

**Annex B**

**Proposed Offences/infractions list**

This list is not exhaustive and the descriptions are not intended to be comprehensive. For further, more detailed explanations please see the relevant legislation. For all offences and infractions within the list, a link is required between the offences and the tenant/housing, where the offence is not obviously housing-related.

<b>Reason for Inclusion</b>	<b>Description</b>	<b>Legislation</b>
A person who fails to comply with a notice requesting document(s)/information in relation to a licensed property	A person authorised by a local housing authority may give notice to a relevant person (e.g. holder of a HMO license, a person with interest in a premises or estate, a person occupying a premises or a person managing or proposing to manage a premises) requiring them to produce a document for the purpose of allowing the authority to perform its functions (in relation to housing conditions, licensing of HMOs, selective licensing of residential accommodation and additional control provisions in relation to residential accommodation) and also to investigate an offence. A person who fails to comply with notice commits an offence liable under conviction to a fine.	Housing Act 2004
Non-compliance with local authority notice requiring action in the removal or prevention of rats and mice	A local authority may serve notice to the owner of the land or occupier requiring steps to be taken for the destruction of rats or mice or keeping the land free from rats or mice. The notice may require a form of treatment or structural repairs or other works specified	Prevention of Damage by Pests Act 1949
Summary proceedings for statutory nuisances	A Local authority serves an abatement notice requiring the abatement, prohibition, or restriction of the nuisance.	Environmental Protection Act 1990
Non-compliance with a local authority notice to obtain information on land and associated individuals for the purpose surveying of the land.	Failure to comply with a notice served by a local authority requiring details of the function of the land and particulars of individuals with interest in the land for the purpose of surveying the land.	Local Government (Miscellaneous Provisions) Act 1976
Causing or permitting overcrowding	A landlord who has permitted or caused overcrowding to property. An overcrowding notice can be served on an HMO where the LHA having regard to the rooms considers that overcrowding is likely to or is already occurring.	Housing Act 1985, Housing Act 2004

Engaging in prohibited unfair commercial practice	<p>Commercial practices prohibited and are deemed offences:</p> <ul style="list-style-type: none"> <li>• Misleading actions/omissions</li> <li>• Aggressive commercial practices;</li> <li>• Claiming to be a signatory to a code of conduct when not;</li> <li>• Displaying a trust mark, quality mark or equivalent without authorisation;</li> <li>• Invitation to purchase when believing that will not be able to supply;</li> <li>• refusing to show product, take orders for it or demonstrating a defective sample to promote an alternative item;</li> <li>• Falsely stating product only available for a limited time; creating false impression that a product can be legally;</li> <li>• Passing on materially inaccurate information on market conditions;</li> <li>• Personal visits to consumer's home ignoring request to leave;</li> <li>• Making persistent and unwanted solicitations by telephone, e-mail etc;</li> <li>• Prohibition of misleading advertising; comparative advertising.</li> </ul>	Consumer Protection from Unfair Trading Regulations 2008
Failure to belong to a redress scheme	Failure to comply with requirement for persons engaging in letting agency work and property management work to belong to a redress scheme	Redress Schemes for Letting Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014
Removed from a Redress scheme/membership revoked.	Where a landlord or agent has been removed or had membership revoked for a redress scheme they will be added to the database.	Redress Schemes for Letting Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014
Not publicising relevant agent fees etc.	Agent fails to publish details of their relevant fees and in a visible location.	Consumer Rights Act 2015
Fraudulent trading offence	Criminal consequences of failure to make required disclosure.	Companies Act 2006
Failing to provide free Energy Performance Certificate to tenants	Failure to provide a valid energy performance certificate free of charge to the person(s) who ultimately becomes the tenant.	The Energy Performance of Buildings (England and Wales) Regulations 2012
Providing prohibited items and furnishings	Providing items or furnishings that are prohibited under the relevant safety regulations.	Consumer Protection Act 1987 (s.12 offence of contravening the prohibition in the Furniture and Furnishings (Fire) (Safety) Regulations 1988)

Enforcement Order	Relates to an enforcement order which is the way the civil requirement against unfair contract terms can be enforced in the County Court if the business refuse to sign an undertaking promising to refrain from the identified infringements – a financial penalty	Part 8 of the Enterprise Act 2002
Notice served to owner for a blocked private sewer	A local authority serves a notice to owner or occupier of a premises with a blocked private sewer requiring clearance of blockage within a specified period of time.	Local Government (Miscellaneous Provisions) Act 1976
Presence of defective drainage that is a harmful to public health	Defective drainage to an existing building detrimental to health and is a nuisance in which a local authority can thereby serve notice to the owner of the building in relation to redress the defective drainage.	Building Act 1984
Individual/Agent/Company responsible for a building or owner who is served notice by a local authority for a building that is detrimental to public health	A building considered to be detrimental to health and nuisance by a local authority allows for a notice to be served requires works to ensure the building is brought to satisfactory standards	Public Health Acts 1936
Owner or occupier of land that adversely affects the amenity of immediate area served notice by a local authority	Failure to comply with a notice served under section 215 which requires owner or occupier of land to remediate condition of the land that is adversely affecting the amenity of the adjoining/adjacent area or part of the area.	Town and Country Planning Act 1990
Failure to provide smoke alarms and carbon monoxide alarms where relevant	Duties on landlords to ensure that a smoke alarm is installed on each storey used as living accommodation and CO alarm in each room used as living accommodation with a solid fuel burning appliance. Alarms must be in working order on the day tenancy begins. Remedial notice and financial penalty for not complying	Smoke and Carbon Monoxide Alarm (England) Regulations 2015
A landlord or agent being issued with a works in default notice by a local authority	Landlord or agent who has been issued with a works in default notice and where the local authority has had to undertake any Work in Default regardless of reason. Requiring Work in default is a method of ensuring that the property is brought up to standard. The landlord or agent would be added to the database for a specified amount of time.	Housing Act 2004
Improvement Notice	An improvement notice would be linked to either individual or multiple defects with the property.	Housing Act 2004
Contravention of Management regulations in respect of HMOs & false or misleading information	Failure by a landlord or agent to ensure that there are satisfactory management arrangements in place or that satisfactory standards of management are observed.	Housing Act 2004

Failing the Fit and Proper Person test required to be a landlord of a licensed property	Persons who have failed Fit and Proper Person test to be a landlord of a licensed property such as an HMO or a property that requires licence within a designated licensed area.	Housing Act 2004
Charging tenants a prohibited fee	Landlord or agent charging tenants a prohibited fee.	Tenant Fees Act 2019
Conviction for offences linked to modern slavery	Landlord convicted of Modern slavery and/or trafficking	Modern Slavery Act 2015
Where a licence (for a house in multiple occupancy or as part of selective licensing) has been denied or revoked this would be included along with reasons. This would be only viewable to LAs and not tenants.	Licence (for a house in multiple occupancy or as part of selective licensing) has been denied or revoked.	