

## CASE STUDY

The following case study provides brief details of a successful prosecution undertaken by the Private Sector Housing team in 2015 and the additional enforcement options that would be now available in those circumstances under the new legislation:

- Following a complaint from a tenant regarding disrepair to the property a landlord was served with an Improvement Notice. When the landlord failed to comply with the requirements of the Improvement Notice, officers worked with colleagues in the legal team and were successful in securing a prosecution in the Magistrates Court. The landlord was fined £600 with a victim surcharge of £60 and ordered to pay costs of £376.
- As the landlord was convicted in the Magistrates Court, the local authority could apply for a Banning Order (*see paragraphs 12-13*) against the landlord. Where a Banning Order is granted in such circumstances then the local authority have a duty to add the landlord to the Database of Rogue Landlords (*see paragraphs 14-15*).
- An alternative course of action to the local authority as opposed to undertaking a prosecution would be to impose a Civil Penalty charge (*see paragraphs 7-10*). A rudimentary calculation taking in to account the DCLG guidance (*see paragraph 22*) would suggest that the amount of the Civil Penalty the local authority would have applied in this particular case would have been in the region of £4,500.
- Under either course of action (either prosecution or imposing a Civil Penalty) the local authority could also make an application for a Rent Repayment Order (*see paragraphs 3-6*). Again a basic calculation would suggest that the local authority would have sought to recover approximately £2,200 in payments made via housing benefit.