



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

Case reference : **MAN/00BY/HML/2022/0003**

Property : **43 Hope Street, Liverpool L1 9DZ**

Applicants : **Hugh John McLarty**

Respondent : **Liverpool City Council**

Respondent's Representative : **Laura Heller (in-house solicitor)**

Type of Application : **Housing Act 2004 - Schedule 5, Part 3**

Tribunal Members : **Tribunal Judge S Moorhouse LLB
Mr J Platt FRICS**

Date & Venue of Hearing : **30 May 2023 - remote video hearing (FVH)**

Date of issue : **1 June 2023**

(1) CONFIRMATION OF WITHDRAWAL
(2) DECISION ON COSTS

Background

1. The Application was made by Mr McLarty on 28 March 2022 appealing the 12 month HMO Licence granted for the Property on 28 January 2022, seeking instead a 5 year term. The 12 month period was stated by the Respondent to be attributable to planning considerations. On 25 January 2023 the Respondent varied the HMO Licence, increasing the term to 5 years.
2. The hearing took place by FVH on 30 May 2023. The tribunal had the benefit of statements of case and accompanying documents from both parties, and comments by the Applicant on the Respondent's statement of case. Additional more up-to-date correspondence and documents were received in the weeks prior to the hearing and these were admitted also, with the agreement of both parties.
3. At the outset of the hearing the tribunal discussed with the parties the matters in issue. As a consequence the Application was withdrawn and an Order for the reimbursement of fees was made.
4. The outcome of the hearing is set out more fully below.

Withdrawal

5. It was confirmed by the Applicant at the hearing that the only licence condition in issue was the length of the licence period. In his submissions the Applicant had challenged the validity of the variation to the licence period made by the Respondent claiming that there had been no 'change of circumstances'.
6. Section 69(1) of the Housing Act 2004 provides that the local housing authority may vary a licence - (a) if they do so with the agreement of the licence holder, or (b) if they consider that there has been a change of circumstances since the time when the licence was granted. For this purpose 'change of circumstances' includes any discovery of new information.
7. In this case the licence holder is an independent manager, Orange Property Services (Liverpool) Limited. The Respondent's representative clarified that consultation had been with the Applicant rather than the licence holder. The Applicant confirmed that had the licence holder been asked whether the variation was agreed, instructions would have been taken from the Applicant and agreement would have been given. The Respondent knew in any event that the Applicant was seeking a 5 year licence term.
8. The Applicant did not wish to pursue his argument on the issue of 'change of circumstances'. If he successfully established that the variation was invalid, this would leave him with a 1 year term, requiring a further determination by the tribunal that a 5 year term should be granted.
9. The remaining matters in issue concerned a reference in correspondence to 'regularising the planning position', the licence fees paid (which was no longer an issue as the term had been extended), and the process of renewal. None of these matters came within the tribunal's jurisdiction.
10. In all of these circumstances the Applicant did not wish to pursue his Application and, with the agreement of the Respondent and the consent of the tribunal, the Application was withdrawn.

Costs

11. Rule 13(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 provides that the tribunal may make an Order requiring a party to reimburse to any other party the whole or part of the amount of any fee paid by the other party. In the hearing the Respondent offered to reimburse the Applicant the application fee of £100 and hearing fee of £200 paid by him to HMCTS.
12. With the agreement of both parties the tribunal therefore makes an Order pursuant to Rule 13(2) for the reimbursement by the Respondent to the Applicant of these fees (total £300).
13. It was confirmed at the hearing that neither party intends to make a costs application under Rule 13(1).

S Moorhouse

Tribunal Judge