

For the personal attention of:
The Rt HON Sajid Javid MP
Secretary of State for Communities and Local Government
Fry Building
2 Marsham Street
London
SW1P 4DF

17-March-2018.

Re: The Housing Act 2004/Fire Regulations/The illegal imposition of selective licenses in properties already licensed as HMOs.

I return again to the letter you wrote to my constituency MP, Amber Rudd on 18th of October 2017. In this letter you stated the following, "I would assure Mr Rochford that there is no loophole in the legislation. A property cannot be at the same time both under parts 2 and 3 of the Housing Act 2004." That statement is correct but does not deal with my concern. My concern, which was related to Amber Rudd in full, is that Hastings Borough Council had through a mixture of extreme cupidity and stupidity replaced HMO (or high risk fire security) licenses with selective license (or low fire risk) security licenses, thereby completely compromising its ability to prosecute landlords who had failed to install the high risk fire security measures demanded by the HMO license regime.

Before a local authority inaugurates a licensing scheme under the 2004 Housing Act, it has no power to prosecute an owner of a property for not having the required fire safety measures installed in his property. By the end of the licensing period which is five years any property properly identified by the local authority as a HMO must be in compliance with the required fire safety measure or prosecution against its owner will ensue so there is no need for further licensing. There are two types of license available to the local authority: HMO licenses for those properties deemed high risk and selective licenses for those properties deemed low risk. The Housing Act 2004 is framed specifically to prevent a local authority from imposing both licenses in the same property. Selective licenses are restricted to properties in part 3 of the Act and are for properties other than HMOs. Properties licensed as HMOs are within part 2 of the Act and are exempt from selective licensing.

At the end of the licensing period, you and I both understand that Hastings Borough Council considered that it had the right to impose selective licenses in properties it had already licensed as HMOs. Its reason for doing this was to gather millions of pounds in additional selective license fees. The demands sent for these fees were illegal and threatening, which constitutes extortion. You ignored all this and instead of dealing with the issue you issued a bromide. When you assured me that there was no loophole in the legislation you should have addressed that remark to Judge Tildersley of the Property Tribunal, who had suggested it, and not to me.

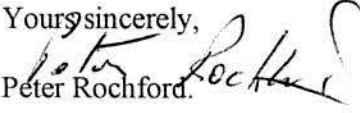
For ease of reference, I enclose a copy of your letter to Amber Rudd MP plus a copy of an illegal demand for a selective license fee for Flat 8 11 Pelham Crescent Hastings TN34 3AF made to me by Hastings Borough Council.

The question that lies before you concerns the basic right of every citizen of the UK. When writing your letter to Amber Rudd, you understood that law abiding citizens were being threatened with criminal sanctions including loss of property rights for refusing to pay the illegal demands for selective licensing fees in properties previously licensed as HMOs.

Instead of giving your attention to this appalling situation, you turned a blind eye. I regard your letter as pure obfuscation. I enclose an obfuscation resistant chart that shows how the four different categories of properties can or must be licensed under the Housing Act 2004. The facts revealed in this simple chart were at your disposal when you wrote to Amber Rudd MP on the 18th of October 2017.

I believe that you are the person with ultimate responsibility for fire safety measures in all buildings of multiple occupation in the UK including Grenfell Tower.

Yours sincerely,


Peter Rochford.

PS You were also aware from the information that I supplied to Amber Rudd MP that by 2017 Hastings Borough Council had issued thousands of HMO licenses without ever inspecting these properties to ensure that they conformed to the fire safety standards required by the licenses and by the time the Grenfell Tower disaster had spurred it into action, it had downgraded every HMO to the selective license regime.

Copy to the Rt Hon John Healy, Shadow Housing Minister.