

This policy is an appendix to West Lindsey District Council's Housing Enforcement Policy and should be read in conjunction with the current version of that policy.

This document outlines how the Local Authority will utilise new powers under the Housing and Planning Act 2016 to ban landlords and managing agents from operating within the private rented sector.

1. Introduction

1.1 Chapter 2 of the housing and Planning Act 2016 enables Local Authorities to apply to the First tier Tribunal to impose a banning order on a landlord or managing agent, following conviction for a 'banning order offence'.¹

1.2 A landlord subject to a banning order is prevented from:

- Letting housing in England
- Engaging in English letting agency work
- Engaging in English property management work; or
- Doing two or more of those things (to ensure that any order is effective and to prohibit engagement in other related activities)

1.3 In order to utilise the banning order powers, the Council is required to have in place its own policy as to when to pursue a banning order, and to decide the most appropriate course of action on a case-by-case basis in line with that policy.

2. Decision-Making

2.1 This policy gives due regard to the non-statutory guidance issued by the Ministry of Housing, Communities and Local Government, which sets an expectation that banning orders should be aimed at the most serious offenders.

2.2 Although the Local Authority will not be able to determine the length of a banning order, a recommendation will be made to the First-tier Tribunal as to how long an order should be, with accompanying reasons. A banning order must be in place for a minimum of a 12 month period.

¹ The Housing and Planning Act 2016 (Banning Order Offences) Regulations 2017

2.3 The following factors will be considered by the Local Authority in deciding whether or not to apply for a banning order, and when recommending the length of a banning order:

- The seriousness of the offence
- Previous convictions/rogue landlord database
- Harm caused to the tenant
- Punishment of the offender
- Deterrence to the offender from repeating the offence
- Deterrence to others from committing similar offences

2.4 The decision to commence the procedure to apply for a banning order and length of proposed time for any such order will be authorised by the Housing and Environmental Enforcement manager.

2.5 Where a banning order is made, the individual will be determined not to be 'fit and proper' to hold a licence under Part 2 or 3 under the Housing Act 2004 and any licences in force under those parts will be revoked.

2.6 Where a successful banning order has been made, the Local Authority will consider whether to publish details of these, including the names of individual landlords. Legal advice will be sought prior to this where appropriate, and consideration will be given the Ministry of Justice guidance as to whether to publish sentencing outcomes.

2.7 Information on banned landlords will be made available to tenants on request.
