

Meeting: Cabinet

Date: 17 February 2026

Wards affected: All Wards

Report Title: Housing Standards Enforcement Policy Review

When does the decision need to be implemented? Cabinet scheduled for February

Cabinet Member Contact Details: Cllr Hayley Tranter Cabinet Member for Adult and Community Services, Public Health and Inequalities (Hayley.Tranter@torbay.gov.uk)

Director Contact Details: Anna Coles, Director of Adults & Community Services (Anna.Coles@torbay.gov.uk)

1. Purpose of Report

- 1.1 In order for the Council to be able to effectively enforce Housing Standards legislation, a suitable enforcement policy needs to be in place. Such a policy will describe what we will (and will not) do and how we will act to fulfil our duties.
- 1.2 Our current policy has been in place since 2019 following important legislative changes at the time. We now have the Renters Rights Act 2025 (RRA25) provisions to capture in addition to the pre-existing responsibilities. As such a review was necessary in any case.
- 1.3 However, a Local Government Ombudsman (LGO) review of our current policy, concluding in November 2025, directed us to remove a paragraph relating to situations where we would work with landlords 'informally' that is to say without service of a notice. It is due to this direction that the policy must be amended now, 4 months earlier than most of the RRA25 changes are needed.
- 1.4 The purpose of this report is to seek approval to make relevant amendments as set out in the enclosed documents immediately and to gain delegated authority to add the remainder of the RRA25 elements when it is appropriate to do so.

2. Reason for Proposal and its benefits

- 2.1 The proposals in this report help us to deliver our vision of a healthy, happy, and prosperous Torbay by ensuring that landlords provide safe and wholesome homes for our privately renting community and that those living in licensable Houses in Multiple Occupation accommodation occupy a properly managed building.
- 2.2 The amendments to the Housing Standards Enforcement Policy will ensure that we are compliant with current, and future legislative requirements.

3. Recommendation(s) / Proposed Decision

- 3.1. That the amendments to the current Housing Standards Enforcement Policy, as set out at Appendix 2, be approved.
- 3.2. That delegated authority be given to the Director of Adult and Community Services, in consultation with the Cabinet Member for Adult and Community Services, Public Health and Inequalities, to authorise the forthcoming updates to the Housing Standards Enforcement Policy to include elements relating to the RRA25.

4. Appendices

- 4.1. Appendix 1: Current Torbay Housing Standards Enforcement Policy with track changes
- 4.2. Appendix 2: Proposed Torbay Housing Standards Enforcement Policy with changes accepted
- 4.3. Appendix 3: Investigatory powers guidance for Renters' Rights Act 2025

5. Background Documents

- Local authority enforcement in the private rented sector: headline report - GOV.UK

Supporting Information

6. Introduction

- 6.1. On 30 September 2025 the LGO concluded an investigation into a complaint regarding inaction by the Housing Standards team. Whereas it was acknowledged that engagement and action had occurred, the LGO believed that a notice was required due to the presence of a Category 1 hazard, as described by the Housing Health and Safety Rating System (HHSRS).
- 6.2. The LGO decision, along with further engagement with the complainant, required that a paragraph be removed from the current Housing Standards Enforcement Policy as it promotes, in the first instance, an informal approach, not supported by the Housing Act 2004 (HA2004).
- 6.3. The current Housing Standards Enforcement Policy purposefully included the paragraph in full knowledge of the requirements of the HA2004. This due to a number of contradictory references set out in the Statutory Guidance and the absence of timescales set out in the HA2004. In effect it opened up an opportunity for dialogue prior to the service of notice, allowing landlords with no previous non-compliance, who had not attempted to evict the tenant in retaliation and who engaged appropriately, to avoid a notice, in the first instance.
- 6.4. The LGO decision does not accept the position adopted by the Council and has required the amendment to the policy as set out in this report.
- 6.5. On 27th October 2025, the RRA25 gained Royal ascent which commenced a count down to a number of new provisions and duties becoming 'live'. Most of the provisions will only come into force post 30th April 2026, however one provision, impacting two parts of the current Housing Standards Enforcement Policy, came into force on 27th December 2025. This relates to Investigatory powers, and the guidance document is attached as Appendix 3.

This power removes the requirement for the local authority to give a landlord 24 hours' notice before inspecting a property. It also changes the powers relating to provision of documents required by the local authority.

- 6.6 The need to inform the landlord before an inspection can take place has been a significant barrier to engagement for the past 20 years and therefore, we welcome the legislative direction and seek to remove the corresponding references from the current Housing Standards Enforcement Policy immediately. The section specifically relating to 'requiring Information' (3.3) are also to be amended immediately.
- 6.7 As previously reported during the adoption of our Civil Penalty Policy, the government set aside a small fund for a 3rd sector organisation (Tenants for Justice) to organise procurement of legal support to update policy, including Civil Penalty policies and Enforcement Policy with an eye on the policy demands of the RRA.
- 6.8 We accessed these funds early and received £5K in 'credit' for policy drafting support, legal support and training. LHA's currently applying will only receive £2,500.
- 6.9 In addition, in preparation for the commencement of RRA25, the government commissioned a cooperative under the Op Jigsaw project including Tenants for Justice and overseen by the Association of Chief Environmental Health Officers (ACEHO) to create an enforcement policy that can be used nationally to improve consistency. It is intended that this policy, designed specifically for RRA25 will be attached as an appendix to the amended Housing Standards Enforcement Policy when it is appropriate to do so.
- 6.10 The policy is a working policy and therefore it is not appropriate to make future adjustments yet and, in any case, the aforementioned RRA25 policy is not available yet.

7 Options under consideration

- 7.1 Option 1 – Adopt the amended policy and delegate authority to make adjustments following forthcoming legislation. The amended policy will ensure that we are legislatively compliant and in line with the LGO direction. By delegating authority, it will enable the new RRA25 provisions to be added promptly and without unnecessary burden to governance.
Option 2 – Refuse to adopt the amendments to the existing policy. The way the current policy is drafted is not in line with the LGO direction. We will face sanctions for failing to comply. The other amendments bring us in line with the first wave of RRA25 provisions, if not adopted we will not be in a position to effectively enforce which will be expressed via our new duties to report.

8 Financial Opportunities and Implications

- 8.1 Failure to adopt the amendments to the policy will result in reduced income.

9 Legal Implications

- 9.1 The current Housing Standards Enforcement Policy is subject to a direction by the LGO. If we do not comply with the direction, the Council's Infocompliance colleagues confirm that the LGO can issue a public report with associated reputational damage.

10 Engagement and Consultation

- 10.1 None, however, LGO direction.

11 Procurement Implications

- 11.1 None

12 Protecting our naturally inspiring Bay and tackling Climate Change

- 12.1 Energy efficiency requirements are enforceable under Housing Acts. Failure to have a legally compliant policy could undermine efforts to improve the energy efficiency of privately rented homes.

13 Associated Risks

- 13.1 As described above, the risks are associated with an inability to effectively enforce compliance with housing legislation and noncompliance with an LGO direction.

14 Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	The policy relates specifically to landlords and the legal recourse for non-compliance with housing law. Children are unlikely to be landlords, but any other age range could be. There is a positive impact of this policy for all tenants in Torbay as a tool to improve standard in the private rented sector.	None required	Not applicable
Carers	At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.	There is no differential impact anticipate.	None required	Not applicable
Disability	In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by	The policy will be available on the Council's website. The policy can be made available in alternative accessible formats if required.	None required	Not applicable

	a physical or mental health condition or illness.	There will be positive impacts for persons living in poorly managed rental accommodation. The legislation underpinning these interventions (Housing Acts) are principally designed to protect and improve health.		
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	There is no differential impact anticipated.	None required	Not applicable
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	There is no differential impact anticipated.	None required	Not applicable
Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since	There is no differential impact anticipated	None required	Not applicable

	the middle of the last decade across all geographical areas.			
Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.	There is no differential impact anticipated.	None required	Not applicable
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	There is no differential impact anticipated.	None required	Not applicable
Sex	51.3% of Torbay's population are female and 48.7% are male	There is no differential impact anticipated.	None required	Not applicable
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	There is no differential impact anticipated.	None required	Not applicable
Armed Forces Community	In 2021, 3.8% of residents in England reported that they	There is no differential impact anticipated.	None required	Not applicable

	had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously served in the UK armed forces.			
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)	32% of Torbay residents living in an area amongst the 20% most deprived areas in England.	There will be positive impacts for persons living in poorly managed rental accommodation most of which is located in Torbay's most deprived areas.	None required	Not applicable
Public Health impacts (Including impacts on the general health of the population of Torbay)	There is significant variation in health and wellbeing across the bay. In our most affluent areas residents can expect to live on average over eight years longer than those living in our more deprived communities.	The correlation between poor quality housing and health are well documented. There will be positive impacts for persons living in poorly managed rental accommodation. The legislation underpinning these interventions (Housing Acts) are principally designed to protect and improve health.	None required	Not applicable
Human Rights impacts		There is no differential impact anticipated. The Council recognises that good quality housing and accommodation is vital to upholding human rights.	None required	Not applicable
Child Friendly	Torbay Council is a Child Friendly Council, and all staff and Councillors are Corporate Parents and have a	There is no differential impact anticipated.	None required	Not applicable

	responsibility towards cared for and care experienced children and young people.			
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15 Cumulative Council Impact

15.1 None

16 Cumulative Community Impacts

16.1 None