

Achieving Successful Enforcement Outcomes Against Criminal Landlords

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Neighbourhoods
Private Housing and Adaptations Service





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Enforcement until 2010

Housing Act 2004
Updating Policies & Procedures
Licensing

- Area based teams
- Individuals taking prosecutions
- Learning and good practice not passed on

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Significant cases

- Landlord M – January 2010
 - Section 234 (management offences)
 - Went to appeal – was it an HMO?
 - We won!
 - Fine £15,000, costs £5,500
- What changed?
 - Focus on occupants rather than property

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Significant cases

- Landlord S – November 2011
 - Section 72(1) (failure to have a licence) - dropped
 - Section 238 (providing false and misleading information)
 - Fine £800, costs £4,560
- What changed?
 - Very precise on all dates
 - Keep it simple – too willing to assist
 - Need independent officer to make decisions in court

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LITTLE MISS HELPFUL
By Roger Hargreaves



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Enforcement Liaison Officer

- More objective view
- Single point of contact
- Thorough understanding Policies Procedures
- Improving officer confidence good training.

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Significant cases since 2010

- Agent D1 – June 2011
 - Section 72(1)
 - Fine £4,000, costs £1,550
 - Straightforward prosecution
 - Fatal error!
- What happened?
 - Satellite litigation
 - Pre-action protocol
 - Judicial Review
 - Ombudsman

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Significant cases since 2010

- Agent D2 – offence June 2011
 - Sections 72(1) and 234
 - More satellite litigation
 - We won abuse of process hearing
 - Two and half years after offence, about to go to court
- What happened?
 - Reliance on checks and balance form

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Significant cases since 2010

- Agent A – July 2013
 - Section 241 (obstruction)
 - Fine 2 x £400 and £1,788 costs
 - Section 72(1) and section 234 – on going

- What happened?
 - Identifying aliases
 - Sublets
 - Ran out of time



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Significant cases since 2010

- Landlord B – May 2012
 - Section 234 (management)
 - Fine £5,000, costs £6,000
 - Section 72(1) – on going

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What happened?

- Decision, landlord not fit and proper

- Significant use of officer time

'PRISON WARNING FOR LANDLORD OVER UNPAID FINES'

- Bristol Post, 31st January 2013

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TIME



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Benefits

- We win our cases
- Good relationship with courts
- Confident and well-trained team
- Support from Members and Management

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What's next?

- Clarity on subletting
- Fit and proper people
- More enforcement, Discretionary Licensing

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Bristol Magistrates' Court

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