

Y Tribiwnlys Eiddo Preswyl
Residential Property Tribunal Service (Wales)

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DECISION AND REASONS OF RESIDENTIAL PROPERTY TRIBUNAL
Housing Act 2004

Premises: 10 Connaught Road, Cardiff, CF24 3PT and 43 Pen y Wain Road, Cardiff, CF24 4GE (“the premises”)

RPT ref: **RPT/070/03/19 AND RPT/0072/03/19**

Hearing: 9th July 2019

Applicant: **Assan Khan**

Respondents: **Cardiff County Council**

Tribunal: Mr J E Shepherd – Judge Chairman
Mrs J Coupe FRICS - Surveyor member
Mr B Brereton - Lay Member

The Appeal

1. Mr Khan, the Applicant made the present application on 8th March 2019 challenging the Licence conditions in relation to two of his properties at 10 Connaught Road, Roath, Cardiff, CF24 3PT and 43 Pen y Wain Road, Cardiff, CF24 4GE both of which are Houses in Multiple Occupation (HMOs). His application states:

- 1. Jurisdiction regarding if property is licensable*
- 2. The number of occupants permitted is insufficient.*
- 3. Licence poorly drafted, difficult to understand and ambiguous.*
- 4. Non disclosure of information by local authority.*
- 5. Works requested unreasonable.*
- 6. Time frame of works unrealistic.*
- 7. There has been infringement of the Human Rights Act 1998.*

2. In the event during the appeal Mr Khan concentrated on Nos 2, 5 and 6. The question of jurisdiction and non disclosure which are linked were pursued almost as an afterthought by Mr Khan at the end of the hearing. These are matters which the Tribunal has dealt with before in previous appeals brought by Mr Khan.

3. In his submissions dated 9th May 2019 Mr Khan gave some further detail in relation to his argument that the Tribunal should allow him to explore and pursue building regularisation rather than avenues of HMO registration. It has already been explained to Mr Khan that this is not within the Tribunal's jurisdiction (see in particular 152 and 154 Mackintosh Place, Roath, Cardiff, CF24 4RS RPT/0015/10/17 and RPT/0016/11/17 where precisely the same argument was raised and rejected by the Tribunal at [50]). It is not intended to spend any further time on the issue here. The remaining written submissions were general without proper particularity. It was not possible to identify which of the properties were being referred to. Accordingly the Tribunal had little alternative than to go through each of the Licence conditions and identify what specific objections Mr Khan had. It is noted that a similar approach was taken in the 152 and 154 Mackintosh Place appeal. This is not an acceptable way of proceeding. Mr Khan should know by now that he is required to properly particularise his case. He has been given latitude in this appeal. It's unlikely that he will be given latitude again.

4. Faced with vague and general criticisms (some of which are very familiar to them) the Respondents prepared a detailed written response exhibiting all relevant documents in their possession. There were also short statements in relation to both properties by Rachel Stickler, the Neighbourhood Services Officer dated 28th May 2019 and 30th May 2019. In short the sequence of events was as follows:

- 3rd November 2014 - Cardiff Council declare Plasnewydd Ward an area of Additional Licensing Scheme requiring all HMOs to be Licenced.
- 4th January 2018 - Mr Khan makes an application for a licence for 10 Connaught Road and 43 Pen-Y- Wain Road
- 11th November 2018 - Licene inspection carried out by Ms Stickler and a colleague at 10 Connaught Road.
- 12th December 2018 - Licence inspection carried out by Ms Stickler and a colleague at 43 Pen-Y- Wain Road
- 16th January 2019 - draft licence with conditions for 10 Connaught Road sent to Mr Khan.
- 29th January 2019 - draft licence with conditions for 43 Pen-Y-Wain Road sent to Mr Khan.
- 8th February 2019 - after no representations from Mr Khan the full Licence was issued for 10 Connaught Road.
- 14th February 2019 - after no representations from Mr Khan the full Licence was issued for 43 Pen -Y-Wain Road.

5. It is disappointing to note that Mr Khan failed to take up the opportunity to make representations in relation to the draft licence conditions but instead sought to appeal those conditions after they had been made final. At times during the hearing the discussions between the parties were akin to the sort of discussions that could have taken place had Mr Khan made these earlier representations. In these circumstances it is disproportionate to have matters dealt with in this way.

The Law

6. Section 71 of the Housing Act 2004 provides that Schedule 5 has effect to deal with the procedural requirements relating to the grant, refusal, variation or revocation of licences and appeals against licence decisions. The provisions concerning appeals against licence conditions are contained in Part 3 of Schedule 5 and provide as follows:

Part 3 Appeals against Licence Decisions Right to appeal against refusal or grant of licence

31 (1) The applicant or any relevant person may appeal to the appropriate tribunal against a decision by the local housing authority on an application for a licence—

(a) to refuse to grant the licence, or

(b) to grant the licence.

(2) An appeal under sub-paragraph (1)(b) may, in particular, relate to any of the terms of the licence. Right to appeal against decision or refusal to vary or revoke licence

32(1) The licence holder or any relevant person may appeal to the appropriate tribunal against a decision by the local housing authority—

(a) to vary or revoke a licence, or

(b) to refuse to vary or revoke a licence.

(2) But this does not apply to the licence holder in a case where the decision to vary or revoke the licence was made with his agreement. ... Powers of tribunal hearing appeal

34(1) This paragraph applies to appeals to the appropriate tribunal under paragraph 31 or 32(2) An appeal—

(a) is to be by way of a re-hearing, but

(b) may be determined having regard to matters of which the authority were unaware.

(3) The tribunal may confirm, reverse or vary the decision of the local housing authority.

(4) On an appeal under paragraph 31 the tribunal may direct the authority to grant a licence to the applicant for the licence on such terms as the tribunal may direct... ”

The Licence Conditions

7. When considering an application for an HMO Licence the local authority must be satisfied, *inter alia*, that the house is reasonably suitable for occupation by not more than the maximum number of households or persons specified in the application or otherwise determined by that authority (per section 64):

64 Grant or refusal of licence

(1) Where an application in respect of an HMO is made to the local housing authority under section 63, the authority must either—

(a) grant a licence in accordance with subsection (2), or

(b) refuse to grant a licence.

(2) If the authority are satisfied as to the matters mentioned in subsection (3), they may grant a licence either—

(a) to the applicant, or

(b) to some other person, if both he and the applicant agree.

(3) The matters are—

(a) that the house is reasonably suitable for occupation by not more than the maximum number of households or persons mentioned in subsection (4) or that it can be made so suitable by the imposition of conditions under section 67... ”

8. A house is not “reasonably suitable for occupation” under section 64(3)(a) unless it satisfies the requirements and prescribed standards of section 65 of the Act. For these purposes “prescribed standards” means standards prescribed by regulations made by the appropriate national authority. Section 65 states as follows:

65 Tests as to suitability for multiple occupation

(1) The local housing authority cannot be satisfied for the purposes of section 64(3)(a) that the house is reasonably suitable for occupation by a particular maximum number of households or persons if they consider that it fails to meet prescribed standards for occupation by that number of households or persons.

(2) But the authority may decide that the house is not reasonably suitable for occupation by a particular maximum number of households or persons even if it does meet prescribed standards for occupation by that number of households or persons.

(3) In this section “prescribed standards” means standards prescribed by regulations made by the appropriate national authority.

(4) The standards that may be so prescribed include—

(a) standards as to the number, type and quality of—

(i) bathrooms, toilets, washbasins and showers,

(ii) areas for food storage, preparation and cooking, and

(iii) laundry facilities,

which should be available in particular circumstances; and

(b) standards as to the number, type and quality of other facilities or equipment which should be available in particular circumstances.

9. In Wales, the material secondary legislation includes the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Wales) Regulations 2006 (SI 2006/1715) and the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (Wales) Regulations 2007.

10. Regulation 8 of the 2006 Regulations reads:

“8 Prescribed standards for deciding the suitability of a house for multiple occupation by a particular maximum number of households or persons

(1) The standards prescribed for HMOs other than section 257 HMOs for the purpose of section 65 of the Act (tests as to suitability of HMO for multiple occupation) are those set out in Schedule 3.

(2) The standards prescribed for section 257 HMOs for the purpose of section 65 of the Act are—

(a) that all bathrooms and toilets contained in each flat must be of an adequate size and layout, and all wash-hand basins must be suitably located and be fit for purpose, having regard to the age and character of the HMO, the size and layout of each flat and its existing provision for wash-hand basins, toilets and bathrooms;

(b) those standards set out in paragraph 4(1) of Schedule 3, in so far as it is reasonably practicable to comply with them; and

(c) those standards set out in paragraph 5 of Schedule 3.”

11. A “section 257 HMO” is an HMO as defined in that section of the Act which concerns certain converted blocks of self contained flats. The section in full states the following :

257 HMOs: certain converted blocks of flats

(1) For the purposes of this section a “converted block of flats” means a building or part of a building which—

(a) has been converted into, and

*(b) consists of,
self-contained flats.*

(2) This section applies to a converted block of flats if—

(a) building work undertaken in connection with the conversion did not comply with the appropriate building standards and still does not comply with them; and

(b) less than two-thirds of the self-contained flats are owner-occupied.

(3) In subsection (2) “appropriate building standards” means—

(a) in the case of a converted block of flats—

(i) on which building work was completed before 1st June 1992 or which is dealt with by regulation 20 of the Building Regulations 1991 (S.I. 1991/2768), and

(ii) which would not have been exempt under those Regulations,

building standards equivalent to those imposed, in relation to a building or part of a building to which those Regulations applied, by those Regulations as they had effect on 1st June 1992; and

(b) in the case of any other converted block of flats, the requirements imposed at the time in relation to it by regulations under section 1 of the Building Act 1984 (c. 55).

(4) For the purposes of subsection (2) a flat is “owner-occupied” if it is occupied—

(a) by a person who has a lease of the flat which has been granted for a term of more than 21 years,

(b) by a person who has the freehold estate in the converted block of flats, or

(c) by a member of the household of a person within paragraph (a) or (b).

(5) The fact that this section applies to a converted block of flats (with the result that it is a house in multiple occupation under section 254(1)(e)), does not affect the status of any flat in the block as a house in multiple occupation.

(6) In this section “self-contained flat” has the same meaning as in section 254

12. Schedule 3, paragraphs 4(1) and 5 prescribe the following standards:

Units of living accommodation without shared basic amenities

4(1) Where a unit of living accommodation contains kitchen facilities for the exclusive use of the individual household, and there are no other kitchen facilities available for that household, that unit must be provided with—

- (a) adequate appliances and equipment for the cooking of food;*
- (b) a sink with an adequate supply of cold and constant hot water;*
- (c) a work top for the preparation of food;*
- (d) sufficient electrical sockets;*
- (e) a cupboard for the storage of kitchen utensils and crockery; and*
- (f) a refrigerator...*

Fire precautionary facilities

5 Appropriate fire precaution facilities and equipment must be provided of such type, number and location as is considered necessary.”

13. It follows from this that, insofar as reasonably practicable, a section 257 HMO must have adequate appliances and equipment for the cooking of food and a suitable worktop space for food preparation. There must also be appropriate fire precaution facilities and equipment.

14. Section 67 of the Act addresses licence conditions:

67Licence conditions (1) A licence may include such conditions as the local housing authority consider appropriate for regulating all or any of the following— (a) the management, use and occupation of the house concerned, and (b) its condition and contents. (2) Those conditions may, in particular, include (so far as appropriate in the circumstances)— (a) conditions imposing restrictions or prohibitions on the use or occupation of particular parts of the house by persons occupying it; (b) conditions requiring the taking of reasonable and practicable steps to prevent or reduce anti-social behaviour by persons occupying or visiting the house; (c) conditions requiring facilities and equipment to be made available in the house for the purpose of meeting standards prescribed under section 65; (d) conditions requiring such facilities and equipment to be kept in repair and proper working order; (e) conditions requiring, in the case of any works needed in order for any such facilities or equipment to be made available or to meet any such standards, that the works are carried out within such period or periods as may be specified in, or determined under, the licence; (f) conditions requiring the licence holder or the manager of the house to attend training courses in relation to any applicable code of practice approved under section 233. (3) A licence must include the conditions required by Schedule 4. (4) As regards the relationship between the authority’s power to impose conditions under this section and functions exercisable by them under or for the purposes of Part 1 (“Part 1 functions”)— (a) the authority must proceed on the basis that, in general, they should seek to identify, remove or reduce category 1 or category 2 hazards in the house by the exercise of Part 1 functions and not by means of licence conditions; (b) this does not, however, prevent the authority from imposing licence conditions relating to the installation or maintenance of facilities or equipment within subsection (2)(c) above, even if the same result could be achieved by the exercise of Part 1 functions; (c) the fact that licence conditions are imposed for a particular purpose that could be achieved by the exercise of Part 1 functions does not affect the way in which Part 1 functions can

be subsequently exercised by the authority. (5) A licence may not include conditions imposing restrictions or obligations on a particular person other than the licence holder unless that person has consented to the imposition of the restrictions or obligations. (6) A licence may not include conditions requiring (or intended to secure) any alteration in the terms of any tenancy or licence under which any person occupies the house.

The inspections

15. The Tribunal inspected both properties on the morning of the hearing.

42 Pen Y Wain Road, Cardiff, CF24 4GE

16. This is a bay fronted mid-terrace property built in the first half of the twentieth century as a single private residential dwelling-house. The property was subsequently converted, at a date unknown, into three flats and one bedsit accessed from a common hall, stairway and landing. The building is of stone construction under a pitched and slate roof with a small single storey extension to the rear.

17. From the front entrance there is access into the Ground Floor Front Flat which provides a bedroom at the front and a living room/kitchen and bathroom to the rear. To the rear of the ground floor and, again accessed off the communal entrance, is the Ground Floor Rear Flat which comprises a living room/bedroom, kitchen and bathroom.

18. A common staircase from the hall leads to the First Floor bedsit with shared bathroom and kitchen facilities. The front left room, measuring 8.16m², although occupied at the time of inspection had been designated as too small to be occupied. A further staircase from the landing provides access to the Second Floor Flat which comprises a living room/kitchen; the bedroom and shared facilities for this flat being located on the first floor.

19. The only means of escape from the first floor and second floor accommodation is via the communal staircase. Amenities were found to be accurately shown within the plans attached to the Licencing Survey Sheets as provided in Appendix B of the Respondent's bundle, pages 61 – 63 inclusive.

10 Connaught Road, Cardiff, CF24 3PT

20. This is a double bay fronted end-terrace property built between the late nineteenth century and the first half of the twentieth century as a single private residential dwelling-house. The property was subsequently converted, at a date unknown, into one flat and six bedsits accessed from a common hall, stairway and landing. The building is of stone construction under a pitched and slate roof.

21. From the front entrance there is access into the Ground Floor Front Left bedsit which provides a living room/kitchen/bedroom and bathroom. To the right of the communal hallway is the Ground Floor Front Right bedsit which provides a living room/kitchen/bedroom. To the rear of the ground floor, and on the right hand side, is the Ground Floor Rear Right bedsit which provides a living room/kitchen/bedroom and bathroom. A communal bathroom is located to the rear left of the ground floor. Stairs from the entrance hall lead down to the basement; this was not inspected.

22. A common staircase from the hall leads to the first floor where three bedsits are located. First Floor Front Left bedsit provides a living room/kitchen/bedroom and bathroom. First Floor Front Right bedsit provides a living room/kitchen/bedroom. First Floor Rear Right bedsit provides a living room/kitchen/bedroom and bathroom. A communal bathroom is located on the first floor.

23. A further staircase from the landing provides access to the Second Floor Flat which comprises living room/bedroom, further bedroom, kitchen and bathroom. The only means of escape from the first floor and second floor accommodation is via the communal staircase. Amenities were found to be accurately shown within the plans attached to the Licencing Survey Sheets as provided in Appendix A of the Respondent's bundle, pages 50 – 51 inclusive.

The hearing

24. As already mentioned during the hearing Mr Khan was allowed further time to identify specific issues that he had with the respective Licences.

42 Pen- Y-Wain Road

25. Mr Khan challenged the fact that the First Floor Bedsit was limited to occupation by two persons. He said that 3 persons should be allowed. He said the space standards in Cardiff were too high and too rigid. Other local authorities had lower standards. He also said the standards used by Cardiff were arbitrary and used inflexibly. The Tribunal does not accept these criticisms. The Respondents have carefully applied their own space standards which compare well with other authorities as evidenced at page 14 of their submissions. The Tribunal considers the space standards used by the Respondents to be eminently sensible. Further the variations agreed by the council during the hearing (see below) demonstrate their flexibility in applying the standards.

26. Mr Khan also challenged the fact that the Second Floor Flat had been limited to occupation by one person based on its size. He said two people should be allowed to occupy the flat. Ms Stickler accepted that if the flat was occupied by one household (a couple) it was sufficient in size. On this basis she agreed a variation in the Licence terms to allow occupation by two persons in the same household. The Tribunal agrees with and endorses this variation.

27. There was discussion about the requirement to provide an additional smoke detector in the lobby outside the first floor front bedrooms and on the second floor landing. It was agreed that this requirement could be varied to simply require the provision of an additional smoke detector in the lobby on the second floor landing. The Tribunal accepts and endorses this variation.

28. In relation to the under-stairs cupboard Mr Khan said this had already been fire protected as required. Ms Stickler had not been able to inspect this when she visited because there had been no access given. It was agreed that the condition could be varied to ensuring the fire protection work had been carried out.

28. A further variation was agreed removing the words "also above the lobby area leading to the first floor front bedrooms" in the condition dealing with fire safety in the first floor rear bedroom and second floor living/kitchen area.

29. Mr Khan objected to the condition requiring work tops on either side of the cooker. This is an issue that has been raised unsuccessfully by Mr Khan in other appeals. He says that other authorities do not require worktops on either side. The Tribunal cannot see that the requirement of work tops on both sides of a cooker in the context of an HMO as anything other than advisable. Further it is a requirement that does not cause Mr Khan significant prejudice.

30. In the case of both properties Mr Khan argued that a five year Licence period was inadequate. This was an entirely new argument which was unsupported by evidence. The council always issue five year Licences.

10 Connaught Road

31. Mr Khan argued that the Licence for the Ground floor rear right bedsit should permit occupation by two people even though it was only 13.6 m². Ordinarily Cardiff Council's space standards require 15m². He said these standards were being applied inflexibly. He referred to EU directives which he had not brought to the Tribunal and which are not therefore to be taken into account. The council were not prepared to vary this condition and neither is the Tribunal. There is no cogent argument for variation.

32. The Second floor Flat is relatively spacious although it has an unusual shape due to the eaves. It is currently designated for two persons but is occupied by a couple with a child. Upon consideration the Tribunal accept that this condition can be varied to allow for occupation by a couple with a child aged up to 8 years old *i.e.* a young child.

33. In relation to the under- stairs area on the ground floor the Tribunal considers that there should be equivalent fire protection as that in 42 Pen- Y-Wain Road and amend the Licence condition accordingly to require the provision of a fire door.

34. Mr Khan objected to the condition requiring the second floor door to be altered so that it does not open outward on the fire escape route. He said it could not be altered to achieve this. As with most of the other specific objections raised by Mr Khan this was the first time the issue had been raised. The council emphasised the importance of retaining fire safety and the Tribunal accepts this accordingly it is not willing to alter this part of the Licence.

35. Mr Khan again raised the issue of dual worktops which has already been dealt with above.

36. As an after-thought Mr Khan again raised the issue of whether the premises are licensable as HMOs. He has raised this in previous appeals including *152-154 Mackintosh Place*. The argument is curious because it follows a successful award of an HMO Licence which was applied for by him. The argument rests on Section 257(2) Housing Act 2004 which states:

(2) This section applies to a converted block of flats if—

(a) building work undertaken in connection with the conversion did not comply with the appropriate building standards and still does not comply with them; and

(b) less than two-thirds of the self-contained flats are owner-occupied.

37. Mr Khan combines the argument with an allegation that the council has failed to disclose relevant building standards documents so that the Tribunal should give him the benefit of the doubt and find that the self-contained flats concerned did comply with the appropriate standards. The problem here as previously identified is that the Licence conditions imposed are so extensive particularly with regard to fire safety that it is unimaginable that the buildings

ever met the requisite conditions. Ms Stickler stated and the Tribunal accepts that the dangerous layout of the buildings would not meet the 1991 Regulations. Accordingly the Tribunal finds that the premises are licensable.

Costs

38. Mr Grigg for the council applied for costs in relation to both applications. The Tribunal's powers to award costs are restricted by Paragraph 12 of Schedule 13 to Housing Act 2004. Mr Grigg relied particularly on subsection (2) (d) of paragraph 12 because he said Mr Khan had acted vexatiously in bringing the application. He said that the premises were clearly licensable. Once he had received the draft notice Mr Khan had failed to contact the council to raise the issues he was now seeking to argue in the appeal. Mr Khan was running many of the same arguments he had already lost on in previous applications and if he had raised his arguments properly at an earlier stage the variations that were made during the tribunal could have been made earlier. Instead the Tribunal had to go through his objections on a point by point basis. Mr Grigg sought £1000 to reflect the two applications involved.

39. Mr Khan responded to the costs application by again raising the issue of disclosure and his allegation that the council have failed to disclose all documents. He also raised procedural issues in relation to the council's statement of case. He said he was entitled to bring the appeal. Finally he said that as the applications had been heard together there should only be one award of £500.

40. The Tribunal have decided to require the Applicant to pay the Respondents £1000 in costs. The applications were vexatious for two principal reasons. First they involved arguments which had already been decided against Mr Khan by previous Tribunals. Secondly the way in which Mr Khan brought his case by continuing to rely on generalities and failing to make specific criticism of the Licence conditions meant that the Tribunal had to carry out the tortuous task of going through each condition to ascertain where his challenge lay. On occasions it appeared that Mr Khan was making fresh challenges as he thought of them on the day. It is not the function of the Tribunal to act a sounding board to draw out an appeal in this way. It won't happen again.

41. The Tribunal do consider that the Respondents are entitled to £1000 and not £500 because there are two applications albeit they were heard together and the Tribunal had to consider both appeals.

Summary

42. The Tribunal makes the following determinations:

1. In relation to 43 Pen-Y-Wain Road the licence conditions should be the same as those in the five-year licence awarded to the Applicant on 13th February 2019 save for the following amendments

- The maximum number of occupants in the second floor flat is varied to: (*2 persons providing they are in the same household*).
- The paragraph in Appendix A: Adequate Means of Escape from Fire dealing with the provision of a satisfactory current fire alarm and detection system (penultimate paragraph of the second page) shall be amended removing the words *outside the first floor front bedrooms and*.

- Appendix A: Adequate Means of Escape from Fire on the third paragraph of the third page of the Appendix shall be amended to read as follows:
Ensure that the understairs cupboard and timber panelling to the left hand side wall between the living room and hallway (under staircase) is provided with a minimum of half hour fire protection. This can be completed by fitting 12.5 mm plasterboard to both sides and finished with a 3 mm skim.
- Appendix A: Adequate Means of Escape from Fire on the seventh paragraph of the third page of the Appendix shall be amended to remove the words : *also above the lobby area leading to the first floor front bedroom.*

2. In relation to 10 Connaught Road the licence conditions should be the same as those in the five-year licence awarded to the Applicant on 8th February 2019 save for the following amendments:

- The maximum number of occupants in the second floor flat is varied to: *3 persons providing one of them is a child aged 8 years or under.*
- Appendix A: Adequate Means of Escape from Fire the second paragraph of the third page of the Appendix shall be amended to remove the words: *The doors to the cupboard will also need to provide half hour fire resistance; these can also be lined 12.5mm plasterboard or a 6 mm supalux type board. The doors must be fitted with a suitable lock.*
- Below this paragraph there shall be inserted:
Fit an FD30 fire door to the cupboard doorway, the door must be fitted with the appropriate furniture, 3 x 100 mm steel butt hinges, intumescent strips to the top and side s and an overhead hydraulic door closer that enables the door to close fully to the latch or fitted with a lock with a sign on the door stating "fire door -keep locked". The gap between the door and frame must be a maximum of 3 mm; the gap at the threshold must be a maximum of 8mm.

3. In respect of any deadlines for compliance with conditions in the Licences those time limits start to run from 28 days after the date of this decision.

ORDER

1. In accordance with paragraph 34 of Schedule 5 of the Housing Act 2004, the Residential Property Tribunal directs the Respondent to grant HMO licences for each of the premises known as 43 Pen Y Wain Road, Cardiff, CF24 4GE and 10 Connaught Road, Roath, Cardiff, CF24 3PT to the Applicant subject to the conditions originally imposed in February 2019 save as varied in this decision.
2. The Applicant shall pay the Respondents costs assessed at £1000 to the respondent within 14 days of the date of this Decision

DATED this 9th day of August 2019

J Shepherd
Chairman