



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

**Case Reference** : **MAN/00CH/HBA/2025/0001**

**Applicant** : **Gateshead Council**

**Respondent** : **Anthony Hall**

**Type of Application** : **Application for a Banning Order – section 15(1) of the Housing and Planning Act 2016**

**Tribunal Members** : **Judge L. F. McLean**  
**Mrs S. D. Latham MRICS**

**Date of Hearing** : **17<sup>th</sup> November 2025**

**Date of Decision** : **9<sup>th</sup> January 2026**

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**DECISION**

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**DECISION OF THE TRIBUNAL**

- (1) The Tribunal makes a Banning Order against the Respondent in the terms set out in the Annexe hereto.**

## **REASONS**

### **The Application**

1. On 14<sup>th</sup> April 2025, the Applicant applied to the Tribunal for an order banning the Respondent from:
  - i. letting housing in England;
  - ii. engaging in English letting agency work;
  - iii. engaging in English property management work; or
  - iv. doing two or more of those things.

### **Background**

2. The Applicant is a local housing authority. The Respondent is (or was at the material times) a landlord of various residential premises situated in England, including specifically:-
  - i. 186 Westbourne Avenue, Shipcote, Gateshead NE8 4NR;
  - ii. 69 Queen Street, Birtley, Chester Le St, Co Durham, DH3 1EB; and
  - iii. 14 West Street, Birtley, Chester Le St, Co Durham, DH3 1DY.
3. On 1<sup>st</sup> July 2025, the Tribunal gave directions for each party to prepare an electronic bundle of relevant documents, including written submissions and copies of evidence upon which each party relied. The Applicant submitted its bundle, consisting of some 937 pages and to which the Tribunal has had regard. The Respondent did not produce any bundle in readiness for the hearing.

### **Grounds of the Application**

4. The Applicant's grounds for seeking a banning order were set out in its application notice and expanded statement of reasons, and these included the following criminal offences which had been committed by the Respondent and which had resulted in a conviction:-
  - i. Housing Act 2004 Section 30(1) – Offence of failing to comply with an Improvement Notice (x3) (Date of convictions: 10<sup>th</sup> September 2024).

### **Issues**

5. The issues which the Tribunal had to decide were:-
  - i. Has the Respondent been convicted of more or more “banning order offence(s)”?
  - ii. Was the Respondent a residential landlord or a property agent at the time the offence(s) was / were committed?
  - iii. Has the Applicant complied with the requirements of Section 15 HPA 2016?

- iv. In all the circumstances, should the Tribunal make a banning order against the Respondent? If so, what should the terms of that order be (including duration)?

### **Relevant Law**

6. The relevant sections of the Housing and Planning Act 2016 read as follows:-

#### **14 “Banning order” and “banning order offence”**

*(1) In this Part “banning order” means an order, made by the First-tier Tribunal, banning a person from—*

- (a) letting housing in England,*
- (b) engaging in English letting agency work,*
- (c) engaging in English property management work, or*
- (d) doing two or more of those things.*

*(2) See also section 18 (which enables a banning order to include a ban on involvement in certain bodies corporate).*

*(3) In this Part “banning order offence” means an offence of a description specified in regulations made by the Secretary of State.*

*(4) Regulations under subsection (3) may, in particular, describe an offence by reference to—*

- (a) the nature of the offence,*
- (b) the characteristics of the offender,*
- (c) the place where the offence is committed,*
- (d) the circumstances in which it is committed,*
- (e) the court sentencing a person for the offence, or*
- (f) the sentence imposed.*

*(5) An offence under section 12 of the Tenant Fees Act 2019 is also a banning order offence for the purposes of this Part.*

#### **15 Application and notice of intended proceedings**

*(1) A local housing authority in England may apply for a banning order against a person who has been convicted of a banning order offence.*

*(2) If a local housing authority in England applies for a banning order against a body corporate that has been convicted of a banning order offence, it must also apply for a banning order against any officer who has been convicted of the same offence in respect of the same conduct.*

*(3) Before applying for a banning order under subsection (1), the authority must give the person a notice of intended proceedings—*

- (a) informing the person that the authority is proposing to apply for a banning order and explaining why,*
- (b) stating the length of each proposed ban, and*

(c) *inviting the person to make representations within a period specified in the notice of not less than 28 days (“the notice period”).*

(4) *The authority must consider any representations made during the notice period.*

(5) *The authority must wait until the notice period has ended before applying for a banning order.*

(6) *A notice of intended proceedings may not be given after the end of the period of 6 months beginning with the day on which the person was convicted of the offence to which the notice relates.*

### **16 Making a banning order**

(1) *The First-tier Tribunal may make a banning order against a person who—*

- (a) *has been convicted of a banning order offence, and*
- (b) *was a residential landlord or a property agent at the time the offence was committed (but see subsection (3)).*

(2) *A banning order may only be made on an application by a local housing authority in England that has complied with section 15.*

(3) *Where an application is made under section 15(1) against an officer of a body corporate, the First-tier Tribunal may make a banning order against the officer even if the condition in subsection (1)(b) of this section is not met.*

(4) *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, and*
- (d) *the likely effect of the banning order on the person and anyone else who may be affected by the order.*

### **17 Duration and effect of banning order**

(1) *A banning order must specify the length of each ban imposed by the order.*

(2) *A ban must last at least 12 months.*

(3) *A banning order may contain exceptions to a ban for some or all of the period to which the ban relates and the exceptions may be subject to conditions.*

(4) *A banning order may, for example, contain exceptions—*

- (a) to deal with cases where there are existing tenancies and the landlord does not have the power to bring them to an immediate end, or*  
*(b) to allow letting agents to wind down current business.*

## **The Hearing – Procedure, Evidence and Submissions**

### **Absence of the Respondent**

7. The hearing took place remotely via the HMCTS CVP service on 17<sup>th</sup> November 2025. It was scheduled to begin at 10.30am, but started at 10.43am.
8. The Applicant was represented by its in-house solicitor, Nicola Fullerton. Also in attendance were the Applicants' employees, Stuart Weaver, Christine Oates and Craig Suddick.
9. There was no appearance by or representation on behalf of the Respondent. The Tribunal invited representations from the Applicant on whether the hearing should proceed in the absence of the Respondent, pursuant to Rule 34 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013. Ms Fullerton set out her understanding that notice of the proceedings and notice of the hearing had been sent to the Respondent by HMCTS to an email address which the Respondent was known to use for correspondence. She commented that the Respondent exhibits this pattern of behaviour of poor engagement with the council. She confirmed that there had been no recent contact with the Respondent.
10. The Tribunal members were able to confirm, having checked the case file, that the Case Officer had written to the Respondent on a few occasions to notify him of the hearing date and remind him of the need to comply with directions. The email address used was the same as the one which the Applicant had referred to in its own witness evidence. There was also an exhibited email where the Respondent directed the Applicant to communicate with him via email as he said he had no fixed address.
11. The Tribunal members were satisfied that the Respondent had been given adequate notice of the hearing. It was in the interests of justice to proceed, as the Respondent had shown no interest in attending the hearing and it would be a fruitless exercise to delay the hearing further. It was also noted that the Respondent could apply to set aside the decision if he had a good reason for his absence.

### **Witness Evidence**

12. Stuart Weaver was invited to confirm the contents of his witness statement. He had nothing further to add by way of oral evidence.

The Tribunal accepted his statement as his evidence in chief and had no further questions for him.

13. The Applicant's bundle also contained statements of other witnesses. Although the witnesses did not attend to confirm their evidence, the Respondent has not challenged the Applicant's reliance on their statements and so the Tribunal has had regard to the contents of the same.

#### Admission of Evidence of Spent Convictions

14. It was noted that the convictions for the relevant offences were over a year before the date of the hearing, such that they would be considered "spent" within the meaning of the Rehabilitation of Offenders Act 1974. However, under Section 7(3) of that Act, the Tribunal has a power to admit evidence of spent convictions where justice cannot otherwise be done in the proceedings. The Tribunal invited representations from the Applicant.
15. Ms Fullerton explained that the Notice of Intent had been served on the Respondent just within the 6-month time limit after the date of the convictions. The Applicant then had to allow time for the Respondent to make representations. After that time elapsed, the Applicant made its application as quickly as possible. She said that another key reason why more than 12 months had passed was because of the Tribunal's own administrative delays in processing the application and listing it for hearing, and it was not in the interests of justice for the Tribunal to exclude the evidence as a result. She also commented that the convictions were only spent because of the nature of the sentence (which was limited to a fine), so it was inherently difficult to list a hearing within 12 months of the convictions.
16. The Tribunal was persuaded by the Applicant's arguments and agreed to admit the evidence of the Respondent's convictions. The Tribunal particularly noted that it would be incapable of making any banning order without being satisfied as to the convictions themselves, and agreed that it would be perverse for the Tribunal to exclude that evidence as a result of the Tribunal's own procedural delays.

#### Proposed Order, Duration, Terms and Ancillary Matters

17. The Tribunal had already had regard to the Applicant's written submissions regarding the basis on which a banning order was sought.
18. The Tribunal asked for an explanation as to why the Applicant was seeking a banning order for 10 years. Ms Fullerton explained that the Respondent has a significant history which was not limited to the convictions which were the basis of the application. She said that he

has been guilty of previous contraventions which have resulted in financial penalties:-

- i. Housing Act 2004 Section 95(2) – Offence of failure to comply with the condition(s) of a landlord licence (26<sup>th</sup> October 2023).
  - ii. Housing Act 2004 Section 95(1) – Offence of managing a house which is required to be licensed but is not so licensed (18<sup>th</sup> March 2024).
19. The current convictions were in relation to failures to comply with improvement notices. These represented serious health and safety risks such as damp, mould, and electrical hazards. According to governmental guidance, such offending is considered to be more severe than some of the alternative trigger offences. Although there was a minimum duration of 12 months, there is no upper limit. The Applicant has adopted a matrix to act as a guide regarding the duration of order which is sought (depending on the severity of the offence(s)), and this produced a guideline figure in this case of 10 years.
20. Additionally, the Applicant's view was that a short-term order would have no effect, and that it needed to be of a significant length to prevent the Respondent from re-entering the private rental market. Ms Fullerton said that the Respondent has a lengthy history of non-compliance and there was no evidence that will change.
21. Ms Fullerton referred the Tribunal to the draft management order which the Applicant had prepared, regarding the plan for managing any existing tenancies etc.

### **The Tribunal's Decision**

Has the Respondent been convicted of more or more "banning order offence(s)"?

22. The Respondent has been convicted of three offences described above, and which were detailed in the Applicant's evidence, which were all "banning order offences" within the meaning of the Housing and Planning Act 2016 (Banning Order Offences) Regulations 2018 (as amended).

Was the Respondent a residential landlord or a property agent at the time the offence(s) was / were committed?

23. According to the Applicant's evidence from the Land Registry, which is not contested, the Respondent was the registered legal proprietor (and therefore the landlord) of the relevant premises at the time that the offences were committed.

Has the Applicant complied with the requirements of Section 15 HPA 2016?

24. The Applicant's witness evidence – which was not contested – confirmed that the Applicant had followed the correct pre-action procedure as required by Section 15 of the Housing and Planning Act 2016 and in accordance with its own policy.

In all the circumstances, should the Tribunal make a banning order against the Respondent?

25. The Tribunal considered the seriousness of the offences of which the Respondent had been convicted. The Tribunal agrees that these are serious offences which related to conduct posing a significant health and safety risk of death or personal injury to residential occupiers. This is reflected in the scale of the fines imposed by the Magistrates' Court.
26. The Tribunal also considered the Respondent's prior breaches of the Housing Act 2004. The Respondent has shown no evidence of remorse or willingness to change, as further demonstrated by his complete indifference towards the instigation of these proceedings before the Tribunal.
27. The Tribunal has not seen any evidence to suggest that the Respondent is or has at any time been included in the database of rogue landlords and property agents.
28. The Tribunal considered the likely effect of the banning order on the Respondent. The Respondent had not made any submissions in that regard and had not adduced any evidence as to his means or the likely impact of removing his rental income for a prolonged period, which meant that the Tribunal was limited in what inferences it could draw. The Tribunal appreciates that the making of a banning order will inherently reduce a landlord's income, even though he may still be required to defray certain expenses such as mortgage payments, Council Tax, insurance, and basic utility bills. Unless the landlord has substantial savings, a banning order of any significant duration may result in the landlord being forced to sell one or more of their properties. These consequences are undoubtedly contemplated by the legislation itself, the clear purpose of which is to regulate the private rented sector so as to restrict or prevent unscrupulous residential landlords from continuing to operate illegal lettings businesses, and to protect residential tenants from such conduct.
29. The Tribunal also considered the likely effect of the banning order on anyone else who may be affected by the order – in this case, any current residential tenants of the Respondent. Again, the Tribunal was limited in what conclusions it could draw from the evidence available. It is undoubtedly disruptive to residential tenants for their landlord to be banned from letting out their home, although this could be mitigated if the Respondent were permitted to appoint managing agents until such time as the tenancies came to an end.



The Tribunal was able to have regard to the evidence of Stuart Weaver regarding the number of households who would be affected, and the Respondent's preparedness to seek a Management Order if this became necessary:-

58. *This leaves 2 tenanted properties 186 Westbourne Avenue and 71 Queen Street. Both addresses are within the Councils Selective Licensing designation and there is no licence in place and the council have not received a duly made licence application for the properties. the Respondent is unable to bring the tenancies to an end using section 21 as there is no licence in place.*
59. *The council do not deem that there are any grounds for an exception to the banning order other than to allow him time to make suitable management arrangements for the tenanted properties. If following the issuing of the banning order the Respondent does not appoint a suitable alternative manager for the properties the Council would seek a Management Order to ensure the properties are managed effectively, tenants are protected, and housing standards are upheld.*
30. The Tribunal concluded that the interests of justice weighed in favour of making a banning order, despite the impact that this would have upon the Respondent and his tenants.

What should the terms of that order be (including duration)?

31. It is clear from the evidence before the Tribunal that the Respondent has a devil-may-care attitude towards compliance with residential landlord and tenant regulations. The breaches in question put the health and safety of his tenants at risk and were sufficiently serious that they resulted in criminal convictions and substantial fines. They were preceded by previous criminal breaches of housing licensing requirements which also resulted in financial penalties being imposed.
32. These were not "victimless crimes". The witness statements of the Respondent's tenants, Carla Avilez and Neil Anderson, detail the real-life impact of his persistent breaches of the law – including suffering from damp and mould, unsafe gas appliances and electrical wiring, and difficulties in unlocking an emergency exit from the property.
33. The Respondent has not demonstrated the courtesy of appearing before the Tribunal to explain his position; nor has he offered any apology or assurance as to his future conduct or steps that he might take to become a more responsible landlord.

34. The Tribunal was persuaded by the Applicant's argument that a duration of 10 years was justified and proportionate. The Tribunal considered that this is necessary to deter the Respondent from managing residential premises himself for the foreseeable future, and to act as a deterrent to other private landlords who may be tempted to disregard housing laws in the same way.
35. The Tribunal has considered the draft order prepared by the Applicant and is content to adopt it.

**Name:**  
**Judge L. F. McLean**  
**Mrs S. D. Latham MRICS**

**Date: 9<sup>th</sup> January 2026**

### **Rights of appeal**

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. If the Tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).

## **Annexe**

### **BANNING ORDER (SECTION 16 OF THE HOUSING AND PLANNING ACT 2016)**

**First-tier Tribunal (Property Chamber) (Residential Property)**

**Tribunal Reference: MAN/00CH/HBA/2025/0001**

**Applicant: Gateshead Council**

**Respondent: Mr Anthony Hall**

By this Order, Mr Anthony Hall of 51 Ravensworth Road, Birtley, Gateshead, DH3 1EN **IS BANNED** from:

1. Letting housing in England;
2. Engaging in English letting agency work;
3. Engaging in English property management work; or
4. Doing two or more of those things.

Mr Anthony Hall **IS ALSO BANNED** from being involved in any body corporate that carries out any of the above activities. Mr Anthony Hall may not act as an officer of such a body corporate or directly or indirectly take part in, or be concerned in, its management.

These bans take effect immediately from the date of this Banning Order, namely **9<sup>th</sup> January 2026**. They will last for a period of **TEN YEARS from and including 9<sup>th</sup> January 2026**.

In recognition of the need for appropriate transitional arrangements to be made, the ban on letting housing in England is subject to an exception:

- Mr Anthony Hall may continue to let the housing listed in the Schedule hereto for a period of up to three months from the date of this Order. However, Mr Anthony Hall must not grant any new tenancies during this period. Mr Anthony Hall must then have engaged the services of a letting agent accredited by either Propertymark, SafeAgent and/or UK Association of Letting Agents (UKALA) to manage the housing listed in the Schedule hereto on his behalf, and:-
  - a) with whom neither he nor any company with which he is concerned is either involved or associated, and
  - b) whose engagement is first approved by the Council in writing, prior to engagement or to Mr Anthony Hall entering into any contract concerning their engagement.

Signed: L. F. McLean  
Judge of the First-tier Tribunal

Date: 9<sup>th</sup> January 2026

## Notes

**1. A person who breaches a banning order commits an offence and is liable on summary conviction to imprisonment for a period not exceeding 51 weeks or to a fine or to both. Alternatively, a local housing authority may impose a financial penalty of up to £30,000 on a person whose conduct amounts to that offence.**

2. A person who is subject to a banning order that includes a ban on letting may not make an unauthorised transfer of an estate in land to a prohibited person. Any such transfer is void (see section 27 of the Housing and Planning Act 2016)

3. A breach of a banning order does not affect the validity or enforceability of any provision of a tenancy or other contract.

4. A person against whom a banning order is made may apply to the Tribunal for an order under section 20 of the Housing and Planning Act 2016 revoking or varying the order.

5. The expressions “English letting agency work” and “English property management work” have the meanings given to them by sections 54 and 55 of the Housing and Planning Act 2016 respectively.

6. The reasons for making this banning order are set out in a decision issued separately by the Tribunal.

## Schedule

1. 186 Westbourne Avenue, Shipcote, Gateshead, Tyne and Wear, NE8 4NR
2. 71 Queen Street, Birtley, Chester Le St, Co Durham, DH3 1EB