# Enforcement against slum landlords in England

Kit Colliver & Caroline Hunter

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*A report from the ESRC study: Understanding criminality in the private rented sector and co-producing solutions*

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## ESRC research team

Dr Julie Rugg (Team Lead), Reader in Social Policy, University of York
Professor Georgios Antonopoulos, Professor of Criminology, Northumbria University
Dr Kit Colliver, Research Associate, University of York
Professor Caroline Hunter, Professor of Housing Law, York Law School
Dr Xavier L'Hoiry, Senior Lecturer in Criminology and Social Policy, University of Sheffield
Dr Lisa O'Malley, Senior Lecturer in Social Policy, University of York
Dr Geoff Page, Lecturer in Social Policy, University of York
Dr Loren Parton, Research Associate, University of Sheffield

## Safer Renting team

Joey Carr, Caseworker
Isobel Langdale, Team Manager
Ben Reeve-Lewis, Co-Founder, Head of Policy and Strategy
David Scully, Deputy Head of Service
Roz Spencer, Co-Founder, Head of Service.

## Reports in this series

J. Carr, K. Colliver, C. Hunter, I. Langdale, B. Reeve-Lewis, J. Rugg, D. Scully & R. Spencer (2025) *Are the English civil and criminal remedies for harassment and illegal eviction fit for purpose?* University of York. https://doi.org/10.15124/yao-82x3-4n64.
K. Colliver & C. Hunter (2025) *Enforcement against slum landlords in England*, University of York. https://doi.org/10.15124/yao-mxs4-x815
X. L'Hoiry, G. Page, L. Parton, J. Rugg & G. Antonopoulos (2025) *Criminal landlords and the shadow private rented sector in England,* University of York. https://doi.org/10.15124/yao-y57x-ks80
L. O'Malley, L. Parton & J. Rugg (2025) *Landlord-perpetrated tenant abuse in the English private rented sector*, University of York. https://doi.org/10.15124/10.15124/yao-3bc2-ds83

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# Glossary

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|---|---|
| **BCB** | Anonymised case study authority |
| **CIEH** | Chartered Institute of Environmental Health |
| **CIH** | Chartered Institute of Housing |
| **CPN** | Civil penalty notice |
| **DLUHC** | Department for Levelling Up, Housing and Communities |
| **EPA** | Environmental Protection Act 1990 |
| **EHO** | Environmental Health Officer |
| **EPO** | Emergency prohibition order |
| **FGF** | Anonymised case study authority |
| **FOI** | Freedom of Information |
| **FTE** | Full-time equivalent |
| **FTT** | The First Tier residential property tribunal |
| **GMCA** | Greater Manchester Combined Authority |
| **H-CLIC** | Homelessness Case Level Information Collection |
| **HHSRS** | Housing Health and Safety Rating System |
| **HIH** | Anonymised case study authority |
| **HMOs** | Houses in multiple occupation |
| **LA** | Local authority |
| **LS** | Local authority in-house legal services |
| **MHCLG** | Ministry of Housing, Communities and Local Government |
| **MNM** | Anonymised case study authority |
| **MoJ** | Ministry of Justice |
| **NRLA** | National Residential Landlords Association |
| **OPO** | Anonymised case study authority |
| **PACE** | The Police and Criminal Evidence Act 1984 |
| **PRS** | Private rented sector |
| **PSH services** | Local authority private sector housing services |
| **PSH officers** | Private sector housing case officers |
| **TRO** | Tenancy relations officer |
| **WP** | Work package |
| **Y&H** | Yorkshire and the Humber |

# Executive Summary

Slum landlords keep hazardous properties, fail to meet their regulatory obligations, operate in ways that are detrimental to tenants' wellbeing and attempt to evade enforcement. Local authorities (LAs) are tasked with upholding property standards using powers under the Housing Act 2004 and related legislation. While most know of some slum landlords operating in their area, reactive working practices can make it difficult to determine the scale of the issue.

This report stems from research following the enforcement activities of four LAs in Yorkshire and the Humber who are active in tackling poor practice in their local private rented sectors (PRS). Combining detailed regional evidence with additional data from across England, it draws out key considerations in designing enforcement policies, highlights common threads across successful strategies, and identifies the major obstacle currently facing LAs who want to tackle slum landlords. It finishes by reflecting on how the Renters Rights Act could help tackle slum landlordism and making recommendations for further changes required to strengthen private sector housing (PSH) services' enforcement activities.

## Introduction

**Background to this report:** This report focuses on enforcement against housing offences in the 'criminal and slum rental' sub-markets of the PRS. The PRS, which now houses over 20% of UK households, contains the highest proportion of category 1 hazards compared with other tenures. LAs are tasked with enforcing against housing offences, but their PSH services are often severely under-resourced.

**Slum landlords:** The report introduces a definition of 'slum landlords' as those who engage in unlawful activity that is harmful and/or persistent, including one or more of the following: keeping properties in which the presence of hazards is detrimental to the tenant's wellbeing; engaging in behaviour that is detrimental to the tenant's wellbeing; repeatedly failing to meet regulatory obligations; and/or, engaging in behaviours intended to prevent effective enforcement. It argues that framing severe housing offences as a problem of slum landlordism offers clarity of strategic focus for PSH services.

**Current data on slum landlords:** Estimating the prevalence of slum landlordism across England is challenging. Whilst English Housing Survey data points to disproportionate numbers of non-Decent Homes in the PRS, most housing offences do not result in prosecution, and there is not yet systematic data collection on LAs' use of civil penalty notices (CPNs), a financial penalty used in civil enforcement. The Voice of the Tenant Survey[1] indicates that 64% of tenants had experienced housing maintenance issues in the last six months. Whilst the vast majority (88%) were confident in reporting repair and maintenance problems, and in most cases (85%) the issue was partially or fully addressed, there is a significant minority for whom this is not the case, including those who would not make a report for fear of landlord retaliation.

**Methodology:** This report draws primarily on case studies of three PSH services within Yorkshire and the Humber that are active in pursuing formal enforcement against slum landlords. Complementing the project's LA case studies, the research also used banning order decisions; prosecution data from the Ministry of Justice (MoJ); data on LA CPNs; and focus groups with judges.

## Local authorities' legal powers and duties

**Powers:** LAs predominantly use their powers under the Housing Act 2004 and Housing and Planning Act 2016 to tackle slum landlordism but may also draw on additional legislation

[1] R. Rich & A. Smith (2025) *Living in the private rented sector in 2025: The voice of the Tenant Survey | Wave 5*, TDS Charitable Foundation, https://www.tdsfoundation.org.uk/housing-research#voice-of-the-tenant-surverys, accessed 05 Nov 2025.

including the Building Act 1984, Environmental Protection Act 1990 (EPA), and the Local Government (Miscellaneous Provisions) Act 1976.

**HHSRS, hazards and housing standards:** The Housing Act 2004 established the Housing Health and Safety Rating system (HHSRS) for assessing conditions in residential premises. The system rates hazards in a premises based on the risk of harm to the health or safety of an actual or potential occupier. If a hazard is category 1, the authority must take appropriate enforcement action; however, this is not mandatory for a category 2 hazard. LAs must arrange for an HHSRS inspection where they consider appropriate and have a range of enforcement options if hazards are discovered: hazard awareness notices are advisory only; improvement notices legally require remedial work to be undertaken; prohibition orders prohibit the use of the property for all or particular purposes; and, demolition and clearance orders allow LAs to demolish properties and clear whole areas.

**Licensing, overcrowding and other actions:** LAs must run licensing schemes for certain property types and may apply to run additional selective licensing schemes for others, if problems in the areas are caused by low housing demand; a significant and persistent problem caused by anti-social behaviour; poor housing conditions; high levels of migration; high level of deprivation; or, high levels of crime. Certain houses in multiple occupation (HMOs), including all those with five or more occupants, must be licensed. LAs can charge fees for licensing. If an LA decides that there is no reasonable prospect of being able to grant a license for a property that is subject to a licensing scheme, or where it is necessary to protect the health and safety of the occupiers or others in the vicinity of the property, the LA may take over the management of a property by making a management order. LAs may serve an overcrowding notice where landlords cause or permit overcrowding. LAs have the power to ensure that landlords meet electrical and gas safety standards, for example, by requiring evidence of regular inspection and testing.

**Supporting provisions:** The Housing Act 2004 has several supporting provisions that enable LAs to obtain information and enter premises. It is an offence to supply false or misleading information, or to obstruct an LA officer or any person authorised to enter the premises to perform what they are required or authorised to do under the Act.

**Criminal prosecutions:** Offences under the Housing Act 2004 are open to criminal prosecution, but they are summary offences and subject to a fine only. This contrasts with offences under the Protection from Eviction Act 1977, which are triable either way and potentially subject to a range of sentences, including imprisonment.

**Civil penalties:** The Housing and Planning Act 2016 introduced financial penalties (CPNs) as an alternative to criminal prosecution for: failure to comply with an improvement notice; breach of licensing conditions for HMOs or houses under Part 3 of the Act; failure to comply with an overcrowding notice; or breach of HMO management regulations.

**Banning orders and the Rogue Landlord Database:** The Housing and Planning Act 2016 introduced the banning order, which can be used to prevent a person from letting housing, acting as a letting agent, and/or managing property. A banning application can be made if the person has been convicted of a 'banning order offence'. In deciding whether to make a banning order, the first-tier residential property tribunal (FTT) must consider: the seriousness of the offence; any previous convictions; inclusion in the database of rogue landlords; and the likely effect of the banning order on that person and anyone else. The rogue landlord database, which all LAs can access, contains information on all those subject to a banning order and may include others who have been convicted of banning order offences.

**Other legislation:** LAs may use powers under other legislation to enforce against housing offences. Commonly used powers are those under: the EPA, which deals with statutory nuisances; the Building Act 1984, which has a range of powers on water closets, food storage, means of escape from fire and defective premises; Local Government (Miscellaneous Provisions) Act 1976, which authorise LAs to require information as to ownership of land and identity of an owner's agents; and, Local Government (Miscellaneous Provisions) Act 1982 in relation to unoccupied buildings.

## Investigating slum landlords

**PSH service structures:** PSH services vary significantly in structure, size and remit. Larger services can split into specialist teams, for instance, focusing on HMOs or selective licensing. Other LAs' PSH officers are responsible for owner-occupied and council-owned properties alongside the PRS. Staff numbers working on PRS standards, enforcement and licensing range enormously, from 0 to 135.5 full-time equivalent (FTE) staff. No LA has an adequate number of officers trained in housing enforcement.

**Enforcement policies:** National guidance for enforcement in the PRS is limited, and PSH services have been largely responsible for developing their own approaches. Tackling slum landlordism requires strategic enforcement choices, but the discretion permitted in designing enforcement policies results in significant variations in practice. Key strategic decision points include when to move from informal to formal enforcement, what legislation and which legal powers to use for enforcement, whether and when to issue CPNs or pursue criminal prosecution and, when issuing CPNs, the level at which to set the fines.

**Case identification and working practices:** Most enforcement work is reactive, responding to tenant complaints or referrals from other services. Where capacity allows, proactive inspection programmes can be used to target areas at risk of substandard property conditions and/or known problem landlords. Proactive work is associated with more 'hardline' approaches, going straight to formal enforcement rather than working informally first.

**Case characteristics:** The majority of cases seen by the PSH enforcement teams related to licensing breaches and housing standards offences, including the presence of severe hazards. Other forms of illegal activity also occur within the PRS, for instance, cannabis farming and trafficking, and PSH officers may discover these during their activities. LAs vary in whether they consider these to be part of the PSH remit. Tenants affected by slum landlordism tend to be vulnerable, for instance, due to age or immigration status. Normalisation of poor conditions amongst these tenant groups delays or prevents them from seeking support.

**Initial investigations:** PSH officers start investigations by carrying out administrative checks to ascertain details of property ownership, tenancies and any management arrangements, for instance by reviewing Companies House, Land Registry, and council tax records and requesting gas and electrical safety certificates. Informal property inspections establish case details and determine whether it is necessary to take action.

**Formal inspections and HHSRS assessment:** Formal inspections under the Housing Act 2004 s.239 are used to collect evidence of offences, including through HHSRS assessments for 29 possible hazards. PSH teams are required to serve a minimum of 24 hours' notice for s.239 inspections. They are a requirement for taking formal enforcement action under the Housing Act 2004, except in emergencies.

**Licensing enforcement:** PSH teams assess compliance with PRS licensing and management regulations affecting HMOs and properties in selective licensing areas through proactive and reactive inspection. Where formal enforcement is required, PSH officers can act under licensing and management regulations in addition to standard enforcement routes through the Housing Act 2004. PSH officers indicated HMOs were associated with higher rates of and more severe hazards. Those with experience of selecting licensing schemes indicated they were associated with improvements in local property standards, but also a significant administrative burden.

## Taking enforcement action against hazards

**Initial action assessments:** Once a hazard has been identified, PSH officers must decide how to proceed. Factors such as property condition, hazards assessed under HHSRS, vulnerability of occupants, and confidence that deficiencies will be addressed can inform the choice of whether to take informal or formal enforcement action in the first instance. Some PSH services have adopted internal scoring systems to facilitate this assessment.

**Informal approaches:** Despite sector trends towards hardline enforcement, almost all PSH services still work informally to begin with. Exceptions are for severe hazards or where the landlord or agent is known to be problematic. Informal approaches include providing advice by phone or email, or issuing a hazard awareness notice with notification of works required. PSH services vary in whether they permit extended periods of informal working or limit it to a single informal intervention before escalating to formal enforcement.

**Improvement notices:** Improvement notices under the Housing Act 2004 are the most common formal enforcement action for housing standards issues. PSH services favour them over alternatives because they require the landlord to undertake remedial works within a specified timeframe but generally allow the tenants to remain in the property. Failure to comply with an improvement notice is an offence and forms the basis for further formal enforcement action, such as CPNs or pursuing criminal prosecution.

**Works in default:** Where a landlord fails to act on an enforcement notice, then PSH services can undertake improvement works themselves and recover the costs from the landlord. This was only a strategy used regularly by one case study authority, which had retained a ring-fenced fund for these activities. Financial constraints were a barrier to these 'works in default' in other PSH services.

**Prohibition orders:** Where serious hazards are identified in a property, then PSH services can prohibit its use. Emergency prohibition orders can be served where there is an immediate risk to the occupants. PSH services usually avoid using prohibition orders due to the risk of tenant homelessness, loss of the landlord's council tax liability, and reduction of viable properties in the local PRS. Where prohibition orders are served, PSH officers work closely with colleagues in Housing Options (homelessness) teams to find accommodation for affected tenants.

**Management orders:** PSH services have the power to make management orders to take over control of a property where hazards are present and/or they have no reasonable prospect of being able to issue a license. None of the case study authorities had made use of these powers, and there are few examples of their use elsewhere. At present, most PSH services lack the training or resourcing to take on property management.

**Beyond the Housing Acts:** PSH services can use powers under legislation other than the Housing Act 2004 and Housing and Planning Act 2016 to tackle housing offences. The Building Act 1984 and EPA can be used to address hazards, and officers can use investigatory powers under the Local Government (Miscellaneous Provisions) Act 1976 and building protection powers in the Local Government (Miscellaneous Provisions) Act 1982 s.29. Housing Act alternatives can be favoured due to financial considerations or expediency, but they do not offer the same opportunities to escalate enforcement action if required.

**Charges for enforcement:** PSH services can charge for enforcement work under the Housing Act 2004, but the use of these powers varies between local authorities.

## Preparing to escalate enforcement action

**Criminal offences:** Where landlords fail to act upon – or act in breach of - statutory enforcement notices, this is a criminal offence and invariably a sign of slum landlordism. PSH services may consider escalating enforcement by taking civil or criminal legal action. In the case of breaches of an improvement notice, the most common offence, the choice is between issuing a CPN, seeking criminal prosecution, or taking alternative (and perhaps no) action. The decision will be informed by the evidence that PSH officers have collected about the offence, whether the landlord has offered a reasonable excuse for failing to complete the works, and the PSH service's enforcement policy and procedures.

**Administrative investigation:** Where PSH officers begin to look at taking formal action for a housing offence, their first step is to complete any administrative checks not undertaken during the initial investigation. This includes scrutiny of council tax and land registry records, use of

legal powers to request information from the tenant and landlord about occupancy, ownership and use of the property, and gas and electrical safety documents.

**The Police and Criminal Evidence (PACE) Act 1984:** Although not bound by the PACE Act, PSH services conduct interviews with persons suspected of an offence in line with PACE codes of practice, to safeguard their evidence from legal challenge. PSH officers often invite all parties known to be running a property to attend a PACE interview. The interviews are an opportunity to emphasise that an offence has been committed, ask clarifying questions, and give landlords an opportunity to offer a defence. Landlords do not have to attend PACE interviews, but their cooperation may inform PSH officers' choice of enforcement action. PSH service can send questions by letter, rather than conducting in-person interviews, but this approach was not considered as effective for investigating potentially complex housing offences.

**Assessing for legal action:** PSH officer decisions between pursuing criminal prosecution, serving a CPN, and issuing a caution are guided by the enforcement policy and may be supported by internal assessment procedures. Two of the case study authorities used a formal proceedings assessment to score the case against factors including the landlord's level of culpability, previous history, public interest, reasonable explanation, willingness to prevent recurrence, and harm. Experienced PSH services tend to opt for CPNs over prosecutions, but the choice may be informed by considerations like whether the offender can pay and the quality of potential witnesses.

## Civil penalty notices

**Quantifying CPNs:** Data on CPNs is not yet collected systematically across English LAs. Patterns can be discerned from national freedom of information (FOI) data from the National Residential Landlords Association (NRLA), supported by regional data on Yorkshire and the Humber from this project and from Greater Manchester Combined Authority (GMCA). Since their introduction in 2018, CPN use has risen substantially and is now believed to be significantly more common than criminal prosecution for similar offences. It is highly uneven across LAs, with over 60% of the CPNs issued by just 20 LAs and nearly half (49%) issuing none at all, according to the NRLA. Appeal rates are estimated at under 20%, with the majority of decisions favouring the LA, at least in part. Debt recovery represents a challenge, with less than half of CPN debt recovered nationally.

**Issuing CPNs:** Each LA must have a procedure for making a civil penalty assessment and determination, set out in its enforcement policy. In line with MHCLG guidance, PSH officers typically consider factors including severity, culpability and (potential for) harm in determining a civil penalty. Scoring matrices help officers to determine the value of the penalty, and adjustments are made according to aggravating and mitigating factors. The investigating PSH officer prepares a report with a proposal for action. It is good practice to prepare the report to the same level of detail as would be required for a court evidence bundle. Final approval varies between LAs, from peer review processes to sign-off from service managers. LA lawyers are not usually involved in deciding to issue a CPN, but may be consulted where a PSH officer needs legal clarification or advice.

**CPN appeals:** The appeal stage is when LA lawyers first engage with a CPN case. They indicated landlords often appeal CPNs without a legal basis, instead seeking to delay payment or to negotiate a payment plan, whilst PSH officers in BCB associated appeals with larger fines. However, LA lawyers may advise not contesting the appeal in some circumstances, such as if enforcement notices have been drafted improperly. For cases going before the tribunal, lawyers' roles can vary from helping PSH officers to prepare evidence bundles to representing the LA themselves, but tribunal members observed a trend towards LAs being represented by PSH officers rather than legal teams. Tribunal outcomes tend to be broadly positive for the LA, but they raised practical issues, including long timeframes for case progression, acceptance of appeals out of time, and workload bottlenecks for LA lawyers. Complaints also included the FTT

placing the burden of proof on respondent LAs rather than the appellant landlords, and infrequent cost awards, even for vexatious cases.

**The strengths and weaknesses of the CPN regime:** Experienced PSH services see significant advantages in CPNs and will almost always prefer to use them rather than pursue criminal prosecution. Reasons for this preference included the time involved to prepare a case compared to prosecution, the size of the fine issued and the generation of income to the enforcement service, and the perception that it is a more effective deterrent to potential offenders. However, some PSH officers expressed disquiet about their power to unilaterally award large fines, whilst others worried that this financial deterrence was not comparable to that of a criminal record.

**Debt recovery:** The efficacy of CPNs as a punishment and/or deterrent depends on the LA's ability to recover the debt. To be effective, debt recovery plans must be built into the enforcement process. PSH services reported that debt recovery could be challenging and complex, particularly when setting up a system for the first time. Where PSH officers believe they might struggle to collect a CPN, then they might opt for alternative routes such as prosecution. Early payment incentives and payment plans were agreed to support the debt recovery process and reduce the likelihood of CPN appeals. Where this fails, LAs can engage debt recovery agencies, seek a county court judgment to have the debt recovered by bailiffs, or seek to make a land charge on the property.

## Criminal prosecution and banning orders

**The role of criminal prosecution:** Criminal prosecution is one of the most serious forms of enforcement that PSH services can apply in response to housing offences. Before the Housing and Planning Act 2016 introduced CPNs, it was the only serious sanction available where statutory enforcement notices and/or licensing and management requirements were breached. Following the 2016 Act, criminal prosecution is also a core feature of the pathway for obtaining banning orders to remove the worst landlords from the PRS mark*et al*together.

**Quantifying criminal prosecutions:** MoJ data for 2011-2022 shows between 270 and 740 cases were prosecuted per year for offences under the Housing Act 2004, with a peak in activity between 2015 and 2017. The majority of the cases (over 70%) concerned licensing, with a much smaller proportion of prosecutions for housing standards (around 20%) and other offences. Prevalence of prosecutions (and residence of offenders) was greatest in London and the South East, followed by northern regions. Few prosecutions related to 'out of area' landlords. A large number (38.3%) of Housing Act 2004 cases are deferred or discontinued but, of the remainder, very few (1.3%) are found not guilty. On average, licensing cases attract higher fines (£2,957.23) than housing standards offences (£2,573.00). Data shows a trend of fines increasing above inflation over the 2011/12 to 2021/22 time period.

**Pursuing a prosecution:** PSH officers' reasons to opt for criminal prosecution rather than a CPN included a need to escalate enforcement, concerns about debt collection, or where they felt the legislation left them with little alternative. PSH officers typically obtain permission from service managers to approach in-house legal services with the case. Often, they must prepare a full evidence bundle for review prior to legal services taking a decision on whether to proceed with prosecution, based on the Crown Prosecution Code. Legal services might decline to prosecute if there are concerns about evidence quality or resources. Although PSH services' prosecutions tend to be successful, they noted challenges with the availability of and quality of evidence from tenant witnesses.

**Risks and challenges of prosecution**: Prosecuting Housing Act 2004 cases in the magistrates' courts was associated with extended time frames for case resolution, concerns that the magistrates are unfamiliar with housing cases and will make disappointing sentencing decisions, and the danger of sunk costs.

**Banning orders:** A banning order, preventing the landlord from renting out properties, is the most serious form of enforcement available to PSH services. Few have been made: fewer than 40

banning order decisions have been published on the FTT website. PSH officers described considering banning orders when CPNs proved ineffective. Banning orders require long-term strategic planning, changing the enforcement method from CPN to prosecution to obtain a criminal conviction for a 'banning order offence', and many PSH services have not given advanced consideration to this enforcement tool. However, FTT members affirmed that they can consider evidence beyond the 'gateway' conviction, including CPN evidence.

## Strategic choices

**Enforcement philosophies:** There are cultural differences between PSH services in the degree of emphasis on tackling 'bad' landlords or tackling 'bad' housing conditions in enforcement work. Most PSH officers are aware of some slum landlords in their area. How many they recognise, and how they respond, varies and reflects the PSH service culture. Some PSH services take strategic action to go after slum landlords proactively, using 'straight to formal' approaches to force them into compliance or out of the market. In other PSH services, landlords who consistently operate sub-standard properties were not necessarily positioned as 'criminal' but might instead be framed as 'naïve' and unintentionally negligent, eliciting informal enforcement in the first instance. Landlord knowledge, intent and persistence were key factors in PSH officers' willingness to describe them as 'criminal'.

**Informal and formal approaches to enforcement:** Case study evidence supports the trend towards more 'hardline' formal enforcement approaches. But informal and compliance-based strategies remain the first response to landlords viewed as naïve or ignorant, or where the problems identified are relatively small. PSH officers broadly supported this way of working, and some considered it an effective basis from which to escalate, if required. But variations in the duration of informal working point to problems escalating in response to serious housing offences in some LAs due to resource constraints or the absence of a clear strategic framework for enforcement activity. PSH officers would bypass informal approaches in instances of severe hazards or where the landlord was known the be problematic and, conversely, might take extended informal action where they did not perceive the landlord to be responsible for the issues.

**Navigating legislative pluralism:** PSH officers have a plurality of potential legal bases for formal enforcement action, including the Housing Act 2004, the Housing and Planning Act 2016, the Building Act 1984 and the EPA. Use of a range of legislative powers appears to depend on PSH enforcement priorities and culture: those oriented towards addressing substandard housing stock and harms to tenants drew from a broader 'legislative buffet' than those whose enforcement strategies centre on use of CPNs to deter or remove bad landlords from the market. The powers used to initiate formal enforcement inform the options available for escalation: enforcement notices under the Housing Act 2004 form a basis for CPNs or prosecutions, whereas civil enforcement options may not be available under alternative legislation.

**The formal enforcement paradox:** The structure of enforcement escalation through the Housing Act 2004 and Housing and Planning Act 2016 presents PSH services with a 'catch-22' dilemma when sanctioning the worst offenders, as they must choose between the expediency and immediate impact of CPNs or the longer-term prospect of pursuing criminal prosecution and a banning order. As experienced PSH services tend to use CPNs over prosecutions, this means they must effectively 'start over' when pursuing a ban, and look for opportunities to prosecute new offences rather than being able to rely on previous convictions.

## Effective enforcement and its challenges

**Practices:** Effective enforcement against slum landlordism is characterised by a consistent culture across housing services, including clear leadership around the purpose and values underlying

enforcement activity, processes and working practices that are closely aligned with the service's enforcement policy, and scrupulous documentation of enforcement activities.

**The legislative and policy landscape:** PSH officers must navigate a highly complex legislative landscape, as they hold powers relevant to upholding housing standards and tenant wellbeing through an array of laws and associated regulations. This complexity can make it difficult for officers – or even services as a whole – to determine the most appropriate course of action for a given issue. Enforcement policies should be strategically informed, developed in line with government guidance and with appropriate legal oversight. Working practices and processes should be closely aligned with the service's enforcement policy. Senior officers and service managers can develop internal processes and flowcharts to support their junior colleagues.

**Service resourcing:** Where PSH services are well-resourced, this creates opportunities for proactive working to target the most problematic parts of the PRS. As resources decrease, services' work necessarily becomes more reactive in nature, offering fewer opportunities for systematic improvements to the quality of the local PRS. Although some PSH services have successfully diversified their recruitment pools, service managers described challenges maintaining skilled teams: experienced staff move to more competitive employers and fewer environmental health officers (EHOs) are entering the workforce. As PSH services operate with smaller, less experienced teams, there is an increased likelihood of missed opportunities or mistakes in enforcement. Short-staffing and high caseloads can also create delays in case management that can impede timely action, with a detrimental impact on effective enforcement strategies as time-bound opportunities to escalate formal enforcement may be lost.

**Partnership and interagency working:** Partnership working, both internally between LA services and with external agencies, has the potential to improve the power and efficacy of housing enforcement work. Where interagency working works well, there is effective information sharing, so PSH services are alerted about instances of slum landlordism and – equally – can pass on information to the police or social services about issues in their remit. But differences in service priorities can be a problem: housing offences may not be a critical concern for some agencies, they may lack the knowledge required to identify them, or they may be invested in ways of working that are not compatible with those of the PSH enforcement teams.

- Housing Options (homelessness) services are reliant on the PRS to discharge their homelessness duties, so conflicts of interest may arise where PSH enforcement activity could impact landlord relations, take properties out of the PRS market, and/or make tenants homeless. Where case officers in both teams are familiar with the purpose and process of the enforcement policy, this can help to embed a shared understanding of how and when enforcement strategies will escalate from conciliatory and compliance-focused approaches to formal enforcement measures and the degree to which (if any) discretion is appropriate in these cases.
- The PRS may be the site of criminal activity other than housing offences, including organised crime. PSH officers can work with the police to use their powers of entry and tools for enforcing housing standards to address criminal activity in the PRS. However, although this form of interagency working is beneficial to the police, whether tackling serious organised crime is within the proper remit of PSH services is contested.

**The role of landlords and tenants:** Landlord actions and the characteristics of tenants affected by slum landlordism can create challenges for the process of investigation and evidence collation. Slum landlords frequently obscure property ownership and management information, creating challenges for legal enforcement. Slum landlords use obfuscation around remedying hazards, for instance, undertaking partial or substandard repairs as a delaying tactic to put off enforcement action. This can lead to PSH services missing time windows for escalating formal enforcement. The vulnerabilities and other characteristics of tenants affected by slum landlordism can create enforcement challenges: PSH officers may worry about the negative impacts of formal

enforcement on tenants and partner services; tenant actions can complicate the investigation process or 'muddy the waters' in identifying landlord offences; and tenants may be reluctant or ineffective witnesses to landlord crime.

## The future of enforcement: the potential of the Renters Rights Act 2025

**The promise of the Renters Rights Act (RRA):** The incoming Act introduces a series of additional tools and legal powers for local housing authorities. Amongst those relevant to upholding housing standards and tackling slum landlordism are strengthened investigatory powers, the extension of the Decent Homes Standard and Awaab's Law to the PRS, a series of new offences subject to local housing authorities' civil penalty regimes, a requirement to report on enforcement, and a new PRS database.

**Civil penalties under the RRA:** The RRA includes a range of new standalone civil penalties, including requesting more than a month's rent in advance, failing to register with the new ombudsman and database, rental discrimination, rental bidding, and failure to keep property free of hazards. These have a maximum CPN of £7000. In addition, there are a number of new offences that now have an alternative CPN. For LAs, these CPNs have significant income generation potential as services can use the fines to support their work. However, in combination with the new duty to enforce on certain offences, the RRA has the potential to generate a significantly higher workload for PSH officers and those supporting them. MHCLG has promised their new CPN guidance will support more consistent enforcement, and it offers the possibility of greater standardisation, but it remains unclear how much leeway PSH services will have or whether they will be able to remedy the gaps in skills and resourcing required to make use of their new powers.

**The landlord database:** All PRS landlords will be required to register themselves and their properties. Landlord records will include information on banning orders, criminal convictions or CPNs, and other offences as defined in regulations. This will help LAs keep track of offenders, benefit from shared records, and provide more accurate information about the prevalence of slum landlordism across the country.

**Investigatory powers:** The RRA gives LAs a new set of powers to investigate landlords and agents and gather evidence of offences. These include powers to require persons or organisations to provide evidence to investigate possible offences, to enter business premises to request documents and or to seize evidence, and to enter residential properties that are reasonably suspected to be privately let as a home.

## Discussion and recommendations

The final chapter of the report makes recommendations to strengthen enforcement activities against slum landlords. Rather than reviewing already familiar challenges for LAs *vis-à-vis* service resourcing and capacity-building, recommendations respond to four opportunities for improvement that are yet to be addressed elsewhere:

- Adopting the terminology of slum landlordism to guide PRS enforcement priorities,
- Utilising regional devolution to coordinate enforcement activity against slum landlords,
- Streamlining the enforcement pathway to use slum landlords' CPN histories as a basis for pursuing banning orders, and
- Developing enforcement policies and practices to centre tenant wellbeing.

**Recommendation 1:** National government should adopt the concept of 'slum landlordism' developed in this report to frame the core activities of local authorities' PSH services.

**Recommendation 2:** All agencies that interact with the PRS should be made aware of and taught to recognise slum landlordism and establish a referral pathway to alert PSH services of suspected slum landlordism.

**Recommendation 3:** Local authorities should establish a service-level consensus that eliminating slum landlordism is a strategic priority. All PSH officers should know the key features of slum landlordism and its most prevalent characteristics in their local PRS context.
**Recommendation 4:** Regional governments should play a convening and coordinating role in tackling slum landlordism in their area.
**Recommendation 5:** National government should amend the Housing and Planning Act 2016 to establish CPNs issued for banning order offences as a basis for making a banning order application.
**Recommendation 6:** PSH services' internal enforcement processes should guide officers in preparing CPN cases to the same standard as evidence bundles for criminal prosecution.
**Recommendation 7:** PSH service enforcement policies should set out how they will eliminate slum landlordism in their area. Enforcement policies should include a definition of slum landlordism, be clear that enforcement against this subset of landlords is a service priority, and specify how both proactive and accelerated reactive formal enforcement action will be taken to remove substandard properties and those responsible for them from the PRS.
**Recommendation 8:** PSH service enforcement policies should recognise that slum landlordism is harmful to the health and wellbeing of PRS residents and that tenants are the primary victims of slum landlordism. Local housing authorities should dedicate a portion of PSH service revenue to developing tenant support systems.
**Recommendation 9:** PSH service enforcement policies should set out all stages of informal to formal enforcement activity, the criteria for working at each stage of enforcement, and clear processes and timeframes for escalating or de-escalating between stages.
**Recommendation 10:** PSH services' enforcement policies should be made publicly available on local authority websites.
**Recommendation 11:** PSH services should prepare their officers to use the full range of legislation and enforcement tools at their disposal to tackle slum landlordism. This includes assessing the feasibility of using works in default, emergency remedial action and management orders where appropriate, and building service capacity to facilitate this in the future.
**Recommendation 12:** National government should consider facilitating the use of management orders by piloting ring-fenced funding for PSH service management activities.

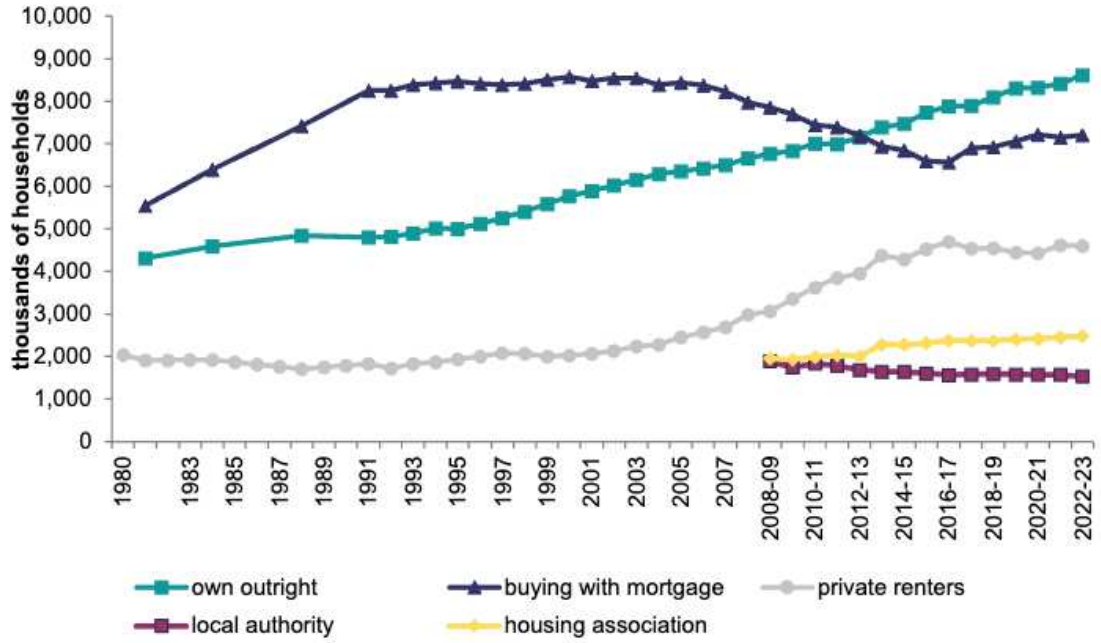
# 1 Introduction

## 1.1 Background to this report

This report addresses local authority (LA) enforcement housing action against private landlords, primarily through the Housing Act 2004 and Housing and Planning Act 2016. As the private rented sector (PRS) has grown and now houses over 20% of UK households (see Figure 1.1), so issues of standards have become more politically salient.[2] This report is focused on what Rugg and Rhodes identify as the 'criminality and slum rental' sub-market of the PRS.[3]

Due to the constraints of the housing market and increasing use of the PRS by LAs to discharge their homelessness duties (as access to social housing has contracted), there is competition for comparatively cheap PRS accommodation at the bottom of the market, which is often of very poor quality.[4] This includes properties with hazards: the English Housing Survey has shown that the PRS has the highest proportion in any tenure of category 1 hazards (Figure 1.2), which is the standard where local authorities are required to take action (see section 2.2).

**Figure 1.1 Tenure across owner occupation, private rented sector and social rented sector from 1980 to 2023 - England**



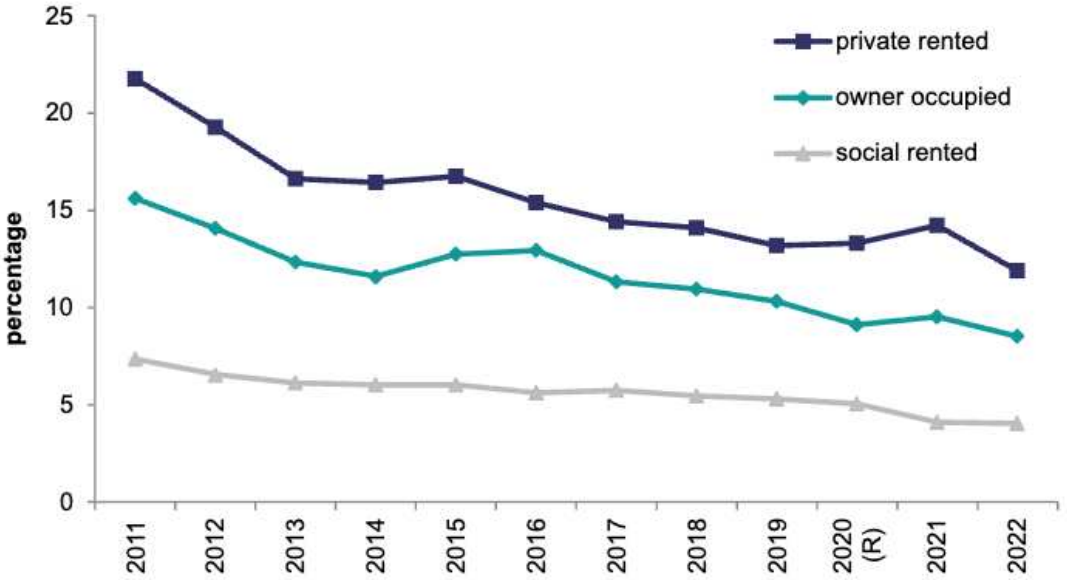

Source: English Housing Survey 2022 to 2023: Headline report, Figure 1.2

[2] A. Marsh & K. Gibb (2019) *The Private Rented Sector in the UK: An Overview of the Policy and Regulatory Landscape*, UK Collaborative Centre for Housing Evidence. https://housingevidence.ac.uk/project/the-private-rented-sector-in-the-uk/, accessed 30 Sept 2023.

[3] J. Rugg & D. Rhodes (2018) *The Evolving Private Rented Sector: Its Contribution and Potential*, Centre for Housing Policy, University of York.

[4] Marsh & Gibb, *The private rented sector in the UK.*

**Figure 1.2 Homes with category 1 hazards, by tenure, 2011 to 2022**




Source: English Housing Survey 2022 to 2023: headline report, Figure 4.4

There is poor awareness of rights and obligations amongst landlords and tenants in the PRS,[5] and subsequently a great need for enforcement by LAs. However, enforcement activity is highly variable. Research for the National Residential Landlords Association (NRLA) found that half of all Housing Health and Safety Rating System (HHSRS) inspections in England were carried out by just 20 LAs.[6]

Reflecting on potential new legislation for the PRS, Marsh and Gibb said:

> *The redesign of regulatory structures needs to be accompanied by a complementary emphasis upon effective implementation and enforcement. Given the pressures upon the budgets of enforcing agencies, there is a considerable risk that available resources are significantly constrained and implementation consequently ineffective.*[7]

Following a decade and a half of cuts to LA budgets, the private sector housing (PSH) services tasked with implementing an enforcement regime may find themselves severely under-resourced, with authorities on average having responsibility for several thousand PRS properties per PSH officer.[8]

### *Research questions*

The guiding questions addressed by this report are:

- How do local authorities conceive of and respond to landlords who act unlawfully?
- What strategies are adopted by local authorities to respond to landlords who act unlawfully?
- When and how do local authorities decide to take legal action under their housing powers against criminal landlords?

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[5] Marsh & Gibb, *The private rented sector in the UK.*

[6] S. Watkin (2024) *The Enforcement Lottery: Local Authority Enforcement 2021-2023* (National Residential Landlords Association (NRLA), 2024). https://www.nrla.org.uk/research/special-reports/enforcement-lottery-2021-2023, accessed 01 Sept 2025.

[7] Marsh & Gibb, *The Private Rented Sector in the UK*, 4.

[8] A. O'Connor C. Jaccarini & H. Wrights (2025) *Detailing the database: How the Private Rented Sector Database Can Support Enforcement and Drive up Standards,* New Economics Foundation. https://neweconomics.org/2025/07/detailing-the-database, accessed 6 Aug 2025.

To address these research questions, the following objectives were set:

- Identify the characteristics of the more severe housing offences addressed by local housing authorities,
- Describe the action taken by local housing authorities to tackle landlords who commit housing offences,
- Identify the thinking and decision points underpinning local housing authorities' enforcement practices,
- Assess what makes an effective local housing authority enforcement strategy and practice, and
- Detail the challenges to effective enforcement by local housing authorities.

## 1.2 Slum landlords

The focus of this report is on 'slum landlords' (and managing agents). In this research, slum landlords are defined as those who engage in unlawful activity that is harmful and/or persistent, including one or more of the following:

- keeping properties in which the presence of hazards is detrimental to the tenant's wellbeing,
- engaging in behaviour that is detrimental to the tenant's wellbeing,
- repeatedly failing to meet regulatory obligations, and/or
- engaging in behaviours intended to prevent effective enforcement.

Landlords who allow less serious hazards to develop in their properties may not immediately be considered slum landlords - the definition accounts for the lack of professionalism in the sector, wherein some landlords may be ignorant of their obligations and unwittingly keep properties that are in breach of the law. However, the term does apply where landlords have been notified of deficiencies - either by the tenant, the LA or some other body - and failed to act (or took actions intended to disrupt enforcement without adequately remedying the issues raised).

The concept of 'slum landlords' is not present in UK housing legislation, which speaks instead of 'rogue landlords'.[9] The term 'rogue landlord' is unhelpful in defining the category of offenders that ought to be priority targets of PSH enforcement. For Marsh and Gibb, a focus on 'criminal landlords' and 'rogue landlords' can hide the activities of landlords in the PRS whose behaviour is deeply problematic for tenants but who do not necessarily fall into those categories.[10] Rugg and Rhodes have also previously argued that the concept of 'rogue' landlordism fails to account for the nature of criminality in the 'shadow' PRS.[11]

Interviews with PSH officers suggest the meaning of 'rogue landlords' is both subjective and context-dependent. Polarised associations, including 'lovable rogues' or 'the worst of the worst', risk downplaying the severity or prevalence of the serious housing offences that local housing authorities are responsible for addressing.

Framing severe housing offences as a problem of slum landlordism can clarify the strategic focus of PSH enforcement. Housing offences, whether through commission or omission, form part of the business plan of slum landlords, who seek to maximise their profits through exploitative tenant relations and substandard housing provision. Whereas there is a subset of 'naive' and inexperienced landlords who may be 'brought in' to compliance via education or incentives, this will not be the case for slum landlords, for whom malpractice is a part of their business model. A different enforcement strategy is required.

[9] See the Housing and Planning 2016, Part 2.
[10] Marsh & Gibb, *The private rented sector in the UK.*
[11] Rugg & Rhodes, *The evolving private rented sector.*

## 1.3 Current data on slum landlords

Estimating the prevalence of slum landlordism across England is challenging.
Statistics from the English Housing Survey[12] indicate that more PRS properties fail the Decent Homes Standard than any other tenure (see Figure 1.2). However, few LAs can engage in proactive inspections across the local PRS, meaning identification of housing offences and subsequent enforcement activity is largely determined by reactive work following occupier complaints. Research by the NRLA published in 2023 revealed that 16% of English LAs (45/277 of the respondent LAs, from a total of 308 in England) could not even provide an estimate for the number of PRS properties in their area.[13]

Ministry of Justice (MoJ) data on housing offences analysed for this project (see section 7.2) shows an uneven pattern of prosecutions. These likely relate to factors such as LA and court resources rather than the prevalence of slum landlordism.

The vast majority of housing offences do not result in criminal prosecution. Where PSH services take formal action against slum landlords, many choose to pursue a civil enforcement route, issuing financial penalties via CPNs. There are no systematic records of CPNs.[14] However, there is some detailed work that has been completed by NRLA and GMCA concerning CPNs, which is addressed in chapter 6.

Another report in this series, *Harassment and illegal eviction*',[15] reflects on the use of homelessness H-CLIC data. 'Tenant complained to the council / agent / landlord about disrepair' is an H-CLIC reporting category that identifies the reason for a homelessness prevention and relief duty. There are no details of the nature of the complaint. As noted in that report, enforcement against slum landlords is 'often part of a complex narrative that the H-CLIC system cannot readily capture',[16] and this data cannot be used as a proxy for estimating issues with housing standards. Further, complaints ending in homelessness duties will only be at the extreme end of vulnerability – both in terms of landlord actions and tenant need – so will vastly under-represent the scale of the issue.

Perhaps the best indicator of the prevalence of housing standards offences in England comes not from official statistics but tenant surveys. Data gathered by YouGov in 2023 for the housing and homelessness charity Shelter indicated that, within the previous year, up to three quarters of PRS tenants had experienced disrepair; half had issues with damp and mould; over 30% had issues with a lack of hot water or heating; and, 18% had electrical hazards or issues with essential safety equipment in their alarms.[17]

The Voice of the Tenant Survey is a regular national survey of PRS tenants in England funded by the TDS Charitable Foundation. The most recent survey (2025) found that:

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[12] MHCLG (2025) *English Housing Survey 2023 to 2024: Drivers and Impacts of Housing Quality*, Ministry of Housing, Communities and Local Government. https://www.gov.uk/government/statistics/english-housing-survey-2023-to-2024-drivers-and-impacts-of-housing-quality/english-housing-survey-2023-to-2024-drivers-and-impacts-of-housing-quality, accessed 05 Sept 2025.

[13] S. Watkin (2023) *Local Government Enforcement Index*, Working Paper #8, NRLA Research Observatory.

[14] The new 'Duty to report' in the Renters Rights Act s.110 requires LAs to report on the exercise of their functions under the landlord legislation, and may also lead to further data being made available in the future.

[15] J. Carr, K. Colliver, C. Hunter, I. Langdale, B. Reeve-Lewis, J. Rugg, D. Scully & R. Spencer (2025) *Are the English Civil and Criminal Remedies for Harassment and Illegal Eviction Fit for Purpose?* University of York. https://doi.org/10.15124/yao-82x3-4n64.

[16] Carr *et al.*, *Harassment and illegal eviction.*

[17] Shelter, *Briefing: Disrepair and Insecurity in the Private Rented Sector* (2023), https://england.shelter.org.uk/professional_resources/policy_and_research/policy_library/briefing_disrepair_and_insecurity_in_the_private_rented_sector, accessed 19 Nov 2025.

> *Over half of tenants [n=2,045] rated the condition of their property as good or excellent, whilst more than one in ten said their rented home is in poor or extremely poor condition. These figures have remained relatively consistent over the last two years.*[18]

Despite the high rating on conditions, 64% of tenants had experienced housing maintenance issues in the past six months, including water leaks, difficulty keeping the home warm, serious problems with damp and mould, and repairs not being carried out.[19]

The survey also found that the vast majority of tenants (88%) report repair and maintenance problems to their landlord or letting agent, and in most cases (85%), the issue is fully or partly addressed. However, this leaves a significant minority for whom this is not the case. The TDS Charitable data indicated that two in five PRS tenants would not know where to go if their landlords failed to resolve the problem. And some would choose not to report or escalate complaints for fear of negative consequences if they escalated a complaint, such as retaliatory evictions or rent increases.[20]

Although helpful in providing an estimate of the proportion of housing issues that might be escalated to a PSH service, information from tenant surveys provides limited insight into the severity of the hazards encountered, leaving questions about how many tenants might choose to live in very poor housing conditions rather than risk negative consequences from complaining about them.

Beyond the English Housing Survey, which does not generally differentiate between PRS market types and does not attempt to identify slum landlords, official data sources are likely to significantly under-estimate housing standards offences. Overall, the poor state of data collection about housing offences both reflects and contributes to a lack of strategic enforcement action against slum landlords across local and national government.

## 1.4 Methodology

The range of methods used in this research is set out in Appendix One: Research Methods. This report draws primarily on case studies of three LA PSH services within Yorkshire and the Humber that are active in pursuing formal enforcement against slum landlords.[21] Complementing the project's case studies, the research also used banning order decisions, MoJ prosecution data, CPN data, and focus groups with judges.

## 1.5 Structure of this report

This report has ten further chapters.

- Chapter 2 provides an overview of the main legal duties and powers available to LAs to tackle slum landlordism.
- Chapters 3 to 7 detail the processes by which LAs in the project's case study areas enforce against slum landlords, from investigating offences (chapter 3), taking enforcement action (chapter 4), preparing to escalate to civil or criminal enforcement (chapter 0), the use of CPNs and debt recovery (chapter **Error! Reference source not found.**), and criminal p rosecution and banning orders (chapter 7).
- Chapter 8 reflects on variations in enforcement across LAs and the strategic decisions that underpin them.
- Chapter 9 draws out elements of good practice and related challenges for effective enforcement.

[18] Rich & Smith, *Living in the private rented sector in 2025.*
[19] Rich & Smith, *Living in the private rented sector in 2025.*
[20] Rich & Smith, *Living in the private rented sector in 2025.*
[21] These are referred to through the report as FGF, HIH and BCB.

- Chapter 10 reviews the impact of the Renters Rights Act 2025 for enforcement challenges highlighted in this report.
- The report concludes by drawing together lessons on effective enforcement against slum landlords and recommendations for LAs, the judiciary, and national government (chapter 11).

## 1.6 Conclusion

This report is focused on the response of PSH services to slum landlords. Generally, this is through the Housing Act 2004 and the Housing and Planning Act 2016. This report offers a detailed and wide-ranging review of the operation of the Acts and the other powers that are used by authorities and the challenges they face.

The report demonstrates the variations in enforcement practices adopted by PSH service responding to housing offences. It discusses the practical, cultural and strategic considerations informing differences in practice and draws out the implications of these variations for addressing slum landlordism.

The next chapter sets out the main legal bases for enforcement action relating to housing offences.

# 2 Local authorities' legal powers and duties

## 2.1 Introduction

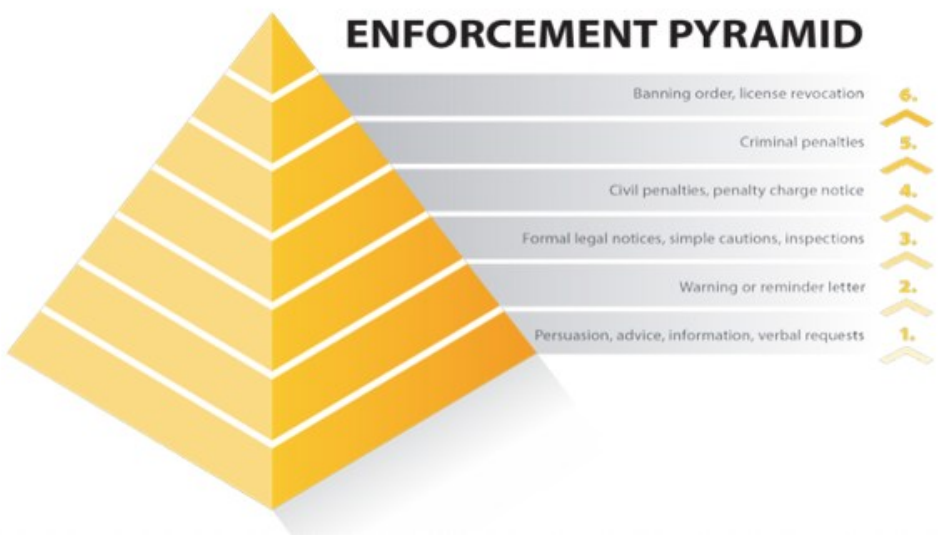
Local housing authorities are responsible for upholding housing standards in the PRS. There is a general duty in the Housing Act 2004 s.3 for LAs to keep the housing conditions in their area under review, and this underpins the work of PSH services. As discussed in later chapters, PSH services vary in terms of range and focus. Their activities can span issues including housing standards, licensing of properties and their management, and harassment and illegal evictions.[22]

In addition to the general duty to review housing conditions, PSH services have a range of powers to enforce against landlords who keep properties in substandard conditions or fail to abide by their management and regulatory obligations. The main powers for taking action against landlords sit under the Housing Act 2004 and Housing and Planning Act 2016, although PSH officers may make use of tools under any legislation available to them.

Enforcement under the Housing Act 2004 work includes activities like inspecting PRS properties and issuing notices to landlords where hazards are observed; managing licensing schemes for landlords – both the mandatory ones for Houses of Multiple Occupation and additional selective licensing schemes; and taking formal / statutory action where landlords are not compliant.

Where landlords have failed to comply with instructions to improve their property standards or have failed to license a property, this constitutes a criminal offence. PSH services then have two main options: they can pursue criminal prosecution in a magistrates' court or issue the landlords with – sometimes quite sizeable– fines through CPNs. At the highest end of enforcement, landlords can be prevented from letting housing for a period of time through a banning order.

**Figure 2.1 Harris *et al* (2020)'s adapted Enforcement Pyramid**




Harris *et al*[23] adapted Ayres and Braithwaite's (1992) regulatory enforcement pyramid to represent the opportunities for responsive regulation of the PRS. It presents a framework of escalation from informal advice up through formal inspection and legal notices, to civil penalties, prosecution, and the option of pursuing a banning order.

[22] See also, Carr *et al.*, *Harassment and illegal eviction.*

[23] J. Harris, D. Cowan & A. Marsh (2020) *Improving compliance with private rented sector legislation: Local authority regulation and enforcement*, UK Collaborative Centre for Housing Evidence. https://housingevidence.ac.uk/project/improving-compliance-with-private-rented-sector-legislation/, accessed 27 Feb 2024.

This chapter of the report sets out in outline the legal framework that allows these enforcement actions. First, it addresses the identification of hazards in a property and the enforcement tools available to PSH services, followed by legislation on property licensing and management, and supplementary provisions that enable them to investigate possible offences. The chapter goes on to discuss the more serious formal enforcement measures available to PSH services, including criminal prosecution, civil penalties and applications for a banning order and inclusion in the Rogue Landlord database. Finally, it some legislative tools outside of the Housing Act utilised by PSH services during their enforcement work.

## 2.2 HHSRS and the duty and power to take action for hazards

Part 1 of the 2004 Act established the Housing Health and Safety Rating system (HHSRS) for assessing conditions in residential premises. The system rates hazards in a premises based on the risk of harm to the health or safety of an actual or potential occupier (s.2). There are 29 hazards that authorities must rate.[24] Depending on the severity of the hazard, it may be categorised as category 1 or category 2. If a hazard is category 1, the authority *must* take appropriate enforcement action (s.5) but this is not mandatory for a category 2 hazard, where they only have the power to take action (s.7).

In Part 1 of the 2004 Act, authorities have a duty to arrange for an inspection where they consider it appropriate (s.4). Following an inspection, a range of enforcement options are available to PSH services. In choosing which action to take, services must consider the government's HHSRS Enforcement Guidance.[25]

Section 49 permits LAs to make a reasonable charge to recover the costs of enforcement action.

### *Hazard awareness notices*

The lightest form of enforcement activity is a hazard awareness notice, which provides advisory action where the authority draws attention to the need for improvements, detailing specific hazards and necessary actions (s.28 and s.29). Given its advisory nature, it does not have any sanctions linked to it.

### *Improvement notices*

An improvement notice to address category 1 or 2 hazards requires the person served (usually the landlord) to undertake remedial work to the property within a specified time (s.13). An improvement notice can be appealed to the residential property tribunal (FTT). Failure to comply is a criminal offence (s.30).

### *Prohibition orders*

Prohibition orders prohibit the use of the property for all or particular purposes (s.22). The Enforcement Guidance[26] suggest they should be used in serious-threat scenarios to deal with category 1 or 2 hazards where practical repairs are unfeasible, to restrict premises use to particularly vulnerable groups, or limit the maximum number of occupants. A prohibition order requires the landlord to comply within 28 days but it can be appealed to the FTT. Failure to comply with an order is a criminal offence (s.32).

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[24] Housing Health and Safety Rating System 2005 (SI 2005/3208).

[25] ODPM (2006), *Housing Health and Safety Rating System enforcement guidance Housing Act 2004 Part 1: Housing Conditions,* Office of the Deputy Prime Minister. https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-enforcement-guidance-housing-conditions, accessed 19 Nov 2025.

[26] MHCLG (2018) *Civil Penalties under the Housing and Planning Act 2016: Guidance for Local Housing Authorities*, Ministry of Housing, Communities and Local Government. https://www.gov.uk/government/publications/civil-penalties-under-the-housing-and-planning-act-2016, accessed 23 Oct 2025.

*Emergency action*

Mirroring improvement notices and prohibition orders, emergency action is allowed for category 1 hazards if the authority is satisfied that the 'hazard involves an imminent risk of serious harm to the health or safety of any of the occupiers of those or any other residential premises'. Section 40 allows LAs to undertake emergency remedial action themselves. The LA may apply for a warrant to authorise entry to the property (under s.240). Section 42 allows for the recovery of expenses. Alternatively, LAs can issue an emergency prohibition order (s.43) that takes immediate effect. Both types of emergency action can be appealed to the FTT.

*Demolition orders and clearances*

In the most severe cases, LAs have the power to demolish properties and clear whole areas. The powers are retained in the Housing Act 1985, though in such instances they must consider, *inter alia*, the ease of re-housing occupants; the impact on the local environment and neighbourhood; the possible future use of a cleared site; and the demand for housing in the area.

## 2.3 Licensing, other action and overcrowding

Parts 2 to 4 of the Housing Act 2004 recast a range of actions to regulate the PRS. This section focuses on the following legal powers:

- Houses in multiple occupation (HMOs): both licensing and management regulations;
- Selective licensing;
- Interim and final management orders; and
- Overcrowding.

Licensing schemes impose certain conditions on affected properties, for instance compliance with certain management practices in addition to maintenance of housing standards. Both HMO and selective licensing allow for fees to be charged for the license. Councils can use licensing fees to fund their enforcement work, but this may not be sufficient to cover all enforcement costs.

*Houses in multiple occupation*

HMOs are occupied by people who are not part of a single household[27] and 'offer accommodation that is typically cheaper than other private rental options and often house vulnerable tenants'.[28] Because of particular housing issues in HMOs (for example, higher fire risk), they have been regulated since the Housing Act 1957.

Part 2 of the Housing Act 2004 introduced, for the first time, a system of licensing for HMOs. All larger HMOs must be licensed (s.55). Originally, this covered HMOs on three floors and with five or more occupiers. Since 2018, the requirement for three storeys has been removed.[29] For smaller HMOs with fewer occupiers, PSH services may choose, subject to confirmation by the Secretary of State, to run additional licensing for the whole district or for particular areas (s.56).

The application process is dealt with in section 63. An application for a license must be made to the local housing authority and must conform with any requirements which the authority may impose, including payment of a fee. Regulations also require applicants to provide certain information.[30]

LAs cannot license an HMO unless satisfied (s.64):

[27] The legal definition of an HMO is complicated (see Housing Act 2004, ss.254 – 260), particularly for converted block of flats.

[28] H. Cromarty & W. Wilson, *Houses in Multiple Occupation (HMOs) England and Wales*, Briefing paper no. 0708 (2025), 3, https://commonslibrary.parliament.uk/research-briefings/sno0708/, accessed 09 Sept 2025.

[29] Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2018 (SI 2018/221).

[30] Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 (SI 2006/373) and Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 (SI 2007/1903).

- The house is suitable.
- The proposed license holder and proposed manager are a 'fit and proper person', and/or
- The proposed management arrangements for the house are satisfactory.

The license may include conditions (for instance, as to property facilities or completion of a training course for the license holder or manager), and must include conditions dealing with the safety of the occupiers, such as smoke alarms (s.67).[31]

Section 72 creates three criminal offences of:

a) Not having a license when it is required;
b) Allowing others to occupy HMO above the allowed occupancy; and
c) Failing to comply with a license condition.

In addition to the licensing powers, section 234 allows the Secretary of State to make regulations to ensure that there 'are in place satisfactory management arrangements and satisfactory standards of management are observed' in HMOs. The regulations[32] impose a range of duties on a person managing an HMO. Breach of these regulations is a criminal offence.

### *Selective licensing*

Part 3 of the Housing Act 2004 allows for LAs to designate areas of their district for selective licensing.[33] Selective licensing applications can be made if problems in the areas are caused by low housing demand, a significant and persistent problem caused by anti-social behaviour, poor housing conditions, high levels of migration, high levels of deprivation, or high levels of crime.[34] If a designation is made, all tenanted houses in the area must be licensed unless they are let by a social landlord or otherwise exempt.

Selective licensing operates similarly to HMO licensing. In particular, section 95 creates two offences: not having a license when required and not complying with a condition of a license.

### *Management orders*

Chapter 1 of Part 4 contains provisions for local housing authorities to make management orders. There may be cases where an authority decides that there is no reasonable prospect of being able to grant a license for a property that is subject to the licensing scheme under either Part 2 (HMOs) or Part 3 (selective licensing). In such circumstances, an authority is obliged to make a management order, which allows it to take over management of the property. A management order may also be made where it is necessary to protect the health and safety of the occupiers or others in the vicinity of the property.

The purpose of an interim management order is twofold: first, to secure that any immediate steps are taken which the authority consider necessary to protect the health, safety or welfare of

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[31] Breach of these conditions may create separate enforcement duties on local housing authorities and potential CPNs: see e.g. The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (SI 2015/1693).
[32] See the Management of Houses in Multiple Occupation (England) Regulations 2006 (SI 2006/372) and the Licensing and Management of Houses in Multiple Occupation (Additional Provision) (England) Regulations 2007 (SI 2007/2903).
[33] The previous requirement for approval from the Secretary of State was removed from the Housing Act 2004 by General Approval in 2024. See MHCLG (2024) *The Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2024*. Ministry of Housing, Communities and Local Government. https://www.gov.uk/government/publications/selective-licensing-in-the-private-rented-sector-a-guide-for-local-authorities/the-housing-act-2004-licensing-of-houses-in-multiple-occupation-and-selective-licensing-of-other-residential-accommodation-england-general-approval--2, accessed 26 Nov 2025.
[34] MHCLG (2024) *Selective Licensing in the Private Rented Sector: A Guide for Local Authorities*, Ministry of Housing, Communities and Local Government. https://www.gov.uk/government/publications/selective-licensing-in-the-private-rented-sector-a-guide-for-local-authorities/selective-licensing-in-the-private-rented-sector-a-guide-for-local-authorities, accessed 21 Nov 2025.

persons occupying the house, or persons having an estate or interest in the vicinity; second, to secure that any other appropriate steps are taken with a view to the proper management of the house pending the grant of a license under Part 2 or Part 3 or the making of a final management order (s.101(3)). An interim order is essentially a temporary measure designed to ensure that the house is properly managed pending either the grant of a license under Parts 2 or 3 or the making of a final management order.

A final management order lasts a maximum of five years. It must be made for the purpose of securing the proper management of the house on a long-term basis in accordance with the management scheme contained in the order (s.101(4)).

*Overcrowding*

Housing legislation has always included provisions controlling overcrowding in residential properties. The Housing Act 1985, Part X has provisions defining overcrowding and an offence of landlords causing or permitting overcrowding, with a fine at level 2 (a maximum of £500). The project has no evidence of PSH services using these powers.

Overcrowding notices may also apply to HMOs that are not required to be licensed. Under section 139 of the Housing Act 2004, LAs may serve an overcrowding notice on a landlord either where they consider that an excessive number of persons is already being accommodated in the HMO or where they consider that this is likely to be the case (s.139(2)). Breach of an overcrowding notice is an offence subject to a maximum fine at level 4 (£2500).

*Gas and electricity standards*

The Housing and Planning Act 2016 section 122 contains powers for LAs to ensure private landlords meet standards for electrical safety, for example by requiring evidence of regular inspection and testing.[35] LAs enforce the duties, and the regulations include powers to issue CPNs for breaches. The Health and Safety at Work etc. Act 1974[36] makes equivalent provisions for gas safety but the relevant enforcement authority is the Health and Safety Executive rather than LAs.

## 2.4 Supporting provisions

The Housing Act 2004 has a number of supporting provisions that enable LAs to obtain information (s.235) and enter premises (sections 239 and 240). It is an offence to supply false or misleading information (s.238). Obstruction of an officer of an authority or any person authorised to enter premises in the performance of anything they are required or authorised to do under Parts 1 to 4 of the Act or under any power to enter is an offence liable to a fine not exceeding level 4 (£2,500).

## 2.5 Criminal prosecutions

Through this chapter, a number of criminal offences in the Housing Act 2004 have been identified. Notably, they are summary offences and subject to a fine only. This contrasts with offences under the Protection from Eviction Act 1977, which are triable either way and potentially subject to a range of sentences, including imprisonment.[37] Most fines in the Housing Act 2004 are at level 5, so they are unlimited. Data on criminal prosecutions for Housing Act offences are addressed in chapter 7.

## 2.6 Civil penalties

The Housing and Planning Act 2016 introduced an alternative to criminal prosecution for the following housing offences under the Housing Act 2004:

a) section 30 (failure to comply with an improvement notice),

[35] The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 (SI 2020/312).
[36] The Gas Safety (Installation and Use) Regulations 1998, section 36.
[37] Carr *et al.*, *Harassment and illegal eviction.*

b) section 72 (licensing of HMOs),
c) section 95 (licensing of houses under Part 3),
d) section 139(7) (failure to comply with overcrowding notice),
e) section 234 (management regulations in respect of HMOs).

Under section 249A of the Housing Act 2004, LAs can impose a financial penalty (generally known as a civil penalty notice, CPN) if 'satisfied, beyond reasonable doubt, that the person's conduct amounts' to one of the relevant offences (s.249A(1)).

The maximum penalty is £30,000. The recipient of a CPN can appeal against both the decision to impose the CPN or the amount of the penalty to the FTT. Chapter **Error! Reference s ource not found.** examines the use of CPNs. The recipient of a CPN can appeal against both the decision to impose the CPN or the amount of the penalty to the FTT: Schedule 13A. Under para. 12 of Schedule 13A, a local housing authority must have regard to any guidance from the Secretary of State in using its CPN powers.[38]

## 2.7 Banning orders and the Rogue Landlord Database

The Housing and Planning Act 2016 introduced the banning order, which can be used to prevent a person from letting housing, acting as a letting agent, and/or managing property (s.14). A banning order can be made if the person has been convicted of a 'banning order offence' (s.15(1)).

The Housing and Planning Act 2016 (Banning Order Offences) Regulations 2018[39] set out 41 banning order offences. These can be grouped in to 'landlord' offences (e.g. unlawful eviction or harassment under the Protection from Eviction Act 1977 or failing to comply with a Housing Act 2004 notice), immigration offences (under the Immigration Act 2014, s.33A and s.33B) and offences not directly related to housing (e.g. fraud, sexual assault, misuse of drugs, theft and stalking).

A PSH service intending to pursue a banning order must give notice of the intended proceedings to the person(s) who will be banned and consider any representations received (s.15(2)) before applying to the FTT for a banning order.

In deciding whether to make a banning order, the FTT must consider (s.16(4)):

- the seriousness of the offence of which the person has been convicted,
- any previous convictions that the person has for a banning order offence,
- whether the person is or has at any time been included in the database of rogue landlords and property agents, and
- the likely effect of the banning order on the person and anyone else who may be affected by the order.

Data on the use of banning orders is discussed in section 7.5.

The 2016 Act also created a 'database of rogue landlords and property agents'. This must include all persons subject to a banning order (s.29) and may include others who have been convicted of banning offences (s.30). LAs have access to the database: 'The database can be searched to help keep track of known rogues, especially those operating across council boundaries and will help authorities target their enforcement activities.'[40]

The number of banning orders is small, and this research project did not provide evidence of PSH services using the rogue landlord database, either to check landlords or to add convictions.

[38] MHCLG, *Civil Penalties under the Housing and Planning Act 2016.*
[39] SI 2018/216.
[40] MHCLG (2028) *Database of Rogue Landlords and Property Agents under the Housing and Planning Act 2016*, Ministry of Housing, Communities and Local Government. https://www.gov.uk/government/publications/database-of-rogue-landlords-and-property-agents-under-the-housing-and-planning-act-2016, accessed 19 Nov 2025.

## 2.8 Other legislation

Two statutes that the authorities in this research frequently utilised in addition to the Housing Act 2004 were the Environmental Protection Act 1990 (EPA) and the Building Act 1984.

The EPA deals with statutory nuisances, including any premises 'in such a state as to be prejudicial to health or a nuisance' (see s.79(1)). LAs can give abatement notices to the person responsible for the nuisance. Breach of an abatement notice is a criminal offence (s.80(4)).

The Building Act 1984, Part III, has a range of powers on water closets, food storage, means of escape from fire and defective premises, some of which lead to potential offences. It gives LAs powers to enter and to execute work (by agreement).

Other statutes mentioned by PSH services included:

- Local Government (Miscellaneous Provisions) Act 1976: section 16 authorises LAs to require information as to ownership of land and identity of an owner's agents.
- Local Government (Miscellaneous Provisions) Act 1982: section 29 deals with unoccupied buildings.

Some authorities have used a larger range of powers not directly focused on landlords or property in the course of enforcing against housing offences (see sections 4.8 and 8.4).

## 2.9 Conclusion

This chapter has described the various legal duties and powers held by LAs for managing the PRS and the landlords and agents operating in it. Some regulatory mechanisms (e.g. licenses) apply whether or not the properties are affected by slum landlordism, while others (e.g. the HHSRS notices and orders and EPA and Buildings Act) are triggered by a decision that the property is deficient in some way.

This project is interested in how PSH services identify the landlords failing to meet their regulatory requirements and the PRS properties that are deficient, and the choices they make between the enforcement options outlined here.

# 3 Investigating slum landlords

## 3.1 Introduction

This chapter describes the processes of case identification, inspection and other investigations involved in determining the presence of substandard property conditions or other housing offences. First, it addresses the variable structures of PSH services and enforcement policies, the ways in which cases come to the team's attention, and characteristics of cases at the upper end of severity. It goes on to discuss the forms that investigations take and observes the role that property licensing can play in guiding proactive enforcement activities.

## 3.2 PSH service structures

PSH services can vary significantly in structure, size and remit. Staff are predominantly recruited from an environmental health background, but one case study service indicated the potential for increasing diversity in professional backgrounds, with staff who had legal, trading standards, and policing experience.

A 2023 report for MHCLG asked LAs to estimate the full-time equivalent (FTE) staff working on PRS standards, enforcement and licensing. This included Environmental Health Officers (EHOs), administrative and managerial staff, but excluded legal resources.

> The lowest FTE reported was 0 FTE. The highest FTE reported was 133.5 FTE. The most common team size, reported by a third of authorities, was greater than 2 FTE, up to and including 5 FTE. The 13 local authorities (4%) who reported above 30 FTE all operate discretionary licensing schemes.[41]

In 2021, the Chartered Institute of Environmental Health (CIEH) reported that a quarter of all its environmental health professional members worked in housing, but this equated to only 856 (FTE) staff members. Another 2021 report, for the Department for Levelling Up, Housing and Communities (DLUHC), also explored LA enforcement in the PRS and the make-up of teams. Nearly 40% of LAs employed two FTE officers or fewer, including 12% who reported one FTE or fewer. Just under a quarter of LAs employed more than five FTEs, including 7% with more than 10 FTEs.

While there is some relationship between the number of FTEs undertaking enforcement work, and population, PRS size, deprivation and stock condition factors, the DLUHC report suggests the evidence shows 'a more complex picture, and one where the capacity of local authority enforcement teams was often not sufficient to proactively tackle poor standards and conditions.'[42] One LA in Yorkshire and the Humber, interviewed for this research, reported that they had approximately 6,000-7,000 PRS properties per staff member [PSH-MNMO1]. Indeed, the evidence suggests that no PSH service has an adequate number of officers trained in housing enforcement and many face recruitment challenges:

> *We're short-staffed now as well. Yeah, we're down three EHOs and have been for ages.* [PSH-FGF02]

Within the three case study authorities, HIH served a large city and had a sizeable PSH service that was split into several specialist teams including a 'neighbourhoods' team, 'working with tenants and referrals and making sure that tenants lives were brought to a better standard of living' [PSH-

[41] MHCLG (2023) *Damp and Mould in the Private Rented Sector*, Ministry of Housing, Communities and Local Government, para. 55. https://www.gov.uk/government/publications/damp-and-mould-in-the-private-rented-sector/damp-and-mould-in-the-private-rented-sector, accessed 19 Nov 2025.

[42] K. Reeve & E. Bimpson *et al*. (2021) *Local Authority Enforcement in the Private Rented Sector: Headline Report*, Centre for Regional Economic and Social Research, 12. https://www.gov.uk/government/publications/local-authority-enforcement-in-the-private-rented-sector-headline-report, accessed 5 Jun 2025.

HIH06], a selective licensing team, a supported housing improvement programme, and a specialist unit for addressing crime in the PRS. Working in a smaller and more resource-constrained authority, BCB adopted a similar approach but with fewer teams: one managing HMOs and high rises, and another with a remit for single occupancy properties and the Empty Homes scheme.

In contrast to the approach in HIH and FGF, the remit of PSH officers in FGF was significantly wider in scope:

> *We get involved with mainly private rented properties dealing with landlords and tenants. But we also deal with owner occupiers, people who live in their own properties, council properties. We'll get involved with anything really to do with housing and enforcing certain pieces of legislation.* [PSH-FGF06]

These officers did not specialise in the PRS but applied their EHO housing skillset across multiple tenures in their LA's jurisdiction.

## 3.3 Enforcement policies

The statutory guidance for CPNs states:

> Local housing authorities are expected to develop and document their own policy on when to prosecute and when to issue a civil penalty and should decide which option it wishes to pursue on a case-by-case basis in line with that policy.[43]

Therefore, in order to use CPNs, before a PSH service takes enforcement action they should have developed an enforcement policy that details the steps they take in response to breaches of housing standards and related offences under the Housing Act 2004 and Housing and Planning Act 2016. It is good practice for the enforcement policy to be a public document, for instance made available on the LA website, to facilitate understanding of the PSH service's working practice within the local PRS.

Possession of an appropriately detailed enforcement policy – and evidence that private sector housing case officers (PSH officers) have followed the policy in the course of their work – is of high importance in PSH service dealings with the FTT, for instance when a landlord appeals a CPN[44] or the PSH service pursues a banning order against a problem landlord. Failure to maintain or abide by an enforcement policy increases the likelihood that a case will be successfully appealed or a banning order refused.[45]

There is no standard template for enforcement policies, meaning that there is significant variation in the approach taken.[46] Looking across a selection of policies available on English council websites (n=33), whilst the majority had developed a dedicated private sector housing enforcement policy, one referred to a general-purpose policy guiding how the PSH service approaches all its enforcement activities. The policies vary in their length and specificity, from under ten pages to over one hundred. Common policy contents included: underlying principles of enforcement activity, its scope and legal basis, stages of enforcement and the circumstances in which they are invoked, formal action assessments and financial penalty matrices, and procedures for recovering costs.

Whilst some PSH services had developed their Enforcement Policies relatively independently, with reference to legislation and national guidance, many sought examples from other authorities to guide their approach. Case study authority BCB had adopted HIH's approach in full:

[43] MHCLG, *Civil Penalties under the Housing and Planning Act 2016*, 12.

[44] See e.g. Sutton & Another v Norwich City Council [2020] UKUT 0090 (LC).

[45] See also K. Colliver & C. Hunter (2025) *Banning Orders: Guidance Note for Local Authority Enforcement Teams on Making a Successful Application*, University of York.

[46] Reeve *et al.*, *Local authority enforcement in the private rented sector.*

> *So the very, very beginning of civil penalty notices, the previous manager was involved in looking at the civil penalty matrix and the penalties along with other authorities in [the region]. HIH were the lead and lots of other authorities developed the same model as they did, and we did in BCB.* [PSH-BCB03]

These differences in approach speak to tensions in the course of policy development, including: recognition of the benefits of having some standardisation across authorities, particularly those in neighbouring regions; a desire for flexibility and local discretion to develop an enforcement strategy that is tailored to the local PRS market; and significant variations in available skills and capacity for developing bespoke enforcement frameworks.

## 3.4 Case identification and working practices

Previous research has identified that enforcement activities are split between reactive and proactive work.[47] This split, mostly focused on reactive work, was similar for the three authorities studied.

### *Reactive work*

Due to the limited size and resourcing of PSH teams, the majority of their work is reactive, responding to tenant complaints or case referrals from another service. The officer below describes a mode of working that is typical of the housing standards work across LAs.

> *So my team will be mostly reactive, so we'll react to service requests and complaints about housing conditions. When we receive a complaint, we'll go out and inspect a rented property using the HHSRS, which is the housing, health and safety rating system. And we assess compliance with lots of different legislation such as the Housing Act 2004, electrical safety standards and the private rented sector and minimum energy efficiency standards etcetera.* [PSH-BCB02]

The most frequent means of cases coming to PSH services' attention was through complaints made by the tenant. However, reliance on this route for identifying housing issues was acknowledged to be problematic due to poor awareness of rights and recourses, and fear of landlord retribution:

> *We've got a large [migrant] population who are not known for coming forward to complain about landlords, so quite a few of our landlords are exploiting this.* [PSH-BCB03]

If the tenant does not recognise they have a right to complain or does not bring their complaint to the attention of an LA housing service, then the housing offence will remain invisible to the enforcement team.

The other key route for case identification was referrals made from another LA department, such as Housing Options and safeguarding services including social work, social care, and domestic abuse housing hubs. On the occasions that cases were referred through external agencies, these were via close interagency working relationships with the police or concerned owners of adjacent properties.

### *Proactive work*

Despite their limited service capacities, PSH officers were clear on the advantages of engaging in proactive activity where possible. BCB and HIH had identified cases through proactive inspection programmes.

These officers described a series of distinct strategies guiding proactive work. The first was to target problem landlords, who had been identified through previous enforcement activity:

[47] Marsh & Gibb, *The private rented sector in the UK.*

> *We did triage that freed us up for time to do proactive enforcement and the proactive enforcement was specifically against agents in [the city] who over the past previous six months had received more than two improvement notices. So we targeted them, we targeted properties within their portfolios, ones that didn't belong to them at all were the agents and the whole aim was to either bring them up to standard, we were training with them as well, or for them to get out of the rental market and we were hoping that landlords would vote with their feet.* [PSH-BCB02]

The second was to target proactive inspections at areas known to be at greater risk of substandard property conditions. This might be due to problem landlords known to be operating in the area or more deprived areas in which the housing stock was of poor quality, which HIH sought to address through their selective licensing scheme:

> *So shortly after selective licensing was introduced in [city HIH], we it was a key priority for us to look at properties that weren't licensed, that needed the license. Clearly, the whole ability to be able to make selective licensing work, you've got to have some enforcement on those that don't license. So we were collecting information as a service on those properties that weren't … they were able to cross reference the ones that did have licenses and ones that appeared to be private rented but didn't have licenses.* [PSH-HIH03]

HIH was unique amongst the case study authorities in having set up a specialist unit for this kind of proactive work. This PSH officer describes the intentions behind developing that team:

> *We investigate and we find we find poor standards and the names sort of ring around the office and you go Oh, it's that person again. And after a while for a few years, we kind of set up [a specialist unit]. And the intention of that was that we would proactively look at these names that were coming through time and time again. The familiar names associated with poor management and poor property standards. So we kind of got this small team together and we allocated these landlords to individual officers. Have a look at their portfolio of properties. Go inspect them all. And we're going to follow our enforcement policy. because we've got a history of poor standards, poor management, lack of, how can we say, confidence in their abilities. We're just going to hit them with. We're not going to give them an opportunity, as we would have in the past, as you would with a new landlord … We're going to hit you with a straight bat and you'll get the message.* [PSH-HIH10]

The association between proactive working and targeting known 'problem' landlords and properties meant that PSH officers were more likely to adopt 'hardline' formal enforcement tactics where instances of slum landlordism were identified using this method.

## 3.5 Case characteristics

*Nature and severity of issues*

The majority of cases seen by the PSH enforcement teams related to licensing breaches and housing standards offences, including the presence of severe hazards as described in the case notes for BCB-A below and indicated by the FGF-F's informal schedule of works.

> *The three-bedroom terraced property was overcrowded; had no hot water upstairs; ceiling had collapsed in the bathroom; cockroach infestation; bedbug infestation; and other significant disrepair.* [BCB-A case notes]

**Box 3.1 Informal schedule of actions, FGF-F case notes**

Hazards/deficiencies/actions include:

- Rat infestation (addressed by Council) – reduce outdoor vegetation growth to prevent recurrence.
- Remove household refuse and contaminated bins, from rear garden and cellar
- Seal cellar cabling and pipework
- Provide fire risk assessment for building
- Refit flat and cellar doorframes, to meet fire safety specifications
- Enclose electrical installation in fire resistant material
- Address damp in the walls and throughout the building
- Additional list of minor defects not included in the schedule of works.

Other forms of illegal activity also occur within the PRS and PSH officers may discover these in the course of their activities. Some officers indicated that finding cannabis grows was a typical element of their current work, usually in inner city areas where they perceived there to be higher levels of crime than in rural areas. These activities can be associated with distinct forms of hazard that can be addressed through a housing standards and enforcement lens:

> *It's not uncommon for us to find either illegal immigrants, which we believe could have been brought in by the landlord or people they know. Things like sex slavery, modern slavery. It's things that we start to see, I'm not saying on a daily basis, it's not quite that bad, but yeah, it's not the first time. … Cannabis grows. Yeah, there's quite a lot of illegal activity.* [PSH-BCB07]

> *Well, obviously any cannabis farm is a serious thing for housing. Mainly so because the electrics on the property, usually they are bypassed and they're not bypassed very well. We have loose connections here and there and it is a severe fire hazard.* [PSH-HIH09]

However, there appeared to be some variation in the degree to which PSH services identified crimes occurring in the PRS and how far they were viewed as part of their enforcement remit:

> *There is a local authority we were in a meeting with that said, "We don't have the same criminal problem in our area that you do." … It's a shame they don't realise that's the human trafficking epicentre of the north, isn't it? So some of this is people don't actually know what they've got in front of them.* [PSH-HIH01]

Whether addressing organised crime is viewed as a core element of PRS enforcement has implications for the nature of interagency working undertaken by the PSH service (see section 9.4).

### *Tenant vulnerability*

Tenants victimised by slum landlordism were invariably vulnerable in one or more respects. As noted above, migrants are particularly vulnerable to exploitation in the PRS, not least when their immigration status is unlawful or uncertain. Within the case study authorities, two characteristic groups of tenants emerged: those from an international background and those who were vulnerable due to mental health and/or substance use problems.

> *On my first inspection, there was, I would say six of the flats probably had alcohol or drug issues. One of the flats was maybe mental health issues and then there's a separate flat kind of underneath it that doesn't have access to the common parts. Generally students in there.* [PSH-BCB06, BCB-F case lead]

> *Particularly the really bad [enforcement cases], they're vulnerable. They're either migrant households or they're vulnerable households.* [PSH-FGF02]

Older people were a third group present in a number of the case studies, reflecting tenant survey evidence that this group is less likely to report problems.[48]

A common issue across these tenant groups was that normalisation of the poor conditions in which they lived had prevented or delayed them from seeking support. In FGF, a case worker reported their initial impressions of one such case involving a large migrant family:

> *Contacted tenant on the phone, who reported damp and mould, ceiling in dining room came down. She didn't sound very concerned.* [PSH-FGF04, FGF-D case lead]

They went on to describe the property as one of the worst cases of damp and mould she had ever seen, which necessitated evacuating the tenants from the property that same day to carry out Emergency Remedial Action.

## 3.6 Initial investigations

When cases are first flagged to a PSH service, they conduct a series of initial investigations to assess for the presence and severity of any issues and determine who is responsible for the property. These include administrative checks and informal and formal inspections.

### *Administrative checks*

PSH officers carry out administrative checks to ascertain details of property ownership, tenancies and any management arrangements. At the initial investigatory stage, these may be very brief, but could include reviewing Companies House, Land Registry, and council tax records and requesting information from the landlord such as gas and electrical safety certificates and further information on ownership (interest in the land and any other person with an interest).[49]

> *So pre any inspection we will do the checks of Land Registry, council tax, look at who the owner is, and if there's a managing agent, before we go out. And I had done the Land Registry search and found the company who owned the property at the time. And their name had come up before in previous officer's investigations, mostly with properties that were meant to be licensed but weren't. And then when they've gone along similar thing of conditions not being adequate… That company had proven that once they were caught, they weren't then remedying the problems. So those properties that weren't licensed, they weren't putting in applications, and they would be quite obstructive. So, probably going in, I knew that they were the owners and it was likely to be a similar thing while I was outside the property.* [PSH-HIH04]

Checks establishing familiarity with property owners or managers may inform the path taken by PSH officers should enforcement action be necessary. See section 5.2 for details on further investigatory activities when an offence has been identified.

### *Informal inspections*

PSH officers typically begin their investigation with an informal inspection to gain an overview of case details and determine whether it is necessary to take action. PSH services have developed inspection forms to support officers in making thorough inquiries. The contents for FGF were typical.

[48] Rich & Smith, *Living in the private rented sector in 2025.*

[49] Under s16 Local Government (Miscellaneous Provisions) Act 1976

**Box 3.2 Contents of an inspection sheet, FGF-H case notes**

- Property size and tenure
- Agent and owner details
- Number, gender, and age of children residing in the property
- Heating system, Hot Water system, relevant energy certifications
- Tenant ethnicity and disability status
- Decent Homes Standard checklist
- HHSRS checklist
- Property condition checklist for each room of the house

## 3.7 Formal inspections and HHSRS assessment

Where an informal inspection – or evidence produced through another route – indicates a likelihood that a hazard is present or a licensing or management breach has taken place under the Housing Act 2004, then PSH officers will arrange for a section 239 formal inspection to determine whether this is the case.[50] The notice is served to the landlord and tenants, and landlords are invited to attend. A minimum of 24 hours' notice is required, although some PSH officers indicated they aimed to issue the notice of inspection several days or even a couple of weeks in advance.

> *I issued a notice of intended entry under section 239 of the Housing Act to inspect the property… Basically gives the landlord the heads up that you're gonna inspect with the view to serve a formal… Usually an agent or owner would turn up to the inspection to discuss the issues, but that didn't happen.* [PSH-BCB02, BCB-A case lead]

The section 239 inspection is the PSH officer's opportunity to gather evidence of an offence with a view to initiating formal enforcement action. It is a requirement for taking formal enforcement action under the Housing Act 2004, unless there is an emergency. Evidence collected during a section 239 inspection can include full HHSRS assessments for 29 potential hazards, photo records of hazards, and may also include PSH officer reports and reports by accompanying professionals such as Building Control Officers, who have specialist knowledge to assess hazards like structural collapse and fire safety.

One PSH officer described the process for undertaking a HHSRS inspection:

> *We have our own inspection sheets that created that are based on HHSRS. So that would list the 29 hazards that we'd be looking for. The inspection sheets list out into each room. So like you'd go into the kitchen and there's a bit of a checklist where we can say Is there natural lighting and is there smoke detection. Things like that. So it's a bit of a tick box exercise. Then whenever we find a deficiency, we would take notes down of what the deficiencies. We do layout drawings as well.* [PSH-BCB07]

HHSRS assessment may be used for proactive and reactive inspections, and during both the initial inspection of a property and investigation for potential hazards. These inspections are also used to assess whether statutory notices such as improvement notices have been complied with, in order to determine whether enforcement action needs to be escalated.

[50] PSH officers in BCB indicated that, during the COVID-19 pandemic, they engaged in more administrative investigations than usual before going out to conduct formal inspections in person.

## 3.8 Licensing enforcement

PSH services can assess compliance with licensing[51] and management regulations for PRS properties through proactive inspection (for instance, within a number of years of issuing the license) or reactively in response to complaints. Maintenance of property standards is a common requirement of licensing conditions, but licensed properties may also be subject to additional management conditions, for instance provision of certain information to the tenants. Breaches of licensing and management regulations are an offence under the Housing Act 2004 (see section 2.3). As such, compliance inspections are another route through which PSH services may identify housing offences.

*HMOs*

All LAs are required to carry out inspection and enforcement work around houses of multiple occupation (HMOs) that require licenses. Case study authorities indicated that converted HMOs were a style of property that was associated with higher rates of – and more severe – hazards. When working with HMOs, PSH officers described approaching investigation and enforcement through both the Housing Act 2004 and the associated HMO management regulations.[52]

> *This was a flat in the building, so there was problems with the communal area and the fire alarm system. So the management regs were used and the owner and letting agent was emailed and told to get the works done within a short period of time. Under the management regs, there's no notices under the management regs, so you can go straight to civil penalty. But what we do is usually give about seven days, but it depends on the circumstances.* [PSH-FGF02, FGF-F case lead]

**Box 3.3 Example HMO case, BCB-E case notes**

Commercial premises with two self-contained flats above it. No record of conversion to domestic property or meeting appropriate building standards, so it qualifies as a s257 HMO, which is subject to The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007.

Breaches of The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 were found. Specifically:

- Regulation 5 Duty of manager to take safety measures,
- Regulation 7 Duty of manager to supply and maintain gas and electricity,
- Regulation 8 Duty of manager to maintain common parts, fixtures, fittings and appliances,
- Regulation 9 Duty of manager to maintain living accommodation.

In the case of section 257 HMOs, where a whole building has been converted into self-contained flats without Building Regulations approval (and which does not comply with current building standards), HMO licensing conditions do not apply but they are subject to certain management regulations. PSH officers reported that this type of property is at greater risk of containing hazards:

> *We used to have what was called a non-licensable HMO team that was there to pick up the s257 HMOs, the self-contained flats that hadn't gone through building control or the properties that were four beds or less sharing so didn't meet the requirements of HMO licensing. And … naturally because of how they're set up, the hazards can be quite serious. It's usually the fire, it's the lack of space, it's stuff that you commonly see.* [PSH-HIH03]

[51] This research did not explore LA processes for designing and implementing additional licensing schemes.

[52] The Management of Houses in Multiple Occupation (England) Regulations 2006

Whilst taking action under the management regulations can be the most expedient option, one case study (FGF-G) also illustrated the challenges of taking enforcement action against an HMO property through this route. A property's status as an HMO depends on the number of occupants, meaning that if tenants move out, the property may no longer be regulated by HMO management regulations, and enforcement action must start again from an alternative legislative basis. This can lead to delays in resolving problems with housing standards.

*Selective licensing*

Amongst the case study authorities, only HIH had run a selective licensing scheme, and they conducted proactive inspections to monitor properties in the licensing area for compliance. Selective licensing breaches are a common feature amongst the cases reviewed for that service, both in relation to housing standards concerns and as a regulatory tool employed by the unit focused on organised crime, as affected properties often fall within those areas. Although limitations in data collection make it difficult to objectively measure property standards across the PRS in any given area, PSH officers echoed findings from previous research by CIEH and the Chartered Institute of Housing (CIH),[53] indicating they associated the selective licensing scheme with an improvement in local property standards:

> *It's definitely a good thing, to be honest, and I've definitely seen an improvement in the housing stock. People who had property and failed to spend any money whatsoever to bring it up to a decent standard.* [LS-HIH02]

Selective licensing offences fall into two main categories: section 95(1) offences of failure to license a relevant property in a selective licensing area, and section 95(2) offences of failing to comply with license conditions.

Officers viewed s.95(1) as administrative offences that tended to arise from landlord ignorance:

> *The norm that we see with these types of offences are individuals that have just not complied with the legislation, either through pure ignorance. All unknown, they bought properties in the interim of selective licensing unknown, which they should have done with due diligence and so forth, when they actually took out the surveillance checks in their consultations, and so forth.* [PSH-HIH04]

Properties registered with the selective licensing scheme were subject to regular visits in which PSH officers would assess their compliance with license conditions:

> *Now, depending on the condition of the property, depends on then what action we will take. If it's quite not too bad, but you know there is a few works that need to be done generally, you'll just write an informal report. And within that informal report we'll list all the defects or anything that we find that we think should be repaired or brought up to date. We also do the full HHSRS… Now if we go to a property that is in a bad state of repair and it breaches the license conditions, which could be management breaches in the way that they've not looked after the house; things are not up to scratch; it's not safe or so on; or they've got too many people in there; they've not notified us of changes within their license, so they've got a new managing agent, things like that; [then] we will look at possibly taking 95(2) action.* [PSH-HIH09]

[53] CIH and CIEH (2019) *A License to Rent*, Chartered Institute of Housing, Chartered Institute of Environmental Health. https://www.cieh.org/media/2552/a-license-to-rent.pdf, accessed 8 Oct 2025.

**Figure 3.1 Excerpt from an evidential test for a s95(1) licensing offence, HIH-A**

| EVIDENTIAL TEST – SECTION 95 (1) OFFENCES | | | | | |
|---|---|---|---|---|---|
| EVIDENCE OBTAINED CONFIRMING OCCUPANCY AND PERSON IN CONTROL/MANAGING A HOUSE WHICH IS REQUIRED TO BE LICENSED BUT IS NOT SO LICENSED | | | | | |
| No. | Evidence type | Physical evidence obtained | | | Action Required |
| 1 | Land Registry search | YES | NO | | NO |
| 2 | Companies House search | YES | NO | N/A | NO |
| 3 | Council Tax search | YES | NO | | NO |
| 4 | Benefits search | YES | NO | | N/A |
| 5 | Tenancy agreement | YES | NO | | NO |
| 6 | Confirmation of who receives rent payments | YES | NO | | NO |
| 7 | Evidence of benefit payments | YES | NO | | N/A |
| 8a | Statement from tenants | YES | NO | | NO |
| 8b | If yes to 8a, is tenant a reliable witness? | YES | NO | N/A | NO |
| 9 | Section 16 notice served and responded to | YES | NO | | N/A |
| 10 | Section 235 notice served and responded to | YES | NO | | N/A |
| Comments/any additional evidence required: | | | | | |

Whilst the selective licensing regime appeared to facilitate thorough and proactive inspection work, one PSH officer observed that it was associated with an increased administrative burden that put pressure on already strained service resources:

> *It gives you a license that you can enforce. Which, on the face of it, everybody would say, well, that's great because it means everybody has to apply for a license and you know where all the private rented properties are. But what comes with that is a massive admin burden. … I don't think it's particularly efficient now. That's perhaps because we don't have enough admin staff. We're not funded well enough to administer these licensing schemes. If any politician asked me "What do you think of selective licensing?" I would say "Well, it's a massive admin process and unless you get the admin right, unless you unless we're funded adequately to literally just employ admin staff, it means that the actual PSH officers are spending far too much of their time doing admin."* [PSH-HIH08]

Outside of their role in the prevention of and enforcement against housing offences, one further benefit of selective licensing schemes identified during this research was their potential for identifying tenants at risk of landlord exploitation. As noted above (section 3.4), tenants will not necessarily complain about poor property conditions, in which case no reactive inspection will be triggered. But the proactive inspection regime associated with property licensing offers PSH officers an opportunity to enter properties and speak to tenants with whom they may not otherwise have contact.[54]

## 3.9 Conclusion

This chapter demonstrates how slum landlordism may be discovered by PSH services through programmes of reactive or proactive inspections that uncover property hazards and/or breaches of

[54] For further information, see L. O'Malley, L. Parton & J. Rugg (2025) *Landlord-perpetrated tenant abuse in the English private rented sector*, University of York. https://doi.org/10.15124/10.15124/yao-3bc2-ds83

PRS property licensing and management regulations. Themes amongst cases at the upper end of severity shared with the project by case study authorities included the discovery of multiple hazards, potential links with organised crime, and very vulnerable tenants.

Whilst certain assessment practices, such as the HHSRS, are universal, initial responses to potential hazards and housing offences are also informed by the PSH service structure, its enforcement policy, and any licensing and management regulations that apply to the property. PSH officers indicate that proactive modes of working are associated with strategic benefits, but they can be more resource-intensive than reactive models.

The next chapter addresses how PSH services can take enforcement action where an offence is established.

# 4 Taking enforcement action against hazards

## 4.1 Introduction

This chapter sets out the initial set of enforcement actions available to a PSH service on the identification of hazards in a PRS property. The choice of action depends on case characteristics such as its severity, the risk to occupants, and whether the landlord is previously known to the authority. This process of assessment and initial action is an opportunity for the service to take a strategic decision to engage in more stringent enforcement measures with suspected slum landlords (see section 1.2).

The chapter starts by describing how PSH officers choose between informal and formal enforcement action, going on to provide an overview of informal ways of working before addressing formal enforcement measures, including improvement notices, prohibition orders, and management orders in separate sections. The chapter concludes by identifying reasons PSH services might use legislation other than the Housing Act 2004 as a basis for enforcement and noting some variation in whether they charge for enforcement activities.

## 4.2 Initial action assessments

Once a hazard has been identified, the officer needs to decide what action (if any) to take. Identification of hazards under the HHSRS can be used as a basis for moving directly to formal enforcement action by serving an improvement notice, but PSH services also have the option of serving informal hazard awareness notices with notifications of works required and reviewing the property to ensure reasonable progress has been made before escalating. In the post-Grenfell era, hazards related to fire safety are taken particularly seriously:

> *With the inspections we prioritise fire, it's the first thing we look at. And make sure the panel's working, the first thing we do when we walk in the door, in our team anyway. It's the big thing really cause it's got multiple people in these properties.* [PSH-BCB06]

In BCB, PSH officers described undertaking an initial action assessment where hazards were discovered, which gives enforcement guidance based on factors such as property condition, hazards assessed under HHSRS, vulnerability of occupants, and confidence that deficiencies will be addressed. PSH officers score the severity of the case and consider both aggravating and mitigating factors, including previous involvement with the landlord, whether they have been cooperative, and whether they have initiated works to resolve the issue. The scoring on this assessment helps officers to decide whether to take informal action, such as sending a hazard awareness notice with notification of works required, or whether to move directly to formal enforcement notices:

> *If it's sort of below 15, we'd normally go with informal action, so if it's very minor, it could be an e-mail, it could just be a letter. Or we'd do an actual notification of work where each hazard's written down and we tell them what the deficiencies are and the work they have to do within the time scale. If it's above 15, we'd usually look at taking formal action, which would be through improvement notice, prohibition order, things like that.* [PSH-BCB07]

## 4.3 Informal approaches

Where offences were first identified, informal advice in one-to-one communication between landlords and PSH officers was used frequently across all case study authorities. For example, evidence from FGF and HIH indicated that, where the PSH officers are familiar with a landlord, they may contact them by telephone or email rather than through official letters, both to seek updates about a property and to advise them on proposed courses of action. However, the degree of reliance on this strategy varied across authorities and sometimes between officers. Some PSH officers might engage in extended periods of informal working, involving ongoing communication with landlords and letting agents by email and telephone to discuss issues requiring their attention,

whereas others might escalate to formal notices if initial informal contact does not resolve the issue.

> *We sent out a letter to an agent or landlord, and it basically says, 'This has been reported to the Council. You've got 28 days to sort these issues out without our intervention – without the need for us to get involved – and if the work's not completed within that time scale, we'll come out and do a full inspection and serve the [improvement] notice because you've been given the opportunity to do the works.'* [PSH-BCB02, BCB-A case lead]

Upon identification of hazards in a property, a PSH service can choose between serving an informal hazard awareness notice with notification of works required or a formal improvement notice. Their contents are similar – specifying the hazards found and the works required to remedy them – but differ in that failure to comply with an improvement notice is a criminal offence.

Where there is ongoing communication between landlords and PSH officers, inspections or formal notices may be delayed if they receive advice that arrangements are underway to get works done.

Only BCB regularly served informal notifications of works required, rather than moving straight to an improvement notice after hazards were identified, but they would escalate to formal enforcement action where these did not resolve the issue:

> The Housing Standards Team were alerted to a range of hazards in the property by a social worker. They sent an informal notice to the property owner and managing agent to rectify the deficiencies. Inspection revealed a large number of category 1 and 2 hazards and the case officer was informed management of the property had moved from the agent back to the owner. The council served an informal notice. Inspection [a month later] showed works had not been completed, so the council served a formal improvement notice. [BCB-A case notes]

## 4.4 Improvement notices

Improvement notices served under the Housing Act 2004 are the most common form of formal enforcement action for addressing failures in housing standards. Section 11 and section 12 notices address category 1 and category 2 hazards, respectively. These were the starting points for many of the severe cases reviewed in the case study authorities.

In severe cases, the scale of the hazards identified in a property raised the possibility of a range of formal enforcement actions. PSH services preferred using improvement notices where possible because they allowed properties to remain occupied. Alternatives, such as prohibition orders, would have more negative consequences for the tenants, who would have to leave the property:

> *I was left with this situation of, OK do I continue with this improvement notice or do I look at some new course of action, because clearly what we've done before isn't working. But when we serve emergency prohibition orders there is obviously the fact that we are immediately making someone homeless.* [PSH-HIH03, HIH-M case lead]

Given these considerations, PSH services might use combinations of formal enforcement action to minimise the duration for which a property would be off the market:

> *So alongside the EPO [emergency prohibition order], an improvement notice was served as well to address all the other hazards in the property which weren't in imminent risk.* [PSH-BCB02, BCB-C case lead]

Suspended improvement notices, that do not come into force for a period of time or until a certain change of circumstances, can be served where hazards do not pose an imminent risk to tenants. PSH services used these when properties were unoccupied, or where strong evidence indicated that

the hazards were caused by tenant action and/or the tenant was preventing works from being completed, e.g. by obstructing access.

> Notice reflecting owner photos and claims that tenants caused substantial damage. Notice varied to reflect the serious hazards that must be addressed, with category 2 hazards to be addressed after the tenants vacate the property. [BCB-A case notes]

One of the challenges in serving improvement notices was determining who was in control of the property (see section 9.5). There was a sense that criminal landlords might be intentionally evasive about identifying who that person was in order to avoid enforcement proceedings:

> *There was a bit of confusion about who was actually in control of the property, which is, you know, quite important because our legislation says they have to serve on the person having control of the property. So both the agent and the owner were quite evasive about providing that information.* [PSH-BCB02, BCB-A case lead]

Failure to comply with an improvement notice is an offence and forms the basis for further formal enforcement action, such as CPNs or pursuing criminal prosecution. However, some PSH services took more lenient approaches to account for landlord circumstances in the event of works not being completed within the time specified:

> *Did serve a section 11 improvement notice for fire and also section 12 for structural collapse… But because she [the landlord] was going through her insurance company we decided to give her the time to do that because there was only one flat that was occupied. So the improvement notices lapsed and no further action was taken at the time because we're waiting for the insurance company to come back to us.* [PSH-FGF04, FGF-E case lead]

The consequence of such choices, however, is that if the service did identify a need to escalate enforcement action, then it would need to start the process of inspection and improvement notice again from the beginning.

## 4.5 Local authority works

Where a landlord fails to act on an enforcement notice, then PSH services can undertake improvement works themselves under the Housing Act 2004 schedule 3 and recover the costs from the landlord. PSH officers in the case study authorities were asked about when they would consider undertaking these 'works in default', but it was only a strategy regularly used by FGF, which had a dedicated fund to support this activity. Despite having some resources available to support work in default, it was not a straightforward undertaking. This PSH officer describes their process:

> *We would look at what the actual works are sort of how serious the works are. And also I suppose we'd have to consider our budget and most of the time if we've gone to improve that's because we think the hazards are serious enough to require works and to act on. So we would just most of the time just progress it. We'd have to get approval to go to default from our managers. We have to write it sort of like a report to have it authorised that we can go to default with a rough estimate of the cost. And it's not the easiest of processes, it's quite complicated because you end up having to get three quotes for all of the works. That is one of the problems that most of the officers and managers you know found problems with, because you're then ringing up contractors. "Can you come and do this? Can you give me a quote?" You've got to prove that you've gone with the cheapest and you've got to meet the contractors on site, quite often, explain what he's doing. But most of the time, if we've gone to improvement notice, that's because we feel like the works should be carried out. And therefore when the landlord doesn't bother, we do normally progress it and we'll do it ourselves.* [PSH-FGF06]

Even with their willingness to undertake works in default, FGF officers did encounter financial barriers where more significant work, for example around external structural safety, was required. In BCB and HIH, these barriers were almost entirely prohibitive:

> *There's this issue because obviously there's the problem of recovering that money back from the landlord and the cost implications as well. So usually for drainage defects like leaking, it's fairly inexpensive. It's not as expensive as more problematic repairs. So you may be talking £250 to £500. But more recently we're having to reconsider carrying out works in default because of the financial position of the Council.* [PSH-BCB02]

Instead, these officers talked about invoking alternative legislative powers such as prohibition orders, which they viewed as quicker options, serving notices under the Building Act or the EPA, or pursuing prosecution. One HIH case showed that the council had undertaken works to correct defects under alternative legislation powers:

> Local Govt Act (Misc Provisions) 1982 – Section 29 Protection of Buildings notice: Property not effectively secured against unauthorised entry. Council to execute works to rectify and recover expenses. [HIH-H case notes]

However, officers in BCB also raised a concern that landlords might view works in default as the councils 'doing the work on their behalf' where, because of the challenges of engaging in debt recovery, they 'didn't have to pay'.

**Box 4.1 A PSH officer perspective on works in default, PSH-FGF02**

*As a council, we've always done works in default. We have a Work in Default budget which is quite small, but we have it anyway. And I think my manager this year has increased it up to 100,000 pounds, which is a significant amount of money for our team to use. We have taken the view that non-compliance with the notices by a landlord, it shouldn't be the end of the road as far as we're concerned, because it still leaves the tenant living with poor conditions. All we've done then is serve notices and created financial penalties for a landlord. We haven't improved the living conditions of the people in [city FGF], which we're tasked to do. I can't imagine working for a local authority who doesn't do it to be honest with you, it would seem very strange to me that we require all these works to be done because we've said they're not safe and cause health hazards, and then just walk away without doing anything about it.*

In urgent cases, the Housing Act 2004 section 40 allows LAs to take emergency remedial action to address property hazards that pose serious harm to the occupants, without first seeking agreement from the owner (see section 2.2). Where a category 1 hazard is identified as posing an immediate risk, the council can enter the property, perform necessary work, and then recover the costs from the landlord. A notice detailing the action must be served on the owner within seven days. Like undertaking works in default (above), only FGF evidenced regular use of these provisions:

> *If we feel that there's an imminent risk of serious harm and the works are fairly minor, fairly easy to get done, we will require the works to be done under an emergency remedial action notice… we won't give them any more than 24 hours usually, and then we would do the works in default because there's an imminent risk of serious harm. But we do have a small default budget which I know not a lot of local authorities have, and we do work in default.* [PSH-FGF02]

Whilst section 40 provisions do not require the council to serve a notice of entry, case documents indicated notices often served to the owners specifying a short period of time – between 24 to 48 hours – for the landlord to address the issue, and indicated that if it was not resolved in this timeframe then the LA would enter, complete the works, and recoup costs.

## 4.6 Prohibition orders

As noted in section 2.2, where serious hazards are identified in a property, then LAs can prohibit its use. Use of prohibition orders was discussed across case study authorities, in reference to a third of the serious cases examined. However, all PSH services talked about avoiding the use of prohibition orders where they felt there was a viable alternative due to the implications for the property's occupants, the landlord's council tax liability, and the availability of properties in the local private rental market. As opposed to alternative enforcement measures, such as improvement notices, prohibition orders come to an end when the hazardous circumstances are remedied rather than after a defined period of time. This means that the property could potentially be removed from the PRS for an extended period, which was a significant concern in high-pressure local rental markets.

> *You serve prohibition orders and they don't have to pay council tax. And these properties then become empty and, you know, there's a house, perfectly could be a serviceable house, out of the rental market.* [PSH-BCB03]

One of the challenges for LAs in serving prohibition orders is that they risk making the property's occupants homeless, and therefore, they put additional pressure on the enforcement team's colleagues in the Housing Options (homelessness) service. Housing market pressures meant accommodation would often be out of area, or even out of region. PSH officers particularly avoided the use of prohibition orders for properties housing large families: due to the challenges for Housing Options teams in finding an alternative property to accommodate a large number of people, there was a risk that families would be split up. In such cases, and particularly where the hazard primarily related to overcrowding, LAs might extend the date before the prohibition order comes into effect – for instance, 28 days after the notice – in the hope that this would allow enough time for an alternative to be identified (see section 2.2).

Emergency prohibition orders are served in particularly acute cases, where inspection reveals immediate risk to the occupants. PSH officers might work closely with partners such as Building Control officers or the fire service to make these assessments. Case examples included instances of rotten floor joists putting the structure at imminent risk of collapse; acute fire safety hazards; and serious sewage leaks. PSH officers also worked closely with Housing Options teams in these instances, providing them with some advance information about the tenants in the hope that they could pre-emptively locate alternate accommodation. However, they noted that in some instances the tenants might refuse to leave the property or the landlord might fail to encourage them to do so, both of which are an offence.

An exception to the broad reluctance to serve prohibition orders was apparent where the PSH service was working closely with other enforcement agencies such as the police or Trading Standards. In these cases, prohibition orders might be used intentionally to reduce or remove the use of the property for criminal activity.

## 4.7 Management orders

As noted in section Licensing, other action and overcrowding2.3, LAs have the power to make management orders to take over control of a property where hazards are present and/or they have no reasonable prospect of being able to issue a license. However, none of the case study authorities had made use of these powers to take control of properties through management orders of any kind. A small number of LAs in London, and one in the North East, are known[55] to have taken on management orders, but evidence suggests there is very little use of these provisions across the country.

[55] 'London Council Takes Control of Landlord's 18 Homes', Landlord News, *Property118*, 27 August 2025, https://www.property118.com/london-council-takes-control-of-landlords-18-homes/, accessed 07 Nov 2025.

**Box 4.2 Challenges of using management orders, Criminal lawyer 4**

*There is a quite clear duty under the Housing Act 2004 to impose interim management and final management orders when properties aren't licensed, and there's no reasonable [way forward]. But again, [London Borough is] one of the only local authorities I know who actually use them semi-regularly, and whenever they do, it's always a pain in the neck. But nevertheless they're prepared to do it. So unless you have a properly trained and well-resourced department, who knows how to do these things and is prepared to take the fight on, is well backed by their members. It's never going to be an easy sell, even if there is a duty to do it … Well, I think, because they effectively have to take on the role of being a property landlord or akin to being an estate agent in a way, having to deal with tenants, having to go around and sort out repairs. Minor repairs, kind of a stuff more of a social housing department might do on the other side of the team. The private sector housing departments, in my experience, aren't quite so keen to take on that responsibility and to collect rent and hold on account, and pay across to the landlords and maintain accounts for repairs and things like that. It's there's quite a lot of responsibility that goes along with putting an IMO in place, and for good reason, absolutely. But again, when teams are so busy, the prospect of taking a property on an IMO, even when they know they have to, isn't, I think, that fills offices with glee or relish.*

## 4.8 Beyond the Housing Acts

Whilst the Housing Act 2004 is the primary tool for PSH services in enforcing against housing offences, all three case study services, and particularly officers in FGF, described instances where they might use other legislation to achieve their aims. The Building Act 1984 and EPA were the most commonly cited for addressing hazards, but officers also made occasional use of certain investigatory powers under the Local Government (Miscellaneous Provisions) Act 1976 and building protection powers under the Local Government (Miscellaneous Provisions) Act 1982 s.29.

Reasons for going beyond the Housing Act included financial considerations and expediency, for instance by requiring owners to undertake repairs in a very short window of time. For example, PSH-BCB02 describes considering alternative legislative pathways, such as serving notices under the Building Act 1984 or EPA instead of considering works in default, because the council's financial position prohibits expensive outlays.

**Box 4.3 Notice under Environmental Protection Act 1990 Section 80, FGF-A case notes**

Abatement notice in respect of a statutory nuisance: a lack of an adequate supply of hot water.

- Required to resolve within 19 hours of receipt of the notice.
- May appeal against the requirements to the magistrates' Court within 21 days from the service of the notice.
- Failure to comply without reasonable excuse risks a fine up to £5,000 (or £20,000 on a business premises) following summary conviction.

The Building Act section 59 enables councils to address issues with building drainage rapidly. Similarly, the EPA section 80 concerns nuisance including defective guttering, water pipes and drainage. The EPA was considered helpful for addressing urgent issues as it was faster to carry out work in default and possible to suspend appeals on the notices where there is a risk to health:

> *We'll have used the Building Act because it will have been a quick turnaround to get the gutters cleared. The Housing Act notices are a bit long-winded to draft sometimes, so if we need something done quickly and it meets the Building Act, we will use the Building Act. If it's not an emergency action we'll use the EPA.* [PSH-FGF02, on case FGF-I]

However, as the same PSH officer went on to explain, the choice of legislative tool has implications for future enforcement options, for instance because the PSH service was less likely to escalate enforcement action that was not underpinned by the Housing Act 2004:

> *Well, the Building Act is prosecution only so, again, it's unlikely we will prosecute somebody for not complying with the Building Act notice. … the Environmental Protection Act, that's probably the same. … We would take action under the Housing Act and we do serve civil penalties and we have prosecuted under the Housing Act.* [PSH-FGF02]

Use of legislation other than the Housing Act 2004 appeared to be a more common course of action in BCB and FGF cases, but a sizeable proportion of the HIH cases reviewed came via their specialist criminal landlord team, which may have informed the courses of action used.

## 4.9 Charges for enforcement

The Housing Act 2004 makes provisions for LAs to charge for the cost of their enforcement work, but case study evidence indicated that these powers are used inconsistently across authorities. BCB makes it clear when they send improvement notices that they charge for the administrative costs of enforcement in addition to issuing civil penalties where improvements are not carried out. FGF consistently billed landlords for all the PSH service's investigatory and enforcement activity after informal actions, in addition to charging for works completed and issuing CPNs. By contrast, HIH did not appear to make significant use of these powers.

**Box 4.4 Example of enforcement charges, FGF-H case notes**

Council inspection of terrace house of a family with three young children uncovered a series of defects including a category 1 electrical hazard. Council took emergency remedial action (s.41) on the electrics and served an improvement notice for remaining hazards. No action taken. Served remedial notice for outstanding electrical work. No action taken. Council undertook defaults works, served civil penalty for electrical deficiencies of £2,500, and served civil penalty for failure to act on improvement notices £14,650. Council made use of right to recover costs throughout, totalling above £10,000.

## 4.10 Conclusion

This chapter has reviewed the enforcement options open to PSH services where hazards are identified in a property. Although all services have some provision to work informally, where the case shows signs of slum landlordism, they can choose to move straight to formal action. The Housing Act 2004 offers an array of tools for formal enforcement (see section 2.2), of which improvement notices tend to be the preferred approach because they require the landlord to remedy hazards without necessitating LA expenditure or for tenants to vacate the property. Powers from outside the Housing Act 2004 may occasionally be used where they are expedient in terms of timeframes and cost implications.

Two learning points emerge from the evidence reviewed in this chapter. First, PSH services should be clear in their understanding that a landlord's failure to remedy property hazards in a timely fashion following an informal notice is a sign of slum landlordism, and that cases should be escalated from informal to formal enforcement measures within a consistent timeframe. Second, whilst PSH services' reluctance to issue management orders reflects a context of resource constraint, these powers represent a valuable opportunity to remove PRS properties from slum landlord control whilst retaining them in the local PRS market and could be strategically incorporated into the array of tools used for strategic enforcement.

# 5 Preparing to escalate enforcement action

## 5.1 Introduction

Where landlords fail to act upon – or act in breach of - statutory enforcement notices, this is a criminal offence and invariably a sign of slum landlordism. PSH services may consider escalating enforcement by taking civil or criminal legal action. In the case of breaches of an improvement notice – the most common offence – the choice is between issuing a CPN, seeking criminal prosecution, or taking alternative (and perhaps no) action. The decisions will be informed by the evidence that PSH officers have collected about the offence, whether the landlord has offered a reasonable excuse for failing to complete the works, and the service's enforcement policy and procedures.

This chapter describes the administrative investigations carried out by PSH services who are looking to pursue a CPN or prosecution, and the legislative tools underpinning them. It explains the use of interviews under caution using the Police and Criminal Evidence Act (PACE) 1984 and, finally, considers the assessment processes and considerations used to determine an appropriate course of action.

## 5.2 Administrative investigation

Where PSH officers begin to look at taking formal action for a housing offence, their first step is to complete any administrative checks not undertaken during the initial investigation.

> *We found all the evidence throughout the search case, through our phone systems, through the council tax systems, land registry. Stuff to make sure we have all the correct details of everything, and then we discuss quickly in the peer meeting that we have on every week. And then yes, we moved on from there with a PACE questionnaire and a PACE interview for the for the landlord to come back and give evidence.* [PSH-HIH04]

PSH services use their powers under a variety of legislation to obtain information about properties and their owners. Officers can write to landlords or their representatives under the Local Government (Miscellaneous Provisions) Act 1977 s.16 to request details of property ownership and other information, for instance tenancy agreements and anti-social behaviour procedures for licensed properties. The Landlord and Tenant Act 1954 s.40 can be used to request information from the tenant about occupancy and whether any part of that occupancy is for business purposes.

The Housing Act 2004 section 235 allows a local housing authority to require the production of documentation that the authority might need to carry out its functions under Parts 1 to 4 of the Act and to investigate whether an offence committed under those Parts in relation to any premises. This includes determining who is responsible for the property. A notice requiring the production of documentation must specify or describe the documents, or class of documents, which must be produced and must specify a time and place at which they must be produced.[56] Private landlords, having obtained an electrical inspection report, must 'supply a copy of that report to the local housing authority within 7 days of receiving a request in writing for it from that authority.'[57] Where they have not already done so, PSH officers typically request gas and electric certificates alongside issuing a section 239 inspection notice.

[56] Housing Act 2004, Explanatory Notes.

[57] Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 Part2 s.3(3) https://www.legislation.gov.uk/ukdsi/2020/9780111191934

## 5.3 The Police and Criminal Evidence Act 1984

PACE 1984 'sets out to strike the right balance between the powers of the police and the rights and freedoms of the public.'[58] Multiple codes of practice have been issued under the Act, including on the detention, treatment, questioning and identification of persons by police officers.[59] Although PACE does not apply to LAs, to avoid their evidence being challenged, they will ensure that any interview meets the relevant PACE code of practice.[60]

PACE letters or interviews were used widely across the case documents in LAs other than FGF, where one officer stated:

> *No, we didn't do any of that. I think I've just made attempts with phone calls and emails just to try and get in touch to see if he [the landlord] was going to do the works and then we just followed our procedure, which was go to default.* [PSH-FGF06, FGF-H case lead]

It is possible that the works in default fund at that authority created differences in the enforcement pathway, as they may have been less reliant on serving improvement notices on landlords in order to remedy housing standards issues.

### *PACE interviews*

Typically, failure to complete works detailed in an improvement notice might be followed by an invitation to attend a PACE interview. Landlords are not obliged to attend PACE interviews, although PSH officers indicated that cooperation and signals of good will might be taken into consideration when assessing whether and what enforcement action to pursue. The function of a PACE interview is to allow the PSH service to gather evidence about whether a crime had been committed, who was involved, and who was legally responsible. Therefore, PSH officers frequently invited all parties known to be involved in running the property:

> *We'd PACE both [the owner and managing agent] because we'd need to understand who is legally responsible for the property. Just because the managing agent is managing a property, it doesn't necessarily mean that they are 100% liable for everything. They could have all sorts of agreements or contracts in place that means that they may just manage the tenant and not the property. And if that's the case, then we can't then start going at them for problems with the property. It's difficult.* [PSH-HIH06]

One officer positioned the choice to conduct a PACE interview – as opposed to responding to a PACE letter – as a strategic one in the run-up to issuing a civil penalty. It represented evidence that the PSH service had given the landlord all possible opportunities to explain their actions in relation to the suspected offence:

> *Yes. So the PACE interview again was offered at a later stage. That was following a PACE [letter] response, because we wanted to clarify and we wanted to query the actual legitimacy of those documents, and where that landlord obtained the documents from. They had to have come from somewhere. … We wanted to make sure that the landlord understood the offence that was committed. and we wanted to give them a reasonable ability to either bring in any forms of legal representation if they wanted to discuss the case itself. Because at the time we were at the point where we believed obviously, that offence was committed, and we were ready to take action on that offence through a civil penalty. We knew what our next steps*

[58] Home Office (2023) *Police and Criminal Evidence Act 1984 (PACE) Codes of Practice*. https://www.gov.uk/guidance/police-and-criminal-evidence-act-1984-pace-codes-of-practice, accessed 19 Nov 2025.

[59] See PACE 1984, s.66.

[60] See Home Office, PACE Codes E and F 2018 https://www.gov.uk/government/publications/pace-codes-e-and-f-2018 (accessed 12 November, 2025).

*would be. So we were giving every reasonable adjustment to that landlord to give any form of representation at the time.* [PSH-HIH04]

Repeated failures to attend PACE interviews were amongst the delaying and obfuscatory tactics adopted by slum landlords. Case evidence indicated they often failed to attend despite multiple invitations or engaged in protracted correspondence to negotiate a date:

> *The owner and his daughter were invited into PACE interview. We would want to question them about if they had any reasonable excuses as to why things were in the condition they were when we visited. They didn't attend. I think we invited them to two and they didn't attend either.* [PSH-BCB07]

PACE interviews could also be used by landlords to advance their own defence, and some chose to bring a solicitor to the interviews. Case evidence of interview transcripts indicates that landlords might seek to manipulate or mislead PSH officers by providing alternative accounts of events. Issues with obfuscation could also arise where PSH services were unaware of or unable to meet interpretation needs.

### *PACE letters*

The tactic of sending PACE letters, inviting the landlord to respond in writing to a set of questions, was predominantly reported in HIH cases. Their PSH officers often sent PACE letters on the discovery of breaches of licensing and management regulations at a property. It was also part of their policy to invite landlords to come in for a PACE interview and to interview them by letter if they fail to attend:

> *We decided to proceed with a PACE letter to the landlord in which we highlight the offence that we believe has taken place. And we query them on the events itself. So we query reasoning for not having license, and we query property management, property ownership, we query tenancy, all of those things.* [PSH-HIH04]

PSH officers are – not infrequently – targets of hostile, aggressive or abusive behaviour by persons they are enforcing against. Conducting PACE interviews by letter was also a strategy employed where there were concerns for officer safety:

> Invitation to PACE interview sent. Case officer received abusive email from landlord, PACE invitation rescinded and replaced with letter. [BCB-C case notes]

One PSH officer commented that it was rare to receive a response to PACE letter from landlords, which was also reflected in that service's case evidence. But there were also cases which involved more than one round of written correspondence. As discussed in the following quote, officers could encounter difficulties when relying on a PACE letter to collect the information needed for a housing standards case:

> *A PACE letter was served. Now retrospectively looking back, that was kind of the departmental procedure at that time. We've since moved towards PACE interviews, which are a much, much better way of getting information. You're limited by a letter – there's only so many questions you can ask, and it's very it's very directional. Whereas if you sit somebody in a room like we're having a conversation, it can expand in all directions and, you can quickly get the information you need. You can understand the mindset better. … These letters are useful for simple offences, you know, like somebody littering, you know, but not for the amount of information that we have to consider. For all the all the defects in our property and all the reasons as to why that actually happened and why they've not repaired it and what tradesmen they've used.* [PSH-HIH10, HIH-L case lead]

The difficulties in obtaining responses to PACE letters, and the advantages associated with PACE interviews in flexibility and depth and detail of information obtained, suggest that the in-person interview is usually the more appropriate tool for investigating housing offences. Nonetheless, as

the example from BCB indicates, the option to issue a PACE letter remains helpful where there are concerns for officer safety or arrangements for an in-person interview are otherwise impractical.

## 5.4 Assessing for legal action

In deciding on a course of action for failure to act on an improvement notice, PSH services can choose between pursuing criminal prosecution, serving a CPN, and issuing a caution. This decision-making process is guided by the PSH enforcement policy and, typically, a set of internal assessment procedures.

**Box 5.1 Assessment processes, BCB**

BCB used a three-part assessment process when deciding on how to take formal proceedings:

- Initial action assessment (discussed above in section 4.2)
- Formal proceedings assessment: Guides choice between informal and formal action. Property and offence scored on risk to health/safety, previous history, ability of witnesses, willingness to prevent recurrence, probable public benefit, explanation offered by defendant. A score above a certain threshold pointed towards formal action.
- Public Interest Matrix: Guides decisions between issuing a civil penalty, pursuing criminal prosecution, or issuing a caution. The PSH officer completing the form makes a recommendation based on their assessment of level of culpability, previous history, public interest, reasonable explanation, willingness to prevent recurrence, harm.

Officers in FGF complete a table of advantages and disadvantages for each option (see Figure 1, Appendix Two: Enforcement assessment documents). BCB and HIH had adopted very similar enforcement policies, including the assessment processes for deciding formal action. This involves PSH officers completing a series of forms that score the case according to factors including severity, harm and public interest (see Figure 2 and Figure 3, Appendix Two: Enforcement assessment documents). Based on the score, the officer will make a recommendation for a course of action, which then requires sign-off from a senior officer and/or service manager:

> *The officers have a template matrix which says prosecution versus civil penalty… There isn't really anything from a legal perspective that tells them they should do one or the other. Really, it's a bit of a local decision.* [LS-HIH01]

The most common recommendation for action is to serve a civil penalty rather than pursuing a criminal prosecution, the benefits of which are discussed in section **Error! Reference source not found.**. As the PSH officer below explains, thorough documentation of the full decision-making process is important for both prosecutions and CPNs, as for the latter, they must ensure that the case is sufficiently robust to withstand scrutiny from the FTT if the landlord chooses to appeal the decision:

> *We've got a CPN pro forma that we fill out and basically a checklist of what you need to consider before thinking about issuing a civil penalty notice. So that includes things like, have you served at [section] 239 before the improvement notice – because if not, then it will fall when it goes to the tribunal – whether you've served it on the person having control of the property and any other interested parties. … Whether you've got enough evidence to prove beyond all reasonable doubt.* [PSH-BCB02]

In deciding whether to seek a CPN or criminal prosecution, PSH officers might also consider whether the offender was likely to have the ability to pay (see also the discussion on recouping costs in chapter 6.6):

> *We'd sort of look at what we think they have financially. So we get in touch with another department in finance who can carry out Experian credit reports, things like that. They'll come*

> *back to us and let us know sort of how many mortgages they might have. Credit cards, loans, things like that. So that gives us an idea of how we stand financially, whether they own the property that we're looking at … they may not be the owners of those buildings, they could just be leasing it. So it's not always feasible for us to be able to take them for civil penalty notice because we can't prove that they're gonna be able to pay that. So we may then make that option that we would go down the prosecution. Again, if it's a repeat offender, which we've got a few of, if we've served multiple CPN notices, we'd then look at going down the prosecution route rather than serving more fines.* [PSH-BCB07]

Considerations around the evidential burden and the availability of witnesses could also be a factor in deciding between civil and criminal action:

> *I think that it's more difficult to prove a case in a criminal court than it is in a tribunal. In a criminal court, you have to come and give evidence. So if somebody has given a statement, then they have to come to court to give evidence, and they will be cross-examined, whereas in a tribunal, your statement can be just read out and it's accepted.* [LS-HIH02]

As discussed in section 9.5, securing and maintaining a relationship with tenant witnesses of housing offences is a substantial challenge, as they are often vulnerable, reluctant to testify, and likely to have moved on from the property in question.

## 5.5 Conclusion

This chapter has illustrated the high standards that PSH services must adopt for evidence collection and the documentation of decision-making when investigating and considering legal action against housing offences. The standards for evidence collection reflect the potential for the case to be considered in court, whether by the magistrates in criminal prosecution or the FTT if a CPN is appealed.

Highly codified internal processes for assessing potential courses of action and deciding between them can help PSH officers to account for and navigate through an array of factors affecting the appropriate course of action. However, as noted in sections 6.4 and 7.5, it is important for them to maintain a clear audit trail of their actions and ensure they have documented how they used assessment tools to inform their decision-making and how their conclusions arose from the information they gathered.

# 6 Civil penalty notices

## 6.1 Introduction

Civil penalties were the preferred formal enforcement response to housing offences amongst the three case study authorities engaged in housing standards work. However, these are authorities with well-established PSH services that have significant experience in taking formal enforcement action for housing offences. They are not representative of all LAs across the country, which vary considerably in their experience and approach to responding to severe housing offences.

Amongst the case study authorities, the most common reason for serving a CPN was failure to comply with an improvement notice.

**Box 6.1 Typical CPN case, BCB-D case notes**

Case officer inspected property as part of proactive works and identified C1 and C2 hazards. Informal Notification of Improvement Works issued, followed by improvement notice and charge for enforcement action. Notice of Intent for Civil Penalty served at £16,500 for failure to comply with improvement notice, later adjusted to £15,000 following evidence of some works complete. Landlord takes the case to the Tribunal and the appeal is upheld, varying the penalty to £14,250.

Case documents also evidenced use of these powers in relation to Management Regulations, Electrical Safety Standards in the Private Rented Sector, and the Smoke and Carbon Monoxide Regulations. In licensed properties, where a PSH service discovers hazards, they may have a choice between taking formal enforcement via an improvement notice or going straight to a civil penalty on the grounds of a licensing breach. The latter route is both faster and offers a more substantial deterrent (see sections 2.3 and 3.8).

This chapter begins by assessing the degree to which it is possible to quantify the use of CPNs in England. It goes on to discuss how PSH services go about issuing CPNs, including the role of LA lawyers, and what happens when a CPN is appealed. The final sections of the chapter consider the key strengths and weaknesses of the CPN regime highlighted by case study authorities and reviews services' experiences of recovering debts related to enforcement work, of which CPNs can form a substantial portion.

## 6.2 Quantifying CPNs

Data on CPNs is not yet collected systematically across English LAs. However, it is possible to discern patterns in the volume, nature and size of CPNs being issued by combining data collected by a recent programme of nation-wide Freedom of Information Act requests (FOIs) conducted by the NRLA;[61] regional research conducted on Yorkshire and the Humber, conducted for this project; and for the Greater Manchester Combined Authority (GMCA), funded by the MHCLG Pathfinders Programme.

NRLA research shows that the number of CPNs being issued increased substantially in their first years of use, rising from 958 in 2018/2019 to 1651 in 2022/23.[62] The data from this project suggests that the volume of CPNs now far outweighs the number of criminal prosecutions for similar offences. The extent to which LAs use CPNs varies enormously. The NRLA research reports that over 60% of the CPNs issued in the 2021/22 to 2022/23 period were issued by just 20 LAs, and nearly half of LAs (49%) had issued none at all.[63] Similarly, data collected on ten LAs in GMCA in

[61] Watkin, *The enforcement lottery.*
[62] Watkin, *The enforcement lottery.*
[63] Watkin, *The enforcement lottery.*

early 2023 showed a wide variety in the number of CPNs they had issued, from zero to 124.[64] This pattern is reflected in CPN data collected from LAs in Yorkshire and the Humber for this report. Data from eight authorities for the years 2021/22 to 2023/24 counted 922 CPNs in total, whilst individual LAs ranged from reporting zero to 238 CPNs during that time period, with a mean of 38 CPNs per year.

Of the CPNs reported in Yorkshire and the Humber, 43.5% (n=401) were for non-compliance with an improvement notice and 32.5% (n=300) for failure to have an HMO license. Much smaller numbers concerned breaches of HMO management regulations, electrical safety regulations, and smoke and carbon monoxide regulations, or failure to have a selective license. By contrast, CPNs for breach of HMO management regulations dominated in Greater Manchester,[65] which appears to be in line with national trends observed by the NRLA, in which selective licensing or HMO licensing offences were the most frequent offence categories.[66]

The total value of CPNs reported in Yorkshire and the Humber was £3.65 million, giving a mean fine value of £3956. The total value of CPNs recovered was £1.36 million, suggesting 37.35% had been recovered within that timeframe. However, this is difficult to calculate because the debt recovery process is time-consuming and recovery figures for each financial year may not correspond to the fines issued that financial year. In addition, not all LAs were able to provide data. National figures provided by the NRLA indicate a higher CPN recovery rate, but still less than 50%.

Of the 922 CPNs reported in the data from Yorkshire and the Humber, 132 were appealed to the First Tier Tribunal (FTT), representing around 14% in total. National appeal rates have been estimated as a little higher, but not all appeals will be published as an FTT decision because LAs will not choose to fight all appeals, and some challenges will be successfully resolved through mediation and/or the offer of payment plans.

National data scraped from FTT decisions published between 2019 and 2024, shared by Marks Out of Tenancy and analysed by this project, indicates the London and Northern tribunals saw the most appeals, reflecting greater use of CPNs in those regions. Annual CPN appeals dropped between 2019 and 2024, from a high point of 78 in 2019 to a low point of 32 in 2024. The majority of FTT decisions on CPNs favoured the PSH service: of the decisions analysed (n=345), 167 upheld the local housing authority decision in full, 118 upheld their position partially (for instance by confirming some CPNs and quashing others, or varying the size of the fine), and 60 FTT decisions rejected the PSH service position.

## 6.3 Issuing CPNs

*Decision-making*

Each LA must have a procedure for making a civil penalty assessment and determination, set out in its enforcement policy (see sections 3.3 and 5.4).

In line with MHCLG guidance, LAs typically consider factors including severity, culpability and harm in determining a civil penalty. Scoring matrices help officers to determine the value of the penalty, and adjustments are made according to aggravating and mitigating factors:

[64] GMCA (2025), *Holding Criminal Landlords to Account: Outcomes from GM's Project to Increase the Use of Financial Penalties*, Greater Manchester Combined Authority.
[65] GMCA, *Holding criminal landlords to account.*
[66] Watkin, *The enforcement lottery.*

*At first, we rated it as high culpability and high harm. That was solely because, when we first sent out the PACE and requested documentation as we normally do when we're first investigating it, I wasn't provided with anything … [following submission of mitigating circumstances] they changed from high culpability to medium culpability, which brought the cost of the fine down quite substantially, there is quite a jump from medium to high and because then they started cooperating and giving us everything that we needed.* [PSH-HIH09, HIH-K case lead]

**Box 6.2 Example CPN process, FGF-H case notes**

- Officer report makes recommendations to issue a financial penalty, sent to Private Housing Manager for decision
- Report details background, investigation activity, presence of hazards / reason to believe offences have occurred, and all enforcement activity carried out on the case
- Refers to council policy for determining civil penalty value, according to calculations of culpability and harm
- Situates recommendation in terms of council aims and objectives, 'In order to improve the environment, the health and wellbeing of local residents, housing choice and quality, the council aims to take the most appropriate course of action to deal with offences committed under The Housing Act 2004.'
- Supplementary documents attached include
    - Legal implications
    - Financial implications
    - Risk assessment / risk matrix
    - Review of alternative options

PSH officers noted that their considerations around harm were not based on actual harm to tenants, but the harm that they potentially could have incurred through the hazard. In FGF, there was provision for escalating the size of the fine for repeat offences.

Ultimately, a full proposal for action is prepared by the investigating PSH officer and presented for approval. Internal decision-making processes varied, from peer review in case meetings in HIH, to sign-off from senior officers or service managers in FGF and BCB.

One of the housing managers described the stringent level of preparation that goes into issuing a CPN within BCB. The decision to pursue a CPN is recorded on a 'Report form to legal services' and involves the same evidence and reporting process as preparing for criminal prosecution:

*So what we do with our civil penalty notices, we make our officers fill in a form that basically says what the offence is, what evidence they've got. And it's just a brief form so that they can have a conversation with me about whether or not we're beyond reasonable doubt that an offence is being committed. At that point, then we make them put together what we would have called an old prosecution case. That's then signed off by me and authorised by our manager and then the director. So they have to go through absolutely all of that, including a witness statement and report form so that we're all completely prepared if any appeals made, but also to establish the facts.* [PSH-BCB03]

### *The role of legal services*

The decision to issue a CPN is generally made by the PSH service with reference to their internal policies and procedures, without input from LA lawyers. In-house lawyers reported a mix of perspectives about the degree of independence PSH services adopt in issuing CPNs. As one lawyer described, the EHOs working in PSH services are highly skilled professionals and are trusted to use

their judgment in determining when to pursue a civil penalty, including making assessments of severity, sufficient evidence, and setting the fine:

> *We don't engage with legal teams during the CPN process. We might engage them if the landlord appeals and it goes to a tribunal then or might you know, refer it to legal and ask them to defend us, as you know, representation. But usually no, it's not something that our legal team would get involved with. Not unless it's like a particularly complex case.* [PSH-BCB02]

> *We have a legal officer that gives us legal advice and directive on these. our whole policy has been signed off through our legal officer, through the cases and the things we've learned over the number of years, plus selective licensing for one. But the actual who makes the decision, that is where our case peer review meetings are for, what their purpose is.* [PSH-HIH04]

**Box 6.3 Civil penalty case study: HIH-E case notes**

Visited property for a selective license compliance visit. Numerous defects were noticed, and the electrics were found to have been bypassed - a referral was made to British Gas. Due to the Selective License breaches, a civil penalty was issued. The Council served a notice of intent to impose a financial penalty of £30,000. No representation was received from the Applicant. The penalty was issued according to the high severity of the offence, as assessed by culpability and harm.

- Culpability: The Council determined that the Applicant is an experienced professional landlord who ought to know and have arrangements in place to comply with legal duties and obligations. They were aware of the Selective License compliance conditions, having applied for the license in December 2019. They stated on their Selective License application form that they did have a gas safety certificate but did not produce one.
- Harm: Lack of smoke detection and absence of gas safety certificate were deemed to constitute a high risk of serious adverse effect on an individual (tenant). The property is considered high risk due to its layout. The importance of smoke alarms is highlighted by a recent death in the PRS.

The Council further detailed the purpose of civil penalties as punishment and deterrence and removal of financial benefit (including rental income) from offences. The Council applied a 20% increase (5% each) for the aggravating factors of non-compliance, being motivated by financial gain (avoid works and regulations provides a market advantage over rivals), record of letting sub-standard accommodation and a record of poor management/ inadequate management provision. The Council also applied a 5% reduction for the mitigating factor of no previous convictions.

Interview evidence suggested that, at times, LA lawyers felt that PSH services ought to have contacted them sooner:

> *Unless there's something that causes our client service concern, they wouldn't necessarily come to us for advice before issuing a civil penalty. Once an appeal's made, they will then contact us. And sometimes then I've looked at it and thought, "Ah. This would have been a good one to speak to us about," because I would have perhaps suggested an alternative course.* [LS-FGF01]

For example, in case HIH-C, the LA lawyer advised the case lead [PSH-HIH03] that a planned civil penalty had to be dropped due to the time that a property had legally changed ownership. The legal team had gone on to offer clarification about which legal persons notices ought to be served on:

*There was a bit of a problem with the improvement notices, in that when we had served them, they were served on the trust. And in conversations with legal afterwards, they recommended that it should have been served on the trustees rather than the trust. And so the original one was revoked and reserved.* [PSH-HIH03]

**Box 6.4 Civil penalty determinations for breach of s95(1), HIH-H**

- Owner: Serious and systematic failure to comply with their legal duties. PACEd and no contact or application received. Has two other Selective License properties. One of the properties was licensed. One of the properties was PACEd and then licensed. Determination: Medium culpability, Low harm.
- Landlord: Experienced landlord with portfolio and a history of non-compliance. Serious and/or systematic failures to comply with their legal duties. Determination: High culpability, Low harm.
- Managing Agent: Receive rent paid directly from benefits. Aware of Selective License requirements. Serious and/or systematic failures to comply with their legal duties. Determination: High culpability, Low harm.

However, case notes across PSH services also detailed instances where investigating officers sought legal advice, both for interpreting evidence and in considering their enforcement options. Although they did not take final decisions, LA lawyers might advise officers about whether it was likely to be appropriate to pursue a proposed course of action. This might involve taking a more conservative view than the officers themselves. In particular, tenant actions could lead LA lawyers to caution against formal enforcement action, even where there was also extensive evidence of hazards that could not be attributed to the tenant (see also, section 9.5).

In-house lawyers would also become involved in cases that were technically complex, for instance to determine whether a person residing at a property was a family member under the law, where a landlord has invoked this as an excuse, or when the commission of multiple offences meant that the totality principle[67] was likely to be invoked if the case went to court.

## 6.4 CPN appeals

*Reasons for appeals*

There was a sense from LA lawyers that landlords would often seek to appeal the civil penalty without a clear basis. They argued that it was frequently a 'tactical' decision, to enable the landlord to find money to pay the penalty or force the LA to negotiate a payment plan. Where LAs issued higher civil penalties, some had experiences of extended 'legal wrangling', with landlords appealing against the fine multiple times:

*We issued three civil penalties: two for failing to comply with improvement notices on two flats, and one for management regs failures. They totalled £48,000. Yeah, that was appealed. We went to tribunal. That was found in our favour. And that was appealed again to the Upper Tribunal. That wasn't found in our favour, but it was just more the fines reduced rather than not found guilty. And then we appealed. So it's gone to the Court of Appeal. And then it's been found back in our favour again.* [PSH-BCB06, BCB-E case lead]

Evidence from HIH suggested higher fines might be more likely to lead a landlord to appeal:

[67] The totality principle in sentencing as applied to CPNs means if a landlord has committed multiple offences and a civil penalty could be imposed for each one, consideration should be given to cumulative effect of the CPNs to ensure the total amount being imposed is just and proportionate to the offences involved.

*We had a response initially that said that they won't be paying it. They believe it's too high… They advised they would bring it to a tribunal hearing. [PSH-HIH04, HIH-A case lead]*

Tribunal members observed a similar set of likely motivations, particularly from non-professional landlords:

*…once you put in your appeal is you stop any enforcement action or you stop the requirement of recovery of payment. So very often people will do that, it gives them a breathing space, it gives them an opportunity to think about it and there may not be a lot of substance to their appeal, but it does obviously delay any actions being taken against them.* [FTT-FG2]

In a bid to clarify the nature of the appeals, tribunal members reported that they are in the process of developing a new civil penalties format that requires landlords to specify whether they are appealing against the commission of the offence or the penalty alone.

### *Preparation*

Typically, LA lawyers first engage with a CPN case when it is appealed. The lawyers may be contacted directly by the FTT or through the relevant PSH officer. Their role is first, to assess whether it is appropriate to contest the appeal and, if so, to assist the PSH officers in preparing for the FTT:

*We really focus on making sure that the evidence is clear and robust before you get to the hearing, to make it as easy as possible for the tribunal to understand, and to accept, and support our decision.* [LS-HIH01]

In-house lawyers' involvement can range across acting as a conduit between the PSH service and the courts, supporting PSH officers to prepare their evidence bundles, to representing the LA at the tribunal.

BCB reported that their in-house legal team had employed a barrister for the first couple of CPN appeals they saw, before opting to take more cases themselves as they and the PSH officers become more experienced with the process.

Tribunal members observed a trend towards LAs being represented by PSH officers rather than legal teams. Whilst they described use of barristers as using 'a sledgehammer to crack a nut' [FTT-FG2], they observed that PSH officers – as non-lawyers – needed to be treated 'the same way as you would a litigant in person, giving them a fair amount of leeway' [FTT-FG1]. On the other hand, this degree of leeway for unrepresented landlords was the cause of some consternation for one LA lawyer:

*Our view is that, particularly with unrepresented landlords, that the rules of evidence seem to be much more relaxed and there seems to be greater leeway allowed to landlords in terms of what evidence they can serve when they serve it and there's. There's not the vigorous case management in the tribunals that you would expect. Which is disappointing.* [LS-FGF01]

### *Evidence and argument*

Contesting cases at appeal involves considerable resource from both PSH services and LA legal teams. Times when LA lawyers would advise the PSH service not to contest the case included examples of notices being drafted improperly, landlords offering reasonable excuses, or evidence of deliberate damage by the tenants. Frustratingly for PSH and legal alike, sometimes these issues would only become visible when the PSH officer has prepared a full evidence bundle to go to court.

Tribunal members offered commentary on what constituted good quality evidence preparation and argument by LAs, highlighting the importance of setting out the reasoning behind case decisions, providing clear and detailed evidence that is easily navigable by someone unfamiliar with the case, and focusing on the quality of the argument they are making rather than providing large quantities of extraneous information.

**Box 6.5 Process on receiving a CPN appeal, LS-HIH01**

*Once I become aware of an appeal, I'll set up an initial meeting with the case officer to understand on a general basis what the circumstances of the case were, what the decision making was, if they feel that there are any risks or peculiarities of the offence and the case. I'll have a look at the notice just to make sure that that's sound, and there aren't any issues there. I'll then acknowledge receipt of the appeal with the tribunal.*

*The case officer will then go away and prepare their witness statement based on the discussions that we've had. Maybe I feel like there's something they need to go away and carry out some more, do some more digging or pull some things together, or there's something that I feel like they need to focus on in their witness statement. We'll use the appeal form as a guide for that, because if the landlord has done it properly, they will have set out what their grounds of appeal are. We should have notice as to what exactly they feel that they want to challenge under the notice, whether it's the level of the penalty or the circumstance of the offence, or in most situations, both of those matters.*

### *Outcomes and experiences of the FTT*

PSH officers reported broadly positive experiences of CPN appeals at the FTT. Few, if any, cases are found completely in the landlord's favour, although the tribunals may adjust the size of penalties based on their own calculations of severity, culpability and harm. However, LA lawyers also reported a range of concerns about cases going to the FTT, both in terms of the principle of civil enforcement and practical considerations around its operation.

As one lawyer observed, practical issues largely stemmed from resourcing challenges:

> *The challenging thing is that the tribunal have been massively understaffed and under-resourced for a long period of time* [LS-HIH01]

PSH officers and lawyers reported it was difficult to know how long cases would take in the FTT, which was 'not as agile as it should be'. For PSH officers, long waiting times before the FTT could see an appeal were associated with delayed resolution of severe housing issues, with detrimental impacts on tenants:

> *I've had this problem with Tribunals, up to 18 months now before they even asked for bundles. And all this time, tenants are living in substandard conditions and then we're having to make referrals to our Housing Options services because we've got one case where the conditions have become so bad… I mean, two cases we've served prohibition orders because the works haven't been completed because we're waiting for what's going to happen at the Tribunal.* [PSH-BCB03]

Lawyers observed that the FTT tends to progress LA cases in blocks, meaning they can be required to work on many cases at once, creating workload bottlenecks. This also means that, where the FTT has an issue with how LAs are implementing or presenting their CPN regimes, this information is not passed back in a timely fashion to allow officers to change their practices before further appeals come in.

**Box 6.6 Experience with the FTT, BCB-D case notes**

A CPN of £16,500 was later adjusted to £15,000 due to partial completion of works, the landlord eventually appealed the case to the Tribunal. Although the appeal had been made out of time, the Tribunal accepted the case. It found the local authority had met its procedural obligations and made a determination on its own evidence, varying the penalty to £14,250.

PSH officers described the risk that the FTT could accept landlords' appeals against civil penalties even when they were well out of time. In addition to the frustration of having to prepare cases that, in their view, should not have been accepted for appeal, both PSH officers and lawyers across several authorities observed that the delays created by out-of-time appeals can impact the LA's debt recovery processes:

> *Effectively, what that means is there's a lot of time wasted between the appeal, the imposition of the penalty, the non-appeal, and our ability to recover. Sometimes it's upwards of a year to longer.* [LS-HIH01]

Officers also expressed concerns that the FTT rarely awarded costs, even when the landlord's appeal was perceived as frivolous or lacking a firm legal basis.

In terms of principles, one lawyer indicated a broad preference for prosecuting housing cases in the criminal courts rather than 'playing catch' at tribunal, where an appeal case may take them by surprise and require a response in a relatively short timeframe. The same individual felt that the criminal courts offered a 'clear and decisive outcome' compared to the tribunal, which might uphold some parts of an LA decision and reject or vary others.

Perhaps a more substantive concern about both practice and principle was the view that the FTT laid the burden of proof on LAs to justify their CPN decisions. This is a 'reverse' of the typical appeal process, which lays the burden of proof on the complainant to demonstrate why the original finding is incorrect:

> *In the magistrates' court, the onus is on the local authority to prove guilt. That burden is clear and well understood by everyone. In the tribunal proceedings, it's their [the landlord's] appeal. It should be them to make their case first and respond. The focus seems to shift back onto the local authority to justify why they issued the notice in the first place. Now that's a very subtle but very powerful, almost reverse burden in the tribunal.* [LS-FGF01]

Whilst FTT members accepted that this was a point of tension, they argued that this burden was appropriate given the nature of these cases, and that where LAs had prepared their CPN case appropriately this should not create a significant amount of extra work for them:

> *The statute makes it clear it's quasi-criminal, it's for them [the LA] to prove that the offence has been committed, not for the respondent to raise ways in which it has not been committed before they know the full case against them.* [FTT-FG1]

## 6.5 The strengths and weaknesses of the CPN regime

Research by GMCA points to reasons why many have not yet adopted CPNs as a legal enforcement mechanism. Many are reluctant to engage in legal enforcement at all and have only turned to prosecution in the past after successive rounds of informal action. Where LA legal teams are familiar with prosecution pathways, even if they prosecute housing offences infrequently, PSH services and in-house legal teams may be less experienced with and therefore less confident using civil penalties in the absence of robust training, guidance, or model policies to follow. Where authorities lack PSH officers or LA lawyers with prior experience of issuing CPNs, they may be anxious about the workload, what constitutes proper procedure, and the risk of appeals and challenges in recovering debts. GMCA's evidence indicates that interventions such as freeing up capacity amongst experienced staff to develop civil penalty policies and procedures, and introduction of officer training, could make a significant difference to the PSH service's willingness and ability to issue CPNs.[68]

As the project's case study authorities show, experienced PSH services see significant advantages in CPNs and will almost always prefer to use them rather than pursue criminal prosecution. The LA lawyer in FGF reported 'struggling to think' of an instance in recent years

[68] GMCA, *Holding criminal landlords to account.*

where the PSH service had asked them to take a case for prosecution. Reasons for this preference included the time involved to prepare a case compared to prosecution, the size of the fine issued and the generation of income to the enforcement service, and the perception that it is a more effective deterrent to potential offenders.

> *At the minute we're doing more financial penalties 'cause prosecutions just take forever and we've just got that many jobs on that. It's quicker, easier and more profitable to do financial penalties.* [PSH-FGF05]

> *Obviously civil penalties do allow us to issue quite a large fine, which we rely on to fund our processes and other schemes that we get involved in.* [PSH-HIH08]

Key to understanding the perceived advantages of CPNs are the very negative experiences that many LAs have had in prosecuting housing offences in the magistrates' courts. PSH officers across LAs gave examples of the courts issuing disappointingly small fines when landlords were found guilty of serious housing offences, either because they took a credulous stance to landlords' claims of low income, or because they were simply unused to issuing more significant penalties.

> *Previously, when we prosecuted landlords, when it gets to court and the landlord fills out their [financial information] that's not really checked up on… So what we found was landlords were coming out with tiddly fines like £250 for not complying with an improvement notice, which is less than not doing the works. And so this new CPN the process is good because we get to calculate that fine. In court, there's not really any sort of sentencing guidelines that they can look at, magistrates, to decide the fine amount.* [PSH-BCB02]

Use of larger fines could play an additional strategic role where an LA was seeking to remove a problem actor from the local PRS:

> *There's another agent where it was more effective to go down serving civil penalties with the idea of going for bankruptcy.* [PSH-HIH03]

Despite a broadly favourable view of CPNs across LAs, however, some services and individual officers expressed concerns about the operation of the civil penalty regime. Some felt that – even with sizeable fines – the deterrence they offered was not comparable to that of prosecution and the possibility of a criminal record. One LA lawyer expressed the view that wealthy landlords could effectively 'buy themselves off' with a fine rather than be exposed to public censure in the criminal courts. Equally, one officer expressed disquiet about civil penalties lacking the kind of 'due process' of the criminal courts: 'The problem is we're kind of judge, jury and executioner,' [PSH-BCB02].

Another issue raised across authorities was that large civil penalty fines could be 'disproportionate' to the offence and encourage landlords to appeal. For example, BCB indicated that their CPN matrix calculations had been developed by a neighbouring LA that took a hardline approach to enforcing housing standards. They perceived the fines it produced as being too high and believed that this meant landlords were less likely to pay:

> *We've never been particularly happy with our CPN calculator. Fining a landlord £25,000 pounds for a breach of an improvement notice where they've done some works but not completed all of them to me is – I mean, there is mitigation and we try and incorporate that as much as we can.* [PSH-BCB03]

Reflecting this discomfort around their CPN regime, PSH officers in BCB discussed using other powers under the Housing Act to encourage landlord compliance without resorting to legal penalties.

## 6.6 Debt recovery

Debt recovery can be a significant source of anxiety for LAs exploring the use of CPNs,[69] and was an issue raised extensively in BCB and HIH. Although debt recovery issues can arise in any instances where LAs have undertaken works (see section 4.5) and made enforcement charges (see section 4.9), they are particularly relevant to CPNs because of the potentially large size of the fines issued. Equally, whilst CPNs are comparatively easy to issue compared with taking a criminal prosecution, their efficacy as a punishment and/or deterrent is somewhat dependent on the LA's ability to successfully recover the debt.

### *Perceptions and knowledge of debt recovery*

PSH services reported that debt recovery could be complex and challenging. Some officers indicated that they felt disempowered in relation to the process and reported significant sums in unrecovered fines:

> *There are ways of recovering the money but it's not easy, no, and I don't think it's always that successful.* [PSH-FGF06]

> *Debt collection for our civil penalty notices is very low. So we have amassed over £1,000,000 worth of outstanding debt from our civil penalty notices.* [PSH-BCB03]

This was particularly the case when setting it up for the first time, as some LAs lack the legal expertise and internal systems required to be effective. Experiences at HIH underline the strategic importance of building a debt recovery plan into the enforcement process:

> *When we first started doing civil penalties, we hadn't quite established the debt recovery process. So for a couple of years, those fines were paid or they just sat there unpaid. We've now set up a situation with our legal department where they go through the process of recovering them through the courts. But there's in the few years where we didn't have that process, there's been a backlog.* [PSH-HIH03]

HIH has automatic reminders set up in its case management system to help officers regularly monitor cases as the debt recovery file is progressed. In other case study authorities, however, PSH officers did not have direct access to this information:

> *I don't have direct access to the debt recovery Excel spreadsheet, which tells officers that there are fines being paid, but I don't think that it has. I could get access to this spreadsheet if I asked my manager, but I haven't heard anything about it, so I'm just assuming that it's still unpaid.* [PSH-BCB02]

As such, the housing teams had minimal awareness of the progress of debt recovery for cases that they had worked on.

### *Recovering CPNs*

Where the debt recovery process was perceived as challenging, it could inform PSH officers' choice of enforcement strategy. For example, where officers had reason to believe they might struggle to collect a CPN then they might opt for alternative routes such as prosecution. In BCB, officers raised concerns that higher CPNs caused their service significant problems with debt recovery.

[69] GMCA, *Holding criminal landlords to account.*

**Box 6.7 Commentary on debt recovery, PSH-BCB02**

*Our fine calculations are quite high. So we're talking about, you know, maybe £16,500. And when fines are so high, landlords just outright do not pay it, whereas if the finds were more reasonable, say £1000 or £2000, I think a landlord would be more likely to pay that. So because of how high our fines are, we'll have a large outstanding debt for recovering civil penalty notices in our budget. That shows as money that's ours when it isn't. And so we're having to work quite closely with the debt recovery team to find out where we are with the recovery process to try and push that on.*

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*I've got one that I'm determining at the moment on representation and it's a £25,000 fine and the landlord's on benefits. … I'm gonna have to review it based on their financial ability to pay and that's very, very difficult. … [The approach to debt collection] will be up to our debt recovery team. But the property is a property that they own outright. You know, they live elsewhere. … So really, yes, they can afford to. Even though they're just on benefits … that property is worth about £250,000. So really, the fine, it's only 10% of the true value.*

Officers observed that initiation of debt recovery proceedings could prompt landlords to engage with the LA when they had previously failed to do so. Whilst landlords issued with a CPN are usually liable for the full sum upfront, PSH officers across LAs supported the view that introducing payment incentives or agreeing sustainable payment plans could both support the debt recovery process and reduce the likelihood of CPN appeals:

> *And a surprising amount of civil penalties get paid because we accept payment plans and we reduce them if they pay them within a certain amount of time. We'll take a third off. We also take money off if we haven't dealt with them before. We'll take some money off if they do something at a particular time under the electrical regs, if they send us a certificate in the time period that we've set.* [PSH-FGF02]

However, agreeing to a payment plan extended the duration of the debt recovery process, meaning a longer time before the LAs were paid in full. One officer in HIH also indicated there was some internal resistance to making payment plans as they were seen as undermining the punitive effect of the CPN:

> *We tend to try and not make payment arrangements because obviously it's being seen as you know it's a punishment.* [PSH-HIH09]

When initial attempts at debt recovery fail, LAs have a range of options at their disposal:

> *Once it goes to debt recovery it's pretty much out of my hands … it then goes over to the finance team for them to chase invoices and if it doesn't [get paid] then we need to take them to county court and look at getting a judgement against them to be recovered by the bailiffs.* [PSH-HIH06]

They may engage debt recovery agencies or seek a county court judgment to have the debt recovered by bailiffs. Legal teams may also seek a court order to make a land charge on the property, preventing it from being sold without a court hearing or securing the debt against the property for payment when it is sold. The process for securing a charging order can be administratively intensive, and it does not immediately remedy the debt collection issue because the property may not sell for many years. As a final option, however, the LA may apply to the courts to force the sale of the property. A collaboration between LA legal services in GMCA has identified an administrative route to obtain necessary court orders, rather than applying for a county court

judgment and an in-person hearing, which may make this process less burdensome for LAs to pursue.[70]

## 6.7 Conclusion

Since their introduction in 2018, CPN use by English LAs has grown substantially. They are an advantageous enforcement mechanism in comparison to the alternative of pursuing criminal prosecution, as they are less time-consuming, require a lower evidential basis, can yield higher fines that may be used to support the PSH service's enforcement activities, and have strategic potential for removing slum landlords from the market by bankrupting repeat offenders.

LAs that have developed confidence using CPNs adopt a highly systematised approach, preparing cases in great detail and to a high evidential threshold, both as a matter of good practice and anticipating the possibility of appeals to the FTT. Yet national data suggests that the number of CPN decisions made by the FTT is low and dropping, with LAs tending to obtain favourable outcomes in their decisions. This may be explained by qualitative observations that appeals tend to be initiated as 'delaying tactics' by landlords confronted by large fines, rather than due to LA failures in law or process.

The introduction of new CPNs through the recent RRA (see chapter 10) points to a longer-term trend favouring the CPN regime for housing offences. As such, LAs across England must be supported to develop enforcement policies that incorporate the use of CPNs for housing offences, bolstered by a clear debt recovery process. Smaller LAs can learn from the good practice developed by larger PSH services, both in CPN assessment and decision-making procedures, and streamlined processes for pursuing debts that define responsibilities at each stage and enable PSH officers to track the progress of debts attached to their cases. In the wake of the Renters Rights Act (see chapter 10), MHCLG guidance on CPNs that briefly addresses debt recovery.[71]

[70] GMCA, *Holding criminal landlords to account.*

[71] MHCLG, *Civil Penalties under the Renters' Rights Act 2025 and other housing legislation* (Ministry of Housing, Communities and Local Government, 2025), https://www.gov.uk/government/publications/civil-penalties-under-the-renters-rights-act-2025-and-other-housing-legislation/civil-penalties-under-the-renters-rights-act-2025-and-other-housing-legislation, accessed 18 Nov 2025.

# 7 Criminal prosecution and banning orders

## 7.1 Introduction

Criminal prosecution is one of the most serious forms of enforcement that PSH services can apply in response to housing offences. Before the Housing and Planning Act 2016 introduced CPNs, it was the only serious sanction available where statutory enforcement notices and/or licensing and management requirements were breached. Following the 2016 Act, criminal prosecution is also a core feature of the pathway for obtaining banning orders to remove the worst landlords from the PRS mark*et al*together.

This chapter begins by looking at the number of prosecutions for offences under the Housing Act 2004, before exploring qualitative evidence on the process PSH services undertake in preparing for and pursuing criminal prosecution. It identifies the risks and challenges of the prosecution pathway and notes the potential impact of these on the low numbers of banning order applications seen since the introduction of this enforcement tool.

## 7.2 Quantifying criminal prosecutions

Analysis of MoJ prosecution data for 2011-2022 [72] shows between 270 and 740 cases were prosecuted per year for offences under the Housing Act 2004, with a peak in activity between 2015 and 2017 (see Figure 7.3, below).[73] The majority of the cases prosecuted under the Housing Act 2004 (over 70%) were for licensing offences, with a much smaller proportion of prosecutions for housing standards (around 20%) and other offences (remainder).[74] Table 7.1 below, indicates that (of cases found guilty), there has been a decrease in housing standards cases since 2018, when provisions for CPNs under the Housing and Planning Act 2016 were implemented. By contrast, the pattern for prosecution of licensing cases shows a distinct peak in 2016-17, which appears to be due to high rates of activity amongst LAs in London. This was not restricted to the 'high' or 'super' prosecutors, who account for the majority of Housing Act prosecutions overall, but was an increase in activity across all LAs, including those who take a significantly lower volume of prosecutions.

Prevalence of prosecutions (and residence of offenders) is greatest in London and the South East, followed by northern regions (see Figure 7.1). This may be partially explained by the higher density of PRS households in London (see Figure 7.2). It may also be related to the increase of new PRS properties in the North East and Yorkshire and the Humber, regions with the fastest growing PRS sector in England between 2010 and 2020.[75]

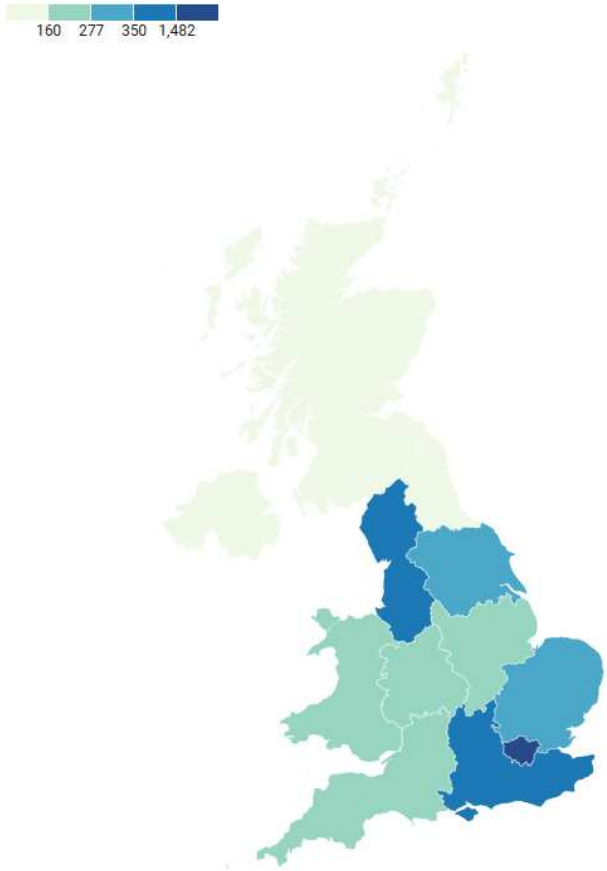
[72] Disclaimer: This work was produced using administrative data accessed through the ONS Secure Research Service. The use of the data in this work does not imply the endorsement of the ONS data owners (e.g., HM Courts and Tribunals Service and the MoJ) in relation to the interpretation or analysis. This work uses research datasets which may not exactly reproduce Accredited Official Statistics aggregates. Accredited Official Statistics follow consistent statistical conventions over time and cannot be compared to Data First linked datasets.

[73] A further peak in prosecutions is observed in 2023, but data for this year is not included here as it is partial (to March only) and does not capture local authority details.

[74] MoJ case numbers capture the offence with most serious disposal. Total offences may be higher. See Appendix One: Research Methods for further information.

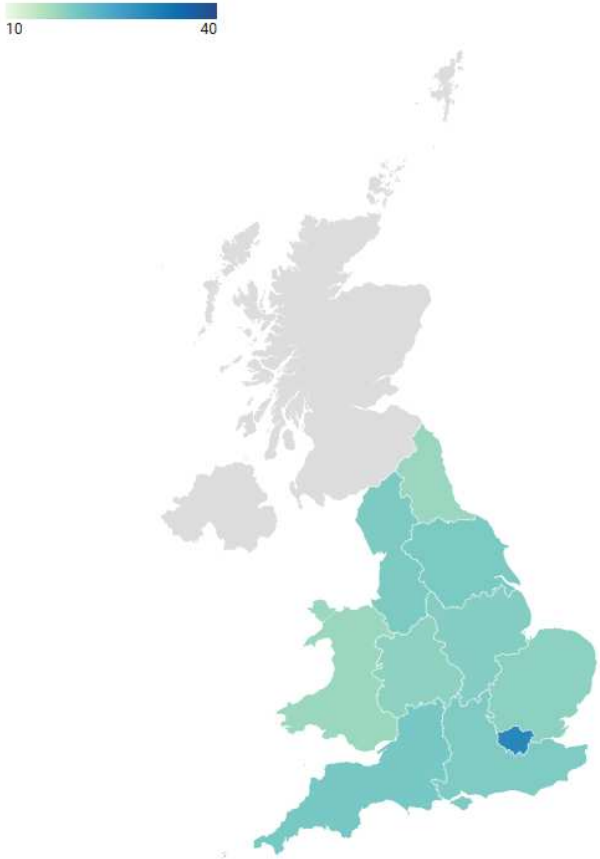
[75] DLUHC (2022) *English Housing Survey 2020-21 Regional Housing Trends Factsheet*, Department for Levelling Up, Housing & Communities. https://www.gov.uk/government/statistics/english-housing-survey-2020-to-2021-regional-housing-trends-fact-sheet, accessed 19 Nov 2025.

**Figure 7.1 Housing Act prosecutions: Region of offender residence**




Source: Ministry of Justice, released 21 May 2024, ONS SRS Metadata Catalogue, dataset, Ministry of Justice Data First Magistrates Court Iteration 2 - England and Wales, https://doi.org/10.57906/1yrt-zd35

**Figure 7.2 Percentage of households in PRS tenure, England and Wales**

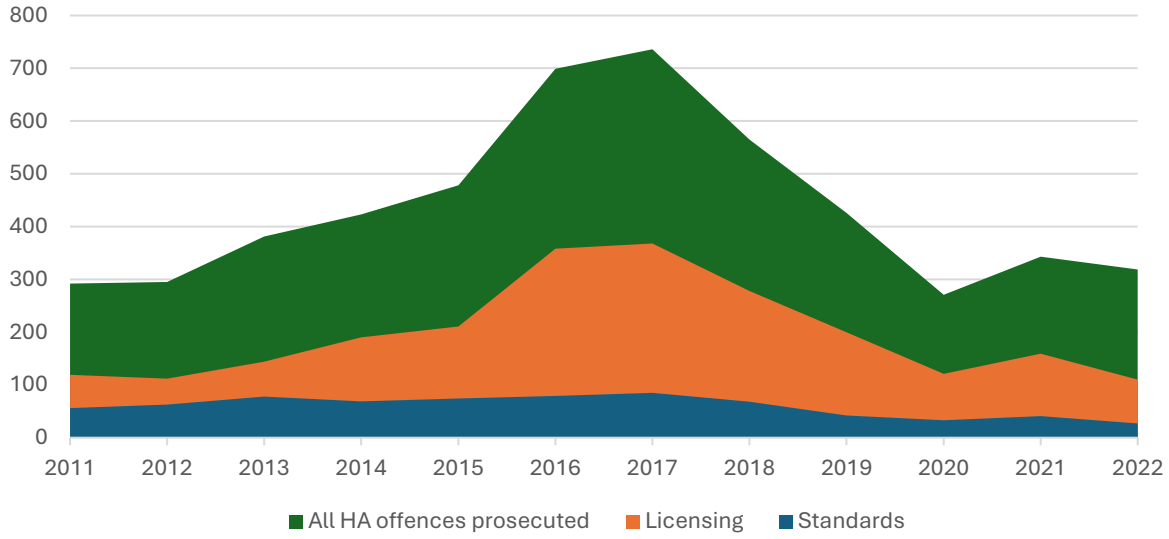



Source: Household characteristics by tenure, England and Wales: Census 2021, ONS[76]

[76] ONS (2023) *Household Characteristics by Tenure, England and Wales*, Office for National Statistics. https://www.ons.gov.uk/peoplepopulationandcommunity/housing/articles/householdcharacteristicsbytenureenglandandwales/census2021, accessed 19 Nov 2025.

Despite anecdotal and case evidence indicating particular problems with 'out of area' landlords, this was not reflected in the MoJ criminal prosecutions data. 'Out of area' landlords were located by comparing data on the region of offender residence with the region of the prosecuting police force, i.e. where the offence took place. For each region, the number of significant discrepancies, where landlords were not resident in the region of the offence or a directly adjoining region, was below the MoJ reporting threshold of n=10.

**Figure 7.3 Licensing and standards convictions against all Housing Act 2004 prosecutions**




Source: Ministry of Justice, released 21 May 2024, ONS SRS Metadata Catalogue, dataset, Ministry of Justice Data First Magistrates Court Iteration 2 - England and Wales, https://doi.org/10.57906/1yrt-zd35

Outcomes for Housing Act 2004 cases prosecuted in magistrates' courts were largely in the LA's favour, with very few cases (1.3%) found not guilty. However, as seen in Table 7.1, a high proportion of cases taken for prosecution did not come to trial, for reasons such as case withdrawal or the defendant being deemed unfit to plead.

**Table 7.1 Housing Act case findings (%)**

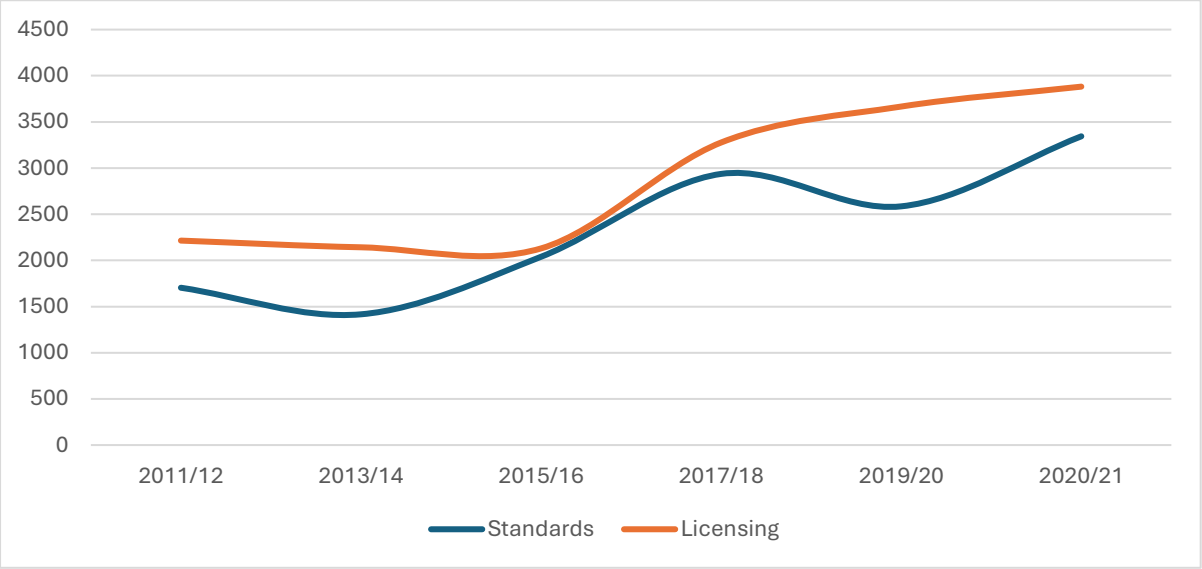
| | Standards & Licensing | Standards | Licensing |
|---|---|---|---|
| **Guilty** | 60.41 | 13.05 | 47.36 |
| **Not guilty** | 1.30 | 0.30 | 1.00 |
| **Deferred or discontinued** | 38.29 | 5.13 | 33.16 |
| **Total** (n=5693) | **100.00** | **18.48** | **81.52** |

Source: Ministry of Justice, released 21 May 2024, ONS SRS Metadata Catalogue, dataset, Ministry of Justice Data First Magistrates Court Iteration 2 - England and Wales, https://doi.org/10.57906/1yrt-zd35

Of over 3,400 Housing Act prosecutions recording a guilty finding between 2011-2023, over 3,000 were sentenced to a fine.[77]

[77] Source: Ministry of Justice, released 21 May 2024, ONS SRS Metadata Catalogue, dataset, Ministry of Justice Data First Magistrates Court Iteration 2 - England and Wales, https://doi.org/10.57906/1yrt-zd35

**Figure 7.4 Fines for Housing Act 2004 standards and licensing offences (mean £)**




Source: Ministry of Justice, released 21 May 2024, ONS SRS Metadata Catalogue, dataset, Ministry of Justice Data First Magistrates Court Iteration 2 - England and Wales, https://doi.org/10.57906/1yrt-zd35

The overall mean for fines issued was £2,765.12, with higher fines on average for licensing cases (£2,957.23) than for housing standards cases (£2,573.00). However, patterns over time show a trend of fines increasing well above inflation[78] for both offence types (see Figure 7.4). Notably, even with the trend towards larger fines over time, financial penalties issued by the magistrates' court appear to be on average lower than those issued in CPNs (see section 6.2).

## 7.3 Pursuing a prosecution

Where a PSH officer decides that criminal prosecution is an appropriate course of action to take for a housing offence, and receives initial approval from a senior PSH officer or service manager, then they must begin to prepare the case to go to court. This involves preparing a detailed evidence bundle for review by legal services, who must sign off on the decision to prosecute.

*Reasons to prosecute*

As noted above (section 6.5), PSH services with experience of both CPNs and criminal prosecutions tend to prefer the former, due to challenges and poor results when bringing cases to the magistrates' courts. However, officers indicated that they might opt for criminal prosecution in circumstances including a need to escalate enforcement, concerns about debt collection, or where they felt the legislation left them with little alternative.

One of the most common reasons given to take a prosecution forward was that CPNs had been issued in the past, but they were perceived to be ineffective. PSH officers talked about 'repeat offenders' where CPNs had not had the desired deterrent or remedial effect, and they perceived that landlord behaviour was unlikely to be changed by serving more fines. Prosecution could also be an important option when the offender was a company. PSH officers observed that companies subject to significant fines could file for bankruptcy, leaving the LA with 'nowhere to pin the debt'. Similarly, managing agents faced with a fine might lack the assets to pay. Prosecution of a company and its directors offered an assurance that the courts would pursue all parties found guilty for the debt. Finally, prosecution was considered where the legislation did not offer PSH services an alternative. For example, CPNs are not available for offences such as breach of a prohibition order or offences under the Protection from Eviction Act 1977 including harassment and illegal eviction.[79]

[78] According to the Bank of England's Inflation calculator. https://www.bankofengland.co.uk/monetary-policy/inflation/inflation-calculator, accessed 18 Nov 2025.

[79] See Carr *et al.*, *Harassment and illegal eviction.*

*Evidencing the offence*

Where PSH officers are interested in pursuing a prosecution, they will typically obtain permission from service management to approach in-house legal services with a case recommendation to prosecute. The legal team will establish whether there is a sufficient evidential basis to make an application. For PSH officers, the process of gathering and preparing evidence is, first, to confirm that they meet internal prosecution criteria and obtain sign-off from service managers and legal team and, second, to prepare the case bundle for court. An important element of this process is to seek an explanation from the offending landlord through a PACE interview (see section 5.3):

> *They get the account from the complaint and the tenant. And often what they then do is they will get at least an initial response from the landlord. Sometimes the landlord might even volunteer one. And so they will get an account or a version and then they will then put that to me and I will then see whether they think this has got legs. So it needs to be further explored. We need to get them in for an informal interview or get an interview in writing. Whether even at that stage it looks like there's a misunderstanding, or, you know, there's a context to what's going on. So that's often an effective filter to avoid the officer wasting time on a case that's probably not going to go anywhere. Or it sends them in the right direction so they can ask the appropriate questions.* [LS-FGF01]

HIH was unusual in having access to an in-house lawyer with housing expertise. They credited this LA lawyer with supporting PSH officers to take cases forward for prosecution with confidence. However, the arrangement described in MNM is more typical:

> *We've got a solicitor in the council that does all the criminal work. He does our cases, and also he does all the criminal work for the council. So he'll do stuff for environmental health and trading standards and things like that. (TRO-MNM06)*

As such, the advice offered by legal services might be quite general in the first instance, relying on PSH officers providing a full evidence bundle before they are able to decide whether to prosecute. Where the evidence is not sufficiently robust, the PSH officer may be advised to continue with their investigation:

> *Sometimes they contact us prior to putting a prosecution pack together. They'll come and say, 'What do we need to put together?' This is the information we have to hand, and we've started to investigate this matter. Do you think we should prosecute? We can only give them so much advice in relation to how to put a case - we can give them information on how to put a case together, but we can't make really a decision whether we're going to continue with the prosecution or whether there is a case for prosecution until we've seen all the evidence.* [LS-HIH02]

**Box 7.1 Contents of prosecution pack for legal services, HIH-E**

- Statement of facts by investigating officer
- Witness statements from tenant(s)
- Witness statements from professionals in other services e.g. Adult Social Work, Trading Standards
- Witness statement by the investigating officer
- Evidence bundle of all enforcement correspondence
- PACE letter and responses

*Deciding the prosecute*

Where the legal team is satisfied that there is good evidence that the offence has taken place, the PSH officers may begin to prepare a case file for submission. LA lawyers explained that they follow

the Crown Prosecution Code in making their decision to prosecute, in order to avoid challenges in court. They also assess any aggravating and mitigating factors in the case, and the situation of the victim:

> *Well, when it lands on our desk, what happens is we look at the evidence, and what we do is we use the Code for Crown Prosecutors. So it has to be in the public interest, and then it also has to be - there has to be evidence. The evidential test. So it has to be in the public interest and there has to be sufficient evidence to prosecute.* [LS-HIH02]

The decision to prosecute lies with LA lawyers and they will not always agree that a case should be prosecuted even when there is good evidence for an offence. Reasons for included concerns about resources, knowledge the offender was being prosecuted by another service, and concerns about the quality of the evidence.

> *I think we did speak to legal services about him in relation to potentially prosecuting it… our council's legal view is they're already being prosecuted by the police, so there's no need for us to. We're so busy and it's so intensive to deal with prosecution, it would have taken people away from doing the reactive work. (PSH-FGF02, FGF-A case lead)*

> *I did have a case last year…. It was marginal at best. What had what had happened? It was one of those who said what to whom and when, and. I think it would have been a difficult case to prove… We entered into discussions with the landlord, solicitor and we got them to compensate the tenant directly… So we felt even though that was not a case where we could have perhaps successfully prosecuted, we managed to get something out of that situation for the tenant.* [LS-FGF01]

Equally, one PSH officer reported a case that they were unable to take forward for prosecution because delays receiving legal advice from in-house lawyers led to the option of prosecution being lost as the case went out of time.

### *Going to court*

As noted above in section 7.2, PSH services are typically successful in their prosecutions under the Housing Act:

> *I think most of the improvement notices that I've done have been - we've had guilty, or they've been found guilty after trial. They're normally quite robust cases to get to the magistrates' court.* [LS-HIH02]

However, one challenge they discussed in taking prosecutions forward was the availability and strength of witness testimony (see also, section 9.5). Tenants can be reluctant to come to court, for instance because they have moved on with their lives or due to fears of landlord retribution. Where they are available to give evidence, their personal vulnerabilities may mean their testimonies are liable to be undermined through cross-examination:

> *The individual who was believed to have been exploited by the landlord was required to give a statement in court as it was his evidence that supported the breach of the Order. At court, the landlord was found not guilty.* [PSH-HIH07, HIH-E case lead]

In case HIH-E, the tenant witness was a very vulnerable adult, and the PSH officer's view was that the poor quality of his evidence in court (whether due to intimidation or limited capacity) was a key influence on the not guilty verdict.

Another challenge is that in-house lawyers may not have expertise in housing offences. Where they are not confident in representing a housing case in court, they may hire external barristers to represent the case. This decision may also be influenced by the landlord's choice of representation in defence:

> *He [the landlord] chose to be represented by a barrister and our legal team, they were of the opinion, "Well, he's getting a barrister. We should have a barrister." Apparently that's how the legal profession works. You don't put a solicitor against the barrister you know, and that's just how it is.* [PSH-HIH10]

However, external representation did not always prove to be a successful strategy – some PSH services had experiences of hiring barristers who 'weren't very good' and were themselves unfamiliar with the Housing Act 2004, leading to disappointing outcomes.

## 7.4 Risks and challenges of prosecution

For PSH services, taking criminal prosecutions to the magistrates' courts was associated with a number of risks and challenges, including extended time frames for case resolution, concerns that the magistrates are unfamiliar with housing cases and will make disappointing sentencing decisions, and the danger of sunk costs.

*Resource considerations*

The time frame for taking a case to trial can be a long one. For case HIH-E, which involved prosecuting a landlord for breach of a prohibition order, it took 13 months from obtaining internal sign-off to trying the case in court. Court delays were a significant issue during, and in the aftermath of, the COVID-19 pandemic:

> *Yeah, this one was difficult at the time because COVID meant that we had to use a court in [a nearby town] as opposed to [city HIH]. There was a huge backlog, everything was kind of ground to a halt at that time. The judicial system was in disarray.* [PSH-HIH10]

The time taken for case resolution in the courts could also be exacerbated by landlord actions. Landlords found guilty in the magistrates' court have an automatic right of appeal to the Crown Court. As noted for CPNs (section 6.4), this created opportunities for landlords to engage in 'legal wrangling' that drew out the enforcement process for PSH services:

> *It seemed to be three or four times we were in court before we got before it was properly listened to, and I think we ended up at Crown Court. Because he was found guilty and he appealed that decision… We secured a successful prosecution against him in the end, but it was a long, drawn-out process to get there. It all seemed a bit chaotic and ad hoc, and all kinds of excuses were given for not providing bundles [on time], and then he was given time to provide a bundle. And then the court said it hadn't received his bundles, and he said it had given his bundle and made all kinds of crazy arguments… It all seemed very chaotic to me.* [PSH-HIH10]

The significant investment of resources in criminal prosecution – and fighting any appeals – means that LAs tend only to bring cases that they are very confident in. LAs need to be confident that they can recoup their costs when cases are successful, but they report that the courts do not reliably use this discretionary power:

> *We don't always get our costs…It is critical because the amount of work we invest, and time we spend in preparing a prosecution case. What we do is when I apply for costs after a conviction or after a guilty plea, I'll say, 'The invested costs are this amount,' and then there's our legal costs, which then I'll put together, and you don't sometimes get them.* [LS-HIH02]

**Box 7.2 Description of taking a case to court, PSH-HIH07**

*It's a lengthy, involved process. Once I determine that we've got sufficient evidence of a breach, which includes in trying to interview the tenants, interviewing witnesses. … Looking at other flats we were told he was living at … that's just gathering the evidence. Then … our policy says is that initially we're supposed to write a letter to them. And invite them in to come in for an interview. And if they don't accept that, then we will interview them by letter. So we did that. And then once that's done, we've got to then run it through our legal department just to see if we've got it sufficient evidence …. So then we've then got to put a bundle of evidence together. That's one hell of a task … just to gather the paperwork and write the written statement and do all of the exhibits can take literally a couple of weeks out of the office. Then you've got to get the legal department to notify the magistrates' court to get the summons out. But then the landlord turned around, and I remember he used two different solicitors, and he finally settled on a third solicitor. So all of these are delays in taking the case forward. And so we will go for a hearing at the magistrates' court and he will turn up and say, "Well, I've been on holiday or I did have a solicitor but the solicitor said he can't make it this morning," and the cases get adjourned for another two months or three months. So it takes an absolute age to actually put the case before the magistrates.*

*Case severity and sentencing*

As noted above (section 6.5), reports were widespread across PSH services that the sentencing decisions made by magistrates' courts failed to reflect the severity of the offences they were presented with. Some PSH officers attributed this to a mismatch between the minor offences that magistrates see on a regular basis and the comparatively infrequent but serious nature of housing cases:

> *The magistrates, bless them, they are used to handing down fines for littering, for parking offences: £90 here, £100 there. Then all of a sudden, they get a Housing Act case before them. … this an unlimited fine. And the magistrate's, "Unlimited? Well, we only find fines of £100." So you know, we can hand out fines as you know for £30,000 as an authority. It's breach of a prohibition order, it's too serious an offence. So we would then be looking at £30,000 plus to be handed down by magistrates who have only ever handed out fines of £100. So it just doesn't compute with them.* [PSH-HIH07]

> *A lot of the time, they [landlords] do give sob stories…They just accept it. The magistrates just accept the fact that this person doesn't have the means, and therefore - and if he's in receipt of Pension Credit, or if he's in receipt of some sort of benefit [despite owning high value assets] – they'll just accept that figure, and so therefore that doesn't trigger the large fines.* [LS-HIH02]

However, this perspective was disputed both by an LA lawyer and FTT members. They argued that magistrates manage similarly complex cases in other domains, and that the CPNs imposed by PSH services and by magistrates for a criminal conviction are not directly comparable.

> *Magistrates already deal with some complex arguments. If I bring a food safety prosecution, and I'm talking about the health risk, interest to public health principle in there, and they want to listen to some very technical evidence… So I think it's too simplistic to say, "Oh well, it's technical and they won't and they won't follow it," as it magistrates are well able to make good sense decisions. And then obviously they've got a legal advisor there anyway…So I don't think you need specialists to understand this stuff.* [LS-FGF01]

> *Well I think they are apples and pears, aren't they? In the sense that you're not comparing a £350 fine with magistrates, with I don't know, a £7,500 financial penalty because one comes with a criminal conviction.* [FTT-FG2]

## 7.5 Banning orders

A banning order, preventing the landlord from renting out properties, represents the top of the enforcement pyramid for housing offences: 'It's a very, very draconian thing to do' [LS-HIH02]. PSH officers described turning to banning orders when they felt that civil penalties were an ineffective means of enforcement, for instance because the fines were inconsequential to rich landlords or because the enforcement action had failed to lead to improvements in property standards.

FTT members who had seen a number of banning order cases concurred that the majority were pursued because the PSH service was very concerned about the actions of a landlord and wished to remove them from the market. In addition, the FTT highlighted that banning orders are an effective deterrent to malpractice amongst other landlords in that LA.

**Box 7.3 Decision to pursue a banning order, HIH-L case notes**

Reports landlord has been a full-time professional landlord for over 35 years, is fully aware of his legal responsibilities, has repeatedly demonstrated his inability to achieve compliance with housing legislation, shows blatant disregard for safety of his tenants, some of whom are vulnerable … Council therefore proceeding with Banning Order rather than continual prosecutions for non-compliance.

Of the case study authorities, only HIH had obtained a banning order against a landlord. They may not be the PSH service's first choice when attempting to remove a problem actor from the local PRS, as banning orders require long-term strategic planning:

> *The difference here was that we really wanted to. We, as an authority, felt it was appropriate to put a banning order against him and get him on the banned register. We didn't want him operating in [city HIH] because of his past history. He was unreliable. His properties were very, very poor.* [PSH-HIH10, HIH-L case lead]

> *We had to show there's a propensity, and this guy has not changed. I think there was a couple of years in between the first prosecution and the second prosecution, and there was no improvement whatsoever in his behaviour.* [LS-HIH02]

> *There's another agent where it was more effective to go down, serving civil penalties with the idea of going for bankruptcy versus a banning order instead.* [PSH-HIH03]

Seven years after the legislation underpinning banning orders was implemented, fewer than 40 banning order decisions have been published on the FTT website. The sector has so little experience of this enforcement tool that many PSH services have not given advanced consideration in how to approach them:

> *I don't think we had any banning order policy before this person came into the spotlight, and we realised that we needed to have a policy, and it was thrown together by somebody in legal so that we could effectively progress the case.* [LS-HIH01]

PSH officers in other case study authorities were asked whether there were circumstances in which they would consider a banning order. Although it was an enforcement tactic that PSH officers would consider, they emphasised the practical challenges in adopting that route. Where the dominant form of enforcement is CPNs, the PSH service has to change its approach entirely and pursue prosecution to obtain a criminal conviction as a 'passporting offence' required to make a banning order application. Moreover, although only a single conviction is required to apply for a banning order, in practice the FTTs have made it clear that they expect to see a record of sustained problematic behaviour.

> *I think in about in a five year period he'd had 30 notices, 30 plus notices served against informal notices. So there's quite significant enforcement taken against this landlord. … the issue with a banning order is that you need offences tried through the magistrates [court], not civil penalties.* [PSH-BCB06, BCB-F case lead]

> *Banning orders require you to have multiple instances of offences committed over a certain period. Where it's not someone who is prolific and widespread, it can be quite difficult to get those in a row to then also progress with a convincing application for a banning order.* [PSH-HIH03]

Tribunal members who had seen multiple cases indicated that success centred on the successful presentation of evidence.[80] PSH services were encouraged to provide a clear audit trail demonstrating appropriate use of internal policies and procedures, and think carefully about presenting the evidence that best supports their argument for a ban rather than adopting a 'scattergun' approach. The FTT affirmed that the guidance allows them to consider evidence beyond the 'gateway' conviction, including CPN evidence.

Finally, however, PSH services are cognisant that a successful application for a banning order raises questions about who will take responsibility for the landlord's properties. As noted above (section 4.7), they are reluctant to take on management responsibilities in the PRS:

> *I seem to remember, if you have a landlord that has a banning order and they don't comply with the banning order, as a local authority, I don't know whether you're obligated to, or you're strongly recommended to take over management of those properties… that's a substantial undertaking on behalf of the council to then have to do, and generally they don't tend to want to take on any interim or full management orders of properties.* [LS-HIH01]

## 7.6 Conclusion

Criminal prosecutions for housing offences are relatively few in number and appear to have become fewer still since the introduction of the CPN regime through the Housing and Planning Act 2016. Qualitative evidence shows that PSH services engage in thorough preparation for prosecution cases, and in-house lawyers tend towards a cautious approach in deciding whether to take them forward. This no doubt informs the high proportion of cases found in PSE services' favour. But although fines issued for housing offences have increased substantially over the past decade, and well above inflation, the sums remain well below those available to PSH services to issue as CPNs.

Prosecutions are not usually considered the strategic course of action amongst the case study authorities. They present multiple risks and challenges, including a resource-intensive evidence collection process, lengthy time frames awaiting trial dates, and issues with witness retention.

A consequence of this view is that slum landlords are relatively protected from receiving criminal records for their housing offences. Moreover, strategic pursuit of banning orders may become closed off to PSH services (see section 8.5).

[80] See also, section 6.4, and Colliver & Hunter, *Banning Orders*.

# 8 Strategic choices

## 8.1 Introduction

As the national guidance on housing enforcement is limited, with MHCLG instead expecting LAs to develop their own enforcement policies, there is significant variation in enforcement policy and practice in how PSH services address housing offences. These differences may be informed by cultural differences within authorities, reflect the context and constraints in which services are operating after a decade and a half of cuts, and the practices developed in order to negotiate challenges created by resource scarcity and legislative complexity.

This chapter attempts to draw out some key strategic themes from work with case study authorities, to highlight critical choices and structural factors that affect enforcement against slum landlords. It begins by describing how different enforcement philosophies inform how PSH services think about and identify slum landlords, and the impact of enforcement cultures on subsequent action. The chapter goes on to explore the spectrum of informal to formal enforcement practices and how service culture can inform how PSH officers navigate the plural legislative tools available to them. Finally, it considers the limits to formal enforcement and the challenges PSH services face in escalating to the top of the enforcement pyramid.

## 8.2 Enforcement philosophies

This section aims to capture who or what is the focal point of PSH enforcement activity, first reviewing ways that problem landlords are framed by different services, then going on to examine what underlying values might drive enforcement work.

### *Classifying slum landlords*

A critical element of PSH service strategies is developing a clear understanding of the purpose and priorities of enforcement activity, and identifying those responsible for the worst housing standards and/or prevalent poor practice within the local PRS.

Most PSH services are aware of some slum landlords in their area. How many slum landlords they recognise, and how they respond, varies. Some PSH services take strategic action to go after these landlords proactively, trying to force them into compliance or out of the market:

> *In terms of there being serial problem landlords, well there'll always be a few and they're the ones that you'll have the same problems with time after time after time.* [EHP-OPO2]

However, there will be some slum landlords that PSH services do not know about. Resource limitations mean they are unlikely to discover the problem through proactive inspections, so they are reliant on reacting to tenant complaints. Some slum landlords might be hard to spot through these methods, because they are operating just a few substandard properties. When a case first comes up, the PSH service will only discover through dealing with the landlord whether they are simply naïve about their responsibilities or whether they are willing to flout the law.

The way in which PSH officers approach enforcement against slum landlords is informed by how the perpetrators are framed in the service culture. Landlords that consistently operate sub-standard properties were not necessarily positioned as 'criminal' by PSH officers:

> *As I said previously, we identified him because of his poor property standards, but other than that it wasn't really criminal.* [PSH-HIH10]

Rather, they might be framed as 'naïve' and unintentionally negligent, or emphasis might be placed on their positive intentions:

> *This one's really neglect. I think it's a landlord who's naive and she's neglected her duties. Or it's just beyond her and she's not got anybody in the area or she's not used anybody in the area because there's plenty of management agents, estate agents who could deal with this, and they'll deal with it pretty quickly. So I think that this a bit of a one- off. And that it's sort of like an absent landlord who was not around here. And like I say, pretty naive.* [PSH-FGF02, FGF-F case lead]

> *I don't think it's acting in a specifically criminal manner, i.e. "I'm going to have all these people in here to try and get as much money from them as possible, and I don't care about it." I think he genuinely thinks that he's doing society a favour by housing tenants at a difficult nature that nobody else will house. And often he doesn't actually get rent as well.* [PSH-BCB06]

In some cases, the reluctance to frame offenders as problematic or distinctly criminal was linked to a perception that 'worse' activities occurred elsewhere, or that they were situational occurrences rather than markers of an endemic issue:

> *You got to [city HIH] and you might have what we, you know, class as professional landlords, portfolio holders, you know, who know what they're doing. We've got nothing. We've got incidental landlords who bought a property.* [PSH-BCB03]

A manager in BCB described an increasingly challenging and hostile enforcement environment, describing increases in landlord hostility in the aftermath of the COVID-19 pandemic, combined with greater severity of hazards. She noted that financial constraints in the post-Brexit and pandemic cost-of-living-crisis mean 'Nobody wants to spend any money' [PSH-BCB03]. She also linked this to a difficult housing market and a lack of professionalism amongst the local landlords, complaining that despite offering free training for landlords and agents in the area, the take-up had been poor.

Knowledge, intent and persistence emerged as key themes in PSH officers' willingness to position offenders as 'criminal':

> *To me, a more criminal landlord is when it's not that they're particularly naive or they don't know what they're doing. It's where they do know what they're doing. But they'll argue the point or they'll just ignore you, although blatantly not do the work, or they'll get away with the minimum amount of work.* [PSH-FGF05]

> *They don't just rock up and 'Hey presto, he's a criminal.' They've been at it for quite a while. And if they've been at it for quite a while then there's quite a history on landlords within the service. There's always a lot of talk within the service. Names get banded around, people start moving up from just being 'these guys are a problem' to 'these guys are prolifically offending and we need to do something about it.'* [PSH-HIH06]

One service manager identified the intentional and strategic bypassing of housing regulations and exploitation of vulnerable tenant groups as a distinct form of criminality within their area:

> *In HMOs we see a lot of developers who I would describe as sort of criminal. Over the past 10 years and as a result of relaxation in planning legislation, developers have come into BCB. They found lots of empty properties where they've had opportunity to make lots of money by poorly converting buildings and selling off these rooms in shared cluster flats which they've developed. And selling rooms off to people who aren't really familiar with BCB and making huge amounts of profits.* [PSH-BCB01]

Evidence from HIH suggested that PSH officers struggle to view 'ordinary' housing standards offences as a form of criminality, despite the legal basis for this view. One PSH officer observed that, prior to moving to a specialist unit that focused on 'more seriously criminality' connected to properties such as cannabis farms and human trafficking, she 'wasn't really looking at [enforcement work] from a criminality point of view' [PSH-HIH03]. Another, working outside of that unit stated, 'I

don't deal with criminal landlords on a daily basis' [PSH-HIH07]. Many officers within this authority related their view of 'criminal landlords' as those with more widespread links to organised crime:

> *Through the intelligence aspect of things and the information gathering, we're seeing the same landlords linked. So that we're saying the names of landlords are continually linked to each other, continually linked to certain management agents, continually been suspected of committing trafficking offences. have poor quality properties, they've had cannabis farms in the properties. They're used to dealing with the police – just as used as they are used to dealing with us.* [PSH-HIH02]

Drawing on his experience of case HIH-E, PSH-HIH07 acknowledged that severe criminal activity and harm could be multi-faceted and put into words the sense of conflict around the framing of 'criminality' that appeared amongst PSH officers:

> *Exploiting two vulnerable old guys to the extent that it controls the way they live their lives, their finances. He has them in tears. They were frightened to death of him. How do you compare that against somebody who uses a property to grow cannabis? There's all different types of severity.* [PSH-HIH07, HIH-E case lead]

> *Is it criminal, for example, for landlords not to give two pennies about the state of the properties they let people live in? They just don't care. So whether that be there's no heating system, whether it be full of damp and mould windows are broken, there's infestations. That sadly is common. See that all the time, day after day after day, all the time. Into a house this morning with broken windows and tyres thrown in the front yard. And that's just from the outside. Goodness knows what else will be there. Yeah. So that is not too uncommon and the tenants suffer because of their housing conditions. So they are being exploited to a certain extent, the landlords don't care about the conditions they allow their tenants to live in.* [PSH-HIH07, HIH-E case lead]

As these cases show, for PSH officers, commission of a criminal offence through breach of housing standards or licensing and management regulations was not necessarily seen as evidence of a landlord 'being a criminal'. This created space for a more sympathetic framing of landlords in some cases, as 'naïve' and therefore implicitly less culpable for their offences, and might inform a reluctance to pursue 'hardline' enforcement measures associated with criminality, such as prosecution. As PSH officers rarely understood housing offences as 'criminal offences' and landlord perpetrators as 'criminals', instances of slum landlordism did not necessarily evoke a priority enforcement strategy.

### *Enforcement philosophies*

In addition to whether and how PSH services position their work in relation to 'criminal' or 'slum' landlords, it is possible to discern cultural differences in the underlying logic of enforcement. Whilst some PSH services and officers frame their work in terms of tackling bad landlords, others talk about tackling substandard housing conditions and improving the quality of the PRS housing stock:

> *Ultimately what we're trying to do is we're trying to resolve issues for tenants to bring our housing stock up to the required standard with the minimum effort required.* [PSH-BCB03]

These purposes are by no means mutually exclusive, but may have implications for the enforcement approach taken. For example, amongst the project's case study authorities, the service most explicitly focused on 'bad landlords' tended towards more singular use of Housing Act powers, whereas the service that framed its work in terms of housing standards and tenant harms reached for a greater plurality of legislative tools (see section 8.4**Error! Reference source not found.**). This m ay be because the enforcement powers in the Housing Act 2004 support more severe punitive action, but alternative legislation may at times be more expedient in resolving housing problems. For example, the EPA might offer a faster way of remedying drainage issues than waiting for a landlord to respond to an improvement notice (see section 4.8).

## 8.3 Informal and formal approaches to enforcement

Previous research has identified a range of strategies deployed by PSH services regarding enforcement. In 2020, Harris *et al*'s review of enforcement activity characterised four strategies and approaches:[81]

- Informal enforcement action directed at the individual landlord or letting agent includes education, advice or guidance, persuasion, and negotiation
- Formal enforcement activity includes legal action, for example, serving statutory notices, civil penalties or prosecuting landlords.
- Compliance-focused activities targeted at the wider sector can include dedicated advisory services, landlord training, accreditation schemes, newsletters or landlord forums.
- PSH services might also develop 'creative approaches', that regard housing standards as evidence of wider issues relating to poverty and tenant marginality'.

These are not all incompatible, but more recent work by Cowan, Marsh and Harris[82] argues that there is greater use of formal enforcement approaches and that these approaches are increasingly hardline. Research with PSH services in Yorkshire and the Humber supports this trajectory towards more 'hardline' or formal enforcement policies.[83] However, there are still differences between the authorities as to the use of informal approaches before moving to formal action.

### *Reasons for informal working*

As noted above (see section 4.3), informal approaches to enforcement may include provision of landlord education and training to encourage compliance, and undertaking 'informal' inspections (without a s.239 notice, see section 3.6) where, if problems were found, interventions could initially involve advice to the landlord and informal notices with schedules of works prior to initiating formal action.

Our case study areas indicated that informal approaches are an appropriate first response to landlords they view as naïve or ignorant of the law, or where the problems identified are relatively small:

> *With some landlords, particularly some who are not so experienced in certain types of lettings, it can be an educational process and, you know, prevent this problem in the future.* [LS-FGF01]

Informal approaches may exist alongside compliance-based strategies, for example through relationships with local landlords' associations.

> *You know, the majority of landlords are members of it [the landlords association]. So obviously we try to, you know, work with them and explaining what we do… We try to work with them informally, to avoid having to serve a notice. …We haven't had as many appeals from their members in the last few years.* [LS-FGF01]

Some authorities also see informal approaches as a strong basis from which to escalate to more severe enforcement action if necessary. BCB's enforcement policy created some incentive for landlords to engage with informal enforcement, because the informal notification would create a basis for exacting more severe penalties if they later failed to act on formal notices:

[81] Harris *et al*., *Improving compliance with private rented sector legislation*.
[82] D. Cowan, A. Marsh & J. Harris (2024) 'Local Authority Intervention in Private Renting: From Compliance to Hardline Enforcement', *Journal of Law and Society* 51, no. 3 (2024): 390–412, https://doi.org/10.1111/jols.12489.
[83] Harris *et al*., *Improving compliance with private rented sector legislation*.

> *If landlords had an informal notification, they get high culpability… But if we want to go straight to improvement notice, they've only had that one opportunity. They might have a medium culpability. So they might get a lesser fine because they've only had one opportunity to do the works.* [PSH-BCB03]

Working informally in some respects does not preclude formal action in others. Informal notices may also be accompanied by the initiation of formal investigations. For instance, FGF use their powers to request documentation alongside sending informal advisories to landlords to complete works (see sections 3.6 and 4.3).

PSH officers who worked in this way reported positive outcomes. For instance, although they felt that the housing issues were 'quite common', one PSH officer felt that the informal-first strategy was broadly effective and reported that it was rare to escalate to formal enforcement:

> *I would say we have pretty good compliance from landlords once we get involved some we can just phone up and they'll do the works because they are, they haven't realised or they've made a mistake or they've just dropped the ball a little bit. Some take [an] improvement notice to get the work done. Kind of like, right. OK, fine. I'll do it now. And it's not that many that we have to end up issuing CPNs to, if I'm being honest, it's there's a smaller percentage, but it's just those suppose persistent landlords that just don't really want to acknowledge that they've got issues within the property.* [PSH-BCB06]

### *Problems with informal working*

Informal approaches are not without their problems. Evidence from case study authorities pointed to strategic risks associated with this way of working. There was variation in PSH services' willingness to work with landlords informally over a longer period of time. Some enforcement policies indicate the service will issue statutory notices 'where informal action has not achieved the desired effect' without specifying a precise framework for escalation, whilst others indicate an informal approach would be made only once before moving to formal action. These subtle differences in policy framing were reflected in different degrees of flexibility or discretion described by PSH officers in their response to serious housing offences. In authorities that did not take a clear, stepped approach, there was a risk that informal activities could continue for long periods of time, neither remedying the housing issue nor escalating to formal measures.

One case study authority illustrated that informal working practices may be a reflection of service constraints and/or internal failings. FGF described having adopted a formal-first enforcement policy in the past, but having been prevented from implementing it due to a combination of external restrictions and resources constraints:

> *Yeah, we have got an enforcement policy that was reviewed and approved by cabinet. Gosh, it's quite old now. It must be 2018, but it was subject to judicial review from the local landlords' association. We ended up in the High Court in [city HIH] and we won and they lost their appeal and then we started to enforce it, after some negotiations with the local landlords' association. And then COVID happened. So we got told to suspend everything and treat people less formally and with the lighter touch. So that's what we did. And then due to work pressures and lack of staff and amount of work and everything else it's been quite difficult to revert back to our old enforcement policy.* [PSH-FGF02]

They also offered examples of how resource limitations might lead to poor working practices that prevented escalation from informal to formal enforcement measures:

> *Interviewer: So could you just tell me what the thinking might be behind serving an informal notice in this instance, rather than going straight to formal action, particularly given that we've got quite a long schedule of actions which is perhaps indicative of the scale of works that needed to be done.*

*Respondent: This probably more – I do recall speaking to the officer about this job, telling them they had to get it written up because it was so old, and I think that probably that had a bearing on it. Because serving statutory notices when it's months and months later doesn't look very good on the authority.* [PSH-FGF02]

*Going straight to formal: exceptions to informal-first policies*

All of the case study authorities described instances in which they would bypass initial informal steps. The most frequent reason mentioned by PSH officers was that the landlord was already known to the authority. But they also raised instances of severe harms, for example where category 1 hazards are found:

*Yeah, so knowing immediately who the players were that they were known was in the history of non-compliance immediately frames our path of enforcement choice of going straight to formal. It's in our enforcement policy anyway, that where it's someone who has a history of non-compliance, there's an assumption that you go straight to formal. It is rarer that we do informal processes anyway, particularly for such severe hazards, but because of these selective license offence it was straight to a civil penalty for the owner of the company.* [PSH-HIH03]

Despite not yet having re-implemented their formal-first enforcement policy, FGF officers described some of the justification for adopting that route in terms of resourcing and efficiency:

*Some of it is time saving. Working informally is much more time consuming than working formally. We do multiple revisits and it's a waste of time and we're so busy. We don't have time to do the work that we've got, let alone – There were people who were dragging their feet.* [PSH-FGF02]

Officers in FGF also described how they would compensate for the initial 'lighter touch' approach with more severe consequences if a landlord failed to comply, such as removal of any reductions in payment plans or increased fines.

**Box 8.1 Exceptions to informal working, MNM enforcement policy**

In some circumstances we do not consider it appropriate to deal with landlords informally. These circumstances include, but are not limited where: there is a serious hazard in the property which requires emergency action; we consider there has been disregard for the law or history of non compliance; there are multiple serious hazards or disrepair issues present in the property, particularly where there is a significant health and safety risk; the landlord ha s a history of previously being uncooperative or we are already investigating the landlord or taking enforcement action in respect of another matter; the landlord or agent have a number or properties, have been involved in managing rented properties for some time, or who should otherwise have known of their responsibilities.

*Mitigating circumstances: Exceptions to formal-first policies*

Although HIH generally positioned themselves as having a 'formal-first' enforcement policy, one PSH officer explained it offers them the opportunity to go straight to formal enforcement where deemed appropriate but does not rule out informal approaches where these are warranted. PSH officers may take informal action where they do not perceive the landlord to be directly responsible for breaches in housing standards, or where they want to warn a landlord against the potential for breaches. This was the case in HIH-C, which changed ownership multiple times whilst in a state of disrepair. The officer had repeatedly used emails and phone calls to get in touch with new owners and advise them of works required to the property before initiating formal proceedings:

> *Then the impetus to switch from informal action to formal action was we'd had a conversation with them prior about, 'These are serious hazards. If progress isn't made, we have no choice but to go down the route of formal enforcement action', and they they've been made aware of that… we found that they put the property up for auction again and there was a worry that it was going to pass to another hand without anything in place because formal notices go into the legal pack for any prospective buyer. And so we wanted to make sure if it if the property sold again, we weren't going to be starting from square one.* [PSH-HIH03, HIH-C case lead]

Taken as a whole, the choice to use informal or formal working practices could be more fluid in practice than might be implied by PSH enforcement policies.

## 8.4 Navigating legislative pluralism: picking the tool for the job

Where PSH officers decide to undertake formal enforcement, there are a plurality of potential legal bases for action. In addition to the Housing Act 2004 and Housing and Planning Act 2016, some officers reported using powers under the Building Act 1984, EPA, and the Local Government (Miscellaneous Provisions) Act 1976 to facilitate their enforcement work:

> *So we looked at all the legislation available to us and we served the appropriate notice for each failing element of the properties. For instance, you may have blocked gutters, defective gutters, poor drainage systems on a property. You can assess that under the Housing Act and Hazard rating, but there is specific legislation for that. So would go with defective drainage under section 59 of the Building Act. So we'd serve a Building Act notice and then we'd risk assess it and we'd look at all the other hazards and we'll serve a Housing Act improvement notice.* [PSH-HIH10]

Pluralist use of legislative powers appears to depend on PSH enforcement priorities and culture. Interviews in all case study authorities indicated PSH officers were aware of the breadth of their powers, but some – those philosophically oriented towards addressing substandard housing stock and harms to tenants – appeared to draw from a broader 'legislative buffet' more regularly than others.

FGF were keen proponents of the 'buffet' approach to formal enforcement, potentially drawing on a wide range of legislative tools in a single case. For example, in case FGF-I, the PSH officer served a Building Act 1984 section.59 notice and schedule of actions detailing works to address guttering and drainage issues, alongside a letter for a breach of the Electrical Safety Standards and a letter advising of Emergency Remedial action to take place under the Housing Act 2004, section.40. Officers emphasised an ongoing process of learning and adaptation to make the most of the tools at their disposal:

> *Whenever a new piece of legislation comes about we do put in place new procedures. We have been involved with a lot of the newer legislation: writing the procedures, flow charts for officers to follow; writing all the notices that get checked by the legal department. I feel like we do really try to use the legislation that we've got.* [PSH-FGF06]

PSH services whose enforcement strategies centre on the use of CPNs to deter or remove bad landlords from the market appeared less likely to draw on other powers. Multiple PSH officers in HIH talked about the Housing Act 2004 as being the main piece of legislation that they worked with, emphasising the breadth of options available to them under that Act:

*So the Housing Act 2004 is one of the key ones. We use prohibition orders, improvement notices, any sort of formal enforcement action that Part 1 of the Housing Act gives us for tackling the poor conditions. And they kind of force the landlord to have to get in touch with us and have to respond to us because of the legal nature of the notices. But there's also Part 2 and Part 3. The licensing side of the Housing Act 2004. So any licensed HMO's and your license properties that in the select licensing areas that we have in [city HIH] where they require a license and they don't, we then have powers to follow up on investigations and then we use the Housing and Planning Act 2016, which introduced civil penalties for local authorities. And the civil penalties are a key tool that we have that disruption.* [PSH-HIH03]

**Box 8.2 Beyond the Housing Acts: Enforcement strategy in Wolverhampton**

Informed by practice borrowed from Trading Standards, the Private Sector Housing team at the City of Wolverhampton Council has an enforcement strategy that draws on legislative powers both from and beyond the Housing Act 2004 and Housing and Planning Act 2016 to tackle slum landlords. The LA works creatively to achieve PSH service goals, e.g. in removing a slum landlord from the market or preventing illegal evictions.

Works in Default, Housing Act 2004: Where a landlord fails to comply with an improvement notice an LA may be forced to choose between serving a prohibition order and removing the property from the PRS market, or performing works in default to bring the property into compliance. Although undertaking works in default involves an upfront cost for the LA, it can ensure the property remains tenantable and the costs are passed on to the landlord.

Anti-Social Behaviour Crime and Policing Act 2014: LAs may struggle to effectively prevent illegal evictions using the Prevention from Eviction Act 1977 due to lengthy timeframes in bringing cases to the criminal court. They can instead obtain interim injunctions against harassment from the civil court, obtaining arrest warrants for breaches of the injunction. This gives the police power to intervene where landlords breach an injunction, and a landlord found guilty may be fined, issued a two-year prison sentence, or be subject to seizure of assets.

Digital Markets, Competition and Consumers Act 2024: The LA emphasises that landlords are running a business. Under the Act, businesses are prohibited from acting dishonestly, aggressively or otherwise engaging in unprofessional behaviour in the course of their activities. Landlords who act unprofessionally may therefore be subject to enforcement orders and undertakings, and liable to be found in contempt of court if they are breached.

Importantly, the powers a PSH officer uses to start formal enforcement can inform what options are available to them for escalation. PSH strategies that centre on the use of CPNs mean earlier stage interventions are more likely to be approached using Housing Act powers, as these form the basis for escalating up the enforcement pyramid.

## 8.5 The formal enforcement paradox

Commenting on experiences of issuing CPNs and obtaining criminal convictions for housing offences, some PSH officers expressed frustration that the enforcement options available to them are an ineffective remedy for chronically poor housing standards. Financial penalties 'lack teeth' with wealthy landlords, and neither CPNs nor convictions compel the owner to remedy hazards:

*There's nothing there that says that they will 100% do what we're telling them to do. They still don't have to do it. They don't have to make anything better. So if you've got a landlord that's rich, somebody that's got lots of money, and you throw a £20,000 civil penalty it's just a wash in the ocean.* [PSH-HIH06]

These limitations mean that, at least in some cases, slum landlords can continue to operate with relative impunity.

The choice to pursue a banning order, the most severe sanction available to PSH services, is a final option where CPNs and/or criminal prosecution have not proven effective. As noted above (see section 7.5), the application for a banning order requires evidence of at least one criminal conviction for a banning order offence. For a successful case, a series of convictions is preferable, to evidence a long-term pattern of offending. This places PSH services in a challenging position when making strategic enforcement decisions. The current system strongly incentivises them to use CPNs as their default sanction for serious housing offences, but these cannot be used as 'gateway offences' required to pursue the most severe sanction:

> *There was a case that my colleague had a while back of a breach of a prohibition order, which had to go through prosecution [because we] can't do civil penalties for them. And when it got to court they were only fined £100, so it was just nothing. It's not a deterrent in our eyes. Whereas civil penalties do give you the ability to serve more punitive enforcement action. … Banning orders require you to have multiple instances of offences committed over a certain period. Where it's not someone who is prolific and widespread, it can be quite difficult to get those in a row to then also progress with a convincing application for a banning order.* [PSH-HIH03]

This means that when a PSH service makes the strategic decision to pursue a ban, they must effectively 'start over' by looking for opportunities to prosecute new offences rather than being able to rely on previous offences that were sanctioned via CPN.

## 8.6 Conclusion

This chapter has drawn out how the absence of central guidance has led to significant variations in PSH strategy and practice, encompassing identification of housing offences and offenders, internal framing and priorities, and approaches to enforcement. Explorations of these differences offer a series of strategic learning points.

It is clear that informal-first approaches are widely adopted, for legitimate reasons, and can in many cases be effective. However, authorities should consider specifying a path of escalation from informal to formal enforcement in their enforcement policy and embed this in their service culture. Clarity about tackling slum landlords as a priority, and taking an approach of targeting instances of slum landlordism with formal enforcement powers, is likely to be an important driver for an effective enforcement strategy.

Whilst the type of first-line enforcement tools may be varied according to PSH service internal priorities and resources, services should be mindful of the enforcement pathway and strategic implications of their first point of formal enforcement. Where they suspect slum landlordism and/or anticipate a future need to escalate, services may wish to prioritise formal enforcement under the Housing Act. Whilst it may involve a longer timeframe than alternative legislative tools, it may also offer greater scope for escalation.

Finally, PSH services face a paradox at the highest levels of enforcement, as the CPN route created by the Housing and Planning Act 2016 and recently extended under the Renters Rights Act (see chapter 10), does not support applications for a Banning Order.

# 9 Effective enforcement and its challenges

## 9.1 Introduction

In addition to the strategic choices discussed in chapter 8, evidence from case study authorities points to a series of factors that, whilst representing opportunities for good practice, present common challenges to effective enforcement against slum landlords.

This chapter begins by considering the legislative complexity that PSH officers must navigate and the vital importance of a clear, strategically informed enforcement policy to support them in doing so. Service resourcing is a known difficulty across LAs, and the following section discusses the issue in relation to staff skillsets and service culture, training and retention, and subsequent effects on case management and working patterns. Partnership working is often lauded as a best practice, but it is also inevitably affected by the capacity and priorities of partner services. Inter-agency working is explored through enforcement teams' relationships with colleagues in LA Housing Options teams and, externally, the police. Finally, as noted throughout this report, good quality evidence is fundamental to effective enforcement at the highest levels, where it can have a significant impact on the PSH service's ability to prosecute landlords or defend their CPN decisions when appealed. The chapter concludes by reviewing the challenges that landlord and tenant actions can pose to this process.

## 9.2 The legislative and policy landscape

*Legislative complexity*

Housing law can itself be a challenge to effective enforcement. PSH officers must navigate a highly complex legislative landscape, as they hold powers relevant to upholding housing standards and tenant wellbeing through an array of laws and associated regulations.

> *The legislation is really complicated. I think one of the most complicated ones that we've had so far is the new electrical regulations. They keep coming up with problems after problems. I keep having to go back, review the procedure, change bits and pieces. But I think if the government made the legislation a lot more clear-cut, that would help, but… It seems to be getting more complicated* [PSH-FGF02]

> *It was a complicated case to deal with, especially because some of the legislation's like piecemeal. So you're serving different notices under different legislation trying to tackle the issues.* [PSH-BCB02, BCB-A case lead]

Asked about what would make their job easier, one PSH officer responded:

> *Legislation that's easier to use. Legislation can be difficult to use sometimes… there's just certain things there that are barriers. Landlords grasp all of this, they know about it, they play the game, they use the tools. And they try and keep us at bay as much as possible. Frequently they fail, which for us it's good thing, because then we can do this job. Legislation is a difficult one, yeah.* [PSH-HIH06]

This complexity can make it difficult for officers – or even services as a whole – to determine the most appropriate course of action for a given issue. Senior officers and service managers describe developing extensive internal processes and flowcharts to support their colleagues in navigating the legislative landscape, but pressures on capacity could interfere with that work:

> *I would like to have time to manage them [policies] and to be able to look at what we're doing and reviewing procedures, review procedures and policies and get them so they're much easier to follow. Some of them have been done, but some of the other ones haven't been done and they need to be more up-to-date, easier to follow.* [PSH-FGF02]

### *Clear, strategically informed enforcement policies*

Effective enforcement against slum landlordism is characterised by a consistent culture across an LA, including clear leadership around the purpose and values underlying enforcement activity. As this officer in HIH described, enforcement policies should be developed in line with government guidance and with appropriate legal oversight, and working practices and processes should be closely aligned with the service's enforcement policy:

> *Our whole policy has been signed off through our legal officer, through the cases and the things we've learned over the number of years, plus selective licensing for one.* [PSH-HIH04]

PSH officers must be supported to understand both the purpose and appropriate implementation of the policy, together with engaging in scrupulous documentation of enforcement activities in order that they can clearly evidence their actions and decision-making processes should the case go to court.

Whilst, as this report has shown, PSH services may vary in the strategic approaches they take to enforcement, policies that show clearly defined progression from any informal steps through to successive stages of formal enforcement are helpful for both the PSH service and the local PRS alike. They provide PSH officers with clear guidance on how to progress cases of housing offences, navigating the plurality of options for enforcement with both creativity and anticipation of options for strategic escalation (see section 8.4). Well-defined enforcement policies also help to set landlords' expectations of what to expect if they commit a housing offence.

## 9.3 Service resourcing

As noted in section 8.1, LAs and their PSH services are operating in the context of a decade and a half of stringent cuts. Over time, this has meant the loss of skilled and knowledgeable staff as the service becomes less competitive in the job market, and officers' increasing awareness of the budgetary implications of their enforcement actions.

Regardless of enforcement philosophy and strategic approaches to enforcement, PSH enforcement activities are constrained by the resources available. Where services are well-resourced, this creates opportunities for proactive targeted working to address the most problematic parts of their PRS market. As resources decrease, services' work necessarily becomes more reactive in nature, offering fewer opportunities for systematic improvements to the quality of the local PRS.

Service resources also impact working practice in other ways. Only one case study authority, FGF, was able to regularly undertake works where the landlord failed to do so, because the service retained a ring-fenced budget that supported these activities. Equally, staff in this PSH service identified working time inefficiencies created by a lack of access to modern technology like Wi-Fi-enabled laptops or tablets which would allow them to conduct administrative work remotely whilst on site visits.

### *Staff skillsets and culture*

Successful enforcement depends on expert staff with sufficient time and resources to carry out their work effectively. Enforcement teams were recruited from a range of background, the most common of which were environmental health professionals. Those working alongside them were highly complementary about the skill and proficiency of colleagues in the PSH service:

> *There's a good number of qualified environmental health officers, with technical officers to support them and admin staff, and these are, I would say, the cream of the crop. They are some of the most highly skilled and qualified practitioners that we have in the authority and frankly we need more. They're not paid well enough, and I think at times politically they haven't had the level of support they should have had.* [LS-FGF01]

PSH officers in other services highlighted the benefits of having colleagues recruited from a diverse set of professional backgrounds. Alongside qualified EHOs, some enforcement teams had officers

recruited from backgrounds such as Trading Standards, the police, and legal professions. This supported cross-sector knowledge transmission about effective tactics for addressing slum landlordism and also offered opportunities for case assignment that allowed officers to 'play to their strengths':

> *So as a service, we have individuals from different seniority involved, and we have a head of service, an operating manager as well. The case is always discussed at every point. It is taken back to said meeting to look at, if we need to change any mitigations, does it fit in line with our matrix and our penalty policies, have we given reasonable adjustment, have we given the correct timeframes, is it legally compliant? We have officers that have different backgrounds of all natures. Myself, I've got legal background, and there's other officers that have an environmental health background, there's other officers that have dealt with contractual law, other officers that have a police and enforcement background. So we have a varied experience set in that room at one time, and that's our process. We peer review everything. Not one officer to makes a decision, it is a peer reviewed thing. So we have continuity, a sustainable approach at all times for all individual cases. One officer cannot have one approach and another officer have another. It is then a service widespread approach for us.* [PSH-HIH04]

One case study authority had a dedicated in-house solicitor working closely with the enforcement team, which was flagged as particularly beneficial:

> *We've managed to get our very own dedicated legal solicitor and a team as well behind her. So she just purely deals with housing related stuff, private sector housing related stuff with us, and that makes the process so much easier. And you just have so much more confidence in what you're doing.* [PSH-HIH08]

Access to expert legal advice on housing matters gives PSH officers greater confidence that they are working appropriately and within the law. As noted above, the team culture was also highlighted as an important form of support behind individual PSH officers. Regular team meetings and opportunities for case discussion support consistent practice and staff morale.

### *Staff training and retention*

A strong service is well-resourced and able to train and retain skilled staff. Over time, jobs such as Tenancy Relations Officers, that historically played both a preventative and enforcement role in upholding housing standards, have been cut from most local housing authority workforces.[84] Equally, as one LA lawyer observed, insufficient support and uncompetitive pay can harm the retention of skilled professionals, and experienced EHOs have left the workforce:

> *I mean our teams are pretty limited in terms of resource. And expertise as well … you need really well trained and qualified and knowledgeable [staff]… when you lose that it takes time to get people to understand and consider all the complexities around it.* [PSH-BCB01]

Service managers described challenges maintaining teams with appropriate skillsets: experienced staff often move to more competitive employers and fewer new EHOs are entering the workforce, creating recruitment challenges.[85] Managers identified a need for more training opportunities to support people interested in housing work to acquire EHO qualifications. They noted that fewer educational institutions offered courses in environmental health, and opted to recruit less experienced staff and train them in-house:

> *So a lot of the staff we've taken on start off as trainee EHOs. Because of the recruitment issues, we take them on from degree level from university, with the appropriate environmental health degree, and we train them up.* [PSH-BCB03]

[84] See Carr *et al.*, *Harassment and illegal eviction.*
[85] CIH and CIEH, *A License to Rent*.

As PSH services operate with smaller, less experienced teams, there is an increased likelihood of missed opportunities or mistakes in enforcement. Complex tasks fall to less experienced PSH officers, and there is less capacity across the service for individuals to specialise in particular areas of housing enforcement. In interviews, service leads resonated with feelings of 'running on good will', and newer PSH officers expressed a lack of confidence in navigating housing legislation and felt that the size of their caseloads meant they lacked opportunities to develop an area of specialist knowledge.

> *If we had an abundance of money then it would be great if we could specialise … so that we can really delve deep and really get down and do them properly. Not that we don't do them properly now, but do them and know the regulations, the legislations.* [PSH-FGF05]

*Case management and working patterns*

Short-staffing and high caseloads can also create delays in case management that can impede timely action, with a detrimental impact on effective enforcement strategies as time-bound opportunities to escalate formal enforcement may be lost:

> *Officers usually have a caseload of about 100 open service requests at one time, which is enormous. So stuff gets left, unfortunately, because it sometimes turns into the person who shouts the loudest.* [PSH-FGF02]

PSH officers valued proactive enforcement work (see section 3.4), particularly where funding enabled a focus on neighbourhoods or specific landlords known to be problematic. However, staffing and resource limitations mean that PSH officers' predominant mode of working is reactive, with little opportunity for the services to engage in strategically informed proactive work to identify and target slum landlords. One strategy adopted by resource-poor services was to work opportunistically where they were able:

> *The way we respond to cases, we tend to deal with any defect within a property, whether it's a low cat 2 hazards, or whether the high cat 1 hazards, we will be looking to get those repaired. We've got quite an ageing stock in BCB … So we tend to try and improve as much as we can while we are there. Because we might not be back for a few years' time, and it's probably going to deteriorate in a few years' time.* [PSH-BCB06]

By following up on even minor hazards where they are discovered, in a bid to prevent further problems in the future, PSH officers in BCB are able to interweave small elements of a proactive approach within their largely reactive service model.

## 9.4 Partnership and interagency working

Partnership working, both internally between LA services and with external agencies, has the potential to improve the power and efficacy of housing enforcement work. Where interagency working works well, there is effective information sharing, so PSH services are alerted about instances of slum landlordism and – equally – can pass on information to the police or social services about issues in their remit. And they can even engage directly in joint working, for example using one another's powers to facilitate access and inspection.

PSH service managers in BCB described strong interagency working across multiple services and initiatives including: the fire and rescue authorities; trading standards; modern slavery boards; social services and children's family centres; elected councillors; Housing Options; building control services; and the immigration and asylum unit. Operation Jigsaw,[86] which is funded to support intelligence sharing across local housing authorities, was credited with facilitating a number of these links. However, the heads of service also described cultural factors that supported strong interagency working:

[86] See https://www.linkedin.com/company/operationjigsaw/, accessed 26 Nov 2025.

> *I regard that one of the reasons why we tend to build strong relationships is we reciprocate. And whenever we get referrals or inquiries, we're fairly prompt to respond to that. I know there's resource issues in all areas of work and sometimes it's hard to make contact with the relevant people. But we have a strong ethos and we've always had this, and it's to do with previous management, that if any external service or our partner services make contact in regards to anything that we respond fairly promptly to it and then we get a reciprocation of that when we try and sort of kind of engage with them.* [PSH-BCB03]

Commentary across case study authorities underlined the importance of developing both a clear protocol for information sharing and inter-agency working, and the ongoing interpersonal work to create and maintain good relationships between personnel in different services.

> *We have a protocol in place, a strategic protocol where it sets out which authority will lead in in different scenarios.* [PSH-BCB01]

But differences in service priorities can be a problem, as housing offences may not be a critical concern for some agencies; they may lack the knowledge required to identify them, or they may be invested in ways of working that are not compatible with those of the PSH enforcement teams. Two services for which interagency working had the potential to be very valuable – but also contentious – were Housing Options (homelessness) services and the police.

*Housing Options*

Most Housing Options services – those without substantial social housing stock to rely on - need to secure and retain PRS housing to successfully discharge their homelessness duties. Their relationship with the PRS is therefore characterised by dependency as they need to proactively access the PRS and arrange lettings to discharge their housing duties. Many Housing Options services experience challenges in housing people at housing benefit rates. Yet this increasingly close relationship with the PRS poses a practical and legal challenge for LAs who are under pressure to keep landlords 'on side' whilst simultaneously responsible for enforcing against those who fail in their obligations.

Housing Options services varied in how close their relationships were with PSH colleagues. Some drew on their expertise regularly, or there was a two-way referral path between services. In other cases, Housing Options teams did not appear as alert to issues of housing standards as their colleagues in enforcement and might avoid referring cases to housing standards colleagues. These teams perceived Housing Standards as adopting an enforcement-led approach rather than working with or alongside landlords, implicitly deterring those landlords from cooperating with the LA. In some cases, Housing Options employed their own EHOs to conduct HHSRS assessments of new PRS lets, effectively duplicating the skillsets and activities of colleagues in Housing Standards.

Conflicts of interest may arise between PSH and Housing Options services where enforcement activity could impact landlord relations and where prohibition orders take properties out of the PRS market and/or make tenants homeless. Enforcement services are aware that their activities can put pressure on Housing Options colleagues. This acts as a disincentive to take actions that are perceived to reduce available PRS stock – for instance by issuing prohibition orders on substandard properties:

> *We do not like to serve prohibition orders unless we really have to, because the landlord is no longer liable for council tax. … And then it puts a duty on our Housing Options team. They have to rehouse the tenants.* [PSH-BCB02]

Some Housing Options teams have dedicated officers to bring PRS landlords on board. They tend towards sympathetic or favourable language in relation to PRS landlords and adopt a 'good faith' compliance-based approach where issues are identified with landlords and their properties, attempting to build a supportive relationship and 'helping' the landlords to comply with regulations. The pressures on Housing Options appeared to inform a service culture that was sceptical towards reports of slum landlordism. For instance, Housing Options teams might be dismissive of tenant

claims of harassment, or express the view that landlords would not engage in illegal evictions 'for the sheer hell of it':[87]

> *We have some landlords, very small amount, who don't take any crap, basically. They're also the ones, for us and for rough sleeper services, who will take some of more of our difficult customers. So it's a difficult relationship that we have with them, in the sense that they're not always squeaky clean but then they will take some of our more difficult, chaotic customers. Without them, we would struggle to accommodate some of our customers. So yes, there are some landlords who just need to be told, now and again, that they're a little bit out of order on this occasion. As I say, it's a relationship we need to try and nurture as well with the landlord. So it's a bit like, yes, it can be awkward because we don't want to lose them by being too heavy-handed, but we need to let them know that we know that what they've done is wrong.* [HOP-OPO01-2]

Similarly, in the case of poor property conditions, Housing Options teams often assumed that issues were caused by tenants rather than landlords and might portray landlords as 'victims' of tenant action. This culture of tolerance can make Housing Options teams complicit in obfuscating the harms of slum landlordism by accepting a high degree of landlord naivety and unprofessional behaviour and deterring formal action. These attitudes were not necessarily shared by PSH officers in enforcement teams, who were slightly more likely to adopt a 'criminal' framing in relation to poor housing standards and who expressed frustration about the lack of professionalism in the sector. However, knowledge of the pressures that colleagues in Housing Options faced, and the views that they expressed around landlord/tenant culpability and harm where issues arose, is likely to inform enforcement working practices.

Service priorities of Housing Options and Housing Standards teams are not intrinsically at odds, rather, these tensions reflect the resourcing and staffing limitations that impede proactive and preventative working across LAs, and the broader landscape of housing market pressures force tenants to accept substandard properties at the bottom of the PRS market.

Navigating these challenges requires strategic coordination across both teams, but there are opportunities to streamline activities and work along a shared set of priorities. For example, both Housing Standards and Housing Options teams spoke positively about compliance-based approaches such as landlord training. Housing Standards teams can make use of EHO skillsets to inspect PRS properties and ensure compliance before they are let to new tenants through Housing Options. Where case officers in both teams are familiar with the purpose and process of the enforcement policy, this can help to embed a shared understanding of how and when enforcement strategies will escalate from conciliatory and compliance-focused approaches to formal enforcement measures and the degree to which (if any) discretion is appropriate in these cases.

### *Working with the police*

In addition to – and alongside – breaches in housing standards, the PRS may be the site of other criminal activity, including linkages with organised crime groups. In HIH, PSH officers reported that criminal gangs exploited the bottom of the PRS market by converting properties to use as cannabis grows. Amongst the problems associated with these illegal conversions are highly hazardous adaptations to the electricity supply. Within HIH, a specialist unit that engages in focused work on criminality in the PRS engages in partnership working with the police on cases such as these. PSH officers described how they would work with the police to use their powers of entry and tools for enforcing housing standards to address criminal activity in the PRS:[88]

[87] See also, Carr *et al*., *Harassment and illegal eviction.*

[88] See also, X. L'Hoiry, G. Page, L. Parton, J. Rugg & G. Antonopoulos (2025) *Criminal Landlords and the Shadow Private Rented Sector in England*, University of York. https://doi.org/10.15124/ya0-y57x-ks80

> *We rely heavily upon the [specialist unit] because they have a lot of partnerships with other organisations that can also give us useful information about just how criminal some of these landlords actually are.* [PSH-HIH06]

> *We have a range of tools available to us. We're quite clear that we only do what is our day job: we don't do anything beyond what other officers in the in the housing team do. So it's about using housing enforcement powers, but in a maybe smarter more targeted way to deal with those properties we know that are being used by criminal landlords or criminal managing agents. So some of the things that we do, we work very closely with the police. We share intelligence where we can that helps give us a more targeted approach. We'll go on warrants with the police. We do a lot of cannabis farms. They're key to what we do because in their very nature cannabis farms are unsafe, and so we can use our powers quite well there to tackle the unsafe conditions, but also the criminality that exists within them.* [PSH-HIH03]

However, although this form of interagency working is of clear benefit to the police, one PSH service manager queried the degree to which managing serious organised crime ought to be within their remit:

> *We have people who the police are telling us are organised crime gangs and are very much either using housing and again I would question about whether they are really a housing issue.* [PSH-MNM01]

As noted above, PSH services operate within severe resource constraints. This means there is not necessarily an incentive to take a holistic view of housing offences and engage in joint working with other services like the police where it does not clearly support service priorities such as upholding property standards. The same applies for other services working with PSH services, who may not take enforcement action within their own powers:

> *It [a modern day slavery offence] was reported to the police… they for reasons they did not disclose to us, told us they weren't going to take it any further. Trading Standards, despite them arresting, interviewing, seizing, having multiple meetings multi-agency meetings about him [the landlord] and spending hundreds of hours, I should imagine, on the case, didn't take it any further. So there was only us here at the council.* [PSH-HIH07]

These experiences underline the complexity of successful partnership working: where services are under-resourced, they must prioritise their own agendas even where there is broad consensus about the merits of taking a multi-agency approach.

## 9.5 Strong evidence? The role of landlords and tenants

Effective formal enforcement is built on good evidence. PSH officers need to follow their enforcement policy and scrupulously document the actions they take and the reasons they have taken those actions. This example from an LA lawyer relates the difference careful evidencing made in the magistrates' courts, with a landlord they had previously struggled to convict:

> *I convicted him [the landlord] the following year on breaches of the management regulations. And the difference there was our evidence then came from one of the environmental health officers, seniors, who had carefully documented the breaches, and he ended up having to plead, albeit very reluctantly, guilty.* [LS-FGF01]

However, landlord actions and the characteristics of tenants affected by slum landlordism can create challenges for the process of investigation and evidence collation.

Slum landlords will tend to act in ways that interfere with effective enforcement. Landlord strategies include introducing ambiguity about who is in control of the property, engaging in partial

repairs or bare minimum activity, obstructing investigation or enforcement processes, and intimidating tenants and misleading them about their rights.[89]

### *Obscuring property ownership and control*

PSH officers need to identify who is legally responsible for the property in order to take appropriate formal enforcement action. Slum landlords will frequently obscure the ownership and management information of a property, meaning that PSH officers must engage in complex and time-consuming investigatory work at the beginning of these cases:

> *We'd need to understand who is legally responsible for the property. Just because the managing agent is managing a property, it doesn't necessarily mean that they are 100% liable for everything. They could have all sorts of agreements or contracts in place that that means that they may just manage the tenant and not the property. And if that's the case, then we can't then start going at them for problems with the property. It's difficult. Legislation's not always it's not black and white, is it?* [PSH-HIH06]

Case evidence uncovered a wide variety of obfuscatory strategies, including: complex ownership structures using companies; use of managing agents, who may themselves have complex ownership structures; rent-to-rent schemes; use of 'representatives' with no clear relationship to the landlord or managing agent to conduct business with tenants; frequent sale of the properties; and, failure to register changes in ownership in the land registry.

> *When you're trying to prosecute company directors or companies, it's a lot more complicated… four years down the line, we are still trying to pin the director of the company and the company itself. But the what's happened is the company's folded so that the company no longer exists. The director is there, but the director's claiming they haven't got any money. So how do we enforce or get a success from taking action against them? And it's been 3-4 years, a lot of resources have gone into that.* [PSH-BCB01]

> *If you haven't made it clear that legally, who you're dealing with, that's where prosecutions, enforcement can come unstuck. Particularly where you've got a corporate body, because obviously the court rules are strict on things. And if you enforce against the wrong body, that has consequences for the local authority.* [LS-FGF01]

Time limits for taking formal enforcement action can come up against these challenges in identifying ownership, potentially preventing PSH services from taking action. Officers in HIH advocated for the benefits of their selective licensing scheme in offering clarity for the PSH service around ownership and management, helping to minimise the impact of these obfuscatory tactics:

> *We have to be clear who we are taking enforcement action against. The beauty of the license is it allows us to say, "Well, look, we've got a license with a named person it and they haven't told us that they're either don't own the property or they're not involved in the property." So legally, as far as I'm aware and I'm pretty confident of this, we can take legal action against the name on that license. So in one way it sort of clarifies things quite well.* [PSH-HIH08]

Discussed below in section 10.3, the landlord database introduced by the Renters Rights Act promises to be an important tool for PSH services.

### *Obstructing enforcement*

Landlord obfuscation in the process of remedying hazards can involve undertaking partial or substandard repairs and using delaying tactics to put off formal enforcement action. For instance, on receipt of an improvement notice, a landlord might complete repairs that fail to remove all the hazards and/or take longer than the timeframe required in the statutory notice. Where PSH services

[89] See also, O'Malley *et al.*, *Landlord-perpetrated tenant abuse.*

are tolerant of this – taking these efforts as a signal of good faith – they risk missing the time window for escalating enforcement action:

> *There was a few of the jobs that took a long time for them to get done. Continuously going back, we did discuss with them that obviously our next stage would be going with formal notice. It's some quite sometimes quite difficult when obviously they've done some stuff and it's sort of minor works that are left. And for a while, the time that they are going to cooperate with us and they're doing it sometimes, we'd rather just go along with letting them carry out the works than go down the route of hitting them with another formal notice.* [PSH-BCB07]

Landlords may fail to comply with PSH service investigations into offences (see also 5.3). But, as seen below, PSH officers also had experiences of landlords using connections with local figures of influence to pressure the PSH service to desist investigation and enforcement:

> *When we first sent out the PACE and requested documentation, as we normally do when we're first investigating, I wasn't provided with anything. And as time went on, as I say, the councillor got involved and it was kind of a bit of a deterrent really, and they weren't cooperating with the investigation.* [PSH-HIH10, HIH-L case lead]

Where PSH services had reached the point of issuing CPNs or pursuing criminal prosecution, landlords often attempted to delay the point at which these penalties took effect. This included engaging in vexatious appeals (see section 6.4):

> *They then came back to us to claim that they'd never received the final penalty notice. They then claimed they also hadn't received any confirmation that we'd looked at their representation. So all this had to be sent out to them again to prove that, yes, we had, and these were the letters that had been sent.* [PSH-BCB07]

To manage obstructive behaviours effectively, PSH officers must have the confidence to be firm and consistent in their enforcement approach and, as noted above in section 9.2, be supported by a clear enforcement policy and service leadership that support their course of action.

### *The role of tenants*

The people most affected by slum landlordism are the tenants. Case evidence repeatedly showed that the tenants of slum landlords are characterised by their vulnerability: people with support needs, non-nationals and those with precarious immigration status, older people, people with young children, and people escaping domestic abuse.[90]

Tenant characteristics and vulnerabilities can create challenges for enforcement against slum landlords: PSH officers must be alert to the possibility of negative impacts of enforcement action on the tenants and partner services (see, for instance, sections 4.6 and 9.4); tenant actions can complicate the investigation process or 'muddy the waters' in identifying landlord offences; and, tenants may be reluctant or ineffective witnesses to landlord crime.

The negative impact of poor housing standards upon tenants was cited as a motivational factor for PSH officers engaging in enforcement work, and where tenant vulnerabilities were present it was viewed as especially important to ensure compliance. However, these factors could also discourage officers from pursuing robust formal action as they were cognisant that tenants were likely to 'bear the brunt' of it.

Tenant vulnerabilities could create challenges in identifying, investigating and resolving housing offences. For many of the most marginalised tenants, poor property standards – including the presence of severe hazards – were normalised; or they may have been misinformed by landlords about their rights, meaning that they were unlikely to complain about or seek support with their housing conditions. In some cases, tenants might be suspicious of PSH service interventions and

[90] See also, O'Malley *et al.*, *Landlord-perpetrated tenant abuse.*

obstruct investigation or repair by denying PSH officers and contractors entry to the property. In such cases, PSH officers were obliged to extend the time frames for landlords to complete works:

> *Going through investigations, we consider what possible mitigations the landlord may have, a reasonable defence, and one of them with section 30*[91] *is usually that has the tenant denied access.* [PSH-HIH03]

Where hazards were present, it was common for landlords to attribute them to tenant action:

> *So this particular case, the property was in a horrendous condition. You know, it's cockroaches, bed bugs, overcrowding and dangerous electrics. … Basically, she blamed it on the tenants.* [PSH-BCB02, BCB-A case lead]

This could complicate the enforcement picture for PSH officers, who must do their best to ascertain the facts and make enforcement decisions accordingly. On the one hand, it is the landlord's responsibility to remedy severe hazards within a property, irrespective of how they came about. On the other hand, where there is clear evidence of tenant responsibility, it may not be appropriate for PSH officers seek the most severe sanctions: they might, for example, require landlords to immediately resolve category 1 hazards but accept that category 2 hazards caused by the tenant need only be resolved once the current tenants had vacated the property and before it was re-let. In many cases, the responsibility for housing offences might be less clear-cut, with both landlords and tenants having contributed to poor property standards. But evidence pointing towards a degree of tenant responsibility might still deter the PSH service from taking formal action:

> *So we were looking at a civil penalty for management regs, but unfortunately we couldn't do it after discussing it with legal. They felt that we weren't able to because it I think some of the tenants had started depositing waste in the rear, so it muddied it too much.* [PSH-FGF02, FGF-F case lead]

Finally, where PSH services do take enforcement action that might go to court, either through issuing CPNs that could be appealed or pursuing criminal prosecution, then tenants can play an important role as witnesses to the landlord's housing offences. Their statements, additional evidence, and long-term communication and cooperation can be vital if the case is taken to court. As noted in section 5.4, witness availability and competence can be a key consideration for PSH services in choosing to go to court, whilst sections 7.3 and 7.4 point to both the challenges and the importance of tenant accounts from the courts' perspective.

Arranging for a tenant to come to court as a witness is not straightforward for PSH officers. Working with this vulnerable client group requires a respectful and trauma-informed approach in order to build trust and retain contact over time. It was not unusual for tenants to fall out of contact as they attempted to move on with their lives, sometimes necessitating an end to enforcement action at that property as it was no longer tenanted:

> *[If] there was something that was affecting other people, we would obviously deal with that. But if it was just the works weren't done, the tenant vacated, we would… mothball it basically.* [PSH-FGF02]

For the tenants, involvement in the process may be onerous and thankless: they must provide detailed witness statements and supporting evidence, and may be placed in the unfamiliar and uncomfortable position of giving testimony in a courtroom. There are few incentives for them to do so: successful enforcement actions by the PSH service do not automatically lead to any form of tenant redress, most LAs do not provide support for seeking civil redress through Rent Repayment Orders (RROs), and RROs are not paid to recipients of housing benefit.

Moreover, tenants who continued to reside in the property might be fearful of negative consequences from testifying against their landlord:

[91] Housing Act 2004, s.30.

*I mean the tenant was there, but she was very reluctant to get involved, which tenants generally are. She was a complicated character … she had her own personal issues, she was quite an unreliable person. She had addiction problems. And she kind of played into the landlord's hands a little bit. And when we needed her to provide a witness and sort of step up to support the case against the landlord, she flatly refused. She was fearful of being evicted or reprisals or whatever.* [PSH-HIH10, HIH-L case lead]

Tenants who were migrants might also wish to avoid becoming involved with any form of government or court processes due to the risk of negative repercussions from the hostile environment.

Whilst members of the FTT appeared aware of the difficulties involved in maintaining contact with tenant witnesses, they also indicated that they tend to treat tenant statements with caution, and may be reluctant to give them the same credence as in-person testimony by the landlord:

*The other point I'd make is witness statements from tenants because local authorities tend to assume that they don't need to bring tenants. I don't think on any appeal against a financial penalty I've ever seen any tenant… When you're going to weigh up the live evidence from the landlord and the hearsay evidence from the tenant, it's very difficult to reject the landlord's evidence… I'll often say to the landlord, is this witness statement accepted?* [FTT-FG1]

*Sometimes the local authority will take witness statements from tenants that will very often corroborate some of the failings and the issues, as well… but they have to be treated with a certain amount of caution, because there's often an enormous amount of bad feeling and in terms of a house occupied by a family we do very often hear that the family is causing disrepair in order to get council housing. Rightly or wrongly they think that that will enable them to get rehoused and the landlords say this. It's very difficult to find out what the truth is about these things.* [FTT-FG2]

Overall, then, the position of both tenants and PSH officers presenting tenant evidence is a difficult one.

## 9.6 Conclusion

This chapter has identified a series of challenges posed to effective enforcement against slum landlords and described strategies adopted by the project's case study PSH services for navigating these. Whilst many issues can be traced back to structural or resourcing factors, service-level good practice can also make a meaningful difference to the efficacy of housing enforcement practices.

Housing law can be difficult to learn and navigate. This means it takes PSH officers a while to get up to speed. This is a problem in housing enforcement services where staff attrition, due to fewer new EHOs and uncompetitive salaries, has led to a loss of skilled and experienced staff members. Whilst PSH services should doubtless look to strengthen the offer they make to staff in order to improve recruitment and retention, strong team cultures and clear enforcement policies and in-house processes can support less experienced staff members as they grapple with complex new roles. As EHO recruitment has become more difficult, bringing staff with a diversity of professional backgrounds onto the team can support holistic thinking around enforcement challenges. Unsurprisingly, given the complexity of housing law, support from professionals with a legal background is especially valued.

Effective interagency working has the potential to strengthen housing enforcement work through routes such as case referrals, flagging opportunities for proactive working that support prevention or early intervention, and intelligence sharing to tackle the worst housing offences and connected crimes. But, as relationships with Housing Options show, when operating in the context of a squeezed PRS market and under-resourced services, differences in priorities may create tensions even within the LAs themselves. Clarity of strategic priorities at an LA level is needed to challenge siloed working practices that emerge from conditions of constraint, emphasising areas of

complementarity between different services, and supporting skill- and resource-sharing where possible.

Obstructive and obfuscatory actions by slum landlords – together with the vulnerable nature of the tenants they victimise – can undermine attempts to pursue formal enforcement. The landlord database, introduced by the Renters Rights Act 2025, promises PSH services an effective tool for determining who is legally responsible for PRS properties and any associated offences. This is discussed below in chapter 10.

# 10 The future of enforcement: the potential of the Renters Rights Act 2025

## 10.1 Introduction

The Renters Rights Act 2025 (RRA)[92] introduces a series of additional tools and legal powers for local housing authorities. Amongst those relevant to upholding housing standards and tackling slum landlordism are strengthened investigatory powers, the extension of the Decent Homes Standard and Awaab's Law to the PRS; a series of new offences subject to local housing authorities' civil penalty regimes; a requirement to report on enforcement; and a new PRS database.

The Act received Royal Assent on 27 October 2025.

An implementation roadmap was published on 13 November 2025.[93] This has three separate phases for the implementation of the main elements of the Act. The first is May 2026 for the end of fixed-term tenancies and the abolition of section 21 'no-fault' evictions. The second is 'late 2026' for the database of PRS properties and Landlord Ombudsman. The final phase of the extension of Awaab's Law and a modernised Decent Homes Standard to the PRS is subject to consultation and has no fixed date.

This report is not the place to provide a detailed description and analysis of the Act. However, this chapter addresses and notes interviewees' views on the most important areas in the Act that affect the enforcement powers and duties of LAs. These are: its development of the civil penalty regime; the introduction of the landlord database; and new investigatory powers available to LAs.

## 10.2 Civil penalties under the RRA

The RRA includes a range of new standalone civil penalties, including requesting more than a month's rent in advance, failing to register with the new ombudsman and database, rental discrimination, rental bidding, and failure to keep property free of hazards. These have a maximum CPN of £7000.[94] In addition, there are a number of new offences that now have an alternative CPN.

The Act also creates CPN options for existing under the Protection from Eviction Act 1977.[95] For these CPNs, and existing powers to impose a CPN, the maximum penalty is raised to £40,000.

For LAs, these CPNs have significant income generation potential as services are able to use the fines to support their work. However, in combination with the new duty to enforce on certain offences (including those like the Protection from Eviction Act 1977 offences which are currently outside the usual work of housing standards teams), the RRA and its new CPNs have the potential to generate a significantly higher workload for PSH officers and those supporting them:

[92] MHCLG (2025) *Guide to the Renters' Rights Act*, Ministry of Housing, Communities and Local Government. https://www.gov.uk/government/publications/guide-to-the-renters-rights-act/guide-to-the-renters-rights-act, accessed 12 Nov 2025.

[93] MHCLG (2025) *Implementing the Renters' Rights Act 2025: Our Roadmap for Reforming the Private Rented Sector*. Ministry of Housing, Communities and Local Government. https://www.gov.uk/government/publications/renters-rights-act-2025-implementation-roadmap/implementing-the-renters-rights-act-2025-our-roadmap-for-reforming-the-private-rented-sector, accessed 18 Nov 2025.

[94] Some of these CPNs can be imposed on 'the balance of probabilities' while others require satisfaction 'beyond reasonable doubt.' Officers imposing them will need a clear understanding of evidence required for each.

[95] See also, Carr *et al.*, *Harassment and illegal eviction.*

> *I think there's going to be a lot of retraining that I'll need to be doing with the officers in relation to a new civil penalty policy, absolutely. And we're going to need to get really savvy about just streamlining everything. If we are taking more action, which we clearly will have to, the more efficient we are at that, the more consistent we are at that, the less help I need to give individual officers in taking those decisions, and making sure those decisions are taken well, the better.* [LS-HIH01]

Both LA lawyers and FTT members raised concerns that the rise in CPNs is likely to generate significantly higher workloads in CPN appeals. As an FTT member indicates below, this is accompanied by some anxiety that the LA cases may be less robust than desirable:

> *I think there's going to be a lot more civil penalties. I think there is some discussion about changing it from the criminal standard, also to the balance of probabilities, which obviously makes it a less rigorous approach. I think it will probably mean that they're used more liberally by local authorities. So I think we can expect to see quite a lot of increase in financial penalties.* [FTT-FG2]

On the other hand, one LA lawyer argued that the FTT may be ill-suited to handling CPN appeals for offences that had previously been dealt with in the criminal courts, as the nature of the disputes is likely to come down to 'who said what' rather than technical legal arguments.

For LA lawyers, the question of guidance was one of the key concerns whilst awaiting the RRA. As noted in section 5.4, PSH services have been expected to develop their own enforcement and civil penalty policies, with the consequence that there is significant variation between them, producing anxiety about civil penalty matrices and fine sizes in some LAs (see section 6.5). The necessity of producing new guidance offers an opportunity to introduce some standardisation in the way that LAs approach civil penalties, but this raises the opposite concerns that it could fail to take into account the differences between LA areas:

> *I think you've got to have local flexibility and local discretion for those very reasons. A couple of authorities [in the south] know that their rents are much higher than some of the authorities in the northeast, for example, so how can you have a starting point that's the same. I think that the updated guidance was going to build in an ability to move that starting point around based on average rents, but then in my view, that just complicates the matter, and introduces risk, and introduces scope for appeals. If I was on the other side, I would be thinking there would be lots of different things that you could challenge.* [LS-HIH01]

The new statutory guidance on civil penalties[96] reiterates the same factors to take into account when deciding on the level of civil penalty that were in the previous guidance. This includes the severity of the offence. However, the new guidance now sets out a starting point which local housing authorities should use for setting civil penalties, based on seriousness. For example, for failure to comply with an improvement notice (Housing Act 2004, s.30(1)), it is £25,000, and for an unlicensed mandatory HMO (Housing Act 2004, s.72(1)), it is £17,000. In addition, there is more guidance on aggravating and mitigating factors, financial considerations, and totality. This should lead to more standardisation across LAs.

The RRA does not offer a prosecution pathway as an alternative to some of the new CPNs, and it also creates CPNs for more offences. A criminal conviction is needed before PSH services can pursue a banning order against the worst slum landlords.[97] This speaks to a worsening issue in the enforcement landscape, which is increasingly pushing PSH services towards civil sanctions, from which there is no coherent pathway to escalate enforcement if required (see section 8.5). In this sense, the RRA adds to the inordinately complex legal landscape governing PRS enforcement,

[96] MHCLG, *Civil Penalties under the Renters' Rights Act 2025 and other housing legislation.*

[97] The new guidance on banning guidance, following the RRA, does not indicate that Housing and Planning Act 2016 (Banning Order Offences) Regulations 2018 will be amended to include the new offences in the RRA. See MHCLG (2025) Banning Order Offences under the Housing and Planning Act 2016.

without offering the strategic direction PSH services need in order to effectively tackle slum landlordism.

## 10.3 The landlord database

The RRA guidance states that, under the new PRS database:

> *Landlords of assured and regulated tenancies will be legally required to register themselves and their properties on the database and could be subject to penalties if they market or let out a property without registering it and providing the required information.*[98]

The database will be partially open to the public, and promises to support stronger and more consistent data collection around PRS enforcement.

Although some of the information to be recorded on the database is yet to be confirmed, landlord records will include information on banning orders, criminal convictions or CPNs, and other offences as defined in regulations. This will help LAs keep track of offenders, benefit from shared records, and provide more accurate information about the prevalence of slum landlordism across the country.[99] Banning orders, banning offences, and financial penalties will also be viewable by tenants and prospective tenants.[100]

The database also promises to help address some of the problems encountered by PSH services around determining property ownership and control (see section 9.5):

> The database will provide local councils with more data about private rented sector properties. One of the biggest and most time-consuming barriers faced by local councils is identifying poor quality and non-compliant private rented sector properties and who owns them. The database will provide a trusted and consistent intelligence source which will remove unnecessary, frustrating administration, meaning council staff will be able to focus on enforcement against criminal landlords.[101]

Based on revenue modelling, the New Economics Foundation has argued that the registration fee for the new national PRS database 'could drive up standards, transparency and accountability' by expanding LA enforcement capacity.[102] This could be an important contribution to addressing issues with resources and capacity (see section 9.3), as although PSH services may also see financial benefit from the new CPN regime, this will not represent a consistent source of income. NEF has also called for LAs to ring-fence revenue to fund frontline enforcement teams, including expanding teams in the least resourced areas. [103]

## 10.4 Investigatory powers

Chapter 3 of Part 4 of the Act gives LAs a new set of powers to investigate landlords and agents.[104] These new powers come into force on 27 December 2025. The powers include:

- Asking a 'relevant person' for information to use as evidence,
- Require any person or organisation to provide information, in order to investigate whether relevant laws have been broken,

[98] MHCLG, *Guide to the Renters' Rights Act.*

[99] The new 'Duty to report' (RRA s.110), requiring local authorities to report on the exercise of their functions under the landlord legislation, may also lead to further data being made available in the future.

[100] See RRA 2025, ss.83 and 86. Other offences and penalties may be added through regulations.

[101] MHCLG, *Guide to the Renters' Rights Act.*

[102] O'Connor *et al.*, *Detailing the database*, 6.

[103] O'Connor *et al.*, *Detailing the database*.

[104] MHCLG (2025) *Investigatory Powers Guidance for Renters' Rights Act 2025*, Ministry of Housing, Communities and Local Government. https://www.gov.uk/government/publications/investigatory-powers-guidance-for-renters-rights-act-2025/investigatory-powers-guidance-for-renters-rights-act-2025, accessed 13 Nov 2025.

- Entering a business premises to request documents and or to seize evidence, with and without a warrant, and seizing and detaining documents,
- Entering a residential property if it is reasonably suspected that the property is being privately rented out as a home, with or without a warrant, and
- Using council tax, housing benefit and tenancy deposit information.

These powers should provide further support for PSH services in strengthening the evidence for enforcement cases, either for prosecution or CPNs.

## 10.5 Conclusion

The RRA presents opportunities to enhance the work of LAs in tackling slum landlords through the new CPNs and greater powers for investigation. In particular, the landlord database has the potential to address some issues identified in chapter 9 with landlord identity, the person with control of the property, and sharing information between LAs. However, the Act does not fill all the gaps in the enforcement landscape. The report considers these further in chapter 11.

# 11 Discussion and recommendations

## 11.1 Introduction

The final chapter of this report reflects on selected themes from the research and makes recommendations around opportunities to strengthen enforcement activities against slum landlords.

Whilst certain findings point to a need for change, where they confirm existing knowledge about the enforcement landscape, they are not addressed here. For example, the constraints on LA resources are well-known and section 9.3 discusses some of the ways this impacts enforcement. The necessity of improving PSH service capacities – including enhancing and stabilising income streams, creating training opportunities, and building stronger debt recovery pathways – has been established elsewhere and does not require further rehearsal in this report.[105]
Instead, this discussion focuses on four areas for change:

- Adopting the terminology of slum landlordism to guide PRS enforcement priorities;
- Utilising regional devolution to coordinate enforcement activity against slum landlords;
- Streamlining the enforcement pathway to use slum landlords' CPN histories as a basis for pursuing banning orders against them; and,
- Developing enforcement policies and practices to centre tenant wellbeing.

## 11.2 Effective framing of housing crime

This report has argued for the reintroduction of the term 'slum landlord'. Whilst the phrase may conjure images of the past, such as Victorian slums or the Rachmanism of the post-war era, the phenomenon of slum landlordism has persisted to the modern day: PRS landlords continue to perpetrate housing offences including harmfully and/or persistently keeping hazardous properties, behaving in a way that is detrimental to their tenants' wellbeing, failing to meet their regulatory obligations, and attempting to prevent effective enforcement activity.

Contemporary discourse around persistent housing offenders in the PRS has failed to capture either the nature of the offences or the offenders in a way that guides effective enforcement by LAs. The concept of a 'rogue landlord' is used either to evoke 'the worst of the worst', narrowing the target of hardline enforcement so that most perpetrators of housing offences fall out of scope, or else convey a likeable and sympathetic character that downplays the severity of housing offences for which they are responsible. Meanwhile, the project's case study authorities have demonstrated a reluctance to understand offences under the Housing Act 2004 as necessarily 'criminal', despite those offences being eligible for criminal prosecution.

Where HIH engaged in close interagency working with the local police force to tackle the use of the PRS for activities including cannabis farming, trafficking and other organised crime, these cases were recognised as 'criminal', but this was not a consistent view where police were not involved. Whilst there is merit in these examples of interagency working, it is apparent that the housing crimes which are central to the remit of PRS services and for which they are the lead enforcement authority – cases related to housing standards and tenant wellbeing – are inadequately captured by this terminology.

**Recommendation 1:** National government should adopt the concept of 'slum landlordism' developed in this report to frame the core activities of local authorities' PSH services.
**Recommendation 2:** All agencies that interact with the PRS should be made aware of and taught to recognise slum landlordism and establish a referral pathway to alert PSH services of suspected slum landlordism.

[105] Harris *et al.*, *Improving compliance with private rented sector legislation*; GMCA, *Holding criminal landlords to account.*

**Recommendation 3:** Local authorities should establish a service-level consensus that eliminating slum landlordism is a strategic priority. All PSH officers should know the key features of slum landlordism and its most prevalent characteristics in their local PRS context.

## 11.3 Coordinating enforcement against slum landlords

Variations across PSH service configurations, policies and practices are a consistent theme within this report, both when reflecting on case study evidence from Yorkshire and the Humber and reviewing existing evidence on PRS enforcement.[106] For effective enforcement against slum landlords, a balance must be struck between LAs' discretion to tailor their approach to the unique features of their local PRS, and creation of consistent expectations and practices so that landlords understand what is required of them and no area is made an easy target.

The regional devolution agenda represents an important opportunity for coordinating enforcement against slum landlords. The English Devolution and Community Empowerment Bill,[107] which follows the 2024 English Devolution White Paper,[108] sets out provisions for regional Strategic Authorities to take on functions including housing and planning, environment and net zero, health, wellbeing and public service reform, and public safety.[109] Although plans for mayoral housing and strategic planning powers do not directly address PRS markets and property standards, the Bill includes plans for a duty on Strategic Authorities to 'have regard' to the need to reduce health inequalities, including those determined by housing standards.[110]

At present, the case study authorities within the Yorkshire and the Humber show relatively little coordination of housing policy between LAs, and none at the regional level. Evidence on national variation in enforcement practices indicates that this is a representative picture for most of England where, with the exception of metropolitan 'super users', a sizeable minority of PSH services still make little to no use of CPNs.[111] Capacity for formal action is a critical step in addressing slum landlordism. Where PSH services have relatively little experience with formal enforcement practices, this points to development needs in areas such as evidence gathering practices, confidence in case building, and competence at taking or responding to legal action. Work by the GMCA[112] shows what is possible for LA collaboration and confidence to engage in formal enforcement when a regional authority plays a convening and coordinating role in relation to PRS enforcement.

The landlord database introduced under the RRA (see section 10.3) promises significant improvements to LAs' capacity for information sharing. PSH services that do not already routinely collect and monitor their enforcement data will be required to do so in order to contribute offence data to the new database. This activity offers an opportunity to develop additional information sharing and practice coordination arrangements at a regional level, for example by identifying and targeting slum landlords who have offended in multiple LA areas.

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[106] See, for example, DLUHC (2022) *A Fairer Private Rented Sector* (Department for Levelling Up, Housing & Communities. https://www.gov.uk/government/publications/a-fairer-private-rented-sector/a-fairer-private-rented-sector, accessed 18 Nov 2025; Watkin, *The enforcement lottery.*

[107] English Devolution and Community Empowerment Bill. https://bills.parliament.uk/bills/4002, accessed 18 November 2025,

[108] MHCLG (2024) *English Devolution White Paper*, Ministry of Housing, Communities and Local Government. https://www.gov.uk/government/publications/english-devolution-white-paper-power-and-partnership-foundations-for-growth/english-devolution-white-paper, accessed 18 Nov 2025.

[109] MHCLG (2025) *English Devolution and Community Empowerment Bill: Guidance*, Ministry of Housing, Communities and Local Government. https://www.gov.uk/government/publications/english-devolution-and-community-empowerment-bill-guidance/english-devolution-and-community-empowerment-bill-guidance, accessed 18 Nov 2025.

[110] English Devolution and Community Empowerment Bill, clause 43.

[111] Watkin, *The enforcement lottery.*

[112] GMCA, *Holding criminal landlords to account.*

Regional devolution also has the potential to play an important convening role to support interagency partnership working. Strategic Authorities have a wide remit, including an expectation to engage with health and care system partners[113] and, where regional geography aligns with service jurisdictions, they can take on responsibility for police and fire and rescue functions.[114] Their position offers opportunities to lead in education and coordination around slum landlordism, both across and between services likely to encounter slum landlords, such as the police, fire and rescue services, and social work and social care services.

**Recommendation 4:** Regional governments should play a convening and coordinating role in tackling slum landlordism in their area, for instance by:

a. Coordinating information, skill, and policy and practice sharing across LAs, and
b. Convening multi-service, cross-sector working groups on the PRS to identify strategic priorities for action and facilitate interagency working.

## 11.4 Streamlining the enforcement pathway

This report has highlighted 'a formal enforcement paradox' at the top of the enforcement pathway (see section 8.5), since the Housing and Planning Act 2016 introduced CPNs as an alternative to criminal prosecution but did not create a means of making a banning order application from a CPN offence.

The RRA has strengthened the CPN regime (see section 10.2), reinforcing the expectation that PSH services preferentially adopt a civil enforcement route. But it has failed to recognise that this focus on CPNs creates barriers to PSH services pursuing banning orders against slum landlords. For example, MHCLG guidance published in the wake of the RRA does not clearly differentiate between landlords who should be prosecuted and landlords who should be banned, describing the appropriate targets of these powers in the following terms:

- For criminal prosecution: 'For serious and repeat non-compliance,'[115]
- For banning orders: 'Rogue landlords who flout their legal obligations and rent out accommodation which is substandard.'[116]

As noted in section 7.5, a criminal conviction has no more power than a CPN in compelling landlords to remedy hazardous housing conditions, meaning that tenants remain at risk of harm. Behavioural patterns of 'serious and repeat non-compliance' characterise slum landlords that have not responded to enforcement measures and show no interest in modifying their working practices to comply with their legal obligations or prevent tenant harm. An effective enforcement pathway must support escalation of enforcement against these individuals, not merely a change in approach.

In the context of the new and enhanced CPN measures introduced by the RRA, it is therefore of growing importance that PSH services can pursue banning orders against slum landlords based on their history of civil enforcement, rather than being obliged to wait for evidence of further offences to obtain a criminal conviction to access the banning order pathway.

**Recommendation 5:** National government should amend the Housing and Planning Act 2016 to establish CPNs issued for banning order offences as a basis for making a banning order application. Subject to such an amendment,

[113] MHCLG, English Devolution and Community Empowerment Bill.
[114] MHCLG, *English Devolution: Area Factsheets* (Ministry of Housing, Communities and Local Government, 2025), https://www.gov.uk/government/publications/english-devolution-area-factsheets, accessed 18 Nov 2025.
[115] MHCLG, *Guide to the Renters' Rights Act.*
[116] MHCLG (2025) *Banning Order Offences under the Housing and Planning Act 2016*, Ministry of Housing, Communities and Local Government. https://www.gov.uk/government/publications/banning-order-offences-under-the-housing-and-planning-act-2016/banning-order-offences-under-the-housing-and-planning-act-2016, accessed 18 Nov 2025.

a. On issuing a CPN for a criminal offence, PSH services should include information about the CPN to banning order pathway when alerting landlords of their rights to appeal.
b. National government's banning order guidance for PSH services should be amended to include an explanation of the circumstances where a CPN history can be used to underpin a banning order application.

**Recommendation 6:** PSH services' internal enforcement processes should guide officers in preparing CPN cases to the same standard as evidence bundles for criminal prosecution.

## 11.5 Tenant-sensitive enforcement policies and practices

Case study evidence suggests underlying service cultures around upholding property standards may lie on a spectrum of emphasis from safeguarding tenant wellbeing to removing bad actors from the local PRS market. These are mutually supportive aims. There is a danger, however, that the question of tenant wellbeing can be overshadowed when working within housing standards legislation that does not deal with this directly.[117] Whilst most PSH officers are acutely aware of the impact of their actions on residents, these considerations are not consistently addressed across PSH enforcement policies, risking missed opportunities to safeguard tenant victims of slum landlordism.

Explicit recognition of the relationship between tenants and enforcement teams is important both as a guiding value for the work of PSH services and to build trust with tenants, who must be empowered to contact the LA for support when something goes wrong in PRS housing. At present, the potential for enforcement action to yield negative consequences for tenants (see sections 4.6 and 9.5) undermines this trust.[118]

Decisions about whether and when to adopt informal or formal enforcement approaches against slum landlords have an impact on tenant victims. As discussed in section 8.3, whilst informal approaches are often appropriate in cases of a first infraction where the hazards are not severe, repeated use of informal working or lack of clarity about when PSH officers will escalate their approach places tenants at risk of prolonged exposure to slum conditions.

In cases of slum landlordism where enforcement approaches such as improvement notices prove ineffective, escalation to CPNs or the courts does not necessarily lead to a remedy of poor housing standards (see section Banning orders7.5). Alternative forms of enforcement to address housing standards, such as prohibition orders, require tenants to vacate the property, potentially worsening their wellbeing by making them homeless. PSH services have the powers to address hazards directly by undertaking works in default, emergency remedial action (see sections 2.2 and 4.5), or issuing management orders (see sections 2.3 and 4.7) to take the property out of slum landlord control.

**Recommendation 7:** PSH service enforcement policies should set out how they will eliminate slum landlordism in their area. Enforcement policies should include a definition of slum landlordism, be clear that enforcement against this subset of landlords is a service priority, and specify how both proactive and accelerated reactive formal enforcement action will be taken to remove substandard properties and those responsible for them from the PRS.

**Recommendation 8:** PSH service enforcement policies should recognise that slum landlordism is harmful to the health and wellbeing of PRS residents and that tenants are the primary victims of slum landlordism. Local housing authorities should dedicate a portion of PSH service revenue to developing tenant support systems. These might include the following services:

a. To promote tenant awareness of their rights and advise them on how they will be safeguarded throughout any housing enforcement activity.
b. Where enforcement activities are likely to disadvantage tenants, for instance by depriving them of their home or increasing their vulnerability to landlord abuse, to

[117] O'Malley *et al*., *Landlord-perpetrated tenant abuse.*
[118] See also, O'Malley *et al*., *Landlord-perpetrated tenant abuse.*

put tenants in touch with a named housing options or tenancy support officer for support.

c. To support eligible tenants to pursue RRO claims (using LAs' powers under the Housing and Planning Act 2016 s.49)

**Recommendation 9:** PSH service enforcement policies should set out all stages of informal to formal enforcement activity, the criteria for working at each stage of enforcement activity, and clear processes and timeframes for escalating or de-escalating between stages.

**Recommendation 10:** PSH service enforcement policies should be made publicly available on the local authority website.

**Recommendation 11:** PSH services should prepare their officers to use the full range of legislation and enforcement tools at their disposal in order to tackle slum landlordism. This includes assessing the feasibility of utilising works in default, emergency remedial action and management orders where appropriate and building service capacity to facilitate this in the future.

**Recommendation 12:** National government should consider facilitating the use of management orders by piloting ring-fenced funding for PSH service management activities.

# Appendix One: Research Methods

This project began in April 2023 and finished in December 2025. The project used Yorkshire and the Humber (Y&H) as a case study region. The fifteen constituent local authorities have varied economic and social demographics, with concentrations of high deprivation and low-demand housing. In 2023/4, Y&H had the highest crime rate of all English regions.[119] The local authorities varied in their degree of proactivity in terms of housing enforcement.

All qualitative respondents were sent a work package (WP)-specific information sheet, with consent secured in writing or in some cases verbally. Within the reports, all participants are identified with a unique code. Verbatim quotations are given in italics. All the four principal grey reports published in December 2025 draw on information from each WP.

This project was completed by a team of researchers, with Kit Colliver (York Law School) employed to deliver elements of WP3 and WP4, and Loren Parton (University of Sheffield) delivering elements of WP1, WP2 and WP4. Geoff Page (University of York) and Georgios Antonopoulos (Northumbria University) made substantial contributions to WP1. The research also drew on the expertise of Safer Renting staff Roz Spencer, Ben Reeve-Lewis, Isobel Langdale, David Scully and Joey Carr.

## WP1: Criminal landlord behaviour and the policing response

(Lead: Xavier L'Hoiry, University of Sheffield)

WP1 focused on identifying the criminal behaviours that are associated with letting property. WP1 research involved qualitative data collection in the form of interviews. Interviews were analysed descriptively with NVivo 12 and further thematic analysis identified. Ethics approval for this WP was secured from the Department of Sociological Studies Ethics Committee, University of Sheffield.

### *Qualitative data*

*Interviews with law enforcement and other practitioners*

Across the WP, 49 interviews were carried out with practitioners working in the Y&H region. A combination of purposive and snowball sampling was deployed to recruit participants. Purposive sampling was used to target practitioners with experience of intervening with criminality taking place in the PRS. The research team drew on existing professional networks with police forces in the first phase of participant recruitment. In the second phase of recruitment, snowball sampling was used to ask interview participants to connect the team with additional potential participants. This resulted in 37 interviews carried out with police practitioners across the four forces in Y&H. Of these, 28 were officers/staff working with local forces, seven were Regional Organised Crime Unit officers/staff and two interviewees held national roles. The WP sought to capture a range of police ranks (from Police Constable through to Detective Chief Inspector) and roles (frontline and management). Moreover, a further five interviews were carried out with heads of community safety partnerships in Y&H and seven interviews with representatives from local authorities in Y&H with a specific focus on criminality (e.g.: Serious and Organised Crime Coordinators). Interviews were conducted between July 2023 and March 2024.

*Interviews with landlords*

The WP also sought to gain insights into why landlords engage in criminality. A purposive sampling strategy was used to target landlords who were aware they had committed illegal or potentially illegal acts. Recruiting such participants proved to be very challenging and time consuming. The research team initially approached known contacts in law enforcement and local authorities for potential leads to participants. This yielded one participant. The research team also reviewed media reports of landlord prosecutions and contacted over 20 of these landlords via social media to invite

[119] https://www.statista.com/statistics/866788/crime-rate-england-and-wales-by-region, accessed 23 Nov 2025.

them to interview. This was not successful and several of these individuals 'blocked' the research team online. The most successful recruitment method proved to be an open invitation posted on social media groups dedicated to landlords as well as a specialist landlord website in the UK. These invitations yielded 24 responses, and once potential participants contacted the project team, pre-interview discussions were held to ensure that participants were fully aware the study was focused on landlords' illegal behaviours. In total, 17 interviews were carried out as seven potential participants did not respond following initial exchange of emails/messages. One interview was subsequently discounted as it was clear that the participant had not broken the law.

All but two interviews across the WP were audio recorded and transcripts were produced. For the two non-audio recorded interviews, detailed notes were made. Transcripts and notes were anonymised as per the ethical protocol of the WP, with further review to identify information that was then redacted to ensure anonymity.

## WP2: Examining and learning from the most effective solutions

(Lead: Julie Rugg, University of York)

Dealing with criminal behaviour in the private rented sector is the responsibility of organisations including the police, environmental health professionals, trading standards officers and tenancy relations officers. This work package explored local authority perspectives on criminal landlord behaviour and sought to disseminate examples of best practice. All the interviews were transcribed, and analysis was undertaken using a thematic grid. Ethical approval for this WP was secured from the Social Policy and Social Work Ethics Committee at the University of York.

### *Qualitative data collection*

This work package used qualitative data collection across all fifteen local authorities in Y&H, using existing contacts to secure a contact for each local authority. This resulted in interviews with 30 PSH professionals, sixteen homelessness team members, four trading standards officers (at local and regional levels) and three professionals from other agencies. These interviews were completed in stages, from the summer of 2023 to the winter of 2024. One further formal interview was conducted with a PSH professional working in an authority outside the region, to secure further information on innovation in its operational practice.

An attempt was made to complete formal interviews with other statutory agencies operating at national and regional levels including the Department for Work and Pensions, the Gangmaster Labour Abuse Authority, HMRC and the Immigration Agency but none of these agencies supplied a respondent.

### *RIAMS workshops*

The WP used the RIAMS network which supports professionals working in environmental health to disseminate best practice via online workshops.[120] These workshops were recorded and made available via a dedicated section within the RIAMS website. Thirteen recordings were made available on subjects including local authority strategies for tackling criminal landlords; information sharing between trading standards and private housing environmental health teams; presenting evidence at residential property tribunals; use of banning orders; use of interim management orders; cuckooing; safeguarding and brothel closures; rent-to-rent scams; defending against CPN appeals; effective approaches to prosecution for illegal eviction; the Cannabis Grow Aware scheme; tackling modern-day slavery; and recovering rent and fines from criminal landlords including use of the Proceeds of Crime Act 2002 (POCA).

## WP3: Housing justice

(Lead: Caroline Hunter, York Law School)

[120] https://riams.org/, accessed 23 Nov 2025.

WP3 sought to explore how do local authorities decide to take legal action under their housing powers against criminal landlords and work the courts in those cases. The research involved a range of primarily qualitative data with a smaller element of quantitative data. The interviews for the case study authorities were analysed descriptively with NVivo 12 and further thematic analysis identified. All other interviews were analysed using thematic analysis.

Ethics approval for this WP was secured from the Economics, Law, Management, Politics and Sociology (ELMPS) Ethics Committee, University of York. All respondents were sent a WP information sheet, and consent was secured.

## *Qualitative data*

### *Case study authorities - case tracking and interviews*

For the research the Project followed four local authority private sector housing services within the Y&H region. The teams of three of the authorities (FGF, HIH, BCB) were primarily involved in housing standards work. The fourth team (MNM) was focused on illegal eviction and harassment. Activities included analysing current or recent case files of housing offences on the upper end of severity (n=29) [121], conducting longitudinal practice-level interviews with case leads over an 18-month period, and strategic-level interviews with heads of service (n=4) and local authority lawyers (n=3). The analysis identified commonalities and differences in enforcement strategy and practice and the factors that informed these choices.

### *Interviews with criminal lawyers and staff in other local authorities*

In addition to the lawyers for the case study authorities, the Project team interviewed four criminal lawyers involved in prosecuting cases in other local authorities (Criminal lawyers 1 -4). The interviewees were purposefully identified either from contacts at Safer Renting or from newspaper reports of illegal eviction prosecutions. One of the interviews included not only the lawyer at the local authority but also two PSH officers involved in the prosecutions undertaken by that authority. The interviews explored the progress for illegal eviction and harassment cases, any obstacles to justice and reform of the Protection from Eviction Act 1977.

### *Interviews civil lawyers and staff at advice organisations*

Eleven interviews were undertaken with civil lawyers (Civil Lawyers 1 - 11). Again, the interviewees were purposefully identified from: knowledge of the research team; contacts made through a presentation made a research team member for the Doughty Street Chambers' All Day Housing Conference 2025: 'Rogue Landlords'; and contacting solicitors with legal aid housing contracts in the Y&H region. Three were barristers (one employed in a tenant organisation), all in London. Three were solicitors in private practice firms that have legal aid contracts for housing cases; two were in London and one in Birmingham. The remaining worked in Law Centres or NGOs with legal aid contracts for housing cases either as solicitors or as housing advisors. One was out of London. None of the interviewees worked north of Birmingham. No responses were received from the solicitors in the Y&H region. The interviews asked about the interviews experience of clients who had been illegally evicted and/or harassed, and taking cases to the county court of the tribunal for rent repayment orders. In addition, three interviews were undertaken with advice organisations (Advice 1-3). A focus group also took place with four Safer Renting staff. These interviews were focused on the advice and support given to clients and working with other organisations.

### *Observation of three cases at Sheffield Magistrates' Court*

One the research team observed a hearing day for local authority cases at Sheffield Magistrates' Court in June 2025. Three illegal eviction cases were heard. All were adjourned for trial or sentencing at a later date.

[121] Local authorities were requested to choose cases on these criteria: the seriousness of behaviour by the landlord (most serious examples of criminality); the stage of action by the authority; whether legal action was ongoing; police involvement and/or other non-housing offences being involved.

*Focus groups with judges*

The research team sought to interview both magistrates and judges of the First Tier Tribunal (Residential Property) (the FTT). In order to interview judges, it is necessary to seek permission from the Judicial Office.[122] An application was made in November 2024. Permission to interview judges from the FTT was given in June 2025. Two focus groups and an individual interview with judges from the London and Northern region of the FTT took place in August 2025. The interviews explored the judges' experience of civil penalty appeals, rent repayment and banning orders and what factors informed their decision-making. Permission to interview magistrates was given on 13 August 2025, but it was not possible, within the timeframe of the project, to recruit any magistrates who had experience of housing offences.

### *Quantitative data*

*Data from FOI request to London boroughs*

The research team were sent the responses to an FOI request to all London Boroughs for information on illegal eviction and harassment made by Gus Silverman, solicitor at Deighton Pierce Glynn in August 2024. The responses to the requests had limited quantitative data, but the qualitative data has been included in the analysis.

*Banning Order decisions*

Decisions on Banning Orders are published on the FTT website.[123] All the decisions published up to March 2024 (n=40) were analysed to explore what contributed to a successful banning order application. Note that this figure includes two appeal cases seen by the Upper Tribunal and one variation of a decision.

*Ministry of Justice prosecution data*

An application for data on housing offences (Protection from Eviction Act 1977 and Housing Act 2004) prosecuted between 2011-2023, was made to the MoJ. The data was released 21 May 2024.[124] Analysis was conducted using the data flat files for each year, which capture defendant cases at principal offence level. Where cases involve more than one offence, this dataset records information for the offence with the most serious disposal. As such, the data may underestimate the overall number of offences and less serious disposals (e.g. disposal orders and victim surcharges). However, as housing offence cases are prosecuted by the local authority, a significant discrepancy between actual and reported case figures is unlikely.

Data analysis involved identification of housing offence types using Home Office (HO) and Criminal Justice System (CJS) offence codes, associated outcomes including findings and disposal, and geographical and longitudinal trends.

Disclaimer: This work was produced using administrative data accessed through the ONS Secure Research Service. The use of the data in this work does not imply the endorsement of the ONS data owners (e.g., HM Courts and Tribunals Service and the MoJ) in relation to the interpretation or analysis. This work uses research datasets which may not exactly reproduce Accredited Official Statistics aggregates. Accredited Official Statistics follow consistent statistical conventions over time and cannot be compared to Data First linked datasets.

*Local authority civil penalty notice data*

All local authorities in Y&H were asked for civil penalty notice (CPN) data: Data on offence, frequency and size of CPNs, and recovery rates. Data was collected from eight local authorities from the fifteen authorities in the region.

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[122] See https://www.judiciary.uk/guidance-and-resources/judicial-participation-in-research-projects/, accessed 18 Nov 2025.

[123] https://www.gov.uk/residential-property-tribunal-decisions, accessed 18 Nov 2025.

[124] ONS SRS Metadata Catalogue, dataset, Ministry of Justice Data First Magistrates Court Iteration 2 - England and Wales, https://doi.org/10.57906/1yrt-zd35.

[125] https://www.gov.uk/government/statistics/legal-aid-statistics-january-to-march-2025-data-files,

*Data from RRO applications and CPN appeals in the FTT*
Toward the end of the project, data created by Marks out of Tenancy (MOOT) using text-mining to scrape all the published decisions on the category 'Housing Act 2004 and Housing and Planning Act 2016' was sent to the Research team. A very small part of the data, concerning CPN cases and Rent Repayment Orders, was analysed.

*Data from legal aid*
Quarterly statistics for legal aid are published publicly.[125] Using that data, the number of legal aid applications for harassment and wrongful eviction over time were identified.

## WP4: Tenant experience

(Lead: Lisa O'Malley, University of York)

*Developmental work*
This work package aimed to explore tenant experience of landlord-perpetrated crime. In part, ESRC funding was used to employ a support worker at the Bradford housing charity Hope Housing, which works with tenants excluded from the mainstream housing market. Early development was conducted with tenants and support workers. This work indicated that tenants did not always recognise that they had lived in the 'private rented sector': their experience included often extremely precarious living arrangements where there was still an expectation that they should pay rent. This research collaboration ended as a consequence of internal management change at the charity.

*Qualitative interviews and case studies*
The WP then began work with Safer Renting, to pursue joint objectives for this WP and WP5. Safer Renting offers tenants relations expertise to London boroughs and works to secure beneficial outcomes for tenants who have been victimised by criminal landlords. Many tenants in their caseload will have experienced actual or attempted illegal eviction. Formal interviews with Safer Renting clients were conducted by Safer Renting caseworkers, using a topic guide agreed by the team and which focused on the tenants' rental experience. In total, fourteen depth interviews were completed and transcribed. These interviews were analysed using a thematic grid. Case workers were themselves interviewed to secure a further 33 case summaries. This method ensured that these clients remained anonymous. All these clients had agreed that their cases could be used for further research.

Attempts were made to contact other charities and agencies who support tenants who are likely to be marginalised in the private rented sector, with very limited success.

## WP5: Illegal eviction

(Lead: Julie Rugg, University of York)
This WP, which was not anticipated in the initial objectives for the project, was completed in collaboration with Safer Renting and staff working across the other WPs. This element of the project aimed to assess the degree to which the Protection from Eviction Act 1977 could be regarded as fit for purpose. This WP included multiple elements.

*Qualitative data*

*Safer Renting interviews*
Interviews were conducted with fourteen Safer Renting clients who had been subjected to illegal eviction or attempted illegal eviction. The interviews were completed by Safer Renting staff. The interviews focused on the rental experience of the tenant from the start of the tenancy, including

[125] https://www.gov.uk/government/statistics/legal-aid-statistics-january-to-march-2025-data-files,

reasons why the tenant moved into the property, experiences through the course of the tenancy and events leading up to the attempted or actual illegal eviction.

*Safer Renting cases*
Safer Renting casework staff were asked to select four or five cases to discuss. All had been referred to Safer Renting between December 2023 and April 2025. The case workers were asked for basic demographic information about the client, the circumstances in which the case came to the attention of Safer Renting, and a summary of the problems with the landlord as reported by tenant including a narrative of the attempted or actual illegal eviction.

*WP2 interviews*
All the respondents who were interviewed in WP2 were asked about the incidence of illegal eviction and about the local authority responses in tackling this problem. Interviews with housing options staff were strongly focused on procedures in response to illegal eviction.

*WP3 qualitative data*
A number of the elements from WP3 qualitative data was used for this WP. This included:

- The case study of local authority MNM;
- Interviews with criminal lawyers and staff in other local authorities;
- Interviews civil lawyers and staff at advice organisations;
- Observation of three cases at Sheffield Magistrates' Court.

### *Quantitative data*

*WP3 quantitative data*
This WP also drew on the following quantitative data from WP3:

- MoJ data, reporting on the incidence of illegal eviction, sentencing and outcomes;
- Data from FOI request to London boroughs;
- Data from RRO applications and CPN appeals in the FTT;
- Data from legal aid.

# Appendix Two: Enforcement assessment documents

**Figure 1 Review of enforcement options, FGF-H**

| Options | Advantages | Disadvantages |
|---|---|---|
| Impose Financial Penalty | A financial penalty of £14,650 will be issued based on the councils charging policy which is likely to be more than a fine issued by court as a result of a prosecution.<br><br>Attendance in court is not required so there is no legal input.<br><br>The financial penalty is likely to be a deterrent for preventing future offences. | No criminal record for the landlord<br><br>Chance of receiving written representation following service of Notice of Intent. If a penalty notice is served it is likely this would be appealed which would involve both legal and officer time.<br><br>Notice of Intent and Final Notice would need to be served. |
| Prosecution | Criminal record is gained if prosecution is successful<br><br>The prosecution can be published in the media for the interest of the public. | The fine is likely to be significantly lower than a financial penalty based on previous similar convictions.<br><br>Legal input would be required<br><br>Significant officer time is used in producing a prosecution file. |
| Take no further action | No further work required for the officer and the case can be closed once recovery of costs has been issued. | No financial burden on the landlord for committing an offence<br><br>The landlord and other landlords may consider carrying out similar offences in the future.<br><br>The council would not be using enforcement powers made available in order to improve housing conditions in the private rented sector.<br><br>The tenant is likely to complain if no further action is taken due to the risks posed to his family. |

**Figure 2 Example of a formal proceedings assessment, BCB-A**

**FORMAL PROCEEDINGS ASSESSMENT SCORING SCHEME**

| CRITERION | SCORE | TOT |
|---|---|---|
| **Risk to health/safety** | | |
| No risk to health/safety | 5 | |
| Risk to health possible, but unlikely | 10 | |
| Caused minor ill effect, potential for more serious effect in more vulnerable groups | 15 | |
| Identified or potential serious medical effect | 20 | 20 |
| **Previous history** | | |
| No previous history with Local Authority | 0 | 0 |
| Have reacted to previous advice, change usually effective | 4 | |
| Do react to advice, change not always effective, confidence in management is moderate | 8 | |
| Compliance with previous advice is patchy, confidence in management is low | 12 | |
| Failure to respond to previous advice | 16 | |
| **Ability of witnesses** | | |
| Witness would rather not attend court but might be persuaded | 1 | |
| Witness would require witness summons to attend | 2 | |
| Witness willing to attend but may not be effective under cross examination | 3 | |
| Witness willing to attend and will be effective | 4 | 4 |
| **Willingness to prevent recurrence** | | |
| Steps taken to prevent recurrence, confidence that these will be effective | 2 | |
| Steps taken to prevent recurrence, doubts that these will be effective | 4 | |
| Steps promised to prevent recurrence but confidence is low that promise will be fulfilled | 6 | |
| Not willing to prevent recurrence, no confidence that proprietor is capable of preventing recurrence | 8 | 8 |
| **Probable public benefit** | | |
| Publicity is likely to embarrass Council | 1 | |
| Penalty/publicity will have very limited value | 2 | |
| Penalty/publicity will ensure improvement in the case in question | 3 | |
| Penalty/publicity will prevent other similar offences | 4 | 4 |
| **Explanation offered by defendant** | | |
| Explanation satisfactory, factors appear to have been beyond defendant's control | 3 | |
| Explanation shows that prevention was possible but that necessary steps had not been taken | 6 | 6 |
| Explanation poor, blatant failure to control circumstances leading to offence | 9 | |
| No explanation offered, wilful disregard for public health | 12 | |
| | TOTAL SCORE | 42 |

The total score will determine the course of action to be taken

| Decision | Score |
|---|---|
| Informal Action | 16 - 24 |
| Formal Proceedings | 25 - 64 |

## Figure 3 Example of a prosecution v civil penalty checklist, HIH-H

| PROSECUTION v CIVIL PENALTY CHECKLIST | | |
|---|---|---|
| **Offences Covered Under Civil Penalties** | | |
| 1. Does the offence relate to one of the following listed below<br>• Failure to comply with an Improvement Notice (section 30 of the Housing Act 2004)<br>• Offences in relation to licensing of Houses in Multiple Occupation (section 72 of the Housing Act 2004)<br>• Offences in relation to licensing of houses under Part 3 of the Act (section 95 of the Housing Act 2004)<br>• Offences of contravention of an overcrowding notice (section 139 of the Housing Act 2004)<br>• Failure to comply with management regulations in respect of Houses in Multiple Occupation (section 234 of the Housing Act 2004)<br>• Breach of a banning order (section 21 of the Housing and Planning Act 2016) | | NO<br>Not appropriate for Civil Penalty |
| **Factors Affecting Seriousness of Offence** | | |
| 2. Has the landlord previously been convicted of housing related offences<br>- dates of convictions: | | NO |
| 3. Does the landlord have a history of non-compliance in relation to housing issues | | NO |
| 4. Is the landlord on the Rogue Landlord Database | | NO |
| 5. Is the landlord a subject of the PSH Rogue Landlord Unit | | NO |
| 6. Do we wish to seek a banning order in relation to the landlord | | NO |
| 7. Were the conditions in the property life threatening or giving rise to a risk of serious injury | YES | |
| 8. Was the landlord in control of the circumstances which gave rise to the contravention | YES | |
| **Other Factors to Consider** | | |

| | | | |
|---|---|---|---|
| 9. How long has the landlord been in control of the property | _____ Years | | _____ Months |
| 10. Is the landlord in control of a significant number of properties:<br>No properties if known ..... Net worth of property portfolio if known £..... | YES | | NO |
| 11. What financial gain has been made by the landlord? Calculate level of rent received + costs of works to remove hazards present. | £ _____ | | |
| 12. Level of compliance in relation to offence | 0% | 50% | 75% |
| 13. Did the landlord have controls or procedures in place which were intended to prevent the offence | YES | | NO |
| 14. Has the landlord taken significant steps to remove/comply with the contravention | YES | | NO |
| 15. Is a significant financial penalty preferred to a prosecution | YES | | NO |
| 16. Has the landlord been obstructed in complying with his duties – failure to allow access, tenant removed or damaged alarms, etc. | YES | | NO |
| 17. Has the landlord provided evidence to show that they complied with any remedial works prior to the current tenants taking up occupancy – this may include signed inventories at start of a tenancy, or photographic evidence showing alarms installed which are date and time stamped? | YES | | NO |

The factors listed above are not exhaustive or intended to give a binding decision either way, however they are intended to give guidance as to when it would be appropriate to take either a prosecution or a civil penalty.

**The presence of the following factors would lead towards a Prosecution**

If the answer is yes to factors 2, 4, 6 or 7 a prosecution would be the preferred option

**The presence of the following factors would lead towards a Civil Penalty**

If the answer is yes to factors 13, 14 or 15 a civil penalty would be the preferred option

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