FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference	**:**	**CHI/00HB/HNA/2019/0004**
Property	**:**	**4A Marling Road, Bristol, BS5 7LP**
Applicant	**:**	**Fatjet Dyli**
Respondent	**:**	**Bristol City Council**
Representative	**:**	**Ms Melissa Toney**
Type of Application	**:**	**Appeal against a decision to impose a financial penalty: section 249A, Housing Act 2004.**
Tribunal Members	**:**	**Judge Professor David Clarke** **Mr S Hodges FRICS** **Mr M R Jenkinson**
Date of Decision	**:**	**29 May 2019**

DECISION AND STATEMENT OF REASONS

DETERMINATION

The Tribunal upholds the Respondent's decision to impose a financial penalty on the Applicant but varies the amount of this penalty to £1,750. The licence fee of £570 in total for this property will be payable by the Applicant in addition to this penalty (if he has not already done so).

STATEMENT OF REASONS

Background to this Application

1. This is an appeal by Mr Fatjet Dyli ("the Applicant") against the decision of the Bristol City Council ("the Respondent") to impose on him a Financial Penalty of £7,524.00 under section 249A of the Housing Act 2004 ("the Act").

2. The basis for imposition of this penalty was that the Applicant is and was at all material times the owner and landlord of a property, being a ground floor flat, at 4A Marling Road, St. George, Bristol ("the Property"). The area of Bristol in which the property is located was made, under Parts 2 and 3 of the Act, the subject of additional and selective licensing by the Respondent in February 2016. This had the effect of requiring the Property to be licensed under the Act. In the circumstances outlined below, the Applicant failed to licence the Property as was required by the Act. The Respondent decided, as it was entitled to do, to impose a financial penalty instead of prosecuting the Applicant for the criminal offence of failing to licence the Premises. The penalty was determined to be £7,524. The penalty notice was issued on 8 January 2019.

3. The Applicant now appeals that decision to the Tribunal. Directions were issued requiring the service of statements of case and the matter was heard for determination by the Tribunal at Bristol Civil Justice Centre on 29 May 2019. On the same day, and prior to the hearing, the Tribunal inspected the Property. At the hearing, the Applicant appeared in person. The Respondent was represented by Ms Melissa Toney of the Council's legal department. Evidence for the Respondent was given by Anne Ambrose (Senior Environmental Health Officer) and Anne Welsh, the Private Housing Case Worker dealing with this Property.

The relevant legislation

4. By virtue of section 85(1) of the Act every "Part 3 house must be licenced", subject only to certain exceptions that do not apply in this case. A Part 3 house is defined in section 79(2) of the Act as one required to be licenced. A house includes a part of a building consisting of one of more dwellings – section 99. Licencing is required if the house is in an area designated under section 80 of the Act as subject to selective licensing and the whole of it is occupied under a single tenancy or licence.

5. Failure to licence a house when required to do so is a criminal offence under section 95(1) of the Act. It is committed by the person having control of or managing the house that is required to be licensed but is not so licensed.

6. Section 249A of the Act states (inter alia):

> "(1). The local housing authority may impose a financial penalty on a person if satisfied, beyond reasonable doubt, that a person's conduct amounts to a relevant housing offence in respect of premises in England.
> (2) In this section, "relevant housing offence" means an offence under . . .
> (c) section 95 (licensing of houses under Part 3).
> (3) Only one financial penalty may be imposed on a person in respect of the same conduct.
> (4) The amount of the financial penalty imposed under this section is to be determined by the local authority, but must not be more than £30,000. . .
> (6) Schedule 13A deals with
> (a) the procedure for imposing financial penalties and . . .
> (d) guidance in respect of financial penalties . . .
> (9) For the purposes of this section a person's conduct includes a failure to act.

7. By Schedule 13 of the Act, before imposing a financial penalty, the local authority must give the person notice of its proposal to do so (a "notice of intent"). The contents of the notice of intent are prescribed including a right for the person receiving the notice to make representations. The requirements for a final notice are set out in the Schedule. Paragraph 10 of the Schedule provides for an appeal to the Tribunal which is to be by way of a rehearing of the local authority's decision. The appeal may be determined having regard to matters of which the authority were unaware.

The facts

8. The Property consists of the ground floor of one of a fairly modern semi-detached pair of houses probably built in about the 1960s but in an area where most of the housing stock is older. No doubt originally a single dwelling, the property has been altered to become two flats, with 4A on the ground floor with an entrance at the back and 4B on the upper or first floor with a separate entrance at the front.

9. The inspection by the Tribunal revealed the Property, 4A Marling Road, to be a one bedroom flat consisting of hallway, bathroom, bedroom and a larger front room which served as a kitchen and living area. The kitchen units were smart (we were told they were recently fitted, though second hand), and the bathroom contained a modern suite consisting of washbasin, toilet and shower. There was no indication of any environmental health problems from the brief inspection that was possible.

10. The former house, consisting of the two flats, was purchased by the Applicant in 2013 with the aid of a mortgage. It is held in the name of the Applicant, subject to that mortgage, on a single Land Registry title. The Applicant lives elsewhere and both flats have, it seems, been rented out since purchase, subject to a caveat about a period when the property might have been vacant, discussed more fully below. The Applicant has no other rented properties.

11. The Applicant is originally from Albania. He came to the United Kingdom about 18 years ago. At the hearing, his spoken English was quite good but his ability to understand fully the proceedings was not as good as it might have been and it was necessary for the Tribunal to explain matters from time to time during the hearing. His statement of case was very brief and indicated his written English was more limited. A later fuller statement of case had been prepared for him by a solicitor.

12. The Tribunal had the benefit of witness statements by Anne Ambrose and Anne Welsh, who both gave oral evidence in support of their written submissions. From that evidence, supplemented by comments from the Applicant at the hearing, from his brief personally drafted statement dated 7 March 2019 and from the fuller statement of case drafted by his solicitor dated 2 April 2019, the following summary of events since January 2018 can be made.

13. It is clear that, no doubt like many landlords with just one property, that the Applicant had no idea that he needed to licence his rented property following the declaration on 2 February 2016 by Bristol City Council of a selective licensing scheme for the Eastville and St George wards. The obligation to licence commenced on 1 July 2016. Anne Welsh describes her role as investigating potentially unlicensed properties. Initially, it was 4B Marling Road that came to her attention in January 2018 from a Land Registry search being compared with Council Tax records. She made telephone contact with the Applicant. He responded positively and Ms Welsh assisted with the completion of an application form to licence 4B Marling Road. During that process, the Applicant volunteered the information that his Marling Road property actually consisted of two flats. Ms Welsh's evidence is that she made it clear to him that 4A Marling Road also required a licence; the Applicant says that he was under the impression that one licence would suffice for both properties since it had a single title. The Tribunal suspects that both versions have some element of truth. It is highly likely Ms Welch stated that an additional licence was needed; it is also likely that the Applicant did not, at least initially, appreciate fully what was being said to him. In any event, no application in respect of 4A was completed when the application for 4B was made.

14. Nevertheless, it must have become tolerably clear to the Applicant that a second licence was needed for the Property later in early 2018. Ms Welch arranged for telephone contact to complete the second application on 28 February but Ms Welch was unable to telephone that day; and the following day the Applicant was driving when he answered the phone so arrangement was made for 5 March. On 5 March, the Applicant did not have the details to complete the application available to him (he complained at the hearing that the Council had all the information from the 4B application so they could have completed it) so a time was agreed on 6 March. Three calls were made that day by Ms Welsh but there was no answer. So a formal letter was sent that day to the Applicant at his home address formally notifying him that he needed to licence his property.

15. It should be noted that the first payment by the Applicant in connection with licensing 4B Marling Road was by a card payment that was declined but he paid

with an alternative card in due course. The fee then demanded and paid was £770. Ms Welsh said in her oral evidence that the Applicant 'did not have' another £770, presumably because he had told her so. Now the Tribunal were also told by the Council that, later in 2018, they had to stop collecting their £770 fee with licence applications because of a successful legal challenge - so that for a subsequent period until recently in 2019 they accepted applications without a fee. Now the fees have been re-determined and the fee to accompany an application is only £155, with the balance of the fee paid much later – and the total fee per house or flat is only £570. If that is the case, then the Tribunal considers that, in considering the amount of any penalty, it should take note of the fact that if the correct fee structure had been in place in early 2018, the fee asked of the Applicant to licence the two properties would have been just £310 initially – much less than the fee of £770 that he actually paid just for 4B Marling Road.

16. Between 6 March 2018 and 3 July 2018, the Respondent communicated with the Applicant by letters sent from Ms Welsh. Thus on 21 March 2018, he was sent a letter notifying him that he had committed a criminal offence. On 19 June, a letter was sent telling him the case would be passed to the Respondent Council's legal team. On 3 July 2018, Ms Welsh telephoned the Applicant again, thus giving the Applicant every opportunity to respond. Once again, he was driving as part of his job and requested a call back to complete the application form. Ms Welsh said that she believed he could do it himself and said she would (and did) email him the link to the online application form, stressing the importance of submitting the application to prevent further action. In short, Ms Welch did everything she could to help the Applicant.

17. The Tribunal asked the Applicant why he did not respond to letters sent to him or make a website application. His reply was that the letters often went unopened or were dealt with by his wife. That response may have indicated that the Applicant has difficulty with understanding written English, especially when it is complex. Equally, it may just be a 'head-in-the-sand' approach to ignore difficulties. Certainly, the Respondent contended in its statement in reply that the Applicant's contention that 'he is not aware of the customs and laws of England' was difficult to accept since he had been living in the United Kingdom for 18 years and had acquired enough knowledge to buy property and rent it out.

18. Having not heard further from the Applicant, the Respondent's procedure for considering enforcement action (discussed below) was undertaken commencing in July 2018. A notice of intention to serve a financial penalty was served on the Applicant on 22 November 2018, giving the Applicant 28 days to make representations. The Applicant eventually responded on 20 December by a brief e mail as follows:

> "hi anne
> as we spoke a few times, flat 4a has been under refurbishment, and has not been rented fully, it has financial problems
> as i been working away, travelling a lot, has been a bit of paperwork, i passed the inmail to my account to deal with the lissence but due to his personal problems he is no longer working therefore nothing been done
> i will like to fill liccence application form, i got new tenat on the and of January"

19. Anne Ambrose responded the same day, asking for a copy of the correspondence with the accountant, seeking more information on the financial difficulties and suggesting Anne Welsh could assist with making the application on 27 December and that a reply was needed by 2 January. No further response was received. The final notice for a penalty of £7,564 was sent to the Applicant on 8 January 2019.

20. The Applicant told us that he did open this 'big letter' and telephoned Ms Welsh on 10 January and, at long last, the application for a licence for 4A Marling Road was completed with Ms Welch's assistance by telephone. No fee was payable at that point as the Council's new fee structure was not then in place.

Submissions of the Respondent

21. The Respondent, through Ms Toney, submitted that the Property required selective licencing and the Applicant had failed to submit an application despite being given every opportunity to do so. Secondly, she contended that the amount of the penalty imposed should be upheld in full.

22. On the first point, the Tribunal was shown an original copy of the order of 2 February 2016. The Property is clearly within the area of selective licensing as demonstrated on the map provided and our visit to the Property. The Applicant did not dispute that basic point in any way.

23. It is for the Respondent to show, further, that the Property is rented and therefore must be licenced. To that end, the Tribunal was shown a print out of the council tax records relating to the Property. This record shows the Applicant as liable for the brief period from 22 June to 30 June 2013, and thereafter a series of occupants are listed. A Mr Sarlos and Ms Nemeth paid council tax between 1 July 2013 and 31 July 2016, Ms Nemeth and a Mr Kovacs were registered as the council tax payers from 1 August 2016 to 30 October 2018; and Mr Kovacs alone from 31 October 2018 to 31 January 2019. A Mr Csongradi is shown as the person liable for Council tax from 1 February 2019. On that basis, the Respondent submitted that the property was clearly let for the whole of the period when the requirement to licence was in force.

24. The Respondent relied on the evidence of Ms Ambrose and Ms Welsh (discussed and set out above) to demonstrate that every effort had been given to the Applicant to licence the Property but no application had been received. It was therefore entitled under the Act to impose a penalty in lieu of a criminal prosecution.

25. A very considerable amount of the Respondent's paperwork provided to the Tribunal related to the process it applies for determining the amount of any penalty under the Act; and, in the witness statements of Ms Ambrose and Ms Welsh, the application of those processes to this case was set out in full giving the reasoning behind the decision to impose the penalty of £7,654. The Tribunal is grateful for the very comprehensive details supplied. The process requires an assessment against named criteria (by Ms Welsh), with a review (by Ms

Ambrose with an internal discussion with Ms Welsh) to assess whether the conclusions drawn against the criteria are correct. The final notice of penalty has to be and was approved by the Private Housing Manager (a Mr Collis).

26. The Council's methodology is to complete a civil penalty checklist to ascertain the appropriate amount of the penalty. The first stage is to assess culpability. The Council has four culpability levels (Low; Medium; High; and Very High). The culpability in this case was assessed (the Tribunal was provided with a copy of the assessment against the profile) at the 'Very High' level, described as 'where the offender intentionally breached, or flagrantly disregarded the law'. This was on the basis that the Applicant was fully aware of the requirement to licence but failed to submit the forms. It was therefore, it was submitted, an intentional breach.

27. The second stage is to assess the likelihood of harm. The Respondent Council has three levels here, namely Low, Medium and High. Whereas the Low category is based on a (presumably, specific) low risk of an adverse effect on individuals and High risk is focussed on a serious adverse effect on individuals, the Medium category, as well as referring to a medium risk on individuals also includes 'council and/or legitimate landlords or agents being undermined by the offenders activity' and 'the council's work as regulator to address risks to health being inhibited'. The level of harm was assessed as medium likelihood of harm.

28. Following that assessment, the next step is to turn to the table of categories, combining the level of culpability with the level of harm. The table suggests a starting point for the level of the penalty and then a range with a minimum penalty below the starting point and finishing above it with a maximum penalty. The starting point for a Very High culpability with a Medium harm category is £6,250. The Council considered whether there were any statutory aggravating factors from their list to increase that figure (such as a previous conviction or deliberate concealment) an added 20% or £1,250 on the basis that the Applicant was motivated by financial gain; but they then deducted the same figure of £1,250 to reflect the fact that the Applicant had no previous convictions; they did not find any other factors to reduce the seriousness or reflect personal mitigation. To the figure thus found of £6,250 was added the costs of the investigation of £1,274 thus producing the penalty, as served, of £7,654.

29. Ms Toney submitted the penalty at that level could be fully justified and the decision to opt for high culpability was correct when the Applicant's behaviour and failure to deal with letters or telephone calls was taken into account. She conceded that, while 'self-reporting' was listed as a possible mitigating factor (which might apply if account was taken of the Applicant advising Ms Welsh of 4A as well as 4B), this could be seen as balanced by the possible application of the aggravating factor of the Applicant's refusal to respond to the offers of advice or assistance. The medium level of harm adopted was the 'entry point' and was also fully justified. The Applicant's approach, it was claimed, was to adopt what Ms Toney termed as the 'tool of disorganisation' but that did not justify his inactivity and failure to apply for a licence for the Property.

Submissions of the Applicant

30. The Applicant's case can be taken from four sources:

(1) The grounds of appeal set out in his Application dated 10 January 2019
(2) His brief letter drafted by himself dated 7 March 2019
(3) The fuller Statement of Case drafted on his behalf by a solicitor and signed by the Application 2 April 2019
(4) His oral submissions at the hearing.

31. There are a number of strands to what was put to the Tribunal. Firstly, the Applicant claims that he did not understand that he needed to license both flats especially given that he had one title and one mortgage of the semi-detached house in which the two flats are located. He apparently claims that he was under this misapprehension for some time.

32. A key contention, made in the grounds for appeal in the Application, is his brief letter and firmly at the hearing is that 4A has not been rented all of the time. In the grounds, he said:

> 'One flat not completed and has been goind (sic) lots of work. Not rented'

In his March letter he stated:

> 'I have notify the Council that the property is going under refurbishments under the company called Rapid property Service carried out the work, due to circumstances the work lasted for two years. The work started January 2017 until December 2018.'

33. At the hearing, the period of vacancy to do the work was stated to be much shorter, from April 2018 until December 2018 with the new existing tenant moving in in January 2019 and paying rent from 1 February 2019. He said the work took much longer than planned as he was doing the work himself at weekends with the help of a Mr Skenderzyberi of Rapid Services. He said his job as a self-employed security engineer meant he was travelling long distances which limited the time for working on the Property. He explained that the work involved electrical work, replacing lights, installing a fire alarm, repairing part of a ceiling caused by a leak in the shower in the flat above, installing second hand kitchen units, tiling the kitchen splashback, installing a new kitchen sink and various bits of plumbing in the bathroom. He explained that he had paid the Council tax in cash but had not changed the names on the council tax register following the departure of the previous tenants. He offered no evidence to corroborate his assertions.

34. Generally, the Applicant stressed he was having financial difficulties throughout the period especially as he was only getting rent from one flat while paying two mortgages, one for his home and one for the Marling road property. He said that he had had relatively little schooling in Albania and was not very good with paperwork and it was his ignorance and misunderstanding that was the reason for not completing the application for a licence.

35. With regard to the amount of the penalty, addressed in some detail in the solicitor drafted statement of case, he said that his culpability should not be

classed as Very High since he had obtained one licence and the Council had all the details they needed for a second and no fee was payable from September 2018. He had not made any financial gain. He also contended that the likelihood of harm was low and they could have inspected the Property. He stressed that he had no criminal convictions and was a person of good character and that should have been taken into account. In summary, he felt that the penalty was not just and proportionate to the offending behaviour. He therefore asked the Tribunal to determine a maximum fine of £175 (Low culpability and harm category three) as the appropriate penalty.

Decision of the Tribunal

36. The Tribunal has to determine whether the Property was required to be licensed and whether a criminal offence has been committed by failure to licence. If so, then the Tribunal is required to consider whether the amount of the penalty imposed is correct and, if not, to determine what the penalty should be.

37. The Tribunal makes the following findings of fact. The Applicant is the freehold owner of the Property which is in an area designated for collective licensing. It was let as a whole to a series of tenants prior to April 2018 and was therefore required to be licensed.

38. The Tribunal prefers the evidence of the Respondent Council that it was also let as a whole between April and December 2018. The council tax records so indicate. Apart from assertions, the Applicant provided no independent evidence to support his contention that the Property was not let for nine months while work was being undertaken. Our inspection found the Property to be in good order and the kitchen units may well have been recently installed and new splashback done; the bathroom was very neat and might well have been recently installed. But the claim for major electrical work seemed doubtful (there was no evidence of 'chasing in' or new surface wiring) and the Tribunal doubted that there had been major redecoration. It was particularly difficult to accept that, whilst not paying for a licence, the Applicant had nevertheless continued to pay the council tax in full with monthly visits to pay in cash. There was also no obvious explanation for the recorded change in the Council tax records on 30/31 October 2018 when the occupiers changed from Ms Nemeth and Mr Kovacs jointly to Mr Kovacs alone. It seems implausible that that change could have occurred if the Property had been vacant at those dates and since April that year. The Tribunal suspects that some work to the Property had been undertaken but doubts the period of vacancy which the Applicant claims.

39. However, the Tribunal considers that, even if the Applicant is right, that there was indeed a substantial period of vacancy, there is no doubt that the Property was let prior to April 2018. It should have been licensed at that time and, if the Council's council tax records are correct, for the whole of the time since April. The Applicant may have had a reasonable excuse for not licensing at all prior to January 2018, since he was totally unaware of the licensing requirement. But thereafter he licensed 4B Marling Road and we find that there was no reasonable excuse for not licensing the Property thereafter. He may well have initially thought that one licence was sufficient for the two flats but by early

March he was agreeing to have telephone conversations with Ms Welch to complete a second application. Accordingly, the Tribunal finds beyond reasonable doubt that a criminal offence has been committed by the Applicant. The Respondent is entitled therefore to seek a financial penalty from the Applicant under section 249A of the Act and the Tribunal upholds the Respondent's decision to impose a financial penalty.

40. The Tribunal now has to consider the amount of the penalty. The Tribunal accepts that the main aspects of the Respondent Council's policy in determining the amount of the penalty is correct, though it is a little surprised at the amount of time taken from a realisation that enforcement was the only answer (early July 2018) to serve the notice of intent (late November 2018). It is right to weight the penalty according to the seriousness of the offence (ie, the offender's culpability) and the amount of harm caused by the offender's conduct. However, the Tribunal does not agree with the way those criteria were applied in this case.

41. The Tribunal does not agree with the assessment of culpability at the Very High level. We consider there is insufficient evidence that the Applicant intended a breach nor do we think his actions amounted to a flagrant disregard of the law. He had, after all, immediately applied for a licence for Flat 4B, significantly with help over the telephone for Ms Welsh. Rather, the Tribunal considers that this case fits the High category, namely that the Applicant had the actual foresight of the risk – he was clearly told the position and the action he should take – but the risk was taken, perhaps not deliberately but possibly for a host of personal reasons. This may be because of his limited command of written English, his dislike of official letters, or a 'head-in-the-sand' attitude, or a combination of these and other factors. But he was offered advice and help to complete his application and he could have asked Ms Welsh to assist again by making a telephone call. He may have been driving every time she rang but he could have initiated a call back to start the process. It is for that reason that his culpability clearly exceeds the Medium level of 'committing an act or omission which a person exercising reasonable care would not commit'. The Tribunal are also more comfortable generally with a High rather than Very High level of culpability because, looking at the matter in the round, it would be wrong in all the circumstances of this case for the Applicant to be rated at the highest level of culpability.

42. We note in this context that while the basis of the penalty was clearly marked on the Check Sheet at the Very High level of culpability, and this was the basis urged on us at the hearing, this does not fully accord with what was put in the witness statements. Thus in Ms Welsh's statement, paragraph 21, she says that the Applicant's action indicated 'a Very High Culpability 'wilful blindness to risk of offending but risk nevertheless taken' – but that is the criterion for a High level of culpability, not Very High. Similarly, in Anne Ambrose's witness statement, in paragraph 14, she records that she reviewed Ms Welsh's check sheet and 'based her decision on a decision of high culpability'. This may indicate that the Respondent also considered that, at least at some stage in the process, the right category was a High culpability, not Very High.

43. The Tribunal also does not accept the risk of harm at the Medium Likelihood but considers this should be at the low level of likelihood of harm. This is for two reasons. The Tribunal is concerned that the Respondent takes the issue of likelihood of harm without seeking any evidence as to whether there is likelihood of harm or not in the case in question. It seems that the Medium level is adopted as the 'entry' level, but no effort is made to see whether there is a low or a high risk in the particular case. Perhaps a high risk might be adopted by the Council if there is evidence of concern or complaints from a tenant in unlicensed premises – but a tenant is unlikely to contact the Council and report that all is well. If that is right, it seems that no case is likely to be identified as a low risk. It is for this reason that the Tribunal suggests that the Respondent, when assessing their checklist and considering harm does make a visit to the Property. They may not have the right of access but a tenant may allow a representative to view, or some assessment may be possible from an external inspection. If that had happened in this case, perhaps the Respondent would have assessed the case at a low level of risk. Even if the Tribunal is asking too much, it is still the case that the Tribunal is dealing with this case by way of rehearing and we can take account of factors of which the Respondent was unaware. On that basis, and in the light of the inspection of the premises, the Tribunal determines that there was a low risk of any adverse effect on an individual and therefore this case fits into the category of a Low Likelihood of harm.

44. The Respondent's table of ranges of appropriate penalties puts cases of a high culpability but low risk of harm between a penalty of £500 and a penalty of £2,250. The starting point is stated to be a penalty of £1,000.

45. The Tribunal agrees with the Council that any application of a potential increase in the seriousness of the offence by considering the statutory aggravating factors is cancelled out by factors reducing the seriousness or reflecting personal mitigation. The Tribunal is unconvinced that the Applicant was motivated by financial gain though he may have had the benefit of not paying the fee for over a year. But he has constantly not taken the opportunity to follow advice. Those points are balanced by the fact that he has no previous convictions and is of good character. The Tribunal also takes note of the point we made in paragraph 15 above in relation to the amount of the fee. The basic penalty is therefore determined at £1,000.

46. The Tribunal accepts that it is appropriate for the local authority to recover its costs of the investigation but considers the amount of the fee claimed (£1,274) is too high. The Respondent should have taken action more expeditiously. It considers a fee to cover costs of £750 is appropriate, making a total penalty of £1,750.

47. The Tribunal upholds the Respondent's decision to impose a financial penalty on the Applicant but varies the amount of this penalty to £1,750. The licence fee of £570 in total for this property will be payable by the Applicant in addition to this penalty (if he has not already done so).

Right of Appeal

48. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.

49. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.

50. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.

51. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result that the party who is making the application for permission to appeal is seeking.

Judge Professor David Clarke
5 June 2019