



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

Case Reference : **MAN/00CG/HBA/2022/0004**

Applicant : **Sheffield City Council**

Representative : **Ms Catherine Ferguson – Legal Officer**

Respondent : **Mr Nilendu Das**

Representative : **N/A**

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

Tribunal Members : **Regional Surveyor N Walsh
Judge L Bennett**

Date and venue of Hearing : **9 August 2023
Manchester**

Date of Decision : **21 August 2023**

DECISION

DECISION

The application for a banning order is granted.

REASONS

INTRODUCTION

The application

1. Sheffield 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 Nilendu Das of 45 Carter Knowle Avenue, Sheffield, S11 9FT.
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 Das from doing any of those things for a period of ten years.
4. On 8 September 2022 directions were issued for the conduct of the proceedings. Those directions set out the steps which the parties were required to take in preparation for the application to be heard. Sheffield City Council subsequently complied with those directions, but Mr Das did not: he failed to provide a statement of case in response to the application. A hearing date was nevertheless set for 24 April 2023.
5. On 21 April 2023, the Tribunal received an e mail from Mr Das requesting a postponement of the hearing because he claimed not to have been aware of the hearing and having been imprisoned at Nottingham Prison from 7th October 2022 - 2nd of March 2023, he was not prepared for the hearing and had no legal representation. Mr Das also advised that he was unwell and unable to travel, and he enclosed a doctor’s certificate providing more specific medical details. Mr Das requested a postponement so he could properly prepare and participate at the hearing.
6. While the Tribunal was disappointed that the application for a postponement was made so late in the day, after consideration of the

Tribunal's overriding objective to ensure that all parties are given the opportunity to fully participate in proceedings and effectively make their case, the postponement was granted. On granting the postponement, the Tribunal issued supplementary directions directing the Applicant to re-serve the Applicant's bundle and submissions in respect of these proceedings and within 28 days of receiving the Applicant's bundle, the Respondent was directed to serve and file a Statement of Case in reply.

7. Sheffield City Council complied with the Tribunal's supplementary directions and Mr Das acknowledged receipt of the Applicant's bundle to Ms Ferguson via e mail on 15 May 2023. Despite Mr Das requesting a postponement to enable him to participate in these proceedings, no further communication was received from Mr Das by the Tribunal. Mr Das has not filed a Statement of Case nor made any representations in response to the Applicant's submissions.

The hearing

8. On 9 August 2023, a hearing was held at the Tribunal's offices at Piccadilly Exchange in Manchester. Sheffield City Council was represented by Ms Catherine Ferguson, a Legal Officer employed by the Council. Mr Das failed to attend the hearing but we decided to proceed with the hearing in his absence as we were satisfied that reasonable steps had been taken to notify Mr Das of the hearing and that it was in the interests of justice to proceed with it.
9. In compliance with the Tribunal's directions, Sheffield City Council provided a written statement of case in support of the application, primarily in the form of witness statements from Mr Wernham and Mrs Bull, both Senior Private Housing Standards Officer at the Council, together with a supplementary bundle, case authorities and skeleton arguments (and this was served on Mr Das in advance). In addition, the Tribunal heard oral evidence from Mr Wernham and Mrs Bull.
10. Judgment was reserved.

LAW AND GUIDANCE

Effect of a banning order

11. 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.
12. 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.

13. 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). 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.
14. 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

15. 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.
16. 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.

17. 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 25 July. 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.32(1) | Failing to comply with a prohibition order |
| | s.234(3) | failure to comply with management regulations in respect of houses in multiple occupation |

Procedural requirements

18. 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.
19. 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.
20. 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.
21. 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

22. 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*. 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.
23. 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.”
24. 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 16 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.
25. Sheffield City Council has adopted its own *Enforcement Policy – Private Housing Standards Intervention and Enforcement Policy*. A copy of this policy was produced in the Applicant’s bundle. 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 Council’s enforcement work

“will target our attention on landlords who persistently fail to abide by their obligations, and who repeatedly put the safety and wellbeing of others at risk. We want Sheffield to be a place where these types of practices no longer continue. The intention is that these landlords will either improve their housing and management standards or experience continued targeted, enforcement action, which removes any financial benefit of failing

to comply with obligations and which acts as an effective deterrent.

We want to be known as a service that is fair and proportionate. We want to continue to improve the good working relationships we have with those landlords who consistently deliver good properties and management. Whilst in parallel, we want to be known for dealing firmly with landlords who persistently fail to abide by their obligations. We shall target the worst landlords for enhanced enforcement action as multiple failure to properly manage, are likely to be repeated across their housing portfolio.”

26. The Enforcement Policy identifies applying for a banning order as being within the range of enforcement action which Sheffield City Council may take. It provides the following guidance in this regard:

“We will pursue a Banning Order for the most serious offenders and the Service Manager or a Team manager will make the final decision as to whether to apply for a Banning Order and the duration of that Banning Order. The decision will be made on a case -by-case basis with regard to the following factors in this section.

2.1.1 The seriousness of the offence

2.1.2 Previous convictions/rogue landlord database

2.1.3 The harm caused to the occupier

2.1.4 Punishment of the offender

2.1.5 Deter the offender from repeating the offence

2.1.6 Deterring others from committing similar offences.”

BACKGROUND FACTS

27. The Banning Order offences relate to three separate properties at 131 Neil Road, a 4 bedroomed 3 storey terraced house, and at 23 Cemetery Avenue and at 92 Sackville Road, both 5-bedroomed 3 storey terraced houses. All appear to have been operated as houses in multiple occupation (“HMOs”) however it is not clear how many people resided at the properties at any one time. The question as to whether the properties should be licensed under Part 2 of the Housing Act 2004 is not however an issue in these proceedings.
28. The properties are not owned by Mr Das but by his parents, Mr Ranjan Nishit Das and Mrs Pratima Das, either singularly or jointly. Mr Wernham states in his witness statement that Mr Das’s parents reside in India and that in their absence Mr Das operates as the landlord for their properties. This appears to have been accepted in previous County Court proceedings and the Tribunal also notes exhibit WW26, an Assured

Shorthold Tenancy agreement for 131 Neil Road dated 18 January 2021 in which Nilendu Das is named as the landlord.

29. On 17 March 2021, at South Yorkshire Magistrates' Court, Mr Das was convicted of the following offences under the Housing Act 2004:

In relation to 131 Neil Road:

1. Failure to comply with an operative improvement notice (section 30(1) and (3) Housing Act 2004).

Date of offence: 05/12/2019
Sentence imposed: No separate penalty

And in relation to 23 Cemetery Avenue:

2. Failure to comply with Regulation 4 (2) of the Management of Houses in Multiple Occupation (England) Regulations 2006 and s234(3) Housing Act 2004.

Date of offence: 06/01/2020
Sentence imposed: £3,000 fine

3. Failure to comply with Regulation 7 (1) of the Management of Houses in Multiple Occupation (England) Regulations 2006 and s234(3) Housing Act 2004.

Date of offence: 06/01/2020
Sentence imposed: No separate penalty

4. Failure to comply with Regulation 8 (2) of the Management of Houses in Multiple Occupation (England) Regulations 2006 and s234(3) Housing Act 2004.

Date of offence: 06/01/2020
Sentence imposed: No separate penalty

5. Failure to comply with an operative prohibition notice (section 32(1) Housing Act 2004).

Date of offence: Between 13/02/2020 and 03/03/2020
Sentence imposed: No separate penalty

And in relation to 92 Sackville Road:

6. Failure to comply with Regulation 7 (1) of the Management of Houses in Multiple Occupation (England) Regulations 2006 and s234(3) Housing Act 2004.

Date of offence: 11/11/2019
Sentence imposed: No separate penalty

30. At the same hearing the Respondent was convicted of two offences relating to gas safety under the Health & Safety at Work etc Act 1974. He was sentenced to a 12-month community order for these offences with a requirement that he complete 150 hours unpaid work and a total fine of £7,681. We were informed by Sheffield City Council that these offences relating to Mr Das's commercial property do not constitute banning order offences and the Council do not wish to rely upon them as such.
31. On 19 January 2022, Mr Das was further convicted of two counts of breaching operative prohibition orders on 11/03/2021 and 15/09/2021 in respect of 131 Neil Road and was fined £500 in respect of each offence. These convictions constitute further Banning Order offences.
32. Mr Das's prosecution and conviction for the above banning order offences followed a lengthy period of engagement with him by Sheffield City Council's housing enforcement team. A chronology of the engagement and interaction by the Council with Das in relation to housing matters and offences is set out in full in Applicant's skeleton arguments and stretches as far back as 2012. Many of the convictions outlined therein are now spent and considerably pre-date the current application.
33. The Council's evidence details how Mr Das failed to comply with improvement notices in respect of 131 Neil Road, 92 Sackville Road and 23 Cemetery Avenue. The necessary remedial works were not completed by the specified dates and in fact the condition of all properties deteriorated further to such an extent that prohibition notices were ultimately issued. The category 1 and 2 deficiencies in the original improvement notices noted at all the properties were very consistent and included a lack of a protected fire escape routes, inadequate and defective fire alarm systems, inadequate fire separation, damage to doors, defective boilers and broken or missing windows, the electricity meters were found to have been bypassed at Neil Road and 92 Sackville Road, and there was no gas or electricity supply at 23 Cemetery Avenue.
34. On 15 September 2021, Sheffield City Council gave Mr Das notice of its intention to apply for an order banning him from doing any of the things listed in paragraph 2 above for a period of ten years. The notice explained that the Council intended to apply for the order because Mr Das had been convicted of six banning order offences, and it invited him to make representations. Mr Das did not make any representations either during the notice period or afterwards. After the expiry of the notice period, on 29 November 2021, Sheffield City applied to the Tribunal for a banning order.
35. Sheffield City Council has chosen not to make an entry in respect of Mr Das 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. The Council has advised however that it intends to do so if the banning order application is successful.

GROUNDS OF APPLICATION

36. Sheffield City Council applies for a banning order on the grounds that Mr Das has been convicted of numerous 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 is safe and suitable. The Council are also concerned for the safety of particularly vulnerable people and tenants because despite the serving of prohibition orders on Neil Road and Cemetery Avenue and securing criminal convictions against Mr Das, the Respondent repeatedly takes no heed and continues to let the properties at Neil Road and Cemetery Avenue. 92 Sackville having been the subject of a forced sale by the Council in 2020 to recover its debts secured against that property. The Council alleges that Mr Das has repeatedly failed to co-operate with them, as evidence by having to secure warrants for entry, his failure to comply with improvement notices, ongoing breaches of prohibition orders and by still not providing gas and electricity certificates. The Council consider that the only prospect it has for securing safe housing conditions for tenants at the properties and compliance with housing regulations is by securing a banning order with the potential for a custodial sentence of up to 51 weeks, should Mr Das breach the banning order. Given the serious nature of the alleged offences and the long history of non-compliance by Mr Das with Sheffield City Council, the Applicant consider a ten-year ban would be appropriate.

DISCUSSION AND CONCLUSIONS

Mandatory conditions for making a banning order

37. Based upon the evidence described above, we are satisfied that Sheffield City Council has complied with the procedural requirements in section 15 of the 2016 Act.
38. We are also satisfied that, on 17 March 2021, Mr Das was convicted of six banning order offences: namely, the offences numbered 1 – 6 in the list set out at paragraph 29 above. (The other offences Mr Das was convicted of on that occasion are not banning order offences.)
39. Furthermore, it is clear that Mr Das 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

40. 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 22 - 24 above) and to Sheffield City

Council's own Enforcement Policy (paragraphs 25 & 26). 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.

41. Mr Das has played no part in the proceedings before the Tribunal, he has not provided a statement of case in opposition to the application for a banning order. His only interaction with the Tribunal was to seek the postponement of the April hearing date. Mr Wernham subsequently presented additional evidence which contradicts the custody dates provided by Mr Das when he made his postponement application, however that is not directly relevant to the matter in hand.
42. 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 Das 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.
43. Bearing in mind the fact that all the properties were HMOs (and that HMOs are rightly regarded as posing a relatively high fire safety risk), we are satisfied that the relevant offences in this case are very serious. Ms Ferguson referred the Tribunal to the Upper Tribunal authority of *Aytan v Moore*, 2022 WL 00296042 (2022) as to how serious fire safety deficiencies should be considered. We do not consider that, as an expert Tribunal, we need the assistance of case authority in this particular case to gauge the seriousness of these offences, the consequences and risks that they posed tenants, especially to vulnerable people. The flagrant disregard demonstrated by Mr Das of all housing enforcement notices places the offences, by any measure, at the upper end of the scale in seriousness. Especially given the very serious fire and electrical safety deficiencies at the properties, and the repeated nature of these offences across multiple properties.
44. This was also endorsed by the oral evidence of Mr Wernham and Mrs Bull who considered the significant deterioration at all the properties following the service of improvement notices, placed the management and safety deficiencies at the upper end of the scale of seriousness, such as to warrant prohibition notices. The witness statements of DC Newman Holt and Mr Simon Wilde, a former tenant of 23 Cemetery Avenue, corroborate these conclusions. DC Newman stated in his statement that:

“With regard to the building condition, the poor state of repair and general clutter, 92 Sackville Road was one of the worse properties I have seen in my 18-year police service.”
45. The evidence also suggests that Mr Das has consistently failed to cooperate with Sheffield City Council for many years. Despite repeated

meetings and enforcement action Mr Das has not changed his behaviour or approach to the management of these properties. Indeed, to this day he is unable to provide gas or electrical certificates for 131 Neil Road and 35 Cemetery Avenue and has been convicted of additional banning order offences.

45. Mr Das also has previous convictions, other than those relied upon by Sheffield City Council, for banning order offences which were spent by the date of the application. In line with *Hussain v London Borough of Waltham Forest* [2019] UKUT 339 LC, the Tribunal accepts that the underlying conduct of Mr Das on these occasions but not the offences themselves are relevant considerations for this Tribunal when considering whether to grant a banning order or not, and the duration of any order.
46. Mr Das's conduct as a landlord since 2012 demonstrates that he has repeatedly not discharged his duties effectively as a landlord for many years, and this has had a detrimental impact on the health and safety of his tenants. Mr Das's underlying behaviour shows a complete disregard for housing legislation and the welfare of his tenants. The repeated breaching of prohibition orders is particularly concerning and is indicative of a wilful disregard of the law, the criminal sanctions and the fines imposed to date. It certainly endorses the Council's belief that only the threat of or an actual custodial sentence will stop Mr Das from continuing to breach Housing Act legislation.
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 Das – because it would curtail his activities as a professional landlord for a given period of time. Although, in this case neither 131 Neil Road nor 23 Cemetery Avenue should be being let to residential tenants as both properties still remain subject to prohibition order.
48. The extent of that adverse impact would depend upon the extent and duration of any ban imposed, which in this case a particularly lengthy period is being sought for 10 years. Even if a banning order is made, it would apply only to M Das. It would not prohibit the owners of the properties, Mr Das's parents, from renting out these properties again if the prohibition orders are revoked out using a property management agent or a person other than Mr Das to act as an agent or the landlord on their behalf. So provided the terms of the order are proportionate, the fact that it would necessarily deprive Mr Das of a source of income is not a reason why a banning order should not be made. Indeed, the fact that a banning order will have both a punitive and a deterrent effect is an important policy consideration underpinning the legislation. Indeed it would seem that the purpose of the legislation is to address landlord's such as Mr Das.
49. Given Mr Das's has failed to participate in these proceedings, and therefore we do not know his financial situation nor the impact that a banning order would have upon him financially. We do however know

from Sheffield City Council that he is a homeowner and appears to have substantial assets in his own right. As Mr Das does not own the properties in question in his own right we are also not depriving him of any his legal rights in connection with properties in his ownership.

50. However, we also need to consider the likely effect of a banning order on others who may be affected by it, in addition to Mr Das. Given that both Neil Road and Cemetery Avenue are subject to prohibition orders, no tenants should be occupying the properties because it is deemed unsafe for them to do so. The effect of a banning order on any persons currently residing at the property can only be a positive one. Removing the risk to tenants and vulnerable persons, who may otherwise be let rooms by Mr Das despite the continuing operation of the prohibition orders.
51. Sheffield City Council's Enforcement Policy does not provide its officers with detailed guidance to help them decide whether to pursue a banning order in any given situation. However, it does offer useful guidance in more general terms about the aggravating factors which will indicate a need for formal enforcement action of some kind (see paragraph 26 above). It is clear that all of those aggravating factors, with the one exception of the rogue landlord database entry, are present in the present case – and that decisive enforcement action against Mr Das is therefore warranted. Moreover, we note that the Government's non-statutory guidance recommends that banning orders should be used for the most serious offenders: for landlords who flout their legal obligations and knowingly rent out accommodation which is substandard. We have no hesitation in finding that, regrettably, Mr Das falls into this category of landlord. He has persistently failed to take the necessary action to make the properties occupied by his tenants safe to live in, he has shown a complete disregard for his tenants' health and safety and has repeatedly ignored serious enforcement orders such as prohibition orders.
46. Taking all of the above factors into account, we conclude that the Tribunal should grant the application for a banning order in this case.

Extent and duration of the ban imposed

47. 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.
48. Sheffield City Council has proposed that Mr Das 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 Das 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 Das failings noted above. Moreover, even though we are not aware that Mr Das 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 and to ensure that he does not act as a property agent for his parents in respect of these or indeed any other properties.

49. We also consider that, as an anti-avoidance measure, Mr Das should be banned from acting as an officer of any company that lets housing or in 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.
50. We recognise that Mr Das is most likely currently letting housing in England and probably is in breach of the existing prohibition orders, given the serious consequences of breaching a banning order, it is necessary to consider if it would be unjust to put Mr Das in a position of being in immediate breach of the order we make. Given Mr Das egregious conduct to date and consistent failure to comply with prohibition orders, we do not consider that any additional time should be provided, or relief granted.
51. Mr Das has taken up an extraordinary amount of the local authority's time and resources, and consistently failed to comply with lawful enforcement notices. If Mr Das is in immediate breach of a banning order, he is so by virtue of failing to comply with a valid and current enforcement order.
52. Sheffield City Council has proposed that the bans imposed by the order should last for ten years. We have no hesitation in imposing a ban for a period of ten years. We consider that a ten-year ban is not unduly harsh nor disproportionate, given the very serious nature of Mr Das's offending. It is important that the order has a real deterrent effect, both on Mr Das himself, and on other landlords.

OUTCOME

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

Niall Walsh
Regional Surveyor
21 August 2023