FIRST-TIER TRIBUNAL
PROPERTY CHAMBER (RESIDENTIAL PROPERTY)

Case Reference	:	**LON/00AP/HNA/2025/0684**
Property	:	**102 Mount Pleasant Road, Tottenham, London, N17 6TH**
Applicant	:	**Mr Daniel Alolga Akata-Pore**
Representative	:	**In Person**
Respondent	:	**London Borough of Haringey**
Representative	:	**Ms Galya Stefanova, Enforcement Officer** (Ref: CS&E/PSHT/GXS)
Type of Application	:	**Appeal against a financial penalty -** Section 249A and Schedule 13A to the Housing Act 2004
Tribunal Members	:	**Judge N Hawkes** **Mr S Mason BSc FRICS**
Venue of hearing	:	**10 Alfred Place, London WC1E 7LR on 13 January 2026**
Date of Decision	:	**28 January 2026**

DECISION

Decisions of the Tribunal

(1) The Tribunal varies the Respondent's decision to impose a financial penalty on the Applicant by reducing the penalty from £1,000 to £500.

(2) The Tribunal makes an order under Rule 13(2) of the Tribunal Procedure (First-Tier Tribunal)(Property Chamber) Rules 2013 requiring the Respondent to, within 28 days, reimburse £170.50 of the Tribunal fees in the total sum of £341 which have been paid by the Applicant in respect of these proceedings.

Background

1. By an application dated 16 April 2025, Mr Akata-Pore ("the Applicant") brought an appeal against a financial penalty in the sum of £1,000 which was imposed on him under section 249A of the Housing Act 2004 by the London Borough of Haringey ("the Respondent"), pursuant to a final penalty notice dated 17 February 2025.

2. The financial penalty was imposed on the grounds that, contrary to section 95(1) of the Housing Act 2004, on 8 January 2025 the Applicant was in control of or managing an unlicenced property, namely 102 Mount Pleasant Road, Tottenham, London, N17 6TH ("the Property"), when the Property required a licence under the Respondent's Selective Licensing Scheme but was unlicensed.

3. Paragraph 10 of Schedule 13A to the Housing Act 2004 provides:

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(2) If a person appeals under this paragraph, the final notice is suspended until the appeal is finally determined or withdrawn.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.

4. On 6 August 2025, the Tribunal issued Directions ("the Directions") leading up to a final hearing.

The hearing

5. The hearing took place on 13 January 2026 at 10 Alfred Place, London WC1E 7LR.

6. The Applicant attended the hearing in person. He was accompanied by his cousin, Mr Abraham Duah. The Respondent was represented at the hearing by Ms Gayla Stefanova, an Enforcement Officer employed by the Respondent. Ms Stefanova was accompanied by Ms Glayne Russell, a Private Sector Team Leader employed by the Respondent.

7. The Tribunal heard oral evidence of fact from Ms Stefanova and from the Applicant.

8. The Tribunal has considered all the submissions that were made, and all of the evidence that was referred to during the course of the hearing. However, to keep this decision to a proportionate length, the Tribunal will only refer below to those matters which it is necessary to set out in order to understand the reasons for the Tribunal's decision.

9. The Tribunal noted that all evidence and submissions would need to be presented orally at the hearing. This was so that each party would know exactly what the other party's case was and how it was being presented, and so that any party with an alternative viewpoint would have the opportunity to make oral representations to the Tribunal in response to each point which was being raised. In *Arrowdell Limited v Coniston Court (North) Hove Limited* LRA/72/2005, it was held at [23] that the Tribunal *"must not reach a conclusion on the basis of evidence that has not been exposed to the parties for comment."*

The Tribunal's determinations

10. Financial penalties were introduced by the Housing and Planning Act 2016 ("the 2016 Act"). The 2016 Act amended the Housing Act 2004 ("the 2004 Act") by inserting section 249A and Schedule 13A. These

provisions enable local authorities to impose financial penalties of up to £30,000 in respect of a number of offences under the 2004 Act, as an alternative to prosecution.

11. Subsection 249A(1) of the 2004 Act provides that a local authority may only impose a financial penalty if satisfied beyond reasonable doubt that a person's conduct amounts to a relevant housing offence. The Tribunal must also be satisfied to the criminal standard of proof that an offence has been committed.

12. DCLG Guidance for Local Authorities ("the Guidance") has been issued under paragraph 12 of Schedule 13A.

13. The Guidance encourages each local authority to develop their own policy for determining the appropriate level of penalty. The maximum amount should be reserved for the worse offenders.

14. As regards the weight to be given to a local authority's policy, in *Sheffield City Council v Hussain* [2020] UKUT 292 (LC)), the Upper Tribunal stated:

44. In London Borough of Waltham Forest v Marshall [2020] UKUT 35 (LC) the Tribunal (Judge Cooke) considered the weight to be given to a local housing authority's policy on an appeal against a decision which had applied that policy. At [54] Judge Cooke explained the proper approach:

> *"The court can and should depart from the policy that lies behind an administrative decision, but only in certain circumstances. The court is to start from the policy, and it must give proper consideration to arguments that it should depart from it. It is the appellant who has the burden of persuading it to do so. In considering reasons for doing so, it must look at the objectives of the policy and ask itself whether those objectives will be met if the policy is not followed."*

At [55] she recognised the power of a court or tribunal to set aside a decision which was inconsistent with the decision-maker's own policy. Furthermore, having regard to the fact that an appeal under Sch.13, 2004 Act is a rehearing:

> *"It goes without saying that if a court or tribunal on appeal finds, for example, that there were mitigating or aggravating circumstances of which the original decision-maker was unaware, or of which it took insufficient account, it can substitute its own decision on that basis."*

45. The proper approach was also discussed by the Tribunal in Sutton v Norwich City Council [2020] UKUT 0090 (LC), at [254], as follows:

> *"If a local authority has adopted a policy, the Tribunal should consider for itself what penalty is merited by the offence under the terms of the policy. If the authority has applied its own policy, the Tribunal should give weight to the assessment it has made of the seriousness of the offence and the culpability of the appellant in reaching its own decision."*

15. At times, the Applicant appeared to invite the Tribunal to carry out a detailed review the Respondent's decision-making process and of the Respondent's general conduct in relation to matters concerning the Property. However, in *Gateshead BC v City Estate Holdings* [2023] UKUT 35 (LC), the Upper Tribunal stated:

"26. … the FTT in hearing an appeal from a financial penalty is to make its own decision, not to review that of the local housing authority."

16. Further, at [4] of *Ekweozoh v Redbridge LBC* [2021] UKUT 180, the Upper Tribunal stated:

"It is therefore not the task of the FTT in these appeals to consider whether the authority's decision was justified or reasonable; the FTT is instead required to decide for itself whether a financial penalty should be imposed at all and, if so, how much the penalty should be."

Whether or not the Tribunal is satisfied beyond reasonable doubt that an offence was committed.

17. Part 3 of the 2004 Act provides for the selective licensing of areas designated for that purpose by the local housing authority.

18. Section 95(1) of the 2004 Act provides:

(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 … but is not so licensed.

…

(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) …

19. Section 249A of the 2004 Act includes provision that:

(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—

…

(c) section 95 (licensing of houses under Part 3)

20. The onus is on a person who relies upon the defence of reasonable excuse to establish on the balance of probabilities that he has that defence (see *IR Management Services Limited v Salford City Council* [2020] UKUT 81 (LC)).

21. After some discussion at the hearing, the Applicant appeared to accept that the position was as he himself set out as follows in his application form when appealing to this Tribunal:

"While I acknowledge that I did not hold a Selective Licence at the date of the Council's visit, I had previously submitted a valid HMO licence renewal application in March 2024 … I later submitted a Selective Licence application on 1 March 2025, before the Final Notice was issued.

…

• I had a valid HMO licence until October 2024.

•Started renewal in March 2024, I paused the renewal process because I intended to move back into the property and a section 21 notice issued

…

The Council fined me for not holding a Selective Licence. I later submitted an application for that licence on 1 March 2025, after the Notice of Intent (11 February 2025) but before the Final Notice (11 April 2025). The Council continued processing my HMO application after the Notice to fine…"

22. In any event, the Tribunal accepts beyond reasonable doubt the evidence of Ms Stefanova that:

(i) From 16 October 2024 to 1 March 2025, the Property required a selective licence.

(ii) On 13 September 2024 she sent the Applicant a link to apply for a selective Property Licence to use when an HMO Licence for the Property expired on 16 October 2024.

(iii) On 16 September 2024, she sent a further email to the Applicant regarding other matters which again included a link for the Applicant to apply for a Selective Licence to use when the HMO licence expired on 16 October 2024.

(iv) On 18 September 2024, the Applicant sent her a detailed email explaining that he had served a section 21 notice on the tenants and that he expected that they would be moved by the Respondent, but they were still in the Property.

(v) On 19 September 2024, the Council sent the Applicant a further email reminding him that his HMO licence would expire in October 2024 and that it was not the correct one for the current occupancy.

(vi) On 20 September 2024, she had a telephone discussion with the Applicant which included further reference to the fact that the HMO licence would expire on 16 October 2024.

(vii) On 23 September 2024, she sent the Applicant an email, further to their telephone conversation, and said that the HMO would not be revoked but that he needed to apply for a selective licence.

(viii) On 23 October 2024, she sent the Applicant an email which included a reminder that the HMO licence had expired.

(ix) On 8 January 2025 she visited the property and spoke to a tenant who stated that she had been in occupation of the Property since August 2020. The tenant also stated that the rent was £1,895 per calendar month and that the Property was in good condition.

(x) On 11 February 2025, the Respondent sent a Notice of Intent to issue a financial penalty to the Applicant.

(xi) Representations were received from the Applicant on 17 February 2025, and the Respondent responded on 18 February 2025.

(xii) On 1 March 2025, the Applicant made an application for a selective licence.

(xiii) On 11 April 2025, the Respondent issued the Applicant with a final civil penalty notice.

23. Whilst the Applicant may have started to fill out the selective licence application form before 1 March 2025, the application was not made until it was submitted together with payment of the correct fee. It is not part of the Applicant's case in his application form that there were any technical difficulties in submitting the selective licence application and the Tribunal was not referred to any correspondence from the Applicant to the Respondent Council to this effect.

24. The Tribunal is satisfied beyond reasonable doubt that the relevant selective licence application was not made until 1 March 2025. Further, the Tribunal is not satisfied on the balance of probabilities that the defence of reasonable excuse is made out; an intention to ultimately evict the tenants and move back into the Property is not a reasonable excuse for failing to apply for a selective licence whilst the Property remains tenanted.

25. The Tribunal finds beyond reasonable doubt that, from 16 October 2024 until 1 March 2025, the Property required but did not have a selective licence. It is not in dispute that the Applicant was, at the material time, controlling and managing the Property. Accordingly, the Tribunal is satisfied beyond reasonable doubt that the housing offence which gave rise to the civil penalty was committed.

The civil penalty

26. In light of the history set out at paragraph 20 above and, in particular, the repeated reminders to apply for a selective licence which Ms Stefanova gave to the Applicant, the Tribunal is satisfied that it is appropriate to impose a financial penalty in the present case.

27. The Tribunal was referred to the Respondent's Financial Penalty Notice Matrix ("the Matrix"). The Applicant does not submit that it is open to the Tribunal to depart from Matrix, and the Tribunal is not satisfied that there are grounds for departing from the Matrix on the facts of this case. The Tribunal has therefore applied the Matrix in making its determination.

28. The Matrix provides for each of four factors to be scored: 1, 5, 10, 15 or 20. The fourth factor *"Harm to Tenant(s)"* is then given a double weighting. The total score determines the level of the financial penalty which is imposed. Each of the four factors was considered by the Tribunal in turn.

Deterrence & Prevention

29. The Respondent gave this factor a score of 5: *"Medium confidence that a financial penalty will deter repeat offending. Minor informal publicity required for mild deterrence in the landlord community."*

30. For this score to be reduced, there would have to be: "*High confidence that a financial penalty will deter repeat offending. Informal publicity is not required as a deterrence."*

31. In light of the fact that, despite the correspondence from the Respondent and telephone conversation with Ms Stefanova referred to above, the relevant selective licence application was not submitted until March 2025, after the notice of intent to issue a financial penalty had been served Applicant, the Tribunal finds that medium confidence is the appropriate category. Accordingly, the Tribunal finds that the appropriate score under this heading is 5.

Removal of Financial Incentive

32. The Respondent gave this factor a score of 5: *"Little asset value. Little profit made by offender."* The score will be 1 in the case of: *"No significant assets. No or very low financial profit made by offender."*

33. The Applicant gave evidence that he makes no profit from letting the Property. He also stated that the Respondent did not ask him for any documentary evidence before concluding that he did make a low level of profit. It was not suggested that he has any significant assets.

34. Ms Stefanova agreed that no documentary evidence concerning profit was sought from the Applicant and stated that she is aware that he has carried work to the Property at a cost of approximately £18,000.

35. The Tribunal accepts on the balance of probabilities the Applicant's evidence that he falls within the no or very low financial profit category. Accordingly, the Tribunal finds that the appropriate score under this heading is 1.

Offences and History

36. It is not in dispute that there has been no previous enforcement history and that the offence is a single, low-level offence. Accordingly, applying the Matrix, the appropriate score under this heading is 1.

Harm to tenant(s)

37. The Respondent gave this a score of 5: *"Likely some low-level health/harm risk(s) to occupants. No vulnerable occupants. Tenant(s) provides poor quality information on impact."*

38. It is not in dispute that the tenants have expressly stated that the Property was in good condition. The Tribunal therefore finds that the appropriate score under this heading is 1 because there was *"Very little or no harm caused"*. The score must then be increased to 2 due the double weighting provision which is referred to above.

39. The total score is therefore 9, resulting a financial penalty of £500 under the Matrix.

Conclusion

40. For the reasons set out above, the Tribunal varies the Respondent's decision to impose a financial penalty on the Applicant by reducing the penalty from £1,000 to £500.

41. The Respondent's representatives emphasised that they do not in practice usually issue financial penalties of less than £1,000. However, that is clearly not a reason for increasing the penalty to £1,000 and it is noted the Respondent's Matrix provides that the lowest possible penalty is £250.

Additional observations

42. There was a certain amount of discussion, during the course of the hearing, concerning "rogue" landlords and the database of "rogue" landlords.

43. It is noted that in *Shorr v Camden LBC* [2024] UKUT 202 (LC), the Upper Tribunal stated at [39] and [40]:

39. Mr Hart criticised the FTT's refusal to accept that the appellants were not "rogue landlords" and suggested that they could not be classified in that way because their offences had not been deliberate. He

invited me to provide an explanation of the meaning and significance of the expression "rogue landlord" but I am reluctant to accept that challenge as, in my judgment, it does not assist in determining this appeal or whether financial penalties should be imposed on the appellants. The expression does not appear in the 2004 Act, and the jurisdiction to impose a financial penalty depends exclusively on it being proven that one of the relevant housing offences listed in section 249A(2) has been committed. It is therefore positively unhelpful to be distracted by consideration of what a "rogue landlord" may be when the real question is whether the requirements of section 249A have been satisfied.

40. Nevertheless, if it is assumed that the true mark of a rogue landlord is that they qualify for inclusion in the database of rogue landlords to be established by the Secretary of State under section 28 of the Housing and Planning Act 2016 (the 2016 Act), sections 29 and 30 of that Act may be informative. They provide that a person must be included in the database if a banning order has been made against them (section 29) and may be included if they are a landlord who has been convicted of a banning order offence (section 30(1) or who has, twice within 12 months, received a financial penalty in respect of a banning order offence (section 30(2)). The full list of banning order offences is found in the Schedule to the Housing and Planning Act 2016 (Banning Order Offences) Regulations 2018. They include all of the relevant housing offences listed in section 249A(2), and many other offences under a variety of criminal statutes.

44. These considerations similarly do not assist the Tribunal in determining the present appeal.

Reimbursement of Tribunal fees

45. The Tribunal makes an order under Rule 13(2) of the Tribunal Procedure (First-Tier Tribunal)(Property Chamber) Rules 2013 requiring the Respondent to, within 28 days, reimburse £170.50 of the Tribunal fees in the total sum of £341 which have been paid by the Applicant in respect of these proceedings.

46. In making this order, the Tribunal has taken into account all of the circumstances of the case, including the degree of success of the appeal and the fact that a significant amount of time was taken up in clarifying with the Applicant that the account which he gave in his application form was correct.

Name: Judge Hawkes **Date:** 28 January 2026

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).