



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

Case Reference : **MAN/00CE/HBA/2019/0002**

Applicant : **Doncaster MBC**

Representative : **N/A**

Respondent : **Mr Almas Rashid**

Representative : **N/A**

Type of Application : **Application for a Banning Order
Housing and Planning Act 2016 – s 15**

Tribunal Members : **Judge J Holbrook
Deputy Regional Valuer N Walsh**

**Date and venue of
Hearing** : **24 October 2019
Manchester**

Date of Decision : **14 November 2019**

DECISION

DECISION

The application for a banning order is granted.

REASONS

INTRODUCTION

The application

1. Doncaster Metropolitan Borough Council (a local housing authority) has applied to the Tribunal for a banning order under section 15 of the Housing and Planning Act 2016 (“the 2016 Act”). The respondent to the application is Almas Rashid of 105 Thorne Road, Doncaster DN2 5BE.
2. A ‘banning order’ is an order made by the Tribunal, banning a person from:
 - (i) letting housing in England;
 - (ii) engaging in English letting agency work;
 - (iii) engaging in English property management work; or
 - (iv) doing two or more of those things.
3. The application seeks an order banning Mr Rashid from doing any of those things for a period of two years.
4. On 25 July 2019, the Tribunal sent a copy of the application to Mr Rashid (via the firm of solicitors acting for him at the time). At the same time, directions were issued for the conduct of the proceedings. Those directions set out the steps which the parties were required to take in preparation for the application to be heard. Doncaster Council subsequently complied with those directions, but Mr Rashid did not: he failed to provide a statement of case in response to the application. Indeed, other than being notified in August that Mr Rashid’s solicitors were no longer acting for him, the Tribunal has received no communications of any kind during these proceedings from, or on behalf of, Mr Rashid.

The hearing

5. On 24 October 2019, a hearing was held at the Tribunal’s offices at Piccadilly Exchange in Manchester. Doncaster Council was represented by Miss Joanne Lee, a Senior Environmental Health Practitioner who was formerly employed by the Council. Mr Rashid failed to attend the hearing but we decided to proceed with it in his absence as we were

satisfied that reasonable steps had been taken to notify Mr Rashid of the hearing and that it was in the interests of justice to proceed with it.

6. In compliance with the Tribunal's case management directions, Doncaster Council had provided a written statement of case in support of the application, together with a bundle of supporting documentary evidence (and this had been served on Mr Rashid in advance). In addition, the Tribunal heard oral submissions from Miss Lee as well as limited oral evidence from Jodie Foxton, Senior Environmental Health Practitioner; and Paul Williams, Housing Enforcement Team Manager.
7. Judgment was reserved.

LAW AND GUIDANCE

Effect of a banning order

8. The effect of the provisions in Chapter 2 of Part 2 of the 2016 Act is that a person may be banned from all (or any) of the things listed in paragraph 2 above (see section 14 of the Act). Any such ban must last at least 12 months and may include a ban on involvement in certain corporate bodies.
9. As well as banning a person from letting housing in England, a banning order may ban them from engaging in 'English letting agency work' and/or 'English property management work'. These expressions are defined in sections 54 and 55 of the 2016 Act. Broadly speaking, however, they cover letting agency and property management activities done by a person on behalf of a third party in the course of a business.
10. Breach of a banning order is a criminal offence (under section 21 of the 2016 Act). It can also lead to the imposition of a civil financial penalty of up to £30,000 (under section 23). There are also anti-avoidance provisions (in section 27) which invalidate any unauthorised transfer of an estate in land to a prohibited person by a person who is subject to a banning order that includes a ban on letting.
11. Exceptions can be made to a ban imposed by a banning order: for example, to deal with cases where there are existing tenancies and the landlord does not have the power to bring them to an immediate end. A banning order does not invalidate any tenancy agreement held by occupiers of a property (although there may be circumstances where, following a banning order, the management of the property is taken over by the local housing authority under Part 4 of the Housing Act 2004).

Tribunal's power to make a banning order

12. Section 16 of the 2016 Act empowers the Tribunal to make a banning order on an application by a local housing authority (under section 15). However, before it makes a banning order, the Tribunal must be satisfied that the following conditions are met:

- The local housing authority must have complied with certain procedural requirements before applying for the order.
 - The respondent must have been convicted of a ‘banning order offence’.
 - The respondent must also have been a ‘residential landlord’ or a ‘property agent’ at the time the offence was committed.
13. Section 16(4) provides that, 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 (under section 30 of the 2016 Act), and
 - (d) the likely effect of the banning order on the person and anyone else who may be affected by the order.
14. A list of offences which are ‘banning order offences’ is to be found in the Housing and Planning Act 2016 (Banning Order Offences) Regulations 2018. The full list was annexed to the directions issued to the parties by the Tribunal on 25 July. However, for present purposes, it is sufficient to note that the list includes each of the following offences (provided: (i) the offence was committed after 6 April 2018; and (ii) the sentence imposed was not an absolute or conditional discharge):

<i>Act</i>	<i>Provision</i>	<i>General description of offence</i>
Housing Act 2004	s.30(1)	failure to comply with improvement notice
	s.72(1), (2) and (3)	offences in relation to houses in multiple occupation
	s.234(3)	failure to comply with management regulations in respect of houses in multiple occupation

Procedural requirements

15. As already mentioned, before making a banning order, the Tribunal must be satisfied that the local housing authority has complied with certain procedural requirements. Those requirements are set out in section 15 of the 2016 Act and are summarised below.
16. Before applying for a banning order, a local housing authority must give the person concerned a notice of intended proceedings:
 - informing the person that the authority is proposing to apply for a banning order and explaining why,
 - stating the length of each proposed ban, and
 - inviting the person to make representations within a specified period of not less than 28 days.
17. The authority must consider any representations made during the specified period, and it must wait until that period has ended before applying for a banning order.
18. A notice of intended proceedings may not be given after the end of the period of six months beginning with the day on which the person was convicted of the offence to which the notice relates.

Relevant guidance

19. The Ministry of Housing, Communities and Local Government published non-statutory guidance in April 2018: *Banning Order Offences under the Housing and Planning Act 2016 – Guidance for Local Housing Authorities*. The stated intention of the guidance is to help local housing authorities understand how to use their new powers to ban landlords from renting out property in the private rented sector. Save to the extent that the guidance reflects a statutory requirement, its recommendations are not mandatory. However, it is good practice for a local housing authority to follow them.
20. The guidance notes the Government’s intention to crack down on “a small number of rogue or criminal landlords [who] knowingly rent out unsafe and substandard accommodation” and to disrupt their business model. It recommends that banning orders should be aimed at:

“Rogue landlords who flout their legal obligations and rent out accommodation which is substandard. We expect banning orders to be used for the most serious offenders.”
21. The guidance also states that local housing authorities are expected to develop and document their own policy on when to pursue a banning order and should decide which option to pursue on a case-by-case basis in line with that policy. It repeats the expectation that a local housing authority will pursue a banning order for the most serious offenders. In

deciding whether to do so, the guidance recommends that the authority should have regard to the factors listed in section 16(4) of the 2016 Act (see paragraph 13 above). It also recommends that the following considerations are relevant to an assessment of the likely effect of a banning order: the harm caused to the tenant by the offence; punishment of the offender; and the deterrent effect upon the offender and others.

22. Doncaster Council has adopted its own *Enforcement Policy – Private Sector Housing*. A copy of this policy was produced at the hearing. Its aim is to set out standards of enforcement that landlords, businesses, individuals and the community as a whole can expect from the Council’s Enforcement Team in relation to housing matters, including principles for taking enforcement action under the 2016 Act. The policy states that the aim of the Council’s enforcement work is to protect residents and communities by enforcing the legislation efficiently and effectively without imposing unnecessary burdens upon property owners and occupiers. It goes on to state that:

“All enforcement action taken will be proportional to the risk any situation presents and will always be in accordance with ... official guidance from central and local government bodies. Reasonable effort will be made to ensure compliance with the law by a process of advice and education. Formal action must be considered in the following circumstances: -

- Where there is a serious risk to public health or safety of residents;
- Where there is a blatant or deliberate contravention of the law;
- Where there is a history of non-compliance, or cooperation for an informal approach is not forthcoming;
- Where landlords fail to take action in the timescales agreed within an informal process;
- Where the failure gives the landlord an unfair commercial advantage such as failure to license a property.”

23. The Enforcement Policy identifies applying for a banning order as being within the range of enforcement action which Doncaster Council may take. It provides the following guidance in this regard:

“The Council will consider applying for a banning order where a landlord has been convicted of one or more banning order offences ... This will exclude him/her from letting or engaging in letting agency or property management work. When considering applying for a banning order, the Council will have consideration of applicable Government guidance ensuring that all statutory requirements are met.”

BACKGROUND FACTS

24. Mr Rashid owns five properties in Doncaster which he lets to residential tenants. At least two of those properties – at 22 Morley Road and at 45 Kings Road – are houses in multiple occupation (“HMOs”) which are required to be licensed under Part 2 of the Housing Act 2004. Neither of these properties are currently licensed.

25. On 30 January 2019, at South Yorkshire Magistrates' Court, Mr Rashid was convicted of the following offences under the Housing Act 2004:

In relation to 22 Morley Road:

1. Having control of or managing an HMO which was required to be licensed under Part 2 of the Act but was not so licensed (section 72(1)).

Date of offence: Between 11/12/2017 and 02/10/2018

Sentence imposed: £400 fine

2. Failure to comply with the Management of Houses in Multiple Occupation Regulations 2006 (section 234(3)).

Date of offence: 05/09/2018

Sentence imposed: £400 fine

3. Failure to comply with an operative improvement notice (section 30(1)).

Date of offence: 05/09/2018

Sentence imposed: £400 fine

and, in relation to 45 Kings Road:

4. Failure to comply with an operative improvement notice (section 30(1)).

Date of offence: 03/10/2018

Sentence imposed: £400 fine

5. Having control of or managing an HMO which was required to be licensed under Part 2 of the Act but was not so licensed (section 72(1)).

Date of offence: Before 06/04/2018

Sentence imposed: Not known

6. Failure to comply with the Management of Houses in Multiple Occupation Regulations 2006 (section 234(3)).

Date of offence: Before 06/04/2018

Sentence imposed: Not known

26. Mr Rashid's prosecution and conviction for these offences followed a lengthy period of engagement with him by Doncaster Council's housing enforcement team. The property at 45 Kings Road had initially been inspected by the Council's officers in June 2017 and this led to Mr Rashid being served with an improvement notice on 14 August 2017 under

sections 11 and 12 of the 2004 Act. The improvement notice required Mr Rashid to take remedial action in respect of various category 1 & 2 hazards identified in the notice. In particular, Mr Rashid was required to install suitable fire detection and alarm systems, fire doors, and adequate compartmentation between floors. He was also required to ensure that the fire alarm system had a guaranteed electricity supply (rather than being dependent on a supply linked to a pre-payment meter), and to upgrade the property's rotting, single-glazed windows.

27. At Mr Rashid's request, the period for complying with the improvement notice was extended to November 2017. However, the necessary remedial works were not completed by then. Numerous re-inspection visits (and attempts to arrange re-inspection visits) followed without substantial progress being made and, in April 2018, a decision was made to prosecute Mr Rashid for failing to comply with the improvement notice. Several additional re-inspection visits have taken place since then – most recently on 18 October 2019 – and, whilst certain electrical hazards have been remedied and an operative fire alarm panel is now in situ, serious deficiencies remain: the fire alarm system still lacks a guaranteed electricity supply; the fire compartmentation issue has not been addressed; and the property still lacks suitable fire doors.
28. Meanwhile, in December 2017, officers from Doncaster Council inspected Mr Rashid's property at 22 Morley Road and an improvement notice was served on 13 December. The notice identified a category 1 hazard relating to fire safety and required Mr Rashid to take remedial action which, again, focused on inadequate fire detection and separation, as well as inadequate means of escape in case of fire.
29. At the same time, Mr Rashid was notified of a number of apparent breaches of the HMO Management Regulations. These were primarily concerned with the deficiencies concerning inadequate measures for fire detection, separation and means of escape. However, they also related to other deficiencies – in the property's plumbing and electrical systems, and to an accumulation of rubbish outside.
30. Mr Rashid did not comply with the improvement notice relating to 22 Morley Road, and he was subsequently interviewed under caution about possible offences concerning the property's condition as well as its unlicensed status. He claimed, during that interview, that the necessary works had been completed, but re-inspection visits – the most recent of which again took place on 18 October 2019 – have revealed this not to be the case. Ultimately, Doncaster Council decided to prosecute Mr Rashid in respect of these matters as well.
31. On 10 May 2019, Doncaster Council gave Mr Rashid notice of its intention to apply for an order banning him from doing any of the things listed in paragraph 2 above for a period of two years. The notice explained that the Council intended to apply for the order because Mr Rashid had been convicted of four banning order offences, and it invited him to make representations by 10 June 2019. The period for making

representations was subsequently extended to permit the firm of solicitors then acting for Mr Rashid to submit written representations (which they did by letter dated 26 June 2019). Having considered those representations, Doncaster Council applied to the Tribunal for a banning order on 9 July.

32. In addition, Doncaster Council has made an entry in respect of Mr Rashid in the national database of rogue landlords and property agents established and operated by the Secretary of State under section 28 of the 2016 Act. That entry will be maintained for a period of five years.

GROUND OF APPLICATION

33. Doncaster Council applies for a banning order on the ground that Mr Rashid has been convicted of a number of banning order offences which (the Council says) are serious and have the potential to undermine its work to ensure that rented housing within its locality is safe and suitable. In addition, the application is made because the Council considers that, by virtue of its support and encouragement, Mr Rashid has been given multiple opportunities to comply with the law, but has nevertheless failed to do so. The Council considers that there is little evidence to suggest that Mr Rashid has learned from the events described above, or that he will not commit similar offences again if he is allowed to continue letting housing. Doncaster Council does not wish Mr Rashid to be banned from the property-letting business permanently, but it considers that a two-year ban would be appropriate to give him opportunity to improve his skill set as a landlord.

DISCUSSION AND CONCLUSIONS

Mandatory conditions for making a banning order

34. Based upon the evidence described above, we are satisfied that Doncaster Council has complied with the procedural requirements in section 15 of the 2016 Act.
35. We are also satisfied that, on 30 January 2019, Mr Rashid was convicted of four banning order offences: namely, the offences numbered 1 – 4 in the list set out at paragraph 25 above. (The other offences Mr Rashid was convicted of on that occasion are not banning order offences because, according to the court record, they were committed before 6 April 2018.)
36. Furthermore, it is clear that Mr Rashid was a ‘residential landlord’ at the time he committed each of the banning order offences because he was a landlord of housing at that time.

Exercise of discretion to make a banning order

37. Given that the mandatory conditions for making a banning order are satisfied, we must decide whether to exercise the Tribunal’s discretion to make such an order. We must do so having regard to the factors

mentioned in section 16(4) of the 2016 Act. In addition, we consider it appropriate to have regard to the Government's non-statutory guidance on banning orders (see paragraphs 19 - 21 above) and to Doncaster Council's own Enforcement Policy (paragraphs 22 & 23). Whilst we recognise that neither the guidance nor the policy binds the Tribunal, we consider their recommendations to be of assistance to the task in hand.

38. As Mr Rashid has played no part in the proceedings before the Tribunal, he has not provided a statement of case in opposition of the application for a banning order. Nevertheless, we have been provided with a copy of the written representations which were made to Doncaster Council on Mr Rashid's behalf in June 2019, in response to the Council's notice of intent, and we have treated those representations as Mr Rashid's grounds of opposition. The arguments they put forward are essentially as follows:

- The relevant offences are not serious enough to justify a banning order;
- The condition of the properties at 45 Kings Road and 22 Morley Road has been brought up to standard since Mr Rashid's convictions in January;
- Delays in correspondence contributed to delays in bringing the condition of the properties up to standard;
- Mr Rashid's culpability is diminished by the fact that he was let down by the managing agents whom he employed and who should have ensured that relevant legal requirements were complied with; and
- The impact of a banning order on Mr Rashid, and on his tenants, would be disproportionate and unfair.

39. The first factor to consider is the seriousness of the relevant offences, both individually and when taken together. We do not know what factors the magistrates' court took into account in determining the amount of the fines which were imposed on Mr Rashid but, in any event, the severity of the sentence imposed by that court is not a determinative factor for present purposes: it is for the Tribunal to make its own assessment of the seriousness of the banning order offences, based on the evidence now available to it.

40. Bearing in mind the fact that 45 Kings Road and 22 Morley Road are HMOs (and that HMOs are rightly regarded as posing a relatively high fire safety risk), we are satisfied that the relevant offences in this case are very serious. It is plain that both of these properties are substandard and, indeed, that they are unsafe for the kind of multi-occupation for which they are used. This state of affairs has persisted for more than two years despite the considerable efforts made by Doncaster Council to encourage Mr Rashid to address the problems identified. He has failed to do so

adequately (despite his former solicitors' assertions to the contrary), yet has apparently been active in granting new tenancies at 22 Morley Road during this period. Notwithstanding any issues with the address to which Doncaster Council initially sent correspondence for Mr Rashid relating to 45 Kings Road, we are satisfied that he has been well-aware of the Council's concerns for more than two years now, but that he has taken insufficient remedial action in response to them.

41. We are not persuaded that Mr Rashid's culpability for the offences is diminished by his alleged reliance on managing agents who failed to ensure compliance with statutory requirements. It is clear from Mr Rashid's interactions with officers from Doncaster Council that he has been managing the properties himself from at least February 2018 onwards. He has therefore had ample opportunity to deal with the problems identified by the Council.
42. We note that Mr Rashid has no previous convictions for banning order offences, but that he has now been included in the database of rogue landlords and property agents (see paragraph 32 above). We recognise, however, that Mr Rashid's inclusion in the database results from exactly the same convictions which now form the basis of the present application for a banning order. As such, this is not a factor which adds significant weight to the case for granting such an order.
43. Turning to the question of the likely effect of a banning order, we recognise that such an order would obviously have an adverse effect upon Mr Rashid – because it would curtail his activities as a professional landlord for a given period of time. The extent of that adverse impact would depend upon the extent and duration of any ban imposed. However, provided the terms of the order are proportionate, the fact that it would necessarily deprive Mr Rashid of a source of income is not a reason why a banning order should not be made. Indeed, the fact that a banning order will have both a punitive and a deterrent effect is an important policy consideration underpinning the legislation.
44. However, we also need to consider the likely effect of a banning order on others who may be affected by it, in addition to Mr Rashid. We note in this context an assertion (made in the representations mentioned at paragraph 38 above) that a banning order would lead to Mr Rashid's tenants needing to be rehoused, and thus to significant harm and disruption being caused to them. That assertion is misconceived, in our view, because a banning order does not invalidate any tenancy agreement held by occupiers of a property: although, following a banning order, Mr Rashid may exercise any ordinary rights he might have to regain possession of his properties (at the end of a tenancy, for example), the making of a banning order would not give him any additional or enhanced rights in this regard. Nor would it diminish the rights of his tenants. We also note that Doncaster Council is actively considering making interim management orders in relation to Mr Rashid's rental properties (under Part 4 of the Housing Act 2004). It seems to us that the likely result of such management orders being put

in place, following a banning order, would actually be to improve the safety and welfare of Mr Rashid's tenants.

45. Doncaster Council's Enforcement Policy does not provide its officers with detailed guidance to help them decide whether to pursue a banning order in any given situation. However, it does offer useful guidance in more general terms about the aggravating factors which will indicate a need for formal enforcement action of some kind (see paragraph 22 above). It is clear that all of those aggravating factors are present in the present case – and that decisive enforcement action against Mr Rashid was therefore warranted. Moreover, we note that the Government's non-statutory guidance recommends that banning orders should be used for the most serious offenders: for landlords who flout their legal obligations and knowingly rent out accommodation which is substandard. We have little hesitation in finding that, regrettably, Mr Rashid falls into this category of landlord. He has persistently failed to take the necessary action to make the properties occupied by his tenants safe to live in and, by such inaction, he has shown a disregard for his tenants' health and safety. In addition, by not complying with the relevant licensing requirements, Mr Rashid's conduct has risked undermining Doncaster Council's regulatory functions as a local housing authority.
46. Taking all of the above factors into account, we conclude that the Tribunal should grant the application for a banning order in this case.

Extent and duration of the ban imposed

47. We must therefore go on to determine the terms in which a banning order should be made and, in doing so, we must again have regard to the factors mentioned in section 16(4) of the 2016 Act. It is, of course, appropriate also to have regard to the proposals set out in the notice of intent served on Mr Rashid by Doncaster Council, but the Tribunal is not constrained by those proposals.
48. Doncaster Council has proposed that Mr Rashid should be banned from doing any of the three things listed in paragraph 2 above (letting housing; property management; and letting agency work). It is important to note that a banning order will not necessarily have that effect however: whilst the 2016 Act permits the Tribunal to order a blanket ban on doing any of these things, it also permits the Tribunal to be more selective, and to restrict any ban to just one or two of those things. Nevertheless, taking account of all the circumstances of this case, we agree with the Council's view that Mr Rashid should be banned from doing all three things. It is self-evident that the ban should include letting housing and engaging in property management work given all Mr Rashid's failings noted above. Moreover, even though we are not aware that Mr Rashid has previously been involved in letting agency work, we nevertheless consider it appropriate to ban him from engaging in that activity too because of the disregard he has shown for the importance of protecting the health and safety of residential tenants.

49. We also consider that, as an anti-avoidance measure, Mr Rashid should be banned from acting as an officer of any company that lets housing or is engaged in property management or letting agency work in England. He should also be banned from any involvement in the management of such a company.
50. We recognise that Mr Rashid is currently letting housing in England and, given the serious consequences of breaching a banning order, it would be unjust to put him in a position of being in immediate breach of the order we make. It is therefore appropriate to make the ban on letting housing subject to an exception to allow Mr Rashid time, either to make permitted/authorised disposals of his tenanted properties or, if he is lawfully able to do so, to serve notice on his tenants to secure vacant possession. Alternatively, the transitional period created by the exception should afford sufficient time for the local housing authority to pursue the option of making interim management orders, should it decide to do so.
51. Mr Rashid has not provided any details about the tenancy agreements to which his properties are subject and so we do not know when any of the tenancies are due to expire. We have therefore decided to limit the exception on letting to a period of three months from the date of the order. The exception will apply only to the properties which Mr Rashid has previously told the Council about.
52. Doncaster Council has proposed that the bans imposed by the order should last for two years. However, whilst we agree that a ban for a significantly longer period than that would be unduly harsh and would be disproportionate, we are concerned to ensure that the length of the bans is sufficient so that the banning order will have the appropriate punitive effect on Mr Rashid, given the very serious nature of his offending. It is also important that the order has a real deterrent effect, both on Mr Rashid himself, and on other landlords. Being mindful of the fact that, because of the exception, the operative period of the ban on letting housing would otherwise be just 21 months, we consider that all the bans imposed by the order should last for two years and six months.

OUTCOME

53. Our findings and conclusions in this case lead us to grant Doncaster Council's application and to make the banning order which accompanies this decision.



**First-tier Tribunal
(Property Chamber)
Residential Property**

Tribunal Reference: MAN/00CE/HBA/2019/0002
Applicant: Doncaster Metropolitan Borough Council
Respondent: Almas Rashid

BANNING ORDER

(Section 16 of the Housing and Planning Act 2016)

By this Order, **ALMAS RASHID** of 105 Thorne Road, Doncaster, South Yorkshire DN2 5BE **IS BANNED** from:

1. letting housing in England;
2. engaging in English letting agency work; and
3. engaging in English property management work.

Mr Rashid **IS ALSO BANNED** from being involved in any body corporate that carries out any of the above activities. He may not act as an officer of such a body corporate or directly or indirectly take part in, or be concerned in, its management.

Subject to the following exception, these bans take effect immediately. They will last for a period of **TWO YEARS AND SIX MONTHS** from the date of this Order.

In recognition of the need for appropriate transitional arrangements to be made, the ban on letting housing in England is subject to an exception: Mr Rashid may continue to let the housing listed in the Annex hereto for a period of up to three months from the date of this Order. However, he must not grant any new tenancies during this period.

Signed: J W HOLBROOK
Judge of the First-tier Tribunal
Date: 14 November 2019

NOTES:

1. **A person who breaches a banning order commits an offence and is liable on summary conviction to imprisonment for a period not exceeding 51 weeks or to a fine or to both. Alternatively, a local housing authority may impose a financial penalty of up to £30,000 on a person whose conduct amounts to that offence.**
2. A person who is subject to a banning order that includes a ban on letting may not make an unauthorised transfer of an estate in land to a prohibited person. Any such transfer is void (see section 27 of the Housing and Planning Act 2016).
3. A breach of a banning order does not affect the validity or enforceability of any provision of a tenancy or other contract.
4. A person against whom a banning order is made may apply to the Tribunal for an order under section 20 of the 2016 Act revoking or varying the order.
5. The expressions “English letting agency work” and “English property management work” have the meanings given to them by sections 54 and 55 of the 2016 Act respectively.
6. The reasons for making this banning order are set out in a Decision issued separately by the Tribunal.

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ANNEX

(List of housing to which 3-month exception to the ban on letting applies)

1. 22 Morley Road, Wheatley, Doncaster DN1 2TN
2. 113 Carr House Road, Hyde Park, Doncaster DN1 2BD
3. 36 Nether Hall Road, Doncaster DN1 2PZ
4. 45 Kings Road, Wheatley, Doncaster DN1 2LU
5. 6 Vaughan Avenue, Doncaster DN1 2QE