



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

**Case reference** : **MAN/32UD/HML/2022/0008**

**Property** : **104 Monks Road, Lincoln, LN2 5PG**

**Applicant** : **Mr Baiju Varghese**

**Representative** : **None**

**Respondents** : **City of Lincoln Council**

**Representative** : **Ms M Ward, Legal Officer**

**Type of application** : **Appeal against a licensing decision  
under Schedule 5, Part 3, Paragraph 31  
of the Housing Act 2004**

**Tribunal members** : **Judge C Goodall  
Mr P Mountain**

**Date and place of hearing** : **15 February 2024 by Video Hearing**

**Date of decision**

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**DECISION**

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## **Background**

1. On 22 November 2022, the City of Lincoln Council (“the Council”) granted a licence for a house in multiple occupation at 104 Monks Road Lincoln (“the Property”) to Mr Baiju Varghese (“the Applicant”). The term of the licence was two years.
2. The Applicant has appealed the decision to grant a licence for two years and seeks a licence for five years.
3. Following the issue of directions, both parties provided bundles of documents to each other and the Tribunal. An oral hearing, by video, was arranged for 15 February 2024, preceded by an inspection of the Property.
4. At the hearing, the Applicant appeared without representation. The Council was represented by Ms M Ward from the Council’s legal department. Its case was presented by the Environmental Health Officer who dealt with the case, Mrs H Cann. The Tribunal also heard briefly from Mr M Savage, who is the Private Housing Team Leader for the Council.
5. This document sets out the decision of the Tribunal on the appeal and our reasons for so deciding.

## **Inspection**

6. The Property is a mid-terrace residential property fronting Monks Road. It is accessed from a front door on the right-hand side of the Property into a corridor off which is a dining area, and then a kitchen. Going towards the rear of the Property, there is a WC with WHB beyond which is a bedroom with its own ensuite shower and WC and WHB. On the first floor are three bedrooms and a separate communal bathroom with WC and WHB. On the second floor is a further bedroom also with ensuite WC and WHB. There is a small garden area at the rear.
7. We noticed that the Property appeared to be equipped with a fire protection system including fire alarm points on all floors, emergency lighting, and a fire alarm control panel.
8. Neither of the parties asked us to take note of any particular feature of the Property at the inspection.

## **Law**

9. The statutory provision governing the length of an HMO licence is section 68 of the Housing Act 2004 (“the Act”), which provides:

“68 Licences: general requirements and duration

(1) A licence may not relate to more than one HMO.

(2) A licence may be granted before the time when it is required by virtue of this Part but, if so, the licence cannot come into force until that time.

(3) A licence—

(a) comes into force at the time that is specified in or determined under the licence for this purpose, and

(b) unless previously terminated by subsection (7) or revoked under section 70 or 70A, continues in force for the period that is so specified or determined.

(4) That period must not end more than 5 years after—

(a) the date on which the licence was granted, or

(b) if the licence was granted as mentioned in subsection (2), the date when the licence comes into force.”

10. As the grantor of the licence, it is for the Council to specify or determine the length of it (save that it may not be for more than five years), and there are no criteria in the Act to which the Council is to have regard.
11. Section 71 of the Act applies Schedule 5 of the Act to procedural issues and appeals concerning the grant, refusal, variation, or revocation of a licence.
12. Paragraph 31 of Part 3 of Schedule 5 allows an appeal to be brought against a grant or refusal of a licence, or against any terms of it.
13. The appeal is to be by way of re-hearing, and the Tribunal may confirm, reverse, or vary the Council’s decision.

### **The Council’s policy**

14. On 24 September 2018, the Council adopted a policy called “Mandatory Licensing of Houses in Multiple Occupation”. On the question of the duration of HMO licences, that policy refers to the statutory maximum length of a licence, and then continues (in Appendix 16):

“The City Council will grant a licence for a period of less than 5 years if it is appropriate to do so. In particular a term of 1 to 3 years will be granted in the following circumstances:

The application follows an investigation or a request made by the Council	1 – 3 years
Where the property should have been licensed previously	1 – 3 years
There is evidence of previous poor management of an HMO	1 – 3 years

Where there has been repeated intervention with the proposed licence holder or manager by the council's enforcement team	1 – 3 years
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## **History of the Applicant's engagement with the Council's licensing team**

15. On 31 January 2020, the Applicant was convicted of offences under the Management of Houses in Multiple Occupation (England) Regulations 2006 ("the Management Regulations"). Apart from the fact that there were four offences, and that the prosecution for breach of the Management Regulations was the first occasion that the Applicant had been brought before the courts for offences relating to housing law, we have no further details of these offences.
16. On 6 April 2020, the Council decided that the Applicant would be a fit and proper person to hold an HMO licence. The report prepared to support this decision noted that the Applicant and his wife are together landlords of nine properties in Lincoln.
17. The decision was expressed in this way:
 

"[The Applicant] and [his wife] are to be deemed 'fit and proper' in relation to s66 of the Act. The rationale for this is that whilst there was a conviction in January 2020 this was the first prosecution of [the Applicant] as a landlord and the offences that gave rise to the conviction have since been remedied. It is noted that [the Applicant] has not been as proactive as he could be in the management of his properties but he does usually when contacted by the Private Housing Team rectify issues that are raised. [The Applicant] should be given the opportunity to demonstrate an ongoing willingness to manage his HMO's in compliance with the legislative framework. This decision must be communicated to [the Applicant] in strong terms, in that if there were any occasions he contravened any provision of law relating to housing or of landlord and tenant law the fit and proper person test would be subject to review and redetermination."
18. The report stated that applications for licences for seven of the Applicant's properties should now be progressed with the duration of the licence to be restricted to one year.
19. On 31 July 2020, the Council granted the Applicant an HMO licence for the Property for a period of one year. That licence contained property specific conditions in Schedule 5 which were required to be complied with by June 2021. There are 8 requirements in this Schedule (curiously numbered 1, 3, 44, 5, 6, 7, 8, and 9). They are a mix of generic and specific advice. None of the requirements identify actual deficiencies at the property that are required to be rectified by the date given. They

simply state a standard to be achieved without specifically identifying the extent to which the Property does not comply with that standard.

20. It is fair to point out, however, that condition 3 specifically requires a mixed system Grade A LD2 fire detection and alarm system, and that condition 5 requires that all doors must be hung on three fire rated hinges.
21. On 18 August 2021, Mrs Cann visited the Property for an inspection. She found that:
  - a. A grade D interlinked fire alarm had been fitted rather than a Grade A system. There was no smoke alarm in the ground floor hallway;
  - b. The fire doors installed only had two hinges;
  - c. Six of the fire doors had defects of some kind and would not have provided 30 minutes fire resistance;
  - d. There was no emergency lighting luminaire on the second floor landing and the emergency lighting on the ground and first floors was not compliant with the standard set out in the licence conditions.
22. Mrs Cann's view was that all of these defects were breaches of the requirements set out in Schedule 5 of the 2020 licence. She regarded them also as breaches of the Management Regulations.
23. Mrs Cann also observed further issues at this inspection, which she regarded as hazards under the HHSRS system, being:
  - a. The ground floor rear ensuite shower room had a broken extractor fan and no heater which had caused mould growth and peeling paint;
  - b. The first floor middle bedroom had no mechanical ventilation (contrary to the information in the application for the licence);
  - c. Guttering to the rear elevation was damaged;
  - d. There was a loose handrail on the ground floor to first floor stairs and no handrail on the stairs to the second floor;
  - e. There was no impervious surface to the walls above part of the kitchen worktop.
24. Mrs Cann notified the issues noticed on her inspection to the Respondent by letter dated 31 August 2021, giving him 28 days to carry out works to resolve these issues. The Respondent informed her on 23 September 2021 that he would be carrying out the works required.

25. On 5 November 2021, Mrs Cann visited the Property again. The only issue she raised in her witness statement concerning the works she had required in her letter of 31 August 2021 was that the fire panel (which must have been the new panel required as on her 18 August visit she had noted there was no panel) was showing a fault. She asked for that to be fixed and for the Respondent to provide her with an electrical certificate relating to the new system. That was provided with a date of 18 November 2021.
26. Mrs Cann doubted that the works had in fact been completed within the 28 days she had specified, due to the date of the electrical certificate and the Respondents expression of intent to carry out works given only some seven days before the expiry of her deadline. However, she accepted that by 18 November 2021, the works she had required had been carried out.
27. Of course, the Respondents licence had expired on or around 31 July 2021, The Council were therefore concerned to ensure that it should be renewed as otherwise their view was that an unlicensed HMO might be operating.
28. A licence application in Lincoln is made on-line, and the Council are able to track when an application is started. It accepts that the Respondent started a renewal application on 30 June 2021, but in fact it was not submitted until 3 August 2021.
29. The Applicant's evidence is that he was unable to progress the application beyond a page on which he was required to download evidence of PAT testing of electrical appliances. The internet form would not permit him to move to the next page until this page was completed. It took him time to arrange for his electrician to provide the certificate, so he accepts that he submitted the application three days after the expiry of his previous licence.
30. The Applicant's oral evidence was that he was aware that he was not licensed to operate the Property as a licensed HMO for that period and he therefore asked one of the residents to move into another of his properties for that period so that there were only four occupiers and no licence was therefore required for that period as it was not occupied by five people. Of course, once he had submitted his application, no offence took place as no offence occurs once an application for a licence has been duly made.
31. On 19 August 2021, the Council returned the application for a new licence to the Applicant. Under Regulation 7 of the Licensing & Management of HMO's etc (Miscellaneous Provision) (England) Regulations 2006 (SI 2006/373) (as amended), there is a difference in the amount of information required for a renewal application (i.e. an application made at a time when the applicant already holds a licence), and for a full application. Because the application had not been submitted whilst the 2020 licence was still extant, the Council's view was that it could not be regarded as a renewal application and a completely

new application was therefore required including the additional information.

32. On 5 November 2021, Mrs Cann sent a warning letter to the Applicant reminding him that the Property was not licensed at that point. A new licence application was started on 10 November 2021, and fully submitted on 18 December 2021.
33. Mrs Cann considered that the Council were entitled to take the view that the Property had been operated without a licence from 19 August to 18 December 2021 and it was entitled to take that into account when considering the duration of the licence that is under appeal.
34. In her oral evidence she said that during her visit to the Property on 5 November 2021, there had been six people at the house, but she accepted that she had not sought to ascertain that they were all occupiers of it rather than visitors or friends of the occupants.
35. Moving on to how the application for a new licence was progressed, this came to Mrs Cann's attention when it was allocated to her on 24 August 2022. Her first question was to consider whether the Applicant was a fit and proper person to hold a licence. The answer was in the affirmative, following the assessment made on 6 April 2020 prior to the grant of the 2020 licence. Mrs Cann did not consider it was necessary to re-review the Applicants fitness following his failure to comply with the 2020 licence conditions, or her view that the management regulations had been breached, or that an offence may have been committed under section 72 of the Act due to the delay in submitting a new licence application.
36. However, though she was willing to grant a new licence, she considered it should be a further short licence; she proposed one year. The proposal was sent to the Applicant who made representations seeking a five year licence. The representations were partially successful. On 18 October 2022, the Council sent the Applicant a notice of proposal to grant a two year licence. The reasons for determining that two years was appropriate are set out in that letter as follows:

"Representations were received from the applicant requesting a five year licence. Deficiencies were found on an inspection in August 2021 which included breaches of licence conditions, breaches of HMO management regulations and hazards under the housing health and safety rating system, and the premises were operated as an unlicensed HMO between 1st of August 2021 and 22nd of December 2021 despite warnings and reminders being sent. These facts do not support that the applicant is complying with legislation or maintaining standards without intervention from the council. The applicant has not acted in a way that has improved the council's confidence in his ability to be a professional landlord. Consequently, the council considers it correct to restrict the licence again. The council has considered the representations, and that

the applicant remedied the above deficiencies after its intervention and is willing to grant a licence term of two years.”

37. The Tribunal was informed that the Council’s willingness to increase the initially proposed licence length from one to two years was supported by Mr Matthew Savage, Private Housing Team Leader at the Council. Mr Savage’s advice to Mrs Cann was as follows:

“During the one year licence, or just at the end of the one year licence we carried out a visit and found multiple breaches of management regulations. In addition, even with reminders and prompts Mr Varghese allowed the property to be occupied unlicensed for 4 months. These facts do not support that Mr Varghese is complying with legislation or maintaining standards without intervention from us. Therefore, he has not acted in a way that has improved our confidence in his ability to be a professional landlord. Consequently, we are acting completely correctly and justifiably in reducing the licence period again. The fact that he has remedied the breaches of management regulations does support us giving him an extended licence to the proposed one year. I am happy to go with two or three years but no longer.”

38. The new licence was duly issued on 22 November 2022.
39. In her witness statement, Mrs Cann provided details of some concerns the Council had had with the Applicant in 2020 regarding a property at 1 Archer St, Lincoln. At the hearing, Mrs Cann told us that in fact she was not influenced by those events and she relied, to support the Council’s decision, primarily on its policy. We therefore will not recite the concerns or take what we were told about 1 Archer St into account in this decision.

### **The Applicant’s case**

40. The Applicant’s written case concentrates on answering criticisms of his involvement with 1 Archer St, which we now need not consider further.
41. His oral evidence was that he was told on the grant of the 2020 licence that the next licence after that would be for five years, and that during the period of the 2020 licence, he had asked that an EHO should visit to provide advice and suggestions to him to assist him in performing his management responsibilities. The Applicant said he accepted that he was learning about his obligations in property management and that he hoped the Council would be supportive in helping him with issues.
42. The Applicant now feels that Mrs Cann has taken against him and he feels aggrieved that he has not been given a five year licence. In particular, he objects to the increase in licence application fees that a short duration licence exposes him to. He said the application fee is a little short of £1,000.00, and he does not see why he should have to pay between 2.5 and 5 times the fee of everyone else by having to pay that fee every one or two years rather than five yearly.

43. The Applicant said he had accepted that his first licence had been of short duration, realising that he had to receive some punishment for his breach of the Management Regulations. He pointed out though that by the time he applied for his second licence, he had done everything he had been asked to do by the Council at the Property.
44. Regarding the concerns expressed by the Council regarding compliance with his 2020 licence conditions, and breach of management regulations, his answer was that the conditions had not been very clear. He had not appreciated the distinction between a class D and a class A fire alarm system. He visited all the properties with which he was involved once a month and carried out any necessary repairs. There had been a fault on the alarm when Mrs Cann visited on 5 November 2021, but the Council could not expect that equipment would never break down and it had been fixed. He insisted that he had carried out the works required by the Council set out in their letter of 31 August 2021 within 28 days. He realised the electrical certificate was dated later, but that did not mean the system was not installed within the time given.
45. So far as operating the Property in breach of section 72 of the Act, he said (as alluded to above), that he moved his tenants out to ensure there were not five occupiers during the period that he was not licensed.
46. He sought a licence for five years.

#### **The Council's justification for granting a two year licence rather than a five year licence**

47. In her written witness statement, Mrs Cann explained that licence duration decisions, including the decision to refuse a five year licence, are considered to be part of the enforcement options available to the Council to procure that landlords maintain standards during the whole period of their licences. She made reference to the Council's enforcement policy.
48. The policy lists the multiple options available to the Council to enforce housing standards, including statutory notices under Part 1 of the Act, civil penalties, penalty charges and fixed penalty notices, prosecution, banning orders, rent repayment orders, and suspension or revocation of licences. The policy does not in fact include a reference to restricting the duration of a licence as an enforcement option expressly within the list.
49. The enforcement policy also states that:

“The Council use compliance advice, guidance and support as a first response in the case of many breaches of legislation that are identified.

“Advice is provided, sometimes in the form of a warning letter, to assist individuals and businesses in rectifying breaches as quickly and efficiently as possible, avoiding the need for further enforcement action. A warning letter (sometimes called an ‘informal notice’) will set out what should be done to rectify the breach and to prevent re-occurrence. ...”

50. Mrs Cann explained in her statement how she justified the reduced duration licence as follows:

“Failure to comply with the conditions of the first licence led the council to lack confidence in the applicant to maintain standards over a five year period without the monitoring and intervention of the local authority. Of all the enforcement options available to the authority to deal with failure to comply with safety related HMO licence conditions and management regulations, the granting of a two year licence is a positive action and not overly onerous.”

51. At the hearing, Mrs Cann expanded on her thought processes for making the decision in August – September 2022 to grant a two year licence. She accepted that remedial works required by her letter of 31 August 2021 had been complied with. She accepted that the Council considered the Applicant to be a fit and proper person to hold a licence. However, she took the view that the breaches of the licence conditions apparent from her inspection on 18 August 2021, and the fact that the Property was unlicensed for four months, meant she had insufficient confidence in the Applicant that he would manage the Property appropriately over the whole of a five year licence period.

52. So far as the licence fee was concerned, Mrs Cann said that the fee covered the cost of the work required when a licence application was made, which is the reason it is the same for a one year licence as for a five year one.

53. The Tribunal asked whether there was any system in place for random inspections of licensed properties. The answer was no. But the Council would aim to carry out an inspection at some point during a licence period to check compliance with licence conditions. And Mrs Cann agreed that the Council had power to carry out inspections at any time if it wished, and that on occasions it was necessary to intervene to revoke a licence if circumstances required this.

54. The Council’s Private Housing Team Leader, Mr Matthew Savage, was attending the hearing and the Tribunal invited him to explain the policy approach that the Council had taken to granting of reduced duration licences. He informed us that the policy aim was to ensure that HMO’s across the City met the required standards that protected occupiers and to give a message to landlords so they understood they were required to maintain standards.

55. Unfortunately, Mr Savage’s internet connection failed at this point and it was not possible to restore the connection, or to reach him on the telephone to clarify whether he had any further comments.

## **Discussion**

56. Having considered the question we have to address carefully in the light of the evidence and submissions set out above, we have reached the conclusion that we should allow the appeal and direct the Council to vary

the HMO licence granted to the Applicant on 22 November 2022 to a five year licence. Our reasons are set out below.

57. The first point we make is that the issue of a shorter licence than five years (which is the normal licence length), is an act that is punitive in some measure towards the landlord. He or she had to pay a full fee for a shorter licence and go through the procedures and processes required to complete a licence application more frequently. That puts an additional financial and administrative burden upon the landlord. There therefore, in our view has to be some unlawful act or omission on the part of a landlord that requires to be enforced.
58. Our second point is that we cannot see what the benefit is to the Council from the grant of a shorter licence. The Council possesses abundant powers to check whether there is regulatory compliance with licence conditions, Management Regulations, the HHSRS, and a myriad number of other statutory obligations whenever they wish. There is nothing they would have to do when an application for a new licence is made that they cannot do anyway.
59. Thirdly, we have some difficulties with the policy contained in Appendix 16 of the Council's HMO guidance (see paragraph 11 above) in two respects:
  - a. Whilst it is clearly right that the Council have a discretion to decide the length of a licence period, there is nothing in the Act to support the use of that discretion as an enforcement tool to control the actions and behaviours of landlord. This Tribunal is required to pay appropriate respect to any policy adopted by an elected council, and this is not the forum to challenge the policy. But we are entitled to consider whether there are grounds in an appropriate case for departure from an adopted policy which is being used as an enforcement tool where there is no statutory support for that use, and where there are other enforcement options available for enforcement which would appear to be more applicable to the Council's concerns.
  - b. Particularly with regard to the third and fourth grounds of restricting licence length (which in our view are the two applicable elements of the policy in this case), there is no explanation in the policy to allow an understanding of how long "previous poor management" and "repeated intervention" will continue to affect a decision on the duration of a new licence. In this case, we know of that in January 2020 the Applicant was convicted of Management Regulation offences. That must qualify as "previous poor management" but for how long will that be used to justify short licences? Unless the policy is intended to prevent the Applicant ever being given a five year licence for an HMO (which we cannot imagine would be a reasonable position), it needs much more clarity to be applied in a fair way. The same point applies to "repeated

intervention”. Clearly that must mean an intervention more than once, but how often, and over what period? There is a problem in knowing how the policy is to be applied to subsequent licence applications after the first grant of a reduced length licence.

60. Turning now to the specifics of this case, our fourth reason for allowing the appeal is that the decision only to grant a two year licence was not made on grounds that, in the light of the evidence we have heard, can be justified.
61. The grounds were set out in the Council’s letter dated 18 October 2022 (see paragraph 36 above). Those grounds relied upon:
  - a. breach of the 2020 licence conditions,
  - b. the existence of hazards under the HHSRS system, and
  - c. operation of an unlicensed HMO.
62. We consider that the Council raised their concerns about compliance with the 2020 licence conditions entirely reasonably and appropriately. But we consider that there are mitigating circumstances reducing the seriousness of this breach. The point is that the work was completed (whether by 28 September or 5 November – we do not consider the difference is that material) within just over two months after the Council’s specific requirement that it be carried out (in the Council’s letter of 31 August 2021), in a situation where the Council were content for it not to be completed for a period of eleven months whilst a licence was in place.
63. We do not accept the Applicant’s case that he was entitled to wait for a visit before carrying out the works required by the licence conditions. It was his job to be pro-active in meeting those conditions.
64. Thus we accept that there was a breach of the Applicants licence conditions, but it was not the most serious of breaches.
65. We have an issue with reliance on the existence of hazards under the HHSRS system to justify a reduced duration licence. We do not know whether the inspection on 18 August 2021 was a formal inspection preceded by a section 239 notice, or whether a formal HHSRS scoring inspection was carried out (and if so the seriousness of the hazards described). But we can be fairly certain that these were new issues, as there had been no reference to them before, and that Mrs Cann decided to deal with them by informal notice rather than through a formal process, and that the Applicant complied with the informal notice. It is important to note that being requested by a local authority to carry out works identified as necessary under the HHSRS system is not a breach of a statutory provision on the part of the landlord. It is only a breach if a landlord fails to carry out those works.

66. We do not consider that identification of HHSRS issues on their own justify enforcement action. It seems to us that this should have been regarded as a successful intervention which should not expose the Applicant to further sanction.
67. Our final difficulty with the reasons given for the grant of a two year licence is the reliance on the allegation that the Applicant had operated an unlicensed HMO for a period of time. In short, the Council had no evidence that this was the case. The period during which the Property was unlicensed and during which there was no valid application for a licence was 1 August – 3 August and 20 August – 18 December 2021 (“the Unlicensed Period”). The question Mrs Cann should have addressed was not whether a new licence application had been made, but whether, during the Unlicensed Period, an offence was being committed under section 72 of the Act (i.e. that the Property was being operated as an unlicensed HMO).
68. Of course, the Applicant gave evidence that the Property was definitively not an HMO that required a licence during those dates as he moved a tenant out and thus reduced the number of occupiers to below five. Whether in fact he did that is not possible for us to know. We are somewhat sceptical but have to conclude that the evidence that an offence under section 72 was being committed during the Unlicensed Period is inadequate for us to conclude that it was, to the standard of proof required.
69. We were not persuaded by the evidence offered by Mrs Cann summarised in paragraph 34 above that the Property had been occupied by five people on 5 November 2021.
70. The balance of the evidence on this point leads us to conclude that the Council are unable to establish that the Property was operated as an unlicensed HMO during the Unlicensed Period.
71. Our conclusion on this fourth point is therefore that there was one breach of the Act rather than three when Mrs Cann considered the Applicant’s licence application, and that one breach had not been serious, and had been remedied by the time she came to consider what length of licence she should grant. We do not agree that enforcement action through the operation of the Appendix 16 policy (in so far as it does allow the Council to grant a reduced duration licence) was necessary or appropriate.
72. We make one additional point (point 5) which relates to whether the Applicant was a fit and proper person to hold an HMO licence. The Council must be satisfied that he is before they can grant a licence, and in respect of the Applicant, that was their view, despite the breaches of housing or landlord and tenant law that they had identified, and despite the clear indication in the extract from the fit and proper person report quoted in paragraph 17 above that further offences would result in the

question being reviewed. We find the idea that a landlord can be a fit and proper person to hold a licence, but only for a two year period during which he must establish that in fact the Council should have confidence in his ability to manage an HMO, somewhat odd. Either he is a fit and proper person, or he is not.

73. We have to decide whether the Council came to the correct decision in issuing a two year licence. We must give respect to their policy, but we are free to depart from it if we consider there are grounds for doing so.
74. Our conclusion is that the decision taken by the Council was unnecessarily punitive in nature, and based on an assumption that the Applicant had transgressed in terms of compliance with the legitimate protections in place to protect the safety and welfare of tenants to a more serious degree than is justified on the evidence. Its decision was not justified.

### **Decision**

75. Pursuant to paragraph 34 of Schedule 5 of the Act, we vary the terms of the licence granted on 22 November 2022 to the Applicant to licence the HMO at 104 Monks Way, Lincoln, LN2 5PG so that the licence should expire at 23.59 hours on 21 November 2027, rather than 21 November 2024.

### **Appeal**

76. Any appeal against this decision must be made to the Upper Tribunal (Lands Chamber). Prior to making such an appeal the party appealing must apply, in writing, to this Tribunal for permission to appeal within 28 days of the date of issue of this decision (or, if applicable, within 28 days of any decision on a review or application to set aside) identifying the decision to which the appeal relates, stating the grounds on which that party intends to rely in the appeal, and stating the result sought by the party making the application.

Judge C Goodall  
First-tier Tribunal (Property Chamber)