

Appendix 4 Consultation - Private Sector, Local Housing Enforcement Policy and Civil Penalty Calculation Mechanism.

PART A - Initial Equality Screening Assessment

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality and diversity.

A **screening** process can help judge relevance and provide a record of both the process and decision. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions.

Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality and diversity
- whether or not equality and diversity is being/has already been considered, and
- whether or not it is necessary to carry out an Equality Analysis (Part B).

Further information is available in the Equality Screening and Analysis Guidance – see page 9.

1. Title

Title: To approve the commencement of consultation on a private sector housing enforcement policy and associated fees and charges

Directorate:
R&E

Service area:
Community Protection

Lead person:
Chris Stone

Contact:
Chris.stone@rotherham.gov.uk

Is this a:

☐

Strategy / Policy

☒

Service / Function

☐

Other

If other, please specify

2. Please provide a brief description of what you are screening

The report recommends a **consultation** on a Local Housing Enforcement Policy and a mechanism for consistent calculation of the level of Civil Penalty applicable in a range of housing legislation. Renters' Rights Act 2025 and associated Statutory Guidance significantly expands enforcement powers, increasing maximum civil penalties from £30,000 to £40,000 and introduces two national penalty tiers (£7,000 and £40,000 maximums). It requires councils to apply penalties in line with statutory starting points and guidance. The Renters' Rights Act 2025 and new government guidance necessitated a structural update to the Council's approach to housing enforcement and

the application of Civil Financial Penalties. This creates a number of new civil penalties and amends existing penalties. The phased implementation of the Renters Right Act 2025 will introduce a number of Civil Penalties into legal force on 1 May 2026, with further penalties becoming law over the coming months.

The Council's existing (2018) Policy for the Use of Civil Penalty and Rent Repayment Orders under the Housing Act 2004 as amended, does not include

- New offences and powers under the Renters' Rights Act
- Updated civil penalty calculation methodologies
- Statutory "starting points" for penalty calculations
- The ACEHO national model enforcement framework
- Local economic conditions impacting penalty viability
- Increases in the level of Rent Repayment Orders

The new local policy is therefore required.

Proposal affects private sector landlords and conceivably tenants in the private sector. These groups will be made up of a wide range of individuals some of which will have protected characteristics. However, the proposal is concerned with the consistent delivery of a statutory duty and will have a financial impact on those who commit offences. This will not by its nature unduly affect any single group within the direct stakeholders.

The proposed consultation aims to explore the key finding by providing an opportunity for the community and relevant businesses to comment on the council proposed approach to comply with national legislation, delivering a transparent enforcement process and applying Civil penalties across a range of legislation.

The proposed policies offer a consistent approach with other regional local authorities and provide an option to tailor the financial impact of the legislation to the local housing market. Allowing effective enforcement which will not disproportionately damage the local private rented sector.

3. Relevance to equality and diversity

All the Council's strategies/policies, services/functions affect service users, employees or the wider community – borough wide or more local. These will also have a greater/lesser relevance to equality and diversity.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, disability, sex, gender reassignment, race, religion or belief, sexual orientation, civil partnerships and marriage, pregnancy and maternity and other socio-economic groups e.g. parents, single parents and guardians, carers, looked after children, unemployed and people on low incomes, ex-offenders, victims of domestic violence, homeless people etc.

Questions	Yes	No
Could the proposal have implications regarding the accessibility of services to the whole or wider community?		X

Could the proposal affect service users?	x	
Has there been or is there likely to be an impact on an individual or group with protected characteristics?		x
Have there been or likely to be any public concerns regarding the proposal?		x
Could the proposal affect how the Council's services, commissioning or procurement activities are organised, provided, located and by whom?		x
Could the proposal affect the Council's workforce or employment practices?		x
If you have answered no to all the questions above, please explain the reason		

If you have answered **no** to **all** the questions above please complete **sections 5 and 6**.

If you have answered **yes** to any of the above please complete **section 4**.

4. Considering the impact on equality and diversity

If you have not already done so, the impact on equality and diversity should be considered within your proposals before decisions are made.

Considering equality and diversity will help to eliminate unlawful discrimination, harassment and victimisation and take active steps to create a discrimination free society by meeting a group or individual's needs and encouraging participation.

Please provide specific details for all three areas below using the prompts for guidance and complete an Equality Analysis (Part B).

How have you considered equality and diversity?

The design and reach of the consultation will include residents, businesses, neighbourhood groups, local charities, faith groups, landlord groups, tenants, owner occupiers and visitors, focused on those impacted by the private rented sector. The approach will concentrate on online and email engagement, but paper-based opportunities will be included. Protected characteristic groups will be accessed via specialist services and groups, to allow engagement to be more tailored to avoid potential barriers.

• Key findings

The consultation responses will drive possible revisions of the proposed policies. By providing the opportunity to consider if any adverse impact on protected groups which have not been anticipated. The consultation also aims to identify any adverse effect on the local housing market whilst still complying with the council statutory duties and delivering proportional robust enforcement.

- **Actions**

The proposed consultation aims to explore the Key finding by providing an opportunity for the community and relevant businesses to comment on the council proposed approach to comply with national legislation, delivering a transparent enforcement process and applying Civil penalties across a range of legislation.

The proposed policies offer a consistent approach with other regional local authorities and provide an option to tailor the financial impact of the legislation to the local housing market. Allowing effective enforcement which will not disproportionately damage the local private rented sector.

As this is the start of the consultation period, an Equality Analysis is not required at this stage but will be completed later once the consultation results have been analysed and the revised policy documents have been developed in accordance with the Council's corporate guidance.

Date to scope and plan your Equality Analysis:	See above
Date to complete your Equality Analysis:	01/08/26
Lead person for your Equality Analysis (Include name and job title):	Chris Stone

5. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening:

Name	Job title	Date
Emma Ellis	Head Of Service Community Safety and Regulatory Services	14/03/26

6. Publishing

This screening document will act as evidence that due regard to equality and diversity has been given.

If this screening relates to a **Cabinet, key delegated officer decision, Council, other committee or a significant operational decision** a copy of the completed document should be attached as an appendix and published alongside the relevant report.

A copy of **all** screenings should also be sent to equality@rotherham.gov.uk For record keeping purposes it will be kept on file and also published on the Council's Equality and Diversity Internet page.

Date screening completed	12/3/26
Report title and date	To approve the commencement of consultation on a private sector housing enforcement policy and associated fees and charges
If relates to a Cabinet, key delegated officer decision, Council, other committee or a significant operational decision – report date and date sent for publication	Cabinet 13 th July 2026
Date screening sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	15/04/26