



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

Case References : **LON/00AG/HBA/2022/0003**

Applicant : **London Borough of Camden**

Respondent : **Mr Jonathan Martin Bucknell**

Application : **Application for Banning Orders under s.16
Housing and Planning Act 2016**

Members of Tribunal : **Ms H C Bowers MRICS BSc MSc
Mr S Mason BSc FRICS
Mr N Miller BSc**

**Date and Venue of
Hearing** : **2 April 2024 at 10, Alfred Place, London, WC1E
7LR**

Date of Decision : **15 May 2024**

AMENDED DECISION

The Tribunal makes a Banning Order against the Respondent, for a period of two years, in the terms set out in the Order that accompanies this decision.

We exercise our powers under Rule 50 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 correct the clerical mistake, accidental slip or omission on the Order at page 27 of the our Decision dated 15 May 2024. Our amendments are made in bold and in red text. We have corrected our original Decision because of a typographical error.

Signed: Ms H C Bowers

Dated: 3 June 2024

Hearing Arrangements:

(A) This was a face-to-face hearing at 10, Alfred Place, London, WC1E 7LR. The Tribunal was referred to a Bundle from the Applicant of 373 pages (served in four parts) and a reply of 6 pages. The Respondent's Bundle was 26 pages. Reference to any document in this decision in respect of the Applicant's Bundle will be set out with a prefix A and AR for the Applicant's Reply with the relevant page number or with the prefix R and page number for the Respondent's Bundle. Each party also provided a skeleton argument.

Background:

1. This is an application brought by London Borough of Camden ("Camden"), seeking a Banning Order under section 15 of the Housing and Planning Act 2016 ("the 2016 Act"). The Order sought, is to ban Mr Jonathan Martin Bucknell (Mr Bucknell) from letting housing in England, from engaging in property management work and from being involved in companies carrying out any such activity. Camden also seeks a provision in the Banning Order that Mr Bucknell is banned from being involved in any bodies corporate under section 18(1) of the 2016 Act. It is proposed that the ban is for a period of two years. The draft of the Banning Order sought is at **[A21]**.
2. The application was dated 29 September 2022 and received by the Tribunal on the same date. Directions were initially issued on 15 November 2023. Those set out the timetable for the parties to prepare for a hearing. The hearing was subsequently fixed for 2 April 2024.

Statutory Provisions and Guidance

3. The statutory provisions relating to Banning Orders are contained within Chapter 2 of Part 2 of the 2016 Act and, to the extent relevant, are set out in Appendix 1 to this decision.
4. In summary, a local housing authority (LHA), in this case Camden, may apply to this Tribunal for a Banning Order against a person who has been convicted of a Banning Order offence and who was a residential landlord or a property agent at the time the offence was committed.
5. Section 14 of the 2016 Act provides that a Banning Order means an order banning a person from:
 - (a) letting housing in England;
 - (b) engaging in English letting agency work;
 - (c) engaging in English property management work; or
 - (d) doing two or more of those things.
6. Section 15 requires the LHA to give the person a notice of intended proceedings before applying for a Banning Order:

- (a) informing the person that the authority is proposing to apply for a Banning Order and explaining why;
 - (b) stating the length of each proposed ban; and
 - (c) inviting the person to make representations within a period specified in the notice of not less than 28 days.
- 7. The LHA must consider any representations made during that notice period and must wait until the notice period has ended before applying for a Banning Order. 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.
- 8. Section 16 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; and
 - (d) the likely effect of the Banning Order on the person and anyone else who may be affected by the order.
- 9. Section 17 provides that a ban must last at least 12 months but may contain exceptions to the ban for some or all of the period to which the ban relates. The exceptions may also be subject to conditions. In addition, 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. Nor can a banned person hold an HMO licence or a licence under Part 3 of the Housing Act 2004 in respect of a house. In addition, an HMO licence or Part 3 licence must be revoked if a Banning Order is made against the licence holder. Interim and final management orders may be made in cases where a Banning Order has been made and a property has been let in breach of the Banning Order.
- 10. Section 14(3) defines a “Banning Order offence” as an offence of a description specified in regulations made by the Secretary of State. The relevant regulations are the Housing and Planning Act 2016 (Banning Order Offences) Regulations 2018 (“the 2018 Regulations”) which sets out the Banning Order offences in the Schedule to the Regulations. The 2018 Regulations only apply to offences committed after the coming into force of the regulations, on 6th April 2018.
- 11. For the purposes of this application, the following offences are Banning Order offences, unless the sentence imposed on the person convicted of the offence is an absolute discharge or a conditional discharge:

(a) offences in relation to a failure to comply with an improvement notice under section 30(1) of the Housing Act 2004.

12. The Tribunal has also had regard to the guidance from MHCLG entitled Banning Order Offences under the Housing and Planning Act 2016 - Guidance for Local Housing Authorities, published in 2018 [MHCLG Guidance].

Hearing.

13. The hearing on 2 April 2024 was attended by Ms Grace House, an Operations Manager and a Chartered Environmental Health Officer with Camden; Mr Ian Pringle, an Environmental Health Officer, employed by Camden; Mr Toby Deans, an Environmental Health Officer, employed by Camden; Dr Ramona Behravan and Ms Brenda Roberts, both current tenants of the Respondent. The Applicant was represented by Mr Stephen Evans of counsel. The Respondent, Mr Bucknell, attended with his wife, Ms Alison Harris.

Issues for the Tribunal

14. The issues for the Tribunal are whether the Respondent was convicted of a Banning Order offence and whether the Tribunal should exercise its discretion under section 16 of the 2016 Act to make a Banning Order and if so what Banning Order should it make?

Preliminary Issues:

15. At the start of the hearing the Tribunal raised with the parties that one of the Tribunal members, Mr Miller, who sits in the London Region, also sits in the Eastern Region. Mr Evans, counsel for the Applicant is a fee paid judge in the Eastern Region. It was explained that Mr Miller had not sat in the Eastern Region for over three years and had never sat with Mr Evans and indeed had never met him. We invited the parties to make any submissions, but both parties indicated that they were satisfied for the case to continue with the constituted Tribunal. Given that Mr Miller has never met Mr Evans, the Tribunal is satisfied that there is no conflict of interest.
16. The second issue was raised by Mr Bucknell as he stated that the witness statement of Dr Behravan was in 'breach of a gagging order'. The document that Mr Bucknell relied upon to prevent Dr Behravan from giving evidence was a settlement agreement and release in relation to a Rent Repayment Order application (RRO). He says he was advised that the settlement agreement has 'weight'.
17. The document provided to the Tribunal had been previously sent to the Applicant. However, the document given to the Tribunal was incomplete, was unsigned and undated. The document included provisions for the settlement of an application and refers to the conclusion and potential subsequent proceedings in relation to the dispute. That dispute was in relation to the RRO. There was also a clause that is headed 'Agreement Not to Sue', that is incomplete, but refers to the 'Released Claims' and again that is referenced back to the RRO dispute.

18. Mr Evans suggested that by Rule 6 of the Tribunal Procedure (First-tier Tribunal)(Property Chamber) Rules 2023 [the 2013 Rules] the Tribunal can direct the witness to give evidence and that would overcome any problems regarding any agreement. The evidence of Dr Behravan is crucial in this case as she is able to give evidence as to the impact of Mr Bucknell's actions has had upon her.
19. The Tribunal decided that Dr Behravan should not be prohibited to give evidence in this case. Whilst we acknowledge our powers under the 2013 Rules, there is a more fundamental problem for the Respondent. He has produced an incomplete, unsigned, and undated document. However, from what we have gathered from that document it seems to relate to the RRO proceedings and does not prevent Dr Behravan in giving evidence in a case, where she is not a party and is in relation to a totally different jurisdiction.

Applicant's Case:

20. It is stated that the relevant offences committed by Mr Bucknell, that triggered the application for a Banning Order were:
 - a. That on or about 29 March 2021 there was a failure to comply with an Improvement Notice, served under sections 11 and 12 of the Housing Act 2004. The Improvement Notice, with category 1 and category 2 hazards, required work to be completed by 13 October 2018. The Improvement Notice served on 3 July 2018 in respect of 8 Chamberlain Street, NW1 8XB.
 - b. That on or about 29 March 2021 there was a failure to comply with an Improvement Notice, served under sections 11 and 12 of the Housing Act 2004. The Improvement Notice, with category 1 and category 2 hazards, required work to be completed by 19 May 2015. The Improvement Notice was in respect of 4 Chamberlain Street, NW1 8XB.
21. The memorandum of entries showing the relevant convictions at the Highbury Corner Magistrates' Court as at 2 February 2022 is provided at **[A124]**. The details are as set out in paragraph 20 above. Mr Bucknell pleaded guilty to the first offence, and not guilty to the second offence, but changed his plea to guilty on 2 February 2022. The total fine was £72,000 plus compensation of £15,000, costs of £5,000 and a victim surcharge of £190.
22. Regarding 8 Chamberlain Street, it is stated that the works were not completed in respect of the Improvement Notice dated 3 July 2018 until August 2023. In relation to 4 Chamberlain Street and an Improvement Notice dated 22 August 2014 the works were not completed until July 2022.
23. Respondent has not disputed that he is either a residential landlord or a residential property agent. There have been previous convictions and the February 2022 conviction was the third conviction in respect of non-compliance with the Improvement Notice for 4 Chamberlain Street. It is stated that Mr Bucknell is not on the Rogue Landlord Database.

24. The Notice of Intent (the Notice), as required by section 15 of the 2016 Act, was given on 22 July 2022 **[A170]**. The Notice sought to prevent the Respondent from letting housing in England, engaging in English letting agency work, engaging in English property management work or doing two or more of those things. The Notice set out the reasons for the application and stated that the length of the Banning Order being applied for was two years. The Notice included provisions for the Respondent to make representations in respect of the Notice by 31 August 2022, being a period of not less than 28 days from the date of the Notice. There are representations from the Respondent that are dated 7 September 2022 **[A174]**. On 26 September 2022 Camden indicated that it had considered the representations but had decided to apply for a Banning Order **[A221]**. The application to the Tribunal was made 29 September 2022.
25. Ms House provided a witness statement dated 20 December 2023 **[A4]**. It stated that Mr Bucknell holds the freehold interest in 4 Chamberlain Street **[A32]** and J Bucknell Ltd, for which Mr Bucknell is the sole director **[A36]**, holds the freehold interest in 8 Chamberlain Street **[A34]**. Each property is divided into three flats. At 8 Chamberlain Street, Ms Roberts is a protected tenant of the Ground Floor Flat and Dr Behravan holds an Assured Shorthold Tenancy (AST) of the top floor/second floor flat. There is HMO licence in relation to 8 Chamberlain Street that expires on 19 June 2024 **[A37]**. J Bucknell Ltd also holds the freehold of 51, Regents Park Road **[A47]**.
26. Mr Bucknell was served an Improvement Notice on 22 August 2014 **[A50]** in relation to 4 Chamberlain Street. That Improvement Notice included both category 1 and category 2 hazards. The category 1 hazards related to excess cold and burns and scalds. The Notice required the works to be started by 20 November 2014 and completed within 180 days. There was a late appeal but this rejected on the basis that there was no good reason for the late appeal. Mr Bucknell was convicted of non-compliance with this Improvement Notice on 21 January 2016 at Highbury Corner Magistrates Court **[A76]**. He pleaded guilty and was fined £20,000, compensation of £5,000, a victim surcharge of £2,000 and costs. He was further convicted of failing to comply with the 2014 Improvement Notice on 26 March 2018 **[A77]**. Mr Bucknell pleaded guilty and was fined £40,000, compensation of £5,000 a victim surcharge and costs.
27. Following the process as set out in the Housing Act 2004 (the 2004 Act), on 12 November 2019, both J Bucknell Ltd and Mr Bucknell were served with a Final Notice to Impose a Financial Penalty under section 72 of the 2004 Act **[A80 and A94]** in relation to 51 Regent's Park Road. Each Financial Penalty was set at £3,000.
28. An Improvement Notice was served in respect of 8 Chamberlain Street on 3 July 2018 **[A106]**. This included both category 1 and category 2 hazards. The category 1 hazard was excess cold. It is stated that the Improvement Notice in the bundle was not the one served on Mr Bucknell and the correct Notice had a commencement date for the works that was by 13 October 2018. On 2 February 2022 Mr Bucknell pleaded guilty to two further offences. The was a third conviction was made in respect of the failure to comply with the 2014 Improvement Notice for 4 Chamberlain and a first conviction for a failure to comply with the 2018 Improvement Notice for 8 Chamberlain Street

[A124]. These are the two trigger offences leading to the current application for a Banning Order. He was fined a total of £72,000, compensation of £15,000 victim surcharges and costs.

29. Following the February 2022 convictions, Camden prepared a report for the departmental Director and having consideration to Camden's internal policy **[A128]** and the MHCLG Guidance **[A137]**.
30. In respect of the seriousness of the offence Ms House considers that the level of fines for the offences are rare and an indication of the seriousness of the offences taking account of the previous similar offending. It is suggested that the convictions and the Financial Penalty are indications that Mr Bucknell is a repeat offender. Even after the last conviction in 2022, it took a further 12 months for the work to be completed.
31. In relation to the harm caused to the tenant, Camden relies on the evidence of Ms Roberts and Dr Behravan. However, Ms House comments that the works required by the Improvement Notices were significant and extensive, including the replacement of the roof and installation of new windows. The occupiers were exposed to category 1 hazards for a long time and Ms Roberts is of a vulnerable age.
32. In regard to the punishment of the offender, Ms House considers that a Banning Order of two years would have adequate impact. In relation to deterring the offender from re-offending, it is hoped that the Banning Order will encourage Mr Bucknell to transfer the management of his portfolio to a professional managing agent, so that his tenants will come to no further harm. It is hoped that the making of a Banning Order will act as a deterrence to others.
33. In seeking information to help Camden to decide whether it should make a Banning Order application, Ms House served a Notice under section 19 of the 2016 Act. The Notice was dated 10 March 2022 and required Mr Bucknell to provide the full addresses of any properties in England for which he receives rent, the copy of any tenancy agreement in relation to those properties and the name and address of company etc that are associated with the renting of any property/rooms **[A169]**. That information was required within 28 days of the date of the Notice – that would seem to be by 7 April 2022. On 8 April 2022, Hunters Law LLP, as a representative for Mr Bucknell responded in relation to J Bucknell Ltd **[A166]**. It was stated that there are residential tenants in the ground floor flat; the first floor flat and the second floor flat at 8 Chamberlain Street and a tenant in the top floor flat at 51 Regents Park Road. Details of various commercial lettings were provided. It was confirmed that the tenancy agreements for the first and second floor flats at 8 Chamberlain and for the top floor flat at 51, Regents Park Road could not be located. It was further explained that the tenant of the ground floor had entered into a settlement agreement whereby she surrendered her protected tenancy under the Rent Act 1977 at 4, Chamberlain Street and acquired a new assured shorthold tenancy at 8, Chamberlain Street. The tenants at 51, Regents Park Road are protected tenants under the Rent Act 1977.
34. Ms House stated that the Respondent had been placed on the Mayor of London and Greater London Authority's rogue landlord checker. A check from Camden's

neighbouring authorities did not reveal that Mr Bucknell was a property owner, HMO licence holder or manager in those areas.

35. In cross examination, Ms House accepted that there should be regular site meetings and prosecutions were the last resort. She stated that there had been a significant amount of resources spent in trying to sort out the Improvement Notices but both included category 1 and 2 hazards and that Mr Bucknell had not appealed them.
36. In response to the Tribunal's questions as to why her conclusions led her to consider that Camden should apply for a Banning Order at this time, Ms House stated it was the level of harm and the pattern of behaviour. She is unsure whether the same issues will arise again. It is hoped that a period of two years will give Mr Bucknell time to reflect on his management processes. She considered that the application for the Banning Order had led to the completion of the necessary Improvement Notices work but agreed that this was conjecture. In re-examination Ms House considered that there had been complaints since the Improvement Notice works had been completed and these related to heating, hot water, and complaints regarding the removal of a kitchen floor which were only resolved in October 2023.
37. Mr Deans provided two witness statements. The first is dated 6 November 2017 **[A334]** and the second one is dated 10 August 2021 **[A362]**. The witness statements were made in relation to the 2018 and 2022 convictions and the exhibits have not been provided to the Tribunal. Mr Deans' involvement concerns 4, Chamberlain Street. It was explained that Ms Brenda Roberts was a tenant of the ground floor flat at the property. In 2011 she complained about the coldness in her flat and an inspection was carried out by Dave Wagg on 17 February 2011. There was a letter from Camden to Mr Bucknell as the landlord and to the tenant in April 2011. That letter set out the seriousness of excess cold and the need to improve security because of unauthorized intruders by the vacant, basement flat. In 2014 there was a complaint made via a councilor, that Ms Roberts believed that her landlord, who lives in the flat above, wanted her out of the property. It was claimed that he had removed the ceiling of the basement flat, so that when the front door is open, there is cold air coming up through the basement into the ground floor flat. In addition, it was claimed that there are vats of diesel oil in the basement which caused a strong smell.
38. Mr Deans had arranged an inspection with Ms Roberts and Mr Bucknell for April 2014. At that time, Mr Bucknell was a councilor for Camden. At that meeting the scope of the works was explained to Mr Bucknell and the need to temporarily relocate the tenant during the works. It was acknowledged that the property was listed and as such the initial time to commence the works was extended to allow Mr Bucknell to obtain the necessary consents. Camden advised him to appoint a surveyor or a project manager. He entered into formal negotiations to temporarily re-house the tenant. A mediation meeting was held in June 2014 and Mr Bucknell was given a draft schedule of the proposed works. In July 2014 alternative accommodation at 8 Chamberlain Street was inspected and a list of works for that flat was provided to allow Ms Roberts to be re-housed. Mr Bucknell informed Camden that he had appointed Mr Levy as surveyor for the works.

39. Mr Deans calculated the hazards in accordance with the Housing, Health & Safety Rating System (HHSRS). There were two category 1 hazards for excess cold and falls associated with steps and stairs and several category 2 hazards at 4, Chamberlain Street. An Improvement Notice was served on 22 August 2014, that required the works to begin by 20 November 2014 and be completed within 180 days, namely 19 May 2015. There was no appeal to the Tribunal. By November 2014, Camden had written about the slow progress and the issue of excess cold. It was suggested that Mr Bucknell could provide portable electric heaters, which he subsequently did.
40. A meeting was held in December 2014 to discuss progress. By April 2015, Camden received a report from the architect and Ms Roberts moved to temporary accommodation at 8 Chamberlain Street. An inspection was carried out on 2 June 2015, and it was noted that there was no evidence the building works had taken place. After the inspection, a PACE letter was sent to Mr Bucknell but there was no reply. It was then revealed that no listed building application had been made. There were concerns that Mr Bucknell was doing damage to the lath and plaster ceilings as he was carrying out works himself. A decision was made to prosecute that resulted in the 2016 conviction, set out in paragraph 26 above.
41. By February 2016 a planning conservation application had been made and the earliest date for a decision would be 25 February 2016. It appears the consent was given in June 2016. Mr Deans sought updates from Mr Bucknell and his team. By July 2016, Mr Bucknell indicated an intention to appeal the listed building consent. A meeting was held at the property in September 2016. There were concerns that some unauthorized works had commenced. A discussion took place regarding the complexities of the situation and an offer of further meeting with a multi-disciplined team. A notice had been served on Mr Bucknell regarding works that had started without listed building consent. Mr Deans had indicated that some of the Improvement Notice works, such as bathroom works, could start without the need of listed building consent.
42. In November 2016 Camden wrote regarding their concerns about the lack of progress. There was a further inspection with Mr Bucknell in March 2017. Other than the removal of more plaster from the kitchen there were no further changes. In April 2017 Mr Levy indicated that stripping out works were beginning and there were concerns that the works were progressing without the appropriate consents. There was a further meeting with Mr Bucknell in August 2017 but no indication that the Improvement Notice works were progressing. There were discussions regarding Mr Deans contacting the Planning Conservation team and Mr Bucknell claimed the Planning Conservation team sent him details of recommended contractors, this was denied.
43. In his second witness statement, Mr Deans commented that the second prosecution took place in March 2018. There was a site inspection in March 2018 with Mr Bucknell in attendance. The inspection revealed that there was new work in progress but there were outstanding works including works to the windows and works to the kitchen.

44. Mr Bucknell asked Mr Deans about moving Ms Roberts out of 4 Chamberlain and it was explained that it took two years to re-locate Ms Roberts. Mr Bucknell asked Mr Deans about his relationship with Dr Behravan as he had been seen hugging her. Mr Deans responded that she was an expressive person.
45. The Tribunal next heard from Mr Pringle. His witness statement is dated 14 December 2023 **[A224]**. Mr Pringle's involvement is in regarding to 8, Chamberlain Street. Mr Bucknell was served an Improvement Notice in relation to the property on 3 July 2018. The works required the overhaul or replacement of the roof and the fitting of internal secondary glazing. Mr Pringle first inspected in November 2021. Mr Bucknell had been informed of the inspection, but did not attend, but was represented by Mr Andrew Hardy. It was noted that the roof had not been overhauled or replaced and the window works had not been completed. The consequence was the 2022 conviction for failure to comply with the Improvement Notice, to which Mr Bucknell pleaded guilty. Planning and Listed Building consents were required, and these applications were not submitted until May 2022 and consents granted in August 2022. In August 2022 Mr Bucknell's representative indicated that work had started on the windows and the roof work was to commence in September 2022 and Mr Pringle had been told the work would be completed within 4-6 weeks.
46. The December 2022 update was that the windows were in the process of being ordered, which was a contradiction to the August update. There was an inspection in January 2023. It was observed that the roof had been stripped of all the slate and insulation but there was no temporary cover – 'tin hat', only plastic sheeting. Mr Pringle was told the slates had been ordered and the work could take another 6-8 weeks. The front windows had been overhauled but the rear windows were being worked on. In March 2023, Dr Behravan, the occupier of the top floor flat, sent photographs to Mr Pringle showing signs of water ingress into her bedroom **[A238 and A239]**. Contact was made with the builder, and he contacted Mr Bucknell. No-one attended to cover the roof, although the leak had stopped later that day. An inspection took place in April 2023, but beforehand there were further photographs from Dr Behravan regarding further leaks to the top floor flat **[A243]**. Mr Bucknell did not attend the inspection, only his representative. It was observed that the roof works were incomplete, with the tiles on the front pitch missing and the rear windows had still not been overhauled and there was no secondary glazing **[A244 and A245]**.
47. In response to a letter of alleged offence, sent to Mr Bucknell on 9 May 2023, his solicitors responded on 23 May 2023 that the work would be completed in a timely manner. That letter included an order form for the secondary glazing that was dated 22 May 2023, again in contradiction with the September 2022 assurances that the secondary glazing to the front of the building was almost complete. In an update, Mr Pringle was informed that the roof work was completed by 1 July 2023 and following an inspection on 16 August 2023, it was confirmed that the whole scheme of work had been completed to a satisfactory standard.
48. Following the April 2023 inspection an HMO licence was prepared but was conditional on certain works being undertaken within six months. There were no representations on the draft and the full licence was issued on 20 June 2023. As at the date of the witness statement, it is stated that there has been no indication from Mr

Bucknell that the works set out in the schedule to the HMO licence have been completed.

49. Mr Bucknell asked Mr Pringle about why he did not raise issues such as the re-fitting of the bidet. Mr Pringle explained that the purpose of his inspections was in respect of compliance with the 2018 Improvement Notice. He believed that the issue with the bidet postdated the notice. The April 2023 inspection for the HMO licence identified that the WC was leaking amongst other matters. Mr Pringle had joined Camden in November 2021 so was not involved in the prosecution part of the case. When pressed whether he had complimented the quality of the work in relation to the secondary glazing, Mr Pringle said that it was a better-quality job than a botched job.
50. Next the Tribunal heard from Ms Roberts. She originally had a protected tenancy of the Ground Floor Flat at 4, Chamberlain Street. Following the service of the Improvement Notice in 2014 in respect of that property, she was re-located to the Ground Floor Flat at 8, Chamberlain Street. There are two statements from Ms Roberts. The first one is dated 28 January 2022 [A293] and the second dated 19 December 2023 [A297].
51. Ms Roberts has a poor relationship with Mr Bucknell and considers that he is rude and unpleasant. He occupies the top two floors at 4 Chamberlain Street, directly above her original flat. When the occupier of the basement flat moved out in 2000, Ms Roberts felt that there was a deliberate campaign of harassment. He removed the ceiling to the basement flat resulting in excess cold and because he stored his recycling in the basement, there were various pest infestations. He stored fuel in the area and made her flat stink. She claims that the delay to the works has caused her health problems.
52. It is claimed that there have been a number of inadequate repairs to 8 Chamberlain Street and Mr Bucknell has attended, unannounced to repair the roof. He accesses the roof on a weekly basis by a fixed ladder above the glass roof to her flat above her study/bedroom. In 2018 he would attend 4/5 days a week and spend 20 minutes each time. This is stated to be an intrusion of her privacy. There were broken tiles outside of her flat. There has been water ingress from the kitchen roof to the top floor flat that came into her flat/bedroom, damaging some of her belongings. Whilst the room was redecorated there was a leak from a washing machine that has caused further damage and that had not been remedied. There is a fault with the kitchen lighting that hasn't been repaired. Her yearly gas check was not undertaken in 2021. There was damage to a frayed flexible gas pipe and her bill had been risen from £50 to £500 per quarter. There have been problems with her credit rating due to Mr Bucknell's non-payment to the utility bills. She claims that she has not received any compensation in relation to the deed to vacate the flat at 4 Chamberlain. Mr Bucknell has served notice on her in relation to the ground floor flat at 4, Chamberlain Street as he states that he requires the basement flat and the ground floor flat for his son. Ms Roberts has been out of her flat at 4 Chamberlain for nearly 7 years at the time of her 2021 statement and this has caused her health problems and stress.
53. In her second statement Ms Roberts states that when she lived at 4 Chamberlain Street, Mr Bucknell had keys to her flat and would enter her flat when she went out

and open her drawers and cupboards. Ms Roberts took steps to change the locks on her flat. Although Mr Bucknell states that she has a poor memory, Ms Roberts denies this.

54. The window works at 8, Chamberlain Street were subject to endless delays. She has lived there for 7 years and works to her flat are incomplete. The kitchen flooring was badly degraded. It was removed by the builder, but it took 9 months for replacement flooring to be laid, but there remains a gap between areas. There was a significant trip hazard due to the different levels of the flooring.
55. Ms Roberts produced a number of photographs of the flat at 8, Chamberlain Street **[A301-A311]**. They show signs of water ingress through her ceiling with water being collected in a receptacle. They also show the condition of the flooring in her flat and she confirmed that the old flooring had been lifted in December 2022 and was re-laid in October 2023. She maintains that there is still a gap between the living room and the kitchen. The bidet was disconnected in July 2023 and remains disconnected. She has not seen the builder since 2023. He was an elderly gentleman who took a long time to do any work, with his working hours were 8:30 am to 1:00 pm.
56. Mr Bucknell put to Ms Roberts that they had been friends at one stage, and she had bought his son gifts. When she had contacted him regarding a fault with the washing machine, he had attended within a day and had found the leak. She could not remember the details. In respect of the bidet, it was put to her that she had 'put the contractor off'. Ms Roberts stated she had contacted the builder about the bidet and was informed that it was not his issue. When asked about the newly installed kitchen, Ms Roberts stated that it was not a new kitchen but had been moved from another flat. She has concerns about the underlighting in the kitchen as it is not working and that she is worried about tripping up. She had reported it, but had stopped reporting it two years ago. Ms Roberts accepted that she agreed that the builder stop the works on her kitchen so that he could focus on the roof. However, she was unhappy about this.
57. Ms Roberts would contact the gas engineer/plumber or builder directly. Usually contact was made by email and Mr Bucknell was copied into to the email. But there was also contact by text, which was not copied to Mr Bucknell.
58. Dr Behravan's first witness statement is dated 27 January 2022 **[A269]**, her second statement is dated 13 December 2023 **[A273]**. She moved into the top floor flat at 8 Chamberlain Street in February 2019. She says that Mr Bucknell's behaviour has impacted on her mental and physical health and that she has lost jobs due to her lack of sleep, worry and harassment.
59. It is stated that Mr Bucknell insists on carrying out repairs to the property himself, rather than using professionals and this has compromised the livelihood of the tenants. He has sought Dr Behravan to assist him with the repairs. There were constant leaks to the roof and Mr Bucknell was 'constantly' on the roof, but the leaks continued. The leaks abated but re-started in 2020. Mr Bucknell attended regularly but without taking precautions such as wearing a face mask despite Dr Behravan's requests. Prior to a visit by Camden in 2021, Mr Bucknell had painted over a few

areas. After the visit he indicated that works were needed and said to would take 2-3 weeks and he offered Dr Behravan an empty flat at Chalcot Road on the condition that she re-decorate it, but she refused this offer. She considered that he wanted her to vacate her flat at 8 Chamberlain Street to accommodate his son's friend. Dr Behravan states that in an exchange he had said that 'I would jump out of a window if I were you' and 'you need a good slap'. Mr Bucknell accepted that he had made those comments. But he put to her that there had been two phone calls and the first phone call he had been calm and professional. It was the second call on his wife's phone, when his wife was unwell that he made those comments. She did not remember the other call. She denied that she had said that she would make his life hell.

60. There was damp and mould in her bedroom and wallpaper had fallen from the ceiling. This had aggravated her health issues. She had complained to Camden and again Mr Bucknell had wanted to come over before an inspection to paint over the walls, but she refused access. Dr Behravan had received an email from a representative of Mr Bucknell requesting her to vacate by February 2022. She felt this was a retaliation in response to her request for repairs. In 2022 Mr Bucknell went onto the roof 2-3 times a week to undertake work. She considered that he undertook works without any care for safety issues. After the 2022 prosecution, Dr Behravan claims that he stated that the reason the roof was not replaced was because of her presence in the top floor flat. Camden had told him that it was not necessary for her to vacate. She was given two days' notice of scaffolding being erected in July 2022 and was told the work would take 10 weeks. However, it took 13 months and did not finish until September 2023. The roof was replaced without a 'tin hat' being installed and consequently there were five floods of her flat and it was extremely cold. She was told by the builder that a 'tin hat' would have cost less than the delayed works. She felt that he was making this decision in order to inflict pain, stress and discomfort on her.
61. She had contacted Mr Bucknell on 15 October 2023 regarding the lack of heating and hot water. She called his heating engineer who talked her through re-starting the system and the system was restored after two hours. Mr Bucknell only contacted her the following day. She claims that this is evidence that he does not manage his properties properly. In response to the Tribunal, she stated that there was not a set procedure for the reporting of issues. She contacts the relevant trades directly.
62. Included with Dr Behravan's exhibits are photographs of her flat **[A281 onwards]**. Amongst other matters, these show significant water staining to the walls. There are photographs showing an attic room with the door removed, that is not part of her flat.
63. Mr Bucknell put to Dr Behravan that she had been evicted from a previous due to her harassing behaviour in respect of a neighbouring nursery. She acknowledged that she had complained about the noise from the nursery, but this had nothing to do with her leaving. She stated that he had asked her to record the level of noise at a previous flat that she had occupied, but she denied she was banging doors. It was put to her that they had been good friends and that she would go walking with his wife. Dr Behravan accepted that she would help him with putting buckets out to collect water, but felt she was his 'skivvy'. She accepted that she had received the payments due under the Rent Repayment Order settlement.

64. There is a witness statement from Mr Seamus McCarthy, an Environmental Health Officer with Camden, dated 14 June 2021 [A312]. His statement detailed his involvement with the service of the Improvement Notice for 8 Chamberlain Street on 3 July 2018. There was a late appeal on 14 August 2018, but the Tribunal refused to exercise its discretion to allow the late appeal on the grounds that there was no good reason for the late application.
65. There is also a witness statement from Silvia Ines Suaez-Robies, an Environmental Health Officer with Camden. The statement is dated 21 January 2020 [A318]. This statement was made in respect of an appeal to the Tribunal of two Financial Penalties in respect of 51 Regent' Park Road, London, NW1 8XD. In a decision dated 20 January 2021, the appeals of Mr Bucknell and J Bucknell Ltd were dismissed.
66. Mr Bucknell's pleas in mitigation are ill-timed as this should have been made at the time of his convictions. Mr Evans relies on the Upper Tribunal decision in Hussain v London Borough of Newham [2023 UKUT 287] in respect of an 'index' conviction if justice cannot be done without admitting the evidence, then we can admit it. The hearing of the case is late, due to the Tribunal's administration and the Applicant should not be penalised for the Tribunal's errors. In this case, justice cannot be done without the evidence of the 2022 convictions being taken into account.
67. It is the Applicant's position that Mr Bucknell is a resident landlord. Mr Bucknell has not taken this point, but it is clear from the Land Registry details that he lets and manages property.
68. To the test of whether the Tribunal should make a Banning Order, and the seriousness of the offences, the level of fines in this case are very high. It is submitted that Mr Bucknell still fails to recognise the level of seriousness. The level of seriousness cannot be judged without the 2016 and the 2018 convictions as there in total three convictions in 2016, 2018 and 2022 for the same offence of non-compliance with the 2014 Improvement Notice for 4, Chamberlain Street. This is unprecedented, normally a landlord would take action after the first conviction. It has also been over ten years since Ms Roberts made her first complaints in 2011.
69. As to the issue of why should the Tribunal make a Banning Order now when the works have been done, Mr Evans stated that there was nothing in the 2016 Act that suggested that there had to be an ongoing failure/offence. The issue is the seriousness of the offence. In this case the level of seriousness is such that the Tribunal should exercise its discretion to make the Banning Order. There has been no reasonable excuse for Mr Bucknell's failure to comply. He has not properly engaged with Camden and he has made half-hearted attempts in respect of planning issues. He claims that everyone has let him down, such as lawyers and contractors, but it is only Mr Bucknell who is to blame. Camden are not aware that Mr Bucknell is on the Rogue Landlord database.
70. As to the issue of the likely effect of the Banning Order, it is a legitimate objective of a Banning Order to punish and deter the recipient and also to deter other landlords. The MCHLG Guidance sets out that the length of the ban "*should ensure that it has a*

real economic impact on the offender and demonstrates the consequences if not complying with their responsibilities”.

71. It is of concern that four convictions have not changed the behaviour of the Respondent. He has taken no steps to put his portfolio into the hands of a managing agent. The Banning Order will also protect the occupiers and tenants. One of the occupiers has been referred to as vulnerable. There have been admissions of poor behaviour and abuse of Dr Behravan and the photographs from March and April 2023 show the terrible condition of the roof. There are still outstanding issues, such as the re-connection of the bidet and this has an impact on the occupier. It is not for the tenants to keep continually complaining. Mr Evans questioned whether the Tribunal can have faith in Mr Bucknell. He is disorganised and does not have a proper ‘handle’ on his properties. He has no plan/schedule works. In such matters, there should be leadership from the top. It is not sufficient that he has employed various trades and Mr Bucknell still has not understood this concept. The Banning Order would be beneficial to the Respondent’s tenants as they have continued to experience poor housing conditions and a Banning Order would remedy this.
72. The draft Banning Order suggests a period of six months for the commencement so that Mr Bucknell can terminate any occupational agreements.

Respondent’s Case

73. As a backdrop to this case and a theme that ran through most of Mr Bucknell’s submissions, he stated that the convictions were spent, and it seemed unfair that the spent convictions were being raised and that they should remain in the past. He had originally pleaded not guilty but had been persuaded to plead guilty at the last minute. He claimed that he could have presented evidence and presented a stronger case if he had been given more time to prepare. He also thought that as the Tribunal had recommended mediation, he would have negotiated this case, but that the Applicant had refused.
74. Mr Bucknell provided a statement of reasons [R2] dated 29 February 2024. He acknowledges that he owns the freehold of 4, Chamberlain Street, the upper parts of which are his family home with the lower parts a vacant, self-contained flat. J Bucknell Ltd owns for freehold in 8 Chamberlain Street, which is divided into three flats occupied by Ms Roberts, Mr Copeland and Dr Behravan. He owns the freehold of 51 Regent’s Park Road which is divided into three flats, with only the top flat let out.
75. He had a reasonable excuse in respect of the ‘fixed penalty’ notices for the wiring certificate, as his electrician is his nephew and his father had died unexpectedly and so was in a state of depression. Mr Bucknell did not want to dis-instruct his nephew in those circumstances. The fixed penalties were issued the day before the certificate had expired and Camden could have cancelled them.
76. In respect of the background to 4, Chamberlain Street, Mr Bucknell had moved to the property in 1996 and Ms Roberts had been in occupation from 1980. The basement tenant had vacated in 2006. Mr Bucknell accepted that he had stripped out the basement flat but stated that Ms Roberts had not complained once he had installed

heaters. He accepted that there were four years when Ms Roberts could have suffered from excess cold. He accepts that there was storage of fuel, but that was a mistake. In respect of the rodent infestation, he said that the rats had come from the ground floor flat.

77. In response to questions from Mr Evans, Mr Bucknell said he did not know why there was no action between May and August 2014. He had not appealed the Improvement Notice and the reason the works had taken seven years was because he had to get consents and had to relocate Ms Roberts. He could not recall when he had applied for the consents. Mr Evans took Mr Bucknell through the inspection events at 4, Chamberlain Street and asked why the works had not progressed. Mr Bucknell's response was that he could not give a proper explanation without hours of research. He had done some work to remove plaster. The listed building consent had been granted in July 2016 but he had appealed the decision. It was put to him that some of the works, that were not subject to the appeal, could have proceeded. He had had a further conviction in March 2018 in respect of the same Improvement Notice. Again, Mr Bucknell claimed he had received poor advice from his barrister. He had not appealed his second conviction. He suggested further delays were due to fire safety approval. He did appreciate the seriousness of non-compliance unless he had a reasonable excuse. He said that Ms Roberts was happy to move to 8, Chamberlain Street and that he has apologised to her. Whilst there was a period of over ten years from Ms Roberts' first complaint, she had been re-located for some of that time.
78. The convictions have impacted Mr Bucknell and he stated that he has had five years of hell. He accepted that he had not appealed the convictions. In response to Mr Evans who had said that the judge had commented that Mr Bucknell had treated the tenants with contempt, Mr Bucknell said that as he had pleaded guilty, he had not had an opportunity to cross examine any of the witnesses.
79. In respect of the roof replacement, Mr Bucknell said he was a specialist in roofs and that he could have carried out the repairs. His delay for the roof works at 8, Chamberlain was because he was trying to get consent to convert the loft. He did not accept the roof was at the end of its life, but he did not immediately appeal the Improvement Notice. There was a late appeal, but it was dismissed. There were leaks at 8 Chamberlain, but this was after significant storms. He seemed to deny the significance of the leaks but acknowledged that the photograph on A281 was damp ingress. He stated Dr Behravan had agreed to stay and did not accept that she had suffered harm. It was her fault that she had remained in the property. He had spent a significant amount soundproofing an alternative property that she did not occupy and he stated that he could not recall his son's friend wanting the accommodation at Chamberlain Street. He denied verbally abusing Dr Behravan, opening her letters or turning up unannounced. He did not explain why the door to the attic room had been removed and was vague about giving instructions to his builder and/or his architect. But said that he wouldn't do anything in contradiction of his architect.
80. Mr Bucknell had wanted to install double-glazing, but Camden had objected and he had obtained some poor advice. He did not explain why there had not been any applications for planning until mid-2022. He accepted that the Improvement Notice

sought secondary glazing. The order for the glazing had been submitted in December 2022.

81. Mr Bucknell acknowledged painting over mould prior to an inspection by Camden as the condition was embarrassing. He did not respond to the suggestion that he had something to hide. He did not attend inspections in relation to 8, Chamberlain as he had professionals acting for him. He accepted that he had asked Dr Behravan to vacate as he considered they could not do the roof works with her in occupation. He denies that he is rude and unpleasant, but thought it was better to say nothing, that to say something to cause harm.
82. Regarding the first conviction against the 2014 Improvement Notice for 4 Chamberlain Street, he says he was not informed by his surveyor that the work could commence once the listed building consent had been granted. He initially pleaded not guilty but was advised by Camden's solicitor to change his plea to guilty. With the second conviction for the 2014 Improvement Notice, he was advised not to proceed until all consent had been obtained. Again, he initially pleaded not guilty, but his barrister advised him to change his plea.
83. In respect of the convictions that triggered the Banning Order application, he says that Camden were aware that it was a listed building. He says that Mr Arnold, an employee of Camden, stated that no prosecution would take place as a planning application had been made for a loft conversion. He was not served a PACE letter. He again was given poor legal advice and changed his plea from not guilty to guilty.
84. He has co-operated throughout this process. He has paid significant fines and he has completed the works set out in the Improvement Notices and these have been withdrawn. He suggests that he has already received significant punishment.
85. In respect of harm to the tenants, he is saddened by the statements of Ms Roberts and Dr Behravan and apologises for any discomfort they have been subject to. There have been no complaints from Mr Copeland, the tenant of the first floor flat.
86. In response to Dr Behravan's statement he sets out the history of how he first met her and offered her a flat at 51 Regent's Park Road. After she complained about the noise of the occupiers of the top floor flat and the pub next door, he moved her to 8 Chamberlain Street. She was aware that the roof was in a poor condition and was assisting him with repairs. During the roof repairs he offered to re-locate her to 20 Chalcot Road, she found that too noisy, but he had spent a great deal of money in soundproofing works. She became friendly with Mr Bucknell's wife. However, there were two phone calls when Mr Bucknell was away. In the first he remained calm, but with the second call on his wife's phone, who was ill in bed, he intercepted the call and he snapped at Dr Behravan. But he immediately apologised but she said she would make 'life as difficult as possible'. Dr Behravan spoke to the press and stated that they had never been friends and took the flat at 8 Chamberlain without knowing the state of the roof and as soon as she reported the leak that he had issued a notice to quit. That is in contradiction of her current statement that states she helped Mr Bucknell with the repairs. He says the leaks were minor and there was a small leak to the skylight in a room to which she had no access.

87. Mr Bucknell says that they had exchanged views about wearing masks and she had never worn one herself. He acknowledges that plaster may have fallen from the ceiling, but this was probably as a result of her failing to clear the gutter, which she had promised to do. She had refused a temporary repair that he was prepared to make. When he works on the roof, he is very careful. He says that Mr Walker's statement was written without his knowledge. In respect of the 'tin hat' he has taken the advice of his contractors and there has been unprecedented rainfall. 'Tin hats' can have problems with noise and light. He claims Dr Behravan is oversensitive to water leaks and that he went onto the scaffolding to fix the one bad leak. He claims that if she is suffering from the water leaks that is due to her being persuaded to stay in the property by Ian Pringle. It is also claimed that she did not formally reject the alternative accommodation at Chacot Road, so that property remained empty until the roof works were complete.
88. He denies Dr Behravan's accusations regarding opening letters and turning up unannounced. Mr Bucknell has provided an email regarding Dr Behravan's interactions with the nursery. The email is dated September 2022 suggest that following a complaint from some parents, Dr Behravan was evicted [R13]. He has concerns about the relationship between Dr Behravan and Mr Deans and wonders if there is a conflict of interests.
89. In response to Ms Robert's statement, he said that the issues regarding 4 Chamberlain Street had been settled. He had apologised, and paid compensation, but states he was never sent an invoice. The settlement resulted in a transfer from 4 to 8 Chamberlain Street. He denies that he is rude, but instead he is a day-dreamer and does not always say hello. He sends her an annual Christmas card.
90. He did not realise that removing the ceiling of the basement flat at 4 Chamberlain would cause excess cold. Ms Roberts had not complained, and she is incapable of complaining. If he had been aware of the problem, he may have been able to find a solution. He put radiators in the basement but acknowledged that he did not communicate very well. He claims that her health conditions are not due to the cold. The petrol had been stored in the basement without his knowledge. He accepted that it stank and removed the petrol once he was aware of the issue.
91. Mr Bucknell acknowledged that there are ladders outside of Ms Roberts' flat. These gave access to the roof, and he gave her notice when they were used. She had made no complaint about them. It is accepted a slate did fall and as a result 'anti-snow' devices were fitted, and the roof checked. There were floods and these were due to blocked outlets. Each time there was a repair and now the outlets are checked regularly. One flood was due to a blocked washing machine hose and has resulted in annual checks.
92. The problem with the kitchen lights has been remedied. This is an example of Ms Roberts not chasing faults but using the faults to discredit him. In respect of a gas leak, she must have overlooked the smell or failed to report the problem. He has lodged a complaint about an unauthorised attendance at Ms Roberts' property from the gas company, but he has not received a reply.

93. Mr Bucknell denies that he had entered Ms Roberts' property and rummaged through her belongings. He suggests that her memory has failed. The explanation for the 'half-finished kitchen' is that she agreed the contractors should focus on the roof. He has only been made aware of the defects in her flat and will arrange for the works to be undertaken. In the past he had provided a temporary fix to a broken WC within an hour and the full repair was completed within a day. There has been a delay to fixing the bidet as Ms Roberts had put off the contractor. These are minor issues and have no bearing on the current application.
94. Mr Bucknell's wife, Ms Alison Harris provided a witness statement dated 29 February 2024 [R15]. Ms Harris acknowledged that she has seen the changes and challenges to the management of property. During the Covid epidemic, the tenants had been told not to worry about the rent. She states that Mr Bucknell is compassionate and in response to his offering Dr Behravan a flat at 20, Chalcot Street, he had indicated that he had wanted to look after her. He is a community minded person. In respect of his convictions, he always started with a not guilty plea as he felt he had a reasonable excuse. However, he has been persuaded by his legal advisers to change his plea at the last minute. He has paid his fines, apologised to the court and made amends to the tenants. Whilst he could sell the portfolio, he wants the business to go to a fifth generation. He has a good team of professionals and keeping the flats up to regulations and ensuring compliance with all legislation. He has her support, and their son will be taking on a larger role in the business when he finishes university in the summer.
95. There is a witness statement from Mark Bacon, Mr Bucknell's builder. The statement is unsigned and undated [R16]. Mr Bacon states that there were many issues to be discussed at each meeting. He and Mr Bucknell always tried to do their best for everyone involved, and he had a good working relationship with everyone. In respect of the 'tin hat' for 8 Chamberlain Street, that would have been a good idea, but there are problems with high winds and daylight issues for neighbours. There was some extreme weather, and he is sorry about the water ingress but none of the lath and plaster ceilings were lost, and this is an indication of how much water entered the property. In respect of the removal of the door to the loft room this was to allow for the fitting of a Velux window. The door was not replaced as a decision was still to be made as to subsequent works. There were some finishing works to the ground floor flat but there were delays due to Ms Robert's ill health and his own ill health. He has struggled to catch up, but he would gladly sort out the outstanding work.
96. Mr Hardy's statement is again unsigned and undated [R18]. Mr Hardy is Mr Bucknell's representative and seems to set out his position in relation to 8 Chamberlain Street. He explained that on 22 September 2020, Mr Bucknell stated the issue of the replacement of the roof was in consideration, due to the creation of a habitable room in the loft. He did not think that Dr Behravan was in occupation at that time. Camden's representative stated that the option would be preferable to the replacement of failing roof tiles. There was a need to get listed building consent and that there were delays due to Camden working remotely and the need for the works to be approved by the Historic Monuments Department (sic). Once planning permission was given, the revised process for the window repairs were agreed with Camden, the works could be commissioned. He stated that there were delays due to access

problems in relation to the top floor flat. The works were signed off in 2023. His view was that Mr Bucknell did not object to the works but wanted to progress a long-term solution. It is suggested that there were inappropriate personal relationships between the Camden employees and the tenants at 8 Chamberlain Street. He concluded that in his view Dr Behravan has an unfortunate background and this has caused some of the delays.

97. The witness statement from Mr Walker is dated 1 March 2024 [R21]. He is Mr Bucknell's architect and planning consultant and speaks about the circumstances surrounding 8 Chamberlain Street. An initial application to replace the timber casements was rejected and Mr Walker re-applied for consent for secondary double glazing, and this was eventually approved by Camden. The delays were due to Camden working remotely and that the works needed the consent of English Heritage as well as the usual planning considerations. A contractor was appointed swiftly but the delays were due to Dr Behravan having to be re-housed and her demands regarding the timing of the works and due to protracted bad weather and because the scaffolding contractor had suffered a bereavement. There were also works being carried out to the ground floor flat that were given priority at Ms Roberts' request, but then she complained about the delays to the main works. He agrees with Mr Hardy that Mr Bucknell did not refuse to do the works but wanted a long-term solution. He raises similar points regarding the relationships between the Camden officers and the tenants at the property.
98. The Respondent made in response to the Notice of Intent to apply for a Banning Order [A174]. It is not the case that the Respondent has had complete disregard to the safety and wellbeing of his tenants. This case is in contrast with the decision in London Borough of Camden v Alenezi & Ors [LON/00AG/HBA/2020/0001, 2, 3 and 4] (the Alenezi case). There are four flats within the Respondent's residential portfolio let on short tenancies and other flats and a house that are available for letting, but two of those flats require work before they can be let out. It is suggested that a Banning Order should only include properties which it is reasonably necessary and proportionate to include to achieve the objectives of the legislation. And therefore, the Banning Order should only include properties in respect of which an Improvement Notice has been served and not revoked.
99. Mr Bucknell rebutted many of the comments in the witness statements and in Camden's submissions. If Camden had been transparent from the start and given guidance, then these problems would not have arisen. In general, Camden should not use firm enforcement action where there is low risk. Mr Bucknell states that there were no serious hazards. He is a competent electrician the main work was to the consumer units that required upgrading. He was heavily fined as because he had not removed a small ceiling in the bathroom and a bath and Camden had presented several hurdles. It is his view that Camden has pursued the prosecutions for political gain, just before a mayoral election. It was put to him that the application was made in 2022 and the mayoral election was in 2024.
100. Regarding the Banning Order application, Mr Bucknell stated that he had never refused to carry out any work, but the works have taken longer than expected. The convictions are now spent, he has apologised to the tenants for any

inconvenience, he has been severely punished and has paid the fines. The Improvement Notices have been withdrawn and he has no intention of finding himself in this position again. As a deterrence to others, he says that the history of this case will show others that co-operating with the LHA will not prevent a Banning Order application.

101. He says that he did supply the information to Camden in response to the S19 Notice. He did not provide the tenancy agreements as he was unable to find them. He has co-operated with Camden, but he accepts not always in a timely manner. His solicitors had provided a response to the Notice of Intention to make a Banning Order, but he finds it hard to accept that Camden carefully considered those representations.
102. He comments that the witness statements from Mr McCarthy, Ms Suarez and Mr Deans are dated 2017 and 2021 and are out of date given the Improvement Notices have been complied with. As the Housing Act prosecutions are spent after a year, he cannot see how Camden's evidence is admissible.
103. The MHCLG Guidance indicates that Banning Orders are for the most serious offenders and that is not the case here. He refers to a Tribunal decision in the Alenezi case and suggests that his case does not fall into the same category as that case. He has engaged with Camden and his tenants. His contractors have developed good working relationships with Camden and his tenants. The delays in complying with the Improvement Notices were unfortunate but the works are now complete, and he has apologised to the tenants. He has been subject to significant fines that have been paid and he has learnt lessons.
104. Responding to the Tribunal's questions, Mr Bucknell said that his heart was in the right place. He accepted that he had 'taken his eye off the ball' and did not do fortnightly progress updates and the necessary meetings. But he has a good team that works well, and he wants to move forward to provide an excellent service. When he first started, he had one tenant who had complained and vacated and this was a turning point. He now wants to provide the best service. His son is about to join the business and he wants him to pick up Mr Bucknell's ethics. It is acknowledged that the bidet remains unconnected. He has a portfolio with three commercial premises and 4 residential properties. He has learnt lessons, and nothing would be achieved if a Banning Order was made.

Discussion and Determination:

105. Before a Tribunal makes a Banning Order, it must be satisfied that a number of conditions have been met. Those conditions are:
- a. that the Respondent has been convicted of a banning order offence;
 - b. that the Respondent is a 'residential landlord' or a 'property agent' at the time the offence was committed; and
 - c. that the Local Housing Authority has complied with Section 15 of 2016 Act, this required:
 - i. give the Respondent a notice of intended proceedings that the LHA proposes to apply for a banning Order and the reasons why;

- ii. inform the Respondent of the proposed length of the proposed ban;
- iii. invite the Respondent to make representations within a period, being not less than 28 days;
- iv. the LHA to consider any representations made under iii above;
- v. the LHA to wait until the period detailed in iii before applying for a Banning Order and
- vi. that the notice of intended proceedings under i, may not be given after the end of six months beginning with the day on which the Respondent was convicted of the offence to which the notice applies.

106. The Tribunal needs to consider the issue of the spent convictions and the impact of the Rehabilitation of Offenders Act 1974 (the 1974 Act). As a consequence of the 1974 Act, we note that the February 2022 convictions were ‘spent’ on 1 February 2023. Therefore, they were unspent when the application to the Tribunal was made, but spent by the time of the hearing. In addition, the 2016 and the 2018 offences were also spent at the time of the making of the application and the hearing for this case.

107. In the decision in Hussain v London Borough of Newham [2023] UKUT 287 (Hussain v Newham), the Upper Tribunal confirmed that the Tribunal could take into account the evidence of a spent ‘index’ offence if it was in the interests of justice to do so. There is also the decision in Hussain v Waltham Forrest [2020] EWCA Civ 1539 (Hussain v Waltham Forest), where the Court of Appeal decided that whilst the evidence of spent conviction is inadmissible, that does not prevent the evidence of the circumstances surrounding those convictions from being adduced. Section 7 to the 1974 Act allows for evidence to be admitted if justice cannot be done except by admitting the evidence.

108. The Tribunal is satisfied that in this case it is in the interests of justice for the spent ‘index’ convictions to be admitted in evidence as permitted by section 7 of the 1974 Act. In understanding the level of fines for the 2022 convictions, it is also the view that under section 7 of the 1974 Act, that it would be in the interests of justice for the 2016 and 2018 convictions to be taken into account. However, even if we are wrong about admitting the evidence of the earlier convictions, we are satisfied that under the authority of Hussain v Waltham Forest, the Tribunal can consider the circumstances surrounding the earlier convictions.

109. The Tribunal finds that the two convictions from 2 February 2022 in relation to 4 and 8 Chamberlain Street, NW1 8XB were Banning Order offences as prescribed by the Housing and Planning Act 2016 (Banning Order Offences) Regulations (SI2018/216). Namely section 30 of the Housing Act 2004 – Offence of failing to comply with improvement notice.

110. The Tribunal finds that Mr Bucknell is a residential landlord. The Respondent has not raised any points of objection on this issue. It is very clear from Mr Bucknell’s submissions and his evidence that he has a property portfolio with a residential element and has stated that he lets flats out on either protected tenancies or assured shorthold tenancies.

111. The Tribunal accepts the evidence of the Applicant that Camden has complied with section 15 of the 2016 Act. The relevant Notice [A170] was served on 22 July 2022, and this was given within six months beginning with the day on which Mr Bucknell was convicted of the relevant offences, namely within six months from 2 February 2022 [A124]. The Notice informed Mr Bucknell that Camden intended to apply for a Banning Order and explained why. It also stated that the period sought for the Banning Order was two years and invited the Respondent to make representations within a period, being not less than 28 days. There were representations made by the Respondent. The period for any representations ended on 31 August 2022 and the application to the Tribunal, was made after this date (made on 29 September 2022).

112. Paragraph 3.3 of the MHCLG Guidance addresses the factors that a LHA should consider when deciding whether to apply for a Banning Order, and when deciding on the proposed duration of any order. The statutory requirements in s.16(4) are listed and in relation to section 16(4)(d) when considering the likely effect of an Order on the person who is to be the subject of the order, and anyone else that may be affected by it, regard should be had to:

(a) harm caused to the tenant;

(b) punishment of the offender;

(c) deterring the offender from repeating the offence; and

(d) deterring others from committing similar offences.

113. S16(4) sets out the factors which we **must** take into account. However, we do not consider this is an exclusive list and we consider that the Tribunal may take other factors into account. The Guidance is not binding but the Tribunal may take the Guidance into account and indeed the Tribunal attaches significant weight to its contents. Paragraph 1.7 of the Guidance states that Banning Orders are 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”*.

114. Under 16(4)(a) the seriousness of the offence of which the person has been convicted must be considered. We are satisfied that the seriousness of the 2 February 2022 offences committed by Mr Bucknell is sufficient for the making of a Banning Order. The two 2022 offences lead to a significant fine and this was no doubt reduced to reflect Mr Buckley’s guilty plea. However, it is the nature of the offences that has caused us concern. Improvement Notices are a vital tool to ensure that the housing conditions of occupiers are of a sufficient standard. Improvement Notices set out clearly what works are to be done and the period of time for the works to be completed. By setting out these matters, it helps to focus the attention of a landlord to complete the works in a timely manner and to minimise the discomfort of occupiers. Both the Improvement Notices included category 1 hazards, the most serious of hazards, that could result in the most serious harm to occupiers. There was a late appeal to the 2014 Improvement Notice for 4, Chamberlain Street, but this was dismissed as Mr Bucknell had not provided the Tribunal with a satisfactory explanation as to why the

appeal was late. No appeal was made for 8, Chamberlain Street. Given the refusal of the Tribunal to accept the late appeal for the Improvement Notice for 4, Chamberlain Street and that there was no appeal for 8, Chamberlain Street, it was incumbent on Mr Bucknell to complete the specified works within the timeframe set out in the two Notices. The works were not completed until July 2022 for the August 2014 Improvement Notice - nearly 8 years and in August 2023 for the July 2018 Improvement Notice – just over 5 years.

115. Mr Bucknell's general comments and those of his representatives are that there were delays with consents from Camden. There seems to be a suggestion that some delays occurred because Camden was working remotely. That may be due to Covid, but the first Improvement Notice was issued in 2014 and the second one in 2018. It is also explained that there were delays due to contractors and extreme weather conditions.
116. Mr Bucknell stated that if he had sufficient time, he could have produced the evidence to support his case. However, it seems that he did not provide any evidence to mitigate the level of fines following his convictions. He had notice of this application since it was made in 2022. The Tribunal's Directions from November 2023 set out a timetable for him to produce any relevant evidence. He was even given an extension to provide his case by 1 March instead of 2 February 2024. He has not provided any satisfactory evidence that really goes to the crux of this case, which is why he took so long to comply with the Improvement Notices.
117. It seems to us that Mr Bucknell did not appreciate the seriousness of the Improvement Notices. That is evidenced by the three convictions for one Improvement Notice and a conviction in respect of the second Improvement Notice and the length of time for him to complete the works. It seems to us that he has no sense of urgency and has a lack of awareness of the responsibilities he owes to the occupiers. These matters related to the repair and condition of the properties, and they would have impacted on the quality of the lives of those who resided in the property.
118. In relation to section 16(4)(b) and any previous convictions that the Respondent has for Banning Order offence, the 2016 and the 2018 convictions are spent. However, following *Hussain v Waltham Forest* we can take the circumstances of the previous convictions into account or following *Hussain v Newham* we can take the fact that there were previous convictions into account if it would be in the interests of justice. We are satisfied that it would be in the interests of justice to take those convictions into account. Indeed, those convictions are inter-related to the subsequent, 'index' convictions as they help to explain the history and the level of fines. The circumstances show that Mr Bucknell was aware of the hazards as early as 2011 and appears to have caused some of the problems, not least by removing the lath and plaster ceiling and causing excess cold. It is unclear what Mr Bucknell's motives were and if indeed whether he was trying to put pressure on Ms Roberts to leave the flat at 4, Chamberlain. However, the Tribunal does find that he appeared to have little concern about her health and safety and the conditions she was living in.

119. With regard to section 16(4) (c), it is the Applicant's position that Mr Bucknell is listed on the Mayor of London's Rogue Landlords database, but that it seems clear that his name does not currently appear on the Public Register.
120. By section 16(4)(d) we must consider the impact of any Banning Order on the Respondent and upon anyone else who may be affected by the Order. Mr Bucknell has a mixed portfolio of commercial and residential properties. However, it appears that some of the flats in his portfolio are empty, although despite the Tribunal's Directions, he has not provided a full list of his tenants. We accept that the making of a Banning Order would impact on the Respondent. We also accept Camden's submissions that the making of an Order would have the positive effect of protecting the current occupiers from Mr Bucknell's poor management.
121. The potential deterrent and punishment effect on the Respondent and the deterrent effect on other landlords/agents are factors that should be considered. We consider that the making of a Banning Order will act as a punishment to Mr Bucknell and that if he returns to residential property management/letting, that he will have a greater appreciation of his responsibilities and should ensure future compliance with the relevant housing standards and deter him from engaging in poor management practices in the future. By making this Banning Order we consider that it will send a strong message to other landlords/managing agents, that Camden takes a firm stance on poor and unsafe residential management practices. As such we consider that others will be deterred from similar poor practice.
122. Taking all the matters together, we find that the nature of the offences are serious enough for the Tribunal to exercise its discretion to make a Banning Order. The nature of the events surrounding the previous convictions supports this view. Although Mr Bucknell is not currently on the database of Rogue Landlords, we consider that the Banning Order is a suitable punishment and deterrence to Mr Bucknell; that it will act as a deterrence to other landlords and will provide some degree of comfort to his current tenants.
123. The Tribunal now goes onto determine the terms in which a Banning Order should be made. It is, of course, appropriate to have regard to the proposals set out in the Notices of Intent served by Camden, but the Tribunal is not constrained by those proposals. Camden seek to ban the Respondent from residential letting, letting agency work and property management work. In consideration of all the circumstances of this case, we agree with the Applicant's position that Mr Bucknell should be banned from doing all three things.
124. At the hearing the Tribunal raised with the parties that if it was to make a Banning Order, whether there should be any exceptions. The Tribunal invited the Applicant to submit to the Tribunal and to the Respondent a form of wording that could cover an exception in any Banning Order, if one was to be made. The Respondent was given an opportunity to make a response.
125. Camden suggested that to avoid all of Mr Bucknell's occupiers either having their interests terminated or being subject to a new landlord, that an appropriate form of wording for an exception could be:

“The ban on letting housing in England is subject to the following: Mr Bucknell is prohibited from letting housing in England save by – and only by – engaging the services of a Propertymark, SafeAgent and/or UK Association of Letting Agents (UKALA) accredited letting agent (a) with whom neither he nor any company with which he is concerned is either involved or associated and (b) whose engagement is first approved by the Council in writing, prior to engagement or to Mr Bucknell entering into any contract concerning their engagement.

126. Mr Bucknell’s solicitors provided a response to the wording provided by Camden. In essence it is said that the exception could be achieved with an undertaking from Mr Bucknell that he employs a managing agent in relation to the ground floor and top floor flats at 8 Chamberlain Street, for a period of time to be determined by the Tribunal. The Respondent was also directed to provide a list of his residential tenants, but he did not provide that information. However, we understand that there are occupiers in all the three flats at 8, Chamberlain Street and one occupier at 51, Regent’s Park Road.

127. Although there was no provision for further comments from Camden, they wrote on 16 April 2024 to state that the exception suggested at the invitation of the Tribunal was not an alternative to a Banning Order and for clarity they do not accept the Respondent’s proposal.

128. The Tribunal has concluded that it would be reasonable to make some exceptions to the Banning order. We do this as to ensure that the Respondent’s current occupiers can remain in their homes. However, to ensure that the spirit of the Banning Order is maintained, we also make the exception as suggested by Camden, so that the Respondent has no direct management responsibility for the current occupiers for the duration of the Banning Order.

129. As to the length of the order we note that the minimum period is 12 months but there is no upper limit. There may be circumstances when the relevant behaviour is so extreme that it would merit a significantly long or permanent ban on the activities. In this case Camden has proposed a ban for two years. The proposal of two years needs to be measured against a scale of a minimum period of 12 months and a lifetime ban. In this case given the nature of the offences, we consider the issues are serious and warrant a Banning Order for a period of two years. This period is sufficient to ensure that the Banning Order will have the appropriate punitive effect on the Mr Bucknell and a real deterrent effect on him and other landlords.

130. In conclusion, the Tribunal makes a Banning Order for a period of two years from the date set out in the Order. The Banning Order is attached to these reasons and will take effect three months from today’s date. The period before this Order comes into effect is shorter than originally suggested by Camden. However, by adding the exceptions to the Banning Order described above, there is no need for Mr Bucknell to take steps to vacate the properties. However, he will need adequate time to find a managing agent to take over the management responsibilities.

Tribunal Chair: Ms H C Bowers

Date: 15 May 2024

RIGHTS OF APPEAL

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

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.

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.

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.

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.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).



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

Tribunal Reference: LON/00AG/HBA/2022/0003

Applicant: London Borough of Camden

Respondent: Mr Jonathan Martin Bucknell

**BANNING ORDER
(Section 16 of the Housing and Planning Act 2016)**

By this Order, JONATHAN MARTIN BUCKNELL of First and Second Floor Flat, 4, Chamberlain Street, London, NW1 8XB

IS BANNED from:

1. Letting housing in England;
2. Engaging in English letting agency work;
3. Engaging in English property management work; or
4. Doing two or more of those things.

Mr Jonathan Martin Bucknell **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.

This ban takes effect three months from the date of this Banning Order, namely they will last for a period of **TWO YEARS** from 15 **August** 2024.

The ban on letting houses in England is subject to an exception:

Mr Bucknell is prohibited from letting housing in England save by – and only by – engaging the services of a Propertymark, SafeAgent and/or UK Association of Letting Agents (UKALA) accredited letting agent (a) with whom neither he nor any company with which he is concerned is either involved or associated and (b) whose engagement is first approved by the Council in writing, prior to engagement or to Mr

Bucknell entering into any contract concerning their engagement. This exception relates only to the properties listed in the Annex to this Banning Order.

Signed: *H C Bowers*
Chair of the First-tier Tribunal
Date: 15 May 2024

Annex

Ground Floor Flat – 8, Chamberlain Street, London, NW1 8XB

First Floor Flat – 8 Chamberlain Street, London, NW1 8XB

Second Floor Flat, 8 Chamberlain Street, London, N1 8XB

Second Floor Flat, 51, Regent’s Park Road, London, NW1 8XD

NOTES:

- 1. A person who breaches a banning order commits an offence and is liable on summary conviction to imprisonment for a period not exceeding 51 weeks 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 Housing and Planning Act 2016 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 Housing and Planning Act 2016 respectively.
6. The reasons for making this banning order are set out in a decision issued separately by the Tribunal.

APPENDIX 1

Statutory Provisions

Housing and Planning Act 2016

Chapter 2 – Banning Orders

Banning Orders: key definitions

14. “Banning Order” and “Banning Order offence”

- (1) In this Part “Banning Order” means an order, made by the First-tier Tribunal, banning a person from-
 - (a) letting housing in England,
 - (b) engaging in English letting agency work,
 - (c) engaging in English property management work, or
 - (d) doing two or more of those things.
- (2)
- (3) In this Part “Banning Order offence” means an offence of a description specified in regulations made by the Secretary of State.
- (4)

Imposition of Banning Orders

15. Application and notice of intended proceedings

- (1) A local housing authority in England may apply for a Banning Order against a person who has been convicted of a Banning Order offence.
- (2)
- (3) Before applying for a Banning Order under subsection (1), the authority must give the person a notice of intended proceedings-

- (a) informing the person that the authority is proposing to apply for a Banning Order and explaining why,
 - (b) stating the length of each proposed ban, and
 - (c) inviting the person to make representations within a period specified in the notice of not less than 28 days (“the notice period”).
- (4) The authority must consider any representations made during the notice period.
 - (5) The authority must wait until the notice period has ended before applying for a Banning Order.
 - (6) A notice of intended proceedings may not be given after the end of the period of 6 months beginning with the day on which the person was convicted of the offence to which the notice relates.

16. Making a Banning Order

- (1) The First-tier Tribunal may make a Banning Order against a person who-
 - (a) has been convicted of a Banning Order offence, and
 - (b) was a residential landlord or a property agent at the time the offence was committed (but see subsection (3)).
- (2) A Banning Order may only be made on an application by a local housing authority in England that has complied with section 15.
- (3)
- (4) 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, and

- (d) the likely effect of the Banning Order on the person and anyone else who may be affected by the order.

17. Duration and effect of Banning Order

- (1) A Banning Order must specify the length of each ban imposed by the order.
- (2) A ban must last at least 12 months.
- (3) A Banning Order may contain exceptions to a ban for some or all of the period to which the ban relates and the exceptions may be subject to conditions.
- (4) A Banning Order may, for example, contain exceptions-
 - (a) to deal with cases where there are existing tenancies and the landlord does not have the power to bring them to an immediate end, or
 - (b) to allow letting agents to wind down current business.

18 Content of banning order: involvement in bodies corporate

- (c) (1) A banning order may include provision banning the person against whom it is made from being involved in any body corporate that carries out an activity that the person is banned by the order from carrying out.
- (d) (2) For this purpose 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.