



**FIRST-TIER TRIBUNAL  
PROPERTY CHAMBER (RESIDENTIAL  
PROPERTY)**

**Case Reference** : **MAN/OOCG/HMV/2021/0001/0002/0003**

**Property** : **14 Moorgate Avenue, Sheffield S10 1EQ,  
52 Marlborough Road, Sheffield S10 1DB and  
55 Manchester Road, Sheffield S10 5DH**

**Applicant  
Representative** : **Mr Antonio De Simone  
In person**

**Respondent  
Representative** : **Sheffield City Council  
Ms Catherine Ferguson**

**Type of Application** : **Housing Act 2004- Schedule 5  
Paragraph 32(1)**

**Tribunal Members** : **Judge J. E. Oliver  
Tribunal Member S. A. Kendall**

**Determination Date** : **8<sup>th</sup> September 2021**

**Date of Decision** : **16<sup>th</sup> September 2021**

---

**DECISION**

---

© CROWN COPYRIGHT 2021

## **Decision**

1. The application is dismissed.

## **Background**

2. This is an appeal by Mr Antonio De Simone (“Mr De Simone”) against a Notice to Revoke a House in Multiple Occupation (HMO) Licence for 3 properties, 14 Moorgate Avenue, Sheffield, 52 Marlborough Road, Sheffield and 55 Manchester Road, Sheffield by Sheffield City Council (“the Council”).
3. The Council had issued the Notices because Mr De Simone had failed to notify it of a conviction for producing a controlled Class B drug on 27<sup>th</sup> February 2018 and, consequently, he was not a fit and proper person to be the licence holder for the properties.
4. The Tribunal was advised the licences for both 52 Marlborough Road and 55 Manchester Road Sheffield had expired in August 2021 and consequently, at the time of the hearing, the only relevant property upon which a determination was required was 14 Moorgate Avenue, Sheffield. The licence for this property expires on 25<sup>th</sup> September 2021.
5. Directions were issued by the Tribunal on 19<sup>th</sup> February 2021, providing for the application to be listed for a video hearing, without an inspection.

## **Hearing**

6. At the hearing, Mr De Simone attended in person. The Council was represented by Ms Ferguson, a solicitor and Mrs Bull, a Senior Private Housing Standards Officer was also in attendance.
7. At the outset of the hearing, it was clarified with Mr De Simone the basis of his appeal, since he had originally filed a statement setting out his objections to the Council’s decision. However, he had then filed a further statement in which he had said he no longer wished to be the licence holder for the properties and wanted his sister to replace him. Mr De Simone confirmed his second statement set out his current position.
8. The Tribunal advised Mr De Simone it had no power within the proceedings to vary the licence as requested, pursuant to Section 66(6) of the Housing Act 2004 that prohibits the transfer of a licence to another person. If he wished his sister to replace him a new licence application would be required in respect of 14 Moorgate Avenue.
9. Mr De Simone confirmed that, in the light of this, he no longer wished to pursue his appeal. The Tribunal advised it therefore intended to dismiss the appeal, to which Mr De Simone agreed.

JE Oliver  
Tribunal Judge  
16<sup>th</sup> September 2021