



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

Case Reference	: HAV/45UC/PFA/2025/0002
Property	: North Park, Rope Walk, Littlehampton, West Sussex, BN17 5DE
Applicant	: Mr Alfred Kefford
Representative	: David Sunderland
Respondent	: Arun District Council
Representative	: Elizabeth Lanlehin
Type of Application	: Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 Schedule 4 Paragraph 9(1)(c)
Tribunal Member	: Regional Judge Whitney Carolyn Barton MRICS
Date of Hearing	: 20 October 2025
Date of Determination	: 22 January 2026

Decision

Background

1. The Applicant seeks to appeal against a Local Authority's decision to reject his application for inclusion on the register of fit and proper persons. The application was received on 10 March 2025.
2. The Notice of Final Refusal decision from Arun District Council is dated 11 February 2025.
3. The Tribunal issued directions on 14th April 2025 and then the following day, 15th April 2025 amended directions to correct clerical errors. An auto response was received from the council indicating that the address for Kate Giddings was not in use.
4. Subsequently a case management application was made by the Respondent acting through a member of its legal department on 16th June 2025. This was copied to the Applicant's representative.
5. This application was determined by a Legal Officer on 23rd June 2025. Regrettably it was not sent to the parties until 7th July 2025. That decision was reviewed by Regional Judge Whitney and that decision was dated 17th July 2025.
6. A bundle was not supplied by the Respondent but one was supplied by the Applicant.
7. The final hearing took place in person at Havant Justice Centre on 17th September 2025. Mr Sunderland appeared for the Applicant and Ms Lanlehin for the Respondent. None of their respective witnesses were in attendance. Mr Sunderland submitted that he was seeking directions as the parties wished to explore settlement. Ms Lanlehin described wanting a stay.
8. The Tribunal made clear that it is not for parties to decide if a hearing should proceed. That is the prerogative of the Tribunal. We did consider proceeding without witnesses but were satisfied that in all the circumstance so to do so would not be just and equitable.
9. Directions were issued listing the matter for hearing on 20 October 2025.

Hearing

10. Mr Sunderland appeared for the Applicant at the final hearing. The Applicant was in attendance. Ms Lanlehin appeared for the Respondents with their witness Ms Rollings.

11. The Tribunal had an electronic bundle. References in [] are to pdf pages within that bundle. The hearing was recorded and below is a precis only.
12. The parties presented a consent order attached to this application. Both parties confirmed terms were agreed save there was a typographical error in that the term agreed for the period for which Mr Kefford was to be entered on the register as a fit and proper person was 5 years. The Tribunal confirmed it was happy to approve the same as amended by it and to confirm the matter was settled on that basis. It does so in the form amended and attached to this decision.
13. Mr Sunderland on behalf of the Applicant indicated he wished to make submission under Rule 13 of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 ("the Rules).
14. The Tribunal agreed he could do so and upon completion it would hear from Ms Lanlehin whether she wished to respond orally or make written submissions.
15. Mr Sunderland submitted his client had been forced to make the application and so they ought to be entitled to his costs and reimbursement of the fees pursuant to Rule 13(1)(b) and 13(2). He suggested the Council continued to assert it was not for them to tell the Applicant what information they required to be satisfied that Mr Kefford was a fit and proper person.
16. He referred to his request in July 2025 as to details of what further information was required by the Council. This had been replied to by the Council on the day prior to the original hearing date. His client had responded and then agreement had been reached. He suggests the information requested was unnecessary and should have been dealt with at a much earlier time, even at the preliminary refusal stage.
17. Mr Sunderland referred to *Willow Court Management (1985) Ltd v Alexander [2016] 0290 UKUT (LC)*. He suggested this set out the test to be applied in the Tribunal making an Order for unreasonable costs. In respect of the fees he referred to the Tribunal's discretion as to whether to make an award. He submitted that the Council made an offer too late in the day.
18. Further in respect of the hearing bundle he had to prepare this on behalf of his client notwithstanding the directions. He suggests the Respondent's conduct was not in keeping with the directions of the Tribunal.
19. The Tribunal questioned him in respect of the costs. He explained he had no written contract. He reaches a verbal agreement and

gives a quote on an item-by-item basis. He described it as a casual arrangement with no commitment on either side to continue.

20. Upon completion of his submissions Ms Lanlehin confirmed she would prefer to make written submissions once she had taken instructions.
21. The Tribunal directed the Respondent would provide its submissions by 27th October 2025 and the Applicant may file a reply by 3rd November 2025. Thereafter the Tribunal would determine the costs applications on the basis of the oral submissions made and the papers filed.

Determination

22. The Tribunal re-convened on Friday 5 December 2025 to consider the matter.
23. We thank both sides for their submissions.
24. For the avoidance of doubt we confirm we approved the consent order agreeing Mr Kefford would be entered on the Register as a fit and proper person for a period of 5 years as per the attached amended Order.
25. We must correct an error in our earlier Directions dated 18 September 2025. In paragraph 12 we state “We would entertain an application from either side for their costs of attendance on this date. “ This of course should state (with our emphasis): “We would **not** entertain an application from either side for their costs of attendance on this date. “ Both sides’ representatives were in attendance at the hearing and will have heard the Chair make this point.
26. In considering matters we had regard to Rule 13 of the Rules. We also considered the *Willow Court* decision which we agree with Mr Sunderland sets out the test we must apply in considering applications pursuant to Rule 13(1).
27. We are required to consider whether or not the Respondent’s conduct in defending the appeal was unreasonable. Such appeals are statutory, and it is for this Tribunal to undertake a re-hearing in determining the same. Plainly the Applicant may produce further evidence above and beyond that provided to the Respondent when it made its original decisions. In this instance case by the time of the final hearing on 20 October 2025 two witness statements of Mr Kefford were filed.
28. We have considered the particular facts and time line of events. We note there is limited Tribunal authority as to how such appeals should be dealt with. This is a relevant factor in our judgment in

considering whether the Respondent's conduct in defending the application was unreasonable. In any event even if the Respondent had taken no part in the appeal, it would be for the Tribunal to determine the same by way of a re-hearing.

29. We note the Applicant relies upon the Respondent's failure to prepare the bundle having been directed to do so. However, we note an explanation has been given in that it appears the directions had been sent to an email address for the Respondent which the Tribunal had already been advised was no longer in use. The Respondent had provided an alternative address which unfortunately due to an administrative error had not been used. We are satisfied that the Respondent's conduct in this regard cannot be said to be unreasonable.
30. Further the Applicant suggests it invited the Respondent in July to provide details as to what additional information they required to satisfy themselves that Mr Kefford was a fit and proper person. This led to the response which was only sent the day before the first hearing. It is certainly unfortunate that the local authority did not engage with this sooner. We note the contents of the table supplied by the Respondent in their submission. We also note that the information given by Mr Kefford in his second statement could have been provided in his first statement.
31. We do not take account of the first abortive hearing. Both parties sought effectively an adjournment so they could engage in discussions for settlement. If one or other party had attended with their witnesses the hearing could have proceeded. As was said to the representatives at the time it is not for them to determine whether or not a final hearing proceeds.
32. Overall having regard to all matters we are not satisfied that the conduct of the Respondent on the facts of this particular case and on the basis that it was a statutory appeal was such that it can be said it was unreasonable within the meaning as required for making an Order pursuant to Rule 13(1) (a) of the Rules.
33. Even if we were so satisfied we would not have exercised our discretion to make such an order in this case. We say so as we are not satisfied any costs were wasted. The Applicant would have had to make an application to protect his position. As part of that the steps would have to be undertaken for complying with the Tribunal's directions including attending at a hearing. Whilst the Applicant had to prepare a bundle we are satisfied as to the reason given by the Respondent and would not penalise this in costs. The parties had to attend the two hearings given their negotiations to reach agreement did not come to fruition until shortly before the final hearing. Whilst we encourage parties to explore settlement often this does mean settlement is not reached until the last

minute. We are not satisfied the Applicant wasted any costs in pursuing the appeal.

34. We address the point that if we did make an award we could not award, any costs for Mr Sunderland's time made by the Respondent's. We do not accept that submission. There is no requirement for representatives to be legally qualified. Currently any person may be a representative before this Tribunal. In principle Mr Kefford could recover costs he paid to Mr Sunderland. However we note there was no written agreement providing what costs were to be paid and how these were to be calculated. We are not satisfied that it would be reasonable to award costs on the very casual basis Mr Sunderland described. We are not satisfied he demonstrated there was a clear liability to pay or that the basis of the calculation of the costs was reasonable. We would expect some documentary basis confirming the liability to pay and the method of calculation, even if merely an email exchange.
35. We turn now to the claim for Tribunal fees pursuant to Rule 13(2). Again, we accept Mr Sunderland's submission that this is a matter of discretion by the Tribunal. It is plain Mr Kefford was put to the expense of an application and ultimately the parties decided he was fit and proper to be on the Register. We note this was agreed to be for 5 years without condition. Overall we are satisfied this is a case whereby we should exercise our discretion and order that the Respondent will reimburse to Mr Kefford the fees paid totalling £337 within 28 days of the date of this decision.

RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application by email to rpsouthern@justice.gov.uk
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.