

Guidance notes for Police Officers

Disputes between landlords and tenants

This information is provided by Private Housing (Environmental Health), Hull City Council and is not intended as a substitute for legal advice.

Police Officers attending any incident involving landlord and tenants should take note of the following points.

Criminal offences of illegal eviction and harassment

Where officers are called out to disputes between landlords and tenants, the landlord may be in danger of committing one of the criminal offences under the Protection from Eviction Act 1977.

The Offences:

1. Unlawful Eviction S.1(2)

Unlawfully depriving (or attempting to deprive) a residential occupier of premises s/he occupies (e.g. changing the locks).

To be protected, the residential occupier must have been given permission to be there and, generally, there must be a rent paying arrangement. This does not have to be in writing (i.e. no need for written tenancy agreement).

The only way for a landlord to evict most residential occupiers is by way of a court order and then a bailiff's warrant. A warrant can only be enforced by court bailiffs. A court order is not needed where a resident landlord has always shared accommodation with the occupier since the occupier moved in. Even resident landlords have to end the tenancy properly before the tenant has to leave (usually by giving reasonable notice).

2. Harassment S.1(3A)

This has a specific meaning under the Protection from Eviction Act 1977, i.e. doing something the landlord or agent has reasonable cause to believe will be likely to cause the tenant to leave or, deter the tenant from pursuing any rights they have as a tenant e.g. threats, withdrawing services, entering the property without the tenant's consent.

Both harassment and illegal eviction as described above are criminal offences.

Prosecuting Authority:

On occasions the CPS may consider prosecuting Protection from Eviction Act offences. Generally, however, Hull City Council is the prosecuting and investigating authority. The maximum sentence is currently 2 years imprisonment and/or a fine.

What Police officers can do

When attending an incident which may involve a Protection from Eviction Act 1977 offence, it is suggested that Police Officers:

- Note details which may be relevant to the above offences, including admissions, accusations, etc.
- Warn the landlord where you suspect s/he may be committing, or about to commit an offence, that this will be reported to the appropriate authority.
- Consider arresting the landlord if s/he is trying to get into the premises against the wishes of the residential occupier (S.6[1] Criminal Law Act 1977).
- Consider appropriate action in relation to other offences e.g. assault, breach of the peace, harassment under the Protection from Harassment Act 1997.
- Try and persuade both parties to put things back as they were (e.g. try to get the landlord to allow the tenant back in, to change the locks back or to give the tenant a key).
- Do not get involved in civil disputes about rent, repairs – these are unlikely to have much bearing on the criminal law.
- Refer the tenant and landlord to Private Housing (Environmental Health), Hull City Council.
- Inform Private Housing of any relevant incident as soon as possible (see referral details below).

Referrals:

Private Housing (Environmental Health) is based at:

The Guildhall, Alfred Gelder Street, Hull, HU1 2AA

The service is available weekdays during normal office hours on 01482 300 300 or via e-mail at housing_standards@hullcc.gov.uk

Private Housing staff will wherever possible assist where disputes are encountered and can also provide further information and clarification to Police Officers.

If the tenant needs emergency accommodation outside of normal hours the council's call centre on 01482 300 300 may be able to help.

Further information about harassment and eviction can be found at:

<https://www.hull.gov.uk/private-tenants/harassment-illegal- eviction>