FIRST-TIER TRIBUNAL
PROPERTY CHAMBER (RESIDENTIAL PROPERTY)

Case reference	**:**	**LON/00AL/HNA/2025/0693**
Property	**:**	**Top floor flat, 106 Brewery Road Plumstead, London SE18 1NG**
Appellant	**:**	**Mr Vincent Carrott**
Representative	**:**	**In person**
Respondent	**:**	**The Royal Borough of Greenwich**
Representative	**:**	**Mr T Walsh of counsel**
Type of application	**:**	**Appeal against a financial penalty - Section 249A & Schedule 13A to the Housing Act 2004**
Tribunal	**:**	**Judge Pittaway** **Ms S Coughlin MCIEH**
Date of hearing	**:**	**15 December 2025**
Date of decision	**:**	**17 December 2025**

Decision

1. The Tribunal finds that the Appellant, having committed an offence under s95(1) of the Housing Act 2004 (the '**2004 Act**') of having control of or managing a property which was required to be licensed but which was not so licensed did not have a reasonable excuse under s95(4) of the 2004 Act.

2. The Tribunal finds that the Notice of Intent dated 5 February 2025 was lawful and valid, and therefore so was the Notice of Decision to impose a financial penalty dated 26 March 2025.

3. The Tribunal records that the appellant did not challenge that the appropriate financial penalty is £750.

Application

4. By an application dated 14 April 2025 received by the Tribunal on 23 April 2025 the appellant seeks to challenge the imposition by the Royal Borough of Greenwich ('**Greenwich'**) of a financial penalty of £750 imposed in relation to his failure to have a selective licence for top floor flat 106 Brewery Road Plumstead London SE18 1NG (the '**Property'**).

The hearing

5. The appeal was heard on 15 December 2025.

6. At the Hearing, the appellant appeared in person. The respondent was represented by Mr Walsh of counsel. The Tribunal heard evidence from Mr Choudhury and submissions from Mr Carrott and Mr Walsh.

7. At the hearing the Tribunal had before it

    - The appellant's application and supporting documents
    - a bundle of 138 pages from the respondent, together with three further exhibits to Mr Choudhury's witness statement that were omitted from the bundle, namely Greenwich's Private Sector Housing Enforcement Policy October 2024, the Civil Penalty Guidance under the Housing and Planning Act 2016 and the calculation of the penalty using Greenwich's matrix.
    - An opening note from the respondent of 4 pages. Mr Carrott confirmed that this had been sent to him at the end of the previous week but that he had not

read it until the day of the hearing when he was provided with a hard copy of the same.

8. Before Mr Choudhury was called as a witness the Tribunal adjourned briefly to allow Mr Carrott to be provided with a hard copy of Mr Choudhury's witness statement.

Background and agreed facts

9. The Property is described in the application as a one bedroom flat in a house that has been converted into two flats. The respondent's bundle contained a sketch plan of the Property.

10. The appellant is the landlord of the Property.

11. Greenwich's selective licensing scheme came into force on 1 October 2022 and applies to the area in which the Property is situated. It applies to lettings that did not require a mandatory or additional HMO licence.

12. The Property was visited by Mr Choudhury on 31 July 2024 who found it to be occupied by a single family household of two adults and three children.

13. On 14 August 2024 Mr Choudhury issued a selective licensing invitation letter to Mr Carrott, who applied for a selective licence on 27 August 2024.

14. On 5 February 2025 the respondent served notice of intent to impose a financial penalty of £750 giving as the reason that the Property was being operated without a selective licence. The appellant was invited to make representations by 5 March 2025.

15. On 8 February 2025 the appellant e mailed the respondent representing that the Notice of Intent was invalid as it was served more than six months after Greenwich had sufficient evidence of the conduct to which the financial penalty related. Mr Choudhury responded to Mr Carrott on 26 March 2025 in which letter he stated that the offence continued until Mr Carrott applied for the selective licence on 27 August 2024 and that the six-month period commenced from when the offence ceased.

16. On 26 March 2025 Greenwich served on the appellant a final notice of the imposition of a civil penalty of £750.

17. The appellant appealed the imposition of this penalty, which appeal was received by the Tribunal on 23 April 2025.

18. In the appeal application Mr Carrott agreed that the Property required a selective notice.

19. At the start of the hearing Mr Carrott confirmed that he was not challenging the amount of the fine.

Issues

20. The issues before the Tribunal were

- Did the appellant have a reasonable excuse for committing the offence?
- Was the Notice of Intent ('**NoI'**) invalid, so as to invalidate the Notice of Decision to impose a financial penalty **('NoD').**

Reasons for the tribunal's decision

21. The Tribunal reached its decision after considering the witness' oral and written evidence, including documents referred to in that evidence, and taking into account its assessment of the evidence.

22. As appropriate this evidence is referred to below.

23. This decision does not refer to every matter raised by the parties, or every document the Tribunal reviewed or took into account in reaching its decision. However, this does not imply that any points raised, or documents not specifically mentioned were disregarded. If a point or document was referred to in the evidence or submissions that was relevant to a specific issue, it was considered by the Tribunal.

24. The relevant law is set out in the Appendix to this decision.

Did the Appellant have a reasonable excuse for committing the offence?

25. Section 95 (4) of the 2004 Act provides that in proceedings against a person for an offence under Section 95(1) of the 2004 Act it is a defence that he had a reasonable excuse for having control of or managing the house in the circumstances mentioned in subsection (1).

26. Mr Carrott submitted that Greenwich that Greenwich had not taken 'reasonable steps', to consult him, as required by section 80(9) of the 2004 Act.

27. In his witness statement Mr Choudhury set out that Greenwich had undertaken a 12-week consultation before implementing the selective licensing scheme and had undertaken statutory publicity of the Selective Licensing Scheme. designation. Attached to his witness statement was the report by m.e.l. research of October 2020. This confirmed that there had been a consultation period, which started on 17 February 2020, paused between 30 March and 23 July 2020 then resuming until 10 September 2020. It stated that a variety of consultation methods had been used, generating 817 responses (537 postal and 280 online) and twelve written responses. 13 people attended in-person public meetings and another 20 registered for online meetings. Mr Choudhury said that the consultation had been set out on Greenwich's website. At the hearing Mr Choudhury stated that the public consultation could not be addressed to each individual landlord nor could each individual landlord be informed of the designation.

28. Mr Walsh referred the Tribunal to s56(3)(b) and s80(9) of the 2004 Act that require the authority to take reasonable steps to consult persons likely to be affected by the designation and consider any representations made in accordance with the consultation and not withdrawn. He submitted that any challenge to whether the form of consultation undertaken by Greenwich was 'reasonable' was not a matter for the Tribunal. This would require a public law challenge by judicial review.

29. The Tribunal finds on the evidence before it that Greenwich had fulfilled its statutory consultations requirements. Paragraph 57 of the 'Selective Licensing in the private rented sector: a guide for local authorities' requires a consultation period of at least 10 weeks. Paragraph 56 requires local housing authorities to conduct full consultation, ensuring that it is widely publicised using various channels of communication. The Tribunal finds that Greenwich had used various channels of communication and had consulted for more than ten weeks. There is no statutory requirement that individual landlords should be consulted personally.

30. In his application the appellant said that he considered that he had a reasonable excuse for failing to licence the property in that he had rented the Property for thirty years and had never been aware that he needed a licence. He had not been made formally aware of the need for a licence by Greenwich until he had received Mr Choudhury's letter of 14 August 2024. Having received this he had applied for a selective licence within the specified 14 days.

31. Mr Choudhury gave evidence that Greenwich had notified the public of the selective licensing designation using a variety of publications. Notification had been set out on Greenwich's website, and also via social media such as Twitter and Facebook. Greenwich had advertised the designation on lampposts and the rear of buses

operating in the Borough. The selective licensing scheme had been discussed on various websites including Property 118, Property Forum and News websites.

32. While accepting that ignorance of the selective licensing designation was not an excuse Mr Carrott submitted that he should have been told about the designation. He had not been told about the selective licensing designation and had been unaware of it as he does not look at Greenwich's website nor use the social media to which Mr Choudhury referred.

33. Mr Walsh submitted that for the appellant to have a reasonable excuse he should show that the offence had been committed through the act of another, not simply through his ignorance of the law, referring the Tribunal to the decision in *R (Mohammed & Anor v Waltham Forest LBC* [2020] EWHC 1083 (Admin).

34. The Tribunal has had regard to paragraph 47 of the decision in *AA v Rodriguez & ors*[2021] UKUT 0274 (LC)

'47. The view has generally been taken that it is the responsibility of someone who wishes to let their property to find out whether any relevant regulatory restrictions exist and that ignorance of the need for a licence will not normally provide a reasonable excuse (although it may be relevant to culpability and therefore to the amount of a financial penalty to be imposed under section 249A). But there is no hard and fast rule and, just as much as any other defence, a reasonable excuse defence based on ignorance of the need for licensing will always require a careful evaluation of all the relevant facts.'

35. The Tribunal has reviewed the evidence before it and the parties' submissions and finds that the appellant did not have a reasonable excuse for not having a selective licence.

36. The Tribunal finds that the appellant, as a landlord, should have been aware of the need for the Property to have a selective licence. Mr Carrott's ignorance of the need for a selective licence for the Property was not a reasonable excuse in the circumstances.

The validity of the Notice of Intent and therefore of the Notice of Decision

37. Before imposing a financial penalty on a person s249A of the 2004 Act the local authority must give the person notice of the local authority's proposal to do so (a

'**Notice of Intent**'). Paragraph 3 of Schedule 13A of the 2004 Act requires that the Notice of Intent must set out the amount of the proposed penalty, the reasons for proposing to impose the penalty and information about the right to make representations. If the authority decides to impose a financial penalty paragraph 6 of Schedule 13A requires it to give the person a final notice. Paragraph 8 of Schedule 13A states that the final notice must set out the amount of the financial penalty, the reasons for imposing the penalty, information about rights of appeal and the consequences of failing to comply with the notice.

38. Mr Choudhury gave evidence that he had visited the property on 31 July 2024 when he had found the Property to be occupied by two adults and three children, as a single family household. On 14 August 2024 he had issued a Selective Licensing invitation letter to Mr Carrott, which resulted in Mr Carrot applying for a selective licence on 27 August 2024.

39. Mr Carrott submitted that the Notice of Intent was invalid because by 31 July 2024 Greenwich had evidence that the property required a selective licence but had not served the Notice of Intent until 5 February 2025, more than six months after 31 July 2024. He referred the Tribunal to the Notice of Intent which gave as the reason for proposing the penalty that a visit on 31 July 2024 had confirmed that the Property was being operated without a selective licence. He submitted that the six month period should run from the start date of the offence, namely 31 July 2024, being the start date of the offence.

40. Mr Walsh submitted that paragraph 2(2) of Schedule 13A qualifies paragraph 2(1) of Schedule 13A upon which Mr Carrott is relying. He submitted that the reasons in Notice of Intent had also stated, *'An application for the licence was submitted on 27th August, marking the cessation of the offence.'* Paragraph 2(1) of Schedule 13A of the 2004 Act requires a Notice of Intent to be given before the end of the period of six months beginning on the first day on which the authority had sufficient evidence of the conduct to which the financial penalty relates but paragraph 2(2) provides that if the person continues to commit the offence the notice of intent may be given at any time when the conduct is continuing or within six months beginning on the last date on which the conduct occurs. Here the conduct continued until 27 August 2024 so that the Notice of Intent was given within the relevant six month period.

41. Mr Walsh accepted that the Notice of Intent could have been better worded but that how the six month period may be calculated is clear on the face of the Notice of Intent.

42. The Tribunal finds the Notice of Intent was served within the six month period contemplated by paragraph 2 of Schedule 13A of the 2004 Act, specifically that

contemplated by paragraph 2(2)(b). It understands why Mr Carrott found the Notice of Intent unclear but it finds that the Notice of Intent was sufficiently clear that it was based on an offence which ceased on 27 August 2024. In his application Mr Carrott had highlighted the Note to the Notice of Intent which sets out paragraph 2(1) of Schedule 13A showing that he had read these notes. The immediately succeeding paragraph in the Notes sets out Paragraph 2(2) which sets out that if the offence is continuing the six month period runs from the date the offence last occurs.

43. Mr Carrott only challenged the validity of the Notice of Decision on the ground that the Notice of Intent was invalid. As the Tribunal has found the Notice of Intent to be valid, so is the Notice of Decision.

The amount of the financial penalty

44. As Mr Carrott did not challenge the amount of the fine this is not a matter that the Tribunal had to consider. In passing it does however note that at the hearing Mr Choudary accepted that Greenwich's matrix calculation incorrectly referred to an Improvement Notice having been served on Mr Carrott. The Tribunal accepts his statement that this incorrect statement would not have altered the Matrix Score upon which the fine was calculated.

Name: Judge Pittaway **Date:** 17 December 2025

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

Housing Act 2004

80 Designation of selective licensing areas

(1)A local housing authority may designate either—

(a)the area of their district, or

(b)an area in their district,

as subject to selective licensing, if the requirements of subsections (2) and (9) are met.

(2)The authority must consider that—

(a)the first or second set of general conditions mentioned in subsection (3) or (6), or

(b)any conditions specified in an order under subsection (7) as an additional set of conditions,

are satisfied in relation to the area.

(3)The first set of general conditions are—

(a)that the area is, or is likely to become, an area of low housing demand; and

(b)that making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, contribute to the improvement of the social or economic conditions in the area.

(4)In deciding whether an area is, or is likely to become, an area of low housing demand a local housing authority must take into account (among other matters)—

(a)the value of residential premises in the area, in comparison to the value of similar premises in other areas which the authority consider to be comparable (whether in terms of types of housing, local amenities, availability of transport or otherwise);

(b)the turnover of occupiers of residential premises;

(c)the number of residential premises which are available to buy or rent and the length of time for which they remain unoccupied.

(5)The appropriate national authority may by order amend subsection (4) by adding new matters to those for the time being mentioned in that subsection.

(6)The second set of general conditions are—

(a)that the area is experiencing a significant and persistent problem caused by anti-social behaviour;

(b)that some or all of the private sector landlords who have let premises in the area (whether under leases or licences) are failing to take action to combat the problem that it would be appropriate for them to take; and

(c)that making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, lead to a reduction in, or the elimination of, the problem.

"Private sector landlord" does not include **[**F1a non-profit registered provider of social housing or**]** a registered social landlord within the meaning of Part 1 of the Housing Act 1996 (c. 52).

(7)The appropriate national authority may by order provide for any conditions specified in the order to apply as an additional set of conditions for the purposes of subsection (2).

(8)The conditions that may be specified include, in particular, conditions intended to permit a local housing authority to make a designation for the purpose of dealing with one or more specified problems affecting persons occupying Part 3 houses in the area.

- "Specified" means specified in an order under subsection (7).

(9)Before making a designation the local housing authority must—

(a)take reasonable steps to consult persons who are likely to be affected by the designation; and

(b)consider any representations made in accordance with the consultation and not withdrawn.

(10)Section 81 applies for the purposes of this section.

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.

(2)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 90(6), and

(b)he fails to comply with any condition of the licence.

(3)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 86(1), or

(b)an application for a licence had been duly made in respect of the house under section 87,

and that notification or application was still effective (see subsection (7)).

(4)In proceedings against a person for an offence under subsection (1) or (2) 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 failing to comply with the condition,

as the case may be.

(5)A person who commits an offence under subsection (1) is liable on summary conviction to a fine.

(6)A person who commits an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(6A)See also section 249A (financial penalties as alternative to prosecution for certain housing offences in England).

(6B)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.

(7)For the purposes of subsection (3) 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 (8) is met.

(8)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 **[**F3the 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.

(9)In subsection (8) "relevant decision" means a decision which is given on an appeal to the tribunal and confirms the authority's decision (with or without variation).

Section 249A

(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).

Schedule 13A

Notice of intent

1Before imposing a financial penalty on a person under section 249A the local housing authority must give the person notice of the authority's proposal to do so (a "notice of intent").

2(1)The notice of intent must be given before the end of the period of 6 months beginning with the first day on which the authority has sufficient evidence of the conduct to which the financial penalty relates.

(2)But if the person is continuing to engage in the conduct on that day, and the conduct continues beyond the end of that day, the notice of intent may be given—

(a)at any time when the conduct is continuing, or

(b)within the period of 6 months beginning with the last day on which the conduct occurs.

(3)For the purposes of this paragraph a person's conduct includes a failure to act.

3The notice of intent must set out—

(a)the amount of the proposed financial penalty,

(b)the reasons for proposing to impose the financial penalty, and

(c)information about the right to make representations under paragraph 4.

Right to make representations

4(1)A person who is given a notice of intent may make written representations to the local housing authority about the proposal to impose a financial penalty.

(2)Any representations must be made within the period of 28 days beginning with the day after that on which the notice was given ("the period for representations").

Final notice

5After the end of the period for representations the local housing authority must—

(a)decide whether to impose a financial penalty on the person, and

(b)if it decides to impose a financial penalty, decide the amount of the penalty.

6If the authority decides to impose a financial penalty on the person, it must give the person a notice (a "final notice") imposing that penalty.

7The final notice 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.

8The final notice must set out—

(a)the amount of the financial penalty,

(b)the reasons for imposing the penalty,

(c)information about how to pay the penalty,

(d)the period for payment of the penalty,

(e)information about rights of appeal, and

(f)the consequences of failure to comply with the notice.

Withdrawal or amendment of notice

9(1)A local housing authority may at any time—

(a)withdraw a notice of intent or final notice, or

(b)reduce the amount specified in a notice of intent or final notice.

(2)The power in sub-paragraph (1) is to be exercised by giving notice in writing to the person to whom the notice was given.

Appeals

10(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.

Recovery of financial penalty

11(1)This paragraph applies if a person fails to pay the whole or any part of a financial penalty which, in accordance with this Schedule, the person is liable to pay.

(2)The local housing authority which imposed the financial penalty may recover the penalty or part on the order of the county court as if it were payable under an order of that court.

(3)In proceedings before the county court for the recovery of a financial penalty or part of a financial penalty, a certificate which is—

(a)signed by the chief finance officer of the local housing authority which imposed the penalty, and

(b)states that the amount due has not been received by a date specified in the certificate,

is conclusive evidence of that fact.

(4)A certificate to that effect and purporting to be so signed is to be treated as being so signed unless the contrary is proved.

(5)In this paragraph "chief finance officer" has the same meaning as in section 5 of the Local Government and Housing Act 1989.

Guidance

12A local housing authority must have regard to any guidance given by the Secretary of State about the exercise of its functions under this Schedule or section 249A.