

Y TRIBIWNLYS EIDDO PRESWYL
RESIDENTIAL PROPERTY TRIBUNAL

Reference: RPT/0020/10/20

In the Matter of: Robertino Meli

In the Matter of an Application under section 27 of the Housing (Wales) Act 2014, appeal against a decision to Revoke a Licence.

APPLICANT: Robertino Meli

RESPONDENT: Rent Smart Wales

TRIBUNAL: Richard Payne – Legal Chair
Tom Daulby - Surveyor Member
Bill Brereton – Lay Member

HEARING DATE; 12TH February 2021 by Cloud Video Platform (CVP) remote hearing.

Appearances: The Applicant, Mr Robertino Meli, in person.
Mr Richard Grigg, Solicitor and
Mr Jonathan Reed, Environmental Health Officer, for the Respondent

DECISION

By unanimous decision, the tribunal quashes the decision of Rent Smart Wales to revoke the Applicant's Landlord Licence pursuant to Section 27(5)(d) of the Housing (Wales) Act 2014. The Applicant therefore remains licensed as a landlord under the Act. Full written reasons for the tribunal's decision will follow in due course.

REASONS FOR THE TRIBUNAL'S DECISION

Background.

1. The Applicant Mr Meli has been developing properties in Port Talbot for over thirty years and currently owns and manages forty-nine properties. Mr Meli was granted an individual landlord licence from the Respondent, Rent Smart Wales ("RSW") on 18th May 2017 and is also licensed by Neath Port Talbot Borough Council to operate a House in Multiple Occupation (HMO), that licence being granted on 1 April 2019 until 31 March 2024.
2. On 5th March 2019 the Applicant was sentenced at Swansea Crown Court to a term of nine months' imprisonment, suspended for 15 months, following his conviction for an offence

of assault occasioning Actual Bodily Harm which had occurred on 8th December 2017. He was also ordered to pay costs of £750.00, a victim surcharge of £140.00 and compensation of £500.00, and ordered to undertake 150 hours unpaid community service. On 1 April 2019 the Applicant accessed his Rent Smart Wales account to provide details of his conviction. He also telephoned RSW to inform them

3. RSW wrote to the Applicant on 26th September 2019 telling him that it was proposed to revoke his licence. The Applicant replied to RSW on 11 October 2019 pointing out that he had been a landlord for the past 30 years during which time he had owned over 120 houses, referring to the altercation with an individual who was on his neighbour's property which resulted in his conviction and expressing his deep regret for his actions on that day. He stressed that his business has continued and there had been no further incidents since then. He stressed that he had a good relationship with all of his tenants some of whom are long term.
4. On 4th December 2019 the Applicant attended for an interview at County Hall Cardiff with Mr Reed and Mr Moon of RSW. The Applicant wished to keep his licence and said that he would not let them down if he was permitted to do so. On 9th September 2020, RSW wrote to the Applicant to revoke his licence on the basis that RSW were no longer satisfied that he was a "fit and proper person" to hold a licence on the basis of his criminal conviction. The Applicant appealed within time to the tribunal against the decision to revoke his licence.

Preliminary Issue.

5. The tribunal noted that in the Respondent's case, particularly in the statement of Mr Reed dated 8th December 2020, there was reference to anecdotal hearsay matters that were not backed up with evidence and had not been put to the Applicant at the time of his interview on 4 December 2019. In his submissions to the tribunal, the Applicant had objected to these matters being included. The tribunal agreed and considered that such matters were of no evidential value, although were prejudicial in content. At the outset of the hearing, the tribunal raised this issue with Mr Grigg, informing him that the tribunal intended to ignore hearsay, prejudicial unsubstantiated evidence and comment. The tribunal offered Mr Grigg the opportunity to make any arguments to the contrary, but he agreed with the tribunal's approach and made clear that he did not seek to rely upon those matters. Accordingly, the tribunal made it clear that the Applicant need not concern himself with any unsubstantiated rumour and anecdotal "evidence" contained in Mr Reed's statement, as the tribunal considered that it was of no evidential value and would pay it no heed.

The Applicant's case.

6. In the Applicant's written submissions, he said that *"I cannot accept that the conviction impinges upon my ability to let and manage properties. The offence was totally unrelated to that of my business. Apart from this one incident, in 30 years of renting out houses since 1990, I have not been in trouble with the courts and furthermore, I have carried on renting houses since the unrelated incident on 8 December 2017."*

7. The Applicant gave evidence and confirmed that he had pleaded guilty to the offence and he emphasised that it had nothing to do with his occupation as a landlord with any of his rental properties. He said that he had noticed two people in his neighbour's garden, and as his neighbours were away, he challenged them, there was an altercation during which he says they threatened to burn his house down and were threatening him when he was on his driveway. He told the tribunal that in his mind he thought he was stopping a burglary. He maintained that he did not have any weapon although the victim of his offence told the police that he was in possession of a hammer. The Applicant had elected to go to Crown Court for trial to dispute that version of events. He told the tribunal that once at Crown Court, he pleaded guilty on the basis that they dropped the allegation that he had a hammer.
8. The Applicant described to the tribunal the details of his tenants who are a mixture of all sorts of people. He also provides a wide range of accommodation saying that he has and does house people who have been homeless, for the church as well as professional people. He described his properties as being a mixture of bedsits and terraced houses and an HMO regulated by the Council. He described dealing with the Council for over 30 years and having a good relationship with them. He told the tribunal about the arrangements that he has for maintenance and work and how he has regular electricians and plumbers who work for him. His partner Kate Brown deals with the tenancy agreements and the rent collection and he described himself as now taking more of a back seat in the business. He told the tribunal of his considerable financial commitments to the banks and said that this has been one incident in his 30 years of being a landlord that has greatly affected him.
9. The Applicant also described how he deals with problems with tenants and how he has had tenants cause damage to his property in the past and disappear "in the middle of the night". He described that, for example in his bedsits, although he charges £60 per week rent, the council will pay £57 per week and he rarely collects the top up rent. He also described how when tenants leave owing rent arrears that he tends not to chase bad debts as there is no profit in it and in any event as a businessman, he can offset it against his tax liabilities. He maintained that he provides a good level of service for his tenants and he has had tenants in one of his houses for 25 years, and others for between 10 and 15 years. He has professional people who work in the steelworks and the DVLA who have been tenants of his for 5 years.
10. The Applicant told the tribunal that his practice is to seek advice from the Council Environmental Health Department in the event of conflict situations with tenants.
11. Mr Grigg cross-examined the Applicant robustly particularly in relation to the circumstances of the offence, noting that the Applicant told the tribunal that the victim of the offence did not sustain any injuries that he could see, whereas the basis of guilty plea that had been included in the Applicant's bundle of documents, dated 5th March 2019, contained an acceptance that the Applicant caused the complainant's injuries unlawfully. Mr Grigg suggested that the Applicant did not really think that he had done anything wrong and had been trying to convince the tribunal that he had acted in self-defence. The Applicant denied this and said that he was trying to convince the tribunal that he was a good landlord and that he had not had any problem with any of his tenants.

He maintained that he was remorseful for the criminal offence and the incident that had taken place outside his home.

12. In his closing submissions, the Applicant maintained that he was deeply sorry for the incident that led to the conviction and he deeply regretted it. He described that he had been a landlord 30 years and had not had any problems and that he had been honest, informing RSW of the offence. He said that he had not been involved in any incidents before or since and there have not been any complaints about his behaviour as a landlord since the incident and the conviction.

Respondent's case.

13. Mr Grigg said that the Respondent's case was as set out in the statement of Mr Reed and the Respondent's submissions. RSW do not consider Mr Meli to be a fit and proper person on the basis of his conviction which is a serious offence attracting a nine-month suspended sentence. Mr Reed had set out his concerns in his written submissions. These included that *"there had been some written notions of remorse in the brief initial letter, however the nature of the recent and severe conviction overshadows this when considering his fitness and propriety."* Mr Reed felt that the circumstances of the offence as described by the Applicant indicated a lack of good judgement upon the Applicant's part in becoming involved in the first place. Mr Reed also referred to the allegation that the Applicant had used a hammer and he doubted the Applicant's claims that the people he confronted were possible burglars/thieves because these people had contacted the police after the incident.
14. Mr Reed refers to the evidence given by the Applicant that his partner Katherine Brown, who undertakes most of the day-to-day running of the letting activities, would attend properties wearing a body camera and in two's, as an additional safety measure. Mr Reed commented upon this in his submissions as follows; *"this however was not presented as a matter of character change but more of an expedient measure to minimise liability and personal injury. This was not a course of action that Robertino Meli brought up in the context of changing his personal behaviour. This suggests a lack of concerted effort to prevent further events of this nature and the implication of this is an undermining of any claim that a significant character change has taken place."*
15. Mr Reed's written submissions suggested that the Applicant's conviction demonstrates that he has the capacity to become violent when engaged in disagreements/disputes. Mr Reed also referred to the Officer Decision Record that he had prepared and submitted to Mr Hugh Saunders, group leader at RSW. Mr Saunders had signed off on the decision to revoke the Applicant's licence on the 4th September 2020. This document includes the following comment upon Mr Reed's assessment of the seriousness of the conviction in terms of the impact, or potential impact upon the residents and the wider community; *"Robertino Meli operates within a highly localised area which contend with socio-economic pressure requiring tact and conflict resolution skills to negotiate interrelated disputes, instead Robertino Meli has clearly demonstrated a capacity to become violent, there is little demonstrable evidence to support the claim that this has changed and so*

there is a basis to believe that this violent behaviour would be detrimental to this community in a wider sense as it relates to his localised portfolio of 49 dwellings.”

16. Mr Reed’s Officer Decision Record (which appears to be the completion of a pro-forma template) also recorded that there were no mitigating circumstances, and in answer to the question “Is there any current evidence of character being reflected positively? Include reflections from interview process or written submissions”, Mr Reed had written “None”.
17. Mr Reed appeared by video link to give oral evidence. The tribunal’s surveyor asked him if he had inspected any of the Applicant’s properties and to comment upon the standard of the properties and the tenant mix, but Mr Reed explained that his focus was on the conviction for violence and he had not visited the properties. Mr Reed had sought information from the local authority as a lot of his work is desk-based. The tribunal asked Mr Reed about the relevance of the conviction to the Applicant’s ability to let and manage his properties. Mr Reed relied upon the conviction for a violent offence which remained unspent under the Rehabilitation of Offenders Act 1974.
18. Mr Reed said that the Applicant, through his representations and the circumstances of the offence “did not display the amount of clarity or remorse” and at no point during the incident did the Applicant seek professional help. In the set of circumstances, he could have contacted the police, he had the opportunity to take stock of the situation but that did not happen. Mr Reed considered that the lack of remorse was a worrying consideration. The tribunal asked Mr Reed if he had any training in the assessment of the risk of future offending and he confirmed that he did not. The tribunal asked Mr Reed about his report to Mr Saunders which could find no mitigating circumstances, or positive character evidence from the interview process or the Applicant’s representations. The Applicant too, asked Mr Reed in cross-examination whether or not he got any credit for being a good landlord for the last 30 years?
19. Mr Reed said that it was to the Applicant’s credit that he had had a long period of time where he had operated as a landlord before his recent conviction, that he had maintained his portfolio and that he had provided character references from his tenants “to some degree that is to your credit but this must be tempered with other considerations”. Mr Reed said that his concern was in relation to the recent conviction and when questioned by the Applicant as to whether the incident was connected to his business, Mr Reed said that the incident was connected to the Applicant’s ability to relate to other people in tense situations or situations of possible dispute, which are quite common in property management.
20. In submissions upon the Respondent’s behalf, Mr Grigg referred to section 27 (5) (d) of the Housing Wales Act 2014 and the tribunal’s power to either uphold or quash the decision to revoke the Applicant’s licence. Mr Grigg referred to the considerations under section 20 of the Act when deciding whether a person is a fit and proper person to be licensed and said that the Respondent had to take the offence of violence into account. Mr Grigg submitted that the Applicant was trying to go behind the conviction and there was no credibility in his description of the incident to the tribunal as he was denying that

there were any injuries to the victim of the offence, which was contrary to the agreed basis of plea. Mr Grigg submitted that this called into account the credibility of all of the Applicant's evidence.

21. Mr Grigg submitted that this was a very serious offence that had passed the custody threshold and yet the Applicant sought to play it down and there did not seem to be any remorse; the Applicant described it as a mistake. The lack of remorse and the inability to control himself upon the day of the offence are concerns. Mr Grigg referred to the "Guidance on the "fit and proper person" test for licensing of landlords and agents" issued by RSW and the Welsh Government in October 2015. Paragraph 12 of the Guidance says that the Licensing Authority may wish to consider the relevance of the conviction in relation to the Applicant's character and integrity to let or manage residential properties, amongst other things. Applying this guidance, Mr Grigg submitted that this is a violent offence which goes to the Applicant's character. The Guidance talks of the seriousness of the conviction in terms of the impact or potential impact upon the residents and the wider community and Mr Grigg submitted that this was an assault of a stranger outside his property and described the offence as "incredibly serious".
22. Mr Grigg acknowledged that the Guidance refers to any mitigating circumstances but said that each application needs to be looked at on its own merits and this was an offence that was so serious and the Applicant cannot remain a fit and proper person to be licensed whilst the conviction remains unspent.

The Law.

23. Rent Smart Wales, under section 18 of the Act, may grant a licence to landlords to carry out letting and property management activities in accordance with sections 6 and 7 of the Act. Section 19 contains details of mandatory requirements for the licence application. Before Rent Smart Wales grant a licence to an applicant, they must be satisfied that certain training requirements have been met or will be met and that the applicant is a fit and proper person to be licensed.
24. Section 20 of the Act details the fit and proper person requirement;

"(1) In deciding whether a person is a fit and proper person to be licensed as required by section 19(2)(a), a licensing authority must have regard to all matters it considers appropriate.

(2) Among the matters to which the licensing authority must have regard is any evidence within subsections (3) to (5).

(3) Evidence is within this subsection if it shows that the person has—

(a) committed any offence involving fraud or other dishonesty, violence, firearms or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (offences attracting notification requirements),

(b) practised unlawful discrimination or harassment on the grounds of any characteristic which is a protected characteristic under section 4 of the Equality

Act 2010, or victimised another person contrary to that Act, in or in connection with the carrying on of any business, or
(c) contravened any provision of the law relating to housing or landlord and tenant.

(4) Evidence is within this subsection if –

(a) it shows that any other person associated or formerly associated with the person (whether on a personal, work or other basis) has done any of the things set out in subsection (3), and

(b) it appears to the licensing authority that the evidence is relevant to the question whether the person is a fit and proper person to be licensed.

(5) Evidence is within this subsection if it shows the person has previously failed to comply with a condition of a licence granted under this Part by a licensing authority.

(6) The Welsh Ministers must give guidance to licensing authorities about deciding whether a person is a fit and proper person to be licensed as required by section 19(2)(a).

(7) The Welsh Ministers may amend this section by order to vary the evidence to which a licensing authority must have regard in deciding whether a person is a fit and proper person to be licensed.”

25. In October 2015 Rent Smart Wales and the Welsh Government published ‘Guidance on “the fit and proper person” test for licensing of landlords and agents’ (“the Guidance”). Paragraph 2 of the guidance states;

“This requirement is to ensure that those responsible for letting and managing a property in the private rented sector are of sufficient integrity and good character to be involved in the management of the property to which the licence relates. In addition, that they do not pose a risk to the welfare or safety of persons occupying the property”.

26. The Guidance at paragraph 5 states that the licensing authority must have regard to all matters it considers appropriate and

“Any evidence considered should be relevant to the person’s fitness to hold a licence and let and manage rental properties in Wales.”

27. Paragraph 6 of the Guidance makes it clear that in respect of criminal offences, Rent Smart Wales “*must have regard to*” any convictions unless the person is not obliged to disclose those convictions in accordance with the Rehabilitation of Offenders Act 1974 and associated statutory instruments. Further, paragraph 12 of the guidance states that;

“In deciding whether a conviction is relevant to a person being a fit and proper person for the purposes of a licence, the Licensing Authority may wish to consider the following factors:

- the relevance of the conviction in relation to the Applicant's character and integrity to let or manage residential properties;*

- *the seriousness of the conviction, in terms of impact, or potential impact, upon the residents and the wider community, including if more than one conviction is involved, the cumulative impact;*
- *the length of time since any conviction; and*
- *any mitigating circumstances."*

28. Under section 27(5)(d) of the Act the tribunal may confirm the decision of the licensing authority to revoke the licence or may quash that decision, as Mr Grigg reminded us. The tribunal's task is to look at the matter afresh and the tribunal can take into account evidence put before it by either party that may not necessarily have been in the contemplation of the parties at the time of the decision to revoke the licence.

Decision and reasons.

29. The tribunal unanimously quashes the decision of Rent Smart Wales to revoke the Applicant's Landlord Licence pursuant to Section 27(5)(d) of the Housing (Wales) Act 2014. The tribunal find that, notwithstanding the Applicant's unspent conviction for assault occasioning actual bodily harm, he remains a fit and proper person to be licensed to undertake letting and property management activities under the Act.

30. In making this decision, the tribunal has taken into account the totality of the written and oral evidence and submissions, the Guidance and the law. The tribunal accepts that the conviction for actual bodily harm was deemed by the sentencing court to be serious enough to cross the custody threshold as described by Mr Grigg, and notes that a suspended sentence was imposed. That period of suspension has now passed. The tribunal cannot and does not seek to look behind that conviction. However, the tribunal does note the basis of guilty plea, and accept upon that basis and upon the Applicant's evidence, that there was no hammer or other weapon involved in the offence.

31. As previously noted, Mr Grigg cross-examined the Applicant robustly upon the circumstances of the offence, and in particular the Applicant's evidence to this tribunal that he had seen no injuries upon the victim, although the basis of the guilty plea clearly recorded that *"The defendant accepts hitting the complainant a few times; the defendant accepts causing the complainant's injuries unlawfully; the defendant used excessive force whilst ejecting the complainant."* Mr Grigg sought to persuade the tribunal that the inconsistency upon this point rendered the Applicant's evidence to be unreliable and that he had either been lying to the Crown Court or to this tribunal. In his evidence, the Applicant told the tribunal that he had not noted any injuries upon the victim, and the police had told him that there was nothing wrong with the victim. The Applicant said he had seen a hospital report as part of the criminal case, and this said that there were no injuries. He said that he pleaded guilty to the offence of ABH upon the advice of his solicitor and because the prosecution withdrew the allegation that he had used a hammer.

32. The Applicant said that it was such a relief to him once the prosecution said that he had not used a hammer that owing to the stress of the matter he wanted to just get out of the

Crown Court. When Mr Grigg suggested that there was no way that the Applicant would have been arrested for ABH without the victim showing any injuries, the Applicant said that he had been arrested as he understood it upon the basis of the victim saying that the Applicant had used a hammer, not on the basis of injuries.

33. We set out this information to explain our assessment of the Applicant's credibility. We stress again that we do not look behind the criminal conviction and do not in any way seek to undermine it or the basis of plea. Mr Grigg suggested that the Applicant was being deliberately dishonest, seeking to mislead the tribunal and that this clearly was an indication of his lack of integrity and his lack of fitness to be a licensed landlord. Mr Grigg was perfectly entitled to cross examine in this fashion and accordingly to make such submissions and we make no criticism of him for doing so. However, having considered the totality of the Applicant's evidence, the Applicant explained the basis for his holding the belief that there had not been injuries upon the victim and gave details both that he relied upon what he had been told by the police at the time, and a report that he said he had seen in the criminal case papers. There is no doubt that the basis of plea refers to injuries being caused to the victim and the tribunal accepts that there cannot be a conviction for actual bodily harm without that bodily harm. The tribunal further notes the Applicant's evidence that he pleaded guilty and agreed the basis of that plea upon the advice of his solicitor. The tribunal accepts that there must have been evidence of bodily harm to the victim but having heard the evidence of the Applicant upon this matter, and having heard the totality of his evidence, the tribunal does not consider that he was seeking to deliberately mislead or be dishonest in his evidence to us.
34. The Respondent argued that the conviction is relevant to the Applicant's character and integrity to let or manage residential properties because it suggests that he has the capacity to become violent when engaged in disagreements/disputes. The tribunal reject this. On the one hand, there is one incident, unrelated to the Applicant's business as a residential landlord, which resulted in his guilty plea and criminal conviction. This took place close to the Applicant's home, and he said that the victim of his offence threatened to burn the Applicant's home down amongst other things. Upon the other hand, the Applicant has a 30 year history as a landlord. The Respondent's Officer Decision Record prepared by Mr Reed says that *"RSW have not been given any reason to doubt the standard of Robertino Meli's housing compliance in recent times. There is no evidence to suggest that Robertino Meli is not complying with housing legislation at present, Neath Port Talbot County Borough Council were asked to contribute information on Robertino Meli's compliance and have stated that: "Currently officers with NPT EH have a good working relationship with Mr Meli. Mr Meli's properties are typically maintained to a reasonable standard, and he is usually willing to make any repairs recommended by NPT EH..... Robertino Meli has registered his rental properties and submitted a valid licence application and also declared that he was involved in an assault. in addition, there is evidence that Robertino Meli is working well with Neath Port Talbot County Borough Council with regard to two HMO's with no recent licensing or management offences reported."*
35. The Applicant in his statement says that he is akin to a social housing landlord as many of the people who he has housed as tenants have been homeless, exhibit challenging

behaviour or are in receipt of benefits. He points out that many other landlords do not offer their properties to disadvantaged people. Because many of his tenants are in receipt of benefits he has worked closely with the Council for many years without issue. The Applicant said he was not aware of any complaints or problems with his tenants during that time. He points out that he complies with all fire, gas, and electric regulations, runs his accommodation in compliance with relevant housing legislation and is in regular contact with the senior Environmental Health Officer Mr Simon Evans at the Council. Mr Evans has not made him aware of any complaints. The tribunal notes that at the Applicant's meeting with Mr Reed and Mr Moon of RSW on 4th December 2019, the Applicant emphasised that if he has any problems with tenants, he always rings Mr Evans to get his advice and he invited RSW to contact Neath Port Talbot Council to speak to him for confirmation of this, (although at the time of the interview the Applicant referred to Mr Evans by his first name as he could not remember his surname). None of this information, in relation to the management of his property portfolio, was challenged.

36. The Applicant provided character references from three tenants, one of whom had been a tenant for over 10 years, one for over three years and another described themselves as having been a tenant 'for years.' The references spoke of the high level of care and service provided by the Applicant and his prompt attention to any maintenance issues. Whilst the tenants were not called to give evidence, they provided email addresses and telephone numbers. There was no challenge to the veracity of the contents of the references, which the tribunal accepts.
37. The offence took place on 8th December 2017. The hearing before the tribunal was over three years later and the Applicant was not interviewed by RSW until December 2019 notwithstanding that the Applicant informed RSW on 1 April 2019 of his conviction. There was no evidence before the tribunal, or indeed it appears before RSW, of any aggressive or untoward behaviour towards his tenants upon the Applicant's part since 8th December 2017.
38. As noted at the outset of this decision, Mr Reed's statement and submission to the tribunal contained unsubstantiated allegations in relation to the Applicant which had not been put to him in interview and therefore were disregarded by the tribunal. However, the fact that those allegations were contained within RSW's submissions in the first place is a concern to the tribunal and indicative of the poor quality of reasoning and decision-making by RSW in this matter. The Applicant has been letting properties to tenants since 1990 in the Port Talbot area. There was **no credible substantiated evidence** before the tribunal (or, it appears before RSW) of any legal concerns about the Applicant's business practices and the letting and management of his properties.
39. Despite the Applicant's lengthy and good record of providing residential lettings, as explained to RSW in his interview with them, it is extremely surprising and is indicative of the poor quality and unbalanced nature of the decision-making in this matter by Mr Reed and Mr Saunders, that they were content to sign off the Officer Decision Record on the determination of fitness and propriety for the purpose of section 25(1)(b) of the Act which included the opinion that there were no mitigating circumstances and no evidence of character being reflected positively. This, despite the very same document recording at

the outset that the Applicant's housing compliance and working relationship with Neath Port Talbot Council and Environmental Health Department is good and his properties are maintained to a reasonable standard. Mr Reed had to be pressed when giving his oral evidence before he grudgingly conceded that there were any matters to the Applicant's credit in his history of property management. Such an approach is inconsistent with the Guidance and its reference to mitigating circumstances.

40. Mr Reed has no training in the assessment of risk and reoffending. Despite this, the Officer Decision Record contains many general assertions. For example, Mr Reed writes *"Robertino Meli has been a landlord in a localised area for a significant period of time, it is recognised that a history of localised disputes over this time and the use of social media within this scenario may contribute to a degree of bias in the allegorical reports/allegations referred too [sic]. What remains reasonably objective within the representations received is the outstanding unspent conviction and the lack of a strong basis to believe that Robertino Meli's character has significantly altered from that violent character denoted by this recent relevant conviction."* The first part of this quotation does not make sense. It appears that Mr Reed does not understand the meaning of the word "allegorical". This word is used throughout the decision report, rather than just in this one instance, and is used incorrectly upon each occasion. The Applicant's character is characterised as violent based upon the one incident. The Applicant is a gentleman in his 50s with no previous convictions and it is unclear upon what basis Mr Reed has concluded that the one incident and conviction carry more weight than the Applicant's lengthy history before, and the significant period of time since the conviction, without any further complaint or concerns.
41. The report, referring to unsubstantiated allegations to which the tribunal attaches no weight, when considering the relevance of the conviction to the Applicant's character and integrity to let or manage residential properties says that *"evidence suggests that Robertino Meli has been involved in frequent disputes with his tenants and arguably this is partly due to the pressing socio-economic climate encompassing the entire portfolio which is highly localised. **This will neglect the safety of the tenants** and this is a significant concern in relation to his overall character and integrity as a person responsible of lettings and management."* [Our emphasis]. Mr Reed is making assertions about the safety of the Applicant's tenants with no evidence to do so, and ignoring the apparent 30-year history of contradictory evidence, or at the very least the recent history since Mr Meli was registered with RSW and the history since the date of the incident in December 2017 in which there has been no credible suggestion that the safety of any of the Applicant's tenants has been neglected. The Applicant was also deemed to be a fit and proper person to be granted an HMO licence by Neath Port Talbot County Borough Council on 1 April 2019. Again, there was no substantiated evidence from Neath Port Talbot Council to suggest that the safety of the Applicant's tenants had been or was likely to be compromised and it is difficult to see how Mr Reed has come to this conclusion.
42. Mr Reed's evidence and Mr Grigg's submissions suggested that the Applicant lacked remorse for his offence and conviction. The tribunal rejected this. The Applicant in his written and oral evidence repeatedly made it clear how sorry and remorseful he was for

the incident and conviction, and the tribunal accept that such expressions of remorse were sincere.

43. Whilst RSW's internal decision-making processes are a matter for RSW and not for this tribunal, the unbalanced and poor quality of the assessment of the overall evidence and decision-making in this case is a matter of concern to the tribunal. If it is not already part of RSW's processes, then the tribunal recommends that RSW consider legal oversight and opinion upon the evidence gathered and the decision-making process involved in the revocation of a licence.

DATED this 29th day of April 2021

A handwritten signature in black ink, appearing to be 'R. Payne', with a stylized flourish at the end.

CHAIRMAN
R. Payne