



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

**Case reference** : **LON/00AB/HML/2024/0014**  
: **LON/00AB/HNA/2024/0026**

**Property** : **(x2) 31 Exeter Road, Dagenham, RM10 8TP**

**Applicant** : **Lee Battu**

**Representative** : **Bon Battu**

**Respondents** : **London Borough of Barking and Dagenham**

**Representative** : **NO ATTENDANCE**

**Type of application** : **Appeal against a decision to grant a limited license and appeal against a financial penalty.**

**Tribunal** : **Judge Shepherd**  
: **Rachel Kershaw MCIEH**

**Date of Decision** : **11<sup>th</sup> October 2024**

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**DETERMINATION**

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1. This case concerns a challenge to a decision to grant a one year license (The first appeal) and a decision to impose a financial penalty (The second appeal). The first appeal is brought pursuant to Housing Act 2004, Sch 5 Para 31 and the second appeal is brought pursuant to s.249 and Sched 13A of the Housing Act 2004.
2. The penalty in the second appeal was £5000 was imposed by the local authority under section 249A of the Housing Act 2004 the relevant sections of which state the following:

*249A Financial penalties for certain housing offences in England*

*(1) The local housing authority may impose a financial penalty on a person if satisfied, beyond reasonable doubt, that the person's conduct amounts to a relevant housing offence in respect of premises in England.*

3. The offence alleged here was the failure to ensure premises were licensed under the council's selective licensing scheme pursuant to s.95(1) of the Housing Act 2004.
4. The background to the two appeals is as follows.
5. In 2016 the Appellant, Lee Battu became the owner of the premises which consisted of a one bedroom flat at 31 Exeter Road, Dagenham.RM10 STP. The premises were originally managed by Theori Management Services who are a social housing provider. The premises lie within a selective licensing area set up by the Respondents. When the premises were managed by Theori there was no need to license them because of Theori's status as a social housing provider accredited with the Respondents.
6. In 2021 the Appellant dispensed with Theori's services and managed the property himself. He applied for a selective license which was granted. According to the Appellant he thought that the license had been granted for between three and five years. In fact, the license had only been granted for a year because it had been wrongly assumed that the Appellant had initially been operating without a license when a license was not required due to Theori's status. As a result of his mistake the Appellant did not apply to renew his license and operated without a license after 10<sup>th</sup> June 2022 despite a reminder to renew the license sent on 23<sup>rd</sup> March 2022.
7. After realising his mistake the Appellant applied to renew his license and was informed that the council intended to granted a further one year license. The Appellant made representations through his father who is a solicitor in

January 2024. The Respondents rejected the representations and the one year license was issued on 2<sup>nd</sup> February 2024.

8. The Respondents also served a financial penalty notice for £5000 on 4<sup>th</sup> March 2024 because the Appellant had operated without a license for a period of time.
9. Following the appeals the Tribunal gave directions. The Appellant complied but the Respondents failed to provide any evidence and failed to take any part in the proceedings.

### **The hearing and determination.**

10. The appeals were heard on 11<sup>th</sup> October 2024. The Appellant was represented by his father. The Respondents failed to attend. The Tribunal heard the matter afresh. There was no evidence from the Respondents justifying the decision to only grant a one - year license or the imposition of the financial penalty notice. The first appeal had apparently become otiose because the Respondents' website shows that from 31<sup>st</sup> August 2024 the selective licensing scheme had been terminated. Even if that had not had been the case we would have allowed the appeal, quashed the existing license and granted a new one for five years commencing on 2<sup>nd</sup> February 2024. Indeed, if we are mistaken about the ending of the scheme this is the order we make. The reason we make this order is because there was no evidence from the Respondents to persuade us otherwise.
11. In relation to the appeal against the penalty we have decided to quash the financial penalty. This is because the Respondents provided no evidence and took no part in the appeal. When hearing the matter afresh we had to be satisfied beyond reasonable doubt that the offence had been committed. We were not so satisfied because we heard no evidence from the Respondents.
12. In summary both appeals are allowed. The financial penalty is quashed and if it is necessary the license is extended from 2<sup>nd</sup> February 2024 for a period of five years. The Respondents will need to issue this license if indeed it is required.

**Judge Shepherd**

**11<sup>th</sup> October 2024**

## ANNEX - RIGHTS OF APPEAL Appealing against the tribunal's decisions

1. A written application for permission must be made to the First-tier Tribunal at the Regional tribunal office which has been dealing with the case.
2. The application for permission to appeal must arrive at the Regional tribunal office within 28 days after the date this decision is sent to the parties.
3. If the application is not made within the 28-day time limit, such application must include a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.
4. The application for permission to appeal must state the grounds of appeal, and state the result the party making the application is seeking. All applications for permission to appeal will be considered on the papers
5. Any application to stay the effect of the decision must be made at the same time as the application for permission to appeal.