



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

Case Reference : **LON/OOBB/HNA/2022/0107**

Property : **46 Elsenham Road, Manor
Park, London E126LA**

Applicant : **Kamran Mohammed Ikram**

Respondent : **The Mayor and Burgesses of the
London Borough of Newham**

Type of Application : **Financial penalty appeal**

Tribunal Member : **Judge Shepherd
Fiona Macleod MCIEH**

Venue of Hearing : **On line**

Date of decision : **26th September 2023**

DECISION

1. In this case the Applicant, Kamram Mohammed Ikram (“The Applicant”) is seeking to appeal a financial penalty imposed on him by the London Borough of Newham (“The Respondents”). The Financial Penalty Notice was served on 7th December 2022. The notice concerns premises at 46 Elsenham Road,

Manor Park, London E126LA (“The premises”). The penalty imposed was £2500.

2. The Applicant is the owner of the premises. They consist of a four - bedroom house. The Applicant has a License for a House in Multiple Occupation (“HMO”). He obtained the license on 16th August 2018. The Respondents served the financial penalty notice because they allege that the Applicant was in breach of his license conditions because the premises were overcrowded (the license only permitted 5 people to occupy) and in a poor condition. The Applicant argues that he has a reasonable excuse for the breach because he handed over management of the premises to a company called All Seasons Lettings and they failed to comply with the license conditions on his behalf.

Background

3. On 3rd March 2022 the Respondents received a complaint from a resident that the premises were overcrowded with 17 people in occupation. There was also disrepair and she was threatened with eviction.
4. On 28th June 2022 officers from the Respondents including Amanda Amafor, the Team Leader of the Private Sector Housing Standards Sector, inspected the premises. They found a number of households in the premises, The loft room was also occupied but the tenants were not at home. This room was not mentioned on the license as a permitted room. Altogether there were 7 households and 14 bed spaces. The premises was in a poor condition with rubbish, dirt and squalor in the common areas and garden.
5. On 30th June 2022 Ms Amafor requested audit documents from the Applicant. She had identified breaches of the Management of Houses in Multiple Occupation (England) Regulations 2006. She wrote to the Applicant listing the breaches identified on 15th August 2022.

6. On 22nd September 2022 All Seasons Lettings sent documents to the Respondents. These suggested that the premises had been let to a single household of Daniel Malik and family on 10th January 2022. They also sent an energy performance certificate dated 20th May 2020 with a rating of F which meant that the premises should not have been let out. The Respondents came to the conclusion that the position as far as All Seasons were concerned was not accurate as the premises were let to numerous households and there was no evidence of Mr Malik or family.
7. Ms Amafor revisited the premises. She discovered a further occupier, Mrs Kousar. The premises were still in a poor condition. It appeared that occupiers were paying rent to Mrs Kousar.
8. On 7th October 2022 Ms Amafor received an email telling her that the Applicant had a new address. He had failed to notify the Respondents of this in breach of his license conditions.
9. After her work was peer reviewed by a colleague Ms Amafor served notice of intention to serve a Financial Penalty notice on 25th October 2022. The financial penalty to be imposed was £2500 using the council's matrix which attributes scores (low to high) to various factors including deterrence and prevention (score 1); removal of financial incentive (score 5); offence and history (score 1) and harm to tenants (score 2).
10. On 7th November 2022 the Applicant made representations in relation to the Notice of Intention. He said that All Seasons were the landlord and they were responsible. The final penalty notice (the notice appealed) was served on 7th December 2022.

The hearing

11. The Applicant appeared in person and Ms Amafor represented the Respondents. She took the Tribunal through the chronology of events. She said she had been unable to trace the tenant on the tenancy agreement provided by All Seasons. She described the poor state of the premises. The premises had fire precautions in place but some of the door self - closers were not working. She said the loft room should not have been occupied and it had a steep staircase which was hazardous.

12. The Applicant said he had handed over responsibility to Four Seasons. He accepted that the premises were in a poor state at the visit and were overcrowded but said he was not responsible. He accepted he may have been naïve to trust All Seasons. He did not produce the agreement he had with All Seasons and appeared to know little about it. He didn't seem to know what they were charging for their service. He said he had told them of the license conditions. He had been led to believe that the premises were to be let to a single family. He thought All Seasons were carrying out inspections but did not produce any records of this. He accepted his address had changed and he hadn't notified the Respondents.

13. Ms Amafor said that the Applicant had not told the council that he had managing agents and had not included them in his license application. She took the Tribunal through the application of the council's matrix in determining the penalty. The matrix and the policy had been approved by Cabinet.

Determination

14. We consider that the penalty must stand. The Applicant was patently in

breach of his license conditions by virtue of the overcrowding and the poor state of the premises and he did not have a reasonable excuse for these breaches. As the license holder he was the person who should have properly managed the premises in accordance with the license conditions. He did not tell the council that he had managing agents when he obtained the license. He failed to produce to the Tribunal any cogent evidence of his agreement with All Seasons or any evidence of inspections they had carried out. To all intents and purposes he handed over full management to an agent without any proper safeguards in place. The penalty imposed was in accordance with the Respondents' matrix and the Tribunal agree with the weightings applied by Ms Amafor who was an impressive witness.

15. In summary the appeal is dismissed.

Judge Shepherd

26th September 2023

RIGHTS OF APPEAL

1. If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber) then a written application for permission must be made to the

First-Tier Tribunal at the Regional office which has been dealing with the case.

2. The application for permission to appeal must arrive at the Regional office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.

3. If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.

4. The application for permission to appeal must identify the decision of the Tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.