



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

Case Reference : **CAM/34UF/HBA/2024/0001**

Applicant : **West Northamptonshire Council**

Respondent : **Stephen Cunningham**

Tribunal members : **Regional Judge Wayte
Judge Morris**

Date of Order : **22 May 2024**

BANNING ORDER

1. In accordance with section 16 of the Housing and Planning Act 2016 (the “Act”), **MR STEPHEN CUNNINGHAM** is **BANNED** from each of the following:
 - (a) letting housing (see note D below) in England;
 - (b) engaging in English letting agency work (see note E below); and
 - (c) engaging in English property management work (see note F below).
2. Pursuant to section 18 of the Act, **MR STEPHEN CUNNINGHAM IS ALSO BANNED** from being involved (see note G below) in any body corporate that carries out any of the activities described in paragraph 1 of this Order.
3. The length of this ban is for the 36 months starting on and including **17 June 2024** and ending on and including **16 May 2027**.
4. If, by **10 June 2024** **MR STEPHEN CUNNINGHAM** provides **WEST NORTHAMPTONSHIRE COUNCIL** with a list of all rental property that he owns or is otherwise involved with and the details of the reputable unconnected professional property agent he has appointed to manage those properties on his behalf, he will be entitled

to continue to rent the properties through that agent until **16 May 2026**, by which date the agent must have wound down the tenancies and ensured the tenants have vacated the properties.

5. Expressions used in this Order are defined in the Act. Please refer to the explanatory notes below.

NOTES

- (A) **A person who breaches a banning order commits an offence and is liable on summary conviction to imprisonment, or a fine, or both (section 21 of the Act). Alternatively, a local housing authority may impose a financial penalty of up to £30,000 on a person whose conduct amounts to that offence (section 23 of the Act).**

- (B) 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 (section 27 of the Act).

- (C) A breach of a banning order does not affect the validity or enforceability of any provision of a tenancy or other contract (section 24 of the Act).

- (D) The expressions “**housing**” and “**letting**” have the meanings given to them by section 56 of the Act. At the date of this Order, these are:

“housing” means a building, or part of a building, occupied or intended to be occupied as a dwelling or as more than one dwelling;

“letting”—

(a) includes the grant of a licence, but

(b) except in Chapter 4, does not include the grant of a tenancy or licence for a term of more than 21 years,

and “let” is to be read accordingly;

- (E) The expression “**English letting agency work**” has the meaning given to it by section 54 of the Act. At the date of this Order, this is:

(3) In this Part “letting agency work” means things done by a person in the course of a business in response to instructions received from—

(a) a person (“a prospective landlord”) seeking to find another person to whom to let housing, or

(b) a person (“a prospective tenant”) seeking to find housing to rent.

(4) But “letting agency work” does not include any of the following things when done by a person who does nothing else within subsection (3)—

(a) publishing advertisements or disseminating information;

- (b) providing a means by which a prospective landlord or a prospective tenant can, in response to an advertisement or dissemination of information, make direct contact with a prospective tenant or a prospective landlord;*
- (c) providing a means by which a prospective landlord and a prospective tenant can communicate directly with each other.*
- (5) In this Part “English letting agency work” means letting agency work that relates to housing in England.*

(F) The expression “**English property management work**” has the meaning given to it by section 55 of the Act. At the date of this Order, this is:

- (3) In this Part “English property management work” means things done by a person in the course of a business in response to instructions received from another person (“the client”) where—*
 - (a) the client wishes the person to arrange services, repairs, maintenance, improvements or insurance in respect of, or to deal with any other aspect of the management of, premises on the client's behalf, and*
 - (b) the premises consist of housing in England let under a tenancy.*

(G) For the purpose of paragraph 2 of this Order, a person is “**involved**” in a body corporate if the person acts as an officer of the body corporate or directly or indirectly takes part in or is concerned in the management of the body corporate (section 18(2) of the Act).

(H) This Order is made for the reasons set out in the decision notice which is being sent to the parties at the same time as this Order.

(I) At the date of this Order, section 20 of the Act provided as follows:

- (1) A person against whom a banning order is made may apply to the First-tier Tribunal for an order under this section revoking or varying the order.*
- (2) If the banning order was made on the basis of one or more convictions all of which are overturned on appeal, the First-tier Tribunal must revoke the banning order.*
- (3) If the banning order was made on the basis of more than one conviction and some of them (but not all) have been overturned on appeal, the First-tier Tribunal may—*
 - (a) vary the banning order, or*
 - (b) revoke the banning order.*
- (4) If the banning order was made on the basis of one or more convictions that have become spent, the First-tier Tribunal may—*

(a) vary the banning order, or

(b) revoke the banning order.

(5) The power to vary a banning order under subsection (3)(a) or (4)(a) may be used to add new exceptions to a ban or to vary—

(a) the banned activities,

(b) the length of a ban, or

(c) existing exceptions to a ban.

(6) In this section “spent”, in relation to a conviction, means spent for the purposes of the Rehabilitation of Offenders Act 1974.