



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

Case reference	:	LON/00BC/HNA/2024/0065
Property	:	855 Cranbrook Road, Ilford, Essex IG6 1JE
Applicant	:	Pellumb Mazreku
Respondent	:	London Borough of Redbridge
Type of application	:	Appeal against a financial penalty - Section 249A & Schedule 13A to the Housing Act 2004
Tribunal	:	Judge Nicol Mr A Fonka FCIEH CEnvH
Date and venue of hearing	:	3rd April 2025 10 Alfred Place, London WC1E 7LR
Date of decision	:	4th April 2025

DECISION

The Tribunal confirms the penalties imposed by the Respondent on the Applicant:

- **£5,000 for having control of or managing a House in Multiple Occupation which is required to be licensed but is not so licensed, contrary to section 72(1) of the Housing Act 2004;**
- **£500 for failing to comply with reg.3 of the Management of Houses in Multiple Occupation (England) Regulations 2006 (“the HMO Regulations”);**
- **£5,000 for failing to comply with reg.4(4) of the HMO Regulations; and**
- **£750 for failing to comply with reg.9 of the HMO Regulations.**

Relevant legislation is set out in the Appendix to this decision.

Reasons

1. The Applicant is the freeholder of the subject property, a 3-storey townhouse which he and his company developed along with neighbouring properties in the same block. The local authority Respondent has sought to impose the following financial penalties on the Applicant:
 - £5,000 for having control of or managing a House in Multiple Occupation which is required to be licensed but is not so licensed, contrary to section 72(1) of the Housing Act 2004 (“the 2004 Act”);
 - £500 for failing to comply with reg.3 of the Management of Houses in Multiple Occupation (England) Regulations 2006 (“the HMO Regulations”);
 - £5,000 for failing to comply with reg.4(4) of the HMO Regulations; and
 - £750 for failing to comply with reg.9 of the HMO Regulations.
2. The final penalty notices were served on 13th June 2024. The Applicant appealed to this Tribunal on 26th June 2024.
3. The Applicant’s appeal was heard by the Tribunal on 3rd April 2025. The attendees were:
 - The Applicant, accompanied by his colleague and witness, Ms Guler Atan (the hearing started late because they arrived late due to delays on the Central Line)
 - Mr Ben Leb, counsel for the Respondent
 - The Respondent’s witnesses, both Housing Standards Enforcement Officers:
 - Ms Norma Pink
 - Ms Rhian Nelson
4. The Tribunal had the following documents, filed and served in accordance with the Tribunal’s directions issued on 28th October 2022:
 - Applicant’s Bundle, 83 pages;
 - Respondent’s Bundle, 292 pages;
 - A 2-page Response from the Applicant; and
 - A Skeleton Argument from Mr Leb.
5. The Applicant had made an application to allow further documents in late. The document in question was an unsigned copy of the tenancy agreement of which there was already a signed copy in the bundle. Ms Atan explained that she had been asked to provide the “original” of the tenancy agreement. The Tribunal explained that the “original” meant the original signed agreement as opposed to the photocopy in the bundle. The Applicant had not brought the original with him but nothing turned on that.
6. More significantly, the Respondent had mistakenly included in their bundle two copies of one of the four Final Notices (relating to reg.9) and

none of one of the others (relating to reg.4). The Applicant accepted that he had received all four Final Notices and did not object to the Respondent emailing in a copy of the missing one to the Tribunal, which they did.

7. The Tribunal heard evidence from Ms Pink and Ms Nelson and then from the Applicant and Ms Atan, all of whom had provided witness statements. The Applicant had no questions for the Respondent's witnesses, although the Tribunal did question them. Mr Leb cross-examined the Applicant and Ms Atan although, again, the Tribunal asked their own questions as well.
8. The Applicant claims that, on 1st November 2022, he, with the assistance of Ms Atan, let the property under a single assured shorthold tenancy to:
 - Mr Cristian Borcila
 - Mr Iounut-Daniel Barsan
 - Mrs Vasilica-Mihaela Borcila
 - Mrs Adelina-Maria Barsan
 - Mr Vladut-Iulian Arvinte
9. The Applicant had one ground of challenge to the penalties the Respondent sought to impose. He asserted that the 5 tenants were related to each other within the meaning of section 258 of the 2004 Act so that they were a single household and the property was not a house in multiple occupation.
10. The Respondent received complaints of anti-social behaviour and HMO letting at the Applicant's properties in Cranbrook Road. Ms Pink and Ms Nelson carried out a without notice inspection of the property at number 855 on 10th October 2023. Ms Atan complained that they barged their way in and upset the tenants but she had not been present and there was no evidence for such unprofessional behaviour. The Tribunal found Ms Pink and Ms Nelson to be credible witnesses and accepts their account that they encountered two of the occupants of the property who identified themselves as Adelina Barsan and Andrea Gurlan.
11. Ms Nelson got Mrs Barsan and Mrs Gurlan to complete and sign template witness statements in which they both said they had lived in the property for one year, had been shown round by "the landlord" (they apparently did not know his name) and that the 8 adults and 4 children in occupation were not related to each other. Ms Pink and Ms Nelson said they understood from their verbal responses that Mrs Barsan and Mrs Gurlan were saying that the children were related to their parents who lived there but otherwise the occupants were unrelated.
12. Ms Pink and Ms Nelson did not encounter any other residents but they did not enter two of the rooms because Mrs Barsan and Mrs Gurlan told them that there was a family and a man isolating for COVID reasons in those rooms.

13. The Applicant asserted that the statements made by Mrs Barsan and Mrs Gurlan were incorrect and that the errors arose due to language difficulties, their first language being Romanian. Ms Pink and Ms Nelson explained that, while it was obvious that Mrs Barsan and Mrs Gurlan's first language was not English, they spoke slowly and repeated themselves and then confirmed that they were understood. Mrs Barsan and Mrs Gurlan volunteered information about the household and the tenancy which gave the impression that they understood what they were being asked.
14. On 16th October 2023 Ms Pink wrote to the Applicant inviting him to apply for an HMO licence. The following day she wrote a further letter informing him that she had found hazards under the Housing Health & Safety Rating System at the property and invited him to address these matters informally. The Applicant replied by email dated 23rd October 2023 asserting that he did not understand her letters because the property was let to a related family.
15. By email dated 1st November 2023 the Applicant offered to evict the tenants which he later went on to do. In the Tribunal's view, this is not consistent with the Applicant's case. Throughout, he has maintained that neither he nor his tenants had done anything wrong and that the Respondent's actions were unjustified. If that were true, there would be no need to evict the tenants. The Tribunal put this to the Applicant and he said it was to stop the Respondent's action. That would stop them asking him to obtain an HMO licence but since any offence would have already occurred, eviction could not make any difference to whether it had been committed or not and so to the likelihood of the Respondent seeking to penalise him. The Applicant put forward no further explanation but told the Tribunal that his tenants were unhappy about being evicted.
16. By letter dated 13th November 2023 Ms Pink informed the Applicant that, since he was claiming that the property was occupied by a single household, the Respondent required the tenants to make a voluntary declaration under the Statutory Declarations Act 1835 (Section 18), to establish and confirm the mode of occupancy at the address. She further stated,

The tenants must make this declaration in the presence of any justice of the peace, notary public, or other officer now by law authorised to administer an oath, to take and receive the declaration of any person voluntarily making the same before him in the form in the schedule.

It should contain the names of all individuals residing at the property, detailing their relationship to the lead tenant/s. We also request you provide a copy of a photographic identity document, for everyone listed in the declaration.
17. It is clear in hindsight that the Applicant has never understood exactly what the Respondent was seeking. His immediate response was to email

back on 22nd November 2023 asking for a further explanation as to what he needed to do. Ms Pink replied by email later the same day stating,

In order for the local authority to establish the true mode of occupancy, the local authority requires a Section 18 declaration to be signed by all individuals.

The declaration must be signed together in the presence of a Commissioner of Oath. All tenants will need to provide photographic ID to the Commissioner of Oath and the local authority.

Once the local authority is in receipt of the signed declaration and satisfied the property is occupied by a single family no further action will be taken.

18. The Applicant responded, again on the same day, asking whether the Respondent needed an email or letter with IDs from the tenants. Ms Pink replied,

The role of a Commissioner for Oaths is to administer the taking of an oath or affirmation by a person in relation to his affidavit, statutory declaration, or other legal document. This means that the deponent must take the oath or make the affirmation in front of a Commissioner for Oaths, who will then record this oath or affirmation. Photographic ID will be required.

Alternatively, a Notary public is a skilled solicitor who holds an internationally recognised public office and with their specialism in the preparation, authentication and certification of documents.

Once the declaration has been signed you are required to provide the document to the local authority with a copy of the tenants photographic ID.

19. The Tribunal can appreciate that the Applicant, being neither a lawyer nor familiar with the English legal system, may have struggled to understand what Ms Pink was saying, although she was trying to be helpful and as clear as she could be. However, it would have been clear to any recipient of their letters that the Respondent was asking for a legal step to be taken. The Tribunal cannot see why the Applicant would not take the simple step of consulting a lawyer. He said it would be expensive but advice as to what a statutory declaration is would cost very little, particularly when compared to the penalties the Respondent later sought and even more so compared to the value of the Applicant's properties, the management of which he was seeking to defend. He asserted that he thought it so obvious that he was in the right that he did not need a lawyer but it is not credible that he, in his position as a landlord and developer of several valuable properties, could be that naïve.
20. Instead of taking the sensible option of consulting a lawyer, the Applicant and Ms Atan tried to create their own documents. One will serve as an example since they are in the same format and use the same language. It

was in the form of a typed letter dated 24th November 2023, with signatures next to the names at the bottom, and stated,

Dear Norma Pink

We Mr Ionut-Daniel & Adelina-Maria Barsan hereby declares swear an Oath his our relative, Mrs Ana-Andrea & Mr Ionut-Catalina Gurlan and child Ioachim-Andrei Gurlan.

Yours sincerely

Mr Ionut-Daniel Barsan & Adelina-Maria Barsan

21. As can be seen, as well as not complying with any known form of official oath or declaration, the document does not specify who is related to whom or how. The Applicant and Ms Atan said that they went to the property together, with the documents, and asked the residents to sign them. There was no Romanian translation which is somewhat surprising given the supposed language difficulties which the Applicant has alleged, although he did say one of the tenants spoke good English (he couldn't remember which one). It is not clear what the document meant by "relative" and, in particular, whether it matched the definition in section 258(2) of the 2004 Act. When asked what she thought "relative" meant, Ms Atan was somewhat vague, talking of people who know each other and are from the same background, or possibly cousins.
22. These documents were accompanied by photos of the residents' passports. Someone, it is not clear who, had annotated the photos with some typewritten words:
 - "They are couples and them two children"
 - "Mrs Vasilica-Mihaela Borcils & Mr Cristian Borcilst they are Mrs Adelina-Maria Barlan's sister with her husband and them child"
 - "Mrs Ana-Andraea Gurlan & Mr Ionut-Catalin Gurlan they are Mr Ionut Daniel Barsan's sister and them child"
23. Putting the evidence at its absolute highest, it would appear to indicate that the three pairs of people with the same or similar surnames were couples while Mrs Borcils/Borcila was a sister of Mrs Barsan/Barlan while Mrs Gurlan is Mr Barsan's sister. If this were true, four of the tenants and the additional occupants, Mr & Mrs Gurlan, would be related within the meaning of section 258(2). However, none of the documents mentioned the remaining tenant, Mr Arvinte.
24. The Applicant has insisted from the time he sent these documents right through to the end of the hearing that they prove beyond any doubt that the residents were related to each other. In fact, it is clear that they do no such thing. At their highest, they do not even claim that Mr Arvinte is related to any of the other residents and that by itself is enough to refute the claim that the residents constitute a single household. However, it is not possible to accept the documents at all. They lack any clarity or detail and it is far from clear that the signatories knew what they were signing.

They lack any evidential credibility at all. In the circumstances, the hearsay statements given by Mrs Barsan and Mrs Gulan to Ms Pink and Ms Nelson are far more reliable.

25. Therefore, the Tribunal is satisfied that the residents did not constitute a single household. Further therefore, the property was an HMO.
26. The Applicant did not challenge any other element of any of the offences. He claimed that he did not know Mr & Mrs Gurlan had moved in but even limiting the occupants to the five adult tenants, the property would be subject to mandatory licensing under the 2004 Act. It was not so licensed. The Applicant managed and controlled the property. Therefore, the Tribunal is satisfied so that it is sure that the Applicant committed the offence under section 72(1) of the Act. He did not claim to have any kind of reasonable excuse.
27. The Applicant accepted that, if the property were an HMO, it would be subject to the HMO Regulations. His defence was that the property was in perfect condition for single household occupancy and that is what the tenants were. The Tribunal has already rejected that argument.
28. Under reg.3 of the HMO Regulations, the Applicant's details should have been displayed in the property. The Tribunal accepts the evidence of Ms Pink and Ms Nelson that no such details were displayed. The Applicant did not seek to contend otherwise. Therefore, the Applicant breached reg.3 and thereby committed an offence under section 234(3) of the 2004 Act.
29. Under reg.4, the Applicant had a duty to take all such measures as are reasonably required to protect the occupiers of the HMO from injury having regard to the design of the HMO, the structural conditions in the HMO and the number of occupiers in the HMO. Ms Pink and Ms Nelson discovered the following defaults:
 - (a) The fire detection was unsatisfactory;
 - (b) The requisite grade of fire detection system was not installed;
 - (c) A fire blanket was not present in the kitchen;
 - (d) A heat detector was not present in the kitchen;
 - (e) The doors opening to the fire escape route did not have the requisite fire separation or accessories;
 - (f) The rear exit door did not have a thumb turn lock;
 - (g) The understairs cupboard was not lined with 30 minute fire resistance; and
 - (h) The kitchen facilities were inadequate for the number of occupants.
30. The Applicant had not mentioned whether he disputed any of these findings other than on the grounds that the HMO Regulations did not apply because the property was not an HMO. When the Tribunal asked, Ms Atan seemed convinced that some of the items were wrong, for example as to whether there was a fire blanket in the kitchen. It seems unlikely that two local authority housing enforcement officers would have simultaneously missed this and the Applicant had no evidence to

back up Ms Atan's assertion. Again, the Tribunal accepts the evidence of Ms Pink and Ms Nelson. Therefore, the Applicant breached reg.4 for the reasons given and thereby committed an offence under section 234(3) of the 2004 Act.

31. Under reg.9 the Applicant was obliged to ensure that sufficient bins or other suitable receptacles are provided that are adequate for the requirements of each household occupying the HMO for the storage of refuse and litter pending their disposal. There was only one bin. It was clearly inadequate. Therefore, the Applicant breached reg.9 and, again, thereby committed an offence under section 234(3) of the 2004 Act.
32. Further therefore, the Respondent was justified in issuing penalty notices for the four offences. The next question is what the amount of the penalty should be.
33. Although the appeal is a rehearing and the Tribunal needs to reach its own conclusion on each issue, the Tribunal is entitled to have regard to the Respondent's views (*Clark v Manchester CC* [2015] UKUT 0129 (LC)) and must consider the case against the background of the policy which the Respondent has adopted to guide its decisions (*R (Westminster CC) v Middlesex Crown Court* [2002] EWHC 1104 (Admin)).
34. The Respondent's policy is in line with Government guidance and provides a careful balance, within the objectives of the legislation, between the various elements which make up the offences and their context. Considering all the circumstances of this case and the degree of the Applicant's culpability, the Tribunal is satisfied that the amount of each penalty determined by the Respondent was appropriate, including the additional premium.
35. Therefore, the Tribunal confirms that the Applicant is subject to the penalties referred to in paragraph 1 above.

Name: Judge Nicol

Date: 4th April 2023

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).

Appendix of relevant legislation

Housing Act 2004

72 Offences in relation to licensing of HMOs

- (1) A person commits an offence if he is a person having control of or managing an HMO which is required to be licensed under this Part (see section 61(1)) but is not so licensed.
- (2) A person commits an offence if—
 - (a) he is a person having control of or managing an HMO which is licensed under this Part,
 - (b) he knowingly permits another person to occupy the house, and
 - (c) the other person's occupation results in the house being occupied by more households or persons than is authorised by the licence.
- (3) A person commits an offence if—
 - (a) he is a licence holder or a person on whom restrictions or obligations under a licence are imposed in accordance with section 67(5), and
 - (b) he fails to comply with any condition of the licence.
- (4) In proceedings against a person for an offence under subsection (1) it is a defence that, at the material time—
 - (a) a notification had been duly given in respect of the house under section 62(1), or
 - (b) an application for a licence had been duly made in respect of the house under section 63,and that notification or application was still effective (see subsection (8)).
- (5) In proceedings against a person for an offence under subsection (1), (2) or (3) it is a defence that he had a reasonable excuse—
 - (a) for having control of or managing the house in the circumstances mentioned in subsection (1), or
 - (b) for permitting the person to occupy the house, or
 - (c) for failing to comply with the condition,as the case may be.
- (6) A person who commits an offence under subsection (1) or (2) is liable on summary conviction to a fine.
- (7) A person who commits an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (7A) See also section 249A (financial penalties as alternative to prosecution for certain housing offences in England).
- (7B) If a local housing authority has imposed a financial penalty on a person under section 249A in respect of conduct amounting to an offence under this section the person may not be convicted of an offence under this section in respect of the conduct.
- (8) For the purposes of subsection (4) a notification or application is “effective” at a particular time if at that time it has not been withdrawn, and either—

- (a) the authority have not decided whether to serve a temporary exemption notice, or (as the case may be) grant a licence, in pursuance of the notification or application, or
 - (b) if they have decided not to do so, one of the conditions set out in subsection (9) is met.
- (9) The conditions are—
- (a) that the period for appealing against the decision of the authority not to serve or grant such a notice or licence (or against any relevant decision of the appropriate tribunal) has not expired, or
 - (b) that an appeal has been brought against the authority's decision (or against any relevant decision of such a tribunal) and the appeal has not been determined or withdrawn.
- (10) In subsection (9) “relevant decision” means a decision which is given on an appeal to the tribunal and confirms the authority's decision (with or without variation).

234 Management regulations in respect of HMOs

- (1) The appropriate national authority may by regulations make provision for the purpose of ensuring that, in respect of every house in multiple occupation of a description specified in the regulations—
- (a) there are in place satisfactory management arrangements; and
 - (b) satisfactory standards of management are observed.
- (2) The regulations may, in particular—
- (a) impose duties on the person managing a house in respect of the repair, maintenance, cleanliness and good order of the house and facilities and equipment in it;
 - (b) impose duties on persons occupying a house for the purpose of ensuring that the person managing the house can effectively carry out any duty imposed on him by the regulations.
- (3) A person commits an offence if he fails to comply with a regulation under this section.
- (4) In proceedings against a person for an offence under subsection (3) it is a defence that he had a reasonable excuse for not complying with the regulation.
- (5) A person who commits an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (6) See also section 249A (financial penalties as alternative to prosecution for certain housing offences in England).
- (7) If a local housing authority has imposed a financial penalty on a person under section 249A in respect of conduct amounting to an offence under this section the person may not be convicted of an offence under this section in respect of the conduct.

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.
- (2) In this section “relevant housing offence” means an offence under—
- (a) section 30 (failure to comply with improvement notice),
 - (b) section 72 (licensing of HMOs),

- (c) section 95 (licensing of houses under Part 3),
 - (d) section 139(7) (failure to comply with overcrowding notice), or
 - (e) section 234 (management regulations in respect of HMOs).
- (3) Only one financial penalty under this section may be imposed on a person in respect of the same conduct.
- (4) The amount of a financial penalty imposed under this section is to be determined by the local housing authority, but must not be more than £30,000.
- (5) The local housing authority may not impose a financial penalty in respect of any conduct amounting to a relevant housing offence if—
- (a) the person has been convicted of the offence in respect of that conduct, or
 - (b) criminal proceedings for the offence have been instituted against the person in respect of the conduct and the proceedings have not been concluded.
- (6) Schedule 13A deals with—
- (a) the procedure for imposing financial penalties,
 - (b) appeals against financial penalties,
 - (c) enforcement of financial penalties, and
 - (d) guidance in respect of financial penalties.
- (7) The Secretary of State may by regulations make provision about how local housing authorities are to deal with financial penalties recovered.
- (8) The Secretary of State may by regulations amend the amount specified in subsection (4) to reflect changes in the value of money.
- (9) For the purposes of this section a person's conduct includes a failure to act.

254 Meaning of “house in multiple occupation”

- (1) For the purposes of this Act a building or a part of a building is a “house in multiple occupation” if—
- (a) it meets the conditions in subsection (2) (“the standard test”);
 - (b) it meets the conditions in subsection (3) (“the self-contained flat test”);
 - (c) it meets the conditions in subsection (4) (“the converted building test”);
 - (d) an HMO declaration is in force in respect of it under section 255; or
 - (e) it is a converted block of flats to which section 257 applies.
- (2) A building or a part of a building meets the standard test if—
- (a) it consists of one or more units of living accommodation not consisting of a self-contained flat or flats;
 - (b) the living accommodation is occupied by persons who do not form a single household (see section 258);
 - (c) the living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it (see section 259);
 - (d) their occupation of the living accommodation constitutes the only use of that accommodation;
 - (e) rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation; and
 - (f) two or more of the households who occupy the living accommodation share one or more basic amenities or the living accommodation is lacking in one or more basic amenities.
- (3) A part of a building meets the self-contained flat test if—

- (a) it consists of a self-contained flat; and
 - (b) paragraphs (b) to (f) of subsection (2) apply (reading references to the living accommodation concerned as references to the flat).
- (4) A building or a part of a building meets the converted building test if–
 - (a) it is a converted building;
 - (b) it contains one or more units of living accommodation that do not consist of a self-contained flat or flats (whether or not it also contains any such flat or flats);
 - (c) the living accommodation is occupied by persons who do not form a single household (see section 258);
 - (d) the living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it (see section 259);
 - (e) their occupation of the living accommodation constitutes the only use of that accommodation; and
 - (f) rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation.
- (5) But for any purposes of this Act (other than those of Part 1) a building or part of a building within subsection (1) is not a house in multiple occupation if it is listed in Schedule 14.
- (6) The appropriate national authority may by regulations–
 - (a) make such amendments of this section and sections 255 to 259 as the authority considers appropriate with a view to securing that any building or part of a building of a description specified in the regulations is or is not to be a house in multiple occupation for any specified purposes of this Act;
 - (b) provide for such amendments to have effect also for the purposes of definitions in other enactments that operate by reference to this Act;
 - (c) make such consequential amendments of any provision of this Act, or any other enactment, as the authority considers appropriate.
- (7) Regulations under subsection (6) may frame any description by reference to any matters or circumstances whatever.
- (8) In this section–
 - “basic amenities” means–
 - (a) a toilet,
 - (b) personal washing facilities, or
 - (c) cooking facilities;
 - “converted building” means a building or part of a building consisting of living accommodation in which one or more units of such accommodation have been created since the building or part was constructed;
 - “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30));
 - “self-contained flat” means a separate set of premises (whether or not on the same floor)–
 - (a) which forms part of a building;
 - (b) either the whole or a material part of which lies above or below some other part of the building; and
 - (c) in which all three basic amenities are available for the exclusive use of its occupants.

258 HMOs: persons not forming a single household

- (1) This section sets out when persons are to be regarded as not forming a single household for the purposes of section 254.
- (2) Persons are to be regarded as not forming a single household unless—
 - (a) they are all members of the same family, or
 - (b) their circumstances are circumstances of a description specified for the purposes of this section in regulations made by the appropriate national authority.
- (3) For the purposes of subsection (2)(a) a person is a member of the same family as another person if—
 - (a) those persons are married to each other or live together as husband and wife (or in an equivalent relationship in the case of persons of the same sex);
 - (b) one of them is a relative of the other; or
 - (c) one of them is, or is a relative of, one member of a couple and the other is a relative of the other member of the couple.
- (4) For those purposes—
 - (a) a “couple” means two persons who are married to each other or otherwise fall within subsection (3)(a);
 - (b) “relative” means parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin;
 - (c) a relationship of the half-blood shall be treated as a relationship of the whole blood; and
 - (d) the stepchild of a person shall be treated as his child.
- (5) Regulations under subsection (2)(b) may, in particular, secure that a group of persons are to be regarded as forming a single household only where (as the regulations may require) each member of the group has a prescribed relationship, or at least one of a number of prescribed relationships, to any one or more of the others.
- (6) In subsection (5) “prescribed relationship” means any relationship of a description specified in the regulations.

SCHEDULE 13A

FINANCIAL PENALTIES UNDER SECTION 249A

6

If the authority decides to impose a financial penalty on the person, it must give the person a notice (a “final notice”) imposing that penalty.

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- (1) A person to whom a final notice is given may appeal to the First tier Tribunal against—
 - (a) the decision to impose the penalty, or
 - (b) the amount of the penalty.

- (2) If a person appeals under this paragraph, the final notice is suspended until the appeal is finally determined or withdrawn.
- (3) An appeal under this paragraph—
 - (a) is to be a re-hearing of the local housing authority's decision, but
 - (b) may be determined having regard to matters of which the authority was unaware.
- (4) On an appeal under this paragraph the First-tier Tribunal may confirm, vary or cancel the final notice.
- (5) The final notice may not be varied under sub-paragraph (4) so as to make it impose a financial penalty of more than the local housing authority could have imposed.

Management of Houses in Multiple Occupation (England) Regulations 2006

3.— Duty of manager to provide information to occupier

- (1) The manager must ensure that—
 - (a) his name, address and any telephone contact number are made available to each household in the HMO; and
 - (b) such details are clearly displayed in a prominent position in the HMO.

4.— Duty of manager to take safety measures

- (1) The manager must ensure that all means of escape from fire in the HMO are—
 - (c) kept free from obstruction; and
 - (d) maintained in good order and repair.
- (2) The manager must ensure that any fire fighting equipment and fire alarms are maintained in good working order.
- (3) Subject to paragraph (6), the manager must ensure that all notices indicating the location of means of escape from fire are displayed in positions within the HMO that enable them to be clearly visible to the occupiers.
- (4) The manager must take all such measures as are reasonably required to protect the occupiers of the HMO from injury, having regard to—
 - (a) the design of the HMO;
 - (b) the structural conditions in the HMO; and
 - (c) the number of occupiers in the HMO.
- (5) In performing the duty imposed by paragraph (4) the manager must in particular—
 - (a) in relation to any roof or balcony that is unsafe, either ensure that it is made safe or take all reasonable measures to prevent access to it for so long as it remains unsafe; and
 - (b) in relation to any window the sill of which is at or near floor level, ensure that bars or other such safeguards as may be necessary are provided to protect the occupiers against the danger of accidents which may be caused in connection with such windows.
- (6) The duty imposed by paragraph (3) does not apply where the HMO has four or fewer occupiers.

9. — Duty to provide waste disposal facilities

The manager must—

- (a) ensure that sufficient bins or other suitable receptacles are provided that are adequate for the requirements of each household occupying the HMO for the storage of refuse and litter pending their disposal; and
- (b) make such further arrangements for the disposal of refuse and litter from the HMO as may be necessary, having regard to any service for such disposal provided by the local authority.