



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

Case Reference : **MAN/00FC/HIN/2024/0600**

Property : **21 Willingham Street, Grimsby, DN32 9BP**

Applicant : **Adsam Partnership, Adrian Samad, Mohammad Samad, Neli Samad**

Representatives : **Adrian Samad and Mohammad Samad**

Respondent : **North East Lincolnshire Council**

Representatives : **Amanda Crickmore and Paul Wilmot**

Type of Application : **Appeal against an Improvement Notice- Housing Act 2004 Schedule 1, Paragraph 10(1)**

Tribunal Members : **Tribunal Judge J. E. Oliver
Tribunal Member P. Mountain**

Date of Determination : **17th April 2025**

Date of Decision : **18th April 2025**

DECISION

Decision

1. The Improvement Notice dated 18th September 2024 is quashed on the basis all the work required by the Notice has been completed.
2. The Adsam Partnership is to pay the invoice from the Council in the sum of £460 within 28 days of the receipt of this decision by the parties.

Background

3. This is an appeal by Adrian Samad, Mohammad Samad and Neli Samad (“the Adsam Partnership”) in respect of an Improvement Notice served on 18th September 2024 (“the Notice”) for 21 Willingham Street, Grimsby (“the Property”) by North East Lincolnshire Council (“the Council”).
4. The Notice specified several Category 2 hazards as follows:

Damp and Mould

The mastic sealant around the bath is damaged.

Excess Cold

The doors are missing from the front living room and back dining room.

Domestic Hygiene, pests and refuse

Several kitchen doors and fronts are missing and some doors need adjustment.

Collision and Entrapment

The bathroom door glazing is non-safety glass.

Structural collapse and falling elements

The door frames and skirting boards in the living room and dining room are badly damaged.

5. The Improvement Notice required the necessary works to be started by 14th October 2024 and to be completed within 30 days.
6. The Respondent also served upon the Applicant a demand for payment of costs in the sum of £460.
7. On 3rd October 2024, the Adsam Partnership filed an appeal against the Notice and the demand for costs.
8. On 27th January 2025 directions were issued providing for both parties to file their statements and documents in support and thereafter for the matter to be listed for a hearing.
9. The application was listed for an inspection and a hearing on 17th April 2025.

The Property/Inspection

10. The Tribunal inspected the Property in the presence of the tenant, Mrs Peacock, Amanda Crickmore from the Council and Adrian Samad.

11. The Property is a 2 bedroomed mid-terraced brick-built house. At the inspection Mrs Peacock agreed all the work specified in the Notice had been completed. This was agreed both by Amanda Crickmore and Adrian Samad and noted by the Tribunal.

The Law

12. The Housing Act 2004 provides the framework for the assessment of the condition of residential properties and the remedies that can be used to enforce standards in respect of them.
13. The Housing Health and Safety Rating System (HHSRS) provides a rating system for hazards. The score will determine which category the hazard falls; a score over 1000 will be a Category 1 hazard and those below 1000 will be a Category 2 hazard.
14. Section 7(2) of the Act provides that if a Category 2 hazard exists then a local authority must take the appropriate enforcement action which can be an improvement notice, prohibition order, a hazard awareness notice, emergency remedial action, demolition order or declaring the area in which the premises are situate, a clearance area. The Act further provides that if only one course of action is appropriate, that course must be taken, or if there are two or more courses available, then the local authority must take the one deemed to be most suitable.
15. Section 12 of the Act provides that if the local authority is satisfied that a Category 2 hazard exists and it serves an improvement notice that is a course of action open to a local authority.
16. Section 12(2) requires the person upon whom the improvement notice is served to take remedial action in respect of any of the hazards that are specified.
17. Schedule 1, paragraph 14 (1) of the Act provides that a person upon whom an improvement notice has been served may appeal to the First-tier Tribunal within 21 days beginning with the day upon which the improvement notice was served. The grounds for the appeal are set out in paragraphs 11 and 12 of the Act. Paragraph 13 provides an appeal may be made against the decision by a local authority to vary or revoke an improvement notice.
18. Schedule 1, paragraph 15 provides for the First-tier tribunal to deal with any appeal by way of re-hearing, thus allowing it to consider the property at the date of the hearing and consider matters of which the local authority may not have been aware at the date the notice was served. The Tribunal has the power to confirm, quash or vary the improvement notice.

Submissions/Hearing

19. In its written submissions to the Tribunal the Council set out the history of its dealings with the Property.
20. Mrs Peacock made a complaint to the Council regarding the lack of repairs at the Property in October 2022, following which an Informal Notice was issued to the Adsam Partnership requiring remedial work to be completed by 8th December 2022. The Informal Notice included additional work to that specified in the Notice.

21. On 3rd July 2023 a further inspection of the Property was carried out where further hazards were identified. An extension was given to 31st August 2023 for the works to be completed. A further inspection completed on 11th September 2023 found the works still outstanding. An e-mail from Adrian Samad dated 14th September 2023 requested a further extension of time.
22. On 19th September 2023 a second Informal Notice was issued. This required the necessary works to be commenced by 2nd October 2023 and completed by 13th November 2023.
23. On 13th September 2023 Mrs Peacock contacted the Council to say there was water ingress into the front living room. The Council contacted Adrian Samad who requested another extension to the time limit which was agreed. On 1st October 2023 damp work included in the Informal Notice was completed. Other works contained within the Informal Notice remained incomplete and on 18th September 2024, after a further inspection, the Notice was issued.
24. On 29th October 2024 Mrs Peacock confirmed all the necessary works had been completed.
25. At the hearing it was agreed by the parties all the works included within the Notice had been completed. The issue was the charge made by the Council of £460.
26. Peter Wilmot from the Council confirmed this charge was a standard charge when issuing an Improvement Notice and was based upon an average taken of the time expended by the Council when issuing such notices. It represented the time from the issue of the Improvement Notice; no charge was made for the work prior to that point.
27. Adrian Samad stated the charge was unreasonable. The delay in the completion of the works was beyond his control but caused by the tenant not either being available for the workmen or not allowing them into the Property. The tenants of his properties will generally only allow access if the issue is urgent. He confirmed he has two regular workmen who look after his portfolio of properties, totalling approximately 60 in Grimsby. There are additional contractors for electrics. Here, all the works had been completed prior to the issue of the Notice.

Determination

28. The Tribunal noted that at the time of the inspection, all works required by the Notice had been completed. It therefore determined the Notice dated the 18th September 2024 should be quashed.
29. The Tribunal considered the costs claimed of £460 and determined those are payable by the Adsam Partnership. It noted the Council had gone to considerable trouble to get repairs completed. Two Informal Notices had been issued with several time extensions given. Although some works were completed, others remained incomplete, leaving the Council little choice other than to issue the Notice. Whilst the Tribunal acknowledged there could be difficulties with access to the Property, there was no evidence provided to support this contention. Indeed, in the e-mail dated 14th September 2023 when Adrian Samad asked for a further extension, no mention was made of the tenant causing the delay by not allowing the workmen access. It was noted the works were said to have been completed prior to the issue of the Notice, but this was not accepted. The Council had inspected the Property on 28th August and found the works identified in the Notice still outstanding. The

Notice was issued shortly thereafter on 18th September 2024. The Adsam Partnership had brought no evidence to show all the works were completed by 18th September 2024.

30. The sum of £460 is payable within 28 days of the receipt of this decision by the parties.