



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

Case Reference : **MAN/00CF/HBA/2025/0006**

Applicant : **ROTHERHAM METROPOLITAN BOROUGH
COUNCIL**

Respondents : **(1) ZAYN PROPERTIES LTD
(2) YOUNIS FARIQ**

Type of Application : **Application for a Banning Order
Section 15, Housing and Planning Act 2016**

Tribunal : **Tribunal Judge A M Davies
Tribunal Member W Reynolds**

Date of Order : **14 April 2026**

BANNING ORDER

The Tribunal declines to make a banning order.

REASONS

THE LAW

1. Chapter 2 of Part 2 of the Housing and Planning Act 2016 Act (“the 2016 Act”) provides that a person may be banned for a period of 12 months or more from all or any of
 - (a) letting housing in England
 - (b) engaging in English letting agency work
 - (c) engaging in English property management work.

2. Section 16 of the 2016 Act empowers the Tribunal to make a banning order on an application by a local housing authority. Before it makes a banning order, the Tribunal must be satisfied that the following conditions are met:
 - (1) the local housing authority must have complied with the procedural requirements set out at section 15 of the 2016 Act before applying for the order.
 - (2) the respondent must have been convicted of a ‘banning order offence’.
 - (3) the respondent must also have been a ‘residential landlord’ or a ‘property agent’ at the time the offence was committed unless the respondent is an officer of a company which meets this condition.

3. The requirements of section 15 of the Act are firstly that the respondent must have been convicted of a banning order offence, or must be the officer of such a person if it is a company. The section continues:

“(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.”

4. Section 16(4) of the Act provides:

“(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 being 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.”

5. The Schedule to the Housing and Planning Act 2016 (Banning Order Offences) Regulations 2018 lists banning order offences. These range from serious offences for which a custodial sentence may have been handed down to offences relating to compliance with regulations governing the management of residential properties. Failure to obtain a licence while having control of or managing a house which is required to be licensed contrary to section 95(1) of the Housing Act 2004 is a banning order offence. Part 3 of the Housing Act 2004 provides for a local housing authority to designate an area as subject to selective licensing. A person having control of or managing a house within that area is required to obtain a licence, which enables the authority to oversee housing standards.
6. It was common ground that the deprived area of Rotherham in which all the properties referred to in these reasons were situated was such a designated area at all material times.

THE BANNING ORDER OFFENCES

7. Mr Khaliq is the sole director of Zayn Properties Ltd. In 2021/2022 the company purchased 17 and 19 Ferham Road, Rotherham subject to existing tenancies. Mr Khaliq did not apply for a selective licence for either property. He told the Tribunal that it was the first time he had bought properties with tenants in possession, and that at the time he believed that the selective licence held by the seller of the properties would continue to have effect following the purchase.
8. The Applicant is the relevant local housing authority, and on 24 January 2024 laid a complaint against each Respondent in the South Yorkshire Magistrates Court. Zayn Properties Ltd as owner and Mr Khaliq as manager were both convicted on 18 December 2024 of an offence under section 95(1) of the Housing Act 2004 in respect of each property. The date of each offence was said to be 25 July 2023. Each of the Respondents was fined £1500 for each offence and ordered to pay a surcharge for victim services amounting to £1200 (total £4200), and costs. Neither Respondent was present or represented at the Magistrates Court hearing, Mr Khaliq being ill at

the time with an illness which culminated in a suspected heart attack in January 2025.

9. Meanwhile Mr Khaliq applied for a selective licence for each house on 14 November 2023, and the licences were issued by the Applicant in March 2024. At the hearing it was suggested that Mr Khaliq only applied for the licences after being asked to attend an interview under caution. However the letter requesting an interview, about unspecified “alleged offences under the Housing Act 2004”, is dated 20 November 2023 and so does not seem to have been a trigger for the licence application.

THE DECISION TO APPLY FOR A BANNING ORDER

10. The Applicant relied on the evidence of Mrs Shakespeare, a Community Protection Officer assigned to a partnership team with South Yorkshire Police to tackle cannabis cultivation in Rotherham. She told the Tribunal that an application for a banning order was made “due to concerns as an authority regarding Khaliq’s management of his properties and also his wider control of properties owned by others.” On 16 June 2025 the Applicant served on Mr Khaliq and Zayn Properties Ltd notice of intention (“NOI”) to apply for a banning order in accordance with section 15(3) of the Act. The NOI reads, in addition to formal content:

“On the 6/11/2023 through investigations MMBC officials discovered that the Landlord of the properties known as 17 and 19 Ferham Rd, Rotherham S61 1AN, had not applied for a Selective Licence of the rental properties. It was alleged that the properties were being operated as privately rented properties, in a designated area of Selective Licensing under Part 3 of the Housing Act 2004. The Ferham/Masbrough area was identified and designated as a selectively licenced area within Rotherham and the first selective licensing scheme launched ran from 2015 – 2020. The current scheme is in place and runs from 2020 – 2025. You were convicted of these offences before Sheffield Magistrates Court on 18 December 2024. Rotherham Metropolitan Borough Council intends to apply for a banning order which will last for two years.”

11. Mr Khaliq made written representations in response to the NOI. He confirmed that he managed seven properties at that time “all of which are in good condition and fully compliant with housing standards.” Among other representations he said “*I respectfully submit that this offence, while regrettable, was an isolated oversight*

rather than part of a pattern of irresponsible behaviour or deliberate neglect. At no point was there any risk to tenant safety or wellbeing as a result of this licensing issue. Since the issue arose, I have taken steps to ensure that this will not happen again. A banning order is a severe sanction, typically reserved for landlords who pose an ongoing risk to tenants or who have shown persistent, wilful neglect of legal obligations. I respectfully submit that this does not reflect my character or conduct as a landlord.”

12. The Applicant did not adduce any evidence as to how these representations were considered, or what factors led the decision-maker(s) to apply for a banning order. The senior officers who made the decision did not supply a witness statement or attend the hearing. Neither were they present to explain to the Tribunal how or why the decision to prosecute had been made early in 2024, as an alternative to imposing a financial penalty despite the fact that these were first offences and by no means the most serious of banning order offences. The Tribunal was unable to explore whether a banning order application had been planned by the Applicant as long ago as the decision to prosecute, and if so, why.

THE HEARING

13. The application for a banning order was lodged with the tribunal office on 16 December 2025 and was heard on 14 April 2026. The Applicant was represented by its solicitor Ms Etheridge and the Respondent was represented by Mr Moss of counsel. Mrs Shakespeare and Mr Squires were present to support their witness statements for the Applicant. Mr Khaliq and his wife Ms Waller were also present.
14. The Tribunal had hearing bundles supplied by the parties, no agreement having been reached as to a joint bundle.
15. At the outset Mr Moss raised two matters which were dealt with as preliminary issues. These were firstly, whether the second witness statement of Mrs Shakespeare and the statement of Mr Squires were to be admitted as evidence along with bodycam video footage of a house inspection undertaken by them in March 2023 and secondly, whether the NOI was invalid.

PRELIMINARY ISSUE 1: LATE EVIDENCE

16. The Tribunal gave directions on 9 January 2026. These required the Applicant to file and serve within 21 days a number of documents including
“a full statement of the reasons for making the application ... Any witness statements of fact to be relied upon ... Any other documents to be relied upon including, where appropriate, copy correspondence, plans and colour photographs.”
17. Paragraphs 3 and 4 of the directions required the Respondents to file and serve, among other documents
“a statement setting out the reasons for opposing the making of each banning order, which should include any grounds upon which the relevant Respondent wishes to rely and any response to the LHA’s case ... Any witness statements of fact to be relied upon ... Any other documents to be relied upon including, where appropriate, copy correspondence, plans and colour photographs.”
18. The directions gave the Applicant leave to file and serve a reply to the Respondents’ case *“dealing with any issues raised by the Respondents.”*
19. The Applicant filed its evidence in the form of a witness statement from Mrs Shakespeare dated 30 January 2026 and the documents exhibited to it. These included copies of
 - an injunction warning letter from South Yorkshire Police dated 6 April 2023 relating to an inspection of 63 Belmont Street carried out by Ms Shakespeare and Mr Squires in the presence of Mr Khaliq and Ms Waller on 5 March 2023
 - nine Emergency Prohibition Orders made in respect of properties either owned or managed by the Respondents, most dated various dates between January and November 2022, and one dated 10 August 2023
 - an emergency remedial notice dated 10 August 2023.
20. The Respondents had had no previous indication of the case against them, save that the form of application to the Tribunal referred to the convictions for failure to

licence 17 and 19 Ferham Road, and included the statement: *“Both of the properties were subject to Emergency Prohibition Orders on 5 October 2022 due to the premises being used to cultivate cannabis plants. The selective licensing scheme is specifically designed to tackle antisocial behaviour, including illegal drug taking or drug dealing. The failure of the Respondent company and Mr Khaliq personally to obtain a selective licence for the properties could have increased the risk of the properties being used for illegal activity.”*

21. The Respondents filed their evidence in response in the form of witness statements from Mr Khaliq and Ms Waller dated 20 February 2026. These admitted and apologised for the offences. They dealt comprehensively with Mr Khaliq’s medical condition. They denied Mrs Shakespeare’s interpretation of the meeting on 5th March 2023 which led to the warning of an injunction, and gave a different account of that event.
22. In her first witness statement, Mrs Shakespeare repeated accusations of threats and intimidation which had been made against Mr Khaliq by tenants of a house which he helped to manage, 66 Birch Park Court. She exhibited to her statement documents suggesting that Mr Khaliq had failed to pay tax, had committed fraud, and was “known for growing cannabis farms”. Mr Khaliq vehemently denied these allegations and added *“The Council has chosen to rely on these unproven, unchallenged, third-party allegations in support of its banning order application without ever giving me an opportunity to respond or provide my account. This is procedurally unfair and should be given no weight by the Tribunal.”*
23. Relying on the directions order which permitted a reply to the Respondents’ evidence, the Applicant filed and served a further witness statement from Mrs Shakespeare with additional supporting documents including photographs, and a statement and bodycam footage supplied by Mr Squires. Attached to Mrs Shakespeare’s second statement were further notices served in relation to properties owned or managed by the Respondents, namely
 - Requests for missing gas safety certificates
 - An abatement notice dated 25 July 2023 relating to a suspected insect infestation at 106 Josephine Road

- Improvement notices dated 13 July, 20 September, 18 October and 1 November 2024.

24. This further evidence was filed and served on 6 March 2026, but the Respondents chose not to read the additional statements and the bodycam footage was not accessible to them owing to the way it was transmitted. At the hearing Mr Moss argued that the additional witness statements included material which went beyond the “reply” permitted by the directions and which, if it were to be relied on by the Applicant, should have been included in the original witness statement. He said that if it were now allowed, the Respondent had had no opportunity to respond to it. Moreover they would need time to view the video footage as they had been unable to access it earlier.
25. The Tribunal had already read the 6 March 2026 witness statements and seen the bodycam footage. It was noted that the Respondents could have applied for further directions had they wished to comment on the additional evidence, and could have notified the Tribunal of the issues they had with viewing the video footage, but chose instead not to do so.
26. The Tribunal determined that the Applicant’s additional evidence was in fact a reply dealing with the issues raised in the Respondents’ witness statements which included a different interpretation of the property inspection on 5 March 2023 and the allegations made by the tenants of 66 Birch Park Court. It would therefore be admitted as being of assistance to the Tribunal. With the agreement of both parties, the hearing was adjourned to allow the Respondent and Mr Moss sufficient time to read the statements and to view the video evidence, the Tribunal being satisfied that the Respondents would not suffer any prejudice in these circumstances.

PRELIMINARY ISSUE 2: THE VALIDITY OF THE NOI

27. This issue hinges on the words “and explaining why” at section 15(3)(a) of the 2016 Act. As explained at paragraph 10 above, the NOI served on the Respondents referred to their failure to apply for a selective licence for 17 and 19 Ferham Road, and gave as an explanation for the application for a banning order “*You were convicted of these offences before Sheffield Magistrates Court on 18 December 2024.*” Mr Moss contended that this was not a sufficient explanation of the reason for applying for a

banning order, and did not enable the Respondents to make meaningful representations to the Council prior to the application being lodged with the tribunal. Consequently, he said, the Applicant had not complied with section 15 of the 2016 Act and the tribunal had no jurisdiction to make a banning order, since the condition in section 16(2) had not been met.

28. The Tribunal was referred to *London Borough of Barking and Dagenham v NTM Limited (formerly All Seasons Lettings and Management Limited)* LON/00BB/HBA/2022/0004, a decision of the First-tier Tribunal on facts remarkably similar to those of the present case. The NOI served by LB Barking and Dagenham was in similar terms to that served on the Respondent in that it merely referred to two convictions under section 95 of the Housing Act 2004, which as in this case were first offences, there having been no previous convictions for banning order offences. As in the present case, the landlord's name was added to the database of rogue landlords before being removed from it by the housing authority because of a procedural failure. Also as in the present case, after serving the NOI the Council undertook investigations into the landlord/manager which garnered evidence of a number of allegations of further offences or failures.
29. The council in *LB Barking and Dagenham v NTM Limited* argued that it was not necessary for the NOI to contain more detail than to state the convictions relied upon, and pointed out that it had based the NOI on a sample notice attached to the government's guidance issued in April 2018. Ms Etheridge for the Applicant, who confirmed that she was willing and able to deal with the issue although it had been raised late in the proceedings, made the same points in support of the NOI served on the Respondents in the present case. She said that the Respondents were able to respond to the NOI, and in fact did so, and that further details of the Applicant's case ought not to be required in the NOI. She said the Respondents' responses to the NOI were similar to their case as presented to the Tribunal, and claimed that they had not suffered any prejudice as a result of the limited explanation given in the NOI.
30. Paragraph 98 of the decision of the tribunal in *LB Barking and Dagenham* states that the NOI "*gives no reasons why [the] offences are considered serious, makes no mention of inclusion on the Rogue Landlord database, and sets out no analysis of the competing effect of the making of a banning order on anyone, as paragraph 3.3*

of the Guidance sets out the LHA should take into account. For those reasons we consider that the Notice of Intent does not comply with section 15(3)(a) of the Act, and is to be treated as invalid.”

31. The *LB Barking and Dagenham* case is not binding on this Tribunal, but given the close similarity of the facts of the two cases, it would be perverse to make a different finding. This Tribunal having considered the arguments put forward for each party in the present case finds that a bare assertion as to the convictions for section 95 offences was insufficient to explain why the Applicant considered a banning order application to be appropriate. Section 15 does not in so many words require the housing authority to consider the matters set out at section 16(4) which the Tribunal must consider before making a banning order, but the Tribunal noted *Maharaj v Liverpool City Council [2022] UKUT 140 (LC)* where the Upper Tribunal determined that an offence, even when proved to the satisfaction of the tribunal at the hearing, which was not properly specified in the notice of intent, rendered the notice defective. That case relates to a notice of intent to impose a financial penalty, but the principle that a person must be supplied with sufficient information about a case against which he is entitled to make representations applies equally to the Respondents. In *Maharaj* His Honour Judge Hodge QC stated (at paragraph 18 of his judgement) *“Local Housing Authorities must bear firmly in mind that the imposition of a financial penalty is an alternative to a criminal prosecution; and it must be treated with the same level of seriousness and transparency.”* This requirement must be particularly essential where the draconian sanction of a banning order is in question.
32. The Applicant did not comply with the procedural requirements of section 15 of the 2016 Act because the NOI served on the Respondents failed to explain why a banning order application was being contemplated by the Applicant. Sections 15 and 16(2) having not been complied with, the Tribunal has no jurisdiction to hear the banning order application.
33. At the hearing, the Tribunal indicated that it was leaning towards this conclusion, but required time fully to consider the arguments on the point, which had not been raised prior to receipt of Mr Moss’s skeleton argument that morning. Consequently, and in case the Tribunal is wrong in its conclusion regarding the NOI, the merits of the banning order application were heard.

THE APPLICANT'S CASE

34. The Applicant's case rests on the two convictions – per Respondent – for offences under section 95(1) of the Housing Act 2004. These were first offences. As indicated above, the Tribunal had no evidence from any employee of the Applicant with responsibility for the decisions (1) to prosecute rather than impose a financial penalty, (2) to serve NOI to apply for a banning order, or (3) to apply for a banning order after considering the Respondents' representations in reply to the NOI.
35. Ms Etheridge argued that a banning order was justified by a number of other circumstances relating to properties owned and managed by the Respondents, as set out in Ms Shakespeare's evidence.
36. First, the nine Prohibition Orders which required the Respondents' tenants to vacate the affected houses were all issued in response to the properties having been converted to cannabis farms. Mr Khaliq was culpable in three respects, she said. He had failed to inspect the houses, or failed to inspect them effectively, so that he had been unaware of the use to which they were being put. He had failed in some instances to obtain selective licences when they fell due, resulting in a lack of supervision on the part of the housing authority. And there was an allegation from an unnamed contact of Mrs Shakespeare who sent her an email – sender's name redacted – on 27 January 2026 ("the 27.1.26. email") in which the unnamed contact wrote "*Confirmation received from Police – Glyn Shakespeare confirming the LL [ie, Mr Khaliq] is known to them and known for growing cannabis farms...*" Glyn Shakespeare is Mrs Shakespeare's husband.
37. Second, gas safety certificates had in four instances not been obtained – or had not been copied to the Applicant - when due.
38. Third, an abatement notice relating to bed bug and cockroach infestation at 106 Josephine Road was served on Mr Khaliq on 25 July 2023.
39. Fourth, four improvement notices were served on Mr Khaliq in relation to houses he owned or managed. There was no suggestion that these had not been complied with. Mrs Etheridge put it to Mr Khaliq that these notices demonstrated that the properties

he managed were consistently of poor quality and had defects which risked harm to the tenants.

40. Fifth, Mr Khaliq was said to have aggressively harassed and threatened the tenants living at 21 Ferham Road and 66 Birch Park Court. These allegations were made in the 27.1.26 email and in redacted notes dated March to June 2023 in response to oral reports from the tenants concerned. The anonymous 27.1.26 email further stated that Glyn Shakespeare confirmed that Mr Khaliq was “*a threat to the family*” and reported the Job Centre as claiming that Mr Khaliq “*doesn’t have the right to rent the property out*”, “*is a fraud*” and is “*not paying taxes*”.
41. Sixth, the Applicant had had to serve an emergency remedial notice in respect of the electrics at 11 Josephine Street.
42. Finally, the Applicant relied on the witness statements of Mrs Shakespeare and Mr Squires and bodycam footage to demonstrate that Mr Khaliq had been aggressive and threatening towards Mrs Shakespeare during an inspection of 63 Belmont Street. Mrs Shakespeare told the Tribunal that Mr Khaliq’s attitude to her had been inappropriate and disrespectful, and not what she expected when she was doing her work. At the end of the meeting Mr Khaliq was said to have aggressively turned his car in the road, backing it dangerously on to the pavement causing Mr Squires to fear for his safety. On their reporting back to the service manager in Mrs Shakespeare and Mr Squires office, he had referred the matter to the police and an injunction warning letter was sent to Mr Khaliq. The Tribunal was told that he did not attend property inspections with the Applicant after this incident.

THE RESPONDENTS’ CASE

43. Mr Khaliq’s unchallenged evidence regarding the Prohibition Orders was that the deprived areas of Rotherham were targeted by gangs who tricked landlords into granting tenancies, and then by-passed the electrics, carried out structural alterations to the interior of the houses, and grew cannabis. This, he said, had happened to nine of the properties he owned or managed but he himself had never been involved in growing cannabis or any related illegal activity. He had never been accused or prosecuted by the police. He said that the gangs were adept at avoiding property

inspections by landlords. He had reported this activity to the police himself when he became aware of it. Once the affected properties were vacated landlords, including himself, faced the considerable cost of putting them back into residential letting order to the satisfaction of the Applicant housing authority.

44. Mr Khaliq said that he had always complied with improvement notices when he received them. He told the Tribunal that he inspected properties and knew what items of disrepair to look out for, but he was unable to explain why he had not noticed some of the defects identified in the improvement notices he had received. He and Ms Waller told the Tribunal that during the Covid epidemic they had not been able to inspect their properties at all, because Ms Waller was working for the NHS and was required to be extremely cautious even after lock-downs were lifted. They had stayed in touch with their tenants by telephone. She said that these restrictions continued in effect for NHS workers and their families for some time after the general public were able to be in contact with each other again. She told the Tribunal that she had eventually left her job with the NHS because of the effects of Covid, and that she was then able to assist Mr Khaliq with more property inspections and paperwork. The Tribunal were told that with Ms Waller's help Mr Khaliq had set up systems to diarise and record inspections, certification requirements and so on in respect of each property, and that Mr Khaliq was now more confident of fully complying with his management responsibilities.
45. He explained – and his evidence in this regard was not challenged – that the very poor housing in the Ferham district of Rotherham was occupied by tenants who often failed to take care of the properties. The electrical problems at 11 Josephine Road, for example, had been caused by the occupants of the properties. Moreover there were repeated infestations of cockroaches and bedbugs in the area which landlords had to try to control by fumigation when they became aware of them.
46. Mr Khaliq denied having harassed or threatened tenants at 21 Ferham Road or 66 Birch Park Court. He thought that they may have made these allegations in order to try to obtain social housing. He explained that where a property did not belong to him he was sometimes authorised by the landlord to collect rent as well as to carry out repairs. He denied having failed to pay any taxes or having acted fraudulently and said that he did not know where these allegations derived from.

47. Mr Khaliq said that he or Zayn Properties Ltd owned some of the rented properties referred to by the Applicant but others were managed by him on behalf of third parties. He had contacts with a team of tradesmen and managed the repairs for his own properties and those of other landlords. Landlords put pressure on him when they wanted him to complete repairs to their properties so that they could start receiving rent again. This led him to become frustrated when there appeared to be delays on the part of the Applicant in issuing paperwork or approvals. He explained that this had been the matter under discussion during the inspection on 5 March 2023 when the Applicant claimed that he had been aggressive towards Mrs Shakespeare. He and Ms Waller, who had been present, said that he had been irritated but not personally aggressive. They said there had been no more than a heated argument, and that Mrs Shakespeare “*gave as good as she got*”. They themselves had reported her handling of the inspection to her superiors as they were not satisfied that they had been treated respectfully.

FINDINGS

48. Apart from the witness statements of Mrs Shakespeare and Mr Squires together with bodycam footage of the property inspection on 5 March 2023, the Applicant’s allegations against the Respondent are unsupported by independent evidence. Specifically no witness statement was available from the decision-makers at the housing authority, or from tenants who claimed to have been harassed. The email 27.1.26 containing hearsay evidence was redacted to conceal the identity of the person passing it to Mrs Shakespeare. Moreover, Mrs Shakespeare had written to that anonymous person as recently as 26 January 2026 (nearly 6 weeks after the application for a banning order was made to the Tribunal) asking for information for a file that she was creating “*looking to tackle the landlord Younis Khaliq*”. This suggests some partiality and inappropriate animus against Mr Khaliq on the part of the Applicant’s main witness. Consequently the Tribunal does not give any credence to the 27.1.26 email which postdates the banning order application.
49. The Tribunal prevented the Applicant from presenting as part of the case against Mr Khaliq any evidence relating to his personal affairs which had no bearing at all on his activities as a landlord or manager of residential property. Any facts included in such

evidence would not properly contribute to the Tribunal's deliberations as to whether to make a banning order.

50. Having carefully viewed the bodycam footage taken on 5 March 2023, the Tribunal does not find that it contains any evidence of inappropriate behaviour or aggression on the part of Mr Khaliq. There was an argument, and he was clearly frustrated at what he perceived to be delays on the part of the Applicant in issuing paperwork for the houses he owned or managed. No personal abuse has been identified and the Tribunal does not believe that Mrs Shakespeare was at any time, or had any cause to be, concerned for her safety. Further, the Tribunal finds that Mr Khaliq, who was known to be both somewhat upset and late for his next meeting, turned his car quickly but did not intentionally drive at Mr Squires or cause him to be concerned for his safety as alleged.

CONCLUSIONS

51. The Applicant has failed to prove to the Tribunal that the Respondents' actions taken separately or cumulatively justify banning either of them from owning or managing residential properties. A banning order is to be reserved for the most serious offenders. Based on the evidence before them, the Tribunal are not persuaded that the Respondents were serious offenders.
52. Insofar as there was a pattern of poor management, as Mrs Etheridge claims, in the period 2022 – 2024, Mr Khaliq has demonstrated his awareness by putting in place better management systems. These will enable the Applicant more effectively to supervise housing standards in relation to the properties he manages.
53. There is no evidence that the Applicant has considered the effect of a banning order on third parties. The income from the let properties is currently the only source of income for Mr Khaliq's family, which includes three teenage children living at home. There is no evidence that any tenant has suffered harm (as opposed to risk of harm) as a result of the Respondents' acts or omissions.
54. Apart from the short period when Mr Khaliq was incorrectly added to the database for rogue landlords and property agents, the Respondents have not been included on that database. Finally the offences for which the Respondents were convicted are

considered by the Tribunal to be among the least serious of the banning order offences and as first offences could properly have been dealt with by way of financial penalty.