



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

Case Reference : **MAN/00BY/HBA/2025/0003**

Applicant : **LIVERPOOL CITY COUNCIL**

Respondent : **ROACH ESTATES & PROPERTY MANAGEMENT LTD**

Type of Application : **Application for a Banning Order
Section 15, Housing and Planning Act 2016**

Tribunal : **Tribunal Judge A M Davies
Tribunal Member S Wanderer, MRICS**

Date of Order : **7 January 2026**

BANNING ORDER

1. The Respondent Roach Estates & Property Management Ltd is banned for a period of one year from 12 January 2026 from engaging in any of the following:
 - (a) letting housing in England
 - (b) engaging in English letting agency work
 - (c) engaging in English property management work.

REASONS

THE LAW

1. Chapter 2 of Part 2 of the Housing and Planning Act 2016 Act (“the Act”) provides that a person may be banned for a period of not less than 12 months from all or any of the following:

- (a) letting housing in England
 - (b) engaging in English letting agency work
 - (c) engaging in English property management work.
2. Section 16 of the Act empowers the Tribunal to make a banning order on an application from a local housing authority. Before it makes a banning order, the Tribunal must be satisfied that the following conditions are met:
- (1) the local housing authority must have complied with the procedural requirements set out at section 15 of the Act before applying for the order.
 - (2) the respondent must have been convicted of a ‘banning order offence’.
 - (3) the respondent must also have been a ‘residential landlord’ or a ‘property agent’ at the time the offence was committed. ‘Property agent’ is defined at section 56 of the Act as “a letting or property manager”, and section 55 defines ‘property manager’ as a person who engages in English property management work, ie work done in the course of a business for a client, which involves the provision of services, repairs, maintenance, improvements or insurance of any premises let under a tenancy or any other aspect of the management of such premises.
3. The Schedule to the Housing and Planning Act 2016 (Banning Order Offences) Regulations 2018 lists banning order offences. They include offences under sections 30(1) and 95(1) of the Housing Act 2004.
4. Section 16(4) of the Act provides that, in deciding whether to make a banning order against a person, and in deciding what order to make, the Tribunal must consider:
- (a) the seriousness of the offence of which the person has been convicted,
 - (b) any previous convictions that the person has for a banning order offence,
 - (c) whether the person is or has at any time been included in the database of rogue landlords and property agents (under section 30 of the Act), and
 - (d) the likely effect of the banning order on the person and anyone else who may be affected by the order.

THE APPLICATION

5. On 12 June 2025 the Applicant applied to this tribunal for an order banning the Respondent for a period of 3 years from letting housing or engaging in letting

agency or property management. The events leading to the application are not disputed by the Respondent, and are as follows:

On 17 October 2024 the Respondent was convicted in its absence of failing to comply with an Improvement Notice relating to 106 Goodison Road, Liverpool. The Respondent was fined £3000 by the Liverpool & St Helens Magistrates Court. The prosecution was brought by the Applicant.

On 12 November 2024 the Respondent was convicted, again in its absence, of failing to license two flats at Daniel House, 31 Trinity Road, Bootle which was within a selective licensing area. The Respondent was fined £10,000 by Sefton Magistrates Court. The informant in that case was Sefton Metropolitan Borough Council.

On 10 April 2025 the Applicant served on the Respondent at its registered office notice of intent to apply for a banning order. The notice complied with the requirements of section 15(3) of the Act, and informed the Respondent that any representations in response should be made in writing within 35 days from the date of the notice.

The Respondent made no representations in response to the notice of intended proceedings.

THE HEARING

6. The Respondent did not contest the application and chose not to comply with directions issued by the tribunal. After due warning, the tribunal made an order on 17 December 2025 barring the Respondent from taking any further part in the proceedings. The effect of such an order is set out at rule 9(8) of the Tribunal Procedure (First-tier Tribunal)(Property Chamber) Rules 2013 as follows: “If a respondent has been barred from taking further part in proceedings under this rule and that bar has not been lifted, the Tribunal need not consider any response or other submission made by that respondent, and may summarily determine any or all issues against that respondent.

7. The application was listed to be heard by video link on 7 January 2026. On 6 January Mr Kellard of the Respondent applied to the tribunal for postponement of the hearing stating “This has been a very complicated process that I have not dealt with before so have struggled in the time frame given to complete forms. It has also taken a long time to gather necessary evidence whilst also going through the information provided. I appreciate the lateness of this notice but would strongly like to represent our side at court.”
8. The application to postpone was refused. The time allowed for the Respondent to respond to the application was ample, particularly since the Respondent is in business. Mr Kellard did not provide any indication as to what evidence he wished to produce, and did not suggest a date by which he would be ready to proceed.
9. At the hearing on 7 January Mr Kellard (who had received a CVP link) did not attend and the Respondent was not represented. Mr Brynmor Adams of counsel represented the Applicant, and its witnesses Mr McCartney and Mr Bowers were present to support their witness statements. The Tribunal had a comprehensive bundle of documents, prepared by the Applicant.
10. The unchallenged evidence was taken as read and the Tribunal found that all procedural requirements had been properly followed by the Applicant prior to the date of the application. Mr Adams addressed the Tribunal on the matters which the Tribunal was required to consider as set out at paragraph 4 above.

DISCUSSION

11. The Tribunal considered a number of issues prior to deciding whether a banning order should be made and if so on what terms. Mr Adams and the Applicant’s witnesses assisted by answering the Tribunal’s questions as follows.
12. *Was the Applicant aware of any let properties which were owned by the Respondent?*

No, Mr Bowers understood the Respondent to be the property manager for its clients and believed that the Respondent did not own any let properties itself. The Applicant did not have a schedule of all the properties currently managed by the Respondent.

13. *The Applicant requested a banning order of 3 years. Given that any ban was likely to put the Respondent out of business, what was the difference between ordering a ban of, say, 1 year, 3 years or 5 years?*

Mr Adams accepted that any ban was likely to result in closure of the Respondent's business. He argued that the length of the ban would have a two-fold effect: firstly, a ban of 3 years would give the Applicant more time to ensure enforcement, and secondly the length of the ban would affect the deterrent effect on other landlords and property managers.

14. *What would be the effect of the ban on the Respondent and others?*

Mr Adams pointed out that as the Respondent is not a landlord, any of its clients would be able to appoint a new property manager if they did not wish to take over the management functions themselves. There would be no requirement for tenancies to be brought to an end, and tenants would be unaffected other than perhaps receiving the benefit of better management standards. Mr Adams agreed that nothing in the powers granted to the Tribunal by the Act prevented the Respondent's directors from setting up a new company to carry on the same business if they wished to do so.

15. *The banning order offences in this case do not indicate any direct threat to tenants. The condition of 106 Goodison Road, as shown by the photographs seen by the Tribunal, does not appear materially worse than is found in many other poorly managed houses. Is this a suitable case for a banning order, when other penalties have already been imposed?*

Mr Adams acknowledged that this case was not based on proven harm to tenants, but argued that the Respondent's failures were serious in a different way, namely

(a) the offences were widespread and persistent. In 2019 the Respondent was fined for 29 offences of failure to license properties in a Selective Licensing area. Mr McCartney confirmed that these properties were unconnected houses in different streets and not, for example, flats all contained within one block.

(b) there is an unchallenged statement from the owner of the flats in Daniel House that the Respondent had charged her £775 for obtaining licences under the Selective Licensing scheme but had not applied for them. This indicated a level of intentionality on the part of the Respondent; it did not appear that the application for licences had merely been overlooked.

(c) despite the 2019 convictions and subsequent entry on to the database of Rogue Landlords and Property Agents, further offences were committed. All other attempts to convince the Respondent to comply with its statutory obligations had failed, and the imposition of a banning order was, Mr Adams said, a necessary last resort.

DETERMINATION

16. The Applicant complied with all the procedures required by section 15 of the Act, and the application was correctly made.
17. All four of the mandatory considerations set out at section 16(4) of the Act support the making of a banning order in this case.
18. The Tribunal determined to make the order on the basis that the Respondent owns no properties, this being a reasonable conclusion in the light of the Applicant's evidence. Consequently the order is drafted to take effect immediately.
19. Having regard to the serious effect of a banning order and the absence of any representations on behalf of the Respondent, the Tribunal examined the evidence before it with particular care. The possibility of the Applicant having "cherry-picked" the worst of the Respondent's managed properties, the majority of them being well managed, was considered. On a balance of probabilities this was determined not to be the case, in the light of the number of convictions in 2019, the very poor condition of 106 Goodison Road, and the lack of any such representation from the Respondent.
20. The Tribunal accepted Mr Adams' arguments regarding the seriousness of the Respondent's offences. The Tribunal also noted that the Respondent's directors, although plainly aware of the hearing, had chosen not to attend, or indeed to take any part in the Tribunal proceedings. They could, had it been the case, have shown that their portfolio was generally well managed, that the properties in respect of which the Respondent had committed offences were exceptions, and/or that they had put in place an improved management structure and procedures to avoid similar breaches in future. Given the Respondent's failure to engage in this way, the case presented by the Applicant was sufficient for the Tribunal to find that a banning order was appropriate in this case.

21. The Tribunal determined to impose a ban of one year. This is intended (a) to reflect the fact that no actual harm to tenants appears to have been caused by the Respondent's offences and (b) nevertheless, to send a deterrent message to other property managers. A ban of one year also allows for consistent determinations by the Tribunal in future, in more serious cases where a longer ban may be appropriate but a ban of 5 years or more is not justified.