

Enforcement and Regulation Policy

Scope

This policy sets out the guiding principles of the regulatory framework for the enforcement and regulation service and the delivery of its statutory and non-statutory functions. It promotes clear, consistent and effective approaches to the practical application of regulation and enforcement to address health inequalities by improving housing, built environment and environmental conditions and community wellbeing. It encourages better regulatory outcomes without imposing unnecessary burdens on compliant businesses, landlords, residents and stakeholders.

This policy does not apply in isolation and should be considered together with other related policies, procedures and statements of principles to form a comprehensive approach to taking regulatory and enforcement action in Gloucester.

Supporting Plans, Strategies and Policies

Gloucester City Council – Corporate Plan 2025-28

Gloucester City Council ABCD Policy - 2020

Responsibility of

Enforcement and Regulation Service – Private Sector Housing, Environmental Crime & Planning Enforcement

Summary

Housing and the environment we live in are key determinants of health and research shows that the condition of the environment and people's homes directly affects their health and wellbeing. Every year, injuries, illnesses, and mental health issues arise because of hazards in homes and the environment and as a result of anti-social behaviour and activity in the community that directly impacts amenity. The poorest quality housing is often found in the private rented sector, but this is not exclusive and housing issues are found across all tenures and some homeowners may struggle to maintain their homes, leading to hazardous conditions. It is also recognized that areas that have higher proportions of rented accommodation often suffer from higher levels of community complaints regarding fly tipping and enviro-crime, ASB and other related issues.

Gloucester City Councils Enforcement and Regulation service aims to reduce health inequalities and safeguard our residents, who are affected by poor housing conditions,

poor property management, poor environmental conditions, fly tipping and unlawful developments. The service aims to achieve this through promoting engagement and education in providing advice, information, assistance, and the signposting of support to our service users. Where this approach fails or there is a statutory duty to meet its regulatory objectives, enforcement action will be taken.

This policy serves to inform investigating officers and decision-makers of the framework in which they operate, in addition to providing information to those individuals and businesses which are regulated and those protected by regulations.

The policy is drawn up in line with the principles of good enforcement and better regulation and recognizes where there are statutory duties in legislation. This policy and supporting appendices are specific to the enforcement action taken by the Enforcement and Regulation service supported by a collaborative multiagency framework (where applicable).

The framework that empowers the Council to take enforcement action does so by enacting the powers and provisions of housing, environmental, planning and public health law, primarily the Renters Rights Act 2025, Housing Act 2004 ("the Act"), the Housing and Planning Act 2016, the Environmental Protection Act 1990, the Town and Country Planning Act 1990 and other wider public health and environmental legislation (Appendix 2 - Delegated powers of Authorisation). The priorities for applying this regulatory and enforcement framework are:

- Strengthen civic pride and make Gloucester an attractive city to live in and visit.
- Inclusive, thriving communities and residents that feel safe, supported and valued.
- Prioritise the safety of our residents, working closely with our partners to use available mechanisms to tackle anti-social behaviour across the city and create a safer environment for everyone who lives in and visit Gloucester.
- Promoting the provision of safe, decent and well managed accommodation in the City to improve health outcomes.
- Provide housing assistance services to support residents with disabilities to remain independent and make shape their own outcomes.
- Seeking behaviour change and pursuing regulatory action against those who flout the law and act unprofessionally.
- Making a fairer city by eliminating the financial gain or benefit from those who are non-compliant.
- Providing transparent and consistent regulation in the city.
- Promoting professionalism and resilience in the city.
- Actively seek to reduce fuel poverty and carbon footprint impact through targeted assistance and intervention.
- Promoting economic growth and a thriving housing sector, whilst making best use of existing stock.
- Promote stronger communities to support people's feeling of safety, wellbeing and health.
- Improving the environment and developments to reduce negative impacts on amenity and communities.
- Empowering residents to make positive decisions about their housing options and shaping their own outcomes

The Regulators' Code is a statutory code of practice introduced under section 23 of the Legislative and Regulatory Reform Act 2006. Regulators covered by the code should have an adopted enforcement policy in place that incorporates the requirements of the code. Whilst this code is for guidance to support some regulatory functions some legislation does not permit the full application of this code in that some offences are 'Strict liability offences' and as such informal options are not always available and the Renters Rights Act 2025

(RRA25) introduces new statutory duties to enforce the 'landlord legislation' from the 1 May 2026 (see Appendix 9 for the Housing Enforcement and Renters Rights Act 2025 statement of principles) for example –

S3 Housing Act 2004 imposes a duty on Councils to keep housing conditions in their district under review with a view to identifying any action that may need to be taken by them.

S107 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.

S110 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.

Whenever a regulatory officer is carrying out an investigation they will be guided by the codes of practice of the Police and Criminal Evidence Act 1984 (PACE) and the Criminal Procedure and Investigations Act 1996.

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.

This Policy will enable the Council to effectively demonstrate compliance with the Regulators' Code and its statutory and non-statutory responsibilities in delivering housing, environmental and planning regulatory functions. It will reduce the risk of legal challenges and appeals and ensures that enforcement is fair and consistent that protects individuals, businesses, and service users.

Gloucester City Council, along with our partnership agencies, will adopt the shared principals of Engagement, Education and Enforcement in a holistic multi-agency framework to ensure that resources are delivered through a collaborative, effective and efficient model to ensure, that where applicable and appropriate, enforcement decisions are not made in isolation and the most appropriate course of action is taken. All enforcement action, whether informal or formal, will be carried out in accordance with the principles of good regulation set out in this Policy and supplementary statements of principles. Each case will be considered on its individual merits and a risk/impact based approach.

The person(s) on whom a formal enforcement action is being taken against will be informed of the reason that this action is being taken, the timescale for completion of any works, the works that are legally required, representations that may be made, relevant appeal periods, details of any fees and charges and the consequences of noncompliance.

General Principles

Gloucester City Council aims to ensure all businesses, landlords, residents and visitors to the city are compliant with their regulatory requirements. To avoid unnecessary regulatory burdens, the Council expects everyone to comply with the law and proactively recognise their duties and responsibilities. This is to ensure that the health and welfare of our residents are protected, their properties, and activities in their properties, are not having a negative impact on the amenity of the neighbourhood and compliant businesses can operate fairly and grow economically.

All enforcement action, whether informal or formal, will be carried out in accordance with the principles of good regulation set out in this Policy and supplementary statements of principles. Each case will be considered on its individual merits and in consultation with other partners and agencies (where applicable). In deciding to take formal action and, if so, what type of action to take, officers will use a most appropriate course of action (MACA) and risk impact-based approach. In some cases more than one course of action may be appropriate.

Enforcement action and resources will be applied proportionally based on the seriousness of the offence/s and focused toward seeking the highest penalties for the worst offenders. The council will not hesitate to take legal action where we detect serious or systematic breaches of housing, environmental, planning and public health legislation.

The Enforcement and Regulation service will operate in a supportive 'light touch' manner for compliant businesses and individuals. Where less significant breaches of the law are witnessed and/or the risk to health is lower, we will attempt to resolve cases informally through the signposting of support to service users, using lesser civil legal routes such as warnings and financial penalties and engagement and education to make it easier for recipients to understand and meet their regulatory obligations. This will enable economic growth for compliant businesses and individuals.

Regulatory and Enforcement activity is guided by three key principles

Consistency: This means taking a similar approach in similar circumstances to achieve similar outcomes. It does not mean uniformity. Officers will consider many factors such as the level of risk, level of harm to individuals, the culpability of the offender, the history of compliance and the attitude and actions of those involved.

Openness: We will explain our actions clearly through engagement and education, in appropriate language and discuss compliance failures or problems. A clear distinction will be made between legal requirements and advice or guidance.

Proportionality: We will endeavour to balance the punishment of an offender against the direct risks to the persons effected, the effect on the wider community and severity of the breach of the law involved, to deter offenders from repeating the offence and discouraging others from committing similar offences.

In some cases, informal resolution cannot be achieved or legislation places a duty for formal action, or the matter being enforced is serious enough to warrant that the informal stage is not appropriate. Where there is an impact on health, welfare, the environment and amenity in a community, the enforcement and regulation service will take action. Certain breaches of legislation will require urgent and immediate regulatory responses, either because the time period for action is limited or because the effect of the activity causes significant harm to the public interest.

The Council has powers to make requisitions for information and documents. These powers will be used to assist with the Councils investigations and does not necessarily lead to the instigation of further enforcement action. Where a request for information or documents is not complied or misleading information is given or fraud is uncovered, this will be considered as aggravating factors in the investigation and further enforcement action may be appropriate.

A range of factors will be considered when considering enforcement action, including but not limited to:

- i) The severity of the offence.
- ii) The level of culpability of the offender.
- iii) The harm caused.
- iv) The costs of compliance and the financial benefit of failing to comply.
- v) The importance of deterring the offender from repeat offending and deterring others from committing similar offences, and;
- vi) The offender's assets and financial means.

Primary authority principles

The Council acknowledges that the primary authority principles as set out in the Regulatory and Sanctions Act 2008 and administered by the Better Regulation Delivery Officer (BRDO) may apply to some areas of housing standards enforcement. Where there is a primary authority in place the Council will comply with the appropriate primary authority requirements.

Fees and Charging for Enforcement Action

Legislation allows councils to apply reasonable fees and charges to recover administrative and other expenses for taking certain enforcement action (where applicable). Legislation also allows us to recover costs in case of works in default (WID) or works with agreement (WWA) for the costs of the works and all associated costs.

The Council will seek to recover all costs and fees when formal action is taken. The full costs of all officers' time, including overheads and any relevant expenses, will be charged. In some cases, we may seek to enforce the sale of a property to recover our costs, charges, fines and other financial debts owed to the council. Where remedial action has been undertaken the Council will incur a 30% charge to be added to the costs with a minimum charge being recovered in line with the Council's Fees and Charges Policy (see Works in default section below). Each case will be based on its merits and if it is reasonable and proportionate to do so.

Any notice charges and the costs of works and administrative costs will be raised as a debt and formal recovery procedures will be followed. There will also be land charge against the property or land whilst repayment opportunities and debt recovery methods are exhausted. (please refer to the Council's Fees and Charges)

The levels of fines determined for civil and financial penalties are set out in the supporting appendices and statements of principles.

Gloucester City Council also has the power to prosecute a wide range of offences and make compensation claims to recover works in default and reasonable costs. Where there is a successful conviction in court and criminal lifestyle or benefit can be demonstrated, Gloucester City Council may make an application to use Proceeds of Crime Act 2002 to seek court orders to recover money.

Work in Default and Works with Agreement

Where the Council has legally required someone to carry out remedial works to comply with an enforcement notice or order, but they have failed to do so and where the legislation affords powers to the Council to carry out works in default, the council will take action. This will enable the council to take action so we can be satisfied that no resident is left in a dangerous unsafe home or exposed to environmental/public health hazards. This action will be taken along with other legal action.

In most circumstances a person will be given notification of the Council's intention to carry out work in default unless emergency action is taken. Once we have started work it is an offence for a person to obstruct us or any of the contractors that have been employed to carry out the work. The costs of carrying out work in default and administrative costs will be raised as a debt and formal recovery procedures will be followed. There will also be a land charge against the property or land whilst repayment opportunities and debt recovery methods are exhausted.

The Council may also carry out works with agreement to comply with the requirements of an enforcement notice when the recipient consents to this and agrees to the repayment of the costs and charges.

Consultation and Partners

Gloucester City Council is a member of a number of County Partnerships to ensure that we can support and deliver positive outcomes in a holistic multi-agency framework. We value the partners we work with and will engage and consult with them in relation to regulatory activity and procedures where the subject area is relevant and appropriate to do so. Such partners include, but is not exclusive to:

Gloucestershire Fire and Rescue Services.	Gloucestershire County Council and Social Care Services.
The Police, Safer Neighbourhood Partnerships and Solace.	Severn Wye Warm and Well Service.
NHS Partnerships and Health Boards.	The Department for Work and Pensions.

All information and data shared and obtained will be treated in confidence and in accordance with the Data Protection Act 2018 and the General Data Protection Regulations (GDPR). Gloucester City Council has adopted and is a signatory of the Gloucestershire Information Sharing Partnership Agreement (GISPA) and where appropriate will implement Specific Information Sharing Agreements (SISA) to support and assist with housing projects and initiatives. More details can be found here [What is the GISPA/what is it for? | Gloucestershire County Council](#). There will be circumstances where shared or complimentary enforcement action may be taken with other agencies to help target effective resources and activities and minimize duplication.

Information of allegations outside the remit of the Enforcement and Regulation Service or the Council may be referred to the appropriate enforcement authority to enable that agency to investigate the allegation. Gloucester City Council may also provide data to or obtain data from other enforcing authorities. When data sharing and referrals between

authorities/agencies occurs, this will be done in accordance with all data protection legislation and regulations.

Delegated Powers and Authority

Officers have a range of statutory powers delegated to them, under the relevant schemes of delegation, to undertake duties relating to Gloucester City Council (Appendix 2). Officers will carry an identity badge and delegation documentation can be supplied if requested. In the event of any doubt about an Officer's powers, confirmation can be obtained by contacting the Officer's Line Manager who can provide any evidence describing their powers. It is an offence to obstruct an Authorised Officer who is conducting an investigation in line with their job role and statutory duties, which could lead to prosecution.

Communications and Publicity

We will work with the Council's communications team and various media organisations and social media platforms to promote and inform people about our enforcement interventions and to deter 'Housing, Public Health, Environmental and Planning Crimes' and prevent exploitation of our residents. We will publish prosecutions and civil penalty charge notices on the Department of Levelling Up Housing and Communities (DLUHC) statutory database and where applicable on the Property and landlord database that will be introduced under the provisions of the Renters Rights Act 2025.

Media coverage will normally be sought where the offence/s are serious or have significant aggravating factors such as the risk to health of residents, the exploitation of tenants, anti-social behaviour or an issue that impacts the wider community area or housing sector and to ensure the rented housing market operates in a fair, equal and open way.

We will seek media coverage to assist in securing compliance by others or when it is in the public interest to demonstrate the Council's actions and to help improve awareness and to inform issues in the wider community and professional sector(s).

Enforcement case details and publicity will also be sought to support other local authorities and regulatory partners in their enforcement efforts, especially where the perpetrator/s operate across borough boundaries.

Appeals, Representations and Complaints

Gloucester City Council aims to provide an efficient and fair enforcement service. The recipient(s) of enforcement action will be provided with opportunities to make representations during the engagement process. When enforcement action is taken the correspondence, notices and supporting documentation will provide the recipient with information and guidance on how to appeal the enforcement notice (where applicable).

If a customer wishes to complain about the course of action an officer has taken it is expected that in the first instance, most problems can be resolved with the Officer dealing with the matter or with their Line Manager. If a person or business is not satisfied with the response received, they will be directed to Gloucester City Council's formal complaints procedure. [Complaints, compliments and comments - Gloucester City Council](#)

Please note that a complaint regarding a decision to prosecute cannot be progressed through the formal complaints procedure as this is a matter for the Administrative Court

by way of an application for judicial review. If a person is still dissatisfied having exhausted Gloucester City Council's complaints procedure, a complaint can be made to the Local Government Ombudsman Service (LGSCO).

This policy has been assessed in accordance with the requirements of the Equality Act 2010 to ensure that the policy complies with the Public Sector Equality Duty.

In exercising any statutory powers, the Council needs to be aware of the human rights implications. The European Convention on Human Rights and Fundamental Freedoms was incorporated into British law by way of the Human Rights Act 1998. The convention protects certain rights. In the context of housing standards these are the right to private property (article 1 of the first protocol) and the right to respect for private home, life and correspondence (article 8 of the Convention). These rights are not absolute. They can be interfered with if a clear public interest case can be demonstrated, the action is proportionate, and the correct statutory procedure is followed. In each case officers should take into account the rights of the owner, occupier and anyone impacted by enforcement action.

Reviewing the policy

The policy will be reviewed every 4 years or at a time when triggered by the enactment of new guidance or legislative demand.

Further Guidance

Regulators' Code (BRDO, BIS, April 2014)

The Code for Crown Prosecutors (CPS, October 2018)

PACE Codes

[Administration / National Policy and Guidance / Information](#)

Human rights publications

Housing Health and Safety Rating System Version 2 Enforcement Guidance

Appendices:

Appendix 1 – General Summary of Regulatory Options

Appendix 2 – Delegated powers of Authorisation

Appendix 3 - Civil Penalties Policy – Statement of Principles 2026 (a.a)

Appendix 4 – Statement of Principles for Prosecutions and Simple Cautions.

Appendix 5 - Statement of Principles for Fit and Proper Persons.

Appendix 6 - Statement of Principles for Minimum Energy Efficiency Standards.

Appendix 7 - Statement of Principles for Electrical Safety in the Private Rented Sector.

Appendix 8 - Statement of Principles for Smoke and Carbon Monoxide Regulations.

Appendix 9 – Housing Enforcement and the Renters Rights Act 2025 – Statement of Principles