



Ministry of Housing,
Communities &
Local Government

Banning Order Offences under the Housing and Planning Act 2016

Guidance for Local Housing Authorities



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Foreword

The private rented sector is an important part of our housing market, housing 4.5 million households in England¹. The quality of privately rented housing has improved rapidly over the past decade with 82% of private renters satisfied with their accommodation, and staying in their homes for an average of 4 years.

The Government wants to support good landlords who provide decent well maintained homes and is keen to strike the right balance on regulation in order to avoid stifling investment in the sector.

But a small number of rogue or criminal landlords knowingly rent out unsafe and substandard accommodation. We are determined to crack down on these landlords and disrupt their business model.

Significant progress has already been made in doing this:

- Between 2011-2016, we provided £12 million to a number of local housing authorities to help tackle acute and complex problems with rogue landlords, including “Beds in Sheds”. More than 70,000 properties have been inspected and over 5,000 landlords are facing further enforcement action or prosecution;
- In October 2015, we introduced requirements for landlords to install smoke alarms on every floor of their property, and test them at the start of every tenancy, and to install carbon monoxide alarms in high risk rooms;
- In November 2015, we introduced protection for tenants against retaliatory eviction where they have a legitimate complaint and stopped landlords from serving an open-ended eviction notice at the start of a tenancy.

The Government is clear that the small minority of rogue landlords and property agents who knowingly flout their legal obligations, rent out accommodation which is substandard and harass their tenants should be prevented from managing or letting housing. The Housing and Planning Act 2016 introduced a range of measures to crack down on rogue landlords.

We have already implemented:

- Civil penalties of up to £30,000 as an alternative to prosecution for certain specified offences;
- Extension of rent repayment orders to cover illegal eviction, breach of a banning order and certain other specified offences.

On 6 April 2018, new measures come into force:

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/595785/2015-16_EHS_Headline_Report.pdf

- Banning orders for the most serious offenders;
- A database of rogue landlords and property agents against whom a banning order has been made, which may also include persons convicted of a banning order offence or who have received two or more financial penalties.

More widely, the Government is committed to rebalancing the relationship between landlords and tenants by:

- requiring landlords to join a redress scheme to ensure that all tenants have access to effective dispute resolution when things go wrong;
- regulating letting agents and requiring them to join a client money protection scheme in order to give landlords and tenants assurance that their agent is meeting minimum standards and providing the financial protection they want and deserve; and
- banning letting fees to tenants and capping tenancy deposits, which will help millions of renters by bringing an end to costly upfront payments and renewal fees.

This guidance will support local housing authorities to understand how to use their new powers to ban landlords and property agents from renting out property and we would encourage them to take a joined up approach to enforcement action in the private rented sector.

1. Purpose and Scope

1.1 Introduction

This document has been prepared as a guide for local housing authorities to help them understand how to use their new powers to ban landlords from renting out property in the private rented sector.

In this guidance, the term “landlords” also includes “property agents” (letting agents and property managers as defined under Chapter 6 of Part 2 of the Housing and Planning Act 2016) unless specified in the guidance.

1.2 What is the status of this guidance?

This is non-statutory guidance.

Where the words “may” or “should” are used, this means that a particular course of action is recommended or advised, but it is not mandatory. Where the words “must” or “shall” are used, this means the guidance reflects a statutory requirement.

1.3 What does this guidance cover?

This guidance covers the whole of Part 2, Chapter 2 of the Housing and Planning Act 2016. Separate statutory guidance has been produced for section 23 of the Act (Financial Penalty for breach of a banning order).

1.4 Who will be able to use these powers?

Local housing authorities.

1.5 What is a banning order?

A banning order is an order by the First-tier Tribunal that bans a 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.

Breach of a banning order is a criminal offence.

1.6 What is a banning order offence?

A banning order offence is an offence of a description specified in The Housing and Planning Act 2016 (Banning Order Offences) Regulations 2017. A list of banning order offences is at Annex A.

1.7 Who are banning orders aimed at?

Rogue landlords who flout their legal obligations and rent out accommodation which is substandard. We expect banning orders to be used for the most serious offenders.

1.8 Who applies for a banning order?

A local housing authority has the power to apply for a banning order.

1.9 Who makes a banning order?

A banning order may be made by the First-tier Tribunal following an application made by a local housing authority.

1.10 How long can a banning order be in force?

A banning order must be for a minimum period of 12 months. There is no statutory maximum period for a banning order.

1.11 When will the banning order provisions come into force?

The banning order provisions come into force on 6 April 2018.

1.12 Can banning orders be applied retrospectively?

No. A relevant offence must have been committed on or after 6 April 2018 in order for a local housing authority to consider applying for a banning order.

2. Banning Order Offences

2.1 What are banning order offences?

Banning order offences are listed in The Housing and Planning Act 2016 (Banning Order Offences) Regulations [2017]. They are also set out at Annex A of this guidance.

2.2 Are there any conditions on what constitutes a banning order offence?

Yes, but only for some of the offences. The conditions are set out in The Housing and Planning Act 2016 (Banning Order Offences) Regulations 2017².

If a person has received an absolute and/or conditional discharge for a relevant housing offence then that offence cannot be regarded as a banning order offence (items 1-5 of the Schedule)³.

If a person has committed a serious criminal offence they must have been sentenced in the Crown Court in order for that offence to be regarded as a banning order offence (items 7-14 of the Schedule)⁴.

2.3 Does the banning order offence have to be linked to a landlord's property?

Certain offences are only banning order offences where the offence can be linked to the tenant or other occupier or the property owned or rented out by the landlord⁵.

² [The Housing and Planning Act 2016 \(Banning Order Offences\) Regulations 2017](#)

³ [The Housing and Planning Act 2016 \(Banning Order Offences\) Regulations 2017](#)

⁴ [The Housing and Planning Act 2016 \(Banning Order Offences\) Regulations 2017](#)

⁵ Items 1-6 of the [Schedule](#) are either housing offences or directly related to housing, items 7-14 will need to be linked to the tenant or other occupier or the property owned or rented out by the landlord.

3. Determining the appropriate sanction

3.1 When should a local housing authority consider applying for a banning order?

Local housing authorities are expected to develop and document their own policy on when to pursue a banning order and should decide which option it wishes to pursue on a case-by-case basis in line with that policy. Our expectation is that a local housing authority will pursue a banning order for the most serious offenders.

Where a local housing authority decides to pursue a banning order it should consider the scope for working together with other local housing authorities. For example, through using the rogue landlord database⁶ a local housing authority will be able to establish whether a landlord has committed offences in other local authority areas.

3.2 Can a local housing authority determine the length of a banning order?

No. The length of a banning order is determined by the First-tier Tribunal.

However, local housing authorities should recommend how long a banning order should be when making an application for a banning order, and set out their reasons.

3.3 What factors should a local housing authority take into account when deciding whether to seek a banning order?

Local housing authorities should consider the following factors when deciding whether to apply for a banning order and when recommending the length of any banning order:

- **The seriousness of the offence.** All banning order offences are serious. When considering whether to apply for a banning order the local housing authority should consider the sentence imposed by the Court in respect of the banning order offence itself. The more severe the sentence imposed by the Court, the more appropriate it will be for a banning order to be made. For example, did the offender receive a maximum or minimum sentence or did the offender receive an absolute or conditional discharge? Such evidence will later be considered by the First-tier Tribunal when determining whether to make, and the appropriate length of a banning order.
- **Previous convictions/rogue landlord database.** A local housing authority should check the rogue landlord database in order to establish whether a landlord has committed other banning order offences or has received any civil penalties in relation to banning order offences. A longer ban may be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities. Landlords are running a business and should be aware of their legal obligations. For example, in the case of property agents, they

⁶ Database of rogue landlords and property agents

are required to be a member of a redress scheme and any evidence of non-compliance could also be taken into account.

A local housing authority should also consider the likely effect of the banning order on the person and anyone else that may be affected by the order. These factors should include;

- **The harm caused to the tenant.** This is a very important factor when determining whether to apply for a banning order. The greater the harm or the potential for harm (this may be as perceived by the tenant), the longer the ban should be. Banning order offences include a wide range of offences, some of which are more directly related to the health and safety of tenants, and could therefore be considered more harmful than other offences (such as fraud).
- **Punishment of the offender.** A banning order is a severe sanction. The length of the ban should be proportionate and reflect both the severity of the offence and whether there is a pattern of previous offending. It is, therefore, important that it is set at a high enough level to remove the worst offenders from the sector. It should ensure that it has a real economic impact on the offender and demonstrate the consequences of not complying with their responsibilities.
- **Deter the offender from repeating the offence.** The ultimate goal is to prevent any further offending. The length of the ban should prevent the most serious offenders from operating in the sector again or, in certain circumstances; help ensure that the landlord fully complies with all of their legal responsibilities in future. The length of ban should therefore be set at a long enough period such that it is likely to deter the offender from repeating the offence.
- **Deter others from committing similar offences.** An important part of deterrence is the realisation that (a) the local authority is proactive in applying for banning orders where the need to do so exists and (b) that the length of a banning order will be set at a high enough level to both punish the offender and deter repeat offending.

3.4 What are spent convictions?

A spent conviction is a conviction which, under the provisions of the Rehabilitation of Offenders Act 1974, is no longer to be regarded as a live conviction after a specified amount of time.

A spent conviction should not be taken into account when determining whether to apply for and/or make a banning order.

4. Procedure for making a banning order

4.1 What process must be followed by a local housing authority prior to applying for a banning order?

The process a local authority is required to follow prior to applying for a banning order is set out in section 15⁷ of the Housing and Planning Act 2016 and is summarised below.

4.2 What is the first stage in the process?

The local housing authority must give the landlord a notice of its proposal to apply for a banning order. This is called a 'notice of intent'.

4.3 When must the notice of intent be served on the landlord?

The local housing authority must serve the notice of intent within six months of the landlord being convicted of the offence.

4.4 What information must be contained in the notice of intent?

The notice of intent must set out:

- That the local housing authority is proposing to apply for a banning order and the reasons for this;
- The length of each proposed ban;
- Information about the right of the landlord to make representations during the notice period which must be not less than 28 days.

An example of a notice of intent is attached as Annex B to this guidance. Please note that this is not a prescribed format for the notice and it is not mandatory to use it.

4.5 How long does a landlord have to make representations?

A landlord has the right to make representations to the local housing authority during the period of the notice of intent. A landlord must be given a minimum of 28 days from the date of the notice to make representations.

A local housing authority must consider any representations made during the notice period and is only able to apply for the banning order once this period has expired.

4.6 Does the notice of intent have to be translated into other languages?

There is no statutory requirement in the Housing and Planning Act 2016 to translate any of the documents into another language.

⁷ <http://www.legislation.gov.uk/ukpga/2016/22/section/15/enacted>

4.7 Can local housing authorities request further information from the landlord to support an application for a banning order?

Yes. Section 19⁸ of the Housing and Planning Act 2016 provides that a local housing authority can require a landlord to provide information for the purpose of enabling the local housing authority to decide whether to apply for a banning order. This could include requiring the landlord to provide information on all of the properties that the landlord owns.

4.8 Is it an offence to ignore a request for further information?

It is an offence for the landlord not to comply with this request, unless they can provide a reasonable excuse. It is also an offence to provide information that is false or misleading. Failure to provide information or providing false or misleading information is punishable on summary conviction to a fine.

4.9 What happens at the end of the 'notice of intent' period?

After the end of the period for representations, the local housing authority must decide whether to pursue a banning order on the basis of any representations received. Should they wish to proceed they will need to apply to the First-tier Tribunal who have the power to make the banning order.

⁸ <http://www.legislation.gov.uk/ukpga/2016/22/section/19/enacted>

5. Role of the First-tier Tribunal

5.1 What is the remit of the First-tier Tribunal?

The First-tier Tribunal has the power to make a banning order against a landlord or property agent who has been convicted of a banning order offence and who was a residential landlord at the time the offence was committed.⁹ They will do so on an application by the local housing authority for the area in which the offence occurred.

5.2 Will the First-tier Tribunal follow this guidance?

While the First-tier Tribunal is not bound by it, they may have regard to this guidance.

5.3 Does the First-tier Tribunal determine the length of the banning order?

Yes. The application for a banning order from the local housing authority will recommend the length of ban which it is seeking, but the First-tier Tribunal will ultimately determine the length of the banning order.

Should the banning order be made, the duration of the ban must be for at least 12 months.

5.4 What factors must the First-tier Tribunal consider when deciding whether to make a banning order?

When deciding whether to make a banning order the First-tier Tribunal must consider:

- the seriousness of the offence of which the person has been committed;
- any previous convictions that a 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
- the likely effect of a banning order on the person and anyone else that may be affected by the order.

5.5 Does the First-tier Tribunal have the power to make exceptions to the banning order?

Yes. The First-tier Tribunal can issue a banning order that contains exceptions for some or all of the period that the banning order is in force. Exceptions could include:

- Enabling a landlord to manage a property for a specified time if there are tenants at the property and the landlord is unable to bring those tenancies to an end; or
- to allow property agents to wind down their current business.

⁹ An officer of a company does not need to have been a landlord at the time the offence was committed under [section 16\(3\)](#) of the Housing and Planning Act 2016.

5.6 Can a banning order apply to a body corporate?

Yes. A body corporate which commits a banning order offence can be subject to a banning order.

5.7 Can a banning order apply both to a body corporate and an officer of a body corporate?

Yes. A banning order can apply to a body corporate and an officer of a body corporate.

If a local housing authority believes a banning order offence has been committed by a body corporate with the consent or knowledge of an officer of that body corporate then they should seek separate banning orders for both the body corporate and the officer of the body corporate. A local housing authority must apply for a banning order against any officer who has been convicted of the same offence as a body corporate.¹⁰

5.8 Is the First-tier Tribunal able to revoke or vary a banning order?

Yes, under section 20¹¹ of the Housing and Planning Act 2016.

The First-tier Tribunal must revoke or vary a banning order where a banning order has been made on the basis of one or more convictions, all of which have been overturned on appeal.

The First-tier Tribunal may vary or revoke the banning order where a banning order has been made on the basis of more than one conviction, and some of them (but not all) have been overturned on appeal.

The First-tier Tribunal may vary or revoke the banning order where a banning order has been made on the basis of one or more convictions that have become spent.

Where the First-tier Tribunal decides to vary a banning order it can:

- add new exemptions to a ban;
- vary the banned activities listed on the order;
- vary the length of the ban; or
- vary existing exceptions to a ban.

In all cases the person against whom the banning order has been made has to make an application to the First-tier Tribunal for this to happen (see Section 8).

5.9 Can a local authority revoke or vary a banning order once it is in force?

No, only the First-tier Tribunal is able to revoke or vary a banning order.

¹⁰ [Section 15\(2\)](#) of the Housing and Planning Act 2016

¹¹ <http://www.legislation.gov.uk/ukpga/2016/22/section/20/enacted>

6. Enforcement

6.1 What is the impact of making a banning order?

A landlord subject to a banning order is prevented 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.

6.2 Are there any other impacts of a banning order?

A landlord subject to a banning order is also unable to hold a licence for a House in Multiple Occupation (HMO) and their property may also be subject to a management order (see section 7).

6.3 Can a landlord be prevented from transferring their property to a prohibited person to avoid the impact of a banning order?

Yes, a landlord is prevented from transferring the property to certain persons whilst the banning order is in force. A prohibited person is;

- a person associated with the landlord (including family members, spouses and civil partners)¹²;
- a business partner of the landlord¹³;
- a person associated with the business partner of the landlord;
- a business partner of a person associated with the landlord;
- a body corporate of which the landlord or a person mentioned above is an officer;
- a body corporate in which the landlord has a shareholding or other financial interest;
or
- in the case where a landlord is a body corporate, any body corporate that has an officer in common with the landlord.

Where a landlord does dispose of the property to a prohibited person without the consent of the First-tier Tribunal, that disposal will be regarded as void.

¹² As defined under section 178 of the Housing Act 1996
<https://www.legislation.gov.uk/ukpga/1996/52/section/178>

¹³ As defined under section 34(5) of the Deregulation Act 2015
<http://www.legislation.gov.uk/ukpga/2015/20/section/34/enacted>

6.4 What happens to tenancies following a banning order?

A banning order does not invalidate any tenancy agreement held by occupiers in the property, regardless of whether the agreement was issued before or after the banning order was made. This is to ensure an occupier of the property does not lose their rights under the terms and conditions of their tenancy agreement.

There may be circumstances where, following a banning order, the management of the property is taken over by the local housing authority (see Section 7). In such circumstances the tenant would pay their rent to the local housing authority.

7. Management Orders

7.1 What is a management order?

A management order enables a local housing authority to take over the management of a privately rented property in place of the landlord. The aim is to ensure that the health and safety of occupiers of the property and persons living or owning property nearby are protected, and also to ensure that a property is still available to rent, particularly in areas of high demand.

7.2 What is the legal basis of this power?

Part 4 of the Housing Act 2004 enables local housing authorities to take over the management of privately rented property through a management order in certain circumstances (where a privately rented property is unlicensed/no suitable licence holder can be found).

Section 26 and Schedule 3 of the Housing and Planning Act 2016 provides that a local housing authority can also make a management order in circumstances where a banning order has been made and where a privately rented property is being let in breach of a banning order.

7.3 What is the impact of making a management order following a breach of a banning order?

A management order places a number of obligations on a local housing authority in respect of the management of the property. These are outlined in 7.4 below.

7.4 What are the duties on local housing authorities once an interim management order is made?

When an interim management order comes into force a local housing authority must ensure the health and safety of occupiers of the property and persons living or owning property nearby are protected and that the property is properly managed¹⁴. There are a number of rights which the local housing authority will have in respect of the property including:

- A right to possession of the property (subject to the rights of existing occupiers of the property).
- Having all the rights a landlord would have had including collecting rent, setting rent levels, making repairs and managing tenancies.
- A right to grant new tenancies or licences (subject to the consent of the landlord)¹⁵.

A local housing authority would not be able to sell the property.

¹⁴ [Section 106 \(2\)](#) of the Housing Act 2004

¹⁵ [Section 107 \(4\)](#) of the Housing Act 2004

7.5 What happens to the rental income once an interim management order is made following a banning order?

The local housing authority will receive any rent paid by occupiers of the property rather than the landlord where an interim management order is made due to a banning order being made, or due to a property being let in breach of a banning order.

A local housing authority may use the rental income to help cover its costs in managing the property. In addition, where an interim management order is in place following a banning order, they may also keep any surplus acquired during this period. Regulations specifying how any surplus is to be used will be made in due course.

7.6 Does the owner of a property still have to pay the mortgage when an interim management order is in place?

A management order does not place a duty on the local housing authority to pay mortgage instalments. It is the responsibility of the owner of the property to make any payments on any loans that are secured on the property. The management order does not affect any other legal interest in the property such as a mortgage. For example, it does not prevent the mortgage company from exercising any of its rights in respect of the property, including re-possession.

7.7 How long does an interim management order last?

An interim management order can last for a period of up to 12 months from the date on which it is made¹⁶.

7.8 What happens at the end of an interim management order?

A local housing authority could make a final management order if they are not satisfied that the health and safety of occupiers of the property and persons living or owning property nearby are protected. A final management order can last for a period of up to five years¹⁷.

The duties of a local housing authority are similar to those under an interim management order, although the local housing authority will also have the ability to create certain tenancies without the immediate consent of the landlord in certain scenarios¹⁸.

¹⁶ [Section 105](#) of the Housing Act 2004

¹⁷ [Section 114 \(6\)](#) of the Housing Act 2004

¹⁸ [Section 116 \(4\)](#) of the Housing Act 2004

8. Appeals

8.1 Can a landlord make representations against a 'notice of intent' prior to a banning order coming into force?

Yes. This is set out in section 15¹⁹ of the Housing and Planning Act 2016 (see question 4.5).

8.2 Is there a right of appeal following the decision of the First-tier Tribunal to make a banning order?

Yes. A landlord may appeal to the Upper Tribunal against the decision of the First-tier Tribunal to make the banning order under Section 53²⁰ of the Housing and Planning Act 2016.

An appeal cannot be made unless permission is granted by either the First-tier Tribunal or the Upper Tribunal.

8.3 Are there circumstances where a landlord can apply to the First-tier Tribunal to vary or to revoke a banning order?

Yes. A landlord may apply to the First-tier Tribunal to revoke or vary a banning order in certain circumstances (see question 5.8).

8.4 Is there a right of appeal against an interim management order or final management order following a banning order?

Yes. A landlord has the right to appeal to the First-tier Tribunal against a decision to impose a management order or a final management order. An appeal must be made within 28 days of the date the management order or final management order was made.

¹⁹ <http://www.legislation.gov.uk/ukpga/2016/22/section/15/enacted>

²⁰ <http://www.legislation.gov.uk/ukpga/2016/22/section/53/enacted>

9. Publicity following a banning order

9.1 Should local housing authorities make public banning orders for individual landlords?

We would encourage local housing authorities to make successful banning orders for individual landlords public. They will wish to consider how to publish details of successful banning orders, including the names of individual landlords, at a local level.

Many local housing authorities already publicise successful prosecutions of rogue landlords through the local press. A local housing authority should take their own legal advice and consider their own local circumstances in determining whether banning orders should be publicised, but we would encourage them to do so.

The Ministry of Justice has produced guidance that sets out the factors a local housing authority should consider when deciding whether to publicise sentencing outcomes²¹.

9.2 Can a local authority make public a banning order for a business?

Yes. Any business (managing or lettings agency) which has been subject to a banning order can be named publicly. We would encourage local housing authorities to publicise the names of all businesses that are subject to a banning order.

9.3 Should local housing authorities make information on banned landlords available on request by a tenant?

Yes. We would encourage local housing authorities to make information on banned landlords available on request by a tenant.

²¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/487464/20150413-Publishing_Sentencing_Outcomes_MoJ_Guidance_HQMCSPA-O.pdf

Annex A

Banning Order Offences under Schedule 1 of The Housing and Planning Act 2016 (Banning Order Offences) Regulations [2017]

Relevant housing offences

Protection from Eviction Act 1977	Section 1(2), (3) and (3A)	Unlawful eviction and harassment of occupier
Criminal Law Act 1977	Section 6(1)	Violence for securing entry
Housing Act 2004	Section 30(1)	Failing to comply with an Improvement Notice
Housing Act 2004	Section 32(1)	Failing to comply with a prohibition order
Housing Act 2004	Section 72(1), (2) and (3)	Offences in relation to licensing of Houses in Multiple Occupation
Housing Act 2004	Section 95(1) and (2)	Offences in relation to licensing of houses under Part 3 of the Act
Housing Act 2004	Section 139(7)	Contravention of an overcrowding notice
Housing Act 2004	Section 234(3)	Failure to comply with management regulations in respect of Houses in Multiple Occupation
Housing Act 2004	Section 238(1)	False or misleading information
Regulatory Reform (Fire Safety) Order 2005	Article 32 paragraphs (1) and (2)	Fire safety offences
Health and Safety at Work Act 1974	Section 33(1)(c) where a person contravenes Regulation 36 of the Gas Safety (Installation and Use) Regulations 1998(6)	Gas safety offences- duties on landlords

Immigration Offences

Letting to someone disqualified from renting as a result of their immigration status, resulting in an offence under Part 3 of the Immigration Act 2014 (as amended)

Immigration Act 2014	Section 33A(1) and (10)	Residential tenancies – landlord offences
Immigration Act 2014	Section 33B(2) and (4)	Residential tenancies – agent offences

Serious Criminal Offences

These are serious criminal offences for which an offender may have received a custodial sentence upon conviction.

Fraud Act 2006	Section 1(1) Section 6(1) Section 7(1) Section 9(1) Section 11(1) Section 12(2)	Fraud offences
Criminal Justice Act 2003	Schedule 15	Specified violent and sexual offences
Misuse of Drugs Act 1971	Section 8 Section 9 Section 9A(1) and (3) Section 18(1), (2), (3) and (4) Section 19 Section 20 Section 21	Offences involving the misuse of drugs
Proceeds of Crime Act 2002	Section 327	Concealing criminal property
Proceeds of Crime Act 2002	Section 328	Arrangements
Proceeds of Crime Act 2002	Section 239	Acquisition, use and possession
Protection from Harassment Act 1997	Section 2	Offence of harassment
Protection from Harassment Act 1997	Section 2A	Offence of Stalking
Anti-social behaviour, Crime and Policing Act 2014	Section 30	Breach of criminal behaviour order
Anti-social behaviour, Crime and Policing Act 2014	Section 48	Failure to comply with Community Protection Notice

Criminal Damage Act 1971	Section 1(1)	Destroying or damaging property
Criminal Damage Act 1971	Section 2	Threats to destroy or damage property
Criminal Damage Act 1971	Section 3	Possessing anything with intent to destroy or damage property
Theft Act 1968	Section 7	Theft
Theft Act 1968	Section 9	Burglary
Theft Act 1968	Section 21	Blackmail
Theft Act 1968	Section 22	Handling stolen goods

Annex B

Notice of intent to apply for a banning order under section 15(1) of the Housing and Planning Act 2016

The purpose of this document is to inform [insert name of addressee] that [name of local authority] intends to apply for a banning order under section 15(1) of the Housing and Planning Act 2016.

Under section 14(1) of the Housing and Planning Act 2016 a banning order will prevent you 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.

Schedule 1 of the Housing and Planning Act 2016 (Banning Order Offences) Regulations [2018] set out the offences that are banning order offences under section 14(3) of the Housing and Planning Act 2016.

[Name of local housing authority] proposes to apply to the First-tier Tribunal for a banning order because you have been convicted of the following offence(s).].

- [List offence(s), name of Act, date of conviction]

[Name of local housing authority] intends to apply for a banning order which will last for [length of time]²².

You have the right to make written representations to [name of local authority] at the above address about our intention to apply for a banning order.

Any representations must be made by [specify date].²³

After the end of this period, following consideration of any representations received, [name of local housing authority] will decide whether to apply to the First-tier Tribunal to make a banning order.

²² A banning order must last at least 12 months. [Housing and Planning Act 2016, s 17\(2\)](#).

²³ The person must be invited to make representation within a period specified in the notice of not less than 28 days. [Housing and Planning Act 2016, s 15\(3\)\(c\)](#).