FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case reference	**:**	**LON/00AC/HBA/2025/0005**
Property	**:**	**244 Edgwarebury Lane, London HA8 8QP**
Applicants	**:**	**London Borough of Barnet**
Respondent	**:**	**Charles Egbiremolen**
Type of application	**:**	**Application for a banning order under section 15(1) of the Housing and Planning Act 2016**
Tribunal	**:**	**Judge Nicol** **Mr A L Thomas MRICS MBA MIFireE**
Date and venue of hearing	**:**	**29th October 2026** **10 Alfred Place, London WC1E 7LR**
Date of decision	**:**	**2nd November 2026**

DECISION

The Tribunal has decided to issue a Banning Order in the form annexed to this decision.

Relevant legislation is set out in the Appendix to this decision.

Reasons

1. The Applicant has applied, under section 15(1) of the Housing and Planning Act 2016, for a banning order against the Respondent. The application was heard by the Tribunal on 29th October 2026. The attendees were:

- Tara O'Leary, counsel for the Applicant;
- Richard Pixner, a Team Manager in the HMO Licensing Team and the Applicant's witness;
- Belinda Livesey; and

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- Sehehnaz Begum, the Applicant's solicitor.

2. The Tribunal had the following documents:

- Applicant's Bundle, 573 pages; and
- A bundle of authorities from Ms O'Leary.

The Respondent's non-engagement

3. The Tribunal issued directions on 12th January 2026, requiring both parties to take certain steps to prepare the case for its final hearing. The Respondent did not comply. Instead, he wrote to the Tribunal on 8th April 2026. The full terms of his correspondence are set out in the Tribunal's order of 19th May 2026. In summary, he was depressed and unable to instruct solicitors so that he was having to represent himself. He sought an adjournment of the hearing listed for 26th May 2026.

4. The Tribunal adjourned the hearing and directed the Respondent to provide medical evidence setting out his diagnosis, his prognosis, and an idea of when he will be able to participate in these proceedings.

5. On 10th June 2026 the Respondent provided a letter from his GP dated 2nd June 2026, which stated:

> This is to confirm that the [Respondent] is a registered patient of our practice who has been diagnosed with Mixed Anxiety & Depressive Disorder with symptoms going back over six months. This has been worsened by the death of his father last December and other issues. He has become unfocused, with disturbed sleep rhythm, stressed, anhedonia, and frequent low mood. He is on anti-depressant medication and has been referred for counselling/therapy.

6. The Tribunal issued amended directions on 1st July 2026 giving the Respondent another opportunity to comply. On 20th August 2026 the Applicant wrote to the Tribunal, copying in the Respondent, saying that he had again not complied with the directions. The Respondent replied immediately, saying,

> Hi, please I am not feeling good right now and I am suicidal. I am very depressed and I have just buried my uncle that just passed away on the 7th of June, he was buried on the 31st of July. I am just tired about life right now, I feel very sick, tired and I just don't want to be here. So please I am not in the right mind now. Please. Thank you.

7. On 3rd September 2026 the Applicant wrote to the Respondent proposing an alternative to continuing with the application for a banning order. They said they would ask the Tribunal to adjourn for 12 months on condition that the Respondent provide the following:

(a) A list of all properties privately rented by him in London Borough of Barnet
(b) Details of the proposed managing agent together with evidence of their appointment, including a copy of the signed management agreement.
(c) Copies of the current gas safety certificates and electrical certificates for all rented properties.
(d) Evidence that tenants have been provided with a Statement of Terms in accordance with the requirements of the Renters' Rights legislation.

8. The Applicant's intention was to accommodate the Respondent's illness while protecting his tenants and avoiding wasting legal costs. Unfortunately, the Respondent has not replied. The Applicant now sees no alternative but to continue the application for the banning order. Again, they are concerned to protect the tenants of properties the Respondent owns or manages and the making of the banning order would give them greater powers to determine what happens. For example, they could seek a management order to take over management of the property.

9. Under rule 34 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, if a party fails to attend a hearing the Tribunal may proceed with the hearing if the Tribunal—

(a) is satisfied that the party has been notified of the hearing or that reasonable steps have been taken to notify the party of the hearing; and
(b) considers that it is in the interests of justice to proceed with the hearing.

10. The Tribunal is satisfied that the Respondent has been notified of the hearing. All documents have gone to the same address and he has responded to at least some of them.

11. The Respondent has been given plenty of opportunity to provide at least medical evidence which justifies his non-engagement in these proceedings, as well as an alternative to continuing the litigation. The Tribunal accepts that he is ill, but not to the extent that he could not at least engage more than he has. There is no reason to think that adjourning these proceedings again would produce any better outcome. In the circumstances, the Tribunal is satisfied that it is in the interests of justice to continue with the hearing in his absence.

The Respondent

12. The Respondent is known variously as Charles Egbiremolen and Charles Molen. He owns 3 residential properties within the Applicant's district. 244 Edgwarebury Lane appears to be his home. The other two are rented out: 105 Fairmead Crescent, Edgware HA8 8YR, and 10 Hamonde Close, Edgware HA8 8TG.

13. Giving evidence under oath in the Magistrates' Court in October 2024, the Respondent stated that he had been involved in the property business since 1999, has owned two or three properties since 2022 or 2023, and manages 40 to 50 properties. He was also the sole director and

shareholder of Comey Properties Management Limited, which dissolved in 2025.

14. The Applicant's records also show that the Respondent remains linked to 6 council tax accounts and to at least 28 non-live accounts in the Applicant's district.

15. The Respondent has a consistent record of failing to engage with the Applicant's attempts to investigate his property management:

(a) In October 2016 the Applicant became concerned that Hamonde Close may be in use as an unlicensed HMO. They wrote to the Respondent several times but did not get any response.
(b) On 22nd January 2019 the Respondent was convicted in his absence for failing to respond to notices served by the Applicant in relation to Hamonde Close under section 16(1) of the Local Government (Miscellaneous Provisions) Act 1976 and section 235(2) of the Housing Act 2004. He was sentenced to fines of £500 for each offence, plus costs and a victim surcharge.
(c) The Applicant wrote to the Respondent about 105 Fairmead Crescent on numerous occasions between April 2018 and May 2023, but received no reply.
(d) On 10th November 2022 the Respondent was convicted, again in his absence, of two further offences under the same provisions as previously, for failing to respond to notices in relation to 105 Fairmead Crescent. He was again fined £500 for each offence, plus costs and victim surcharge.

16. The Applicant's officers inspected 105 Fairmead Crescent on 4th April, 18th May 2022, and 28th February 2023 but on each occasion they were unable to complete a full inspection. They were able to complete a full inspection and HHSRS assessment on 11th July 2023.

17. 105 Fairmead Crescent was originally a three-bedroom house but the Respondent had converted it into a property with 6 bedrooms, 2 further living rooms also used as bedrooms, a single shared kitchen/dining room on the ground floor and a mixture of shared and en suite bathrooms. It was grossly overcrowded, occupied by at least 18 persons in 9 households, including several children. One bedroom was occupied by a family of five.

18. The Applicant found 4 Category 1 hazards and 9 Category 2 hazards. Problems included:

(a) The ground floor rear left room was contained within an extension which had been built without planning permission. The planning department took enforcement action, which was eventually compromised. The room had no direct access to the rest of the house and so the occupant had to use kitchen and bathroom facilities contained within an outhouse in the garden. The walls had no internal lining or thermal insulation and therefore suffered from excess cold. In turn the room was affected by mould. It had poor ventilation and lighting. There were also leaks through the French doors from the garden. The Tribunal was shown a

photo where towels were lined against the French windows to collect the water.

(b) There were missing bannisters on the first-floor landing. This was particularly dangerous, with a risk of falls, as there were children in the upstairs rooms.

(c) Fire safety was a particular concern with inadequate and missing smoke and fire alarms, inadequate fire-resistant doors, and a lack of any fire-fighting equipment, self-closing devices, or smoke seals. The fire risk was increased by the use of numerous fixed and portable electric and oil-filled heaters, presumably provided because the central heating did not work. The Applicant's officers observed electrical sockets in daisy chains and scorch marks on socket outlets.

(d) One of the gas meters was unregistered and therefore in use unlawfully. The gas supply had been disconnected by the supplier but it had been subsequently reconnected by unauthorised works. It was these works which caused the central heating system not to work. On 23rd September 2023 the Applicant served an Emergency Prohibition Order due to the gas problem. When the Respondent did not address the issue, on 1st November 2023 the Applicant obtained an injunction at the County Court at Barnet prohibiting the Respondent from permitting anyone to remain in the premises. In the event, the problem was fixed before anyone had to be evicted.

19. The Applicant also served three suspended Prohibition Orders on 19th October 2023 in relation to the overcrowding, the use of the outhouse, and the ground floor rear left room. On 21st November 2023 they served a suspended Improvement Notice requiring various works to be carried out in respect of the other hazards.

20. The Applicant prosecuted the Respondent and, following a two-day trial in which he was represented by counsel, on 25th November 2024 he was convicted of nine offences:

(a) Having control of or managing an HMO which is required to be licensed but is not so licensed, contrary to section 72(1) of the Housing Act 2004.

(b) Breach of reg.3 of the Management of Houses in Multiple Occupation (England) Regulations 2006 ("HMO Regs") by failing to ensure that the name and contact details of the manager of the premises was clearly displayed in a prominent position in the HMO.

(c) Breach of reg.4(2) of the HMO Regs by failing to ensure that any firefighting equipment and fire alarms were maintained in good working order – the fire alarm on the first-floor landing and one in the shared kitchen had been removed from their bases.

(d) Breach of reg.4(4) of the HMO Regs by failing to take measures that are reasonably required to protect the occupiers of the HMO, namely the fire alarm and detection system and fire doors were insufficient and there was also a lack of fire resistance to the under-stairs cupboard.

(e) Breach of reg.7(1)(b) and (2)(a) of the HMO Regs by failing to ensure that the common parts were maintained in a safe and working condition, namely that all handrails and bannisters were kept in good repair.

(f) Breach of reg.7(4)(b) of the HMO Regs by failing to ensure that the garden is kept clean and tidy – There were accumulations of building waste, mattresses, and other materials.
(g) Breach of reg.6(1) of the HMO Regs by failing to provide gas certificates on request from the Applicant.
(h) For the third time, failing to respond to notices served by the Applicant under section 16(1) of the Local Government (Miscellaneous Provisions) Act 1976 and section 235(2) of the Housing Act 2004.

21. Judge Jabbitt handed down a written decision in the Willesden Magistrates' Court on 25 November 2024. It refers to "104" Fairmead Crescent but it is clear the judge is actually referring to number 105. It included the following:

> 26. I have to assess the evidence of D. D, in my view is not a person who responds positively to laws and regulations. He is an experienced landlord and property manager, he informed the court that he had been in the property business since 1999. In 2022/23 he owned three rental properties and managed 40 to 50 properties. His latest company is Comey Properties Ltd.
>
> 27. He said he gets most of his business through word of mouth. He does not deal with HMOs because there are too many rules and regulations. He does not use the deposit protection scheme again because of the regulations in place.
>
> 28. He said that he entered a tenancy agreement with Mr Ferrari, in 2018, ... This would be the headlease and he expected Mr Ferrari to sublet the property to tenants. He said Mr Ferrari said he could let it to a Portuguese family and D expected to receive £2500.00 per month.
>
> 29. After that it appears that his interest in the property, according to D, as long as he was being paid, diminished. D said he rarely visited the property until in 2022 when £10,000 had built up in rent arrears and Mr Ferrari became elusive. Thereafter he collected the rent from a tenant called Bijou, but again rarely entered the property.
>
> 32. I am satisfied that D visited the property more often than he admits
>
> 34. Mr Ferrari is plainly not a person upon whom D should have placed any trust, and he cannot depute any responsibility for the existence of the HMO upon him. The tenants were all Portuguese speaking, albeit from Angola, but at the very least D should have been suspicious of the assertion that they were all related, when he saw the conditions at the property.
>
> 35. D had two mortgages on 104, Fairmead Crescent which would, in my view, be a reason to want to ensure the property was well kept, unless the rental yield was so high he could afford to take the risk.
>
> 36. He said in evidence they were not his tenants, and it was not his duty to see if they were one household, which is wrong but, in any event, I am satisfied D was aware the property was an HMO and his desire for the income it generated took precedence. The previous LA investigation does not assist D, if anything it should have made him more aware of the HMO

regulations, but I am satisfied that he was well aware the property was an HMO. Therefore, the defence of reasonable excuse is not substantiated.

37. I can deal with the breach of management regulations shortly, he can not rely on deputing his responsibility to the elusive Mr Ferrari who disappeared after 2022, and there was no system in place for him or others to inspect the property to ensure compliance. There is no defence of reasonable excuse.

38. D is a person upon whom it is difficult to serve any documents, letters and particularly emails that have been sent to him in 2023, and D says he did not receive them. …

43. Overall, I am satisfied to the criminal standard that all the offences are proved.

The Law

22. The applicant seeks a 'banning order' which is an order made by the Tribunal, banning a person (for a period of at least 12 months) from:

    (a) letting housing in England;

    (b) engaging in English letting agency work;

    (c) engaging in English property management work; or

    (d) doing two or more of those things.

23. As specified in the directions, the issues for the Tribunal to consider include:

    (i) whether the Applicant has given the Respondent a notice of intended proceedings in compliance with section 15 of the 2016 Act, and whether it has otherwise complied with the procedural requirements of that section. The Applicant served the notice of intent by letter dated 9th April 2025. The Tribunal is satisfied that the procedural requirements were complied with.

    (ii) whether the Respondent has been convicted of a banning order offence. Banning Order Offences are prescribed by the Schedule to the Housing and Planning Act 2016 (Banning Order Offences) Regulations 2018 and include those listed under subparagraphs (a) to (g) paragraph 20 above. Technically, these offences are spent in accordance with the Rehabilitation of Offenders Act 1974 but the Tribunal does not see how it is feasible to do justice in this case, in relation to banning orders, except by admitting the evidence of these offences.

    (iii) whether, at the time the offence was committed, the Respondent was a 'residential landlord' or a 'property agent' as defined in sections 55 and 56 of the 2016 Act. The Respondent was both the landlord of the tenants at 105 Fairmead Crescent and, at least from 2022, the only person who managed the property.

(iv) Whether to make a banning order (and, if so, what order to make) having regard to:

(a) the seriousness of the offence of which the Respondent has been convicted – this is considered further below.

(b) any previous convictions that the Respondent has for a banning order offence. The Respondent has no previous convictions for banning order offences.

(c) whether the Respondent is or has at any time been included in the database of rogue landlords and property agents (pursuant to section 30 of the 2016 Act). The Respondent has not been so included to date.

(d) the likely effect of the banning order on the Respondent and anyone else who may be affected by the order – This is also considered further below.

24. The offences committed by the Respondent were serious and significant, particularly the failure to licence and the lack of fire safety in such an overcrowded property. The description given above of the circumstances at 105 Fairmead Crescent constitutes amongst the worst this Tribunal has seen, especially in the light of the vulnerability of the tenants, who included immigrants who did not speak English and young children.

25. The seriousness of the failures to provide information, despite not being banning order offences themselves, should also not be underestimated. The information they seek provides the basis on which the local authority can monitor compliance with the legislation. Without it, the system of enforcement can be handicapped.

26. Further this is not a case of inadvertence. The problems at the property seem to have arisen directly from the Respondent's aversion to rules and regulations and his preferred methods of property management. The history of the Applicant's involvement with the Respondent and his convictions for 6 offences of failing to respond to notices demonstrate that he refuses to co-operate as he should in the enforcement of good management standards.

27. Also, judging by the defence he tried to put up in the magistrate's court, the Respondent finds it difficult to take proper responsibility for his omissions and errors. Moreover, his credibility must be in doubt given the dubious nature of his assertions that he thought all the tenants were related to each other.

28. Ms O'Leary tried to be fair to the Respondent in his absence by pointing out that he might have argued the offences should not be regarded as serious in the light of the relatively low fines that were imposed. However, the Tribunal accepts her argument that the fines are not a true reflection of the seriousness of the offences. The Magistrates' Court has limitations in relation to the fines it may impose, which, for example, do not apply if the local authority were to impose a penalty. The Applicant's

own policies regarding penalties for these kinds of offences start at £17,500 for a landlord managing as many properties as the Respondent.

29. The imposition of a banning order is intended to have a salutary effect on a landlord who does not follow the law. The Tribunal has no particular evidence on the impact of a banning order on the Respondent, his business, or his family but assumes that it will be significantly adverse. However, it is supposed to be. Tenants need to be protected from the Respondent's practices and that is what the banning order will achieve.

30. The Applicant seeks to have the banning order last for 4 years. In the Tribunal's opinion, this is a necessary period of time. The Respondent needs to understand just how serious his failures have been and all landlords need to understand the consequences of following a similar line.

31. The Applicant's draft banning order seeks to give the Respondent 6 months in which to remove himself from involvement with his current tenants. It is possible that this will not be enough time for him to evict his tenants, if that is what is necessary, or to take alternative steps. However, he will always have the opportunity of applying to the Tribunal for an extension of time if he can justify it.

32. The Applicant's draft banning order also gives the Respondent an opportunity to resolve his tenants' circumstances in an alternative way, namely by passing on the management of his properties to a qualified, competent managing agent that the Applicant has had the opportunity to approve. This is a very sensible suggestion and the Respondent would be well advised to pursue it.

33. For all the above reasons, the Tribunal is satisfied that a banning order should be made for 4 years on the terms as attached.

Name: Judge Nicol **Date:** 2nd November 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).

Appendix of relevant legislation

Housing Act 2004

Section 72 Offences in relation to licensing of HMOs

(1) A person commits an offence if he is a person having control of or managing an HMO which is required to be licensed under this Part (see section 61(1)) but is not so licensed.

(2) A person commits an offence if–

(a) he is a person having control of or managing an HMO which is licensed under this Part,

(b) he knowingly permits another person to occupy the house, and

(c) the other person's occupation results in the house being occupied by more households or persons than is authorised by the licence.

(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.

(4) In proceedings against a person for an offence under subsection (1) it is a defence that, at the material time–

(a) a notification had been duly given in respect of the house under section 62(1), or

(b) an application for a licence had been duly made in respect of the house under section 63,

and that notification or application was still effective (see subsection (8)).

(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–

(a) for having control of or managing the house in the circumstances mentioned in subsection (1), or

(b) for permitting the person to occupy the house, or

(c) for failing to comply with the condition,

as the case may be.

(6) A person who commits an offence under subsection (1) or (2) is liable on summary conviction to a fine.

(7) A person who commits an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(7A) See also section 249A (financial penalties as alternative to prosecution for certain housing offences in England).

(7B) If a local housing authority has imposed a financial penalty on a person under section 249A in respect of conduct amounting to an offence under this section the person may not be convicted of an offence under this section in respect of the conduct.

(a) For the purposes of subsection (4) a notification or application is "effective" at a particular time if at that time it has not been withdrawn, and either–

(a) the authority have not decided whether to serve a temporary exemption notice, or (as the case may be) grant a licence, in pursuance of the notification or application, or

(b) if they have decided not to do so, one of the conditions set out in subsection (9) is met.

(b) The conditions are–

(a) that the period for appealing against the decision of the authority not to serve or grant such a notice or licence (or against any relevant decision of the appropriate tribunal) has not expired, or

(b) that an appeal has been brought against the authority's decision (or against any relevant decision of such a tribunal) and the appeal has not been determined or withdrawn.

(c) In subsection (9) "relevant decision" means a decision which is given on an appeal to the tribunal and confirms the authority's decision (with or without variation).

Section 254 Meaning of "house in multiple occupation"

(1) For the purposes of this Act a building or a part of a building is a "house in multiple occupation" if–

(a) it meets the conditions in subsection (2) ("the standard test");
(b) it meets the conditions in subsection (3) ("the self-contained flat test");
(c) it meets the conditions in subsection (4) ("the converted building test");
(d) an HMO declaration is in force in respect of it under section 255; or
(e) it is a converted block of flats to which section 257 applies.

(2) A building or a part of a building meets the standard test if–

(a) it consists of one or more units of living accommodation not consisting of a self-contained flat or flats;
(b) the living accommodation is occupied by persons who do not form a single household (see section 258);
(c) the living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it (see section 259);
(d) their occupation of the living accommodation constitutes the only use of that accommodation;
(e) rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation; and
(f) two or more of the households who occupy the living accommodation share one or more basic amenities or the living accommodation is lacking in one or more basic amenities.

(3) A part of a building meets the self-contained flat test if–

(a) it consists of a self-contained flat; and
(b) paragraphs (b) to (f) of subsection (2) apply (reading references to the living accommodation concerned as references to the flat).

(4) A building or a part of a building meets the converted building test if–

(a) it is a converted building;
(b) it contains one or more units of living accommodation that do not consist of a self-contained flat or flats (whether or not it also contains any such flat or flats);

(c) the living accommodation is occupied by persons who do not form a single household (see section 258);
(d) the living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it (see section 259);
(e) their occupation of the living accommodation constitutes the only use of that accommodation; and
(f) rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation.

(5) But for any purposes of this Act (other than those of Part 1) a building or part of a building within subsection (1) is not a house in multiple occupation if it is listed in Schedule 14.

(6) The appropriate national authority may by regulations–

(a) make such amendments of this section and sections 255 to 259 as the authority considers appropriate with a view to securing that any building or part of a building of a description specified in the regulations is or is not to be a house in multiple occupation for any specified purposes of this Act;
(b) provide for such amendments to have effect also for the purposes of definitions in other enactments that operate by reference to this Act;
(c) make such consequential amendments of any provision of this Act, or any other enactment, as the authority considers appropriate.

(7) Regulations under subsection (6) may frame any description by reference to any matters or circumstances whatever.

(8) In this section–

"basic amenities" means–

(a) a toilet,
(b) personal washing facilities, or
(c) cooking facilities;

"converted building" means a building or part of a building consisting of living accommodation in which one or more units of such accommodation have been created since the building or part was constructed;

"enactment" includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30);

"self-contained flat" means a separate set of premises (whether or not on the same floor)–

(a) which forms part of a building;
(b) either the whole or a material part of which lies above or below some other part of the building; and
(c) in which all three basic amenities are available for the exclusive use of its occupants.

Section 263 Meaning of "person having control" and "person managing" etc.

(1) In this Act "person having control", in relation to premises, means (unless the context otherwise requires) the person who receives the rack-rent of the premises (whether on his own account or as agent or trustee of another person), or who would so receive it if the premises were let at a rack-rent.

(2) In subsection (1) "rack-rent" means a rent which is not less than two-thirds of the full net annual value of the premises.

(3) In this Act "person managing" means, in relation to premises, the person who, being an owner or lessee of the premises–

(a) receives (whether directly or through an agent or trustee) rents or other payments from–

(i) in the case of a house in multiple occupation, persons who are in occupation as tenants or licensees of parts of the premises; and

(ii) in the case of a house to which Part 3 applies (see section 79(2)), persons who are in occupation as tenants or licensees of parts of the premises, or of the whole of the premises; or

(b) would so receive those rents or other payments but for having entered into an arrangement (whether in pursuance of a court order or otherwise) with another person who is not an owner or lessee of the premises by virtue of which that other person receives the rents or other payments;

and includes, where those rents or other payments are received through another person as agent or trustee, that other person.

(4) In its application to Part 1, subsection (3) has effect with the omission of paragraph (a)(ii).

(5) References in this Act to any person involved in the management of a house in multiple occupation or a house to which Part 3 applies (see section 79(2)) include references to the person managing it.

Housing and Planning Act 2016

Section 14 "Banning order" and "banning order offence"

(1) In this Part "banning order" means an order, made by the First-tier Tribunal, banning a person from—

(a) letting housing in England,

(b) engaging in English letting agency work,

(c) engaging in English property management work, or

(d) doing two or more of those things.

(2) See also section 18 (which enables a banning order to include a ban on involvement in certain bodies corporate).

(3) In this Part "banning order offence" means an offence of a description specified in regulations made by the Secretary of State.

(4) Regulations under subsection (3) may, in particular, describe an offence by reference to—

(a) the nature of the offence,

(b) the characteristics of the offender,

(c) the place where the offence is committed,

(d) the circumstances in which it is committed,

(e) the court sentencing a person for the offence, or

(f) the sentence imposed.

(5) An offence under section 12 of the Tenant Fees Act 2019 is also a banning order offence for the purposes of this Part.

Section 15 Application and notice of intended proceedings

(1) A local housing authority in England may apply for a banning order against a person who has been convicted of a banning order offence.

(2) If a local housing authority in England applies for a banning order against a body corporate that has been convicted of a banning order offence, it must also apply for a banning order against any officer who has been convicted of the same offence in respect of the same conduct.

(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.

Section 16 Making a banning order

(1) The First-tier Tribunal may make a banning order against a person who—

(a) has been convicted of a banning order offence, and

(b) was a residential landlord or a property agent at the time the offence was committed (but see subsection (3)).

(2) A banning order may only be made on an application by a local housing authority in England that has complied with section 15.

(3) Where an application is made under section 15(1) against an officer of a body corporate, the First-tier Tribunal may make a banning order against the officer even if the condition in subsection (1)(b) of this section is not met.

(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 been 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.

Section 17 Duration and effect of banning order

(1) A banning order must specify the length of each ban imposed by the order.

(2) A ban must last at least 12 months.

(3) A banning order may contain exceptions to a ban for some or all of the period to which the ban relates and the exceptions may be subject to conditions.

(4) A banning order may, for example, contain exceptions—

(a) to deal with cases where there are existing tenancies and the landlord does not have the power to bring them to an immediate end, or

(b) to allow letting agents to wind down current business.

Management of Houses in Multiple Occupation (England) Regulations 2006

3.— Duty of manager to provide information to occupier

(1) The manager must ensure that—

(a) his name, address and any telephone contact number are made available to each household in the HMO; and
(b) such details are clearly displayed in a prominent position in the HMO.

4.— Duty of manager to take safety measures

(1) The manager must ensure that all means of escape from fire in the HMO are—

(c) kept free from obstruction; and
(d) maintained in good order and repair.

(2) The manager must ensure that any fire fighting equipment and fire alarms are maintained in good working order.

(3) Subject to paragraph (6), the manager must ensure that all notices indicating the location of means of escape from fire are displayed in positions within the HMO that enable them to be clearly visible to the occupiers.

(4) The manager must take all such measures as are reasonably required to protect the occupiers of the HMO from injury, having regard to—

(a) the design of the HMO;
(b) the structural conditions in the HMO; and
(c) the number of occupiers in the HMO.

(5) In performing the duty imposed by paragraph (4) the manager must in particular—

(a) in relation to any roof or balcony that is unsafe, either ensure that it is made safe or take all reasonable measures to prevent access to it for so long as it remains unsafe; and
(b) in relation to any window the sill of which is at or near floor level, ensure that bars or other such safeguards as may be necessary are provided to protect the occupiers against the danger of accidents which may be caused in connection with such windows.

(6) The duty imposed by paragraph (3) does not apply where the HMO has four or fewer occupiers.

6.— Duty of manager to supply and maintain gas and electricity

(1) The manager must supply to the local housing authority within 7 days of receiving a request in writing from that authority the latest gas appliance test certificate it has received in relation to the testing of any gas appliance at the HMO by a recognised engineer.

(2) In paragraph (1), means an engineer approved under regulation 3 of the Gas Safety (Installation and Use) Regulations 1998.

(4) The manager must not unreasonably cause the gas or electricity supply that is used by any occupier within the HMO to be interrupted.

7.— Duty of manager to maintain common parts, fixtures, fittings and appliances

(1) The manager must ensure that all common parts of the HMO are—

(a) maintained in good and clean decorative repair;
(b) maintained in a safe and working condition; and
(c) kept reasonably clear from obstruction.

(2) In performing the duty imposed by paragraph (1), the manager must in particular ensure that—

(a) all handrails and banisters are at all times kept in good repair;
(b) such additional handrails or banisters as are necessary for the safety of the occupiers of the HMO are provided;
(c) any stair coverings are safely fixed and kept in good repair;
(d) all windows and other means of ventilation within the common parts are kept in good repair;
(e) the common parts are fitted with adequate light fittings that are available for use at all times by every occupier of the HMO; and
(f) subject to paragraph (3), fixtures, fittings or appliances used in common by two or more households within the HMO are maintained in good and safe repair and in clean working order.

(3) The duty imposed by paragraph (2)(f) does not apply in relation to fixtures, fittings or appliances that the occupier is entitled to remove from the HMO or which are otherwise outside the control of the manager.

(4) The manager must ensure that—

(a) outbuildings, yards and forecourts which are used in common by two or more households living within the HMO are maintained in repair, clean condition and good order;
(b) any garden belonging to the HMO is kept in a safe and tidy condition; and
(c) boundary walls, fences and railings (including any basement area railings), in so far as they belong to the HMO, are kept and maintained in good and safe repair so as not to constitute a danger to occupiers.

(5) If any part of the HMO is not in use the manager shall ensure that such part, including any passage and staircase directly giving access to it, is kept reasonably clean and free from refuse and litter.

(6) In this regulation—

(a) "common parts" means—
  (i) the entrance door to the HMO and the entrance doors leading to each unit of living accommodation within the HMO;
  (ii) all such parts of the HMO as comprise staircases, passageways, corridors, halls, lobbies, entrances, balconies, porches and steps that are used by the occupiers of the units of living accommodation within the HMO to gain access to the entrance doors of their respective unit of living accommodation; and
  (iii) any other part of an HMO the use of which is shared by two or more households living in the HMO, with the knowledge of the landlord.