

Gosport Borough Council's consultation on protections for private renters

Response from Propertymark

August 2026

Background

1. Propertymark is the UK's leading professional body for estate and letting agents, property inventory service providers, commercial agents, auctioneers and valuers, comprising 19,000 members representing over 12,800 branches¹. We are member-led with a Board which is made up of practicing agents, and we work closely with our members to set professional standards through regulation, accredited and recognised qualifications, an industry-leading training programme and mandatory Continuing Professional Development.

Overview

2. Gosport Borough Council is consulting on two new policies that will help the Council enforce new powers that protect private renters in the borough. The UK Government passed the Renters' Rights Act 2025 in October 2025 giving local authorities greater powers to investigate landlords and take action over issues like unsafe living conditions with responsibilities in force from 1 May 2026.² Gosport Borough Council is now seeking views on two new policies:

- Private Rented Sector Housing Enforcement Policy
- Renters' Rights Act Civil Penalty Policy

The policies apply to the enforcement of housing standards in privately rented homes within the Gosport Borough. They set out how the Council will investigate complaints, protect private rented tenants, explain landlord responsibilities, and use enforcement action to improve housing standards.

Response from Propertymark

Question 1, Overall, how easy were the Policy documents to understand?

3. We think that the policy documents were 'fairly easy' to understand. However, they are lengthy and contain a significant amount of legal and technical terminology. While the structure and penalty tables provide useful clarity, the interaction between the statutory guidance, starting points, adjustment factors, mitigating/aggravating factors and financial considerations could be explained more simply. A clearer worked example showing how a penalty is calculated from start to finish would improve transparency and make the policy more accessible to landlords and letting agents.
4. We would recommend that the council engages further with landlords and agents to ensure the council's policy documents are understood. This could be done via a landlord forum,

¹ [The professional body for the property sector | Propertymark](#)

² <https://www.legislation.gov.uk/ukpga/2025/26/contents>

targeted e-bulletins or short videos. We would also be happy to support the council in engaging with property agents within the Gosport and wider Hampshire area.

Question 2, How clear was the language and wording used in the policies?

5. We think that the language used is generally mostly clear. The policies are generally well structured and provide detailed information about the offences covered, penalty levels and the enforcement process. However, the language is often quite legalistic and technical, which may make it difficult for tenants, smaller landlords and less experienced agents to understand without specialist knowledge. Propertymark has consistently called for housing guidance to be clear, practical and easier to use in day-to-day situations, including shorter guidance, simple summaries, checklists and realistic examples.

6. The policies would benefit from being updated to reflect the UK Government's recently completed review and reform of the Housing Health and Safety Rating System (HHSRS), which came into effect in June 2026.³ The revised HHSRS introduces an updated assessment and scoring process, reduces the number of hazards from 29 to 21, introduces new descriptive terms and baseline indicators, and is supported by new statutory operating and enforcement guidance and practical case studies⁴. The Council's policies should therefore clearly explain how the reformed HHSRS will be applied when assessing housing conditions and determining enforcement action, rather than relying on terminology or processes associated with the previous system. In particular, the policies should explain in plain English how hazards are assessed, what Category 1 and Category 2 hazards mean, what action the Council can take, and how an HHSRS assessment can lead to enforcement or a civil penalty. The UK Government has already produced separate tenant and landlord/agent HHSRS guides, as well as case studies, which provide a useful model for making the Council's policies more accessible⁵. The Council should also provide clear links to the new statutory guidance and explain how HHSRS interacts with the wider housing standards and Renters' Rights reforms. This would give tenants a clearer understanding of their protection while also helping responsible landlords and agents understand the standards they are expected to meet.

Question 3, Were any sections particularly hard to understand?

7. We are concerned that the Council's civil penalty policy places too much emphasis on punishment and deterrence, rather than taking a sufficiently proportionate and graduated approach to enforcement. Propertymark supports strong action against landlords and agents who deliberately, recklessly or repeatedly fail to comply with their legal obligations, particularly where tenants have suffered harm. However, not all breaches carry the same level of culpability or harm, and the policy should make a clearer distinction between serious or systemic failures and administrative or lower-level breaches arising from an error, misunderstanding or lack of knowledge. For example, a House in Multiple Occupation (HMO)

³ <https://www.gov.uk/government/collections/housing-health-and-safety-rating-system-hhsrs-guidance>

⁴ [Housing Health and Safety Rating System \(HHSRS\) guidance - GOV.UK](#)

⁵ [Housing Health and Safety Rating System \(HHSRS\): Landlord and agent guide - GOV.UK](#)

licensing failure where there are no associated safety, overcrowding or management failures should generally be regarded as lower culpability, with education and guidance considered alongside any financial penalty.

8. We are also concerned about the scale of the proposed penalties. The policy establishes relatively high starting points for a number of offences and then allows further adjustments for the type and experience of the landlord, aggravating factors and financial circumstances. This could result in substantial penalties even where the actual harm to tenants is limited. Propertymark would therefore expect the Council to give greater weight to the actual harm caused, the level of risk, the landlord's conduct and the steps taken to remedy the problem, rather than allowing the size or experience of a landlord to become a significant driver of the penalty in itself. The fact that a landlord has a larger portfolio should not automatically mean that an otherwise identical breach is treated as substantially more serious.
9. The policy also places considerable emphasis on the landlord's financial circumstances and the removal of any financial benefit. While it is reasonable that enforcement should prevent landlords from profiting from unlawful behaviour, Propertymark would question whether the approach could result in penalties that are disproportionate to the underlying offence. The objective should be to change behaviour and improve standards, rather than simply maximise financial punishment. We have supported a range of sanctions based on whether non-compliance arises from error, ignorance or deliberate disregard of the rules and this can be evidenced from our response to strengthening consumer redress in the housing market⁶.
10. We are also concerned that the policy does not appear to provide a sufficiently strong emphasis on education, advice and early intervention before financial penalties are imposed in lower-risk cases. Fundamentally, we think that professional landlords and agents should be encouraged to rectify problems quickly and demonstrate compliance. Propertymark has specifically supported recognising remedial action, training and improved compliance as mitigating factors, particularly where there is no evidence of malicious intent⁷.
11. Finally, where several penalties or other enforcement mechanisms are applied to the same landlord or agent, the Council must ensure that the overall outcome remains proportionate. The policy does include a totality principle, which is welcome, but clearer examples of how this will operate would provide greater confidence that landlords and agents will not face excessive or duplicative sanctions. In the past, we have raised similar concerns about the interaction between civil penalties, banning orders and Rent Repayment Orders and the need to prevent enforcement becoming disproportionate when several mechanisms are used together and going forward, we would recommend that the council considers this carefully.

⁶ [Strengthening-consumer-redress-in-the-housing-market.pdf](#)

⁷ [Propertymark backs proportionate approach to housing offences | Propertymark](#)

Question 4, Do the policies clearly explain how tenants will be protected in the private rented sector?

12. Overall, we think that the policies are ‘mostly clear’ and do explain a number of the ways in which tenants will be protected, particularly through enforcement against unsafe housing, unlawful eviction, licensing breaches, harassment, discrimination and failures to comply with landlords’ legal obligations. The civil penalties policy also makes clear that the Council can take enforcement action and impose significant financial penalties where landlords fail to comply.
13. However, we also think that the policies could do more to explain the tenant’s experience in practical terms. They focus heavily on the Council’s powers, offences and penalties, rather than clearly explaining what a tenant can do if their home is unsafe, their landlord fails to carry out repairs, they face harassment or unlawful eviction, or they experience discrimination. This is particularly important given the findings of the English Housing Survey 2024–25, which demonstrate that there can be significant barriers to tenants obtaining an effective resolution when things go wrong.⁸ Half (50%) of private renters who had made a complaint were unhappy with the outcome. More significantly, where private renters were unhappy with the response from their landlord or letting agent, 94% did not take the complaint any further or contact another organisation. Only 4% contacted their local council’s Environmental Health Officer and 2% contacted a Tenancy Relations Officer⁹. These findings highlight the importance of the Council’s policies clearly explaining to tenants what protection is available, when they should contact the Council, what evidence they may need to provide and what action the Council can take. Overall, we think the policies should not simply set out the Council’s enforcement powers; they should provide tenants with a clear and accessible route to obtaining help when their landlord or agent does not resolve a problem.

Question 5, After reading the policies, do you understand what the Council can do to help tenants when for example: homes are unsafe or in poor condition, landlords fail to meet legal duties, tenants experience unlawful eviction

14. Yes, we agree. We think the policies make it reasonably clear that the Council has powers to intervene where homes are unsafe, landlords fail to meet their legal duties or tenants experience unlawful eviction. However, they focus more on the Council’s enforcement powers than on explaining the practical protection available to tenants. However, as we have previously explained, the policies should explain more clearly what tenants should do when problems arise, who they should contact, what evidence may be required and what action the Council can take. Propertymark thinks that enforcement should be clear and accessible for tenants, while also providing responsible landlords and agents with a clear understanding of how issues can be resolved and compliance achieved.

⁸ <https://www.gov.uk/government/collections/english-housing-survey>

⁹ [English Housing Survey 2024 to 2025: private rented sector - pre-Renters’ Rights Act overview - GOV.UK](#)

Question 6, Do the policies clearly explain what landlords are expected to do to comply with housing laws?

15. We think the policies are 'mostly clear.' The policies provide a reasonably detailed explanation of what landlords are expected to do to comply with housing law, particularly when the two policies are read together. The civil penalties policy identifies a wide range of legal duties, including licensing, property management, electrical safety, eviction procedures, tenancy information, rent advertising and discrimination. It also makes clear that landlords, managing agents and other responsible persons can be held accountable for breaches.
16. However, we think the policies are more focused on what happens when a landlord fails to comply than on helping landlords understand how to comply in the first place. The civil penalties policy sets out detailed penalties and enforcement processes, but it does not always translate the underlying legal duties into practical guidance. For example, landlords are given the penalty for failing to comply with an improvement notice or HMO management requirement, but there is less accessible explanation of the steps they should take to remain compliant.
17. We think this is particularly important following the Renters' Rights Act 2025, which has introduced significant new obligations. UK Government guidance itself recognises that landlords and agents need to continue meeting existing obligations as well as the new and amended requirements. Propertymark would therefore recommend that the Council's policies are supported by clear, practical compliance guidance for landlords and agents, explaining their responsibilities before enforcement becomes necessary. This would help responsible landlords comply while allowing the Council to focus enforcement resources on those who deliberately or repeatedly fail to meet their obligations. Overall, we support the stronger enforcement framework, but believe enforcement should be accompanied by clear information, education and opportunities to remedy lower-level breaches.

Question 7, After reading the policies, do you understand what landlords must do and the possible consequences of not complying?

18. We agree. However, we think the main area for improvement is making the landlord responsibilities more practical and easier to navigate. The policies set out the legal duties and penalties in considerable detail, but landlords and agents would benefit from clearer explanations of what they need to do in practice to remain compliant, particularly with the new requirements introduced by the Renters' Rights Act 2025. The UK Government itself recognises that landlords must continue to meet existing obligations alongside the new and amended requirements. It would therefore be helpful for the Council to provide clear compliance checklists or guidance covering key areas such as property safety, licensing, tenancy information, rent and possession procedures, and the responsibilities of managing agents. This would complement the enforcement policies and help responsible landlords and agents understand how to comply before enforcement becomes necessary. Propertymark has similarly developed practical guidance and checklists to help landlords and agents navigate

the new requirements and we would be very happy to support the council in this regard to ensure both landlords and agents are compliant.

Question 8, After reading the policies, do you understand the difference between enforcement action for example notices or inspections and civil penalties (financial fines.)

19. Yes. However, we think to aid some landlords more helpfully, the policies would benefit from explaining this distinction more clearly. A landlord receiving an improvement notice, for example, is being given a formal requirement to remedy a problem; a civil penalty is a financial sanction for a breach. These are not necessarily interchangeable, and enforcement can involve a range of measures depending on the seriousness and circumstances of the case. Propertymark supports a proportionate approach which distinguishes between different levels of non-compliance and allows education or remedial action alongside stronger sanctions where appropriate.

Question 9, Taken together, how well do the policies explain how private rented housing standards will be enforced in the borough?

20. Take together both policies are adequate in explaining how private rented housing standards will be enforced in the borough. However, we think there should be clearer information on how the Council will decide which enforcement option to use, when landlords will be given an opportunity to remedy a breach, and how proportionality will be applied. Overall, we support a structured and consistent approach which distinguishes between serious or deliberate non-compliance and lower-level breaches.

Question 10, Do you have any other comments on how the policies could be clearer, simpler, or easier to read?

21. We think the policies would benefit from continued engagement with landlords and property agents to ensure they are clear, practical and capable of being applied consistently. Propertymark would be very supportive of the Council working directly with Propertymark members and property agents across Gosport and the wider Hampshire area to discuss the policies and identify any practical issues. We would be happy to support the Council through participation in landlord forums, speaking at local events and arranging roundtable discussions with local members. This collaborative approach would help the Council communicate its expectations, improve compliance and raise standards, while ensuring that the experience of professional landlords and agents is taken into account. Propertymark has previously encouraged local authorities to use landlord forums and engagement as a way of improving standards and has offered to work directly with councils and local members. Again, we are very happy to support the council in this regard.