FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference	**:**	**MAN/00DA/HNA/2022/0098**
Property	**:**	**6 Dorset Terrace Leeds LS8 3QR**
Applicants	**:**	**Mr Samuel Obute**
Respondent	**:**	**Leeds City Council**
Type of Application	**:**	**Appeal against a financial penalty - Section 249A & Schedule 13A to the Housing Act 2004**
Tribunal Members	**:**	**Judge, Katherine Southby** **Valuer Member, Aisling Ramshaw**
Date of Decision	**:**	**25 August 2023**

DECISION

The Tribunal dismisses the appeal and varies the financial penalty to £7,500.

REASONS

Background

1. This is an appeal by the applicant, Mr Samuel Obute, against a financial penalty of £7125 imposed on him by Leeds City Council ('the Council') under the Housing Act 2004 ('the Act'), s.249A. The penalty arose because of a failure of Mr Obute to comply with the requirements of the Act.

2. The penalty was imposed on 10 November 2022 in relation to 6 Dorset Terrace ('the property'). Mr Obute appealed to the Tribunal against the penalty on 5 December 2022.

3. The property was not inspected by the Tribunal.

4. The hearing took place by way of a video hearing on 25 August 2023. This has been a remote hearing which has been consented to by the parties. The form of remote hearing was FVH – a video hearing. A face-to-face hearing was not held because all issues could be determined in a remote video hearing.

5. The documents to which the Tribunal was referred to are in a bundle of 30 pages from the Applicant and a bundle of 334 pages from the Respondent together with a document entitled Respondent's Reply Statement and late evidence form Mr Obute comprising telephone call logs and complaint logs which were sent to the Tribunal during the course of the hearing by email and admitted as being in the interests of justice. The parties confirmed that they had access to the same documents, had had the opportunity to consider them and were happy to proceed by way of a video hearing. They confirmed that they could see and/or hear the proceedings. Despite some initial connectivity difficulties and problems with the sound, all parties confirmed that they were able to participate in full and were happy to proceed. The order made is described at the end of these reasons.

6. Mr Obute attended and was not represented.

7. Ms Hayley Lloyd Henry represented the Respondent. The witness was Mr Liam Carr, Senior Housing Officer.

8. We carefully considered all the written evidence submitted to the Tribunal in advance and the oral evidence given to us at the hearing even if we do not specifically mention it. We used the hearing to amplify and update parts of the written evidence and only record such of the oral evidence as is necessary to explain our decision.

The Law

Housing Act 2004

9. Section 249A (1) of the Act provides that a local authority may impose a financial penalty where there has been "a relevant housing offence".

10. Section 249 (2) sets out what amounts to a housing offence and includes at, section 249(a) an offence under section 95 of the Act, namely a failure to comply with the requirements for licensing of houses. Section 249 (3)-(4) further provides that only one financial penalty can be imposed for each offence and that cannot exceed £30,000. The imposition of a financial penalty is an alternative to criminal proceedings.

11. **Section 251 deals with Offences by bodies corporate and states:**

(1)Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—

(a)a director, manager, secretary or other similar officer of the body corporate, or

(b)a person purporting to act in such a capacity,

he as well as the body corporate commits the offence and is liable to be proceeded against and punished accordingly.

12. Section 95(1) of the Act provides:

> 95 Offences in relation to licensing of houses under this Part
> (1)A person commits an offence if he is a person having control of or managing a house which is required to be licensed under this Part (see section 85(1)) but is not so licensed.
> ...
> (4) In proceedings against a person for an offence under subsection (1)
> ...
> 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)

Procedural requirements

13. Schedule 13A of the Act sets out the procedural requirements a local authority must follow when seeking to impose a financial penalty. Before imposing such a penalty, the local authority must give a person notice of their intention to do so, by means of a Notice of Intent.

14. A Notice of Intent must be given be given within 6 months of the local authority becoming aware of the offence to which the penalty relates, unless the conduct of the offence is continuing, when other time limits are then relevant.

15. The Notice of Intent must set out:
    - the amount of the proposed financial penalty
    - the reasons for imposing the penalty
    - Information about the right to make representations regarding the penalty

16. If representations are to be made, they must be made within 28 days from the date the Notice of Intent was given. At the end of this period the local authority must then decide whether to impose a financial penalty and, if so, the amount.

17. The Final Notice must set out:
    - the amount of the financial penalty
    - the reasons for imposing the penalty
    - information about how to pay the penalty
    - the period for the payment of the penalty
    - information about rights of appeal
    - the consequences of failure to comply with the notice.

Guidance

18. A local authority must have regard to any guidance issued by the Secretary of State relating to the imposition of financial penalties:2004 Act Schedule 3, para 12. The Ministry of Housing Communities and Local Government issues such guidance (" the MHCLG Guidance") in April 2018: *Civil Penalties under the Housing and Planning Act 12016 – Guidance for Local Authorities.* This requires a local authority to develop its own policy regarding when or if to prosecute or issue a financial penalty. The MHCLG Guidance also sets out the following list of factors which local housing authorities should consider to help ensure that financial penalties are set at an appropriate level:
    a) Severity of the offence.

b) Culpability and track record of the offender.
c) The harm caused to the tenant.
d) Punishment of the offender.
e) Deterrence of the offender from repeating the offence.
f) Deterrence of others from committing similar offences.
g) Removal of any financial benefit the offender may have obtained as a result of committing the offence.

19. In recognition of the expectation that local housing authorities will develop and document their own policies on financial penalties, in June 2018 the Council approved a policy for the use of Civil Penalties as an alternate to prosecution in the Housing and Planning Act 2016 ('the Policy'). We make further reference to this Policy later in these reasons.

Appeals

20. A final notice given under Schedule 13A to the 2004 Act must require the penalty to be paid within the period of 28 days beginning with the day after that on which the notice was given. However, this is subject to the right of the person to whom a final notice is given to appeal to the Tribunal (under paragraph 10 of Schedule 13A).

21. Such an appeal may be made against the decision to impose the penalty, or the amount of the penalty. It must be made within 28 days after the date on which the final notice was sent to the appellant. The final notice is then suspended until the appeal is finally determined or withdrawn.

22. The appeal is by way of a re-hearing of the local housing authority's decision and may be determined by the Tribunal having regard to matters of which the authority was unaware. The Tribunal may confirm, vary or cancel the final notice. However, the Tribunal may not vary a final notice so as to make it impose a financial penalty of more than the local housing authority could have imposed.

23. When deciding whether to confirm, vary or cancel the final notice imposing the financial penalty, the issues for the Tribunal to consider will or may include:

    a. Whether the Tribunal is satisfied beyond reasonable doubt that the applicant's conduct amounts to a relevant housing offence in respect of premises in England (see sections 249A(1) and (2) of the Housing Act 2004);
    b. Whether the local housing authority has complied with all of the necessary requirements and procedures relating to the imposition of the financial penalty (see section 249A and paragraphs 1 to 8 of Schedule 13A of the 2004 Act);
    c. If the appeal relates to more than one financial penalty imposed on the applicant whether or not they are in respect of the same conduct; and/or
    d. Whether the financial penalty is set at an appropriate level having regard to any relevant factors, which may include, for example:
        i. The offender's means
        ii. The severity of the offence
        iii. The culpability and track record of the offender
        iv. The harm (if any) caused to a tenant of the premises
        v. The need to punish the offender, to deter repetition of the offence or the need to deter others from committing similar offences; and/or

vi. The need to remove any financial benefit the offender may have obtained as a result of committing the offence

24. A number of decisions of the Upper Tribunal have established the questions that should be addressed when considering an appeal against a financial penalty. Those are *London Borough of Waltham Forest v Younis* [2019] UKUT 0362 (LC), *London Borough of Waltham Forest v Marshall & Another* [2020] UKUT 0035 (LC), *IR Management Services Ltd v Salford City Council* [2020] UKUT 0081 (LC), *Sutton & Another v Norwich City Council* [2020] UKUT 0090 (LC) and *Thurrock Council v Daoudi* [2020] UKUT 209 (LC).

25. The Tribunal's task is not simply a matter of reviewing whether the penalty imposed by the Final Notice was reasonable: the Tribunal must make its own determination as to the appropriate amount of the financial penalty having regard to all the available evidence. In doing so, the Tribunal should have regard to the seven factors specified in the MHCLG Guidance as being relevant to the level at which a financial penalty should be set (see paragraph 14, above).

26. The Tribunal should also have particular regard to the council's Policy (see paragraph 15, above). As the Upper Tribunal (Lands Chamber) observed in *Sutton & Another v Norwich City Council* [2020] UKUT 0090 (LC):

27. "It is an important feature of the system of civil penalties that they are imposed in the first instance by local housing authorities, and not by courts or tribunals. The local housing authority will be aware of housing conditions in its locality and will know if particular practices or behaviours are prevalent and ought to be deterred."

28. The Upper Tribunal went on to say that the local authority is well placed to formulate its policy and endorsed the view that a tribunal's starting point in any particular case should normally be to apply that policy as though it were standing in the local authority's shoes. It offered the following guidance in this regard:

29. "If a local authority has adopted a policy, a tribunal should consider for itself what penalty is merited by the offence under the terms of the policy. If the authority has applied its own policy, the Tribunal should give weight to the assessment it has made of the seriousness of the offence and the culpability of the appellant in reaching its own decision."

30. Upper Tribunal guidance on the weight which tribunals should attach to a local housing authority's policy (and to decisions taken by the authority hereunder) was also given in another recent decision of the Lands Chamber: *London Borough of Waltham Forest v Marshall & Another* [2020] UKUT 0035 (LC). Whilst a tribunal must afford great respect (and thus special weight) to the decision reached by the local housing authority in reliance upon its own policy, it must be mindful of the fact that it is conducting a rehearing, not a review: the tribunal must use its own judgment and it can vary such a decision where it disagrees with it, despite having given it that special weight.

31. The decision of the Upper Tribunal in *Sutton & Another v Norwich City Council* was appealed to the Court of Appeal. The Court concluded that the penalties imposed could not be impugned: *Sutton & Another v Norwich City Council* [2021] EWCA Civ 20. The Court (at para. 14) having considered the Upper Tribunal's view on the weight to attach

to a policy of the authority in *London Borough of Waltham Forest v Marshall & Another* took the view there were no reasons to dissent from those observations.

Evidence

32. It is not disputed by Mr Obute that the freehold owner of the Property is Nextgen Homes Limited. He confirms in correspondence to the Council [page 206 Respondent's Bundle] that he completed the purchase of Dorset terrace on 22 April 2022. Nor is it disputed that the Applicant is the sole director of Nextgen Homes Limited, or that as from 24 June 2022 onwards Nextgen Homes started receiving housing benefit payments in respect of one of its tenants from the Respondent Council.

33. It is common ground that the Property falls within the residential area of Harehills which was designated by the Respondent as an area for selective licensing on 18 July 2019 which came into force on 6 January 2020.

34. The Respondent inspected the Property on 30 June 2022 to ascertain whether it was a licensable property under Part 3 Housing Act 2004. The evidence of Mr Carr was that upon inspection it was being operated as a three-bedroom House of Multiple occupation (HMO) separated over three storeys with each occupier having a separate bedroom and separate kitchen/dining/living space.

35. Mr Obute gave oral evidence that he does not dispute the manner in which the Property was being operated and accepts that the property was not licensed at the time.

36. Mr Obute's oral and written evidence was extensive in respect of the difficulties he had had in getting access to the Property after purchase, difficulties with the auction house, and a lack of information about his licensing obligations during his contact with Leeds City Council. In particular Mr Obute states that he spoke to the Council for in excess of 5 hours not least because one of the tenant's rent was paid by the Council in the form of Housing benefit. He gave evidence that he asked during a telephone call if there was anything else he needed to do with the Property. He states that the absence of information from the Council at this point was negligent on their part and should lead to the cancellation of the financial penalty.

37. Whilst not explicitly expressed in this manner, we are mindful that Mr Obute is not represented and effectively Mr Obute is requesting the Tribunal to consider whether the conduct of the Council in not giving him the information about his licensing obligations amounts to a reasonable excuse under s95(4) such as to mean that a relevant Housing Act offence had not been committed.

38. Mr Obute was asked whether he had spoken to the Private Sector Housing Team or the Council Tax/benefits team who would have been dealing with the payment of rent queries. Mr Obute was unclear on this point, although it is clear that on 16 June 2022 [page 20 Applicant's bundle] the Benefits team wrote to Mr Obute about payments of Housing benefit in respect of a tenant at the Property.

39. On 18 July 2022 the Respondent wrote to Mr Obute setting out that in their view an offence under s95 had been committed and requesting answers to questions under caution.

40. Mr Obute set out in significant detail the extent to which this correspondence and his subsequent interactions with the Council, and with Mr Carr in particular had caused him distress, and taken time. He drew to the Tribunal's attention that a telephone number in a piece of correspondence from the Council had included an incorrectly transcribed telephone number meaning that he had been unable to reach the author, Mr Carr by telephone, although he does not dispute that the email address on the same letter was correct.

41. On 18 August 2022 a Notice of Intent to impose a financial penalty of £8,250.00 was served on the Applicant in respect of the Property. The Notice set out the amount of the proposed penalty, the reasons for imposing it, and the right to make representations.

42. The Respondent treated the Applicant's emails of 20 August 20226, 28 August 2022 and 30 August 2022 as Mr Obute's representations to the Notice of intent. The Respondent decided to apply two additional mitigating factors and to remove one aggravating factor from the penalty which resulted in the amount of the penalty being reduced to £7,125.00.

43. A Final Notice of the Imposition of a Financial Penalty was served on 10 November 2022 including all the information required by paragraph 8 of Schedule 13A to the Housing Act 2004.

44. Selective Licensing Applications were made for the 3 flats at Dorset Terrace by Property Management Company Letsby Avenue on behalf of Mr Obute on 4 January 2023. Mr Obute states that prior to that date he put the matter on hold as he was taking his complaint in respect of the conduct of Mr Carr to the Ombudsman

Decision

45. It is not in dispute that the Property should have been licensed at the time of the Respondent's inspection on 30 June 2022, and that it was not.

46. We accept that Mr Obute as the sole director of Nextgen Limited is liable to be proceeded against in accordance with s251 of the Act, and the acts of the company with a sole director are inevitably attributable to that director.

47. We considered whether the difficulties which Mr Obute had surrounding his purchase of the Property, the purported absence of information from the Council when asked and/or the conduct of the Council and Mr Carr subsequently after the initial contact on 18 July 2022 bringing the licensing issue to Mr Obute's attention could amount to 'reasonable excuse' for the non-licensing of the Property.

48. We find that they do not. It is incumbent upon any property owner who takes on the responsibilities of becoming a landlord to satisfy themselves that they are aware of the necessary legal obligations which attach to their role and to the Property. Mr Obute did not do so. We are satisfied by the evidence of the Council that the information was available through their website. We are also not persuaded that a generic enquiry whether there is anything else which needs to be done is sufficient to discharge Mr Obute's obligation to licence his property. In particular this is all the more the case when it is more likely than not that the conversation he had was with the Benefits team in relation to an ongoing issue concerning Housing Benefit and a resident tenant. The notion that a member of staff dealing with that specific issue should have known or

anticipated what other compliance obligations falling within the auspices of a separate department might be applicable to the Property, is unrealistic and unreasonable.

49. The issues concerning Mr Obute's interactions with Mr Carr are for the purposes of this Tribunal only relevant in so far as they enable us to be sure that he was aware from 18 July 2022 onwards that the Council was of the view that the Property needed to be licensed. Even if he was unaware of his obligations and convinced that he had absolved himself of his responsibilities by his telephone prior conversation (which we do not accept), he was highly conscious of them as a result of this letter. So much so that whilst he refers to the distress which it caused him, he did not take action to licence the Property for more than 4 months thereafter. We note the vigour with which Mr Obute has pursued his complaints against the Council and the detailed information he has provided about telephone call logs, but the vehemence of his feelings on this point do not alter our conclusion that we do not find that Mr Obute's conduct can amount to a reasonable excuse and we find that we are satisfied beyond reasonable doubt that the Applicant's conduct amounts to a relevant housing offence in respect of premises in England.

50. We next considered the procedural compliance of the Respondent. We find that the Notice of Intent was given within 6 months of the local authority becoming aware of the offence to which the penalty relates and set out the amount of the proposed financial penalty the reasons for imposing the penalty and information about the right to make representations regarding the penalty. We find the Respondent's approach of treating Mr Obute's email correspondence as his representations was appropriate and note that these representations reduced the amount of penalty which they imposed. We find that the Final Notice correctly set out:
    - the amount of the financial penalty
    - the reasons for imposing the penalty
    - information about how to pay the penalty
    - the period for the payment of the penalty
    - information about rights of appeal
    - the consequences of failure to comply with the notice.
51. In our view the Respondent has complied with its procedural obligations in respect of the issuing of the financial penalty

Penalty

52. We next considered the penalty imposed by the Council. The Respondent's position on calculation of penalty is unsatisfactory at best, as having quite properly issued an initial financial penalty notice of £8250 [page 149 Respondent's bundle] and reviewed the penalty following representations to arrive at £7125 [page 240 Respondent's bundle], they have subsequently recalculated the penalty value twice more as £4,516.45 [page 4 Respondent's Reply Statement] and within the hearing in oral evidence of Mr Carr who stated that the period of non-compliance used to calculate financial gain was incorrect and should have been 36 weeks form 22 April 2022 to 4 January 2023, giving a further figure of £7396.35.

53. We remind ourselves that our task is not simply matter of reviewing whether the penalty imposed by the Council by the Final Notice was reasonable: we must make our own determination as to the appropriate amount of the financial penalty having regard to all the available evidence before us.

Culpability

54. We considered the Guidance on Civil Penalties [page 23 Respondent's bundle] and the Respondent's own Guidance [page 152] note that this states that 'a landlord will be deemed to be highly culpable where they are an *'experienced/professional landlord'* and so *'ought to know and have arrangements in place to comply with their legal duties and obligations.'*

55. The Government statutory guidance states that '*a higher penalty will be appropriate where the offender …knew, or ought to have known, that they were in breach of their legal responsibilities. Landlords are running a business and should be expected to be aware of their legal obligations*'.

56. Companies House states that the nature of the business of Nextgen Homes Ltd includes *'buying and selling of own real estate, renting and operating of Housing Association real estate, other letting and operating of own or leased real estate and residents property management'*. The Respondent initially regarded this as sufficient for Nextgen Homes Ltd, and by extension the Applicant as the sole director of Nextgen Homes Ltd, to meet the definition of an *'experienced/professional landlord'*. However, upon representations by Mr Obute which we accept, it transpires that the company, and therefore by extension Mr Obute, only had this one Property and so we do not consider this aspect to support a culpability rating of High.

57. However, we note that in fact Nextgen at the time of the offence had only one property, and therefore we do not find the company, and by association Mr Obute to be an experienced professional landlord. However, we nevertheless find that Mr Obute deliberately failed to comply with his obligations and knew or ought to have known he was in breach of his legal responsibilities because Mr Carr on behalf of the Respondent had written to him and told him so and continued to do so. Whilst we can appreciate that Mr Obute may have felt surprised and possibly even distressed to learn that his property was unlicensed and the consequences flowing from that, in focusing his actions on complaining about the conduct of the Council rather than (if necessary simultaneously) ensuring he met his own obligations, leads us to conclude that notwithstanding having been made aware of his legal obligations, he nevertheless continued to ignore them.

58. For the reasons above we consider culpability in this case to be high. We note that the assessment of the Respondent in this matter was initially High and then revised to Low.

Harm

59. The Council categorised the level of harm in this matter as low. We agree with this assessment as there is no suggestion of overcrowding or that the Property was otherwise in an unfit state or that the tenants were otherwise at risk.

Punishment and Deterrence/ Removal of financial benefit

60. We are directed by the Respondent to Central Government statutory guidance which indicates that a civil penalty should not be regarded as a lesser option compared with prosecution. The penalty should be set at a high enough level to ensure that it has a real

economic impact on the offender and demonstrates the consequences of not complying with their legal responsibilities. The penalty should also have a deterrent effect to ensure the landlord fully complies with their legal responsibilities in future, and to deter other landlords from committing similar offences.

61. Likewise, we are directed to Central Government statutory guidance which sets out the principle that the offender should not benefit from committing an offence so the level of a civil penalty should be such as to remove any financial benefit obtained from the offence. As referred to above, the Respondent informed the Tribunal that the revised Civil Penalty calculation [page 240 and Page 3 Respondent's Reply Statement] was incorrect and had undervalued the total financial gain. We have examined this carefully and we find that the correct period for the calculation of financial gain is the period of 36 weeks form 22 April 2022 when Mr Obute through Nextgen had responsibility for the Property until 4 January 2023 when the Property was licensed. We reach this finding on the basis of evidence from Mr Obute [page 11 Applicant's bundle] that he had taken over the Property with long term tenants in it, and therefore we are satisfied on the balance of probabilities that it was a licensable property throughout this period.

62. Accordingly, we therefore take into account the fact that, as a result of operating the property without a licence, the Applicant has obtained the following financial benefits:
a. Rental income for the unlicensed period, commencing 22 April 2022 through to 4 January 2023, in the estimated sum of £4320 being Housing Benefit of £120 per week for 36 weeks [page 20 Applicant's bundle
b. The selective licence fee of £825.00, which the Applicant tried to avoid paying by not obtaining a licence.
c. The Respondent's costs of £251.45 [page 150 Respondent's bundle] which we find to be reasonable.
63. Using the Respondent's calculation matrix this gives a 'Total Financial gain' figure of £5396.45.

64. We are mindful that Mr Obute strongly challenged the notion that there was any financial gain by himself of Nextgen Limited. He drew the Tribunal's attention to company accounts showing that the Company made a loss and stated that this showed there had been no gain from the absence of a licence. We disagree. Incurring a smaller loss than would otherwise have been the case is still a benefit – i.e. a "gain", and this is what has happened here. The company has not incurred the cost of licensing, and has continued to benefit form the income, thereby reducing its losses, during the period of non-compliance.

65. Mr Obute also argues that the financial gain is not his personally, however as the sole director of the Company he stands to benefit personally from financial gains to the company and as stated before we are satisfied that Mr Obute is a director of the company and that the offence has been committed with his consent, connivance or neglect.

Means

66. Mr Obute argues that his company is making a loss and therefore has no means to pay. At the same time, he provides no personal financial information about his own means and yet argues that the Respondent should pay his costs of dealing with this matter in the sum of £82,000, including a month of his time valued at £5000. We make no further finding here as to means, save as to note that the Tribunal is in any event

entitled to take into account the value of properties held in determining means, and therefore we do not make any adjustment to the sum determined on the basis of means and ability to pay.

Aggravating and Mitigating Factors

67. In setting the level of penalty the Respondent stated that they initially applied a 10% increase due to the aggravating factor of being motivated by financial gain and lack of insight into failings and applied no reduction for mitigating factors. This was amended following representations to a 5% uplift for the aggravating factor of motivated by financial gain, and a 10% reduction due to no previous convictions and the difficulties surrounding the purchase of the property.

68. Again, we are not bound by the decision of the Respondent but make our decision afresh on the basis of the information before us at the hearing. We find that Mr Obute has no insight into his failings and continues to focus on exchanges of correspondence and mis transcribed telephone numbers between himself and the Respondent, rather than his own licensing obligations. He has not indicated any regret or remorse for the period of non-compliance. We agree that motivated by financial gain is an aggravating factor, as clearly the intention of the company (whether successful or not) was to let out properties at an overall long-term profit, and it sought to do so without consideration of the cost of compliance. We therefore apply a 10% uplift for aggravating factors, and balance this against a 10% reduction for mitigating features of no previous convictions and the difficulties around his purchase of the property.

69. This calculation gives a fine level of £7,500. Under the Respondent's calculation matrix this figure is then compared against 'total financial gain plus £2000' to ensure that the penalty both removes gain obtained from the offence and punishes the offender in line with public policy objectives. We give weight to the Respondent's policy approach and note that in this case total financial gain +£2000 is £7396. As such the figure we arrived at above of £7500, exceeds the other figure arrived at through the total financial gain calculation and stands in any event rendering Mr Obute's objections to the financial gain argument otiose. We are persuaded on balance taking all of the above factors into account that this figure is fair and proportionate. We are mindful that this figure is higher than that claimed by the Council at various points during this process, but we are satisfied that it is not higher than the Council **could** have imposed.

70. We therefore vary the financial penalty to £7,500.

71. Mr Obute makes a number of other claims in his appeal notice including claims of negligence against Mr Carr and consequential losses, none of which fall within our jurisdiction and therefore these elements of the claim are dismissed without further consideration.

72. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional Office, which has been dealing with the case.

73. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.

74. If the person wishing to appeal does not comply with the 28-day time limit, that person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.

75. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.

Tribunal Judge Katherine Southby

19 September 2023