FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case reference	**:**	**LON/00AY/HMV/2020/0001**
HMCTS code (paper, video, audio)		**V: CVPREMOTE**
Property	**:**	**56 Crewsdon Road, London SW9 0LJ**
Applicant	**:**	**Mr Kansal**
Representative	**:**	**In person**
Respondent	**:**	**London Borough of Lambeth**
Representative	**:**	**Mr Nick Ham - Counsel**
Type of application	**:**	**Appeal against a decision by the Respondent to vary a licence (S69 and Sch 5 para 16 of Housing Act 2004)**
Tribunal member(s)	**:**	**Judge Dutton** **Ms S Coughlin MCIEH**
Venue	**:**	**Remote video hearing on 21 July 2021**
Date of decision	**:**	**19 August 2021**

DECISION

Covid-19 pandemic: description of hearing

This has been a remote video hearing which has not objected to by the parties. The form of remote hearing was V: CVYPREMOTE. A face-to-face hearing was not held because it was not practicable and all issues could be determined in a remote hearing. The documents that the Tribunal were referred to are in a two, bundles totalling some 500 pages, the contents of which have been noted.

DECISION

The Tribunal determines that the Notice to Vary the terms of the Licence dated 16 December 2019 is valid.
The Tribunal determines that the Applicant is required to carry out the works as set out in Schedule 2 under the heading "Discretionary Licensing Conditions" "Fire Safety" at Condition 3 within the period of 8 weeks from the date of this decision becoming final.

BACKGROUND

1. This matter came before us for determination on 21 July 2021 following some procedural to and froing, which included a preliminary hearing on the validity of the Notice to Vary dated 16 December 2019 (the Notice) and an appeal in respect of the FTT's decision on that point. The UT decision dismissing the appeal found in the favour of the Council and determined that the Notice was valid notwithstanding that the date of same was incorrect. It is not necessary for us to comment further on that aspect.

2. Directions were issued on 9 July 2020 and subsequently varied and have been complied with. This resulted in both parties producing bundles for the hearing on 21 July 2021, although the matter had originally been listed for 7 May 2021 but could not proceed on that day. In addition, Mr Kansal produced Further Submissions dated 26 March 2021. Before then the Council, through Mr Ham had lodged outline submissions responding to the Mr Kansal's Submissions for the full hearing, which were dated 15 February 2021 and appeared at document 234 of his bundle. The upshot of these documents was that the issues were fully aired in writing before the hearing.

3. We do not propose to go into detail in respect of the written submissions as they are common to both parties.

4. The case for Mr Kansal is twofold. The first is that the Notice is still invalid in that a valid reason for the variation was not provided by the Council as is required by paragraphs 14 to 16 of Part 2 of Schedule 5 to the Housing Act 2004 (the Act) and by reference to s69(1)(b) of the Act. These say as follows:

SCHEDULE 5 PART 2 **PROCEDURE RELATING TO VARIATION OR REVOCATION OF LICENCES**
Variation of licences

14 Before varying a licence, the local housing authority must—

(a)serve a notice under this paragraph on the licence holder and each relevant person, and

(b)consider any representations made in accordance with the notice and not withdrawn.

15The notice under paragraph 14 must state that the local housing authority are proposing to make the variation and set out—

(a)the effect of the variation,

(b)the reasons for the variation, and

(c)the end of the consultation period.

16(1)This paragraph applies where the local housing authority decide to vary a licence.

(2)The local housing authority must serve on the licence holder and each relevant person—

(a)a copy of the authority's decision to vary the licence, and

(b)a notice setting out—

(i)the reasons for the decision and the date on which it was made,

(ii)the right of appeal against the decision under Part 3 of this Schedule, and

(iii)the period within which an appeal may be made (see paragraph 33(2)).

(3)The documents required to be served under sub-paragraph (2) must be served within the period of seven days beginning with the day on which the decision is made.

5. In fact, the Notice says that the ground for variation is that there has been a change of circumstances since the licence was granted. This issue was not raised by Mr Kansal in the preliminary hearing, nor it would seem before the Upper Tribunal.

6. Mr Kansal's position on this is set out fully in the documents headed 'Appellant's Submissions for Full Hearing' dated 15 February 2021 and to a large extent repeated and expanded upon in his 'Further Submissions' dated 26 March 2021. We have carefully noted all that has been said.

7. For the Respondent Mr Young refers to directions issued by the tribunal in letter dated 18 June 2020 when the parties were required to make any further submissions on the validity of the Notice by 1 July 2020. It is averred that if Mr Kansal had done so this could have also been determined by the FTT and subsequently the UT. The outline submissions do, however, go on to give the Council's views on this issue.

8. Putting aside the validity of the variation and without prejudice to his contention that there is no valid variation, Mr Kansal deals also with the works required under the schedule to the licence.

9. It is helpful we think to set out a chronology. On 23 August 2019 (see page 80 of A's bundle) the Council wrote to Mr Kansal referring to his application for a licence in respect of 56 Crewsdon Road London SW9 0LJ (the Property) which had been made in May. The letter confirms that following inspection and assessment, whilst the Property did not meet the Council's standards for an HMO nonetheless the Council had decided to grant a licence on the basis that works set out on a schedule should be completed within the time specified. A Notice of Proposal was included dated 23 August 2019 which made no reference to the works in either schedule 1, Mandatory Conditions or schedule 2, Discretionary Conditions, but annexed to the proposed licence is a Schedule of Improvement/Repair works which are required to be completed within the time specified. In that Schedule of Works is the requirement for Mr Kansal to remove the fixed work surface and sink on the second floor landing with works to remove the electrical items and supply. This is the nub of the second limb of the dispute. The consultation period was due to end on 6 September 2019.

10. In a letter to the council dated 30 August 2019 Mr Kansal accepts certain works, complains about others but with a wish to address the issues and lists those works not accepted which included the kitchenette on the second landing and works to recessed lighting.

11. This objection to the removal of the sink unit and electrical installations on the second floor landing resulted in the Council contacting the London Fire Brigade for advice. The Brigade supported the Council's position (see page 149 of the R's

Bundle). On 17 September the Council wrote to Mr and Mrs Kansal responding to their representations and informing them of the response of the Brigade.

12. On 20th September 2019 the Council issued an HMO licence with supporting documentation, which is to be found at pages 156 onwards of the bundle. This includes the licence which is dated 20th September 2019 due to expire on 6th September 2024. The licence is for a maximum number of six people. Under the terms of the licence there are various matters set out and in schedule 1 are found the mandatory licencing conditions, which are not in issue in this case and in schedule 2 the discretionary licencing conditions, which contain no reference to the works to the second floor landing. Those are to be found in a document headed Schedule of Improvements/Repair Works which are to be completed by 17th October 2019 and which include at point 4 the following

"Remove the fixed work surface and sink on the second floor landing, the electric items and power socket outlet. Staircase, landings and entrance halls forming part of the means of escape shall be kept free of obstruction and combustible materials."

13. In an email of 23rd September 2019 from Mark Preston of the Council in response to a complaint raised against Ms Singh he says at the second paragraph "As set out by Arti Singh and to reiterate here the matters you have raised as representations at the licence proposal stage are not matters of consideration to the licence process. The licence will therefore be issued. The deficiencies and remedies raised on the informal schedule of works will be dealt with separately as they are not a condition of licence."

14. There then followed an exchange of emails concerning somewhat extraneous matters which do not take the issues for us to consider that much further.

15. Matters then moved on and on 13th November 2019 the Council wrote to Mr Kansal providing a variation to the HMO licence adding the works to the second floor landing as Item 3 of the Discretionary Licence Conditions. The letter said that the Council are happy to explore alternatives to the works in the proposed schedule and draws to his attention Mr Kansal's need to make written representations within 14 days. The difference between the original licence granted in September and the proposal is to be found in schedule 2 under discretionary licencing conditions where the following is included under the heading "Fire Safety"

3. The licence holder shall remove the fixed work surface, sink (and associated plumbing and drainage), cupboards, electrical items and power socket outlets (a blanking plate is acceptable) situated on the second floor landing and make good surfaces disturbed. Thirty-minute compartmentalisation is to be maintained between the common landing and the habitable rooms. The works to be carried out within eight weeks of the date of the licence.

16. This resulted in a letter from Mr Kansal to Ms Singh dated 22nd November 2019 which alleged that this was faulty decision makings by the Council in that there was no change of circumstances, that there was a faulty decision making process in that the fire risk assessment undertaken by Mr Kansal had not been considered and further that there was a failure to consult with Mr Kansal in relation to potential less onerous alternatives.

17. The letter went on to say that in Mr Kansal's view the requirements set out in the schedule to remove the work surface etc were "grossly excessive and disproportionate, that there was no issue with regard to obstruction and that the Council's position was contradictory and unlawful." The letter went on to raise that there had been no regard given to the independent fire risk assessment undertaken by Mr Kansal. Finally, an alternative compromise was put forward. On 16th December the Council responded to this letter essentially rejecting the suggestions for the reasons set out therein. On 16th December the notice of the decision by the Council to vary the licence was given citing that the variation was "because there had been a change in circumstances since the licence was granted."

18. Matters did not settle and accordingly Mr Kansal issued an application in the Tribunal on 26th December 2019 in which he challenged the Council's actions under a document headed Grounds of Appeal which cited the incorrect date on the licence (the matter that was determined by the Upper Tribunal), the fact that no valid reason was given but there was a failure to review all relevant materials and a failure by the Council to act fairly during consultation or explore alternatives such as PAT testing of electrical equipment and finally a failure to consult the London Fire Brigade.

19. In respect of the substantive issues under the discretionary licencing condition at 3, it was said that a risk assessment had not been carried out, that there was personal bias and animosity, that the condition was grossly excessive, disproportionate and contradictory and that it set the bar too high and constitutes a failure to adhere to the LACORS Guidance. This brings the matter to the hearing before us where we have received, as we have indicated above, bundles from both parties fully setting out their position.

HEARING

20. At the hearing held on 21st July 2019 we heard first from Mr Kansal. He relied on his various submissions as constituting his evidence in chief.

22. In cross-examination Mr Ham asked him to explain what the decommissioned sockets were under the worktop and why the electrical supply had been provided but no clear answer was given. It was put to him that the storage area breached LACORS Guidance in that it was a protected route, and it should not be there. His response concerning the area in question was that even if the items were removed it would leave an area where tenants could store various items. In fact, Mr Kansal said that he had agreed to amend the tenancy agreement so that they could not store items there. Put to him that the cupboards were combustible his response was that there was no high quantity of flammable substances and in any event the laminate flooring was little different to the units and that had not been the subject of question. He suggested it would be possible to paint the surfaces of the cupboards with fire resistant paint.

23. Our attention was drawn to an email from Mr Kansal of 27th January 2021 where offers to settle were made, which included the decommissioning of the electrical socket adding a clause to the agreement preventing the use of the area for storage and a six-monthly safety check by an independent third-party fire inspection company to ensure that the area was kept clear. There had also been mention made of a fire suppressant system, but this did not appear to have been fully investigated by either side.

24. Asked about the tenancy agreement he said that he visited the property every six months. The tenants were all friends and appeared to be using one of the bedrooms and a reception room as office accommodation. Mr Kansal made the point that the sink was in situ when he purchased the property and he considered it was useful for the tenants to have water at this level. He agreed that it would be possible to install a second kitchen in the property, but he did not think this was necessary however, it would be beneficial for the tenants to have access to water at a higher level in the property.

25. We then heard from Ms Singh who had provided a statement at page 112 of the Respondent's bundle. This confirmed that she was employed by the Council as an environmental health officer with over 25 years' experience. Details of her training and qualifications are contained in the statement.

26. She confirmed that the licence had first been issued with the works included in an attached schedule as it was hoped that they would be voluntarily undertaken by Mr Kansal at that stage. The concern was to ensure that the escape route was protected and the cupboards which were of a combustible material were removed. In addition, also, leaving the kitchen in that area would encourage activity as the tenants were using it at the time of her inspection as a pseudo kitchen witnessed by the presence of a coffee machine. In her view the LACORS Guidance made it clear that a cupboard on a fire escape must be fireproofed as had happened to a cupboard on the first floor.

27. We were taken to the correspondence with the London Fire Brigade concerning the existence of the kitchenette. There was a bit of confusion in the correspondence, but it was clear that the Fire Brigade were not in favour of the kitchenette remaining where it was situated.

28. She told us that she had taken guidance from her manager on the works and whether they would be done or not and had decided it would be better to add it as a condition to the licence rather than to serve a notice under section 12 of the Act. On the various offers made by Mr Kansal her response was that none of these resulted in the cupboard being removed which was a requirement. We were taken to a letter sent by Ms Singh to the London Fire Brigade of 29th January 2021 which resulted in a response on 1st February 2021 which made it clear that the commissioner was not satisfied with the proposals to provide a suitable means of escape from the property. The letter went on to set out what should not be found on a protected route, and this included storage cupboards unless they were fire resistant and kept locked shut and smoke alarms and detectors were fitted within them.

29. Ms Singh was then asked questions by Mr Kansal. She was asked about an option to serve an improvement notice which she said could be done but, in her view, it would be better dealt with to be included within the discretionary conditions. Discussions then took place about a possible water-based sprinkler system of which Mr Kansal had been dismissive. There were then discussions concerning the original licence, which did not include the works to the kitchenette within the 2nd schedule and Ms Singh was taken through a number of items of correspondence seeking to show that in Mr Kansal's view there had been no explanation given for the change of circumstances. Ms Singh however did confirm at the hearing that in the Council's view the change of circumstances was

that Mr Kansal did not wish to carry out the works to the kitchenette area on a voluntary basis.

30. Reference was made to the suggestion put forward by the Council of a fire suppression system which appeared to be water based. It was Mr Kansal's view, that he put to Ms Singh, that this was inappropriate because the fire would be electrical and using water would not be the correct way of dealing with it. Matters then moved on to discussing what would happen to the area if the kitchen unit was removed. In Ms Singh's view that it would be for him, as a term of management, to ensure that the tenants did not store items there.

31. In re-examination it was put to her that the water system, although it had been suggested in the letter from the Council of 13th November 2019, was merely a suggestion and was not something that they were insisting on. If a powder system had been put forward, then that would be considered but Ms Singh was of the view that it was not for the Council to put forward alternative means.

32. Following the evidence of Ms Singh, we heard from Mr Preston who had also made a witness statement commencing at page 213 of the Respondent's bundle. The statement confirmed that Mr Preston was the interim head of private sector enforcement and regulation having been in post since November of 2019. Before that he had been the private sector housing team manager. The statement set out his qualifications and his present role.

33. He confirmed that he was aware of the process leading up to the licence and that in September of 2019 the manager who had been dealing with HMO licences changed and with it a review of the system as it was thought there may have been some confusion concerning conditions to be included in licence documents. He confirmed that the position was now that where there was an issue which could be included as a licence condition then it would be included rather than using separate enforcement under part 1 of the Housing Act 2004.

34. He confirmed in answer to Mr Ham that when it became known to him that Mr Kansal was not agreeing, he became involved in discussions concerning various options to resolve the apparent impasse. He said that the Council had considered whether a prohibition order would be reasonable but that was rejected. An improvement notice might have been appropriate, but his view was that that would have exposed Mr Kansal to more costs. He considered that the route that the Council has taken had not prejudiced Mr Kansal as he was able to bring the matter before the Tribunal. He confirmed that the change of circumstances was that until the point of change Ms Singh had been involved in informal discussions with Mr Kansal but it became clear that this was a sticking point which he would not agree and his unwillingness to so act was in the Council's view the change of circumstances that justified the variation of the licence.

35. Asked about the Delco report that Mr Kansal had produced which was dated 13th May 2019 and appeared at page 47 of the Applicant's bundle, he said that he was not initially aware of this. He said that he had subsequently considered the report in detail but in his view it did not affect the Council's position. His reasons for this were that there were a number of examples in the report which caused him to believe that the report was not to an acceptable standard. He considered that the description of the Property was inaccurate. Furthermore, the report lacked details of escape routes. Reference was made to a sprinkler system but in a letter that Delco had sent to Mr Kansal from memory, the writer a Mr Wilmer,

refers to the kitchenette on the first floor, not the second, not having cooking facilities and that the items such as a kettle and microwave were a relatively low risk and could be part of the PAT testing regime. On the question of water sprinklers Mr Preston's view was that most would put out a fire but were also designed to suppress smoke. Insofar as the dry powder system was concerned, he did not think that would be approved in residential premises as it was more used for commercial premises and the powder could be toxic.

36. He was then taken to a witness statement by Mr Msweli of MCM Electrical Contractor which purported to be expert evidence although contained no statement as such that one would expect to see in an independent expert's report. Mr Preston was dismissive of the statement. It was not in his view a fire risk assessment, there were no qualifications shown for the maker to give a fire risk assessment. Asked about a couple of paragraphs, one of which dealt with the means of escape at paragraph 10 Mr Msweli's witness statement. he said it was not suggested that the kitchen area was the obstruction, but it was the additional fire loading and ignition source which was the concern. He was taken to a photograph and expressed concern about the continuing presence of electrical wiring, such as junction box below the worktop. Reference was made to elements in the LACORS Guidance and studies and at page 17 of the guidance reference was made to paragraphs 15.3 and 15.4 confirming that the protective route should be maintained free of obstructions. It was noted that at paragraph 15.4 it states, "storage cupboards should not be located in protected routes unless they are fire resisting and kept locked shut and smoke alarm detectors are fitted within them."

37. He, as with Ms Singh, was asked questions by Mr Kansal. He confirmed that the new information relied upon by the Council was Mr Kansal's unwillingness to carry out the works in the kitchen area. There were discussions concerning the preference for a fire suppression system although it was accepted by Mr Preston that a full system for a property of this nature would be very expensive, but a partial system would be far more economical. His view was however, that the most economical route for Mr Kansal was to remove the kitchen unit. There was some discussion as to the extent for which example D5 in the LACORS Guidance related to a property which had a cellar and we were referred to the guide concerning cupboards in areas of escape which could remain subject to fire prevention methods and locking, together with smoke alarms.

38. Mr Kansal referred Mr Preston to the email he had sent dated 20th September 2019 at page 149 of the bundle. It was confirmed that this was responded to by the Council on 23rd September 2019 and accepted by Mr Preston that the removal of the kitchen unit was not a condition of the original licence. However, he did not accept that he gave an assurance that it would not become a condition. Mr Kansal asked him to confirm whether he was aware that it was the Applicant's view that he was not happy with the removal of the kitchen unit since his letter of 30th August 2019. Mr Preston confirmed that the change in circumstances was indeed Mr Kansal's unwillingness to carry out the works, although there had been informal discussions about same. Mr Preston told us that to enable Mr Kansal to challenge they had included the variation, as they had, in the schedule. It was confirmed that no risk assessment had been undertaken insofar as the kitchen unit was concerned. Mr Preston did, however, confirm that if they had proceeded under section 11 or 12 of the Act then an assessment would have been produced.

He also confirmed that the cupboards were not satisfactory and painting them would not achieve sufficient fire protection. Asked about the negotiations with Mr Kansal, Mr Preston told us that he was under the view that Mr Kansal would have carried out the work to the kitchen on a voluntary basis especially as he had undertaken to deal with other items.

39. Under questioning from the Tribunal Mr Preston accepted the Property was a four-storey house although his view was that the basement was a utility space and which would therefore make it a five storey. Whether it was four or five storey he did not think that a kitchenette on the second floor was acceptable. Somewhat surprisingly he did indicate that if he had served an improvement notice he might have put to one side any advice given to him by the fire authority with regard to mitigating any risk. As an end comment he did concede that a metal sink, which would have to be earthed might be an appropriate alternative.

40. At the end of the evidence Mr Kansal indicated he had no wish to make further submissions. Mr Ham's submissions were short and to the point. The change of circumstances is discretionary and a subjective test. There is no definition and as this was a re-hearing could include new information. There was he said in any event, an alternative space for the kitchen to be relocated in the storage room at this floor level.

41. Mr Kansal indicated he wanted to come back on the law but confirmed that he was content for us to decide whether or not the Act had been complied with on the basis that this was a re-hearing.

FINDINGS

42. It is interesting to note that the comment made by the Upper Tribunal in Mr Kansal's first appeal at paragraph 3 where it says that although the Applicant was not legally represented, he had an extensive familiarity with the relevant case law. This knowledge has certainly been relied upon in relation to this application where we are satisfied that Mr Kansal was able to fully argue his case.

43 Dealing firstly with the variation to the licence, we do find Mr Kansal's actions in this case somewhat perverse. He had set out in his grounds that there were two elements to the notice which he sought to challenge, both the date and whether or not the change was validly made. He chose not to pursue the second point before the FTT or before the Upper Tribunal. It is right that this Tribunal in June of 2020 indicated that they expected all matters concerning the validity of the notice to be dealt with in the first preliminary hearing. Mr Kansal did not do so. Instead, he decided to introduce the complaints concerning the variation in these subsequent proceedings. Notwithstanding these comments we shall deal with the point concerning the validity of the variation.

44. Our findings are that the definition contained in the Act representing change of circumstances includes discovery of new information (section 69(i)(b)) and under part 2 of the 5th schedule it is clear that a notice given under paragraph 14 should set out both the effect of the variation, the reasons and the end of the consultation period. To be fair to Mr Kansal, the Council were not as transparent as might be the case, in their reason for seeking the variation. It is only recently, possibly only at the hearing it seems, that they have nailed their colours to the mast and said that the change of circumstances was Mr Kansal's unwillingness to deal with the removal of the kitchenette under the schedule, which accompanied the original licence.

45. The evidence from the Council was that given that Mr Kansal had carried out the other works under the schedule, they were of the view, although it is not wholly clear why, that the works associated with the kitchenette would also be undertaken. It was clear, however, by the end of August of 2019 that Mr Kansal is not willing to take that step. It seems that following this reaffirming of his position the Council decided to include the works in the 2nd schedule to the varied licence. Mr Kansal accepted that the Council could have dealt with the removal of the kitchen at the second floor level by way of an improvement notice.

46. We propose to take a pragmatic view on the variation of the licence. We do not consider that Mr Kansal's position has been prejudiced. Indeed, as Mr Preston said, he does not face a charge by the Council, which would have arisen if they had successfully pursued the Improvement Notice route. He has had the opportunity to fully argue his points in relation to the merit of removing the kitchenette from the second floor and indeed has gone to great length to deal with the various elements of the LACORS Guidance and the various cases which he has recited in his submissions. We are satisfied, therefore, that whether or not the Council were as open in their dealings with the Appellant in connection with the variation the licence as they should have been, no prejudice has been caused and as we deal with the matter afresh, we are prepared, although not without some criticism of the Council, to allow the variation.

47. We then turn to the substantive part of the case as to whether or not the kitchenette should remain and if it does whether there should be further steps taken by Mr Kansal to ameliorate any concerns that the local authority has. To be fair to Mr Kansal he has been relatively proactive in that he has 'blanked' the electrical sockets, although it was not wholly clear what the position was with the electrical supply beneath the work top, he has amended the tenancy agreement to prevent tenants storing items in the area and would agree some form of PAT testing. He also indicated that the possibility of installing some form of powder sprinkler system might be an option. He did not however provide any detailed information about a system. He was dismissive of any fire prevention system involving water sprinklers, the suggestion for which seems to have first come from the Council, which did not sit comfortably with Ms Singh assertion to us that it was not for the Council to suggest options.

48. We have heard all that has been said by reference to the LACORS Guidance. It is a guide. However, it is clear that that guide provides that cupboards on an escape route should be locked and be fire proofed and contain an alarm. None of those steps have been taken here. The suggestion that the unit could be painted with some form of fire preventative paint did not seem to be realistic. We do not in truth understand why Mr Kansal has not just removed the kitchenette. It seems to us that he has enjoyed the dispute with the Council.

49. Reference is made by Mr Kansal to the Decors fire risk assessment and the expert evidence that he says he relies upon, in the form of the witness statement from Mr Msweli. The Decors report was produced to the Council, it would seem under cover of an email dated 26 December 2019 to the HMO licensing team, but it would seem did not come to Mr Preston's attention until later. It refers to the kitchenette on the third floor, when it is the second, but does not appear to address the issue of the kitchenette. As we have indicated above, although Mr Msweli is tendered as an expert's statement it does not fulfil that requirement. Mr Msweli is an experienced electrical engineer and contractor but we are not

aware that he holds any fire risk assessment qualifications. The Council were in our view entitled not to accept this evidence. In contrast the Council has on at least two occasions been in contact with the local fire brigade who have unequivocally indicated that they do not consider the retention of the kitchenette in this area to be acceptable. We prefer the findings of the local fire brigade to those of the persons put forward by Mr Kansal in support of his case.

50. We find, therefore, that Mr Kansal must comply with the provisions contained at paragraph 3 in the 2nd schedule annexed to the varied licence and that those works should be carried out within four weeks from the date of this decision.

51. We would just as a matter of comment whilst we can see there may be some convenience to the tenants at this floor level, that is not sufficient to put in jeopardy the potential escape by at least three tenants living in the upper echelons of the Property.

52. Accordingly, we dismiss the appeal and find that Mr Kansal must undertake and complete the works relating to the sink unit as set out in the varied licence as set out below, within the period of 8 weeks from when this decision becomes final:

3. The licence holder shall remove the fixed work surface, sink (and associated plumbing and drainage), cupboards, electrical items and power socket outlets (a blanking plate is acceptable) situated on the second floor landing and make good surfaces disturbed. Thirty-minute compartmentalisation is to be maintained between the common landing and the habitable rooms. The works to be carried out within eight weeks of the date of the licence.

Tribunal Judge Dutton 19 August 2021

ANNEX – RIGHTS OF APPEAL

1. 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 at the Regional Office which has been dealing with the case.
2. 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.
3. If the application is not made within the 28-day time limit, such application must include a request to 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.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates (ie 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.