

Banning Orders and Rogue Landlord Database  
Background Information

1. There are a number of landlords in Nottingham's private rented sector (PRS) who exploit tenants by letting out unsuitable and/or dangerous accommodation which impacts upon tenants' quality of life e.g. reduced physical and mental health outcomes. These poor landlord management practices are evidenced in the sustained numbers of complaints received by the Council's Safer Housing team regarding Nottingham's PRS. In addition to this, the findings from the Building Research Establishment (BRE) Nottingham Housing Survey 2016 demonstrate that housing disrepair in Nottingham PRS is a widespread and persistent problem.
2. The adoption of Banning Orders and the use of the Rogue Landlord database Policies would support the Council's aim to improve housing standards and protect tenants against the worst landlords operating within Nottingham's Private Rented Sector as contained within the Council Plan 2019 to 2023. In addition to the local benefits, this will benefit on a wider basis as Banning Orders ban the landlord from letting out properties; engaging in letting agency work; engaging in property management or doing two or more of those things in England. It means that they are unable to hold a House in Multiple Occupation (HMO) Licence and their property may become subject to a Management Order. The use of the Rogue Landlord database will allow the Council to place landlords on the database where they have been convicted of a Banning Order offence or have received two financial penalties in respect of a banning Order offence within a 12 month period. It will assist other LHAs where the landlord is operating across administrative boundaries and will enable more proactive work to tackle landlords and ensure that their citizens are also protected. The Council must make an entry on the Rogue Landlord Database for a person or organisation who has received a Banning Order.
3. Adoption of the Policies and use of the powers by the Council will ensure robust enforcement action is taken against the worst offenders and ensure that tenants are protected. Tackling the worst landlords has been a consistent high priority and commitment by the Council in order to protect tenants and improve local housing conditions.

These priorities and commitments are evidenced by a number of measures implemented by the Council over recent years:

- We have prioritised improving the PRS standards and protecting tenants in its Council Plan 2019 to 2023 and taken robust enforcement action against rogue landlords through both the Safer Housing and Housing Licensing and Compliance teams.
- Alongside the duty to licence properties of a prescribed description using Mandatory Licensing, introduced a scheme of Additional Licensing to

licence smaller HMOs consisting of 3 or 4 persons in designated areas of the City. This scheme initially ran from 1 Jan 2014 to 31 Dec 2018 and was renewed on 1 Jan 2019 for a further 5 year period.

- On 1 August 2018 the City introduced a Scheme of Selective Licensing to license smaller single family dwellings under Part 3 of the Act.
  - The 3 licensing schemes operating within the City aim to drive up property and management standards within the PRS as well as tackle issues such as ASB.
  - We have launched the Nottingham Accreditation Scheme to ensure an overarching minimum standard for private rented accommodation across the City.
  - We continue to work with Nottinghamshire Police and other partners to identify and support tenants actively being exploited by landlords. The Council have previously been successful in receiving grant money from Ministry of Housing, Communities and Local Government to support them in this work.
4. In 2017, we adopted the use of imposing financial civil penalties, utilising new powers introduced under the Housing and Planning Act 2016 as an alternative to prosecution.
  5. The adoption of the use of Banning Orders and use of the Rogue Landlord Database will be additional tools for the most serious and non-complaint landlords in order to disrupt their business model and remove those landlords from the housing market for a period of time.
  6. It is important to note the equality impacts on tenants who are living in the property/properties that are managed/owned by Landlords the subject of Banning Orders. The equality impact of the use of these powers are more particularly addressed in the Equality Impact Assessment at Appendix 3. Use of these powers will not invalidate any tenancy agreement held by occupiers in the property, therefore occupiers will not lose their rights under the terms and conditions of their tenancy agreement. Where it is deemed appropriate for the management of the property to be taken over by the Council again this would only mean that the rent is paid to the Council rather than to the landlord.