



Re: Enforcement Notice

From Andreas Russo <info@areton-ltd.com>

Date Wed 12/18/2024 1:19 PM

To Sarah Turner (LFR) <Sarah.Turner2@lincolnshire.gov.uk>; infomgt@lincolnshire.gov.uk
<infomgt@lincolnshire.gov.uk>

Cc Hannah Cann <Hannah.Cann@lincoln.gov.uk>; Sally Burke <Sally.Burke@lincolnshire.gov.uk>; Sarah Cocker (LFR) <Sarah.Cocker@lincolnshire.gov.uk>

 2 attachments (1 MB)

63 canwick road (DOES-RT-068).pdf; Freedom of information act request.odt;

Freedom of information act request attached

Dear Sarah

All I am trying to do is to understand the situation a little better. I complied with all the requests anyway

You state

"A House in Multiple Occupation (HMO) is a property that is shared by three or more tenants who are not members of the same family. You are an HMO landlord and are licenced by the Local Council Housing Department. The legislation is the Housing Act 2004 and this includes HMO's, this act is enforced by the Local Housing Authority which in most cases will be the Local Council Housing Department. A HMO is a commercial premises."

This is in contradiction with the legal definition of an HMO which is still considered a dwelling-house and NOT a commercial building for proof please refer to this link:

<https://areton-ltd.com/Aretonoldbackup/hmo-of-any-size-are-classed-as-dwelling-houses/>

you seem to be confusing a commercial building with a Dwellinghouse. This is a very clear fact explained above and a consolidated interpretation of the law. Council tax shows the house is an HMO and taxed as dwelling-house as all our other HMOS throughout the country. A hotel is a business for example but not an HMO. a hotel has business rates, HMOS are taxed as dwellignhouse as they are so. This is a very well known fact, you can check for yourself the legal classification of an HMO.

Since in the link above I have proven that an HMO is a dwellinghouse, can you kindly show me what law, case law, or court judgment are you using for this determination. In our case for example you can also find The high court confirming exactly that an HMO is indeed a Dwellinghouse (if it meets a certain test) which 63 Canwick Rd as over 98% of HMOs do throughout the country.

you say:

"Regarding your enquiry regarding the fridges in your common escape, There are two fridges at the base of the single staircase. The risk of these are potential ignition and compromising the only escape route. One of the fridges is also blocking the door to the bedroom downstairs – meaning the only escape from this room was into the kitchen (a high risk area). A potential fire in the kitchen means that the occupant of the bedroom would have been trapped. We explained this to you in full over the telephone and the Housing Officer had requested removal of the fridges a few days previously."

I understand this is your argument/statement. Do you have any statement of law, case law etc? Is there any legislation that forbids a fire escape to be through a kitchen? However this room has two doors one into the kitchen and one into the corridor. You seem to be saying that while the room has two doors the one into the kitchen is not a safe escape route because the kitchen traps them. Then we would have the issue of the bathroom at the back, if a fire is in the Kitchen people would be trapped in the bathroom.

you state

"Any compromise within these areas such as white goods (fridges) are a huge risk. Whilst you mention there is no risk, Lincolnshire Fire and Rescue experience many white goods fires, indeed Nationally these are one of the highest fire risks in property fires."

In particular

"white goods (fridges) are a huge risk" this is a statement you are making, can you please justify it with Law, case law or peer reviewed studies. This is all I am asking for. Please justify this statement. I would like to understand. This is all. Is it all based on anecdotes? I have not requested anything under the freedom of information act request yet, this

You say:

"Whilst you mention there is no risk". I had said NOTHING, I am trying to understand how an appliance which is ubiquitous is a HUGE RISK. In the absence of specific law, case law, peer reviewed studies anything can be classed as a Huge risk. If it is such a HUGE RISK of fire how is it possible that these appliances are still ubiquitous in the UK?

What are you going to be doing with this property? The fridge is blocking the fire exit etc. By your own words this causes HUGE RISKS. While I appreciate this has nothing to do with the enforcement notice as a member of the public.

<https://www.youtube.com/watch?v=TwRUFwXyPys>

You Say

"You electrical installation should be in receipt of a 5 yearly EICR not a 10 year domestic check, your premise is a commercial property and needs electrical tests on fixed electrical installations at least every 5 years. We would expect you to get this undertaken please."

The updated EICR is in place already. All I am asking to seek clarification how in law a fuseboard cannot be in a fire escape and how by law it has to be boxed in. This is all. I am sorry but to the best of my knowledge as well as the electrician who gave me the updated EICR we seem to believe that metal and copper are not combustible. Adding an extra boxing to enclose the metal fuseboard does not seem to be a good move to us since it adds wood (combustible to the fire escape) and also it makes the fire escape a bit more cramped. This is all. For your knowledge I have the order to box it in in a fire proof boxing as you requested as you asked. All I am saying is where is the legislation that says a metal fuse board cannot be in a fire route and if so it has to be boxed in?

You say

"fire history shows us that indeed consumer units pose a fire risk," in absence of legislation, case law, peer reviewed studies you can kindly show me when you have time your evidence. I welcome that you show us the history you have on this but not all set ups are the same. Some consumer units should be in a cupboard filled with flammable material for example. There are several possible set ups that could cause a fire. If a combustible is not close to a spark a fire cannot ignite and indeed not spread. Therefore if this is the only reason you use for this we are throwing the baby with the bathwater. As I mentioned I cannot see how metal and copper could combust unless there is some sort of fuel (wood etc). The fuse board is made of METAL and there are no highly flammable sources of fuel nearby that could ignite after a sporadic spark generated by a circuit breaker.

you state

"Emergency lighting is a statutory requirement and ensures anyone exiting a premise in an emergency is provided enough light to exit the building safely when natural light is not available. How you achieve this is for you to determine suitability but emergency lighting must be present."

Emergency lights are well in place and functioning of course all throughout the fire escapes in the house. My contention is that I cannot see how I would be expected to install emergency lights on a building I do not own, which is 65 Canwick Rd. This is all. As I mentioned I do not own the communal passageway and the building above it belongs to 65 Canwick Rd. I acknowledge this is not mentioned in the enforcement notice. I requested to provide law or case law where a requirement for maintain and install equipment on a land I do not own can be placed on me.

You say

"If we not in receipt of your appeal in due course we will continue with the enforcement notice accordingly. I feel it necessary to affirm the enforcement notice is applied to ensure that your residents are safe in their homes – we do not feel in its current state this is the case."

I understand that you "feel", but as an engineer I like to use physics and peer reviewed studies. As a business owner I like to understand and use the APPLICABLE law, its official interpretations and case law. I try not to rely on "feelings" as they really do not seem to be working for me so well.

We followed up and the courts phone number is not answering. However we have proof we sent the appeal via email and also by mail. It is possible that the courts are overwhelmed. However if you want to ignore the fact that we have appealed and it is now in the hands of the court it is ok by us. If the

officer would have took notice of the fact that I complied with all requests this could have been simply resolved with a simple private letter and my usual compliance with the authorities requests as usual. However, since a formal enforcement notice have been issued we do need to respond and appeal formally.

Meanwhile since I complied anyway, I understand you will not be visiting on the 7th of January. If you would like to revisit the premises you are invited to re-entry at the end of January beginning of February irrespective of the enforcement notice appeal. Only one person will be allowed in unless the law expressly allows you to enter in groups. Let me know if you could make the week starting the 27th of January please and the name of the person who would be carrying this out.

Also we will be sending the relevant documentation you requested in the enforcement notice, as I will be treating at this stage as a letter.

Since we can resolve this like grown up adults and do so collaboratively and amicably, I would appreciate it if you would rethink your position and withdraw voluntarily the enforcement notice since I am always complying anyway and this is causing loads of upset but especially I think the courts have better fish to fry than a frivolous enforcement notice that I am trying to resolve amicably since the beginning anyway.

On an informal note I say here:

"I understand that my questioning of everything does upset some people who like their authority to be respected (see cartoon here https://www.youtube.com/watch?v=KKJprZqU_oU). Authority is earned, a job title or anything else does not earn anyone any real authority with me. This happens especially when intimidation tactics are used, I recognise them very well and I am highly allergic to them. If something does not make sense I have the habit of double checking and I understand how some people do not like that. However it was clear since the very beginning that my intention has always to comply within reason. If something does not make sense, I have the habit of saying it and this got me in trouble with some teachers when I was younger. The same attitude has helped me in other ways."

However, if you want to keep this enforcement notice live it is up to you. If required, I have no issue in attending any future court hearings if necessary in person.

Regards

Andreas

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On 16/12/2024 16:52, Sarah Turner (LFR) wrote:

Good afternoon – Following your email to my colleague Sarah Cocker as head of Technical Protection I felt it pertinent to reply to you. Although I feel duty bound to inform you, Sarah Cocker is a well-respected, fully warranted, credited and qualified fire safety Inspector with Lincolnshire Fire and Rescue.

A House in Multiple Occupation (HMO) is a property that is shared by three or more tenants who are not members of the same family. You are an HMO landlord and are licenced by the Local Council Housing Department. The legislation is the Housing Act 2004 and this

includes HMO's, this act is enforced by the Local Housing Authority which in most cases will be the Local Council Housing Department. A HMO is a commercial premises.

Fire safety in the common areas of HMOs, blocks of flats or Maisonettes are controlled by [Regulatory Reform \(Fire Safety\) Order 2005 \(RRFSO\)](#), and this order lays down the legal requirements.

The RRFSO applies to all workplaces and the common parts of buildings including common parts of HMO's. The legal duties are placed on anyone in control of these premises - the Responsible Person (yourself) to undertake and record a fire risk assessment and put in place and maintain general fire precautions.

The RRFSO includes Article 27 – Powers of inspectors

27.—(1) Subject to the provisions of this article, an inspector may do anything necessary for the purpose of carrying out this Order and any regulations made under it into effect and in particular, so far as may be necessary for that purpose, shall have power to do at any reasonable time the following—

(a) to enter any premises which he has reason to believe it is necessary for him to enter for the purpose mentioned above and to inspect the whole or part of the premises and anything in them, where such entry and inspection may be effected without the use of force;

Escape routes are a fire barrier between the common areas and the living accommodation and create a protected route to a place of ultimate safety. Any compromise within these areas such as white goods (fridges) are a huge risk. Whilst you mention there is no risk, Lincolnshire Fire and Rescue experience many white goods fires, indeed Nationally these are one of the highest fire risks in property fires.

You electrical installation should be in receipt of a 5 yearly EICR not a 10 year domestic check, your premise is a commercial property and needs electrical tests on fixed electrical installations at least every 5 years. We would expect you to get this undertaken please.

Your electric cupboard leads onto you only means of escape and fire history shows us that indeed consumer units pose a fire risk, this electrical cupboard is within a communal area and should meet FD30 fire rating as a minimum.

Emergency lighting is a statutory requirement and ensures anyone exiting a premise in an emergency is provided enough light to exit the building safely when natural light is not available. How you achieve this is for you determine suitability but emergency lighting must be present.

The videos you have shared have no relevance to the enforcement notice you have been issued. We have to date not received any notification from the courts as to your appeal. Can you please advise us when this was sent.

If we not in receipt of your appeal in due course we will continue with the enforcement notice accordingly. I feel it necessary to affirm the enforcement notice is applied to ensure that your residents are safe in their homes – we do not feel in its current state this is the case.

I look forward to hearing from you as soon as possible please

Many thanks

Kind regards

Sarah Turner (preferred pronoun she/her)

Technical Fire Protection Manager

Lincolnshire Fire and Rescue

Lincolnshire County Council

Fire & Police Headquarters Deepdale Lane Nettleham

LN2 2LT

“What you permit, you promote. What you allow, you encourage. What you condone, you own.”

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If your enquiry is in relation to a Freedom of Information request, please contact customerrelationsteam@lincolnshire.gov.uk. This is the e-mail account which is used to process Freedom of Information Act requests.

From: Andreas Russo <info@areton-ltd.com>

Sent: 16 December 2024 07:13

To: Sarah Cocker (LFR) <Sarah.Cocker@lincolnshire.gov.uk>

Cc: Hannah Cann <Hannah.Cann@lincoln.gov.uk>; building.control@lincoln.gov.uk; Sarah Turner (LFR) <Sarah.Turner2@lincolnshire.gov.uk>

Subject: Re: Enforcement Notice

You don't often get email from info@areton-ltd.com. [Learn why this is important](#)

Caution external: This email originated from outside of the council. Do not click on links or open attachments unless you are confident the email is legitimate

Dear Sarah

Given that

- 1 I have appealed your enforcement notice
- 2 the fire detection system was and is functioning in the dwellinghouse.
- 3 if you require any documentation we can to send you it via email

What are you going to inspect on the 7th in the dwellinghouse exactly?

Please also clarify using excerpts of the RELEVANT legislation. Please Quote the legislation.

- 1 Where in the legislation you have power of entry without a court order in a dwellinghouse.
- 2 I note you never sent any legislation in connection with the fridges underneath the staircase. If you intend to claim that any fire exit was blocked by the fridges, let me remind you that we can publish irrefutable video evidence that the fridge although placed

at the side of a fire escape they never impeded escape. In your enforcement notice you never justified this mentioning any excerpt from legislation (stating that fridges are not allowed in a fire escape even if they do not impede exit), in the absence of clear legislation please make reference to "caselaw", in absence of case law please make reference to peer review studies. If the claim that fridges in a fire escape cause people to be killed in a fire due to the fridges, then unless there is objective legislative framework, peer reviewed studies or caselaw on fridges in a fire escape and it is all based on arguments or an established way of doing things then also banisters, wooden staircases, emergency lights and several other things can make almost 99 per cent of dwellinghouses not habitable based on arguments alone.

3 We would like to see the same evidence for the metal fuse board requirement not to be in a fire escape and needed to be enclosed in a wooden fire resistant box. Unless there is a clear legislation around this requirement, this requirement is clearly out of touch because metal switchboard do not catch fire and a the new encasing is more detrimental and anything else.

4 were in legislation, case law etc I would need not only to maintain a peace of land I do not own but also install emergency light on a building I do not own.

I was expecting at least some reference to the relevant law around your requirements where in your enforcement notice, but this was not to be found anywhere.

We will only allow one person per statutory visit (not group of people) see the link below:

<https://areton-ltd.com/Aretonoldbackup/hmo-inspections/>

If the statutory request is not served we may deny exit.

For proof that you would be entering a dwellinghouse NOT a business please visit this link:

<https://areton-ltd.com/Aretonoldbackup/hmo-of-any-size-are-classed-as-dwelling-houses/>

Regards

Andreas

On 08/11/2024 17:42, Sarah Cocker (LFR) wrote:

Dear Andreas,

Please find attached our letter resulting from the visit to your premises on October 29 2024.

I will revisit the premises on January 7 2025 at 11am to check the work identified has been completed.

Please note that there are often several ways to deal with a particular deficiency and you should explore the most suitable solution via your risk assessment. You need not necessarily use the solution that I have suggested during my visit, but you must be able to satisfy the following:

Article 8 - The responsible person must:

(a) Take such general fire precautions as will ensure, so far as is reasonably practicable, the safety of any of his employees; and

(b) In relation to relevant persons who are not his employees, take such general fire precautions as may reasonably be required in the circumstances of the case to ensure that the premises are safe.

Further guidance is available at:

<https://www.gov.uk/workplace-fire-safety-your-responsibilities>

<https://www.lincolnshire.gov.uk/business-fire-safety>

Kind regards,

Sarah Cocker

Fire Safety Inspector

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