

Consequences of receiving a financial penalty and appeals

If a person receives a financial penalty, that fact can be taken into account if considering whether the person is a fit and proper person to be the licence holder for a House in Multiple Occupation or any other property subject to licensing.

Where a person receives two or more financial penalties over a 12 month period, the Council may include that person's details in the database of rogue landlords and property agents so that other local housing authorities are made aware that formal action has been taken against the person.

Consequences of non-payment of a financial penalty

If a person fails to pay the whole or any part of a financial penalty which the person is liable to pay, the Council may recover the penalty through the county court as if it were payable under an order of that court. If necessary, the Council may use county court bailiffs to enforce the order and recover the debt. A certificate signed by the chief finance officer of the Council which states that the amount due had not been received by a specified date will be treated by the courts as conclusive evidence of that fact.

Withdrawal or amendment of notice

The Council may at any time withdraw a notice of intent or final notice, or reduce the amount specified in a notice or final notice.

Works in default

The Council may carry out works in default where a financial penalty is imposed for failure to comply with an improvement notice under Section 30 as Section 31 and Schedule 3 of the Housing Act 2004 relating to works in default continue to operate.

Appeals

Appeals against a Final Notice must be made to

Residential Property London Region - First Tier Tribunal (Property Chamber)

10 Alfred Place, London WC1E 7LR

Telephone 0207 446 7700 Fax 01264 785 060

email: rplondon@hmcts.gsi.gov.uk.

Its website address is www.gov.uk/courts-tribunals/first-tier-tribunal-property-chamber

An appeal under this paragraph is to be a re-hearing of the Council's decision, but may be determined having regard to matters of which the Council was unaware. On an appeal under this paragraph the First-tier Tribunal may confirm, vary or cancel the final notice but the final notice may not be varied so as to make it impose a financial penalty of more than the Council could have imposed.