
Do you feel that you received adequate	Yes
Are you aware of any examples in your local	Yes
Please select from the available options how the planning contributions were spent.	Open spaces, Play Areas and Sports Facilities Waste and Recycling
Do you feel engaged on how planning	Yes
Do you feel engaged on how planning	Yes
How should planning contributions be prioritised and spent?	P1 Waste and Recycling P2 Open Space, Play Areas and Sports Facilities P3 Affordable Housing P4 Highways P5 Transport infrastructure P6 Education P7 Healthcare P8 Community Facilities P9 Public realm
Would you like to raise any comments regarding the current S106 planning contribution mechanism?	We feel it needs to be clearer what teams can actually request contributions for. e.g. are there any climate related things we can request, also for leisure what is eligible. Needs to be some training for staff involved in the process.

ID	11
In what capacity are you responding to this	Town/ Parish Council
Do you know what Section 106 (often referred	Yes
Do you know how to make a request for	Yes
Have you requested or been involved in S106	Yes
How did you find the process to complete the	Hard
Do you understand the process after submitting	Yes
What if any challenges did you encounter with the S106 funding request process?	Lack of Transparency and Consistency:
Do you feel that you received adequate	No
Are you aware of any examples in your local	No
Please select from the available options how the planning contributions were spent.	
Do you feel engaged on how planning	No
Do you feel engaged on how planning	No
How should planning contributions be prioritised and spent?	P1 Open Space, Play Areas and Sports Facilities P2 Transport infrastructure P3 Highways P4 Waste and Recycling P5 Education P6 Healthcare P7 Affordable Housing P8 Community Facilities P9 Public realm
Would you like to raise any comments regarding the current S106 planning contribution mechanism?	A new system is designed to be simpler, more transparent, and more consistent, like the Infrastructure Levy

ID	12
In what capacity are you responding to this	Town/ Parish Council
Do you know what Section 106 (often referred	Yes
Do you know how to make a request for	Yes
Have you requested or been involved in S106	NO
How did you find the process to complete the	
Do you understand the process after submitting	
What if any challenges did you encounter with the S106 funding request process?	
Do you feel that you received adequate	
Are you aware of any examples in your local	No
Please select from the available options how the planning contributions were spent.	
Do you feel engaged on how planning	No
Do you feel engaged on how planning	No
How should planning contributions be prioritised and spent?	P1 Open Space, Play Areas and Sports Facilities P2 Waste and Recycling P3 Affordable Housing P4 Healthcare P5 Community Facilities P6 Highways P7 Public realm P8 Education P9 Transport infrastructure
Would you like to raise any comments regarding the current S106 planning contribution mechanism?	

ID	13
In what capacity are you responding to this	Town/ Parish Council
Do you know what Section 106 (often referred	Yes
Do you know how to make a request for	Yes
Have you requested or been involved in S106	Yes
How did you find the process to complete the	Hard
Do you understand the process after submitting	Yes
What if any challenges did you encounter with the S106 funding request process?	It is a source of great grievance in Reed that an allocated site development of 12 houses resulted in no allocation to needs specific to the village. From the Parish Council standpoint an anticipated bid for 106 monies was pre/empted by Universal Undertaking agreed between the Authority and the developer. The Parish Council was not invited to bid and the monies all went to County Council and District provisions (middle school education, waste, libraries. All worthy but not Reed specific and the things parishioners contribute to by their council tax. No doubt the Reed PC was naive. It was however a drastic loss to a village of 140 dwellings.
Do you feel that you received adequate	No
Are you aware of any examples in your local	Yes
Please select from the available options how the planning contributions were spent.	Footpath signage;
Do you feel engaged on how planning	No
Do you feel engaged on how planning	No
How should planning contributions be prioritised and spent?	P1 Community Facilities
	P2 Affordable Housing
	P3 Transport infrastructure
	P4 Open Space, Play Areas and Sports Facilities
	P5 Highways
	P6 Education
	P7 Waste and Recycling
	P8 Healthcare
	P9 Public realm
Would you like to raise any comments regarding the current S106 planning contribution mechanism?	Please note our experience of the opacity of the process in the past. And the loss of provision to our village. Nobody has ever explained or justified where a "universal undertaking" agreement fits in the planning and 106/CIL process. Parish councillors are not planning experts and are entitled to better communication and guidance from officers in this respect.

ID	14
In what capacity are you responding to this	Town/ Parish Council
Do you know what Section 106 (often referred	Yes
Do you know how to make a request for	Yes
Have you requested or been involved in S106	Yes
How did you find the process to complete the	Hard
Do you understand the process after submitting	No
What if any challenges did you encounter with the S106 funding request process?	Our local requests are mostly subsumed into a mor general plan so a feeling is it worth it as there is alot of work for volunteers in Parish's to do to submit request
Do you feel that you received adequate	No
Are you aware of any examples in your local	Yes
Please select from the available options how the planning contributions were spent.	Education;
Do you feel engaged on how planning	Yes
Do you feel engaged on how planning	No
How should planning contributions be prioritised and spent?	P1 Open Space, Play Areas and Sports Facilities P2 Community Facilities P3 Transport infrastructure P4 Education P5 Affordable Housing P6 Public realm P7 Waste and Recycling P8 Healthcare P9 Highways
Would you like to raise any comments regarding the current S106 planning contribution mechanism?	S106 funds should be allocated to the Parish in which the development occurs . For example to support the St Ippolyts School and not general schools in North Harts . If the contribution is localised the residents and developers can see the direct benefit

ID	15
In what capacity are you responding to this	Town/ Parish Council
Do you know what Section 106 (often referred	Yes
Do you know how to make a request for	No
Have you requested or been involved in S106	Yes
How did you find the process to complete the	Fine
Do you understand the process after submitting	No
What if any challenges did you encounter with the S106 funding request process?	often refused for not meeting a very strict criteria despite often having a large impact or improvement to an area in the direct locality to the area affected by the building works
Do you feel that you received adequate	Yes
Are you aware of any examples in your local	No
Please select from the available options how the planning contributions were spent.	
Do you feel engaged on how planning	No
Do you feel engaged on how planning	No
How should planning contributions be prioritised and spent?	P1 Healthcare
	P2 Transport infrastructure
	P3 Open Space, Play Areas and Sports Facilities
	P4 Affordable Housing
	P5 Highways
	P6 Education
	P7 Waste and Recycling
	P8 Community Facilities
	P9 Public realm
Would you like to raise any comments regarding the current S106 planning contribution mechanism?	Local needs for the communities most affected by the developments , such improvements to highways, local projects or societies improvements. Often in rural areas S106 monies is often spent many miles away from the impact of the development.

ID	16
In what capacity are you responding to this	Town/ Parish Council
Do you know what Section 106 (often referred	Yes
Do you know how to make a request for	Yes
Have you requested or been involved in S106	Yes
How did you find the process to complete the	Fine
Do you understand the process after submitting	Yes
What if any challenges did you encounter with the S106 funding request process?	For a village suggestions to have more priority as the S106 monies have been raised in the village. Currently our suggestions have been turned down and monies spent else where in the district. Very Unfair.
Do you feel that you received adequate	No
Are you aware of any examples in your local	No
Please select from the available options how the planning contributions were spent.	
Do you feel engaged on how planning	No
Do you feel engaged on how planning	No
How should planning contributions be prioritised and spent?	P1 Community Facilities P2 Open Space, Play Areas and Sports Facilities P3 Healthcare P4 Education P5 Affordable Housing P6 Transport infrastructure P7 Public realm P8 Highways P9 Waste and Recycling
Would you like to raise any comments regarding the current S106 planning contribution mechanism?	I think that there has to be greater consultation between a Parish and North Herts Council. To often, regrettably, decisions agreed are changed without any consultation. Heritage projects that are of historic importance should be considered. Especially as not only is it important to protect the heritage , but remembering that the S106 monies we are talking about where raised in the village. To often I hear at planning & public meetings "The village should be grateful to receive this S106 monies", in reality it never is our decision with no guarantee that we would receive any S106 money. That has to change.

ID	17
In what capacity are you responding to this	Town/ Parish Council
Do you know what Section 106 (often referred	Yes
Do you know how to make a request for	No
Have you requested or been involved in S106	No
How did you find the process to complete the	
Do you understand the process after submitting	
What if any challenges did you encounter with the S106 funding request process?	
Do you feel that you received adequate	
Are you aware of any examples in your local	No
Please select from the available options how the planning contributions were spent.	
Do you feel engaged on how planning	
Do you feel engaged on how planning	no
How should planning contributions be prioritised and spent?	P1 Healthcare
	P2 Transport infrastructure
	P3 Highways
	P4 Education
	P5 Waste and Recycling
	P6 Community Facilities
	P7 Open Space, Play Areas and Sports Facilities
	P8 Public realm
	P9 Affordable Housing
Would you like to raise any comments regarding the current S106 planning contribution mechanism?	

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ID	1	2
Name of Organisation	Sport England	Therfield Regulation Trust and Conservators of Therfield Heath
How does your funding request process work?	Contributions are sought by NHDC in accordance with NHDC's Planning Obligations SPD for the majority of planning applications. Sport England is only consulted on applications for large residential developments (usually 300+ dwellings) and provides advice on the demand generated by residential development and the priorities for meeting sports facility needs. NHDC has been using Sport England's Playing Pitch Calculator and Sports Facility Calculator in recent years to calculate contributions as this is more robust than FIT standards for sports facilities.	As part of the Therfield Heath Mitigation Strategy, we are (or should be) contacted by NHDC planning to comment and request S106 funding for any development within 5.8 km of Therfield Heath.
Name of Organisation	Sport England's Playing Pitch Calculator and Sports Facility Calculator https://www.sportengland.org/guidance-and-support/facilities-and-planning/planning-sport/our-planning-role-guidance-and-tools identifies the demand generated by residential developments (based on estimated population) and the current capital cost of meeting the demand which is then used as a starting point for identifying financial contributions	We use the precedent of Ivy Farm 2 of £1000 per house for revenue costs to mitigate the impact of the extra population (plus a contribution to capital costs) in 2019 for developments within 1.9 km and inflate it by RPI. For developments between 1.9 km and 5.8km we reduce this by the ratio of visitors from the outer zone to those of the inner zone. This means that the outer zone pays a lesser sum of 4/7 that of the inner zone.
What is the internal process for allocating contributions?	This is decided by NHDC but Sport England advises that the Council's latest Playing Pitch Strategy (PPS) and Built Facility Strategy (BFS) is used for informing priority projects. In the interim of NHDC updating the previous PPS and BFS, Sport England provided advice on local priorities based on sports governing body feedback but this was only a temporary solution until the new strategies were completed.	At the monthly Conservator meetings we consider if a piece of expenditure falls within the scope of the S106 funding and therefore can be reclaimed. If thought needed, we will engage with Compliance Monitoring at NHC.
How much community engagement is carried out before making a request?	The PPS and BFS have built in engagement with sports clubs, schools, parish councils etc to identify needs and priorities so further consultation is not undertaken when contributions are considered other than occasional engagement with sports governing bodies through Sport England if required.	As part of the development of the Therfield Heath Mitigation Strategy surveys and consultation was undertaken by Footprint Ecology (2019). This included 397 face to face interviews to understand why people were accessing the Heath. The Conservators also hold open meetings at least annually and engage with Natural England at regular intervals. Our mitigation aims are well set out, and supported by evidence, within the agreed Strategy.
How are the priorities for allocation identified?	NHDC decides this but Sport England's advice is to use the PPS and BFS to inform this.	The Therfield Heath Mitigation Strategy was developed between NHDC, Natural England and the Conservators of Therfield Heath and Greens. This lays out the scope for spending the S106 money.
How is the spend of funding communicated back to North Herts Council?	NHDC to advise.	We make claims of expenditure every 6 months. By agreement this is the actual spend on Conservation Staff (Ranger, Conservation Officer) plus 15% for the costs of equipment etc used by the staff. We can also claim for specific projects such as new signage or leafletting new houses with information about the Heath.
What do you do with the money once you receive it?	N/A	It is used to offset expenses already incurred.
What is your experience with communicating and dealing with North Herts Council?	N/A as not a recipient of funding. Sport England is happy to provide NHDC with further advice on how to secure sports facility provision/contributions in new development to support the review of planning obligations.	Responses from the team paying out the S106 money are good. Interactions with the planning officers are variable.

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Developer Questionnaire Response

Id	1
Name of Organisation	Manor Oak Homes
How do you find the Section 106 process at North Herts Council?	We have complete 2 106 agreement and still working on another over the last 3 years. Generally like all Councils it was slow especially when a 106 agreement could be (generally) a standard agreement for example no need to change definitions. We practically wish to point that all agreement should have an affordable, sensible mortgagee in procession clause and flexibility regarding maintenance of POS and BNG.
Do you have any suggestion for improvements from a developer perspective and reasons for this?	Have a standardised 106 agreement - template
How do dealings with North Herts District Council compare to other local authorities?	Generally on power with out authorities.

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HWE ICBs short statement on the Council's Section 106 processes

North Herts Council consults the HWE ICB on planning applications for housing development. The HWE ICB will assess the health impact on primary, community and mental healthcare services resulting from an increase in patient numbers. The HWE ICB calculates the size of the health financial contribution needed to mitigate the health impact of the development. This calculation is based on the capital cost of providing additional healthcare space across identified health sectors to meet the needs of new residents/patients generated by the proposed development. This calculation takes into consideration nationally recognised space standards and up to date construction costs.

Capital projects can range from small works, for example, reconfiguring existing health service premises to increase patient capacity, to new builds. Additional or improved floorspace will result in a higher value building when compared to older buildings and because new space standards are bigger than older assets. In turn newer, bigger assets create increased financial pressures on the NHS. Of particular note, the NHS reimburses rents and rates on all GP premises from a delegated budget from NHSE.

Historically the NHS would describe the Council's support of health Section 106 requests as risk adverse, with processes overly onerous when compared to practices undertaken by other Hertfordshire Local Planning Authorities. Examples include requesting the NHS is a signatory to Section 106 Agreements, to burdensome requests for evidence of spend, including a request for a visit in person to see reconfigured clinical rooms at a GP surgery, as proof of spend.

The NHS' more recent engagement in Section 106 processes with the Council has markedly improved due to a closer working relationship between the Council and the HWE ICB. Twice yearly planning and engagement meetings are organised by the HWE ICB where Section 106 matters can be aired. These meetings are a valuable forum for both parties to discuss 'live' planning casework and for the NHS to share our internal processes to track Section106 spend, once monies have been drawn down, together with project timelines. The HWE ICB is more than happy to provide more detailed feedback, if needed, including at our next planning and engagement meeting arranged for 1st December 2025.

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HCC has responded to this consultation online, however in doing so it has broken all of the useful weblinks included in the below, therefore I am also sending you this version which I would appreciate that you refer to when reading HCCs response to see the background evidence and other useful documents that HCC has online on this topic.

1. Name of Organisation

Hertfordshire County Council (HCC)

2. How does your funding request process work?

HCC has two teams which request funding via S106, the Growth and Infrastructure Unit (on behalf of non-transport services) and Transport for Hertfordshire (on behalf of all transport services). HCC requests S106 contributions via a formal response to planning applications, this will come as a separate response from both teams which reflects the professional expertise within each team. Several internal teams are consulted as part of the internal HCC process to collate service-wide responses.

On collation of internal data, both teams rely on robust evidence which is publicly available (see [our Guide here](#)). This evidence will inform a defensible S106 contribution request to mitigate the impact of development. HCC is confident in its ability to defend contribution requests at planning appeal and has a successful history of doing so.

Examples of HCC responses to planning applications are widely available on the NHDC planning portal.

3. How are contribution amounts determined? (How do you work out how much you need to request?)

Growth and Infrastructure (GIU)

For Full planning applications, GIU determines a fixed amount per service which is based on the Hertfordshire Demographic Model, informed by up-to-date demographic modelling, using development mix and build trajectory information as inputs.

For Outline (or hybrid) applications, a multiplier table will instead be generated, enabling the development mix to be finalised at a later date, and the full development still be appropriately mitigated meeting the 3 tests for S106 as set out in Reg 122 of the CIL Regulations 2010 (as

amended). The multiplier table will provide a cost per service per unit type (broken down by size, type and tenure). This is also informed by the Hertfordshire Demographic Model.

Larger strategic scale sites may be required to provide land for new infrastructure and, where it can be demonstrated that the new development would not be acceptable in planning terms without the complete delivery of a particular project, the full cost of delivery may also be sought. There is often a policy requirement in the local plan for that piece of infrastructure, often at a defined scale.

For more information on how the Hertfordshire Demographic Model works, please see the online information: [2021 Guide to the Demographic Model](#) and [PUPIL YIELD METHODOLOGY](#).

Transport for Hertfordshire

A fixed Travel Plan will be added to applications

In accordance with the National Planning Policy Framework (NPPF, December 2024, paragraph 118), all developments that generate significant amounts of movement must provide a Travel Plan, supported by a Transport Statement or Transport Assessment, to assess the likely impacts of the proposal. Similarly, Hertfordshire County Council's Local Transport Plan 4 (LTP4) Policy 5 requires that development proposals reflect the Transport User Hierarchy, encourage sustainable modes of travel, and reduce travel demand.

To ensure compliance with these policies, the Highway Authority will secure a Travel Plan through a Section 106 Agreement. A fixed Travel Plan contribution will be applied to all qualifying applications. In addition, a Travel Plan Evaluation and Support Fee of £1,200 per annum, index-linked to the Retail Price Index (RPI) from March 2014, will be secured via the same agreement, in line with the County Council's Travel Plan Guidance.

Sustainable Travel Contributions

Hertfordshire County Council operates a two-strand approach to mitigation:

Strand 1 – Site-Specific Mitigation (Section 278 Agreement)

The immediate and specific impacts of larger developments, identified through a Transport Assessment or Transport Statement, will be mitigated via a **Section 278 Agreement**. Typical measures include:

- Bus stop improvements (e.g., Kassel kerbs, Real-Time Information systems, shelters)
- New or improved footway links
- Dropped kerbs and tactile paving crossings

Strand 2 – Strategic Sustainable Transport Contribution (Section 106 Agreement)

To address the wider cumulative impacts of development, the Highway Authority will seek a financial contribution towards sustainable transport infrastructure. This is consistent with the revised NPPF (December 2024) and the provisions of Section 106 of the Town and Country Planning Act 1990, as governed by the Community Infrastructure Levy (CIL) Regulations. The

current contribution rate is £9,861 per dwelling, index-linked to SPONS from March 2024. These funds will support measures that promote accessibility by sustainable modes, including bus, cycling, and walking infrastructure, in line with HCC's LTP4 objectives.

Key points

Calculator: To provide an estimate of the contributions that we might request from a scheme, HCC has an [indicative-s106-contributions-calculator-2025.xlsx](#) with its guide found here: [non-education-model-and-indicative-s106-contributions-calculator-guide-2025.pdf](#).

Indexation: HCC will ensure that every contribution request is translated into a planning obligation within legal agreements and in order to protect the real terms value of the requested money, the contribution will always be linked to an index (currently BCIS) to ensure that inflation is added to the payment. The base date of the index is detailed in the [HCC Guide to Developer Infrastructure Contributions](#) which is updated annually.

Viability: For planning applications with a viability challenge, HCC would expect review by the determining authority and a copy of each viability assessment to be made publicly available. Each development will be considered on a case-by-case basis and HCC will only consider a reduction in contribution requests where the methodology behind the viability assessment is robust and every opportunity to pay the contributions has been taken. HCC may also consider objecting to the planning application due to insufficient S106 contributions being secured.

4. What is the internal process for allocating contributions

Growth and Infrastructure (GIU)

Contributions are specific to the service they have been collected for, albeit HCC requires flexibility in legal agreements as to the final project for that service - this enables funding to be spent in line with service priorities which may change over time as developments build out. Defined projects will often have been secured through Local Plan policy or otherwise are worked out through strategies for other windfall developments. Contributions will be allocated where needed to mitigate the impact of the development, this will be towards a suitable project in line with the legal wording secured within the S106 legal agreement. The work to determine selected projects is done via engagement and consultation with specialist internal services and informed by up-to-date data. There is a formal approval process supported by finance and legal teams, in coordination with HCC Members. HCC maintains strategy documents to assist this process and ensure that cumulative growth impacts are always considered.

Transport for Hertfordshire

Transport contributions are allocated in accordance with the specific requirements agreed at the planning stage. To ensure effective governance and delivery, the Highways Authority convenes quarterly meetings of the Officers Delivery Group (ODG). These meetings bring together a range of internal and external stakeholders to review both new and existing contributions. During these sessions, project schemes are prioritised, outlined, and recorded following a structured process designed to ensure timely progress and accurate data

management. All schemes discussed and advanced through this process must remain fully compliant with the legal obligations set out in the respective Section 106 Agreements.

5. How much community engagement is carried out before making a request?

None, contributions are evidence based, the evidence is produced under scrutiny and consultation.

6. How are the priorities for allocation identified?

In liaison with each service, the most appropriate project will be determined prior to the request for S106 monies, and only where no surplus capacity exists will a mitigation project be identified. This will be data driven and appropriate in line with the Regulation 122 of the CIL regulations. Within the limits of the CIL 122 regulations, HCC will seek to fully fund a project before moving on to another project.

7. How is the spend of funding communicated back to North Herts Council?

Local authority partners receive a report 3 times a year that includes all S106 funding held by HCC, with details of which projects the funding has been allocated towards. The spend itself is detailed in the Infrastructure Funding Statement, which is published by HCC and all local authorities which have S106 and CIL funding, on an annual basis. The latest version is available on our website: [IFS 2024](#)

8. What do you do with the money once you receive it?

All funding is allocated to the service for which it has been collected and will be spent according to the legal clause within the agreement. Projects may have funding coming from multiple sources or have a long lead in time for delivery so there is often a gap between funding receipt and spend. Legal agreements for each development will determine the deadlines for expenditure and any associated refund clause should the monies not be used. HCC will typically seek a ten-year period post notice of completion of development prior to refund being available should the monies not have been spent/allocated/committed to a project already. Once the ten-year period post completion of development has elapsed the applicant has a period of 12 months to apply for the unspent monies to be returned.

9. What is your experience with communicating and dealing with North Herts Council?

NHDC have engaged proactively with HCC through the planning application process. NHDC has supported HCC S106 obligation requests and helped defend the position with developers. Any issues or challenges which have arisen have been communicated by NHDC officers quickly and clearly.

NHDC has considered HCC requests, including any amendments which are required to Officer Reports to Planning Committee, to help clarify the position of HCC obligations.

When there have been viability challenges, NHDC officers have been helpful in providing the necessary information within an appropriate timeframe.

Monthly 'coordination' meetings are held between NHDC and HCC officers which are a useful forum to have open discussions regarding planning applications, S106 contributions and raise any other issues. This is a very efficient and effective use of officer time. Overall HCC experiences a positive working relationship and good communication with NHDC.

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**CABINET
14 APRIL 2026**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: COUNCIL DELIVERY PLAN 2025-26 (QUARTER 3 UPDATE)

REPORT OF: DIRECTOR - RESOURCES

EXECUTIVE MEMBER: RESOURCES

COUNCIL PRIORITY: THRIVING COMMUNITIES / ACCESSIBLE SERVICES / RESPONSIBLE GROWTH / SUSTAINABILITY

1. EXECUTIVE SUMMARY

This report presents progress on delivering the Council Delivery Plan for 2025-26. This is a Quarter 3 update but generally reflects progress up to the point that the report was prepared (early March 2026). The report includes:

- For the projects identified by Cabinet, it details milestones and progress against them.
- The risks in relation to the delivery of those projects, as well as the corporate risks that could impact the delivery of all our projects and services.
- Latest data for the Council's key performance indicators (KPIs).

Points to note:

- A new item relating to the Museum Collection Facility project and associated risks has been added to the Council Delivery Plan.
- Three projects are complete and associated risks have been managed to the target level. Two of these were reported in the Quarter 2 Update (King George V Skate Park and Waste and Street Cleansing Contract) and the other one was completed following approval of the 2026-27 budget at Full Council on 26 February 2026 (Engaging the community on our finances).
- Two projects have an amber delivery status (Churchgate, and Digital Transformation).
- Four projects have a high risk (red) status (Churchgate, Decarbonisation of Council Buildings - Phase 2, Local Plan Review, and Museum Collection Facility).
- Three of the four over-arching Corporate Risks also have a red status, with the other one (Financial Sustainability) now assessed as a medium (amber) risk.
- There are three KPIs that have a red status (two relating to Careline installations and one relating to CSC calls answered in 45 seconds).

This report also provides an update on developing agreed new KPIs that align with Council Plan objectives and the proposed timing for these to be included in future Council Delivery Plan monitoring reports.

2. RECOMMENDATIONS

- 2.1 That Cabinet notes progress against Council projects and performance indicators, as set out in the Council Delivery Plan (Appendix A), and approves new milestones and changes to milestones.

3. REASONS FOR RECOMMENDATIONS

- 3.1 The Council Delivery Plan (CDP) monitoring reports provide Overview and Scrutiny Committee, and Cabinet, with an opportunity to monitor progress against the key Council projects, and understand any new issues, risks, or opportunities.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 In developing the CDP, it was agreed that Cabinet would receive quarterly updates. The updates are also provided to Overview and Scrutiny Committee so that they can provide additional oversight and support to Cabinet.
- 4.2 Therefore, no alternative options were considered for this report.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 Directors and Service Managers have provided updates on progress and will have made Executive Members aware of progress made.
- 5.2 A draft of the Quarter 3 update was provided to the Risk and Performance Management Group (RPMG) in February 2026. The Group has a standing invite to the Executive Member for Resources (who has responsibility for performance monitoring), the Chair of Overview and Scrutiny Committee (O&S) and the Chair of Finance, Audit and Risk Committee (FAR). Other members of O&S, FAR, and Cabinet are also encouraged to attend if they can. RPMG were asked to comment on the Q3 update. There were no specific issues raised by the Group.
- 5.3 The Overview and Scrutiny Committee were asked to provide comments on the current progress of the CDP, including recommendations to Cabinet.
- 5.4 New KPIs that link to actions in the Council Plan were previously discussed by the internal informal Political Liaison Board of the Executive and Leadership Team in August 2025, followed by a further discussion at Political Liaison Board in December 2025. They were then considered by O&S and Cabinet in January 2026.

6. FORWARD PLAN

- 6.1 This report contains a recommendation on a key decision that was first notified to the public in the Forward Plan dated 19 December 2025.

7. BACKGROUND

- 7.1 The CDP brings together projects, risks, and performance indicators in one document. The projects, risks, and performance indicators from 2024-25 were rolled forward into the current year. There have been two projects subsequently added (decarbonisation phase 2 and museum collection facility). Further KPIs have also been developed to help implement the “Develop the golden thread” recommendation from the Corporate Peer Challenge. These will be reported for the first time in the year-end monitoring report.

8. RELEVANT CONSIDERATIONS

- 8.1 Appendix A provides an update on the progress made in delivering the Council Delivery Plan 2025-26. Whilst it is labelled as a Quarter 3 update, it generally reflects the latest position at the time the report was written (early March). Milestones are set as far ahead as possible but are not included where there is too much uncertainty over the scope or timing of required actions.
- 8.2 A new item relating to the Museum Collection Facility project has been added to the CDP. Currently, due dates for some milestones still need to be entered. These will be confirmed following the appointment of a Professional Technical Services contractor (due by the end of March 2026) and further detailed work to develop a comprehensive and realistic delivery programme. The current estimate is that we will complete the renovation in Summer 2027, followed by relocation of the museum collection to the new facility.
- 8.3 Two projects have an amber status, with the remaining 11 having a green status, three of which have now been completed. Comments on the amber statuses are provided below. As detailed in Appendix A, some projects with a green status also have proposals for changes to (yellow highlights) or new (blue highlights) project milestones.

Churchgate	In February 2026, Project Board agreed that the project should progress to launching a soft market testing phase, in line with the Project Team recommendation. This will take place at UKREiiF in May 2026. Therefore, previously reported timings for relevant committee reports have changed. We now expect to present reports to relevant committees in June 2026.
Digital Transformation	Amber status reflects slight delays in the ‘go live’ date for the new Safety Advisory Group (SAG) platform (now 12 March 2026) and completing waste process TechnologyOne automations (now 31 March 2026). Also, the previously recorded target date for grants process TechnologyOne automations is proposed to be removed, as further scoping work is required and the scheduling of this is still to be determined.

8.4 Our performance indicators reflect the overall performance of the Council. Performance levels are rated as either green (achieving or exceeding the target), amber (not achieving the target level and look to take action to get back on track) or red (urgent action needed to get back to target). For this report:

- 5 indicators are rated green.
- 6 indicators are rated amber.
- 3 indicators are rated red.
- 9 indicators do not have a target.

8.5 For performance indicators rated red, the following actions are being taken:

Careline Installations (relates to two linked KPIs): Performance remains below target, with year-to-date performance levels being relatively consistent and high throughout the year for both KPIs. Key factors influencing recent performance included two technicians remaining on office-based duties only, which continued to reduce field installation capacity and limited appointment availability, and technician availability over the Christmas period due to annual leave rotas. Recruitment of new technicians to increase and stabilise staff capacity, strong scheduling processes/discipline, and careful management and prioritisation of longer-wait cases aim to return performance to levels that consistently achieve the respective targets of 90% (installations completed in 5 working days) and 100% (installations completed within 10 working days). Despite challenges, we still continue to complete almost all installations within 10 working days.

Call Answering: Call answering performance for the period October to December 2025 was 1% below the 90% target, mainly due to two significant demand spikes: Council Tax reminders issued in mid-October 2025 and Council Tax text/call/email reminders sent in mid-December 2025. These coincided with staff sickness and pre-booked annual leave, reducing capacity. Year-to-date performance was slightly lower at 85%. For October to December 2025, these factors also led to the lower service level of 48% of calls answered within 45 seconds against the 80% target. This, along with the previously reported key factors that influenced performance during the first half of 2025-26 (Customer Service Centre staffing challenges and increased contacts linked to seasonal peaks and service changes), resulted in year-to-date performance of 50%. Mitigations include ongoing temporary recruitment, continued upskilling of staff, closer coordination with services before large outbound communications, and continuing to provide digital self-service options.

8.6 As can be seen in Appendix A, there is still no 2025-26 data for the previously reported KPI entitled 'Number of collections missed per 100,000 collections of domestic household waste'. Officers are working with Veolia on contract data, but currently the only missed collections data available to us from the start of the new contract relates to the contract as a whole, covering both East and North Herts. This data relates to domestic collections only, which excludes commercial, assisted, garden, and clinical waste collections. The following table presents the available data:

	Apr 25	May 25	Jun 25	Jul 25	Aug 25	Sep 25	Oct 25	Nov 25	Dec 25
Missed collections per 100,000 lifts (per month)		40	79	72	317	236	179	173	142

8.7 There are 13 risk entries linked to specific projects and four over-arching corporate risks. For this report:

- 6 risks are assessed low risk (green).
- 4 risks are assessed medium risk (amber).
- 7 risks are assessed high risk (red).

8.8 One risk has moved from amber to green (Engaging the community on our finances) following completion of the related project. One risk has moved from red to amber (Financial Sustainability), which reflects the improved funding position and reduction in pension costs whilst acknowledging that risks still remain (during the lifetime of North Herts Council) in relation to cost and income pressures, Extended Producer Responsibility funding, and indicative only funding for 2027-28 and 2028-29. A new risk, currently assessed as high, has been introduced relating to the Museum Collection Facility project.

8.9 Following the approval of KPIs with direct links to the Council Plan, as proposed in the Quarter 2 Update, officers are now working to develop relevant details for new KPIs and set these up on the Ideagen system. This work is progressing well and the intention is to include most of these KPIs in the year-end monitoring report with data for 2025-26. A small number of new KPIs may start to be reported from 2026-27, although this is still to be confirmed. Initially, no targets will be set for new KPIs, although targets may be set for KPIs we have previously measured. This will be kept under constant review.

8.10 The CDP is intended to be a live document. Councillors and Officers can access Ideagen for the latest position. New projects can be added to the Plan if they are a strategic priority and resources are available to deliver them. Projects will be removed at an appropriate time when they are completed, or if they are no longer a priority. Cabinet (following prior review by Overview and Scrutiny Committee) will be asked to approve any changes to milestones.

8.11 Overview and Scrutiny Committee can ask for more detail on any of the CDP projects. This can either be provided as a written update or can be included as part of the next quarterly update, to support discussion in the meeting.

8.12 Access to Ideagen

All the detail behind the projects, risks and performance indicators is available to view in Ideagen, the Council's performance and risk system. A guest login is provided on the intranet for any Member to use, along with a procedure note and short video on how to view the data.

9. LEGAL IMPLICATIONS

- 9.1 The constitution determines the role of Cabinet as including: “To take decisions on resources and priorities, together with other stakeholders and partners in the local community, to deliver and implement the budget and policies decided by the Full Council. To monitor performance and risk in respect of the delivery of those policies and priorities” (paragraph 5.7.3).
- 9.2 The constitution determines the role of Overview and Scrutiny Committee as including: “To review performance against the Council’s agreed objectives/priorities and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or service areas. To consider risk to the achievement of those objectives/priorities. To make recommendations to Cabinet” (paragraph 6.2.7 (s)).
- 9.3 There are no specific legal implications arising from the CDP. However, there may be individual legal implications for some of the projects outlined. Any commissioning of work on new and existing projects will follow the standard legal requirements and those required by the Council’s internal standing orders, contained within the Constitution.
- 9.4 It is worth noting that a robust and measurable delivery plan is an important tool for the Council to fulfil the ‘best value’ requirement set out in Section 3 of the Local Government Act. The Act requires authorities, including the Council, to “make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.” Monitoring reports to Members and actions arising from those reports will ensure discharge of this statutory responsibility.

10. FINANCIAL IMPLICATIONS

- 10.1 There are no direct financial implications arising from this report. Where projects are linked to efficiencies or investments then these are included in the budget proposals and monitored through the quarterly finance reports.

11. RISK IMPLICATIONS

- 11.1 Good risk management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.
- 11.2 The CDP aims to support the risk management process by directly linking risks to projects being undertaken, and strengthens the link between performance and risk, making risks more current and providing an improved perspective of the risks that the Council faces.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 There are no direct equalities implications arising from this report.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Social Value Act and “go local” requirements do not apply to this report.

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 There will continue to be a need to align Council and Service objectives with available people resources to be able to achieve them. The CDP helps to make that link clearer.

15. ENVIRONMENTAL IMPLICATIONS

- 15.1 There are no known environmental impacts or requirements that apply to this report. However, a number of the projects to be monitored throughout the year are related to key environmental issues. Environmental Impact Assessments are conducted for individual projects, as needed.

16. APPENDICES

- 16.1 Appendix A – Council Delivery Plan 2025-26 Q3 Monitoring Report

17. CONTACT OFFICERS

- 17.1 Ian Couper, Director - Resources
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- 17.3 Natasha Jindal, Interim Legal Manager and Deputy Monitoring Officer
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18. BACKGROUND PAPERS

- 18.1 None

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Council Delivery Plan – Status Key

Status	Description
Projects	
	The project (and all recorded milestones) has been completed.
	All ongoing milestones have not reached their due dates (or do not have due dates).
	There is at least one ongoing milestone that has not been completed by the due date, but the overall project due date has not passed. Proposals to change milestone due dates will be made, which may also lead to a proposed change to the overall project due date.
	Overall project due date has passed and there is at least one milestone that has not been completed. Proposals to change project due date and milestone due dates will be made.
Risks	
	Assessed as a low risk.
	Assessed as a medium risk.
	Assessed as a high risk.
KPIs	
	Data value has met or exceeded the target figure. Performance is at an acceptable level.
	Data value has not achieved the target figure. Need to consider appropriate action to return performance to an acceptable level.
	Data value has not achieved the target figure. Urgent action required to return performance to an acceptable level.
	Data value is reported for 'information only' and there is no requirement to set targets for the KPI.
	Ideagen cannot calculate a status, as officers have not entered a target figure for the period.
	Data value has improved compared with the same time last year.
	Data value has deteriorated compared with the same time last year.
	Data value has not changed compared with the same time last year.
	Ideagen cannot calculate a direction of travel, as previous data is not available for comparison.

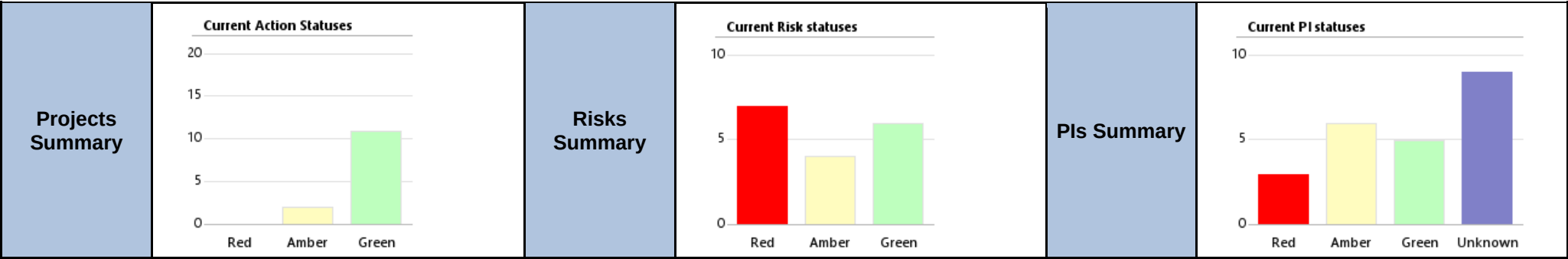
4	7	9
2	5	8
1	3	6

Council Delivery Plan 2025-26 Q3 Monitoring Report – Project Statuses



Project	Status	Risk Level
Churchgate		
Digital Transformation		
Decarbonisation of Council Buildings - Phase 2		
Leisure Centre Decarbonisation		
Local Plan Review		
Museum Collection Facility		
Oughtonhead Common Weir		
Pay on Exit Parking		
Resident/Public EV Charging in our Car Parks		
Town Centres Strategy		
Engaging the community on our finances		
King George V Skate Park		
Waste and Street Cleansing Contract		

Council Delivery Plan 2025-26 Q3 Monitoring Report - Status Summaries



Council Delivery Plan 2025-26 Q3 Monitoring Report - Key Performance Indicators (KPIs)

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	Latest Update	Current Value	Current Target	Status	Trend (Compared with the same time last year)	2025/26 Target
Percentage of council tax collected in year	January 2026	90.52% (year to date)	91%		 (91.31%)	97%
Percentage of NNDR collected in year	January 2026	86.81% (year to date)	88%		 (85.68%)	96%
Council's Scope 1-3 emissions (tonnes CO2e)	2024/25	3,888.47	N/A Data Only		 (3,782.50)	N/A Data Only
Number of Stage 1 complaints	Q3 2025/26	262 (year to date)	N/A Data Only		 (144)	N/A Data Only
Percentage of Stage 1 complaints resolved within 10 working days	Q3 2025/26	76% (year to date)	80%		 (94%)	80%

KPI	Latest Update	Current Value	Current Target	Status	Trend (Compared with the same time last year)	2025/26 Target
Percentage of Stage 2 complaints resolved within 20 working days	Q3 2025/26	85% (year to date)	70%		 (79%)	70%
Total number of alarm calls in a given period	January 2026	315,800 (year to date)	N/A Data Only		 (320,184)	N/A Data Only
Rolling number of Careline service users supported under the HCC contract	January 2026	7,245	N/A Data Only		 (7,015)	N/A Data Only
Percentage of Careline installations completed within 5 working days	December 2025	79.9% (year to date)	90%		 (New KPI from January 2025)	90%
Percentage of Careline installations completed within 10 working days	December 2025	97.6% (year to date)	100%		 (New KPI from January 2025)	100%
Percentage of CSC calls answered	Q3 2025/26	85% (year to date)	90%		 (93%)	90%
Percentage of CSC calls answered within 45 seconds	Q3 2025/26	50% (year to date)	80%		 (62%)	80%
Sign-ups to the Digital Budget Hub	Q3 2025/26	787	N/A Data Only		 (239)	N/A Data Only
Average number of penalty points awarded per Grounds Maintenance contract monitoring inspection. (Lower numbers are good.)	December 2025	2.25 (year to date)	N/A Data Only		 (4.93)	N/A Data Only
Working days lost due to short-term sickness absence in the last 12 months per FTE employee	December 2025	4.48	4.00		 (4.26)	Not Measured for Years
Working days lost due to long-term sickness absence in the last 12 months per FTE employee	December 2025	3.56	N/A Data Only		 (4.94)	N/A Data Only

KPI	Latest Update	Current Value	Current Target	Status	Trend (Compared with the same time last year)	2025/26 Target
Staff turnover - rolling 12-month percentage	December 2025	8.5%	15%		↓ (7.25%)	Not Measured for Years
Percentage of advertised vacancies filled in first round	Q3 2025/26	78.7% (year to date)	75%		↑ (76.8%)	75%
Number of visits to leisure facilities	January 2026	1,317,474 (year to date)	N/A Data Only		↓ (1,444,960)	N/A Data Only
Percentage of all planning applications determined within the relevant statutory or agreed time periods	Q3 2025/26	83.58% (year to date)	80%		↓ (86.2%)	80%
Percentage of household waste sent for reuse, recycling and composting	Q3 2025/26	*59.05% (year to date)	60%		↑ (58.59%)	59%
Number of collections missed per 100,000 collections of domestic household waste	March 2025	47 (year to date)	N/A Data Only		↑ (60)	N/A Data Only
Performance against revenue budget (projection against original budget)	Q3 2025/26	-4.8% (year to date)	0%		↓ (-10.0%)	0%

* Data is provisional and may be subject to change when finalised.

** See Paragraph 8.6 of the covering report.

Council Delivery Plan 2025-26 Q3 Monitoring Report - Projects / Risks

	Churchgate				
Council Plan Objective	Responsible Growth (2024-28)	Due Date	31-Mar-2027	Original Date	31-Mar-2027
Project Summary	Progress the long-term regeneration of the shopping centre and surrounding areas. Project will span a number of years. Currently, recorded action relates to key milestones up to 2025/26 and early 2026/27.				
Latest Update	06-Mar-2026 The scheme remains committed to the five development principles agreed following public consultations and stakeholder engagement. A regeneration specialist Project Manager was appointed in September 2025 for an initial period of one year, and a 2026/27 growth item has extended the employment. The Project Team have been working with consultants to understand what could be feasible on the various sites. This includes commissioning market consultants to review and recommend varying, scalable options to transform Hitchin Market into a market hall style venue. The Enterprise Manager is also working closely with Hitchin Market to ensure that the operation is successful in the interim period leading up to the regeneration, and the consultants have been working with the Market Board to ensure that traders are engaged and supported whilst the Council determines the next steps. We have also been surveying and analysing current car parking provisions within the town centre, working with car parking specialist consultants. Top level findings suggest there is sufficient car parking in the town throughout the week and on weekends, except during peak shopping times on Saturdays. The consultants have suggested various measures to help mitigate possible parking provision issues as plans progress, and parking does remain a key concern for Project Board. We are exploring various procurement routes for the project, taking account of ongoing feasibility work and Local Government Reorganisation. We have also worked on various models to financially appraise options and work towards a viable scheme that meets objectives and addresses identified issues and challenges. In February 2026, Project Board agreed that the project should progress to launching a soft market testing phase, in line with the Project Team recommendation. This will take place at UKREiIF in May 2026. This will be followed by a member briefing session, with a report to Overview and Scrutiny Committee and Cabinet currently expected to be presented in June 2026. At an appropriate time, further milestones and related timings for the Council Delivery Plan will then be developed. Due to the challenges, uncertainty, and variables associated with the project, the overall risk level remains high. However, current project management arrangements and controls enable us to manage these risks as well as we can, albeit that certain external factors are out of our control.				
Milestone	Due Date	Complete	Note		
Start of engagement.	02-Sep-2024	Yes			
Run workshops.	16-Sep-2024	Yes	Hitchin Market Board workshop held 9 September 2024. Hitchin Forum workshop held 9 September 2024 (in the evening). Tenants workshop held 12 September 2024.		
Start public consultation.	17-Sep-2024	Yes			
Public consultation ends.	01-Oct-2024	Yes	The consultation period was extended to 3 November 2024 to take into account the leaflet drop to all North Hertfordshire households.		
Open 'in-person' Churchgate Regeneration Hub on market days, up to the end of the consultation period.	17-Oct-2024	Yes	Churchgate Regeneration Hub opened in an unused Churchgate unit.		
Feedback to Project Board.	29-Oct-2024	Yes	October 2024 Project Board meeting re-scheduled. Update on progress presented to Project Board on 14 October 2024.		
Feedback to Project Board.	26-Nov-2024	Yes	Project Board meeting re-scheduled to 4 December 2024. Consultation findings were presented to Project Board at this meeting.		
Publish second stage public consultation feedback report.	28-Feb-2025	Yes	Consultation results published in February 2025 and communicated throughout March 2025.		

Complete detailed evaluation of consultation findings and financial options appraisal.	16-May-2025	Yes				
Project Board decision on overarching direction and preferred pathway.	16-May-2025	Yes				
Attend UKREiIF 2025.	22-May-2025	Yes	Anthony Roche, Steve Crowley and Chloe Gray attended UKREiIF - 20-22 May 2025.			
Report to Council and formal decision on overarching direction and preferred pathway.	10-Jul-2025	Yes	At Full Council on 10 July 2025, councillors voted to progress with their preferred approach to regenerate the Churchgate area, following extensive public consultation and technical feasibility work.			
Churchgate Project Board Workshop 1	28-Nov-2025	Yes				
Churchgate Project Board Workshop 2	08-Dec-2025	Yes				
Further report to Cabinet.	26-Feb-2026	No	Milestone revised and due date to change to June 2026 (awaiting confirmation of the June 2026 Cabinet date). Confirmed that the report will go to Cabinet rather than Full Council. Dependent on the timing of required Project Board decisions. Currently expect to go to Cabinet in June 2026.			
New Milestone - Project Board meeting to finalise the position of the project and recommended options prior to Member Briefing and Cabinet report/decision.	27-Feb-2026	Yes	Project Board met on 27 February 2026. Agreed that the Project Team progress to launching a soft market testing phase, in line with the Project Team recommendation.			
New Milestone - Host event at UKREiIF 2026.	21-May-2026	No	New milestone. We will host our last soft market testing phase event in May 2026 at UKREiIF, to engage with any potential developers on a non-committal, open forum basis.			
New Milestone - Member Briefing.	31-May-2026	No	New milestone, but actual due date still to be confirmed. This is in work. Dependent on Committee Services availability. However, this will take place prior to relevant Overview and Scrutiny Committee and Cabinet meetings.			
New Milestone - Report to Overview and Scrutiny Committee.	30-Jun-2026	No	New milestone, but actual due date still to be confirmed. Awaiting publication of 2026/27 committee dates, but likely to be in June 2026 - before Cabinet.			
20. Start procurement process for development partner.		No	Milestone and due date to be confirmed. Dependent on Project Board's recommended option for moving the project forward and subsequent Cabinet decision.			
21. Procurement process for development partner ends and contract awarded.		No	Milestone and due date to be confirmed. See note for above milestone.			
Risks			Risk Level	Original Score	Current Score	Target Score
Risks: 1. The regeneration will not meet expectations of stakeholders. 2. Regeneration of the Centre and surrounding area is not cost effective/not affordable. Including impacts of possible high inflation and increasing cost of building materials. 3. Availability of specific funding for consultants (i.e., agreed budgets and income from existing tenants). 4. Overspends against agreed project budgets.				9	8	6

	Digital Transformation				
Council Plan Objective	Accessible Services (2024-28)	Due Date	31-Mar-2027	Original Date	31-Mar-2025
Project Summary	Invest in and develop a low code digital platform that can be used to transform our services and applications. Programme to span a number of years, with the Council Delivery Plan project focussing on key activities planned for the short-term.				
Latest Update	04-Mar-2026 Following extensive testing by and feedback from NHC teams and external partners, the 'go live' date for the Safety Advisory Group (SAG) platform is now 12 March 2026. The platform has been delivered but this slight delay is due to a decision to deliver external stakeholder training up front. Feedback on the new SAG platform has been extremely positive. Digital Services work on finance system integrations for Waste process automations is now expected to be completed by the end of March 2026. Following initial investigations, it has been determined that finance system integrations for Grants process automations are more complicated than first envisaged. As such, further scoping work is required, and scheduling of related tasks will be dependent on how these fit in alongside higher priority projects. We are still in the planning/scoping phase of CRM/Tascomi integrations for a number of regulatory services. Delivery timings are still to be determined, as we are waiting for the third-party supplier to give us access to the required test system. We are also scoping a Version 2 of the previously developed Hitchin Town Hall booking system and an options appraisal will be presented to the Oversight Group at the end of February 2026. If approved, the project will enable us to revisit the system ahead of Local Government Reorganisation (LGR) and implement additional features that were outside of the original project scope. If we proceed, project expected to be completed by the end of September 2026. Following the Oversight Group decision to place the Burials application project on hold, the NHC Burials team is now looking to procure a third-party burials system to replace the current in-house database using the previously agreed budget. In general, key risks to the programme continue to be the availability of sufficient resources and LGR creating general uncertainty across the organisation. The Digital Services team are also progressing several parallel workstreams alongside core programme delivery. This includes the rollout of Microsoft Copilot across the organisation, undertaking business process analysis to identify options for digitalisation and optimisation and to prepare for the upcoming LGR, and continuing to develop and refine a range of ad-hoc online forms and digital processes to meet service needs.				
Milestone Page 734		Due Date	Complete	Note	
	Scope and investigate replacement of Burials system.	30-Jun-2024	Yes	Initial scoping for the replacement of the current in-house database completed. Decision made to provide a replacement system via the new digital platform.	
	Integrate Netcall into Microsoft Azure for wider integration capabilities.	30-Sep-2024	Yes	The Azure tenancy is ready to go and can facilitate single sign on for customers to sign in via MyAccount or for staff to sign into any applications created.	
	Commence development of waste services processes and preparations for integration with new contractors' software.	01-Oct-2024	Yes	Work commenced, with plans agreed with Veolia.	
	Hitchin Town Hall booking system developed.	31-Oct-2024	Yes	The Hitchin Town Hall application has been completed and handed over.	
	Waste Services - integrations with contractors' software.	30-Jun-2025	Yes	Completed on 7 August 2025. There was a slight delay fully integrating with Veolia systems, caused by late access to Veolia's ECHO system/data (April 2025) and delays clarifying specific data requirements. This delay did not have any impact from a customer perspective.	
	Waste Services - project delivery.	30-Jun-2025	Yes	High priority waste services processes were available for the start of the contract, with lower priority/frequency processes completed and delivered by 7 August 2025. One additional form, Waste Issues, was not delivered at this time, but there was an alternative way for Customer Services to do this, so the delay did not impact the customer experience. Milestone completed, albeit with some minor ongoing optimisations.	
	Development and delivery of Trade Waste processes.	07-Aug-2025	Yes	This work is outside of the scope of the original Waste Services project. The majority of Trade Waste processes went live on 7 August 2025 when we implemented the weekly system updates. There was a small part still outstanding due to needing process clarity, but the rest were live. The outstanding item had minimal impact, and the milestone was considered complete, albeit with minor ongoing optimisations.	

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Development and delivery of a Grants database.	28-Nov-2025	Yes	Database is now live, and was officially launched on 24 November 2025.				
TechnologyOne integrations: Grants process automations.	31-Dec-2025	No	Due date to be removed. Following initial investigations, we have determined that this is more complicated than first envisaged. As such, further scoping work is required, and scheduling of related tasks will be dependent on how these fit in alongside higher priority projects.				
TechnologyOne integrations: Waste process automations.	31-Dec-2025	No	Due date to change to 31 March 2026. Work is ongoing and is nearing completion. Digital Services needed IT to open up some further API calls, and IT could only schedule for this to be done at the end of February 2026. Therefore, project now expected to be completed by the end of March 2026.				
Safety Advisory Group (SAG) platform.	31-Jan-2026	No	Due date to change to 12 March 2026. The 'go live' date has been pushed back, as external stakeholder training will now be delivered up front. The Digital Services team have delivered the platform, but the SAG team have requested a 'go live' date of 12 March 2026. The platform has been subject to testing by NHC teams and external partners, and feedback has been extremely positive.				
New Milestone - Scoping Version 2 of the Hitchin Town Hall booking system.	30-Sep-2026	No	New milestone. Currently scoping a Version 2, and an options appraisal will be presented to the Oversight Group at the end of February 2026. If approved, this will enable us to revisit the previously developed system ahead of Local Government Reorganisation and implement additional features that were outside of the original project scope. If approved, work is likely to start in March 2026 and is expected to be completed by the end of September 2026.				
CRM/Tascomi integrations - Regulatory services.		No	Currently in the planning/scoping phase. Timings still to be determined, as we are waiting for the third party supplier to give us access to the required test system.				
Milestone to be deleted - Develop and deliver a Burials application.		No	Milestone to be deleted - Following the Oversight Group decision to place this project on hold, pending further information on Local Government Reorganisation, the NHC Burials team is now looking to procure a third party burials system to replace the current in-house database using the budget previously agreed.				
Risks			Risk Level	Original Score	Current Score	Target Score	
Risks: 1. Resources within key teams available to deliver. 2. Unexpected limitations within new digital platform (now assessed as low risk). 3. Delays in receiving required responses from the waste contractor (now a business-as-usual maintenance risk). 4. Delays in receiving required access to and/or responses from third party systems/providers. 5. Local Government Reorganisation creates uncertainty around the delivery of the wider programme.				6	6	3	

	Decarbonisation of Council Buildings - Phase 2				
Council Plan Objective	Sustainability (2024-28)	Due Date	31-Mar-2028	Original Date	31-Mar-2028
Project Summary	Finalise plans and complete works to decarbonise further Council buildings - Hitchin Town Hall, North Herts Museum, and the learner pool at North Herts Leisure Centre. 2025/26 is a planning year, with works commencing in 2026/27 and due to complete by 31 March 2028. Current milestones only relate to the planning year 2025/26 and activities scheduled to complete in early 2026/27.				
Latest Update	02-Mar-2026 As previously advised, 2025/26 is a planning year, with works commencing in 2026/27 and due to complete by 31 March 2028. Funding for the project has been secured via the Capital Programme 2025-35 and Public Sector Decarbonisation Scheme (Phase 4) funding. However, in order to progress a more practical and cost-effective solution for the District Council Offices, with more immediate benefits, this element of the project has been removed from both the PSDS funding and the Council Delivery Plan item. We have now appointed a principal designer, quantity surveyor, and architect, which we completed in mid-February 2026. Surveys of relevant buildings are now expected to be completed by the end of March 2026. Further milestones have now also been added relating to RIBA design stages and planning submission/approval. We continue to update Salix on progress every quarter, which will move to monthly monitoring reports in 2026/27. At this early stage, there remains some uncertainty associated with aspects of the project, with failure to obtain planning permission for Hitchin Town Hall identified as one of the top risks. Despite the currently assessed overall high risk level, the governance arrangements in place and the activities planned over coming months aim to mitigate project risks and in time, reduce the assessed risk level.				
Milestone		Due Date	Complete	Note	
Full Council approve NHC capital budget to deliver project.		27-Feb-2025	Yes	On 27 February 2025, Full Council approved a capital budget of £1.98m as part of the Capital Programme 2025-35.	
Salix funding secured.		30-Apr-2025	Yes	In April 2025, Salix awarded the Council £1.17m of Public Sector Decarbonisation Scheme (Phase 4) funding. At this time, the estimated total project cost was £3.15m.	
Commence engagement with officers delivering the Leisure Centre Decarbonisation project.		21-May-2025	Yes	We have commenced discussions with the project team delivering the Leisure Centre Decarbonisation project to share internal lessons learned and help inform our approach to managing this Phase 2 project.	
Submit first Salix monitoring report.		13-Jun-2025	Yes	We have submitted our first monitoring report to Salix and have met our Salix relationship manager.	
Project Board established.		17-Jun-2025	Yes		
Appoint Quantity Surveyor to review initial feasibility study.		15-Jul-2025	Yes	We have appointed Varsity Consulting (who provide QS support to the Leisure Centre Decarbonisation project) to review the initial feasibility study.	
Feasibility study received from Willmott Dixon Construction Ltd.		01-Aug-2025	Yes	We appointed WDC (the contractor who assisted us with our funding application) to conduct a feasibility assessment. The aim was for this to help us validate the original funding submission, revise/update overall costs, update the project programme, revise cash flow in line with total project value and Salix submission, update anticipated running costs, review planning options, and provide options for procurement of solutions.	
Technical presentation of feasibility study by WDC.		13-Aug-2025	Yes		
Initial meeting with Varsity Consulting to discuss options to take forward to Project Board.		15-Aug-2025	Yes	Initial meeting held.	
Project Board to agree a preferred procurement option for delivering the pre-construction phase.		08-Sep-2025	Yes	Project Board meeting took place, but no decision was made on a preferred procurement option. Following advice from Varsity Consulting, an additional feasibility study was requested.	

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Cabinet report seeking funding approval for appointing a Principal Designer and a Quantity Surveyor for the full project.	23-Sep-2025	Yes	Services provided by Quantity Surveyor and Principal Designer are not covered by existing project budget. Cabinet approved the additional funding via the first quarter Capital Budget Monitoring Review 2025/26 report.			
CPW to provide updated feasibility study and Varsity Consulting to provide related costings.	04-Nov-2025	Yes	Requested by Project Board on 8 September 2025.			
Project Board decision on a preferred delivery route.	13-Nov-2025	Yes				
Design phase commences.	12-Jan-2026	Yes	Following the appointment of a principal designer, the design phase has now commenced.			
Appoint quantity surveyor, designer, and architect to help deliver project.	31-Jan-2026	Yes	On 13 November 2025, Project Board approved the project approach and the appointment of a quantity surveyor, designer, and architect to assist with the delivery of the project. We have now appointed to all of these, with the final one completing on 17 February 2026.			
Confirm to Salix that we intend to proceed with the project into the first delivery year, in line with funding conditions.	31-Jan-2026	Yes	Confirmed to Salix via email on 30 January 2026.			
Surveys of the buildings completed.	20-Mar-2026	No	Due date added. Confirmed as part of developing project plans and timings.			
New Milestone - Decision point on proceeding to the procurement of contractor before or after RIBA stage 4 detailed designs.	30-Apr-2026	No	New milestone. The due date is based on the current project programme. There is some flexibility if there are minor delays.			
New Milestone - Planning submission.	30-Apr-2026	No	New milestone. The due date is based on the current project programme. There is some flexibility if there are minor delays.			
New Milestone - RIBA stages 2-3 designs sign-off.	30-Apr-2026	No	New milestone. The due date is based on the current project programme. There is some flexibility if there are minor delays.			
New Milestone - Planning approval received.	06-Jul-2026	No	New milestone. The due date is based on the current project programme. This is subject to Planning, as an external party to the project.			
Pre-construction Service Agreement signed.		No	If required, timings to be confirmed at appropriate time later in the project.			
Risks			Risk Level	Original Score	Current Score	Target Score
Key Risks: - Failure to obtain planning permission - particular risk for Hitchin Town Hall as it is a listed building (currently assessed as a top risk for the project). - NHC responsible for funding all project costs beyond agreed grant funding. - Failure to deliver project in line with agreed grant conditions leads to loss of grant funding - grant spend scheduled for 2026/27 and 2027/28. - Delays obtaining required Distribution Network Operator/Planning approvals lead to delays in commissioning/completing project works. - Unforeseen detailed survey findings require changes to project specifications and lead to additional financial costs e.g., identification of asbestos.				7	7	5

	Leisure Centre Decarbonisation				
Council Plan Objective	Sustainability (2024-28)	Due Date	04-Sep-2026	Original Date	02-Feb-2026
Project Summary	Using a combination of external funding and NHC capital funding, deliver a project to decarbonise our three leisure centres. The main activities are replacing end of life gas boilers with Air Source Heat Pumps and installing Solar PV panels to enable on-site generation of electricity. Replacing gas heating for our leisure centres with low carbon alternatives is the single most effective action we can take towards meeting our target of being carbon neutral by 2030.				
Latest Update	03-Mar-2026 The formal legal agreement of easements over LGCHF and Hitchin Cow Commoners Trust land are nearing completion. However, the delay in receiving responses from third parties has impacted programme timings, and we now anticipate works at all three sites being completed and signed off by Building Control by early September 2026. Royston Leisure Centre should be fully completed in June 2026, North Herts Leisure Centre in August 2026, and Hitchin Swimming and Fitness Centre in September 2026. These programme changes have also had financial impacts, although these have been covered by the project budget contingency. In view of progress made, risks associated with obtaining required landowner easements have now reduced. As works progress, risks relating to unknown issues presenting themselves when existing infrastructure is removed also diminish. However, there remains a degree of uncertainty around the scheduling of UKPN works and the impact this may have on overall programme timings, and this is out of our control. We continue regular communication with Salix relating to the grant funding, including the completion of Monthly Monitoring Reports (MMRs). We submitted the final commissioning conditions to Salix at the end of February 2026, which was earlier than required in order to ensure Salix have sufficient time to review the information provided and to raise any queries prior to the formal 31 March 2026 deadline. As the project is progressing and there is now far less uncertainty compared with when the associated risks were originally assessed, the overall risk level is now assessed as medium. Despite the significant consultancy work undertaken throughout the project, until the ASHPs are installed and operational, there remains a residual risk relating to their performance and the achievement of expected carbon and revenue savings.				
Milestone	Due Date	Complete	Note		
Council approves an increase in capital expenditure for the decarbonisation work and revenue expenditure for the termination and removal fees of gas CHPs.	11-Jul-2024	Yes			
Pre-Construction Services Agreement with Willmott Dixon signed.	29-Jul-2024	Yes	Agreed and signed on 2 August 2024.		
Appoint external Quantity Surveyor to oversee NHC's interests.	30-Aug-2024	Yes	Appointed Varsity Consulting to act as the Employers Agent for North Herts Council on the leisure decarbonisation project. This includes carrying out tasks of Quantity Surveyor, Cost Consultant and Contract Administrator. Decision taken 24 September 2024. Decision notified 27 September 2024.		
Project Board - hold point to decide whether to continue the project.	04-Nov-2024	Yes	Project Board approved a number of recommendations allowing the project to move into the next phase.		
Complete Stage 3 design phases.	11-Nov-2024	Yes	Stage 3 completed.		
Council decision on preferred option.	15-Jan-2025	Yes			
Willmott Dixon Construction submit contract offer.	20-Mar-2025	Yes	Contract offer received from Willmott Dixon. This is now being reviewed by our Quantity Surveyor, prior to the final agreement of costs.		
Provide Salix with required project updates.	01-Apr-2025	Yes	All grant conditions and updates for the 2024/25 financial year have been issued and reviewed. Conditions 2-4 have been approved by Salix consultants and are with Salix to approve. Condition 1 will need to be reviewed, amended, and resubmitted later.		
Further report to Cabinet to approve contract award and additional budget.	20-May-2025	Yes	Cabinet agreed to increase the project capital budget, approved the extension of lido seasons at both outdoor pools, approved changes to the 2025/26 General Fund budget as a result of the increase in net expenditure caused by planned closures and extended lido seasons, and awarded the contract to WDC.		

Salix confirm acceptance of our 2024/25 updates.	31-May-2025	Yes	Salix have approved and paid the Council the 2024/25 grant amount in full.
Commence de-carb works at Royston Leisure Centre.	17-Jun-2025	Yes	Willmott Dixon started setting up on site in the week commencing 14 July 2025 and started to shutdown areas of the building to prepare for works in the week commencing 21 July 2025.
Planning permissions obtained.	19-Jun-2025	Yes	Planning permission received for Royston and Letchworth on 19 June 2025, with Hitchin granted on 11 July 2025.
Commence de-carb works at North Herts Leisure Centre.	23-Jun-2025	Yes	Willmott Dixon started setting up on site in the week commencing 14 July 2025 and started to shutdown areas of the building to prepare for works in the week commencing 21 July 2025.
Commence de-carb works at Hitchin Swimming and Fitness Centre.	01-Sep-2025	Yes	The start date for commencing works was pushed back due to a delay with Natural England issuing the required Bat Licence.
Enter into construction contract with Willmott Dixon.	07-Sep-2025	Yes	There was a slight delay completing this milestone, as it took longer than expected to reach agreement on how practical completion would be agreed in a way that complies with the new Building Safety Act and to undertake the subsequent Legal work prior to signing.
Provide Salix with an updated application form with finalised project data (including costs and energy values) and a monitoring plan detailing how carbon savings will be monitored/reported following completion of the project.	02-Feb-2026	Yes	Salix recently confirmed revised final commissioning condition dates and that we needed to submit relevant information to them by 31 March 2026. However, we agreed to do this earlier to ensure Salix have sufficient time to review the information provided and to raise any queries. We submitted the final commissioning conditions to Salix at the end of February 2026.
Complete de-carb works at North Herts Leisure Centre.	26-May-2026	No	Due date to change to 21 August 2026. Currently, we anticipate formalising the required easement over LGCHF land by 20 February 2026. This will enable works onsite to be completed by 26 June 2026. A further eight weeks will then be required for the Building Control sign-off phase, meaning that full completion is now scheduled in the second half of August 2026.
Complete de-carb works at Royston Leisure Centre.	26-May-2026	No	Due date to change to 9 June 2026. Due to unforeseen issues with seized valves, building works are now scheduled to be completed by 14 April 2026. A further eight weeks will then be required for the Building Control sign-off phase, meaning that full completion is now scheduled in early June 2026.
Complete de-carb works at Hitchin Swimming and Fitness Centre.	22-Jul-2026	No	Due date to change to 4 September 2026. Currently, we anticipate formalising the required easement over Hitchin Cow Commoners Trust land by 20 February 2026. This will enable works onsite to be completed by 10 July 2026. A further eight weeks will then be required for the Building Control sign-off phase, meaning that full completion is now scheduled in early September 2026.

Risks	Risk Level	Original Score	Current Score	Target Score
Risks: - NHC responsible for funding all project costs beyond agreed grant funding. - NHC paying up front for the larger Air Source Heat Pumps. - Unforeseen detailed survey findings require changes to project specifications and lead to additional financial costs. - Failure to obtain required planning permissions (no longer a risk). - Delays obtaining required Distribution Network Operator approvals lead to delays in commissioning/completing project works. - Delays obtaining required easements lead to delays in commissioning/completing project works. - Failure to deliver project in line with agreed grant conditions leads to loss of grant funding. - Short programme delivery timeframes impact the ability to drawdown Year 1 2024/25 Salix grant funding within the agreed financial year leading to loss of funding (no longer a risk). - Disruption to day-to-day operations during works leads to customer dissatisfaction. - Demand on existing officer resources to cover the loss of the dedicated Project Manager.		8	5	3

	Local Plan Review				
Council Plan Objective	Responsible Growth (2024-28)	Due Date	30-Oct-2028	Original Date	31-Dec-2027
Project Summary	To undertake an update of the Council's statutory Local Plan as agreed in principle by Cabinet in January 2024.				
Latest Update	12-Feb-2026 Guidance on the new plan making system was released on 27 November 2025. The Government has indicated that secondary legislation will be laid in early 2026, with the new system expected to come into effect six weeks later. In addition, the Government is inviting feedback (not formal consultation) on the new system until 15 March 2026. Revised guidance may therefore be issued once the feedback has been considered. Officers have prepared a revised programme, presented to Cabinet on 20 January 2026, based on the requirements currently set out in the guidance, while noting some areas remain unclear. The report to Cabinet requested delegated authority to submit the required documentation once the new system becomes operational, as well as update the revised timetable if necessary. The guidance specifies a minimum four-month notice period once the system is formally enacted. As a result, formal external stages of the plan are unlikely to commence until July 2026. This period is intended to support necessary preparatory work and to ensure stakeholders receive adequate notice of the Council's intention to commence work on the new Local Plan. It should be noted that the legislation had not been laid at the time of drafting of this update, and further delays may impact the timings of key stages. The Strategic Planning Manager role is currently occupied on an interim basis and will be advertised in April/May 2026. Two Senior Planner roles were advertised to assist in the capacity of the wider team; one appointment had been made, and the second role is currently out for recruitment. At the time of drafting, an additional planner role has since become vacant and will also need to be filled. A temporary contract role, originally filled for six months to provide additional support, has been extended until September 2026. Implementation of the consultation and site analysis digital platform has commenced, and evidence and scoping work continues. The initial Call for Sites ran from June to mid-September 2025 with further analysis ongoing to support the site allocations work. Milestones due dates have been updated to align with the revised programme. However, these are likely to require further revision once the legislation is laid and timings for the new system become certain.				
Milestone		Due Date	Complete	Note	
	In principle approval that Local Plan review is undertaken.	16-Jan-2024	Yes	Approved by Cabinet in January 2024.	
	02. Approval of Local Development Scheme.	14-Jan-2025	Yes	Approved by Cabinet in January 2025.	
	New Milestone - 03. Approval of revised Local Plan Timetable.	20-Jan-2026	Yes	New milestone. Approved by Cabinet in January 2026.	
	04. Notice of start of plan-making given to Secretary of State.		No	Milestone in line with the provisionally revised Local Plan timetable, subject to commentary dated 12 February 2026. We can only submit the notice to commence once the new system is enacted, which is six weeks after the legislation is laid. As we currently do not know when the legislation will be laid, we are unable to suggest an accurate due date. The provisional timetable put to Cabinet on 20 January 2026 assumed the legislation would be laid by now. The Government has only indicated sometime in early 2026 and there is a possibility that the legislation will not be laid until mid-May 2026. This would change the provisionally revised programme completely.	
	New Milestone - 05. Early scoping consultation.	27-Apr-2026	No	New milestone.	
	06. Complete 'Gateway 1' advisory assessment.	29-Jun-2026	No	Due date added. Milestone in line with the provisionally revised Local Plan timetable, subject to commentary dated 12 February 2026.	

07. Complete first mandatory public consultation - proposed content and evidence base.	17-Aug-2026	No	Due date added. Milestone in line with the provisionally revised Local Plan timetable, subject to commentary dated 12 February 2026.			
08. Complete 'Gateway 2' (4-6 weeks).	23-Nov-2026	No	Due date added. Milestone in line with the provisionally revised Local Plan timetable, subject to commentary dated 12 February 2026.			
09. Complete second mandatory public consultation.	13-Sep-2027	No	Due date added. Milestone in line with the provisionally revised Local Plan timetable, subject to commentary dated 12 February 2026.			
10. Complete 'Gateway 3' assessment and submit for examination.	23-Jan-2028	No	Due date added. Milestone in line with the provisionally revised Local Plan timetable, subject to commentary dated 12 February 2026. The intention is to submit the Local Plan for examination early, to ensure planned submission prior to Local Government Reorganisation.			
11. Receipt of examination outcome.	29-Sep-2028	No	Due date added. Milestone in line with the provisionally revised Local Plan timetable, subject to commentary dated 12 February 2026.			
12. Finalisation and adoption of digital Local Plan.	30-Oct-2028	No	Due date added. Milestone in line with the provisionally revised Local Plan timetable, subject to commentary dated 12 February 2026.			
Risks			Risk Level	Original Score	Current Score	Target Score
Risks: Delay in Government regulations and guidance: Continued delays in the publication of regulations and guidance have reached a critical point. While the Local Plan can still be prepared within the new 30-month timetable, it may become unlikely that the Council will be able to submit the Plan for examination before Local Government Reorganisation (LGR) in March 2028 if there are continued delays in the new system starting. Further reforms to the planning system or national policy: The introduction of new or substantive reforms could impact the scope and content of the Local Plan. The new NPPF includes non-statutory Development Management policies. There is currently uncertainty about how these should be applied when decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise. This may have implications for decision making and could lead to increased challenges through appeals and the courts. Inability to recruit or retain experienced officers: Previous recruitment exercises have been unsuccessful, with limited interest due to salary levels not aligning with expectations or with those offered by neighbouring authorities. This poses a risk to delivering the required programme of work. Internal delays in securing necessary resources: Organisational complexities may delay resources needed to progress the Local Plan such as overly complex procurement processes. Insufficient overall capacity to deliver the Local Plan update: Limited staffing and competing priorities may constrain the ability to complete required tasks within statutory timeframes. Lack of clear or aligned corporate direction: Conflicting priorities or a lack of shared vision across departments could hinder a joined-up approach to strategy development and policy alignment. Introduction of new Spatial Development Strategies (SDS): SDS preparation is likely to progress on a similar timeline to the Local Plan, creating risks of abortive work, policy conflict, or delays due to uncertainty or required changes. Early collaboration and shared evidence gathering between authorities will be essential. Failure to secure adequate funding: Insufficient financial resources could delay or limit the scope of the Local Plan review. Failure to obtain political or Government approval at key stages: Lack of support or sign off at critical gateways could stall progress. Risk of Government intervention: If inadequate progress is made on the Local Plan review, the Council may be subject to intervention measures. Inadequate guidance leading to poor scheme outcomes: Insufficient clarity in national policy or guidance may result in development that does not appropriately support corporate priorities relating to climate change, the environment, the economy, or place making. Poor design outcomes: Development may fail to respond appropriately to local character and context if policy clarity or evidence is lacking. Adverse appeal decisions: Delays or stalling of the Local Plan review may increase the risk of unfavourable appeal outcomes on non-Local Plan sites. Impact of Local Government Reorganisation (LGR): LGR proposals may divert resources, affect the timetable or approach, or introduce new workstreams. LGR may also result in conflicting policy approaches between authorities; early collaboration will be required to align policy direction where possible.				5	7	3

	Museum Collection Facility (New Council Delivery Plan Item)				
Council Plan Objective	Thriving Communities (2024-28)	Due Date	31-Mar-2028	Original Date	31-Mar-2028
Project Summary	Delivery of a new facility to house the museum collection of North Hertfordshire.				
Latest Update	05-Mar-2026 We have commenced the project to resolve current museum collection storage capacity pressures and to secure the long-term future and preservation of the museum collection in an environmentally stable facility. A modern and upgraded facility also provides the opportunity to facilitate greater community outreach and engagement, along with enhancing our ability to rotate lesser seen items from our collection in temporary museum displays. The current estimate is that we will complete the renovation in Summer 2027, followed by relocation of the museum collection to the new facility. In July 2025, the Council acquired a suitable long leasehold facility in Letchworth, and we are now moving forward with converting this into a long-term home for the museum collection facility. An initial Project Board meeting took place in September 2025, and a number of developments have already occurred. The existing tenants' lease has been extended until July 2026, allowing time for the designs for the new facility to be completed whilst securing additional income for the Council and avoiding a void period. A communications plan has been adopted, and officers are developing a full submission for grant funding based on a successful expression of interest to the National Lottery Heritage Fund. We are also at an advanced stage of negotiations with a potential provider of professional technical services, who will provide the expertise necessary to spearhead design work and develop technical specifications. We expect to appoint the provider by the end of March 2026. Milestone due dates for the whole project had previously been proposed, but following the production of the latest indicative programme, which benefits from the potential provider's technically informed specialist knowledge, it has become apparent that early estimates were too optimistic. Therefore, some milestone due dates have now been removed, and will be confirmed following the completion of a formal contract and further detailed work to develop a comprehensive and realistic delivery programme. The project will also include appointing to community engagement and collection relocation related roles (both paid and voluntary) to progress related workstreams at the appropriate time. Key risks include financial pressures, escalating costs, staffing capacity, possible damage to the collection, managing staff/Member/public expectations, and possible loss of accreditation, although this last one has lessened due to the Council embarking on this project.				
Milestone	Due Date	Complete	Note		
01. Cabinet approval for the acquisition of a long leasehold interest of Unit 1 City Park, Letchworth Garden City.	18-Mar-2025	Yes			
02. NHC formally acquires the long leasehold interest of Unit 1 City Park, Letchworth Garden City.	04-Jul-2025	Yes	Sitting tenant now in place until July 2026. NHC agreed an extension to the lease (previously to January 2026) to allow time for project design work and procurement of a principal renovation contractor to conclude whilst securing an ongoing income stream while this happens and avoiding a void period.		
03. Project Board established.	31-Jul-2025	Yes			
04. Commence Project Board meetings.	02-Sep-2025	Yes			
05. Present project information note and update to Overview and Scrutiny Committee.	06-Jan-2026	Yes			
06. Appoint Professional Technical Services contractor to guide and support NHC through design phases.	31-Mar-2026	No			
07. Conclusion of design works.		No	Timings to be confirmed.		
08. Procure principal renovation contractor and mobilise contract.		No	Timings to be confirmed.		
09. Sitting tenant vacates premises following expiration of lease.	08-Jul-2026	No			
10. Commence onsite renovation works.		No	Timings to be confirmed.		
11. Complete recruitment to collection strand project roles (roles potentially grant funded).		No	Timings to be confirmed.		

12. Complete recruitment and training of volunteers to support project stages that follow completion of renovation works.		No	Timings to be confirmed.			
13. Complete renovation of Unit 1 City Park, Letchworth Garden City.		No	Timings to be confirmed. Currently, expect renovation works to be completed in Summer 2027.			
14. Commence relocation of museum collection to new facility.		No	Timings to be confirmed.			
15. Complete relocation of museum collection to new facility.		No	Timings to be confirmed. Existing Bury Mead Road site will then subsequently be fully vacated.			
Risks			Risk Level	Original Score	Current Score	Target Score
Key Risks: - Failure to deliver project to planned project timescales and within agreed budgets. - Project Team capacity to deliver project is in addition to existing business-as-usual responsibilities. - Failure to secure external grant funding to maximise the ambitions of the project. - Delays in procuring the design technical team early in the project utilises all time contingencies built into the overall programme.				7	7	3

	Oughtonhead Common Weir				
Council Plan Objective	Sustainability (2024-28)	Due Date	30-Nov-2026	Original Date	30-Sep-2024
Project Summary	Complete works to rectify the collapsed weir.				
Latest Update	11-Feb-2026 Currently, we are awaiting more precise information on revised plans and timings from HCC's Countryside Management Service (CMS). CMS are looking to finalise the drafting of relevant tender documents and consents over the coming weeks and have indicated that the project should start to move forward shortly after this. CMS are still awaiting a response from Affinity Water, who are potentially interested in helping progress the project alongside a Herts and Middlesex Wildlife Trust project to deliver habitat enhancements along the River Oughton more widely. Affinity Water are looking to support projects on the River Oughton, as they re-start abstraction from the aquifer. If possible, it makes sense to combine both projects, to help deliver the greatest benefits for nature and maximise efficiency in procurement/project management activities. CMS continue to chase Affinity Water for an update. In the meantime, NHC officers have requested a site meeting with CMS to enhance understanding of how our weir project fits in with the wider river restoration works and to identify potential challenges and risks. We currently expect this meeting to take place in late February 2026, which will then allow us to provide stakeholders with an update on the current position. To date, we have undertaken significant work to identify what is required to improve both the flow and quality of the water, obtained a number of required permits/consents, agreed a project budget, and have strived to keep relevant stakeholders updated and involved. We have also re-emphasised to CMS the priority of the project from a NHC perspective. The detailed designs for the weir project included a Buildability Statement, which outlined delivery options. This suggested an optimal timing of late summer/early autumn, when breeding bird season will have finished, ground conditions should be most favourable, and river levels will be at their lowest, all of which should create the best conditions for delivery. Therefore, although precise details are to be confirmed, we still anticipate the project being delivered in late summer/early autumn 2026. Once works start on site, the delivery timeframe is expected to be approximately three months. Public communications throughout various project stages remains key to managing stakeholder expectations and potential reputational risks associated with delays. The impact of a delay in completing the project is still assessed as low, due to any further short-term deterioration of the existing weir being unlikely to result in significant environmental damage.				
P 30 7 45	Milestone	Due Date	Complete	Note	
	01. Conduct the further modelling requested by the Environment Agency.	31-Aug-2024	Yes	Cost of completing further modelling circa £3k.	
	02. Obtain required Environment Agency permits.	31-Dec-2024	Yes	Permits obtained in December 2024.	
	03. Commence tender process for undertaking required works.		No	Due date to be confirmed. Awaiting update from CMS regarding project timings. See commentary dated 11 February 2026.	
	04. Appoint contractor(s) to undertake required works.		No	Due date to be confirmed. Awaiting update from CMS regarding project timings. See commentary dated 11 February 2026. CMS have confirmed the details are likely to be complex and so expect a six-week period for the tender to be open to allow sufficient time for contractors to put their returns together, followed by a two-week period for evaluating and scoring returns. Therefore, the procurement process is expected to last for approximately two months.	
	05. Successful contractor confirms project plan and timings.		No	Due date to be confirmed. Will be confirmed following contract award.	
	06. Undertake further communication with the public regarding plans.		No	Due date to be confirmed. Will take place once contract awarded and plans have been finalised.	
	07. Commence work on-site.		No	Due date to be confirmed. Will be confirmed when successful contractor confirms project plan and timings.	
	08. Works on-site completed.		No	Due date to be confirmed. Will be confirmed when successful contractor confirms project plan and timings.	

Risks	Risk Level	Original Score	Current Score	Target Score
Risks: - External funding from HCC, EA and residents is not available leading to full allocated Capital budget being used (currently assessed as low risk in view of reduced work now being required and possible new funding stream from Affinity Water). - Existing situation deteriorates prior to any works being undertaken requiring further urgent temporary solutions to manage an immediate changing situation (currently assessed as low risk). - Failure to obtain planning permission (no longer a risk). - Failure to obtain Environment Agency (fish pass approval) and HCC (ordinary watercourse consent) approval/consent (no longer a risk). - Lack of contractor appetite to undertake works prolongs procurement process and delays project delivery (prior to tender process, assessed as relatively low risk). - Without confirmed plans for the procurement process and project delivery, there is a risk that the project will not be completed in line with current stakeholder expectations (currently assessed as low risk, with a current preference for delivery in summer/autumn 2026).		4	2	1

	Pay on Exit Parking				
Council Plan Objective	Accessible Services (2024-28)	Due Date	30-Sep-2026	Original Date	31-Mar-2026
Project Summary	Replace existing parking machines and update tariff boards to implement pay on exit in all our town centre car parks. Capital budget approved to deliver the project over two years - 2024/25 and 2025/26 - although project now scheduled to complete in 2026/27.				
Latest Update	03-Feb-2026 The Norton Common TRO has been updated (delegated decision notified 27 June 2025). However, further discussions are still ongoing with Leisure/Everyone Active regarding the requirements for the updated TRO for Hitchin Swimming & Fitness Centre, including ensuring these are aligned with the leisure contract. The aim is to formally approve the TRO as soon as possible and the current estimated target date is the end of March 2026, although this is dependent on successfully progressing discussions in the coming weeks. In a change of approach, works to install new parking machines at both car parks will now commence prior to the completion of the updated TRO for Hitchin Swimming & Fitness Centre. This will allow the works to incorporate the changes to parking tariffs scheduled to go to Cabinet in February 2026 and will remove the need for an additional update to signage. Currently, expect these works to be completed by the end of May 2026. From a scheduling and resource perspective, it is preferable for installation works at both car parks to be undertaken at a similar time. The installation of all new tariff boards has now been further pushed back to the end of September 2026, with associated Capital funding carried forward to 2026/27. We are continuing discussions with the contractor regarding the quality of installed parking signage, which needs to be resolved before we are happy to proceed with the installation of new tariff boards. We are also reviewing the signage contract to clarify available options. Temporary updates to existing tariff boards are likely to be required to reflect changes to parking tariffs, with installation of the new tariff boards being undertaken on a phased basis during Summer 2026. However, should a change in tariff board provider be required, there is a risk that tariff boards will not be installed until after the revised target date. As with the introduction of any new technology, the Council and users have experienced a number of issues associated with the new machines and payment options. Some of these have been fully resolved, such as network connectivity issues at a number of car parks. We continue to work with the contractor to address quality issues with some of the installed parking machines and to agree arrangements for monitoring income lost associated with identified issues. The contractor has extended the initial two-year warranty, and the maintenance contract will now kick in after the third year of operation. The Parking Team continue to respond to and resolve users' issues, which has been key to managing the possible reputational risks associated with a negative public reaction to the changes. Overall, most users have successfully continued to pay for parking.				
Project Milestone Page 7 of 7		Due Date	Complete	Note	
	Procure supplier to replace tariff boards.	30-Aug-2024	Yes	Procurement complete. Supplier appointed on 2 September 2024.	
	Draft implementation programme received from contractor.	30-Nov-2024	Yes		
	Full implementation programme agreed with contractor.	31-Dec-2024	Yes	Full implementation programme agreed in December 2024 with some minor modifications finally agreed early February 2025. Installation of new parking machines scheduled to start mid-February 2025.	
	Commence installation of new parking machines on a town-by-town basis, along with new entrance/information signage.	17-Feb-2025	Yes	Rollout commenced in Hitchin.	
	Update TROs.	18-Feb-2025	Yes	The majority of updated TROs became effective on 18 February 2025. Updated TROs introduced alternative methods of payment, virtual permits and season tickets, and reviewed the definitions and length of stay for electric vehicle parking bays within the Council's car parks.	
	Complete installation of new parking machines and new entrance/information signage.	31-Mar-2025	Yes	Works on site completed. However, as with the introduction of any new technology, the Council and users have experienced issues associated with the new machines and payment options. Officers continue to work with the contractor to address identified issues.	

Complete installation of new parking machines and signage at Norton Common and Hitchin Swimming & Fitness Centre car parks.	31-Mar-2026	No	Due date to change to 31 May 2026. Now plan to complete these works slightly later to enable the new parking machines and signage to reflect the changes in tariffs that will be presented to Cabinet on 17 February 2026. This action is no longer dependent on the completion of the new TRO for Hitchin Swimming & Fitness Centre, which requires further discussions with Leisure and Everyone Active.
Installation of new tariff boards completed.	31-Mar-2026	No	Due date to change to 30 September 2026. Capital funding for this element of the project to be carried forward to 2026/27. We continue discussions with the contractor regarding the quality of installed parking signage, and this still needs to be resolved before we are happy to proceed with the installation of new tariff boards. Following approval of changes to parking tariffs (Cabinet 17 February 2026), temporary updates to existing tariff boards will be completed. Should a change in tariff board provider be required, this is likely to further impact the current due date.
Norton Common and Hitchin Swimming & Fitness Centre TROs updated.	31-Mar-2026	No	The Norton Common TRO has been updated (delegated decision notified 27 June 2025). However, there has been a delay with Leisure/Everyone Active confirming the requirements for the updated TRO for Hitchin Swimming & Fitness Centre. Further discussions are still required, and the aim is for the TRO to be updated and effective as soon as possible. The delay in completing the update no longer affects the scheduling of required works on site. For the time being, no further changes to the due date are proposed.

Risks			Risk Level	Original Score	Current Score	Target Score
Risks: 1. Budget implications of selected scheme (no longer a risk). 2. Inability to procure suppliers within approved budget (no longer a risk, as procured suppliers within budget). 3. Negative public reaction to changes and disruption during works. 4. Loss of income during associated works and immediate post-installation period. 5. Failure to bring together separate project elements to achieve seamless project delivery. 6. Public have issues using the new parking machines or understanding new payment options. 7. Issues with installed signage leads to a change in tariff board provider being required.				1	2	1

	Resident/Public EV Charging in our Car Parks				
Council Plan Objective	Sustainability (2024-28)	Due Date	31-May-2026	Original Date	31-Mar-2025
Project Summary	Finalise contract/leases with private sector partner and subsequently install new EV charging points in six of our outdoor surface car parks. OZEV grant secured to help deliver the project, although availability of funding has only currently been formally extended to March 2026.				
Latest Update	05-Feb-2026 Installation and commissioning of new EV charging points in all six outdoor surface car parks is still expected to be completed by the end of March 2026. Relevant leases will be formalised once this has happened, to reflect the precise location of all installed items and cabling. The EV charging points in Hillshott have now been commissioned and are available to use, although the marking of spaces has been delayed due to recent inclement weather. Distribution Network Operator (DNO) works at Twitchell are scheduled for early February 2026 and we are still awaiting confirmation of the DNO dates for Bancroft, although we have requested works to start on 18 March 2026. In view of the current uncertainty regarding the scheduling of DNO works at Bancroft (and subsequent commissioning activities) there is a possibility that works will not be completed until after March 2026. Currently, the Department for Transport (DfT) have agreed to extend funding until early March 2026. We continue to provide updates to the DfT (including a formal progress report in December 2025) and they have advised that even if works continue beyond the March 2026 date, there should be no issue with us receiving the remaining grant payment, providing we can demonstrate that works are in hand and that plans are in place to complete all remaining tasks in a relatively short timeframe. Although highly unlikely, there is contingency in the project budget should there be a shortfall in the funding received from the DfT. In view of progress made, current plans, positive feedback from the DfT, and greater certainty over the timing of required DNO works, the risk level for the overall project is now assessed as low. Outside of the scope of this Council Delivery Plan OZEV ORCS funded project, new EV charging points are also due to be installed in our multi-storey car parks, although the schedule for these works is still to be finalised.				
Milestone		Due Date	Complete	Note	
NHC to start promoting project.		31-Oct-2024	Yes	Our investment in EV charging infrastructure was included in the Winter 2024 edition of Outlook magazine, which was published in early December 2024.	
Contract finalised with private sector partner.		31-Dec-2024	Yes	Contract finalised 7 January 2025. Contract amended to enable the OZEV ORCS funded project (installation of new EV charging points in our outdoor surface car parks) to progress in advance of the further project to replace existing charging points in our multi-storey car parks, which was delayed by the need to satisfy the Council's property insurer regarding potential fire risks.	
Contractor to commence works.		03-Mar-2025	Yes	Having issued authority-to-proceed letters to the contractor, works commenced at the Civic Centre car park in Royston on 22 April 2025.	
Issue progress report to the Department for Transport in line with grant funding conditions.		31-Dec-2025	Yes		
Installation and commissioning of all new EV charging points completed.		31-Mar-2026	No	First phase of installation works has been completed, with all EV charging points now in place at the six outdoor car parks. Four of these are up and running - Civic Centre, Hillshott, Warren, and Woodside. DfT have agreed to extend grant funding to early March 2026. Distribution Network Operator is due to connect the new charging points at Twitchell to the main power grid in early February 2026. DNO dates for Bancroft are still to be confirmed, although we have requested that these works commence on 18 March 2026.	
Complete relevant leases with contractor for the length of the contract.		31-May-2026	No	The intention remains that all relevant leases will be formalised once all EV charging points have been installed and commissioned, and necessary details have been discussed and agreed with the contractor to allow this to happen. Leases have been drafted but will require site plans reflecting the precise location of installed items and cabling prior to completion. The installation and commissioning of new EV charging points in the remaining two car parks is expected to be completed by the end of March 2026, although this is dependent on the timings of required UKPN connections and subsequent commissioning tasks.	

Risks	Risk Level	Original Score	Current Score	Target Score
Risks: 1. Not successful in obtaining grant funding (no longer a risk). 2. Unable to identify/procure a private sector partner (no longer a risk). 3. Unable to agree contract conditions/relevant lease arrangements with contractor. 4. Unable to deliver project in accordance with OZEV requirements. 5. Unable to schedule required DNO upgrades in line with implementation programme. 6. Insurance requirements lead to changes to installation plans (no longer a risk). 7. Unable to reach agreement with Garden Square Shopping Centre regarding the replacement of existing charging points in Letchworth multi-storey car park (outside scope of OZEV funding and no longer a risk for this specific Council Delivery Plan project).		5	1	1

	Town Centres Strategy				
Council Plan Objective	Responsible Growth (2024-28)	Due Date	30-Jun-2026	Original Date	31-Mar-2025
Project Summary	Progress development of an overarching Town Centres Strategy, including guidance on developing strategic plans for individual town centres.				
Latest Update	04-Feb-2026 An extended eight-week public consultation took place over December 2025 and January 2026, ending on 30 January 2026. During this time, the draft Strategy was also presented to Community Forums. Analysis of consultation responses is now taking place in-house, although a contingency budget is available to re-engage the previously appointed consultants to help with this, if required. Alongside this analysis, we are commencing discussions with key stakeholders to develop a delivery plan. The draft Strategy will go back to Cabinet for formal adoption, although the timing of this is uncertain, as it will depend on the length of time it takes to analyse consultation responses effectively and the scheduling of 2026/27 committee meetings. Currently, still expect the final Strategy to be presented to Cabinet for adoption during the first half of 2026. Although things continue to move forward, the outcomes from the consultation process remain uncertain and there are resource pressures within the Strategic Planning & Projects team. Also, the new Strategy will not yet be a material consideration in a planning context. Therefore, the overall project risk level continues to be assessed as 'medium' for the time being.				
Milestone		Due Date	Complete	Note	
1. Undertake work to complete evidence base.		31-Jul-2024	Yes	Consultants presented initial report on evidence base and stakeholder workshop held to review findings.	
2. Further review/refinement of evidence base and final sign-off.		20-Dec-2024	Yes	Finalised retail evidence base in December 2024. Consultants to review wider evidence base for draft Strategy. To be published as supporting evidence base when consulting on the draft Town Centres Strategy.	
3. Project Board review draft Town Centres Strategy.		20-May-2025	Yes	Project Board members requested further work to be undertaken and to see the revised version prior to submitting the Strategy to Cabinet. There was not enough time to do this in time for Cabinet in June 2025, so we are now aiming for Cabinet in September 2025.	
4. Project Board review and approval of draft Town Centres Strategy.		15-Jul-2025	Yes	Presented the detailed overview and priorities for each of the town centres at the Project Board meeting on 15 July 2025. At this meeting, Project Board suggested the draft Strategy should be presented to PLB prior to the September 2025 Cabinet meeting.	
5. Development and finalisation of draft Strategy.		15-Aug-2025	Yes	Consultants provided a first full draft of the Town Centres Strategy on 3 September 2025 for officer review and comment. Over the subsequent four weeks, further tweaks were made, and Section 4 (Delivery) was further developed.	
6. Present draft Strategy to Political Liaison Board (PLB).		02-Sep-2025	Yes	Presented on 7 October 2025. PLB were happy with the draft Strategy on the basis that Section 4 (Delivery) was developed further. Working with stakeholders to develop an action plan will now form part of the consultation process.	
7. Present draft Strategy to Overview & Scrutiny Committee.		09-Sep-2025	Yes	Following Project Board approval of the draft Strategy and consultation approach, the draft Strategy was presented to O&S on 11 November 2025.	
8. Present details of draft Strategy, including guidance sections for each town, to Cabinet.		23-Sep-2025	Yes	Draft Strategy presented to Cabinet on 19 November 2025. Cabinet endorsed and approved the Strategy for public consultation.	
9. Consultation on draft Town Centres Strategy.		31-Jan-2026	Yes	Following the November 2025 Cabinet decision, an extended eight-week consultation took place over December 2025 and January 2026, ending on 30 January 2026. During this time, the draft Strategy was also presented to Community Forums.	

10. Cabinet adopt Town Centres Strategy.	30-Jun-2026	No	Actual Cabinet meeting still to be confirmed, as dependent on the analysis of and findings from consultation responses. Draft Strategy will not go to Cabinet until April 2026 at the earliest but is expected to be presented to the Committee during the first half of 2026.			
Risks			Risk Level	Original Score	Current Score	Target Score
1. Lack of available resource to produce and deliver identified strategies. 2. Lack of strategic direction leads to speculative development that undermines function of town centres.				5	5	1

	Engaging the community on our finances				
Council Plan Objective	Sustainability (2024-28)	Due Date	28-Feb-2026	Original Date	28-Feb-2026
Project Summary	To help the community understand how we set our budget, what affects the funding that we receive, why we have less funding than we used to and the implications of that. To engage the community on the choices that we will need to make to ensure that our spend matches our funding, so that we are financially sustainable, and to enable our community to be part of future budget conversations.				
Latest Update	04-Mar-2026 Council approved the Medium Term Financial Strategy 2026-30 on 4 December 2025. Government released the provisional finance settlement on 17 December 2025, which was used as the basis for budget proposals/reports. Government published the Final Local Government Finance Settlement 2026/27 to 2028/29 on 9 February 2026, which was better-than-expected. Budget for 2026/27 approved at the Full Council meeting held on 26 February 2026 and in view of final finance settlement, there was no need for any cuts to existing service provision. Findings from the 2025 budget consultation survey helped to inform decisions on targeted one-off investments that support healthier, greener, and safer communities across North Herts.				
Milestone		Due Date	Complete	Note	
Update the Digital Budget Hub content to highlight the funding pressures we face and likely implications.		31-Aug-2024	Yes	Updates: - Homepage copy amended to reflect current situation. - 'How we set our budget' graphic created and added (to show residents the process we go through). - 'Did you know' film created and promoted, showing what services residents' council tax helps to provide. Above promoted across our social media channels and ENewsletters.	
Approve our Medium Term Financial Strategy.		30-Sep-2024	Yes	Council agreed adoption of the MTFs 2025-30 on 19 September 2024.	
Update content (Digital Budget Hub and other communications) through process for setting the 2025/26 budget.		28-Feb-2025	Yes	The content update on the Hub was not completed due to it moving from the Zencity platform to the NHC website. However, we did communicate budget information via other channels, with 2025/26 budget and Council Tax communications being promoted via PR to local media, on our website, across our social media channels and via our ENewsletter.	
Further update of Digital Budget Hub content to align with the start of the 2025/26 financial year.		31-May-2025	Yes	Content updated to include the following: 2025/26 Council Tax pie chart graphic; budget consultation mention (and link to survey) included in homepage copy; timeline updated with the 2025/26 Council budget PR and Waste Service change PR; and finally, timeline order changed so that the newest news date is first.	
Carry out detailed consultation on spend priorities and savings options for 2026/27 onwards.		31-Jul-2025	Yes	Budget consultation (across both digital and non-digital channels) ran for eight weeks. Budget consultation launched on 6 June 2025, and it was open until 1 August 2025.	
Consider feedback in setting the revised Medium Term Financial Strategy and approve the Strategy.		04-Dec-2025	Yes	Council approved the Medium Term Financial Strategy 2026-30 on 4 December 2025.	
Provisional finance settlement used to determine scale of funding gap.		22-Dec-2025	Yes	The Government released the provisional finance settlement on 17 December 2025. This was used as the basis for budget proposals/reports. The Government published the Final Local Government Finance Settlement 2026/27 to 2028/29 on 9 February 2026, which was the first multi-year settlement for 10 years.	

Consider consultation feedback in forming budget proposals for the 2026/27 budget and approve the 2026/27 budget.	28-Feb-2026	Yes	The budget for 2026/27 was approved at the Full Council meeting held on 26 February 2026. The Final Local Government Finance Settlement 2026/27 to 2028/29 was better than expected, so there was no need for any cuts to existing service provision. Findings from the budget consultation survey helped to inform decisions on targeted one-off investments that support healthier, greener, and safer communities across North Herts.			
Risks			Risk Level	Original Score	Current Score	Target Score
Risks: 1. Timing of Government announcements over future funding makes it difficult to engage residents in the scale of the budget gap and the savings that will be required. 2. Lack of engagement means that the consultation doesn't reflect a wide range of views. 3. The scale of the budget gap makes it feel like there are no choices. When making choices it then feels like not taking on board feedback. 4. Local government reorganisation adds uncertainty to medium-term planning.				8	2	2

	King George V Skate Park									
Council Plan Objective	Accessible Services (2024-28)				Due Date	31-Oct-2025		Original Date	31-Mar-2025	
Project Summary	Following complications with the initial procurement exercise in 2023/24, complete a procurement exercise to appoint a contractor to replace the existing King George V skate park and oversee delivery of the completed project.									
Latest Update	04-Nov-2025 The new skate park opened for use on 27 October 2025. Therefore, the project to deliver a much-improved facility that meets the needs and expectations of stakeholders has been completed. Following discussions with relevant parties, we are also planning to hold a ceremonial opening event, but this will not take place until next Spring. Currently, the provisional date for the event is 29 May 2026. All previously identified risks to the successful delivery of the project are no longer applicable.									
Milestone					Due Date	Complete	Note			
Finalise formal SLA with Groundwork relating to the management of procurement processes.					12-Jul-2024	Yes				
NHC Legal to review relevant procurement documentation prior to Groundwork commencing tender process.					18-Aug-2024	Yes	Legal review of procurement documentation undertaken. This took slightly longer than originally envisaged and was completed in September 2024 rather than August 2024.			
Groundwork confirms procurement timetable.					11-Oct-2024	Yes	Timetable confirmed following Legal review of relevant procurement documentation.			
Commence tender process.					14-Oct-2024	Yes	ITT published on 14 October 2024.			
Award contract following evaluation of tender responses.					17-Dec-2024	Yes	Following evaluation of tenders in November 2024, the contract was awarded mid-December 2024.			
Contractor to conduct further communication/consultation during the early stages of the project prior to project delivery.					30-May-2025	Yes	This was completed in May 2025 prior to commencement of works on-site.			
Contractor confirms project plan and timings.					31-May-2025	Yes	Contract signed on 22 April 2025. Further consultation on the final design held in May 2025. Works commenced on 14 July 2025, with an anticipated 12-week delivery window.			
Contractor to commence on-site project delivery.					14-Jul-2025	Yes	Work started on Monday 14 July 2025 to revamp the skatepark.			
Contractor completes on-site works.					05-Oct-2025	Yes	Works on-site have been completed and have been signed off. The new facility opened to the public on 27 October 2025.			
New skate park officially opened to the public.					31-Oct-2025	Yes	The new skate park opened for use on 27 October 2025 and so the project is now considered complete. However, following discussions with relevant parties, we are also planning to hold a ceremonial opening event next Spring, with a provisional date of 29 May 2026.			
Risks							Risk Level	Original Score	Current Score	Target Score
Risks: - Until precise timings are confirmed, there is a risk that the project will not be completed in line with stakeholder expectations (no longer a risk). - As with all procurement processes, there is a risk that the outcome will be challenged (no longer a risk, as the outcome was not challenged). - Possible reputational risk due to the park being closed during the construction period (no longer a risk).								2	1	1

	Waste and Street Cleansing Contract				
Council Plan Objective	Accessible Services (2024-28)	Due Date	30-Nov-2025	Original Date	31-Aug-2025
Project Summary	Complete procurement and mobilisation of a new Waste and Street Cleansing contract. Plan for and implement agreed service changes included in the contract.				
Latest Update	20-Nov-2025 Rollout of new services commenced on 4 August 2025. As with all significant service changes, some issues did arise. However, these were managed on a case-by-case basis, helped by the mitigating measures we had put in place prior to rollout for example, having additional vehicles available to respond to initial teething problems. The final Project Board (Mobilisation) meeting was held on 23 October 2025. The specific project to mobilise the new waste and street cleansing contract and implement the agreed service changes included in the contract is now considered complete for Council Delivery Plan purposes. An update on delivery of the new contract and services was presented to Overview & Scrutiny Committee on 11 November 2025. The remaining activity is to undertake a lessons learned exercise in early 2026, which will be reviewed by members of the Project Board. All project specific risks are no longer applicable, although there remain some residual operational risks for example, staff resources, public confusion and issues with service delivery, and maintaining an acceptable level of missed collections. These risks will continue to be managed as business-as-usual activities, with the introduction of the new Waste app being an example of initiatives being implemented to enhance management of operational and reputational risks, by providing residents with an easily accessible option for obtaining information on available services and related requirements.				
Milestone		Due Date	Complete	Note	
Evaluation of final tenders and production of Evaluation Report.		17-Jun-2024	Yes		
Project Board sign off of Evaluation Report and award recommendation.		21-Jun-2024	Yes		
Executive and Cabinet approval to award the contract to the preferred bidder.		09-Jul-2024	Yes	Cabinet agreed to award the contract to the preferred bidder, contingent upon the completion of the Letchworth depots lease assignment from the incumbent provider to the Council. The assignment of the Letchworth depots lease was subsequently completed.	
End of contract award standstill period.		12-Aug-2024	Yes		
First meetings held with preferred bidder.		15-Aug-2024	Yes		
Intention to award contract phase completed.		31-Aug-2024	Yes	Milestone completed and communicated in September 2024 that we will be re-establishing a partnership with Veolia.	
Press communication.		10-Sep-2024	Yes		
Commence procurement of new fleet vehicles.		15-Nov-2024	Yes	We approved capital funding of £5.285 million (excluding VAT) for the purchase of waste and street cleansing vehicles for the new contract. This allowed the procurement process for NHC vehicles to commence. This process has now completed.	
Develop IT specifications.		30-Nov-2024	Yes	Full specifications for the garden waste platform and additional forms developed. Relevant build processes commenced. From a technical standpoint, we have the information we needed to scope and plan the project.	
Finalisation and signing of contract (formal contract award).		28-Feb-2025	Yes	Delay did not impact our ability to prepare for contract mobilisation.	

Confirmation of final delivery plans and H&S arrangements.	04-Mar-2025	Yes	Delivery plans finalised and H&S risk assessments completed and received. Delivery plans were revisited in advance of service change.
Member briefing session (March 2025).	31-Mar-2025	Yes	Member briefing session held on 27 March 2025.
Condition surveys and demobilisation of depots.	03-May-2025	Yes	Completed. Property Services managed dilapidations with the outgoing tenant (FCC).
Commence mobilisation of new contract.	04-May-2025	Yes	Veolia undertook street cleansing from 4 May 2025 and waste collection operations began on 6 May 2025 following the bank holiday.
New bin and caddy deliveries start.	06-May-2025	Yes	Bin and caddy deliveries commenced. Expected to continue prior to and up to commencement of the new services.
Finalise new service collection rounds.	30-Jun-2025	Yes	We have finalised collection rounds for the agreed service changes included in the contract.
Member briefing session (July 2025).	14-Jul-2025	Yes	Member briefing session held on 14 July 2025. Approximately 15 Members attended.
New bin and caddy deliveries completed.	04-Aug-2025	Yes	Programme of bin and caddy deliveries has now been completed. However, we continue work to rectify identified issues with some deliveries.
New services to commence.	04-Aug-2025	Yes	New services commenced on 4 August 2025.
Update report on service delivery to Overview & Scrutiny Committee.	11-Nov-2025	Yes	Presented on 11 November 2025.

Risks			Risk Level	Original Score	Current Score	Target Score
Risks: - Delay in completing the assignment of Letchworth depot lease delays contract award (no longer a risk, as lease assignment completed). - Insufficient resources/capacity to deliver mobilisation and new service provision work (no longer a risk for this specific project, although still a risk relating to the delivery of business-as-usual services). - Final Government Resources & Waste Strategy differs from contract specification (no longer a risk, as contract specification aligns with new Simpler Recycling policy published late 2024). - Uncertainty over certain cost elements (no longer a risk, as costs finalised with inflationary uplift). - Any delays cause mobilisation challenges (no longer a risk, as any challenges were addressed during project delivery and the project is now completed). - Capability to develop online forms and integrate these with new systems (NHC income management system and preferred supplier systems). This has been completed for North Herts. - EV charging infrastructure is not in place for start of contract (no longer a risk, as EV charging points installed). - Public confusion around contract mobilisation and service changes (residual operational risk remains, with management of the risk being improved with the introduction of the new Waste app). - Discover new collection rounds are not optimal once operational (no longer a risk, as did not materialise for North Herts). - Increased missed collections during the initial rollout period of new collection services (risk materialised and although things have now settled down, an associated residual operational risk remains).				9	3	3

Council Delivery Plan 2025-26 Q3 Monitoring Report - Corporate Risks

Risks	Risk Level	Original Score	Current Score	Target Score
<u>Resourcing</u> Risks: Ability to recruit and retain staff, as well as supporting new priorities and external pressures, affects delivery of the projects and actions in the Council Delivery Plan and service plans. This is particularly relevant for certain service areas where it is especially difficult to recruit and retain staff. Also, impacts of emergency planning events on staff resources. Local Government Reorganisation (LGR) increases work pressures and also may affect staff recruitment and retention.		8	9	8
<u>Cyber Risks</u> Risks: Prolonged widespread disruption to/failure of IT infrastructure/systems. Possible causes: - Deliberate and unauthorised breaches of security e.g., ransomware, denial of service. - Unintentional/accidental breaches of security e.g., action of individual staff/Members. - Weakness/failure of essential IT infrastructure e.g., loss of internet access. - Evolving risk appetite/profile associated with IT systems, as we pursue increased use of hosted systems and associated risks to individual systems are transferred to suppliers. Leading to: - Inability to deliver services/projects. - Unbudgeted costs to enable recovery. - Reputational damage.		8	8	8
<u>Financial Sustainability</u> Risks: 1. Funding reductions as a result of new funding formula. 2. Sales, fees, and charges income shortfalls, either due to rates not tracking inflation and/or reductions in demand. 3. Not able to make the required decisions to deliver budget savings required. 4. Increases in costs (reductions in income) as a result of inflationary increases. 5. Uncertainty over levels of pay inflation required. 6. Local government reorganisation adds uncertainty to medium-term financial planning.		9	5	5

Risks	Risk Level	Original Score	Current Score	Target Score
<u>Local Government Reorganisation and Devolution</u> Risks: The Government have published a White Paper and written to all Local Authorities. This requires Local Authorities to work together to come up with a proposal that results in unitary rather than 2-tier Councils. It also seeks a Strategic Authority structure that allows devolution of powers to a Mayor. Those powers include "housing, planning, transport, energy, skills, employment support and more." The risks relate to this being a very substantial project requiring significant change. Specific risks include: - The work to get to a proposal on a unitary structure (noting that proposal needs to be agreed across 11 Councils, although can include multiple options) is significant in terms of the negotiations needed. High additional workload for the collation of information and analysis to support that decision making process, across multiple workstreams with input from Chief Executive (workstream co-lead and co-ordination group), Directors (one as workstream lead) and others. - If there is an inability to agree proposals, it may prolong the period above, or lead to a structure being imposed upon Hertfordshire. - After a new structure is agreed, there would be even more significant work to move towards the implementation of that new structure. - Efficiency is mentioned as one of the reasons for moving to a unitary structure. This may lead staff to believe that their job may be at risk. Alternatively, the additional work of moving to unitary status may be seen as too much. - Focusing on a new structure may lead to decision making that is too short-term (getting things done before they can be de-prioritised by a new larger Council with wider priorities) or too long-term (avoid making decisions and leave them to the new unitary Council). The Government have provided guidance that Councils should not make decisions that have negative consequences for new Unitary Councils, but unclear how this would work in practice until Government publishes further details as part of a Structural Changes Order. - Under the new Unitary Council(s), some current district services may have to be curtailed e.g., in order to help fund social care. - Ensuring that the views of stakeholders continue to be heard during the transition process and within the new structure.		9	9	5

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**CABINET
14 April 2026**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: THIRD QUARTER TREASURY MANAGEMENT REVIEW 2025/26

REPORT OF: DIRECTOR - RESOURCES

EXECUTIVE MEMBER: RESOURCES

COUNCIL PRIORITY: SUSTAINABILITY

1 EXECUTIVE SUMMARY

- 1.1 To update Cabinet on progress with delivering the treasury strategy for 2025/26, as at the end of December 2025.
- 1.2 To inform Cabinet of the Treasury Management activities in the first nine months of 2025/26. The current forecast is that the amount of investment interest expected to be generated during the year is £2.000M. This is an increase of £0.020M on the estimate reported in the 2nd quarter report.

2 RECOMMENDATIONS

- 2.1 That Cabinet notes the position of Treasury Management activity as at the end of December 2025.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To ensure the Council's continued compliance with CIPFA's code of practice on Treasury Management and the Local Government Act 2003 and that the Council manages its exposure to interest and capital risk.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The primary principles governing the Council's investment criteria are the security of its investments (ensuring that it gets the capital invested back) and liquidity of investments (being able to get the funds back when needed). After this the return (or yield) is then considered, which provides an income source for the Council. In relation to this the Council could take a different view on its appetite for risk, which would be reflected in the Investment Strategy. In general, greater returns can be achieved by taking on greater risk. Once the Strategy has been set for the year, there is limited scope for alternative options as Officers will seek the best return that is in accordance with the Investment Strategy

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 There are regular updates and meetings with Treasury advisors (MUFG, previously known as Link).

6. FORWARD PLAN

- 6.1 This report contains a recommendation on a key Executive decision that was first notified to the public in the Forward Plan on the 19th December 2025.

7. BACKGROUND

- 7.1 In February 2025, Council approved a Revenue Budget and Investment Strategy for 2025/26 to 2034/35. The reports for Capital and Treasury have been split for the quarterly monitoring updates.

- 7.2 MUFG are contracted to provide Treasury advice. The service includes:
- Regular updates on economic and political changes which may impact on the Council's borrowing and investment strategies
 - Information on investment counterparty creditworthiness
 - Technical updates
 - Access to a Technical Advisory Group.

8. RELEVANT CONSIDERATIONS

- 8.1 The Council has £127.0M of capital assets that it currently owns. The Investment Strategy set out the reasons for owning assets that are not for service delivery, including an assessment of Security, Liquidity, Yield and Fair Value. There have been no significant changes in relation to these since the last quarter.
- 8.2 The Council invests its surplus cash in accordance with the Investment Strategy (see paragraph 4.1). This surplus cash is made up of capital funding balances, general fund balance, other revenue reserves and provision balances and variations in cash due to the timing of receipts and payments. During the first nine months of 2025/26, the Council had an average investment balance of £51.6M and invested this in accordance with the treasury and prudential indicators as set out in the Integrated Capital and Treasury Management Strategy.
- 8.3 The Council has generated £1.869M of interest in 2025/26 from investments already made during the first nine months of the year (and accrued interest from deals made in 2024/25). This includes the interest that will be earned during the remaining three months of the year on investments that have already been made. The average interest rate on all outstanding investments at the 31st December was 4.2%. (30th September was 4.25%). Based on current investments and forecasts of interest rates and cash balances for the remainder of the year, it is forecast that the Council will generate £2.000M of interest over the whole of 2025/26.

8.4 As at 31st December 2025, the split of investments was as shown in the table below.

Banks	11%
Building Societies	0%
Government	7%
Local Authorities	82%

8.5 The level of risk of any investment will be affected by the riskiness of the institution where it is invested and the period that it is invested for. Where an institution has a credit rating this can be used to measure its riskiness. This can be combined with the period remaining on the investment to give a historic risk of default percentage measure. The table below shows the Historic Risk of Default for outstanding investments at 31st December 2025. The most risky investment has a historic risk of default of 0.016%. It should also be noted that in general the interest rate received is correlated to the risk, so the interest income received would be less if the Council took on less risk.

Borrower	Principal Invested £M	Interest Rate %	Credit Rating	Days to Maturity at 31 Dec	Historic Risk of Default %
Lloyds Bank	2.5	3.51	AA-	2	0.000
Nat West	1.0	4.15	AA-	2	0.000
Ashford Borough Council	2.0	4.10	AA-	5	0.000
Uttlesford District Council	1.0	4.25	AA-	5	0.000
Wakefield Council	3.0	4.15	AA-	6	0.000
LB of Newham	2.0	4.15	AA-	8	0.000
Medway Council	2.0	4.35	AA-	9	0.001
LB of Barking & Dagenham	2.0	4.05	AA-	14	0.001
DMO	2.0	3.79	AA-	15	0.001
DMO	1.0	3.77	AA-	14	0.001
Blackpool Council	2.0	4.20	AA-	19	0.001
South Cambridgeshire DC	1.0	4.15	AA-	30	0.002
Lancashire County Council	1.0	4.30	AA-	47	0.003
Surrey County Council	2.0	4.20	AA-	47	0.003
South Lanarkshire Council	2.0	4.20	AA-	47	0.003
City of Bradford MDC	1.0	4.25	AA-	56	0.003
South Lanarkshire Council	1.0	4.28	AA-	61	0.004
Wirral MDC	2.0	4.17	AA-	72	0.004
Lancashire County Council	1.0	4.45	AA-	78	0.005
Lancashire County Council	1.0	4.30	AA-	104	0.006
Cheshire East Council	2.0	4.20	AA-	104	0.006
Australia & New Zealand Bank	1.0	4.19	AA-	120	0.007
Leeds City Council	2.0	4.22	AA-	134	0.008
Cheshire East Council	1.0	4.10	AA-	169	0.007
Blackpool Council	1.0	4.15	AA-	238	0.010
Walsall Council	2.0	4.25	AA-	265	0.016
	41.5	4.25			

DMO credit rating is the UK credit rating.

9. LEGAL IMPLICATIONS

- 9.1 Cabinet has a responsibility to keep under review the budget of the Council and any other matter having substantial implications for the financial resources of the Council. By considering monitoring reports throughout the financial year Cabinet is able to make informed recommendations on the budget to Council. The Council is under a duty to maintain a balanced budget. The Chartered Institute of Public Finance and Accountancy's (CIPFA's) 'Code of Practice on Treasury Management 2021' requires that committee to which some treasury management responsibilities are delegated, will receive regular monitoring reports on treasury management activities and risks. This report discharges the Councils statutory and regulatory responsibilities for both the CIPFA Code of Practice on Treasury Management and the CIPFA Prudential Code for Capital Finance in Local Authorities. The Council is required to comply with both Codes through Regulations issued under the Local Government Act 2003

10. FINANCIAL IMPLICATIONS

- 10.1 The main financial implications are covered in section 8 of the report.

11. RISK IMPLICATIONS

- 11.1 Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.
- 11.2 Risks associated with treasury management and procedures to minimise risk are outlined in the Treasury Management Practices document, TMP1, which is revisited annually as part of the Treasury Strategy review. The risk on the General Fund of a fall of investment interest below the budgeted level is dependent on banks and building societies need for borrowing.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 There are no direct equalities implications directly arising from this report.

13. SOCIAL VALUE IMPLICATIONS

- 13.1. The Social Value Act and "go local" requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. There are no known Environmental impacts or requirements that apply to recommendations of this report.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 There are no direct human resource implications.

16. APPENDICES

- 16.1 Appendix A, Treasury Management Update.

17. CONTACT OFFICERS

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18. BACKGROUND PAPERS

- 18.1 Investment Strategy (Integrated Capital and Treasury Strategy)

<https://srvmodgov01.north-herts.gov.uk/documents/s24164/INVESTMENT%20STRATEGY%20INTEGRATED%20CAPITAL%20AND%20TREASURY.pdf>
<https://srvmodgov01.north-herts.gov.uk/documents/s24165/FAR%20Appendix%20A-%20Integrated%20Capital%20and%20Treasury%20Strategy.docx.pdf>

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Classification: Confidential

Treasury Management Update

Quarterly Report

31ST DECEMBER 2025

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Treasury Management Update

Quarter Ended 31st December 2025

The CIPFA (Chartered Institute of Public Finance and Accountancy) Code of Practice for Treasury Management 2021 recommends that members be updated on treasury management activities at least quarterly. This report, therefore, ensures this Council is implementing best practice in accordance with the Code.

1. Economics update

- The third quarter of 2025/26 saw:
 - A -0.1% m/m change in real GDP in October, leaving the economy no bigger than at the start of April.
 - The 3myy rate of average earnings growth excluding bonuses fall to 4.6% in October, having been as high as 5.5% earlier in the financial year.
 - CPI inflation fall sharply from 3.6% to 3.2% in November, with core CPI inflation easing to 3.2%.
 - The Bank of England cut interest rates from 4.00% to 3.75% in December, after holding in November.
 - The 10-year gilt yield fluctuate between 4.4% and 4.7%, ending the quarter at 4.5%.
- From a GDP perspective, the financial year got off to a bumpy start with the 0.3% m/m fall in real GDP in April as front-running of US tariffs in Q1 (when GDP grew 0.7% on the quarter) weighed on activity. Despite the underlying reasons for the drop, it was still the first fall since October 2024 and the largest fall since October 2023. However, the economy surprised to the upside in May and June so that quarterly growth ended up 0.3% q/q (subsequently revised down to 0.2% q/q). Nonetheless, the 0.0% m/m change in real GDP in July, followed by a 0.1% m/m increase in August and a 0.1% decrease in September will have caused some concern (0.1% q/q). October's disappointing -0.1% m/m change in real GDP suggests that growth slowed to around 1.4% in 2025 as a whole.
- Sticking with future economic sentiment, the composite Purchasing Manager Index (PMI) for the UK rose from 51.2 in November to 52.1 in December, suggesting the economy may be benefitting somewhat from pre-Budget uncertainty fading. This may also reflect a diminishing drag from weak overseas demand. While the services PMI rose from 51.3 to 52.1, the improvement in the manufacturing output balance from 50.3 to 51.8 was larger. Indeed, the manufacturing sector has been more exposed to the recent weakness of external demand and has lagged the services sector since the end of last year.
- Turning to retail sales volumes, and the 1.5% year-on-year rise in September, accelerating from a 0.7% increase in August, marked the highest gain since April. Nonetheless, the 0.1% m/m fall in retail sales volumes in November built on the 0.9% m/m drop in October, suggesting the longer-lasting effects of weak employment and slowing wage growth are impacting. Moreover, the decline in the GfK measure of consumer confidence from -17 in October to -19 in November suggests that consumers are not that optimistic at present.
- Prior to the November Budget, the public finances position looked weak. The £20.2 billion borrowed in September was slightly above the £20.1 billion forecast by the OBR. For the year to date, the £99.8 billion borrowed is the second highest for the April to September period since records began in 1993, surpassed only by borrowing during the COVID-19 pandemic. The main drivers of the increased borrowing were higher debt interest costs, rising government running costs, and increased inflation-linked benefit payments, which outweighed the rise in tax and National Insurance contributions.
- Following the 26 November Budget, the Office for Budget Responsibility (OBR) calculated the net tightening in fiscal policy as £11.7bn (0.3% of GDP) in 2029/30, smaller than the consensus forecast of £25bn. It did downgrade productivity growth by 0.3%, from 1.3% to 1.0%, but a lot of that influence was offset by upgrades to its near-term wage and inflation forecasts. Accordingly, the OBR judged the Chancellor was going to achieve her objectives with £4.2bn to spare. The Chancellor then chose to expand that headroom to £21.7bn, up from £9.9bn previously.

- Moreover, the Chancellor also chose to raise spending by a net £11.3bn in 2029/30. To pay for that and the increase in her headroom, she raised taxes by £26.1bn in 2029/30. The biggest revenue-raisers were the freeze in income tax thresholds from 2028/29 (+£7.8bn) and the rise in NICs on salary-sacrifice pension contributions (+£4.8bn). The increase in council tax for properties worth more than £2.0m will generate £0.4bn.
- After the Budget, public net sector borrowing of £11.7bn in November was comfortably below last November's figure of £13.6bn and was the lowest November borrowing figure since 2021, mainly due to tax receipts being £5.4bn higher, largely because of the hike in employer NICs in April 2025. Cumulative borrowing in the first eight months of 2025/26 was still £10bn above last year's total. However, lower inflation and a disposal of assets ahead of the Budget should mean borrowing in 2025/26 comes in below last year's total.
- The weakening in the jobs market looked clear in the spring. May's 109,000 m/m fall in the PAYE measure of employment was the largest decline (barring the pandemic) since the data began and the seventh in as many months. The monthly change was revised lower in five of the previous seven months too, with April's 33,000 fall revised down to a 55,000 drop. More recently, the 38,000 fall in payroll employment in November was the tenth monthly decline in the past 13 months, causing the annual growth rate to slow further, from -0.5% to -0.6%. The number of job vacancies in the three months to November 2025 stood at 729,000 (the peak was 1.3 million in spring 2022) but the less reliable Labour Force Survey data showed that employment fell by 16,000 in the three months to October, with the unemployment rate rising further, from 5.0% to 5.1%. All this suggests the labour market continues to loosen, albeit at a slow pace.
- A looser labour market is driving softer wage pressures. The 3myy growth rate of average earnings including bonuses eased from 4.9% in September to 4.7% in October. And excluding bonuses, the 3myy rate slowed from 4.7% to 4.6%. Regular private sector pay growth continued to slow from 4.2% to 3.9%. That left it broadly on track to meet the Bank's end of December prediction of 3.5%.
- CPI inflation fell sharply in November, easing from 3.6% in October to 3.2%. This was the third consecutive softer-than-expected inflation outturn and suggests that disinflation is well underway. There was a widespread easing in price pressures with inflation slowing in 10 of the 12 main categories. Core inflation fell from 3.4% to 3.2% and services inflation dipped from 4.5% to 4.4%. However, a great deal will depend on the adjustments to regulated and indexed prices scheduled for next April. Capital Economics forecast CPI inflation to drop from 3.2% in March to 2.0% in April, thereby leaving inflation on track to settle at the 2.0% target, or below, by the end of 2026.
- An ever-present issue throughout recent months has been the pressure being exerted on medium and longer dated gilt yields. The yield on the 10-year gilt moved sideways in the second quarter of 2025, rising from 4.4% in early April to a high of c4.8%, before ending June at 4.50%.
- More recently, the yield on the 10-year gilt rose from 4.46% to 4.60% in early July as rolled-back spending cuts and uncertainty over Chancellor Reeves' future raised fiscal concerns. Although the spike proved short lived, it highlighted the UK's fragile fiscal position. In an era of high debt, high interest rates and low GDP growth, the markets are now more sensitive to fiscal risks than before the pandemic. During August, long-dated gilts underwent a particularly pronounced sell-off, climbing 22 basis points and reaching a 27-year high of 5.6% by the end of the month. While yields have since eased back, the market sell-off was driven by investor concerns over growing supply-demand imbalances, stemming from unease over the lack of fiscal consolidation and reduced demand from traditional long-dated bond purchasers like pension funds. For 10-year gilts, by late September, sticky inflation, resilient activity data and a hawkish Bank of England kept yields elevated over 4.70% although, subsequently, gilt yields fell back after the Budget, supported by a tighter fiscal plan, fewer tax hikes required following a smaller-than-expected downgrade to the OBR's fiscal forecast, and a favourable shift in bond issuance away from long-dated debt. Gilt yields hovered around 4.5% at the end of the quarter.
- The FTSE 100 fell sharply following the "Liberation Day" tariff announcement, dropping by more than 10% in the first week of April - from 8,634 on 1 April to 7,702 on 7 April. However, the de-escalation of the trade war coupled with strong corporate earnings led to a rapid rebound starting in late April. As a result, the FTSE 100 ended June at 8,761, around 2% higher than its value at the end of March and more than 7% above its level at the start of 2025. Since then, the FTSE 100 has enjoyed a further significant jump in value. The stock market hit new record highs above 9,900 in Mid-November, driven by a global rebound on hopes of a US government-shutdown resolution, expectations of a December

rate-cut, and strong corporate earnings. Despite some jitters around Budget time, the FTSE 100 closed Q4 at 9,931, 5% higher than at the end of September and 22% higher since the start of 2025.

MPC meetings: 8 May, 19 June, 7 August, 18 September, 6 November, 18 December 2025

- There were six Monetary Policy Committee (MPC) meetings held between April and December. In May, the Committee cut Bank Rate from 4.50% to 4.25%, while in June policy was left unchanged. In June's vote, three MPC members (Dhingra, Ramsden and Taylor) voted for an immediate cut to 4.00%, citing loosening labour market conditions. The other six members were more cautious, as they highlighted the need to monitor for "signs of weak demand", "supply-side constraints" and higher "inflation expectations", mainly from rising food prices. By repeating the well-used phrase "gradual and careful", the MPC continued to suggest that rates would be reduced further.
- In August, a further rate cut was implemented. However, a 5-4 split vote for a rate cut to 4% laid bare the different views within the Monetary Policy Committee, with the accompanying commentary noting the decision was "finely balanced" and reiterating that future rate cuts would be undertaken "gradually and carefully". Ultimately, Governor Bailey was the casting vote for a rate cut but with the CPI measure of inflation expected to reach at least 4% later this year, the MPC was wary of making any further rate cuts until inflation begins its slow downwards trajectory back towards 2%.
- With wages still rising by just below 5%, it was no surprise that the September meeting saw the MPC vote 7-2 for keeping rates at 4% (Dhingra and Taylor voted for a further 25bps reduction). Moreover, the Bank also took the opportunity to announce that they would only shrink its balance sheet by £70bn over the next 12 months, rather than £100bn. The repetition of the phrase that "a gradual and careful" approach to rate cuts is appropriate suggested the Bank still thought interest rates will fall further.
- At the 6 November meeting, Governor Bailey was once again the deciding vote, keeping Bank Rate at 4% but hinting strongly that a further rate cut was imminent if data supported such a move. By 18 December, with November CPI inflation having fallen to 3.2%, and with Q2 GDP revised down from 0.3% q/q to only 0.2% q/q, and Q3 GDP stalling at 0.1%, the MPC voted by 5-4 to cut rates further to 3.75%. However, Governor Bailey made it clear that any further reductions would require strong supporting data, and the pace of any further decreases would be slow compared to recent months. The markets expect Bank Rate to next be cut in April.

2. Interest rate forecasts

The Authority has appointed MUFG Corporate Markets as its treasury advisor and part of their service is to assist the Authority to formulate a view on interest rates. MUFG Corporate Markets provided the following forecasts and commentary on 22 December 2025. These are forecasts for Bank Rate, average earnings and PWLB certainty rates, gilt yields plus 80 bps.

MUFG Corporate Markets Interest Rate View 22.12.25													
	Mar-26	Jun-26	Sep-26	Dec-26	Mar-27	Jun-27	Sep-27	Dec-27	Mar-28	Jun-28	Sep-28	Dec-28	Mar-29
BANK RATE	3.75	3.50	3.50	3.25	3.25	3.25	3.25	3.25	3.25	3.25	3.25	3.25	3.25
3 month ave earnings	3.80	3.50	3.50	3.30	3.30	3.30	3.30	3.30	3.30	3.30	3.30	3.30	3.30
6 month ave earnings	3.80	3.50	3.50	3.40	3.30	3.30	3.30	3.40	3.40	3.40	3.40	3.40	3.40
12 month ave earnings	3.90	3.60	3.60	3.50	3.40	3.50	3.50	3.50	3.50	3.50	3.60	3.60	3.60
5 yr PWLB	4.60	4.50	4.30	4.20	4.10	4.10	4.10	4.10	4.10	4.10	4.10	4.10	4.10
10 yr PWLB	5.20	5.00	4.90	4.80	4.80	4.70	4.70	4.70	4.70	4.60	4.60	4.60	4.70
25 yr PWLB	5.80	5.70	5.60	5.50	5.50	5.40	5.30	5.30	5.30	5.20	5.20	5.20	5.20
50 yr PWLB	5.60	5.50	5.40	5.30	5.30	5.20	5.10	5.10	5.10	5.00	5.10	5.00	5.00

- Our last interest rate forecast update was undertaken on 11 August. Since then, a combination of tepid growth (0.2% q/q GDP for Q2 and 0.1% q/q GDP for Q3), falling inflation (currently CPI is 3.2%), and a November Budget that will place more pressure on the majority of households' income, has provided an opportunity for the Bank of England's Monetary Policy Committee to further reduce Bank Rate from 4% to 3.75% on 18 December.
- Surprisingly, to most market commentators, the recent steep fall in CPI inflation in one month from 3.6% to 3.2% did not persuade most "dissenters" from the November vote (Lombardelli, Greene, Mann and Pill) to switch to the rate-cutting side of the Committee. Instead, it was left to Bank Governor, Andrew Bailey, to use his deciding vote to force a rate cut through by the slimmest of margins, 5-4.

- Given the wafer-thin majority for a rate cut it was not unexpected to hear that although rates would continue on a “gradual downward path”, suggesting a further rate cut or cuts in the offing, MPC members want to assess incoming evidence on labour market activity and wage growth. Indeed, with annual wage growth still over 4.5%, the MPC reiterated that the case for further rate cuts would be “a closer call”, and Governor Bailey observed there is “limited space as Bank Rate approaches a neutral level”.
- Accordingly, the MUFG Corporate Markets forecast has been revised to price in a rate cut in Q2 2026 to 3.5%, likely to take place in the wake of a significant fall in the CPI inflation reading from 3% in March to 2% in April (as forecast by Capital Economics), followed by a short lull through the summer whilst more data is garnered, and then a further rate cut to 3.25% in Q4.
- As in August, nonetheless, threats to that central scenario abound. What if wage increases remain stubbornly high? There are, after all, several sectors of the domestic economy, including social care provision and the building/construction industries, where staff shortages remain severe. Moreover, by May 2026, following the local elections, we will have a better handle on whether or not the Starmer/Reeves team is going to see out the current Parliament or whether they face a Leadership challenge from within their own party. If so, how will gilt markets react to these variables...and will there be additional geo-political factors to also bake in, particularly the Fed’s monetary policy decisions in 2026 and the ongoing battle to lower rates whilst inflation remains close to 3%.
- Accordingly, our updated central forecast is made with several hefty caveats. We are confident, as we have been for some time, that our forecast for Bank Rate and the 5-year PWLB Certainty Rate is robust, and we have marginally brought forward the timing of the next rate cut(s). But for the 10-, 25- and 50-years part of the curve, the level of gilt issuance, and the timing of its placement, will be integral to achieving a benign trading environment. That is not a “given”, and additionally, the inflation outlook and political factors domestically and, crucially, in the US, are also likely to hold sway. Matters should be clearer by June in the UK, but the US mid-term elections are scheduled for November.
- Our revised PWLB rate forecasts are based on the Certainty Rate (the standard rate minus 20 bps) which has been accessible to most authorities since 1 November 2012. Please note, the lower Housing Revenue Account (HRA) PWLB rate started on 15 June 2023 for those authorities with an HRA (standard rate minus 60 bps) and is set to prevail until at least the end of March 2026. Hopefully, there will be a further extension to this discounted rate announced in January.
- Money market yield forecasts are based on expected average earnings by local authorities for 3 to 12 months.

Gilt yields and PWLB rates

The overall longer-run trend is for gilt yields and PWLB rates to fall back over the timeline of our forecasts, but the risks to our forecasts are generally to the upsides. Our target borrowing rates are set **two years forward** (as we expect rates to fall back) and the current PWLB (certainty) borrowing rates are set out below: -

PWLB borrowing	Current borrowing rates as at 22.12.25 p.m. %	Target borrowing rate now (end of Q4 2027) %	Target borrowing rate previous (end of Q4 2027) %
5 years	4.81	4.10	4.20
10 years	5.39	4.70	4.70
25 years	6.01	5.30	5.30
50 years	5.78	5.10	5.10

Borrowing advice: Our long-term (beyond 10 years) forecast for the neutral level of Bank Rate remains at 3.5%. As all PWLB certainty rates are still above this level, borrowing strategies will need to be reviewed in that context. Overall, better value can be obtained at the shorter end of the curve (<5 years PWLB maturity/<10 years PWLB EIP) and short-dated fixed LA to LA monies should also be considered. Temporary borrowing rates will, generally, fall in line with Bank Rate cuts.

3. Annual Investment Strategy

The Treasury Management Strategy Statement (TMSS) for 2025/26, which includes the Annual Investment Strategy, was approved by the Council on 27/02/25. In accordance with the CIPFA Treasury Management Code of Practice, it sets out the Council's investment priorities as being:

- Security of capital
- Liquidity
- Yield

The Council will aim to achieve the optimum return (yield) on its investments commensurate with proper levels of security and liquidity, aligned with the Council's risk appetite. In the current economic climate, over and above keeping investments short-term to cover cash flow needs, there is a benefit to seeking out value available in periods up to 24 months.

As shown by the charts below and the interest rate forecasts in section 2, investment rates have started to taper downwards during the final quarter of 2025 and are expected to fall back further if inflation falls through 2026 and the MPC loosens monetary policy further.

Creditworthiness.

There have been few changes to credit ratings over the quarter under review. However, officers continue to closely monitor these, and other measures of creditworthiness to ensure that only appropriate counterparties are considered for investment purposes.

Investment counterparty criteria

The current investment counterparty criteria selection approved in the TMSS is meeting the requirement of the treasury management function.

CDS prices

For UK and international banks, these have remained low, and prices are not misaligned with other creditworthiness indicators, such as credit ratings. **Nevertheless, it remains important to undertake continual monitoring of all aspects of risk and return.**

Investment balances

The average level of funds available for investment purposes during the quarter was **£49.5m**. These funds were available on a temporary basis, and the level of funds available was mainly dependent on the timing of precept payments, receipt of grants and progress on the capital programme.

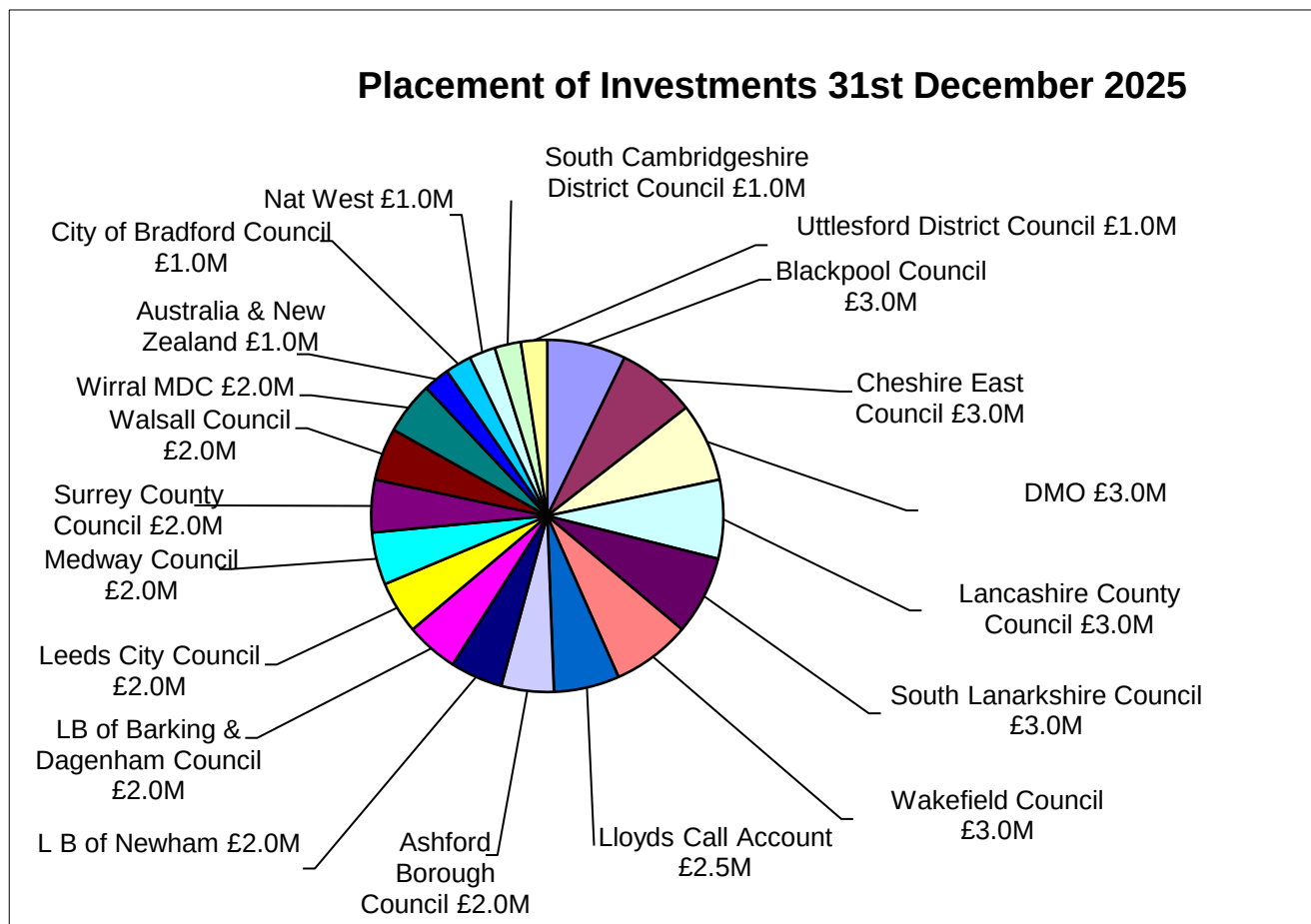
	Amount	Average
	£	Interest Rate %
Managed By NHC		
Banks	4,500,000	4.17
Building Societies	0	0
Local Authorities	34,000,000	4.22
Government	3,000,000	3.78
Total	41,500,000	4.20

In percentage terms, this equates to:

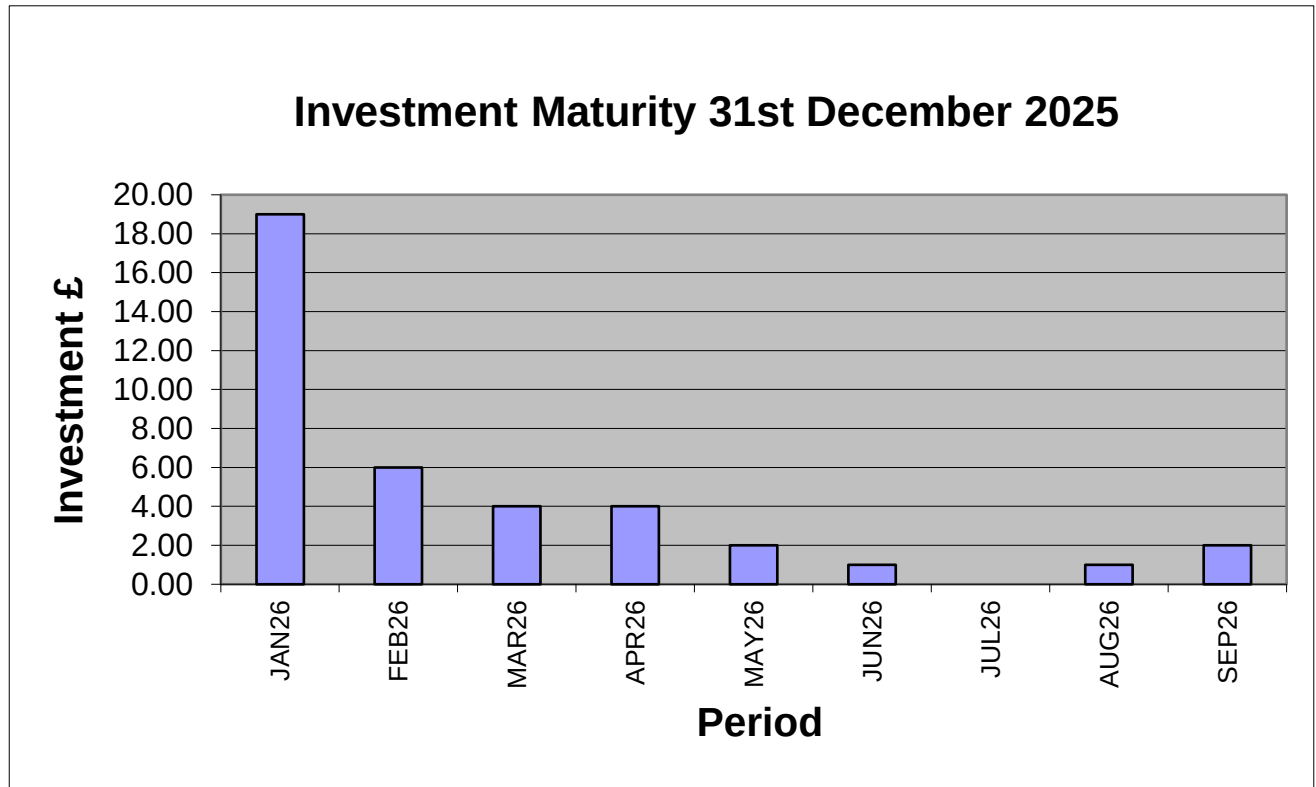
	Percentage
Government	7
Banks	11
Local Authorities	82
Building Societies	0

The approved 25/26 strategy is that no more than 50% of investments should be placed with Building Societies and Property Funds with a maximum value of £11M. The value at 30 December was zero.

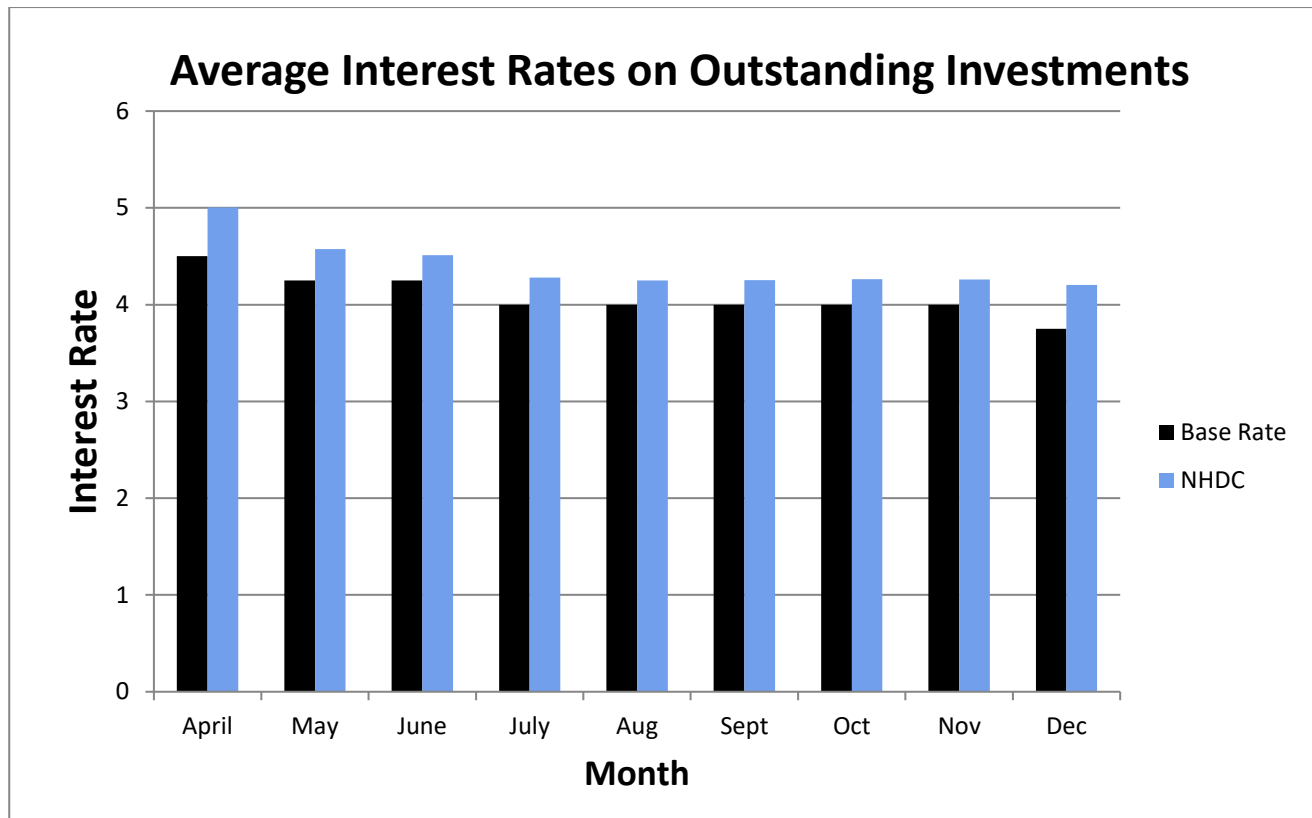
The pie chart below shows the spread of investment balances as at 30 December 2025. This is a snapshot in time that demonstrates the diversification of investments.



The chart below shows the Council's investment maturity profile.



The graph below shows the average rate of interest on outstanding investments at 31 December.



Approved limits

Officers can confirm that the approved limits within the Annual Investment Strategy were not breached during the quarter ended 31st December 2025.

4. Borrowing

No borrowing was undertaken during the quarter ended 31st December 2025.

It is anticipated that new borrowing will be undertaken during this financial year but this is dependant on the spend in the Capital Programme.

Loans Outstanding at 31 December 2025:

	Amount	Average Interest Rate
	£	%
Public Works Loans Board	£315k	10.85

Estimated outstanding debt:

Year	Forecast Borrowing £m	Forecast other long-term liabilities £m *	Less: Internal Borrowing £m	Forecast Total External Debt £m	Operational Boundary £m	Authorised Limit £m
31 st March 2025 (Forecast)	16.368	0.562	16.334	0.596	2.0	7.0
31 st March 2026 (Forecast)	21.735	5.984	21.702	6.017	26.0	31.0
31 st March 2027 (Forecast)	22.810	5.122	22.778	5.154	29.0	34.0
31 st March 2028 (Forecast)	22.297	4.258	22.266	4.289	29.0	34.0
31 st March 2029 (Forecast)	30.094	3.395	30.064	3.425	32.0	37.0

* Comprises the finance lease relating to Letchworth Multi-storey car park

The external borrowing forecast can be used to give an indication of the borrowing that may be required, which is combined with outstanding existing borrowing. The Council will also borrow for short-term cash-flow needs if required. The actual borrowing that is taken out will depend on the latest forecasts and the offers that are available at the time that it is required. There will also be a consideration of when any other borrowing becomes due, with the aim of achieving a spread of these dates. This is to try and avoid refinancing risk. The Council is required to set indicators for the maturity structure of its borrowing. Given the low level of borrowing that the Council currently has and is forecast to have, it is considered appropriate to maintain full flexibility as to the exact duration of any borrowing undertaken.

To manage refinancing risk, the Council sets limits on the maturity structure of its borrowing. However, these indicators are set relatively high to provide sufficient flexibility to respond to opportunities to repay or take out new debt (if it was required), while remaining within the parameters set by the indicators.

Maturity Period	Lower %	Upper %
Under 12 months	0	100
12 months to 2 years	0	100
2 years to 5 years	0	100
5 years to 10 years	0	100
10 years to 20 years	0	100
20 years and above	0	100

The Prudential Indicator below considers the cost of borrowing as a % of the net revenue budget of the Council.

Year	Estimated cost of borrowing £m	Forecast net revenue budget £m	Estimated cost of borrowing as a % of net revenue budget
2025/26	0.034	19.980	0.170
2026/27	1.481	27.321	5.421
2027/28	1.572	26.287	5.980
2028/29	1.485	21.978	6.757

The Council is required to set a prudential indicator that estimates financing costs (cost of borrowing less income from investments) as a percentage of its net revenue budget.

Year	Estimated cost of borrowing £m	Less: Forecast of interest earned £m	Net Financing Costs £m	Forecast net revenue budget £m	Estimated cost of borrowing as a % of net revenue budget
2025/26	0.340	2.000	-1.660	19.980	-8.308
2026/27	1.481	0.560	0.921	27.321	3.371
2027/28	1.572	0.379	1.193	26.287	4.538
2028/29	1.485	0.237	1.248	21.978	5.678

5. Debt rescheduling

No debt rescheduling was undertaken during the quarter.

6. Compliance with Treasury and Prudential Limits

The prudential and treasury Indicators are shown in Appendix 1.

It is a statutory duty for the Council to determine and keep under review the affordable borrowing limits. During the quarter ended 31st December 2025, the Council has operated within the treasury and prudential indicators set out in the Council's Treasury Management Strategy Statement for 2025/26. The Director of Resources reports that no difficulties are envisaged for the current or future years in complying with these indicators.

All treasury management operations have also been conducted in full compliance with the Council's Treasury Management Practices.

APPENDIX 1: Prudential and Treasury Indicators for 2025-26 as of 31st December 2025

Treasury Indicators	2025/26 Budget £'000	31.12.25 Actual £'000
Authorised limit for external debt	14,000	315
Operational boundary for external debt	9,000	315
Gross external debt	6,289	315
Investments	Ave Yr 22,000	41,500
Net borrowing	-15,711	-41,185
Maturity structure of fixed rate borrowing - upper and lower limits		
Under 12 months	21	21
12 months to 2 years	21	21
2 years to 5 years	40	40
5 years to 10 years	15	15
Over 10 years	250	250
Upper limit for principal sums invested over 365 days		
	6000	0

Prudential Indicators	2025/26 Budget £'000	31.03.25 Actual £'000
Capital expenditure	26,416	15,182
Capital Financing Requirement (CFR)	20,600	10,013
In year borrowing requirement	16.368	0.315
Ratio of net financing costs to net revenue stream	1.9%	-6.71

**CABINET
14 April 2026**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: THIRD QUARTER CAPITAL BUDGET MONITORING REVIEW 2025/26

REPORT OF: DIRECTOR - RESOURCES

EXECUTIVE MEMBER: RESOURCES

COUNCIL PRIORITY: SUSTAINABILITY

1 EXECUTIVE SUMMARY

- 1.1 To update Cabinet on progress with delivering the capital programme for 2025/26, as at the end of December 2025.
- 1.2 To update Cabinet on the impact upon the approved capital programme for 2025/26 – 2035/36. The current estimate is a decrease in spend in 2025/26 of £3.066M and an increase in spend in 2026/27 £3.011M. The most significant individual changes to the forecast spend in 2025/26 for reprofiling into 2026/27: £0.732M Public Sector Decarbonisation Fund Phase 2, £0.315M Oughtonhead Common Weir, £0.278M Cycle Strategy Implementation, £0.250M Transport Plans Implementation, £0.185M Green Infrastructure Implementation, £0.155M Museum and Commercial Storage, £0.146M Parking Machines Replacement. The most significant underspend in 2025/26 is £0.229M Fibre Waste Bins, while there is an increase in forecast expenditure in 2025/26 of £0.160M for S106 funded projects.

2 RECOMMENDATIONS

- 2.1 That Cabinet notes the forecast expenditure of £23.350M in 2025/26 on the capital programme, paragraph 8.3 refers.
- 2.2 That Cabinet approves the adjustments to the capital programme for 2026/27, as a result of the revised timetable of schemes detailed in table 2 and 3, increasing the estimated spend by £3.011M.
- 2.3 That Cabinet approves a change of scope to the Priory Gardens Bandstand project from renovation to rebuild and an increase of the budget in 2026/27 by £0.025M.
- 2.3 That Cabinet notes the position of the availability of capital resources, as detailed in table 4 paragraph 8.6 and the requirement to keep the capital programme under review for affordability.

3. REASONS FOR RECOMMENDATIONS

- 3.1 Cabinet is required to approve adjustments to the capital programme and ensure the capital programme is fully funded.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Options for capital investment are considered as part of the Corporate Business Planning process.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 Consultation on the capital expenditure report is not required. Members will be aware that consultation is incorporated into project plans of individual capital schemes as they are progressed.

6. FORWARD PLAN

- 6.1 This report contains a recommendation on a key Executive decision that was first notified to the public in the Forward Plan on the 19th December 2025.

7. BACKGROUND

- 7.1 In February 2025, Council approved the Integrated Capital and Treasury Strategy for 2025/26 to 2034/35. The reports for Capital and Treasury have been split for the quarterly monitoring updates.

8. RELEVANT CONSIDERATIONS

- 8.1 The Council has £127.0M of capital assets that it currently owns. The Investment Strategy set out the reasons for owning assets that are not for service delivery, including an assessment of Security, Liquidity, Yield and Fair Value. There have been no significant changes in relation to these since the last quarter.

Capital Programme 2025/26

- 8.2 The full capital programme is detailed in Appendix A and shows the revised costs to date, together with the expected spend from 2025/26 to 2035/36 and the funding source for each capital scheme.
- 8.3 Capital expenditure for 2025/26 is estimated to be **£23.350M**. This is a decrease of **£3.066M** on the forecast in the 2nd quarter report (reported to Cabinet on 20th January 2025). Table 1 below details changes to capital programme.

Table 1- Current Capital Estimates

	2025/26 £M	2026/27 £M	2027/28 to 2035/36 £M
Original Estimates approved by Full Council February 2025	21.063	5.147	18.413
Changes approved by Cabinet in 3rd Qrt 2024/25	0.627		
Public Sector Decarbonisation project	1.143		
Changes approved by Cabinet in 2024/25 Capital Outturn report	5.203		
Executive Member – Finance and I.T. approved additional Expenditure	0.040		
Changes at Q1	-0.452	0.838	0.608
Shared Prosperity Grant Funding	0.090		
Changes at Q2	-1.298	1.773	
Changes approved by Full Council 26/02/2026 - Investment Strategy 2026-36		1.374	4.784
Changes at Q3	-3.066	3.011	
Current Capital Estimates	23.350	12.143	23.085

- 8.4 Table 2 lists the schemes in the 2025/26 Capital Programme that will now start or have an impact on the budget in 2026/27 and onwards:

Table 2: Scheme Timetable Revision:

(Key: - = reduction in capital expenditure, + = increase in capital expenditure)

Scheme	2025/26 Working Budget £'000	2025/26 Forecast £'000	Difference £'000	Reason for Difference	Estimated impact on 2026/27 onwards £'000
Public Sector Decarbonisation Fund Phase 2	852	120	-732	The Project Board for the Decarbonisation Phase 2 project agreed at their meeting in September 2025 to a change in delivery approach moving from having a single tier one contractor managing the whole project to directly appointing individual services to produce designs and then a specialist mechanical and electrical contractor to deliver the works. The change in approach will give the council greater control as the project develops and may provide better value for money. This change in approach, followed by the project board agreeing to appoint services for producing designs at their November 2025 meeting, had led to the project programme being adapted with greater emphasis on delivery in 2026/27 and 2027/28. Moving a significant proportion of the 2025-26 project budget into the following years reflects this.	732
Oughtonhead Common Weir	323	8	-315	Waiting for HCC to confirm if the project can be externally funded.	315
Cycle Strategy Implementation	278	0	-278	Due to lack of resources and other projects taking priority these budgets will not be spent in 2025/26. The Transport Officer post has recently been recruited to and is now in post. They will start looking at relevant projects which could be funded from these budgets.	278
Transport Plans Implementation	250	0	-250		250

Scheme	2025/26 Working Budget £'000	2025/26 Forecast £'000	Difference £'000	Reason for Difference	Estimated impact on 2026/27 onwards £'000
Green Infrastructure Implementation	185	0	-185	The Ecologist Officer will be looking at projects that are associated with the green management and master planning strategies, due to other priorities this will be done in 2026/27.	185
Museum and Commercial Storage	1,400	1,244	-156	Professional design consultants have produced a finalised fee proposal and indicative project programme which offers greater clarity as to the phasing of design work. This has in turn resulted in the reprofiling of the available budget as officers now have greater technically informed understanding of the phasing of the project.	156
Parking Machines Replacement	151	5	-146	Accrual outstanding, will not pay invoice until hardware issues with the machines are resolved, so may need to accrue again in 2025/26. This budget will also contribute towards funding the new tariff boards for installation in 2026/27 in accordance with the new parking tariffs for 2026/27 to be agreed by Cabinet, request to carry forward into 2026/27.	146
Air conditioning at Hitchin Town Hall	100	0	-100	These works will now be delivered through the decarbonisation works on the Town Hall and Museum facility in 2026/27. However the budgets are still required to cover these elements.	100
Replacement Chiller for the Museum	80	0	-80		80

Scheme	2025/26 Working Budget £'000	2025/26 Forecast £'000	Difference £'000	Reason for Difference	Estimated impact on 2026/27 onwards £'000
Avenue Park Splash Park	70	0	-70	The project is under review while further investigation is undertaken. We are reviewing how splash parks are typically designed/operated and in particular the water source. This current proposal relies on mains water, whereas most modern splash parks are designed to use recycled or recirculated water systems. The funding has not been spent whilst we assess if the project is viable. Will progress these investigations this Spring.	70
Playground Renovation 25/26	180	110	-70	The slippage relates to the Howard Park project - the project will be completed in May 2026 and the full budget used.	70
Charnwood House	71	1	-70	This remains a Council Priority. Options paper has been prepared and agreed plan for remarketing during 2026. Works will be delivered in advance of lettings. Will go back to market to get on long lease.	70
Newark Close Road Replacement	65	9	-56	Undertaken interim repairs pending potential more extensive roadworks in 2026/27.	56
Norton Common Bowls Pavilion	55	0	-55	Awaiting lease agreement with the Bowls club before commencing with this project.	55
NHLC Lift Replacement	90	35	-55	Lift procurement is underway, installation works due to take place 2026/27.	55

Scheme	2025/26 Working Budget £'000	2025/26 Forecast £'000	Difference £'000	Reason for Difference	Estimated impact on 2026/27 onwards £'000
Priory Gardens bandstand	50	0	-50	The original budget was to renovate the Bandstand. The bandstand however needs replacing and the budget needs increasing to allow this project to proceed in 2026/27.	75
Norton Common Tennis Courts	49	0	-49	There has not been the capacity within the team to commence this project in 2025/26.	49
Property Improvements	176	128	-48	Pipework obstruction needs to be removed before undertaking work at the DCO. This cannot be accommodated in 2025/26.	48
Museum Services Development	48	0	-48	We have completed a procurement process and chosen a design for the remaining Terrace works, however this will require a planning application and listed building consent once formal appointment is completed, taking us into the next financial year.	48
Riverside walkway Biggin Lane	53	8	-45	Detailed drawings are being prepared with an expectation to undertake the work in summer/autumn 2026.	45
Upgrade 25 Parking Machines	38	0	-38	This budget will fund the implementation of the tariff boards as part of the overall project associated with the installation of the new parking machines. Requested to be carried forward to 2026/27 to align with the anticipated implementation of changes to parking tariffs for 2026/27.	38
Meltax Offices, Royston	25	0	-25	Proposals for letting the property are planned for later in 2026.	25
Other minor changes			-65		65
Total Revision to Budget Profile			-2,986		3,011

- 8.5 There are also changes to the overall costs of schemes in 2025/26. These changes total a net decrease of £0.81million and are detailed in Table 3

Table 3: Changes to Capital Schemes Commencing in 2025/26:

(Key: - = reduction in capital expenditure, + = increase in capital expenditure)

Scheme	2025/26 Working Budget £'000	2025/26 Forecast Spend £'000	Difference £'000	Comments
S106 Projects	333	493	160	In addition to the £193K Original budget allocated for Funding for Additional Social Housing, to date a total of £300K of S106 funds have been released for community schemes.
SPF Sustainable Communities Grants	51	64	13	Additional funding was requested for the Sustainable Communities Fund (SCF) as the total value of applications significantly exceeded the original allocation. The level of interest and engagement from community groups was substantial, demonstrating a strong demand for support. Once unallocated funding had been identified from within the overall allocation of UKSF monies, it was deemed appropriate to reallocate this from one allocation to another (SCF) to ensure all the funding was spent.
Fibre Waste Bins	1,170	941	-229	The final cost of container purchases came in under budget due to a thorough and well-managed procurement process, which secured prices lower than originally anticipated.
EV charging at the existing Letchworth depot	100	49	-51	All EV chargers have now been installed at a reduced cost, achieved by adapting the delivery model and utilising our waste contractor's EV team rather than commissioning an external provider.
Other minor changes			27	
Total revision to scheme spend			-80	

- 8.6 Table 4 below shows how the Council will fund the 2025/26 capital programme.

Table 4: Funding the Capital Programme:

	2025/26 Balance at start of year £M	2025/26 Forecast Additions £M	2025/26 Forecast Funding Used £M	2025/26 Balance at end of year £M
Useable Capital Receipts and Set-aside Receipts	1.273	0.0	(1.273)	0.000
S106 receipts			(0.493)	
Other third party grants and contributions			(2.020)	
Revenue Contribution			(3.230)	
Borrowing			(16.334)	
Total			(23.350)	

- 8.7 The availability of third-party contributions and grants to fund capital investment is continuously sought in order to reduce pressure on the Council's available capital receipts and allow for further investment. Additional capital receipts are dependent on selling surplus land and buildings. Ensuring that the Council gets best value from the disposal of land and buildings can take a long time and therefore the amounts that might be received could be subject to change.
- 8.8 The Council's Capital Financing Requirement (CFR) at 31st March 2025 was negative £0.59M. It has become positive during 2025/26 as the Council does not have sufficient funding (e.g. Capital Receipts) to finance the Capital programme. This means the Council will have to borrow to fund the programme in this year, with MRP (Minimum Revenue Provision) charged to the General Fund in 2026/27.

9. LEGAL IMPLICATIONS

- 9.1 Cabinet's terms of reference under 5.6.7 specifically includes "to monitor expenditure on the capital programme and agree adjustments within the overall budgetary framework". The Cabinet also has a responsibility to keep under review the budget of the Council and any other matter having substantial implications for the financial resources of the Council. Asset disposals must be handled in accordance with the Council's Contract Procurement Rules within the Constitution.
- 9.2 Paragraph 4.4.1 c) of the constitution details that Council will approve the budget. Therefore any significant additions to the budget should be approved by Council.
- 9.3 The Council is under a duty to maintain a balanced budget as set out in Section 151 of the Local Government Act 1972 which states:
"every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs."
- 9.4 Further, Section 28 of the Local Government Act 2003 requires to Council to periodically conduct a budget monitoring exercise of its expenditure and income against the budget calculations during the financial year. There is no statutory requirement of the regularity of such reviews, but quarterly seems to be entirely appropriate. By considering

monitoring reports throughout the financial year Cabinet is able to make informed recommendations on the budget to Council. If the monitoring establishes that the budgetary situation has deteriorated, the Council must take such remedial action as it considers necessary to deal with any projected overspends. This report allows for the periodic monitoring of the budget thereby discharging the Council's statutory obligations.

10. FINANCIAL IMPLICATIONS

- 10.1 The main financial implications are covered in section 8 of the report.
- 10.2 The Council operates a tolerance limit on capital projects that depends on the value of the scheme and on this basis over the next ten-year programme it should be anticipated that the total spend over the period could be around £4.6M higher than the budgeted £59.298M.
- 10.3 The capital programme will need to remain under close review due to the limited availability of capital resources and the affordability in the general fund of the cost of using the Council's capital receipts. When capital receipts are used and not replaced the availability of cash for investment reduces. Consequently interest income from investments reduces. £1.0M currently earns the Authority approximately £40k per year in interest. The general fund estimates are routinely updated to reflect changes in income from investments. In the year after the Capital Financing Requirement (CFR) reaching zero (i.e. from 2026/27) the Council will need to start charging a minimum revenue provision to the general fund for the cost of capital and will need to consider external borrowing for further capital spend. The current strategy is that the Council will borrow against internal funds for its capital programme. The CFR at the 31 March 2025 was negative £0.59M but is now positive.
- 10.4 The Council also aims to ensure that the level of planned capital spending in any one year matches the capacity of the organisation to deliver the schemes to ensure that the impact on the revenue budget of loss of cash-flow investment income is minimised.

11. RISK IMPLICATIONS

- 11.1 Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.
- 11.2 The inherent risks in undertaking a capital project are managed by the project manager of each individual scheme. These are recorded on a project risk log which will be considered by the Project Oversight Group (if applicable). The key risks arising from the project may be recorded on IdeaGen (the Council's Performance & Risk management software).

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment,

victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

- 12.2 There are no direct equalities implications directly arising from the adoption of the Capital Programme for 2025/26 onwards. For any individual new capital investment proposal of £50k or more, or affecting more than two wards, an equality analysis is required to be carried out. This will take place following agreement of the investment proposal.

13. SOCIAL VALUE IMPLICATIONS

- 13.1. The Social Value Act and “go local” requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. There are no known Environmental impacts or requirements that apply to recommendations of this report. The projects at section 8.4 may have impacts that contribute to an adverse impact. As these projects go forward, an assessment will be made where necessary.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 There are no direct human resource implications.

16. APPENDICES

- 16.1 Appendix A, Capital Programme Detail including Funding 2025/26 onwards.

17. CONTACT OFFICERS

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18. BACKGROUND PAPERS

- 18.1 Investment Strategy (Integrated Capital and Treasury Strategy)

<https://srvmodgov01.north-herts.gov.uk/mgChooseDocPack.aspx?ID=3597&SID=12127>

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Project	Service Directorate								Funding				
		2025/26 Funding £	2026/27 Funding £	2027/28 Funding £	2028/29 Funding £	2029/30 Funding £	2030/31 Funding £	2031/32 - 2035/36 Funding £	Funded from Other Grants	Funded from Government Grant	Funded from s106 contributions	Funded from Revenue / IT Reserve	Balance funded from Capital Receipts/ Set- aside receipts/ Borrowing
40 KVA UPS Device or Battery Replacement	Customers	12,000	0	0	0	0	0	0	0	0	0	0	12,000
Air conditioning at Hitchin Town Hall	Enterprise	0	100,000	0	0	0	0	0	0	0	0	0	100,000
Air Handling Humidification	Enterprise	0	15,000	0	0	0	0	0	0	0	0	0	15,000
Alternative to safeword tokens for staff/members working remotely	Customers	9,900	0	0	0	0	0	0	0	0	0	0	9,900
An alternative set of 25 machines that are outside of the Windows Environment for Disaster Recovery	Customers	15,000	0	0	15,000	0	0	30,000	0	0	0	0	60,000
Audio Improvements to Mountford Hall	Enterprise	0	15,000	0	0	0	0	0	0	0	0	0	15,000
Avenue Park Splash Park	Environment	0	70,000	0	0	0	0	0	0	0	0	0	70,000
Baldock Road Recreation Ground Letchworth	Environment	0	0	30,000	0	0	0	0	0	0	0	0	30,000
Bancroft Lighting	Environment	0	0	45,000	0	0	0	0	0	0	0	0	45,000
Broadway Gardens Resurfacing	Environment	0	250,000	0	0	0	0	0	0	0	0	0	250,000
Burials New Management System	Environment	0	55,000	0	0	0	0	0	0	0	0	0	55,000
Burymead Road Transfer Facility	Environment	30,000	0	0	0	0	0	0	0	0	0	30,000	0
CCTV at DCO & Hitchin Town Hall	Customers	700	11,800	0	0	0	0	0	0	0	0	0	12,500
CCTV Control Room Upgrade	Resources	40,000	0	0	0	0	45,000	0	0	0	0	0	85,000
Charnwood House	Enterprise	800	370,000	0	0	0	0	0	0	0	0	0	370,800
Community Centres Flat Roof Safety Barriers	Enterprise	43,000	0	0	0	0	0	0	0	0	0	0	43,000
Conference Calling Solutions in Large Meeting Rooms at District Council Offices	Customers	900	5,100	0	0	0	0	0	0	0	0	0	6,000
Council property improvements following condition surveys	Enterprise	127,900	98,400	50,000	50,000	50,000	50,000	250,000	0	0	0	0	676,300
Cyber Attacks - Events Monitoring Software Solution	Customers	2,000	0	0	0	0	0	0	0	0	0	0	2,000
Cycle Strategy implementation (GAF)	Place	0	278,000	0	0	0	0	0	0	278,000	0	0	0
DR Hardware Refresh Inc UPS Battery Pk (unit 3)	Customers	65,000	0	0	16,000	0	0	32,000	0	0	0	0	113,000
Digital and other signage for car parks in Hitchin, to promote better use of car parks	Place	0	200,000	0	0	0	0	0	0	0	0	200,000	0
Email Encryption Software Solution	Customers	17,700	0	0	0	0	0	0	0	0	0	0	17,700
EV Charging at the existing Letchworth Depot	Environment	49,100	0	0	0	0	0	0	0	0	0	0	49,100
Fibre Waste Bins	Environment	941,000	0	0	0	0	0	0	0	0	0	0	941,000
Green Infrastructure implementation (GAF)	Place	0	185,000	0	0	0	0	0	0	185,000	0	0	0
Hitchin Lairage car park - cosmetic coating to four stairwells and replacement windows and doors	Enterprise	0	69,100	0	0	0	0	0	0	0	0	0	69,100
Hitchin Swim Centre: Archers Member Change and Relaxation Area Refurbishment	Environment	300,000	0	0	0	0	0	0	0	0	0	0	300,000
Hitchin Swim Centre: Changing Village Refurbishment	Environment	0	0	225,000	0	0	0	0	0	0	0	0	225,000
Hitchin Swim Centre: Pool Cover Replacement	Environment	0	58,000	0	0	0	0	0	0	0	0	0	58,000
Hitchin Swim Centre: Pool Hall Seating Replacement	Environment	0	73,000	0	0	0	0	0	0	0	0	0	73,000
Hitchin Town Hall Kitchen Enhancement	Enterprise	0	25,000	0	0	0	0	0	0	0	0	0	25,000
Howard Park Letchworth Path Resurfacing	Environment	0	23,800	10,000	0	0	0	0	0	0	0	0	33,800
Infrastructure Hardware	Customers	410,800	18,000	18,000	190,000	0	0	0	0	20,000	0	0	616,800
Installation of trial on-street charging (GAF)	Place	0	50,000	0	0	0	0	0	0	50,000	0	0	0
Ivel Springs Footpaths	Environment	0	25,000	0	0	0	0	0	0	0	0	0	25,000
King George V Muga Hitchin	Environment	0	0	55,000	0	0	0	0	0	0	55,000	0	0

									Funding				
		2025/26 Funding £	2026/27 Funding £	2027/28 Funding £	2028/29 Funding £	2029/30 Funding £	2030/31 Funding £	2031/32 - 2035/36 Funding £					
Project	Service Directorate								Funded from Other Grants	Funded from Government Grant	Funded from s106 contributions	Funded from Revenue / IT Reserve	Balance funded from Capital Receipts/ Set- aside receipts/ Borrowing
Laptops - Refresh Programme	Customers	339,100	49,000	35,000	40,000	349,000	47,000	234,000	0	0	0	0	1,093,100
Match funding for Electric Vehicle charging	Place	100,000	0	0	0	0	0	0	0	0	0	0	100,000
Mel Tax Offices, Royston	Enterprise	0	25,000	0	0	0	0	0	0	0	0	0	25,000
Members Laptops Refresh Programme	Customers	0	30,000	0	0	0	0	0	0	0	0	0	30,000
Microsoft Enterprise Software Assurance	Customers	679,000	0	0	747,000	0	0	1,494,000	0	0	0	0	2,920,000
Museum Storage Facility	Enterprise	1,244,400	2,755,600	0	0	0	0	0	0	0	0	0	4,000,000
NH Museum & Community Facility	Enterprise	0	48,300	0	0	0	0	0	48,300	0	0	0	0
NH Museum Chiller	Enterprise	0	80,000	0	0	0	0	0	0	0	0	0	80,000
NHLC Lift Replacement	Environment	34,800	55,200	0	0	0	0	0	0	0	0	0	90,000
NHLC Pool Cover Replacement	Environment	0	58,000	0	0	0	0	0	0	0	0	0	58,000
NHLC Pool Flume Replacement	Environment	298,000	0	0	0	0	0	0	0	0	0	0	298,000
NHLC Water Play Feature	Environment	0	200,000	0	0	0	0	0	0	0	0	200,000	0
Northern Transfer Station	Environment	0	0	0	3,000,000	3,000,000	0	0	0	0	0	0	6,000,000
Norton Common Bowls Pavilion	Environment	0	55,000	0	0	0	0	0	0	0	28,000	0	27,000
Norton Common Footpaths	Environment	0	10,000	0	0	0	0	0	0	0	0	0	10,000
Norton Common Letchworth Tennis Courts	Environment	0	48,700	0	0	0	0	0	0	0	0	0	48,700
Off Street Car Parks resurfacing and enhancement	Enterprise	36,000	43,000	77,000	70,000	60,000	0	0	0	0	0	0	286,000
Oughthorpe Head Common Hitchin Weir	Environment	8,500	314,900	0	0	0	0	0	0	0	0	0	323,400
Oughthorpe Head Common Signage and Interpretation	Environment	0	10,000	0	0	0	0	0	0	0	0	0	10,000
Parking Charging, Payments & Management	Place	0	235,000	0	0	0	0	0	0	0	0	0	235,000
Parking Machines Replacement	Place	5,000	146,100	0	0	0	0	0	0	0	0	0	151,100
Parking Machines Upgrade - Contactless Payment Facility Installation	Place	0	38,000	0	0	0	0	0	0	24,200	0	0	13,800
PC's - Refresh Programme	Customers	11,000	8,000	5,000	8,000	5,000	8,000	0	0	0	0	0	45,000
Playground Renovation District Wide	Environment	284,700	250,000	180,000	180,000	180,000	180,000	900,000	0	0	0	0	2,154,700
Priory Gardens Bandstand	Environment	0	75,000	0	0	0	0	0	0	0	0	0	75,000
Priory Memorial Gardens MUGA Royston	Environment	55,000	0	0	0	0	0	0	0	0	0	0	55,000
Priory Memorial Gardens MUGA FencingRoyston	Environment	40,000	0	0	0	0	0	0	0	0	0	0	40,000
Private Sector Grants	Regulatory	26,400	260,600	60,000	60,000	60,000	60,000	300,000	0	0	0	0	827,000
Public Sector Decarbonisation Fund	Environment	10,303,100	0	0	0	0	0	0	0	1,578,000	0	0	8,725,100
Public Sector Decarbonisation Fund Phase 2	Environment	120,000	2,733,000	423,000	0	0	0	0	0	1,172,000	0	0	2,104,000
Ransoms Rec Footpaths, Gates and Railing	Environment	0	20,000	0	0	0	0	0	0	0	0	0	20,000
Refurbishment and improvement of community facilities	Governance	5,000	0	0	0	0	0	0	0	0	0	0	5,000
Refuse and Recycling Bins	Environment	140,000	150,000	90,000	90,000	90,000	90,000	450,000	0	0	0	0	1,100,000
Remote testing equipment - Emergency Lights and Water Temperature Monitoring	Enterprise	13,000	0	0	0	0	0	0	0	0	0	0	13,000
Renovate skate park at KGV Hitchin	Environment	251,700	0	0	0	0	0	0	0	0	0	0	251,700
Replacement of Newark Close, Royston	Enterprise	9,100	55,900	0	0	0	0	0	0	0	0	0	65,000
Resurface Lairage Car Park	Enterprise	0	346,300	0	0	0	0	0	0	0	0	0	346,300
Riverside walkway, Biggin Lane	Environment	7,900	45,100	0	0	0	0	0	0	0	0	0	53,000
RLC change village refurbishment – replacement of cubicles, lockers, vanity area and group change.	Environment	150,000	0	0	0	0	0	0	0	0	0	0	150,000
RLC Café	Environment	20,000	0	0	0	0	0	0	0	0	0	0	20,000
Royston Leisure Centre Dry Side Toilet Refurbishment	Environment	30,000	0	0	0	0	0	0	0	0	0	0	30,000

Project	Service Directorate								Funding				
		2025/26 Funding £	2026/27 Funding £	2027/28 Funding £	2028/29 Funding £	2029/30 Funding £	2030/31 Funding £	2031/32 - 2035/36 Funding £	Funded from Other Grants	Funded from Government Grant	Funded from s106 contributions	Funded from Revenue / IT Reserve	Balance funded from Capital Receipts/ Set- aside receipts/ Borrowing
RLC Gym Equipment	Environment	349,800	0	0	0	0	0	0	0	0	0	0	349,800
RLC Learner Pool	Environment	0	750,000	4,002,000	0	0	0	0	0	0	0	4,752,000	0
RLC Gym Refurbishment	Environment	452,000	0	0	0	0	0	0	0	0	0	0	452,000
Royston Leisure Centre Members Changing Refurbishment	Environment	12,800	0	0	0	0	0	0	0	0	0	0	12,800
S106 Projects	Various	300,500	0	0	0	0	0	0	0	0	300,500	0	0
S016 Funding for additional social housing	Place	192,500	0	0	0	0	0	0	0	0	192,500	0	0
Security - Firewalls	Customers	23,600	18,000	0	18,000	0	18,000	36,000	0	0	0	0	113,600
SPF Digital Inclusion Scheme	Customers	10,000	0	0	0	0	0	0	0	10,000	0	0	0
SPF Reveation of Estates Buildings	Enterprise	30,000	0	0	0	0	0	0	0	30,000	0	0	0
SPF Sustainable Communities Grants	Governance	64,200	0	0	0	0	0	0	0	64,200	0	0	0
Swinburne Recreation Ground Hitchin	Environment	0	30,000	0	0	0	0	0	0	0	0	0	30,000
Tablets - Android Devices	Customers	18,000	10,000	4,000	4,000	4,000	4,000	4,000	0	0	0	0	48,000
Thomas Bellamy House, Hitchin	Enterprise	500	5,500	0	0	0	0	0	0	0	0	0	6,000
Transport Plans implementation (GAF)	Place	0	250,000	0	0	0	0	0	0	250,000	0	0	0
Walsworth Common Pavilion - contribution to scheme	Environment	0	300,000	0	0	0	0	0	250,000	0	37,000	0	13,000
Warm Homes	Environment	318,800	478,100	478,100	0	0	0	0	0	1,275,000	0	0	0
Waste and Street Cleansing Data Mgmt	Environment	470,000	0	0	0	0	0	0	0	0	0	0	470,000
Waste and Street Cleansing Vehicles	Environment	4,800,000	0	0	0	0	0	5,500,000	0	0	0	3,200,000	7,100,000
WiFi Upgrade	Customers	0	40,000	0	0	0	0	0	0	0	0	0	40,000
Wilbury Hills Cemetery Footpaths	Environment	30,000	0	0	0	0	0	0	0	0	0	0	30,000
Wilbury Hills Cemetery Improvements	Environment	0	120,000	0	0	0	0	0	0	0	0	0	120,000
		23,350,200	12,142,500	5,787,100	4,488,000	3,798,000	502,000	9,230,000	298,300	4,936,400	613,000	8,382,000	45,068,100

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CABINET
14 April 2026

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: THIRD QUARTER REVENUE BUDGET MONITORING 2025/26

REPORT OF: THE DIRECTOR - RESOURCES

EXECUTIVE MEMBER: RESOURCES

COUNCIL PRIORITY: SUSTAINABILITY

1. EXECUTIVE SUMMARY

- 1.1. The purpose of this report is to inform Cabinet of the summary position on revenue income and expenditure forecasts for the financial year 2025/26, as at the end of the third quarter. The forecast variance is a £902k decrease in the net working budget of £23.687million, of which £483k is requested to be carried forward to fund specific activities in the next financial year, with an ongoing impact in future years of a £282k decrease. Explanations for all the significant variances are provided in table 3.

2. RECOMMENDATIONS

- 2.1. That Cabinet note this report.
- 2.2. That Cabinet approves the changes to the 2025/26 General Fund budget, as identified in table 3 and paragraph 8.2, a £902k decrease in net expenditure.
- 2.3. That Cabinet approves the changes to the 2026/27 General Fund budget, as identified in table 3 and paragraph 8.2, a total £201k increase in net expenditure.

3. REASONS FOR RECOMMENDATIONS

- 3.1. Members are able to monitor, make adjustments within the overall budgetary framework and request appropriate action of Services who do not meet the budget targets set as part of the Corporate Business Planning process.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. Budget holders have considered the options to manage within the existing budget but consider the variances reported here necessary and appropriate.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. Consultation on the budget monitoring report is not required. Members will be aware that there is wider consultation on budget estimates during the corporate business planning process each year.

6. FORWARD PLAN

- 6.1. The report contains a recommendation on a key decision that was first notified to the public in the Forward Plan on the 19th December 2025.

7. BACKGROUND

- 7.1. Council approved the revenue budget for 2025/26 of £22.914million in February 2025. As at the end of Quarter Three, the working budget has increased to £23.687million. Table 1 below details the approved changes to this budget to get to the current working budget:

Table 1 - Current Working Budget

	£k
Original Revenue Budget for 2025/26 approved by Full Council	22,914
Quarter 3 2024/25 Revenue Budget Monitoring report – 2025/26 budget changes approved by Cabinet (March 2025)	807
2024/25 Revenue Budget Outturn report – 2025/26 budget changes approved by Cabinet (June 2025)	202
Churchgate Viability and Next Steps report – additional funding for a specialist Project Manager approved by Council (July 2025)	120
First Quarter Revenue Budget Monitoring 2025/26 – working budget changes approved by Cabinet (September 2025)	453
Second Quarter Revenue Budget Monitoring 2025/26 – working budget changes approved by Cabinet (January 2026)	(846)
Decarbonisation of Leisure Centres Contract Award – working budget changes resulting from the extended opening of the lidos (May 2025)	37
Current Working Budget	23,687

- 7.2. The Council is managed under Service Directorates. Table 2 below confirms the current net direct resource allocation of each Service Directorate and how this has changed from the budget allocations published in the Quarter Two revenue monitoring report.

Table 2 – Service Directorate Budget Allocations

	Net Direct Working Budget at Quarter Two	Changes approved at Quarter Two	Other Budget Changes / Transfers	Current Net Direct Working Budget
Service Directorate	£k	£k	£k	£k
Chief Executive	322	(119)	0	203
Customers	4,133	25	0	4,158
Enterprise	1,365	(7)	0	1,358
Environment	8,743	(97)	37	8,683
Governance	2,536	65	4	2,605
Place	1,351	(559)	0	792
Regulatory Services	2,807	(18)	0	2,789
Resources	3,239	(136)	(4)	3,099
TOTAL	24,496	(846)	37	23,687

8. RELEVANT CONSIDERATIONS

- 8.1. Service Managers are responsible for monitoring their expenditure and income against their working budget. Table 3 below highlights those areas where there are forecast to be differences. An explanation is provided for each of the most significant variances, which are generally more than £25k. The final columns detail if there is expected to be an impact on next year's (2026/27) budget:

Table 3 - Summary of significant variances

Budget Area	Working Budget	Forecast Outturn	Variance	Reason for difference	Carry Forward Request	Estimated Impact on 2026/27
£k	£k	£k	£k		£k	£k
Chief Executive Capital Financing - Minimum Revenue Provision (MRP)	402	0	(402)	The original 2025/26 budget included provision for capital expenditure to be financed through internal borrowing. As there was no capital expenditure in 2024/25 that required funding through borrowing, there is no MRP charge required in this financial year. The MRP estimates for future years were updated when the Budget 2026/27 report was approved by Council in February.	0	0
Customers Directorate Staffing Costs	5,915	5,895	(20)	Forecast underspend is mainly due to various vacancies held this year within the Customer Service Centre and Digital Services team. Most of these vacancies have now been recruited to or recruitment is currently in progress. It is requested to carry forward £5,500 of the unspent budget, which relates to the Shared Prosperity Fund grant amount for the digital inclusion programme. Part of the grant was identified to fund an officer to support the project until June 2026.	6	0
Customers Careline Service Telephony	169	126	(43)	Project to upgrade the current ISDN phone lines to Session Initiation Protocol (SIP) lines has been delayed due to resourcing issues experienced by the supplier, with a lack of engineers available to perform the work. The forecast unspent budget is requested to be carried forward to meet the costs of the project that will now fall in the next financial year.	43	0
Enterprise Churchgate Regeneration Project – Consultants Expenditure	0	163	+163	To complete the due diligence required to progress with this project, the team have appointed relevant consultants to support the work. These consultants have scoped out the possibilities associated with the parking, public realm and market elements. This has allowed the team to financially appraise the scheme to find a viable option for the Council to take forward. While part of the spend in this year will be funded from surplus rent income collected (over and above the cost of capital related to the purchase of the head leasehold) and the balance remaining in the Churchgate Regeneration Project earmarked reserve, the variance indicates that this is not sufficient to fund the forecast level of expenditure. This was identified as a financial risk when the budget was approved in February 2025.	0	0

Budget Area	Working Budget	Forecast Outturn	Variance	Reason for difference	Carry Forward Request	Estimated Impact on 2026/27
	£k	£k	£k		£k	£k
Enterprise Churchgate Regeneration Project – Project Manager	120	65	(55)	As recorded in table 1, Council approved £120k of additional funding for the recruitment of a specialist Project Manager in July 2025. The Project Manager was subsequently appointed in September 2025 with a contract through to September 2026. It is therefore requested that the forecast unspent budget is carried forward to finance the costs of the post falling in the next financial year.	55	0
Enterprise Directorate Staffing Expenditure	1,799	1,699	(100)	Forecast underspend is due to vacant posts held in Property Services and the unspent investment budget for the recruitment of a project officer to support the Museum Storage project. The timing of the appointment to the two-year fixed term project officer / curator position will be coordinated with the timetable for the construction work to renovate the facility. Recruitment is currently anticipated in January 2027. It is therefore requested that the unspent budget is carried forward to finance the anticipated expenditure in future years.	100	0
Enterprise Sale of the Snipe, Weston – deposit received	0	(62)	(62)	The Snipe at Weston was sold under a conditional contract dated 1st October 2024, with the the contract providing the purchaser up to 15 months within which to secure planning consent. This period has now expired and, with no live planning application or appeal in progress, the contract has been formally terminated. As the asset has not been sold, the non-refundable deposit received under the terms of the conditional sale contract does not represent a capital receipt and instead is charged as income to the General Fund.	0	0
Enterprise Royston Town Council Annexe Redevelopment	20	0	(20)	This site requires certainty on vehicle access and collaboration with adjoining landowners to facilitate a more comprehensive potential re-development. Progress has been made in respect of the access issue alongside renewal of the car park lease with Herts County Council. Estates officers will also seek for the site to retain its allocation for a mixed-use redevelopment in the new Local Plan. It is therefore requested that this unspent investment budget is carried forward to fund the appointment of an architect in the next financial year.	20	0

Budget Area	Working Budget	Forecast Outturn	Variance	Reason for difference	Carry Forward Request	Estimated Impact on 2026/27
	£k	£k	£k		£k	£k
Enterprise Riverside Walk Hitchin footpath repair and maintenance	24	13	(11)	The final drawings are being prepared for the submission of a planning application and obtaining the necessary Environment Agency and County Council Highways consents. Tenders for the work will be sought in parallel with the progress of the application. This is expected to take place during 2026/27 and therefore the forecast unspent budget is requested to be carried forward to meet the costs of delivering the project next year.	11	0
Environment Climate Change and Sustainability Expenditure	27	10	(17)	The Sustainability Strategy was finalised in Summer 2025 and while progress has been made with some actions, there are others we haven't been able to develop, due to capacity, other priorities and timing. We will be able to make further progress on some of these actions in 26/27, with the carry forward of the unspent budget requested to support these. Examples include developing advice and support on sustainability for local businesses and looking at options for more natural shading in our district.	17	0
Environment Repairs and Maintenance at Ransoms Rec Hitchin	25	0	(25)	This investment budget for repairs to the lighting and footpaths at Ransoms Rec was approved by Council in February 2025. Green Space Officers have since identified other sites requiring lighting works, so a holistic approach is being taken to resolve the lighting issues simultaneously, liaising with Property Services to identify the most effective and efficient means of doing so. The intention is to complete the works required at Ransoms Rec in the new financial year, therefore the carry forward of the investment budget is requested.	25	0
Environment Burial Grounds Income	(359)	(320)	+39	Shortfall in income is attributed to the trend, apparent across the industry, away from full body burials to cremations. The Council only receives income from cremations if the family choose to purchase a grave space or a memorial tree within a North Herts Cemetery. With Hitchin Cemetery now at capacity for burials, the Council may also be losing custom to the new crematorium at Holwell, which offers cremations, cremated remains and full burial grave spaces. Some Hitchin residents may therefore be choosing this option in preference to Wilbury Hills Cemetery.	0	42

Budget Area	Working Budget	Forecast Outturn	Variance	Reason for difference	Carry Forward Request	Estimated Impact on 2026/27
	£k	£k	£k		£k	£k
Environment Removal of Combined Heat and Power (CHP) units at North Herts Leisure Centre and Hitchin Fitness and Swimming Centre	757	731	(26)	At its meeting of 11th July 2024, Council approved expenditure of up to £757k for the termination and removal fees of the gas CHP units at North Herts Leisure Centre and Hitchin Fitness and Swimming Centre as part of the delivery of the Leisure Centres Decarbonisation project. The budget provision was based on the financial penalties for early termination with a removal date of 31 st March 2025. As the two units were ultimately removed in November 2025 (NHLC) and December 2025 (Hitchin), this has consequently reduced the early termination fees liability.	0	0
Environment Commercial Waste and Recycling Service - Customer Income	(1,267)	(1,237)	+30	Forecast shortfall in income follows the steady decline in the size of the customer base, as has been captured in the corporate financial health indicators included in previous monitoring reports. This may be indicative of a competitive market, where businesses are incentivised to switch provider with introductory pricing for new customers; changes in business behaviours to generate less waste in general, with existing customers reducing the level of service required; a difficult economic climate more generally. A shortfall in income from Commercial Waste services due to an economic downturn was identified as a financial risk when the original budget was approved in February 2025.	0	30
Environment Commercial Waste and Recycling Service – Tipping Charges Expenditure	421	344	(77)	The fall in tipping charges is a direct result of less residual waste tonnage being generated and disposed of by commercial customers. While this will be in part a consequence of the falling customer numbers referenced above, improved recycling provisions, such as the introduction of commercial food waste collections, has also contributed to the fall in residual waste tonnages. The trend may also have been accelerated by the government's 'Simpler Recycling' reforms, with all workplaces in England with 10+ FTEs legally required to separate their waste from 31 March 2025 (with smaller businesses subject to the same requirement from 31 March 2027).	0	(77)

Budget Area	Working Budget	Forecast Outturn	Variance	Reason for difference	Carry Forward Request	Estimated Impact on 2026/27
	£k	£k	£k		£k	£k
Environment Income from sale of fibre (paper and cardboard) collected for recycling	(85)	(193)	(108)	Working budget total was based on the sale of paper (only) collected for recycling, in line with recycling service arrangements at the time the original budget was set. Since the domestic waste and recycling service changes were implemented in August 2025, paper and cardboard have been collected together as a single fibre recycling stream. While the grade of the material collected is lower than a paper-only stream, with this reflected in a lower sale price per ton, the additional tonnage collected has more than offset this. The reduction in the frequency of residual waste collections and the provision of a larger container for paper and cardboard as part of the service changes has also facilitated and encouraged resident recycling of paper and cardboard. The ongoing saving value indicates the twelve-month impact on this income stream.	0	(167)
Environment Hertfordshire County Council Recycling Credits Income	(703)	(659)	+44	Recycling credits income working budget includes the planned efficiency of £48k following the waste and recycling service changes from August 2025. The efficiency value was based on the collection of an additional 300 tonnes of soft plastic and 200 tonnes of additional recycling. Part of the income shortfall in 25/26 is therefore that the forecast outturn only includes the part-year impact from the service changes in August, while the efficiency calculation was over a 12-month period. The estimated annual shortfall going forward of £16k is due to the increase in tonnages from the introduction of soft plastics recycling being lower than anticipated.	0	16
Place Car Parking Pay-As-You-Go Fees Income	(1,926)	(2,051)	(125)	Forecast outturn is indicative of higher car parking activity in the first three quarters of the year than expected in the budget. With no apparent increase in the volume of paid tickets sold compared to the prior year, the increase in revenue may indicate that, with the new check in and check out system, users are staying longer in the car parks.	0	(125)
Place Car Parking Machines Repairs & Maintenance	42	3	(39)	With the new parking machines installed in March 2025 under a two-year warranty, maintenance costs in this financial year relate to only those four machines that have not yet been replaced. A maintenance budget of £15k will be required from 2027/28 following the expiry of the warranty.	0	(39)

Budget Area	Working Budget	Forecast Outturn	Variance	Reason for difference	Carry Forward Request	Estimated Impact on 2026/27
	£k	£k	£k		£k	£k
Place Planning Transport Policy - Consultants Expenditure	124	28	(96)	Forecast outturn is the estimated spend incurred in progressing the Hitchin Rail Station eastern access project in this year. Officers are working together with Hertfordshire County Council to prioritise projects that can be taken forward as part of the Sustainable Travel Town Programme. Work in progressing these projects will commence in the next financial year and it is therefore requested that the unspent budget is carried forward to 2026/27.	96	0
Place London Luton Airport Development Consent Order Application	20	0	(20)	An investment bid for 2024/25 was originally approved by Council to support the work arising from a positive decision from the Planning Inspectorate. The approval from the Planning Inspectorate however was subsequently called in by the Secretary of State. The Secretary of State granted the development consent order (DCO) in April 2025, which was then the subject of a 6-week High Court Judicial Review Challenge. This took place in November 2025 where the High Court ruled in favour of the Secretary of State's decision to permit the DCO application. The Judicial Review however is now the subject of a further legal challenge. Officers are continuing to monitor the legal proceedings and work together with the Hertfordshire Host authorities. It is requested that the unspent investment budget is carried forward to 2026/27 to fund further advice around our role / powers once the legal proceedings are resolved.	20	0
Place Local Plan Development	99	66	(33)	Further reduction in projected spend from that reported at Quarter Two is due to MHCLG delaying new legislation on how authorities should prepare their Local Plan. With no transition period for implementation expected, the Council must wait for the legislation to be published to ensure it fully meets the requirements. The legislation was originally expected in Summer 2025, then MHCLG delayed this until early 2026. Regulations were published at the start of March 2026 to bring the new system into force from the 25 th March 2026. This means that work that was planned for 2025/26 will now slip into 2026/27, so it is requested to carry forward the £32k of forecast unspent budget into 2026/27.	33	0

Budget Area	Working Budget	Forecast Outturn	Variance	Reason for difference	Carry Forward Request	Estimated Impact on 2026/27
	£k	£k	£k		£k	£k
Place Planning Control IT Software Expenditure	32	7	(25)	An investment bid was approved for 2025/26 for the procurement of Agile AI software to reduce the manual workload with the checking and validation of planning applications. Having initially anticipated Hertfordshire County Council would lead on a county-wide procurement exercise, discussions are currently ongoing with East Herts and Stevenage regarding a joint procurement but work on this will not commence until 2026/27, with the unspent budget requested to be carried forward.	25	0
Regulatory Housing Stock Condition Survey	40	0	(40)	The service is currently undertaking preliminary market engagement for a tender. It is unlikely work will take place during the 2025/26 financial year and therefore it is requested that the unspent budget is carried forward to fund the activity in the next financial year.	40	0
Resources Directorate Staffing Costs	2,856	2,828	(28)	Forecast variance relates to the Revenues and Benefits service, where vacancies held and flexible working requests have reduced staffing expenditure in this financial year. Recruitment to two full time posts is currently in progress, with interviews taking place in early February, however the successful applicants are unlikely to be in post before the end of March.	0	0

Budget Area	Working Budget £k	Forecast Outturn £k	Variance £k	Reason for difference	Carry Forward Request £k	Estimated Impact on 2026/27 £k
Resources Net Housing Benefit Expenditure	311	512	+201	Forecast overspend variance relates to historical housing benefit subsidy received that must be paid back to the DWP. The 2021/22 Housing Benefit audit, only recently completed, identified that clients placed in temporary accommodation during that year had not been advised of the amount of rent being charged. As the housing costs were to be met through Housing Benefit payments, the importance of advising the claimants of the rent liability was overlooked by officers. This has meant there is insufficient evidence of rent agreements with the claimants for the Council to be eligible for the corresponding Housing Benefit subsidy it received in that year. Housing Services have since made changes to Housing Benefit claim forms to ensure customers are notified of their rental liabilities. With those changes in place since early 2024, it is anticipated that this issue may also affect Housing Benefit subsidy received for 2022/23 and 2023/24. With the impact not yet fully quantified and the final amounts unknown, a contingent liability will be disclosed in the 2025/26 statement of accounts.	0	0
Total of explained variances	8,863	7,968	(895)		491	(320)
Other minor balances	14,824	14,817	(7)		(8)	38
Overall Total	23,687	22,785	(902)		483	(282)

8.2. Cabinet are asked to approve the differences highlighted in the table above (a £902k decrease in spend), as an adjustment to the working budget (recommendation 2.2). Cabinet are also asked to approve the estimated impact on the 2026/27 budget, a £201k increase in budget, which includes the request to carry forward £483k of unspent budget for specific purposes in the next financial year (recommendation 2.3).

8.3. The original approved budget for 2025/26 (and therefore working budget) included efficiencies totalling £1.341million, which were agreed by Council in February 2025. Any under or over delivery of efficiencies will be picked up by any budget variances (table 3 above). However, there can be off-setting variances which mean that it is unclear whether the efficiency has been delivered. Where this is the case, this will be highlighted. The forecast at the end of Quarter Two was a net overachievement of £59k. At the end of Quarter Three the forecast is a net overachievement of £38k. The reduction of £21k relates to;

- Recycling credit income from Herts County Council. £44k underachievement, as highlighted and explained in table 3 above.
- Garden waste collection service subscriber income. £23k overachievement of additional income from the changes to subscription fees. The efficiency estimate

calculation was based on the original budget expectation for 2024/25 of £1.029m. The actual income recorded for 2024/25 was almost £70k higher, as highlighted in the Third Quarter 2024/25 revenue budget monitoring report. Therefore, although the level of demand for the service is marginally lower than last year, as shown in table 5 below, the additional income from the pricing changes is forecast to exceed the assumption in the budget (included within 'other minor variances' in table 3 above).

8.4. The working budget for 2025/26 includes budgets totalling £1.682million that were carried forward from the previous year. These are generally carried forward so that they can be spent for a particular purpose that had been due to happen in 2024/25 but was delayed into 2025/26. At Quarter Two, it was forecast that £526k of the budget carried forward will not be spent in this year. At the end of Quarter Three it is forecast that £710k of the budget carried forward will not be spent. The increase of £184k, all of which is requested to be carried forward again into 2026/27, relates to:

- Careline telephone lines upgrade. £20k of the £27k carried forward is forecast not to be spent in this year, as highlighted in table three above.
- Royston Town Council Annexe Redevelopment. The £20k carry forward budget will not be spent in this year, as explained in table three above.
- Riverside walk, Hitchin. 11k of the £24k carry forward is forecast to be unspent in this year, as highlighted in table three above.
- Climate change strategy. £11k of the £19k carry forward budget will not be spent in this year, as explained in table three above.
- Supplementary Planning documents. £76k (reduction of £7k from the £83k requested to be carried forward at Quarter Two) of the £135k budget carried forward is forecast to be unspent at the end of the year. The £7k forecast increase in spend in this financial year and the corresponding reduction in the carry forward budget is included in the 'other minor variances' totals in table three above.
- Local Plan review. A total of £67k (£54k requested at Quarter Two) of the £186k carried forward is now forecast not to be spent in this year, as explained in table three above.
- London Luton Airport Development Consent Order application. The £20k carry forward budget will not be spent in this year, as explained in table three above.
- Transport policy projects and initiatives. £56k of the £84k budget carried forward for various schemes is forecast to be unspent this year, as noted in table three above.
- Housing stock condition survey. The £40k carry forward budget will not be spent in this financial year, as highlighted in table three above.

8.5. Six corporate 'financial health' indicators have been identified in relation to key sources of income for the Council in 2025/26. Table 4 below shows the performance for the year. A comparison is made to the original budget to give the complete picture for the year. Each indicator is given a status of red, amber, or green. A green indicator means that they are forecast to match or exceed the budgeted level of income. An amber indicator means that there is a risk that they will not meet the budgeted level of income. A red indicator means that they will not meet the budgeted level of income.

8.6. At the end of Quarter Two, four of the indicators were green, one was amber and one of the indicators was red. At the end of Quarter Three, four of the indicators are green and two are red. The green indicator for car parking fees income at Quarter Three replaces the amber indicator at Quarter Two, with the forecast increase in the income expectation highlighted in table three above. The forecast increase exceeds the estimated income lost from the closure of Princes Mews car park in April, which was the basis for the amber status at the end of the first two quarters of the year. The additional red indicator relates

to the estimated shortfall in income generated from the Commercial waste and recycling service, as highlighted and explained in table three above.

- 8.7. The actual to date exceeding the projected outturn for leisure centres management fee income in table 4 is because the compensation to the leisure service provider for the closure of the leisure centres while the decarbonisation works took place, as reported at Quarter Two, has not yet been settled. The high actual to date total relative to the annual budget / projected outturn for Planning Fees income is due to the reversal in the current year of the accounting adjustment posted at the end of the prior financial year to ensure the income total recorded for 2024/25 only related to activity in 2024/25 (i.e. planning applications resolved between 1st April 2024 and 31st March 2025), and therefore is not necessarily indicative of the achievement of additional surplus income to the General Fund in this financial year above that projected.

Table 4 - Corporate financial health indicators

Indicator	Status	Original Budget £k	Actual to Date £k	Projected Outturn £k	Variance £k
Leisure Centres Management Fee Income	Red	(714)	(872)	(196)	+518
Garden Waste Collection Service Subscriptions	Green	(1,622)	(1,634)	(1,645)	(23)
Commercial Refuse & Recycling Service Income	Red	(1,267)	(968)	(1,237)	+30
Planning Application Fees (including fees for pre-application advice)	Green	(1,188)	(2,284)	(1,458)	(270)
Car Parking Fees	Green	(1,978)	(1,623)	(2,051)	(73)
Parking Penalty Charge Notices (PCNs)	Green	(573)	(399)	(573)	0

- 8.8. Table 5 below indicates current activity levels, where these drive financial performance, and how these compare to the prior year to indicate the direction of current trends. As performance against the planning applications fee income budget is generally determined by the number of large applications resolved in the year (rather than the total number of applications received), and this distinction is not captured in the data available, this indicator is omitted from table 5.

Table 5 - Corporate financial health indicators – activity drivers

Indicator	Activity Measure	Performance to end of Q3 2025/26	Performance to end of Q3 2024/25	Percentage Movement	Direction of Trend
Leisure Centres Management Fee	Number of Leisure Centre visits	1,317,474	1,305,810	+0.9%	
Garden Waste Collection Service	Number of bin subscriptions	32,706	33,860	-3.4%	
Commercial Refuse & Recycling Service	Number of customers	955	1,015	-5.9%	
Car Parking Fees	Car park tickets sold / average ticket price sold	914,819 / £1.74	871,308 / £1.78	+5.0% / -2.2%	
Parking Penalty Charge Notices	Number of PCNs issued	11,308	11,733	+21.9%	

FUNDING, RISK AND GENERAL FUND BALANCE

- 8.9. The Council's revenue budget is funded primarily from Council Tax and Retained Business Rates income. In November 2024, central government guaranteed an amount of Extended Producer Responsibility (EPR) funding in 2025/26. The Council was subsequently notified by Central Government in February 2025 of the amount of New Homes Bonus, Employer National Insurance Contributions Grant and Funding Guarantee Grant it could expect to receive in 2025/26 and planned accordingly.
- 8.10. Council Tax and Business Rates are accounted for in the Collection Fund rather than directly in our accounts, as we also collect them on behalf of other bodies. Each organisation has a share of the balance on the Collection Fund account. The Council must repay in this year its share of the Council Tax deficit for the prior year and will receive in this year its share of the Business Rates Collection Fund surplus for the prior year, as estimated in January 2025. As reported previously, this means a contribution from the Council Tax Collection Fund to the General Fund of £144k and a contribution to the General Fund of £98k from the Business Rates Collection Fund. While the transfer of the Council Tax surplus amount of £144k is included in the funding total in table 7 below, the business rates surplus will be transferred to reserve and used to mitigate the impact of deficits recorded, and/or changes to the rates retention scheme, in future years. It is also reviewed as part of the Medium-Term Financial Strategy (MTFS) and budget process to assess whether it can be used to support the General Fund budget.
- 8.11. The Council's share of the Council Tax Collection Fund is forecast to be a surplus balance of £251k at the end of the financial year. A contribution of £251k will be transferred from the Collection Fund to the General Fund in the next financial year and this will therefore increase the amount of Council Tax funding available in 2026/27, as was shown in Appendix E to the Budget 2026/27 report. Any difference between this forecast and the actual position recorded at the end of the financial year will affect the calculation of the surplus / deficit position for 2026/27 and therefore impact the level of Council Tax funding available in 2027/28.
- 8.12. The Council's share of the Business Rates Collection Fund at the end of this year is forecast to be overall surplus position of £2.826m, as declared in the NNDR1 return submitted to Government in January. This will be transferred from the Collection Fund to the General Fund in the next financial year, with the contribution ultimately helping to bridge the funding gap for 2026/27. The size of the surplus is primarily due to the £2.3million increase in surplus between the January 2025 estimate and the final position recorded for 2024/25, which followed the release of provisions at the end of the financial year for the estimated cost of Business Rate appeals as detailed and explained in the Revenue Budget Outturn 2024/25 report. Any difference between this estimate and the final outturn for 2025/26 will impact the calculated surplus / deficit position for 2026/27 and hence cashflows in 2027/28.
- 8.13. The Council is also subject to a business rates levy from Central Government where it collects more in business rates than the baseline determined by Central Government. The current forecast for 2025/26 is a business rates levy liability of around £1.2million at the end of the financial year. The final amount payable will however depend on the actual level of business rates income collected during the year. In any case, the business rates levy payable will be funded from the grant held in reserve and as such will have a net zero impact on the General Fund balance at the end of the year.
- 8.14. The Council receives compensation in the form of a grant from Central Government for business rate reliefs introduced, which goes into our funds rather than the Collection Fund. The final amount of grant the Council can retain depends on the actual level of reliefs applied during the year. The Council currently expects to receive a total grant allocation of £4.445m for reliefs in 2025/26, which includes an amount of £620k received

as compensation for the Government's previous decisions to cap the increases in the business rates multiplier. The multiplier compensation is included in the funding total in table 7 below. The rest of the grant received is held in reserve. Some of the amount held in reserve will be used to fund the business rates levy payable for this year, while a further £1.3million will be used to top up the business rates income charged to the General Fund in 2025/26 to the baseline funding amount anticipated when the budget was set. In addition, as shown in table 7 below, there will be the planned release of £2.861million from the reserve to the General Fund in 2024/25 to bridge the funding gap anticipated when the budget was set.

- 8.15. Table 7 below summarises the impact on the General Fund balance of the position at Quarter Three detailed in this report.

Table 7 – General Fund impact

	Working Budget	Projected Outturn	Difference
	£k	£k	£k
Brought Forward balance (1st April 2024)	(16,067)	(16,067)	-
Net Expenditure	23,687	22,785	(902)
Funding (Council Tax, Business Rates, EPR, NHB, ENIC, Funding Guarantee)	(20,365)	(20,365)	0
Funding from Reserves (including Business Rate Relief Grant)	(2,861)	(2,861)	0
Carried Forward balance (31st March 2025)	(15,606)	(16,508)	(902)

- 8.16. The minimum level of General Fund balance is determined based on known and unknown risks. Known risks are those things that we think could happen and we can forecast both a potential cost if they happen, and percentage likelihood. The notional amount is based on multiplying the cost by the potential likelihood. The notional amount for unknown risks is based on 5% of net expenditure. There is not an actual budget set aside for either of these risk types so, when they occur, they are reflected as budget variances (see table 3). We monitor the level of known risks that actually happen, as it highlights whether there might be further variances. This would be likely if a number of risks come to fruition during the early part of the year. We also use this monitoring to inform the assessment of risks in future years. The notional amount calculated at the start of the year for known risks was £1,077k, and at the end of the third quarter a total of £1,584k has come to fruition. The identified risks realised in the third quarter relate to:

- Reduction in income from Churchgate means that funds are not available for the external spend required to progress the regeneration project, as highlighted and explained in table 3 above - £163k.
- Income from trade refuse, as highlighted in table 3 above - £30k.
- Specialist advice required with regard to planning applications, included within the 'other minor variances' total in table 3 above - £20k.
- Costs associated with a challenge to a Planning Committee decision, included within the 'other minor variances' total in table 3 above - £6k.

Table 8 – Known financial risks

	£'000
Original allowance for known financial risks	1,077
Known financial risks realised in Quarter 1	(1,298)

Known financial risks realised in Quarter 2	(67)
Known financial risks realised in Quarter 3	(219)
Remaining allowance for known financial risks	(507)

9. LEGAL IMPLICATIONS

- 9.1. The Cabinet has a responsibility to keep under review the budget of the Council and any other matter having substantial implications for the financial resources of the Council. Specifically, 5.7.8 of Cabinet's terms of reference state that it has remit "*to monitor quarterly revenue expenditure and agree adjustments within the overall budgetary framework*". By considering monitoring reports throughout the financial year Cabinet is able to make informed recommendations on the budget to Council. The Council is under a duty to maintain a balanced budget and to maintain a prudent balance of reserves.
- 9.2. The recommendations contained within this report are to comply with the council's financial regulations with attention drawn to significant budget variances as part of good financial planning to ensure the council remains financially viable over the current fiscal year and into the future. Local authorities are required by law to set a balanced budget for each financial year. During the year, there is an ongoing responsibility to monitor spending and ensure the finances continue to be sound. This means there must be frequent reviews of spending and obligation trends so that timely intervention can be made ensuring the annual budgeting targets are met.

10. FINANCIAL IMPLICATIONS

- 10.1. Members have been advised of any variations from the budgets in the body of this report and of any action taken by officers.

11. RISK IMPLICATIONS

- 11.1. Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.
- 11.2. As outlined in the body of the report. The process of quarterly monitoring to Cabinet is a control mechanism to help to mitigate the risk of unplanned overspending of the overall Council budget.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2. For any individual new revenue investment proposal of £50k or more, or affecting more than two wards, a brief equality analysis is required to be carried out to demonstrate that the authority has taken full account of any negative, or positive, equalities implications; this will take place following agreement of the investment.

13. SOCIAL VALUE IMPLICATIONS

- 13.1. The Social Value Act and "go local" policy do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. There are no known Environmental impacts or requirements that apply to this report.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1. Although there are no direct human resource implications at this stage, care is taken to ensure that where efficiency proposals or service reviews may affect staff, appropriate communication and consultation is provided in line with HR policy.

16. APPENDICES

- 16.1. None.

17. CONTACT OFFICERS

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18. BACKGROUND PAPERS

- 18.1. None.