



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

Case Reference : **MAN/00DA/HBA/2020/0001**

Applicant : **Leeds City Council**

Representative : **Ms H. Graetorex, Barrister, Ms
A Ajaib, Solicitor**

Respondent : **Mr Jack Collins**

Representative : **N/A.**

Type of Application : **Application for a Banning Order
Housing and Planning Act 2016 – s 15**

Tribunal Members : **Judge C. P. Tonge, LLB, BA
Mr A. Hossain, BSc, MRICS**

Date of Decision : **31 January 2022**

DECISION

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DECISION

The application for a banning order is granted.

REASONS

INTRODUCTION

The application

1. Leeds City Council (a local housing authority) has applied to the Tribunal for a banning order under section 15 of the Housing and Planning Act 2016 (“the 2016 Act”). The Respondent to the application is Jack Collins of 45 Woodlea Road, Yeadon, Leeds, LS19 7BJ.
2. A ‘banning order’ is an order made by the Tribunal, banning a person from:
 - (i) letting housing in England;
 - (ii) engaging in English letting agency work;
 - (iii) engaging in English property management work; or
 - (iv) doing two or more of those things.
3. The application seeks an order banning Mr Collins from doing any of those things for a period of five years.
4. On 2 February 2021, the Tribunal issued directions for the conduct of the proceedings. Those directions set out the steps to be taken by the parties to prepare for the hearing. The directions have been complied with, the Applicant serving two bundles of evidence and the Respondent serving three bundles of evidence.

The hearing

5. On 31 January 2022, a hearing was held on the Tribunal’s video platform. Leeds City Council were represented by Ms Helen Greatorex, a barrister (who attended by hearing by telephone only) and Ms Anuf Ajaib, a solicitor of the Applicant’s legal department, with Mr Amjid Chowdri, Principal Housing Officer giving evidence for the Applicant. The Respondent, Mr Jack Collins appeared as a litigant in person.

LAW AND GUIDANCE

Effect of a banning order

6. The effect of the provisions in Chapter 2 of Part 2 of the 2016 Act is that a person may be banned from all (or any) of the things listed in paragraph 2 above (see section 14 of the Act). Any such ban must last at least 12 months and may include a ban on involvement in certain corporate bodies.
7. As well as banning a person from letting housing in England, a banning order may ban them from engaging in 'English letting agency work' and/or 'English property management work'. These expressions are defined in sections 54 and 55 of the 2016 Act. Broadly speaking, however, they cover letting agency and property management activities done by a person on behalf of a third party in the course of a business.
8. Breach of a banning order is a criminal offence (under section 21 of the 2016 Act). It can also lead to the imposition of a civil financial penalty of up to £30,000 (under section 23). It might also be dealt with by imposition of a imprisonment for up to 51 weeks. There are also anti-avoidance provisions (in section 27) which invalidate any unauthorised transfer of an estate in land to a prohibited person by a person who is subject to a banning order that includes a ban on letting.
9. Exceptions can be made to a ban imposed by a banning order: for example, to deal with cases where there are existing tenancies and the landlord does not have the power to bring them to an immediate end. A banning order does not invalidate any tenancy agreement held by occupiers of a property (although there may be circumstances where, following a banning order, the management of the property is taken over by the local housing authority under Part 4 of the Housing Act 2004).

Tribunal's power to make a banning order

10. Section 16 of the 2016 Act empowers the Tribunal to make a banning order on an application by a local housing authority (under section 15). However, before it makes a banning order, the Tribunal must be satisfied that the following conditions are met:
 - The local housing authority must have complied with certain procedural requirements before applying for the order.
 - The respondent must have been convicted of a 'banning order offence'.
 - The respondent must also have been a 'residential landlord' or a 'property agent' at the time the offence was committed.

11. Section 16(4) provides that, in deciding whether to make a banning order against a person, and in deciding what order to make, the Tribunal must consider:
- (a) the seriousness of the offence of which the person has been convicted,
 - (b) any previous convictions that the person has for a banning order offence,
 - (c) whether the person is or has at any time been included in the database of rogue landlords and property agents (under section 30 of the 2016 Act), and
 - (d) the likely effect of the banning order on the person and anyone else who may be affected by the order.
12. A list of offences which are ‘banning order offences’ is to be found in the Housing and Planning Act 2016 (Banning Order Offences) Regulations 2018. The full list was annexed to the directions issued to the parties by the Tribunal on 2 February 2021. However, for present purposes, it is sufficient to note that the list includes each of the following offences (provided: (i) the offence was committed after 6 April 2018; and (ii) the sentence imposed was not an absolute or conditional discharge):

<i>Act</i>	<i>Provision</i>	<i>General description of offence</i>
Housing Act 2004	s.30(1)	failure to comply with improvement notice
	s.72(1), (2) and (3)	offences in relation to houses in multiple occupation
	s.234(3)	failure to comply with management regulations in respect of houses in multiple occupation

Procedural requirements

13. As already mentioned, before making a banning order, the Tribunal must be satisfied that the local housing authority has complied with certain procedural requirements. Those requirements are set out in section 15 of the 2016 Act and are summarised below.
14. Before applying for a banning order, a local housing authority must give the person concerned a notice of intended proceedings:

- informing the person that the authority is proposing to apply for a banning order and explaining why,
 - stating the length of each proposed ban, and
 - inviting the person to make representations within a specified period of not less than 28 days.
15. The authority must consider any representations made during the specified period, and it must wait until that period has ended before applying for a banning order.
 16. A notice of intended proceedings may not be given after the end of the period of six months beginning with the day on which the person was convicted of the offence to which the notice relates.

Relevant guidance

17. The Ministry of Housing, Communities and Local Government published non-statutory guidance in April 2018: *Banning Order Offences under the Housing and Planning Act 2016 – Guidance for Local Housing Authorities*. A copy of this policy is contained within the Applicant’s first bundle at page 82. The stated intention of the guidance is to help local housing authorities understand how to use their new powers to ban landlords from renting out property in the private rented sector. Save to the extent that the guidance reflects a statutory requirement, its recommendations are not mandatory. However, it is good practice for a local housing authority to follow them.
18. The guidance notes the Government’s intention to crack down on “a small number of rogue or criminal landlords [who] knowingly rent out unsafe and substandard accommodation” and to disrupt their business model. It recommends that banning orders should be aimed at:

“Rogue landlords who flout their legal obligations and rent out accommodation which is substandard. We expect banning orders to be used for the most serious offenders.”
19. The guidance also states that local housing authorities are expected to develop and document their own policy on when to pursue a banning order and should decide which option to pursue on a case-by-case basis in line with that policy. It repeats the expectation that a local housing authority will pursue a banning order for the most serious offenders. In deciding whether to do so, the guidance recommends that the authority should have regard to the factors listed in section 16(4) of the 2016 Act (see paragraph 11 above). It also recommends that the following considerations are relevant to an assessment of the likely effect of a banning order: the harm caused to the tenant by the offence; punishment of the offender; and the deterrent effect upon the offender and others.

20. Leeds City Council has adopted its own *Enforcement Policy – Private Sector Housing*. A copy of this policy is contained within the Applicant’s first bundle at page 110. Its aim is to set out standards of enforcement that landlords, businesses, individuals and the community as a whole can expect from the Council’s Enforcement Team in relation to housing matters, including principles for taking enforcement action under the 2016 Act. The policy states that the aim of the Council’s enforcement work is to protect residents and communities by enforcing the legislation efficiently and effectively without imposing unnecessary burdens upon property owners and occupiers.
21. The Enforcement Policy identifies applying for a banning order as being within the range of enforcement action which Leeds City Council may take.
22. Leeds City Council also complies with the guidance provided in the document, “Guidance Document – Private Sector Housing, Doc Number 84, Issuing a banning order guidance”. This repeats the statutory provisions relating to banning orders, explaining their meaning with guidance as to how to proceed. A copy of this policy is contained within the Applicant’s first bundle at page 135.

BACKGROUND FACTS

23. Mr Collins owns five properties in Leeds which he lets or has let during the operative period of this case to residential tenants, these are, 3 Sefton Terrace (pending exchange of contracts and presently without a tenant), 5 Hardy Street (tenant is Joanne Stokes), 31 Crosby Road (tenant is Dominica Perrone), 15 Hillside Avenue (tenant is Giuseppina Saia) and 2 Greenshaw Terrace (tenant is Nmunire Rutyna). When this case commenced Mr Collins was also the owner of an additional four properties that were all houses in multipole occupation “HMO’s. These were, 25 Sefton Terrace, 24 Sefton Avenue [the back door of which has the address of 31 Hardy Street], 12 Sefton Avenue [the back door of which has the address of 19 Hardy Street] and 2 Sefton Avenue in Leeds [the back door of which has the address of 9 Hardy Street]. All four HMO’s have been sold during the currency of this case.
24. On 18 November 2019, at Leeds Magistrates’ Court, Mr Collins was convicted, after changing not guilty pleas to guilty pleas of the following eight offences contrary to section 234 of the Housing Act 2004 and also contrary to various regulations in the Management of Houses in Multiple Occupation (England) Regulations 2006 “the Regulations”:

In relation to 25 Sefton Terrace, Leeds, a HMO :

1. On 15 January 2019, failed to ensure that firefighting equipment and fire alarms were maintained in a good working order. The Regulations, 4(2) .

Sentence imposed: £4,000 fine, £5,154 costs, £170 victim surcharge.

2. On 30 November 2018, failure to ensure that living accommodation was maintained in good repair. The Regulations, 8(2)(a).

Sentence imposed: £1,000 fine

3. On 30 November 2018, failure to comply take safety measures to ensure that a fire escape was free from obstruction. The Regulations, 4(1)(a).

Sentence imposed: £4,000 fine

4. On 30 November 2018, failure to ensure that all common parts of an HMO were maintained in a safe manner. The Regulations, 7(1)(b).

Sentence imposed: £3,000 fine

5. On 30 November 2018, failure to display name and address in a prominent position. The Regulations, 3(a) and 3(b).

Sentence imposed: £1,000 fine

6. On 27 December 2018, failure to provide electrical certificate within 7 days of receiving the request. The Regulations, 6(3)(c).

Sentence imposed: £3,000 fine

7. On 27 December 2018, failure to provide gas inspection certificate within 7 days of receiving the request. The Regulations, 6(1).

Sentence imposed: £3,000 fine

8. On 30 November 2018, fail to ensure in HMO living accommodation that fixtures and fitting or appliances were maintained in good repair and in clean working order. The Regulations, 8(2)(b).

Sentence imposed: £1,000 fine

25. Mr Collins' prosecution for these offences followed a period of engagement with him by Leeds City Council's Rogue Landlord Unit. The unit being established to target those landlords who persistently provide poor housing. Principle Housing Officer Chowdri commenced a programme of inspections in relation to the Respondent's housing stock on 12 August 2016. The Applicant issued improvement notices,

prohibition notices, emergency prohibition notices and commenced several prosecutions for failure to comply with notices and for breach of the Management of Houses in Multiple Occupation (England) Regulations 2006. Mr Collins has indicated that he prefers to carry out all repairs himself, is 71 years of age and has suffered four heart attacks. His poor health has caused him to slow down. The Applicant contends that Mr Collins, in taking this stance is not carrying his duties towards his tenants, some of whom the Applicant considers to be vulnerable.

26. Prior to the convictions of 18 November 2019 there had been three prior sets on convictions in the Leeds Magistrates Court, also for similar Banning Order offences.
27. On 10 January 2018, after entering guilty pleas to all matters, the Respondent was fined a total of £3,840, with £1,111 costs and a victim surcharge of £170 for committing four offences of failing to comply with improvement notices, issued in relation to category 2 hazards, contrary to section 30(1) and (3) of the Housing Act 2004, by failing to complete remedial action by the date specified. Offences committed at flat 1 and 2 , 24 Sefton Avenue, 31 Hardy Street and 9 Hardy Street, Leeds. One offence committed on 11 April 2017, two offences committed on 12 April 2017 and one offence committed on 18 April 2017.
28. On 12 February 2018, after entering guilty pleas to all matters, the Respondent was fined a total of £7,500, with £985 costs and a victim surcharge of £170 for committing five offences of failing to comply with improvement notices, issued in relation to category 1 hazards, contrary to section 30(1) and (3) of the Housing Act 2004, by failing to complete remedial action by the date specified. Offences committed at flat 1, 2, 3, D and the building of 25 Sefton Terrace, Leeds. All offences committed on 18 April 2017.
29. On 3 May 2019, after entering not guilty pleas, but altering those pleas to guilty to all matters dealt with in the sentence, the Respondent was fined a total of £17,500, with £5,154 costs and £170 victim surcharge in relation to seven breaches of the Management of Houses in Multiple Occupation (England) Regulations 2006, contrary to section 234 of the Housing Act 2004. All offences having been committed at 2 Sefton Avenue, Leeds. Six offences were committed on 19 January 2018 and one committed on 8 February 2018.
30. The main Applicant's bundle at appendix ACO2 contains an eight page schedule of inspections detailing the dates that the Respondent's properties were inspected and the hazards and breaches of the Management of Houses in Multiple Occupation (England) Regulations 2006 that were found. These are confirmed in annex ACO3, the summonses that were issued and in ACO4, the memorandum of convictions relating to all four sentences. There are too many offences for the Tribunal to summarise them here.

31. Mr Chowdri states that the Applicant could not keep expending valuable housing team resources on Mr Collins who was not responding to advice and not learning to mend his ways as a result of prosecutions. He decided that in order to protect the tenants in Mr Collins properties the Applicant had no other course of action open to it but to issue a notice of intention to apply for a banning order. The notice, issued on 2 April 2020, relies on the offences sentenced on 3 May 2019 and 18 November 2019, warning Mr Collins that the application to the First-tier Tribunal will be for a banning order of five years. Mr Collins was given until 4 May 2020 to make representations.
32. Mr Collins made representations, dated 17 April 2020. These were considered by Principal Housing Officer Chowdri and an application was made to this Tribunal for a banning order, dated 4 June 2020.
33. Whilst this application has been pending before this Tribunal there has been a fifth conviction after a trial at Leeds Magistrates Court. This is for committing one offence of failure to comply with an improvement notice relating to category 1 and 2 hazards at 15 Hillside Avenue, Leeds committed on 14 January 2020, contrary to section 30(1) and (3) of the Housing Act 2004. Mr Collins was fined £5,000, costs of £9,000 and victim surcharge of £181. Mr Collins states that he intends to appeal against that conviction. This address is still owned by the Respondent and is presently occupied by the tenant, Guiseppina Saia.
34. Mr Collins is not yet recorded on the national database of rogue landlords and property agents, established and operated by the Secretary of State under section 28 of the 2016 Act. However, as a result of this Tribunal's decision to issue a banning order Mr Collins will now be added to that list.

GROUNDS OF APPLICATION

35. Leeds City Council applies for a banning order on the ground that Mr Collins has been convicted of a number of banning order offences which (the Council says) are serious and have the potential to undermine its work to ensure that rented housing within its locality are safe and suitable. In addition, the application is made because the Council considers that Mr Collins has been given multiple opportunities to comply with the law but has nevertheless failed to do so. The Council considers that there is little evidence to suggest that Mr Collins has learned from the events described above, or that he will not commit similar offences again if he is allowed to continue letting housing.

DISCUSSION AND CONCLUSIONS

Mandatory conditions for making a banning order

36. Based upon the evidence described above, we are satisfied that Leeds City Council has complied with the procedural requirements in section 15 of the 2016 Act.
37. We are also satisfied that, on 18 November 2019, Mr Collins was convicted of eight banning order offences: namely, the offences numbered 1 – 8 in the list set out at paragraph 24 above. The Tribunal notes that the Applicant seeks also to add consideration of the sentence passed on 3 May 2019, as establishing that banning order offences have been committed by Mr Collins, as required by section 16(1) of the 2016 Act. The Tribunal determines that this is not necessary, as section 16(1) of the 2016 Act is satisfied by reliance on the conviction of 18 November 2019. The other 4 sets of convictions (all of which are for banning order offences) are taken into account as evidence relating to the exercise of the Tribunal’s discretion whether or not to make a banning order.
38. Furthermore, it is clear that Mr Collins was a ‘residential landlord’ at the time he committed each of the banning order offences because he was a landlord of housing at that time.

Exercise of discretion to make a banning order

39. Given that the mandatory conditions for making a banning order are satisfied, we must decide whether to exercise the Tribunal’s discretion to make such an order. We must do so having regard to the factors mentioned in section 16(4) of the 2016 Act. In addition, we consider it appropriate to have regard to the Government’s non-statutory guidance on banning orders (see paragraphs 17 - 19 above), to the Council’s own Enforcement Policy (paragraphs 20 above) and the Council’s guidance notes (paragraph 22 above). Whilst we recognise that neither the guidance nor the policy binds the Tribunal, we consider their recommendations to be of assistance to the task in hand.
40. Mr Collins has served three evidential bundles, containing witness statements, photographs of some repairs that he has made, photographs of damage caused to some of his properties by persons not know or not specified, photographs of injuries he has received and medical evidence from his own Doctor. Further, Mr Collins attended the hearing in this case and cross examined the witness Mr Chowdri. The arguments that Mr Collins puts forward are essentially as follows:
 - He started as a landlord in 1989 and has built up his housing stock over a period of time, being a good landlord without convictions until 2016;
 - The condition of the properties that feature in the cases of failure to comply with improvement notices and offences pursuant to management regulations have been exaggerated and that his properties have suffered substantial damage making his task as landlord more difficult;

- That his housing manager from 2008 to 2016, Brian Walker took on some poor tenants;
 - Mr Collins ill health, with four heart attacks and other matters as detailed in his medical evidence have caused him to slow down;
 - That he has not received sufficient guidance and assistance from the Applicant;
 - That he has sold the four HMO's that contained 16 flats and that this has drastically reduced his workload as a landlord;
 - That he is striving towards the sale of all his remaining housing stock, 3 Sefton Terrace now being without a tenant as exchange of contracts is to happen in the very near future. He intends to retire from the business of letting properties;
 - Mr Collins challenges the Applicant's contention that Mr Collins has been housing vulnerable persons and not then taking action to ensure their safety. However he accepts that he has housed five elderly people, children and persons who have brought damage to be caused to their tenanted property by reason of not paying drugs debts;
 - Mr Collins accepted in his closing speech that the Applicant has made out its case for a banning order, but he needs time to ensure that the remaining four tenants are rehoused. He has not yet told them that they might need to be rehoused.
41. The first factor to consider is the seriousness of the relevant offences, both individually and when taken together. We do not know what factors the magistrates' court took into account in determining the amount of the fines which were imposed on Mr Collins but, in any event, the severity of the sentence imposed by that court is not a determinative factor for present purposes: it is for the Tribunal to make its own assessment of the seriousness of the banning order offences, based on the evidence now available to it.
42. Bearing in mind the fact that the evidence in the case establishes that Mr Collins has appeared before the Leeds Magistrates Court on five occasions for sentence in relation to having committed 25 banning order offences, during the time period covered by this case, the Tribunal has no doubt at all that the offending is serious. Add to that the nature of some of the offences relating to fire safety, fire escape routes, maintenance of the living areas, improvement notices for category 1 hazards that were not remedied within the permitted time, etc. These are serious offences that merit a banning order being made.

43. We note that Mr Collins is 71 years of age and of poor health, but at the same time he does not want to instruct contractors to carry out work for him on his housing stock. The Tribunal determines that his age and poor health is even more reason for him to instruct contractors to carry out all remedial works within the time limits allowed in the various improvement notices.
44. We note that Mr Collins has suffered injury and that some of his properties have suffered damage and we accept that this will have increased the workload that he, as a landlord, has had to carry out at a time when his ability to work is reducing. However, Mr Collins has received significant income as a landlord for many years and he knows full well that he has responsibilities to his tenants that in the opinion of the Tribunal he has not been satisfying throughout the period covered by this case.
45. We note that Mr Collins complains that the area in which his housing is situated has worsened in recent years due to an approved red light area being established, that the area is economically depressed and that there is a high crime rate. These factors do not affect our decision as to whether or not to make a banning order. They are simply facts about the area in which the housing is situated.
46. We do not accept that Mr Chowdri has exaggerated the hazards or offences that he has found during his inspections, he has reported what he has found and taken the action that he has considered to be appropriate.
47. Turning to the question of the likely effect of a banning order, we recognise that such an order would obviously have an adverse effect upon Mr Collins – because it would curtail his activities as a professional landlord for a given period of time. However, Mr Collins has said consistently throughout these proceedings that he intends to sell all of his housing stock and has already made a significant start in doing so. As such the banning order will simply bring forward the Respondents intention to retire.
48. We also need to consider the likely effect of a banning order on others who may be affected by it, in addition to Mr Collins. Four of Mr Collins properties are still occupied by tenants and Mr Collins has not said anything to them about the fact that a banning order has been applied for and that as a result they may need to be rehoused. A banning order does not invalidate any tenancy agreement held by occupiers of a property: although, following a banning order, Mr Collins may exercise any ordinary rights he might have to regain possession of his properties (at the end of a tenancy, for example), the making of a banning order would not give him any additional or enhanced rights in this regard. Nor would it diminish the rights of his tenants.
49. We also note that Leeds City Council could consider making interim management orders in relation to Mr Collins rental properties (under

Part 4 of the Housing Act 2004). It seems to us that the likely result of such management orders being put in place, following a banning order, would actually be to improve the safety and welfare of Mr Collins tenants.

50. Taking all of the above factors into account, we conclude that the Tribunal should grant the application for a banning order in this case but suspend its application to the properties that have tenants, to permit those tenants to be rehoused. Further, the Tribunal determines that the banning order should commence on 16 February 2022, being the date that this Decision, banning order and annex has been completed as ready to be issued to the parties. This being important to make sure that Mr Collins has a full three months to rehouse his tenants.

Extent and duration of the ban imposed

51. We must therefore go on to determine the terms in which a banning order should be made and, in doing so, we must again have regard to the factors mentioned in section 16(4) of the 2016 Act. It is, of course, appropriate also to have regard to the proposals set out in the notice of intent served on Mr Collins by Leeds City Council, but the Tribunal is not constrained by those proposals.
52. Leeds City Council has proposed that Mr Collins should be banned from doing any of the three things listed in paragraph 2 above (letting housing; property management; and letting agency work). It is important to note that a banning order will not necessarily have that effect however: whilst the 2016 Act permits the Tribunal to order a blanket ban on doing any of these things, it also permits the Tribunal to be more selective, and to restrict any ban to just one or two of those things. Nevertheless, taking account of all the circumstances of this case, we agree with the Council's view that Mr Collins should be banned from doing all three things. It is self-evident that the ban should include letting housing and engaging in property management work given all Mr Collins failings noted above. Moreover, even though we are not aware that Mr Collins has previously been involved in letting agency work, we nevertheless consider it appropriate to ban him from engaging in that activity too because of the disregard he has shown for the importance of protecting the health and safety of residential tenants.
53. We also consider that, as an anti-avoidance measure, Mr Collins should be banned from acting as an officer of any company that lets housing or is engaged in property management or letting agency work in England. He should also be banned from any involvement in the management of such a company.
54. We recognise that Mr Collins is currently letting housing in England and, given the serious consequences of breaching a banning order, it

would be unjust to put him in a position of being in immediate breach of the order we make. It is therefore appropriate to make the ban on letting housing subject to an exception to allow Mr Collins time, either to make permitted/authorised disposals of his tenanted properties or, if he is lawfully able to do so, to serve notice on his tenants to secure vacant possession. Alternatively, the transitional period created by the exception should afford sufficient time for the local housing authority to pursue the option of making interim management orders, should it decide to do so.

55. Mr Collins has not provided any details about the tenancy agreements to which his properties are subject and so we do not know when any of the tenancies are due to expire. We have therefore decided to limit the exception on letting to a period of three months from the date of the order. The exception will apply only to the properties which Mr Collins has previously indicated to the Council as being let to tenants.
56. Leeds City Council has proposed that the ban imposed by the order should last for five years. Considering all the factors above, we agree with Leeds City Council and make an order accordingly.
57. This case has been conducted during the Covid-19 and Omicron pandemics. This had the effect of the Tribunal having to cancel the face to face hearing that was listed to take place on 14 December 2021 at Bradford. The Government issued guidance just before that hearing date to the effect that citizens should work from home unless going to the workplace was unavoidable. The hearing was then re-scheduled to take place on 31 January 2022 on the Tribunal's video platform.
58. Appeal against this Decision and Order is to the Upper Tribunal. Any party wishing to appeal has 28 days from the date that the Decision is sent to the parties to deliver to this First-tier Tribunal an application for permission to appeal, stating the grounds for the appeal, particulars of those grounds, the paragraphs appealed against and the result that the appellant seeks by raising the appeal.

Decision

59. Our findings and conclusions in this case lead us to grant Leeds City Council's application and to make the banning order which accompanies this decision.

Judge Tonge
16 February 2022

This Decision, order and annex was sent to the parties on 16 February 2022.



**First-tier Tribunal
(Property Chamber)
Residential Property**

Tribunal Reference: MAN/00DA/HBA/2020/0001
Applicant: Leeds City Council
Respondent: Mr Jack Collins

BANNING ORDER

(Section 16 of the Housing and Planning Act 2016)

By this Order, **JACK COLLINS** of 45 Woodlea Road, Yeadon, Leeds, LS19 7BJ **IS BANNED** from:

1. letting housing in England;
2. engaging in English letting agency work; and
3. engaging in English property management work.

Mr Collins **IS ALSO BANNED** from being involved in any body corporate that carries out any of the above activities. He may not act as an officer of such a body corporate or directly or indirectly take part in, or be concerned in, its management.

Subject to the following exception, these bans take effect immediately. They will last for a period of **FIVE YEARS** from the date of this Order.

In recognition of the need for appropriate transitional arrangements to be made, the ban on letting housing in England is subject to an exception: Mr Collins may continue to let the housing listed in the Annex hereto for a period of up to three months from the date of this Order. However, he must not grant any new tenancies during this period.

Signed: C. P. Tonge
Judge of the First-tier Tribunal
Date: 16 February 2022

NOTES:

1. **A person who breaches a banning order commits an offence and is liable on summary conviction to imprisonment for a period not exceeding 51 weeks or to a fine or to both. Alternatively, a local housing authority may impose a financial penalty of up to £30,000 on a person whose conduct amounts to that offence.**
2. A person who is subject to a banning order that includes a ban on letting may not make an unauthorised transfer of an estate in land to a prohibited person. Any such transfer is void (see section 27 of the Housing and Planning Act 2016). This will not prevent a sale for market value to a person who is not related to Mr Collins, is not Mr Collins girlfriend and is not in any way associated with Mr Collins in a professional capacity in the letting of property.
3. A breach of a banning order does not affect the validity or enforceability of any provision of a tenancy or other contract.
4. A person against whom a banning order is made may apply to the Tribunal for an order under section 20 of the 2016 Act revoking or varying the order.
5. The expressions “English letting agency work” and “English property management work” have the meanings given to them by sections 54 and 55 of the 2016 Act respectively.
6. The reasons for making this banning order are set out in a Decision issued separately by the Tribunal.

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ANNEX

(List of housing to which 3-month exception to the ban on letting applies)

1. 5 Hardy Street, Leeds, LS11
2. 31 Crosby Road, Leeds, LS11
3. 15 Hillside Avenue, Leeds, LS19
4. 2 Greenshaw Terrace, Leeds, LS19