Customer Access Review – Full Assessment

Assessment details	
Assessment area	**Private Sector Housing Enforcement Policy, and; Civil Penalties under the Renters Rights' Act 2025 and other Housing Legislation Policy ("Civil Penalties Policy")**
Date of assessment	August 2026
Directorate and Service	Housing & Public Protection, Housing Services
Manager	Private Sector Housing Manager
Officer conducting assessment	Senior Housing Policy & Performance Officer

Step 1: Scoping the assessment	
1. What are the aims and objectives of the activity or proposal?	**Private Sector Housing Enforcement Policy** The Private Sector Housing Enforcement Policy is an existing policy setting out the general principles, relevant legislation and guidance, which is applied in relation to enforcement action taken by Dartford Borough Council in respect of private sector housing in the borough. A wide range of tools are available to the Council to enforce the various legislative and regulatory mechanisms in place to protect standards and tenancy rights in the private sector. The policy 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. **Civil Penalties under the Renters Rights Act 2025 and other Housing Legislation Policy ("Civil Penalties Policy")** The Civil Penalties Policy is a new policy that complements and works alongside the Private Sector Housing Enforcement Policy. A civil penalty is a financial penalty imposed by the Council on an individual or an organisation as an alternative to prosecution for a range of civil breaches or criminal offences in relation to property condition, management standards, and compliance with housing legislation and tenancy rights in the private sector. The Civil Penalties Policy sets out the framework for issuing a wide range of penalties of up to £40,000. The primary purpose of the policy is to ensure that those who fail to meet their legal obligations to protect tenants' rights and safety are duly punished. It will also act as a deterrent to prevent other such offending behaviour. This assessment has been undertaken in conjunction with a review of the Private Sector Housing Enforcement Policy and in the development of the Civil Penalties Policy to incorporate the enforcement powers and duties introduced by the Renters' Rights Act 2025 and June 2026 update to the Housing Health & Safety Rating System (HHSRS).

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Step 1: Scoping the assessment	
2. Who will be affected by the activity or proposal?	The Private Sector Housing Enforcement Policy and Civil Penalties Policy affects residents in the private sector and private sector landlords and owners. Landlords include 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.
3. How does the activity or proposal contribute to: **a) any key performance indicators?** **b) policies, values or objectives of Dartford Borough Council?**	a) Corporate Plan performance indicators: • HPI-17: Percentage of Private Sector Housing service requests completed • HP-17a: Number of service requests completed for Private Sector Housing • HP-17b: Number of service requests received for Private Sector Housing • HP-18: Number of private sector vacant dwellings that are returned to occupation or demolished b) The Private Sector Housing Enforcement Policy and Civil Penalties Policy contributes to the Corporate Plan ambition to Support a strong, high quality, private rented sector by driving up standards and cracking down on bad landlords and ensuring those residents paying private management fees are treated fairly.
4. Which aspects of the activity or proposal are dictated by legislation/regulation and where do we have discretion in how they are delivered?	The Council is responsible for enforcing a wide range of statutory provisions relating to housing standards affecting health and safety and tenancy rights. The relevant legislation under which the Council will enforce under the Private Sector Housing Enforcement Policy and Civil Penalties Policy is: • Public Health Act 1936 (as amended) • Caravan Sites and Control of Development Act 1960 • Local Government (Miscellaneous Provisions) Act 1976 • Protection from Eviction Act 1977 • Building Act 1984 • Housing Act 1985 • Landlord & Tenant Act 1985 • Environmental Protection Act 1990 • Housing Act 2004 • The Management of Houses in Multiple Occupation (England) Regulations 2006 • The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 • Mobile Homes Act 2013 • The Smoke and Carbon Monoxide Alarm (England) Amendment Regulations 2022

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Step 1: Scoping the assessment	
	• The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order • Housing and Planning Act 2016 • The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (amended) • The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 • Regulator's Code of Practice 2014 • The Housing & Planning Act 2016 (Banning Order Offences) Regulations 2017 • Deregulation Act 2015 • The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licenses) (England) Regulations 2018 • Housing, England The Licensing Of Houses In Multiple Occupation (Prescribed Description) (England) Order 2018 • Renters Rights Act 2025 The Private Sector Housing Enforcement Policy has been updated in draft, and the Civil Penalties Policy has been developed to reflect new powers under the Renters Rights Act 2025, changes to Housing Act 2004 Part 1; Housing Health & Safety Rating System (HHSRS) and a revised approach to Civil Penalties. New responsibilities and powers under the Renters Rights Act 2025 include: S107 of the 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.

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Step 1: Scoping the assessment	
	Power to investigate The Council has powers to investigate whether a landlord or an agent letting out private rented housing has broken certain laws. Some of these investigatory powers can be used to support investigations relating to illegal eviction, poor housing conditions and other housing legislation where they apply to relevant accommodation. • S114: the power to issue a notice to a relevant person to require the person to provide specified information to the Council. • S131: Failure to comply with a Section 114 notice is an offence. It is also 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. • S115: the power to issue a notice to any person requiring them to provide specified information where it reasonably suspects a breach of the Rented Accommodation Legislation. • S116: where an individual has not complied with a Section 115 notice, an application can be made to the Court to enforce the provisions of the notice and seek reimbursement for the costs of the application. **Power of entry and seizure** In circumstances where access to premises or records is necessary to carry out an investigation, the Council may use statutory powers of entry and, where permitted, seize relevant documents or materials. The Council has enhanced investigatory powers enabling authorised officers to obtain documents, access premises, and secure evidence for enforcement purposes. These powers support the Council in determining whether landlord legislation has been breached and allow officers to act swiftly where documentation or access is obstructed or at risk of destruction. These are: • S118: entry to business premises for documents without a warrant. • S121: entry to non-residential premises with a warrant. • S122: power to require production of documents. • S123: power to seize documents. • S126: entry to residential premises as part of an investigation (normally 24 hours notice) unless an exception applies.

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Step 1: Scoping the assessment	
	Civil penalties The Renters' Rights Act 2025 made the following changes to civil penalties: • Civil penalties for unlawful eviction and harassment – maximum penalty £40,000. • Civil penalties relating to tenancy rights, primarily relating to the ban on section 21 "no fault" evictions – maximum penalty £7,000. Some failures to comply with the law are criminal offences and subject to a maximum penalty of £40,000. • Maximum penalty for breaching a banning order has been increased from £30,000 to £40,000. • New civil penalties for breaches relating to the failure to state rent and avoid rental bidding, and discrimination in the letting process against benefit status and households with children – max £7,000. • New civil penalties of £7,000 for serious safety breaches (see below) **Housing, Health and Safety Rating System (HHSRS)** An update to the Housing Health and Safety Rating System (HHSRS) was introduced by MHCLG in June 2026 including reducing assessed risks from 29 to 21 hazards, simplifying risk bands to high, medium or low risk and renaming harm outcomes to Extreme, Severe, Serious, and Moderate. The Renters Right Act 2005 has also introduced a new section 6A into the Housing Act 2004. This gives local housing authorities the power to impose a civil penalty of up to £7,000 where they consider it would have been reasonably practicable for the responsible person (which will usually be the landlord) to remove a Category 1 hazard from qualifying residential premises, and the responsible person failed to do so. .

Step 2: Information collection	
5. What do you know about the groups of people who will be affected? (i.e. demographic information in relation to the protected characteristic groups of age, disability, pregnancy and maternity, religion or belief, race, sex, sexual orientation, gender reassignment, marriage and civil partnership)	Out of a total of 45,694 households in Dartford, 7,617 (16.7%) are privately renting (private landlord or letting agency), and 382 (0.8%) are privately renting (other).

2021	Dartford
All Households	**45,694**
Owned: Owned outright	12,302
Owned: Owned with a mortgage or loan	17,694
Shared ownership (part owned and part rented)	1,042
Social rented: Rented from council (Local Authority)	4,274
Social rented: Other	2,040

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Step 2: Information collection	
	Private rented: Private landlord or letting agency 7,617 Private rented: Other 658 Living rent free 67 (Source: 2021 Census) There are currently no datasets that provide full coverage of the protected characteristics of landlords and residents within the borough's private rented sector.
6. What consultation has taken place with affected groups? Please describe who was consulted and the key findings	Consultation will be carried out to inform the draft Private Sector Housing Enforcement Policy and Civil Penalties Policy, as set out below in question 7.
7. Are there any gaps in information? If so, what additional research and/or consultation is needed to ensure that affected groups needs and views are taken into account?	Private rented tenants, landlords, relevant agencies such as Kent County Council Trading Standards, Kent Fire and Rescue Service and the wider public will be invited to comment on the draft updated Private Sector Housing Enforcement Policy and new draft Civil Penalties Policy. The Housing Advisory Board (HAB) will be invited to comment on the draft updated Private Sector Housing Enforcement Policy and new draft Civil Penalties Policy. The HAB considers reports on proposed policy, strategy and performance in relation to housing issues and makes recommendations to Cabinet as appropriate. The HAB includes representation from Council officers, elected Members and Dartford Tenant and Leaseholder Forum members.

Step 3: Assessing the equality impact
8. Consider whether the activity or proposal has or will have any positive or negative equality impacts on the protected characteristic groups in relation to the following aims of the Public Sector Equality Duty: **a) tackling unlawful discrimination** **b) promoting equality of opportunity** **c) promoting good relations** NOTES: • The Initial Screening will have identified which aims of the Public Sector Equality Duty are relevant to the activity or proposal for consideration • For existing activities, consider how they are working in practice for each relevant protected group • For new proposals, consider whether there is anything that could give rise to positive and negative equality impacts for each relevant protected group • If there is no identified equality impact, please tick the 'No Impact' box and explain why in question 9 • If the equality impact is unclear, please tick the 'Unknown' box and explain why in question 9

Step 3: Assessing the equality impact				
PROTECTED CHARACTERISTIC	**POSITIVE IMPACTS**	**NEGATIVE IMPACTS**	**NO IMPACT**	**UNKNOWN**
Age	**Discrimination in the lettings process** The policies will promote a positive impact under the age protected characteristic as the Renters' Rights Act 2025 bans discrimination against prospective tenants who have children. More generally, families with children can sometimes have limited housing choices and may therefore be at increased risk of exposure to poor quality rented accommodation. Similarly, older adults, who may be retired, may also have limited housing choices. Insecure and unsafe accommodation can have a detrimental impact on both of these groups. The benefits of robustly enforcing the law and policy through civil penalties provides punishment for non-compliance and acts as a deterrent to others. This should raise standards in the private rented sector and increase access to suitable housing for tenants with the protected characteristics of age. **HHSRS and hazards such as damp and mould** The policies will promote a positive impact under the age protected characteristic as the Renters' Rights Act 2025 gives new powers for the Council to take stronger action where private sector landlords fail to fix hazards such as damp and mould in their homes.		☐	☐

Step 3: Assessing the equality impact				
PROTECTED CHARACTERISTIC	**POSITIVE IMPACTS**	**NEGATIVE IMPACTS**	**NO IMPACT**	**UNKNOWN**
	While damp and mould related health outcomes may affect people regardless of age – babies, children and older people are more sensitive to the effects of damp and mould. If a person has damp and mould in their home they are more likely to have respiratory infections, allergies or asthma. Damp and mould can also affect the immune system. Poor housing conditions as a result of damp and mould may result in frequent absence from school for children due to ill-health. The policies take a proactive approach to addressing and resolving issues of damp and mould and other hazards by having new powers to issue civil fines up to £7,000 for serious safety breaches under the HHSRS.			
Disability	**Discrimination in the lettings process** The policies will promote a positive impact under the disability protected characteristic as the Renters' Rights Act 2025 bans discriminating against prospective tenants that are in receipt of benefits. Such discrimination can impact persons with the protected characteristics of disability. Persons with a disability can sometimes have limited housing choices and may therefore be at increased risk of exposure to poor quality rented accommodation. Insecure and unsafe accommodation can have a detrimental impact on this group. The benefits of robustly enforcing		☐	☐

Step 3: Assessing the equality impact				
PROTECTED CHARACTERISTIC	**POSITIVE IMPACTS**	**NEGATIVE IMPACTS**	**NO IMPACT**	**UNKNOWN**
	the law and policy through civil penalties provides punishment for non-compliance and acts as a deterrent to others. This should raise standards in the rented sector and increase access to the protected characteristic group of disability. **HHSRS and hazards such as damp and mould** The policies will promote a positive impact under the disability protected characteristic as the Renters’ Rights Act 2025 gives new powers for the Council to take stronger action where private sector landlords fail to fix hazards such as damp and mould in their homes. While damp and mould related health outcomes may affect people regardless of disability or a person’s health conditions or illnesses – people with respiratory problems such as allergies and asthma, those with a weakened immune system such as those having chemotherapy, and those with existing skin problems such as atopic eczema, are more sensitive to the effects of damp and mould. If a person has damp and mould in their home, they are more likely to have respiratory infections, allergies or asthma. Damp and mould can also affect the immune system.			

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Step 3: Assessing the equality impact				
PROTECTED CHARACTERISTIC	**POSITIVE IMPACTS**	**NEGATIVE IMPACTS**	**NO IMPACT**	**UNKNOWN**
	As well as physical health impacts, damp and mould can have a negative impact on the mental health of people living in homes with this problem. The policies take a proactive approach to addressing and resolving issues of damp and mould and other hazards by having new powers to issue civil fines up to £7,000 for serious safety breaches under the HHSRS. **Translation and alternative formats** The Council recognises that it is important that people with specific communication needs can obtain support for this when accessing services. In accordance with the Council's Equality and Diversity Framework, the policies and information about the services provided by the Private Sector Housing Team can be provided in alternative formats, including Braille, audio tape and large print versions of documents. British Sign Language interpreting services can also be provided upon request. Calls can also be received via Relay UK.			
Sex			☒	☐
Gender reassignment			☒	☐
Race	**Translation and alternative formats** The Council recognises that it is important that people with specific communication needs can obtain support for this when accessing services.		☐	☐

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Step 3: Assessing the equality impact				
PROTECTED CHARACTERISTIC	**POSITIVE IMPACTS**	**NEGATIVE IMPACTS**	**NO IMPACT**	**UNKNOWN**
	In accordance with the Council's Equality and Diversity Framework, the policies and information about the services provided by the Private Sector Housing Team can be provided in alternative formats, including documents translated into other languages. Telephone and face-to-face language interpreting services can also be provided upon request.			
Religion/Belief			☒	☐
Sexual Orientation			☒	☐
Pregnancy/Maternity	**Discrimination in the lettings process** The policies will promote a positive impact under the pregnancy/maternity protected characteristic as the Renters' Rights Act 2025 bans discrimination against prospective tenants who have children. More generally, pregnant people and families with children can sometimes have limited housing choices and may therefore be at increased risk of exposure to poor quality rented accommodation. The benefits of robustly enforcing the law and policy through civil penalties provides punishment for non-compliance and acts as a deterrent to others. This should raise standards in the private renter sector and increase access to suitable housing for tenants with the protected characteristics of pregnancy /maternity.		☐	☐

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Step 3: Assessing the equality impact				
PROTECTED CHARACTERISTIC	**POSITIVE IMPACTS**	**NEGATIVE IMPACTS**	**NO IMPACT**	**UNKNOWN**
	HHSRS and hazards such as damp and mould The policies will promote a positive impact under the pregnancy/maternity protected characteristic as the Renters' Rights Act 2025 gives new powers for the Council to take stronger action where private sector landlords fail to fix hazards such as damp and mould in their homes. While damp and mould related health outcomes may affect people regardless of pregnancy/ maternity – households with pregnant people, babies and children are more sensitive to the effects of damp and mould. If a person has damp and mould in their home, they are more likely to have respiratory infections, allergies or asthma. Damp and mould can also affect the immune system. Poor housing conditions as a result of damp and mould may result in frequent absence from school for children due to ill-health. The policies take a proactive approach to addressing and resolving issues of damp and mould and other hazards by having new powers to issue civil fines up to £7,000 for serious safety breaches under the HHSRS.			
Marriage and Civil Partnership*	Not applicable as the policies do not apply in the context of employment.	Not applicable as the policies do not apply in the context of employment.	☐	☐

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* Regarding the protected characteristic of Marriage and Civil Partnership – public bodies need to comply with the first aim of the Public Sector Equality Duty and only in the context of employment.

Step 3: Assessing the equality impact	
9. If 'no impact' or 'unknown' was selected, please explain	The Council's enforcement activities through the Private Sector Housing Enforcement Policy and Civil Penalties Policy involve safeguarding the health, safety and welfare of private sector tenants. The enhanced enforcement capabilities provided by the Renters Rights Act 2025 should help the Council to minimise disadvantage among private sector tenants. It has the potential to improve the situation for all areas of the community as it increases knowledge of legal requirements and action that the Council can take to deal with poor condition and management and breaches of tenancy rights. While this assessment has identified positive impacts for certain protected characteristic groups, the policies should be applied to affect tenants and private sector landlords equally regardless of protected characteristic group.
10. If Dartford Borough Council works with partners to deliver the activity or proposal, please describe any circumstances that could give rise to positive or negative equality impacts between different groups	In delivering the Private Sector Housing Enforcement Policy and Civil Penalties Policy, the Council works with private landlords to enforce non-compliance of housing conditions and tenancy rights. A civil penalty may be payable by any person responsible for a residential dwelling who has committed a relevant breach or offence. The application of the proposed policies shall apply equally to everyone. Those affected will have the right to make representations to the Council and make an appeal to the independent First-tier Tribunal. Any person with a protected characteristic who believes they have been discriminated against can make a formal complaint to the Council. A person not satisfied after following the Council's complaint process may make a further complaint to the independent Local Government and Social Care Ombudsman.
11. Any other comments	Stronger enforcement through the Private Sector Housing Enforcement Policy and Civil Penalties Policy should improve safety, security and rights for private rented tenants. A fairer, more inclusive private rental market will support stability and equal opportunity for all.

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Step 4: Action plan
12. **Based on the information in Steps 1 to 3, please list the actions that will be taken to address:** **a) any gaps in information and consultation** **b) how any negative impacts on equality will be mitigated or eradicated**

a) **If additional information and/or consultation is required or the impact is still unclear, what actions will you put in place to gather the information you need?**

Information needs	**Action**	**Intended outcome**	**Date for completion**	**How this will be monitored**	**Responsible officer**
Views from private sector tenants, landlords, wider public, and the Housing Advisory Board on the draft private Sector Housing Enforcement Policy and Civil Penalties Policy	Undertake a consultation exercise	Feedback will, at a formative stage, inform any further changes that may be required to the draft policies in advance of seeking approval for the policies	August/September 2026	Details of the consultation and any amendments made to the draft policies as a result of the consultation will be included in the Cabinet report	Housing Policy & Performance Officer

b) **If any negative impacts on equality were found, what actions will you put in place to mitigate or eradicate these impacts?**

Identified impacts (and who is affected)	**Action**	**Intended outcome**	**Date for completion**	**How this will be monitored**	**Responsible officer**
None					

Step 5: Decision making and future monitoring	
13. **Which decision making process does this Customer Access Review need to go through? i.e. who does this need to be approved by?**	Head of Legal Services and Deputy Chief Executive (Housing & Public Protection)
14. **Is the subject of the Customer Access Review going to committee? If yes, include your findings in the committee report and attach this assessment to the report**	☒ **Yes** ☐ **No**

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Step 5: Decision making and future monitoring	
15. How will you continue to monitor the activity or proposal on protected characteristic groups?	Enforcement activity under the Private Sector Housing Enforcement Policy and Civil Penalties Policy will be monitored by the Private Sector Housing Team.
16. When will you review this Customer Access Review?	New assessments will be undertaken as and when the Private Sector Housing Enforcement Policy and Civil Penalties Policy are significantly reviewed and updated.

Customer Access Reviews must remain on the website until the Policy or Service becomes out of date. The Customer Access Review must then be archived.

Reviewed by Legal Services:

J.Wenham

17.8.2026

Reviewed by Deputy Chief Executive (Housing & Public Protection):

14.8.2026

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