

Nottingham City Council Policy on
Database of Rogue Landlords

1. Introduction

- 1.1 The Housing and Planning Act 2016 (“the Act”) introduced a range of measures to help local housing authorities tackle rogue landlords and drive up standards in the private rented sector. These measures include establishing and operating a database of rogue landlords and property agents.
- 1.2 The Ministry of Housing, Communities and Local Government (“MHCLG”) has developed statutory guidance (“MHCLG Guidance”) for local housing authorities in England by the Secretary of State in accordance with section 30 (7) of the Act. Local Housing Authorities (“LHAs”) must have regard to the criteria in the MHCLG Guidance when deciding whether to make an entry in the Rogue Landlord’s Database under section 30 of the Act, and the period to specify in a decision notice under section 31 of the Act.

2. Database of rogue landlords

- 2.1 The database is a new tool for LHAs in England to keep track of rogue landlords and property agents. Database users will be able to view all entries on the database, including those made by other LHAs. The database can be searched to help keep track of known rogues landlords, especially those operating across council boundaries and will help authorities target their enforcement activities.

Content of the database

- 2.2 LHAs in England are responsible for maintaining the content of the database and must make an entry on the database for a person or organisation who has received a banning order.

LHA discretion to make an entry on the database

- 2.4 LHAs have a discretion to make an entry on the database under Section 303 of the Act for a person who has:
- (a) been convicted of a banning order offence that was committed at a time when the person was a residential landlord or property agent; and/or
 - (b) received two or more financial penalties in respect of a banning order offence within a period of 12 months committed at a time when the person was a residential landlord or a property agent.

2. Policy Statement

- 2.1 We must make an entry on the database for a person or organisation who has received a banning order.
- 2.2 As a LHA, we also have a discretion to make an entry in the database under section 30 of the Act, the duration of the entry under section 31 of the Act and also in relation to whether entries in the database should be varied or removed pursuant to section 36 and 37 of the Act.

- 2.3 When exercising our discretion we must have regard to the criteria set in the MCHLG Statutory Guidance which states that LHAs should always consider whether it would be appropriate to make an entry on to the database when a landlord has been convicted of a banning order offence or received 2 or more financial penalties over a 12 month period. We will also have regard to the criteria set out in the MCHLG Guidance when coming to decisions on the duration of an entry and/or variations or removals from the database.
- 2.4 The database is designed to be a tool which will help us and other LHAs to keep track of rogue landlords to enable us to focus their enforcement action on individuals and organisations who knowingly flout their legal obligations. The more comprehensive the information on the database, the more useful it will be to authorities. Such information will also encourage joint working between LHAs who will be able to establish whether rogue landlords operate across their local housing authority areas.
- 2.5 When exercising our discretion on matters relating to formal enforcement activity, we will also have regard to our own overarching 'Nottingham City – Enforcement Policy'. This policy document already sets out what businesses, individuals and the community as a whole can expect from the Council's enforcement officers. It commits us to good enforcement procedure.

Set out below is a direct web link to the Council's Enforcement Policy:
<https://www.nottinghamcity.gov.uk/information-for-business/business-information-and-support/better-business-regulation/>

- 2.6 Our Enforcement Policy requires all Officers to have regard to the principles contained in the document when making enforcement decisions. The Policy must be read in conjunction with any relevant approved statutory, governmental or other national guidance on enforcement action. Regard must also be had to any internal quality procedures.

3. Guidance

- 3.1 The MHCLG has produced comprehensive statutory guidance to which we must have regard.

It sets out the following:

- (a) Content of the database;
- (b) Making entries in the database under section 30 of the Act;
- (c) When we should make an entry in respect of banning order offences or financial penalties;
- (d) What action we must take before making an entry on the database;
- (e) What criteria we must have regard to in deciding whether to make an entry in the database
- (f) What criteria we must have regard to in deciding the period to specify in a decision notice under Section 31 of the Act.
- (g) Removal or variation of an entry from the database.

The full text of the guidance can be viewed via the direct web link below:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/697637/Database_of_rogue_landlords_statutory_guidance.pdf

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