FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case reference	**:**	**MAN/00CJ/HNA/2024/0607**
Property	**:**	**25 Shortridge Terrace, Newcastle upon Tyne, NE2 2JE**
Applicant	**:**	**Dr David Ratliff**
Respondent	**:**	**Newcastle City Council**
Type of application	**:**	**Appeal against a financial penalty - section 249A & Schedule 13A Housing Act 2004**
Tribunal	**:**	**Tribunal Judge L Brown,** **Tribunal Member Mr J Faulkner**
Date of decision	**:**	**31st March 2026**

DECISION

The appeal is refused and the Tribunal confirms the financial penalty issued by the Respondent to the Applicant in relation to the Property in the sum of £1,067.31

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The Application

1. By Application dated 6 April 2025 the Applicant appealed against a financial penalty of £1,067.31 imposed upon him by the Respondent by a Final Notice dated 3 October 2024 in respect of the Property.

2. The Application is opposed by the Respondent. Both parties presented their own bundle of documents, comprising 122 pages (Applicant) and 148 pages (Respondent), which the Tribunal took time to read before the hearing.

3. The Tribunal was satisfied that all matters could be determined at a remote hearing and the Application was heard by video link on 13 January 2026. The Applicant did not attend, but representing him was his son, Mr Michael Ratliff and he was accompanied by Ms R Cunningham, Secretary and Administrator of Jesmond Lettings Property Services. The Respondent was represented by Ms J Bagshaw, Solicitor. Evidence for the Respondent was given by Ms C Cassley, Senior Practitioner of the Public Protection and Neighbourhoods Team, who provided a statement dated 7 November 2025, which we accepted as her main evidence.

Facts and Chronology

4. The basic facts were largely agreed. The Property is a 4 bedroom mid-terrace house, located in a residential area of Jesmond, Newcastle upon Tyne, designated by the Respondent on 25 June 2019 for additional licensing under Part 3 of Housing Act 2004, which commenced on 6 April 2020 and lasted until 5 April 2025 – and it has since been redesignated for a further 5 years. An additional House in Multiple Occupation licence was applied for on 6 July 2020 and granted to the Applicant on 22 April 2022, to the end of the initial designation period.

5. Dr Ratliff appears as joint registered proprietor of the Property with Susan Ratliff, as shown on Land Registry office copy entries dated 21 May 2019, obtained on 7 November 2025. It was not disputed that the Property was let out for residential occupation during the time periods involved in the Application.

6. Relevant conditions in the Property Licence were:

Condition 2 - "*If gas is supplied to the house, produce to the local housing authority annually a gas safety certificate obtained in respect of the house within the last 12 months.*"

Condition 17 - "*Ensure that inspections of the property are carried at least every 6 months to identify any problems relating to the condition and management of the property. The records of such inspections should include details of who did the inspection, the date, and any issues raised and then kept for the duration of the licence. In the event a payment of rent is missed, a visit must be made to the property no later than one month from the date the payment was due, to ensure that the property is secure and has not been abandoned.*"

Condition 19 of the Property Licence Conditions states: "*Keep electrical appliances and furniture made available in the house in a safe condition. Supply to the authority, on demand, a declaration as to the safety of such appliances and furniture.*"

Condition 36 is a requirement for the licence holder to improve and maintain knowledge, including an expectation to undertake at least 5 hours of training per year and to provide evidence of it, upon request.

7. A notice to produce documents within 14 days was issued by the Respondent to the Applicant on 7 December 2023. Requested were:

i. Copies of current satisfactory gas safety certificates (CP12).
ii. A declaration as to the condition and positioning of any carbon monoxide alarm which has been installed in the property.
iii. Copies of inspection records since the start of the licence.
iv. A declaration that all electrical appliances and furniture provided are in a safe condition.
v. Evidence that 5 hours of relevant training has been carried out in the last 12 months.

8. Mr Michael Ratcliff responded by email dated 21 December 2023 enclosing some documents. The Gas Safety Certificate attached in the email expired on 5 September 2023. There was one record of inspection of the Property in August 2023. A declaration as to safety of electrical appliances and furniture – PAT (Portable Appliance Testing) was supplied for electrical appliances, but no declaration made in respect of the furniture. The Respondent held on its file a current carbon monoxide declaration, which had been provided in August 2023. There was no proof of training provided.

9. An enquiry process was undertaken by the Respondent and questions under caution were issued in writing to the Applicant on 19 January 2024. No reply was received.

10. The Respondent through Ms Cassley found beyond reasonable doubt that the Applicant had committed an offence under s72(3) Housing Act 2004 in that he had failed to comply with conditions attached to the property licence, requiring the licence holder to produce certificates and documents required to be in the custody or under the control of the licence holder.

11. The process leading to the Respondent imposing a financial penalty for the offence was not in dispute and the Tribunal was satisfied that there had been compliance by the Respondent with the requirements of s 249A and Schedule 13 Housing Act 2004. A Notice of Intention to issue a financial penalty was issued on 30 July 2024. Representations were presented by the Applicant, considered by the Respondent on 12 August 2024, and on 28 August 2024 Mr Ratliff sent evidence of his 5 hours' worth of training.

12. The basis of calculation of the amounts of the penalty is set out in Ms Cassley's statement. Our findings on that matter are set out below.

The Law

13. Section 249A of the Housing Act 2004 ("the 2004 Act") states 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*."

14. Section 249A(2) sets out what constitutes a "relevant housing offence". It includes an offence under section 72 of the 2004 Act –

(3) A person commits an offence if
(a) he is a licence holder or a person on whom restrictions or obligations under a licence are imposed in accordance with section 67(5), and
(b) he fails to comply with any condition of the licence.

....

(5) In proceedings against a person for an offence under subsection (1), (2) or (3) it is a defence that he had a reasonable excuse
....
(c) for failing to comply with the condition, as the case may be.

15. In the event that the local housing authority determines that a relevant housing offence has been committed, Schedule 13A to the 2004 Act sets out the procedural requirements which the local housing authority must then follow, including the service of notices of intent and of final notices, before the financial penalty may be imposed under section 249A.

16. In addition, by paragraph 12 of Schedule 13A, the local housing authority must have regard to guidance which the government has issued to local housing authorities as to how their financial penalty powers are to be exercised (Government Guidance to Licensing and Management Provisions – appearing in the Respondent's bundle commencing at page E26). The guidance confirms that local housing authorities are expected to issue their own policies in relation to housing offences and the imposition of civil penalties, and must include the factors which it will consider when establishing the offender's level of culpability and the harm which has been caused by the offence, as well as a matrix for calculating the appropriate level of penalty after taking into account any additional mitigating or aggravating circumstances.

17. In this case, the Respondent's policy is the document in the Respondent's bundle, commencing at page E1 entitled Housing Enforcement and also relevant is its Private Sector Housing Civil Penalties Guidance 2022 (commencing page E46).

18. As to the reasonable excuse defence (s72(5) it is for the Applicant to show on a balance of probabilities that he had a reasonable excuse for his omissions to produce to the Respondent the relevant documents.

19. On an appeal against a financial penalty, the Tribunal is required to make its own finding as to the imposition and/or amount of a financial penalty and may take into account matters which were unknown to the local housing authority when the

Final Notice was issued. The Tribunal must make its decision in accordance with the Respondent's published policy unless there are compelling reasons to depart from it.

Parties' Positions

20. In its Response document the Respondent set out the representations of the Applicant in his Grounds of Appeal and the Respondent's replies, including:

In Q10.15 of the Appeal Form the Applicant does not tick the box to signify that he considers himself to have reasonable excuse for failing to comply with the notice.

Ground
Did not send PACE questionnaire
Response
A PACE questionnaire was posted to the Defendant on 19 January 2024.

Ground
The Local Authority did not consider the representations made in response to the Notice of Intention to Issue a Financial Penalty.
Response
The Local Authority did consider the representations and its response to those is set out in the letter from Colette Cassley dated 2 October 2024. The Applicant accepts in Q 10.12 of the Appeal Form that the local authority notified him that it had considered the representations and the outcome.

Ground
The Applicant objects to any penalty
Response
The Applicant does not make any representation as to how the penalty is calculated."

21. The Respondent represented that the penalty at issue was calculated taking into consideration all of the information available at the time of the offence, relying on breaches of conditions 2, 17 and 19. It alleged that the failure to provide a full inspection record suggests periodic inspections of the Property were not being carried out.

22. It set out the following –

"In determining the level of financial penalty the Local Authority considers the severity of the offence including harm and culpability, financial benefit, landlord's income and the landlord's track record. It also takes into account any aggravating or mitigating factors.

Culpability Level – 'Low'
The culpability level for this case was deemed as 'low. Mr Ratliff made efforts although they were inadequate on this occasion.

Harm Level: 'C'

The risk of harm was deemed to fall into the lowest category; 'Level C'. There was no harm which would meet the guidance for Class I – Class IV harms under the Housing Health and Safety Rating System.

Aggravating Factors

The Local Authority identified no aggravating factors

Mitigating Factors
The Local Authority identified one mitigating factor being that Ratliff had no previous convictions
This led to a reduction in the starting point by 5%

Penalty level: '3'
The combination of 'low' level culpability and 'Level C' harm resulted in a penalty level 1, with a penalty band starting point of £900 and a range of £600 to £1,200. The reduction for mitigating factors was 5% so the starting point was £855.

Offender's relevant income
The Landlord's income was considered in the calculation of this civil penalty. The appropriate level of relevant weekly income is classed at 50%. This gave a total of £212.31

Offender's track record
The Landlord's track record was reviewed and there were no previous offences to take into consideration.
Financial benefit from the offence
12. There was no financial benefit from the offence.
Civil Penalty amount
13. No representations were received from Mr Ratliff in relation to the financial penalty.
The final penalty amount therefore was calculated as £1067.31."

23. In addition to the above, Mr Michael Ratliff informed the Tribunal that the Applicant has been a landlord for over 40 years, owns 25 tenanted properties and as he is often out of UK they are managed by Michael, assisted by Ms Cunningham. He stated that the Property was inspected on commencement of letting (tenancy agreement dated 31 August 2023, has been presented to the Tribunal) and attended on 4 October 2023 when there was a water leak, and again on 10 October 2023 when the gas and electrical appliance inspections were carried out. He accepted that the only formal record of inspection was as noted on 23 August 2023. Regarding the gas safety certificate, he stated it was his error that an out of date document was supplied. He said that a valid certificate had since been provided to the Respondent.

24. Mr Michael Ratliff stated that there had been no inspections due to Covid 19, between 2020 and 2022 , but that there was a new letting in 2022, although he could not be certain a "walk-around" had been done then.

25. He emphasised that the written questions under caution had not been received and it was a detriment to the Applicant that he had been unable to meet with the Respondent, as he could have dealt with the matters at issue. He also said the

Respondent should have provided a proactive reply to his conclusion to his email of 21 December 2023, inviting the Respondent to let him know if anything more was required.

Conclusions and Reasons

26. The Tribunal must be satisfied, beyond a reasonable doubt, that the Applicant had committed a “relevant housing offence” in respect of the Property. The area in which the Property is situated was designated for additional licensing and he held the appropriate licence. That licence was subject to the conditions referred to in paragraph 6.

27. The Tribunal found that the Applicant did not provide full replies, with supporting documents, to the request for information from the Respondent dated 7 December 2023. While it later satisfied the request regarding training information, there remained outstanding documents, as set out in paragraph 8.

28. The Applicant did not argue that he had a “reasonable excuse” for the offence; essentially his position was that he was a good landlord, the Property was safe throughout; gas and electrical testing had been carried out; and there had adequate inspections of the Property, although not fully documented. None of his representations could be deemed to amount to a reasonable excuse. We found that an offence under s72(3)(b) 2004 Act had been committed, in that the Applicant had failed to comply with licence conditions 2,17 and 19 of the licence he held dated 22 April 2022. He failed to provide the documentation the Respondent was entitled to seek in accordance with those conditions. We do not believe that responding to the questions under caution could have made a material difference to the outcome, not least because they were issued around 4 weeks after the date for compliance in the original request. We were informed that production of the certification regarding furniture remained outstanding. In consequence, a penalty may become payable in accordance with the aforementioned policies.

29. However, while we have found commission of the offence, which will be disappointing to the Applicant because of his previous conduct without illegality, and which has arisen in part from administrative errors, we believe that the Respondent has been alert to his past good conduct in setting the penalty.

Amount of the Penalty

30. The Respondent provided through Ms Cassley detail on the method of calculating the penalty. The Applicant’s challenge was simply in broad terms about its unfairness.

31. As noted above, DCLG Guidance has been issued to local housing authorities regarding how their financial penalty powers are to be exercised. The Guidance encourages each authority to issue its own policy for determining the appropriate level of penalty, with the maximum amount being reserved for the worst offenders. Relevant factors include:

a. the severity of the offence;
b. the culpability and track record of the offender;

c. the harm caused to the tenant;
d. punishment of the offender;
e. deterring the offender from repeating the offence;
f. deterring others from committing similar offences; and
g. removing any financial benefit the offender may have obtained as a result of committing the offence.

32. The Tribunal has considered the Respondent's published policy (see paragraph 17), and notes that it is reflective of the DCLG Guidance. We found that the financial penalty imposed was properly calculated in accordance with the Respondent's published policy.

33. The Respondent's process is as set out in paragraph 22. We have considered that assessment and find no basis to deviate from it, it is at the low end of the scale of potential penalties. We found no additional mitigating factors. No representations were made concerning the Respondent's finding that £212.31 should be attributed to landlord income from the Property.

34. The Tribunal found no aspect of the calculation which was not in accordance with policy and guidance or the DCLG Guidance (paragraph 31).

35. Having taken into account all of the evidence before the Tribunal, the representations and submissions made to it, including during the course of the hearing, we found no persuasive reason to cancel or vary the amount of the penalty and in consequence of our findings we determined that the financial penalty imposed on the Applicant should be confirmed at £1,067.31.

Tribunal Judge Brown

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).