

Y TRIBIWNLYS EIDDO PRESWYL
RESIDENTIAL PROPERTY TRIBUNAL

Reference: RPT/0033/07/18

In the Matter of an Application under Section 27 of the Housing (Wales) Act 2014, an appeal against refusal of licence.

APPLICANT: Mr Andre Williams (Respondent)

RESPONDENT: Rent Smart Wales

TRIBUNAL: Trefor Lloyd (Legal Chair)
Tom Daulby (Surveyor Member)
Bill Brereton (Lay Member)

HEARING DATE: 7th November 2018

HEARING VENUE: Catrin Finch Centre, Glyndwr University, Wrexham

Appearances - Mr Euros Jones of GHP Legal, Solicitor for the Applicant and the Applicant himself.

Mrs Bethan Jones, Operational Manager Rent Smart Wales as Advocate.

Christina Brown, Senior Housing Surveyor Rent Smart Wales for the Respondent.

DECISION

The Tribunal unanimously finds that Mr Andre Williams is a fit and proper person to be licensed and the Applicant's appeal against the decision of Rent Smart Wales dated the 18th May 2018 to refuse him a Licence under Part 1 of the Housing (Wales) Act 2014 to carry out letting work and property management is allowed.

REASONS FOR THE TRIBUNAL'S DECISION

Background

1. The Applicant ('Mr Williams') is the owner of two properties in Wrexham that have been rented out to Tenants for the past 12 years. They are both registered as Houses in Multiple Occupation and between them are able to accommodate 10 Tenants. In addition the Applicant lets further rooms in his own property.
2. On the 5th November 2016 the Mr Williams submitted an Application to Rent Smart Wales ("RSW"). In that Application he declared that he had been convicted of 2 offences: one for lending money without a licence (18 years ago) the other for assault (on a night out when his friend was racially abused and he reacted badly (approximately 8 years ago). In the same Application Mr Williams confirmed that he was licensed with Wrexham County Borough Council as a fit and proper landlord who runs his own HMO's having been licensed for 2 to 3 years after an in-depth interview.

3. Mr Williams then proceeded to submit a Landlord's Licence Application on the 15th February 2017 having been prompted by RSW to do so.
4. By letter dated the 18th May 2018 the Respondent, RSW refused Mr Williams's application for a Landlord's Licence on the basis that it deemed he was not a "fit and proper person", following his convictions for assault and a more recent conviction of harassment, and breaching a restraining order on multiple occasions, the latter convictions remaining unspent.
5. Mr Williams appealed to this Tribunal by a letter dated the 3rd July 2018 from his solicitors GHP Legal together with the relevant application form.
6. In relation to this matter the Tribunal's task is to determine the question as to: whether Mr Williams is a fit and proper person to hold a Landlord's Licence in relation to the management of his properties.

The Legal Framework

7. In Wales, under the Housing (Wales) Act 2014 ("the Act") it has been a requirement since 23 November 2016 for landlords of a dwelling subject to, or marketed or offered for let under a domestic tenancy, to be registered and licensed to carry out lettings and property management activities. Likewise any person acting as agent on behalf of the landlord of a dwelling marketed, or offered for let under a domestic tenancy must be similarly licensed to carry out lettings and property management work.
8. Section 3 of the Act compelled the Welsh ministers to designate a licensing authority for the whole of Wales. The County Council of the City and County of Cardiff were duly designated and exercise their licensing powers and duties under the name "Rent Smart Wales".
9. Section 6 of the Act requires landlords to be licensed to carry out letting activities which are further described at Section 6(2) as follows:
 - (2) The things are:
 - (a) arranging or conducting viewings with prospective tenants;
 - (b) gathering evidence for the purpose of establishing the suitability of prospective tenants (for example, by confirming character references, undertaking credit checks or interviewing a prospective tenant);
 - (c) preparing, or arranging the preparation, of a tenancy agreement;
 - (d) preparing, or arranging the preparation of an inventory for the dwelling or schedule of condition for the dwelling.
10. Section 7 of the Act contains the requirement for landlords to be licensed to carry out property management activities described in subsection (2) as follows:

- (2) The things are -
- (a) Collecting rent;
 - (b) being the principal point of contact for the tenant in relation to matters arising under the tenancy;
 - (c) making arrangements with a person to carry out repairs or maintenance;
 - (d) making arrangements with a tenant or occupier of the dwelling to secure access to the dwelling for any purpose;
 - (e) checking the contents or condition of the dwelling, or arranging for them to be checked;
 - (f) serving notice to terminate a tenancy.
11. Under Section 18 of the Act the Licensing Authority, Rent Smart Wales 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 it 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.
12. Section 20 of the Act sets out 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.

13. 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).

14. In October 2015 a document bearing the names of both Rent Smart Wales and the Welsh Government entitled 'Guidance on "The Fit and Proper Person" Test for Licensing of Landlords and Agents' ("the Guidance") was published. 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 they do not pose a risk to the welfare or safety of persons occupying the property".

15. Whilst the guidance at paragraph 5 states that the Licensing Authority must have regard to all matters it considers appropriate it adds:

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

16. 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".*

17. An appeal against the decision of Rent Smart Wales may be made to the Tribunal under Section 27 of the Act. The Tribunal may confirm the decision of the Licensing Authority or alternatively direct the Authority to grant a licence on such terms as the Tribunal considers appropriate.¹ Whilst the Act is silent upon this matter, we consider that the Tribunal's task is to look at the matter afresh, effectively by means of re-hearing the application, and that the Tribunal can take into account evidence put before

¹ Section 27(5)(b) Housing (Wales) Act 2014

it by either party that may not necessarily have been in the contemplation of each party at the time of the original application and decision to refuse the licence.

At the Commencement of the Hearing

18. At the commencement of the hearing both the solicitor for the Applicant and Mrs Jones the representative for RSW agreed that the burden of proof was upon Mr Williams as Applicant to show that he was a fit and proper person, and that the standard of proof was to the civil standard being namely, that it was for Mr Williams as Applicant to persuade the Tribunal on the balance of probabilities that he is a fit and proper person to hold a Landlord's Licence.
19. In addition, at the beginning of the hearing Mrs Jones for RSW confirmed that its decision was based upon Mr Williams' current convictions despite there having been some reference in the papers to the potential of him being further investigated in relation to an alleged unlawful eviction, that matter did not form a basis of its decision. Accordingly, the Tribunal proceeded to determine the matter upon the same basis.

Documentary Evidence

20. As part of the process of assessment Mr Williams was provided with a questionnaire which can be found at Appendix 3, page 39-42 of the Bundle. In addition, he provided a covering letter which I shall return to in due course. That questionnaire it was confirmed during the hearing was completed by Mr Williams before he sought legal advice.
21. In oral evidence Ms Brown for RSW confirmed that Mr Williams was sent the questionnaire, but due to living in North Wales had not been offered an oral interview due to all the RSW offices being in South Wales. When further questioned on this matter she confirmed that it was normal practice in South Wales to offer an interview as an alternative to simply expecting an Applicant from whom RSW required further information to complete the paperwork.
22. In addition to the questionnaire Mr Williams forwarded a covering letter addressed to Christina Brown plus further supplemental answers to questions. In the covering letter he asked for disclosure of the guidelines in relation to being a fit and proper person and made the point that there were in his words "*Over 11,000 serving policemen with criminal records including harassment, yet these officers are deemed to be fit and proper persons*" and then went to go on to make references to alleged dishonesty amongst MP's and a Minister.
23. As part of RSW's submissions and indeed during the hearing it was clear that [having already clarified the position as regards the alleged unlawful eviction] that RSW was concerned with and relied upon the following matters in their view as rendering Mr Williams not a fit and proper person to be seized of a Landlord's Licence:

- (1) His criminal conviction in respect of which RSW viewed as follows:

- (i) A previous conviction for lending money without a licence in 1998 which RSW consider does not add any weight to their decision.
 - (ii) An assault conviction dated 30th July 2008 resulting in a 4 month imprisonment which was considered relevant as it occurred within 10 years of the decision in relation to the licence which in RSW's view *"Although it was given little weight it does show that Mr Williams may be aggressive when provoked"* (as per the RSW Report dated 31st August 2018).
 - (iii) A conviction for harassment against an ex-partner on the 23rd August 2017 resulting in a restraining Order and after a guilty plea.
 - (iv) In its report RSW refers to this conviction as adding a considerable amount of weight to its decision. It categorised the offence as domestic violence as it led to a Restraining Order being imposed upon Mr Williams.
 - (v) RSW placed most weight upon the fact that Mr Williams having pleaded guilty went on to breach the Restraining Order that was made on 8 occasions. This refers to breaches on 29th and 30th of August and the 1st, 2nd and 3rd September 2017 in respect of which he was given a 6 week suspended prison sentence, suspended for 12 months plus 100 hours community service to be undertaken within 12 months and a further 3 breaches on the 8th September, 10th September and 30th September 2017 in respect of which he received a 14 day custodial sentence that will not be spent until the 6th September 2019.
 - (vi) In RSW's view this appeared to show Mr Williams did not feel his actions that led to the Restraining Order being placed on him was serious enough and that he seemed to carry on with his behaviour. They view this as having a potential impact upon his Tenants and viewed him as a dominant character that has in the past persistently harassed a person which has led to multiple convictions.
 - (vii) The concern in RSW's view is further emphasised by virtue of the fact that Mr Williams houses Tenants within his HMOs which have been referred to him from Wrexham's Housing Options Team, and are vulnerable individuals.
- (2) In addition RSW relied upon incidents of what it referred to as management failures being namely:
- (i) an alleged failure on the part of Mr Williams to appoint anyone to look after the property whilst he was serving a 14 day custodial sentence emanating from a situation when at that time a heating boiler broke down.

- (ii) The way in which he dealt with one of the Tenants a Mr Evans who threatened to start a fire in one of the properties. (See further below).

Evidence at the Hearing

Applicant

23. Mr Williams gave evidence first and the issue of his convictions was explored. We find that he gave evidence in a measured manner, and explained in detail his convictions in respect of which we deal with below as follows:

- (1) In relation to the assault conviction dated the 30th July 2008 Mr Williams explained that this related to an altercation in Wrexham in a take-away. His friend was racially abused, and his then partner spoke out, to which she was also then spoken to by other parties in an offensive manner. As a result Mr Williams retaliated with what he told us was a single punch, but as the incident had occurred within the city centre of Wrexham it was dealt with by way of an aggravating feature resulting in his 4 month custodial sentence.
- (2) In relation to the harassment matter he described how his long-term relationship with his partner had broken down. He was unrepresented at Court and pleaded guilty. He described how it was such a bad time as he had predominantly cared for the children during the entire relationship, although they were not his children, but his partner's children from a previous relationship.
- (3) Following the Restraining Order being imposed he accepted that he had breached the same, but the essence of doing so was by virtue of text messages. It was accepted by RSW that these messages were not offensive in themselves, they related to requests by Mr Williams as follows:
 - (i) please let me see the dogs;
 - (ii) please let me hear the children;
 - (iii) can I pick the children up at the top of the road and take them for lunch, I will drop them back off at the top of the road;
 - (iv) please can I have my property;
 - (v) your behaviour is disgusting.

All these were detailed by Mr Williams in the document attached to his covering letter which can be seen at page 74 of the bundle. At the end of that note he poses the questions - *these messages are now deemed to be harassment?*

- (4) In relation to the other breaches of Restraining Order he confirmed that this resulted in one phone call not answered by his ex-partner, one text message saying "*Still love and miss my family, if the children want to see me please don't*

report" and one letter sent to the children informing them he had his ex-partner's property, and if she wanted it to then contact him.

- (5) In relation to the breach of Restraining Order, Mr Williams described himself as being in such a bad time and having issues relating to not being able to see the children, and play a part in their life having done so for such a long time as their full-time carer. He also described how having been released from the 14 day custodial sentence he then engaged with the Probation Service, and there have been no further incidents. He had realised that he had been foolish.
24. Mr Williams was robustly cross-examined by the Tribunal Members, and was apologetic in relation to the flippant nature in which he had answered the questionnaire making the point that he had provided those answers when unrepresented, but did feel strongly about the position he had found himself in. He was of the view that the process had not being fully explained to him, nor the reasons for refusal, which to an extent are echoed in his covering letter at page 74. He was remorseful of the way in which he had initially behaved towards his partner, and confirmed that there had been no further issues since the 14 day custodial sentence had been imposed.
25. In relation to the issue as regards the heating boiler failing whilst he was in prison, he confirmed that he had made arrangements so that his daughter could be contacted. She was familiar with one of the Tenants in the Property and the only reason his daughter did not respond immediately was that she was sitting a university exam that day. By the time his daughter was able to attend at the Property the Tenant had complained to Wrexham County Borough Council and Council Offices had already started to arrange for the boiler to be repaired. This took 5 days and Mr Williams simply formed a view that it was easier to allow the Local Authority to carry on. He then paid them for the work rather than try to engage his own plumber at the same time.
26. In relation to the issue of one of Mr Williams's tenants, a Mr Evans, initially purporting to start a fire, he explained that he lives some 20 minutes away from the Property and formed the view that a warning was appropriate in the circumstances. Thereafter, having spoken to the Tenant who had alerted him to the issue he discovered that person was not prepared to report the matter to the police Mr Williams did no more as he was well aware that he would himself not be able to do so.
27. Furthermore, when Mr Evans latterly started a fire in the Property Mr Williams immediately contacted the police and the matter was dealt with.
28. Thereafter Mrs Jones on behalf of RSW was invited to cross-examine Mr Williams. She indicated that most questions had already been put by the Tribunal and cross-examined Mr Williams in relation to the failed heating at the time he was in prison. Mr Williams again reiterated the answer he had given to the Tribunal in relation to dealing with the matter and the 5 day delay due to the boiler needing parts, the matter being dealt with in its entirety by Wrexham County Borough Council, despite his daughter having tried to assist, plus the fact that one of the Tenants in the Property would have his daughter's telephone number.
29. Mrs Jones also cross-examined Mr Williams on the basis that his Witness Statement said that there had never been a complaint against him, whereas the failure of the boiler

was such a complaint. Mr Williams in response made the point that it was not really a complaint simply the matter had been referred to the Authority due to the slight delay by his daughter in contacting the Tenant whilst Mr Williams was in prison.

30. Mr Williams also confirmed that he was still being asked by Wrexham County Borough Council Housing Department to house vulnerable Tenants including females in receipt of Housing Benefit, and under cross-examination confirmed that he held HMO Licences in respect of the properties, and that until the last 2 years they were inspected every 12 months, and there had never been any issues, also Wrexham County Borough Council was content for those licences to continue.

Respondent's Evidence

31. The Tribunal then heard from Ms Christina Brown. She referred to the fitness and propriety and made the point that criminal convictions needed to be considered and that in her view the harassment convictions were akin to violence and had to carry some significant weight due to the fact that Mr Williams was providing accommodation for public sector Tenants, most of whom were vulnerable.
32. Her view was that as Mr Williams had committed in her words "offences of domestic violence" these manifested the use of control and his failings (although she accepted there was no physical violence) were factors of concern in relation to the fact that he could potentially exert such control over Tenants. This in her view was compounded by the fact that there had been repeated breaches since the Restraining Order had been made.
34. When questioned by the Tribunal she confirmed that the first 4 text messages as referred to on page 74 (and referred to in this decision at paragraph 23(3)) were not intimidating, but were still in her view a breach of the Order whereas the comment "*Your behaviour is disgusting*" was intimidating in its own right.
35. Ms Brown also when questioned confirmed that the account given by Mr Williams at page 75 relating to the phone calls etc. was not intimidating. However, her view was that the general picture portrayed by the manner in which Mr Williams had answered the questionnaire, and more specifically the covering letter, and amplified answers to the questions indicated an attitude that he did not take seriously Court Orders and other matters set down by relevant Authorities.
36. Ms Brown reluctantly accepted when cross-examined by the Tribunal that the matters set out by Mr Williams in his covering letter at page 43 of the bundle as regards there being convicted police officers still serving and conduct of MPs and Ministers could be true, and that his last sentence of if the licence was refused consulting a solicitor expressed his view. Whilst doing so she still maintained that the responses were concerning in the manner in which they were dealt with, and could be indicative of Mr Williams' attitude towards authority.
37. Ms Brown also referred to a telephone conversation Mr Williams had had with one of the operators. This is set out at page 9 of 16 of the report (page 9 of the bundle) where it is reported that Mr Williams said "*he hopes her grandchildren (referring to Ms Brown) meet someone like the lady he met and endure the same difficulty he has regarding his*

convictions". She confirmed that RSW viewed this as indicative of Mr Williams' lack of respect especially for females, those who work for Government, and a lack of remorse that he has shown in relation to his convictions.

38. When asked by the Tribunal in relation to the comment at page 12 of the trial bundle (in the relation to the Report where RSW contacted Wrexham Housing Options Team and a spokesman said that they were aware of Andre Williams and in their personal opinion they wouldn't suggest housing females in this accommodation as they were aware of the nature of his convictions), Ms Brown confirmed that she had no written record of that, and it was in essence a personal opinion from an unnamed person. When cross-examined by the Tribunal as to how quickly Mr Williams should have responded to the boiler incident, Ms Brown's view was that it should have been done the same day, latterly accepted that it may not have been possible to resolve the issue on the same day. She also accepted that as far as she could see, save as for the boiler failure, there were no other matters that could amount to a complaint.
39. When asked by the Tribunal to define a fit and proper person by the Tribunal Ms Brown was unable to do so there and then and it was agreed that the matter could be the subject of closing submissions by Mrs Jones.
40. Further, when asked by the Tribunal if she agreed whether it was easier to assess somebody within an oral interview than upon a paper questionnaire she agreed, but went on to state that despite having the benefit of hearing Mr Williams's oral evidence her view was still that he was not a fit and proper person to hold a Landlord's Licence.
41. Ms Brown was then cross-examined by Mr Euros Jones for Mr Williams. He put to her that the Housing Options Team at Wrexham Council were more at the coal face in relation to dealing with landlords and tenant matters than RSW and that as the Housing Options Team was continuing to place females with Mr Williams no weight should be placed upon the personal opinion from an unnamed spokesperson at the paragraph within page 12 of the report at page 12 of the trial bundle. She agreed but stated that it was for RSW to make its own assessment.
42. Mr Jones also put to Ms Brown that Mr Williams must be a fit and proper person because Wrexham County Borough Council were still placing vulnerable Tenants including 4 females at his properties to which she answered that RSW was conducting its own assessment. She did however concede in cross-examination that she had not even visited the properties herself, whereas Wrexham County Borough Council would be doing so.

Closing Submissions

43. In closing submissions on behalf of RSW we heard from Mrs Jones who started by submitting that Mr Williams was not a fit and proper person. She accepted there was no definition as such in legislation, but that Section 20 of the Housing (Wales) Act matters had to be considered. This was supplemented by the Welsh Assembly Government guidance on other matters. She then went on to submit that as it was the case that Mr Williams had relevant convictions they must be considered and dealt with in a proportionate way. There were 9 unspent convictions. In RSW's view those convictions showed that Mr Williams was capable of harassment and a complete

disregard for the legal process. The fact that he had breached a Restraining Order 8 times was relevant and that it was not appropriate in this case to grant a Licence with conditions as RSW was not confident Mr Williams would comply with such conditions because of the way he had breached the earlier Restraining Order. This also was of concern to prevent harassment of existing Tenants especially vulnerable ones.

44. RSW had a duty to protect the vulnerable Tenants and Mr Williams had 10 of them within his properties. Nothing they had heard during the course of the hearing had changed their decision as to whether he was a fit and proper person. RSW formed the view that Mr Williams had not learned a lesson from the process, and that he sought to undermine any decision made, and would not change in his behaviour.
45. We then heard from Mr E Jones on behalf of Mr Williams. He submitted that the only reasons RSW consider Mr Williams as not a fit and proper person was his recent convictions. Mr Williams was remorseful and accepted the breaches. There were no threats, no suggestion of any violence, he had been punished for his actions and that did not in itself mean he was not a fit and proper person. The purpose of the legislation was to prevent rogue landlords something Mr Williams was not. He had been a landlord for 10 to 12 years, and had constantly housed 10 tenants in his properties working closely with Wrexham County Borough Council's Housing Department.
46. There was no definition of a fit and proper person and Mr Jones submitted that one consideration might be somebody who it was considered would be appropriate to deal with vulnerable tenants. Clearly, in that regard, Mr Williams was such a person as he was still being asked by Wrexham's Housing Options Team to house such individuals despite his convictions.
47. Mr Jones concluded his submissions by inviting the Tribunal to consider Mr Williams a fit and proper person.

Conclusion

48. The Tribunal was impressed with the manner in which Mr Williams presented himself. He gave a full and frank account when questioned about all matters including convictions. We accept his evidence as regards his remorse towards his actions leading to the Restraining Order and the breaches that ensued, also find as a fact that those breaches, although breaches of a Court Order did not portray any signs of anger or threat, nor do the convictions in this case being ones in respect of the harassment and breach of Restraining Order matters relating directly to the relationship between Mr Williams and his-partner and the circumstances surrounding that break down of their relationship. have an impact upon nor in the Tribunal's view exhibit a threat to the wider community and/or any of Mr Williams' Tenants. The Tribunal finds having closely examined all of the written evidence provided including the reports of RSW and the Witness Statements together with the oral evidence, and taking cognisance of the guidance that the criminal convictions of Mr Williams although not spent do not negatively impact upon his fitness and propriety to let or manage residential properties.
49. In relation to the way in which Mr Williams manages the properties, RSW raised two potential criticisms. In relation to the way in which the boiler was attended to we find as a fact that one of the Tenants in the Property was seized of Mr Williams' daughter's

telephone number, and had an avenue to bring any matters to her attention. Due to the specific circumstances on that day Mr Williams' daughter was unable to attend immediately, but in any event even had she done so, the matter would not have been resolved any quicker.

50. In relation to the way Mr Williams deals with his Tenants. Having heard his evidence and considered the written material we are content that he dealt appropriately with the initial issue with Mr Albert Evans stockpiling paper and threatening to start a fire. It would be disproportionate to simply telephone there and then. Mr Williams did however enquire of his Tenant as to whether he wanted to make a complaint against Mr Evans, and we accept that upon the Tenant declining, Mr Williams's hands were tied in that regard. We find however that Mr Williams did act appropriately on the second occasion when a fire was started.
51. In relation to all other matters, as far as the Tribunal can see from the evidence before it there are no valid complaints about the manner he has dealt with his residential properties for approximately the last 12 years. The Tribunal's view is further amplified by virtue of the fact that Mr Williams has continued to be granted HMO Licences by Wrexham County Borough Council, and as he told us in evidence was the subject of 12 monthly inspections with no issues arising until the last 2 years.
52. Whilst we accept Mr Williams' convictions are unspent it is our view that there is nothing set out in paragraph 12 of the guidance to indicate whether or not a conviction should be spent. In the specific circumstances of this case despite there being unspent convictions the Tribunal accepts Mr Williams's evidence, and finds the fact that there have been no issues since he was released from the 14 week custodial sentence on or around the beginning of November 2017, and the fact that he has been engaging with the Probation Service to be relevant considerations which in the Tribunal's view RSW has failed to consider.
53. Accordingly, in summary we find on balance for all the reasons as aforesaid that Mr Williams is a fit and proper person to hold a Landlord's Licence from RSW and allow this appeal.

Dated this 12th day of December 2018



CHAIRMAN