



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

Case Reference : **BIR/44UD/HBA/2023/0001**

Applicant : **Warwick District Council**

Representative : **Ms Munir, employed solicitor**

Respondent : **Mr Grzegorz Surminski**

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

Tribunal Members : **Judge C. P. Tonge, LLB, BA
Ms J. F. Rossiter, MRICS**

**Date and venue of
Hearing** : **30 November 2023
Video Platform**

Date of Decision : **5 December 2023**

DECISION

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DECISION

The application for a banning order is granted.

REASONS

INTRODUCTION

The application

1. Warwick District 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 Mr Grzegorz Surminski. The application is dated 31 March 2023.
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 Grzegorz Surminski from doing any of those things for a period of three years.
4. On 3 August 2023, the Tribunal sent a copy of the application and the Tribunal’s Directions (incorrectly dated 3 April 2023) in the case to Mr Grzegorz Surminski, by post to his address at 16 Mill Hill, Baginton, Coventry, CV8 3AG. These Directions set out the steps which the parties were required to take in preparation for the application to be heard. Warwick District Council subsequently complied with those directions, but Mr Grzegorz Surminski did not: he failed to comply with Directions 3 and 4 of the case in response to the application (requiring service of the Respondent’s case by 7 September 2023). Indeed, the Tribunal has not received any communications of any kind during these proceedings from Mr Grzegorz Surminski , until the day of the hearing when two telephone calls were received.
5. On 3 November 2023, the Regional Judge caused a warning to be sent, by post and email to Mr Grzegorz Surminski, notifying him that unless he complied with the Directions 3 and 4 by 4pm on 13 November 2023 he would be barred from taking any further part in the proceedings under Rules 9(1) and 9(7) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 “the Rules”.

6. Mr Grzegorz Surminski did not comply with the barring warning notice. On 17 November 2023 the Regional Judge caused a barring order to be sent to Mr Grzegorz Surminski, by post and email. That order bars Mr Grzegorz Surminski from taking any further part in the proceedings under Rules 9(1) and 9(7) of the Rules. A letter was also sent to Mr Grzegorz Surminski informing him of the time and date of the hearing and inviting him to attend that hearing, also informing him that the hearing would take place in his absence under Rule 34 of the Rules.

The hearing

7. At 10.30am on 30 November 2023, a hearing was held via the Tribunal's video service. Warwick District Council were represented by Ms Sarah Churchill (Senior Environmental Health Officer) and Mr Paul Hughes (Private Sector Housing Manager) and the employed solicitor, Ms Ruksana Munir. Mr Grzegorz Surminski failed to attend the hearing. However, the Tribunal members were informed, by the clerk of the Tribunal, that Mr Grzegorz Surminski had made two telephone calls to the Tribunal's administration office that morning.
8. The telephone calls made by Mr Grzegorz Surminski were made at approximately 9.30 am and 9.40 am, that day. In those calls Mr Grzegorz Surminski claimed that he had not received any communications via email from the Tribunal because his computer had been blocked. Further, he said that he would like to attend the hearing but needed the services of an interpreter.
9. The Tribunal was aware that there was nothing in the written evidence that suggested that Mr Grzegorz Surminski needed the services of an interpreter. The Tribunal was made aware that the above communications from the Tribunal had been made by letter post, in addition to email. The Tribunal was aware of the fact that Mr Grzegorz Surminski had not previously made any mention of the need for the assistance of an interpreter, was barred from further involvement in case, had not applied for that bar to be lifted and had failed previously to communicate with the Tribunal. The Tribunal was further aware that Mr Grzegorz Surminski had been told that if he failed to attend the hearing the hearing would continue in his absence. Taking all these factors into account the Tribunal decided that it is fair and just that the case should continue in the absence of Mr Grzegorz Surminski.
10. Judgment is 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.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

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 and are summarised below.
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.”

The guidance states 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. 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.

BACKGROUND FACTS

24. Mr Grzegorz Surminski came to the attention of the Applicant in 2013, because of complaints from his tenants but the tenants would never make their complaints official in the sense of making witness statements. Mr Grzegorz Surminski does not own any properties, he takes out a lease on properties and then sublets them as a standard sublet or operates them as houses in multiple occupation “HMO’s”. This is what happened at 22 St Brides Close, Leamington Spa, CV31 1NX. That property was taken on a lease by Mr Grzegorz Surminski and then run by him as a HMO, having 8 occupiers and was required to be licensed under Part 2 of the Housing Act 2004. The property was not licensed.

25. On 28 September 2022, at Coventry Magistrates Court, Mr Grzegorz Surminski was convicted of the following offences under the Housing Act 2004:

In relation to 22 St Brides Close, Leamington Spa, CV31 1NX “the property”:

1. Having control of or managing an HMO which was required to be licensed under Part 2 of the Act but was not so licensed (section 72(1)).

Date of offence: 7 March 2022
Sentence imposed: £10,000 fine

2. Failure to comply with the Management of Houses in Multiple Occupation Regulations 2006 (section 234(3)).

Date of offence: 7 March 2022
Sentence imposed: £10,000 fine

3. Failure to comply with an operative improvement notice (section 30(1)).

Date of offence: Between 8 March and 22 March 2022
Sentence imposed: £10,000 fine

4. Failure to comply with a notice requiring provision of details as to your interest in 22 St Brides Close, Leamington Spa, CV31 1NX (section 16(2)(a) of the Local Government (Miscellaneous Provisions) Act 1976)).

Date of offence: 7 March 2022
Sentence imposed: £1,000 fine

26. The above prosecution was proven in the absence of Grzegorz Surminski and the first three offences are for banning order offences. The fines of £10,000 per offence reflect that these were considered to serious offences by the Magistrates.

27. The brief circumstances of these crimes are that on 24 January 2022, a support worker from a charitable organisation contacted the Housing Services Department of the Applicant housing authority to report that there were problems with a tenant to whom they were providing support at the property.

28. As a result on 1 February 2022, Ms Churchill and Mr Hughes inspected the property. Amongst other things the officers found that there were no fire doors, fire blanket, fire extinguishers or working smoke detection. Fire safety was not being achieved. There were a great many repair issues including a hole in a wall of a shower room, defective light

fitting, ill-fitting exterior door, holes in the bathroom door this room also having a defective light fitting, a separate shower did not work, no door at all between the kitchen and hallway, the door to the understairs cupboard which housed the consumer unit was broken, there were other defective light fittings and severely cracked and loose tiles around with a hole in the floor in a shared bathroom. There were interior and exterior areas that were filled with disused items and rubbish. Photographs were taken of the items that were contributing to the existence of Category 1 and 2 hazards, SC2 to SC32.

29. The property had 8 occupiers and was a licensable HMO that Grzegorz Surminski was managing without there being an HMO licence. The Improvement notice was not complied with. The Management of Houses in Multiple Occupation Regulations 2006 were not being complied with.
30. During the investigation the support worker from a charitable organisation contacted the Housing Services Department a second time and reported that tenants were being threatened by Grzegorz Surminski with illegal eviction from the property. The Applicant took action to attempt to prevent this, sending a letter providing advice in relation to eviction procedures but nevertheless the tenants were soon all absent from the property. Mr Grzegorz Surminski could have chosen to comply with the improvement notice and apply for a licence for the HMO but did not do so.
31. The tenants at this property did not have written tenancy agreements. One tenant produced a 'Lodger Agreement' that was to run for six months at £500 per month, that looked as if it would have been more appropriate to a guest house type situation, amongst other things offering (but not providing) breakfast (Sc39 and 40). Rent was being collected in cash and receipts being issued (three were produced and photographed, SC41) they were all for £500, written with capital letters by Grzegorz Surminski on behalf of Leamington Rooms Ltd, this being a company of which Grzegorz Surminski is a director and is involved in the rental of properties.
32. This prosecution follows many years in which the Housing Authority had been aware of Grzegorz Surminski's involvement in the rental housing sector as a result of complaints that were being made, but usually the persons who complained were not willing to give witness statements. A number of the tenants that Grzegorz Surminski has had over the years are vulnerable adults.
33. Mr Grzegorz Surminski is known to have been involved in the management of 6 other properties in Leamington Spa in the past.
34. At 19 Brunswick Street, Leamington Spa, an attic room had been let when there was no fire door, no gas or electric safety certificate and the room did not have any electricity power supply so that an extension lead was in use to take power into the attic.

35. At 26 Epsom Road, Leamington Spa, there was no heating, shower, oven or fire doors. Grzegorz Surminski cooperated with the Applicant to rectify these hazards without the need for an improvement notice.
36. At 225 Brunswick Street, Leamington Spa the gas supply had been isolated so that gas was not being supplied to the property, but the property was occupied by 4 tenants as an HMO that did not require a licence. The Tenants did not know that there was no gas supply and attempted to get the central heating gas boiler to work, causing a flood. An improvement notice was served on Grzegorz Surminski. A prohibition notice also had to be served to prevent a room being used that was too small for such use.
37. 289 Brunswick Street, Leamington Spa, is normally used as a student let by its owner but was let to Grzegorz Surminski during Covid and sublet by the Respondent to tenants. When the owners were informed that this had happened without their consent, they cancelled the lease to Grzegorz Surminski.
38. Other properties that Grzegorz Surminski has sublet are 190 Rugby Road and 2 Oak Tree Close, Leamington Spa.
39. Mr Grzegorz Surminski is known to sublet properties without the normal lease between himself and his tenant. He takes a deposit, himself, but with no written formalities. He uses properties that are not kept in a safe condition and when the problems come to light, he moves the tenants to other properties that he also manages.
40. Mr Grzegorz Surminski has been registered as a rogue landlord in the database of rogue landlords as a result of the above convictions (page 82 to 85 of the hearing bundle). The entry will remain on the database for three years.
41. On 13 February 2023, Warwick District Council gave Mr Grzegorz Surminski 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 three years. The notice explained that the Council intended to apply for the order because Mr Grzegorz Surminski had been convicted of three banning order offences, and it invited him to make representations by 13 March 2023. Mr Grzegorz Surminski did not make any representations. Warwick District Council applied to the Tribunal for a banning order on 31 March 2023.

GROUND OF APPLICATION

42. Warwick District applies for a banning order on the ground that Mr Grzegorz Surminski 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 is safe and suitable. In addition, the application is made because the

Council considers that, by virtue of its support and encouragement, Mr Grzegorz Surminski 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 Grzegorz Surminski has learned from the events described above, or that he will not commit similar offences again if he is allowed to continue letting housing. Warwick District Council does not wish Mr Grzegorz Surminski to be banned from the property letting business permanently, but it considers that a three year ban would be appropriate to give him opportunity to improve his skill set as a landlord.

DISCUSSION AND CONCLUSIONS

Mandatory conditions for making a banning order

43. Based upon the evidence described above, we are satisfied that Warwick District Council has complied with the procedural requirements in section 15 of the 2016 Act.
44. We are also satisfied that, on 28 September 2022, Mr Grzegorz Surminski was convicted of three banning order offences: namely, the offences numbered 1 – 3 in the list set out at paragraph 25 above. (The other offence Mr Grzegorz Surminski was convicted of on that occasion is not banning order offence.)
45. Furthermore, it is clear that Mr Grzegorz Surminski 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

46. 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 19 - 21 above) . Whilst we recognise that the guidance does not bind the Tribunal, we consider its recommendations to be of assistance to the task in hand.
47. Mr Grzegorz Surminski has played no part in the proceedings before the Tribunal, he has not provided a statement of case in opposition of the application for a banning order. In fact, since Grzegorz Surminski has been barred from taking any further part in the proceedings and that bar has not been lifted, this Tribunal is entitled to summarily determine any or all issues against the Respondent pursuant to rule 9(8) of the Rules.
48. The first factor to consider is the seriousness of the relevant offences, both individually and when taken together. Bearing in mind the above facts we consider these three offences to be serious offences and

considering the fact that the magistrates dealt with them with severe fines we take the view that the magistrates shared that view.

49. Further, we consider that the evidence given in writing by officer Sarah Churchill and orally by her and officer Hughes paints a picture of a very poor management of rental properties from 2013 to date.
50. We also note that Grzegorz Surminski did not comply with the improvement notice that was issued to him. He did not make any representations to the Applicant during the period of time that had been permitted to make representations as to why a banning order should not be made and has not complied with Directions made in this case before the Tribunal. The Respondent was not of course required to defend himself, but these are not the actions of a responsible landlord.
51. We note that Mr Grzegorz Surminski has no previous convictions for banning order offences, but that he has now been included in the database of rogue landlords and property agents (see paragraph 40 above). We recognise, however, that Mr Grzegorz Surminski's inclusion in the database results from exactly the same convictions which now form the basis of the present application for a banning order. As such, this is not a factor which adds significant weight to the case for granting such an order.
52. 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 Grzegorz Surminski – because it would curtail his activities as a professional landlord for a given period of time. The extent of that adverse impact would depend upon the extent and duration of any ban imposed. However, provided the terms of the order are proportionate, the fact that it would necessarily deprive Mr Grzegorz Surminski 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.
53. 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 Grzegorz Surminski. A banning order does not invalidate any tenancy agreement held by occupiers of a property. Nor does it give Grzegorz Surminski any additional or enhanced rights in this regard. Nor would it diminish the rights of his tenants.
54. 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 little hesitation in finding that, regrettably, Mr Grzegorz Surminski 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 and, by such inaction, he has shown a disregard for his tenants' health and safety. In

addition, by not complying with the relevant licensing requirements, Mr Grzegorz Surminski conduct has risked undermining Warwick District Council's regulatory functions as a local housing authority.

55. 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

56. 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 Grzegorz Surminski by Warwick District Council, but the Tribunal is not constrained by those proposals.
57. Warwick District Council has proposed that Mr Grzegorz Surminski should be banned from doing any of the three things listed in paragraph 2 above (letting housing; property management; and letting agency work), for three years. Taking account of all the circumstances of this case, we agree with the Council's view that Mr Grzegorz Surminski 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 Grzegorz Surminski failings noted above. Moreover, even though we are not aware that Mr Grzegorz Surminski 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.
58. We also note that Grzegorz Surminski has acted as a director of a company, namely, Leamington Rooms Limited and consider that Mr Grzegorz Surminski 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.
59. We recognise that Mr Grzegorz Surminski may well be presently letting housing in England and we note the serious consequences of breaching a banning order, but Mr Grzegorz Surminski has failed to give any information to the Applicant Council or this Tribunal relating to any property that he is currently letting out to tenants. In an effort to be fair and just to Grzegorz Surminski in these circumstances we will delay the operation of the banning order for two weeks from today's date, giving the Respondent time to make sure that he can comply with the Order. Grzegorz Surminski may wish to liaise with the Applicant to ensure that he is in compliance with the Order.
60. Warwick District Council has proposed that the ban imposed by the order should last for three years. However, whilst we agree that a ban for a significantly longer period than that would be unduly harsh and

would be disproportionate, we are concerned to ensure that the length of the bans is sufficient so that the banning order will have the appropriate punitive effect on Mr Grzegorz Surminski, given the very serious nature of his offending. It is also important that the order has a real deterrent effect, both on Mr Grzegorz Surminski himself, and on other landlords. We therefore determine that a banning order will be made with a three year duration from 19 December 2023 to 18 December 2026.

61. Warwick District Council make an application for the reimbursement of the application fee and hearing fee that they have had to pay to the tribunal's administration. The Tribunal notes that these fees have in fact been paid out of public funds and have been expended because of the Respondent's poor conduct that required the Applicant to take this action. The Tribunal decides that it is fair and just to order that Grzegorz Surminski reimburse the whole of these fees to the Applicant forthwith.

OUTCOME

62. Our findings and conclusions in this case lead us to grant Warwick District Council's application and to make the banning Order which accompanies this decision.
63. Grzegorz Surminski must reimburse the Applicant the sum of £300, being the cost of the application fee and hearing fee paid by the Applicant in these proceedings, pursuant to rule 13(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013. This payment must be made as soon as reasonably possible and in event by 4pm on Tuesday 19 December 2023.
64. Appeal is to the Upper Tribunal. Any party that seeks to make an appeal must deliver to this First-tier Tribunal, within 28 days of this Decision being sent to them an application for permission to appeal, stating the grounds of appeal, the particulars of those grounds, the paragraph numbers of the Decision that are challenged and the result that the appellant seeks in making that appeal.

Judge Tonge

This Decision and Order was sent to the Parties on 5 December 2023



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

Tribunal Reference: BIR/44UD/HBA/2023/0001

Applicant: Warwick District Council

Respondent: Grzegorz Surminski

BANNING ORDER

(Section 16 of the Housing and Planning Act 2016)

By this Order, **GRZEGORZ SURMINSKI** of 16 Mill Hill, Bagington, Coventry, CV8 3AG.**IS BANNED** from:

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

Mr **GRZEGORZ SURMINSKI 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 **THREE YEARS** from 19 December 2023 to 18 December 2026.

The delay in the commencement of the banning Order has been made to permit **GRZEGORZ SURMINSKI** a short period of time in which to ensure that he is not in breach of the Order.

Signed: C. P. Tonge
Judge of the First-tier Tribunal
Date: 5 December 2023

NOTES:

1. **A person who breaches a banning order commits an offence and is liable on summary conviction to imprisonment 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).
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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