



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

Case Reference : **MAN/32UE/HML/2023/0004**

Property : **258 Newark Road, Lincoln, LN6 8RP**

Applicant : **Spericle Ltd**

Representative : **Satharahana Vaddaram**

Respondent : **City of Lincoln Council**

Representative : **Hannah Cann**

Type of Application : **Housing Act 2004, Schedule 5, Paragraph 31(1)**

Tribunal Members : **Tribunal Judge J.E. Oliver
Tribunal Member S.A. Kendall**

Date of Determination : **26th June 2024**

Date of Decision : **2nd July 2024**

DECISION

Decision

1. The licence dated 19th July 2023 is varied as follows:
 - (a) The conditions contained within Schedule 5 of the licence issued are deleted, except for Condition 7.
 - (b) Condition 7 is varied as follows:

The licence holder shall enclose the electric meters and consumer unit in the ground floor hallway in 30-minute fire resisting materials. The licence holder shall either remove the door and side of the understairs cupboard and keep the area clear, or install a FD30 fire door on the cupboard having a fire resistance of not less than 30 minutes when tested in accordance with British Standard BS476:Part 22:1987 (or equivalent European Standard). Glazing in any fire resisting door, wall partition or screen should comply with British Standard Published document PD651:Part 3:1987. All fire doors are to be installed according to the manufacturer's instructions. It is recommended that purpose made door sets which meet the 30-minute fire resisting standard are fitted.

2. All works are to be completed within 28 days of the receipt of the varied licence.
3. The term of the licence is extended to five years; the expiry date is 23.59 hours on 18th July 2028.

Application

4. This is an application by Spericle Limited ("the Applicant"), who is the licence holder for the Property at 258 Newark Road, Lincoln, ("the Property"), in respect of the licence issued by the City of Lincoln Council ("the Respondent") under Part 2 of the Housing Act 2004 ("the Act").
5. On the 19th July 2023 the Respondent issued a licence for the Property providing for its occupation by 6 persons. There were several Property specific conditions attached as follows:
 - (1) In the kitchen to supply 2 extra electrical sockets above the work surface for portable appliances, such work to be done within 6 months from the date of the licence.
 - (2) To provide kitchen bins with lids with a minimum 60 litres in the communal kitchen, such work to be done within 30 days from the date of the licence.
 - (3) To provide a water sealed trap under the kitchen sink, such work to be done within 30 days from the date of the licence.

- (4) To adjust the fire door to the kitchen for it to open/close freely, such work to be done within 3 months of the date of the licence.
 - (5) To fit intumescent strips to the door of front rear right unit 3 (Room 3) such work to be done within 3 months from the date of the licence.
 - (6) To replace the door and door frame to the ground floor rear store/plant room with a FD30 fire door and to fit fire rated hinges and a self-closing device. In addition, smoke seals\intumescent strips are to be fitted with a door handle and effective latch. The work is to be completed within 3 months from the date of the licence.
 - (7) To enclose the electric meters and consumer unit in the ground floor hallway with 30 minutes fire resistant materials and to either remove the door and side of the understairs cupboard and keep it clear, or to install a FD 30 fire door as per the specifications in Condition 6. The work is to be completed within 3 months from the date of the licence.
 - (8) The holes in the ceilings of the kitchen, plant room, ground floor right unit 1 (Room 1), the inner lobby and bathroom where services have been installed. The expanding foam filler used is to be removed and replaced with 30-minute fire-resistant mastic. The work is to be completed within 3 months from the date of the licence.
6. The licence was granted for a period of 1 year.
 7. The Applicant filed the appeal objecting to -
 - (1) The requirement for the provision of bins as stated in Condition 2 was unnecessary. They were present when the Property was inspected by the Respondent. The Applicant asserted it could not be responsible for the bins when they were either re-sited or removed by the tenants.
 - (2) The fire door to the kitchen, as referred to in Condition 4, was correctly installed and it could not be responsible for any mis-use by the tenants.
 - (3) Intumescent strips had been installed to the fire door to Bedroom 3, as they had to all the doors and as referred to in Condition 5. It could only assume they have been removed by a tenant.
 - (4) The Applicant submitted it was not necessary for the meters to be enclosed as required by Condition 7. The meters had been installed pursuant to the necessary IEE standards.
 - (5) The period of time given for the completion of the works was unreasonable.
 - (6) The duration of the licence of 1 year when the usual term for it would be 5 years.
 8. Directions were issued on 14th February 2024 providing for the filing of bundles and for the matter to be determined on the papers.
 9. The Tribunal considered the application on the papers on 26th June 2024.

Submissions

10. The Tribunal received submissions from the parties to indicate that all the conditions imposed on the licence had been complied with, other than Condition 7, relating to the meter cupboard in the ground floor hallway. Mr Vaddaram, on behalf of the Applicant, confirmed this condition was no

longer opposed in his statement of 28th March 2024. He stated that had the Respondent provided the relevant regulatory information upon this issue, it may not have been appealed.

11. The Respondent conceded the duration of the licence should be for 5 years.
12. The Applicant objected to the timescales set in the licence conditions, stating them to be short periods of time when compared to others set on other licences granted to the Applicant. It was also said the shorter periods were based on “discriminative grounds. The Respondent confirmed all the time scales set within the licence had now passed. The Applicant requested the Tribunal “to set appropriate timescales for the fulfilment of the conditions. It is imperative to ensure the timescales are reasonable and achievable, taking into account any extenuating circumstances and the practicalities of implementation”.

Determination

13. In this matter the Tribunal notes the only outstanding issue between the parties from the original application is the time for the Applicant to comply with Condition 7 of the licence.
14. The Tribunal noted that whilst the Applicant asserts the time scales have been set at a shorter time frame than licence conditions imposed on other licences granted to the Applicant, he has not provided details of those other time scales. Further, whilst it has also said they have been set on “discriminative grounds” it is not clear what is meant by this, since it is not explained within the submissions. The Tribunal is therefore unable to make any findings upon those allegations.
15. The Tribunal notes this application has been ongoing for some time, during which the Applicant has complied with all the conditions imposed upon the licence, other than Condition 7. It maintains 3 months is an insufficient period of time for the necessary works to be completed.
16. The Tribunal determines the period for compliance of Condition 7 is 28 days. This is because the Applicant has confirmed in its statement it manages over 400 properties of which 28 are HMO licences. It therefore follows it has resources available to it to enable work to be carried out, some of which must occur on an emergency basis. Further, in its statement of 28th March 2024 it confirmed its agreement with this outstanding matter and it must have been within its knowledge this work would have to be completed. A further 3 months have since passed. In those circumstances the Tribunal does not consider the completion of this work in 28 days to be unreasonable.