



Licensing and Regulatory Committee	Thursday, 05 March 2026	Matter for Information and Decision
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Report Title: **Harassment, Unlawful Eviction & Acceptable Behaviour Policy (2026 -2031)**

Report Author(s): **Ben Clark-Monks (Selective Licensing Team Leader)**

Purpose of Report:	To provide Members with information regarding the procedures and processes in relation to landlord harassment and thresholds for enforcement of non-tenant like behaviour.
Report Summary:	The report details proposed procedural changes to the investigation, management and enforcement in relation to landlord harassment, tenant behaviour and sets out thresholds for action in cases of landlord harassment or untenant like behaviour that could support civil action by the landlord to end a tenancy.
Recommendation(s):	A. That the content of the report be noted; and B. Approve the Harassment, Unlawful Eviction & Acceptable Behaviour Policy (2026-2031) outlined in paragraph 5 and attached at appendix 1.
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	Colleen Warren (Chief Finance Officer / Section 151 Officer) (0116) 257 2759 colleen.warren@oadby-wigston.gov.uk Minna Scott (Environmental Health Manager) (0116) 257 2779 minna.scott@oadby-wigston.gov.uk Ben Clark-Monks (Selective Licensing Team Leader) (0116) 257 2883 ben.clark-monks@oadby-wigston.gov.uk
Strategic Objectives:	Our Council (SO1) Our Communities (SO2)
Vision and Values:	"Our Borough - The Place To Be" (Vision) Customer & Community Focused (V1) Proud of Everything We Do (V2) Collaborative & Creative (V3) Resourceful & Resilient (V4)
Report Implications:-	
Legal:	The implications are as set out at paragraphs 2 and 3 of this report.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	Decreasing Financial Resources / Increasing Financial Pressures (CR1) Reputation Damage (CR4) Regulatory Governance (CR6) Organisational / Transformational Change (CR8)

Equalities and Equalities Assessment (EA):	There are no implications arising from this report. Initial EA Screening (See Appendices)
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	Unable to complete review.
Chief Finance Officer:	The report is satisfactory.
Interim Monitoring Officer:	The report is satisfactory.
Consultees:	<ul style="list-style-type: none"> • Louise Taylor (Housing Options Manager) • Thomas Maccabe (Community Safety and Wellbeing Manager)
Background Papers:	None.
Appendices:	<ol style="list-style-type: none"> 1. Harassment, Unlawful Eviction & Acceptable Behaviour Policy (2026-2031) 2. Equality Impact Screening Form

1. Background

- 1.1 The Private Sector Housing and Housing Options team currently work in conjunction to manage, investigate and enforce cases of landlord harassment and illegal eviction.
- 1.2 The team are however conscious that housing issues are not always one sided, hence the appended policy relates to both landlord and tenant like behaviour.
- 1.3 This report and appended policy aim to formalise processes that have been informally trialled by the Private Sector Housing and Housing Options team and seek Member approval for formal adoption moving forward in anticipation of the legislative changes outlined within the Renters' Rights Act.

2. Existing Processes and Legislative Position

- 2.1 Currently unlawful eviction and harassment are criminal offences under the Protection from Eviction Act 1977, which can be tried in either the magistrates or crown court and can carry a £5000 or unlimited fine and/or 6 months or 2 years in prison respectively.
- 2.2 These powers are currently discretionary, and some Authorities choose to refer these cases to advice partners, the Police or independent legal advisors.

3. Changes Outlined by the Renters' Rights Act 2025

- 3.1 From the 1 May 2026, Section 106 of the Renters' Rights Act 2025 places a duty on Local Authorities to enforce Sections 1 and 1A of the Protection from Eviction Act 1977.
- 3.2 This change in conjunction with the repealing of Section 21 of the Housing Act 1988 which will remove a landlord's ability to evict their tenant on a "no fault" basis, could contribute to an increase in cases of unlawful eviction or harassment through landlords that wish to seek possession of their property before the legislation changes, a lack of knowledge of

the legislation change or not wishing to proceed through the correct legal channels to seek possession.

- 3.3 Section 58, Chapter 7 of part 1 of the Renters' Rights Act 2025 creates the ability for offences under section 1 and 1A of the Protection from Eviction Act 1977 to be disposed of through the use of a financial penalty as opposed to having to undertake a prosecution, although this option still remains available.

4. Outline of Procedures (Pre 1 May 2026)

- 4.1 Currently the team have one established enforcement route which is undertaking a prosecution under the Prevention of Eviction Act 1977, which is timely, cost intensive for the Council and can often be distressing for the tenant.

5. Outline of Proposed Procedures (Post 1 May 2026)

- 5.1 The policy at **Appendix 1** outlines the proposed action that will be taken by the team following 1 May 2026 in line with new duties.
- 5.2 The policy has been designed to act as an overarching guide to what the Council considers landlord and tenant-like behaviour and effective levels where the Council will become involved in a case.
- 5.3 The significant change is that a breach of 1 and 1A of the Prevention from Eviction Act 1977 can be disposed of through the service of a civil penalty, supported by the Council's civil penalty policy.
- 5.4 The proposed course of action for enforcement would start with a warning letter outlining what would constitute a further breach and what the Council considers acceptable behaviour; this would then be followed by the service of a notice of intent to serve a civil penalty or commencement of a prosecution file. This is outlined in greater detail within the appended policy.
- 5.5 The acceptable behaviour aspect of the policy will also assist Officers with clarifying to landlords when we are able to support them with action to aid a ground for possession under Section 8, Housing Act 1988 as amended by the Renters' Rights Act 2025.
- 5.6 The policy also outlines which grounds for possession the Council may be able to support at the discretion of the Case Officer, Housing Options and Legal Services. however, it is always the intention of the Council to try and maintain a tenancy wherever possible. The Council is aware there are isolated cases when the ending of a tenancy is the best course of action to protect the property, neighbours and the amenity of the area.

6. Conclusion

- 6.1 The new proposed process has been designed to allow officers to resolve cases as efficiently as possible and ensure the most effective outcome for the complainant.
- 6.2 Along with providing officers with an increased range of disposal options to deal with offences and ensuring efficient and impactful action.
- 6.3 The option to dispose of the offence through the use of a civil penalty will create an immediate financial deterrent to discourage harassment.