



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

Case Reference: MAN/00EJ/HNA/2025/0646 - 0651

Properties: 60, Fifth Street
76, Sixth Street
43, Newcastle Avenue
23, Manor Way
2, Lakeland Drive
4, Ninth Street

Applicant: Trevor Jones

Represented by: Vilma Vodanovic, Counsel

Respondent: Durham County Council

Represented by: Stephen Buston, Solicitor

Type of application: Appeal against a financial penalty –
Section 249A & Schedule 13A to the
Housing Act 2004

Tribunal Members: Tribunal Judge C Wood
Tribunal Member A Davies MRICS
FAAV

Date of Decision: 2 March 2026

ORDER

Order

1. The Tribunal determines as follows:
 - 1.1 in accordance with paragraph 10(4) of Schedule 13A to the Housing Act 2004, the Tribunal varies each of the final notices dated 17 March 2025 by reducing the financial penalties from £18000 to £5500 in each case.
2. Each financial penalty is payable by the Applicant within 28 days of the date of this Order.

Application

3. By six applications each dated 10 April 2025, (“the Applications”), the Applicant appealed against each financial penalty of £18000 imposed by the Respondent under section 249(a) of the Housing Act 2004, (“the 2004 Act”) as set out in Final Notices each dated 17 March 2025, (each an “FPN” and together the “FPNs”).
4. A video hearing of the Applications took place on 10 February 2026 at which the following people attended:

Applicant: Trevor Jones

Representative for the Applicant: Vilma Vodanovic, Counsel

Solicitor for the Respondent, Durham County Council: Stephen Buston

Respondent’s witness: Tracey Anderson, Housing & Enforcement Officer, Durham County Council

Law and Guidance - Power to impose financial penalties

5. Section 249A of the 2004 Act enables a local housing authority to 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.

6. Relevant housing offences are listed in section 249A(2) of the 2004 Act. They include the offence under section 95(1) of the 2004 Act of being a person in control of or managing a house which is required to be licensed but is not so licensed.
7. Only one financial penalty under section 249A may be imposed on a person in respect of the same conduct. The amount of that penalty is determined by the local housing authority (but it may not exceed £30,000), and its imposition is an alternative to instituting criminal proceedings for the offence in question.

Procedural requirements

8. Schedule 13A to the 2004 Act sets out the procedure which local housing authorities must follow in relation to financial penalties imposed under section 249A. Before imposing such a penalty on a person, the local housing authority must give him or her a notice of intent setting out:
 - the amount of the proposed financial penalty;
 - the reasons for proposing to impose it; and
 - information about the right to make representations.
9. Unless the conduct to which the financial penalty relates is continuing, that notice must be given before the end of the period of six months beginning on the first day on which the local housing authority has sufficient evidence of that conduct.
10. A person who is given a notice of intent has the right to make written representations to the local housing authority about the proposal to impose a financial penalty. Any such representations must be made within the period of 28 days beginning with the day after that on which the notice of intent was given. After the end of that period, the local housing authority must decide whether to impose a financial penalty and,

if a penalty is to be imposed, its amount.

11. If the local housing authority decides to impose a financial penalty on a person, it must give that person a final notice setting out:
 - the amount of the financial penalty;
 - the reasons for imposing it;
 - information about how to pay the penalty;
 - the period for payment of the penalty;
 - information about rights of appeal; and
 - the consequences of failure to comply with the notice.

Relevant guidance

12. A local housing authority must have regard to any guidance given by the Secretary of State about the exercise of its functions in respect of the imposition of financial penalties. Such guidance (“the HCLG Guidance”) was issued by the Ministry of Housing, Communities and Local Government in April 2018: Civil penalties under the Housing and Planning Act 2016 – Guidance for Local Housing Authorities. It states that local housing authorities are expected to develop and document their own policy on when to prosecute and when to issue a financial penalty and should decide which option to pursue on a case by case basis. The HCLG Guidance also states that local housing authorities should develop and document their own policy on determining the appropriate level of penalty in a particular case. However, it goes on to state: “Generally, we would expect the maximum amount to be reserved for the very worst offenders. The actual amount levied in any particular case should reflect the severity of the offence as well as taking account of the landlord’s previous record of offending.”

13. The HCLG Guidance also sets out the following list of factors which local housing authorities should consider to help to ensure that financial penalties are set at an appropriate level:
 - a. Severity of the offence.
 - b. Culpability and track record of the offender.
 - c. The harm caused to the tenant.
 - d. Punishment of the offender.
 - e. Deterrence of the offender from repeating the offence.
 - f. Deterrence of others from committing similar offences.
 - g. Removal of any financial benefit the offender may have obtained as a result of committing the offence.
14. In recognition of the expectation that local housing authorities will develop and document their own policies on financial penalties, the Respondent has adopted its policy entitled Civil Penalties under the Housing and Planning Act 2016, (“the Policy”), together with its Corporate Enforcement Policy, (“the Enforcement Policy”).

Appeals

15. A final notice given under Schedule 13A to the 2004 Act 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. However, this is subject to the right of the person to whom a final notice is given to appeal to the Tribunal (under paragraph 10 of Schedule 13A).
16. Such an appeal may be made against the decision to impose the penalty, or the amount of the penalty. It must be made within 28 days after the date on which the

final notice was sent to the appellant. The final notice is then suspended until the appeal is finally determined or withdrawn.

17. The appeal is by way of a re-hearing of the local housing authority's decision, but may be determined by the Tribunal having regard to matters of which the authority was unaware. The Tribunal may confirm, vary or cancel the final notice. However, the Tribunal may not vary a final notice so as to make it impose a financial penalty of more than the local housing authority could have imposed.

Hearing

Appeal against the FPNs

18. Opening Submissions for the Respondent

The Respondent's opening submissions addressed the following issues:

18.1 S95(1) offence:

- (1) The relevant housing offence in respect of each Property is s95(1) of the 2004 Act.
- (2) The introduction of the Selective Licensing Scheme, ("the Scheme"), with effect from 1 April 2022 covering the area in which all of the Properties are located.
- (3) The length of time, (36 months), during which all of the Properties were unlicensed.
- (4) The evidence of the Respondent's efforts to engage with the Applicant during this period and his failure to engage until after the issue of the Notices of Intent dated 14 January 2025.
- (5) In respect of the Applicant's claim of a "reasonable excuse" defence to the offences:
 - (a) the Applicant's ignorance of the Scheme is of no relevance as he is expected to be aware of his legal obligations;

- (b) the limitations of the Applicant's evidence of any incapacity during the period September – December 2024; and,
- (c) if the Applicant was incapacitated, the absence of any explanation for his failure to appoint an agent to act on his behalf.

18.2 Quantum of each FPN

- (1) It is established case law that unless a reason can be established for departing from it, the Tribunal should follow a local authority's policy in making its determination.
- (2) The procedure followed by the Respondent which ultimately led to its decision to issue the FPNs is set out in the 1st witness statement of Tracey Anderson, Housing and Enforcement Officer for the Respondent, and the method of calculation of the FPNs is set out in her 2nd witness statement.

19. Respondent's Evidence

19.1 Applicant's cross-examination of Ms Anderson

Ms Vodanovic's cross-examination focused on the following issues:

- (1) the absence of any evidence before the Tribunal of the Respondent's publicity for the Scheme prior to its introduction on 1 April 2022;
- (2) the Applicant's knowledge and understanding of the Scheme/the licensing requirements;
- (3) the Respondent's appreciation and consideration of issues of proportionality and the totality principle in its determining the number and amount of each FPN; and
- (4) the extent of any discretion available to the Respondent under the Policy when determining the starting level for a financial penalty.

19.2 Ms Anderson's responses

Ms Anderson's responses are summarised as follows:

- (1) it is the Applicant's obligation as a landlord to be aware of any relevant schemes and/or licensing requirements affecting any property controlled and/or managed by him. His ignorance does not afford him a "reasonable excuse" defence to the offences;
- (2) the Respondent has provided evidence of communication with the Applicant relating to licensing requirements under the Scheme from March 2023;
- (3) the Respondent considers that it is reasonable to believe that, even if the Applicant was not aware of the Scheme prior to this date, he would have been aware from March 2023 by reason of the establishment of the Metastreet account for one of the Properties;
- (4) the history of communication with the Applicant demonstrates the Respondent's attempts to work with the Applicant and that enforcement action is regarded as a last resort;
- (5) the Respondent has acted proportionately and consistently in its enforcement action as required under the Enforcement Policy;
- (6) in determining whether the issue of multiple FPNs is proportionate and consistent:
 - (a) a distinction should be drawn between the case where there are multiple offences in respect of one property and the case – as here - where there are 6 separate properties and 6 separate offences committed at or about the same time; and
 - (b) it is consistent to treat the failure to licence 1 property in the same way as a failure to licence 6 properties with the same outcome;
- (7) there is some discretion in the application of the Policy but the starting level for a s95(1) offence which has been assessed as a "serious" matter is £12500;

- (8) each of the FPNs was reduced on consideration of the Applicant's representations;
- (9) the claims that there is an element of double-counting in the calculation of the FPNs because culpability/risk of harm is already accounted for in the determination of the offence as serious or that the automatic adjustment of a financial penalty by reason of the number of properties controlled/managed by a landlord could give rise to capricious outcomes;
- (10) there has been no recalculation of the FPNs to take into account the Applicant's financial circumstances as this is not regarded as relevant under the Policy and, in any event, only very limited information has been provided; and,
- (11) full account has been taken of all relevant mitigating factors to reduce the FPNs and the Respondent understands that the Applicant regards the deductions as fair.

20. The Applicant's evidence

20.1 The Applicant's answers to questions from his Counsel are summarised as follows:

- (1) he only realised that the licensing of properties under the Scheme was compulsory in October 2024;
- (2) he established a Metastreet account for a licence for another property in Warren Street which was sold in November 2024.

20.2 The Respondent's cross-examination of the Applicant focused on the following issues:

- (1) the limitations of the Applicant's evidence regarding his incapacity during the period September – December 2024;
- (2) the Applicant's repeated failures to engage with the Respondent until receipt of the Notices in Intent in January 2025; and,

- (3) the Applicant's confirmation that all of the Properties were tenanted throughout the period when they were required to be licensed.

20.3 The Applicant's responses are summarised as follows:

- (1) during the period September – December 2024 he was incapacitated by the worry of possible serious health conditions such that he was incapable of completing any licence applications;
- (2) he had not asked anyone to manage the Properties for him during this period;
- (3) he disputed that he had received any of the emails/telephone calls/voicemails from the Council between 7 June 2023 and 10 July 2024;
- (4) as well all confirming that all of the Properties had been tenanted throughout the relevant period he also confirmed that he had received rent throughout the period. The statements from the various tenants of the Properties demonstrate that there were no issues with the Properties and that his tenants regard him as a good landlord; and
- (5) he acknowledged that the licence applications were made after receipt of the Notices of Intent.

21. Questions from the Tribunal

21.1 The Applicant's responses to the Tribunal's questions are summarised as follows:

- (1) the tenancy agreements were originally prepared by a 3rd party c20 years ago and he has simply photocopied them, as required;
- (2) his son had helped him to draft the tenants' statements. They were all given the opportunity to read them and only to sign if/when they were happy with their contents;

- (3) he has been a landlord for more than 30 years and currently has 6 properties (having sold Warren Street in November 2024);
- (4) he was proposing to sell 50, Sixth Street before it was demolished and set up the Metastreet account as he believed that a licence was needed to sell the Property; and,
- (5) the £4000 expenditure in the 2024 accounts relates to the refurbishment of Warren Street prior to its sale.

21.2 Ms Anderson's responses to the Tribunal's questions are summarised as follows:

- (1) all of the licensing applications were supported by the necessary certificates; 28 Warren Street was inspected and only minor issues were identified;
- (2) she confirmed the calculation of the Policy as previously outlined including the aggravating and mitigating factors; and
- (3) there was no discussion regarding the possibility of issuing of FPNs on some but not all of the Properties;
- (4) the checklist included in the Respondent's evidence is completed at the conclusion of an investigation and is used to assist in decision whether to prosecute or to issue a financial penalty; and,
- (5) the significance to the Respondent of someone establishing a Metastreet account is that it demonstrates an awareness of the need for a licence. The link to establish an account is only accessible through the Scheme's web page.

22. Closing Submissions

The oral closing submissions are summarised as follows:

22.1 The Respondent

- (1) The Applicant's ignorance of the Scheme/its licensing requirements is not evidence

of a “reasonable excuse” defence to the offences and nor are his claims of being too “overworked/overstretched to make the licensing applications.

- (2) There is sufficient evidence of the Respondent having made the Applicant aware of the Scheme from June 2023 with a reasonable inference of knowledge from March 2023 but the licensing applications were not made until January 2025 following receipt of the Notices of Intent (which cannot be regarded as coincidental).
- (2) It is appropriate to regard this case as serious as it involves 6 properties, all of which were tenanted and unlicensed for a period of 36 months.
- (3) The Applicant’s evidence of medical appointments during the period September – December 2024 does not support his claims of incapacity and, if he was incapacitated during this period, there is no explanation of his failure to appoint an agent or use the assistance scheme offered by the Respondent.
- (4) The Applicant’s denial of receipt of all emails/telephone calls/voicemails from the Respondent appears to be contradicted/challenged by the Respondent’s evidence of having sent/made the same.
- (5) With regard to the quantum of the FPNs, there is no evidence of any “exceptional circumstances” to justify deviating from the Policy. The calculation was properly based on there being 6 separate offences in respect of 6 unrelated properties with the only commonality being the Applicant as landlord of each Property.
- (8) There should not be any undue focus on the Applicant’s means in the calculation of the FPNs.

22.2 The Applicant

- (1) The Applicant has established a reasonable excuse defence to all of the offences based on a genuine belief that a licence was only needed on the sale of a property and/or that it was not until October 2024 that the Respondent made it clear that a

licence was mandatory.

- (2) The case law does not support the Respondent's claim that the First-tier Tribunal should only depart from a local authority's policy in "exceptional circumstances".
- (3) The assessment that a s95(1) offence is to be regarded as "serious" under the terms of the Policy has already taken into account culpability/risk of harm. An automatic increase in the amount of a financial penalty solely based on the number of properties controlled/managed by an offender can result in double-counting as it fails to take into account the particular circumstances of each case and/or to treat each case on its own merits.
- (4) Further double-counting is identified in the inclusion of the aggravating circumstances each of which again relate to culpability.
- (5) In this case, the application of the Policy without any exercise of discretion on the Respondent's part has resulted in the issue of penalties which are disproportionate in the context of the Policy's objectives which include that a financial penalty should have a "real economic impact" on the offender and should act as a deterrent against further offending. In this case, it is claimed that the level of the FPNs have the potential to "financially cripple" the Applicant impacting him personally and also the employees of his business.
- (6) The Applicant's ability to pay should be taken into account as a mitigating factor and/or in accordance with the totality principle. It is questionable whether the legislative purpose behind financial penalties is met if the effect of their imposition is to force a landlord to sell properties (running the risk of making people homeless) in order to pay the penalties.
- (7) There is evidence before the Tribunal from each of the Applicant's tenants stating their satisfaction with him as a landlord.
- (8) The Tribunal is requested to reduce the amount of each FPN significantly either by departing from the Respondent's calculation under the Policy and/or by reducing

the aggregate amount of the FPNs by application of the totality principle.

Reasons

23. Issues for determination by the Tribunal

23.1 Procedural requirements

- (1) The Tribunal notes that the Applicant has not raised any issues regarding the procedural requirements in respect of the Notices and/or the Final Notices.
- (2) The Tribunal finds that the Respondent has complied with the procedural requirements as required under Schedule 13A to the 2004 Act.

23.2 Has an offence been committed?

- (1) The Tribunal finds that there is no dispute between the parties that:
 - (a) from the date of the introduction of the Scheme on 1 April 2022 until the date of issue of the final licence for each of the Properties in July 2025 (following the applications on various dates in January 2025), none of the Properties had a licence as required; and
 - (b) the Applicant is to be regarded as “a person managing” each of the Properties within s263(3)(a) of the 2004 Act.
- (2) The Tribunal is satisfied, beyond reasonable doubt, that the Applicant’s failure to licence each of the Properties during the period from 1 April 2022 – various dates in July 2025 amounts to an offence in respect of each Property under s95(1) of the 2004 Act.

23.2 Reasonable excuse defence

- (1) As the Applicant has raised a “reasonable defence” excuse under s95(4) of the 2004 Act in respect of each of the offences,, the Tribunal must determine whether this has been established by the Applicant on the balance of probabilities.
- (2) The Tribunal finds as follows:
 - (a) whilst it acknowledges that the Respondent has not produced any evidence to the Tribunal of its publicity for the Scheme prior to its introduction in April 2022, there is no legal requirement for the Respondent to have given direct notification to each and every landlord potentially affected by the Schem;
 - (b) as a landlord with some 30 years’ experience owning, at the time of the Scheme’s introduction, 7 properties, all located within the area affected by the Scheme, it was reasonable to expect that the Applicant would have in place processes to ensure compliance with relevant national and local laws and regulations;
 - (c) the Applicant’s professed ignorance of the Scheme and/or its implications/requirements until in or about October 2024 does not constitute a “reasonable excuse” defence;
 - (d) the Applicant was, or should have been aware, of the licensing requirements under the Scheme by virtue of the establishment of the Metastreet account for 60 5th Street in March 2023. It accepts the Respondent’s evidence that access to the link to establish the account was only possible via the same webpages which contained the details of the Scheme;
 - (e) it is not persuaded that the Applicant did not receive any of the emails/letters/telephone calls or voicemail messages sent/made to him by the Respondent during the period from 7 June 2023 – 22 August 2024;
 - (f) it is not persuaded that the Applicant had a genuine belief up until this time that the Scheme required a licence only on the sale of a property. That the Applicant would have known that he would be required to produce evidence of the existence of a

licence for the purpose of a sale is not the same thing; and,

- (g) it is reasonable to assume that the Applicant's health concerns during the period September – early December 2024 will have caused significant stress/anxiety to him. There is no evidence that this rendered the Applicant incapable of dealing with his property affairs or, if it did, no adequate explanation has been provided for the Applicant's failure to appoint someone to deal with them on his behalf; and,
- (h) the period in question is a very small proportion of the overall period during which the Properties were unlicensed.
- (3) The Tribunal determines that the Applicant has failed to establish on the balance of probabilities a reasonable excuse defence to each of the offences under s95(4) of the 2004 Act.

23.3 Quantum of the FPNs

- (1) The process for calculation of each of the FPNs is set out in Ms Anderson's 2nd witness statement. The Tribunal addresses only aspects of the calculation with which it disagrees, whilst paying close attention to the Policy and the Enforcement Policy.

- (2) The Policy states as follows:

“The Council would view the offence of failing to ensure that a rented home was licensed under its Selective Licensing Scheme as a significant issue, meaning that the tenants and wider community are not protected by the additional regulatory controls afforded by licensing.

The seriousness of the offence is viewed by the Council as being a Serious matter, attracting a financial penalty with a starting level of £12500.

- (3) The Policy continues to provide that the starting level of £12500 will be reduced by £5000, remain at £12500 or be increased by £5000 based on the number of

dwellings or HMOs controlled/owned or managed by the landlord “with no other relevant factors or aggravating features...”

- (4) In this case, an increase of £5000 was applied (number of properties) to which a further £5000 was added because of aggravating features (length of time unlicensed/deliberate intent/aware of need to licence) which was then reduced by £4500 because of mitigating features (licensed after Notices served/co-operation/stress/depression), resulting in a FPN in respect of each Property of £18000.
- (5) The Tribunal notes that, in her evidence, Ms Anderson stated that:
 - (a) because of the seriousness of this matter, there were “no circumstances” which would justify a starting level other than £12500;
 - (b) matters of culpability such as a person’s track record might first be considered in deciding whether to prosecute or impose a financial penalty and then again after the starting level had been determined in accordance with the Policy; and,
 - (c) there is very limited discretion in the application of the Policy insofar as it relates to the starting level for a financial penalty.
- (6) The Tribunal notes the Applicant’s Counsel’s submission that the FPNs were disproportionate because of the elements of double-counting inherent in the terms of the Policy and/or because of the Respondent’s failure to properly apply the totality principle.

24. Tribunal’s determinations

Starting level

- 24.1 The Tribunal finds that there are reasons to depart from the Respondent’s calculation of the starting level of each of the FPNs as follows:

- (1) The apparent lack of discretion by the Respondent in its acceptance of the Policy's blanket assessment of all s95(1) offences as "serious" with a starting level of £12500 even where, as in this case, there is no evidence of harm to "tenants and the wider community" by the lack of protection from additional regulatory controls, the stated rationale in the Policy for the assessment.
- (2) The Respondent appears to regard the increase in, reduction or maintenance of the starting level by reference to the number of properties managed/controlled by an offender as automatic but has provided no explanation of what is meant in the Policy by the reference to "with no other relevant factors...". As the Respondent's calculations make clear that aggravating and mitigating features are taken into account after the determination of the starting level, it is reasonable to assume that "other relevant factors" must refer to something different. The Tribunal considers that it is reasonable to suggest that "other relevant factors" in the Policy may be matters which the Respondent should take into account in its determination whether it is appropriate to adjust the assessment of the offence as serious and/or whether there should be any increase in/reduction/maintenance of the starting level. There is no evidence that the Respondent has considered whether there are any "other relevant factors" in this case.
- (3) Further, as highlighted by the Applicant's Counsel, the increase in/reduction and/or maintenance of the starting level based on the number of properties controlled/managed/owned by a landlord is arbitrary and risks capricious outcomes eg it means that the landlord of 1 HMO will be treated more leniently than the owner of 5 single-occupied properties even though the HMO may have the same or a greater number of tenants than the latter and where the inherent risks in larger HMO-style accommodation are generally recognised to be greater.
- (4) The Tribunal considers that, in this case, such factors may include the absence of any track record of enforcement against the Applicant; the evidence of satisfaction with him as a landlord from his tenants; the nature of the properties/style of accommodation involved; and that the one inspection undertaken by the Respondent (28, Warren Street) only raised what were referred to as "minor issues".

24.2 For the reasons set out above, the Tribunal determines that the appropriate starting level for each FPN is £7500.

Aggravating features

24.3 With regard to the aggravating features/factors, the Tribunal finds that:

- (1) The Respondent has provided no evidence as to how these amounts are calculated, save that they are capped at £5000 (save in exceptional circumstances).
- (2) There appears to be some duplication in the first 2 of the aggravating features which are based largely on assumptions made by the Respondent as to the reasons for the Applicant's conduct/his intent. In particular, the Tribunal considers that the Applicant's conduct appears to be more reckless than deliberate.

24.4 The Tribunal determines that a more appropriate amount for the aggravating features/factors is £2500 made up as follows:

- (1) an amount of £1000 for the matters covered in the Respondent's 1st 2 factors; and
- (2) a further amount of £1500 for a period from 23 March 2023 (being the earliest date on which the Tribunal determines that the Applicant had actual or constructive knowledge of the Scheme/the licensing requirements).
- (3) The starting level of each FPN of £7500 is increased by £2500 for these aggravating features/factors to £10000.

Mitigating features/factors

24.5 The Tribunal confirms each of the amounts awarded by the Respondent for each of the mitigating features/factors and that each FPN is reduced by the sum of £4500 to £5500.

Proportionality

24.6 The Policy states that “while a penalty should be proportionate...it is important that it is set at a high enough level to ensure that it has a real economic impact on the offender and demonstrate the consequences of not complying with their responsibilities” (paragraph d) and also “...set at a high enough level such that it is likely to deter the offender from repeating the offence” (paragraph e). The Policy makes no explicit reference to the totality principle.

24.7 The Tribunal finds as follows:

- (1) The Respondent has properly drawn a distinction between the situation where there are a number of offences in respect of a single property and this case which concerns 6 separate offences in respect of 6 separate properties. In that situation, it is not necessarily disproportionate nor offend against the totality principle for the Respondent to issue an FPN in respect of each Property.
- (2) Each FPN as adjusted in accordance with paragraphs 4.2, 24.4(3) and 24.5 above achieves the objectives set out in paragraphs d) and e) of the Policy. In particular, but without limitation, the Tribunal notes that licensing applications were only made by the Applicant following receipt of the Notices of Intent which indicates that it was necessary for the consequences of non-compliance to be demonstrated to him before he took any action to licence the Properties.
- (3) It accepts the Respondent’s submission that, in determining the amount of a financial penalty, there should not be an undue focus on an offender’s means rather than on the application of the relevant policy. Having regard to the Applicant’s financial evidence including, without limitation, the estimated values of each Property and that they are all mortgage-free, it is reasonable to conclude that the aggregate amount of the FPNs as varied by this Decision will be effective to achieve the Policy’s objectives of having a “real economic impact” on the Applicant/act as a deterrent against commission of further offences without “financially crippling” him, as suggested.

25. Determination

In accordance with paragraph 10(4) of Schedule 13A to the 2004 Act, the Tribunal varies each of the FPNs by reducing the amount of the financial penalty in each case from £18000 to £5500.