



EXECUTIVE MEMBER DECISION

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| REPORT OF: | Executive Member for Environment |
| LEAD OFFICERS: | Director of Environment and Operations |
| DATE: | 13 January 2021 |

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| PORTFOLIO/S AFFECTED: | Environment and Operations |
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| WARD/S AFFECTED: | All |
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| SUBJECT: Landlord Banning Order Policy |
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1. EXECUTIVE SUMMARY

Blackburn with Darwen council is committed to improving the welfare of residents living within private rented accommodation, making sure properties operated by private landlords are well managed, free from hazards and safe for those that occupy them.

We recognise that the majority of landlords operate in a legal and professional manner and work to ensure that their properties are fit for habitation and that they have a positive relationship with their tenants. There are however a minority of landlords who poorly manage and maintain their properties and take advantage of tenants, particularly those that are vulnerable.

Chapter 2 of the Housing and Planning Act 2016 enables Local Authorities to apply to the First Tier Tribunal to impose a banning order on a landlord following conviction for a banning order offence. In order to make use of banning order powers the Council is required to have in place its own policy on when to pursue a banning order and to decide which option it wishes to pursue on a case-by-case basis in line with this policy.

This policy will be an appendix to Blackburn with Darwen Council Enforcement and Prosecution Policy and should be read in conjunction with the current version of that policy. The policy outlines how Blackburn with Darwen Borough Council will utilise banning orders under the Housing and Planning Act 2016.

2. RECOMMENDATIONS

That the Executive Member approves the introduction and use of this policy

3. BACKGROUND

Blackburn with Darwen has one of the highest percentages of bed spaces supplied by private landlords and registers providers compared to other areas of its size and indeed larger boroughs.

Although the vast majority of the landlords that manage these bed spaces are fair and law abiding, unfortunately a number are not.

In order for the local authority to act swiftly and decisively to prevent rogue landlords continuing to operate in the area, we seek to introduce this new policy which will enable such action.

This policy gives due regard to the non-statutory guidance issued by the Ministry of Housing, Communities and Local Government, which sets an expectation that banning orders should be aimed at the most serious offenders.

The process for applying for a banning order is set out in section 15 of the Housing and Planning Act 2016.

The introduction of this policy will allow Blackburn with Darwen Council to tackle rogue landlords operating within the borough

4. KEY ISSUES & RISKS

Officers must be issued with an authorisation by their senior officer with delegated powers under the constitution. A banning order can only be made against a landlord convicted of a valid banning order offence

5. POLICY IMPLICATIONS

This policy will support the enforcement of decisive action against rogue landlords operating in the borough

6. FINANCIAL IMPLICATIONS

There are no financial implications as a result of the introduction of this policy

7. LEGAL IMPLICATIONS

The proportionality of the policy has been fully considered as the effect of a Landlord Banning order would be to prohibit the person from any involvement in residential lettings or holding a HMO license. As banning order can only be made against a landlord convicted of a valid banning order offence, the impact of that conviction will be easily evidenced. Therefore, this policy is entirely proportionate and appropriate

8. RESOURCE IMPLICATIONS

There are no resource implications as a result of this policy

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

10. CONSULTATIONS

None required

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

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| CONTACT OFFICER: | Victoria Holmes |
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| DATE: | 13/01/2021 |
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| BACKGROUND PAPER: | |
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