



Private Sector Housing Licensing and Enforcement Policy

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1. Introduction, Aims and Objectives

1.1 Introduction

The number of households relying on the private rented sector (PRS) in Lewisham has almost doubled in the last 20 years, and the PRS now accounts for over a quarter of all homes in our borough. We believe that the PRS should be well managed, and that everybody has the right to a safe, stable, and genuinely affordable home.

We have committed in our Housing Strategy to improve the quality, standard and safety of Lewisham's PRS housing, and we have been working to achieve this by expanding our licensing regime and supporting landlords and landlord associations to improve standards and practice across the borough. This document supports our aims by detailing how we will regulate standards in private rented housing and tackle empty homes in Lewisham, including when we take enforcement action if appropriate.

1.2 Aims and Objectives

The key objectives of our PRS enforcement function are to:

- Bring long term empty homes back into residential use;
- Improve awareness among tenants and landlords of tenants' rights and landlords' obligations;
- Ensure that all properties that require a license are licensed, and that all landlords are registered on the national database;
- Improve the safety and quality of PRS accommodation;
- Drive out rogue landlord operators from the sector; and,
- Investigate and prosecute landlords who have committed criminal offences.

2. What to expect from us

2.1 What tenants should expect

Private sector tenants

We will aim to help the majority of tenants living in private sector accommodation who are experiencing poor housing conditions, or who are being harassed or illegally evicted.

We will usually require you to have contacted your landlord about your issue (and given them a chance to respond) before contacting us. This requirement doesn't apply when there is an immediate risk to your health and safety, where you are reasonably afraid of harassment or threatened eviction, or where the complaint is about your landlord lacking the necessary license.

We expect you to co-operate with the landlord to get the work carried out (including providing access at all reasonable times). We also expect you to tell us about any contact you have with your landlord or people working with your landlord. We recommend that you keep records of all communication between you and the landlord, including notes of telephone conversations.



Social housing tenants

If you have a social landlord (e.g. a Housing Association), they are likely to have a standard procedure to complain about non-complete repairs. If you have completed this process and are not satisfied with the outcome of your complaint, we recommend that you contact the Housing Ombudsman.

We will only consider taking action against social landlords where the tenant has exhausted the landlord's own complaints procedure and their right of appeal to the Housing Ombudsman, or in the most serious cases where there is an immediate and significant risk of extreme or severe harms (under the HHSRS system).

Enforcement action may include informal work with your social landlord, especially if they have a timetable for making the stock decent.

If you are a Lewisham Council tenant, we will refer you to our Repairs Team, who will assess any hazards in your home and arrange the necessary repairs.

Leaseholders and owner occupiers

We are not equipped to become involved in disputes between leaseholders and freeholders or between neighboring owner-occupiers. We recommend that leaseholders with concerns contact the [Leasehold Advisory Service](#). Leaseholders who have concerns regarding fire safety and cladding should contact the [UK Cladding Action Group](#).

Situations when we may not provide a service

We may not provide a service if you are moving out of the property soon (of your own free will), if you unreasonably refuse access to the landlord or their builders, or if you don't want us to take action. These decisions are made on a case-by-case basis.

Additionally, we may take no action where we decide that a health and safety hazard is present but presents minimal or no risk (*for example, a small amount of mould around a window*) or where taking formal action would be disproportionate or inappropriate.

2.2 What landlords and letting agents should expect

Advice and support

While you are responsible for being aware of and following the law, we will work to advise you of the legislation and help you understand how you can follow it. We will support you to meet your obligations through our licensing services, accreditation scheme, and support to register on the national database.

We will provide information and signposting to improve your practice. This will include signposting to the London Landlord Accreditation scheme, and advice on joining our Landlord Forum and professional organisations promoting best practice, such as the [National Residential Landlord Association](#) and [Propertymark](#).

Enforcement

Where we receive a complaint about your property, we will usually begin by contacting you to inform you of the complaint and fully explain what action we require you to take. We will ask you to respond with how you intend to address the issue.



If we're satisfied with your response, we'll work with you to agree reasonable timescales for compliance. If we're not satisfied with your response or how the work is progressing, we may begin formal action that is appropriate to the circumstances. We will always consider statutory enforcement when the informal approach has failed to deliver an acceptable level of improvement in housing conditions.

If a hazard in your property creates an immediate risk of serious harm to its occupants, we may take emergency action to remedy it.

Empty homes

If your property remains empty for a long time, we will work with you to bring it back into use. If you don't engage, we may pursue enforcement action such as an Empty Dwelling Management Order.

2.3 What partner agencies should expect

We will work in partnership with other public sector organisations to support their enquiries and share information on offences, compliance issues and concerns.

These agencies include Crime Enforcement and Regulation, Planning Enforcement, Adult Social Care, Children's Services, Building Control, London Fire Brigade, and the Met Police. For example, we will share information on fire concerns raised through HMO licensing with the London Fire Brigade.

3. Information, Advice, Support and Signposting

We will take steps to inform the general public and individual tenants and landlords about their rights and duties. These steps will include posting information on our website, conducting public information campaigns, advising people seeking information, and signposting to partners or other council departments.

If we have no powers to take action, but a tenant has options to take action themselves, we will provide advice and signpost the tenant to external partners and/or legal options.

Where we believe that a household is at risk of homelessness through poor housing conditions, we will work with our colleagues in Housing Needs (statutory homeless services) to prevent this outcome.

4. Enforcement Action

4.1 Informal Enforcement

In most enforcement cases, we will first contact the landlord / managing agent involved and ask them to address the problem, explain what needs to be done and why action is necessary to comply with the law. We will explain the possibility of formal enforcement if action isn't taken.

Informal action may include verbal requests, letters, emails, and schedules of work. The tenant will be asked to contact us again if action is not taken.



If the required works are not completed within a reasonable period of time, we will generally consider moving to formal enforcement action. Moving to formal enforcement does not require any further notice.

4.2 Compelling works to remediate hazards

The Housing Health and Safety Rating System (HHSRS)

We will use the HHSRS system to assess the risk that hazards in the home pose to occupiers and visitors. The underlying principle of this system is that *“any residential premises should provide a safe and healthy environment for any potential occupier or visitor”*.

The system is concerned with hazards attributable to the design, construction and or maintenance of the dwelling, and is not concerned with hazards attributable to the behaviour of the occupants or neighbours, or the cost of remedying the hazards. The regulations list 29 ‘matters and circumstances’ that create hazards (for example, damp and mould growth).

Where hazards are identified, they are rated according to their risk as ‘*Category 1*’ or ‘*Category 2*’. A hazard is rated as Category 1 if it is deemed a ‘*serious and immediate risk to a person’s health and safety*’.

We have a statutory duty to take action where there are Category 1 hazards in the property.

We will generally not take action for Category 2 hazards, except where:

- a) they are found alongside Category 1 hazards;
- b) there is significant damp and mould (HHSRS D-F);
- c) the occupiers are vulnerable and at greater risk of harm, or;
- d) where they are found in a property suffering from neglect, to prevent a Category 1 hazard occurring.

Statutory Notices and Orders

These orders are served where landlords are currently (or have previously) failing to follow housing or environmental health legislation. These notices specify the work that needs to be completed at the property, and the deadline for carrying out the work.

These orders incur a reasonable charge on the landlord to recover our expenses in taking enforcement action. We will suspend this charge if works are completed within the time limit set by the notice or any agreed extension.

These orders include a right of appeal. Failing to follow a statutory notice or order is an offence and will result in a prosecution or Civil Penalty Notice.

Where a landlord has failed to comply with a statutory notice / order, we have the power to carry out the required works ourselves ‘in default’. This will usually accompany a CPN or prosecution, and action to recover our expenses. Once these works have started, it is an offence for the landlord to prevent the work from being carried out.

Management Order

We will apply for a management order if we believe it is necessary to protect the health and safety of the occupants or secure the proper management of the house.



Demolition and Clearance Areas

Where Category 1 hazard(s) are found within a property and we are satisfied that the property is dangerous or harmful to the health and safety of the occupant, we can take action to demolish a property or declare a 'clearance area'.

We will only do this if it is the only viable option. While considering either action, we will take into account the options to rehouse occupants, the demand for and sustainability of the accommodation if the hazard was remedied, the prospective use of the cleared site, and the impact of a cleared site on the appearance and character of the neighbourhood.

Declaring a clearance area requires approval by the Mayor and Cabinet.

4.3 Penalising noncompliant and rogue landlords

Simple Cautions

Simple Cautions are an alternative to prosecution and are used as a deterrent. These do not have the status of a police caution and cannot automatically be referred to in court.

We will only give Simple Cautions where the offender makes a clear and unequivocal admission of guilt and accepts a caution, it is not possible to seek a Banning Order or Rent Repayment Order, and it is not in the public interest to prosecute a case or issue a CPN.

Civil Penalty Notices (CPNs)

We will serve CPN's on landlords who have failed to comply with statutory orders and notices or breached other regulations. CPNs will be served in line with our Civil Penalty Notice policy.

Rent Repayment Orders (RRO)

We may apply for a RRO where the tenant has been receiving Housing Benefit or Universal Credit, and the landlord has been convicted of a 'trigger offence'.

Trigger offences include failing to comply with a prohibition order or improvement notice, using violence to secure entry, unlawful eviction, harassment of tenants, and breach of a banning order.

We will also advise tenants on the availability of a RRO if a landlord has committed a trigger offence, and support tenants (including providing evidence) if they choose to apply to the Tribunal for a Rent Repayment Order (if it does not conflict with duties we owe to a third party or our GDPR duties).

Banning Orders

A banning order prevents a landlord or property manager from letting a house in England or engaging in English letting agency / property management work. They have a minimum period of 12 months, with no upper time limit.



We will consider applying to the First Tier Property Tribunal for a banning order where a landlord or property manager has been convicted of a qualifying offence, such as unlawful eviction or failing to comply with an improvement notice¹.

When considering whether to apply for a banning order, we will consider the seriousness of the offence, previous convictions, whether the landlord is on the Rogue Landlord Database, and the effect of the order on the landlord, agent, tenant, or other affected people.

These orders also prevent a person from holding an HMO or selective license. We will work to revoke HMO and Selective Licenses held by people subject to a banning order.

Prosecution

Where a serious infraction is suspected, we will investigate and gather evidence. Our PRS Enforcement team and Legal Service will work together to decide whether to pursue prosecution and the appropriate charge. The final decision to prosecute is made by our Legal Service.

Where we are prosecuting as an alternative to issuing a CPN, the court's powers to issue a financial penalty are not limited to the CPN cap of £30,000. If found guilty of an offence at court, there is no limit on the maximum fine. We will work to recover all legal costs where possible.

As verdicts and sentences in criminal cases are generally a matter of public record, we will often publicise basic information about convicted offenders and the sanctions imposed, as a deterrent to other non-compliant landlords.

4.4 Emergency Enforcement

In emergency situations where it isn't possible to contact the landlord or managing agent, enforcement action may be taken immediately.

This includes situations where there's an immediate risk of serious harm to the health and safety of occupiers or others, and where there's an immediate need to secure a building to prevent unauthorised entry or a danger to public health.

5. Minimum Energy Efficiency Standards (MEES)

5.1 MEES Requirements

All private rented properties require an EPC (Energy Performance Certificate) at a minimum level of E or above. This applies to all new or existing private tenancies (except where exempt – see 5.2).

This means that the vast majority of landlords in Lewisham require an EPC certificate of E+ to rent their property. It is a criminal offence to rent a property that requires an EPC if it does not have one, or if it is F/G rated.

The minimum EPC requirement is expected to rise to 'C' in 2028.

¹ The full list of offences is contained within the [Housing and Planning Act 2016 \(Banning Order Offences\) Regulations 2018](#)

5.2 Exemptions

You do not need an EPC at all if your property is:

- Listed or officially protected, and the minimum energy performance requirements would unacceptably alter it, or;
- Due to be demolished by the seller or landlord (with the relevant planning and conservation consents acquired).

You may be able to register an exemption in the following circumstances:

- **All Relevant Improvements Made** - All improvements recommended by the EPC report have been carried out, but the property fails to obtain a rating of E or above. This exemption lasts for 5 years. You will have to try to bring your property up to standard at the end of the 5-year period. If you are still unable to do this, then you can register for another exemption.
- **High-Cost Exemption** - the cost of installing even the cheapest recommended measure is more than £3500. This exemption lasts for 5 years. You will have to try to bring your property up to standard at the end of the 5-year period. If this is still not possible, then you can register for another exemption.
- **Wall Insulation Exemption** - the only relevant improvements to your property are cavity wall, external wall or external wall insulation, and you have written advice that these measures would have a negative impact on the fabric or structure of the building. This exemption lasts for 5 years. You will have to try to bring your property up to standard at the end of the 5-year period. If you are still unable to do this, then you can register for another exemption
- **Third Party Consent Exemption** - This applies when your ability to make improvements to your property depends upon another party consenting- for example a tenant, superior landlord or mortgage holder. You can register this exemption if you have made best efforts to obtain this consent and it cannot be obtained or is given with conditions that you cannot reasonably comply with attached. This exemption applies for 5 years (except where the issue is lack of tenant consent, in which case it last until the current tenancy ends or is assigned to a new tenant). You will need to improve your property or register a further exemption once this period expires
- **Property Devaluation Exemption** - This applies if making the improvement works required to bring your property up to standard would devalue it by more than 5%. You will need evidence from a surveyor who is a member of the Royal Institute of Chartered Surveyors. This exemption lasts for 5 years. You must try to improve your property's EPC rating at the end of this period. If you are not able to do this, you can register another exemption. You will need a further report from a RICS member to re-register your property.
- **Temporary Exemption for Recent Landlords** - If you have recently become a landlord, you may be able to claim 6 months exemption for obtaining an EPC at a minimum level of E if certain circumstances apply. A full list can be found at para 4.1.6 of [this government guidance](#). You are strongly recommended to obtain legal advice before registering this exemption.



- **HMO's** - If your HMO is rented with individual tenancies for each room, and has shared facilities such as bathrooms, toilets or kitchens, then it will not require an EPC. If your HMO is rented on one tenancy, then it will require an EPC.

You will need to prove that your property is exempt. A list of these, and advice on how to register your exemption can be found [in this Government Guidance](#).

5.3 Cost cap

There is a cap on the cost of improvements of £3500 (including VAT). Third party funding does not count towards this cap.

If you cannot improve your property to EPC E for £3,500 or less, you should make all the improvements which can be made up to that amount, then register an 'all improvements made' exemption [see pa. 5.2].

5.4 Enforcement

If we reasonably believe that you are renting a property below the minimum EPC requirement, we may send you a Compliance Notice requesting further information (such as the EPC certificate, qualifying assessment, and/or tenancy agreements).

If you receive a Compliance Notice, you have a duty to provide the requested information. If we have evidence that you have let a substandard property or provided false or misleading information on the Exemptions register (or if you fail to reply to our Compliance Notice), we will issue a Penalty Notice.

Before issuing a financial penalty, we will consider any relevant mitigating or aggravating factors, and any other relevant facts.

The amount of the penalty charge will be as follows.

Offence	1 st breach	2 nd breach	3 rd (and subsequent) breaches
False or misleading information on the PRS exemptions register	£500 <i>(£250 if paid within 14 days)</i>	£1,000 <i>(£500 if paid within 14 days)</i>	£1,000
Failing to provide information in response to a Compliance Notice	£1,000 <i>(£500 if paid within 14 days)</i>	£2,000 <i>(£1,000 if paid within 14 days)</i>	£2,000
Renting an F or G graded property for less than 3 months	£1,000 <i>(£500 if paid within 14 days)</i>	£2,000 <i>(£1,000 if paid within 14 days)</i>	£2,000



Renting an F or G graded property for more than 3 months	£2,000 <i>(£1,000 if paid within 14 days)</i>	£4,000 <i>(£2,000 if paid within 14 days)</i>	£4,000
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6. Other Landlord requirements

6.1 Smoke and CO Alarms

Landlords must ensure that:

- A smoke alarm is installed in every rented property, on every storey that contains a room used for habitation.
- A Carbon Monoxide alarm is installed in every room used solely or partly for habitation, that contains a fixed combustion appliance other than a gas cooker (for example, a coal fire or wood burning stove).
- These alarms are installed and in good working order at the start of every tenancy.

See our Smoke and CO Alarms Policy for more information.

6.2 Electrical Safety

Landlords must ensure that:

- Their property meets minimum electrical safety standards at all times a property is occupied; and,
- Fixed electrical cables or fixed electrical equipment located on the consumers side of the electricity supply meter are inspected and tested every 5 years (at least) by a qualified person.

See our Electrical Safety Policy for more details.

7. Landlord Licensing, Registration, and Accreditation

Lewisham operates the legally mandated HMO licensing scheme and an additional HMO licensing scheme boroughwide. We also operate a selective licensing scheme in all wards except Blackheath and Telegraph Hill.

This means that **the vast majority of landlords in Lewisham require a license to operate**. Lewisham will pursue enforcement action against landlords who are not appropriately licensed or registered.

7.1 HMO and Selective Licensing

Definition and types of license

A House of Multiple Occupation is a building occupied by more than two people, forming more than one household, where some facilities are shared. We are required to operate a 'mandatory' licensing scheme for all HMOs with five or more residents. We have also decided to operate an 'additional' licensing scheme, which applies to most other HMOs. If you rent out an HMO, it is very likely that you are required to have a HMO license.



Buildings rented directly from Lewisham Council, social landlords, the Mayor's Office for Policing and Crime, the London Fire Brigade, and health service bodies, are not considered HMO's and don't require a HMO license. The full list of exemptions is contained in the [Housing Act 2004 \(Schedule 14\)](#).

All other rented properties in Lewisham (excluding properties in Blackheath and Telegraph Hill, and properties with a single lodger) are required to hold a selective license.

Licensing conditions

Licenses will specify the maximum number of people or households allowed to live in the whole property, and in each rented unit within it. This figure depends on the number and specification of bedrooms, and the shared facilities.

Licensing conditions for HMO's can be viewed [here](#). People controlling an HMO must also comply with the HMO Management Regulations² and be free from Category 1 hazards.

Licensing conditions for Selective License properties can be viewed on our website.

Where necessary, we may also include other conditions to regulate the management, use or occupation of the property.

Licensed properties must not contain Category 1 hazards (see *pa.6.1*). Where Category 1 hazards are present, we will usually begin formal enforcement action immediately. Category 2 hazards in licensed properties may require formal enforcement action, if they occur within a context of declining housing standards and poor management.

Applying for, granting, and renewing HMO licenses

An application for an HMO license will only be considered if:

- a) the application was made with the Council's online application form;
- b) the application includes all necessary documents and information;
- c) all the relevant forms and declaration have been signed by the applicant;
- d) the non-refundable administrative fee has been paid.

Following application an officer will visit the property to assess compliance with the licensing requirements and confirm the number of people the HMO should be licensed for.

HMO licenses will be granted if:

- a) the house is suitable for occupation as an HMO;
- b) the management arrangements are satisfactory;
- c) the licensee and/or manager meet [the criteria](#) for fit and proper people;
- d) the applicant is the most appropriate person to hold the license;
- e) the property meets the current standards for licensable HMOs, and;
- f) the enforcement fee has been paid.

Once granted, licenses are normally valid for five years, after which they must be renewed. If more than 28 days elapse between an existing license expiring and an application for a new license, with no reasonable excuse for the property being unlicensed, we will consider enforcement action.

² [The Management of Houses in Multiple Occupation \(England\) Regulations 2006](#)



Variation of License Details

License holders may apply to vary a license where there has been a change in circumstances. We may also choose to vary a license if we become aware of a change in circumstances. Variations will be granted if the property is suitable for the proposed changes, and the management arrangements remain satisfactory.

Examples of a change of circumstances include:

- Change of license holder's address;
- Property altered or extended increasing the permissible number of occupants; or
- Policy or legislative changes.

If license variations are not by mutual agreement between the license holder, Council, and all relevant persons³, we will serve a notice on the licence holder and all relevant people giving information about the effect of the variation and reasons for it, and consider any representations made. There is a minimum consultation period of 14 days⁴.

Revocation of licenses

We will begin the process of revoking a licence in the following circumstances:

- Where the Licence Holder requests this and either the property has ceased to be licensable or there are suitable arrangements in place to manage and licence the property after revocation.
- Where there has been a serious breach or multiple less serious breaches of licence conditions.
- Where the licence holder has ceased to be a fit and proper person to hold the licence.
- Where a person or company involved in the management of the property is not a fit and proper person.
- Where the licence holder or any person involved with managing the property has been made subject to a Banning Order.

Temporary Exemption Notices (TEN)

If a landlord is taking steps to end the property's use as an HMO or Selectively Licensed rental property, they may apply for a TEN.

This application must contain robust supporting evidence to show that the landlord has taken or intends to take steps to ensure that the house no longer requires a license.

Decisions to grant a TEN are made on a case by case basis, and take into account whether the Landlord approached us, the length of time the property has been operating as an unlicensed HMO, the circumstances in which the person making the application came to be in a position of control of the HMO, and the duration they have controlled the HMO for.

Temporary exemptions will only be granted for three months and may only be extended once (in exceptional circumstances) by a further three months.

³ As defined by the [Housing Act 2004, Schedule 5, Section 30](#)

⁴ Procedure detailed in Housing Act 2004, Schedule 5, Part 2.



7.2 Inspections

We conduct safety inspections of all HMO's and a proportion of Selectively Licensed properties. If we find that the properties condition does not meet licensing conditions, the landlord or owner is required to improve them.

In most circumstances we will give 24 hours' notice before entry.

We may authorise a person to enter a premise at any reasonable time without giving prior notice, if we believe that a property that requires a license is not licensed, or that licensing conditions have been breached⁵.

7.3 Penalties

It is a serious failing and a criminal offence to operate an HMO or property requiring a selective license without a valid license, to knowingly allow the property to be occupied by more people than permitted, or to otherwise fail to comply with licence conditions. These offences carry unlimited fines. We may respond to these offences by issuing a Civil Penalty Notice (which carries a maximum fine of £30,000) or by prosecuting the offender.

Failing to comply with the HMO Management Regulations is also a criminal offence and may be punished with a Civil Penalty Notice or prosecuted.

In cases of unlicensed properties where the tenant was receiving Housing Benefit or Universal Credit, we will consider applying to the First Tier Tribunal (Property Chamber) for a Rent Repayment Order. If this request is granted, the Tribunal may order up to 12 months' rent to be repaid to the Council.

We will also support tenants if they choose to apply to the Tribunal for a Rent Repayment Order, if it does not conflict with duties we owe to a third party or our GDPR duties. We are unable to share personal information we hold about unlicensed landlords or pending license applications (unless ordered to by the Tribunal).

7.4 Landlord Accreditation

We encourage private landlords and managing agents to become accredited under the [London Landlord Accreditation Scheme](#). Accreditation enables tenants to recognise private landlords and agents who are committed to providing good quality accommodation and helps landlords and agents achieve public recognition that they meet agreed standards of competence and knowledge about the business of letting a private rented home.

While accreditation is not compulsory, the Council will reward accredited landlords by offering a discount in the licensing fee.

Accredited landlords will be held to a higher standard than those without accreditation. This may include moving directly to formal enforcement if we become aware of breaches, particularly if we receive evidence that tenants have raised issues and action has not been taken.

⁵Section 72 and 95, Housing Act 2004.

7.5 Supported Accommodation Licensing

The government intends to introduce a licensing regime for supported housing⁶. These measures are currently being developed. The proposed measures would require all landlords providing supported housing to obtain a license from our Revenue and Benefits team, demonstrating that they meet new National Supported Housing Standards. This license would be required for residents to receive Housing Benefit.

Where landlords already hold an HMO or selective license, the proposed measures would require this license to be replaced by a supported housing license upon expiry.

We will communicate relevant changes to landlords when more information is available.

8. Empty Homes

The proportion of empty homes in Lewisham is relatively low. Our Empty Homes Strategy sets out our objectives to reduce the number of empty homes in Lewisham, focusing our resources on vacant properties that contribute to ASB, environmental blight and safety concerns. This section details how we will achieve these objectives.

8.1 Community reporting and property owner support

Empty homes can be difficult to identify, so we will adopt both a proactive and reactive approach to identifying, prioritising, and monitoring long-term empty homes. Our efforts will focus on a range of activity, including council tax information, data driven identification, professional reporting, and public reporting.

In many cases, owners may simply need guidance, financial support to make repairs, or help finding a suitable buyer or tenant for their home. Where we can locate owners of problem empty homes, we begin with an informal approach, offering advice, financial incentives, and the opportunity to develop a joint action plan. When owners are receptive to this approach, enforcement action is typically not required, and empty homes can be brought back into use quickly.

8.2 Empty Dwelling Management Order (EDMO)

Where we have exhausted all avenues to bring a property back into use, we can apply to the First Tier Tribunal to take over property management using an EDMO.

An interim EDMO lasts for 12 months, during which time we will work with the property owner to bring about the repair and occupation of the property.

If all possible steps to secure occupation under the interim EDMO have been taken and failed, and the property is likely to become or remain unoccupied without further action, we can replace the interim order with a final EDMO.

We will consider all relevant evidence before granting a final EDMO, including the owners level of cooperation and engagement, the amount of time the property has been unoccupied, the level of disrepair in the property, the level of nuisance the property created for the community, and views expressed by the community.

⁶ Defined as all 'Specified Accommodation' within the [Housing Benefit Regulations 2006](#).



A final EDMO lasts for 7 years and gives us responsibility for insuring, repairing, tenancing and managing the property. Final EDMOs don't require the consent of the First Tier Tribunal.

8.3 Compulsory Purchase Order (CPO)

We will only make CPOs in exceptional circumstances where other options have been exhausted.

For example, we will consider making a CPO for long term derelict properties causing a detrimental impact on the neighbourhood, abandoned properties where the owner cannot be traced, properties ready to let which are unlikely to be let unless purchased by us, and where all other options for bringing the property back into residential use have been exhausted.

All CPOs require approval by Mayor and Cabinet.

9. Legislation and Regulation

9.1 Officer powers

Investigatory Powers

Where required, our authorised officers have the power to require documents to be provided to carry out their powers and duties under the Housing Act 2004. They can also require electrical and gas safety certificates to be provided in relation to HMOs, and any person with an interest in a property to provide details about its ownership and occupation.

Our officers have the power to conduct interviews under caution. These officers will be trained and deemed competent to conduct these investigations in accordance with relevant legislation.

Powers of entry

Council officers have the right to enter any property with the tenant / occupier's permission and will use this power in most cases to investigate complaints.

Where necessary we will use our statutory powers of entry. These powers allow officers to enter any premises:

- without giving any notice, if they suspect an offence under s72, s95 or s234 Housing Act 2004 has been committed;
- where they suspect that emergency enforcement is required due to hazards that pose a serious risk to the health and safety of the occupiers (*see pa.7 'Emergency Enforcement'*);
- after giving 24 hours formal notice; or,
- to execute a warrant that has been issued by a Court.

9.2 Relevant legislation

Act
Housing Act 2004
Housing Act 1985
Housing and Planning Act 2016
Protection from Eviction Act 1977



Environmental Protection Act 1990
Town and Country Planning Act 1990
Equality Act 2010
Human Rights Act 1998
Legal Aid, Sentencing and Punishment of Offenders Act 2012
Criminal Procedure and Investigations Act 1996
Police and Criminal Evidence Act 1984
Building Act 1984
Public Health Acts 1936 and 1961
Proceeds of Crime Act 2002
Regulation of Investigatory Powers Act 2000
Criminal Law Act 1977
Local Government (Miscellaneous Provisions) Act 1976
Smoke and Carbon Monoxide Alarm (England) Regulations 2015
Management of Houses in Multiple Occupation (England) Regulations 2006
Deregulation Act 2015
Law of Property Act 1925
The Licensing and Management of HMOs and Other Houses (Miscellaneous Provisions) (England) Regulations 2006
The Smoke and CO Alarm (Amendment) Regulations 2022

This is an instructive list and is not intended to be exhaustive.

10. Appeals, Complaints, Communication and Consultation

10.1 Appeals and Complaints

Appeals about the conduct of our officers and managers should be made under our Corporate Complaints procedure.

The right to appeal any statutory notice is set out in the notice. Failing to provide this information will usually make the notice invalid.

If you are subject to formal enforcement action, we will tell you about the rights to appeal available to you. These will vary depending on the type of enforcement action.

10.2 Enquiries

Enquiries about this policy should be made to:

Private Sector Housing Team
5th Floor, Laurence House
London SE6 4RU

pshe@lewisham.gov.uk or housingpolicy@lewisham.gov.uk
0208 314 6420 or 0208 314 6622



11. Reviewing this policy

Amendments to this policy not reflecting a major change of policy may be made by the Executive Director for Housing in consultation with the Director of Law and Corporate Governance. Such changes will be reported to Members annually.

Replaces: Private Sector Housing Licensing and Enforcement Policy 2021 <i>Updates to incorporate selective licensing scheme and include requirements around Minimum Energy Efficiency Standards</i>

Date approved: 22/10/2025	Effective date: 03/11/2025
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Next review: November 2027

Approved by: Mayor and Cabinet

Document owner: Director of Housing Strategy
