The London Borough of Camden's policy statement on enforcement in relation to the Private Sector Housing and Licensing Service (PSH)

Version control:

Date	Changes
October 2021	Amendments regarding revocation of licences
7 February 2023	Amendments to examples of circumstances that give rise to a presumption in favour of HMO licences being granted for a reduced period or varied to a reduce period (see appendix B)
15 February 2023	Amendments re Civil Penalty Notices
14 October 2024	Full review of policy. Key changes include:
	• Discounts for prompt payment of Civil Penalty Notices • High rise enforcement updates • Protection from Eviction 1977 offences • Information concerning splitting of fines
19 November 2024	Correction to Section 12.8
8 December 2025	Civil Penalty Notices moved to separate policy document
17 September 2026	Policy updated to align with changes introduced by the Renters' Rights Act 2025

1. Housing Authority Enforcement Policy

This policy sets out the Council's principles for enforcing and executing its duties as a Housing Authority under the relevant statute.

Section 3 of the Housing Act 2004 imposes a duty on Councils to keep housing conditions in their district under review with a view to identifying any action that may need to be taken by them.

Section 107 of the Renters' Rights Act 2025 imposes a duty on the Council to enforce the Landlord Legislation. The Landlord Legislation is comprised of the following:

- Chapters 3 and 6 of Part 1 of the Renters' Rights Act 2025,
- Part 2 of the Renters' Rights Act 2025,
- Sections 1 and 1A of the Protection from Eviction Act 1977, and
- Chapter 1 of Part 1 of the Housing Act 1988.

Section 110 of the Renters' Rights Act 2025 imposes a duty on the Council to report to the Secretary of State on the exercise of its functions under the Landlord Legislation.

In this policy, the term 'landlord' should be read as including letting agents, managing agents, licensors, property owners, directors of corporate landlords, superior landlords and any other person involved in the letting or management of privately rented accommodation.

In this policy, the terms 'House of Multiple Occupation' or 'HMO' as defined by the Housing Act 2004.

2. Aims of the Policy

The purpose of this enforcement policy is to provide guidance for Housing Authority officers to ensure enforcement action is taken in line with the provisions of the Renters' Rights Act 2025 and statutory guidance provided to local authorities by the Secretary of State.

The Act and the 'Landlord Legislation' (as defined by Section 107 Renters' Rights Act 2025) and Part 1 of the Housing Act 2004 are not listed in the Schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007 and therefore sit outside of the Regulators' Code, and its provisions do not apply.

This policy document sets out what landlords of privately rented accommodation, and tenants of private rented sector properties, can expect from officers when dealing with non-compliance.

All enforcement action taken will be in accordance with relevant statutory Codes of Practice, Council procedures and protocols, and official guidance from central and local government bodies.

As a public body under the Human Rights Act 1998, the Council will apply the principles of the Equality Act 2010, European Convention for the Protection of Human Rights and Fundamental Freedoms.

3. Approach to Enforcement

The Council wants to support responsible landlords to raise housing standards. However, the Council expects landlords to have a good understanding of the housing standards and management issues that should be met in privately rented accommodation. They are running a business and will be expected to inform themselves of the parameters within which that business can lawfully operate.

Section 5 of the Housing Act 2004 places a duty on Councils to take appropriate enforcement action where a Category 1 hazard exists.

Section 6A Housing Act 2004 permits the Council, when first taking appropriate enforcement action under Section 5 Housing Act 2004 in relation to a Category 1 hazard or a failure to meet a Type 1 requirement on qualifying residential premises, to impose a Civil Financial Penalty on the responsible person where, in the Council's opinion, it would have been reasonably practicable for that person to secure the removal of the hazard or the meeting of the requirement. This power applies to qualifying residential premises other than the common parts of a building containing one or more flats.

Section 7 of the Housing Act 2004 gives Councils a discretion to take action where a Category 2 hazard exists. The Council will usually take action where a Category 2 hazard exists but will consider whether to do so on a case-by-case basis.

In addition, Council officers will often investigate and identify the need to take enforcement action through a range of routes, including (but not limited to):

- proactive inspections of dwellings, particularly through licensing provisions;
- in response to a complaint or request for assistance;
- referrals from other public bodies.

All investigations will be carried out in accordance with the relevant statutory requirements. The Council will ensure that appropriate governance is in place to ensure that action is taken in accordance with appropriate policies.

The Council may commence enforcement with formal action instead of informal action in the first instance. In deciding whether to do so, the circumstances of the case will be taken into account. Relevant factors may include, but are not limited to:

- Whether there is a risk to public health
- Whether there is a blatant or deliberate contravention of the law
- Whether there is history of non-compliance

In some circumstances the Council can take formal action in the first instance if there has been:

- Non-compliance with previous formal or informal action
- Offences in relation to the licensing and management of HMOs or Part 3 houses.

The Council may also take formal enforcement action in the first instance for breaches of the Landlord Legislation.

4. The principles of Private Sector Housing enforcement

The Council believes in firm, but fair, enforcement of the law related to private sector housing. In carrying out our duties we refer to the principles set down in the Legislative and Regulatory Reform Act 2006, Section 21. Those principles are that:

a) regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent;

b) regulatory activities should be targeted only at cases in which action is needed.

These principles should apply both to enforcement in particular cases and to our management of enforcement activities as a whole.

*a) **Proportionality***

Enforcement action is to be proportionate to any risks to health and safety and the welfare of residents and their guests or visitors, or to the seriousness of any breach, which includes any actual or potential harm arising from a breach of the law. In this policy, ‘risk’ (where the term is used alone) is defined broadly to include a source of possible harm, the likelihood of that harm occurring, and the severity of any harm.

In practice, applying the principle of proportionality means that the council will take account of how far the person responsible has fallen short of what the law requires and the extent of the risks to people arising from the breach. The Council will not only enforce where there is a higher risk to people in terms of the risk of death, injury or ill health. Enforcement action will also be considered where an unlicensed HMO is being operated.

*b) **Targeted***

The Council determines which inspections or investigations should take priority according to the nature and extent of risks posed which will largely be in line with the Housing Health and Safety Rating System (HHSRS). The competence of the landlord may allow departures from a risk assessed priority system, where greater attention by the Council on lower risk situations may lead to future benefits. Generally, the Council will not respond through firm enforcement action where the only matter or matters to be resolved is, or are, low risk and based on a discretion. The vulnerability of occupiers may also inform enforcement action irrespective of whether the housing conditions pose risks.

*c) **Consistency***

Consistency of approach does not mean uniformity. It means taking a similar approach in similar circumstances to achieve similar ends.

Those subject to enforcement action in situations of similar risks expect a consistent approach from the Council in the advice tendered; the use of enforcement notices, decisions on whether to prosecute; or undertake work in default.

The Council recognises that in practice consistency is not a simple matter. Officers are faced with many variables including the degree of risk, the attitude and competence of landlords, any history of cooperation or breaches, previous enforcement action, and the seriousness of any breach(es).

Decisions on enforcement action will remain discretionary, involving judgement by the officer, manager and legal advisor. The Council has arrangements in place to promote consistency in the exercise of discretion, including effective arrangements for liaison with other enforcing authorities.

d) ***Transparency***

Transparency means helping landlords, tenants and others understand what is expected of them and what they should expect from Council officers. It also means making it clear to them not only what they have to do, but where this is relevant, what they don't. That means distinguishing between statutory requirements and advice or guidance about what is desirable but not compulsory.

Transparency also involves the Council having arrangements for keeping those affected by enforcement informed as to any proposed actions being considered by the service (as far as reasonably possible). These arrangements must have regard to legal constraints and requirements. This policy sets out the general framework within which enforcement officers should operate. All parties need to know what to expect when an officer calls and what rights of complaint are open to them. In particular:

- when officers offer those subject to enforcement information or advice, face to face or in writing, including any warning, officers will tell those persons what to do to comply with the law, and explain why. Officers will, if asked, write to confirm any advice, and to distinguish legal requirements from best practice advice;
- in the case of statutory notices officers may (subject to the type of variables detailed under the heading "consistency" above and in Section 5b below)

consult interested parties on the contents of the notice and, if possible, resolve points of difference before serving it. The notice will say what needs to be done, why, and by when, and comply with the relevant statutory requirements; including describing the appropriate appeal provisions;

- in the case of a Prohibition Order the accompanying information will explain why the prohibition is necessary. A report will be passed to the Operations Manager for approval to ensure the impact corresponds with the principles in this document.

e) ***Accountability***

Regulators are accountable to the public for their actions. This means the Council will have policies and standards (such as the four enforcement principles above) against which it can be judged, and an effective and easily accessible mechanism for dealing with comments and handling complaints. The Council's complaints and enquiry capabilities are explained on the Council's website at www.camden.gov.uk.

5. Investigatory powers

In addition to the Council's informal and formal powers of enforcement, there are investigatory powers relating to the collection of information and relating to the entry of premises including, but not limited to, the powers detailed below.

Power to Investigate

Section 114 of the Renters' Rights Act 2025 gives the Council power to issue a notice to a relevant person to require the person to provide specified information to the Council.

This notice may be given to any person with an estate or interest in the land; the licensor; their agents; or a marketer of a property. It may be given in regard to any offence under the following Legislation:

- Sections 1 and 1A of the Protection from Eviction Act 1977;
- Chapter 1 of Part 1 of the Housing Act 1988;

- Section 83(1) or 84(1) of the Enterprise and Regulatory Reform Act 2013;
- Sections 21 to 23 of the Housing and Planning Act 2016;
- Chapter 3 of Part 1 and Part 2 of the Renters' Rights Act 2025.

Failure to comply with a s114 notice is an offence under s131 Renters' Rights Act 2025, as is being obstructive and intentionally or recklessly making false or misleading statements in response to a s.114 notice.

Section 115 of the Renters' Rights Act 2025 permits the Council when it reasonably suspects a breach of the Rented Accommodation Legislation to issue a notice to any person requiring them to provide the information specified. This may only be done to investigate whether a breach has occurred under the Rented Accommodation Legislation, or to determine the amount of a penalty. For the purposes of this section, the "Rented Accommodation Legislation" means:

- Sections 1 and 1A of the Protection from Eviction Act 1977;
- Chapter 1 of Part 1 of the Housing Act 1988;
- Parts 1 to 4 and 7 of the Housing Act 2004 ;
- Section 83(1) or 84(1) of the Enterprise and Regulatory Reform Act 2013;
- Sections 21 to 23 of the Housing and Planning Act 2016;
- Chapter 3 of Part 1 and Part 2 of the Renters' Rights Act 2025.

Where an individual has not complied with a s115 notice, s116 Renters' Rights Act 2025 enables the Council to make an application to the Court to enforce the provisions of the notice and seek reimbursement for the costs of the application.

Section 131 of the Renters' Rights Act provides that, in addition to the offence of non-compliance with a s114 notice, it is an offence for an individual to obstruct a Council officer seeking to exercise their powers without reasonable excuse. It is also an offence to fail to give an officer any additional assistance or information which they reasonably require without reasonable excuse.

Section 235 of the Housing Act 2004 allows the Council to issue a notice to relevant individuals, including occupiers, directing them to provide specified documents under their control for the purpose of investigating whether an offence has been committed under Parts 1 to 4 of the Housing Act 2004 or exercising the Council's functions under Parts 1 to 4 of the Housing Act 2004.

Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 also permits the Council to issue a notice to an occupier, manager, or individual with an interest in the land to compel them to provide the Council with information on the nature of their interest and the names and addresses of current occupiers and of any others with an interest in the land.

Entry to Premises

Section 118 of the Renters' Rights Act 2025 permits Council officers to enter business premises of relevant people (including landlords, letting agents, and marketers) if it is necessary for the production or seizure of documents under s122-s123 Renters' Rights Act 2025. This power will be exercised without a warrant.

Section 121 of the Renters' Rights Act 2025 allows a Council officer named in a warrant to enter premises used for a rental sector business which is not mainly accommodation if there are documents on the premises which the officer could require under s122 or seize under s123. In addition, for this power to be exercised, one of the following conditions must be met:

- That access to the premises has been or is likely to be refused, and the Council has provided notice of their intention to apply for a warrant to the occupier;
- Those documents on the premises would likely be concealed or interfered with if notice of entry were to be given;
- That no occupier is present, and waiting for their return might defeat the purpose of the entry.

Following a s118 or s121 Renters' Rights Act 2025 entry, s122 allows an officer at any reasonable time to require a relevant person on the premises to produce any documents relating to the business and to take copies of them. This may only be exercised to ascertain whether there has been a breach of the Rented Accommodation Legislation where an officer reasonably suspects there has been a breach or an offence; or to ascertain whether the documents may be required in evidence for proceedings regarding a breach or offence.

Following a s118 or s121 Renters' Rights Act 2025 entry, s123 authorises Council officers to seize and detain documents that the officer reasonably suspects may be required as evidence in proceedings relating to a breach of, or an offence under, the Rented Accommodation Legislation. When doing so, the officer will provide evidence of the officer's identity and authority if reasonably practicable. The officer will take reasonable steps to inform the person from whom documents have been seized that they have been seized, and will provide that person with a written record of what has been taken.

S126 Renters' Rights Act 2025 permits an authorised officer of the Council to enter premises at any reasonable time if the officer reasonably suspects that the premises, or part of the premises, are subject to a residential tenancy and the officer considers it necessary to inspect the premises for the purposes of investigating whether there has been potential offences specified in Subsection 1 (b). Where required, the Council will give at least 24 hours' notice of this to the occupier and individuals with an interest in the property as per Subsection 1(c), detailing in writing why the entry is necessary and the suspected offences. Where there are occupiers found on the premises, the officer will provide evidence of the officer's identity and authority to at least one of the occupiers if reasonably practicable.

In addition, s239 Housing Act 2004 permits Council officers to enter, if necessary and at a reasonable time, a property in order to carry out a survey or examination. This may be done if any one of the following is met:

- to determine if any Part 1-4 enforcement functions should be exercised;
- the premises are part of an Improvement Notice or Prohibition Order;
- a management order is in force under Chapter 1 or 2 of Part 4 on the premises.

In certain circumstances the Council may obtain a warrant to enter, by force if necessary, under s240 Housing Act 2004.

6. Case investigation

The PSH service will investigate complaints of disrepair and poor management in private rented accommodation, with the objective to use informal and formal powers to resolve issues raised. The Council's role is regulatory, and we will not provide reports regarding the housing conditions or occupation of a property for tenants or a third party. If a tenant requires such a report they should use the services of a private consultant.

6.1. Informal action

Informal action taken by the Council may be written or verbal advice. Additionally, a visit may be made at the outset by Council Officers in cases where the initial complaint or contact indicates that an immediate investigation by a Council officer is warranted.

In cases where officers visit an address, whether this is a result of a landlord’s failure to adequately resolve a highlighted issue or as part of an audit or other investigation, written or verbal advice may be deemed sufficient should the inspection highlight only very minor deficiencies, at the Council’s sole discretion.

Where written advice is deemed appropriate by the Council and is provided, timescales will normally be included to undertake any specified work or actions.

While the Council will use its discretion on whether to carry out informal action for a Category 2 hazard, there is no requirement to provide written or verbal advice before commencing formal action.

6.2. Informal Consultation prior to Formal Action under Housing Act 2004

Regarding notices under Part 1 of the Act, consultation before formal action is discretionary, and formal action is mandatory where Category 1 hazards are present.

The PSH service should avoid informal consultations which cause undue delays, leaving tenants exposed to hazards or informal case management through consultation letters which increase time spent on resolution, multiple visits and possible diminished standards of works that cannot be enforced against.

Following the above, the officer may serve a notice without prior consultation with interested parties and serve or aim to serve a formal notice regardless of consultation response (unless hazard(s) reduced/addressed), in the following circumstances:

- If there is more than one Category 1
- Any single serious (Band A) Category 1
- Category 1 and 2 hazard(s)
- Any Category 1 and vulnerable residents.
- Threat of retaliatory eviction
- If the property is unlicensed
- If the property is subject to other enforcement
- Any other situations as reviewed with managers.

This policy welcomes negotiations and mediation after the notice has been served, with the option to vary if needed.

The Council will always seek to recover full costs as per Section 49 of the Housing Act 2004 for notices. Any representations in relation to costs will always be considered.

6.3. Formal action

If formal action is considered appropriate, the following options are available to the Council.

Housing Act 2004 Part 1

- issue an Improvement Notice in respect of any Category 1 hazards and any Category 2 hazards on the property. This requires the person on whom it is served to undertake the remedial action specified in the Notice within a given timeframe. The mandated work and the timeframe will be determined by the Council depending on the nature and scale of the work.

- issue a Prohibition Order in respect of any Category 1 hazards and any Category 2 hazards on the property. This prevents occupation of all or part of the property, or can be used to limit occupant numbers, within a specified time frame.
- issue a Hazard Awareness Notice in respect of any Category 1 hazards and any Category 2 hazards on the property. This makes the owner and occupiers aware of the hazards identified; however, it does not require remedial action. As a result, and because it does not secure risk-reducing works within a specified timeframe, a Hazard Awareness Notice will not usually be the most appropriate course of action where remedial works are necessary to reduce the risk of harm to occupiers or potential occupiers, or where the recipient is already aware of the hazard(s).
- make an Emergency Prohibition Order. This immediately prohibits the use of all or part of a dwelling if there is an imminent risk of serious harm to the health or safety of the occupants or others.
- Where there is a Category 1 hazard present, S40 Housing Act 2004 allows the Council to undertake Emergency Remedial Action to remediate the Category 1 hazard without prior notice. The Council may then seek reimbursement of costs incurred in undertaking the work
- Impose a Civil Financial Penalty under s6A Housing Act 2004, when first taking the appropriate enforcement action required by s5 Housing Act 2004, in relation to a Category 1 hazard or a failure to meet a Type 1 requirement on qualifying residential premises, where the Council considers that it would have been reasonably practicable for the responsible person to secure the removal of the hazard or the meeting of the requirement.
- The Council also has the power to suspend action taken under Part 1 Housing Act 2004 in situations where it has the power or duty to take enforcement action through the service of an Improvement Notice or Prohibition Order. This will be at the Council’s discretion and will

normally, but not exclusively, be considered for the purpose of minimising inconvenience to the current occupiers.

- Demolition and Clearance are options for both Category 1 or Category 2 hazards.
- S30 Housing Act 2004 provides that failure to comply with an Improvement Notice is a criminal offence, which will normally be followed by prosecution or the issuing of a civil penalty.
- S32 Housing Act 2004 provides that failure to comply with a Prohibition Order is a criminal offence, which will normally be followed by prosecution
- Housing Act 2004 Part 4 Chapter 1 – apply for Interim Management Orders and Final Management Orders to be made
- Other formal notices served by the Council may not relate to the landlord undertaking remedial works but may cover a range of other matters including, but not limited to, exercising a right of entry under s.239 of the Housing Act 2004 and a request to provide information or the need to abate or avoid overcrowding.

There may be other legislative alternatives available to remedy deficiencies that cause hazards which an authority may choose as a more appropriate enforcement approach.

6.4. Work in default

The enforcement options for non-compliance with formal Notices or breach of licence conditions include the carrying out of works specified in the Notice. This power may be exercised in addition to other enforcement proceedings taken for non-compliance. The Council has no duty to undertake works in default and it will be at its discretion. A 20% surcharge will be added to the cost of any works.

7. HMO licensing enforcement and related offences

7.1. HMO Licence Conditions

Conditions can be added to HMO licences to require work to meet specified standards or to address HMO Management Regulation requirements. In general, authorities should seek to identify, remove or reduce category 1 or category 2 hazards in the house by the exercise of Part 1 functions and not by means of licence conditions however this does not prevent the authority from imposing licence conditions relating to the installation or maintenance of facilities or equipment even if the same result could be achieved by the exercise of Part 1 functions;

Failure to comply with these conditions is a criminal offence, which may result in prosecution or the issuing of a civil penalty.

7.2. Decision to issue or vary a licence for a shortened period

Where the Council is minded to grant a licence there is no prescribed duration period except that the legislation sets a maximum licence period of 5 years.

In granting a licence the Council will ordinarily do so for the maximum 5-year period allowed by law. However, where evidence exists regarding a 'person' and/or a property that gives cause for concern as to the appropriateness of granting a 5-year licence then the Council will instead consider granting a licence for a shortened period, normally but not necessarily of 2-years. The circumstances that may give rise to such a cause for concern will include, but are not limited to, the following:

- Failure to submit an application when the property has become licensable
- Continuing to let an HMO after a licence has expired / submitting a late application to re-license an HMO ('late renewals')
- Failure to obtain consents or approvals appropriate to the property use (such as for planning or building regulation purposes)
- Applications containing material omissions and inaccuracies, deliberately misleading information, failing to notify relevant parties of an application, or failing to submit timely applications.
- Management deficiencies and failings
- Failing to comply with obligations to tenants
- History of complaints
- Previous formal action in respect of relevant housing offences
- Compliance issues with previous licences
- Failure to pay relevant charges, fines or penalties

In cases where the above circumstances come to light after a licence has been granted then the licence may be varied to reduce the period. Any decision to issue a reduced term licence or to vary a licence to reduce the period will be made taking account of the generality and wider context of this enforcement policy statement and will not preclude, or be dependent upon, any other action under this policy. Any proposal to grant a reduced term licence or vary a licence to reduce the licence period will be subject to the statutory consultation process and any representations received will be considered before a final decision is made.

The landlord will need to submit a new licence application on the expiry of a reduced-term licence. However, the grant of a reduced term licence will enable the HMO to be legally rented, allowing the landlord in many cases to remedy the issue that gave rise to the shorter-term licence or for a relevant conviction to cease to be a factor justifying a future application resulting in a further shorter-term licence. The issuing of a reduced term licence or varying a licence to reduce the licence period will be monitored and re-assessed at the end of the licence period.

To provide additional clarity Appendix B to this enforcement policy sets out circumstances in which there will be a presumption in favour of licences being granted for a reduced-term only or varying a licence to reduce the licence period. A licence holder may appeal to the First-tier Property Tribunal to review the council's decision to issue a licence for a shorter term or vary a licence to reduce the licence period.

Note: Where a reduced-term licence has been issued with a schedule of works to complete, a licence will not be varied to extend the licence period to five years upon completion of those works. The licence will run its original course, and a new application submitted upon expiry of the existing licence.

7.3. Decision to refuse to grant a licence

In determining an application for a licence for a property under Part 2 of Housing Act 2004 the council must decide whether to grant or refuse a licence. Having taken into account the relevant considerations specified in the Act the council may refuse to grant a licence having regards to the following considerations:

- A person involved in the management is deemed to be ‘unfit’ (unless an appropriate alternative licence holder or manager is identified). The ‘Fit and Proper’ test is explained in more detail in Appendix C.
- The management arrangements in place are unsuitable. For example, where:
- the proposed licence holder is unable to comply with all the licence conditions as per certain ‘rent to rent’ arrangements
- the proposed licence holder lives overseas and has not appointed a UK based manager (who agrees to be bound by the licence conditions)
- The applicant has been willfully evasive or untruthful in their application, for example they have provided a false declaration -
- The applicant has failed to pay the ‘Part 2’ payment with respect to the licence fee where the second payment has been requested but not received. This is because the Council is unable to determine an HMO licence application until full payment has been received.

The council will consider each case on its own merits.

Any proposal to refuse to grant a licence will be subject to the statutory consultation process and any representations received will be considered before a final decision is made.

The Council will adopt a common-sense approach, exercising its discretion reasonably and proportionately, taking into account relevant considerations.

The applicant/licence holder has the right of appeal to the First-tier Property Tribunal against any refusal to grant a licence.

7.4. Decision to revoke a licence

A licence may be revoked by the council on its own initiative without the agreement of the licence holder. Any decision to revoke a licence (other than by agreement) will be based on all relevant matters that were taken into account when granting the licence and any relevant factors which have occurred since the licence was granted. Particular consideration will be given to whether the current licence holder or manager have ceased to be ‘fit and proper’ persons (this may include where licence holders/managers have been deemed not ‘fit and proper’ by other Local Authorities).

Circumstances a licence could be revoked:

- the licence holder or manager (even if not named on the licence) are deemed not 'fit and proper' (see Appendix C Fit and Proper test)
- the licence holder or manager has committed a serious breach, or repeated breaches, of a licence condition or conditions without, in the Council’s opinion, a reasonable excuse
- the Council considers the management of the HMO to be unsatisfactory or the HMO no longer meets the standards required for a licence (judged by the standards applicable at the time the licence was granted unless the standards prescribed in regulations have been revised)

Before revoking the licence, the Council must inform the landlord and all other relevant persons that it intends to do so. The provisions for revoking a licence are set out in the Housing Act 2004. The applicant/licence holder has the right of appeal to the First-tier Tribunal to review any decision made to revoke a licence.

A person who has been made subject to a Banning Order cannot hold an HMO licence and the Council has a duty to revoke any licence(s) held by them.

Revocation of a licence may result in the need to make an Interim Management Order (IMO) whereby the council will take over management of the HMO. The Council will always consider a ‘fit and proper’ alternative HMO licence holder being appointed and bound by the licence if appropriate. This would require a new licence application to be submitted. Our enforcement policy in relation to IMOs states that the council will exhaust other enforcement options (e.g. notices and/or prosecution) before proceeding with this action. However, this may not be considered appropriate in the circumstances.

8. HMO Management Regulations

8.1. Prosecutions/Civil Penalty Notices for HMO Regulation Management Offences

The principles in appendix A are to be followed when deciding whether to prosecute for offences. Where contraventions are minor or there are no aggravating factors enforcement staff may send a warning letter asking for contraventions to be addressed by a certain date.

Enforcement staff may decide to prosecute or serve a CPN for minor contraventions where owners and/or agents are engaging in one or more of the following example aggravating factors that affect living conditions and tenant welfare:

- Renting out properties with multiple Category 1 and Category 2 HHSRS hazards
- Unlicensed HMO operation
- Undersize bedsits (e.g. less than 12 sq. meters)
- Undersize bedrooms (e.g. less than 6.5 sq. meters)
- Overcrowding through lack of amenities or numbers alone
- Lack of legal consent under planning and building legislation
- Sub-dividing rooms involving some or all of the above
- Sub-letting chains (with other aggravating factors)
- Cash in hand rents
- Harassment / retaliatory eviction
- Issuing inappropriate licences to occupy or where no written AST is given
- Tenancy Deposit concerns
- Non-compliance with any other statutory notices.
- Trading standards convictions or FPNs.
- Failing to comply with HMO licence conditions and failing to complete works within the requested timeframes on the licence

A CPN will also be considered where none of the above are present but the management contraventions pose a risk to tenant health and welfare.

8.2. Prosecution/Civil Penalty Notices in relation to Unlicensed HMO's (additional and mandatory)

The aim of HMO licensing is to improve standards in the private rented sector. However, the worst conditions are normally found in the properties of those who are unwilling to license. Therefore, there will be an enforcement drive to find and tackle these.

Landlords and letting agents/property companies should be aware of local Housing Authority requirements including any sub-letting agents/tenants or online letting agents. In view of the fact that the worst conditions are often found in those unwilling to license and that many landlords/agents have been found to be unwilling to apply for a licence until formal action is taken against them the below applies:

- Where there are poor conditions or the tenants' welfare may be compromised in an unlicensed HMO then the enforcement staff will have discretion to prosecute or serve a CPN regardless of any forewarning given or not.Also, where a landlord or agent has applied for a HMO licence following an inspection/complaint or incident this does not necessarily mean that a CPN or prosecution won't still be taken.
- Likewise, if tenant welfare is/was compromised after a licence is applied for, a CPN or prosecution may still be taken.

Appendix D contains a table for guidance and demonstrates the main levels and interventions for enforcement

9. Other Legislative alternatives

9.1. Prosecution and Civil Penalty Notices

Where a Civil Penalty Notice is an available alternative to prosecution, the Council will only consider using its power to prosecute under Part 1 Housing Act 2004 in what it considers to be more serious cases.

The decision to prosecute will be determined by the evidential strength of the Council's case and the relevant public interest factors set down by the Director of Public Prosecutions in the Code for Crown Prosecutors.

In many circumstances, where an offence is committed by a body corporate, legislation enables local authorities to pursue persons involved with the body corporate in addition to, or instead of, the body corporate. These include company officers and, where applicable, company members.

The Council will determine, on a case-by-case basis, whether to take enforcement action against any person or persons that they consider fall within the scope of this category in addition to prosecuting the body corporate.

A decision to prosecute/issue a CPN will only be made where there is sufficient evidence to provide a realistic prospect of a conviction and it is in the public interest to do so (See the relevant factors in appendix A). The council will consider a prosecution or issuing a CPN where, following an investigation, one or more of the following circumstances apply though this list is not exhaustive as other breaches may warrant prosecution because of all the circumstances of the case:

- it is appropriate in the circumstances as a way to draw general attention to the need for compliance with the law and the maintenance of standards required by law, and conviction may deter others from similar failures to comply with the law;
- a breach which gives rise to significant risk has continued despite representations from tenants and other interested parties;
- a breach which relates to a clear requirement identified in a statutory notice, which if not addressed is likely to recur, or prevents revocation of the notice even if the matter is minor, or which weakens the overall objective of the notice;
- a breach which relates to a failure to provide information requested under Section 16 Local Government (Miscellaneous Provisions Act 1976 or Section 235 Housing Act 2004 which could or will affect the ability of the Council to mount successful enforcement action;
- A breach which relates to a specific local problem of rogue landlord operations/systematic management failures by a landlord or manager.

Camden will always consider enforcement action against directors or officers of companies as well as the company itself, taking into account the risk of double-punishment. This is particularly the case where there are previous convictions, or the offence is serious or the director/officer is or has been involved with other letting companies. Where there are reasonable grounds to believe that a company may seek to frustrate enforcement action or avoid financial liability—

for example, by dissolving the company, transferring its business or assets, or otherwise ceasing to trade—Camden may take this into account when deciding whether to pursue proceedings against the company and/or its directors or officers. In these cases, Camden has to prove that the offence by the company was committed with the consent or connivance of or was attributable to any neglect on the part of the director/officer.

In deciding whether to serve a CPN or prosecute reference must be made to Chapter 11 and 'Guidance on whether to apply a Civil Penalty Notice or Prosecution'.

9.2. Council's enforcement policy amendment for civil penalties.

The application of civil penalties extends the scope of the enforcement policy, which will continue to apply to decision making in respect of prosecutions. Guidance states that the burden of proof to levy a civil penalty under the Housing Act 2004 is the same as the burden of proof to mount a prosecution under the Act. It is for the Council to prove, or be satisfied, that the offence is made out, to the criminal standard.

9.3. Guidance on whether to apply a Civil Penalty Notice or Prosecution

Guidance leaves it open to the council to develop policy as to when to levy civil penalties and when to prosecute.

The following forms guidance as to when a prosecution will be brought:

a. Significant suffering of actual harm/injury by the tenant or another victim will indicate that a prosecution should be the preferred option.

b. The Council will generally prosecute where there is a history of prosecutions against the same person or company or where civil penalties have had no or little effect on compliance for offences in relation to a landlord's other properties.

c. A difficulty in recovery of a civil penalty may influence the Council with a preference towards prosecution for future offences by the same person or company, or other companies to which the same person is a director. Such as overseas operators or internet based letting agents of no fixed address or legal entity.

d. Where an offence is ongoing (e.g. HMO licence not applied for, or continual non- compliance with an improvement notice that has been subject to a CPN or previous prosecution).

e. Where a serious offence has been committed at a number of properties with other aggravating factors (NB: the CPN statutory guidance states that CPNs can be used for repeat offenders).

f. Where there has been systematic evasion/obstruction, high level of dishonesty, non- cooperation or provided misleading information during the investigation.

A decision on taking a prosecution or levying a Civil Penalty will be taken on a case-by-case basis.

9.4. Prosecution in relation to Protection from Eviction Act 1977 offences

The PSH service will investigate all allegations of harassment or illegal eviction carried out by landlords/agents or people acting on their behalf. Sections 1(2) and 1(3) of the Protection from Eviction Act 1977 define the actions which may constitute an offence:

(2) If any person unlawfully deprives the residential occupier of any premises of his occupation of the premises or any part thereof, or attempts to do so, he shall be guilty of an offence unless he proves that he believed, and had reasonable cause to believe, that the residential occupier had ceased to reside in the premises.

(3) If any person with intent to cause the residential occupier of any premises—

(a)to give up the occupation of the premises or any part thereof; or

(b)to refrain from exercising any right or pursuing any remedy in respect of the premises or part thereof;

does acts likely to interfere with the peace or comfort of the residential occupier or members of his household, or persistently withdraws or withholds services reasonably required for the occupation of the premises as a residence, he shall be guilty of an offence.

The Council will seek to gather information from both the tenant and the landlord/agent as to whether offences may have been committed. Illegal or unlawful eviction may occur when a landlord/agent or someone acting on their behalf unlawfully deprives a tenant/licensee of all or part of their home or attempts to evict a tenant without following the correct legal process. Information and advice for tenants on what the correct legal process is can be found on Camden's Private Renters website.

Harassment offences may involve landlords/agents or persons on their behalf:

- Attempting to force tenants out of their home by threatening them
- Forcing tenants to pay money to them
- Constantly calling or messaging tenants
- Turning up at tenants' homes without providing the required notice
- Interrupting the electricity or gas supply within the property

The Council will initially attempt to negotiate with landlords/agents in an attempt to resolve the issue. However in the most serious cases or cases where negotiation has failed then the Council will consider instigating legal proceedings. As part of an investigation into any offences the Council may invite the alleged perpetrators to a PACE interview to discuss the allegations and allow the alleged perpetrators an opportunity to provide a response.

9.5. Civil Financial Penalties for specified breaches and offences

This section relates exclusively to Civil Penalty Notices issued by the Council for the below offences and breaches of housing law.

The Council has the power to impose a Civil Penalty Notices for the following:

- Unlawful eviction and harassment of occupier as defined under the Protection from Eviction Act 1977
- Failure to comply with an Improvement Notice [s30 Housing Act 2004]
- Offences in relation to licensing of Houses in Multiple Occupation (HMOs) [s72 Housing Act 2004]
- Offences in relation to the Selective Licensing of ‘houses’ [s95 Housing Act 2004]
- Failure to comply with an Overcrowding Notice [s139 Housing Act 2004]
- Failure to comply with a management regulation in respect of an HMO [s234 Housing Act 2004]
- Failure to secure the removal of a category 1 hazard and failure to meet Type 1 requirements on qualifying residential premises, where it would have been reasonably practicable to do so [s6A Housing Act 2004]

- Offences in relation to Regulation 3 of the Electrical Safety Standards in the Private Rented Sector and Social rented Sector (England) Regulations 2020
- Failure to comply with a banning order [s21 Housing and Planning Act 2016]
- Failure to give a written statement of terms under Section 16D of the Housing Act 1988
- Failure to give an existing tenant information about changes made by the Renters’ Rights Act under paragraph 7(2) of schedule 6 to the Renters’ Rights Act 2025
- Attempting to let a property for a fixed term under Section 16E of the Housing Act 1988
- Attempting to end a tenancy orally or by service of a notice to quit under Section 16E of the Housing Act 1988
- Serving an eviction notice that attempts to end a tenancy outside the prescribed Section 8 process under Section 16E of the Housing Act 1988
- Relying on a ground where the person does not reasonably believe that the landlord is/will be able to obtain possession under Section 16E of the Housing Act 1988

- Relying on a ground knowing the landlord would not be able to obtain possession or being reckless as to whether they would under Section 16J of the Housing Act 1988
- Failing to provide a tenant with prior notice that a ground which requires it may be used under Section 16E of the Housing Act 1988
- Reletting or remarketing a property before expiry of the 12 month no-let period after using the moving and selling grounds under Sections 16E and 16J of the Housing Act 1988
- Discriminating against prospective tenants during the letting process on the grounds that those tenants are in receipt of benefits or have children under Sections 33 and 34 of the Renters' Rights Act 2025
- Marketing a letting without stating the proposed rent under Section 56 of the Renters' Rights Act 2025
- Inviting or encouraging any person to offer to pay an amount of rent under the proposed letting that exceeds the stated rent under Section 56 of the Renters' Rights Act 2025
- Accepting an offer from any person to pay an amount of rent under the proposed letting that exceeds the stated rent under Section 56 of the Renters' Rights Act 2025

Civil Penalty Notices in respect of these offences operate according to their own independent standalone policy.

9.6. Rent Repayment Orders

Part 2 of the Housing and Planning Act 2016 permits the Council to seek a Rent Repayment Order at the First Tier Tribunal Chamber to require the landlord of the property where the offence(s) has been committed to refund rent to the tenants or the Council. S48 of the Housing and Planning Act 2016 places a duty on the Council to consider applying for Rent Repayment Orders.

Where a landlord has been convicted or received a Civil Penalty Notice in respect of the offence, the Tribunal must award the maximum applicable amount, except in exceptional circumstances.

This power will be considered in response to all qualifying offences. Where the Council identifies a qualifying offence and is satisfied that there is sufficient evidence to make a successful application, it will pursue a Rent Repayment Order unless there are exceptional case-specific reasons not to do so.

The qualifying offences are:

- Unlawful eviction and harassment of occupier as defined under the Protection from Eviction Act 1977
- Failure to comply with an Improvement Notice [s30 Housing Act 2004]
- Offences in relation to unlicensed HMOs [s72(1) Housing Act 2004]
- Offences in relation to unlicensed houses [s95(1) Housing Act 2004]
- Failure to comply with an Improvement Notice [s30(1) Housing Act 2004]
- Failure to comply with a Prohibition Order [s32(1) Housing Act 2004]
- Breach of a Banning Order [s21 Housing and Planning Act 2016]
- Using Violence to secure entry [s6(1) Criminal Law Act 1977]
- Knowingly or recklessly misusing a possession ground [s16J(1) Housing Act 1988]
- Letting or marketing of a property within twelve months of using the ‘moving in’ or ‘selling’ ground of eviction [s16J(2) Housing Act 1988]
- Continuous breach of certain tenancy reform requirements [s16J(3) Housing Act 1988]

An application for an RRO may be in addition to other formal action, such as prosecution proceedings or the imposition of a Civil Penalty. Where the Council has issued a Civil Penalty Notice or pursued prosecution, it will usually apply for a Rent Repayment Order where public funds have been paid to a landlord who has committed a qualifying offence.

Section 49 of the Housing and Planning Act 2016 enables the Council to assist tenants in applying for Rent Repayment Orders. Where appropriate, the Council will usually support tenants by referring or signposting them to a relevant advice or representation service, such as Justice for Tenants, and by providing relevant evidence which may assist tenants in preparing, pursuing or participating in Rent Repayment Order proceedings.

9.7. Banning Orders

Part 2, Chapter 2 of the Housing and Planning Act 2016 permits a Council to apply for a Banning Order against a person who has been convicted of one or more of the relevant offences. This would prevent the landlord from:

- Letting housing in England;
- Engaging in English letting agency work;
- Engaging in English property management work; or
- Doing two or more of those things.

The Council may consider a Banning Order for the more serious offenders. It will take into account the seriousness of the offence(s), whether the landlord has committed other offences (or received any Civil Penalty) and any history of failing to comply with their obligations or legal responsibilities. It will also take into account other relevant factors, including but not limited to:

- The harm, or potential harm, caused to the tenant;
- The need to punish the offender;
- The need to deter the offender from repeating the offence;
- The need to deter others from committing similar offences.

9.8. Caution

There are three preconditions, which must all be satisfied if a matter is to be dealt with by caution, as follows:

- There is sufficient evidence to give a realistic prospect of conviction,
- The offender admits his or her guilt, including in not advancing a reasonable excuse defence,
- The person being cautioned agrees to it, having been made aware that the caution may be cited in Court if the person is found guilty of other offences in the future.

Following the acceptance of a caution, the offender may be invited to contribute towards the Council's costs in investigating and preparing the case. However, a caution cannot be conditional on the Council's costs being paid.

9.9. Costs and Charges

The Council incurs costs in carrying out its functions. Where legislation allows, the Council will seek to recover reasonable costs and expenses associated with its enforcement, licensing and wider regulatory activity such as Interim Management Orders and Final Management Orders. This may include (non-exhaustively) costs arising from inspections, investigation, evidence gathering, notices and other statutory documentation, follow-up action, compliance monitoring, and works or other interventions.

Recovery may be pursued using all available lawful routes, which may include civil action, local land charges, and enforcement against the property.

Where permitted, interest may be applied to outstanding sums until paid.

10. Additional Considerations Fire Risks arising from External Walls of High and Medium Rise Blocks of Flats

While the wider enforcement policy is still relevant to High and Medium Rise blocks of flats with additional fire risks arising from external walls, each building must be considered on a case-by-case basis. Additional factors to consider include:

- Additional guidance and direction from MHCLG / central government should be taken into account.
- This is an area with rapid changes and policy, guidance, options for funding, case law, guidance and understanding of risks are continually evolving.
- Investigations and works required in this area are specialist in nature, and contractors with the necessary skills and experience are in high demand. Longer timescales for completion may be necessary.
- The Local Authority’s enforcement role overlaps with the role of the Fire Brigade and the Building Safety Regulator, and the Council will take their views into account.
- Powers arising from the Building Safety Act such as the power to apply for Remediation Orders and Remediation Contribution Orders have

significant overlap with powers under the Housing Act 2004. Each case should be considered on its own merits, and where appropriate the Council will consider exercising both functions either as alternative courses of action or simultaneous courses of action, having regard to guidance from MHCLG and evolving case law. Generally, leaseholders have powers to apply for remediation orders, and we would expect them to exercise these rights on their own behalf, but we are happy to support this if possible.

- Where additional risks have been fully investigated, assessed, and mitigated on an interim basis, there is good management, and a clear commitment and pathway to full remediation, the Council may allow extended timescales to explore sources of funding, warranty claims etc but this cannot be indefinite. As the need for remediation has been a high-profile concern for a number of years, where there has not been considerable progress in assessing and remediating risk it is likely that formal enforcement action will be taken.

11. Publicity

The Council will consider publicising any conviction, Rent Repayment Order, banning order or civil penalty notice which could serve to draw attention to the need to comply with requirements, or deter anyone tempted to disregard their responsibilities under the law enforced. We will seek to ensure all publicity is released on the day of conviction or soon afterwards.

12. Working with other Agencies

Where there is wider regulatory interest, officers will usually refer information received to other relevant regulators. Where appropriate, enforcement activities will be planned and coordinated with other regulatory bodies and enforcement agencies to maximise the effectiveness and consistency of any enforcement. We will share intelligence relating to wider regulatory matters with other regulatory bodies and enforcement agencies. These may include (but is not limited to) Government Agencies and Departments, other Local Authorities, Police Forces and Fire Authorities.

13. Rogue landlord databases

To assist other agencies and other boroughs where appropriate we will seek to keep internal local information to address rogue/criminal landlords. We will also support (in partnership with the Greater London Authority) the London Mayor's 'rogue landlord's checker for London' and the MHCLG national rogue landlord database. Banning orders (under the Housing and Planning Act 2016) will rely on a database to be effective and ensure convicted landlords (particularly companies and directors) are banned as appropriate.

14. London Landlords Accreditation Scheme (LLAS/ATLAS) or similar such schemes

We recognise that education and the accreditation of landlords can pro- actively improve standards without the need for enforcement so will seek to refer landlords to the scheme and membership of landlord and agent organisations.

Landlords and agents accredited under this scheme must be fit and proper persons and must comply with a code of conduct. Where we have evidence that an accredited landlord or agent should not be considered fit and proper or that they are failing to comply with the code of conduct we will seek action by LLAS/ATLAS (or other such scheme) that may result in accreditation being withdrawn.

15. Tenant welfare

We recognise that our enforcement can have a knock-on effect on tenants in terms of occupation and displacement. We will liaise with the Homelessness Initiatives Service when required. Where any displacement is the direct result of a prohibition order, support and compensation will be considered.

Where retaliatory eviction is threatened/suspected we will use powers to prevent this. When illegal eviction occurs, we will work with housing colleagues and take this into account when considering the public interest or aggravating circumstances to the PSH intervention taken. Rent repayment orders, when applicable, will be pursued where housing benefits have been paid to the owner and (when there is capacity) tenants will be supported in applying to the First-Tier Tribunal for orders. The health benefits from enforcement will be recorded and reported on to show the value of this policy and the team's interventions.

16. Duties on the tenant and landlord regarding access

We expect landlords to work with tenants and give reasonable notice to inspect, investigate and carry out the works required to remedy issues. If the works cannot be carried out with the tenant(s) in situ then alternative accommodation may have to be provided by the landlord whilst the works are carried out. While we acknowledge that landlords do not have a statutory obligation to re-house tenants during works, they do have a legal duty to comply with any statutory notice once it is operative. If a notice is served and the works cannot be done with the tenants in situ then the tenants should be rehoused to enable compliance with the notice. Failure to re-house tenants will be taken into consideration when we determine the most appropriate course of action if a notice is not complied with.

It is expected that tenants will give reasonable access to the landlord or their agents to inspect, investigate and carry out the work required. If the landlord claims their efforts are being obstructed by the tenants, the Council will look at the facts of the case and if we believe that works are being unfairly obstructed we may suspend action (whether or not a notice has been served). Where it is alleged that tenants have obstructed access to carry out works, we will consider the merits of each case individually. Landlords will have to provide robust evidence of their efforts to gain access to carry out works.

For further information on tenant and landlord rights and responsibilities around temporary accommodation during repair works, please see here https://england.shelter.org.uk/housing_advice/repairs/moving_out_during_repairs

17. Complaints

Contact may be made with the Council about any matters listed here by email at privatesectorhousing@camden.gov.uk.

A service user can still make a complaint in cases where the Council has instigated legal proceedings. However, making a complaint will not stop any impending legal action.

Where statutory notices have been served, making a complaint does not replace the statutory rights of appeal or the right to make representations. It also does not allow extra time to comply with any notice or order.

If a service user disagrees with a statutory notice, they should take action as specified in the notice or order to make an appeal, if any exists. Reference should be made to any notes that may accompany the notice or order for more detail.

END OF POLICY

Appendix A

Factors to be considered in assessing if enforcement action/prosecution is necessary and proportionate (i.e. in the public interest), consideration will be given to:

- the seriousness of compliance failure;
- the degree of risk from the situation;
- the particular circumstances of the case and likelihood of its continuation or recurrence;
- whether any harm was caused;
- views of any victim/injured party, financial gain or benefit from non-compliance;
- the general co-cooperativeness of the offender;
- the past history of the person(s), company or premises involved;
- the impact of the enforcement choice in encouraging others to comply with the law or change the behaviour of the offender;
- the likely effectiveness of the various enforcement options;
- any relevant legislative provisions, policy or legal official, professional guidance or advice;
- Blatant or reckless disregard for the law, poor management;
- If the victim of the offence was vulnerable, has been put in considerable fear, or suffered personal attack, damage or disturbance (e.g. illegal eviction or harassment under the Protection from Eviction Act 1977);
- the defendant has previous convictions or cautions which are relevant to the present offence;
- the offence, although not serious in itself, is widespread in the area where it was committed;
- an officer has been obstructed;
- the cumulative effect of such breaches would be serious even if the breach in itself was not; or the cumulative effect of other offences,
- A prosecution will have a significant deterrent effect;

Appendix B

Examples of circumstances that give rise to a presumption in favour of HMO licences being granted for a reduced period or varying a licence to reduce the licence period.

- Deliberately providing false or misleading information in a licence application
- Where the licence is a renewal and the works required on a previous licence have not been carried out
- The re-letting of rooms which had been given a “zero” occupancy on the previous licence.
- Failing to notify relevant parties of an application
- Failure to submit applications when the property has become licensable
- Submitting late applications to re-license a property (‘late renewals’)
- Underlying conduct leading to convictions/CPNs
- Alterations to properties or subdivision of rooms without appropriate consents or approvals
- Failure to possess a current Electrical Installation Condition Report
- Failure to ensure Electrical Installation Condition Reports are obtained from suitably qualified contractors who are registered with a competent person scheme specifically for the purposes of undertaking inspection and testing
- Failure to remedy items listed within an Electrical Installation Condition Report as being ‘danger present’ or ‘potentially dangerous’ or to undertake any further investigation required without undue delay
- Failure to possess a current gas safety certificate or failure to remedy defects listed within a gas safety certificate
- Defective doors and windows
- Failure to protect a tenant’s deposit in a government-approved tenancy deposit scheme
- Failure of the property manager/letting agent to belong to a property redress scheme as required under housing law
- Significant and/or numerous items of disrepair found at the time of inspection; examples of such disrepair often found during our licensing inspections include:-

    - Defective fire alarms

- Damaged doors or frames, or latches that do not properly engage their keeps, or, where fitted, self-closing devices that do not engage the door's latch to its keep or missing intumescent strips and smoke seals
- Ill-fitting windows, or broken glazing, or windows having broken sash cords or perished glazing putties or are otherwise defective
- Broken or loose electrical fittings
- Defective mechanical extract ventilation
- Broken, loose or missing handrails and balusters to stairs
- Excessively worn, torn or loose stair carpeting

It is accepted that things may break – what we do not expect to find during our inspection is evidence of lots of things that are broken or have clearly been so for a long time - If we do then it is likely that a licence will be limited to one year only.

Camden

Appendix C

The fit and proper test

Before granting, refusing to grant or revoking a licence, the council assesses the proposed licence holder and anyone else involved with the management of the property against ‘Fit and Proper’ person criteria. This requirement is to ensure that those responsible for holding the licence and managing the property are of sufficient integrity and good character to be involved in the management of an HMO, and that as such, they do not pose a risk to the welfare or safety of persons occupying the property.

In applying the ‘Fit and Proper’ person test, the Council must have regard to a range of relevant factors, including any wrongdoings of the person concerned, such as whether they have:

- committed any offence involving fraud or other dishonesty, violence or drugs and certain types of sexual offences;
- practised unlawful discrimination on the grounds of sex, colour, race, ethnic or national origins or disability, in connection with the carrying out of business;
- contravened any provision of housing or landlord and tenant law;
- had a licence refused, or have been convicted of breaching the conditions of a licence under Part 2 the Act;
- owned/managed a property that has been the subject of an interim or final management order or a special interim management order under the Housing Act 2004;
- owned/managed a property that has been the subject of any enforcement action under the housing health and safety rating system (HHSRS) in part 1 of the 2004 Act or the HMO management regulations.

In addition, the Council may also take into account whether any person associated or formerly associated with the proposed licence holder or manager has done any of these things, if it considers this information relevant.

The council's general approach is to consider the nature of any conviction or housing law contravention, their relevance in connection with the management of an HMO, and the potential harm associated with the contravention. Convictions relating to fraud, operating an unlicensed HMO, or posing a risk to the welfare or safety of tenants, are likely to be relevant in determining 'fit and proper'. A landlord who has criminal convictions for harassment and/or illegal eviction is unlikely to be deemed 'fit and proper'. A conviction based upon the existence of a significant hazard may indicate a landlord's failure to properly manage health and safety. An administrative or technical breach of a provision is unlikely to carry any significant weight in determining 'fit and proper' status. Multiple offences or a series of offences over time may however demonstrate a pattern of inappropriate behaviour, which is more likely to lead the Council to conclude that someone is not fit and proper.

More than one contravention or conviction will normally carry more weight than isolated or one-off incidents, unless the single breaches are particularly serious.

Camden

Appendix D

	Action	Comment
Informal interventions	Verbal advice	General advice as to standards required by the Council. Referring a landlord or agent to the London Landlord Accreditation Scheme (LLAS).
	Advisory/warning letter	Advice on minor defects /minor items of non-compliance requiring attention. Warning where a breach occurs and is minor or the offender shows remorse/takes appropriate action including the showing of an intention to take action in a timely manner)
	Consultation prior to Formal Action	An informal process seeking views on the scale and type of required works prior to service of a formal or statutory notice. This is a discretionary action where Category 1 hazards are found.
Formal low level interventions	Legal or Formal Notice or Order	Means to secure works of repair or improvement e.g. improvement notice
	Penalty Application	Enforcement of legislation that can apply a penalty for a breach or offence such as for the Smoke and Carbon Monoxide Alarm (England) Regulations 2015.
	Decision to issue or vary a licence for a shortened period	HMO licences are typically issued for a 5 year period (the maximum period allowed under the Housing Act 2004) but we will issue or vary licences for a lesser period in certain circumstances described within this policy.
	Decision to refuse to grant a licence	The Council either must or may refuse to grant a HMO licence taking into account relevant considerations specified in the Housing Act 2004.
	Decision to vary a licence	The Council may vary a licence taking into account relevant considerations specified in the Housing Act 2004.
Formal high level interventions – common use, require manager sign off.	Caution	Where there is enough evidence of an offence to prosecute but there are very strong mitigating factors (e.g. a first offence with no harm done to public and the perpetrator cooperates fully with the investigation) we will consider use of cautions, expiring after six years.
	Prohibition Order	Where a hazard is serious enough to warrant sanctions on occupation, this will

		require a report made to a manager in accordance with the council's scheme of delegation.
	Prosecution/Civil Penalty Notice	Clear breaches of a legal duty or failure to comply with an enforcement notice, order, HMO licence conditions or relevant HMO management regulations. Being in control of or managing an HMO without the required licence. Harassment or illegal eviction offences under the Protection from Eviction Act 1977
	Rent Repayment Order	The Council is required to have a separate policy for this intervention. Please refer to this.
	Work In Default and emergency action	Where failure to carry out a legal duty, the Council may carry out the works and recover charges, plus fees, from landlord. This is also applicable where the Council use emergency powers under the Housing Act 2004 where is serious and imminent threat to health
	Decision to revoke a licence	The Council may revoke a licence taking into account relevant considerations specified in the Housing Act 2004.
	Remediation Order / Remediation Contribution Order	Powers in the Building Safety Act to assist remediation of fire safety or structural defects available in limited circumstances. May be appropriate instead of an Improvement Notice, having regard to Department for Levelling Up, Housing and Communities (DLUHC) guidance
Highest level formal Interventions, require director sign off	Compulsory Purchase Orders	The Council may compulsorily purchase property under Section 17 of the Housing Act 1985. This power may be used as a last resort to acquire empty properties in order to bring them back into use. The consent of the Secretary of State is required and compensation provisions for the owner apply.
	Interim and Final Management Orders	The Council will take over management of a HMO where the law demands it and the requirements are satisfied. The Council will attempt to work with the person having control/managing and, where appropriate, exhaust other enforcement options (e.g. notices and/or prosecution) before proceeding with this action.
	Banning Order	The Council will apply to the First Tier Tribunal in line with it Banning Order policy as applicable. The Council is required to

		have a separate policy for this intervention. Please refer to this.