

INDEX TO DOCUMENTS CONTAINED IN THIS FILE

Document 1.

This is a final warning letter demanding a selective license fee of £665 from me for Flat 8, 11 Pelham Crescent TN34 3AF. I refused to pay the fee or apply for the license because 11 Pelham Crescent has been licensed as a HMO under license number WK201400698 and is therefore exempt from selective licenses. Furthermore any property containing 5 self contained flats or more is a mandatory HMO and is exempt from selective licensing on that ground too.

Document 2

11 Pelham Crescent's HMO License

Document 3

This document lists the sanctions that I am threatened with if I fail to apply for the license and pay the fee.

Document 4

This document explains the error made by Hastings Borough Council in charging for selective licenses in properties already licensed as HMOs. Hastings Borough Council came to the wrong conclusion that it was entitled to charge for selective licenses in properties it had previously licensed as HMOs when the licensing period had ended. HMO's are licensed in part 2 of the Housing Act 2004 and selective licenses are restricted to properties in part 3 of the Act. A property can never be within both part 2 and part three of the act unless it were to change its shape and add or subtract storeys or self-contained flats.

Document 5

This document is a chart showing the different types of properties referred to in the Act and what options a local authority has to license them under the Act. There is one simple rule: It is either a HMO license or selective licenses in any one property but never both because the fire safety requirements for the two different licenses are completely different.

Document 6

This letter to me from Amber Rudd dated the 15th of November 2016 deals with a complex but vital issue: It is the owner of a property needing a HMO license who has the responsibility to obtain the license. He or any person or company who exercise his powers only can obtain the license. But if the HMO license is not obtained a landlord letting a flat in the property cannot obtain a selective license because as Hastings Borough Council administrated the scheme the landlord seeking the selective license must quote the HMO license number before he can have the selective license. Therefore through the fault of the owner of the property, the landlord letting the flat becomes vulnerable to the sanctions listed in document 2 above. That represents a fundamental breach of the landlord's rights as a citizen of the UK. It cannot happen. That was the matter put before Amber Rudd. What score would I give for her letter? 1/10. At least she answered. This is a fundamental issue concerning our rights under the law which I believe strongly it was her duty to take more seriously than her letter suggests.

Document 7

Amber Rudd writes to me on the 18th of September 2017. She notes that I am uneasy about her referring my concerns to the Local Government Ombudsman at that time. She demonstrates a perfect grasp of the problem of the different licenses in the same property and informs me that she has written to the Rt Hon Sajid Javid MP Secretary of State for Communities and Local Government to seek his comments.

Document 8

On the 25th of October 2017 Amber Rudd sends me Sajid Javid's comments which I consider to be obfuscation and nothing more. Politicians do this all the time. They do not answer the question put to them. They answer a completely different question that has not been asked. My question to Amber Rudd was: Is it legal for a local authority to impose a selective license in a property that has already been licensed as a HMO? The answer is: no, not ever. Mr Javid's answer is to assure me that both HMO licenses and selective licenses have never been issued in the same property concurrently. I had not suggested that this had ever happened. In the final paragraph of the letter he makes the statement that the non-judicial comments made by Judge Tildesley of the First Tier Local Government Tribunal are not supported by the Housing Act 2004. It was the judge who suggested that there was a loophole in the legislation.

Document 9

Amber Rudd wrote to me on the 16th of November 2017 to confirm that she knows that I had written personally to Sajid Javid, the Secretary of State. I had explained to her that I felt that there might have been some sort of miscommunication between her office and his for him to respond in the way that he had. I wished to put the matter straight with Mr Javid. She expresses the hope that Mr Javid will reply to me to clarify matters and she forwards my concerns to Hastings Borough Council. Mr Javid failed to acknowledge my letters to him and Hastings Borough Council do not follow through on its threat to prosecute me for refusing to pay the selective license fee. Before the intervention of Sajid Javid, Hastings Borough was adamant that it had the right to impose selective licenses in property licensed as HMO at the end of the licensing period. I am convinced that Hastings Borough Council became better informed following the intervention of the Secretary of State for Communities and Local Government.

Document 10

This is the letter sent to me by the Property Chamber dated the 29th of August 2017. The author of this letter subsequently revealed himself to be Judge Tildesley OBE. The letter warns me not to proceed with my application for the return of three selective license fees charged to me against flats in properties that had been licensed as HMOs. I will repeat the Secretary of State's comments on this letter: (a) "I would assure Mr Rochford there is no loophole in the legislation." (b) "In my view the non-judicial comments made by the First Tier Tribunal included in Mr Rochford's original correspondence are not supported by the legislative framework in the Housing Act 2004." My application to the Tribunal was substantively correct but at the time of making the application I was not aware that HMO properties were within Part 2 of the Act and exempt from selective licensing and that selective licensing was restricted to properties that were within Part 3 of the Act and were for properties other than HMOs. I had paid for legal advice on the matter, but my solicitor gave me the wrong advice. She said that the legislation was not sufficiently clear to proceed. Sajid Javid would not agree.

Document 11

This document is my letter to the Rt Hon. Sajid Javid MP Secretary of State for Communities and Local government dated the 17th of March 2018 in which I clarify matters with him.

Document 12

This is an undated letter to me informing me that post the Grenfell Tower disaster in 2017, Hastings Borough Council has finally decided to inspect thousands of properties it has licensed as HMOs as long ago as 2010 at a cost of £1,000 per license (approximately) to check if the necessary fire safety measures required by the license had been installed. That of course should have been done before the licenses were issued. By 2017 all properties licensed under the HMO regime had been downgraded to selective license regime illegally.

Document 13

This documents my comments on what I consider to be a debacle for Hastings & St Leonards and my suggestions as to the best way forward.