



Private Sector Housing 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. We have been working to achieve this by expanding our licensing regime and supporting landlords through the promotion of landlord associations and the provision of advice via landlord forums, 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 Statutory Overview

This policy sets out the council's principles for enforcing and executing its duties as a Housing Authority under the relevant statutes.

Section 3 Housing Act 2004 imposes a duty on councils to keep housing conditions in their district under review with a view to identifying any action that may need to be taken by them.

Section 107 Renters' Rights Act 2025 imposes a duty on the council to enforce the Landlord Legislation. The Landlord Legislation is comprised of the following:

- Chapters 3 and 6 of Part 1 of the Renters' Rights Act 2025,
- Part 2 of the Renters' Rights Act 2025,
- Sections 1 and 1A of the Protection from Eviction Act 1977, and
- Chapter 1 of Part 1 of the Housing Act 1988.

Section 110 Renters' Rights Act 2025 imposes a duty on the council to report to the Secretary of State on the exercise of its functions under the Landlord Legislation.

1.3 Definitions

In this policy, the term 'landlord' should be read as including letting agents, managing agents, licensors, property owners, directors of corporate landlords and any other person involved in the letting or management of privately rented accommodation.

In this policy, the terms 'House of Multiple Occupation' or 'HMO' are defined by the Housing Act 2004.

In this policy the term 'formal enforcement action' may mean the service of a statutory notice, civil penalty notice or prosecution.

1.4 Aims and Objectives

The purpose of this enforcement policy is to provide guidance for Private Sector Housing ("PSH") officers to ensure enforcement action is taken in line with the Regulators Code and the principles of good regulation where required by The Legislative and Regulatory Reform (Regulatory Functions) Order 2007. Of particular note, the following pieces of legislation:

- Part 10 of the Housing Act 1985
- Part 8 of the Housing Act 1996
- Parts 2 to 4 of the Housing Act 2004

are subject to The Legislative and Regulatory Reform (Regulatory Functions) Order 2007.

This policy document sets out what owners, landlords, their agents or any other person involved in the letting or management of privately rented accommodation,



and tenants of private rented sector properties, can expect from officers when dealing with non-compliance.

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 licence are licensed;
- Improve the safety and quality of PRS accommodation;
- Drive out rogue landlord operators from the sector; and,
- Investigate and take enforcement action against landlords who have committed criminal offences.

All enforcement action taken will be in accordance with relevant statutory Codes of Practice, council procedures and protocols, and statutory and/or official guidance from central and local government bodies.

As a public body under the Human Rights Act 1998, the council will apply the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

2. What to expect from us

2.1 What tenants should expect

Private sector tenants

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

Before contacting us, you must have contacted your landlord about the matter you are reporting to us and given them a chance to respond. This requirement doesn't apply when there is an immediate risk to your health and safety, where you are being harassed or threatened with illegal eviction, or where the complaint is about your landlord lacking or breaching the necessary licence.

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 system¹), or where officers have a statutory duty to investigate and/or enforce under any relevant legislation.

When deciding on the most appropriate course of action and/or if there is a requirement for enforcement action, we may choose to take informal action against your social landlord, especially if they have a timetable and a satisfactory, suitable and sufficient action plan 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 neighbouring 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 unreasonably refuse access to the landlord or their builders/tradespersons, or in some circumstances if you don't want us to take action. These decisions are made on a case-by-case basis in line with statutory duties

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.

If we have no powers to take action, but a tenant (or leaseholder) has options to take action themselves, we will signpost the tenant (or leaseholder) 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.

2.2 What landlords and letting agents should expect

Advice and support

You are responsible for being aware of and following the law. We will support you to meet your obligations through our accreditation scheme and landlord forum.

¹ [Housing Health and Safety Rating System \(HHSRS\) guidance](#)



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](#).

Approach to Enforcement

The council expects landlords to have a good understanding of the housing standards and management issues that should be met in privately rented accommodation.

Formal enforcement action will usually mean (but is not limited to) the following courses of action-

- i Civil penalty notice
- ii Prosecution
- iii Service of a statutory notice

Section 5 Housing Act 2004 places a duty on councils to take appropriate enforcement action where a Category 1 hazard exists.

Section 7 Housing Act 2004 gives councils a discretionary duty to take action where a Category 2 hazard exists. The council will usually take formal enforcement action where a significant Category 2 hazard exists.

The council will also usually take formal enforcement action in the following circumstances:

- The council will usually serve a statutory notice as a minimum response to band D hazards under HHSRS (Health and Safety Rating System).
- The council will usually serve a statutory notice as a minimum response to multiple (two or more) band E and D hazards under HHSRS (Health and Safety Rating System), or where there are multiple (more than three) lower scoring category 2 hazards.
- Where the responsible person has failed to remediate band F and/or G and/or H hazards following the service of a schedule of works
- In circumstances where (but not limited to) there are vulnerable persons present or there are at-risk groups present.

Non-exhaustive examples of vulnerable persons include children and young adults, persons vulnerable by reason of age, disability or sensory impairment, persons with drug or alcohol dependency, victims of domestic abuse, children in care, persons with complex health needs, persons who do not speak English as a first language, victims of trafficking or sexual exploitation, refugees, asylum seekers, and pregnant women.

The council will usually take formal enforcement action in form of a civil penalty in response to:

- Category 1 hazards; in line with the council's Civil Penalty Notice Policy
- Serious or very serious breaches of the management of HMO regulations 2006

- Non-compliance with statutory notices
- Offences in relation to HMO or Selective Licence conditions
- Properties operating without a licence, where one is required.

The council may take formal enforcement action including the service of a civil penalty in response to:

- Circumstances where the responsible person has failed to take the required action prescribed in a schedule of works in response to informal intervention

In addition, council officers will often investigate and identify the need to take enforcement action through a range of routes, including (but not limited to):

- proactive inspections of dwellings through licensing provisions;
- in response to a complaint or request for assistance,
- where the council suspects or has reasons to believe there is non-compliance,
- data led investigations,
- where the council decides to take action to act on its duty to keep housing conditions in its area under review,
- referrals from other public bodies
- or where the legislation place the council under a duty to investigate and/or enforce.

All investigations will be carried out in accordance with the relevant statutory requirements. The council will ensure that appropriate governance is in place to ensure that action is taken in accordance with relevant policies.

The council may commence enforcement with formal action instead of informal action in the first instance. In deciding whether to do so, the circumstances of the case will be taken into account. Relevant factors may include, but are not limited to:

- Where there is a risk to public health
- Where there is a blatant or deliberate contravention of the law
- Where there is history of non-compliance

The council will usually take formal enforcement action in the first instance if there has been:

- Non-compliance with previous formal or informal action
- Offences in relation to the licensing of HMOs
- Offences in relation selective licensing
- Unlawful eviction or harassment

The council will take formal enforcement action in the first instance for breaches of the Landlord Legislation as defined by the Renters' Rights Act 2025.

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. Investigatory Powers

In addition to the council's informal and formal enforcement powers, there are investigatory powers relating to the collection of information and the entry of premises, including (but not limited to) the powers set out below.

3.1 Powers to Investigate

Section 114 Renters' Rights Act 2025 gives the council power to issue a notice to a relevant person to require the person to provide specified information to the council.

This notice may be given to any person with an estate or interest in the land; the licensor; their agents; or a marketer of a property. It may be given in regard to any offence under the following Legislation:

- Sections 1 and 1A of the Protection from Eviction Act 1977;
- Chapter 1 of Part 1 of the Housing Act 1988;
- Section 83(1) or 84(1) of the Enterprise and Regulatory Reform Act 2013;
- Sections 21 to 23 of the Housing and Planning Act 2016;
- Chapter 3 of Part 1 and Part 2 of the Renters' Rights Act 2025.

Failure to comply with a Section 114 notice is an offence under Section 131 Renters' Rights Act 2025, as is being obstructive and intentionally or recklessly making false or misleading statements in response to a Section 113 notice. The council will prosecute where there is suitable and sufficient evidence that this offence has been committed unless it is not in the public interest to do so.

Section 115 Renters' Rights Act 2025 permits the council, when it reasonably suspects a breach of the Rented Accommodation Legislation, to issue a notice to any person requiring them to provide the information specified. This may only be done to investigate whether a breach has occurred under the Rented Accommodation Legislation, or to determine the amount of a penalty.

For the purposes of this section, the Rented Accommodation Legislation means:

- Sections 1 and 1A of the Protection from Eviction Act 1977;
- Chapter 1 of Part 1 of the Housing Act 1988;
- Parts 1 to 4 and 7 of the Housing Act 2004 ;
- Section 83(1) or 84(1) of the Enterprise and Regulatory Reform Act 2013;
- Sections 21 to 23 of the Housing and Planning Act 2016;
- Chapter 3 of Part 1 and Part 2 of the Renters' Rights Act 2025.

Where an individual has not complied with a Section 115 notice, Section 116 Renters' Rights Act 2025 enables the council to make an application to the court to

enforce the provisions of the notice and seek reimbursement for the costs of the application.

Section 131 Renters' Rights Act 2025 provides that, in addition to the offence of non-compliance with a s114 notice, it is an offence for an individual to obstruct a council officer seeking to exercise their powers without reasonable excuse. It is also an offence to fail to give an officer any additional assistance or information which they reasonably require without reasonable excuse.

Section 235 Housing Act 2004 allows the council to issue a notice to relevant individuals, including occupiers, directing them to provide specified documents under their control for the purpose of investigating whether an offence has been committed under Parts 1 to 4 of the Housing Act 2004 or exercising the council's functions under Parts 1 to 4 of the Housing Act 2004.

Section 16 Local Government (Miscellaneous Provisions) Act 1976 also permits the council to issue a notice to an occupier, manager, or individual with an interest in the land to compel them to provide the council with information on the nature of their interest and the names and addresses of current occupiers.

Section 7 Protection from Eviction Act 1977 permits the council to serve a notice in writing requiring the agent or other person to disclose to them the full name and place of abode or place of business of the landlord, that agent or other person shall forthwith comply with the notice

3.2 Entry to Premises

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 has been committed under Section 72, 95 or 234 of Housing Act 2004;
- 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 page 12 'Emergency or suspended enforcement action');
- after giving 24 hours formal notice; or,
- to execute a warrant that has been issued by a court.

Section 118 Renters' Rights Act 2025 permits council officers to enter business premises of relevant people (including landlords, letting agents, and marketers) if it is necessary for the production or seizure of documents under Section 122-123 Renters' Rights Act 2025. This power will be exercised without a warrant.

Section 121 Renters' Rights Act 2025 allows a council officer named in a warrant to enter premises used for a rental sector business which is not mainly accommodation if there are documents on the premises which the officer could require under Section

122 or seize under Section 123. In addition, for this power to be exercised, one of the following conditions must be met:

- That access to the premises has been or is likely to be refused, and the Council has provided notice of their intention to apply for a warrant to the occupier;
- Those documents on the premises would likely be concealed or interfered with if notice of entry were to be given;
- That no occupier is present, and waiting for their return might defeat the purpose of the entry.

Following a Section 118 or Section 121 Renters' Rights Act 2025 entry, Section 122 allows an officer at any reasonable time to require a relevant person on the premises to produce any documents relating to the business and to take copies of them. This may only be exercised to ascertain whether there has been a breach of the Rented Accommodation Legislation where an officer reasonably suspects there has been a breach or an offence; or to ascertain whether the documents may be required in evidence for proceedings regarding a breach or offence.

Following a Section 118 or Section 121 Renters' Rights Act 2025 entry, Section 123 authorises council officers to seize and detain documents that the officer reasonably suspects may be required as evidence in proceedings relating to a breach of, or an offence under, the Rented Accommodation Legislation. When doing so, the officer will provide evidence of the officer's identity and authority if reasonably practicable. The officer will take reasonable steps to inform the person from whom documents have been seized that they have been seized, and will provide that person with a written record of what has been taken.

Section 126 Renters' Rights Act 2025 permits the council to enter residential premises used for a tenancy at a reasonable time if the officer considers it necessary as part of an investigation into potential offences specified in subsection 1(b). Where required, the council will give at least 24 hours' notice of this to the occupier and individuals with an interest in the property as per subsection 1(c), detailing in writing why the entry is necessary and the suspected offences. Where there are occupiers found on the premises, the officer will provide evidence of the officer's identity and authority to at least one of the occupiers if reasonably practicable.

In addition, Section 239 Housing Act 2004 permits council officers to enter a property, if necessary, at a reasonable time, in order to carry out a survey or examination. This may be done if any one of the following is met:

- to determine if any Part 1-4 enforcement functions should be exercised;
- the premises are part of an Improvement Notice or Prohibition Order;
- a management order is in force under Chapter 1 or 2 of Part 4 on the premises.

In certain circumstance the council may obtain a warrant to enter, by force if necessary, under Section 240 Housing Act 2004.

4. Enforcement Action

4.1 Informal Action

Informal action (where appropriate) taken by the council will be written and prescribed in a schedule of works with clear timescales for compliance and the remediation/standard required to be achieved. Verbal advice will only be provided (instead of a written schedule of works) in limited circumstances where there is no remediation required and/or there is no breach of local policy, national legislation or any other relevant prescribed standards. Additionally, a visit may be made at the outset by council officers in cases where the initial complaint indicates that an immediate investigation by a council officer is warranted.

In cases where officers visit an address, whether this is a result of a landlord's failure to adequately resolve a highlighted issue or as part of an audit or other investigation, written schedule of works will be provided to the responsible person with timescales for remediation.

Where written advice is deemed appropriate by the council and is provided, timescales will be included to undertake any specified work or actions.

While the council will use its discretion on whether to carry out informal action for a Category 2 hazard, it does not need to provide written or verbal advice before commencing formal action.

4.2 Formal Action

When formal action is considered appropriate (or the council is duty bound to take formal action), the options detailed below are available to the council.

Housing Act 2004 Part 1

- Issue an Improvement Notice in respect of any Category 1 hazards and any Category 2 hazards on the property. This requires the person to whom it is served to undertake the remedial action specified on the Notice within a given timeframe. The mandated work and the timeframe will be determined by the council depending on the nature and scale of the work.
- Issue a Prohibition Order in respect of any Category 1 hazards and any Category 2 hazards on the property. This prevents occupation of whole or part of the property, or can be used to limit occupant numbers, within a specified time frame.
- Issue a Hazard Awareness Notice in respect of any Category 1 hazards and any Category 2 hazards on the property. This makes the owner and occupiers aware of the hazards identified; however, it does not require remedial action. As a result, and because it does not secure risk-reducing works within a specified timeframe, a Hazard Awareness Notice will not usually be the most appropriate course of action where remedial works are necessary to reduce the risk of harm to occupiers or potential occupiers.

- Make an Emergency Prohibition Order. This immediately prohibits the use of all or part of a dwelling if there is an imminent risk of serious harm to the health or safety of the occupants or others.
- Where there is a Category 1 hazard present, Section 40 Housing Act 2004 allows the council to undertake Emergency Remedial Action on the Category 1 hazard without prior notice.
- The council also has the power to suspend action taken under Part 1 Housing Act 2004 in situations where it has the power or duty to take enforcement action through the service of an Improvement Notice or Prohibition Order. This will be at the council's discretion.
- Demolition and Clearance are options for both Category 1 or Category 2 hazards.
- Section 30 Housing Act 2004 provides that failure to comply with a Improvement Notice is a criminal offence, which will normally be followed by prosecution or the issuing of a civil penalty.
- Section 32 Housing Act 2004 provides that failure to comply with a Prohibition Order is a criminal offence, which will normally be followed by prosecution.
- Other formal notices served by the council may not relate to the landlord undertaking remedial works but may cover a range of other matters including, but not limited to, exercising a right of entry under Section 239 of the Housing Act 2004 and a request to provide information or the need to abate or avoid overcrowding.

Statutory Notices

Section 11 and Section 12 Housing Act 2004 permit the council to issue a statutory Improvement Notice in respect of any Category 1 hazards and any Category 2 hazards on the property. This requires the person to whom it is served to undertake the remedial action specified on the Notice within a given timeframe. The mandated work and the timeframe will be determined by the council depending on the nature and scale of the work.

Section 6A Housing Act 2004 allows the council to impose a civil penalty where a Category 1 hazard exists. This power may be exercised separately or in addition to the issuance of an Improvement Notice. The council will usually exercise their power to impose a civil penalty in the first instance where a Category 1 hazard exists.

Section 30 Housing Act 2004 provides that failure to comply with a statutory Improvement Notice is a criminal offence, which will normally be followed by prosecution or the issuing of a civil penalty. The council would view the offence of failing to comply with the requirements of an Improvement Notice as a severe issue, as it may expose tenants of a dwelling to one or more significant hazards and will usually impose a civil penalty unless prosecution would be a more appropriate course of action.

Other formal notices served by the council may not relate to the landlord undertaking remedial works but may cover a range of other matters including, but not limited to, exercising a right of entry under Section 239 of the Housing Act 2004 and a request to provide information or the need to abate or avoid overcrowding.



The council will usually prosecute responsible persons who do not provide information that is demanded via a statutory notice. The council will not tolerate blatant disregard for non-compliance with statutory notices.

Statutory notices 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.

Works in default

The enforcement options for non-compliance with formal Notices or breach of licence conditions include the carrying out of works specified in the Notice and taking steps to recover any costs incurred, including costs incurred in administering the work in default, plus interest. This power may be exercised in addition to other enforcement proceedings taken for non-compliance. The council has no duty to undertake works in default and it will be at its discretion. The costs and any interest may be held as a charge against the property until paid.

Emergency or suspended enforcement action

Where there is a Category 1 hazard present, Section 43 Housing Act 2004 permits the council to issue an Emergency Prohibition Order. This immediately prohibits the use of all or part of a dwelling if there is an imminent risk of serious harm to the health or safety of the occupants or others.

Section 40 Housing Act 2004 allows the council to undertake Emergency Remedial Action on the Category 1 hazard without prior notice. The council may then seek reimbursement of costs incurred on the work and the administration of the scheme.

The council also has the power to suspend action taken under Part 1 Housing Act 2004 in situations where it has the power or duty to take enforcement action through the service of an Improvement Notice or Prohibition Order. This will be at the council's discretion and will normally be considered for the purpose of minimising inconvenience to the current occupiers.

Prosecution

Where a Civil Financial Penalty is an available alternative to prosecution, the council will only consider using its power to prosecute under Part 1 Housing Act 2004 in more serious cases.

The decision to prosecute will be determined by the evidential strength of the council's case and the relevant public interest factors set down by the Director of Public Prosecutions in the Code for Crown Prosecutors. 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.

In many circumstances, where an offence is committed by a body corporate, legislation enables local authorities to pursue persons involved with the body

corporate in addition to, or instead of, the body corporate. These include company officers and, where applicable, company members.

The council will determine, on a case-by-case basis, whether to take enforcement action against any person or persons that they consider fall within the scope of this category in addition to prosecuting the body corporate.

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.

Civil Financial Penalties for specified offences

This section relates exclusively to Civil Financial Penalties issued by the council for breaches of the housing law set out below.

The council has the power to impose a Civil Financial Penalty and will usually issue one for the following:

- Unlawful eviction and harassment of occupier as defined under the Protection from Eviction Act 1997
- Failure to comply with an Improvement Notice [Section 30 Housing Act 2004]
- Offences in relation to licensing of Houses in Multiple Occupation (HMOs) [Section 72 Housing Act 2004]
- Offences in relation to the Selective Licensing of 'houses' [Section 95 Housing Act 2004]
- Failure to comply with an Overcrowding Notice [Section 139 Housing Act 2004]
- Failure to comply with a management regulation in respect of an HMO [Section 234 Housing Act 2004]
- Offences in relation to Regulation 3 of the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020
- Failure to comply with a banning order [Section 21 Housing and Planning Act 2016]
- Failure to give a written statement of terms under Section 16D of the Housing Act 1988
- Failure to give an existing tenant information about changes made by the Renters' Rights Act under paragraph 7(2) of schedule 6 to the Renters' Rights Act 2025
- Attempting to let a property for a fixed term under Section 16E of the Housing Act 1988
- Attempting to end a tenancy orally or by service of a notice to quit under Section 16E of the Housing Act 1988
- Serving an eviction notice that attempts to end a tenancy outside the prescribed Section 8 process under Section 16E of the Housing Act 1988
- Relying on a ground where the person does not reasonably believe that the landlord is/will be able to obtain possession under Section 16E of the Housing Act 1988
- Relying on a ground knowing the landlord would not be able to obtain possession or being reckless as to whether they would under Section 16J of the Housing Act 1988

- Failing to provide a tenant with the required prior notice where a ground that requires it may be used under Section 16E of the Housing Act 1988
- Reletting or remarketing a property before expiry of the 12 month no-let period after using the moving and selling grounds under Sections 16E and 16J of the Housing Act 1988
- Discriminating against prospective tenants during the letting process on the grounds that those tenants are in receipt of benefits or have children, under Sections 33 and 34 of the Renters' Rights Act 2025
- Marketing a letting without stating the proposed rent under Section 56 of the Renters' Rights Act 2025
- Inviting or encouraging any person to offer to pay an amount of rent under the proposed letting that exceeds the stated rent under Section 56 of the Renters' Rights Act 2025
- Accepting an offer from any person to pay an amount of rent under the proposed letting that exceeds the stated rent under Section 56 of the Renters' Rights Act 2025

Civil Financial Penalties in respect of these offences operate according to their own independent standalone policy.

We will serve CPNs 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. The council will also consult its Civil Penalty Notice Policy when deciding the level of any civil penalty issued.

Rent Repayment Order

Part 2 of the Housing and Planning Act 2016 permits the council to seek a Rent Repayment Order (RRO) at the First Tier Tribunal Property Chamber to require the landlord of the property where the offence(s) has been committed to refund rent to the tenants or the council. Section 48 of the Housing and Planning Act 2016 places a duty on the council to consider applying for Rent Repayment Orders.

This power will be considered in response to all qualifying offences and where there is sufficient evidence for a successful application to the First Tier Tribunal.

The qualifying offences are:

- Unlawful eviction and harassment of occupier as defined under the Protection from Eviction Act 1997
- Failure to comply with an Improvement Notice [Section 30 Housing Act 2004]
- Offences in relation to unlicensed HMOs [Section 72(1) Housing Act 2004]
- Offences in relation to unlicensed houses [Section 95(1) Housing Act 2004]
- Failure to comply with an Improvement Notice [Section 30(1) Housing Act 2004]
- Failure to comply with a Prohibition Order [Section 32(1) Housing Act 2004]
- Breach of a Banning Order [Section 21 Housing and Planning Act 2016]
- Using Violence to secure entry [Section 6(1) Criminal Law Act 1977]
- Knowingly or recklessly misusing a possession ground [Section 16J(1) Housing Act 1988]

- Letting or marketing of a property within twelve months of using the 'moving in' or 'selling' ground of eviction [Section 16J(2) Housing Act 1988]
- Continuous breach of certain tenancy reform requirements [Section 16J(3) Housing Act 1988]

An application for an RRO may be in addition to other formal action, such as prosecution proceedings or the imposition of a Civil Penalty. Where the council has issued a Civil Financial Penalty or pursued prosecution, it will usually apply for a Rent Repayment Order where public funds have been paid to a landlord who has committed a qualifying offence.

Section 49 of the Housing and Planning Act 2016 enables the council to assist tenants in applying for Rent Repayment Orders. The council will usually assist tenants by referring or signposting them to obtaining legal advice from a solicitor or law centre and advising them that other not-for-profit providers are available.

Banning Orders

Part 2, Chapter 2 of the Housing and Planning Act 2016 allows a council to apply for a Banning Order against a person who has been convicted of one or more of the relevant offences. Section 14 of Chapter 2 provides that a Banning Order will prohibit the 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.

The council may consider a Banning Order for the more serious offenders. It will take into account the seriousness of the offence(s), whether the landlord has committed other offences (or received any Civil Penalty in relation to a Banning Order offence) and any history of failing to comply with their obligations or legal responsibilities. It will also take into account other relevant factors, including but not limited to:

- The harm, or potential harm, caused to the tenant;
- The need to punish the offender;
- The need to deter the offender from repeating the offence;
- The need to deter others from committing similar offences.

These orders also prevent a person from holding an HMO or selective licence. We will work to revoke HMO and Selective Licences held by people subject to a Banning Order.

Rogue Landlord Database

The council has agreed to participate in the Greater London Authority's (GLA) Rogue Landlord and Agent Checker, sharing details of relevant enforcement actions with the GLA to be included in a database. The council's default position is that, following an offence, details of relevant convictions should be made available on the above public database unless it is satisfied that there is a compelling reason as to why the

data should not be made public and that any actual or potential damage and/or distress arising from publication outweighs the public interest.

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.

Other legislative alternatives

There may be other legislative alternatives available to remedy deficiencies that cause Category 2 hazards which an authority may choose as a more appropriate enforcement approach.

4.3 Costs and Charges

The council incurs costs in carrying out its functions. Where legislation allows, the council will seek to recover reasonable costs and expenses associated with its enforcement, licensing and wider regulatory activity. This may include (non-exhaustively) costs arising from inspections, investigation, evidence gathering, notices and other statutory documentation, follow-up action, compliance monitoring, and works or other interventions.

Recovery may be pursued using all available lawful routes, which may include civil action, local land charges, and enforcement against the property. Where permitted, interest may be applied to outstanding sums until paid.

5. Complaints and Enquiries

5.1 Complaints

Any complaints in relation to the work related to this policy will be handled under our Corporate Complaints procedure.

A service user can still make a complaint in cases where the council has instigated legal proceedings. However, making a complaint will not stop any impending legal action.



Where statutory notices have been served, making a complaint does not replace the statutory rights of appeal or the right to make representations. It also does not allow extra time to comply with any notice or order.

If a service user disagrees with a statutory notice, they should take action as specified in the notice or order to make an appeal, if any exists. Reference should be made to any notes that may accompany the notice or order for more detail.

5.2 Enquiries

Enquiries about this policy should be made to:

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

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

6. 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 Enforcement Policy 2026 <i>Updated to incorporate powers, duties and responsibilities under the Renters' Rights Act 2026</i>	
Date approved: 21 May 2026	Effective date: 21 May 2026
Next review: May 2028	
Approved by: Executive Director of Housing	
Document owner: Director of Housing Strategy	

Appendix 1- Minimum Energy Efficiency Standards (MEES)

1.1 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 1.2 below).

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.

1.2 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](#).

1.3 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].

1.4 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

Appendix 2- 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 licence to operate**. Lewisham will pursue enforcement action against landlords who are not appropriately licensed or registered.

1.1 HMO and Selective Licensing

Definition and types of licence

HMOs

A House of Multiple Occupation (HMO) is a building occupied by three or more persons from 2 or more households, where some facilities are shared. We are required to operate a 'mandatory' licensing scheme for all HMOs with five or more residents from two or more households. We have also enacted an 'additional' HMO licensing scheme, which applies to smaller HMOs housing three or four occupants from two or more households. If you rent out an HMO, it is very likely that you are required to have an HMO licence.

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 HMOs and don't require a HMO licence. 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 licence.

Selective Licensing

All privately rented properties which are not subject to additional or mandatory HMO licensing, including family homes, single person occupiers and arrangements where two unrelated persons share rented accommodation. A list of the categories of rented properties that are exempt from selective licensing can be found at [s79\(3\) Housing Act 2004](#) and [The Selective Licensing of Houses \(Specified Exemptions\) \(England\) Order 2006](#)

Licensing conditions

Licences 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 Licence properties can be viewed on our website.

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

Licensed properties must not contain Category 1 hazards. Where Category 1 hazards are present, we will begin formal enforcement action immediately. Category 2 hazards in licensed properties may require formal enforcement action and will be actioned in line with our Private Sector Housing Enforcement Policy..

The council will usually enforce Category 1 and/or 2 hazards in HMOs through Part 1 of the Housing Act 2004, but may regulate poor housing standards within the scope of Part 1 of the Housing Act 2004 through the licence conditions (Part 2 of the Housing Act 2004) if deemed necessary and appropriate on a case by case basis.

Applying for, granting, and renewing HMO licences

An application for an HMO or Selective licence will only be processed if it is deemed full and valid. The application has to be made using the council's online application form.

Full and valid applications must include the following:

- a) Application form fully completed with all relevant areas signed by all interested parties.
- b) The proposed licence holder is the most appropriate person to hold the licence.
- c) Fit and Proper declaration is signed by all appropriate parties.
- d) The non-refundable administrative fee has been paid. In addition, any discounts applied must be supported by satisfactory proof of eligibility.

HMO and Selective applications received without the above requirements will not be processed. The council will write to the applicant and/or proposed licence holder and demand the above requirements are provided with 14 calendar days. Where suitable and sufficient information/documentation is not provided, the application will be refused and the council will begin enforcement investigations into an unlicensed property under Section 72 and/or Section 95 of the Housing Act 2004. When a property has been identified as operating without a licence, where a licence is required - including circumstances where a licence application has been previously refused and there is no other full and valid application for the property resubmitted in a timely manner, the council will take formal enforcement action that will consider usually result in the council imposing a civil penalty in line with its Civil Penalty Notice policy.

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

The council will also request the following documentation to be submitted along with a licence application. Where the following documents are not provided at the point of submitting a licence application, the council will usually continue to process the application (where it is deemed full & valid) in addition to placing a condition in the HMO or Selective licence for the following documents to be produced and/or formally request the following documents under The Management of Houses in Multiple Occupation (England) Regulations 2006 and The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020:

- a) Satisfactory gas safety certification, dated within the last 12 months. Issued by a competent Gas Safe engineer or the equivalent.
- b) Satisfactory Electrical Installation Condition Report (EICR), dated within the past 5 years with no C1, C2 or F1 codes and issued by a competent person.

Where the above documents are not provided after being formally requested, formal enforcement action will be taken to ensure the gas and electrical installations in the property are safe and compliant, in line with (but not limited to) the following legislation;

- The Management of Houses in Multiple Occupation (England) Regulations 2006 and/or
- The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 and/or
- In addition, the council may decide to issue a statutory notice alongside formal enforcement by requesting the information and/or documentation under the following legislation;
 - The Housing Act 2004 and/or
 - The Local Government (Miscellaneous Provisions) Act 1976 and/or
 - The Renters' Rights Act 2025

A failure to provide an EICR within 7 days is a breach of Regulation 3 of the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 and will usually lead to the council taking formal enforcement action under that legislation.

A failure to provide a Gas Safety Certificate within 7 days will result enforcement action for breach of the Regulation 6 of The Management of Houses in Multiple Occupation Regulations 2006.

When gas safety certification is not provided after being formally requested, the council will issue a civil penalty under The Management of Houses in Multiple Occupation (England) Regulations 2006. The council will consult its Civil Penalty Notice Policy when deciding the level of a civil penalty to be issued under The Management of Houses in Multiple Occupation (England) Regulations 2006.

When electrical safety certification is not provided after being formally requested, the appropriate financial penalty will be issued under The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020.

The council will consult its Electrical Safety Policy³ before taking formal enforcement under The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020. The council will consult its Civil Penalty Notice Policy when deciding the level of a civil penalty issued under The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020.

Where the part 1 administrative licence fee or part 2 licence fee payment(s) has not been provided with an application the council will notify the applicant and/or proposed licence holder in writing who will be requested to provide missing payment within 14 days. If after written notification to the applicant and/or proposed licence holder, the required missing payment is still outstanding after 14 days, the council will begin enforcement investigations into an unlicensed HMO under Section 72 of the Housing Act 2004 that will usually result in the council imposing a civil penalty in line with the Private Sector Housing Enforcement Policy.

Proposed Licence Holder Status

Applicants applying as an LLP (Limited Liability Partnership) will be refused.

Insufficient Management Provisions

The council will reject applications where the proposed licence holder primarily resides abroad and makes application without naming a property manager who is resident in the UK and whose business is based and operates within the UK.

Acknowledgement

When an application is deemed full, valid and complete, the council will send the applicant an acknowledgement letter.

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

HMO licences 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 licence; and
- e) the enforcement fee has been paid.

Once granted, licences are normally valid for five years, after which they must be renewed if the property remains within the definition of an HMO. Any gaps in licensing will result in a civil penalty notice being issued or prosecution in more serious cases.

³ [Electrical Safety Policy \(PRS\)](#)



Draft licence

Unless the council is proposing to refuse a licence, following the inspection the council will issue all interested parties with a draft licence and a Notice of Intention (NOI). The council will consider any representations against the NOI and/or draft licence. This has to be undertaken within the 21 day consultation period and made in writing to the council at pshe@lewisham.gov.uk

The council will review any representations received. After review, the council may amend the licence/conditions or reject the representation. Any representations made after the 21 day period will not be considered.

Issue of final licence

After the 21-day consultation, the council will issue the final licence, so long as there are no grounds to refuse it. The final licence and all final licence conditions are binding and all items listed in schedule 1 and 2 must be complied with by the responsible person.

Tacit consent

Tacit consent is where the applicant can act as though the licence is granted if they haven't heard from the council. This does not apply to private sector licensing.

Applicants will receive communication that their application has been received and is awaiting assessment and processing. A licence is only in affect once it has been issued by the council and an HMO licence will only be issued after full property inspection. However, a property can continue to be used as an HMO or property that requires a selective licence without being subject to enforcement for an unlicensed property, after submission of a full and valid application.

Right of appeal

The licence holder has the right of appeal against specific conditions in Schedule 2 of the licence, or that a licence should not have been issued. Appeals must be made to the Residential Property Tribunal (RPT). This must be done within 28 days of the issue of the licence. Tribunals may consider applications made to them after 28 days. Information of how to appeal is within the licence documentation.

Licence Periods

A licence will normally be issued for 5 years from the date they are issued. There may be shorter licence periods in some cases, such as (but not limited to) where we have concerns relating to the management of the property.

Renewing a licence when it expires

The licence holder and/or in some cases the property manager(s) have a legal duty to ensure that a licence is renewed before it expires and the onus is upon them to ensure compliance. As appropriate, the council may analyse internal data to identify



if a licence is overdue for renewal for enforcement purposes. Landlords and property agents are expected to manage their property portfolios and apply for timely renewal.

Enforcement

The enforcement of offences in relation to licensable properties will be taken in line with the council's Private Sector Housing Enforcement Policy. Where a civil penalty is deemed appropriate it will be issued in line with the council's Civil Penalty Notice Policy. Not having a valid licence (when one is required), non-compliance with licence conditions and any other offences in relation to licensing are offences subject to enforcement.

Material Changes

Licence conditions require that the licence holder and/or property manager inform the council about any material changes to the layout and/or licence holder or manager's information. Where the council identifies material changes have not been communicated to the local authority, it will usually take formal enforcement for non-compliance with licence conditions that will usually result in the issuance of a civil penalty notice. The council will consult its Civil Penalty Policy when deciding the level of a civil penalty issued in response to offences relating to breaches of licence conditions.

The onus is on the licensee/manager(s) to inform the council about any material changes to the property, such as (but not limited to):

- Property redesign
- Changes in the type of occupation
- Changes in management/ownership/interested parties

Licence conditions require the licence holder to inform the council as soon as they become aware of any changes to the name, address, phone number or email address of the owner(s), licence holder, property manager, mortgage lender or anyone other person/entity associated with operating the property within 14 days of becoming aware of these. Where the council identifies non-compliance with licence conditions, it will usually take formal enforcement for non-compliance with licence conditions that will usually result in the issuance of a civil penalty notice. The council will consult its Civil Penalty Notice Policy when deciding the level of a civil penalty issued in response to offences relating to breaches of licence conditions.

Proper Service

HMO licence documentation will usually be issued electronically (email), hard copies can be provided upon request by a relevant person. Electronic service will be considered as proper service of the licence documents.

Fees

Fees are not refundable unless the points below are met:

- i. In the case of an application for a licence under Part 2 of the Act, the house was not an HMO, or was not an HMO that was required to be licensed at the time the licence fee was paid; or
- ii. In the case of an application for a licence under Part 3 of the Act, the house was a house that was not required to be licensed, at the time the licence fee was paid, under Part 2 or 3 of the Act.

Points i & ii above apply whether or not the council, pursuant to the application, granted a licence for the HMO or house when it was not required to be licensed.

Variation of Licence Details

Licence holders may apply to vary a licence where there has been a change in circumstances. We may also choose to vary a licence 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 (but are not limited to):

- Change of licence holder's address;
- Property altered or extended increasing the permissible number of occupants;
or
- Policy or legislative changes
- Any other reason that the council considers that there has been a change of circumstances since the time the licence was granted

Licence holders are required to obtain the council's prior written consent before implementing any changes to the use, layout and maximum level of occupation in order to comply with licence conditions. Failing to do so is a breach of licence conditions. The council will usually take formal enforcement action when non-compliance with licence conditions is identified that will usually result in the issuance of a civil penalty notice. The council will consult its Civil Penalty Notice Policy when deciding the level of a civil penalty issued in response to offences relating to breaches of licence conditions.

If licence variations are not by mutual agreement between the licence holder, council, and all relevant persons⁴, we will serve a notice of intent to vary the licence to 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 days⁵.

Revocation of licences

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

- Where the licence holder requests this and the property has ceased to be licensable.
- Where the licence holder has ceased to be a fit and proper person to hold the licence.

⁴ As defined by the [Housing Act 2004, Schedule 5, Section 30](#)

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

- 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.

We will also consider beginning the process of revoking a licence where there has been a significant breach of the licence conditions.

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 licence.

Decisions to grant a TEN are made on a case by case basis.

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

1.2 Inspections

We conduct property inspections of all HMOs and a proportion of Selectively Licensed properties. If we find that the property condition does not meet licensing standards and/or contains hazards to health, management failings or any other breaches of legislation, the landlord or owner is required to improve them and/or may be subject to enforcement action in line with the council's Private Sector Housing Enforcement Policy.

In most circumstances we will give 24 hours' notice before entry. We may authorise a person to enter a property at any reasonable time without giving prior notice, if we believe that a property that requires a licence is not licensed, or that licensing conditions have been breached⁶ or for any other reason that the legislation allows.

1.3 Penalties

It is a serious failing and a criminal offence to operate an HMO or property requiring a licence without a valid licence, to allow the property to be occupied by more people than permitted, or to otherwise fail to comply with licence conditions. We will usually respond to these offences by issuing a Civil Penalty Notice (which carries a maximum fine of £40,000) in line with our Civil Penalty Notice Policy or where appropriate by prosecuting the offender. The council will consult its Civil Penalty Notice Policy when deciding the level of any civil penalty issued.

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

⁶Section 72 and 95, Housing Act 2004.



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 licence applications or any other relevant matters (unless ordered to by the Tribunal).

1.4 Landlord Accreditation

We encourage private landlords and managing agents to become accredited under the [London Landlord Accreditation Scheme](#) or any other accreditation scheme that the council recognises, that provides training and continuous professional development to its members such as the [NRLA](#). 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 and collect suitable and sufficient evidence of breaches.

Appendix 3- Empty Homes

The proportion of empty homes in Lewisham is relatively low. Our Empty Homes Strategy 2026-29 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.

1.1 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 will usually 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. There may be occasions where the council has a duty to take enforcement action immediately (such as in the case of statutory nuisance) or where there are unacceptable, imminent and/or intolerable risks to health and safety.

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 Enforced Sales, Compulsory purchase Orders and Empty Dwelling Management Orders.

1.2 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.

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



1.3 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.