

7 Brereton Avenue, Cleethorpes

Evidence bundle and position statement concerning HMO licensing, Building Control, proposed enforcement, and comparative regulatory treatment of 37 Brereton Avenue

Prepared from the viewpoint of Andreas Russo / Areton Ltd using the uploaded e-mail correspondence and embedded attachments. This is a working advocacy bundle, not a court-filed pleading and not a substitute for solicitor review.

PUBLICATION VERSION - PURPOSE, PRIVACY AND STATUS

This edition is prepared as an internet-publication version of the evidence bundle. Its purpose is to place the contemporaneous regulatory record concerning 7 Brereton Avenue in the public domain, explain the owner's position, and permit scrutiny of the Council's decision-making and consistency of enforcement.

The correspondence identifies North East Lincolnshire Council officers in their professional capacities. Council work e-mail addresses, Council office telephone numbers, job titles and official correspondence have therefore generally been retained where they form part of the evidential record. However, this should not be read as a claim that public-sector employees have no data-protection rights. An identifiable officer's name and work e-mail address can constitute personal data. Publication must therefore have a lawful basis and remain necessary, fair, proportionate and limited to what is relevant to the public-interest/accountability purpose of this bundle.

For publication, the intended approach is data minimisation: retain official Council contact details and professional statements where materially relevant; avoid publishing private/home contact details, unrelated personal information, special-category information, signatures or other material that is not necessary to understand the regulatory record. The publisher's position is that transparency, accountability, the establishment and defence of legal claims, and public scrutiny of official regulatory action provide a substantial justification for publication of relevant professional correspondence, subject to the balancing exercise required by data-protection law.

This bundle is an advocacy document. Allegations concerning 37 Brereton Avenue are expressly presented as reported allegations requiring independent verification, not as established facts. Likewise, legal propositions are stated as the owner's case unless expressly identified as a quotation or admission by the Council. The bundle should be read together with the underlying correspondence and exhibits.

EXECUTIVE POSITION STATEMENT

The owner's primary case is that there is presently no evidenced basis for requiring a retrospective Building Regulations application for 7 Brereton Avenue merely because the Council cannot locate historical Building Control records. The relevant layout and installations are said to be long-standing. The Council has repeatedly been asked to identify the precise item of alleged controlled building work, when it says that work was carried out, the evidence supporting that date, and the statutory provision relied upon. Until those matters are particularised, the asserted requirement remains unsupported by the factual foundation necessary to determine whether Building Regulations were triggered at all.

This is not an argument that an HMO is automatically outside Building Control. Andy Perkins, the Council's Principal Building Control Surveyor, expressly stated that Building Control operates under the Building Act 1984 and Building Regulations 2010 separately from Housing Act licensing and planning use classes, and that a Building Regulations application is not required where no building works or structural alterations are carried out and the means of escape remains unaffected. His e-mail then identified examples of physical works that may constitute building work. That clarification materially differs from any blanket proposition that a C3/C4 use-class change, by itself, necessarily triggers Building Regulations approval.

The factual evidence advanced by the owner is that the HMO/shared-residential configuration is historical; the layout, bathrooms, kitchen, sanitary facilities and relevant fire-safety arrangements substantially pre-date the present ownership; and works during the present ownership were repair, maintenance, refurbishment and like-for-like replacement rather than a new HMO conversion. On that case, the existence today of fire doors, alarms, bathrooms or extraction does not prove when they were installed, who installed them, or that a presently enforceable Building Regulations breach exists.

The Council's own correspondence demonstrates uncertainty rather than a concluded Building Control case. On 14 August Kyle Horner said he was trying to clarify whether Building Control approval was required and that this enquiry would not delay the licence application. Four days later the Council stated that no historical approval could be found and treated that absence as a reason why retrospective sign-off remained necessary. The owner's case is that absence of a record is not evidence of the date or nature of the work and cannot substitute for identifying the alleged controlled work itself.

The HMO licence application has been made and the Council arranged a full licensing inspection. The owner has supplied floor plans and professional safety documentation, permitted access, responded to inspection issues, provided photographs and repeatedly requested the schedule of hazards and proposed works. The record therefore shows active engagement with the licensing process rather than refusal to cooperate. Any assertion that the property may not be used as an HMO, or may not house more than four persons, simply until the licence is granted is disputed and the Council has been asked to identify the precise statutory basis for that position.

The contemplated Improvement Notice is also disputed procedurally and evidentially. The owner repeatedly asked for the identified hazards, HHSRS assessment/scoring, reasons and proposed remedial works so that genuine matters could be addressed voluntarily. The Council nevertheless stated on 18 August that it had internally agreed to serve an Improvement Notice together with a Building Control requirement. The owner's case is that formal enforcement should follow a properly evidenced hazard assessment and the applicable statutory procedure, not precede the provision of the particulars needed to understand and, where appropriate, remedy the alleged hazards.

The record also contains technical disputes illustrating why precise reasons matter. Following the inspection, the owner challenged a proposal concerning cement board around electrical equipment, relying on manufacturer classifications showing A1 reaction-to-fire performance for the cited cement board compared with A2-s1,d0 for conventional fire-resistant plasterboard. Whether a particular construction achieves the required fire-resistance period is a separate question, but the correspondence demonstrates the owner's willingness to engage with technical evidence rather than simply reject safety works.

A serious consistency concern is raised by the reported condition of 37 Brereton Avenue. The reports sent to the Council allege, among other matters, absence of an effective fire-alarm system, padlocked bedroom doors, defective fire doors/frames, compromised fire separation, an unusable communal kitchen, cooking appliances in bedrooms and occupation levels requiring investigation. Those matters have not been treated in this bundle as proven facts; the Council has been expressly asked to investigate them. The relevance is comparative: if such allegations are verified, the owner asks why apparently more acute life-safety conditions have not attracted equivalent or stronger immediate action while 7 Brereton Avenue - where the owner has cooperated and supplied professional documentation - faces escalating formal enforcement.

Taken as a whole, the owner's case is therefore one of proportionality, evidence and equal treatment. The Council should identify the legal and factual trigger for Building Control, determine the HMO licence under its proper statutory regime, provide the complete HHSRS basis before formal housing enforcement, distinguish allegations from established hazards, and apply comparable standards consistently. If the Council can produce clear evidence of relevant controlled work within an applicable enforcement framework, or a properly assessed current housing hazard requiring remediation, the owner has repeatedly stated a willingness to cooperate and address genuinely necessary works.

Principal Irregularities and Matters Requiring Explanation

- Apparent conflation of planning/use-class concepts, HMO licensing and Building Control, despite the Council's Principal Building Control Surveyor expressly distinguishing those regimes.
- Reliance on the absence of historic Building Control records without first identifying the alleged controlled work, its date and evidence of that date.
- A shift from Kyle Horner's 14 August statement that Building Control clarification was still being sought and would not delay the licence, to the 18 August position that retrospective sign-off was necessary.
- Proposed formal Improvement Notice action before the owner had been supplied with the requested final schedule of hazards, HHSRS basis/scoring, reasons and remedial requirements needed to understand the case and consider voluntary compliance.
- A disputed restriction on occupation pending grant of the HMO licence, notwithstanding an application already being under determination; the owner has requested the precise legal basis for that restriction.
- Potentially inconsistent regulatory treatment when compared with the serious allegations reported at 37 Brereton Avenue. The bundle does not assume those allegations are true; it records the request for independent investigation

and equivalent, risk-based enforcement if verified.

- Repeated re-raising of Building Control issues despite substantial correspondence, evidence and requests for particularisation, creating avoidable uncertainty and cost rather than narrowing the dispute to identifiable works and legal provisions.

Key Issues for Determination

No.	Issue	Position / relevance
1	Has the Council identified specific Building Regulations work?	The correspondence repeatedly asks Building Control to identify each alleged controlled work, the date or approximate date, supporting evidence, and the precise legal basis for regularisation.
2	Historic configuration versus new conversion	The owner's position is that no HMO conversion, escape-route alteration, new fire doors, alarm system, bathrooms, en-suites or mechanical extraction were installed during current ownership.
3	Absence of records is not proof of recent works	The Council states no Building Control record exists. The bundle argues that lack of records cannot prove current/post-acquisition works or restart expired enforcement time limits.
4	HMO licensing separated from Building Control	The licensing application is under Housing Act 2004. Building Control issues must be separately evidenced under Building Act / Building Regulations.
5	Improvement Notice procedure	The Council indicated an Improvement Notice would be served before a final schedule of HHSRS hazards, scoring, reasons and remedial works had been supplied to the owner.
6	Four-occupant restriction pending licence	The Council said the property should not be occupied by more than four until the licence is granted. The bundle asks for the precise legal basis, given that a licence application has been made and the matter is under determination.
7	Comparator: 37 Brereton Avenue	The owner requests investigation and consistent treatment where 37 Brereton Avenue is reportedly occupied as an HMO with serious alleged hazards.

Regulatory Framework - Working Analysis

Building Regulations 2010 regulation 3 defines what constitutes 'building work', including specified alterations and the provision or extension of controlled services or fittings. The owner's point is not that Building Control can never apply to an HMO, but that a trigger must be identified and evidenced.

Building Act enforcement powers must be exercised within the applicable statutory framework and time limits. Where works are historical, the Council should identify the works and dates before requiring a retrospective application or relying on enforcement powers.

Housing Act 2004 HMO licensing is a separate statutory regime. The HMO licence application, suitability of the property, management arrangements and fit-and-proper person issues are not the same legal question as whether specific Building Regulations works require regularisation.

Improvement Notices under the Housing Act 2004 require a proper HHSRS basis, identification of hazards, reasons and remedial requirements. The owner's stated position is that any notice served without those elements and without proper consideration of proportionality will be challenged.

Chronology of Material Correspondence

Date	Document	Material point
03 Jun 2026	Re: 7 Brereton Avenue	Owner responds to assertion of unlicensed HMO and request for Building Regulations documents; states licence application submitted and Building Control should not be conflated with HMO licensing.
05 Jul 2026	Re: 7 Brereton Avenue	Owner responds to Andy Perkins; states features existed at acquisition and no conversion/escape route alteration/new systems were installed during current ownership.
08 Jul 2026	Fwd: 7 brereton avenue	Outstanding HMO licence documentation supplied: floor plans, EICR, emergency lighting, FRA, PAT, gas, EPC and fire detection documentation.
28 Jul 2026	Re: HMO Licence application - 7 Brereton Ave	Owner agrees inspection date of 13 August 2026.

Date	Document	Material point
28 Jul 2026	Re: HMO Licence application - 7 Brereton Ave	Owner agrees inspection date of 13 August 2026.
13 Aug 2026	Re: HMO Licence application - 7 Brereton Ave	Owner responds after inspection, querying proposed works and cement board versus ordinary fire-resistant plasterboard.
13 Aug 2026	Re: HMO Licence application - 7 Brereton Ave	Owner responds after inspection, querying proposed works and cement board versus ordinary fire-resistant plasterboard.
14 Aug 2026	Re: HMO Licence application - 7 Brereton Ave	Council says hazards identified for formal action, schedule to follow, Building Control sign-off not obtained, and occupation should not exceed four pending licence.
14 Aug 2026	Re: HMO Licence application - 7 Brereton Ave	Council says hazards identified for formal action, schedule to follow, Building Control sign-off not obtained, and occupation should not exceed four pending licence.
14 Aug 2026	Re: HMO Licence application - 7 Brereton Ave	more files attached On 14/08/2026 13:21, Andreas Russo wrote: > > Dear Kyle, > > Thank you for your email. > > I am copying Lucy into this response and attaching the previous > correspondence because a number of the matters raised in y
14 Aug 2026	Re: HMO Licence application - 7 Brereton Ave	To make sure it is received It is resent On 14/08/2026 13:21, Andreas Russo wrote: > > > Dear Kyle, > > Thank you for your email. > > I am copying Lucy into this response and attaching the previous > correspondence because a number of t
14 Aug 2026	Re: HMO Licence application - 7 Brereton Ave	To make sure it is received It is resent On 14/08/2026 13:21, Andreas Russo wrote: > > > Dear Kyle, > > Thank you for your email. > > I am copying Lucy into this response and attaching the previous > correspondence because a number of t
14 Aug 2026	Re: HMO Licence application - 7 Brereton Ave	Owner confirms Kyle may reconfirm with Building Control and requests schedule of hazards/remedial works.
14 Aug 2026	Re: HMO Licence application - 7 Brereton Ave	Owner confirms Kyle may reconfirm with Building Control and requests schedule of hazards/remedial works.
18 Aug 2026	Re: HMO Licence application - 7 Brereton Ave	Hello Kyle, I hope you are doing well. Please, we are still waiting for the list of things which need to be rectified which marked as hazards on 13th August 2026 inspection. Thank you Jag PA-Andreas Russo
18 Aug 2026	Re: HMO Licence application - 7 Brereton Ave	Hello Kyle & Lucy, Please kindly find attached the photographs showing the meter and kitchen works that have been completed at the property. The images are provided for your reference and to demonstrate the works carried out. Please review
18 Aug 2026	Re: HMO Licence application - 7 Brereton Ave	Owner states absence of Building Control records does not prove Building Regulations work was undertaken and requests evidence/legal basis.
18 Aug 2026	Re: HMO Licence application - 7 Brereton Ave	Owner states absence of Building Control records does not prove Building Regulations work was undertaken and requests evidence/legal basis.
18 Aug 2026	Brereton Avenue – Request to Resolve Matters Constructively Before Formal Enforcement	Formal request to resolve before enforcement; challenges any Improvement Notice absent statutory compliance and evidence.
18 Aug 2026	Re: Brereton Avenue – Request to Resolve Matters Constructively Before Formal Enforcement	Formal record and request for Legal Services review *For completeness, we have also sent a voicemail to your mobile telephone and have retained a record of that communication.* We are maintaining a clear contemporaneous record of our att
18 Aug 2026	Re: Brereton Avenue – Request to Resolve Matters Constructively Before Formal Enforcement	Summary of Our Position *1. Improvement Notice* Given the circumstances outlined above, if the Council proceeds with an Improvement Notice *without properly complying with the applicable statutory requirements, HHSRS procedure and relev
18 Aug 2026	Re: Brereton Avenue – Request to Resolve Matters Constructively Before Formal Enforcement	Summary of Our Position *1. Improvement Notice* Given the circumstances outlined above, if the Council proceeds with an Improvement Notice *without properly complying with the applicable statutory requirements, HHSRS procedure and relev
18 Aug 2026	37 brereton Avenue occupied by more than 4 people	Owner asks Council to investigate 37 Brereton Avenue and explain regulatory position/consistency.
18 Aug 2026	37 brereton Avenue occupied by more than 4 people	Owner asks Council to investigate 37 Brereton Avenue and explain regulatory position/consistency.
18 Aug 2026	FOI Request for 37 brereton Avenue DN35 7RP	FOI/EIR request for recorded information concerning 37 Brereton Avenue.
18 Aug 2026	FOI Request for 37 brereton Avenue DN35 7RP	FOI/EIR request for recorded information concerning 37 Brereton Avenue.

Date	Document	Material point
18 Aug 2026	Re: 37 brereton Avenue occupied by more than 4 people	Owner reiterates concerns over unfairness and lack of specific evidence for retrospective Building Control requirement.
18 Aug 2026	Re: 37 brereton Avenue occupied by more than 4 people	Owner reiterates concerns over unfairness and lack of specific evidence for retrospective Building Control requirement.

Document Index and Page Ranges

Part	Description	Final PDF pages
Main report	Executive summary, chronology, legal issues, requests and source index	1-5
Appendix A	Chronological correspondence extracts	6-217
Appendix B	Embedded evidence attachments and images	218-332

Requests / Proposed Resolution

- The Council should pause service of any Improvement Notice or Building Control regularisation requirement until it has supplied the schedule of hazards, HHSRS scores/calculations, reasons, and proposed remedial works.
- Building Control should identify each alleged item of controlled work, the date or approximate date, the evidence relied upon to establish that date, and the statutory provision said to require present retrospective approval.
- If the Council cannot identify post-acquisition or within-period controlled works, it should confirm that no retrospective Building Regulations application is required merely because historical records cannot be located.
- The HMO licence application should be determined under the Housing Act licensing regime without treating Building Control sign-off as a blanket precondition unless a separate lawful trigger has been established.
- The Council should explain the legal basis for any assertion that the property cannot be occupied by more than four persons pending determination of the licence application, and should address the Housing Act 2004 position in writing.
- The Council should investigate 37 Brereton Avenue, provide the requested FOI/EIR information where lawful, and explain how consistent and proportionate enforcement is being applied across comparable properties.

Source Attachments Included

No.	Attachment	Type/pages
B1	Fwd 7 brereton avenue - Andre__01__7 Brereton Ave DN35 7RP Contract.pdf	pdf / 20 p.
B2	Fwd 7 brereton avenue - Andre__02__7 brereton avenue (DEICR0549116).pdf	pdf / 11 p.
B3	Fwd 7 brereton avenue - Andre__03__Emergency lightning.pdf	pdf / 7 p.
B4	Fwd 7 brereton avenue - Andre__04__Energy performance certificate (EPC) _ Find an energy certificate _ GOV.UK.pdf	pdf / 4 p.
B5	Fwd 7 brereton avenue - Andre__05__First Floor Plan.jpeg	image / 1 p.
B6	Fwd 7 brereton avenue - Andre__06__Gas Safety.jpeg	image / 1 p.
B7	Fwd 7 brereton avenue - Andre__07__Ground Floor.png	image / 1 p.
B8	Fwd 7 brereton avenue - Andre__08__Pat test 2026.pdf	pdf / 3 p.
B9	Fwd 7 brereton avenue - Andre__09__Risk Assessment.pdf	pdf / 22 p.
B10	Fwd 7 brereton avenue - Andre__10__Fire Alaram 7 .pdf	pdf / 11 p.
B11	Re 7 Brereton Avenue - Andrea__01__Building control for HMOs_ no need for noise insulation.pdf	pdf / 10 p.
B12	Re 7 Brereton Avenue - Andrea__01__WITNESS STATEMENT - 1.pdf	pdf / 2 p.
B13	Re_ HMO Licence application - __01__Re 7 Brereton Avenue - Andreas Russo (info_areton-ltd.com) - 2026-07-05 1708 (1).msg	file / 1 p.
B14	Re_ HMO Licence application - __01__Screenshot 2026-08-18 164508.png	image / 1 p.
B15	Re_ HMO Licence application - __01__WhatsApp Image 2026-08-18 at 5.38.48 PM.jpeg	image / 1 p.
B16	Re_ HMO Licence application - __02__Re 7 Brereton Avenue - Andreas Russo (info_areton-ltd.com) - 2026-07-05 1708 (2).msg	file / 1 p.
B17	Re_ HMO Licence application - __02__WhatsApp Image 2026-08-18 at 4.32.57 PM.jpeg	image / 1 p.

Appendix A - Correspondence

Chronological extracts from the uploaded e-mail correspondence. Quoted thread text is preserved where it appears in the source e-mail, subject to removal of binary artefacts.

A1. Re: 7 Brereton Avenue

Date	Wed, 03 Jun 2026 18:15:01 +0100
From	Andreas Russo <info@areton-ltd.com>
To	"Lucy Woods (NELC)" <Lucy.Woods@nelincs.gov.uk>
Cc	"Paul Wilmot (NELC)" <Paul.Wilmot@nelincs.gov.uk>, Andy Ross <andyross1980@hotmail.co.uk>
Source file	Re 7 Brereton Avenue - Andreas Russo (info@areton-ltd.com) - 2026-06-03 1815(2).eml
Attachments	Building control for HMOs, no need for noise insulation.pdf

Dear Lucy,

Thank you for your email.

We write in response to your assertion that the property is currently operating as an unlicensed HMO and your request for Building Regulations documentation.

Licensing Position

An application for an HMO licence has already been submitted and the relevant fee has been paid. Proof of submission and payment is retained. The application is therefore currently before the authority for determination.

Accordingly, this is not a case where the licensing requirements have been disregarded or where no application has been made. The authority is actively considering a licence application which has been submitted for determination.

Further, section 72(4)(b) of the Housing Act 2004 provides a statutory defence where a licence application has been duly made and remains effective. The First-tier Tribunal has recognised this principle, including in Flat 1, 21 Hamilton Park, where it was accepted that the section 72(4)(b) defence applied from the date upon which the application was made.

In those circumstances, we do not accept the characterisation of this matter as a straightforward case of operating an unlicensed HMO.

Alleged Change of Use

The authority's position appears to proceed upon the assumption that a change of use from C3 to C4 has occurred.

That assumption is not accepted.

The property has historically operated as an HMO for in excess of ten years and its historic use has consistently been that of shared residential occupation.

If the authority contends that a material change of use has occurred, it is incumbent upon the authority to provide such compelling evidence.

Building Regulations

In any event, even if a change of use were established, it remains unclear on what legal basis the authority contends that Building Regulations approval is automatically required as a consequence.

Over a number of years we have undertaken extensive due diligence concerning this issue, including:

- correspondence with Building Control officers, including Ian Short;
- review of the Building Regulations 2010;
- consideration of the distinction between planning legislation and Building Regulations;
- consideration of whether a change from C3 to C4 constitutes a material change of use for Building Regulations purposes; and
- consultation with a number of Building Control authorities and professionals.

A summary of that due diligence is available at:

<https://areton-ltd.com/Aretonoldbackup/building-control-for-hmos-no-need-for-noise-insulation/>

PDF equivalent document is attached .

Despite extensive review, we have been unable to identify any statutory provision which automatically requires Building Regulations approval merely because a property is alleged to have changed from C3 to C4 use.

Nor are we aware of any statutory provision within the Housing Act 2004 which makes Building Regulations approval, a Building Control Completion Certificate, or a Full Plans Building Regulation application a prerequisite to the making, validity, determination or grant of an HMO licence.

The authority has stated that:

"A Full Plans Building Regulation application will need to be submitted for a change of use to a HMO regardless of whether there are any structural alterations."

To date, despite extensive review, we are not aware of any tribunal decision, statutory provision, licensing refusal or Building Control enforcement precedent establishing that a Full Plans Building Regulation application or Building Control Completion Certificate is required merely because a property is alleged (let alone proven) to have changed from C3 to C4 use.

Licensing Determination

We are not refusing to cooperate with the licensing process.

The remaining documentation requested, including floor plans and supporting information, will be provided shortly.

However, Building Regulations and HMO licensing are separate statutory regimes. Hence, we do not accept that Building Regulations documentation can properly be treated as a prerequisite to the grant of an HMO licence.

Appeal Position

For the avoidance of doubt, if the authority ultimately determines that the application is invalid, refuses the application, or materially delays determination solely by reason of the absence of a Building Control Completion Certificate or Building Regulations documentation, we would pursue the statutory challenge and appeal routes available to us.

In particular, any refusal or invalidation on that basis would be appealed to the First-tier Tribunal (Property Chamber), where the authority would be required to identify the statutory framework relied upon and justify its position by reference to the legislation.

Given our review of the Housing Act 2004, the Building Regulations framework, relevant guidance and Building Control correspondence, we respectfully consider that considerable caution should be exercised before treating the absence of Building Regulations documentation as a lawful basis upon which to invalidate, refuse or indefinitely delay this application.

Tenancy Documentation

We also note the request for an AST. Following the implementation of the Renters' Rights Act, new Assured Shorthold Tenancies can no longer be created. We assume the authority is therefore seeking a copy of the current tenancy or occupancy agreement and we will provide the relevant documentation accordingly.

Yours sincerely,

Andreas Russo

Areton Ltd
07830 885825

On 02/06/2026 15:05, Lucy Woods (NELC) wrote:

>
> Hi Andreas,
>
> I hope you are well?
>
> Thank you for
applying online for your HMO licence.
>
> Sadly the application is not valid as there is documentation
missing,
> in future please do not apply for a licence without the documents as
> it will be rejected.
>

>
Missing is...
>
> Floorplan with room sizes
>
> EICR
>
> Annual smoke detection certificate
>
> Annual Emergency
lighting certificate
>
> Fire risk assessment
>
> PAT testing
>
> Copy of the AST to be used.
>
> You have
stated a building control certificate not required however
> this is incorrect and a Full Plans Building
Regulation application
> will need to be submitted for a change of use to a hmo regardless of
> whether
there any structural alterations, extensions etc...
>
> Without any of the above documents I am unable to
progress the
> application and must make you aware that currently you are operating a
> unlicensed HMO
>
>
Please be aware that operating an unlicensed HMO is a criminal offence
> under the Housing Act 2004. This can
result in substantial fines,
> including a civil penalty of up to £30,000 per offence or potential
>
prosecution, which may lead to an unlimited fine and a Rent Repayment
> Order.
>
> Kind regards,
>
> *Lucy
Woods*
>
> *Housing Renewal Officer*
>
> *North East Lincolnshire Council*
>
> Municipal Offices, Town Hall
Square, Great Grimsby, North East
> Lincolnshire, DN31 1HU
>
> Phone: +44 (0) 147 2 323405 / +44 (0)
7350434594
> |_lucy.woods@nelincs.gov.uk <mailto:%20lucy.woods@nelincs.gov.uk>_ |
> *www.nelincs.gov.uk
<http://www.nelincs.gov.uk/>*
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A2. Re: 7 Brereton Avenue

Date	Sun, 05 Jul 2026 17:08:59 +0100
From	Andreas Russo <info@areton-ltd.com>
To	"Andy Perkins (NELC)" <Andy.Perkins@nelincs.gov.uk>
Cc	"Building Control (NELC)" <BC@nelincs.gov.uk>, "Lucy Woods (NELC)" <Lucy.Woods@nelincs.gov.uk>, "Paul Wilmot (NELC)" <Paul.Wilmot@nelincs.gov.uk>, "Guy Hobson (NELC)" <Guy.Hobson@nelincs.gov.uk>, Andy Ross <andyross1980@hotmail.co.uk>
Source file	Re 7 Brereton Avenue - Andreas Russo (info@areton-ltd.com) - 2026-07-05 1708(2).eml
Attachments	WITNESS STATEMENT - 1.pdf

Dear Mr Perkins,

Thank you for your email.

Having reviewed your comments, we believe there may be a misunderstanding regarding the factual position of the property.

At the time of acquisition, the property already contained the features referred to in your correspondence, including fire doors, fire alarm systems, bathrooms, extraction systems and associated fire safety measures.

For the avoidance of doubt, no conversion of the property has taken place during the current ownership, nor has there been any alteration to the means of escape, any alteration to the escape route, any alteration to the internal layout of the property, or any works intended to convert a dwelling into an HMO.

Furthermore, no additional bathrooms, en-suites, mechanical ventilation systems, fire alarm systems, fire doors or other fire safety infrastructure have been installed during the current ownership.

The distinction we would respectfully draw is between the installation of new facilities and the repair, maintenance or refurbishment of facilities already in existence.

It is also worth noting that many modern fire safety measures, including battery-operated radio-interlinked fire detection systems commonly accepted within smaller residential and HMO settings, can be installed with minimal disruption and without any alteration to the structure, layout or means of escape of a building.

The relevance of this observation is not to suggest that Building Regulations can never arise in connection with fire safety measures, but rather to illustrate the importance of distinguishing between the creation of new facilities or conversion works on the one hand, and the maintenance, repair, replacement or continued existence of facilities already present within a building on the other.

In the present case, the features referred to within your correspondence were already present at the property when acquired and do not appear to arise from any recent conversion, alteration or installation undertaken during the current ownership.

The examples referred to within your email appear to relate to circumstances where new fire doors are installed, new fire alarm systems are installed, new bathrooms are created, or other conversion-related works are undertaken. That does not appear to reflect the factual circumstances of this property.

The property was acquired with the relevant facilities already present. Indeed, all available indications suggest that the fire safety measures, alarm systems, bathrooms, extraction systems and associated facilities referred to in your correspondence had been in existence for a considerable period prior to the current ownership.

To the extent that works have been undertaken since acquisition, such works have been limited to repair, maintenance, refurbishment and like-for-like replacement of existing facilities due to their condition.

No new fire alarm system has been installed during the current ownership. No new fire doors have been installed during the current ownership. No additional bathrooms or en-suites have been created during the current ownership. No alterations have been made to the means of escape, escape routes or internal layout of the property during the current ownership.

Accordingly, it is not apparent that the existence of long-standing facilities within the property, which pre-date the current ownership, gives rise to the Building Regulations concerns identified in your correspondence.

At present, it is not apparent that any works undertaken during the current ownership would give rise to the Building Regulations concerns identified in your correspondence.

We trust this clarifies the factual position .

Yours sincerely,

Andreas Russo
Areton Ltd
07830 885825

Witness statement

We also enclose a witness statement from the occupier of the adjoining property at 9 Brereton Avenue, Cleethorpes, DN35 7RP. The witness has resided immediately adjacent to the property since approximately 2014 and confirms, based upon direct personal knowledge and repeated observations over many years, that the internal configuration of the property has remained substantially unchanged throughout that period.

The witness further confirms that the existing layout, bathrooms, sanitary facilities and fire safety measures have been present for many years and form part of the long-standing configuration of the building. We are also aware of other individuals who are able to provide similar evidence, should this become necessary.

The significance of this evidence is that it demonstrates that the current configuration is not a recent arrangement but one which has existed for a substantial period of time, extending well in excess of a decade. Any suggestion that the present layout, bathrooms, fire safety measures or associated installations arise from recent works would be inconsistent with the available witness evidence.

It is also relevant to note that Building Regulations enforcement powers have historically been subject to statutory limitation periods. The witness evidence presently available indicates that the configuration under consideration has existed for a period substantially exceeding those historic enforcement periods. The evidence therefore strongly supports the conclusion that the existing arrangements are long-established features of the property rather than recent alterations.

In any event, and irrespective of the age of the installations, we will be providing the independent documentation referred to below, including Fire Risk Assessments, fire alarm inspection and servicing reports, Electrical Installation Condition Reports (EICRs), plans, drawings and any other supporting evidence reasonably required. Accordingly, not only does the available evidence indicate that the current configuration has existed for many years, but the present safety, suitability and ongoing compliance of the installations can also be independently demonstrated through recognised professional assessment and objective evidence.

HMO licensing and Building Control

*
*

It is also important to distinguish between HMO licensing under Part 2 of the Housing Act 2004 and Building Control matters arising under the Building Act 1984 and the Building Regulations 2010. Whilst both regimes may concern the same property, they are governed by separate legislation, pursue different statutory objectives and apply different decision-making tests.

The grant or refusal of an HMO licence must be determined by reference to the provisions of the Housing Act 2004 and the licensing criteria applicable to the property, licence holder and management arrangements. Building Control matters, by contrast, are governed by separate legislation and separate enforcement mechanisms.

We are not presently aware of any provision within the Housing Act 2004, the associated licensing regulations, or any established authority which permits an HMO licence to be withheld solely because a separate Building Control issue is under consideration, because historic Building Regulations documentation is unavailable, or because a Building Control enquiry remains ongoing. Nor are we presently aware of any tribunal or court authority in which Building Control considerations alone have been

successfully relied upon as a statutory basis for refusing or withholding an HMO licence.

If the authority considers otherwise, we would respectfully invite it to identify the specific statutory provision, regulation, case authority or tribunal decision relied upon. That would assist in ensuring that the relevant legislative framework is properly understood and correctly applied.

In our respectful view, particular caution should be exercised before treating Building Regulations approval, Building Control certification or the existence of historic Building Regulations records as a mandatory precondition of HMO licensing unless a clear statutory basis exists for doing so. The Housing Act 2004 establishes its own licensing framework and statutory tests, whilst Building Control matters are addressed through separate powers and procedures.

This distinction extends beyond the circumstances of the present case. In practice, many licensed HMOs exist where no issue has arisen regarding historic Building Regulations records, Completion Certificates or Building Control approvals. The licensing process has traditionally operated by reference to the statutory criteria contained within the Housing Act 2004 rather than by reference to the existence or absence of historic Building Control documentation.

Accordingly, caution should be exercised before introducing, either expressly or in practice, a requirement that Building Regulations approval, Building Control certification or historic Building Regulations records must be obtained before an HMO licence application can properly proceed. If adopted without a clear statutory basis, such an approach risks introducing an additional requirement into the licensing process which does not appear within the statutory licensing framework itself and may lead applicants to believe that Building Control matters must first be resolved before a licence application can be made or determined.

For that reason, licensing decisions should be determined by reference to the statutory requirements of the Housing Act 2004, whilst any Building Control matters should be considered under the separate legislative framework specifically enacted for that purpose.

In any event, the present safety, suitability and ongoing compliance of the property can be independently demonstrated through the objective professional evidence referred to in this correspondence, including Fire Risk Assessments, fire alarm inspection and servicing reports, Electrical Installation Condition Reports (EICRs), plans, drawings and any other supporting documentation reasonably required.

Evidencing compliance

Before addressing each item individually, it is important to note that, in relation to existing premises, there are well-established and widely recognised methods of demonstrating ongoing compliance, safety and suitability. The assessment of existing installations is a routine exercise carried out every day by Building Control bodies, Fire and Rescue Authorities, HMO licensing departments, housing authorities, insurers, surveyors, fire risk assessors and other competent professionals. The process is neither unusual nor complex and is supported by recognised forms of independent evidence specifically designed for this purpose.

The documentation referred to below, including Fire Risk Assessments, fire alarm inspection and servicing reports, Electrical Installation Condition Reports (EICRs), internal floor plans and drawings of the property, together with any other supporting records reasonably required, will be made available. These documents are routinely relied upon throughout the industry and are widely recognised as independent and objective evidence of current compliance, safety, functionality and suitability.

Where installations already exist, compliance is ordinarily assessed by reference to their present condition, operation, performance and professional inspection rather than solely by reference to historic records. The purpose of the independent reports referred to below is precisely to determine whether the existing installations continue to satisfy the relevant safety standards and requirements applicable to their ongoing use.

Importantly, these forms of independent evidence are not unique to any single authority. They are the same categories of professional documentation relied upon by Building Control bodies, Fire and Rescue

Authorities, HMO licensing departments, insurers, surveyors, tribunals and courts when assessing the condition, safety and compliance of existing buildings. Their purpose is to provide an objective and professionally verified assessment of the relevant installations by suitably qualified and competent persons.

Accordingly, should any genuine technical question, concern or dispute arise regarding any aspect of the property, including the fire alarm system, fire doors, means of escape, bathrooms, ventilation systems or associated installations, there are straightforward and well-established mechanisms available to verify compliance through independent inspection and professional assessment. Such evidence can be readily obtained and produced where required.

To date, no specific defect, safety concern or technical deficiency has been identified in relation to the existing installations. Nevertheless, if any particular aspect is genuinely disputed, an appropriately qualified contractor, surveyor, engineer or professional can provide an independent assessment. Such assessments are specifically intended to resolve technical questions by reference to objective inspection, testing and professional expertise rather than assumption or speculation.

Where the relevant installations have been independently inspected, tested and assessed by competent professionals and the resulting reports confirm that they are satisfactory, safe and suitable for continued use, any assessment of the premises should properly be based upon that objective professional evidence. In such circumstances, questions concerning compliance are ordinarily resolved by reference to the findings of those inspections and reports, which provide the recognised evidential basis upon which the safety and suitability of existing installations is evaluated.

Accordingly, the documentation referred to below represents the recognised and established means by which the safety, suitability and ongoing compliance of existing HMO premises is assessed, evidenced and, where necessary, independently verified. These are the very mechanisms relied upon throughout the industry to demonstrate compliance and resolve technical issues concerning existing buildings.

Fire doors and door locks points 1 and 2.

In relation to fire doors and associated escape door hardware, compliance is assessed by reference to the fire door system as a whole rather than any single component in isolation. The effectiveness of a fire door depends not only upon the door leaf itself, but also upon the frame, hinges, self-closing device, intumescent strips, smoke seals, glazing (where present), latches, handles and the escape locking mechanism, including thumb-turn locks where fitted.

For existing installations, the recognised method of assessing and evidencing compliance is through inspection by a competent fire risk assessor and the preparation of a Fire Risk Assessment. As part of that process, the fire risk assessor evaluates the entire fire door system, including the suitability and operation of the fire doors, self-closing devices, smoke seals, intumescent strips, ironmongery and escape hardware, together with the ability of occupants to escape safely in the event of fire.

The significance of a Fire Risk Assessment is that it assesses the installation as it currently exists and determines whether the fire safety measures remain suitable, effective and compliant with the applicable fire safety standards. Any deficiencies are identified and recorded. Conversely, where the Fire Risk Assessment records the fire door systems and escape door arrangements as satisfactory, this constitutes independent professional evidence that the system continues to perform its intended fire safety function.

For existing buildings, Fire Risk Assessments are routinely relied upon by Fire and Rescue Authorities, housing authorities, Building Control bodies, HMO licensing departments, insurers and fire safety professionals when assessing the adequacy and ongoing compliance of fire protection measures. The Fire Risk Assessment is therefore one of the principal documents used to demonstrate that the fire door systems, including associated thumb-turn escape locks and other fire safety components, remain compliant, safe and fit for purpose.

Accordingly, where a competent fire risk assessor has inspected the fire door systems and escape door arrangements and found them satisfactory, the Fire Risk Assessment provides substantial and objective evidence

that the existing installation continues to satisfy the relevant fire safety requirements. In practical terms, it is precisely this form of professional assessment that public authorities and fire safety professionals rely upon when determining whether existing fire door systems remain suitable, compliant and effective in protecting occupants and preserving the means of escape.

Fire escape routes or profiles as pointed out in (1)

In relation to means of escape and escape route arrangements, the recognised method of assessing and evidencing ongoing compliance within an existing building is through a Fire Risk Assessment undertaken by a competent fire risk assessor.

The purpose of the Fire Risk Assessment is to evaluate the means of escape as a complete fire safety system. This includes assessment of the escape route profile, travel distances, protected corridors and stairways, final exits, fire-resisting construction, fire door systems, escape door hardware, emergency lighting, fire alarm coverage and any other measures necessary to ensure the safe evacuation of occupants in the event of fire.

The significance of the Fire Risk Assessment is that it assesses the building as it currently exists and determines whether the existing means of escape remains suitable, effective and capable of providing a safe route to a place of ultimate safety. Any deficiencies affecting the escape route are identified and recorded. Conversely, where the Fire Risk Assessment concludes that the means of escape is satisfactory, this constitutes independent professional evidence that the escape route arrangements remain suitable for their intended purpose.

For existing buildings, Fire Risk Assessments are routinely relied upon by Fire and Rescue Authorities, housing authorities, Building Control bodies, HMO licensing departments, insurers and fire safety professionals when assessing the adequacy and ongoing compliance of means of escape provisions. The Fire Risk Assessment is therefore one of the principal documents used to evaluate and evidence the safety and suitability of existing escape route arrangements.

Accordingly, where a competent fire risk assessor has inspected and assessed the means of escape and found the escape route arrangements satisfactory, the Fire Risk Assessment provides substantial and objective evidence that the existing means of escape has been professionally evaluated and found suitable for continued use. In practical terms, it is precisely this form of assessment that public authorities and fire safety professionals rely upon when determining whether an existing escape route remains safe, effective and compliant with the relevant fire safety requirements.

Fire alarm system compliance. Point 3

In relation to an existing Grade A fire alarm installation, the recognised method of assessing and evidencing current compliance is through inspection, testing and servicing by a competent fire alarm contractor in accordance with BS 5839-1.

BS 5839-1 is the British Standard governing not only the design and installation of fire alarm systems, but also their ongoing inspection, testing, maintenance and continued suitability. Accordingly, where an existing system is inspected and a satisfactory Fire Detection and Fire Alarm System Inspection and Servicing Report is issued, the purpose of that assessment is to determine whether the system, as it currently exists, continues to satisfy the relevant recommendations of BS 5839-1.

The significance of such a report is that it does not merely confirm that the system is operational. It confirms that the system has been professionally inspected against the applicable British Standard and assessed for ongoing compliance, functionality and suitability. If deficiencies exist, they are identified within the report. Conversely, where the report records the system as satisfactory, this constitutes independent professional confirmation that the installation continues to meet the relevant recommendations of BS 5839-1 at the time of inspection.

For an existing installation, this is the established mechanism by which current compliance with the applicable British Standard is assessed and evidenced. It is the same process relied upon by Fire and Rescue Authorities, housing authorities, Building Control bodies, HMO licensing departments, fire risk assessors, insurers and other regulatory bodies when evaluating the adequacy and ongoing compliance of existing fire alarm systems.

Accordingly, a satisfactory inspection and servicing report issued by a competent contractor provides substantial and objective evidence that the existing Grade A fire alarm system has been assessed against the current requirements and recommendations of BS 5839-1 and found suitable for continued use. In practical terms, it is precisely this form of professional assessment that enables Building Control bodies, HMO licensing departments and Fire and Rescue Authorities to assess and verify whether an existing fire alarm installation remains compliant, safe and fit for purpose.

Existing bathrooms and their ventilation point 4

In relation to existing bathrooms, en-suites and associated mechanical extract ventilation systems, the recognised method of assessing and evidencing ongoing compliance is through inspection by a competent independent contractor, surveyor or engineer, together with any relevant supporting certification relating to the installation.

The purpose of such an inspection is to assess the installation as it currently exists and determine whether the sanitary facilities, drainage arrangements, ventilation systems and associated services remain safe, functional and suitable for continued use. Any deficiencies identified can be recorded and addressed. Conversely, where the installation is found to be satisfactory, this constitutes independent professional evidence that the facilities remain fit for purpose.

In the case of mechanical extract ventilation, compliance is assessed through inspection and testing of the installed system. Mechanical extraction is a standard and widely accepted method of providing ventilation to bathrooms and en-suites and is routinely used throughout residential and HMO accommodation. A competent contractor is able to assess whether the installed extraction system is operational, effective and suitable for its intended purpose.

In relation to electrical safety, any electrical installations serving the bathrooms and ventilation systems are independently assessed through an Electrical Installation Condition Report (EICR). The EICR is the recognised industry standard document relied upon by local authorities, housing authorities, insurers, surveyors and other regulatory bodies when assessing the ongoing safety of electrical installations within existing premises.

For existing installations, compliance is therefore assessed primarily by reference to the present condition, operation and performance of the installation rather than solely by reference to historic documentation. Accordingly, where an independent competent contractor has inspected the bathrooms, en-suites, drainage arrangements and ventilation systems and confirmed them to be satisfactory, and where the electrical installations are supported by a satisfactory EICR, this provides substantial and objective evidence that the existing facilities remain safe, functional and suitable for continued use.

In practical terms, it is precisely this form of ind

[Extract truncated in this PDF to avoid duplicating long quoted chains. Original .eml file is retained as source evidence.]

A3. Fwd: 7 brereton avenue

Date	Wed, 08 Jul 2026 12:45:24 +0100
From	Andreas Russo <info@areton-ltd.com>
To	"Lucy Woods (Equans)" <Lucy.Woods@nelincs.gov.uk>, "Paul Wilmot (NELC)" <Paul.Wilmot@nelincs.gov.uk>
Cc	Andy Ross <andyross1980@hotmail.co.uk>
Source file	Fwd 7 brereton avenue - Andreas Russo (info@areton-ltd.com) - 2026-07-08 1245(2).eml
Attachments	7 Brereton Ave DN35 7RP Contract.pdf; 7 brereton avenue (DEICR0549116).pdf; Emergency lightning.pdf; Energy performance certificate (EPC) – Find an energy certificate – GOV.UK.pdf; First Floor Plan.jpeg; Gas Safety.jpeg; Ground Floor.png; Pat test 2026.pdf; Risk Assessment.pdf; Fire Alaram 7 .pdf

Dear Lucy,
Thank you for your email.
Please find attached the outstanding documentation in support of my HMO licence application, including:

*
Floor plan with room sizes
*
Electrical Installation Condition Report (EICR)
*
Annual Emergency Lighting Certificate
*
Fire Risk Assessment
*
PAT Testing Certificate
*
Copy of the Tenancy Agreement , AST are superseded as you may know.
*
Gas Safety
*
EPC
*
Fire Detection Alram Report

For clarity, the legislation states that the HMO licensing application must be determined under the relevant HMO licensing legislation, namely Part 2 of the Housing Act 2004. The statutory licensing test concerns the suitability of the property, the suitability of the proposed licence holder/manager, and the management arrangements. It does not require a Building Control completion certificate as a precondition to issuing an HMO licence.

HMO licensing is therefore separate from Building Control. A change between C3 and C4 use does not, in itself, create a Building Control completion-certificate requirement unless specific building works or a material change of use under the Building Regulations triggers separate requirements. Any such Building Control matter must be dealt with under the Building Act/Building Regulations regime, not by withholding an HMO licence.

The same applies to planning. Licensing under the Housing Act 2004 is independent from planning permission. Even where planning issues exist, they are for the planning regime, not a ground to refuse or withhold an HMO licence unless the Housing Act 2004 itself provides such a basis which it does not.

In any event, there is currently no Article 4 Direction restricting C3 to C4 HMO use in Grimsby or Cleethorpes. Government guidance confirms that C3 to C4 changes are generally permitted development unless Article 4 rights have been removed. North East Lincolnshire Council's own published guidance states that mandatory HMO licensing applies to HMOs with five or more persons, while three- or four-person HMOs only require selective licensing where they fall inside a selective licensing designation area.

Accordingly, the applicant is not required, as part of this HMO licence application, to prove whether the property was historically C3 or C4 where no Article 4 restriction applies.

Local authorities are responsible for administering legislation, not creating it. The statutory licensing framework is determined by

Parliament, and the Council's role is to apply that framework as enacted. If the Council intends to rely upon any requirement that is not expressly or impliedly authorised by the Housing Act 2004 this will fail legal scrutiny.

To be very clear any conversion from c3 to c4 does not require building regulations per se, unless certain specified works are to be carried out like in any other dwelling (this was also confirmed by your building control officer). Additionally HMO licensing is completely independent from building control and planning.

Please therefore confirm that the application will now be processed and determined strictly under the Housing Act 2004 licensing framework as it is required by law.

Kind regards,

Andreas Russo

A4. Re: HMO Licence application - 7 Brereton Ave

Date	Tue, 28 Jul 2026 17:25:59 +0100
From	Andreas Russo <info@areton-ltd.com>
To	"Kyle Horner (NELC)" <Kyle.Horner@nelincs.gov.uk>
Cc	"Lucy Woods (NELC)" <Lucy.Woods@nelincs.gov.uk>
Source file	Re_ HMO Licence application - 7 Brereton Ave - Andreas Russo (info@areton-ltd.com) - 2026-07-28 1725(2).eml

Thursday 13th August at 10:00am should be ok

On 27/07/2026 11:08, Kyle Horner (NELC) wrote:

> Good morning, Mr Russo,
>
> I have been through your
application for an HMO Licence for 7 Brereton
> Ave.
>
> Our next steps are to attend the property and carry
out a full
> inspection and to do so we will need access to every room.
>
> Please can you let me know from
the list below what date and time
> suites you best? I will need to know by the end of day Wednesday 29th
>
to ensure letters are sent out and correct notice is given.
>
> Tuesday 11th August at 10:00am
> Tuesday
11th August at 11:00am
> Wednesday 12th August at 11:00am
> Thursday 13th August at 10:00am
>
> Again,
please let me know as soon as possible so I can get this booked
> in.
>
> Kind Regards,
>
> Kyle
>
> *Kyle
Horner *
>
> *Regulatory Compliance Officer *
>
> *Environmental Health and Housing Enforcement*
>
> *North
East Lincolnshire Council*
>
> Municipal Offices, Town Hall Square, Great Grimsby, North East
> Lincolnshire,
DN31 1HU
>
> Phone: 01472 325026 | Mob: 07388 853269 | Kyle.horner@nelincs.gov.uk |
> *www.nelincs.gov.uk*
<http://www.nelincs.gov.uk/>
>
> /
> /
> /'Please excuse any spelling or grammar errors caused due to my
>
diagnosed dyslexia' /
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A5. Re: HMO Licence application - 7 Brereton Ave

Date	Tue, 28 Jul 2026 17:25:59 +0100
From	Andreas Russo <info@areton-ltd.com>
To	"Kyle Horner (NELC)" <Kyle.Horner@nelincs.gov.uk>
Cc	"Lucy Woods (NELC)" <Lucy.Woods@nelincs.gov.uk>
Source file	Re_ HMO Licence application - 7 Brereton Ave - Andreas Russo (info@areton-ltd.com) - 2026-07-28 1725.eml

Thursday 13th August at 10:00am should be ok

On 27/07/2026 11:08, Kyle Horner (NELC) wrote:

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11th August at 11:00am
> Wednesday 12th August at 11:00am
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> Kind Regards,
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> Kyle
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> *Kyle
Horner *
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> *Regulatory Compliance Officer *
>
> *Environmental Health and Housing Enforcement*
>
> *North
East Lincolnshire Council*
>
> Municipal Offices, Town Hall Square, Great Grimsby, North East
> Lincolnshire,
> DN31 1HU
>
> Phone: 01472 325026 | Mob: 07388 853269 | Kyle.horner@nelincs.gov.uk |
> *www.nelincs.gov.uk*
<http://www.nelincs.gov.uk/>
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> /Please excuse any spelling or grammar errors caused due to my
>
diagnosed dyslexia' /
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>

A6. Re: HMO Licence application - 7 Brereton Ave

Date	Thu, 13 Aug 2026 19:59:46 +0100
From	Andreas Russo <info@areton-ltd.com>
To	"Kyle Horner (NELC)" <Kyle.Horner@nelincs.gov.uk>
Cc	"Lucy Woods (NELC)" <Lucy.Woods@nelincs.gov.uk>
Source file	Re_ HMO Licence application - 7 Brereton Ave - Andreas Russo (info@areton-ltd.com) - 2026-08-13 1959(2).eml

Dear Lucy,

I am writing further to the matters raised following the inspection of 7 Brereton Avenue.

We remain entirely willing to undertake any reasonable remedial works that are genuinely required and supported by the relevant standards. However, there are several points which we believe need to be clarified because some of the suggested alterations appear either unnecessary or, in the case of replacing the existing cement-board protection with ordinary fire-resistant plasterboard, potentially a move to a *lower reaction-to-fire classification rather than a higher one*.

1. Cement board versus pink/red fire-resistant plasterboard

I would particularly like to clarify the suggestion concerning the cement board already installed around the electrical equipment.

The material should not be confused with ordinary plasterboard.

There is very clear manufacturer evidence concerning the fire classification of these products.

Knauf AQUAPANEL Cement Board Indoor

Knauf describes AQUAPANEL Cement Board Indoor as a *non-combustible cement board*.

More importantly, Knauf confirms that AQUAPANEL Cement Board Indoor and Outdoor achieve:

Euroclass A1 reaction to fire under EN 13501-1.

Manufacturer information:

<https://knauf.com/en-GB/performance/moisture-resistance/aquapanel>

Product information:

https://knauf.com/en-GB/p/product/aquapanel-r-indoor-12.5mm-x-1200mm-wide-11076_0306

Knauf Download Centre, including Product Data Sheet and Declaration of Performance:

<https://knauf.com/en-GB/tools/download-center?language%5B0%5D=en&query=aquapanel+indoor>
<<https://knauf.com/en-GB/tools/download-center?language%5B0%5D=en&query=aquapanel+indoor>>

By comparison, *British Gypsum Gyproc FireLine*, which is the conventional pink/red fire-resistant plasterboard, has the following declared reaction-to-fire classification:

Euroclass A2-s1,d0.

This is stated directly in British Gypsum's Declaration of Performance:

<https://www.british-gypsum.com/download-documents/declaration-performance-dop/british-gypsum-dop-board106-uk-gyproc-fireline.pdf>

Therefore the objective manufacturer classifications are:

Cement board: A1 – non-combustible

versus

Pink/red Gyproc FireLine plasterboard: A2-s1,d0

A1 is the higher reaction-to-fire classification.

It would be entirely counterproductive to require the removal of an *A1 non-combustible cement-based board* and its replacement with an *A2-s1,d0 fire-resistant plasterboard*. Such a requirement would not improve the reaction-to-fire classification of the material; it would *deliberately replace a higher-classified A1 material with a lower-classified A2 material*.

In practical terms, the Council would therefore be requiring us to *downgrade the fire-performance classification of the material already installed*, supposedly in the interests of improving fire safety. That position is extremely difficult to justify on any rational or technical fire-safety basis.

If the Council nevertheless requires the A1 cement board to be removed and replaced with a lower-classified material, we respectfully request the *specific legislation, fire-safety standard, tested system specification or technical evidence* supporting such a requirement. Without such evidence, replacing an A1 non-combustible material with an A2 material would appear to make the installation *less favourable in terms of reaction-to-fire classification, not safer*.

2. Fire-resistance periods

There is a separate technical distinction between *reaction to fire* and *fire resistance* which should also be recognised.

Knauf expressly confirms that AQUAPANEL is A1 non-combustible.

Knauf has published tested AQUAPANEL-containing constructions providing substantial fire-resistance periods, including systems achieving 30 and 90 minutes.

For example:

<https://knauf.com/api/download-center/v1/assets/3ce3ffa5-9cb1-46c4-a2e4-34fda842e169?download=true>

3. Electrical meter and metal consumer unit

The electrical consumer unit is itself contained within a *metal/non-combustible enclosure*.

Electrical Safety First's guidance concerning BS 7671 Regulation 421.1.201 specifically identifies ferrous metal as an example of a non-combustible material for consumer-unit enclosures.

Reference:

<https://www.electricalsafetyfirst.org.uk/resources-for-electricians/wiring-regulations-help/>

Nevertheless, despite having a metal consumer unit, we have gone considerably further by providing additional cement-board protection around this equipment which provides the highest form of fire resistance.

We therefore have a non-combustible consumer-unit enclosure *plus additional non-combustible A1 cement-board protection*.

We recognise that established housing fire-safety guidance considers fire-resisting enclosure of meters/distribution boards situated on escape routes to be best practice. This is precisely why additional protection has been provided.

Similar arrangements have been used in our other HMO properties and have been inspected on numerous occasions without this being identified as a concern.

4. Bathroom doors, no reasonable basis for requiring fire doors

We are frankly extremely surprised by the suggestion that the bathroom doors should be replaced with fire doors. *There is no general requirement in established HMO fire-safety guidance that bathrooms must be fitted with fire doors*, and imposing such a requirement here appears entirely disproportionate.

The established *LACORS Housing Fire Safety guidance* expressly states:

"There is usually no requirement to provide protection to bathrooms and shower rooms which open onto protected routes."

This is particularly important because the guidance reaches that position *even while expressly contemplating bathrooms containing electrical equipment*, including properly installed electric showers and water heaters.

An instantaneous electric shower can represent a substantial electrical load, yet the presence of an electric shower does *not* automatically transform a bathroom into a room requiring a fire door under the established guidance.

The position at this property is even more straightforward. *There is no conventional instantaneous electric shower installed in the bathroom.* Furthermore, the property's electrical installation has been inspected through the EICR and we have not been presented with any

electrical defect associated with the bathroom that would justify treating it as an exceptional fire risk.

Against that background, requiring an additional fire-resisting doorset to this bathroom would be extraordinarily difficult to justify as a proportionate fire-safety measure.

Bathrooms, shower rooms and WCs exist in HMOs, houses, flats and commercial premises throughout the country. The mere fact that a room is a bathroom plainly does not create an automatic requirement for it to be enclosed by a fire-resisting doorset. *If that were the rule, the LACORS guidance could not expressly state the opposite.*

The suggestion becomes even harder to understand when one considers that LACORS expressly contemplates *electric showers and water heaters* without imposing an automatic fire-door requirement. If bathrooms containing those normal electrical installations do not ordinarily require additional fire-resisting protection, there is no sensible basis for treating this particular bathroom as though the mere existence of normal bathroom facilities suddenly requires an FD30 door.

Fire-safety requirements must remain *risk-based, proportionate and grounded in the applicable guidance*. The purpose is to address genuine fire risks, not simply to add fire-resisting construction wherever it is physically possible to do so.

One could theoretically fit fire doors to every cupboard, bathroom, WC and internal room and continually add further layers of fire-resistant construction. That does not mean that doing so is necessary, proportionate or required.

In this case, the national HMO fire-safety guidance already addresses the matter directly: *there is usually no requirement to provide fire protection to bathrooms and shower rooms opening onto protected routes, including where normal properly installed bathroom electrical equipment is present.*

Accordingly, requiring fire doors to these bathrooms in the circumstances described would appear to be *an unnecessary and disproportionate requirement which goes beyond what the established guidance ordinarily requires and provides no identified or evidenced commensurate fire-safety benefit*.

We therefore do not consider there to be a reasonable basis for requiring the existing bathroom doors to be replaced with fire doors.

Consistency of enforcement

If, notwithstanding the above, the Council maintains that fire doors must be installed to the bathrooms at this property, we will need to establish whether this represents a *consistently applied Council requirement across comparable licensed HMOs*, rather than an additional requirement being imposed selectively upon this particular property.

In those circumstances, we intend to make an appropriate *Freedom of Information Act 2000 request* for the Council's relevant policies, standards, inspection procedures, guidance, enforcement criteria and suitably anonymised information concerning comparable HMO inspections and bathroom fire-door requirements. The purpose would be to establish how frequently this requirement has been imposed on comparable HMOs and the basis upon which it has been applied.

This is important because imposing a substantial additional requirement upon one landlord which is *not ordinarily imposed upon comparable landlords in materially similar circumstances* could place that landlord at an obvious financial and regulatory disadvantage. We are entitled to expect regulatory standards to be administered *consistently, rationally and fairly*.

We would therefore expect that, if the Council's position is genuinely that bathrooms of this type require fire-resisting doorsets, the same standard will be capable of being demonstrated through the Council's published standards and its approach to comparable properties.

If, on the other hand, the records demonstrate that comparable HMO bathrooms are routinely accepted without fire doors—as the established LACORS guidance would lead one to expect—then it would clearly raise a serious question as to why a materially different and more onerous standard is being applied at this property.

We would much prefer not to have to pursue that exercise. However, if an exceptional requirement is maintained contrary to what appears to be the established national guidance, *we will seek the relevant information so that the consistency and evidential basis of that decision can be properly examined*.

Our position remains straightforward: we will undertake every reasonable fire-safety improvement that is properly required, but we also expect the same standards to be applied to this property as are applied fairly and consistently to comparable HMOs.

5. HMO licence – occupation while application is outstanding

I would also like to reiterate a point which we have made in writing on a number of previous occasions.

An HMO licence application has already been made for the property.

Section 72(4) of the *Housing Act 2004* provides a statutory defence where, at the material time, an application for a licence has been *duly made* and remains effective.

This is not simply our interpretation.

The Upper Tribunal recently explained the position in *Gorgievski v Griffiths & Ors [2025] UKUT 161 (LC)*.

The Tribunal explained that under section 72(4), where an application for a licence has been duly made and has not yet been refused or withdrawn, the statutory defence applies.

Judgment:

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The Government's explanatory notes to the Housing Act 2004 are equally clear, explaining in relation to section 72:

***"However, no offence is committed by a person who has an outstanding application either for a licence or for a temporary exemption."**

Housing Act 2004 explanatory material:

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The Upper Tribunal decision in *Moh v Rimal Properties Ltd [2024] UKUT 324 (LC)* also considered precisely when the section 72(4)(b) defence takes effect.

Accordingly, provided that our licence application has been *duly made and remains effective*, we do not accept any suggestion that we must leave the HMO empty until the Council eventually determines the application, or that occupation during that period automatically constitutes an offence under section 72(1).

Finally, I fully appreciate that Council officers have a responsibility to inspect properties, demonstrate that those inspections are meaningful, and identify matters requiring attention where genuine deficiencies exist. We have absolutely no objection to that process, and we will continue to rectify promptly anything that is reasonably and properly identified.

However, I would respectfully ask that a *pragmatic, proportionate and evidence-based approach* is taken. The purpose of the legislation and fire-safety standards is to make properties safer; it should not become an exercise in identifying alterations simply for the sake of demonstrating that alterations have been requested.

We now have extraordinarily easy access to legislation, Approved Documents, manufacturers' technical specifications, British Standards information and published fire-performance data. Modern search technology and AI tools make it considerably easier for all parties to locate and understand the relevant technical information. Where there is uncertainty, the underlying source material can readily be checked and verified rather than assumptions being made simply because one construction method is more familiar than another.

A particularly clear example is the suggestion that an *A1 non-combustible cement-based material should be removed and replaced by an A2-s1,d0 material*. Whatever one's preference for a particular construction method, it would be difficult to describe that as an improvement in the reaction-to-fire classification. Regulation should produce a genuine safety benefit, not a technical downgrade merely for the sake of conformity with a more familiar material.

We therefore ask that we all approach the remaining matters sensibly and pragmatically. If something is genuinely deficient, please identify the deficiency, the applicable requirement and the necessary remedy, and *we will rectify it*. We have no difficulty whatsoever with doing that.

Equally, where something is already compliant, safe or provides an appropriate level of protection, there should be no need to manufacture an issue simply so that an alteration can be required. *Let us concentrate on genuine risks and genuine improvements rather than unnecessary works that provide no additional safety benefit—or, worse, could result in a lower-performing solution.*

That, in our view, is the most sensible, proportionate and constructive way forward for everyone concerned.

Kind regards,

Andreas Russo

On 29/07/2026 10:08, Kyle Horner (NELC) wrote:

> Hi Andreas,
>
> Please see attached letter that has also been
send in the post to you.
>
> Letters to each room has also been sent via post.
>
> Kind Regards,
>
> Kyle
>
>
*Kyle Horner *
>
> *Regulatory Compliance Officer *
>
> *Environmental Health and Housing Enforcement*
>
>
North East Lincolnshire Council
>
> Municipal Offices, Town Hall Square, Great Grimsby, North East
>
Lincolnshire, DN31 1HU
>
> Phone: 01472 325026 | Mob: 07388 853269 | Kyle.horner@nelincs.gov.uk |
>
www.nelincs.gov.uk <<http://www.nelincs.gov.uk/>>
>
> /
> /
> /'Please excuse any spelling or grammar errors
caused due to my
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>
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> *From:* Andreas Russo <info@areton-ltd.com>
> *Sent:* 28 July 2026 17:25
> *To:* Kyle Horner (NELC) <Kyle.Horner@nelincs.gov.uk>
> *Cc:* Lucy Woods (NELC) <Lucy.Woods@nelincs.gov.uk>
> *Subject:* Re: HMO Licence application - 7 Brereton Ave
>
>
Thursday 13th August at 10:00am should be ok
>
>
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>> I have been through your application for an HMO Licence for 7
>> Brereton Ave.
>>
>>
Our next steps are to attend the property and carry out a full
>> inspection and to do so we will need

access to every room.
>>
>> Please can you let me know from the list below what date and time
>> suites you
best? I will need to know by the end of day Wednesday 29th
>> to ensure letters are sent out and correct
notice is given.
>>
>> Tuesday 11th August at 10:00am
>> Tuesday 11th August at 11:00am
>> Wednesday 12th
August at 11:00am
>> Thursday 13th August at 10:00am
>>
>> Again, please let me know as soon as possible
so I can get this
>> booked in.
>>
>> Kind Regards,
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>> Kyle
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A7. Re: HMO Licence application - 7 Brereton Ave

Date	Thu, 13 Aug 2026 19:59:46 +0100
From	Andreas Russo <info@areton-ltd.com>
To	"Kyle Horner (NELC)" <Kyle.Horner@nelincs.gov.uk>
Cc	"Lucy Woods (NELC)" <Lucy.Woods@nelincs.gov.uk>
Source file	Re_ HMO Licence application - 7 Brereton Ave - Andreas Russo (info@areton-ltd.com) - 2026-08-13 1959.eml

Dear Lucy,

I am writing further to the matters raised following the inspection of 7 Brereton Avenue.

We remain entirely willing to undertake any reasonable remedial works that are genuinely required and supported by the relevant standards. However, there are several points which we believe need to be clarified because some of the suggested alterations appear either unnecessary or, in the case of replacing the existing cement-board protection with ordinary fire-resistant plasterboard, potentially a move to a *lower reaction-to-fire classification rather than a higher one*.

1. Cement board versus pink/red fire-resistant plasterboard

I would particularly like to clarify the suggestion concerning the cement board already installed around the electrical equipment.

The material should not be confused with ordinary plasterboard.

There is very clear manufacturer evidence concerning the fire classification of these products.

Knauf AQUAPANEL Cement Board Indoor

Knauf describes AQUAPANEL Cement Board Indoor as a *non-combustible cement board*.

More importantly, Knauf confirms that AQUAPANEL Cement Board Indoor and Outdoor achieve:

Euroclass A1 reaction to fire under EN 13501-1.

Manufacturer information:

<https://knauf.com/en-GB/performance/moisture-resistance/aquapanel>

Product information:

https://knauf.com/en-GB/p/product/aquapanel-r-indoor-12.5mm-x-1200mm-wide-11076_0306

Knauf Download Centre, including Product Data Sheet and Declaration of Performance:

<https://knauf.com/en-GB/tools/download-center?language%5B0%5D=en&query=aquapanel+indoor>
<<https://knauf.com/en-GB/tools/download-center?language%5B0%5D=en&query=aquapanel+indoor>>

By comparison, *British Gypsum Gyproc FireLine*, which is the conventional pink/red fire-resistant plasterboard, has the following declared reaction-to-fire classification:

Euroclass A2-s1,d0.

This is stated directly in British Gypsum's Declaration of Performance:

<https://www.british-gypsum.com/download-documents/declaration-performance-dop/british-gypsum-dop-board106-uk-gyproc-fireline.pdf>

Therefore the objective manufacturer classifications are:

Cement board: A1 – non-combustible

versus

Pink/red Gyproc FireLine plasterboard: A2-s1,d0

A1 is the higher reaction-to-fire classification.

It would be entirely counterproductive to require the removal of an *A1 non-combustible cement-based board* and its replacement with an *A2-s1,d0 fire-resistant plasterboard*. Such a requirement would not improve the reaction-to-fire classification of the material; it would *deliberately replace a higher-classified A1 material with a lower-classified A2 material*.

In practical terms, the Council would therefore be requiring us to *downgrade the fire-performance classification of the material already installed*, supposedly in the interests of improving fire safety. That position is extremely difficult to justify on any rational or technical fire-safety basis.

If the Council nevertheless requires the A1 cement board to be removed and replaced with a lower-classified material, we respectfully request the *specific legislation, fire-safety standard, tested system specification or technical evidence* supporting such a requirement. Without such evidence, replacing an A1 non-combustible material with an A2 material would appear to make the installation *less favourable in terms of reaction-to-fire classification, not safer*.

2. Fire-resistance periods

There is a separate technical distinction between *reaction to fire* and *fire resistance* which should also be recognised.

Knauf expressly confirms that AQUAPANEL is A1 non-combustible.

Knauf has published tested AQUAPANEL-containing constructions providing substantial fire-resistance periods, including systems achieving 30 and 90 minutes.

For example:

<https://knauf.com/api/download-center/v1/assets/3ce3ffa5-9cb1-46c4-a2e4-34fda842e169?download=true>

3. Electrical meter and metal consumer unit

The electrical consumer unit is itself contained within a *metal/non-combustible enclosure*.

Electrical Safety First's guidance concerning BS 7671 Regulation 421.1.201 specifically identifies ferrous metal as an example of a non-combustible material for consumer-unit enclosures.

Reference:

<https://www.electricalsafetyfirst.org.uk/resources-for-electricians/wiring-regulations-help/>

Nevertheless, despite having a metal consumer unit, we have gone considerably further by providing additional cement-board protection around this equipment which provides the highest form of fire resistance.

We therefore have a non-combustible consumer-unit enclosure *plus additional non-combustible A1 cement-board protection*.

We recognise that established housing fire-safety guidance considers fire-resisting enclosure of meters/distribution boards situated on escape routes to be best practice. This is precisely why additional protection has been provided.

Similar arrangements have been used in our other HMO properties and have been inspected on numerous occasions without this being identified as a concern.

4. Bathroom doors, no reasonable basis for requiring fire doors

We are frankly extremely surprised by the suggestion that the bathroom doors should be replaced with fire doors. *There is no general requirement in established HMO fire-safety guidance that bathrooms must be fitted with fire doors*, and imposing such a requirement here appears entirely disproportionate.

The established *LACORS Housing Fire Safety guidance* expressly states:

"There is usually no requirement to provide protection to bathrooms and shower rooms which open onto protected routes."

This is particularly important because the guidance reaches that position *even while expressly contemplating bathrooms containing electrical equipment*, including properly installed electric showers and water heaters.

An instantaneous electric shower can represent a substantial electrical load, yet the presence of an electric shower does *not* automatically transform a bathroom into a room requiring a fire door under the established guidance.

The position at this property is even more straightforward. *There is no conventional instantaneous electric shower installed in the bathroom.* Furthermore, the property's electrical installation has been inspected through the EICR and we have not been presented with any

electrical defect associated with the bathroom that would justify treating it as an exceptional fire risk.

Against that background, requiring an additional fire-resisting doorset to this bathroom would be extraordinarily difficult to justify as a proportionate fire-safety measure.

Bathrooms, shower rooms and WCs exist in HMOs, houses, flats and commercial premises throughout the country. The mere fact that a room is a bathroom plainly does not create an automatic requirement for it to be enclosed by a fire-resisting doorset. *If that were the rule, the LACORS guidance could not expressly state the opposite.*

The suggestion becomes even harder to understand when one considers that LACORS expressly contemplates *electric showers and water heaters* without imposing an automatic fire-door requirement. If bathrooms containing those normal electrical installations do not ordinarily require additional fire-resisting protection, there is no sensible basis for treating this particular bathroom as though the mere existence of normal bathroom facilities suddenly requires an FD30 door.

Fire-safety requirements must remain *risk-based, proportionate and grounded in the applicable guidance*. The purpose is to address genuine fire risks, not simply to add fire-resisting construction wherever it is physically possible to do so.

One could theoretically fit fire doors to every cupboard, bathroom, WC and internal room and continually add further layers of fire-resistant construction. That does not mean that doing so is necessary, proportionate or required.

In this case, the national HMO fire-safety guidance already addresses the matter directly: *there is usually no requirement to provide fire protection to bathrooms and shower rooms opening onto protected routes, including where normal properly installed bathroom electrical equipment is present.*

Accordingly, requiring fire doors to these bathrooms in the circumstances described would appear to be *an unnecessary and disproportionate requirement which goes beyond what the established guidance ordinarily requires and provides no identified or evidenced commensurate fire-safety benefit*.

We therefore do not consider there to be a reasonable basis for requiring the existing bathroom doors to be replaced with fire doors.

Consistency of enforcement

If, notwithstanding the above, the Council maintains that fire doors must be installed to the bathrooms at this property, we will need to establish whether this represents a *consistently applied Council requirement across comparable licensed HMOs*, rather than an additional requirement being imposed selectively upon this particular property.

In those circumstances, we intend to make an appropriate *Freedom of Information Act 2000 request* for the Council's relevant policies, standards, inspection procedures, guidance, enforcement criteria and suitably anonymised information concerning comparable HMO inspections and bathroom fire-door requirements. The purpose would be to establish how frequently this requirement has been imposed on comparable HMOs and the basis upon which it has been applied.

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We would therefore expect that, if the Council's position is genuinely that bathrooms of this type require fire-resisting doorsets, the same standard will be capable of being demonstrated through the Council's published standards and its approach to comparable properties.

If, on the other hand, the records demonstrate that comparable HMO bathrooms are routinely accepted without fire doors—as the established LACORS guidance would lead one to expect—then it would clearly raise a serious question as to why a materially different and more onerous standard is being applied at this property.

We would much prefer not to have to pursue that exercise. However, if an exceptional requirement is maintained contrary to what appears to be the established national guidance, *we will seek the relevant information so that the consistency and evidential basis of that decision can be properly examined*.

Our position remains straightforward: we will undertake every reasonable fire-safety improvement that is properly required, but we also expect the same standards to be applied to this property as are applied fairly and consistently to comparable HMOs.

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Accordingly, provided that our licence application has been *duly made and remains effective*, we do not accept any suggestion that we must leave the HMO empty until the Council eventually determines the application, or that occupation during that period automatically constitutes an offence under section 72(1).

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>

A8. Re: HMO Licence application - 7 Brereton Ave

Date	Fri, 14 Aug 2026 08:24:27 +0000
From	"Kyle Horner (NELC)" <Kyle.Horner@nelincs.gov.uk>
To	Andreas Russo <info@areton-ltd.com>
Cc	"Lucy Woods (NELC)" <Lucy.Woods@nelincs.gov.uk>
Source file	Re HMO Licence application - 7 Brereton Ave - 'Kyle Horner (NELC)' (Kyle.Horner@nelincs.gov.uk) - 2026-08-14 0924(2).eml

Good Morning,

Thank you for your email. I have taken your points on board, and these will be considered.

Following our inspection yesterday, we identified a number of hazards that we consider appropriate for formal action. Once these hazards have been assessed and scored, we will prepare a schedule of the identified hazards and the required remedial works. This schedule will be emailed to you, along with a reasonable timescale for the completion of the works.

It is my understanding that Building Control sign-off has not yet been obtained for the property. If I am mistaken, please provide a copy of the relevant documentation at your earliest convenience.

In the meantime, whilst your application is being processed, the property should not be occupied by more than four occupants until the licence has been granted and formally issued.

Kind Regards,

Kyle

Kyle Horner

Regulatory Compliance Officer

Environmental Health and Housing Enforcement

North East Lincolnshire Council

Municipal Offices, Town Hall Square, Great Grimsby, North East Lincolnshire, DN31 1HU

Phone: 01472 325026 | Mob: 07388 853269 | Kyle.horner@nelincs.gov.uk | www.nelincs.gov.uk<<http://www.nelincs.gov.uk/>>

'Please excuse any spelling or grammar errors caused due to my diagnosed dyslexia'

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

Sent: 13 August 2026 19:59

To: Kyle Horner (NELC) <Kyle.Horner@nelincs.gov.uk>

Cc: Lucy Woods (NELC) <Lucy.Woods@nelincs.gov.uk>

Subject: Re: HMO Licence application - 7 Brereton Ave

Dear Lucy,

I am writing further to the matters raised following the inspection of 7 Brereton Avenue.

We remain entirely willing to undertake any reasonable remedial works that are genuinely required and supported by the relevant standards. However, there are several points which we believe need to be clarified because some of the suggested alterations appear either unnecessary or, in the case of replacing the existing cement-board protection with ordinary fire-resistant plasterboard, potentially a move to a lower reaction-to-fire classification rather than a higher one.

1. Cement board versus pink/red fire-resistant plasterboard

I would particularly like to clarify the suggestion concerning the cement board already installed around the electrical equipment.

The material should not be confused with ordinary plasterboard.

There is very clear manufacturer evidence concerning the fire classification of these products.

Knauf AQUAPANEL Cement Board Indoor

Knauf describes AQUAPANEL Cement Board Indoor as a non-combustible cement board.

More importantly, Knauf confirms that AQUAPANEL Cement Board Indoor and Outdoor achieve:

Euroclass A1 reaction to fire under EN 13501-1.

Manufacturer information:

<https://knauf.com/en-GB/performance/moisture-resistance/aquapanel>

Product information:

https://knauf.com/en-GB/p/product/aquapanel-r-indoor-12.5mm-x-1200mm-wide-11076_0306

Knauf Download Centre, including Product Data Sheet and Declaration of Performance:

<https://knauf.com/en-GB/tools/download-center?language%5B0%5D=en&query=aquapanel+indoor>

By comparison, British Gypsum Gyproc FireLine, which is the conventional pink/red fire-resistant plasterboard, has the following declared reaction-to-fire classification:

Euroclass A2-s1,d0.

This is stated directly in British Gypsum's Declaration of Performance:

<https://www.british-gypsum.com/download-documents/declaration-performance-dop/british-gypsum-dop-board106-uk-gyproc-fireline.pdf>

Therefore the objective manufacturer classifications are:

Cement board: A1 – non-combustible

versus

Pink/red Gyproc FireLine plasterboard: A2-s1,d0

A1 is the higher reaction-to-fire classification.

It would be entirely counterproductive to require the removal of an A1 non-combustible cement-based board and its replacement with an A2-s1,d0 fire-resistant plasterboard. Such a requirement would not improve the reaction-to-fire classification of the material; it would deliberately replace a higher-classified A1 material with a lower-classified A2 material.

In practical terms, the Council would therefore be requiring us to downgrade the fire-performance classification of the material already installed, supposedly in the interests of improving fire safety. That position is extremely difficult to justify on any rational or technical fire-safety basis.

If the Council nevertheless requires the A1 cement board to be removed and replaced with a lower-classified material, we respectfully request the specific legislation, fire-safety standard, tested system specification or technical evidence supporting such a requirement. Without such evidence, replacing an A1 non-combustible material with an A2 material would appear to make the installation less favourable in terms of reaction-to-fire classification, not safer.

2. Fire-resistance periods

There is a separate technical distinction between reaction to fire and fire resistance which should also be recognised.

Knauf expressly confirms that AQUAPANEL is A1 non-combustible.

Knauf has published tested AQUAPANEL-containing constructions providing substantial fire-resistance periods, including systems achieving 30 and 90 minutes.

For example:

<https://knauf.com/api/download-center/v1/assets/3ce3ffa5-9cb1-46c4-a2e4-34fda842e169?download=true>

3. Electrical meter and metal consumer unit

The electrical consumer unit is itself contained within a metal/non-combustible enclosure.

Electrical Safety First's guidance concerning BS 7671 Regulation 421.1.201 specifically identifies ferrous metal as an example of a non-combustible material for consumer-unit enclosures.

Reference:

<https://www.electricalsafetyfirst.org.uk/resources-for-electricians/wiring-regulations-help/>

Nevertheless, despite having a metal consumer unit, we have gone considerably further by providing additional cement-board protection around this equipment which provides the highest form of fire resistance.

We therefore have a non-combustible consumer-unit enclosure plus additional non-combustible A1 cement-board protection.

We recognise that established housing fire-safety guidance considers fire-resisting enclosure of meters/distribution boards situated on escape routes to be best practice. This is precisely why additional protection has been provided.

Similar arrangements have been used in our other HMO properties and have been inspected on numerous occasions without this being identified as a concern.

4. Bathroom doors, no reasonable basis for requiring fire doors

We are frankly extremely surprised by the suggestion that the bathroom doors should be replaced with fire doors. There is no general requirement in established HMO fire-safety guidance that bathrooms must be fitted with fire doors, and imposing such a requirement here appears entirely disproportionate.

The established LACORS Housing Fire Safety guidance expressly states:

"There is usually no requirement to provide protection to bathrooms and shower rooms which open onto protected routes."

This is particularly important because the guidance reaches that position even while expressly contemplating bathrooms containing electrical equipment, including properly installed electric showers and water heaters.

An instantaneous electric shower can represent a substantial electrical load, yet the presence of an electric shower does not automatically transform a bathroom into a room requiring a fire door under the established guidance.

The position at this property is even more straightforward. There is no conventional instantaneous electric shower installed in the bathroom. Furthermore, the property's electrical installation has been inspected through the EICR and we have not been presented with any electrical defect associated with the bathroom that would justify treating it as an exceptional fire risk.

Against that background, requiring an additional fire-resisting doorset to this bathroom would be extraordinarily difficult to justify as a proportionate fire-safety measure.

Bathrooms, shower rooms and WCs exist in HMOs, houses, flats and commercial premises throughout the country. The mere fact that a room is a bathroom plainly does not create an automatic requirement for it to be enclosed by a fire-resisting doorset. If that were the rule, the LACORS guidance could not expressly state the opposite.

The suggestion becomes even harder to understand when one considers that LACORS expressly contemplates electric showers and water heaters without imposing an automatic fire-door requirement. If bathrooms containing those normal electrical installations do not ordinarily require additional fire-resisting protection, there is no sensible basis for treating this particular bathroom as though the mere existence of normal bathroom facilities suddenly requires an FD30 door.

Fire-safety requirements must remain risk-based, proportionate and grounded in the applicable guidance. The purpose is to address genuine fire risks, not simply to add fire-resisting construction wherever it is physically possible to do so.

One could theoretically fit fire doors to every cupboard, bathroom, WC and internal room and continually add further layers of fire-resistant construction. That does not mean that doing so is necessary, proportionate or required.

In this case, the national HMO fire-safety guidance already addresses the matter directly: there is usually no requirement to provide fire protection to bathrooms and shower rooms opening onto protected routes, including where normal properly installed bathroom electrical equipment is present.

Accordingly, requiring fire doors to these bathrooms in the circumstances described would appear to be an unnecessary and disproportionate requirement which goes beyond what the established guidance ordinarily requires and provides no identified or evidenced commensurate fire-safety benefit.

We therefore do not consider there to be a reasonable basis for requiring the existing bathroom doors to be replaced with fire doors.

Consistency of enforcement

If, notwithstanding the above, the Council maintains that fire doors must be installed to the bathrooms at this property, we will need to establish whether this represents a consistently applied Council requirement across comparable licensed HMOs, rather than an additional requirement being imposed selectively upon this particular property.

In those circumstances, we intend to make an appropriate Freedom of Information Act 2000 request for the Council's relevant policies, standards, inspection procedures, guidance, enforcement criteria and suitably anonymised information concerning comparable HMO inspections and bathroom fire-door requirements. The purpose would be to establish how frequently this requirement has been imposed on comparable HMOs and the basis upon which it has been applied.

This is important because imposing a substantial additional requirement upon one landlord which is not ordinarily imposed upon comparable landlords in materially similar circumstances could place that landlord at an obvious financial and regulatory disadvantage. We are entitled to expect regulatory standards to be administered consistently, rationally and fairly.

We would therefore expect that, if the Council's position is genuinely that bathrooms of this type require fire-resisting doorsets, the same standard will be capable of being demonstrated through the Council's published standards and its approach to comparable properties.

If, on the other hand, the records demonstrate that comparable HMO bathrooms are routinely accepted without fire doors—as the established LACORS guidance would lead one to expect—then it would clearly raise a serious question as to why a materially different and more onerous standard is being applied at this property.

We would much prefer not to have to pursue that exercise. However, if an exceptional requirement is maintained contrary to what appears to be the established national guidance, we will seek the relevant information so that the consistency and evidential basis of that decision can be properly examined.

Our position remains straightforward: we will undertake every reasonable fire-safety improvement that is properly required, but we also expect the same standards to be applied to this property as are applied fairly and consistently to comparable HMOs.

5. HMO licence – occupation while application is outstanding

I would also like to reiterate a point which we have made in writing on a number of previous occasions.

An HMO licence application has already been made for the property.

Section 72(4) of the Housing Act 2004 provides a statutory defence where, at the material time, an application for a licence has been duly made and remains effective.

This is not simply our interpretation.

The Upper Tribunal recently explained the position in *Gorgievski v Griffiths & Ors* [2025] UKUT 161 (LC).

The Tribunal explained that under section 72(4), where an application for a licence has been duly made and has not yet been refused or withdrawn, the statutory defence applies.

Judgment:

<https://www.bailii.org/uk/cases/UKUT/LC/2025/161.html>

The Government's explanatory notes to the Housing Act 2004 are equally clear, explaining in relation to section 72:

"However, no offence is committed by a person who has an outstanding application either for a licence or for a temporary exemption."

Housing Act 2004 explanatory material:

https://www.legislation.gov.uk/ukpga/2004/34/pdfs/ukpgaen_20040034_en.pdf

The Upper Tribunal decision in *Moh v Rimal Properties Ltd* [2024] UKUT 324 (LC) also considered precisely when the section 72(4)(b) defence takes effect.

Accordingly, provided that our licence application has been duly made and remains effective, we do not accept any suggestion that we must leave the HMO empty until the Council eventually determines the application, or that occupation during that period automatically constitutes an

offence under section 72(1).

Finally, I fully appreciate that Council officers have a responsibility to inspect properties, demonstrate that those inspections are meaningful, and identify matters requiring attention where genuine deficiencies exist. We have absolutely no objection to that process, and we will continue to rectify promptly anything that is reasonably and properly identified.

However, I would respectfully ask that a pragmatic, proportionate and evidence-based approach is taken. The purpose of the legislation and fire-safety standards is to make properties safer; it should not become an exercise in identifying alterations simply for the sake of demonstrating that alterations have been requested.

We now have extraordinarily easy access to legislation, Approved Documents, manufacturers' technical specifications, British Standards information and published fire-performance data. Modern search technology and AI tools make it considerably easier for all parties to locate and understand the relevant technical information. Where there is uncertainty, the underlying source material can readily be checked and verified rather than assumptions being made simply because one construction method is more familiar than another.

A particularly clear example is the suggestion that an A1 non-combustible cement-based material should be removed and replaced by an A2-s1,d0 material. Whatever one's preference for a particular construction method, it would be difficult to describe that as an improvement in the reaction-to-fire classification. Regulation should produce a genuine safety benefit, not a technical downgrade merely for the sake of conformity with a more familiar material.

We therefore ask that we all approach the remaining matters sensibly and pragmatically. If something is genuinely deficient, please identify the deficiency, the applicable requirement and the necessary remedy, and we will rectify it. We have no difficulty whatsoever with doing that.

Equally, where something is already compliant, safe or provides an appropriate level of protection, there should be no need to manufacture an issue simply so that an alteration can be required. Let us concentrate on genuine risks and genuine improvements rather than unnecessary works that provide no additional safety benefit—or, worse, could result in a lower-performing solution.

That, in our view, is the most sensible, proportionate and constructive way forward for everyone concerned.

Kind regards,

Andreas Russo

On 29/07/2026 10:08, Kyle Horner (NELC) wrote:
Hi Andreas,

Please see attached letter that has also been send in the post to you.

Letters to each room has also been sent via post.

Kind Regards,

Kyle

Kyle Horner

Regulatory Compliance Officer

Environmental Health and Housing Enforcement

North East Lincolnshire Council

Municipal Offices, Town Hall Square, Great Grimsby, North East Lincolnshire, DN31 1HU

Phone: 01472 325026 | Mob: 07388 853269 | Kyle.horner@nelincs.gov.uk <<mailto:Kyle.horner@nelincs.gov.uk>> | www.nelincs.gov.uk <<http://www.nelincs.gov.uk>>

'Please excuse any spelling or grammar errors caused due to my diagnosed dyslexia'

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

Sent: 28 July 2026 17:25

To: Kyle Horner (NELC) <Kyle.Horner@nelincs.gov.uk> <<mailto:Kyle.Horner@nelincs.gov.uk>>

Cc: Lucy Woods (NELC) <Lucy.Woods@nelincs.gov.uk> <<mailto:Lucy.Woods@nelincs.gov.uk>>

Subject: Re: HMO Licence application - 7 Brereton Ave

Thursday 13th August at 10:00am should be ok

On 27/07/2026 11:08, Kyle Horner (NELC) wrote:
Good morning, Mr Russo,

I have been through your application for an HMO Licence for 7 Brereton Ave.

Our next steps are to attend the property and carry out a full inspection and to do so we will need access to every room.

Please can you let me know from the list below what date and time suites you best? I will need to know by the end of day Wednesday 29th to ensure letters are sent out and correct notice is given.

Tuesday 11th August at 10:00am

Tuesday 11th August at 11:00am

Wednesday 12th August at 11:00am

Thursday 13th August at 10:00am

Again, please let me know as soon as possible so I can get this booked in.

Kind Regards,

Kyle

Kyle Horner
Regulatory Compliance Officer
Environmental Health and Housing Enforcement
North East Lincolnshire Council
Municipal Offices, Town Hall Square, Great Grimsby, North East Lincolnshire, DN31 1HU
Phone: 01472 325026 | Mob: 07388 853269 | Kyle.horner@nelincs.gov.uk<mailto:Kyle.horner@nelincs.gov.uk> |
www.nelincs.gov.uk<http://www.nelincs.gov.uk/>

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A9. Re: HMO Licence application - 7 Brereton Ave

Date	Fri, 14 Aug 2026 08:24:27 +0000
From	"Kyle Horner (NELC)" <Kyle.Horner@nelincs.gov.uk>
To	Andreas Russo <info@areton-ltd.com>
Cc	"Lucy Woods (NELC)" <Lucy.Woods@nelincs.gov.uk>
Source file	Re HMO Licence application - 7 Brereton Ave - 'Kyle Horner (NELC)' (Kyle.Horner@nelincs.gov.uk) - 2026-08-14 0924(3).eml

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Kyle

Kyle Horner

Regulatory Compliance Officer

Environmental Health and Housing Enforcement

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Municipal Offices, Town Hall Square, Great Grimsby, North East Lincolnshire, DN31 1HU

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

Sent: 13 August 2026 19:59

To: Kyle Horner (NELC) <Kyle.Horner@nelincs.gov.uk>

Cc: Lucy Woods (NELC) <Lucy.Woods@nelincs.gov.uk>

Subject: Re: HMO Licence application - 7 Brereton Ave

Dear Lucy,

I am writing further to the matters raised following the inspection of 7 Brereton Avenue.

We remain entirely willing to undertake any reasonable remedial works that are genuinely required and supported by the relevant standards. However, there are several points which we believe need to be clarified because some of the suggested alterations appear either unnecessary or, in the case of replacing the existing cement-board protection with ordinary fire-resistant plasterboard, potentially a move to a lower reaction-to-fire classification rather than a higher one.

1. Cement board versus pink/red fire-resistant plasterboard

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This is stated directly in British Gypsum's Declaration of Performance:

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Therefore the objective manufacturer classifications are:

Cement board: A1 – non-combustible

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A1 is the higher reaction-to-fire classification.

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In practical terms, the Council would therefore be requiring us to downgrade the fire-performance classification of the material already installed, supposedly in the interests of improving fire safety. That position is extremely difficult to justify on any rational or technical fire-safety basis.

If the Council nevertheless requires the A1 cement board to be removed and replaced with a lower-classified material, we respectfully request the specific legislation, fire-safety standard, tested system specification or technical evidence supporting such a requirement. Without such evidence, replacing an A1 non-combustible material with an A2 material would appear to make the installation less favourable in terms of reaction-to-fire classification, not safer.

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Nevertheless, despite having a metal consumer unit, we have gone considerably further by providing additional cement-board protection around this equipment which provides the highest form of fire resistance.

We therefore have a non-combustible consumer-unit enclosure plus additional non-combustible A1 cement-board protection.

We recognise that established housing fire-safety guidance considers fire-resisting enclosure of meters/distribution boards situated on escape routes to be best practice. This is precisely why additional protection has been provided.

Similar arrangements have been used in our other HMO properties and have been inspected on numerous occasions without this being identified as a concern.

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We are frankly extremely surprised by the suggestion that the bathroom doors should be replaced with fire doors. There is no general requirement in established HMO fire-safety guidance that bathrooms must be fitted with fire doors, and imposing such a requirement here appears entirely disproportionate.

The established LACORS Housing Fire Safety guidance expressly states:

"There is usually no requirement to provide protection to bathrooms and shower rooms which open onto protected routes."

This is particularly important because the guidance reaches that position even while expressly contemplating bathrooms containing electrical equipment, including properly installed electric showers and water heaters.

An instantaneous electric shower can represent a substantial electrical load, yet the presence of an electric shower does not automatically transform a bathroom into a room requiring a fire door under the established guidance.

The position at this property is even more straightforward. There is no conventional instantaneous electric shower installed in the bathroom. Furthermore, the property's electrical installation has been inspected through the EICR and we have not been presented with any electrical defect associated with the bathroom that would justify treating it as an exceptional fire risk.

Against that background, requiring an additional fire-resisting doorset to this bathroom would be extraordinarily difficult to justify as a proportionate fire-safety measure.

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We would much prefer not to have to pursue that exercise. However, if an exceptional requirement is maintained contrary to what appears to be the established national guidance, we will seek the relevant information so that the consistency and evidential basis of that decision can be properly examined.

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This is not simply our interpretation.

The Upper Tribunal recently explained the position in *Gorgievski v Griffiths & Ors* [2025] UKUT 161 (LC).

The Tribunal explained that under section 72(4), where an application for a licence has been duly made and has not yet been refused or withdrawn, the statutory defence applies.

Judgment:

<https://www.bailii.org/uk/cases/UKUT/LC/2025/161.html>

The Government's explanatory notes to the Housing Act 2004 are equally clear, explaining in relation to section 72:

"However, no offence is committed by a person who has an outstanding application either for a licence or for a temporary exemption."

Housing Act 2004 explanatory material:

https://www.legislation.gov.uk/ukpga/2004/34/pdfs/ukpgaen_20040034_en.pdf

The Upper Tribunal decision in *Moh v Rimal Properties Ltd* [2024] UKUT 324 (LC) also considered precisely when the section 72(4)(b) defence takes effect.

Accordingly, provided that our licence application has been duly made and remains effective, we do not accept any suggestion that we must leave the HMO empty until the Council eventually determines the application, or that occupation during that period automatically constitutes an

offence under section 72(1).

Finally, I fully appreciate that Council officers have a responsibility to inspect properties, demonstrate that those inspections are meaningful, and identify matters requiring attention where genuine deficiencies exist. We have absolutely no objection to that process, and we will continue to rectify promptly anything that is reasonably and properly identified.

However, I would respectfully ask that a pragmatic, proportionate and evidence-based approach is taken. The purpose of the legislation and fire-safety standards is to make properties safer; it should not become an exercise in identifying alterations simply for the sake of demonstrating that alterations have been requested.

We now have extraordinarily easy access to legislation, Approved Documents, manufacturers' technical specifications, British Standards information and published fire-performance data. Modern search technology and AI tools make it considerably easier for all parties to locate and understand the relevant technical information. Where there is uncertainty, the underlying source material can readily be checked and verified rather than assumptions being made simply because one construction method is more familiar than another.

A particularly clear example is the suggestion that an A1 non-combustible cement-based material should be removed and replaced by an A2-s1,d0 material. Whatever one's preference for a particular construction method, it would be difficult to describe that as an improvement in the reaction-to-fire classification. Regulation should produce a genuine safety benefit, not a technical downgrade merely for the sake of conformity with a more familiar material.

We therefore ask that we all approach the remaining matters sensibly and pragmatically. If something is genuinely deficient, please identify the deficiency, the applicable requirement and the necessary remedy, and we will rectify it. We have no difficulty whatsoever with doing that.

Equally, where something is already compliant, safe or provides an appropriate level of protection, there should be no need to manufacture an issue simply so that an alteration can be required. Let us concentrate on genuine risks and genuine improvements rather than unnecessary works that provide no additional safety benefit—or, worse, could result in a lower-performing solution.

That, in our view, is the most sensible, proportionate and constructive way forward for everyone concerned.

Kind regards,

Andreas Russo

On 29/07/2026 10:08, Kyle Horner (NELC) wrote:
Hi Andreas,

Please see attached letter that has also been send in the post to you.

Letters to each room has also been sent via post.

Kind Regards,

Kyle

Kyle Horner

Regulatory Compliance Officer

Environmental Health and Housing Enforcement

North East Lincolnshire Council

Municipal Offices, Town Hall Square, Great Grimsby, North East Lincolnshire, DN31 1HU

Phone: 01472 325026 | Mob: 07388 853269 | Kyle.horner@nelincs.gov.uk | www.nelincs.gov.uk

'Please excuse any spelling or grammar errors caused due to my diagnosed dyslexia'

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

Sent: 28 July 2026 17:25

To: Kyle Horner (NELC) <Kyle.Horner@nelincs.gov.uk>

Cc: Lucy Woods (NELC) <Lucy.Woods@nelincs.gov.uk>

Subject: Re: HMO Licence application - 7 Brereton Ave

Thursday 13th August at 10:00am should be ok

On 27/07/2026 11:08, Kyle Horner (NELC) wrote:
Good morning, Mr Russo,

I have been through your application for an HMO Licence for 7 Brereton Ave.

Our next steps are to attend the property and carry out a full inspection and to do so we will need access to every room.

Please can you let me know from the list below what date and time suites you best? I will need to know by the end of day Wednesday 29th to ensure letters are sent out and correct notice is given.

Tuesday 11th August at 10:00am

Tuesday 11th August at 11:00am

Wednesday 12th August at 11:00am

Thursday 13th August at 10:00am

Again, please let me know as soon as possible so I can get this booked in.

Kind Regards,

Kyle

Kyle Horner
Regulatory Compliance Officer
Environmental Health and Housing Enforcement
North East Lincolnshire Council
Municipal Offices, Town Hall Square, Great Grimsby, North East Lincolnshire, DN31 1HU
Phone: 01472 325026 | Mob: 07388 853269 | Kyle.horner@nelincs.gov.uk<mailto:Kyle.horner@nelincs.gov.uk> |
www.nelincs.gov.uk<http://www.nelincs.gov.uk/>

'Please excuse any spelling or grammar errors caused due to my diagnosed dyslexia'

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A10. Re: HMO Licence application - 7 Brereton Ave

Date	Fri, 14 Aug 2026 13:23:52 +0100
From	Andreas Russo <info@areton-ltd.com>
To	"Kyle Horner (NELC)" <Kyle.Horner@nelincs.gov.uk>
Cc	"Lucy Woods (NELC)" <Lucy.Woods@nelincs.gov.uk>, Andy Ross <andyross1980@hotmail.co.uk>
Source file	Re_ HMO Licence application - 7 Brereton Ave - Andreas Russo (info@areton-ltd.com) - 2026-08-14 1323.eml
Attachments	Re 7 Brereton Avenue - Andreas Russo (info@areton-ltd.com) - 2026-07-05 1708 (1).msg; Re 7 Brereton Avenue - Andreas Russo (info@areton-ltd.com) - 2026-07-05 1708 (2).msg; Re 7 Brereton Avenue - Andreas Russo (info@areton-ltd.com) - 2026-07-05 1708.msg

more files

attached

On 14/08/2026 13:21, Andreas Russo wrote:

>
>
> Dear Kyle,
>
> Thank you for your email.
>
> I am copying Lucy
into this response and attaching the previous
> correspondence because a number of the matters raised in
your email
> have already been addressed in considerable detail with both the
> Housing/Licensing team and
North East Lincolnshire Council Building
> Control.
>
> I would therefore be grateful if the previous
correspondence could
> please be reviewed before these points are raised again.
>
>
> Building Control
and HMO licensing – this issue has already been
> addressed
>
> You state:
>
> "It is my
understanding that Building Control sign-off has not yet
> been obtained for the property."
>
> There
appears to remain some confusion on this point, notwithstanding
> that it has *already been addressed clearly
and in considerable detail
> in the attached correspondence*.
>
> The issue is *not* that a Building Control
Completion Certificate which
> is required for this property remains outstanding.
>
> Our position has
already been explained to Lucy Woods and subsequently
> addressed directly with North East Lincolnshire
Council's Building
> Control department: *we do not accept that there is any Building
Control Completion
Certificate which is required to exist in respect
> of the matters presently under consideration.*
>
>
Building Control has already been contacted directly. *Please refer to
> the attached
correspondence.* Building Control is fully aware of the
> property, its history, the existing installations
and the works

> undertaken during our ownership.
>
> More fundamentally, the distinction between the two statutory regimes
> has *already been expressly addressed in writing*.
>
> *HMO licensing under Part 2 of the Housing Act 2004 and Building
> Control under the Building Act 1984 / Building Regulations are
> separate
statutory regimes. THIS WAS EXPRESSED BY BUILDING CONTROL
> themselves in writing, see attached.*
>
> This
is not merely our interpretation. North East Lincolnshire
> Council's own Principal Building Control Surveyor
expressly confirmed
> in writing:
>
> "Building Control operates strictly under the Building Act 1984
>
and the Building Regulations 2010, which are entirely separate
> from Housing Act licensing and
Planning Use Classes."
>
> That distinction could not be clearer and is precisely the point we
> have already
made throughout the correspondence.
>
> The Housing Licensing team determines the HMO licence application
>
under *Part 2 of the Housing Act 2004*. Building Control deals
> separately with matters falling within its
own statutory jurisdiction
> under the Building Act and Building Regulations.
>
> We have *already expressly
stated in writing* that, should the
> authority seek to invalidate, refuse or materially delay the HMO
>
licence application *solely because of the absence of a Building
> Control Completion Certificate or Building
Regulations documentation*,
> we will exercise the statutory challenge and appeal routes available
> to us,
including an appeal to the *First-tier Tribunal (Property
> Chamber)*.
>
> *Please see the attached
correspondence.*
>
> Our position on this issue has therefore already been communicated
> *clearly, expressly
and in writing* to the Council.
>
> There should be no further conflation of these two separate statutory
>
regimes, nor should the HMO licensing process effectively be made
> conditional upon obtaining a Building
Control document which the
> Housing Act 2004 does not itself require as a licensing prerequisite.
>
>
>
HMO licensing is a separate statutory regime
>
> The HMO licence application falls to be determined
under *Part 2 of
> the Housing Act 2004*.
>
> Building Control and HMO licensing are *distinct statutory
regimes*,
> with different statutory tests and different enforcement mechanisms.
>
> We have already provided
the Licensing department with the requested
> documentation, including the floor plan, EICR, emergency-

lighting
 > documentation, Fire Risk Assessment, PAT certificate, tenancy
 > agreement, Gas Safety
 documentation, EPC and fire-detection documentation.
 >
 > Accordingly, *please refer to the attached
 correspondence*, where
 > these matters and our position have already been set out in full.
 >
 >
 > The
 distinction is not merely administrative or a matter of Council
 > practice. *The two regimes arise under
 different statutory frameworks,
 > perform different legal functions and are administered and enforced
 >
 through different statutory powers and procedures.* HMO licensing
 > falls under Part 2 of the Housing Act
 2004, whereas Building Control
 > operates under the Building Act 1984 and the Building Regulations.
 > They
 are not interchangeable regulatory processes, and one should not
 > simply be treated as an extension or
 prerequisite of the other.
 >
 > Importantly, *this is not simply a position advanced by us*. The
 > Council's
 own Principal Building Control Surveyor has expressly
 > confirmed in writing that Building Control operates
 under the Building
 > Act 1984 and Building Regulations 2010 and that those provisions are
 > **entirely
 separate from Housing Act licensing and Planning Use
 > Classes.** That written confirmation is contained in
 the attached
 > correspondence and could hardly be more explicit.
 >
 > The same distinction is apparent from
 the statutory frameworks
 > themselves: *Housing Licensing exercises its powers under the Housing
 > Act 2004,
 while Building Control exercises separate powers under the
 > Building Act and Building Regulations.* Each
 department must therefore
 > deal with matters falling within its own statutory jurisdiction using
 > the
 powers Parliament has conferred upon it. The existence of a
 > Building Control issue does not, by itself,
 transform that issue into
 > an HMO licensing requirement.
 >
 > It is therefore particularly frustrating that,
 despite the statutory
 > distinction and despite *the Council's own Building Control department
 > having
 expressly confirmed that distinction in writing*, we continue
 > to encounter the same confusion. We
 respectfully ask that the attached
 > correspondence is considered carefully so that these two separate
 >
 regulatory regimes are no longer conflated.
 >
 >
 >
 > Occupation while the licence application is being
 determined
 >
 > I must also respectfully challenge the statement in your email that:
 >
 > "whilst your
 application is being processed, the property should
 > not be occupied by more than four occupants until
 the licence has
 > been granted and formally issued."
 >
 > Please identify the statutory basis for that
 proposition.

>

> It appears to be inconsistent not only with section 72(4)(b) of the
 > Housing Act 2004 but,
 > more importantly, with *North East Lincolnshire
 > Council's own published HMO guidance*.

>

> Your own website
 > presently states, in relation to the HMO register:

>

> "The register also includes details of properties
 > for which a
 > licence application has been received, but the licence not yet
 > issued. Provided that
 > the application received is valid, it is
 > acceptable for such a property to operate as a licensable HMO."

>

> That wording could hardly be clearer.

>

> The Council's own guidance therefore expressly recognises that
 > a
 > property does *not* have to remain restricted to four occupants merely
 > because the licence has not yet
 > physically been issued, provided that
 > a valid licence application has been received.

>

> That also
 > reflects section 72(4)(b) of the Housing Act 2004, which
 > provides a statutory defence where, at the
 > material time, an
 > application for a licence has been duly made and remains effective.

>

>

> There is also
 > *clear tribunal authority on the effect of a duly made
 > licence application*. Section 72(4)(b) is not merely
 > discretionary
 > guidance: it creates a statutory defence to the section 72(1) offence
 > once an application
 > for the required licence has been *duly made and
 > remains effective*.

>

> Most importantly, in *Moh v Rimal
 > Properties Ltd [2024] UKUT 324
 > (LC)*, the Upper Tribunal dealt directly with when that defence takes
 > effect. It confirmed that once the licence application is duly made,
 > the section 72(1) licensing offence is
 > no longer being committed. That
 > proposition was subsequently expressly restated by the Upper Tribunal

>

> in *Gorgievski v Griffiths & Ors [2025] UKUT 161 (LC)*: section 72(4)
 > provides the defence where the
 > application has been duly made and
 > remains effective, and the Tribunal treated the landlord as committing

>

> *no licensing offence from the application date*.

>

> The same principle has been applied at First-tier
 > Tribunal level. In
 > *157 Murray Road, Rugby, CV21 3JR*, the Tribunal treated the section
 > 72(1) offence as
 > ending when the HMO licence application was
 > submitted, rather than when the licence was subsequently
 > granted.

> Similarly, the published decision concerning *Flat 1, 21 Hamilton
 > Park, London, N5 1SH
 > (LON/00AU/HMF/2024/0055)* concerned the
 > application of the same statutory licensing/Rent Repayment Order
 > framework.

>

> Accordingly, the critical statutory question is *whether a licence
 > application has been
 > duly made and remains effective*, not whether the
 > Council has completed its administrative processing and
 > physically

> issued the licence. We therefore cannot identify any lawful basis for
 > a blanket direction
 that the property must remain limited to four
 > occupants simply because the licence has not yet been
 formally issued.
 > That proposition appears particularly difficult to reconcile with both
 > *section
 72(4)(b), the Upper Tribunal authorities above, and North
 > East Lincolnshire Council's own published
 guidance expressly stating
 > that, provided an application received is valid, it is acceptable for
 > the
 property to operate as a licensable HMO while the licence remains
 > to be issued.*
 >
 > There is also an
 obvious and important practical reason why Parliament
 > structured the legislation in this way. *The grant
 and issue of an HMO
 > licence is an administrative process which may take a considerable
 > period of time
 and the timing of that determination is ultimately
 > outside the applicant's control.* Once an applicant has
 properly
 > submitted the required application, the subsequent time taken by the
 > local authority to process
 and determine it is a matter for the authority.
 >
 > It would make little sense for the legislation
 simultaneously to
 > provide an express statutory defence where an application has been
 > **duly made" and
 remains "effective"*, while nevertheless requiring
 > the property to cease operating as the licensable HMO
 during whatever
 > period the Council happens to take to determine that application.
 > Section 72(8)
 expressly provides that an application remains effective
 > while the authority has not yet decided whether to
 grant the licence.
 >
 > This interpretation is reinforced by *Moh v Rimal Properties Ltd
 > [2024] UKUT 324
 (LC)*. The Upper Tribunal considered precisely when
 > the section 72(4)(b) defence takes effect and held that
 *no section
 > 72(1) offence is committed on the day on which the licence application
 > is duly made*. That
 principle was subsequently expressly recognised in
 > *Gorgievski v Griffiths & Ors [2025] UKUT 161 (LC)*,
 where the Upper
 > Tribunal summarised /Moh/ as establishing that **no offence under
 > section 72(1), 2004
 Act is committed by the landlord of an unlicensed
 > HMO on the day on which an application for a licence is
 duly made."*
 >
 > The significance is straightforward. *The statutory protection does
 > not wait until the
 Council eventually processes, determines and
 > physically issues the licence. It arises from the duly made
 and
 > effective application itself.* Otherwise, an applicant's legal
 > position would depend upon how
 quickly or slowly an individual local
 > authority happened to process its applications—something entirely
 >
 outside the applicant's control and inconsistent with the structure
 > Parliament expressly created in
 sections 72(4) and 72(8).
 >
 > Accordingly, where our application has been duly made and remains
 > effective,
 we cannot see any statutory basis for imposing an interim
 > four-person restriction simply because the
 Council has not yet
 > completed its determination. This is particularly difficult to

> reconcile with *the
Council's own published guidance and national
> ESTABLISHED legislation *, which expressly recognises that,
provided
> an application is received, it is acceptable for the property to
> operate as a licensable HMO
while the licence has not yet been issued.
>
>
>
>
> Hazards identified during the inspection
>
> In
relation to the hazards which you indicate will be assessed and
> scored, we will of course consider the
schedule once it is provided.
>
> As previously stated, we remain entirely willing to undertake any
>
remedial works which are genuinely required, proportionate and
> supported by the relevant legislation, HHSRS
assessment, fire-safety
> guidance or other applicable standards.
>
> However, we reserve our position in
relation to any proposed works
> until the individual hazards, their HHSRS scores, the legislative
> basis
relied upon and the proposed remedial measures have been supplied.
>
> We have considerable experience of HMO
management and compliance and
> have taken substantial professional advice regarding this property. We
>
therefore expect the various statutory regimes to be applied correctly
> and separately.
>
> We are not
seeking to avoid any legitimate requirement. Quite the
> opposite: extensive independent documentation has
already been
> obtained precisely to demonstrate the present safety and suitability
> of the property.
>
>
What we cannot accept is the imposition of requirements which have no
> identifiable statutory basis.
>
>
> I
must also express some genuine frustration that, despite the
> extensive correspondence already provided, we
appear repeatedly to be
> returning to matters that have already been researched, addressed and
> clarified
in writing, including by the Council's own Building Control
> officers. It is extremely frustrating to find
different departments
> apparently taking inconsistent positions, or raising points without
> first
considering what has already been confirmed by colleagues or
> what the relevant statutory framework actually
provides. We fully
> respect the Council's regulatory responsibilities and wish to work
> constructively
with its officers, but equally we should be able to
> expect the legislation to be applied consistently and
for the
> Council's departments to communicate effectively with one another. At
> present, the repeated
revisiting of already-addressed issues is
> creating unnecessary confusion, delay and considerable
frustration.
>
>
>

> For completeness, I will attach the previous correspondence with Lucy
> Woods and
Building Control so that the factual and legal background is
> available in one place.
>
> We also attach the
original emails in the dropbox folder so that we
> are 100 per cent sure you are up to date with our
previous
> correspondence.
>
>
> <https://www.dropbox.com/scl/fo/q89sdzgp26m9bsh13zwc8/AAVQyFcEHnpY2z7sbBoU-w0?rlkey=45onal4v65wubj65nzfknxyo1&st=bp9jwy87&dl=0>
>
>
> Kind regards,
>
> Andreas Russo
>
>
> On 14/08/2026
09:24, Kyle Horner (NELC) wrote:
>> Good Morning,
>>
>> Thank you for your email. I have taken your points on
board, and
>> these will be considered.
>> Following our inspection yesterday, we identified a number of
hazards
>> that we consider appropriate for formal action. Once these hazards
>> have been assessed and
scored, we will prepare a schedule of the
>> identified hazards and the required remedial works. This
schedule
>> will be emailed to you, along with a reasonable timescale for the
>> completion of the works.
>>
It is my understanding that Building Control sign-off has not yet
>> been obtained for the property. If I am
mistaken, please provide a
>> copy of the relevant documentation at your earliest convenience.
>> In the
meantime, whilst your application is being processed, the
>> property should not be occupied by more than
four occupants until the
>> licence has been granted and formally issued.
>>
>>
>> Kind Regards,
>>
>> Kyle

>>
>> *Kyle Horner *
>>
>> *Regulatory Compliance Officer *
>>
>> *Environmental Health and Housing
Enforcement*
>>
>> *North East Lincolnshire Council*
>>
>> Municipal Offices, Town Hall Square, Great Grimsby,
North East
>> Lincolnshire, DN31 1HU
>>
>> Phone: 01472 325026 | Mob: 07388 853269 |
Kyle.horner@nelincs.gov.uk
>> | *www.nelincs.gov.uk* <<http://www.nelincs.gov.uk/>>
>>
>> /
>> /
>> /Please
excuse any spelling or grammar errors caused due to my
>> diagnosed dyslexia' /
>>

>>

>> *From:* Andreas Russo
<info@areton-ltd.com>
>> *Sent:* 13 August 2026 19:59
>> *To:* Kyle Horner (NELC) <Kyle.Horner@nelincs.gov.uk>

>> *Cc:* Lucy Woods (NELC) <Lucy.Woods@nelincs.gov.uk>
>> *Subject:* Re: HMO Licence application - 7 Brereton
Ave

>>
>> Dear Lucy,

>>
>> I am writing further to the matters raised following the inspection
>> of 7
Brereton Avenue.

>>
>> We remain entirely willing to undertake any reasonable remedial works
>> that are
genuinely required and supported by the relevant standards.
>> However, there are several points which we
believe need to be
>> clarified because some of the suggested alterations appear either
>> unnecessary or,
in the case of replacing the existing cement-board
>> protection with ordinary fire-resistant plasterboard,
potentially a
>> move to a *lower reaction-to-fire classification rather than a higher
>> one*.

>>
>>
>>
>> 1. Cement board versus pink/red fire-resistant plasterboard

>>
>> I would particularly like to clarify
the suggestion concerning the
>> cement board already installed around the electrical equipment.

>>
>> The
material should not be confused with ordinary plasterboard.

>>
>> There is very clear manufacturer evidence
concerning the fire
>> classification of these products.

>>
>> *Knauf AQUAPANEL Cement Board Indoor*

>>
>> Knauf describes AQUAPANEL Cement Board Indoor as a *non-combustible
>> cement board*.

>>
>> More importantly,
Knauf confirms that AQUAPANEL Cement Board Indoor
>> and Outdoor achieve:

>>
>> *Euroclass A1 reaction to
fire under EN 13501-1.*

>>
>> Manufacturer information:

>>
>> [https://knauf.com/en-GB/performance/moisture-
resistance/aquapanel](https://knauf.com/en-GB/performance/moisture-resistance/aquapanel)
>> <<https://knauf.com/en-GB/performance/moisture-resistance/aquapanel>>

>>
>> Product
information:

>>
>> https://knauf.com/en-GB/p/product/aquapanel-r-indoor-12.5mm-x-1200mm-wide-11076_0306
>>
<https://knauf.com/en-GB/p/product/aquapanel-r-indoor-12.5mm-x-1200mm-wide-11076_0306>

>>
>> Knauf Download
Centre, including Product Data Sheet and Declaration
>> of Performance:

>>
>> [https://knauf.com/en-
GB/tools/download-center?language%5B0%5D=en&query=aquapanel+indoor](https://knauf.com/en-GB/tools/download-center?language%5B0%5D=en&query=aquapanel+indoor)

>> <<https://knauf.com/en-GB/tools/download-center?language%5B0%5D=en&query=aquapanel+indoor>>
>>
>> By comparison, *British Gypsum Gyproc FireLine*, which is the
>> conventional pink/red fire-resistant plasterboard, has the following
>> declared reaction-to-fire classification:
>>
>> *Euroclass A2-s1,d0.*
>>
>> This is stated directly in British Gypsum's Declaration of Performance:
>>
>> <https://www.british-gypsum.com/download-documents/declaration-performance-dop/british-gypsum-dop-board106-uk-gyproc-fireline.pdf>
>> <<https://www.british-gypsum.com/download-documents/declaration-performance-dop/british-gypsum-dop-board106-uk-gyproc-fireline.pdf>>

>>
>> Therefore the objective manufacturer classifications are:
>>
>> *Cement board: A1 – non-combustible*
>>

>> versus
>>
>> *Pink/red Gyproc FireLine plasterboard: A2-s1,d0*
>>
>> A1 is the higher reaction-to-fire classification.
>>
>> It would be entirely counterproductive to require the removal of an
>> *A1 non-combustible cement-based board* and its replacement with an
>> *A2-s1,d0 fire-resistant plasterboard*. Such a requirement would not
>> improve the reaction-to-fire classification of the material; it would
>>
>> *deliberately replace a higher-classified A1 material with a
>> lower-classified A2 material*.
>>
>> In practical terms, the Council would therefore be requiring us to
>> *downgrade the fire-performance classification of the material
>> already installed*, supposedly in the interests of improving fire
>> safety. That position is extremely difficult to justify on any
>> rational or technical fire-safety basis.
>>

>> If the Council nevertheless requires the A1 cement board to be
>> removed and replaced with a lower-classified material, we
>> respectfully request the *specific legislation, fire-safety standard,
>> tested system specification or technical evidence* supporting such a
>> requirement. Without such evidence, replacing an A1 non-combustible
>> material with an A2 material would appear to make the installation
>> *less favourable in terms of reaction-to-fire classification, not safer*.
>>
>>

>> 2. Fire-resistance periods

>>
>> There is a separate technical distinction between *reaction to fire*
>> and *fire resistance* which should also be recognised.
>>
>> Knauf expressly confirms that AQUAPANEL is A1 non-combustible.
>>
>> Knauf has published tested AQUAPANEL-containing constructions
>> providing substantial fire-resistance periods,

including systems
 >> achieving 30 and 90 minutes.
 >>
 >> For example:
 >>
 >> <https://knauf.com/api/download-center/v1/assets/3ce3ffa5-9cb1-46c4-a2e4-34fda842e169?download=true>
 >> <<https://knauf.com/api/download-center/v1/assets/3ce3ffa5-9cb1-46c4-a2e4-34fda842e169?download=true>>
 >>
 >>
 >> 3. Electrical meter and metal consumer unit
 >>
 >> The electrical consumer unit is itself contained within a
 >> *metal/non-combustible enclosure*.
 >>
 >> Electrical Safety First's guidance concerning BS 7671 Regulation
 >> 421.1.201 specifically identifies ferrous metal as an example of a
 >> non-combustible material for consumer-unit enclosures.
 >>
 >>
 Reference:
 >>
 >> <https://www.electricalsafetyfirst.org.uk/resources-for-electricians/wiring-regulations-help/>
 >>
 >> <<https://www.electricalsafetyfirst.org.uk/resources-for-electricians/wiring-regulations-help/>>
 >>
 >>
 Nevertheless, despite having a metal consumer unit, we have gone
 >> considerably further by providing additional cement-board protection
 >> around this equipment which provides the highest form of fire resistance.
 >>
 >> We therefore have a non-combustible consumer-unit enclosure *plus
 >> additional non-combustible A1 cement-board protection*.
 >>
 >> We recognise that established housing fire-safety guidance considers
 >> fire-resisting enclosure of meters/distribution boards situated on
 >> escape routes to be best practice. This is precisely why additional
 >> protection has been provided.
 >>
 >>
 >> Similar arrangements have been used in our other HMO properties and
 >> have been inspected on numerous occasions without this being
 >> identified as a concern.
 >>
 >>
 >> 4. Bathroom doors, no reasonable basis for requiring fire doors
 >>
 >> We are frankly extremely surprised by the suggestion that the
 >> bathroom doors should be replaced with fire doors. *There is no
 >> general requirement in established HMO fire-safety guidance that
 >> bathrooms must be fitted with fire doors*, and imposing such a
 >> requirement here appears entirely disproportionate.
 >>
 >> The established *LACORS Housing Fire Safety guidance* expressly states:
 >>
 >>
 "There is usually no requirement to provide protection to
 >> bathrooms and shower rooms which open onto protected routes."
 >>
 >> This is particularly important because the guidance

[Extract truncated in this PDF to avoid duplicating long quoted chains. Original .eml file is retained as source evidence.]

A11. Re: HMO Licence application - 7 Brereton Ave

Date	Fri, 14 Aug 2026 15:43:26 +0100
From	Andreas Russo <info@areton-ltd.com>
To	"Kyle Horner (NELC)" <Kyle.Horner@nelincs.gov.uk>
Cc	"Lucy Woods (NELC)" <Lucy.Woods@nelincs.gov.uk>, Andy Ross <andyross1980@hotmail.co.uk>
Source file	Re_ HMO Licence application - 7 Brereton Ave - Andreas Russo (info@areton-ltd.com) - 2026-08-14 1543(2).eml

To make sure it is received

It is resent

On 14/08/2026 13:21, Andreas Russo wrote:

>
>
> Dear Kyle,
>
> Thank you for your email.
>
> I am copying Lucy
into this response and attaching the previous
> correspondence because a number of the matters raised in
your email
> have already been addressed in considerable detail with both the
> Housing/Licensing team and
North East Lincolnshire Council Building
> Control.
>
> I would therefore be grateful if the previous
correspondence could
> please be reviewed before these points are raised again.
>
>
> Building Control
and HMO licensing – this issue has already been
> addressed
>
> You state:
>
> "It is my
understanding that Building Control sign-off has not yet
> been obtained for the property."
>
> There
appears to remain some confusion on this point, notwithstanding
> that it has *already been addressed clearly
and in considerable detail
> in the attached correspondence*.
>
> The issue is *not* that a Building Control
Completion Certificate which
> is required for this property remains outstanding.
>
> Our position has
already been explained to Lucy Woods and subsequently
> addressed directly with North East Lincolnshire
Council's Building
> Control department: *we do not accept that there is any Building
> Control Completion
Certificate which is required to exist in respect
> of the matters presently under consideration.*
>
>
Building Control has already been contacted directly. *Please refer to
> the attached
correspondence.* Building Control is fully aware of the
> property, its history, the existing installations
and the works
> undertaken during our ownership.
>
> More fundamentally, the distinction between the two
statutory regimes

> has *already been expressly addressed in writing*.
>
> *HMO licensing under Part 2 of the
Housing Act 2004 and Building
> Control under the Building Act 1984 / Building Regulations are
> separate
statutory regimes. THIS WAS EXPRESSED BY BUILDING CONTROL
> themselves in writing, see attached.*
>
> This
is not merely our interpretation. North East Lincolnshire
> Council's own Principal Building Control Surveyor
expressly confirmed
> in writing:
>
> "Building Control operates strictly under the Building Act 1984
>
and the Building Regulations 2010, which are entirely separate
> from Housing Act licensing and
Planning Use Classes."
>
> That distinction could not be clearer and is precisely the point we
> have already
made throughout the correspondence.
>
> The Housing Licensing team determines the HMO licence application
>
under *Part 2 of the Housing Act 2004*. Building Control deals
> separately with matters falling within its
own statutory jurisdiction
> under the Building Act and Building Regulations.
>
> We have *already expressly
stated in writing*that, should the
> authority seek to invalidate, refuse or materially delay the HMO
>
licence application *solely because of the absence of a Building
> Control Completion Certificate or Building
Regulations documentation*,
> we will exercise the statutory challenge and appeal routes available
> to us,
including an appeal to the *First-tier Tribunal (Property
> Chamber)*.
>
> *Please see the attached
correspondence.*
>
> Our position on this issue has therefore already been communicated
> *clearly, expressly
and in writing*to the Council.
>
> There should be no further conflation of these two separate statutory
>
regimes, nor should the HMO licensing process effectively be made
> conditional upon obtaining a Building
Control document which the
> Housing Act 2004 does not itself require as a licensing prerequisite.
>
>
>
HMO licensing is a separate statutory regime
>
> The HMO licence application falls to be determined
under *Part 2 of
> the Housing Act 2004*.
>
> Building Control and HMO licensing are *distinct statutory
regimes*,
> with different statutory tests and different enforcement mechanisms.
>
> We have already provided
the Licensing department with the requested
> documentation, including the floor plan, EICR, emergency-
lighting
> documentation, Fire Risk Assessment, PAT certificate, tenancy
> agreement, Gas Safety
documentation, EPC and fire-detection documentation.

>

> Accordingly, *please refer to the attached correspondence*, where

> these matters and our position have already been set out in full.

>

>

> The distinction is not merely administrative or a matter of Council

> practice. *The two regimes arise under different statutory frameworks,

> perform different legal functions and are administered and enforced

>

> through different statutory powers and procedures.* HMO licensing

> falls under Part 2 of the Housing Act 2004, whereas Building Control

> operates under the Building Act 1984 and the Building Regulations.

> They are not interchangeable regulatory processes, and one should not

> simply be treated as an extension or prerequisite of the other.

>

> Importantly, *this is not simply a position advanced by us*. The

> Council's own Principal Building Control Surveyor has expressly

> confirmed in writing that Building Control operates under the Building

> Act 1984 and Building Regulations 2010 and that those provisions are

> *entirely separate from Housing Act licensing and Planning Use

> Classes.* That written confirmation is contained in the attached

> correspondence and could hardly be more explicit.

>

> The same distinction is apparent from the statutory frameworks

> themselves: *Housing Licensing exercises its powers under the Housing

> Act 2004, while Building Control exercises separate powers under the

> Building Act and Building Regulations.* Each department must therefore

> deal with matters falling within its own statutory jurisdiction using

> the powers Parliament has conferred upon it. The existence of a

> Building Control issue does not, by itself, transform that issue into

> an HMO licensing requirement.

>

> It is therefore particularly frustrating that, despite the statutory

> distinction and despite *the Council's own Building Control department

> having expressly confirmed that distinction in writing*, we continue

> to encounter the same confusion. We respectfully ask that the attached

> correspondence is considered carefully so that these two separate

>

> regulatory regimes are no longer conflated.

>

>

>

> Occupation while the licence application is being determined

>

> I must also respectfully challenge the statement in your email that:

>

> "whilst your application is being processed, the property should

> not be occupied by more than four occupants until the licence has

> been granted and formally issued."

>

> Please identify the statutory basis for that proposition.

>

> It appears to be inconsistent not only with section 72(4)(b) of the

> Housing Act 2004 but,

> more importantly, with *North East Lincolnshire

> Council's own published HMO guidance*.
>
> Your own website
presently states, in relation to the HMO register:
>
> "The register also includes details of properties
for which a
> licence application has been received, but the licence not yet
> issued. Provided that
the application received is valid, it is
> acceptable for such a property to operate as a licensable HMO."

>
> That wording could hardly be clearer.
>
> The Council's own guidance therefore expressly recognises that
a
> property does *not* have to remain restricted to four occupants merely
> because the licence has not yet
physically been issued, provided that
> a valid licence application has been received.
>
> That also
reflects section 72(4)(b) of the Housing Act 2004, which
> provides a statutory defence where, at the
material time, an
> application for a licence has been duly made and remains effective.
>
>
> There is also
*clear tribunal authority on the effect of a duly made
> licence application*. Section 72(4)(b) is not merely
discretionary
> guidance: it creates a statutory defence to the section 72(1) offence
> once an application
for the required licence has been *duly made and
> remains effective*.
>
> Most importantly, in *Moh v Rimal
Properties Ltd [2024] UKUT 324
> (LC)*, the Upper Tribunal dealt directly with when that defence takes
>
effect. It confirmed that once the licence application is duly made,
> the section 72(1) licensing offence is
no longer being committed. That
> proposition was subsequently expressly restated by the Upper Tribunal
>
in *Gorgievski v Griffiths & Ors [2025] UKUT 161 (LC)*: section 72(4)
> provides the defence where the
application has been duly made and
> remains effective, and the Tribunal treated the landlord as committing

> *no licensing offence from the application date*.
>
> The same principle has been applied at First-tier
Tribunal level. In
> *157 Murray Road, Rugby, CV21 3JR*, the Tribunal treated the section
> 72(1) offence as
ending when the HMO licence application was
> submitted, rather than when the licence was subsequently
granted.
> Similarly, the published decision concerning *Flat 1, 21 Hamilton
> Park, London, N5 1SH
(LON/00AU/HMF/2024/0055)* concerned the
> application of the same statutory licensing/Rent Repayment Order
>
framework.
>
> Accordingly, the critical statutory question is *whether a licence
> application has been
duly made and remains effective*, not whether the
> Council has completed its administrative processing and
physically
> issued the licence. We therefore cannot identify any lawful basis for
> a blanket direction
that the property must remain limited to four
> occupants simply because the licence has not yet been

formally issued.

> That proposition appears particularly difficult to reconcile with both
> *section
72(4)(b), the Upper Tribunal authorities above, and North
> East Lincolnshire Council's own published
guidance expressly stating
> that, provided an application received is valid, it is acceptable for
> the
property to operate as a licensable HMO while the licence remains
> to be issued.*

>
> There is also an
obvious and important practical reason why Parliament
> structured the legislation in this way. *The grant
and issue of an HMO
> licence is an administrative process which may take a considerable
> period of time
and the timing of that determination is ultimately
> outside the applicant's control.* Once an applicant has
properly
> submitted the required application, the subsequent time taken by the
> local authority to process
and determine it is a matter for the authority.

>
> It would make little sense for the legislation
simultaneously to
> provide an express statutory defence where an application has been
> *"duly made" and
remains "effective"*, while nevertheless requiring
> the property to cease operating as the licensable HMO
during whatever
> period the Council happens to take to determine that application.
> Section 72(8)
expressly provides that an application remains effective
> while the authority has not yet decided whether to
grant the licence.

>
> This interpretation is reinforced by *Moh v Rimal Properties Ltd
> [2024] UKUT 324
(LC)*. The Upper Tribunal considered precisely when
> the section 72(4)(b) defence takes effect and held that
*no section
> 72(1) offence is committed on the day on which the licence application
> is duly made*. That
principle was subsequently expressly recognised in
> *Gorgievski v Griffiths & Ors [2025] UKUT 161 (LC)*,
where the Upper
> Tribunal summarised /Moh/ as establishing that *"no offence under
> section 72(1), 2004
Act is committed by the landlord of an unlicensed
> HMO on the day on which an application for a licence is
duly made."*

>
> The significance is straightforward. *The statutory protection does
> not wait until the
Council eventually processes, determines and
> physically issues the licence. It arises from the duly made
and
> effective application itself.* Otherwise, an applicant's legal
> position would depend upon how
quickly or slowly an individual local
> authority happened to process its applications—something entirely
>
outside the applicant's control and inconsistent with the structure
> Parliament expressly created in
sections 72(4) and 72(8).

>
> Accordingly, where our application has been duly made and remains
> effective,
we cannot see any statutory basis for imposing an interim
> four-person restriction simply because the
Council has not yet
> completed its determination. This is particularly difficult to
> reconcile with *the
Council's own published guidance and national
> ESTABLISHED legislation *, which expressly recognises that,
provided

> an application is received, it is acceptable for the property to
> operate as a licensable HMO
while the licence has not yet been issued.

>
>
>
>
> Hazards identified during the inspection

>
> In
relation to the hazards which you indicate will be assessed and
> scored, we will of course consider the
schedule once it is provided.

>
> As previously stated, we remain entirely willing to undertake any
>
remedial works which are genuinely required, proportionate and
> supported by the relevant legislation, HHSRS
assessment, fire-safety
> guidance or other applicable standards.

>
> However, we reserve our position in
relation to any proposed works
> until the individual hazards, their HHSRS scores, the legislative
> basis
relied upon and the proposed remedial measures have been supplied.

>
> We have considerable experience of HMO
management and compliance and
> have taken substantial professional advice regarding this property. We
>
therefore expect the various statutory regimes to be applied correctly
> and separately.

>
> We are not
seeking to avoid any legitimate requirement. Quite the
> opposite: extensive independent documentation has
already been
> obtained precisely to demonstrate the present safety and suitability
> of the property.

>
>
What we cannot accept is the imposition of requirements which have no
> identifiable statutory basis.

>
>
> I
must also express some genuine frustration that, despite the
> extensive correspondence already provided, we
appear repeatedly to be
> returning to matters that have already been researched, addressed and
> clarified
in writing, including by the Council's own Building Control
> officers. It is extremely frustrating to find
different departments
> apparently taking inconsistent positions, or raising points without
> first
considering what has already been confirmed by colleagues or
> what the relevant statutory framework actually
provides. We fully
> respect the Council's regulatory responsibilities and wish to work
> constructively
with its officers, but equally we should be able to
> expect the legislation to be applied consistently and
for the
> Council's departments to communicate effectively with one another. At
> present, the repeated
revisiting of already-addressed issues is
> creating unnecessary confusion, delay and considerable
frustration.

>
>
>
> For completeness, I will attach the previous correspondence with Lucy
> Woods and
Building Control so that the factual and legal background is
> available in one place.

>
> We also attach the
original emails in the dropbox folder so that we
> are 100 per cent sure you are up to date with our
previous
> correspondence.
>
>
> <https://www.dropbox.com/scl/fo/q89sdzgp26m9bsh13zwc8/AAVQyFcEHNpY2z7sbBoU-w0?rlkey=45onal4v65wubj65nzfknxyo1&st=bp9jwy87&dl=0>
>
>
> Kind regards,
>
> Andreas Russo
>
>
> On 14/08/2026
09:24, Kyle Horner (NELC) wrote:
>> Good Morning,
>>
>> Thank you for your email. I have taken your points on
board, and
>> these will be considered.
>> Following our inspection yesterday, we identified a number of
hazards
>> that we consider appropriate for formal action. Once these hazards
>> have been assessed and
scored, we will prepare a schedule of the
>> identified hazards and the required remedial works. This
schedule
>> will be emailed to you, along with a reasonable timescale for the
>> completion of the works.
>>
It is my understanding that Building Control sign-off has not yet
>> been obtained for the property. If I am
mistaken, please provide a
>> copy of the relevant documentation at your earliest convenience.
>> In the
meantime, whilst your application is being processed, the
>> property should not be occupied by more than
four occupants until the
>> licence has been granted and formally issued.
>>
>>
>> Kind Regards,
>>
>> Kyle

>>
>> *Kyle Horner *
>>
>> *Regulatory Compliance Officer *
>>
>> *Environmental Health and Housing
Enforcement*
>>
>> *North East Lincolnshire Council*
>>
>> Municipal Offices, Town Hall Square, Great Grimsby,
North East
>> Lincolnshire, DN31 1HU
>>
>> Phone: 01472 325026 | Mob: 07388 853269 |
Kyle.horner@nelincs.gov.uk
>> | *www.nelincs.gov.uk* <<http://www.nelincs.gov.uk/>>
>>
>> /
>> /
>> /Please
excuse any spelling or grammar errors caused due to my
>> diagnosed dyslexia' /
>>
>>

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

>> *Sent:* 13 August 2026 19:59
>> *To:* Kyle Horner (NELC) <Kyle.Horner@nelincs.gov.uk>

>> *Cc:* Lucy Woods (NELC) <Lucy.Woods@nelincs.gov.uk>
>> *Subject:* Re: HMO Licence application - 7 Brereton Ave

>> Dear Lucy,

>> I am writing further to the matters raised following the inspection
>> of 7
Brereton Avenue.

>> We remain entirely willing to undertake any reasonable remedial works
>> that are
genuinely required and supported by the relevant standards.
>> However, there are several points which we
believe need to be
>> clarified because some of the suggested alterations appear either
>> unnecessary or,
in the case of replacing the existing cement-board
>> protection with ordinary fire-resistant plasterboard,
potentially a
>> move to a *lower reaction-to-fire classification rather than a higher
>> one*.

>> 1. Cement board versus pink/red fire-resistant plasterboard

>> I would particularly like to clarify
the suggestion concerning the
>> cement board already installed around the electrical equipment.

>> The
material should not be confused with ordinary plasterboard.

>> There is very clear manufacturer evidence
concerning the fire
>> classification of these products.

>> *Knauf AQUAPANEL Cement Board Indoor*

Knauf describes AQUAPANEL Cement Board Indoor as a *non-combustible
>> cement board*.

>> More importantly,
Knauf confirms that AQUAPANEL Cement Board Indoor
>> and Outdoor achieve:

>> *Euroclass A1 reaction to
fire under EN 13501-1.*

>> Manufacturer information:

>> <https://knauf.com/en-GB/performance/moisture-resistance/aquapanel>
>> <<https://knauf.com/en-GB/performance/moisture-resistance/aquapanel>>

>> Product
information:

>> https://knauf.com/en-GB/p/product/aquapanel-r-indoor-12.5mm-x-1200mm-wide-11076_0306
>> <https://knauf.com/en-GB/p/product/aquapanel-r-indoor-12.5mm-x-1200mm-wide-11076_0306>

>> Knauf Download
Centre, including Product Data Sheet and Declaration
>> of Performance:

>> <https://knauf.com/en-GB/tools/download-center?language%5B0%5D=en&query=aquapanel+indoor>
>> <<https://knauf.com/en-GB/tools/download-center?language%5B0%5D=en&query=aquapanel+indoor>>

>> By comparison, *British Gypsum

Gyproc FireLine*, which is the
 >> conventional pink/red fire-resistant plasterboard, has the following
 >> declared reaction-to-fire classification:
 >>
 >> *Euroclass A2-s1,d0.*
 >>
 >> This is stated directly in British
 Gypsum's Declaration of Performance:
 >>
 >> <https://www.british-gypsum.com/download-documents/declaration-performance-dop/british-gypsum-dop-board106-uk-gyproc-fireline.pdf>
 >> <<https://www.british-gypsum.com/download-documents/declaration-performance-dop/british-gypsum-dop-board106-uk-gyproc-fireline.pdf>>
 >>
 >> Therefore the objective manufacturer classifications are:
 >>
 >> *Cement board: A1 – non-combustible*
 >>
 >> versus
 >>
 >> *Pink/red Gyproc FireLine plasterboard: A2-s1,d0*
 >>
 >> A1 is the higher reaction-to-fire
 classification.
 >>
 >> It would be entirely counterproductive to require the removal of an
 >> *A1 non-combustible cement-based board* and its replacement with an
 >> *A2-s1,d0 fire-resistant plasterboard*. Such a
 requirement would not
 >> improve the reaction-to-fire classification of the material; it would
 >>
 >> deliberately replace a higher-classified A1 material with a
 >> lower-classified A2 material*.
 >>
 >> In
 practical terms, the Council would therefore be requiring us to
 >> *downgrade the fire-performance
 classification of the material
 >> already installed*, supposedly in the interests of improving fire
 >>
 safety. That position is extremely difficult to justify on any
 >> rational or technical fire-safety basis.
 >>
 >> If the Council nevertheless requires the A1 cement board to be
 >> removed and replaced with a lower-
 classified material, we
 >> respectfully request the *specific legislation, fire-safety standard,
 >> tested
 system specification or technical evidence* supporting such a
 >> requirement. Without such evidence, replacing
 an A1 non-combustible
 >> material with an A2 material would appear to make the installation
 >> *less
 favourable in terms of reaction-to-fire classification, not safer*.
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 >> 2. Fire-resistance periods
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 >> For example:

>>
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>>
>>
>> 3. Electrical meter and metal consumer unit
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>> The electrical consumer unit is itself contained within a
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>> Electrical Safety First's guidance concerning BS 7671 Regulation
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>>
Reference:
>>
>> <https://www.electricalsafetyfirst.org.uk/resources-for-electricians/wiring-regulations-help/>
>>
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>>
>>
Nevertheless, despite having a metal consumer unit, we have gone
>> considerably further by providing additional cement-board protection
>> around this equipment which provides the highest form of fire resistance.
>>
>> We therefore have a non-combustible consumer-unit enclosure *plus
>> additional non-combustible A1 cement-board protection*.
>>
>> We recognise that established housing fire-safety guidance considers
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>> escape routes to be best practice. This is precisely why additional
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>> have been inspected on numerous occasions without this being
>> identified as a concern.
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doors
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>> We are frankly extremely surprised by the suggestion that the
>> bathroom doors should be replaced with fire doors. *There is no
>> general requirement in established HMO fire-safety guidance that
>> bathrooms must be fitted with fire doors*, and imposing such a
>> requirement here appears entirely disproportionate.
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>> The established *LACORS Housing Fire Safety guidance* expressly states:
>>
>>
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>> This is particularly impor

[Extract truncated in this PDF to avoid duplicating long quoted chains. Original .eml file is retained as source evidence.]

A12. Re: HMO Licence application - 7 Brereton Ave

Date	Fri, 14 Aug 2026 15:43:26 +0100
From	Andreas Russo <info@areton-ltd.com>
To	"Kyle Horner (NELC)" <Kyle.Horner@nelincs.gov.uk>
Cc	"Lucy Woods (NELC)" <Lucy.Woods@nelincs.gov.uk>, Andy Ross <andyross1980@hotmail.co.uk>
Source file	Re_ HMO Licence application - 7 Brereton Ave - Andreas Russo (info@areton-ltd.com) - 2026-08-14 1543.eml

To make sure it is received

It is resent

On 14/08/2026 13:21, Andreas Russo wrote:

>
>
> Dear Kyle,
>
> Thank you for your email.
>
> I am copying Lucy
into this response and attaching the previous
> correspondence because a number of the matters raised in
your email
> have already been addressed in considerable detail with both the
> Housing/Licensing team and
North East Lincolnshire Council Building
> Control.
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> I would therefore be grateful if the previous
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> please be reviewed before these points are raised again.
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understanding that Building Control sign-off has not yet
> been obtained for the property."
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> that it has *already been addressed clearly
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Certificate which is required to exist in respect
> of the matters presently under consideration.*
>
>
Building Control has already been contacted directly. *Please refer to
> the attached
correspondence.* Building Control is fully aware of the
> property, its history, the existing installations
and the works
> undertaken during our ownership.
>
> More fundamentally, the distinction between the two
statutory regimes

> has *already been expressly addressed in writing*.
>
> *HMO licensing under Part 2 of the
Housing Act 2004 and Building
> Control under the Building Act 1984 / Building Regulations are
> separate
statutory regimes. THIS WAS EXPRESSED BY BUILDING CONTROL
> themselves in writing, see attached.*
>
> This
is not merely our interpretation. North East Lincolnshire
> Council's own Principal Building Control Surveyor
expressly confirmed
> in writing:
>
> "Building Control operates strictly under the Building Act 1984
>
and the Building Regulations 2010, which are entirely separate
> from Housing Act licensing and
Planning Use Classes."
>
> That distinction could not be clearer and is precisely the point we
> have already
made throughout the correspondence.
>
> The Housing Licensing team determines the HMO licence application
>
under *Part 2 of the Housing Act 2004*. Building Control deals
> separately with matters falling within its
own statutory jurisdiction
> under the Building Act and Building Regulations.
>
> We have *already expressly
stated in writing*that, should the
> authority seek to invalidate, refuse or materially delay the HMO
>
licence application *solely because of the absence of a Building
> Control Completion Certificate or Building
Regulations documentation*,
> we will exercise the statutory challenge and appeal routes available
> to us,
including an appeal to the *First-tier Tribunal (Property
> Chamber)*.
>
> *Please see the attached
correspondence.*
>
> Our position on this issue has therefore already been communicated
> *clearly, expressly
and in writing*to the Council.
>
> There should be no further conflation of these two separate statutory
>
regimes, nor should the HMO licensing process effectively be made
> conditional upon obtaining a Building
Control document which the
> Housing Act 2004 does not itself require as a licensing prerequisite.
>
>
>
HMO licensing is a separate statutory regime
>
> The HMO licence application falls to be determined
under *Part 2 of
> the Housing Act 2004*.
>
> Building Control and HMO licensing are *distinct statutory
regimes*,
> with different statutory tests and different enforcement mechanisms.
>
> We have already provided
the Licensing department with the requested
> documentation, including the floor plan, EICR, emergency-
lighting
> documentation, Fire Risk Assessment, PAT certificate, tenancy
> agreement, Gas Safety
documentation, EPC and fire-detection documentation.

>

> Accordingly, *please refer to the attached correspondence*, where

> these matters and our position have already been set out in full.

>

>

> The distinction is not merely administrative or a matter of Council

> practice. *The two regimes arise under different statutory frameworks,

> perform different legal functions and are administered and enforced

>

> through different statutory powers and procedures.* HMO licensing

> falls under Part 2 of the Housing Act 2004, whereas Building Control

> operates under the Building Act 1984 and the Building Regulations.

> They are not interchangeable regulatory processes, and one should not

> simply be treated as an extension or prerequisite of the other.

>

> Importantly, *this is not simply a position advanced by us*. The

> Council's own Principal Building Control Surveyor has expressly

> confirmed in writing that Building Control operates under the Building

> Act 1984 and Building Regulations 2010 and that those provisions are

> *entirely separate from Housing Act licensing and Planning Use

> Classes.* That written confirmation is contained in the attached

> correspondence and could hardly be more explicit.

>

> The same distinction is apparent from the statutory frameworks

> themselves: *Housing Licensing exercises its powers under the Housing

> Act 2004, while Building Control exercises separate powers under the

> Building Act and Building Regulations.* Each department must therefore

> deal with matters falling within its own statutory jurisdiction using

> the powers Parliament has conferred upon it. The existence of a

> Building Control issue does not, by itself, transform that issue into

> an HMO licensing requirement.

>

> It is therefore particularly frustrating that, despite the statutory

> distinction and despite *the Council's own Building Control department

> having expressly confirmed that distinction in writing*, we continue

> to encounter the same confusion. We respectfully ask that the attached

> correspondence is considered carefully so that these two separate

>

> regulatory regimes are no longer conflated.

>

>

>

> Occupation while the licence application is being determined

>

> I must also respectfully challenge the statement in your email that:

>

> "whilst your application is being processed, the property should

> not be occupied by more than four occupants until the licence has

> been granted and formally issued."

>

> Please identify the statutory basis for that proposition.

>

> It appears to be inconsistent not only with section 72(4)(b) of the

> Housing Act 2004 but,

> more importantly, with *North East Lincolnshire

> Council's own published HMO guidance*.
>
> Your own website
presently states, in relation to the HMO register:
>
> "The register also includes details of properties
for which a
> licence application has been received, but the licence not yet
> issued. Provided that
the application received is valid, it is
> acceptable for such a property to operate as a licensable HMO."

>
> That wording could hardly be clearer.
>
> The Council's own guidance therefore expressly recognises that
a
> property does *not* have to remain restricted to four occupants merely
> because the licence has not yet
physically been issued, provided that
> a valid licence application has been received.
>
> That also
reflects section 72(4)(b) of the Housing Act 2004, which
> provides a statutory defence where, at the
material time, an
> application for a licence has been duly made and remains effective.
>
>
> There is also
*clear tribunal authority on the effect of a duly made
> licence application*. Section 72(4)(b) is not merely
discretionary
> guidance: it creates a statutory defence to the section 72(1) offence
> once an application
for the required licence has been *duly made and
> remains effective*.
>
> Most importantly, in *Moh v Rimal
Properties Ltd [2024] UKUT 324
> (LC)*, the Upper Tribunal dealt directly with when that defence takes
>
effect. It confirmed that once the licence application is duly made,
> the section 72(1) licensing offence is
no longer being committed. That
> proposition was subsequently expressly restated by the Upper Tribunal
>
in *Gorgievski v Griffiths & Ors [2025] UKUT 161 (LC)*: section 72(4)
> provides the defence where the
application has been duly made and
> remains effective, and the Tribunal treated the landlord as committing

> *no licensing offence from the application date*.
>
> The same principle has been applied at First-tier
Tribunal level. In
> *157 Murray Road, Rugby, CV21 3JR*, the Tribunal treated the section
> 72(1) offence as
ending when the HMO licence application was
> submitted, rather than when the licence was subsequently
granted.
> Similarly, the published decision concerning *Flat 1, 21 Hamilton
> Park, London, N5 1SH
(LON/00AU/HMF/2024/0055)* concerned the
> application of the same statutory licensing/Rent Repayment Order
>
framework.
>
> Accordingly, the critical statutory question is *whether a licence
> application has been
duly made and remains effective*, not whether the
> Council has completed its administrative processing and
physically
> issued the licence. We therefore cannot identify any lawful basis for
> a blanket direction
that the property must remain limited to four
> occupants simply because the licence has not yet been

formally issued.

> That proposition appears particularly difficult to reconcile with both
> *section
72(4)(b), the Upper Tribunal authorities above, and North
> East Lincolnshire Council's own published
guidance expressly stating
> that, provided an application received is valid, it is acceptable for
> the
property to operate as a licensable HMO while the licence remains
> to be issued.*

>
> There is also an
obvious and important practical reason why Parliament
> structured the legislation in this way. *The grant
and issue of an HMO
> licence is an administrative process which may take a considerable
> period of time
and the timing of that determination is ultimately
> outside the applicant's control.* Once an applicant has
properly
> submitted the required application, the subsequent time taken by the
> local authority to process
and determine it is a matter for the authority.

>
> It would make little sense for the legislation
simultaneously to
> provide an express statutory defence where an application has been
> *"duly made" and
remains "effective"*, while nevertheless requiring
> the property to cease operating as the licensable HMO
during whatever
> period the Council happens to take to determine that application.
> Section 72(8)
expressly provides that an application remains effective
> while the authority has not yet decided whether to
grant the licence.

>
> This interpretation is reinforced by *Moh v Rimal Properties Ltd
> [2024] UKUT 324
(LC)*. The Upper Tribunal considered precisely when
> the section 72(4)(b) defence takes effect and held that
*no section
> 72(1) offence is committed on the day on which the licence application
> is duly made*. That
principle was subsequently expressly recognised in
> *Gorgievski v Griffiths & Ors [2025] UKUT 161 (LC)*,
where the Upper
> Tribunal summarised /Moh/ as establishing that *"no offence under
> section 72(1), 2004
Act is committed by the landlord of an unlicensed
> HMO on the day on which an application for a licence is
duly made."*

>
> The significance is straightforward. *The statutory protection does
> not wait until the
Council eventually processes, determines and
> physically issues the licence. It arises from the duly made
and
> effective application itself.* Otherwise, an applicant's legal
> position would depend upon how
quickly or slowly an individual local
> authority happened to process its applications—something entirely
>
outside the applicant's control and inconsistent with the structure
> Parliament expressly created in
sections 72(4) and 72(8).

>
> Accordingly, where our application has been duly made and remains
> effective,
we cannot see any statutory basis for imposing an interim
> four-person restriction simply because the
Council has not yet
> completed its determination. This is particularly difficult to
> reconcile with *the
Council's own published guidance and national
> ESTABLISHED legislation *, which expressly recognises that,
provided

> an application is received, it is acceptable for the property to
> operate as a licensable HMO
while the licence has not yet been issued.
>
>
>
>
> Hazards identified during the inspection
>
> In
relation to the hazards which you indicate will be assessed and
> scored, we will of course consider the
schedule once it is provided.
>
> As previously stated, we remain entirely willing to undertake any
>
remedial works which are genuinely required, proportionate and
> supported by the relevant legislation, HHSRS
assessment, fire-safety
> guidance or other applicable standards.
>
> However, we reserve our position in
relation to any proposed works
> until the individual hazards, their HHSRS scores, the legislative
> basis
relied upon and the proposed remedial measures have been supplied.
>
> We have considerable experience of HMO
management and compliance and
> have taken substantial professional advice regarding this property. We
>
therefore expect the various statutory regimes to be applied correctly
> and separately.
>
> We are not
seeking to avoid any legitimate requirement. Quite the
> opposite: extensive independent documentation has
already been
> obtained precisely to demonstrate the present safety and suitability
> of the property.
>
>
What we cannot accept is the imposition of requirements which have no
> identifiable statutory basis.
>
>
> I
must also express some genuine frustration that, despite the
> extensive correspondence already provided, we
appear repeatedly to be
> returning to matters that have already been researched, addressed and
> clarified
in writing, including by the Council's own Building Control
> officers. It is extremely frustrating to find
different departments
> apparently taking inconsistent positions, or raising points without
> first
considering what has already been confirmed by colleagues or
> what the relevant statutory framework actually
provides. We fully
> respect the Council's regulatory responsibilities and wish to work
> constructively
with its officers, but equally we should be able to
> expect the legislation to be applied consistently and
for the
> Council's departments to communicate effectively with one another. At
> present, the repeated
revisiting of already-addressed issues is
> creating unnecessary confusion, delay and considerable
frustration.
>
>
>
> For completeness, I will attach the previous correspondence with Lucy
> Woods and
Building Control so that the factual and legal background is
> available in one place.

>
> We also attach the
original emails in the dropbox folder so that we
> are 100 per cent sure you are up to date with our
previous
> correspondence.
>
>
> <https://www.dropbox.com/scl/fo/q89sdzgp26m9bsh13zwc8/AAVQyFcEHNpY2z7sbBoU-w0?rlkey=45onal4v65wubj65nzfknxyo1&st=bp9jwy87&dl=0>
>
>
> Kind regards,
>
> Andreas Russo
>
>
> On 14/08/2026
09:24, Kyle Horner (NELC) wrote:
>> Good Morning,
>>
>> Thank you for your email. I have taken your points on
board, and
>> these will be considered.
>> Following our inspection yesterday, we identified a number of
hazards
>> that we consider appropriate for formal action. Once these hazards
>> have been assessed and
scored, we will prepare a schedule of the
>> identified hazards and the required remedial works. This
schedule
>> will be emailed to you, along with a reasonable timescale for the
>> completion of the works.
>>
It is my understanding that Building Control sign-off has not yet
>> been obtained for the property. If I am
mistaken, please provide a
>> copy of the relevant documentation at your earliest convenience.
>> In the
meantime, whilst your application is being processed, the
>> property should not be occupied by more than
four occupants until the
>> licence has been granted and formally issued.
>>
>>
>> Kind Regards,
>>
>> Kyle

>>
>> *Kyle Horner *
>>
>> *Regulatory Compliance Officer *
>>
>> *Environmental Health and Housing
Enforcement*
>>
>> *North East Lincolnshire Council*
>>
>> Municipal Offices, Town Hall Square, Great Grimsby,
North East
>> Lincolnshire, DN31 1HU
>>
>> Phone: 01472 325026 | Mob: 07388 853269 |
Kyle.horner@nelincs.gov.uk
>> | *www.nelincs.gov.uk* <<http://www.nelincs.gov.uk/>>
>>
>> /
>> /
>> /Please
excuse any spelling or grammar errors caused due to my
>> diagnosed dyslexia' /
>>
>>

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

>> *Sent:* 13 August 2026 19:59
>> *To:* Kyle Horner (NELC) <Kyle.Horner@nelincs.gov.uk>

>> *Cc:* Lucy Woods (NELC) <Lucy.Woods@nelincs.gov.uk>
>> *Subject:* Re: HMO Licence application - 7 Brereton Ave
>>
>> Dear Lucy,
>>
>> I am writing further to the matters raised following the inspection
>> of 7
>> Brereton Avenue.
>>
>> We remain entirely willing to undertake any reasonable remedial works
>> that are
>> genuinely required and supported by the relevant standards.
>> However, there are several points which we
>> believe need to be
>> clarified because some of the suggested alterations appear either
>> unnecessary or,
>> in the case of replacing the existing cement-board
>> protection with ordinary fire-resistant plasterboard,
>> potentially a
>> move to a *lower reaction-to-fire classification rather than a higher
>> one*.
>>
>>
>>
>> 1. Cement board versus pink/red fire-resistant plasterboard
>>
>> I would particularly like to clarify
>> the suggestion concerning the
>> cement board already installed around the electrical equipment.
>>
>> The
>> material should not be confused with ordinary plasterboard.
>>
>> There is very clear manufacturer evidence
>> concerning the fire
>> classification of these products.
>>
>> *Knauf AQUAPANEL Cement Board Indoor*
>>
>>
>> Knauf describes AQUAPANEL Cement Board Indoor as a *non-combustible
>> cement board*.
>>
>> More importantly,
>> Knauf confirms that AQUAPANEL Cement Board Indoor
>> and Outdoor achieve:
>>
>> *Euroclass A1 reaction to
>> fire under EN 13501-1.*
>>
>> Manufacturer information:
>>
>> [https://knauf.com/en-GB/performance/moisture-
>> resistance/aquapanel](https://knauf.com/en-GB/performance/moisture-resistance/aquapanel)
>> <<https://knauf.com/en-GB/performance/moisture-resistance/aquapanel>>
>>
>> Product
>> information:
>>
>> https://knauf.com/en-GB/p/product/aquapanel-r-indoor-12.5mm-x-1200mm-wide-11076_0306
>>
>> <https://knauf.com/en-GB/p/product/aquapanel-r-indoor-12.5mm-x-1200mm-wide-11076_0306>
>>
>> Knauf Download
>> Centre, including Product Data Sheet and Declaration
>> of Performance:
>>
>> [https://knauf.com/en-
>> GB/tools/download-center?language%5B0%5D=en&query=aquapanel+indoor](https://knauf.com/en-GB/tools/download-center?language%5B0%5D=en&query=aquapanel+indoor)
>> <[https://knauf.com/en-
>> GB/tools/download-center?language%5B0%5D=en&query=aquapanel+indoor](https://knauf.com/en-GB/tools/download-center?language%5B0%5D=en&query=aquapanel+indoor)>
>>
>> By comparison, *British Gypsum

Gyproc FireLine*, which is the
 >> conventional pink/red fire-resistant plasterboard, has the following
 >> declared reaction-to-fire classification:
 >>
 >> *Euroclass A2-s1,d0.*
 >>
 >> This is stated directly in British
 Gypsum's Declaration of Performance:
 >>
 >> <https://www.british-gypsum.com/download-documents/declaration-performance-dop/british-gypsum-dop-board106-uk-gyproc-fireline.pdf>
 >> <<https://www.british-gypsum.com/download-documents/declaration-performance-dop/british-gypsum-dop-board106-uk-gyproc-fireline.pdf>>
 >>
 >> Therefore the objective manufacturer classifications are:
 >>
 >> *Cement board: A1 – non-combustible*
 >>
 >> versus
 >>
 >> *Pink/red Gyproc FireLine plasterboard: A2-s1,d0*
 >>
 >> A1 is the higher reaction-to-fire
 classification.
 >>
 >> It would be entirely counterproductive to require the removal of an
 >> *A1 non-combustible cement-based board* and its replacement with an
 >> *A2-s1,d0 fire-resistant plasterboard*. Such a
 requirement would not
 >> improve the reaction-to-fire classification of the material; it would
 >>
 >> deliberately replace a higher-classified A1 material with a
 >> lower-classified A2 material*.
 >>
 >> In
 practical terms, the Council would therefore be requiring us to
 >> *downgrade the fire-performance
 classification of the material
 >> already installed*, supposedly in the interests of improving fire
 >>
 safety. That position is extremely difficult to justify on any
 >> rational or technical fire-safety basis.
 >>
 >> If the Council nevertheless requires the A1 cement board to be
 >> removed and replaced with a lower-
 classified material, we
 >> respectfully request the *specific legislation, fire-safety standard,
 >> tested
 system specification or technical evidence* supporting such a
 >> requirement. Without such evidence, replacing
 an A1 non-combustible
 >> material with an A2 material would appear to make the installation
 >> *less
 favourable in terms of reaction-to-fire classification, not safer*.
 >>
 >>
 >> 2. Fire-resistance periods
 >>
 >> There is a separate technical distinction between *reaction to fire*
 >> and *fire resistance* which
 should also be recognised.
 >>
 >> Knauf expressly confirms that AQUAPANEL is A1 non-combustible.
 >>
 >> Knauf
 has published tested AQUAPANEL-containing constructions
 >> providing substantial fire-resistance periods,
 including systems
 >> achieving 30 and 90 minutes.
 >>
 >> For example:

>>
>> <https://knauf.com/api/download-center/v1/assets/3ce3ffa5-9cb1-46c4-a2e4-34fda842e169?download=true>
>> <<https://knauf.com/api/download-center/v1/assets/3ce3ffa5-9cb1-46c4-a2e4-34fda842e169?download=true>>
>>
>>
>> 3. Electrical meter and metal consumer unit
>>
>> The electrical consumer unit is itself contained within a
>> *metal/non-combustible enclosure*.
>>
>> Electrical Safety First's guidance concerning BS 7671 Regulation
>> 421.1.201 specifically identifies ferrous metal as an example of a
>> non-combustible material for consumer-unit enclosures.
>>
>>
Reference:
>>
>> <https://www.electricalsafetyfirst.org.uk/resources-for-electricians/wiring-regulations-help/>
>>
>> <<https://www.electricalsafetyfirst.org.uk/resources-for-electricians/wiring-regulations-help/>>
>>
>>
Nevertheless, despite having a metal consumer unit, we have gone
>> considerably further by providing additional cement-board protection
>> around this equipment which provides the highest form of fire resistance.
>>
>> We therefore have a non-combustible consumer-unit enclosure *plus
>> additional non-combustible A1 cement-board protection*.
>>
>> We recognise that established housing fire-safety guidance considers
>> fire-resisting enclosure of meters/distribution boards situated on
>> escape routes to be best practice. This is precisely why additional
>> protection has been provided.
>>
>>
>> Similar arrangements have been used in our other HMO properties and
>> have been inspected on numerous occasions without this being
>> identified as a concern.
>>
>>
>> 4. Bathroom doors, no reasonable basis for requiring fire doors
>>
>>
>> We are frankly extremely surprised by the suggestion that the
>> bathroom doors should be replaced with fire doors. *There is no
>> general requirement in established HMO fire-safety guidance that
>> bathrooms must be fitted with fire doors*, and imposing such a
>> requirement here appears entirely disproportionate.
>>
>> The established *LACORS Housing Fire Safety guidance* expressly states:
>>
>>
"There is usually no requirement to provide protection to
>> bathrooms and shower rooms which open onto protected routes."
>>
>> This is particularly impor

[Extract truncated in this PDF to avoid duplicating long quoted chains. Original .eml file is retained as source evidence.]

A13. Re: HMO Licence application - 7 Brereton Ave

Date	Fri, 14 Aug 2026 17:15:10 +0100
From	Andreas Russo <info@areton-ltd.com>
To	"Kyle Horner (NELC)" <Kyle.Horner@nelincs.gov.uk>
Cc	"Lucy Woods (NELC)" <Lucy.Woods@nelincs.gov.uk>, Andy Ross <andyross1980@hotmail.co.uk>
Source file	Re_ HMO Licence application - 7 Brereton Ave - Andreas Russo (info@areton-ltd.com) - 2026-08-14 1715(2).eml

Dear Kyle,

Thank you for the clarification.

Yes, that is absolutely fine. If you wish to contact Building Control again to reconfirm the position, you are of course very welcome to do so. As you will see from the attached correspondence, Building Control has already been contacted directly and the position has previously been clarified with them in writing.

Nevertheless, there is no issue whatsoever with you obtaining further confirmation again on the same matter from Building Control.

We look forward to receiving your schedule of identified hazards and proposed remedial works and will address any genuine issues requiring attention accordingly.

Kind regards,

Andreas Russo

On 14/08/2026 16:03, Kyle Horner (NELC) wrote:

> *Hi Andreas,*
> Please do not be confused by my
correspondence. I am simply trying to
> clarify whether Building Control approval is required or not. We
>
believe that some of the hazards we have identified would have been
> picked up by Building Control. If they
have not, we need to determine
> what action is required. Equally, if it is your opinion that Building
>
Control approval is not required, this will also help determine our
> next steps.
> I have contacted Building
Control, along with the officers referenced
> in your previous correspondence, so that they can clarify a
few points
> for me and confirm the Council's position on this matter.
> I may have missed an email or two,
as I understand you were initially
> dealing with Lucy and Paul. Please forgive me if we are covering
>
ground that has already been discussed. However, I need to be
> satisfied that all relevant points have been
fully considered.
> This will not delay your licence application. As previously stated, we
> will be
preparing a schedule of works for you in due course. As I am
> sure you can appreciate, your application is
one of a number of
> licence applications and cases that we are currently managing, so I
> would be grateful
for your patience.
>
> Kind Regards,
>
> Kyle
>
> *Kyle Horner *
>
> *Regulatory Compliance Officer *
>
>
Environmental Health and Housing Enforcement
>

> *North East Lincolnshire Council*
>
> Municipal Offices,
> Town Hall Square, Great Grimsby, North East
> Lincolnshire, DN31 1HU
>
> Phone: 01472 325026 | Mob: 07388
853269 | Kyle.horner@nelincs.gov.uk |
> *www.nelincs.gov.uk* <<http://www.nelincs.gov.uk/>>
>
> /
> /
>
> /Please excuse any spelling or grammar errors caused due to my
> diagnosed dyslexia' /
>
>

> *From:* Andreas Russo <info@areton-ltd.com>
> *Sent:* 14 August 2026 15:43
> *To:* Kyle Horner (NELC) <Kyle.Horner@nelincs.gov.uk>
> *Cc:* Lucy
Woods (NELC) <Lucy.Woods@nelincs.gov.uk>; Andy Ross
> <andyross1980@hotmail.co.uk>
> *Subject:* Re: HMO
Licence application - 7 Brereton Ave
>

> To make sure it is received
>
> It is resent
>
>

> On 14/08/2026
13:21, Andreas Russo wrote:

>>
>>
>> Dear Kyle,
>>
>> Thank you for your email.
>>
>> I am copying Lucy into
this response and attaching the previous
>> correspondence because a number of the matters raised in your
email
>> have already been addressed in considerable detail with both the
>> Housing/Licensing team and
North East Lincolnshire Council Building
>> Control.
>>

>> I would therefore be grateful if the previous
correspondence could
>> please be reviewed before these points are raised again.
>>

>>
>> Building
Control and HMO licensing – this issue has already
>> been addressed
>>

>> You state:

>>
>> "It is
my understanding that Building Control sign-off has not
>> yet been obtained for the property."
>>

>>
There appears to remain some confusion on this point, notwithstanding
>> that it has *already* been addressed
clearly and in considerable
>> detail in the attached correspondence*.
>>

>> The issue is *not* that a
Building Control Completion Certificate
>> which is required for this property remains outstanding.
>>
>> Our
position has already been explained to Lucy Woods and

>> subsequently addressed directly with North East Lincolnshire
 >> Council's Building Control department: *we do not accept that there is any Building Control Completion Certificate which is required to exist in respect of the matters presently under consideration.*
 >>
 >> Building Control has already been contacted directly. *Please refer to the attached correspondence.* Building Control is fully aware of the property, its history, the existing installations and the works undertaken during our ownership.
 >>
 >> More fundamentally, the distinction between the two statutory regimes has *already been expressly addressed in writing*.
 >>
 >> *HMO licensing under Part 2 of the Housing Act 2004 and Building Control under the Building Act 1984 / Building Regulations are separate statutory regimes. THIS WAS EXPRESSED BY BUILDING CONTROL themselves in writing, see attached.*

>>
 >> This is not merely our interpretation. North East Lincolnshire Council's own Principal Building Control Surveyor expressly confirmed in writing:
 >>
 >> "Building Control operates strictly under the Building Act 1984 and the Building Regulations 2010, which are entirely separate from Housing Act licensing and Planning Use Classes."
 >>
 >> That distinction could not be clearer and is precisely the point we have already made throughout the correspondence.
 >>
 >> The Housing Licensing team determines the HMO licence application under *Part 2 of the Housing Act 2004*. Building Control deals separately with matters falling within its own statutory jurisdiction under the Building Act and Building Regulations.
 >>

>> We have *already expressly stated in writing* that, should the authority seek to invalidate, refuse or materially delay the HMO licence application *solely because of the absence of a Building Control Completion Certificate or Building Regulations documentation*, we will exercise the statutory challenge and appeal routes available to us, including an appeal to the *First-tier Tribunal (Property Chamber)*.
 >>
 >> *Please see the attached correspondence.*
 >>
 >> Our position on this issue has therefore already been communicated
 >> *clearly, expressly and in writing* to the Council.
 >>
 >> There should be no further conflation of these two separate statutory regimes, nor should the HMO licensing process effectively be made conditional upon obtaining a Building Control document which the Housing Act 2004 does not itself require as a licensing prerequisite.
 >>
 >>

>> HMO licensing is a separate statutory regime

>>

>> The HMO licence application falls to be determined under *Part 2 of the Housing Act 2004*.

>>

>> Building Control and HMO licensing are *distinct statutory regimes*,>> with different statutory tests and different enforcement mechanisms.

>>

>> We have already provided the Licensing department with the requested documentation, including the floor plan, EICR, emergency-lighting Assessment, Fire Risk Assessment, PAT certificate, tenancy agreement, Gas Safety documentation, EPC and fire-detection documentation.

>>

>> Accordingly, *please refer to the attached correspondence*, where our position have already been set out in full.

>>

>>

>> The distinction is not merely administrative or a matter of Council practice. *The two regimes arise under different statutory frameworks, perform different legal functions and are administered and enforced through different statutory powers and procedures.* HMO licensing falls under Part 2 of the Housing Act 2004, whereas Building Control operates under the Building Act 1984 and the Building Regulations. They are not interchangeable regulatory processes, and one should not simply be treated as an extension or prerequisite of the other.

>>

>>

Importantly, *this is not simply a position advanced by us*. The Council's own Principal Building Control Surveyor has expressly confirmed in writing that Building Control operates under the Building Act 1984 and Building Regulations 2010 and that those provisions are *entirely separate from Housing Act licensing and Planning Use Classes.* That written confirmation is contained in the attached correspondence and could hardly be more explicit.

>>

>> The same distinction is apparent from the statutory frameworks themselves: *Housing Licensing exercises its powers under the Housing Act 2004, while Building Control exercises separate powers under the Building Act and Building Regulations.* Each department must therefore deal with matters falling within its own statutory jurisdiction using the powers Parliament has conferred upon it. The existence of a Building Control issue does not, by itself, transform that issue into an HMO licensing requirement.

>>

>> It is therefore particularly frustrating that, despite the statutory distinction and despite *the Council's own Building Control department having expressly confirmed that distinction in writing*, we continue to encounter the same confusion. We respectfully ask that the attached correspondence is considered carefully so that these two separate regulatory regimes are no longer conflated.

>>
>>
>>
>> Occupation while the licence application is being determined
>>
>> I must also respectfully challenge the statement in your email that:
>>
>> "whilst your application is being processed, the property should not be occupied by more than four occupants until the licence has been granted and formally issued."
>>
>> Please identify the statutory basis for that proposition.
>>
>> It appears to be inconsistent not only with section 72(4)(b) of the Housing Act 2004 but, more importantly, with *North East Lincolnshire Council's own published HMO guidance*.
>>
>>
Your own website presently states, in relation to the HMO register:
>>
>> "The register also includes details of properties for which a licence application has been received, but the licence not yet issued. Provided that the application received is valid, it is acceptable for such a property to operate as a licensable HMO."
>>
>> That wording could hardly be clearer.
>>
>> The Council's own guidance therefore expressly recognises that a property does *not* have to remain restricted to four occupants merely because the licence has not yet physically been issued, provided that a valid licence application has been received.
>>
>> That also reflects section 72(4)(b) of the Housing Act 2004, which provides a statutory defence where, at the material time, an application for a licence has been duly made and remains effective.
>>
>>
>> There is also *clear tribunal authority on the effect of a duly made licence application*. Section 72(4)(b) is not merely discretionary guidance: it creates a statutory defence to the section 72(1) offence once an application for the required licence has been *duly made and remains effective*.
>>
>> Most importantly, in *Moh v Rimal Properties Ltd [2024] UKUT 324 (LC)*, the Upper Tribunal dealt directly with when that defence takes effect. It confirmed that once the licence application is duly made, the section 72(1) licensing offence is no longer being committed.
>> That proposition was subsequently expressly restated by the Upper Tribunal in *Gorgievski v Griffiths & Ors [2025] UKUT 161 (LC)*:
>> section 72(4) provides the defence where the application has been duly made and remains effective, and the Tribunal treated the landlord as committing *no licensing offence from the application date*.
>>
>> The same principle has been applied at First-tier Tribunal level. In
>> *157 Murray

Road, Rugby, CV21 3JR*, the Tribunal treated the section
 >> 72(1) offence as ending when the HMO licence
 application was
 >> submitted, rather than when the licence was subsequently granted.
 >> Similarly, the
 published decision concerning *Flat 1, 21 Hamilton
 >> Park, London, N5 1SH (LON/00AU/HMF/2024/0055)*
 concerned the
 >> application of the same statutory licensing/Rent Repayment Order
 >> framework.
 >>
 >>
 Accordingly, the critical statutory question is *whether a licence
 >> application has been duly made and
 remains effective*, not whether
 >> the Council has completed its administrative processing and
 >> physically
 issued the licence. We therefore cannot identify any
 >> lawful basis for a blanket direction that the
 property must remain
 >> limited to four occupants simply because the licence has not yet been
 >> formally
 issued. That proposition appears particularly difficult to
 >> reconcile with both *section 72(4)(b), the
 Upper Tribunal authorities
 >> above, and North East Lincolnshire Council's own published guidance
 >>
 expressly stating that, provided an application received is valid, it
 >> is acceptable for the property to
 operate as a licensable HMO while
 >> the licence remains to be issued.*
 >>
 >> There is also an obvious and
 important practical reason why
 >> Parliament structured the legislation in this way. *The grant and
 >> issue
 of an HMO licence is an administrative process which may take a
 >> considerable period of time and the
 timing of that determination is
 >> ultimately outside the applicant's control.* Once an applicant has
 >>
 properly submitted the required application, the subsequent time
 >> taken by the local authority to process
 and determine it is a matter
 >> for the authority.
 >>
 >> It would make little sense for the legislation
 simultaneously to
 >> provide an express statutory defence where an application has been
 >> *"duly made" and
 remains "effective"*, while nevertheless requiring
 >> the property to cease operating as the licensable HMO
 during whatever
 >> period the Council happens to take to determine that application.
 >> Section 72(8)
 expressly provides that an application remains
 >> effective while the authority has not yet decided whether
 to grant
 >> the licence.
 >>
 >> This interpretation is reinforced by *Moh v Rimal Properties Ltd
 >> [2024]
 UKUT 324 (LC)*. The Upper Tribunal considered precisely when
 >> the section 72(4)(b) defence takes effect and
 held that *no section
 >> 72(1) offence is committed on the day on which the licence
 >> application is duly
 made*. That principle was subsequently expressly
 >> recognised in *Gorgievski v Griffiths & Ors [2025] UKUT
 161 (LC)*,
 >> where the Upper Tribunal summarised /Moh/ as establishing that *"no
 >> offence under section
 72(1), 2004 Act is committed by the landlord of
 >> an unlicensed HMO on the day on which an application for a
 licence is
 >> duly made."*
 >>

>> The significance is straightforward. *The statutory protection does
>> not
wait until the Council eventually processes, determines and
>> physically issues the licence. It arises from
the duly made and
>> effective application itself.* Otherwise, an applicant's legal
>> position would
depend upon how quickly or slowly an individual local
>> authority happened to process its
applications—something entirely
>> outside the applicant's control and inconsistent with the structure
>>
Parliament expressly created in sections 72(4) and 72(8).
>>
>> Accordingly, where our application has been
duly made and remains
>> effective, we cannot see any statutory basis for imposing an interim
>> four-person
restriction simply because the Council has not yet
>> completed its determination. This is particularly
difficult to
>> reconcile with *the Council's own published guidance and national
>> ESTABLISHED legislation
*, which expressly recognises that, provided
>> an application is received, it is acceptable for the
property to
>> operate as a licensable HMO while the licence has not yet been issued.
>>
>>
>>
>>
>>
Hazards identified during the inspection
>>
>> In relation to the hazards which you indicate will be assessed
and
>> scored, we will of course consider the schedule once it is provided.
>>
>> As previously stated, we
remain entirely willing to undertake any
>> remedial works which are genuinely required, proportionate and
>>
>> supported by the relevant legislation, HHSRS assessment, fire-safety
>> guidance or other applicable
standards.
>>
>> However, we reserve our position in relation to any proposed works
>> until the individual
hazards, their HHSRS scores, the legislative
>> basis relied upon and the proposed remedial measures have
been supplied.
>>
>> We have considerable experience of HMO management and compliance and
>> have taken
substantial professional advice regarding this property.
>> We therefore expect the various statutory regimes
to be applied
>> correctly and separately.
>>
>> We are not seeking to avoid any legitimate requirement.
Quite the
>> opposite: extensive independent documentation has already been
>> obtained precisely to
demonstrate the present safety and suitability
>> of the property.
>>
>> What we cannot accept is the
imposition of requirements which have no
>> identifiable statutory basis.
>>
>>
>> I must also express some
genuine frustration that, despite the
>> extensive correspondence already provided, we appear repeatedly to
be
>> returning to matters that have already been researched, addressed and
>> clarified in writing,

including by the Council's own Building Control
 >> officers. It is extremely frustrating to find different departments
 >> apparently taking inconsistent positions, or raising points without
 >> first considering what
 >> has already been confirmed by colleagues or
 >> what the relevant statutory framework actually provides. We
 >> fully
 >> respect the Council's regulatory responsibilities and wish to work
 >> constructively with its
 >> officers, but equally we should be able to
 >> expect the legislation to be applied consistently and for the

>> Council's departments to communicate effectively with one another. At
 >> present, the repeated revisiting
 >> of already-addressed issues is
 >> creating unnecessary confusion, delay and considerable frustration.
 >>
 >>

>>
 >> For completeness, I will attach the previous correspondence with Lucy
 >> Woods and Building Control so
 >> that the factual and legal background
 >> is available in one place.
 >>
 >> We also attach the original emails
 >> in the dropbox folder so that we
 >> are 100 per cent sure you are up to date with our previous
 >>
 >> correspondence.
 >>
 >>
 >> <https://www.dropbox.com/scl/fo/q89sdzgp26m9bsh13zwc8/AAVQyFcEHNpY2z7sbBoU-w0?rlkey=45onal4v65wubj65nzfknxyo1&st=bp9jwy87&dl=0>
 >> <<https://www.dropbox.com/scl/fo/q89sdzgp26m9bsh13zwc8/AAVQyFcEHNpY2z7sbBoU-w0?rlkey=45onal4v65wubj65nzfknxyo1&st=bp9jwy87&dl=0>>
 >>
 >>
 >> Kind regards,
 >>
 >> Andreas
 >> Russo
 >>
 >>
 >> On 14/08/2026 09:24, Kyle Horner (NELC) wrote:
 >>> Good Morning,
 >>>
 >>> Thank you for your
 >>> email. I have taken your points on board, and
 >>> these will be considered.
 >>> Following our inspection
 >>> yesterday, we identified a number of
 >>> hazards that we consider appropriate for formal action. Once these

>>> hazards have been assessed and scored, we will prepare a schedule of
 >>> the identified hazards and the
 >>> required remedial works. This
 >>> schedule will be emailed to you, along with a reasonable timescale
 >>> for
 >>> the completion of the works.
 >>> It is my understanding that Building Control sign-off has not yet
 >>> been
 >>> obtained for the property. If I am mistaken, please provide a
 >>> copy of the relevant documentation at your
 >>> earliest convenience.
 >>> In the meantime, whilst your application is being processed, the
 >>> property
 >>> should not be occupied by more than four occupants until
 >>> the licence has been granted and formally
 >>> issued.
 >>>
 >>>
 >>> Kind Regards,
 >>>
 >>> Kyle
 >>>

>>> *Kyle Horner *
>>>
>>> *Regulatory Compliance Officer *

>>>
>>> *Environmental Health and Housing Enforcement*
>>>
>>> *North East Lincolnshire Council*
>>>
>>>
Municipal Offices, Town Hall Square, Great Grimsby, North East
>>> Lincolnshire, DN31 1HU
>>>
>>> Phone:
01472 325026 | Mob: 07388 853269 | Kyle.horner@nelincs.gov.uk
>>> <mailto:Kyle.horner@nelincs.gov.uk> |
www.nelincs.gov.uk
>>> <http://www.nelincs.gov.uk/>
>>>
>>> /
>>> /
>>> /'Please excuse any spelling or
grammar errors caused due to my
>>> diagnosed dyslexia' /
>>>
>>>

>>> *From:* Andreas Russo
<info@areton-ltd.com> <mailto:info@areton-ltd.com>
>>> *Sent:* 13 August 2026 19:59
>>> *To:* Kyle Horner
(NELC) <Kyle.Horner@nelincs.gov.uk>
>>> <mailto:Kyle.Horner@nelincs.gov.uk>
>>> *Cc:* Lucy Woods (NELC)
<Lucy.Woods@nelincs.gov.uk>
>>> <mailto:Lucy.Woods@nelincs.gov.uk>
>>> *Subject:* Re: HMO Licence application
- 7 Brereton Ave
>>>
>>> Dear Lucy,
>>>
>>> I am writing further to the matters raised following the
inspection
>>> of 7 Brereton Avenue.
>>>
>>> We remain entirely willing to undertake any reasonable remedial

>>> works that are genuinely required and supported by the relevant
>>> standards. However, there are
>>> several points which we believe need
>>> to be clarified because some of the suggested alterations appear

>>> either unnecessary or, in the case of replacing the existing
>>> cement-board protection with ordinary
>>> fire-resistant plasterboard,
>>> potentially a move to a *lower reaction-to-fire classification
>>> rather
>>> than a higher one*.
>>>
>>>
>>> 1. Cement board versus pink/red fire-resistant plasterboard
>>>
>>> I
would particularly like to clarify the suggestion concerning the
>>> cement board already installed around
the electrical equipment.
>>>
>>> The material should not be confused with ordinary plasterboard.
>>>
>>>
There is very clear manufacturer evidence concerning the fire
>>> classification of these products.
>>>
>>>
Knauf AQUAPANEL Cement Board Indoor
>>>
>>> Knauf describes AQUAPANEL Cement Board Indoor as a *non-

combustible
 >>> cement board*.
 >>>
 >>> More importantly, Knauf confirms that AQUAPANEL Cement Board Indoor
 >>> and Outdoor achieve:
 >>>
 >>> *Euroclass A1 reaction to fire under EN 13501-1.*
 >>>
 >>> Manufacturer
 information:
 >>>
 >>> <https://knauf.com/en-GB/performance/moisture-resistance/aquapanel>
 >>>
 <<https://knauf.com/en-GB/performance/moisture-resistance/aquapanel>>
 >>>
 >>> Product information:
 >>>
 >>>
 <https://knauf.com/en-GB/p/product/aquapanel-r-indoor-12.5mm-x-1200mm-wide-11076_0306>
 >>>
 >>> Knauf Download
 Centre, including Product Data Sheet and Declaration
 >>> of Performance:
 >>>
 >>> <https://knauf.com/en-GB/tools/download-center?language%5B0%5D=en&query=aquapanel+indoor>
 >>> <<https://knauf.com/en-GB/tools/download-center?language%5B0%5D=en&query=aquapanel+indoor>>
 >>>
 >>> By comparison, *British Gypsum
 Gyproc FireLine*, which is the
 >>> conventional pink/red fire-resistant plasterboard, has the following
 >>>
 declared reaction-to-fire classification:
 >>>
 >>> *Euroclass A2-s1,d0.*
 >>>
 >>> This is stated directly in
 British Gypsum's Declaration of Performance:
 >>>
 >>> <https://www.british-gypsum.com/download-documents/declaration-performance-dop/british-gypsum-dop-board106-uk-gyproc-fireline.pdf>
 >>>
 <<https://www.british-gypsum.com/download-documents/declaration-performance-dop/british-gypsum-dop-board106-uk-gyproc-fireline.pdf>>
 >>>
 >>> Therefore the objective manufacturer classifications are:
 >>>
 >>> *Cement board:
 A1 – non-combustible*
 >>>
 >>> versus
 >>>
 >>> *Pink/red Gyproc FireLine plasterboard: A2-s1,d0*
 >>>
 >>> A1 is
 the higher reaction-to-fire classification.
 >>>
 >>> It would be entirely counterproductive to require the
 removal of an
 >>> *A1 non-combustible cement-based board* and its replacement with an
 >>> *A2-s1,d0 fire-resistant plasterboard*. Such a requirement would not
 >>> improve the reaction-to-

[Extract truncated in this PDF to avoid duplicating long quoted chains. Original .eml file is retained as source evidence.]

A14. Re: HMO Licence application - 7 Brereton Ave

Date	Fri, 14 Aug 2026 17:15:10 +0100
From	Andreas Russo <info@areton-ltd.com>
To	"Kyle Horner (NELC)" <Kyle.Horner@nelincs.gov.uk>
Cc	"Lucy Woods (NELC)" <Lucy.Woods@nelincs.gov.uk>, Andy Ross <andyross1980@hotmail.co.uk>
Source file	Re_ HMO Licence application - 7 Brereton Ave - Andreas Russo (info@areton-ltd.com) - 2026-08-14 1715.eml

Dear Kyle,

Thank you for the clarification.

Yes, that is absolutely fine. If you wish to contact Building Control again to reconfirm the position, you are of course very welcome to do so. As you will see from the attached correspondence, Building Control has already been contacted directly and the position has previously been clarified with them in writing.

Nevertheless, there is no issue whatsoever with you obtaining further confirmation again on the same matter from Building Control.

We look forward to receiving your schedule of identified hazards and proposed remedial works and will address any genuine issues requiring attention accordingly.

Kind regards,

Andreas Russo

On 14/08/2026 16:03, Kyle Horner (NELC) wrote:

> *Hi Andreas,*
> Please do not be confused by my
correspondence. I am simply trying to
> clarify whether Building Control approval is required or not. We
>
believe that some of the hazards we have identified would have been
> picked up by Building Control. If they
have not, we need to determine
> what action is required. Equally, if it is your opinion that Building
>
Control approval is not required, this will also help determine our
> next steps.
> I have contacted Building
Control, along with the officers referenced
> in your previous correspondence, so that they can clarify a
few points
> for me and confirm the Council's position on this matter.
> I may have missed an email or two,
as I understand you were initially
> dealing with Lucy and Paul. Please forgive me if we are covering
>
ground that has already been discussed. However, I need to be
> satisfied that all relevant points have been
fully considered.
> This will not delay your licence application. As previously stated, we
> will be
preparing a schedule of works for you in due course. As I am
> sure you can appreciate, your application is
one of a number of
> licence applications and cases that we are currently managing, so I
> would be grateful
for your patience.
>
> Kind Regards,
>
> Kyle
>
> *Kyle Horner *
>
> *Regulatory Compliance Officer *
>
>
Environmental Health and Housing Enforcement
>

> *North East Lincolnshire Council*
>
> Municipal Offices,
Town Hall Square, Great Grimsby, North East
> Lincolnshire, DN31 1HU
>
> Phone: 01472 325026 | Mob: 07388
853269 | Kyle.horner@nelincs.gov.uk |
> *www.nelincs.gov.uk* <<http://www.nelincs.gov.uk/>>
>
> /
> /
>
> /Please excuse any spelling or grammar errors caused due to my
> diagnosed dyslexia' /
>
>

> *From:* Andreas Russo <info@areton-ltd.com>
> *Sent:* 14 August 2026 15:43
> *To:* Kyle Horner (NELC) <Kyle.Horner@nelincs.gov.uk>
> *Cc:* Lucy
Woods (NELC) <Lucy.Woods@nelincs.gov.uk>; Andy Ross
> <andyross1980@hotmail.co.uk>
> *Subject:* Re: HMO
Licence application - 7 Brereton Ave
>
> To make sure it is received
>
> It is resent
>
>
> On 14/08/2026
13:21, Andreas Russo wrote:
>>
>>
>> Dear Kyle,
>>
>> Thank you for your email.
>>
>> I am copying Lucy into
this response and attaching the previous
>> correspondence because a number of the matters raised in your
email
>> have already been addressed in considerable detail with both the
>> Housing/Licensing team and
North East Lincolnshire Council Building
>> Control.
>>
>> I would therefore be grateful if the previous
correspondence could
>> please be reviewed before these points are raised again.
>>
>>
>> Building
Control and HMO licensing – this issue has already
>> been addressed
>>
>> You state:
>>
>> "It is
my understanding that Building Control sign-off has not
>> yet been obtained for the property."
>>
>>
There appears to remain some confusion on this point, notwithstanding
>> that it has *already* been addressed
clearly and in considerable
>> detail in the attached correspondence*.
>>
>> The issue is *not* that a
Building Control Completion Certificate
>> which is required for this property remains outstanding.
>>
>> Our
position has already been explained to Lucy Woods and

>> subsequently addressed directly with North East Lincolnshire
 >> Council's Building Control department: *we do not accept that there is any Building Control Completion Certificate which is required to exist in respect of the matters presently under consideration.*
 >>
 >> Building Control has already been contacted directly. *Please refer to the attached correspondence.* Building Control is fully aware of the property, its history, the existing installations and the works undertaken during our ownership.
 >>
 >> More fundamentally, the distinction between the two statutory regimes has *already been expressly addressed in writing*.
 >>
 >> *HMO licensing under Part 2 of the Housing Act 2004 and Building Control under the Building Act 1984 / Building Regulations are separate statutory regimes. THIS WAS EXPRESSED BY BUILDING CONTROL themselves in writing, see attached.*

>>
 >> This is not merely our interpretation. North East Lincolnshire Council's own Principal Building Control Surveyor expressly confirmed in writing:
 >>
 >> "Building Control operates strictly under the Building Act 1984 and the Building Regulations 2010, which are entirely separate from Housing Act licensing and Planning Use Classes."
 >>
 >> That distinction could not be clearer and is precisely the point we have already made throughout the correspondence.
 >>
 >> The Housing Licensing team determines the HMO licence application under *Part 2 of the Housing Act 2004*. Building Control deals separately with matters falling within its own statutory jurisdiction under the Building Act and Building Regulations.
 >>

>> We have *already expressly stated in writing* that, should the authority seek to invalidate, refuse or materially delay the HMO licence application *solely because of the absence of a Building Control Completion Certificate or Building Regulations documentation*, we will exercise the statutory challenge and appeal routes available to us, including an appeal to the *First-tier Tribunal (Property Chamber)*.
 >>
 >> *Please see the attached correspondence.*
 >>
 >> Our position on this issue has therefore already been communicated
 >> *clearly, expressly and in writing* to the Council.
 >>
 >> There should be no further conflation of these two separate statutory regimes, nor should the HMO licensing process effectively be made conditional upon obtaining a Building Control document which the Housing Act 2004 does not itself require as a licensing prerequisite.
 >>
 >>

>> HMO licensing is a separate statutory regime

>>

>> The HMO licence application falls to be determined under *Part 2 of the Housing Act 2004*.

>>

>> Building Control and HMO licensing are *distinct statutory regimes*,>> with different statutory tests and different enforcement mechanisms.

>>

>> We have already provided the Licensing department with the requested documentation, including the floor plan, EICR, emergency-lighting Assessment, Fire Risk Assessment, PAT certificate, tenancy agreement, Gas Safety documentation, EPC and fire-detection documentation.

>>

>> Accordingly, *please refer to the attached correspondence*, where our position have already been set out in full.

>>

>>

>> The distinction is not merely administrative or a matter of Council practice. *The two regimes arise under different statutory frameworks, perform different legal functions and are administered and enforced through different statutory powers and procedures.* HMO licensing falls under Part 2 of the Housing Act 2004, whereas Building Control operates under the Building Act 1984 and the Building Regulations. They are not interchangeable regulatory processes, and one should not simply be treated as an extension or prerequisite of the other.

>>

>>

Importantly, *this is not simply a position advanced by us*. The Council's own Principal Building Control Surveyor has expressly confirmed in writing that Building Control operates under the Building Act 1984 and Building Regulations 2010 and that those provisions are *entirely separate from Housing Act licensing and Planning Use Classes.* That written confirmation is contained in the attached correspondence and could hardly be more explicit.

>>

>> The same distinction is apparent from the statutory frameworks themselves: *Housing Licensing exercises its powers under the Housing Act 2004, while Building Control exercises separate powers under the Building Act and Building Regulations.* Each department must therefore deal with matters falling within its own statutory jurisdiction using the powers Parliament has conferred upon it. The existence of a Building Control issue does not, by itself, transform that issue into an HMO licensing requirement.

>>

>> It is therefore particularly frustrating that, despite the statutory distinction and despite *the Council's own Building Control department having expressly confirmed that distinction in writing*,>> we continue to encounter the same confusion. We respectfully ask that the attached correspondence is considered carefully so that these two separate regulatory regimes are no longer conflated.

>>
>>
>>
>> Occupation while the licence application is being determined
>>
>> I must also respectfully challenge the statement in your email that:
>>
>> "whilst your application is being processed, the property should not be occupied by more than four occupants until the licence has been granted and formally issued."
>>
>> Please identify the statutory basis for that proposition.
>>
>> It appears to be inconsistent not only with section 72(4)(b) of the Housing Act 2004 but, more importantly, with *North East Lincolnshire Council's own published HMO guidance*.
>>
>>
Your own website presently states, in relation to the HMO register:
>>
>> "The register also includes details of properties for which a licence application has been received, but the licence not yet issued. Provided that the application received is valid, it is acceptable for such a property to operate as a licensable HMO."
>>
>> That wording could hardly be clearer.
>>
>> The Council's own guidance therefore expressly recognises that a property does *not* have to remain restricted to four occupants merely because the licence has not yet physically been issued, provided that a valid licence application has been received.
>>
>> That also reflects section 72(4)(b) of the Housing Act 2004, which provides a statutory defence where, at the material time, an application for a licence has been duly made and remains effective.
>>
>>
>> There is also *clear tribunal authority on the effect of a duly made licence application*. Section 72(4)(b) is not merely discretionary guidance: it creates a statutory defence to the section 72(1) offence once an application for the required licence has been *duly made and remains effective*.
>>
>> Most importantly, in *Moh v Rimal Properties Ltd [2024] UKUT 324 (LC)*, the Upper Tribunal dealt directly with when that defence takes effect. It confirmed that once the licence application is duly made, the section 72(1) licensing offence is no longer being committed.
>> That proposition was subsequently expressly restated by the Upper Tribunal in *Gorgievski v Griffiths & Ors [2025] UKUT 161 (LC)*:
>> section 72(4) provides the defence where the application has been duly made and remains effective, and the Tribunal treated the landlord as committing *no licensing offence from the application date*.
>>
>> The same principle has been applied at First-tier Tribunal level. In
>> *157 Murray

Road, Rugby, CV21 3JR*, the Tribunal treated the section
 >> 72(1) offence as ending when the HMO licence
 application was
 >> submitted, rather than when the licence was subsequently granted.
 >> Similarly, the
 published decision concerning *Flat 1, 21 Hamilton
 >> Park, London, N5 1SH (LON/00AU/HMF/2024/0055)*
 concerned the
 >> application of the same statutory licensing/Rent Repayment Order
 >> framework.
 >>
 >>
 Accordingly, the critical statutory question is *whether a licence
 >> application has been duly made and
 remains effective*, not whether
 >> the Council has completed its administrative processing and
 >> physically
 issued the licence. We therefore cannot identify any
 >> lawful basis for a blanket direction that the
 property must remain
 >> limited to four occupants simply because the licence has not yet been
 >> formally
 issued. That proposition appears particularly difficult to
 >> reconcile with both *section 72(4)(b), the
 Upper Tribunal authorities
 >> above, and North East Lincolnshire Council's own published guidance
 >>
 expressly stating that, provided an application received is valid, it
 >> is acceptable for the property to
 operate as a licensable HMO while
 >> the licence remains to be issued.*
 >>
 >> There is also an obvious and
 important practical reason why
 >> Parliament structured the legislation in this way. *The grant and
 >> issue
 of an HMO licence is an administrative process which may take a
 >> considerable period of time and the
 timing of that determination is
 >> ultimately outside the applicant's control.* Once an applicant has
 >>
 properly submitted the required application, the subsequent time
 >> taken by the local authority to process
 and determine it is a matter
 >> for the authority.
 >>
 >> It would make little sense for the legislation
 simultaneously to
 >> provide an express statutory defence where an application has been
 >> **duly made" and
 remains "effective"*, while nevertheless requiring
 >> the property to cease operating as the licensable HMO
 during whatever
 >> period the Council happens to take to determine that application.
 >> Section 72(8)
 expressly provides that an application remains
 >> effective while the authority has not yet decided whether
 to grant
 >> the licence.
 >>
 >> This interpretation is reinforced by *Moh v Rimal Properties Ltd
 >> [2024]
 UKUT 324 (LC)*. The Upper Tribunal considered precisely when
 >> the section 72(4)(b) defence takes effect and
 held that *no section
 >> 72(1) offence is committed on the day on which the licence
 >> application is duly
 made*. That principle was subsequently expressly
 >> recognised in *Gorgievski v Griffiths & Ors [2025] UKUT
 161 (LC)*,
 >> where the Upper Tribunal summarised /Moh/ as establishing that **no
 >> offence under section
 72(1), 2004 Act is committed by the landlord of
 >> an unlicensed HMO on the day on which an application for a
 licence is
 >> duly made."*

>> The significance is straightforward. *The statutory protection does
>> not
wait until the Council eventually processes, determines and
>> physically issues the licence. It arises from
the duly made and
>> effective application itself.* Otherwise, an applicant's legal
>> position would
depend upon how quickly or slowly an individual local
>> authority happened to process its
applications—something entirely
>> outside the applicant's control and inconsistent with the structure
>>
Parliament expressly created in sections 72(4) and 72(8).
>>
>> Accordingly, where our application has been
duly made and remains
>> effective, we cannot see any statutory basis for imposing an interim
>> four-person
restriction simply because the Council has not yet
>> completed its determination. This is particularly
difficult to
>> reconcile with *the Council's own published guidance and national
>> ESTABLISHED legislation
*, which expressly recognises that, provided
>> an application is received, it is acceptable for the
property to
>> operate as a licensable HMO while the licence has not yet been issued.
>>
>>
>>
>>
>>
Hazards identified during the inspection
>>
>> In relation to the hazards which you indicate will be assessed
and
>> scored, we will of course consider the schedule once it is provided.
>>
>> As previously stated, we
remain entirely willing to undertake any
>> remedial works which are genuinely required, proportionate and

>> supported by the relevant legislation, HHSRS assessment, fire-safety
>> guidance or other applicable
standards.
>>
>> However, we reserve our position in relation to any proposed works
>> until the individual
hazards, their HHSRS scores, the legislative
>> basis relied upon and the proposed remedial measures have
been supplied.
>>
>> We have considerable experience of HMO management and compliance and
>> have taken
substantial professional advice regarding this property.
>> We therefore expect the various statutory regimes
to be applied
>> correctly and separately.
>>
>> We are not seeking to avoid any legitimate requirement.
Quite the
>> opposite: extensive independent documentation has already been
>> obtained precisely to
demonstrate the present safety and suitability
>> of the property.
>>
>> What we cannot accept is the
imposition of requirements which have no
>> identifiable statutory basis.
>>
>>
>> I must also express some
genuine frustration that, despite the
>> extensive correspondence already provided, we appear repeatedly to
be
>> returning to matters that have already been researched, addressed and
>> clarified in writing,

including by the Council's own Building Control
 >> officers. It is extremely frustrating to find different
 departments
 >> apparently taking inconsistent positions, or raising points without
 >> first considering what
 has already been confirmed by colleagues or
 >> what the relevant statutory framework actually provides. We
 fully
 >> respect the Council's regulatory responsibilities and wish to work
 >> constructively with its
 officers, but equally we should be able to
 >> expect the legislation to be applied consistently and for the

>> Council's departments to communicate effectively with one another. At
 >> present, the repeated revisiting
 of already-addressed issues is
 >> creating unnecessary confusion, delay and considerable frustration.
 >>
 >>

>>
 >> For completeness, I will attach the previous correspondence with Lucy
 >> Woods and Building Control so
 that the factual and legal background
 >> is available in one place.
 >>
 >> We also attach the original emails
 in the dropbox folder so that we
 >> are 100 per cent sure you are up to date with our previous
 >>
 correspondence.
 >>
 >>
 >> <https://www.dropbox.com/scl/fo/q89sdzgp26m9bsh13zwc8/AAVQyFcEHNpY2z7sbBoU-w0?rlkey=45onal4v65wubj65nzfknxyo1&st=bp9jwy87&dl=0>
 >> <<https://www.dropbox.com/scl/fo/q89sdzgp26m9bsh13zwc8/AAVQyFcEHNpY2z7sbBoU-w0?rlkey=45onal4v65wubj65nzfknxyo1&st=bp9jwy87&dl=0>>
 >>
 >>
 >> Kind regards,
 >>
 >> Andreas
 Russo
 >>
 >>
 >> On 14/08/2026 09:24, Kyle Horner (NELC) wrote:
 >>> Good Morning,
 >>>
 >>> Thank you for your
 email. I have taken your points on board, and
 >>> these will be considered.
 >>> Following our inspection
 yesterday, we identified a number of
 >>> hazards that we consider appropriate for formal action. Once these

>>> hazards have been assessed and scored, we will prepare a schedule of
 >>> the identified hazards and the
 required remedial works. This
 >>> schedule will be emailed to you, along with a reasonable timescale
 >>> for
 the completion of the works.
 >>> It is my understanding that Building Control sign-off has not yet
 >>> been
 obtained for the property. If I am mistaken, please provide a
 >>> copy of the relevant documentation at your
 earliest convenience.
 >>> In the meantime, whilst your application is being processed, the
 >>> property
 should not be occupied by more than four occupants until
 >>> the licence has been granted and formally
 issued.
 >>>
 >>>
 >>> Kind Regards,
 >>>
 >>> Kyle
 >>>

>>> *Kyle Horner *
>>>
>>> *Regulatory Compliance Officer *

>>>
>>> *Environmental Health and Housing Enforcement*
>>>
>>> *North East Lincolnshire Council*
>>>
>>>
Municipal Offices, Town Hall Square, Great Grimsby, North East
>>> Lincolnshire, DN31 1HU
>>>
>>> Phone:
01472 325026 | Mob: 07388 853269 | Kyle.horner@nelincs.gov.uk
>>> <mailto:Kyle.horner@nelincs.gov.uk> |
www.nelincs.gov.uk
>>> <http://www.nelincs.gov.uk/>
>>>
>>> /
>>> /
>>> /'Please excuse any spelling or
grammar errors caused due to my
>>> diagnosed dyslexia' /
>>>
>>>

>>> *From:* Andreas Russo
<info@areton-ltd.com> <mailto:info@areton-ltd.com>
>>> *Sent:* 13 August 2026 19:59
>>> *To:* Kyle Horner
(NELC) <Kyle.Horner@nelincs.gov.uk>
>>> <mailto:Kyle.Horner@nelincs.gov.uk>
>>> *Cc:* Lucy Woods (NELC)
<Lucy.Woods@nelincs.gov.uk>
>>> <mailto:Lucy.Woods@nelincs.gov.uk>
>>> *Subject:* Re: HMO Licence application
- 7 Brereton Ave
>>>
>>> Dear Lucy,
>>>
>>> I am writing further to the matters raised following the
inspection
>>> of 7 Brereton Avenue.
>>>
>>> We remain entirely willing to undertake any reasonable remedial

>>> works that are genuinely required and supported by the relevant
>>> standards. However, there are
several points which we believe need
>>> to be clarified because some of the suggested alterations appear

>>> either unnecessary or, in the case of replacing the existing
>>> cement-board protection with ordinary
fire-resistant plasterboard,
>>> potentially a move to a *lower reaction-to-fire classification
>>> rather
than a higher one*.
>>>
>>>
>>> 1. Cement board versus pink/red fire-resistant plasterboard
>>>
>>> I
would particularly like to clarify the suggestion concerning the
>>> cement board already installed around
the electrical equipment.
>>>
>>> The material should not be confused with ordinary plasterboard.
>>>
>>>
There is very clear manufacturer evidence concerning the fire
>>> classification of these products.
>>>
>>>
Knauf AQUAPANEL Cement Board Indoor
>>>
>>> Knauf describes AQUAPANEL Cement Board Indoor as a *non-

combustible
 >>> cement board*.
 >>>
 >>> More importantly, Knauf confirms that AQUAPANEL Cement Board Indoor
 >>> and Outdoor achieve:
 >>>
 >>> *Euroclass A1 reaction to fire under EN 13501-1.*
 >>>
 >>> Manufacturer
 information:
 >>>
 >>> <https://knauf.com/en-GB/performance/moisture-resistance/aquapanel>
 >>>
 <<https://knauf.com/en-GB/performance/moisture-resistance/aquapanel>>
 >>>
 >>> Product information:
 >>>
 >>>
 <https://knauf.com/en-GB/p/product/aquapanel-r-indoor-12.5mm-x-1200mm-wide-11076_0306>
 >>>
 >>> Knauf Download
 Centre, including Product Data Sheet and Declaration
 >>> of Performance:
 >>>
 >>> <https://knauf.com/en-GB/tools/download-center?language%5B0%5D=en&query=aquapanel+indoor>
 >>> <<https://knauf.com/en-GB/tools/download-center?language%5B0%5D=en&query=aquapanel+indoor>>
 >>>
 >>> By comparison, *British Gypsum
 Gyproc FireLine*, which is the
 >>> conventional pink/red fire-resistant plasterboard, has the following
 >>>
 declared reaction-to-fire classification:
 >>>
 >>> *Euroclass A2-s1,d0.*
 >>>
 >>> This is stated directly in
 British Gypsum's Declaration of Performance:
 >>>
 >>> <https://www.british-gypsum.com/download-documents/declaration-performance-dop/british-gypsum-dop-board106-uk-gyproc-fireline.pdf>
 >>>
 <<https://www.british-gypsum.com/download-documents/declaration-performance-dop/british-gypsum-dop-board106-uk-gyproc-fireline.pdf>>
 >>>
 >>> Therefore the objective manufacturer classifications are:
 >>>
 >>> *Cement board:
 A1 – non-combustible*
 >>>
 >>> versus
 >>>
 >>> *Pink/red Gyproc FireLine plasterboard: A2-s1,d0*
 >>>
 >>> A1 is
 the higher reaction-to-fire classification.
 >>>
 >>> It would be entirely counterproductive to require the
 removal of an
 >>> *A1 non-combustible cement-based board* and its replacement with an
 >>> *A2-s1,d0 fire-resistant plasterboard*. Such a requirement would not
 >>> improve the reaction-to-

[Extract truncated in this PDF to avoid duplicating long quoted chains. Original .eml file is retained as source evidence.]

A15. Re: HMO Licence application - 7 Brereton Ave

Date	Tue, 18 Aug 2026 11:50:01 +0000
From	"info@areton-ltd.com" <info@areton-ltd.com>
To	"Kyle Horner (NELC)" <Kyle.Horner@nelincs.gov.uk>
Cc	"Lucy Woods (NELC)" <Lucy.Woods@nelincs.gov.uk>
Source file	Re_ HMO Licence application - 7 Brereton Ave - 'info@areton-ltd.com' (info@areton-ltd.com) - 2026-08-18 1250.eml

Hello Kyle,

I hope you are doing well. Please, we are still waiting for the list of things which need to be rectified which marked as hazards on 13th August 2026 inspection.

Thank you

Jag

PA- Andreas Russo

From: Kyle Horner (NELC) <Kyle.Horner@nelincs.gov.uk>
Sent: Friday, August 14, 2026 1:54 PM
To: Andreas Russo <info@areton-ltd.com>
Cc: Lucy Woods (NELC) <Lucy.Woods@nelincs.gov.uk>
Subject: Re: HMO Licence application - 7 Brereton Ave

Good Morning,

Thank you for your email. I have taken your points on board, and these will be considered.

Following our inspection yesterday, we identified a number of hazards that we consider appropriate for formal action. Once these hazards have been assessed and scored, we will prepare a schedule of the identified hazards and the required remedial works. This schedule will be emailed to you, along with a reasonable timescale for the completion of the works.

It is my understanding that Building Control sign-off has not yet been obtained for the property. If I am mistaken, please provide a copy of the relevant documentation at your earliest convenience.

In the meantime, whilst your application is being processed, the property should not be occupied by more than four occupants until the licence has been granted and formally issued.

Kind Regards,

Kyle

Kyle Horner

Regulatory Compliance Officer

Environmental Health and Housing Enforcement

North East Lincolnshire Council

Municipal Offices, Town Hall Square, Great Grimsby, North East Lincolnshire, DN31 1HU

Phone: 01472 325026 | Mob: 07388 853269 | Kyle.horner@nelincs.gov.uk | www.nelincs.gov.uk<<http://www.nelincs.gov.uk>>

'Please excuse any spelling or grammar errors caused due to my diagnosed dyslexia'

From: Andreas Russo <info@areton-ltd.com>
Sent: 13 August 2026 19:59
To: Kyle Horner (NELC) <Kyle.Horner@nelincs.gov.uk>
Cc: Lucy Woods (NELC) <Lucy.Woods@nelincs.gov.uk>
Subject: Re: HMO Licence application - 7 Brereton Ave

Dear Lucy,

I am writing further to the matters raised following the inspection of 7 Brereton Avenue.

We remain entirely willing to undertake any reasonable remedial works that are genuinely required and supported by the relevant standards. However, there are several points which we believe need to be clarified because some of the suggested alterations appear either unnecessary or, in the case of replacing the existing cement-board protection with ordinary fire-resistant plasterboard, potentially a move to a lower reaction-to-fire classification rather than a higher one.

1. Cement board versus pink/red fire-resistant plasterboard

I would particularly like to clarify the suggestion concerning the cement board already installed around the electrical equipment.

The material should not be confused with ordinary plasterboard.

There is very clear manufacturer evidence concerning the fire classification of these products.

Knauf AQUAPANEL Cement Board Indoor

Knauf describes AQUAPANEL Cement Board Indoor as a non-combustible cement board.

More importantly, Knauf confirms that AQUAPANEL Cement Board Indoor and Outdoor achieve:

Euroclass A1 reaction to fire under EN 13501-1.

Manufacturer information:

<https://knauf.com/en-GB/performance/moisture-resistance/aquapanel>

Product information:

https://knauf.com/en-GB/p/product/aquapanel-r-indoor-12.5mm-x-1200mm-wide-11076_0306

Knauf Download Centre, including Product Data Sheet and Declaration of Performance:

<https://knauf.com/en-GB/tools/download-center?language%5B0%5D=en&query=aquapanel+indoor>

By comparison, British Gypsum Gyproc FireLine, which is the conventional pink/red fire-resistant plasterboard, has the following declared reaction-to-fire classification:

Euroclass A2-s1,d0.

This is stated directly in British Gypsum's Declaration of Performance:

<https://www.british-gypsum.com/download-documents/declaration-performance-dop/british-gypsum-dop-board106-uk-gyproc-fireline.pdf>

Therefore the objective manufacturer classifications are:

Cement board: A1 – non-combustible

versus

Pink/red Gyproc FireLine plasterboard: A2-s1,d0

A1 is the higher reaction-to-fire classification.

It would be entirely counterproductive to require the removal of an A1 non-combustible cement-based board and its replacement with an A2-s1,d0 fire-resistant plasterboard. Such a requirement would not improve the reaction-to-fire classification of the material; it would deliberately replace a higher-classified A1 material with a lower-classified A2 material.

In practical terms, the Council would therefore be requiring us to downgrade the fire-performance classification of the material already installed, supposedly in the interests of improving fire safety. That position is extremely difficult to justify on any rational or technical fire-safety basis.

If the Council nevertheless requires the A1 cement board to be removed and replaced with a lower-classified material, we respectfully request the specific legislation, fire-safety standard, tested system specification or technical evidence supporting such a requirement. Without such evidence, replacing an A1 non-combustible material with an A2 material would appear to make the installation less favourable in terms of reaction-to-fire classification, not safer.

2. Fire-resistance periods

There is a separate technical distinction between reaction to fire and fire resistance which should also be recognised.

Knauf expressly confirms that AQUAPANEL is A1 non-combustible.

Knauf has published tested AQUAPANEL-containing constructions providing substantial fire-resistance periods, including systems achieving 30 and 90 minutes.

For example:

<https://knauf.com/api/download-center/v1/assets/3ce3ffa5-9cb1-46c4-a2e4-34fda842e169?download=true>

3. Electrical meter and metal consumer unit

The electrical consumer unit is itself contained within a metal/non-combustible enclosure.

Electrical Safety First's guidance concerning BS 7671 Regulation 421.1.201 specifically identifies ferrous metal as an example of a non-combustible material for consumer-unit enclosures.

Reference:

<https://www.electricalsafetyfirst.org.uk/resources-for-electricians/wiring-regulations-help/>

Nevertheless, despite having a metal consumer unit, we have gone considerably further by providing additional cement-board protection around this equipment which provides the highest form of fire resistance.

We therefore have a non-combustible consumer-unit enclosure plus additional non-combustible A1 cement-board protection.

We recognise that established housing fire-safety guidance considers fire-resisting enclosure of meters/distribution boards situated on escape routes to be best practice. This is precisely why additional protection has been provided.

Similar arrangements have been used in our other HMO properties and have been inspected on numerous occasions without this being identified as a concern.

4. Bathroom doors, no reasonable basis for requiring fire doors

We are frankly extremely surprised by the suggestion that the bathroom doors should be replaced with fire doors. There is no general requirement in established HMO fire-safety guidance that bathrooms must be fitted with fire doors, and imposing such a requirement here appears entirely disproportionate.

The established LACORS Housing Fire Safety guidance expressly states:

"There is usually no requirement to provide protection to bathrooms and shower rooms which open onto protected routes."

This is particularly important because the guidance reaches that position even while expressly contemplating bathrooms containing electrical equipment, including properly installed electric showers and water heaters.

An instantaneous electric shower can represent a substantial electrical load, yet the presence of an electric shower does not automatically transform a bathroom into a room requiring a fire door under the established guidance.

The position at this property is even more straightforward. There is no conventional instantaneous electric shower installed in the bathroom. Furthermore, the property's electrical installation has been inspected through the EICR and we have not been presented with any electrical defect associated with the bathroom that would justify treating it as an exceptional fire risk.

Against that background, requiring an additional fire-resisting doorset to this bathroom would be extraordinarily difficult to justify as a proportionate fire-safety measure.

Bathrooms, shower rooms and WCs exist in HMOs, houses, flats and commercial premises throughout the country. The mere fact that a room is a bathroom plainly does not create an automatic requirement for it to be enclosed by a fire-resisting doorset. If that were the rule, the LACORS guidance could not expressly state the opposite.

The suggestion becomes even harder to understand when one considers that LACORS expressly contemplates electric showers and water heaters without imposing an automatic fire-door requirement. If bathrooms containing those normal electrical installations do not ordinarily require additional fire-resisting protection, there is no sensible basis for treating this particular bathroom as though the mere existence of normal bathroom facilities suddenly requires an FD30 door.

Fire-safety requirements must remain risk-based, proportionate and grounded in the applicable guidance. The purpose is to address genuine fire risks, not simply to add fire-resisting construction wherever it is physically possible to do so.

One could theoretically fit fire doors to every cupboard, bathroom, WC and internal room and continually add further layers of fire-resistant construction. That does not mean that doing so is necessary, proportionate or required.

In this case, the national HMO fire-safety guidance already addresses the matter directly: there is usually no requirement to provide fire protection to bathrooms and shower rooms opening onto protected routes, including where normal properly installed bathroom electrical equipment is present.

Accordingly, requiring fire doors to these bathrooms in the circumstances described would appear to be an unnecessary and disproportionate requirement which goes beyond what the established guidance ordinarily requires and provides no identified or evidenced commensurate fire-safety benefit.

We therefore do not consider there to be a reasonable basis for requiring the existing bathroom doors to be replaced with fire doors.

Consistency of enforcement

If, notwithstanding the above, the Council maintains that fire doors must be installed to the bathrooms at this property, we will need to establish whether this represents a consistently applied Council requirement across comparable licensed HMOs, rather than an additional requirement being imposed selectively upon this particular property.

In those circumstances, we intend to make an appropriate Freedom of Information Act 2000 request for the Council's relevant policies, standards, inspection procedures, guidance, enforcement criteria and suitably anonymised information concerning comparable HMO inspections and bathroom fire-door requirements. The purpose would be to establish how frequently this requirement has been imposed on comparable HMOs and the basis upon which it has been applied.

This is important because imposing a substantial additional requirement upon one landlord which is not ordinarily imposed upon comparable landlords in materially similar circumstances could place that landlord at an obvious financial and regulatory disadvantage. We are entitled to expect regulatory standards to be administered consistently, rationally and fairly.

We would therefore expect that, if the Council's position is genuinely that bathrooms of this type require fire-resisting doorsets, the same standard will be capable of being demonstrated through the Council's published standards and its approach to comparable properties.

If, on the other hand, the records demonstrate that comparable HMO bathrooms are routinely accepted without fire doors—as the established LACORS guidance would lead one to expect—then it would clearly raise a serious question as to why a materially different and more onerous standard is being applied at this property.

We would much prefer not to have to pursue that exercise. However, if an exceptional requirement is maintained contrary to what appears to be the established national guidance, we will seek the relevant information so that the consistency and evidential basis of that decision can be properly examined.

Our position remains straightforward: we will undertake every reasonable fire-safety improvement that is properly required, but we also expect the same standards to be applied to this property as are applied fairly and consistently to comparable HMOs.

5. HMO licence – occupation while application is outstanding

I would also like to reiterate a point which we have made in writing on a number of previous occasions.

An HMO licence application has already been made for the property.

Section 72(4) of the Housing Act 2004 provides a statutory defence where, at the material time, an application for a licence has been duly made and remains effective.

This is not simply our interpretation.

The Upper Tribunal recently explained the position in *Gorgievski v Griffiths & Ors* [2025] UKUT 161 (LC).

The Tribunal explained that under section 72(4), where an application for a licence has been duly made and has not yet been refused or withdrawn, the statutory defence applies.

Judgment:

<https://www.bailii.org/uk/cases/UKUT/LC/2025/161.html>

The Government's explanatory notes to the Housing Act 2004 are equally clear, explaining in relation to section 72:

"However, no offence is committed by a person who has an outstanding application either for a licence or for a temporary exemption."

Housing Act 2004 explanatory material:

https://www.legislation.gov.uk/ukpga/2004/34/pdfs/ukpgaen_20040034_en.pdf

The Upper Tribunal decision in *Moh v Rimal Properties Ltd* [2024] UKUT 324 (LC) also considered precisely when the section 72(4)(b) defence takes effect.

Accordingly, provided that our licence application has been duly made and remains effective, we do not accept any suggestion that we must leave the HMO empty until the Council eventually determines the application, or that occupation during that period automatically constitutes an offence under section 72(1).

Finally, I fully appreciate that Council officers have a responsibility to inspect properties, demonstrate that those inspections are meaningful, and identify matters requiring attention where genuine deficiencies exist. We have absolutely no objection to that process, and we will continue to rectify promptly anything that is reasonably and properly identified.

However, I would respectfully ask that a pragmatic, proportionate and evidence-based approach is taken. The purpose of the legislation and fire-safety standards is to make properties safer; it should not become an exercise in identifying alterations simply for the sake of demonstrating that alterations have been requested.

We now have extraordinarily easy access to legislation, Approved Documents, manufacturers' technical specifications, British Standards information and published fire-performance data. Modern search technology and AI tools make it considerably easier for all parties to locate and understand the relevant technical information. Where there is uncertainty, the underlying source material can readily be checked and verified rather than assumptions being made simply because one construction method is more familiar than another.

A particularly clear example is the suggestion that an A1 non-combustible cement-based material should be removed and replaced by an A2-s1,d0 material. Whatever one's preference for a particular construction method, it would be difficult to describe that as an improvement in the reaction-to-fire classification. Regulation should produce a genuine safety benefit, not a technical downgrade merely for the sake of conformity with a more familiar material.

We therefore ask that we all approach the remaining matters sensibly and pragmatically. If something is genuinely deficient, please identify the deficiency, the applicable requirement and the necessary remedy, and we will rectify it. We have no difficulty whatsoever with doing that.

Equally, where something is already compliant, safe or provides an appropriate level of protection, there should be no need to manufacture an issue simply so that an alteration can be required. Let us concentrate on genuine risks and genuine improvements rather than unnecessary works that provide no additional safety benefit—or, worse, could result in a lower-performing solution.

That, in our view, is the most sensible, proportionate and constructive way forward for everyone concerned.

Kind regards,

Andreas Russo

On 29/07/2026 10:08, Kyle Horner (NELC) wrote:

Hi Andreas,

Please see attached letter that has also been send in the post to you.

Letters to each room has also been sent via post.

Kind Regards,

Kyle

Kyle Horner

Regulatory Compliance Officer

Environmental Health and Housing Enforcement

North East Lincolnshire Council

Municipal Offices, Town Hall Square, Great Grimsby, North East Lincolnshire, DN31 1HU

Phone: 01472 325026 | Mob: 07388 853269 | Kyle.horner@nelincs.gov.uk <<mailto:Kyle.horner@nelincs.gov.uk>> | www.nelincs.gov.uk <<http://www.nelincs.gov.uk>>

'Please excuse any spelling or grammar errors caused due to my diagnosed dyslexia'

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

Sent: 28 July 2026 17:25

To: Kyle Horner (NELC) <Kyle.Horner@nelincs.gov.uk> <<mailto:Kyle.Horner@nelincs.gov.uk>>

Cc: Lucy Woods (NELC) <Lucy.Woods@nelincs.gov.uk> <<mailto:Lucy.Woods@nelincs.gov.uk>>

Subject: Re: HMO Licence application - 7 Brereton Ave

Thursday 13th August at 10:00am should be ok

On 27/07/2026 11:08, Kyle Horner (NELC) wrote:

Good morning, Mr Russo,

I have been through your application for an HMO Licence for 7 Brereton Ave.

Our next steps are to attend the property and carry out a full inspection and to do so we will need access to every room.

Please can you let me know from the list below what date and time suites you best? I will need to know by the end of day Wednesday 29th to ensure letters are sent out and correct notice is given.

Tuesday 11th August at 10:00am
Tuesday 11th August at 11:00am
Wednesday 12th August at 11:00am
Thursday 13th August at 10:00am

Again, please let me know as soon as possible so I can get this booked in.

Kind Regards,

Kyle

Kyle Horner

Regulatory Compliance Officer

Environmental Health and Housing Enforcement

North East Lincolnshire Council

Municipal Offices, Town Hall Square, Great Grimsby, North East Lincolnshire, DN31 1HU

Phone: 01472 325026 | Mob: 07388 853269 | Kyle.horner@nelincs.gov.uk | www.nelincs.gov.uk

'Please excuse any spelling or grammar errors caused due to my diagnosed dyslexia'

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A16. Re: HMO Licence application - 7 Brereton Ave

Date	Tue, 18 Aug 2026 14:50:16 +0000
From	"info@areton-ltd.com" <info@areton-ltd.com>
To	"Kyle Horner (NELC)" <Kyle.Horner@nelincs.gov.uk>
Cc	"Lucy Woods (NELC)" <Lucy.Woods@nelincs.gov.uk>
Source file	Re_ HMO Licence application - 7 Brereton Ave - 'info@areton-ltd.com' (info@areton-ltd.com) - 2026-08-18 1550.eml
Attachments	WhatsApp Image 2026-08-18 at 5.38.48 PM.jpeg; WhatsApp Image 2026-08-18 at 4.32.57 PM.jpeg

Hello Kyle & Lucy,
Please kindly find attached the photographs showing the meter and kitchen works that have been completed at the property.
The images are provided for your reference and to demonstrate the works carried out.
Please review the attached photographs and let us know if you require any further information, clarification, or additional evidence regarding the completed works.
Kind regards
Jag

From: Kyle Horner (NELC) <Kyle.Horner@nelincs.gov.uk>
Sent: Tuesday, August 18, 2026 7:10 PM
To: info@areton-ltd.com <info@areton-ltd.com>
Cc: Lucy Woods (NELC) <Lucy.Woods@nelincs.gov.uk>
Subject: Re: HMO Licence application - 7 Brereton Ave

Good afternoon,
Apologies for the delay in responding. We have now met internally to review the hazards identified at the property and have agreed that an Improvement Notice will be served, together with a requirement for Building Control approval/sign-off.
We aim to issue the notice as soon as possible and anticipate this being completed within the next week.
I have spoken with Building Control, who have confirmed that they hold no record of any application or approval, either before or during Mr Russo's ownership of the property. As such, Building Control sign-off remains necessary, and a retrospective application should be submitted without delay for their consideration.
Whilst I acknowledge your comments that the fire doors, fire alarm system, and other material alterations may have been installed prior to Mr Russo's ownership, this does not remove the current owner's responsibility. As the present owner, Mr Russo is responsible for ensuring that all relevant works have the appropriate approvals, certification, and supporting documentation in place.
Based on the issues identified during our inspection, we are of the strong view that Building Control would also identify a number of these matters. Their involvement will therefore be necessary in order to assess the works undertaken and provide any relevant approvals or evidence relating to the materials and construction methods used.
We are also intending to arrange a joint inspection involving both Housing Enforcement and Building Control to review the property. Please provide any dates within the next two weeks when access or attendance would not be possible so that we can make the necessary arrangements.

Kind Regards,

Kyle

Kyle Horner

Regulatory Compliance Officer

Environmental Health and Housing Enforcement

North East Lincolnshire Council

Municipal Offices, Town Hall Square, Great Grimsby, North East Lincolnshire, DN31 1HU

Phone: 01472 325026 | Mob: 07388 853269 | Kyle.horner@nelincs.gov.uk | www.nelincs.gov.uk<<http://www.nelincs.gov.uk/>>

'Please excuse any spelling or grammar errors caused due to my diagnosed dyslexia'

From: info@areton-ltd.com <info@areton-ltd.com>
Sent: 18 August 2026 12:50
To: Kyle Horner (NELC) <Kyle.Horner@nelincs.gov.uk>
Cc: Lucy Woods (NELC) <Lucy.Woods@nelincs.gov.uk>
Subject: Re: HMO Licence application - 7 Brereton Ave

Hello Kyle,

I hope you are doing well. Please, we are still waiting for the list of things which need to be rectified which marked as hazards on 13th August 2026 inspection.

Thank you

Jag

PA- Andreas Russo

From: Kyle Horner (NELC) <Kyle.Horner@nelincs.gov.uk>

Sent: Friday, August 14, 2026 1:54 PM
To: Andreas Russo <info@areton-ltd.com>
Cc: Lucy Woods (NELC) <Lucy.Woods@nelincs.gov.uk>
Subject: Re: HMO Licence application - 7 Brereton Ave

Good Morning,

Thank you for your email. I have taken your points on board, and these will be considered. Following our inspection yesterday, we identified a number of hazards that we consider appropriate for formal action. Once these hazards have been assessed and scored, we will prepare a schedule of the identified hazards and the required remedial works. This schedule will be emailed to you, along with a reasonable timescale for the completion of the works.

It is my understanding that Building Control sign-off has not yet been obtained for the property. If I am mistaken, please provide a copy of the relevant documentation at your earliest convenience.

In the meantime, whilst your application is being processed, the property should not be occupied by more than four occupants until the licence has been granted and formally issued.

Kind Regards,

Kyle

Kyle Horner

Regulatory Compliance Officer

Environmental Health and Housing Enforcement

North East Lincolnshire Council

Municipal Offices, Town Hall Square, Great Grimsby, North East Lincolnshire, DN31 1HU

Phone: 01472 325026 | Mob: 07388 853269 | Kyle.horner@nelincs.gov.uk | www.nelincs.gov.uk<<http://www.nelincs.gov.uk/>>

'Please excuse any spelling or grammar errors caused due to my diagnosed dyslexia'

From: Andreas Russo <info@areton-ltd.com>
Sent: 13 August 2026 19:59
To: Kyle Horner (NELC) <Kyle.Horner@nelincs.gov.uk>
Cc: Lucy Woods (NELC) <Lucy.Woods@nelincs.gov.uk>
Subject: Re: HMO Licence application - 7 Brereton Ave

Dear Lucy,

I am writing further to the matters raised following the inspection of 7 Brereton Avenue.

We remain entirely willing to undertake any reasonable remedial works that are genuinely required and supported by the relevant standards. However, there are several points which we believe need to be clarified because some of the suggested alterations appear either unnecessary or, in the case of replacing the existing cement-board protection with ordinary fire-resistant plasterboard, potentially a move to a lower reaction-to-fire classification rather than a higher one.

1. Cement board versus pink/red fire-resistant plasterboard

I would particularly like to clarify the suggestion concerning the cement board already installed around the electrical equipment.

The material should not be confused with ordinary plasterboard.

There is very clear manufacturer evidence concerning the fire classification of these products.

Knauf AQUAPANEL Cement Board Indoor

Knauf describes AQUAPANEL Cement Board Indoor as a non-combustible cement board.

More importantly, Knauf confirms that AQUAPANEL Cement Board Indoor and Outdoor achieve:

Euroclass A1 reaction to fire under EN 13501-1.

Manufacturer information:

<https://knauf.com/en-GB/performance/moisture-resistance/aquapanel>

Product information:

https://knauf.com/en-GB/p/product/aquapanel-r-indoor-12.5mm-x-1200mm-wide-11076_0306

Knauf Download Centre, including Product Data Sheet and Declaration of Performance:

<https://knauf.com/en-GB/tools/download-center?language%5B0%5D=en&query=aquapanel+indoor>

By comparison, British Gypsum Gyproc FireLine, which is the conventional pink/red fire-resistant plasterboard, has the following declared reaction-to-fire classification:

Euroclass A2-s1,d0.

This is stated directly in British Gypsum's Declaration of Performance:

<https://www.british-gypsum.com/download-documents/declaration-performance-dop/british-gypsum-dop-board106-uk-gyproc-fireline.pdf>

Therefore the objective manufacturer classifications are:

Cement board: A1 – non-combustible

versus

Pink/red Gyproc FireLine plasterboard: A2-s1,d0

A1 is the higher reaction-to-fire classification.

It would be entirely counterproductive to require the removal of an A1 non-combustible cement-based board and its replacement with an A2-s1,d0 fire-resistant plasterboard. Such a requirement would not improve the reaction-to-fire classification of the material; it would deliberately replace a higher-classified A1 material with a lower-classified A2 material.

In practical terms, the Council would therefore be requiring us to downgrade the fire-performance classification of the material already installed, supposedly in the interests of improving fire safety. That position is extremely difficult to justify on any rational or technical fire-safety basis.

If the Council nevertheless requires the A1 cement board to be removed and replaced with a lower-classified material, we respectfully request the specific legislation, fire-safety standard, tested system specification or technical evidence supporting such a requirement. Without such evidence, replacing an A1 non-combustible material with an A2 material would appear to make the installation less favourable in terms of reaction-to-fire classification, not safer.

2. Fire-resistance periods

There is a separate technical distinction between reaction to fire and fire resistance which should also be recognised.

Knauf expressly confirms that AQUAPANEL is A1 non-combustible.

Knauf has published tested AQUAPANEL-containing constructions providing substantial fire-resistance periods, including systems achieving 30 and 90 minutes.

For example:

<https://knauf.com/api/download-center/v1/assets/3ce3ffa5-9cb1-46c4-a2e4-34fda842e169?download=true>

3. Electrical meter and metal consumer unit

The electrical consumer unit is itself contained within a metal/non-combustible enclosure.

Electrical Safety First's guidance concerning BS 7671 Regulation 421.1.201 specifically identifies ferrous metal as an example of a non-combustible material for consumer-unit enclosures.

Reference:

<https://www.electricalsafetyfirst.org.uk/resources-for-electricians/wiring-regulations-help/>

Nevertheless, despite having a metal consumer unit, we have gone considerably further by providing additional cement-board protection around this equipment which provides the highest form of fire resistance.

We therefore have a non-combustible consumer-unit enclosure plus additional non-combustible A1 cement-board protection.

We recognise that established housing fire-safety guidance considers fire-resisting enclosure of meters/distribution boards situated on escape routes to be best practice. This is precisely why additional protection has been provided.

Similar arrangements have been used in our other HMO properties and have been inspected on numerous occasions without this being identified as a concern.

4. Bathroom doors, no reasonable basis for requiring fire doors

We are frankly extremely surprised by the suggestion that the bathroom doors should be replaced with fire doors. There is no general requirement in established HMO fire-safety guidance that bathrooms must be fitted with fire doors, and imposing such a requirement here appears entirely disproportionate.

The established LACORS Housing Fire Safety guidance expressly states:

"There is usually no requirement to provide protection to bathrooms and shower rooms which open onto protected routes."

This is particularly important because the guidance reaches that position even while expressly contemplating bathrooms containing electrical equipment, including properly installed electric showers and water heaters.

An instantaneous electric shower can represent a substantial electrical load, yet the presence of an electric shower does not automatically transform a bathroom into a room requiring a fire door under the established guidance.

The position at this property is even more straightforward. There is no conventional instantaneous electric shower installed in the bathroom. Furthermore, the property's electrical installation has been inspected through the EICR and we have not been presented with any electrical defect associated with the bathroom that would justify treating it as an exceptional fire risk.

Against that background, requiring an additional fire-resisting doorset to this bathroom would be extraordinarily difficult to justify as a proportionate fire-safety measure.

Bathrooms, shower rooms and WCs exist in HMOs, houses, flats and commercial premises throughout the country. The mere fact that a room is a bathroom plainly does not create an automatic requirement for it to be enclosed by a fire-resisting doorset. If that were the rule, the LACORS guidance could not expressly state the opposite.

The suggestion becomes even harder to understand when one considers that LACORS expressly contemplates electric showers and water heaters without imposing an automatic fire-door requirement. If bathrooms containing those normal electrical installations do not ordinarily require additional fire-resisting protection, there is no sensible basis for treating this particular bathroom as though the mere existence of normal bathroom facilities suddenly requires an FD30 door.

Fire-safety requirements must remain risk-based, proportionate and grounded in the applicable guidance. The purpose is to address genuine fire risks, not simply to add fire-resisting construction wherever it is physically possible to do so.

One could theoretically fit fire doors to every cupboard, bathroom, WC and internal room and continually add further layers of fire-resistant construction. That does not mean that doing so is necessary, proportionate or required.

In this case, the national HMO fire-safety guidance already addresses the matter directly: there is usually no requirement to provide fire protection to bathrooms and shower rooms opening onto protected routes, including where normal properly installed bathroom electrical equipment is present.

Accordingly, requiring fire doors to these bathrooms in the circumstances described would appear to be an unnecessary and disproportionate requirement which goes beyond what the established guidance ordinarily requires and provides no identified or evidenced commensurate fire-safety benefit.

We therefore do not consider there to be a reasonable basis for requiring the existing bathroom doors to be replaced with fire doors.

Consistency of enforcement

If, notwithstanding the above, the Council maintains that fire doors must be installed to the bathrooms at this property, we will need to establish whether this represents a consistently applied Council requirement across comparable licensed HMOs, rather than an additional requirement being imposed selectively upon this particular property.

In those circumstances, we intend to make an appropriate Freedom of Information Act 2000 request for the Council's relevant policies, standards, inspection procedures, guidance, enforcement criteria and suitably anonymised information concerning comparable HMO inspections and bathroom fire-door requirements. The purpose would be to establish how frequently this requirement has been imposed on comparable HMOs and the basis upon which it has been applied.

This is important because imposing a substantial additional requirement upon one landlord which is not ordinarily imposed upon comparable landlords in materially similar circumstances could place that landlord at an obvious financial and regulatory disadvantage. We are entitled to expect regulatory standards to be administered consistently, rationally and fairly.

We would therefore expect that, if the Council's position is genuinely that bathrooms of this type require fire-resisting doorsets, the same standard will be capable of being demonstrated through the Council's published standards and its approach to comparable properties.

If, on the other hand, the records demonstrate that comparable HMO bathrooms are routinely accepted without fire doors—as the established LACORS guidance would lead one to expect—then it would clearly raise a serious question as to why a materially different and more onerous standard is being applied at this property.

We would much prefer not to have to pursue that exercise. However, if an exceptional requirement is maintained contrary to what appears to be the established national guidance, we will seek the relevant information so that the consistency and evidential basis of that decision can be properly examined.

Our position remains straightforward: we will undertake every reasonable fire-safety improvement that is properly required, but we also expect the same standards to be applied to this property as are applied fairly and consistently to comparable HMOs.

5. HMO licence – occupation while application is outstanding

I would also like to reiterate a point which we have made in writing on a number of previous occasions.

An HMO licence application has already been made for the property.

Section 72(4) of the Housing Act 2004 provides a statutory defence where, at the material time, an application for a licence has been duly made and remains effective.

This is not simply our interpretation.

The Upper Tribunal recently explained the position in *Gorgievski v Griffiths & Ors* [2025] UKUT 161 (LC).

The Tribunal explained that under section 72(4), where an application for a licence has been duly made and has not yet been refused or withdrawn, the statutory defence applies.

Judgment:

<https://www.bailii.org/uk/cases/UKUT/LC/2025/161.html>

The Government's explanatory notes to the Housing Act 2004 are equally clear, explaining in relation to section 72:

"However, no offence is committed by a person who has an outstanding application either for a licence or for a temporary exemption."

Housing Act 2004 explanatory material:

https://www.legislation.gov.uk/ukpga/2004/34/pdfs/ukpgaen_20040034_en.pdf

The Upper Tribunal decision in *Moh v Rimal Properties Ltd* [2024] UKUT 324 (LC) also considered precisely when the section 72(4)(b) defence takes effect.

Accordingly, provided that our licence application has been duly made and remains effective, we do not accept any suggestion that we must leave the HMO empty until the Council eventually determines the application, or that occupation during that period automatically constitutes an offence under section 72(1).

Finally, I fully appreciate that Council officers have a responsibility to inspect properties, demonstrate that those inspections are meaningful, and identify matters requiring attention where genuine deficiencies exist. We have absolutely no objection to that process, and we will continue to rectify promptly anything that is reasonably and properly identified.

However, I would respectfully ask that a pragmatic, proportionate and evidence-based approach is taken. The purpose of the legislation and fire-safety standards is to make properties safer; it should not become an exercise in identifying alterations simply for the sake of demonstrating that alterations have been requested.

We now have extraordinarily easy access to legislation, Approved Documents, manufacturers' technical specifications, British Standards information and published fire-performance data. Modern search technology and AI tools make it considerably easier for all parties to locate and

understand the relevant technical information. Where there is uncertainty, the underlying source material can readily be checked and verified rather than assumptions being made simply because one construction method is more familiar than another.

A particularly clear example is the suggestion that an A1 non-combustible cement-based material should be removed and replaced by an A2-s1,d0 material. Whatever one's preference for a particular construction method, it would be difficult to describe that as an improvement in the reaction-to-fire classification. Regulation should produce a genuine safety benefit, not a technical downgrade merely for the sake of conformity with a more familiar material.

We therefore ask that we all approach the remaining matters sensibly and pragmatically. If something is genuinely deficient, please identify the deficiency, the applicable requirement and the necessary remedy, and we will rectify it. We have no difficulty whatsoever with doing that.

Equally, where something is already compliant, safe or provides an appropriate level of protection, there should be no need to manufacture an issue simply so that an alteration can be required. Let us concentrate on genuine risks and genuine improvements rather than unnecessary works that provide no additional safety benefit—or, worse, could result in a lower-performing solution.

That, in our view, is the most sensible, proportionate and constructive way forward for everyone concerned.

Kind regards,

Andreas Russo

On 29/07/2026 10:08, Kyle Horner (NELC) wrote:

Hi Andreas,

Please see attached letter that has also been send in the post to you.

Letters to each room has also been sent via post.

Kind Regards,

Kyle

Kyle Horner

Regulatory Compliance Officer

Environmental Health and Housing Enforcement

North East Lincolnshire Council

Municipal Offices, Town Hall Square, Great Grimsby, North East Lincolnshire, DN31 1HU

Phone: 01472 325026 | Mob: 07388 853269 | Kyle.horner@nelincs.gov.uk<<mailto:Kyle.horner@nelincs.gov.uk>> | www.nelincs.gov.uk<<http://www.nelincs.gov.uk>>

'Please excuse any spelling or grammar errors caused due to my diagnosed dyslexia'

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

Sent: 28 July 2026 17:25

To: Kyle Horner (NELC) <Kyle.Horner@nelincs.gov.uk><<mailto:Kyle.Horner@nelincs.gov.uk>>

Cc: Lucy Woods (NELC) <Lucy.Woods@nelincs.gov.uk><<mailto:Lucy.Woods@nelincs.gov.uk>>

Subject: Re: HMO Licence application - 7 Brereton Ave

Thursday 13th August at 10:00am should be ok

On 27/07/2026 11:08, Kyle Horner (NELC) wrote:

Good morning, Mr Russo,

I have been through your application for an HMO Licence for 7 Brereton Ave.

Our next steps are to attend the property and carry out a full inspection and to do so we will need access to every room.

Please can you let me know from the list below what date and time suites you best? I will need to know by the end of day Wednesday 29th to ensure letters are sent out and correct notice is given.

Tuesday 11th August at 10:00am

Tuesday 11th August at 11:00am

Wednesday 12th August at 11:00am

Thursday 13th August at 10:00am

Again, please let me know as soon as possible so I can get this booked in.

Kind Regards,

Kyle

Kyle Horner

Regulatory Compliance Officer

Environmental Health and Housing Enforcement

North East Lincolnshire Council

Municipal Offices, Town Hall Square, Great Grimsby, North East Lincolnshire, DN31 1HU

Phone: 01472 325026 | Mob: 07388 853269 | Kyle.horner@nelincs.gov.uk<<mailto:Kyle.horner@nelincs.gov.uk>> | www.nelincs.gov.uk<<http://www.nelincs.gov.uk>>

'Please excuse any spelling or grammar errors caused due to my diagnosed dyslexia'

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[Extract truncated in this PDF to avoid duplicating long quoted chains. Original .eml file is retained as source evidence.]

A17. Re: HMO Licence application - 7 Brereton Ave

Date	Tue, 18 Aug 2026 17:57:21 +0100
From	Andreas Russo <info@areton-ltd.com>
To	"Kyle Horner (NELC)" <Kyle.Horner@nelincs.gov.uk>
Cc	"Lucy Woods (NELC)" <Lucy.Woods@nelincs.gov.uk>, "Building Control (NELC)" <BC@nelincs.gov.uk>
Source file	Re_ HMO Licence application - 7 Brereton Ave - Andreas Russo (info@areton-ltd.com) - 2026-08-18 1757(1).eml
Attachments	Screenshot 2026-08-18 164508.png

Good afternoon,

Thank you for your response.

We acknowledge the Council's position. However, the fundamental Building Control question remains unanswered.

The fact that Building Control holds *no record of an application or approval* does not, by itself, establish that building work requiring Building Regulations approval was actually undertaken.

This is now the central issue.

We have already provided evidence of the historic configuration of the property, independent witness evidence from the adjoining occupier, professional safety documentation, and an explanation of the nature of the works undertaken during our ownership.

For ease of reference, the complete evidence and previous Building Control correspondence can be accessed here:

Dropbox – 7 Brereton Avenue evidence and correspondence:

<https://www.dropbox.com/scl/fo/q89sdzgp26m9bsh13zwc8/AAVQyFcEHNpY2z7sbBoU-w0?rlkey=45onal4v65wubj65nzfknxyo1&st=bp9jwy87&dl=0>

<<https://www.dropbox.com/scl/fo/q89sdzgp26m9bsh13zwc8/AAVQyFcEHNpY2z7sbBoU-w0?rlkey=45onal4v65wubj65nzfknxyo1&st=bp9jwy87&dl=0>>

This material includes the previous correspondence with Building Control, including the position explained by *Mr Andy Perkins*, together with the evidence concerning the historic configuration of the property and the nature and age of the relevant installations.

We respectfully request that Building Control reviews this material before maintaining that a retrospective/regularisation application is required.

The evidence presently available points consistently in one direction: the layout, bathrooms, kitchen, sanitary facilities and relevant fire-safety arrangements are *long-standing features of the property*; the configuration has remained substantially unchanged since at least approximately 2014; and works undertaken during our ownership have been limited, insofar as relevant, to *repair, maintenance, refurbishment and like-for-like replacement of existing facilities*.

Mr Perkins' own previous correspondence identified examples of physical works which he considered capable of engaging Building Regulations, including the installation or upgrading of fire doors, installation of a mains-powered interlinked fire-detection system, and the creation of new bathrooms, en-suites or mechanical extraction.

That is precisely why the factual question is so important.

Which of those works does Building Control say actually occurred at 7 Brereton Avenue, when does it say they occurred, and what evidence does it have that they occurred?

The evidence supplied by us indicates the opposite: no new HMO layout has been created by us; no additional bathroom or en-suite has been created by us; no new kitchen has been created by us; no means of escape has been altered by us; no new fire-alarm system has been installed by us as part of an HMO conversion; and no new fire-door arrangement has been created by us. The relevant facilities were already present and the evidence places the substantially unchanged configuration back to approximately 2014.

The mere fact that bathrooms, fire doors, alarms or other facilities exist at the property today does not establish *when they were

installed, who installed them, whether their installation constituted controlled building work at the relevant time, or whether any current statutory basis exists for requiring retrospective approval in respect of them.*

Equally, the absence of a Building Control record does not, by itself, establish that controlled building work was undertaken unlawfully or recently. There must first be identifiable work to which the requirement relates.

Age of the existing configuration and legal basis

The age of the configuration makes this issue particularly important.

The independent evidence already supplied indicates that the present configuration has remained substantially unchanged since at least approximately 2014 and that the relevant bathrooms, sanitary facilities and fire-safety arrangements have existed for many years.

Accordingly, if Building Control maintains that retrospective approval or regularisation is presently required, we respectfully request that it identifies:

1.

the specific work alleged to constitute controlled building work;

2.

the date or approximate date upon which each item of work is alleged to have been carried out;

3.

the evidence establishing that the work occurred and supporting the alleged date;

4.

the Building Regulations provision applicable to that particular work at the relevant time;

5.

the statutory basis upon which retrospective approval or regularisation is now said to be required;

6.

where reliance is placed upon an enforcement period, *the basis upon which the Council considers the alleged work to fall within the legally applicable period.*

This is especially important because the evidence presently supplied indicates that the relevant configuration has existed since approximately 2014 rather than resulting from recent building work.

If the Council possesses evidence establishing a materially different factual history, *please provide it.*

If the Council contends that some repair, maintenance, refurbishment or like-for-like replacement undertaken during our ownership itself constituted controlled building work, please identify the particular work concerned and the specific statutory provision said to have been triggered by it.

The fundamental question remains unanswered

We therefore return to the central question:

On what factual, evidential and legal basis is a retrospective Building Regulations application being required?

This is not a refusal to make an application where an application is lawfully required.

The difficulty is that we cannot reasonably make a retrospective application until we are told *what work the application is actually intended to regularise*.

If Building Control maintains that an application is required notwithstanding the evidence already provided, please identify:

*what specific work was carried out;
when it was carried out;
what evidence establishes that it was carried out at that time; and

what statutory or regulatory provision creates the present requirement for retrospective approval of that particular work.*

Without those matters being identified, there is no meaningful basis upon which we can formulate a retrospective application.

If Building Control can identify the relevant work, evidence and legal basis, we will address the matter constructively.

If it cannot, we respectfully request that the requirement for a retrospective/regularisation application be reconsidered.

Proposed Improvement Notice

We also note the Council's stated intention to serve an Improvement Notice.

Kyle previously advised us that the hazards identified following the inspection would be assessed and scored and that a schedule would then be prepared setting out the identified hazards and required remedial works.

We would therefore be grateful if that schedule could be provided *before formal service of an Improvement Notice, if possible*, so that we have a reasonable opportunity to address any properly identified deficiencies voluntarily.

We want to make our position absolutely clear: *we are not seeking to avoid necessary works.*

If there are genuine hazards or deficiencies which require remediation, please identify them clearly and we will address them promptly.

For each item, we would be grateful if the Council could specify:

*

the particular hazard or deficiency;

*

its location;

*

the remedial work considered necessary;

*

the applicable statutory provision, standard or guidance relied upon; and

*

the reasonable timescale for completion.

We would much rather resolve properly identified matters promptly and cooperatively than proceed to formal enforcement where the same objective can be achieved voluntarily.

Joint inspection

We have no objection in principle to a joint inspection involving Housing Enforcement and Building Control and will cooperate fully with any inspection *where there is a proper statutory basis for Building Control's involvement*.

However, before arranging that joint inspection, we respectfully request clarification of *the legal and evidential basis upon which Building Control's involvement is presently considered necessary*.

The evidence already supplied indicates that the relevant configuration and installations are long-standing, substantially unchanged since approximately 2014, and that no identifiable works triggering the Building Regulations have been established during our ownership.

Accordingly, if Building Control is to become formally involved, please first identify *the specific controlled building work alleged to have occurred, when it is alleged to have occurred, the evidence supporting that allegation, and the statutory/regulatory basis upon which Building Control now has a relevant role in respect of those works.*

We are not seeking to prevent or obstruct an inspection. We simply consider it reasonable that *the legal basis for Building Control's involvement should first be identified*, particularly where the evidence presently available does not establish the controlled building work upon which that involvement is apparently being based.

37 Brereton Avenue

Finally, we would appreciate an update regarding *37 Brereton Avenue*.

We understand that this property remains in HMO occupation and is occupied by more than four persons. We would therefore be grateful for confirmation of its present regulatory/licensing position and whether the Council has taken, or proposes to take, any relevant action.

We raise this because we are making considerable efforts and investment to comply with every legitimate requirement at 7 Brereton Avenue. We have provided extensive documentation, commissioned professional assessments, cooperated with inspections, responded in detail to issues raised and repeatedly confirmed our willingness to undertake genuinely necessary remedial works.

Against that background, we are becoming increasingly concerned and confused as to why we are apparently being required to submit a retrospective Building Regulations application without first being told what identifiable building work that application is supposed to regularise.

Information now requested

To bring these matters to a clear and constructive conclusion, we therefore respectfully request:

1.

the proposed schedule of hazards and remedial works for 7 Brereton Avenue;

2.

*identification of each specific item of building work which Building Control says required Building Regulations approval; **the date or approximate date upon which the Council alleges each such item was carried out, together with the evidence supporting that conclusion;*

3.

the specific statutory/regulatory provision relied upon in relation to each item;

4.

confirmation of precisely what Building Control expects any retrospective/regularisation application to cover;

5.

the precise legal basis upon which Building Control considers a retrospective/regularisation application can presently be required where the evidence supplied indicates that no works triggering such a requirement have been undertaken since at least approximately 2014;

6.

identification of any work which the Council alleges was carried out within the legally applicable enforcement period, together with the evidence establishing both the work and its date; and

7.

an update regarding the regulatory/licensing position at 37 Brereton Avenue.

The fundamental issue is that the relevant works were carried out many years ago and the applicable statutory enforcement period has long since expired. There is therefore no present legal basis for Building Control enforcement in respect of those historic works, nor any legal basis for requiring a retrospective Building Regulations application on that basis.

The Council is required to apply the legislation as enacted, including the statutory time limits imposed upon its enforcement powers. Once the applicable statutory enforcement period has expired, the absence of historic Building Control records cannot revive that expired power, restart the statutory period, or create a new legal basis for requiring retrospective approval.

Accordingly, the fact that Building Control cannot locate an historic application or approval does not alter the statutory position. *The works are historic, the applicable enforcement period has expired, and there is therefore no legal basis for requiring a retrospective application in respect of those works.*

Until those matters are identified and supported by evidence, we cannot reasonably submit a retrospective application because it remains unclear *what specific works we are being asked to regularise, what evidence establishes that those works actually occurred within the relevant period, and what legal basis exists for requiring retrospective approval in respect of them.*

Regarding Building Control, *we are simply awaiting their response and supporting evidence.* Before arranging any further Building Control inspection, we ask Building Control to provide evidence demonstrating that the works in question are not historical and that they were carried out within the applicable statutory enforcement period, contrary to the evidence we have already supplied indicating that the relevant configuration has existed since at least approximately 2014.

If Building Control provides sufficiently clear contrary evidence establishing that relevant controlled works were undertaken within an applicable enforcement period, we will arrange access and can then discuss any appropriate regularisation process. Until that evidence is provided, our position remains that the evidence presently available points to historical works for which the applicable enforcement period has expired. We are therefore awaiting Building Control's written response and evidence before proceeding further.

We remain entirely willing to cooperate and would welcome a clear, evidence-based and proportionate resolution of these matters.

Kind regards,

Andreas Russo

On 18/08/2026 14:40, Kyle Horner (NELC) wrote:

- > Good afternoon,
- > Apologies for the delay in responding. We
- have now met internally to
- > review the hazards identified at the property and have agreed that an
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- > Building Control approval/sign-off.
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> *Kyle Horner *
>
> *Regulatory Compliance Officer *
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> *North East Lincolnshire Council*
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> Municipal Offices, Town Hall Square, Great
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<info@areton-ltd.com>
> *Sent:* 18 August 2026 12:50
> *To:* Kyle Horner (NELC) <Kyle.Horner@nelincs.gov.uk>
>
> *Cc:* Lucy Woods (NELC) <Lucy.Woods@nelincs.gov.uk>
> *Subject:* Re: HMO Licence application - 7 Brereton Ave

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(NELC) <Kyle.Horner@nelincs.gov.uk>
> *Sent:* Friday, August 14, 2026 1:54 PM
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<info@areton-ltd.com>
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Andreas Russo <info@areton-ltd.com>

> *Sent: 13 August 2026 19:59

> *To: Kyle Horner (NELC)
<Kyle.Horner@nelincs.gov.uk>

> *Cc: Lucy Woods (NELC) <Lucy.Woods@nelincs.gov.uk>

> *Subject: Re: HMO
Licence application - 7 Brereton Ave

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> Dear Lucy,

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> I am writing further to the matters raised following the inspection of 7 Brereton Avenue.

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> We remain entirely willing to undertake any reasonable remedial works that are genuinely required and supported by the relevant standards. However, there are several points which we believe need to be clarified because some of the suggested alterations appear either unnecessary or, in the case of replacing the existing cement-board protection with ordinary fire-resistant plasterboard, potentially a move to a *lower reaction-to-fire classification rather than a higher one*.

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> Manufacturer information:
>
> <https://knauf.com/en-GB/performance/moisture-resistance/aquapanel>
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>
> Product information:
>
> https://knauf.com/en-GB/p/product/aquapanel-r-indoor-12.5mm-x-1200mm-wide-11076_0306
>
> <https://knauf.com/en-GB/p/product/aquapanel-r-indoor-12.5mm-x-1200mm-wide-11076_0306>
>
> Knauf Download Centre, including Product Data Sheet and Declaration of Performance:
>
> <https://knauf.com/en-GB/tools/download-center?language%5B0%5D=en&query=aquapanel+indoor>
> <<https://knauf.com/en-GB/tools/download-center?language%5B0%5D=en&query=aquapanel+indoor>>
>
> By comparison, *British Gypsum Gyproc FireLine*, which is the conventional pink/red fire-resistant plasterboard, has the following declared reaction-to-fire classification:
>
> *Euroclass A2-s1,d0.*
>
> This is stated directly in British Gypsum's Declaration of Performance:
>
> <https://www.british-gypsum.com/download-documents/declaration-performance-dop/british-gypsum-dop-board106-uk-gyproc-fireline.pdf>
> <<https://www.british-gypsum.com/download-documents/declaration-performance-dop/british-gypsum-dop-board106-uk-gyproc-fireline.pdf>>
>
> Therefore the objective manufacturer classifications are:
>
> *Cement board: A1 – non-combustible*
>
> versus
>
> *Pink/red Gyproc FireLine plasterboard: A2-s1,d0*
>
> A1 is the higher reaction-to-fire classification.
>
> It would be entirely counterproductive to require the removal of an *A1 non-combustible cement-based board* and its replacement with an *A2-s1,d0 fire-resistant plasterboard*. Such a requirement would not improve the reaction-to-fire classification of the material; it would *deliberately replace a higher-classified A1 material with a lower-classified A2 material*.
>
> In practical terms, the Council would therefore be requiring us to

>
 > *downgrade the fire-performance classification of the material already
 > installed*, supposedly in the
 > interests of improving fire safety. That
 > position is extremely difficult to justify on any rational or
 >
 > technical fire-safety basis.
 >
 > If the Council nevertheless requires the A1 cement board to be removed
 > and
 > replaced with a lower-classified material, we respectfully request
 > the *specific legislation, fire-safety
 > standard, tested system
 > specification or technical evidence* supporting such a requirement.
 > Without such
 > evidence, replacing an A1 non-combustible material with
 > an A2 material would appear to make the
 > installation *less favourable
 > in terms of reaction-to-fire classification, not safer*.
 >
 >
 > 2. Fire-
 > resistance periods
 >
 > There is a separate technical distinction between *reaction to fire*
 > and *fire
 > resistance* which should also be recognised.
 >
 > Knauf expressly confirms that AQUAPANEL is A1 non-
 > combustible.
 >
 > Knauf has published tested AQUAPANEL-containing constructions
 > providing substantial fire-
 > resistance periods, including systems
 > achieving 30 and 90 minutes.
 >
 > For example:
 >
 >
 > <https://knauf.com/api/download-center/v1/assets/3ce3ffa5-9cb1-46c4-a2e4-34fda842e169?download=true>
 >
 > <<https://knauf.com/api/download-center/v1/assets/3ce3ffa5-9cb1-46c4-a2e4-34fda842e169?download=true>>
 >
 >
 >
 > 3. Electrical meter and metal consumer unit
 >
 > The electrical consumer unit is it

[Extract truncated in this PDF to avoid duplicating long quoted chains. Original .eml file is retained as source evidence.]

A18. Re: HMO Licence application - 7 Brereton Ave

Date	Tue, 18 Aug 2026 17:57:21 +0100
From	Andreas Russo <info@areton-ltd.com>
To	"Kyle Horner (NELC)" <Kyle.Horner@nelincs.gov.uk>
Cc	"Lucy Woods (NELC)" <Lucy.Woods@nelincs.gov.uk>, "Building Control (NELC)" <BC@nelincs.gov.uk>
Source file	Re_ HMO Licence application - 7 Brereton Ave - Andreas Russo (info@areton-ltd.com) - 2026-08-18 1757.eml
Attachments	Screenshot 2026-08-18 164508.png

Good afternoon,

Thank you for your response.

We acknowledge the Council's position. However, the fundamental Building Control question remains unanswered.

The fact that Building Control holds *no record of an application or approval* does not, by itself, establish that building work requiring Building Regulations approval was actually undertaken.

This is now the central issue.

We have already provided evidence of the historic configuration of the property, independent witness evidence from the adjoining occupier, professional safety documentation, and an explanation of the nature of the works undertaken during our ownership.

For ease of reference, the complete evidence and previous Building Control correspondence can be accessed here:

Dropbox – 7 Brereton Avenue evidence and correspondence:

<https://www.dropbox.com/scl/fo/q89sdzgp26m9bsh13zwc8/AAVQyFcEHNpY2z7sbBoU-w0?rlkey=45onal4v65wubj65nzfknxyo1&st=bp9jwy87&dl=0>

<<https://www.dropbox.com/scl/fo/q89sdzgp26m9bsh13zwc8/AAVQyFcEHNpY2z7sbBoU-w0?rlkey=45onal4v65wubj65nzfknxyo1&st=bp9jwy87&dl=0>>

This material includes the previous correspondence with Building Control, including the position explained by *Mr Andy Perkins*, together with the evidence concerning the historic configuration of the property and the nature and age of the relevant installations.

We respectfully request that Building Control reviews this material before maintaining that a retrospective/regularisation application is required.

The evidence presently available points consistently in one direction: the layout, bathrooms, kitchen, sanitary facilities and relevant fire-safety arrangements are *long-standing features of the property*; the configuration has remained substantially unchanged since at least approximately 2014; and works undertaken during our ownership have been limited, insofar as relevant, to *repair, maintenance, refurbishment and like-for-like replacement of existing facilities*.

Mr Perkins' own previous correspondence identified examples of physical works which he considered capable of engaging Building Regulations, including the installation or upgrading of fire doors, installation of a mains-powered interlinked fire-detection system, and the creation of new bathrooms, en-suites or mechanical extraction.

That is precisely why the factual question is so important.

Which of those works does Building Control say actually occurred at 7 Brereton Avenue, when does it say they occurred, and what evidence does it have that they occurred?

The evidence supplied by us indicates the opposite: no new HMO layout has been created by us; no additional bathroom or en-suite has been created by us; no new kitchen has been created by us; no means of escape has been altered by us; no new fire-alarm system has been installed by us as part of an HMO conversion; and no new fire-door arrangement has been created by us. The relevant facilities were already present and the evidence places the substantially unchanged configuration back to approximately 2014.

The mere fact that bathrooms, fire doors, alarms or other facilities exist at the property today does not establish *when they were

installed, who installed them, whether their installation constituted controlled building work at the relevant time, or whether any current statutory basis exists for requiring retrospective approval in respect of them.*

Equally, the absence of a Building Control record does not, by itself, establish that controlled building work was undertaken unlawfully or recently. There must first be identifiable work to which the requirement relates.

Age of the existing configuration and legal basis

The age of the configuration makes this issue particularly important.

The independent evidence already supplied indicates that the present configuration has remained substantially unchanged since at least approximately 2014 and that the relevant bathrooms, sanitary facilities and fire-safety arrangements have existed for many years.

Accordingly, if Building Control maintains that retrospective approval or regularisation is presently required, we respectfully request that it identifies:

1.

the specific work alleged to constitute controlled building work;

2.

the date or approximate date upon which each item of work is alleged to have been carried out;

3.

the evidence establishing that the work occurred and supporting the alleged date;

4.

the Building Regulations provision applicable to that particular work at the relevant time;

5.

the statutory basis upon which retrospective approval or regularisation is now said to be required;

6.

where reliance is placed upon an enforcement period, *the basis upon which the Council considers the alleged work to fall within the legally applicable period.*

This is especially important because the evidence presently supplied indicates that the relevant configuration has existed since approximately 2014 rather than resulting from recent building work.

If the Council possesses evidence establishing a materially different factual history, *please provide it.*

If the Council contends that some repair, maintenance, refurbishment or like-for-like replacement undertaken during our ownership itself constituted controlled building work, please identify the particular work concerned and the specific statutory provision said to have been triggered by it.

The fundamental question remains unanswered

We therefore return to the central question:

On what factual, evidential and legal basis is a retrospective Building Regulations application being required?

This is not a refusal to make an application where an application is lawfully required.

The difficulty is that we cannot reasonably make a retrospective application until we are told *what work the application is actually intended to regularise*.

If Building Control maintains that an application is required notwithstanding the evidence already provided, please identify:

*what specific work was carried out;
when it was carried out;
what evidence establishes that it was carried out at that time; and

what statutory or regulatory provision creates the present requirement for retrospective approval of that particular work.*

Without those matters being identified, there is no meaningful basis upon which we can formulate a retrospective application.

If Building Control can identify the relevant work, evidence and legal basis, we will address the matter constructively.

If it cannot, we respectfully request that the requirement for a retrospective/regularisation application be reconsidered.

Proposed Improvement Notice

We also note the Council's stated intention to serve an Improvement Notice.

Kyle previously advised us that the hazards identified following the inspection would be assessed and scored and that a schedule would then be prepared setting out the identified hazards and required remedial works.

We would therefore be grateful if that schedule could be provided *before formal service of an Improvement Notice, if possible*, so that we have a reasonable opportunity to address any properly identified deficiencies voluntarily.

We want to make our position absolutely clear: *we are not seeking to avoid necessary works.*

If there are genuine hazards or deficiencies which require remediation, please identify them clearly and we will address them promptly.

For each item, we would be grateful if the Council could specify:

*

the particular hazard or deficiency;

*

its location;

*

the remedial work considered necessary;

*

the applicable statutory provision, standard or guidance relied upon; and

*

the reasonable timescale for completion.

We would much rather resolve properly identified matters promptly and cooperatively than proceed to formal enforcement where the same objective can be achieved voluntarily.

Joint inspection

We have no objection in principle to a joint inspection involving Housing Enforcement and Building Control and will cooperate fully with any inspection *where there is a proper statutory basis for Building Control's involvement*.

However, before arranging that joint inspection, we respectfully request clarification of *the legal and evidential basis upon which Building Control's involvement is presently considered necessary*.

The evidence already supplied indicates that the relevant configuration and installations are long-standing, substantially unchanged since approximately 2014, and that no identifiable works triggering the Building Regulations have been established during our ownership.

Accordingly, if Building Control is to become formally involved, please first identify *the specific controlled building work alleged to have occurred, when it is alleged to have occurred, the evidence supporting that allegation, and the statutory/regulatory basis upon which Building Control now has a relevant role in respect of those works.*

We are not seeking to prevent or obstruct an inspection. We simply consider it reasonable that *the legal basis for Building Control's involvement should first be identified*, particularly where the evidence presently available does not establish the controlled building work upon which that involvement is apparently being based.

37 Brereton Avenue

Finally, we would appreciate an update regarding *37 Brereton Avenue*.

We understand that this property remains in HMO occupation and is occupied by more than four persons. We would therefore be grateful for confirmation of its present regulatory/licensing position and whether the Council has taken, or proposes to take, any relevant action.

We raise this because we are making considerable efforts and investment to comply with every legitimate requirement at 7 Brereton Avenue. We have provided extensive documentation, commissioned professional assessments, cooperated with inspections, responded in detail to issues raised and repeatedly confirmed our willingness to undertake genuinely necessary remedial works.

Against that background, we are becoming increasingly concerned and confused as to why we are apparently being required to submit a retrospective Building Regulations application without first being told what identifiable building work that application is supposed to regularise.

Information now requested

To bring these matters to a clear and constructive conclusion, we therefore respectfully request:

1.

the proposed schedule of hazards and remedial works for 7 Brereton Avenue;

2.

*identification of each specific item of building work which Building Control says required Building Regulations approval; **the date or approximate date upon which the Council alleges each such item was carried out, together with the evidence supporting that conclusion;*

3.

the specific statutory/regulatory provision relied upon in relation to each item;

4.

confirmation of precisely what Building Control expects any retrospective/regularisation application to cover;

5.

the precise legal basis upon which Building Control considers a retrospective/regularisation application can presently be required where the evidence supplied indicates that no works triggering such a requirement have been undertaken since at least approximately 2014;

6.

identification of any work which the Council alleges was carried out within the legally applicable enforcement period, together with the evidence establishing both the work and its date; and

7.

an update regarding the regulatory/licensing position at 37 Brereton Avenue.

The fundamental issue is that the relevant works were carried out many years ago and the applicable statutory enforcement period has long since expired. There is therefore no present legal basis for Building Control enforcement in respect of those historic works, nor any legal basis for requiring a retrospective Building Regulations application on that basis.

The Council is required to apply the legislation as enacted, including the statutory time limits imposed upon its enforcement powers. Once the applicable statutory enforcement period has expired, the absence of historic Building Control records cannot revive that expired power, restart the statutory period, or create a new legal basis for requiring retrospective approval.

Accordingly, the fact that Building Control cannot locate an historic application or approval does not alter the statutory position. *The works are historic, the applicable enforcement period has expired, and there is therefore no legal basis for requiring a retrospective application in respect of those works.*

Until those matters are identified and supported by evidence, we cannot reasonably submit a retrospective application because it remains unclear *what specific works we are being asked to regularise, what evidence establishes that those works actually occurred within the relevant period, and what legal basis exists for requiring retrospective approval in respect of them.*

Regarding Building Control, *we are simply awaiting their response and supporting evidence.* Before arranging any further Building Control inspection, we ask Building Control to provide evidence demonstrating that the works in question are not historical and that they were carried out within the applicable statutory enforcement period, contrary to the evidence we have already supplied indicating that the relevant configuration has existed since at least approximately 2014.

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We remain entirely willing to cooperate and would welcome a clear, evidence-based and proportionate resolution of these matters.

Kind regards,

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> Product information:

>

> https://knauf.com/en-GB/p/product/aquapanel-r-indoor-12.5mm-x-1200mm-wide-11076_0306

>

> <https://knauf.com/en-GB/p/product/aquapanel-r-indoor-12.5mm-x-1200mm-wide-11076_0306>

>

> Knauf Download Centre, including Product Data Sheet and Declaration of Performance:

>

> <https://knauf.com/en-GB/tools/download-center?language%5B0%5D=en&query=aquapanel+indoor>

> <<https://knauf.com/en-GB/tools/download-center?language%5B0%5D=en&query=aquapanel+indoor>>

>

> By comparison, *British Gypsum Gyproc FireLine*, which is the conventional pink/red fire-resistant plasterboard, has the following declared reaction-to-fire classification:

>

> *Euroclass A2-s1,d0.*

>

> This is stated directly in British Gypsum's Declaration of Performance:

>

> <https://www.british-gypsum.com/download-documents/declaration-performance-dop/british-gypsum-dop-board106-uk-gyproc-fireline.pdf>

> <<https://www.british-gypsum.com/download-documents/declaration-performance-dop/british-gypsum-dop-board106-uk-gyproc-fireline.pdf>>

>

> Therefore the objective manufacturer classifications are:

>

> *Cement board: A1 – non-combustible*

>

> versus

>

> *Pink/red Gyproc FireLine plasterboard: A2-s1,d0*

>

> A1 is the higher reaction-to-fire classification.

>

> It would be entirely counterproductive to require the removal of an

> *A1 non-combustible cement-based board* and its replacement with an

> *A2-s1,d0 fire-resistant plasterboard*. Such a requirement would not

> improve the reaction-to-fire classification of the material; it would

> *deliberately replace a higher-classified A1 material with a

>

> lower-classified A2 material*.

>

> In practical terms, the Council would therefore be requiring us to

>
 > *downgrade the fire-performance classification of the material already
 > installed*, supposedly in the
 > interests of improving fire safety. That
 > position is extremely difficult to justify on any rational or
 >
 > technical fire-safety basis.
 >
 > If the Council nevertheless requires the A1 cement board to be removed
 > and
 > replaced with a lower-classified material, we respectfully request
 > the *specific legislation, fire-safety
 > standard, tested system
 > specification or technical evidence* supporting such a requirement.
 > Without such
 > evidence, replacing an A1 non-combustible material with
 > an A2 material would appear to make the
 > installation *less favourable
 > in terms of reaction-to-fire classification, not safer*.
 >
 >
 > 2. Fire-
 > resistance periods
 >
 > There is a separate technical distinction between *reaction to fire*
 > and *fire
 > resistance* which should also be recognised.
 >
 > Knauf expressly confirms that AQUAPANEL is A1 non-
 > combustible.
 >
 > Knauf has published tested AQUAPANEL-containing constructions
 > providing substantial fire-
 > resistance periods, including systems
 > achieving 30 and 90 minutes.
 >
 > For example:
 >
 >
 > <https://knauf.com/api/download-center/v1/assets/3ce3ffa5-9cb1-46c4-a2e4-34fda842e169?download=true>
 >
 > <<https://knauf.com/api/download-center/v1/assets/3ce3ffa5-9cb1-46c4-a2e4-34fda842e169?download=true>>
 >
 >
 >
 > 3. Electrical meter and metal consumer unit
 >
 > The electrical consumer unit is it

[Extract truncated in this PDF to avoid duplicating long quoted chains. Original .eml file is retained as source evidence.]

A19. Brereton Avenue – Request to Resolve Matters Constructively Before Formal Enforcement

Date	Tue, 18 Aug 2026 18:40:01 +0100
From	Andreas Russo <info@areton-ltd.com>
To	"Kyle Horner (NELC)" <Kyle.Horner@nelincs.gov.uk>, "Paul Wilmot (NELC)" <Paul.Wilmot@nelincs.gov.uk>
Cc	"Lucy Woods (NELC)" <Lucy.Woods@nelincs.gov.uk>, "Building Control (NELC)" <BC@nelincs.gov.uk>, homeimprovementteam@nelincs.gov.uk, Andy Ross <andyross1980@hotmail.co.uk>
Source file	Brereton Avenue – Request to Resolve Matters Constructively Before Formal Enforcement - Andreas Russo (info@areton-ltd.com) - 2026-08-18 1840.eml

Subject: 7 Brereton Avenue – Request to Resolve Matters Constructively Before Formal Enforcement

IMPORTANT: ANY IMPROVEMENT NOTICE SERVED WITHOUT COMPLIANCE WITH THE APPLICABLE STATUTORY REQUIREMENTS WILL BE OPEN TO CHALLENGE BEFORE THE FIRST-TIER TRIBUNAL, AND WE WILL APPLY FOR THE NOTICE TO BE QUASHED. THE COUNCIL SHOULD THEREFORE ENSURE THAT THE REQUIRED HHSRS ASSESSMENT, STATUTORY PROCEDURE, REASONS AND EVIDENTIAL BASIS ARE PROPERLY ESTABLISHED BEFORE FORMAL ENFORCEMENT IS TAKEN.

WE ARE ACTIVELY COOPERATING, REQUESTING THE SCHEDULE OF HAZARDS AND PROPOSED WORKS, AND OFFERING TO UNDERTAKE WORKS THAT ARE PROPERLY REQUIRED. IF THE COUNCIL PROCEEDS TO AN IMPROVEMENT NOTICE WITHOUT PROPERLY COMPLYING WITH THE STATUTORY FRAMEWORK, THAT FAILURE WILL FORM PART OF OUR APPEAL AND WE WILL ASK THE TRIBUNAL TO QUASH THE NOTICE.

OF PARTICULAR IMPORTANCE, THERE IS ALREADY WRITTEN EVIDENCE PREDATING THE COUNCIL'S EMAIL ANNOUNCING ITS INTENTION TO SERVE AN IMPROVEMENT NOTICE WHICH DEMONSTRATES OUR ACTIVE COOPERATION. BEFORE WE HAD EVEN BEEN PROVIDED WITH A SCHEDULE OF HAZARDS OR TOLD PRECISELY WHAT REMEDIAL WORKS THE COUNCIL WANTED, WE HAD ALREADY STARTED UNDERTAKING WORKS AND SENDING THE COUNCIL DOCUMENTARY AND PHOTOGRAPHIC EVIDENCE OF THOSE WORKS, BASED SIMPLY UPON OUR BEST UNDERSTANDING OF WHAT THE COUNCIL MIGHT REQUIRE.

THIS CHRONOLOGY IS IMPORTANT. IT PROVIDES CONTEMPORANEOUS WRITTEN EVIDENCE THAT WE WERE NOT REFUSING TO COOPERATE OR REFUSING TO UNDERTAKE REMEDIAL WORKS. QUITE THE OPPOSITE: BEFORE FORMAL ENFORCEMENT WAS EVEN PROPOSED, AND BEFORE THE COUNCIL HAD PROVIDED US WITH ITS SCHEDULE, WE WERE ALREADY VOLUNTARILY TAKING ACTION AND PROVIDING EVIDENCE OF IT. IF AN IMPROVEMENT NOTICE IS NEVERTHELESS SERVED WITHOUT THE COUNCIL FIRST PROPERLY IDENTIFYING AND ASSESSING THE REMAINING HAZARDS, DEFICIENCIES AND NECESSARY REMEDIAL WORKS IN ACCORDANCE WITH THE STATUTORY FRAMEWORK, WE WILL PLACE THIS ENTIRE CHRONOLOGY AND THE CONTEMPORANEOUS CORRESPONDENCE BEFORE THE FIRST-TIER TRIBUNAL AND WILL SEEK TO HAVE THE NOTICE QUASHED.

Good afternoon Kyle,

Thank you for your correspondence.

We would like to make a constructive proposal regarding the Council's stated intention to proceed with an Improvement Notice.

At present, *we have still not received the proposed schedule identifying the hazards, the HHSRS assessments/scores, the deficiencies said to give rise to those hazards, or the remedial works the Council actually wants us to undertake.*

We therefore find it very difficult to understand why the Council appears to be moving directly towards formal enforcement before first telling us precisely what it wants us to do and giving us a reasonable opportunity to consider and, where appropriate, undertake those works voluntarily.

We have cooperated throughout this process. We have allowed inspections, responded extensively to correspondence, provided professional and documentary evidence, requested clarification where necessary and have already started undertaking and documenting improvements which we believe the Council may wish to see—even though we still have not been provided with the proposed schedule.

For clarity, *I have never previously had an Improvement Notice imposed upon me in relation to HMO housing enforcement.* I have always sought to

deal constructively with local authorities, understand and apply the relevant legislation, and resolve legitimate issues without formal enforcement becoming necessary.

That is exactly what we are trying to do here.

North East Lincolnshire Council's own Enforcement Policy

We respectfully ask the Council to consider its own *General Statement of Enforcement Policy – November 2024*.

The Council states that its enforcement activity should be:

“consistent, transparent, accountable, proportionate and targeted.”*

The policy also makes an extremely important point: enforcement does not simply mean taking formal action. It expressly includes providing *help, advice and support* so that businesses and individuals can comply with the relevant rules.

The Council further states:

“We recognise that most members of the public, business owners, and their employees want to abide by the law. We will assist and advise wherever possible.”*

Source – North East Lincolnshire Council, General Statement of Enforcement Policy:

<https://www.nelincs.gov.uk/assets/uploads/2024/11/General-Statement-of-Enforcement-Policy-November-2024.pdf>
<<https://www.nelincs.gov.uk/assets/uploads/2024/11/General-Statement-of-Enforcement-Policy-November-2024.pdf>>

Council policies page:

<https://www.nelincs.gov.uk/your-council/policies-and-strategies/>
<https://www.nelincs.gov.uk/your-council/policies-and-strategies/?utm_source=chatgpt.com>

These are not principles we are asking the Council to invent for this case. *They are the Council's own published enforcement principles.*

We respectfully suggest that our conduct falls squarely within the category of a landlord actively attempting to comply: we have allowed access, supplied evidence, responded to correspondence, requested the proposed works and expressly offered to undertake legitimate remedial works voluntarily.

The Council itself recognises informal action as an enforcement option

North East Lincolnshire Council's own private rented housing guidance states that, following an HHSRS assessment, the possible responses include:

- * No Action;
- * Provide advice and assistance;
- * Informal Action; and
- * Formal Action.

The Council also states that formal enforcement will be taken “where necessary.”*

Source:

<https://www.nelincs.gov.uk/homes-and-property/rented-properties/reporting-disrepair-in-private-rented-properties/>
<<https://www.nelincs.gov.uk/homes-and-property/rented-properties/reporting-disrepair-in-private-rented-properties/>>

That makes our request extremely straightforward.

Before deciding that formal action is necessary, please tell us what the Council wants us to do.

Give us the schedule.

Give us the hazards.

Give us the HHSRS assessments.

Give us the proposed remedial works.

Give us the legal/technical basis for those works.

We will consider them immediately.

The Council's wider enforcement approach expressly favours resolving differences before an Improvement Notice

There is another particularly relevant statement in North East Lincolnshire Council's published enforcement material.

On its enforcement page dealing with health and safety inspections, the Council states:

""The inspector will discuss the improvement notice and, if possible, resolve points of difference before serving it.""

Source:

<https://www.nelincs.gov.uk/keeping-our-area-clean-green-and-safe/workplace-health-and-safety/health-and-safety-inspector/>
<<https://www.nelincs.gov.uk/keeping-our-area-clean-green-and-safe/workplace-health-and-safety/health-and-safety-inspector/>>

We appreciate that this particular webpage concerns health and safety enforcement rather than an Improvement Notice under Part 1 of the Housing Act 2004, and we therefore do not suggest that this specific procedure directly governs this case.

However, it demonstrates the *Council's own wider enforcement philosophy*: discuss the proposed requirements, identify disagreements and, where possible, resolve them before formal enforcement.

That is precisely what we are asking the Council to do here.

Current statutory HHSRS guidance

There is now also new statutory HHSRS Enforcement Guidance published by the Government on *23 June 2026*.

Importantly, this is guidance issued under *section 9 of the Housing Act 2004*, and local authorities are *required to have regard to it* when exercising their Part 1 functions.

Government HHSRS Enforcement Guidance:

<https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-hhsrs-enforcement-guidance>
<<https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-hhsrs-enforcement-guidance>>

The Government also published updated HHSRS Operating Guidance on 23 June 2026. This confirms that HHSRS is a *risk-based assessment system* and sets out the process assessors must follow in determining the risk posed by a dwelling.

Government HHSRS Operating Guidance:

<https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-hhsrs-operating-guidance>
<https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-hhsrs-operating-guidance?utm_source=chatgpt.com>

Government's complete HHSRS guidance collection:

<https://www.gov.uk/government/collections/housing-health-and-safety-rating-system-hhsrs-guidance>
<https://www.gov.uk/government/collections/housing-health-and-safety-rating-system-hhsrs-guidance?utm_source=chatgpt.com>

We therefore respectfully ask the Council to apply both the statutory framework and the current statutory guidance to the *actual circumstances and evidence concerning this property*, rather than proceeding directly to formal enforcement before we have even been given the proposed schedule.

Category 1 and Category 2 hazards

It is also important that the proposed schedule identifies whether each alleged hazard is *Category 1 or Category 2*.

The Government's current statutory guidance confirms that where a Category 1 hazard is established, the authority must take appropriate enforcement action.

For Category 2 hazards, the authority has a *power* to take enforcement action.

Source:

<https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-hhsrs-enforcement-guidance>
<<https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-hhsrs-enforcement-guidance>>

We are therefore not suggesting that the Council should disregard a statutory duty where a Category 1 hazard has genuinely been established.

We are asking the Council to *tell us what has actually been established*.

For every alleged hazard, please provide:

1. the hazard;
2. the HHSRS score;
3. whether it is Category 1 or Category 2;
4. the deficiency giving rise to the hazard;
5. the remedial action considered necessary; and
6. the statutory, guidance or technical basis for requiring that action.

Why proceed to an Improvement Notice before giving us this information?

This is the aspect of the proposed approach that we genuinely struggle to understand.

If the Council has already completed sufficient assessment to determine that an Improvement Notice is appropriate, then presumably it has already identified *the hazards, deficiencies and remedial works*.

If so, why not provide those to us now?

We are expressly asking for them.

We are expressly offering to undertake properly required works.

We are expressly offering to discuss disputed matters.

We are expressly trying to avoid formal proceedings.

The Tribunal consequences should also be considered

We would respectfully ask the Council to consider how this chronology could subsequently appear before the First-tier Tribunal if an Improvement Notice were served and appealed.

The Tribunal would have written evidence demonstrating that *before formal enforcement was taken*, the landlord:

- * permitted inspections;
- * cooperated extensively with officers;
- * provided substantial documentary and professional evidence;
- * repeatedly requested clarification;
- * specifically requested the schedule of hazards;
- * specifically requested details of the remedial works;
- * offered to undertake properly required works voluntarily;
- * offered to discuss disputed matters;
- * offered to speak directly with officers; and
- * expressly sought to avoid unnecessary formal proceedings.

Yet despite all of this, the Council proceeded to formal enforcement before first providing the requested schedule and allowing an opportunity for voluntary resolution.

The Council's decision-making, compliance with the Housing Act, the HHSRS assessment and compliance with the applicable statutory framework can all become relevant if the notice is challenged.

The Housing Act 2004 provides the statutory framework:

<https://www.legislation.gov.uk/ukpga/2004/34/contents>
<<https://www.legislation.gov.uk/ukpga/2004/34/contents>>

And HMCTS specifically provides the procedure for Housing Act 2004 cases before the First-tier Tribunal:

<https://www.gov.uk/government/publications/housing-act-2004-and-housing-and-planning-act-2016-cases-t543>
<https://www.gov.uk/government/publications/housing-act-2004-and-housing-and-planning-act-2016-cases-t543?utm_source=chatgpt.com>

Improvement Notices can and do get quashed

This is not merely theoretical.

There are First-tier Tribunal decisions in which Improvement Notices have been *quashed because the statutory requirements were not properly satisfied*.

For example, in one Housing Act 2004 Improvement Notice appeal, the Tribunal found defects concerning mandatory requirements of section 13 and the statutory appeal information.

The Tribunal concluded:

""The Tribunal, therefore, orders that the Improvement Notice be quashed.""

The associated demand for payment was also quashed.

Full First-tier Tribunal decision:

https://assets.publishing.service.gov.uk/media/5e958c3a86650c2dc0d0be35/B17_OST_BIR_00CN_HIN_2019_0024.pdf
<https://assets.publishing.service.gov.uk/media/5e958c3a86650c2dc0d0be35/B17_OST_BIR_00CN_HIN_2019_0024.pdf>

Improvement Notices can and do get quashed by the Tribunal

We also wish to be completely transparent about our position if the Council proceeds directly to an Improvement Notice without properly following the statutory process.

If an Improvement Notice is served and, upon reviewing it, we consider that the statutory requirements have not been satisfied, that the HHSRS assessment does not support the action taken, that the remedial requirements are disproportionate or unsupported, or that the Council has otherwise failed properly to apply the Housing Act 2004 and applicable statutory guidance, *we intend to exercise our statutory right of appeal to the First-tier Tribunal and will ask the Tribunal to quash the Improvement Notice.*

This is not an empty or theoretical possibility. Improvement Notices have repeatedly been quashed by the First-tier Tribunal and Upper Tribunal where the statutory requirements, underlying assessment, evidence or proportionality of the enforcement action were not established.

For example, in the *65 Northfield Road, Birmingham* case, the Council's Improvement Notice failed to comply correctly with mandatory requirements under section 13 of the Housing Act 2004, including the commencement date and appeal information. The Tribunal held that the notice was defective and expressly ordered:

***"The Tribunal, therefore, orders that the Improvement Notice be quashed."**

The Council's associated demand for its enforcement costs was also quashed.

Full Tribunal decision:

https://assets.publishing.service.gov.uk/media/5e958c3a86650c2dc0d0be35/B17_OST_BIR_00CN_HIN_2019_0024.pdf
<https://assets.publishing.service.gov.uk/media/5e958c3a86650c2dc0d0be35/B17_OST_BIR_00CN_HIN_2019_0024.pdf?utm_source=chatgpt.com>

There is another useful example involving *1A and 1B Plumstead Common Road, London*. The Tribunal considered the mandatory requirements of sections 13(2) and 13(3) of the Housing Act 2004 and concluded that the Improvement Notices were defective and invalid. It therefore *quashed the Improvement Notices*, and the Council's demands for its enforcement charges fell with them.

Full Tribunal decision:

https://assets.publishing.service.gov.uk/media/5c94993ce5274a48ead27aba/LON00ALHIN20140012_1A__1B_Plumstead_Common_Road__London_SE18_3AP.pdf
<https://assets.publishing.service.gov.uk/media/5c94993ce5274a48ead27aba/LON00ALHIN20140012_1A__1B_Plumstead_Common_Road__London_SE18_3AP.pdf?utm_source=chatgpt.com>

More importantly, notices are not only vulnerable because of technical drafting mistakes.

In *Fletcher v Portsmouth City Council [2025] UKUT 172 (LC)*, the dispute concerned an Improvement Notice where the local authority had seriously overestimated the seriousness of the hazard. The Upper Tribunal considered whether an Improvement Notice was justified rather than the less intrusive alternative of a Hazard Awareness Notice. The Improvement Notice was ultimately *quashed*, demonstrating that the proportionality and justification for choosing an Improvement Notice itself can be scrutinised.

Full Upper Tribunal judgment:

<https://landschamber.decisions.tribunals.gov.uk/judgmentfiles/j2109/LC-2024-764%20WRs.pdf>
<https://landschamber.decisions.tribunals.gov.uk/judgmentfiles/j2109/LC-2024-764%20WRs.pdf?utm_source=chatgpt.com>

There are also recent cases where the Council's underlying assessment of the alleged hazard has failed. In the *VR Investments/Walsall* litigation, the Improvement Notice was quashed after the local authority failed to establish the alleged Category 1 damp hazard to the required standard; the Council's subsequent Upper Tribunal challenge was dismissed.

There are further examples where Tribunals have *substantially varied Improvement Notices* because the works demanded by the authority were not justified by the evidence. In a 2024 decision, for example, the Tribunal reduced the required works to essentially one remaining patio-door issue after the other alleged defects had been resolved. Significantly, the Council's own statement of reasons in that case recorded that the landlord had previously been given an opportunity to comply informally before the Improvement Notice was served.

Full Tribunal decision:

https://assets.publishing.service.gov.uk/media/66a11f42ab418ab055592cb1/2024_July_22_-_Decision.pdf
<https://assets.publishing.service.gov.uk/media/66a11f42ab418ab055592cb1/2024_July_22_-_Decision.pdf?utm_source=chatgpt.com>

These decisions demonstrate why we are asking the Council *not to create an unnecessary Tribunal dispute when we are actively offering

cooperation and voluntary compliance.*

We have allowed inspections. We have provided evidence. We have responded extensively. We are asking for the hazards. We are asking for the proposed remedial works. We are asking for the HHSRS assessments. We are offering to undertake works that are properly required. We are offering to discuss disputed matters directly with officers.

Please therefore send us the schedule first.

If, instead, the Council proceeds directly to an Improvement Notice and we consider that the resulting notice, its underlying assessment, the choice of enforcement action or the works demanded are not supported by the statutory framework and evidence, *we will appeal the notice and will ask the First-tier Tribunal to quash it.*

That would require the Council to defend its assessment and decision before the Tribunal and would inevitably involve additional officer time, preparation, documentation and potentially legal costs for the Council. We genuinely see no reason to create those proceedings unnecessarily.

The Housing Act 2004 statutory framework is available here:

<https://www.legislation.gov.uk/ukpga/2004/34/contents>
<<https://www.legislation.gov.uk/ukpga/2004/34/contents>>

The current statutory HHSRS Enforcement Guidance is available here:

<https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-hhsrs-enforcement-guidance>
<<https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-hhsrs-enforcement-guidance>>

HMCTS guidance for Housing Act 2004 First-tier Tribunal proceedings is available here:

<https://www.gov.uk/government/publications/housing-act-2004-and-housing-and-planning-act-2016-cases-t543>
<https://www.gov.uk/government/publications/housing-act-2004-and-housing-and-planning-act-2016-cases-t543?utm_source=chatgpt.com>

Our request therefore remains extremely simple:

Before serving an Improvement Notice, please provide us with the complete schedule of hazards and proposed remedial works and give us a reasonable opportunity to consider and address them.

Where something is properly required, *we will do it*.

Where we disagree, *let us discuss it*.

There should be no need to serve an Improvement Notice first and then require the First-tier Tribunal to determine issues which we are actively attempting to resolve with the Council now.

The important point is that an Improvement Notice is a statutory instrument exercising significant enforcement powers. The statutory requirements, assessment and procedure matter. A notice is not immune from scrutiny simply because a local authority has decided to issue it.

Where the statutory requirements are not properly met, the Tribunal has the power to intervene, including quashing the notice.

That is precisely why it makes considerably more sense to identify and discuss the issues *before* creating an avoidable Tribunal dispute.

We do not want another unnecessary appeal

We genuinely do not want to spend our time—or the Council's time—preparing bundles, witness evidence, legal submissions and attending Tribunal proceedings over matters which could potentially have been resolved through a straightforward discussion beforehand.

Nor do we believe unnecessary Tribunal proceedings represent a good use of Council resources.

If the Council identifies something that genuinely needs doing and demonstrates the appropriate basis for it, *we will do it*.

If we disagree, let us discuss it.

That is considerably more constructive than issuing an Improvement Notice first and requiring the Tribunal to resolve disagreements afterwards.

Our proposal

Our proposal is therefore extremely simple:

Please send us the proposed schedule before serving the Improvement Notice.

For every item, please tell us:

What is the hazard?

What is the HHSRS score?

Is it Category 1 or Category 2?

What deficiency gives rise to it?

What precisely does the Council want us to do?

What legislation, statutory guidance or technical standard supports the requirement?

We will consider every item promptly and constructively.

Where works are properly required, *we will arrange them*.

Where we genuinely disagree with something, we will provide our evidence and legal/technical basis and discuss it with you.

We are also perfectly happy to discuss the schedule by telephone.

Our position could not be clearer

We are *not refusing compliance*.

We are *not refusing works*.

We are *not refusing to cooperate*.

We are actively asking the Council to tell us what it wants us to do.

That is why we find the proposed immediate move to formal enforcement difficult to reconcile with the Council's own stated approach of *transparent, accountable, proportionate and targeted enforcement*, its commitment to *assist and advise wherever possible*, and the availability of advice, assistance and informal action within its own published private-housing enforcement approach.

Again, the Council's own General Statement of Enforcement Policy is available here:

<https://www.nelincs.gov.uk/assets/uploads/2024/11/General-Statement-of-Enforcement-Policy-November-2024.pdf>
<<https://www.nelincs.gov.uk/assets/uploads/2024/11/General-Statement-of-Enforcement-Policy-November-2024.pdf>>

The Council's private rented housing enforcement information is here:

<https://www.nelincs.gov.uk/homes-and-property/rented-properties/reporting-disrepair-in-private-rented-properties/>
<<https://www.nelincs.gov.uk/homes-and-property/rented-properties/reporting-disrepair-in-private-rented-properties/>>

The Government's current statutory HHSRS Enforcement Guidance is here:

<https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-hhsrs-enforcement-guidance>
<<https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-hhsrs-enforcement-guidance>>

[Extract truncated in this PDF to avoid duplicating long quoted chains. Original .eml file is retained as source evidence.]

A20. Re: Brereton Avenue – Request to Resolve Matters Constructively Before Formal Enforcement

Date	Tue, 18 Aug 2026 19:01:08 +0100
From	Andreas Russo <info@areton-ltd.com>
To	"Kyle Horner (NELC)" <Kyle.Horner@nelincs.gov.uk>, "Paul Wilmot (NELC)" <Paul.Wilmot@nelincs.gov.uk>
Cc	"Lucy Woods (NELC)" <Lucy.Woods@nelincs.gov.uk>, "Building Control (NELC)" <BC@nelincs.gov.uk>, homeimprovementteam@nelincs.gov.uk, Andy Ross <andyross1980@hotmail.co.uk>
Source file	Re_ Brereton Avenue – Request to Resolve Matters Constructively Before Formal Enforcement - Andreas Russo (info@areton-ltd.com) - 2026-08-18 1901.eml

Formal record and request for Legal Services review

For completeness, we have also sent a voicemail to your mobile telephone and have retained a record of that communication. We are maintaining a clear contemporaneous record of our attempts to cooperate and resolve these matters because, should an Improvement Notice nevertheless be served, we intend to exercise our statutory right of appeal and, where the statutory or procedural requirements have not been complied with, *seek an order from the First-tier Tribunal quashing the notice.*

Given the seriousness of proceeding to formal enforcement, *we respectfully request that the proposed course of action and this correspondence are referred to the Council's Legal Services before any Improvement Notice is served.* Please ensure that the applicable Housing Act 2004 provisions, statutory HHSRS guidance, the Council's own enforcement policy and the evidence of our ongoing voluntary cooperation are properly considered before formal action is taken. We are expressly seeking a constructive resolution and therefore ask the Council to avoid unnecessary or disproportionate enforcement where the matters can first be identified, discussed and addressed voluntarily.

Where enforcement powers are abused, or exercised without proper compliance with the applicable statutory framework and mandatory procedural requirements, the resulting Improvement Notice will be vulnerable to being quashed by the First-tier Tribunal. Where those failures render the notice unlawful or invalid, we will specifically ask the Tribunal to quash it.

Proceeding in that manner would achieve nothing except unnecessary Tribunal proceedings and a substantial waste of the Council's time, legal resources and public money. It may also generate avoidable costs precisely because the proper statutory procedure was not followed in the first place. We therefore strongly urge the Council to obtain appropriate legal advice and follow the legislation, statutory guidance and its own enforcement policy before proceeding to formal enforcement. There is simply no reason to create an avoidable Tribunal dispute when we are actively offering to cooperate and resolve properly identified matters voluntarily.

On 18/08/2026 18:40, Andreas Russo wrote:

>
> *Subject: 7 Brereton Avenue – Request to Resolve Matters
>
> Constructively Before Formal Enforcement*
>
> *IMPORTANT: ANY IMPROVEMENT NOTICE SERVED WITHOUT COMPLIANCE
WITH THE
> APPLICABLE STATUTORY REQUIREMENTS WILL BE OPEN TO CHALLENGE BEFORE THE
> FIRST-TIER TRIBUNAL, AND
> WE WILL APPLY FOR THE NOTICE TO BE QUASHED.
> THE COUNCIL SHOULD THEREFORE ENSURE THAT THE REQUIRED HHSRS
>
> ASSESSMENT, STATUTORY PROCEDURE, REASONS AND EVIDENTIAL BASIS ARE
> PROPERLY ESTABLISHED BEFORE FORMAL
ENFORCEMENT IS TAKEN.*
>
> *WE ARE ACTIVELY COOPERATING, REQUESTING THE SCHEDULE OF HAZARDS AND
> PROPOSED
WORKS, AND OFFERING TO UNDERTAKE WORKS THAT ARE PROPERLY
> REQUIRED. IF THE COUNCIL PROCEEDS TO AN
IMPROVEMENT NOTICE WITHOUT

> PROPERLY COMPLYING WITH THE STATUTORY FRAMEWORK, THAT FAILURE WILL
 > FORM PART
 OF OUR APPEAL AND WE WILL ASK THE TRIBUNAL TO QUASH THE NOTICE.*
 >
 > *OF PARTICULAR IMPORTANCE, THERE IS
 ALREADY WRITTEN EVIDENCE PREDATING
 > THE COUNCIL'S EMAIL ANNOUNCING ITS INTENTION TO SERVE AN IMPROVEMENT
 >
 NOTICE WHICH DEMONSTRATES OUR ACTIVE COOPERATION. BEFORE WE HAD EVEN
 > BEEN PROVIDED WITH A SCHEDULE OF
 HAZARDS OR TOLD PRECISELY WHAT
 > REMEDIAL WORKS THE COUNCIL WANTED, WE HAD ALREADY STARTED UNDERTAKING
 >
 WORKS AND SENDING THE COUNCIL DOCUMENTARY AND PHOTOGRAPHIC EVIDENCE OF
 > THOSE WORKS, BASED SIMPLY UPON OUR
 BEST UNDERSTANDING OF WHAT THE
 > COUNCIL MIGHT REQUIRE.*
 >
 > *THIS CHRONOLOGY IS IMPORTANT. IT PROVIDES
 CONTEMPORANEOUS WRITTEN
 > EVIDENCE THAT WE WERE NOT REFUSING TO COOPERATE OR REFUSING TO
 > UNDERTAKE
 REMEDIAL WORKS. QUITE THE OPPOSITE: BEFORE FORMAL
 > ENFORCEMENT WAS EVEN PROPOSED, AND BEFORE THE COUNCIL HAD
 PROVIDED US
 > WITH ITS SCHEDULE, WE WERE ALREADY VOLUNTARILY TAKING ACTION AND
 > PROVIDING EVIDENCE OF IT.
 IF AN IMPROVEMENT NOTICE IS NEVERTHELESS
 > SERVED WITHOUT THE COUNCIL FIRST PROPERLY IDENTIFYING AND
 ASSESSING
 > THE REMAINING HAZARDS, DEFICIENCIES AND NECESSARY REMEDIAL WORKS IN
 > ACCORDANCE WITH THE
 STATUTORY FRAMEWORK, WE WILL PLACE THIS ENTIRE
 > CHRONOLOGY AND THE CONTEMPORANEOUS CORRESPONDENCE BEFORE THE
 >
 > FIRST-TIER TRIBUNAL AND WILL SEEK TO HAVE THE NOTICE QUASHED.*
 >
 >
 >
 > Good afternoon Kyle,
 >
 > Thank you
 for your correspondence.
 >
 > We would like to make a constructive proposal regarding the Council's
 > stated
 intention to proceed with an Improvement Notice.
 >
 > At present, *we have still not received the proposed
 schedule
 > identifying the hazards, the HHSRS assessments/scores, the
 > deficiencies said to give rise to
 those hazards, or the remedial works
 > the Council actually wants us to undertake.*
 >
 > We therefore find it
 very difficult to understand why the Council
 > appears to be moving directly towards formal enforcement
 before first
 > telling us precisely what it wants us to do and giving us a reasonable
 > opportunity to
 consider and, where appropriate, undertake those works
 > voluntarily.
 >
 > We have cooperated throughout this
 process. We have allowed
 > inspections, responded extensively to correspondence, provided
 > professional and
 documentary evidence, requested clarification where
 > necessary and have already started undertaking and
 documenting
 > improvements which we believe the Council may wish to see—even though
 > we still have not been
 provided with the proposed schedule.
 >
 > For clarity, *I have never previously had an Improvement Notice
 >

imposed upon me in relation to HMO housing enforcement.* I have always
> sought to deal constructively with
local authorities, understand and
> apply the relevant legislation, and resolve legitimate issues without
>
formal enforcement becoming necessary.
>
> That is exactly what we are trying to do here.
>
>
> North
East Lincolnshire Council's own Enforcement Policy
>
> We respectfully ask the Council to consider its own
*General Statement
> of Enforcement Policy – November 2024*.
>
> The Council states that its enforcement
activity should be:
>
> *"consistent, transparent, accountable, proportionate and targeted."*
>
> The policy
also makes an extremely important point: enforcement does
> not simply mean taking formal action. It
expressly includes providing
> *help, advice and support* so that businesses and individuals can
> comply
with the relevant rules.
>
> The Council further states:
>
> *"We recognise that most members of the public,
business owners, and
> their employees want to abide by the law. We will assist and advise
> wherever
possible."*
>
> Source – North East Lincolnshire Council, General Statement of
Enforcement Policy:
>
>
<https://www.nelincs.gov.uk/assets/uploads/2024/11/General-Statement-of-Enforcement-Policy-November-2024.pdf>
>
<<https://www.nelincs.gov.uk/assets/uploads/2024/11/General-Statement-of-Enforcement-Policy-November-2024.pdf>>
>
>
> Council policies page:
>
> <https://www.nelincs.gov.uk/your-council/policies-and-strategies/>
>
<https://www.nelincs.gov.uk/your-council/policies-and-strategies/?utm_source=chatgpt.com>
>
> These are not
principles we are asking the Council to invent for this
> case. *They are the Council's own published
enforcement principles.*
>
> We respectfully suggest that our conduct falls squarely within the
> category of
a landlord actively attempting to comply: we have allowed
> access, supplied evidence, responded to
correspondence, requested the
> proposed works and expressly offered to undertake legitimate remedial
>
works voluntarily.
>
>
> The Council itself recognises informal action as an enforcement
> option
>
>
> North East Lincolnshire Council's own private rented housing guidance
> states that, following an HHSRS
assessment, the possible responses
> include:
>

> * No Action;
 > * Provide advice and assistance;
 > *
 Informal Action; and
 > * Formal Action.
 >
 > The Council also states that formal enforcement will be taken
 *"where
 > necessary."*
 >
 > Source:
 >
 > <https://www.nelincs.gov.uk/homes-and-property/rented-properties/reporting-disrepair-in-private-rented-properties/>
 > <<https://www.nelincs.gov.uk/homes-and-property/rented-properties/reporting-disrepair-in-private-rented-properties/>>
 >
 > That makes our request
 extremely straightforward.
 >
 > *Before deciding that formal action is necessary, please tell us what
 > the
 Council wants us to do.*
 >
 > Give us the schedule.
 >
 > Give us the hazards.
 >
 > Give us the HHSRS assessments.

 >
 > Give us the proposed remedial works.
 >
 > Give us the legal/technical basis for those works.
 >
 > We will
 consider them immediately.
 >
 >
 > The Council's wider enforcement approach expressly favours
 >
 resolving differences before an Improvement Notice
 >
 > There is another particularly relevant statement in
 North East
 > Lincolnshire Council's published enforcement material.
 >
 > On its enforcement page dealing with
 health and safety inspections,
 > the Council states:
 >
 > *"The inspector will discuss the improvement notice
 and, if possible,
 > resolve points of difference before serving it."*
 >
 > Source:
 >
 >
 > <https://www.nelincs.gov.uk/keeping-our-area-clean-green-and-safe/workplace-health-and-safety/health-and-safety-inspector/>
 > <<https://www.nelincs.gov.uk/keeping-our-area-clean-green-and-safe/workplace-health-and-safety/health-and-safety-inspector/>>
 >
 > We appreciate that this particular webpage concerns health and safety

 > enforcement rather than an Improvement Notice under Part 1 of the
 > Housing Act 2004, and we therefore do
 not suggest that this specific
 > procedure directly governs this case.
 >
 > However, it demonstrates the
 *Council's own wider enforcement
 > philosophy*: discuss the proposed requirements, identify disagreements
 >
 and, where possible, resolve them before formal enforcement.
 >
 > That is precisely what we are asking the

Council to do here.

>

>

> Current statutory HHSRS guidance

>

> There is now also new statutory HHSRS
Enforcement Guidance published

> by the Government on *23 June 2026*.

>

> Importantly, this is guidance

issued under *section 9 of the Housing

> Act 2004*, and local authorities are *required to have regard to it*

> when exercising their Part 1 functions.

>

> Government HHSRS Enforcement Guidance:

>

>

<https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-hhsrs-enforcement-guidance>

> <<https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-hhsrs-enforcement-guidance>>

>

> The Government also published updated HHSRS Operating Guidance on 23

> June 2026. This confirms

that HHSRS is a *risk-based assessment

> system* and sets out the process assessors must follow in
determining

> the risk posed by a dwelling.

>

> Government HHSRS Operating Guidance:

>

>

<https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-hhsrs-operating-guidance>

>

<https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-hhsrs-operating-guidance?utm_source=chatgpt.com>

>

> Government's complete HHSRS guidance collection:

>

>

<https://www.gov.uk/government/collections/housing-health-and-safety-rating-system-hhsrs-guidance>

>

<https://www.gov.uk/government/collections/housing-health-and-safety-rating-system-hhsrs-guidance?utm_source=chatgpt.com>

>

> We therefore respectfully ask the Council to apply both the statutory

>

framework and the current statutory guidance to the *actual

> circumstances and evidence concerning this

property*, rather than

> proceeding directly to formal enforcement before we have even been

> given the

proposed schedule.

>

>

> Category 1 and Category 2 hazards

>

> It is also important that the proposed
schedule identifies whether

> each alleged hazard is *Category 1 or Category 2*.

>

> The Government's current

statutory guidance confirms that where a

> Category 1 hazard is established, the authority must take
appropriate

> enforcement action.

>

> For Category 2 hazards, the authority has a *power* to take

>

enforcement action.

>

> Source:

>

> <https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-hhsrs-enforcement-guidance>

> <<https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-hhsrs-enforcement-guidance>>

safety-rating-system-hhsrs-enforcement-guidance>

>

> We are therefore not suggesting that the Council should disregard a

> statutory duty where a Category 1 hazard has genuinely been established.

>

> We are asking the

Council to *tell us what has actually been established*.

>

> For every alleged hazard, please provide:

>

> 1.

the hazard;

> 2. the HHSRS score;

> 3. whether it is Category 1 or Category 2;

> 4. the deficiency giving

rise to the hazard;

> 5. the remedial action considered necessary; and

> 6. the statutory, guidance or

technical basis for requiring that action.

>

>

> Why proceed to an Improvement Notice before giving us this

> information?

>

> This is the aspect of the proposed approach that we genuinely struggle

> to

understand.

>

> If the Council has already completed sufficient assessment to

> determine that an Improvement

Notice is appropriate, then presumably

> it has already identified *the hazards, deficiencies and remedial works*.

>

> If so, why not provide those to us now?

>

> We are expressly asking for them.

>

> We are expressly

offering to undertake properly required works.

>

> We are expressly offering to discuss disputed matters.

>

>

We are expressly trying to avoid formal proceedings.

>

>

> The Tribunal consequences should also be considered

>

> We would respectfully ask the Council to consider how this chronology

> could subsequently

appear before the First-tier Tribunal if an

> Improvement Notice were served and appealed.

>

> The Tribunal

would have written evidence demonstrating that *before

> formal enforcement was taken*, the landlord:

>

> *

permitted inspections;

> * cooperated extensively with officers;

> * provided substantial documentary and professional evidence;

> * repeatedly requested clarification;

> * specifically requested the schedule of hazards;

> * specifically requested details of the remedial works;

> * offered to undertake properly

required works voluntarily;

> * offered to discuss disputed matters;

> * offered to speak directly with

officers; and

> * expressly sought to avoid unnecessary formal proceedings.

>

> Yet despite all of this, the Council proceeded to formal enforcement

> before first providing the requested schedule and allowing an opportunity for voluntary resolution.

>

> The Council's decision-making, compliance with the Housing Act, the

> HHSRS assessment and compliance with the applicable statutory framework can all become relevant if the notice is challenged.

>

> The Housing Act 2004 provides the statutory framework:

>

>

> <https://www.legislation.gov.uk/ukpga/2004/34/contents>

>

> [<https://www.legislation.gov.uk/ukpga/2004/34/contents>](https://www.legislation.gov.uk/ukpga/2004/34/contents)

>

> And HMCTS specifically provides the procedure for Housing Act 2004 cases before the First-tier Tribunal:

>

>

> <https://www.gov.uk/government/publications/housing-act-2004-and-housing-and-planning-act-2016-cases-t543>

>

> [<https://www.gov.uk/government/publications/housing-act-2004-and-housing-and-planning-act-2016-cases-t543?utm_source=chatgpt.com>](https://www.gov.uk/government/publications/housing-act-2004-and-housing-and-planning-act-2016-cases-t543?utm_source=chatgpt.com)

>

>

> Improvement Notices can and do get quashed

>

> This is not merely theoretical.

>

> There are First-tier Tribunal decisions in which Improvement Notices have been

> *quashed because the statutory requirements were not properly satisfied*.

>

> For example, in one Housing Act 2004 Improvement Notice appeal, the

> Tribunal found defects concerning mandatory requirements of section 13

> and the statutory appeal information.

>

> The Tribunal concluded:

>

> *"The Tribunal, therefore, orders that the Improvement Notice be quashed."*

>

> The associated demand for payment was also quashed.

>

> Full First-tier Tribunal decision:

>

>

> https://assets.publishing.service.gov.uk/media/5e958c3a86650c2dc0d0be35/B17_0ST_BIR_00CN_HIN_2019_0024.pdf

>

> [<https://assets.publishing.service.gov.uk/media/5e958c3a86650c2dc0d0be35/B17_0ST_BIR_00CN_HIN_2019_0024.pdf>](https://assets.publishing.service.gov.uk/media/5e958c3a86650c2dc0d0be35/B17_0ST_BIR_00CN_HIN_2019_0024.pdf)

>

>

> Improvement Notices can and do get quashed by the Tribunal

>

> We also wish to be completely transparent about our position if the

> Council proceeds directly to an Improvement Notice without properly

> following the statutory process.

>

> If an Improvement Notice is served and, upon reviewing it, we consider

> that the statutory requirements have not been satisfied, that the

> HHSRS assessment does not support the action taken, that the remedial

> requirements are disproportionate or unsupported, or that the Council
>
has otherwise failed properly to apply the Housing Act 2004 and
> applicable statutory guidance, *we intend
to exercise our statutory
> right of appeal to the First-tier Tribunal and will ask the Tribunal
> to quash
the Improvement Notice.*
>
> This is not an empty or theoretical possibility. Improvement Notices
> have
repeatedly been quashed by the First-tier Tribunal and Upper
> Tribunal where the statutory requirements,
underlying assessment,
> evidence or proportionality of the enforcement action were not
> established.
>
>
For example, in the *65 Northfield Road, Birmingham* case, the
> Council's Improvement Notice failed to
comply correctly with mandatory
> requirements under section 13 of the Housing Act 2004, including the
>
commencement date and appeal information. The Tribunal held that the
> notice was defective and expressly
ordered:
>
> ""The Tribunal, therefore, orders that the Improvement Notice be
> quashed.""*
>
> The Council's
associated demand for its enforcement costs was also
> quashed.
>
> Full Tribunal decision:
>
>
https://assets.publishing.service.gov.uk/media/5e958c3a86650c2dc0d0be35/B17_0ST_BIR_00CN_HIN_2019_0024.pdf
>
<https://assets.publishing.service.gov.uk/media/5e958c3a86650c2dc0d0be35/B17_0ST_BIR_00CN_HIN_2019_0024.pdf?utm_source=chatgpt.com>
>
> There is another useful example involving *1A and 1B Plumstead Common
> Road,
London*. The Tribunal considered the mandatory requirements of
> sections 13(2) and 13(3) of the Housing Act
2004 and concluded that
> the Improvement Notices were defective and invalid. It therefore
> *quashed the
Improvement Notices*, and the Council's demands for its
> enforcement charges fell with them.
>
> Full
Tribunal decision:
>
> https://assets.publishing.service.gov.uk/media/5c94993ce5274a48ead27aba/LON00ALHIN20140012_1A__1B_Plumstead_Common_Road__London_SE18_3AP.pdf
> <https://assets.publishing.service.gov.uk/media/5c94993ce5274a48ead27aba/LON00ALHIN20140012_1A__1B_Plumstead_Common_Road__London_SE18_3AP.pdf?utm_source=chatgpt.com>
>
> More importantly, notices are not only vulnerable because of technical
> drafting mistakes.
>
> In
Fletcher v Portsmouth City Council [2025] UKUT 172 (LC), the
> dispute concerned an Improvement Notice
where the local authority had
> seriously overestimated the seriousness of the hazard. The Upper
> Tribunal
considered whether an Improvement Notice was justified rather
> than the less intrusive alternative of a
Hazard Awareness Notice. The
> Improvement Notice was ultimately *quashed*, demonstrating that the
>
proportionality and justification for choosing an Improvement Notice
> itself can be scrutinised.

>

> Full

Upper Tribunal judgment:

>

>

<https://landschamber.decisions.tribunals.gov.uk/judgmentfiles/j2109/LC-2024-764%20WRs.pdf>

> <https://landschamber.decisions.tribunals.gov.uk/judgmentfiles/j2109/LC-2024-764%20WRs.pdf?utm_source=chatgpt.com>

>

> There

are also recent cases where the Council's underlying assessment

> of the alleged hazard has failed. In the

VR Investments/Walsall

> litigation, the Improvement Notice was quashed after the local

> authority failed

to establish the alleged Category 1 damp hazard to

> the required standard; the Council's subsequent Upper

Tribunal

> challenge was dismissed.

>

> There are further examples where Tribunals have *substantially varied

> Improvement Notices* because the works demanded by the authority were

> not justified by the evidence. In

a 2024 decision, for example, the

> Tribunal reduced the required works to essentially one remaining

>

patio-door issue after the other alleged defects had been resolved.

> Significantly, the Council's own

statement of reasons in that case

> recorded that the landlord had previously been given an opportunity to

>

comply informally before the Improvement Notice was served.

>

> Full Tribunal decision:

>

>

https://assets.publishing.service.gov.uk/media/66a11f42ab418ab055592cb1/2024_July_22_-_Decision.pdf

> <https://assets.publishing.service.gov.uk/media/66a11f42ab418ab055592cb1/2024_July_22_-_Decision.pdf?utm_source=chatgpt.com>

>

> These decisions demonstrate why we are asking the Council *not to

>

create an unnecessary Tribunal dispute when we are actively offering

> cooperation and voluntary

compliance.*

>

> We have allowed inspections. We have provided evidence. We have

> responded extensively. We

are asking for the hazards. We are asking

> for the proposed remedial works. We are asking for the HHSRS

>

assessments. We are offering to undertake works that are properly

> required. We are offering to discuss

disputed matters directly with

> officers.

>

> *Please therefore send us the schedule first.*

>

> If,

instead, the Council proceeds directly to an Improvement Notice

> and we consider that the resulting notice,

its underlying assessment,

> the choice of enforcement action or the works demanded are not

> supported by

the statutory framework and evidence, *we will appeal the

> notice and will ask the First-tier Tribunal to

quash it.*

>

> That would require the Council to defend its assessment and decision

> before the Tribunal and

would inevitably involve additional officer

> time, preparation, documentation and potentially legal costs

for the

> Council. We genuinely see no reason to create those proceedings

> unnecessarily.

>
> The Housing
Act 2004 statutory framework is available here:
>
> <https://www.legislation.gov.uk/ukpga/2004/34/contents>
>
<<https://www.legislation.gov.uk/ukpga/2004/34/contents>>
>
> The current statutory HHSRS Enforcement Guidance
is available here:
>
> <https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-hhsrs-enforcement-guidance>
> <<https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-hhsrs-enforcement-guidance>>
>
> HMCTS guidance for Housing Act 2004 First-tier Tribunal proceedings is

> available here:
>
> <https://www.gov.uk/government/publications/housing-act-2004-and-housing-and-planning-act-2016-cases-t543>
> <https://www.gov.uk/government/publications/housing-act-2004-and-housing-and-planning-act-2016-cases-t543?utm_source=chatgpt.com>
>
> Our request therefore remains extremely simple:
>
> *Before
serving an Improvement Notice, please provide us with the
> complete schedule of hazards and proposed
remedial works and give us a
> reasonable opportunity to consider and address them.*
>
> Where something is
properly required, *we will do it*.
>
> Where we disagree, *let us discuss it*.
>
> There should be no need to
serve an Improvement Notice first and then
> require the First-tier Tribunal to determine issues which we
are
> actively attempting to resolve with the Council now.
>
>
> The important point is that an Improvement
Notice is a statutory
> instrument exercising significant enforcement powers. The statutory
> requirements,
assessment and procedure matter. A notice is not immune
> from scrutiny simply because a local authority has
decided to issue it.
>
> Where the statutory requirements are not properly met, the Tr

[Extract truncated in this PDF to avoid duplicating long quoted chains. Original .eml file is retained as source evidence.]

A21. Re: Brereton Avenue – Request to Resolve Matters Constructively Before Formal Enforcement

Date	Tue, 18 Aug 2026 19:12:29 +0100
From	Andreas Russo <info@areton-ltd.com>
To	"Kyle Horner (NELC)" <Kyle.Horner@nelincs.gov.uk>, "Paul Wilmot (NELC)" <Paul.Wilmot@nelincs.gov.uk>
Cc	"Lucy Woods (NELC)" <Lucy.Woods@nelincs.gov.uk>, "Building Control (NELC)" <BC@nelincs.gov.uk>, homeimprovementteam@nelincs.gov.uk, Andy Ross <andyross1980@hotmail.co.uk>, "Building Control (NELC)" <BC@nelincs.gov.uk>
Source file	Re_ Brereton Avenue – Request to Resolve Matters Constructively Before Formal Enforcement - Andreas Russo (info@areton-ltd.com) - 2026-08-18 1912(1).eml

Summary of Our Position

1. Improvement Notice

Given the circumstances outlined above, if the Council proceeds with an Improvement Notice *without properly complying with the applicable statutory requirements, HHSRS procedure and relevant guidance*, we will challenge the notice before the First-tier Tribunal and *seek to have it quashed*. We are actively cooperating and requesting the schedule of hazards and proposed works so that legitimate matters can be addressed voluntarily. There should therefore be no need to create avoidable Tribunal proceedings and unnecessary expenditure of Council resources.

2. Building Control

Regarding Building Control, *we are presently awaiting the evidence specifically requested from Building Control* demonstrating that any alleged controlled building works were carried out within the applicable statutory enforcement period and that the relevant time limits have therefore not expired. The evidence currently available to us indicates that the relevant works/configuration are historical.

Until Building Control provides the requested contrary evidence identifying *the specific works, when they were carried out and evidence establishing that they fall within an applicable enforcement period*, there is nothing further for us to progress in relation to Building Control or regularisation. *We are simply awaiting Building Control's evidence before taking any further steps.*

Regards

Andreas Russo

On 18/08/2026 19:01, Andreas Russo wrote:

>
>
> Formal record and request for Legal Services review
>
>
*For completeness, we have also sent a voicemail to your mobile
> telephone and have retained a record of
that communication.* We are
> maintaining a clear contemporaneous record of our attempts to
> cooperate and
resolve these matters because, should an Improvement
> Notice nevertheless be served, we intend to exercise
our statutory
> right of appeal and, where the statutory or procedural requirements
> have not been complied
with, *seek an order from the First-tier
> Tribunal quashing the notice.*
>
> Given the seriousness of
proceeding to formal enforcement, *we
> respectfully request that the proposed course of action and this
>
correspondence are referred to the Council's Legal Services before any
> Improvement Notice is served.*
Please ensure that the applicable
> Housing Act 2004 provisions, statutory HHSRS guidance, the Council's
>
own enforcement policy and the evidence of our ongoing voluntary

> cooperation are properly considered before formal action is taken. We

> are expressly seeking a constructive resolution and therefore ask the

>

Council to avoid unnecessary or disproportionate enforcement where the

> matters can first be identified, discussed and addressed voluntarily.

>

> *Where enforcement powers are abused, or exercised without proper

>

compliance with the applicable statutory framework and mandatory

> procedural requirements, the resulting Improvement Notice will be

> vulnerable to being quashed by the First-tier Tribunal. Where those

> failures

render the notice unlawful or invalid, we will specifically

> ask the Tribunal to quash it.*

>

> *Proceeding

in that manner would achieve nothing except unnecessary

> Tribunal proceedings and a substantial waste of the Council's time,

> legal resources and public money. It may also generate avoidable costs

> precisely

because the proper statutory procedure was not followed in

> the first place.* We therefore strongly urge the Council to obtain

> appropriate legal advice and follow the legislation, statutory

> guidance and its own

enforcement policy before proceeding to formal

> enforcement. There is simply no reason to create an avoidable Tribunal

> dispute when we are actively offering to cooperate and resolve

> properly identified matters voluntarily.

>

>

>

> On 18/08/2026 18:40, Andreas Russo wrote:

>>

>> *Subject: 7 Brereton Avenue – Request to Resolve Matters

>> Constructively Before Formal Enforcement*

>>

>> *IMPORTANT: ANY IMPROVEMENT NOTICE SERVED WITHOUT COMPLIANCE WITH THE

>> APPLICABLE STATUTORY REQUIREMENTS WILL BE OPEN TO CHALLENGE BEFORE

>> THE FIRST-TIER TRIBUNAL, AND WE WILL APPLY FOR THE NOTICE TO BE

>> QUASHED. THE COUNCIL SHOULD THEREFORE ENSURE THAT THE REQUIRED HHSRS

>> ASSESSMENT, STATUTORY PROCEDURE, REASONS AND EVIDENTIAL BASIS ARE

>> PROPERLY ESTABLISHED BEFORE FORMAL ENFORCEMENT IS TAKEN.*

>>

>> *WE ARE ACTIVELY COOPERATING, REQUESTING THE SCHEDULE OF HAZARDS AND

>> PROPOSED WORKS, AND OFFERING TO UNDERTAKE WORKS THAT ARE PROPERLY

>>

REQUIRED. IF THE COUNCIL PROCEEDS TO AN IMPROVEMENT NOTICE WITHOUT

>> PROPERLY COMPLYING WITH THE STATUTORY FRAMEWORK, THAT FAILURE WILL

>> FORM PART OF OUR APPEAL AND WE WILL ASK THE TRIBUNAL TO QUASH THE

>>

NOTICE.*

>>

>> *OF PARTICULAR IMPORTANCE, THERE IS ALREADY WRITTEN EVIDENCE

>> PREDATING THE COUNCIL'S EMAIL ANNOUNCING ITS INTENTION TO SERVE AN

>> IMPROVEMENT NOTICE WHICH DEMONSTRATES OUR ACTIVE COOPERATION. BEFORE

>> WE HAD EVEN BEEN PROVIDED WITH A SCHEDULE OF HAZARDS OR TOLD

>> PRECISELY WHAT REMEDIAL WORKS THE COUNCIL WANTED, WE HAD ALREADY

>> STARTED UNDERTAKING WORKS AND SENDING THE COUNCIL DOCUMENTARY AND

>>

PHOTOGRAPHIC EVIDENCE OF THOSE WORKS, BASED SIMPLY UPON OUR BEST

>> UNDERSTANDING OF WHAT THE COUNCIL MIGHT REQUIRE.*

>>

>> *THIS CHRONOLOGY IS IMPORTANT. IT PROVIDES CONTEMPORANEOUS WRITTEN EVIDENCE THAT WE WERE NOT REFUSING TO COOPERATE OR REFUSING TO UNDERTAKE REMEDIAL WORKS. QUITE THE OPPOSITE: BEFORE FORMAL ENFORCEMENT WAS EVEN PROPOSED, AND BEFORE THE COUNCIL HAD PROVIDED US WITH ITS SCHEDULE, WE WERE ALREADY VOLUNTARILY TAKING ACTION AND PROVIDING EVIDENCE OF IT. IF AN IMPROVEMENT NOTICE IS NEVERTHELESS SERVED WITHOUT THE COUNCIL FIRST PROPERLY IDENTIFYING AND ASSESSING THE REMAINING HAZARDS, DEFICIENCIES AND NECESSARY REMEDIAL WORKS IN ACCORDANCE WITH THE STATUTORY FRAMEWORK, WE WILL PLACE THIS ENTIRE CHRONOLOGY AND THE CONTEMPORANEOUS CORRESPONDENCE BEFORE THE FIRST-TIER TRIBUNAL AND WILL SEEK TO HAVE THE NOTICE QUASHED.*

>>

>>

>>

>> Good afternoon Kyle,

>>

>> Thank you for your correspondence.

>>

>> We would like to make a constructive proposal regarding the Council's stated intention to proceed with an Improvement Notice.

>>

>> At present, *we have still not received the proposed schedule identifying the hazards, the HHSRS assessments/scores, the deficiencies said to give rise to those hazards, or the remedial works the Council actually wants us to undertake.*

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>> We therefore find it very difficult to understand why the Council appears to be moving directly towards formal enforcement before first telling us precisely what it wants us to do and giving us a reasonable opportunity to consider and, where appropriate, undertake those works voluntarily.

>>

>> We have cooperated throughout this process. We have allowed inspections, responded extensively to correspondence, provided professional and documentary evidence, requested clarification where necessary and have already started undertaking and documenting improvements which we believe the Council may wish to see—even though we still have not been provided with the proposed schedule.

>>

>> For clarity, *I have never previously had an Improvement Notice imposed upon me in relation to HMO housing enforcement.* I have always sought to deal constructively with local authorities, understand and apply the relevant legislation, and resolve legitimate issues without formal enforcement becoming necessary.

>>

>> That is exactly what we are trying to do here.

>>

>>

>>

North East Lincolnshire Council's own Enforcement Policy

>>

>> We respectfully ask the Council to consider its own *General

>> Statement of Enforcement Policy – November 2024*.
>>
>> The Council states that its enforcement activity should be:
>>
>> *"consistent, transparent, accountable, proportionate and targeted."*
>>

>> The policy also makes an extremely important point: enforcement does
>> not simply mean taking formal action. It expressly includes providing
>> *help, advice and support* so that businesses and individuals can
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>> comply with the relevant rules.
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>> The Council further states:
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>> their employees want to abide by the law. We will assist and advise
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>> Source – North East Lincolnshire Council, General Statement of
>> Enforcement
>> Policy:
>>
>> <https://www.nelincs.gov.uk/assets/uploads/2024/11/General-Statement-of-Enforcement-Policy-November-2024.pdf>
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>>
>> Council policies page:
>>
>> <https://www.nelincs.gov.uk/your-council/policies-and-strategies/>
>> <https://www.nelincs.gov.uk/your-council/policies-and-strategies/?utm_source=chatgpt.com>
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>> These are not principles we are asking the Council to invent for this
>> case. *They are the Council's own published enforcement principles.*
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>> We respectfully suggest that our conduct falls squarely within
>> the
>> category of a landlord actively attempting to comply: we have allowed
>> access, supplied evidence, responded to correspondence, requested the
>> proposed works and expressly offered to undertake legitimate
>> remedial
>> works voluntarily.
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>> * No Action;
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>> Source:
>>
>> <https://www.nelincs.gov.uk/homes-and-property/rented-properties/reporting-disrepair-in-private-rented-properties/>
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>>

>> That makes our request extremely straightforward.

>>

>> *Before deciding that formal action is necessary, please tell us what

>> the Council wants us to do.*

>>

>> Give us the schedule.

>>

>> Give us the hazards.

>>

>> Give us the HHSRS assessments.

>>

>> Give us the proposed remedial works.

>>

>> Give us the legal/technical basis for those works.

>>

>> We will consider them immediately.

>>

>>

>> The Council's wider enforcement approach expressly favours resolving differences before an Improvement Notice

>>

>>

There is another particularly relevant statement in North East Lincolnshire Council's published enforcement material.

>>

>> On its enforcement page dealing with health and safety inspections, the

Council states:

>>

>> *"The inspector will discuss the improvement notice and, if possible, resolve points of difference before serving it."*

>>

>> Source:

>>

>> <https://www.nelincs.gov.uk/keeping-our-area-clean-green-and-safe/workplace-health-and-safety/health-and-safety-inspector/>

>>

<<https://www.nelincs.gov.uk/keeping-our-area-clean-green-and-safe/workplace-health-and-safety/health-and-safety-inspector/>>

>>

>> We appreciate that this particular webpage concerns health and safety enforcement

rather than an Improvement Notice under Part 1 of the Housing Act 2004, and we therefore do not suggest that this specific

>> procedure directly governs this case.

>>

>> However, it demonstrates the *Council's own wider enforcement

>> philosophy*: discuss the proposed requirements, identify

>> disagreements and, where possible, resolve them before formal

>> enforcement.

>>

>> That is precisely what we are asking the Council to do here.

>>

>>

>> Current statutory HHSRS guidance

>>

>> There is now also new statutory HHSRS Enforcement Guidance published

>> by the Government on *23 June 2026*.

>>

>> Importantly, this is guidance issued under *section 9 of the Housing

>> Act 2004*, and local authorities are *required to have regard to it*

>> when exercising their Part 1 functions.
>>
>> Government HHSRS Enforcement Guidance:
>>
>>
<https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-hhsrs-enforcement-guidance>

>> <<https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-hhsrs-enforcement-guidance>>
>>
>> The Government also published updated HHSRS Operating Guidance on 23
>> June 2026. This
>> confirms that HHSRS is a *risk-based assessment
>> system* and sets out the process assessors must follow in
>> determining
>> the risk posed by a dwelling.
>>
>> Government HHSRS Operating Guidance:
>>
>>
<https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-hhsrs-operating-guidance>

>> <https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-hhsrs-operating-guidance?utm_source=chatgpt.com>
>>
>> Government's complete HHSRS guidance collection:
>>
>>
<https://www.gov.uk/government/collections/housing-health-and-safety-rating-system-hhsrs-guidance>
>>
<https://www.gov.uk/government/collections/housing-health-and-safety-rating-system-hhsrs-guidance?utm_source=chatgpt.com>
>>
>> We therefore respectfully ask the Council to apply both the statutory

>> framework and the current statutory guidance to the *actual
>> circumstances and evidence concerning this
>> property*, rather than
>> proceeding directly to formal enforcement before we have even been
>> given the
>> proposed schedule.
>>
>>
>> Category 1 and Category 2 hazards
>>
>> It is also important that the
>> proposed schedule identifies whether
>> each alleged hazard is *Category 1 or Category 2*.
>>
>> The
>> Government's current statutory guidance confirms that where a
>> Category 1 hazard is established, the
>> authority must take appropriate
>> enforcement action.
>>
>> For Category 2 hazards, the authority has a
>> *power* to take
>> enforcement action.
>>
>> Source:
>>
>>
<https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-hhsrs-enforcement-guidance>

>> <<https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-hhsrs-enforcement-guidance>>
>>
>> We are therefore not suggesting that the Council should disregard a
>> statutory duty where a
>> Category 1 hazard has genuinely been established.
>>
>> We are asking the Council to *tell us what has
>> actually been
>> established*.
>>
>> For every alleged hazard, please provide:
>>

>> 1. the hazard;
>> 2.
the HHSRS score;
>> 3. whether it is Category 1 or Category 2;
>> 4. the deficiency giving rise to the hazard;
>> 5. the remedial action considered necessary; and
>> 6. the statutory, guidance or technical basis for requiring that
>> action.
>>
>>
>> Why proceed to an Improvement Notice before giving us this
>> information?
>>
>> This is the aspect of the proposed approach that we genuinely
>> struggle to understand.
>>
>> If the Council has already completed sufficient assessment to
>> determine that an Improvement Notice is appropriate, then presumably
>> it has already identified *the hazards, deficiencies and remedial works*.
>>
>> If so, why not provide those to us now?
>>
>> We are expressly asking for them.
>>
>> We are expressly offering to undertake properly required works.
>>
>> We are expressly offering to discuss disputed matters.
>>
>> We are expressly trying to avoid formal proceedings.
>>
>>
>> The Tribunal consequences should also be considered
>>
>> We would respectfully ask the Council to consider how this chronology
>> could subsequently appear before the First-tier Tribunal if an
>> Improvement Notice were served and appealed.
>>
>> The Tribunal would have written evidence demonstrating that *before
>> formal enforcement was taken*, the landlord:
>>
>> * permitted inspections;
>> * cooperated extensively with officers;
>> * provided substantial documentary and professional evidence;
>> * repeatedly requested clarification;
>> * specifically requested the schedule of hazards;
>> * specifically requested details of the remedial works;
>> * offered to undertake properly required works voluntarily;
>> * offered to discuss disputed matters;
>> * offered to speak directly with officers; and
>> * expressly sought to avoid unnecessary formal proceedings.
>>
>> Yet despite all of this, the Council proceeded to formal enforcement
>>
>> before first providing the requested schedule and allowing an
>> opportunity for voluntary resolution.
>>
>> The Council's decision-making, compliance with the Housing Act, the
>> HHSRS assessment and compliance with the applicable statutory

>> framework can all become relevant if the notice is challenged.
>>
>> The
Housing Act 2004 provides the statutory framework:
>>
>> <https://www.legislation.gov.uk/ukpga/2004/34/contents>
>> <<https://www.legislation.gov.uk/ukpga/2004/34/contents>>
>>
>> And HMCTS specifically provides the
procedure for Housing Act 2004
>> cases before the First-tier Tribunal:
>>
>>
<https://www.gov.uk/government/publications/housing-act-2004-and-housing-and-planning-act-2016-cases-t543>
>>
<https://www.gov.uk/government/publications/housing-act-2004-and-housing-and-planning-act-2016-cases-t543?utm_source=chatgpt.com>
>>
>>
>> Improvement Notices can and do get quashed
>>
>>
>>
This is not merely theoretical.
>>
>> There are First-tier Tribunal decisions in which Improvement Notices
>>
have been *quashed because the statutory requirements were not
>> properly satisfied*.
>>
>> For example, in
one Housing Act 2004 Improvement Notice appeal, the
>> Tribunal found defects concerning mandatory
requirements of section
>> 13 and the statutory appeal information.
>>
>> The Tribunal concluded:
>>
>> **The
Tribunal, therefore, orders that the Improvement Notice be
>> quashed.**
>>
>> The associated demand for
payment was also quashed.
>>
>> Full First-tier Tribunal decision:
>>
>>
https://assets.publishing.service.gov.uk/media/5e958c3a86650c2dc0d0be35/B17_OST_BIR_00CN_HIN_2019_0024.pdf
>>
<https://assets.publishing.service.gov.uk/media/5e958c3a86650c2dc0d0be35/B17_OST_BIR_00CN_HIN_2019_0024.pdf>
>>
>>
>> Improvement Notices can and do get quashed by the Tribunal
>>
>> We also wish to be completely
transparent about our position if the
>> Council proceeds directly to an Improvement Notice without properly
>> following the statutory process.
>>
>> If an Improvement Notice is served and, upon reviewing it, we
>>
consider that the statutory requirements have not been satisfied,
>> that the HHSRS assessment does not
support the action taken, that the
>> remedial requirements are disproportionate or unsupported, or that
>>
the Council has otherwise failed properly to apply the Housing Act
>> 2004 and applicable statutory guidance,
*we intend to exercise our
>> statutory right of appeal to the First-tier Tribunal and will ask the
>>
Tribunal to quash the Improvement Notice.*
>>
>> This is not an empty or theoretical possibility. Improvement

Notices

>> have repeatedly been quashed by the First-tier Tribunal and Upper Tribunal where the statutory requirements, underlying assessment, evidence or proportionality of the enforcement action were not established.

>> For example, in the *65 Northfield Road, Birmingham* case, the Council's Improvement Notice failed to comply correctly with mandatory requirements under section 13 of the Housing Act 2004,

>> including the commencement date and appeal information. The Tribunal held that the notice was defective and expressly ordered:

>> *"The Tribunal, therefore, orders that the Improvement Notice be quashed."*

>> The Council's associated demand for its enforcement costs was also quashed.

>> Full Tribunal decision:

>> https://assets.publishing.service.gov.uk/media/5e958c3a86650c2dc0d0be35/B17_0ST_BIR_00CN_HIN_2019_0024.pdf

>> <https://assets.publishing.service.gov.uk/media/5e958c3a86650c2dc0d0be35/B17_0ST_BIR_00CN_HIN_2019_0024.pdf?utm_source=chatgpt.com>

>> There is another useful example involving *1A and 1B Plumstead Common Road, London*. The Tribunal considered the mandatory requirements of sections 13(2) and 13(3) of the Housing Act 2004 and concluded that the Improvement Notices were defective and invalid. It therefore *quashed the Improvement Notices*, and the Council's demands for its enforcement charges fell with them.

>> Full Tribunal decision:

>> https://assets.publishing.service.gov.uk/media/5c94993ce5274a48ead27aba/LON00ALHIN20140012_1A__1B_Plumstead_Common_Road__London_SE18_3AP.pdf

>> <https://assets.publishing.service.gov.uk/media/5c94993ce5274a48ead27aba/LON00ALHIN20140012_1A__1B_Plumstead_Common_Road__London_SE18_3AP.pdf?utm_source=chatgpt.com>

>> More importantly, notices are not only vulnerable because of technical drafting mistakes.

>> In *Fletcher v Portsmouth City Council [2025] UKUT 172 (LC)*, the dispute concerned an Improvement Notice where the local authority had seriously overestimated the seriousness of the hazard. The Upper

Tribunal considered whether an Improvement Notice was justified rather than the less intrusive alternative of a Hazard Awareness Notice. The Improvement Notice was ultimately *quashed*, demonstrating that the proportionality and justification for choosing an Improvement Notice itself can be scrutinised.

>> Full Upper Tribunal judgment:

>> <https://landschamber.decisions.tribunals.gov.uk/judgmentfiles/j2109/LC-2024-764%20WRs.pdf>

>> <https://landschamber.decisions.tribunals.gov.uk/judgmentfiles/j2109/LC-2024-764%20WRs.pdf?utm_source=chatgpt.com>

>> There are also recent cases where the Council's underlying assessment
>> of the alleged hazard has failed. In the
VR Investments/Walsall
>> litigation, the Improvement Notice was quashed after the local
>> authority failed to establish the alleged Category 1 damp hazard to
>> the required standard; the Council's subsequent
Upper Tribunal
>> challenge was dismissed.
>>
>> There are further examples where Tribunals have
*substantially varied
>> Improvement Notices* because the works demanded by the authority were
>> not justified by the evidence. In a 2024 decision, for example, the
>> Tribunal reduced the required works to
essentially one remaining
>> patio-door issue after the other alleged defects had been resolved.
>>
Significantly, the Council's own statement of reasons in that case
>> recorded that the landlord had
previously been given an opportunity
>> to comply informally before the Improvement Notice was served.
>>
>>
Full Tribunal decision:
>>
>>
https://assets.publishing.service.gov.uk/media/66a11f42ab418ab055592cb1/2024_July_22_-_Decision.pdf
>> <https://assets.publishing.service.gov.uk/media/66a11f42ab418ab055592cb1/2024_July_22_-_Decision.pdf?utm_source=chatgpt.com>
>>
>> These decisions demonstrate why we are asking the Council *not to
>> create an unnecessary Tribunal dispute when we are actively offering
>> cooperation and voluntary
compliance.*
>>
>> We have allowed inspections. We have provided evidence. We have
>> responded extensively.
We are asking for the hazards. We are asking
>> for the proposed remedial works. We are asking for the HHSRS
>> assessments. We are offering to undertake works that are properly
>> required. We are offering to
discuss disputed matters directly with
>> officers.
>>
>> *Please therefore send us the schedule first.*
>>
>> If, instead, the Council proceeds directly to an Improvement Notice
>> and we consider that the resulting
notice, its underlying assessment,
>> the choice of enforcement action or the works demanded are not
>>
supported by the statutory framework and evidence, *we will appeal
>> the notice and will a

[Extract truncated in this PDF to avoid duplicating long quoted chains. Original .eml file is retained as source evidence.]

A22. Re: Brereton Avenue – Request to Resolve Matters Constructively Before Formal Enforcement

Date	Tue, 18 Aug 2026 19:12:29 +0100
From	Andreas Russo <info@areton-ltd.com>
To	"Kyle Horner (NELC)" <Kyle.Horner@nelincs.gov.uk>, "Paul Wilmot (NELC)" <Paul.Wilmot@nelincs.gov.uk>
Cc	"Lucy Woods (NELC)" <Lucy.Woods@nelincs.gov.uk>, "Building Control (NELC)" <BC@nelincs.gov.uk>, homeimprovementteam@nelincs.gov.uk, Andy Ross <andyross1980@hotmail.co.uk>, "Building Control (NELC)" <BC@nelincs.gov.uk>
Source file	Re_ Brereton Avenue – Request to Resolve Matters Constructively Before Formal Enforcement - Andreas Russo (info@areton-ltd.com) - 2026-08-18 1912.eml

Summary of Our Position

1. Improvement Notice

Given the circumstances outlined above, if the Council proceeds with an Improvement Notice *without properly complying with the applicable statutory requirements, HHSRS procedure and relevant guidance*, we will challenge the notice before the First-tier Tribunal and *seek to have it quashed*. We are actively cooperating and requesting the schedule of hazards and proposed works so that legitimate matters can be addressed voluntarily. There should therefore be no need to create avoidable Tribunal proceedings and unnecessary expenditure of Council resources.

2. Building Control

Regarding Building Control, *we are presently awaiting the evidence specifically requested from Building Control* demonstrating that any alleged controlled building works were carried out within the applicable statutory enforcement period and that the relevant time limits have therefore not expired. The evidence currently available to us indicates that the relevant works/configuration are historical.

Until Building Control provides the requested contrary evidence identifying *the specific works, when they were carried out and evidence establishing that they fall within an applicable enforcement period*, there is nothing further for us to progress in relation to Building Control or regularisation. *We are simply awaiting Building Control's evidence before taking any further steps.*

Regards

Andreas Russo

On 18/08/2026 19:01, Andreas Russo wrote:

>
>
> Formal record and request for Legal Services review
>
>
>
*For completeness, we have also sent a voicemail to your mobile
> telephone and have retained a record of
that communication.* We are
> maintaining a clear contemporaneous record of our attempts to
> cooperate and
resolve these matters because, should an Improvement
> Notice nevertheless be served, we intend to exercise
our statutory
> right of appeal and, where the statutory or procedural requirements
> have not been complied
with, *seek an order from the First-tier
> Tribunal quashing the notice.*
>
> Given the seriousness of
proceeding to formal enforcement, *we
> respectfully request that the proposed course of action and this
>
correspondence are referred to the Council's Legal Services before any
> Improvement Notice is served.*
Please ensure that the applicable
> Housing Act 2004 provisions, statutory HHSRS guidance, the Council's
>
own enforcement policy and the evidence of our ongoing voluntary

> cooperation are properly considered before formal action is taken. We

> are expressly seeking a constructive resolution and therefore ask the

>

Council to avoid unnecessary or disproportionate enforcement where the

> matters can first be identified, discussed and addressed voluntarily.

>

> *Where enforcement powers are abused, or exercised without proper

>

compliance with the applicable statutory framework and mandatory

> procedural requirements, the resulting Improvement Notice will be

> vulnerable to being quashed by the First-tier Tribunal. Where those

> failures

render the notice unlawful or invalid, we will specifically

> ask the Tribunal to quash it.*

>

> *Proceeding

in that manner would achieve nothing except unnecessary

> Tribunal proceedings and a substantial waste of the Council's time,

> legal resources and public money. It may also generate avoidable costs

> precisely

because the proper statutory procedure was not followed in

> the first place.* We therefore strongly urge the Council to obtain

> appropriate legal advice and follow the legislation, statutory

> guidance and its own

enforcement policy before proceeding to formal

> enforcement. There is simply no reason to create an avoidable Tribunal

> dispute when we are actively offering to cooperate and resolve

> properly identified

matters voluntarily.

>

>

>

> On 18/08/2026 18:40, Andreas Russo wrote:

>>

>> *Subject: 7 Brereton Avenue – Request to Resolve Matters

>> Constructively Before Formal Enforcement*

>>

>> *IMPORTANT: ANY IMPROVEMENT NOTICE SERVED WITHOUT COMPLIANCE WITH THE

>> APPLICABLE STATUTORY REQUIREMENTS WILL BE OPEN TO CHALLENGE BEFORE

>> THE FIRST-TIER TRIBUNAL, AND WE WILL APPLY FOR THE NOTICE TO BE

>> QUASHED. THE COUNCIL SHOULD THEREFORE ENSURE THAT THE REQUIRED HHSRS

>> ASSESSMENT, STATUTORY PROCEDURE, REASONS AND EVIDENTIAL BASIS ARE

>> PROPERLY ESTABLISHED BEFORE FORMAL ENFORCEMENT IS TAKEN.*

>>

>> *WE ARE ACTIVELY COOPERATING, REQUESTING THE SCHEDULE OF HAZARDS AND

>> PROPOSED WORKS, AND OFFERING TO UNDERTAKE WORKS THAT ARE PROPERLY

>>

REQUIRED. IF THE COUNCIL PROCEEDS TO AN IMPROVEMENT NOTICE WITHOUT

>> PROPERLY COMPLYING WITH THE STATUTORY FRAMEWORK, THAT FAILURE WILL

>> FORM PART OF OUR APPEAL AND WE WILL ASK THE TRIBUNAL TO QUASH THE

>>

NOTICE.*

>>

>> *OF PARTICULAR IMPORTANCE, THERE IS ALREADY WRITTEN EVIDENCE

>> PREDATING THE COUNCIL'S EMAIL ANNOUNCING ITS INTENTION TO SERVE AN

>> IMPROVEMENT NOTICE WHICH DEMONSTRATES OUR ACTIVE COOPERATION. BEFORE

>> WE HAD EVEN BEEN PROVIDED WITH A SCHEDULE OF HAZARDS OR TOLD

>> PRECISELY WHAT REMEDIAL WORKS THE COUNCIL WANTED, WE HAD ALREADY

>> STARTED UNDERTAKING WORKS AND SENDING THE COUNCIL DOCUMENTARY AND

>>

PHOTOGRAPHIC EVIDENCE OF THOSE WORKS, BASED SIMPLY UPON OUR BEST

>> UNDERSTANDING OF WHAT THE COUNCIL MIGHT REQUIRE.*

>>

>> *THIS CHRONOLOGY IS IMPORTANT. IT PROVIDES CONTEMPORANEOUS WRITTEN EVIDENCE THAT WE WERE NOT REFUSING TO COOPERATE OR REFUSING TO UNDERTAKE REMEDIAL WORKS. QUITE THE OPPOSITE: BEFORE FORMAL ENFORCEMENT WAS EVEN PROPOSED, AND BEFORE THE COUNCIL HAD PROVIDED US WITH ITS SCHEDULE, WE WERE ALREADY VOLUNTARILY TAKING ACTION AND PROVIDING EVIDENCE OF IT. IF AN IMPROVEMENT NOTICE IS NEVERTHELESS SERVED WITHOUT THE COUNCIL FIRST PROPERLY IDENTIFYING AND ASSESSING THE REMAINING HAZARDS, DEFICIENCIES AND NECESSARY REMEDIAL WORKS IN ACCORDANCE WITH THE STATUTORY FRAMEWORK, WE WILL PLACE THIS ENTIRE CHRONOLOGY AND THE CONTEMPORANEOUS CORRESPONDENCE BEFORE THE FIRST-TIER TRIBUNAL AND WILL SEEK TO HAVE THE NOTICE QUASHED.*

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>>

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>> Good afternoon Kyle,

>>

>> Thank you for your correspondence.

>>

>> We would like to make a constructive proposal regarding the Council's stated intention to proceed with an Improvement Notice.

>>

>> At present, *we have still not received the proposed schedule identifying the hazards, the HHSRS assessments/scores, the deficiencies said to give rise to those hazards, or the remedial works the Council actually wants us to undertake.*

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>> We therefore find it very difficult to understand why the Council appears to be moving directly towards formal enforcement before first telling us precisely what it wants us to do and giving us a reasonable opportunity to consider and, where appropriate, undertake those works voluntarily.

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>> We have cooperated throughout this process. We have allowed inspections, responded extensively to correspondence, provided professional and documentary evidence, requested clarification where necessary and have already started undertaking and documenting improvements which we believe the Council may wish to see—even though we still have not been provided with the proposed schedule.

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>> Source – North East Lincolnshire Council, General Statement of
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>>
>> <https://www.nelincs.gov.uk/assets/uploads/2024/11/General-Statement-of-Enforcement-Policy-November-2024.pdf>
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>>
>> Council policies page:
>>
>> <https://www.nelincs.gov.uk/your-council/policies-and-strategies/>
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>>
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>>
>>
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>> the Council wants us to do.*

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>>

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There is another particularly relevant statement in North East Lincolnshire Council's published enforcement material.

>>

>> On its enforcement page dealing with health and safety inspections, the

Council states:

>>

>> *"The inspector will discuss the improvement notice and, if possible, resolve points of difference before serving it."*

>>

>> Source:

>>

>> <https://www.nelincs.gov.uk/keeping-our-area-clean-green-and-safe/workplace-health-and-safety/health-and-safety-inspector/>

>>

<<https://www.nelincs.gov.uk/keeping-our-area-clean-green-and-safe/workplace-health-and-safety/health-and-safety-inspector/>>

>>

>> We appreciate that this particular webpage concerns health and safety enforcement

rather than an Improvement Notice under Part 1 of the Housing Act 2004, and we therefore do not suggest that this specific

>> procedure directly governs this case.

>>

>> However, it demonstrates the *Council's own wider enforcement

>> philosophy*: discuss the proposed requirements, identify

>> disagreements and, where possible, resolve them before formal

>> enforcement.

>>

>> That is precisely what we are asking the Council to do here.

>>

>>

>> Current statutory HHSRS guidance

>>

>> There is now also new statutory HHSRS Enforcement Guidance published

>> by the Government on *23 June 2026*.

>>

>> Importantly, this is guidance issued under *section 9 of the Housing

>> Act 2004*, and local authorities are *required to have regard to it*

>> when exercising their Part 1 functions.
>>
>> Government HHSRS Enforcement Guidance:
>>
>>
<https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-hhsrs-enforcement-guidance>

>> <<https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-hhsrs-enforcement-guidance>>
>>
>> The Government also published updated HHSRS Operating Guidance on 23
>> June 2026. This
>> confirms that HHSRS is a *risk-based assessment
>> system* and sets out the process assessors must follow in
>> determining
>> the risk posed by a dwelling.
>>
>> Government HHSRS Operating Guidance:
>>
>>
<https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-hhsrs-operating-guidance>

>> <https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-hhsrs-operating-guidance?utm_source=chatgpt.com>
>>
>> Government's complete HHSRS guidance collection:
>>
>>
<https://www.gov.uk/government/collections/housing-health-and-safety-rating-system-hhsrs-guidance>
>>
<https://www.gov.uk/government/collections/housing-health-and-safety-rating-system-hhsrs-guidance?utm_source=chatgpt.com>
>>
>> We therefore respectfully ask the Council to apply both the statutory

>> framework and the current statutory guidance to the *actual
>> circumstances and evidence concerning this
>> property*, rather than
>> proceeding directly to formal enforcement before we have even been
>> given the
>> proposed schedule.
>>
>>
>> Category 1 and Category 2 hazards
>>
>> It is also important that the
>> proposed schedule identifies whether
>> each alleged hazard is *Category 1 or Category 2*.
>>
>> The
>> Government's current statutory guidance confirms that where a
>> Category 1 hazard is established, the
>> authority must take appropriate
>> enforcement action.
>>
>> For Category 2 hazards, the authority has a
>> *power* to take
>> enforcement action.
>>
>> Source:
>>
>>
<https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-hhsrs-enforcement-guidance>

>> <<https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-hhsrs-enforcement-guidance>>
>>
>> We are therefore not suggesting that the Council should disregard a
>> statutory duty where a
>> Category 1 hazard has genuinely been established.
>>
>> We are asking the Council to *tell us what has
>> actually been
>> established*.
>>
>> For every alleged hazard, please provide:
>>

>> 1. the hazard;
>> 2.
the HHSRS score;
>> 3. whether it is Category 1 or Category 2;
>> 4. the deficiency giving rise to the hazard;
>> 5. the remedial action considered necessary; and
>> 6. the statutory, guidance or technical basis for requiring that
>> action.
>>
>>
>> Why proceed to an Improvement Notice before giving us this
>> information?
>>
>> This is the aspect of the proposed approach that we genuinely
>> struggle to understand.
>>
>> If the Council has already completed sufficient assessment to
>> determine that an Improvement Notice is appropriate, then presumably
>> it has already identified *the hazards, deficiencies and remedial works*.
>>
>> If so, why not provide those to us now?
>>
>> We are expressly asking for them.
>>
>> We are expressly offering to undertake properly required works.
>>
>> We are expressly offering to discuss disputed matters.
>>
>> We are expressly trying to avoid formal proceedings.
>>
>>
>> The Tribunal consequences should also be considered
>>
>> We would respectfully ask the Council to consider how this chronology
>> could subsequently appear before the First-tier Tribunal if an
>> Improvement Notice were served and appealed.
>>
>> The Tribunal would have written evidence demonstrating that *before
>> formal enforcement was taken*, the landlord:
>>
>> * permitted inspections;
>> * cooperated extensively with officers;
>> * provided substantial documentary and professional evidence;
>> * repeatedly requested clarification;
>> * specifically requested the schedule of hazards;
>> * specifically requested details of the remedial works;
>> * offered to undertake properly required works voluntarily;
>> * offered to discuss disputed matters;
>> * offered to speak directly with officers; and
>> * expressly sought to avoid unnecessary formal proceedings.
>>
>> Yet despite all of this, the Council proceeded to formal enforcement
>>
>> before first providing the requested schedule and allowing an
>> opportunity for voluntary resolution.
>>
>> The Council's decision-making, compliance with the Housing Act, the
>> HHSRS assessment and compliance with the applicable statutory

>> framework can all become relevant if the notice is challenged.
>>
>> The
Housing Act 2004 provides the statutory framework:
>>
>> <https://www.legislation.gov.uk/ukpga/2004/34/contents>
>> <<https://www.legislation.gov.uk/ukpga/2004/34/contents>>
>>
>> And HMCTS specifically provides the
procedure for Housing Act 2004
>> cases before the First-tier Tribunal:
>>
>>
<https://www.gov.uk/government/publications/housing-act-2004-and-housing-and-planning-act-2016-cases-t543>
>>
<https://www.gov.uk/government/publications/housing-act-2004-and-housing-and-planning-act-2016-cases-t543?utm_source=chatgpt.com>
>>
>>
>> Improvement Notices can and do get quashed
>>
>>
>>
This is not merely theoretical.
>>
>> There are First-tier Tribunal decisions in which Improvement Notices
>>
have been *quashed because the statutory requirements were not
>> properly satisfied*.
>>
>> For example, in
one Housing Act 2004 Improvement Notice appeal, the
>> Tribunal found defects concerning mandatory
requirements of section
>> 13 and the statutory appeal information.
>>
>> The Tribunal concluded:
>>
>> **The
Tribunal, therefore, orders that the Improvement Notice be
>> quashed.**
>>
>> The associated demand for
payment was also quashed.
>>
>> Full First-tier Tribunal decision:
>>
>>
https://assets.publishing.service.gov.uk/media/5e958c3a86650c2dc0d0be35/B17_OST_BIR_00CN_HIN_2019_0024.pdf
>>
<https://assets.publishing.service.gov.uk/media/5e958c3a86650c2dc0d0be35/B17_OST_BIR_00CN_HIN_2019_0024.pdf>
>>
>>
>> Improvement Notices can and do get quashed by the Tribunal
>>
>> We also wish to be completely
transparent about our position if the
>> Council proceeds directly to an Improvement Notice without properly
>> following the statutory process.
>>
>> If an Improvement Notice is served and, upon reviewing it, we
>>
consider that the statutory requirements have not been satisfied,
>> that the HHSRS assessment does not
support the action taken, that the
>> remedial requirements are disproportionate or unsupported, or that
>>
the Council has otherwise failed properly to apply the Housing Act
>> 2004 and applicable statutory guidance,
*we intend to exercise our
>> statutory right of appeal to the First-tier Tribunal and will ask the
>>
Tribunal to quash the Improvement Notice.*
>>
>> This is not an empty or theoretical possibility. Improvement

Notices

>> have repeatedly been quashed by the First-tier Tribunal and Upper Tribunal where the statutory requirements, underlying assessment, >> evidence or proportionality of the enforcement action were not >> established.

>> For example, in the *65 Northfield Road, Birmingham* case, the >> Council's Improvement Notice failed to comply correctly with >> mandatory requirements under section 13 of the Housing Act 2004,

>> including the commencement date and appeal information. The Tribunal >> held that the notice was defective and expressly ordered:

>> >> *"The Tribunal, therefore, orders that the Improvement Notice be >> quashed."*

>> >> The Council's associated demand for its enforcement costs was also >> quashed.

>> >> Full Tribunal decision:

>> >> https://assets.publishing.service.gov.uk/media/5e958c3a86650c2dc0d0be35/B17_0ST_BIR_00CN_HIN_2019_0024.pdf

>> >> <https://assets.publishing.service.gov.uk/media/5e958c3a86650c2dc0d0be35/B17_0ST_BIR_00CN_HIN_2019_0024.pdf?utm_source=chatgpt.com>

>> >> There is another useful example involving *1A and 1B Plumstead Common >> Road,

London*. The Tribunal considered the mandatory requirements of >> sections 13(2) and 13(3) of the Housing Act >> 2004 and concluded that

>> the Improvement Notices were defective and invalid. It therefore >> *quashed the >> Improvement Notices*, and the Council's demands for its >> enforcement charges fell with them.

>> >> Full Tribunal decision:

>> >> https://assets.publishing.service.gov.uk/media/5c94993ce5274a48ead27aba/LON00ALHIN20140012_1A__1B_Plumstead_Common_Road__London_SE18_3AP.pdf

>> >> <https://assets.publishing.service.gov.uk/media/5c94993ce5274a48ead27aba/LON00ALHIN20140012_1A__1B_Plumstead_Common_Road__London_SE18_3AP.pdf?utm_source=chatgpt.com>

>> >> More importantly, notices are not only vulnerable because of >> technical drafting mistakes.

>> In *Fletcher v Portsmouth City Council [2025] UKUT 172 (LC)*, the >> dispute concerned an Improvement Notice where the local authority had >> seriously overestimated the seriousness of the hazard. The Upper >>

Tribunal considered whether an Improvement Notice was justified >> rather than the less intrusive alternative >> of a Hazard Awareness >> Notice. The Improvement Notice was ultimately *quashed*, >> demonstrating that the >> proportionality and justification for choosing >> an Improvement Notice itself can be scrutinised.

>> >> Full Upper Tribunal judgment:

>> >> <https://landschamber.decisions.tribunals.gov.uk/judgmentfiles/j2109/LC-2024-764%20WRs.pdf>

>> >> <https://landschamber.decisions.tribunals.gov.uk/judgmentfiles/j2109/LC-2024-764%20WRs.pdf?utm_source=chatgpt.com>

>> There are also recent cases where the Council's underlying assessment
>> of the alleged hazard has failed. In the
VR Investments/Walsall
>> litigation, the Improvement Notice was quashed after the local
>> authority failed to establish the alleged Category 1 damp hazard to
>> the required standard; the Council's subsequent
Upper Tribunal
>> challenge was dismissed.
>>
>> There are further examples where Tribunals have
*substantially varied
>> Improvement Notices* because the works demanded by the authority were
>> not justified by the evidence. In a 2024 decision, for example, the
>> Tribunal reduced the required works to
essentially one remaining
>> patio-door issue after the other alleged defects had been resolved.
>>
Significantly, the Council's own statement of reasons in that case
>> recorded that the landlord had
previously been given an opportunity
>> to comply informally before the Improvement Notice was served.
>>
>>
Full Tribunal decision:
>>
>>
https://assets.publishing.service.gov.uk/media/66a11f42ab418ab055592cb1/2024_July_22_-_Decision.pdf
>> <https://assets.publishing.service.gov.uk/media/66a11f42ab418ab055592cb1/2024_July_22_-_Decision.pdf?utm_source=chatgpt.com>
>>
>> These decisions demonstrate why we are asking the Council *not to
>> create an unnecessary Tribunal dispute when we are actively offering
>> cooperation and voluntary
compliance.*
>>
>> We have allowed inspections. We have provided evidence. We have
>> responded extensively.
We are asking for the hazards. We are asking
>> for the proposed remedial works. We are asking for the HHSRS
>> assessments. We are offering to undertake works that are properly
>> required. We are offering to
discuss disputed matters directly with
>> officers.
>>
>> *Please therefore send us the schedule first.*
>>
>> If, instead, the Council proceeds directly to an Improvement Notice
>> and we consider that the resulting
notice, its underlying assessment,
>> the choice of enforcement action or the works demanded are not
>>
supported by the statutory framework and evidence, *we will appeal
>> the notice and will a

[Extract truncated in this PDF to avoid duplicating long quoted chains. Original .eml file is retained as source evidence.]

A23. 37 brereton Avenue occupied by more than 4 people

Date	Tue, 18 Aug 2026 20:19:56 +0100
From	Andreas Russo <info@areton-ltd.com>
To	"Kyle Horner (NELC)" <Kyle.Horner@nelincs.gov.uk>, "Paul Wilmot (NELC)" <Paul.Wilmot@nelincs.gov.uk>
Cc	"Lucy Woods (NELC)" <Lucy.Woods@nelincs.gov.uk>, "Building Control (NELC)" <BC@nelincs.gov.uk>, homeimprovementteam@nelincs.gov.uk, Andy Ross <andyross1980@hotmail.co.uk>
Source file	37 brereton Avenue occupied by more than 4 people - Andreas Russo (info@areton-ltd.com) - 2026-08-18 2019(3).eml

Subject: 37 Brereton Avenue, Cleethorpes – Request for Investigation and Clarification of Regulatory Position

Good afternoon,

We would be grateful if the Council could clarify the current regulatory position regarding *37 Brereton Avenue, Cleethorpes* and investigate a number of potentially serious housing and fire-safety matters which have been reported to us concerning the property.

We understand that the property is being operated as an HMO. We further understand that its current occupation may be approximately six persons, although we ask the Council to verify the actual number of occupants.

A number of concerns have been reported to us, including:

- * an allegation that there is no properly functioning fire-alarm system;
- * bedroom doors reportedly being secured using padlocks rather than appropriate internal locking arrangements;
- * reported cracking/damage around fire-door frames;
- * reports that certain fire doors have been repaired or screwed back together;
- * a reportedly loose staircase banister;
- * reports of occupants using air fryers or other cooking appliances within bedrooms;
- * an allegation that the main kitchen is not presently functional and therefore is not being routinely used by occupants;
- * concerns regarding a suspended ceiling within part of the communal area, including an alleged substantial gap which may compromise the required fire separation; and
- * concerns regarding the actual number of occupants presently residing at the property.

We appreciate that these matters need to be independently verified and *we are not asking the Council to accept any allegation without investigation*.

However, if accurate, they appear capable of raising significant issues under the Housing Act 2004/HHSRS, the Management of Houses in Multiple Occupation (England) Regulations 2006 and applicable fire-safety legislation.

We therefore respectfully request confirmation of:

1. whether 37 Brereton Avenue is presently known to the Council as an HMO;
2. the number of occupants presently recorded by the Council;
3. whether the property presently holds any mandatory, additional or selective licence, or has any current application;
4. the date of the Council's most recent inspection;
5. whether any HHSRS hazards have been identified;
6. whether any Improvement Notice, Prohibition Order, Hazard Awareness Notice or other formal/informal enforcement action has been taken;
7. whether the fire-safety arrangements have been inspected or referred to Humberside Fire and Rescue Service; and
8. whether the Council considers the current kitchen, fire doors, alarm arrangements, means of escape and communal fire separation to be satisfactory.

For clarity, the fact that a property may fall below the threshold for *mandatory HMO licensing does not remove the underlying housing and fire-safety duties applicable to an HMO*. The Government confirms that the Fire Safety Order applies to the common parts of HMOs, and the Council itself states that landlords of shared properties and HMOs must protect occupants from fire.

Government guidance:

<https://www.gov.uk/government/publications/people-with-duties-under-fire-safety-laws/a-guide-for-persons-with-duties-under-fire-safety-legislation-accessible>
<https://www.gov.uk/government/publications/people-with-duties-under-fire-safety-laws/a-guide-for-persons-with-duties-under-fire-safety-legislation-accessible?utm_source=chatgpt.com>

North East Lincolnshire Council landlord guidance:

<https://www.nelincs.gov.uk/homes-and-property/advice-for-landlords/>
<https://www.nelincs.gov.uk/homes-and-property/advice-for-landlords/?utm_source=chatgpt.com>

North East Lincolnshire Council HMO information:

<https://www.nelincs.gov.uk/licencing/houses-in-multiple-occupation-hmo/>
<https://www.nelincs.gov.uk/licencing/houses-in-multiple-occupation-hmo/?utm_source=chatgpt.com>

We would therefore be grateful if these matters could be investigated and the Council's present position confirmed.

Serious concern regarding consistency of enforcement

What we find particularly difficult to understand is the apparent disparity between the regulatory approach being taken in relation to *7 Brereton Avenue* and the apparent position at *37 Brereton Avenue*.

At 7 Brereton Avenue, we have cooperated extensively with the Council, provided substantial documentation and evidence, maintained the property to a high standard and continued voluntarily undertaking works. The property has a *Grade A fire-alarm system, fire doors and automatic door closers*, together with the other fire-safety measures previously documented to the Council. Notwithstanding this, we are presently facing the prospect of an Improvement Notice and continuing requests concerning Building Control matters which we have repeatedly asked the Council to identify by reference to the *specific works, dates, evidence and statutory basis* said to engage Building Regulations.

Against that background, we are extremely concerned by the reported condition and occupation of 37 Brereton Avenue.

We understand that *more than four persons may presently be occupying 37 Brereton Avenue*. If correct, we ask the Council urgently to establish the actual number of persons occupying the property and whether any applicable licensing requirements are being complied with.

More fundamentally, however, *the absence of a requirement for mandatory HMO licensing would not exempt a smaller HMO from the substantive housing-management and fire-safety legislation applicable to it.* The mandatory licensing threshold and the underlying safety obligations are separate matters. A property does not cease to be subject to applicable HMO management, HHSRS and fire-safety requirements merely because its occupation happens to fall below the mandatory licensing threshold.

We have been informed of potentially serious conditions at 37 Brereton Avenue, including the reported absence of an adequately functioning fire-alarm system, damaged fire doors and frames, doors being secured by padlocks, a loose staircase banister, cooking appliances being used within bedrooms, an allegedly non-functional communal kitchen, and concerns regarding the integrity of fire separation associated with a suspended ceiling.

We stress again that *we are asking the Council to investigate and verify these reports independently rather than asking it to accept them as established facts.*

However, if those reports are substantiated, *we require an explanation as to how such conditions have been assessed and dealt with by the Council, particularly when contrasted with the extensive regulatory scrutiny and proposed formal enforcement presently being directed towards 7 Brereton Avenue.*

Our concern is not that 37 Brereton Avenue should be treated unfairly or subjected to unnecessary enforcement. *Our concern is consistency, proportionality and equal application of the statutory framework.*

We simply expect the same legislation, standards and enforcement principles to be applied consistently to comparable HMOs.

If the Council considers relatively minor matters at 7 Brereton Avenue sufficiently serious to justify formal enforcement notwithstanding our extensive cooperation and voluntary remedial works, *we struggle to understand how the substantially more serious conditions reportedly existing at 37 Brereton Avenue could properly attract a materially different regulatory response, if those conditions are verified.*

Accordingly, we respectfully request that the Council investigate 37 Brereton Avenue, establish its actual occupation and condition, and explain *what regulatory and enforcement action has been taken or is presently considered appropriate*.

This is particularly important because we need to understand *the objective standards being applied by the Council to HMOs within the same area*. We cannot reasonably be expected to understand the Council's regulatory expectations if apparently comparable properties are subjected to materially different approaches without an identifiable statutory or evidential justification.

Apparent disparity in enforcement

We must also raise a serious concern regarding the *apparent consistency and proportionality of the Council's enforcement approach*.

In relation to *7 Brereton Avenue*, we are being informed that the Council is preparing formal enforcement action, including an Improvement Notice, notwithstanding the fact that we have cooperated throughout, responded extensively to officers, provided documentary and photographic evidence, voluntarily commenced remedial works and repeatedly asked the Council simply to identify precisely what further works it requires.

By contrast, we understand that *37 Brereton Avenue is also operating as an HMO*, and we have evidence indicating that the actual number of occupants may exceed four persons. We are prepared to provide that evidence to the Council.

More importantly, even if the occupation were four persons or fewer, *that would not place the property outside the Housing Act 2004, HHSRS or applicable HMO Management Regulations merely because mandatory HMO licensing was not required.* The distinction concerns licensing; it does not provide a general exemption from the statutory housing and safety regime applicable to HMOs. The Council's own published material recognises that HMOs are subject to the Management Regulations, including duties concerning fire-safety measures.

Against that legal background, we find the apparent disparity extremely difficult to understand.

We are being threatened with formal enforcement at 7 Brereton Avenue despite having a high-standard fire-alarm system and substantial fire precautions, actively cooperating with the Council and voluntarily undertaking works.

Yet we have received reports that *37 Brereton Avenue has, or has had, substantially more serious conditions*, including an allegedly non-functioning or inadequate fire-alarm system over an extended period, damaged fire doors and frames, bedroom doors reportedly secured using padlocks, a loose banister, cooking appliances reportedly being used in bedrooms, an allegedly non-functional communal kitchen, and potentially defective fire separation associated with the suspended ceiling.

Again, we are not asking the Council to accept these allegations without investigation. *We are expressly asking the Council to investigate them.*

However, if those matters are substantiated, our question is straightforward:

WHAT FORMAL ENFORCEMENT ACTION HAS BEEN TAKEN IN RESPECT OF 37 BRERETON AVENUE?

Has an Improvement Notice been served?

Has a Prohibition Order been considered or served?

Have HHSRS assessments been undertaken?

Have breaches of the HMO Management Regulations been investigated?

Have the alleged fire-safety deficiencies been referred to Humberside Fire and Rescue Service?

If *no formal enforcement action has been taken*, we respectfully request an explanation as to why.

This is particularly important because the regulatory powers are not confined to licensed HMOs. The statutory regime expressly provides enforcement mechanisms concerning HMOs that are *not required to be licensed*. For example, Housing Act powers concerning overcrowding can apply to unlicensed HMOs, and housing conditions remain capable of enforcement through Part 1/HHSRS.

We therefore find it extremely difficult to reconcile the apparent positions.

At 7 Brereton Avenue, a landlord who is actively cooperating, voluntarily undertaking works, providing evidence and repeatedly asking the Council what remains outstanding is facing proposed formal enforcement. Yet at 37 Brereton Avenue, where substantially more serious safety deficiencies and occupation levels have been reported, we presently have no information demonstrating equivalent enforcement action.

We are not requesting preferential treatment.

We are not asking for 37 Brereton Avenue to be treated unfairly.

We are asking for consistency.

If the same statutory framework applies, then comparable risks and breaches should be assessed objectively and the Council's enforcement powers exercised consistently, proportionately and on the evidence.

Accordingly, *please confirm what inspections, HHSRS assessments, notices, enforcement action or other interventions have taken place at 37 Brereton Avenue during the relevant period and, if no formal action has been taken, the basis upon which that decision was reached.*

Kind regards,

Andreas Russo

On 18/08/2026 19:12, Andreas Russo wrote:

>

>

> Summary of Our Position

>

> *1. Improvement Notice*

>

>

Given the circumstances outlined above, if the Council proceeds with

> an Improvement Notice *without

properly complying with the applicable

> statutory requirements, HHSRS procedure and relevant guidance*, we

> will challenge the notice before the First-tier Tribunal and *seek to

> have it quashed*. We are actively

cooperating and requesting the

> schedule of hazards and proposed works so that legitimate matters can

> be

addressed voluntarily. There should therefore be no need to create

> avoidable Tribunal proceedings and

unnecessary expenditure of Council

> resources.

>

> *2. Building Control*

>

> Regarding Building Control, *we

are presently awaiting the evidence

> specifically requested from Building Control* demonstrating that any

> alleged controlled building works were carried out within the

> applicable statutory enforcement period and

that the relevant time

> limits have therefore not expired. The evidence currently available to

> us

indicates that the relevant works/configuration are historical.

>

> Until Building Control provides the

requested contrary evidence

> identifying *the specific works, when they were carried out and

> evidence

establishing that they fall within an applicable enforcement

> period*, there is nothing further for us to

progress in relation to

> Building Control or regularisation. *We are simply awaiting Building

> Control's

evidence before taking any further steps.*

>

> *Regards*

>

> *Andreas Russo*

>

>
> On 18/08/2026 19:01,
Andreas Russo wrote:
>>
>>
>> Formal record and request for Legal Services review
>>
>> *For
completeness, we have also sent a voicemail to your mobile
>> telephone and have retained a record of that
communication.* We are
>> maintaining a clear contemporaneous record of our attempts to
>> cooperate and
resolve these matters because, should an Improvement
>> Notice nevertheless be served, we intend to exercise
our statutory
>> right of appeal and, where the statutory or procedural requirements
>> have not been
complied with, *seek an order from the First-tier
>> Tribunal quashing the notice.*
>>
>> Given the
seriousness of proceeding to formal enforcement, *we
>> respectfully request that the proposed course of
action and this
>> correspondence are referred to the Council's Legal Services before
>> any Improvement
Notice is served.* Please ensure that the applicable
>> Housing Act 2004 provisions, statutory HHSRS
guidance, the Council's
>> own enforcement policy and the evidence of our ongoing voluntary
>> cooperation
are properly considered before formal action is taken. We
>> are expressly seeking a constructive resolution
and therefore ask the
>> Council to avoid unnecessary or disproportionate enforcement where
>> the matters
can first be identified, discussed and addressed voluntarily.
>>
>> *Where enforcement powers are abused, or
exercised without proper
>> compliance with the applicable statutory framework and mandatory
>> procedural
requirements, the resulting Improvement Notice will be
>> vulnerable to being quashed by the First-tier
Tribunal. Where those
>> failures render the notice unlawful or invalid, we will specifically
>> ask the
Tribunal to quash it.*
>>
>> *Proceeding in that manner would achieve nothing except unnecessary
>> Tribunal
proceedings and a substantial waste of the Council's time,
>> legal resources and public money. It may also
generate avoidable
>> costs precisely because the proper statutory procedure was not
>> followed in the
first place.* We therefore strongly urge the Council
>> to obtain appropriate legal advice and follow the
legislation,
>> statutory guidance and its own enforcement policy before proceeding
>> to formal
enforcement. There is simply no reason to create an
>> avoidable Tribunal dispute when we are actively
offering to cooperate
>> and resolve properly identified matters voluntarily.
>>
>>
>>
>> On 18/08/2026
18:40, Andreas Russo wrote:
>>>
>>> *Subject: 7 Brereton Avenue – Request to Resolve Matters
Constructively Before Formal Enforcement*
>>>
>>> *IMPORTANT: ANY IMPROVEMENT NOTICE SERVED WITHOUT COMPLIANCE

WITH
>>> THE APPLICABLE STATUTORY REQUIREMENTS WILL BE OPEN TO CHALLENGE
>>> BEFORE THE FIRST-TIER
TRIBUNAL, AND WE WILL APPLY FOR THE NOTICE TO
>>> BE QUASHED. THE COUNCIL SHOULD THEREFORE ENSURE THAT THE
REQUIRED
>>> HHSRS ASSESSMENT, STATUTORY PROCEDURE, REASONS AND EVIDENTIAL BASIS
>>> ARE PROPERLY
ESTABLISHED BEFORE FORMAL ENFORCEMENT IS TAKEN.*
>>>
>>> *WE ARE ACTIVELY COOPERATING, REQUESTING THE SCHEDULE
OF HAZARDS AND
>>> PROPOSED WORKS, AND OFFERING TO UNDERTAKE WORKS THAT ARE PROPERLY
>>> REQUIRED. IF THE
COUNCIL PROCEEDS TO AN IMPROVEMENT NOTICE WITHOUT
>>> PROPERLY COMPLYING WITH THE STATUTORY FRAMEWORK, THAT
FAILURE WILL
>>> FORM PART OF OUR APPEAL AND WE WILL ASK THE TRIBUNAL TO QUASH THE
>>> NOTICE.*
>>>
>>> *OF
PARTICULAR IMPORTANCE, THERE IS ALREADY WRITTEN EVIDENCE
>>> PREDATING THE COUNCIL'S EMAIL ANNOUNCING ITS
INTENTION TO SERVE AN
>>> IMPROVEMENT NOTICE WHICH DEMONSTRATES OUR ACTIVE COOPERATION. BEFORE
>>> WE HAD
EVEN BEEN PROVIDED WITH A SCHEDULE OF HAZARDS OR TOLD
>>> PRECISELY WHAT REMEDIAL WORKS THE COUNCIL WANTED,
WE HAD ALREADY
>>> STARTED UNDERTAKING WORKS AND SENDING THE COUNCIL DOCUMENTARY AND
>>> PHOTOGRAPHIC
EVIDENCE OF THOSE WORKS, BASED SIMPLY UPON OUR BEST
>>> UNDERSTANDING OF WHAT THE COUNCIL MIGHT REQUIRE.*
>>>
>>> *THIS CHRONOLOGY IS IMPORTANT. IT PROVIDES CONTEMPORANEOUS WRITTEN
>>> EVIDENCE THAT WE WERE NOT
REFUSING TO COOPERATE OR REFUSING TO
>>> UNDERTAKE REMEDIAL WORKS. QUITE THE OPPOSITE: BEFORE FORMAL
>>>
ENFORCEMENT WAS EVEN PROPOSED, AND BEFORE THE COUNCIL HAD PROVIDED
>>> US WITH ITS SCHEDULE, WE WERE ALREADY
VOLUNTARILY TAKING ACTION AND
>>> PROVIDING EVIDENCE OF IT. IF AN IMPROVEMENT NOTICE IS NEVERTHELESS
>>>
SERVED WITHOUT THE COUNCIL FIRST PROPERLY IDENTIFYING AND ASSESSING
>>> THE REMAINING HAZARDS, DEFICIENCIES
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>>> ACCORDANCE WITH THE STATUTORY FRAMEWORK, WE WILL PLACE THIS ENTIRE
>>>
CHRONOLOGY AND THE CONTEMPORANEOUS CORRESPONDENCE BEFORE THE
>>> FIRST-TIER TRIBUNAL AND WILL SEEK TO HAVE
THE NOTICE QUASHED.*
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>>>
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>>> Good afternoon Kyle,
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>>> Thank you for your correspondence.
>>>
>>>
We would like to make a constructive proposal regarding the
>>> Council's stated intention to proceed with an
Improvement Notice.
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>>> At present, *we have still not received the proposed schedule
>>> identifying
the hazards, the HHSRS assessments/scores, the
>>> deficiencies said to give rise to those hazards, or the
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>>> works the Council actually wants us to undertake.*
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>>> We therefore find it very difficult
to understand why the Council
>>> appears to be moving directly towards formal enforcement before
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telling us precisely what it wants us to do and giving us a

>>> reasonable opportunity to consider and, where appropriate, undertake
>>> those works voluntarily.
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>>> We have cooperated throughout this process. We have allowed
>>> inspections, responded extensively to correspondence, provided
>>> professional and documentary evidence, requested clarification where
>>> necessary and have already started undertaking and documenting
>>> improvements which we believe the Council may wish to see—even
>>> though we still have not been provided with the proposed schedule.
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>>> For clarity, *I have never previously had an Improvement Notice
>>> imposed upon me in relation to HMO housing enforcement.* I have
>>> always sought to deal constructively with local authorities,
>>> understand and apply the relevant legislation, and resolve
>>> legitimate issues without formal enforcement becoming necessary.
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>>> That is exactly what we are trying to do here.
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>>> North East Lincolnshire Council's own Enforcement Policy
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>>> We respectfully ask the Council to consider its own *General
>>> Statement of Enforcement Policy – November 2024*.
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>>> The Council states that its enforcement activity should be:
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>>> *"consistent, transparent, accountable, proportionate and targeted."*
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>>> The policy also makes an extremely important point: enforcement does

>>> not simply mean taking formal action. It expressly includes
>>> providing *help, advice and support* so that businesses and
>>> individuals can comply with the relevant rules.
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>>> The Council further states:

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>>> *"We recognise that most members of the public, business owners, and
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>>> We respectfully suggest that our conduct falls squarely within the
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>>> * No Action;
>>> * Provide advice and assistance;
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>>> * Formal Action.
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>>> Source:
>>>
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>>> Give us the schedule.
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>>> Give us the proposed remedial works.
>>>
>>> Give us the legal/technical basis for those works.
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>>> We will consider them immediately.
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>>> The Council's wider enforcement approach expressly favours
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>>> Lincolnshire Council's published enforcement material.
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>>> On its enforcement page dealing with health and safety inspections,
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>>> *"The inspector will discuss the imp

[Extract truncated in this PDF to avoid duplicating long quoted chains. Original .eml file is retained as source evidence.]

A24. 37 brereton Avenue occupied by more than 4 people

Date	Tue, 18 Aug 2026 20:19:56 +0100
From	Andreas Russo <info@areton-ltd.com>
To	"Kyle Horner (NELC)" <Kyle.Horner@nelincs.gov.uk>, "Paul Wilmot (NELC)" <Paul.Wilmot@nelincs.gov.uk>
Cc	"Lucy Woods (NELC)" <Lucy.Woods@nelincs.gov.uk>, "Building Control (NELC)" <BC@nelincs.gov.uk>, homeimprovementteam@nelincs.gov.uk, Andy Ross <andyross1980@hotmail.co.uk>
Source file	37 brereton Avenue occupied by more than 4 people - Andreas Russo (info@areton-ltd.com) - 2026-08-18 2019.eml

Subject: 37 Brereton Avenue, Cleethorpes – Request for Investigation and Clarification of Regulatory Position

Good afternoon,

We would be grateful if the Council could clarify the current regulatory position regarding *37 Brereton Avenue, Cleethorpes* and investigate a number of potentially serious housing and fire-safety matters which have been reported to us concerning the property.

We understand that the property is being operated as an HMO. We further understand that its current occupation may be approximately six persons, although we ask the Council to verify the actual number of occupants.

A number of concerns have been reported to us, including:

- * an allegation that there is no properly functioning fire-alarm system;
- * bedroom doors reportedly being secured using padlocks rather than appropriate internal locking arrangements;
- * reported cracking/damage around fire-door frames;
- * reports that certain fire doors have been repaired or screwed back together;
- * a reportedly loose staircase banister;
- * reports of occupants using air fryers or other cooking appliances within bedrooms;
- * an allegation that the main kitchen is not presently functional and therefore is not being routinely used by occupants;
- * concerns regarding a suspended ceiling within part of the communal area, including an alleged substantial gap which may compromise the required fire separation; and
- * concerns regarding the actual number of occupants presently residing at the property.

We appreciate that these matters need to be independently verified and

we are not asking the Council to accept any allegation without investigation.

However, if accurate, they appear capable of raising significant issues under the Housing Act 2004/HHSRS, the Management of Houses in Multiple Occupation (England) Regulations 2006 and applicable fire-safety legislation.

We therefore respectfully request confirmation of:

1. whether 37 Brereton Avenue is presently known to the Council as an HMO;
2. the number of occupants presently recorded by the Council;
3. whether the property presently holds any mandatory, additional or selective licence, or has any current application;
4. the date of the Council's most recent inspection;
5. whether any HHSRS hazards have been identified;
6. whether any Improvement Notice, Prohibition Order, Hazard Awareness Notice or other formal/informal enforcement action has been taken;
7. whether the fire-safety arrangements have been inspected or referred to Humberside Fire and Rescue Service; and
8. whether the Council considers the current kitchen, fire doors, alarm arrangements, means of escape and communal fire separation to be satisfactory.

For clarity, the fact that a property may fall below the threshold for *mandatory HMO licensing does not remove the underlying housing and fire-safety duties applicable to an HMO*. The Government confirms that the Fire Safety Order applies to the common parts of HMOs, and the Council itself states that landlords of shared properties and HMOs must protect occupants from fire.

Government guidance:

<https://www.gov.uk/government/publications/people-with-duties-under-fire-safety-laws/a-guide-for-persons-with-duties-under-fire-safety-legislation-accessible>
<https://www.gov.uk/government/publications/people-with-duties-under-fire-safety-laws/a-guide-for-persons-with-duties-under-fire-safety-legislation-accessible?utm_source=chatgpt.com>

North East Lincolnshire Council landlord guidance:

<https://www.nelincs.gov.uk/homes-and-property/advice-for-landlords/>
<https://www.nelincs.gov.uk/homes-and-property/advice-for-landlords/?utm_source=chatgpt.com>

North East Lincolnshire Council HMO information:

<https://www.nelincs.gov.uk/licencing/houses-in-multiple-occupation-hmo/>
<https://www.nelincs.gov.uk/licencing/houses-in-multiple-occupation-hmo/?utm_source=chatgpt.com>

We would therefore be grateful if these matters could be investigated and the Council's present position confirmed.

Serious concern regarding consistency of enforcement

What we find particularly difficult to understand is the apparent disparity between the regulatory approach being taken in relation to *7 Brereton Avenue* and the apparent position at *37 Brereton Avenue*.

At 7 Brereton Avenue, we have cooperated extensively with the Council, provided substantial documentation and evidence, maintained the property to a high standard and continued voluntarily undertaking works. The property has a *Grade A fire-alarm system, fire doors and automatic door closers*, together with the other fire-safety measures previously documented to the Council. Notwithstanding this, we are presently facing the prospect of an Improvement Notice and continuing requests concerning Building Control matters which we have repeatedly asked the Council to identify by reference to the *specific works, dates, evidence and statutory basis* said to engage Building Regulations.

Against that background, we are extremely concerned by the reported condition and occupation of 37 Brereton Avenue.

We understand that *more than four persons may presently be occupying 37 Brereton Avenue*. If correct, we ask the Council urgently to establish the actual number of persons occupying the property and whether any applicable licensing requirements are being complied with.

More fundamentally, however, *the absence of a requirement for mandatory HMO licensing would not exempt a smaller HMO from the substantive housing-management and fire-safety legislation applicable to it.* The mandatory licensing threshold and the underlying safety obligations are separate matters. A property does not cease to be subject to applicable HMO management, HHSRS and fire-safety requirements merely because its occupation happens to fall below the mandatory licensing threshold.

We have been informed of potentially serious conditions at 37 Brereton Avenue, including the reported absence of an adequately functioning fire-alarm system, damaged fire doors and frames, doors being secured by padlocks, a loose staircase banister, cooking appliances being used within bedrooms, an allegedly non-functional communal kitchen, and concerns regarding the integrity of fire separation associated with a suspended ceiling.

We stress again that *we are asking the Council to investigate and verify these reports independently rather than asking it to accept them as established facts.*

However, if those reports are substantiated, *we require an explanation as to how such conditions have been assessed and dealt with by the Council, particularly when contrasted with the extensive regulatory scrutiny and proposed formal enforcement presently being directed towards 7 Brereton Avenue.*

Our concern is not that 37 Brereton Avenue should be treated unfairly or subjected to unnecessary enforcement. *Our concern is consistency, proportionality and equal application of the statutory framework.*

We simply expect the same legislation, standards and enforcement principles to be applied consistently to comparable HMOs.

If the Council considers relatively minor matters at 7 Brereton Avenue sufficiently serious to justify formal enforcement notwithstanding our extensive cooperation and voluntary remedial works, *we struggle to understand how the substantially more serious conditions reportedly existing at 37 Brereton Avenue could properly attract a materially different regulatory response, if those conditions are verified.*

Accordingly, we respectfully request that the Council investigate 37 Brereton Avenue, establish its actual occupation and condition, and explain *what regulatory and enforcement action has been taken or is presently considered appropriate*.

This is particularly important because we need to understand *the objective standards being applied by the Council to HMOs within the same area*. We cannot reasonably be expected to understand the Council's regulatory expectations if apparently comparable properties are subjected to materially different approaches without an identifiable statutory or evidential justification.

Apparent disparity in enforcement

We must also raise a serious concern regarding the *apparent consistency and proportionality of the Council's enforcement approach*.

In relation to *7 Brereton Avenue*, we are being informed that the Council is preparing formal enforcement action, including an Improvement Notice, notwithstanding the fact that we have cooperated throughout, responded extensively to officers, provided documentary and photographic evidence, voluntarily commenced remedial works and repeatedly asked the Council simply to identify precisely what further works it requires.

By contrast, we understand that *37 Brereton Avenue is also operating as an HMO*, and we have evidence indicating that the actual number of occupants may exceed four persons. We are prepared to provide that evidence to the Council.

More importantly, even if the occupation were four persons or fewer, *that would not place the property outside the Housing Act 2004, HHSRS or applicable HMO Management Regulations merely because mandatory HMO licensing was not required.* The distinction concerns licensing; it does not provide a general exemption from the statutory housing and safety regime applicable to HMOs. The Council's own published material recognises that HMOs are subject to the Management Regulations, including duties concerning fire-safety measures.

Against that legal background, we find the apparent disparity extremely difficult to understand.

We are being threatened with formal enforcement at 7 Brereton Avenue despite having a high-standard fire-alarm system and substantial fire precautions, actively cooperating with the Council and voluntarily undertaking works.

Yet we have received reports that *37 Brereton Avenue has, or has had, substantially more serious conditions*, including an allegedly non-functioning or inadequate fire-alarm system over an extended period, damaged fire doors and frames, bedroom doors reportedly secured using padlocks, a loose banister, cooking appliances reportedly being used in bedrooms, an allegedly non-functional communal kitchen, and potentially defective fire separation associated with the suspended ceiling.

Again, we are not asking the Council to accept these allegations without investigation. *We are expressly asking the Council to investigate them.*

However, if those matters are substantiated, our question is straightforward:

WHAT FORMAL ENFORCEMENT ACTION HAS BEEN TAKEN IN RESPECT OF 37 BRERETON AVENUE?

Has an Improvement Notice been served?

Has a Prohibition Order been considered or served?

Have HHSRS assessments been undertaken?

Have breaches of the HMO Management Regulations been investigated?

Have the alleged fire-safety deficiencies been referred to Humberside Fire and Rescue Service?

If *no formal enforcement action has been taken*, we respectfully request an explanation as to why.

This is particularly important because the regulatory powers are not confined to licensed HMOs. The statutory regime expressly provides enforcement mechanisms concerning HMOs that are *not required to be licensed*. For example, Housing Act powers concerning overcrowding can apply to unlicensed HMOs, and housing conditions remain capable of enforcement through Part 1/HHSRS.

We therefore find it extremely difficult to reconcile the apparent positions.

At 7 Brereton Avenue, a landlord who is actively cooperating, voluntarily undertaking works, providing evidence and repeatedly asking the Council what remains outstanding is facing proposed formal enforcement. Yet at 37 Brereton Avenue, where substantially more serious safety deficiencies and occupation levels have been reported, we presently have no information demonstrating equivalent enforcement action.

We are not requesting preferential treatment.

We are not asking for 37 Brereton Avenue to be treated unfairly.

We are asking for consistency.

If the same statutory framework applies, then comparable risks and breaches should be assessed objectively and the Council's enforcement powers exercised consistently, proportionately and on the evidence.

Accordingly, *please confirm what inspections, HHSRS assessments, notices, enforcement action or other interventions have taken place at 37 Brereton Avenue during the relevant period and, if no formal action has been taken, the basis upon which that decision was reached.*

Kind regards,

Andreas Russo

On 18/08/2026 19:12, Andreas Russo wrote:

>
>
> Summary of Our Position
>
> *1. Improvement Notice*
>
>
Given the circumstances outlined above, if the Council proceeds with
> an Improvement Notice *without
properly complying with the applicable
> statutory requirements, HHSRS procedure and relevant guidance*, we

> will challenge the notice before the First-tier Tribunal and *seek to
> have it quashed*. We are actively
cooperating and requesting the
> schedule of hazards and proposed works so that legitimate matters can
> be
addressed voluntarily. There should therefore be no need to create
> avoidable Tribunal proceedings and
unnecessary expenditure of Council
> resources.
>
> *2. Building Control*
>
> Regarding Building Control, *we
are presently awaiting the evidence
> specifically requested from Building Control* demonstrating that any

> alleged controlled building works were carried out within the
> applicable statutory enforcement period and
that the relevant time
> limits have therefore not expired. The evidence currently available to
> us
indicates that the relevant works/configuration are historical.
>
> Until Building Control provides the
requested contrary evidence
> identifying *the specific works, when they were carried out and
> evidence
establishing that they fall within an applicable enforcement
> period*, there is nothing further for us to
progress in relation to
> Building Control or regularisation. *We are simply awaiting Building
> Control's
evidence before taking any further steps.*
>
> *Regards*
>
> *Andreas Russo*
>

>
> On 18/08/2026 19:01,
Andreas Russo wrote:
>>
>>
>> Formal record and request for Legal Services review
>>
>> *For
completeness, we have also sent a voicemail to your mobile
>> telephone and have retained a record of that
communication.* We are
>> maintaining a clear contemporaneous record of our attempts to
>> cooperate and
resolve these matters because, should an Improvement
>> Notice nevertheless be served, we intend to exercise
our statutory
>> right of appeal and, where the statutory or procedural requirements
>> have not been
complied with, *seek an order from the First-tier
>> Tribunal quashing the notice.*
>>
>> Given the
seriousness of proceeding to formal enforcement, *we
>> respectfully request that the proposed course of
action and this
>> correspondence are referred to the Council's Legal Services before
>> any Improvement
Notice is served.* Please ensure that the applicable
>> Housing Act 2004 provisions, statutory HHSRS
guidance, the Council's
>> own enforcement policy and the evidence of our ongoing voluntary
>> cooperation
are properly considered before formal action is taken. We
>> are expressly seeking a constructive resolution
and therefore ask the
>> Council to avoid unnecessary or disproportionate enforcement where
>> the matters
can first be identified, discussed and addressed voluntarily.
>>
>> *Where enforcement powers are abused, or
exercised without proper
>> compliance with the applicable statutory framework and mandatory
>> procedural
requirements, the resulting Improvement Notice will be
>> vulnerable to being quashed by the First-tier
Tribunal. Where those
>> failures render the notice unlawful or invalid, we will specifically
>> ask the
Tribunal to quash it.*
>>
>> *Proceeding in that manner would achieve nothing except unnecessary
>> Tribunal
proceedings and a substantial waste of the Council's time,
>> legal resources and public money. It may also
generate avoidable
>> costs precisely because the proper statutory procedure was not
>> followed in the
first place.* We therefore strongly urge the Council
>> to obtain appropriate legal advice and follow the
legislation,
>> statutory guidance and its own enforcement policy before proceeding
>> to formal
enforcement. There is simply no reason to create an
>> avoidable Tribunal dispute when we are actively
offering to cooperate
>> and resolve properly identified matters voluntarily.
>>
>>
>>
>> On 18/08/2026
18:40, Andreas Russo wrote:
>>>
>>> *Subject: 7 Brereton Avenue – Request to Resolve Matters
Constructively Before Formal Enforcement*
>>>
>>> *IMPORTANT: ANY IMPROVEMENT NOTICE SERVED WITHOUT COMPLIANCE

WITH
 >>> THE APPLICABLE STATUTORY REQUIREMENTS WILL BE OPEN TO CHALLENGE
 >>> BEFORE THE FIRST-TIER
 TRIBUNAL, AND WE WILL APPLY FOR THE NOTICE TO
 >>> BE QUASHED. THE COUNCIL SHOULD THEREFORE ENSURE THAT THE
 REQUIRED
 >>> HHSRS ASSESSMENT, STATUTORY PROCEDURE, REASONS AND EVIDENTIAL BASIS
 >>> ARE PROPERLY
 ESTABLISHED BEFORE FORMAL ENFORCEMENT IS TAKEN.*
 >>>
 >>> *WE ARE ACTIVELY COOPERATING, REQUESTING THE SCHEDULE
 OF HAZARDS AND
 >>> PROPOSED WORKS, AND OFFERING TO UNDERTAKE WORKS THAT ARE PROPERLY
 >>> REQUIRED. IF THE
 COUNCIL PROCEEDS TO AN IMPROVEMENT NOTICE WITHOUT
 >>> PROPERLY COMPLYING WITH THE STATUTORY FRAMEWORK, THAT
 FAILURE WILL
 >>> FORM PART OF OUR APPEAL AND WE WILL ASK THE TRIBUNAL TO QUASH THE
 >>> NOTICE.*
 >>>
 >>> *OF
 PARTICULAR IMPORTANCE, THERE IS ALREADY WRITTEN EVIDENCE
 >>> PREDATING THE COUNCIL'S EMAIL ANNOUNCING ITS
 INTENTION TO SERVE AN
 >>> IMPROVEMENT NOTICE WHICH DEMONSTRATES OUR ACTIVE COOPERATION. BEFORE
 >>> WE HAD
 EVEN BEEN PROVIDED WITH A SCHEDULE OF HAZARDS OR TOLD
 >>> PRECISELY WHAT REMEDIAL WORKS THE COUNCIL WANTED,
 WE HAD ALREADY
 >>> STARTED UNDERTAKING WORKS AND SENDING THE COUNCIL DOCUMENTARY AND
 >>> PHOTOGRAPHIC
 EVIDENCE OF THOSE WORKS, BASED SIMPLY UPON OUR BEST
 >>> UNDERSTANDING OF WHAT THE COUNCIL MIGHT REQUIRE.*
 >>>
 >>> *THIS CHRONOLOGY IS IMPORTANT. IT PROVIDES CONTEMPORANEOUS WRITTEN
 >>> EVIDENCE THAT WE WERE NOT
 REFUSING TO COOPERATE OR REFUSING TO
 >>> UNDERTAKE REMEDIAL WORKS. QUITE THE OPPOSITE: BEFORE FORMAL
 >>>
 ENFORCEMENT WAS EVEN PROPOSED, AND BEFORE THE COUNCIL HAD PROVIDED
 >>> US WITH ITS SCHEDULE, WE WERE ALREADY
 VOLUNTARILY TAKING ACTION AND
 >>> PROVIDING EVIDENCE OF IT. IF AN IMPROVEMENT NOTICE IS NEVERTHELESS
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>>> Source:
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[Extract truncated in this PDF to avoid duplicating long quoted chains. Original .eml file is retained as source evidence.]

A25. FOI Request for 37 brereton Avenue DN35 7RP

Date	Tue, 18 Aug 2026 20:22:24 +0100
From	Andreas Russo <info@areton-ltd.com>
To	foi@nelincs.gov.uk
Cc	"Lucy Woods (NELC)" <Lucy.Woods@nelincs.gov.uk>, "Building Control (NELC)" <BC@nelincs.gov.uk>, homeimprovementteam@nelincs.gov.uk, Andy Ross <andyross1980@hotmail.co.uk>, "Kyle Horner (NELC)" <Kyle.Horner@nelincs.gov.uk>, "Paul Wilmot (NELC)" <Paul.Wilmot@nelincs.gov.uk>
Source file	FOI Request for 37 brereton Avenue DN35 7RP - Andreas Russo (info@areton-ltd.com) - 2026-08-18 2022(2).eml

Dear Freedom of Information Team,

Please treat this email as a request for recorded information under the
*Freedom of Information Act 2000 and, insofar as any requested
information constitutes environmental information, the Environmental
Information Regulations 2004*.

The request relates to:

37 Brereton Avenue, Cleethorpes, North East Lincolnshire

Please provide copies of *all recorded information held by North East
Lincolnshire Council concerning the above property for the period from
18 August 2020 to the present date*, insofar as disclosure is permitted
by law.

In particular, please provide:

1. all Housing Enforcement, Private Sector Housing, HMO, Environmental
Health and Housing Renewal
inspection reports concerning the property;
2. all inspection notes, officer notes, schedules of defects,
schedules
of hazards and HHSRS assessments relating to the property;
3. all HHSRS hazard scores and
calculations;
4. all photographs taken by or supplied to Council officers in
connection with inspections,
housing conditions, HMO use or
enforcement;
5. all records identifying whether the property has been
considered or
recorded as an HMO and the number of occupants recorded or observed
during each
inspection;
6. all applications for, decisions concerning, or records relating to
mandatory HMO
licensing, additional licensing or selective licensing;
7. all Improvement Notices, Hazard Awareness Notices,
Prohibition
Orders, Emergency Prohibition Orders, Emergency Remedial Action
notices, overcrowding
notices or other Housing Act 2004 enforcement
documents relating to the property;
8. all informal
schedules of works, warning letters, compliance letters
and requests for remedial works sent to the owner,
landlord, manager
or agent;
9. all records relating to fire safety at the property, including
fire-
alarm systems, fire doors, fire-door frames, means of escape,
emergency lighting, compartmentation,
ceilings, fire stopping and
fire-risk assessments;
10. all correspondence between North East Lincolnshire
Council and
Humberside Fire and Rescue Service concerning the property;
11. all referrals made by the
Council to Humberside Fire and Rescue
Service and all responses received;
12. all records concerning the
kitchen or cooking facilities, including

any record that the kitchen was defective, unusable or insufficient
for the number of occupants;

13. all records concerning cooking appliances being used within bedrooms
or other sleeping accommodation;

14. all records concerning staircase handrails, banisters or guarding;

15. all records concerning suspended ceilings, holes, gaps, fire separation, compartmentation or fire-stopping within communal areas;

16. all records of complaints or reports received concerning the condition, management, occupation, overcrowding or fire safety of the property;

17. all internal Council emails, memoranda and correspondence between officers concerning whether enforcement action should be taken at the property;

18. all records of decisions *not* to take enforcement action, including the recorded reasons for such decisions;

19. all records showing any remedial works subsequently reported as completed and any Council inspection or verification of those works;

20. all Building Control records concerning the property relevant to HMO conversion, fire safety, structural alterations, internal layout, kitchens, bathrooms, fire doors, alarms, ceilings or means of escape during the requested period; and

21. any other recorded inspection, enforcement or compliance documentation held by the Council concerning the safety, condition, occupation or HMO use of the property.

Personal data

We appreciate that some records may contain personal information relating to tenants, complainants, owners or other individuals.

We are *not requesting disclosure of personal data which is properly exempt from disclosure*.

Please therefore redact names, telephone numbers, email addresses, signatures and any other personal information where necessary under the Data Protection Act 2018 / UK GDPR and provide the remainder of each document.

Where only part of a document is exempt, please disclose the remainder rather than withholding the document in its entirety.

If any information is withheld, please identify:

- * the specific statutory exemption or EIR exception relied upon;
- * which information has been withheld; and
- * the reasons why the exemption or exception applies.

If information falling within this request is held electronically, we would prefer disclosure *electronically by email or downloadable link*.

North East Lincolnshire Council's FOI guidance confirms that written requests may be submitted by email and that information should be disclosed subject to applicable statutory exemptions:

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<https://www.nelincs.gov.uk/your-council/freedom-of-information-and-environmental-information-requests/?utm_source=chatgpt.com>

Please confirm receipt of this request.

Kind regards,

Andreas Russo

On 18/08/2026 20:19, Andreas Russo wrote:

>
> *Subject: 37 Brereton Avenue, Cleethorpes – Request for Investigation
> and Clarification of Regulatory Position*
>

> Good afternoon,
>
> We would be grateful if the Council could clarify the current regulatory position regarding *37 Brereton Avenue, Cleethorpes* and
>
investigate a number of potentially serious housing and fire-safety
> matters which have been reported to us concerning the property.
>
> We understand that the property is being operated as an HMO. We
> further understand that its current occupation may be approximately
> six persons, although we ask the Council to verify the actual number
> of occupants.
>
> A number of concerns have been reported to us, including:
>
>
* an allegation that there is no properly functioning fire-alarm
> system;
> * bedroom doors reportedly being secured using padlocks rather than
> appropriate internal locking arrangements;
> * reported cracking/damage around fire-door frames;
> * reports that certain fire doors have been repaired or screwed
back
> together;
> * a reportedly loose staircase banister;
> * reports of occupants using air fryers or other cooking appliances
> within bedrooms;
> * an allegation that the main kitchen is not presently functional
> and therefore is not being routinely used by occupants;
> * concerns regarding a suspended ceiling within part of the communal
> area, including an alleged substantial gap which may compromise
>
the required fire separation; and
> * concerns regarding the actual number of occupants presently
>
residing at the property.
>
> We appreciate that these matters need to be independently verified and
>
*we are not asking the Council to accept any allegation without
> investigation*.
>
> However, if accurate, they appear capable of raising significant
> issues under the Housing Act 2004/HHSRS, the Management of Houses in
> Multiple Occupation (England) Regulations 2006 and applicable
> fire-safety legislation.
>
> We therefore respectfully request confirmation of:
>
> 1. whether 37 Brereton Avenue is presently known to the Council as an
> HMO;
> 2. the number of occupants presently recorded by the Council;
> 3. whether the property presently holds any mandatory, additional or
> selective licence, or has any current application;
>
> 4. the date of the Council's most recent inspection;
> 5. whether any HHSRS hazards have been identified;
>
> 6. whether any Improvement Notice, Prohibition Order, Hazard
> Awareness Notice or other formal/informal enforcement action has
> been taken;
> 7. whether the fire-safety arrangements have been

inspected or

- > referred to Humberside Fire and Rescue Service; and
- > 8. whether the Council considers the current kitchen, fire doors,
- > alarm arrangements, means of escape and communal fire separation
- > to

be satisfactory.

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> For clarity, the fact that a property may fall below the threshold for

> *mandatory HMO

licensing does not remove the underlying housing and

> fire-safety duties applicable to an HMO*. The Government confirms that

> the Fire Safety Order applies to the common parts of HMOs, and the

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> Government guidance:

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>

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>

> North East Lincolnshire Council landlord guidance:

>

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>

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>

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>

>

We would therefore be grateful if these matters could be investigated

> and the Council's present position confirmed.

>

>

> Serious concern regarding consistency of enforcement

>

> What we find particularly difficult to understand is the apparent

> disparity between the regulatory approach being taken in relation to

> *7 Brereton Avenue* and the apparent position at *37 Brereton Avenue*.

>

> At 7 Brereton Avenue, we have cooperated extensively with the Council,

> provided substantial documentation and evidence, maintained the

> property to a high standard and continued voluntarily undertaking

> works. The property has a *Grade A fire-alarm system, fire doors and

> automatic door closers*, together with the other fire-safety measures

>

previously documented to the Council. Notwithstanding this, we are

> presently facing the prospect of an Improvement Notice and continuing

> requests concerning Building Control matters which we have repeatedly

>

asked the Council to identify by reference to the *specific works,

> dates, evidence and statutory basis* said to engage Building Regulations.

>

> Against that background, we are extremely concerned by the reported

> condition and occupation of 37 Brereton Avenue.

>

> We understand that *more than four persons may presently
 be occupying
 > 37 Brereton Avenue*. If correct, we ask the Council urgently to
 > establish the actual
 number of persons occupying the property and
 > whether any applicable licensing requirements are being
 complied with.
 >
 > More fundamentally, however, *the absence of a requirement for
 > mandatory HMO licensing
 would not exempt a smaller HMO from the
 > substantive housing-management and fire-safety legislation
 applicable
 > to it.* The mandatory licensing threshold and the underlying safety
 > obligations are separate
 matters. A property does not cease to be
 > subject to applicable HMO management, HHSRS and fire-safety
 >
 requirements merely because its occupation happens to fall below the
 > mandatory licensing threshold.
 >
 > We
 have been informed of potentially serious conditions at 37 Brereton
 > Avenue, including the reported absence
 of an adequately functioning
 > fire-alarm system, damaged fire doors and frames, doors being secured
 > by
 padlocks, a loose staircase banister, cooking appliances being used
 > within bedrooms, an allegedly non-
 functional communal kitchen, and
 > concerns regarding the integrity of fire separation associated with a
 >
 suspended ceiling.
 >
 > We stress again that *we are asking the Council to investigate and
 > verify these
 reports independently rather than asking it to accept
 > them as established facts.*
 >
 > However, if those
 reports are substantiated, *we require an
 > explanation as to how such conditions have been assessed and
 dealt
 > with by the Council, particularly when contrasted with the extensive
 > regulatory scrutiny and
 proposed formal enforcement presently being
 > directed towards 7 Brereton Avenue.*
 >
 > Our concern is not
 that 37 Brereton Avenue should be treated unfairly
 > or subjected to unnecessary enforcement. *Our concern is
 consistency,
 > proportionality and equal application of the statutory framework.*
 >
 > We simply expect the
 same legislation, standards and enforcement
 > principles to be applied consistently to comparable HMOs.
 >
 >
 If the Council considers relatively minor matters at 7 Brereton Avenue
 > sufficiently serious to justify
 formal enforcement notwithstanding our
 > extensive cooperation and voluntary remedial works, *we struggle to
 >
 understand how the substantially more serious conditions reportedly
 > existing at 37 Brereton Avenue
 could properly attract a materially
 > different regulatory response, if those conditions are verified.*
 >
 >
 Accordingly, we respectfully request that the Council investigate 37
 > Brereton Avenue, establish its actual
 occupation and condition, and
 > explain *what regulatory and enforcement action has been taken or is
 >
 presently considered appropriate*.
 >

> This is particularly important because we need to understand *the
>
objective standards being applied by the Council to HMOs within the
> same area*. We cannot reasonably be
expected to understand the
> Council's regulatory expectations if apparently comparable properties
> are
subjected to materially different approaches without an
> identifiable statutory or evidential justification.

>
>
> Apparent disparity in enforcement
>
> We must also raise a serious concern regarding the
*apparent
> consistency and proportionality of the Council's enforcement approach*.
>
> In relation to *7
Brereton Avenue*, we are being informed that the
> Council is preparing formal enforcement action, including
an
> Improvement Notice, notwithstanding the fact that we have cooperated
> throughout, responded
extensively to officers, provided documentary
> and photographic evidence, voluntarily commenced remedial
works and
> repeatedly asked the Council simply to identify precisely what further
> works it requires.

>
>
By contrast, we understand that *37 Brereton Avenue is also operating
> as an HMO*, and we have evidence
indicating that the actual number of
> occupants may exceed four persons. We are prepared to provide that
>
evidence to the Council.

>
> More importantly, even if the occupation were four persons or fewer,
> *that
would not place the property outside the Housing Act 2004, HHSRS
> or applicable HMO Management Regulations
merely because mandatory HMO
> licensing was not required.* The distinction concerns licensing; it
> does
not provide a general exemption from the statutory housing and
> safety regime applicable to HMOs. The
Council's own published material
> recognises that HMOs are subject to the Management Regulations,
>
including duties concerning fire-safety measures.

>
> Against that legal background, we find the apparent
disparity
> extremely difficult to understand.

>
> We are being threatened with formal enforcement at 7
Brereton Avenue
> despite having a high-standard fire-alarm system and substantial fire
> precautions,
actively cooperating with the Council and voluntarily
> undertaking works.

>
> Yet we have received reports
that *37 Brereton Avenue has, or has had,
> substantially more serious conditions*, including an allegedly
>
non-functioning or inadequate fire-alarm system over an extended
> period, damaged fire doors and frames,
bedroom doors reportedly
> secured using padlocks, a loose banister, cooking appliances
> reportedly being
used in bedrooms, an allegedly non-functional
> communal kitchen, and potentially defective fire separation
associated
> with the suspended ceiling.

>

> Again, we are not asking the Council to accept these allegations

> without investigation. *We are expressly asking the Council to
> investigate them.*

>

> However, if those
matters are substantiated, our question is
> straightforward:

>

> *WHAT FORMAL ENFORCEMENT ACTION HAS BEEN
TAKEN IN RESPECT OF 37
> BRERETON AVENUE?*

>

> Has an Improvement Notice been served?

>

> Has a Prohibition
Order been considered or served?

>

> Have HHSRS assessments been undertaken?

>

> Have breaches of the HMO
Management Regulations been investigated?

>

> Have the alleged fire-safety deficiencies been referred to
Humberside
> Fire and Rescue Service?

>

> If *no formal enforcement action has been taken*, we respectfully

> request an explanation as to why.

>

> This is particularly important because the regulatory powers are not

> confined to licensed HMOs. The statutory regime expressly provides
> enforcement mechanisms concerning HMOs
that are *not required to be
> licensed*. For example, Housing Act powers concerning overcrowding can
> apply to unlicensed HMOs, and housing conditions remain capable of
> enforcement through Part 1/HHSRS.

>

> We
therefore find it extremely difficult to reconcile the apparent
> positions.

>

> *At 7 Brereton Avenue, a
landlord who is actively cooperating,
> voluntarily undertaking works, providing evidence and repeatedly
> asking the Council what remains outstanding is facing proposed formal
> enforcement. Yet at 37 Brereton
Avenue, where substantially more
> serious safety deficiencies and occupation levels have been reported,
> we presently have no information demonstrating equivalent enforcement
> action.*

>

> We are not requesting
preferential treatment.

>

> We are not asking for 37 Brereton Avenue to be treated unfairly.

>

> *We are
asking for consistency.*

>

> If the same statutory framework applies, then comparable risks and
> breaches
should be assessed objectively and the Council's enforcement
> powers exercised consistently, proportionately
and on the evidence.

>

> Accordingly, *please confirm what inspections, HHSRS assessments,
> notices,
enforcement action or other interventions have taken place at
> 37 Brereton Avenue during the relevant period
and, if no formal action
> has been taken, the basis upon which that decision was reached.*

>
>
> Kind
regards,
>
> Andreas Russo
>
>
> On 18/08/2026 19:12, Andreas Russo wrote:
>>
>>
>> Summary of Our
Position
>>
>> *1. Improvement Notice*
>>
>> Given the circumstances outlined above, if the Council proceeds
with
>> an Improvement Notice *without properly complying with the applicable
>> statutory requirements,
HHSRS procedure and relevant guidance*, we
>> will challenge the notice before the First-tier Tribunal and
*seek to
>> have it quashed*. We are actively cooperating and requesting the
>> schedule of hazards and
proposed works so that legitimate matters can
>> be addressed voluntarily. There should therefore be no need
to create
>> avoidable Tribunal proceedings and unnecessary expenditure of Council
>> resources.
>>
>> *2.
Building Control*
>>
>> Regarding Building Control, *we are presently awaiting the evidence
>> specifically
requested from Building Control* demonstrating that any
>> alleged controlled building works were carried out
within the
>> applicable statutory enforcement period and that the relevant time
>> limits have therefore
not expired. The evidence currently available
>> to us indicates that the relevant works/configuration are
historical.
>>
>> Until Building Control provides the requested contrary evidence
>> identifying *the
specific works, when they were carried out and
>> evidence establishing that they fall within an applicable
enforcement
>> period*, there is nothing further for us to progress in relation to
>> Building Control or
regularisation. *We are simply awaiting Building
>> Control's evidence before taking any further steps.*
>>

>> *Regards*
>>
>> *Andreas Russo*
>>
>>
>> On 18/08/2026 19:01, Andreas Russo wrote:
>>>
>>>
>>> Formal
record and request for Legal Services review
>>>
>>> *For completeness, we have also sent a voicemail to your
mobile
>>> telephone and have retained a record of that communication.* We are
>>> maintaining a clear
contemporaneous record of our attempts to
>>> cooperate and resolve these matters because, should an
Improvement
>>> Notice nevertheless be served, we intend to exercise our statutory
>>> right of appeal and,
where the statutory or procedural requirements

>>> have not been complied with, *seek an order from the First-tier Tribunal quashing the notice.*

>>>

>>> Given the seriousness of proceeding to formal enforcement, *we respectfully request that the proposed course of action and this correspondence are referred to the Council's Legal Services before any Improvement Notice is served.* Please ensure that the applicable Housing Act 2004 provisions, statutory HHSRS guidance, the Council's own enforcement policy and the evidence of our ongoing voluntary cooperation are properly considered before formal action is taken.

>>> We are expressly seeking a constructive resolution and therefore ask the Council to avoid unnecessary or disproportionate enforcement where the matters can first be identified, discussed and addressed voluntarily.

>>>

>>> *Where enforcement powers are abused, or exercised without proper compliance with the applicable statutory framework and mandatory procedural requirements, the resulting Improvement Notice will be vulnerable to being quashed by the First-tier Tribunal. Where those failures render the notice unlawful or invalid, we will specifically ask the Tribunal to quash it.*

>>>

>>> *Proceeding in that manner would achieve nothing except unnecessary Tribunal proceedings and a substantial waste of the Council's time, legal resources and public money. It may also generate avoidable costs precisely because the proper statutory procedure was not followed in the first place.* We therefore strongly urge the Council to obtain appropriate legal advice and follow the legislation, statutory guidance and its own enforcement policy before proceeding to formal enforcement. There is simply no reason to create an avoidable Tribunal dispute when we are actively offering to cooperate and resolve properly identified matters voluntarily.

>>>

>>>

>>> On 18/08/2026 18:40, Andreas Russo wrote:

>>>>

>>>> *Subject: 7 Brereton Avenue – Request to Resolve Matters Constructively Before Formal Enforcement*

>>>>

>>>> *IMPORTANT: ANY IMPROVEMENT NOTICE SERVED WITHOUT COMPLIANCE WITH THE APPLICABLE STATUTORY REQUIREMENTS WILL BE OPEN TO CHALLENGE BEFORE THE FIRST-TIER TRIBUNAL, AND WE WILL APPLY FOR THE NOTICE TO BE QUASHED. THE COUNCIL SHOULD THEREFORE ENSURE THAT THE REQUIRED HHSRS ASSESSMENT, STATUTORY PROCEDURE, REASONS AND EVIDENTIAL BASIS ARE PROPERLY ESTABLISHED BEFORE FORMAL ENFORCEMENT IS TAKEN.*

>>>>

>>>> *WE ARE ACTIVELY COOPERATING, REQUESTING THE SCHEDULE OF HAZARDS AND PROPOSED WORKS, AND OFFERING TO UNDERTAKE WORKS THAT ARE PROPERLY REQUIRED. IF THE COUNCIL PROCEEDS TO AN IMPROVEMENT NOTICE WITHOUT PROPERLY COMPLYING WITH THE STATUTORY FRAMEWORK, THAT

>>>> FAILURE WILL FORM PART OF OUR
APPEAL AND WE WILL ASK THE TRIBUNAL
>>>> TO QUASH THE NOTICE.*
>>>>
>>>> *OF PARTICULAR IMPORTANCE, THERE IS
ALREADY WRITTEN EVIDENCE
>>>> PREDATING THE COUNCIL'S EMAIL ANNOUNCING ITS INTENTION TO SERVE AN
>>>>
IMPROVEMENT NOTICE WHICH DEMONSTRATES OUR ACTIVE COOPERATION.
>>>> BEFORE WE HAD EVEN BEEN PROVIDED WITH A
SCHEDULE OF HAZARDS OR TOLD
>>>> PRECISELY WHAT REMEDIAL WORKS THE COUNCIL WANTED, WE HAD ALREADY
>>>>
STARTED UNDERTAKING WORKS AND SENDING THE COUNCIL DOCUMENTARY AN

[Extract truncated in this PDF to avoid duplicating long quoted chains. Original .eml file is retained as source evidence.]

A26. FOI Request for 37 brereton Avenue DN35 7RP

Date	Tue, 18 Aug 2026 20:22:24 +0100
From	Andreas Russo <info@areton-ltd.com>
To	foi@nelincs.gov.uk
Cc	"Lucy Woods (NELC)" <Lucy.Woods@nelincs.gov.uk>, "Building Control (NELC)" <BC@nelincs.gov.uk>, homeimprovementteam@nelincs.gov.uk, Andy Ross <andyross1980@hotmail.co.uk>, "Kyle Horner (NELC)" <Kyle.Horner@nelincs.gov.uk>, "Paul Wilmot (NELC)" <Paul.Wilmot@nelincs.gov.uk>
Source file	FOI Request for 37 brereton Avenue DN35 7RP - Andreas Russo (info@areton-ltd.com) - 2026-08-18 2022.eml

Dear Freedom of Information Team,

Please treat this email as a request for recorded information under the
*Freedom of Information Act 2000 and, insofar as any requested
information constitutes environmental information, the Environmental
Information Regulations 2004*.

The request relates to:

37 Brereton Avenue, Cleethorpes, North East Lincolnshire

Please provide copies of *all recorded information held by North East
Lincolnshire Council concerning the above property for the period from
18 August 2020 to the present date*, insofar as disclosure is permitted
by law.

In particular, please provide:

1. all Housing Enforcement, Private Sector Housing, HMO, Environmental
Health and Housing Renewal
inspection reports concerning the property;
2. all inspection notes, officer notes, schedules of defects,
schedules
of hazards and HHSRS assessments relating to the property;
3. all HHSRS hazard scores and
calculations;
4. all photographs taken by or supplied to Council officers in
connection with inspections,
housing conditions, HMO use or
enforcement;
5. all records identifying whether the property has been
considered or
recorded as an HMO and the number of occupants recorded or observed
during each
inspection;
6. all applications for, decisions concerning, or records relating to
mandatory HMO
licensing, additional licensing or selective licensing;
7. all Improvement Notices, Hazard Awareness Notices,
Prohibition
Orders, Emergency Prohibition Orders, Emergency Remedial Action
notices, overcrowding
notices or other Housing Act 2004 enforcement
documents relating to the property;
8. all informal
schedules of works, warning letters, compliance letters
and requests for remedial works sent to the owner,
landlord, manager
or agent;
9. all records relating to fire safety at the property, including
fire-
alarm systems, fire doors, fire-door frames, means of escape,
emergency lighting, compartmentation,
ceilings, fire stopping and
fire-risk assessments;
10. all correspondence between North East Lincolnshire
Council and
Humberside Fire and Rescue Service concerning the property;
11. all referrals made by the
Council to Humberside Fire and Rescue
Service and all responses received;
12. all records concerning the
kitchen or cooking facilities, including

any record that the kitchen was defective, unusable or insufficient for the number of occupants;

13. all records concerning cooking appliances being used within bedrooms or other sleeping accommodation;

14. all records concerning staircase handrails, banisters or guarding;

15. all records concerning suspended ceilings, holes, gaps, fire separation, compartmentation or fire-stopping within communal areas;

16. all records of complaints or reports received concerning the condition, management, occupation, overcrowding or fire safety of the property;

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We appreciate that some records may contain personal information relating to tenants, complainants, owners or other individuals.

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If any information is withheld, please identify:

- * the specific statutory exemption or EIR exception relied upon;
- * which information has been withheld; and
- * the reasons why the exemption or exception applies.

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Please confirm receipt of this request.

Kind regards,

Andreas Russo

On 18/08/2026 20:19, Andreas Russo wrote:

>
> *Subject: 37 Brereton Avenue, Cleethorpes – Request for Investigation
> and Clarification of Regulatory Position*
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>
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investigate a number of potentially serious housing and fire-safety
> matters which have been reported to us concerning the property.
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> further understand that its current occupation may be approximately
> six persons, although we ask the Council to verify the actual number
> of occupants.
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> A number of concerns have been reported to us, including:
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* an allegation that there is no properly functioning fire-alarm
> system;
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> appropriate internal locking arrangements;
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> together;
> * a reportedly loose staircase banister;
> * reports of occupants using air fryers or other cooking appliances
> within bedrooms;
> * an allegation that the main kitchen is not presently functional
> and therefore is not being routinely used by occupants;
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> area, including an alleged substantial gap which may compromise
>
the required fire separation; and
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> We appreciate that these matters need to be independently verified and
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> issues under the Housing Act 2004/HHSRS, the Management of Houses in
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> fire-safety legislation.
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> We therefore respectfully request confirmation of:
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> 1. whether 37 Brereton Avenue is presently known to the Council as an
> HMO;
> 2. the number of occupants presently recorded by the Council;
> 3. whether the property presently holds any mandatory, additional or
> selective licence, or has any current application;
>
> 4. the date of the Council's most recent inspection;
> 5. whether any HHSRS hazards have been identified;
>
> 6. whether any Improvement Notice, Prohibition Order, Hazard
> Awareness Notice or other formal/informal enforcement action has
> been taken;
> 7. whether the fire-safety arrangements have been

inspected or

- > referred to Humberside Fire and Rescue Service; and
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- > alarm arrangements, means of escape and communal fire separation
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itself states that landlords of shared properties and HMOs

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> North East Lincolnshire

Council landlord guidance:

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>

> North East

Lincolnshire Council HMO information:

>

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>

>

We would therefore be grateful if these matters could be investigated

> and the Council's present position

confirmed.

>

>

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>

> What we find particularly

difficult to understand is the apparent

> disparity between the regulatory approach being taken in relation

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fire-alarm system, fire doors and

> automatic door closers*, together with the other fire-safety measures

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previously documented to the Council. Notwithstanding this, we are

> presently facing the prospect of an

Improvement Notice and continuing

> requests concerning Building Control matters which we have repeatedly

>

asked the Council to identify by reference to the *specific works,

> dates, evidence and statutory basis*

said to engage Building Regulations.

>

> Against that background, we are extremely concerned by the reported

>

> condition and occupation of 37 Brereton Avenue.

>

> We understand that *more than four persons may presently
 be occupying
 > 37 Brereton Avenue*. If correct, we ask the Council urgently to
 > establish the actual
 number of persons occupying the property and
 > whether any applicable licensing requirements are being
 complied with.
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 > More fundamentally, however, *the absence of a requirement for
 > mandatory HMO licensing
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 > substantive housing-management and fire-safety legislation
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 > to it.* The mandatory licensing threshold and the underlying safety
 > obligations are separate
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 > subject to applicable HMO management, HHSRS and fire-safety
 >
 requirements merely because its occupation happens to fall below the
 > mandatory licensing threshold.
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 have been informed of potentially serious conditions at 37 Brereton
 > Avenue, including the reported absence
 of an adequately functioning
 > fire-alarm system, damaged fire doors and frames, doors being secured
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 padlocks, a loose staircase banister, cooking appliances being used
 > within bedrooms, an allegedly non-
 functional communal kitchen, and
 > concerns regarding the integrity of fire separation associated with a
 >
 suspended ceiling.
 >
 > We stress again that *we are asking the Council to investigate and
 > verify these
 reports independently rather than asking it to accept
 > them as established facts.*
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 > However, if those
 reports are substantiated, *we require an
 > explanation as to how such conditions have been assessed and
 dealt
 > with by the Council, particularly when contrasted with the extensive
 > regulatory scrutiny and
 proposed formal enforcement presently being
 > directed towards 7 Brereton Avenue.*
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 > Our concern is not
 that 37 Brereton Avenue should be treated unfairly
 > or subjected to unnecessary enforcement. *Our concern is
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 > proportionality and equal application of the statutory framework.*
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 > We simply expect the
 same legislation, standards and enforcement
 > principles to be applied consistently to comparable HMOs.
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 If the Council considers relatively minor matters at 7 Brereton Avenue
 > sufficiently serious to justify
 formal enforcement notwithstanding our
 > extensive cooperation and voluntary remedial works, *we struggle to
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 > existing at 37 Brereton Avenue
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 > different regulatory response, if those conditions are verified.*
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> identifiable statutory or evidential justification.

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> Apparent disparity in enforcement
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> We must also raise a serious concern regarding the
*apparent
> consistency and proportionality of the Council's enforcement approach*.
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> In relation to *7
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> Council is preparing formal enforcement action, including
an
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> throughout, responded
extensively to officers, provided documentary
> and photographic evidence, voluntarily commenced remedial
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> repeatedly asked the Council simply to identify precisely what further
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> as an HMO*, and we have evidence
indicating that the actual number of
> occupants may exceed four persons. We are prepared to provide that
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evidence to the Council.

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> More importantly, even if the occupation were four persons or fewer,
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would not place the property outside the Housing Act 2004, HHSRS
> or applicable HMO Management Regulations
merely because mandatory HMO
> licensing was not required.* The distinction concerns licensing; it
> does
not provide a general exemption from the statutory housing and
> safety regime applicable to HMOs. The
Council's own published material
> recognises that HMOs are subject to the Management Regulations,
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including duties concerning fire-safety measures.

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> Against that legal background, we find the apparent
disparity
> extremely difficult to understand.

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> We are being threatened with formal enforcement at 7
Brereton Avenue
> despite having a high-standard fire-alarm system and substantial fire
> precautions,
actively cooperating with the Council and voluntarily
> undertaking works.

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> Yet we have received reports
that *37 Brereton Avenue has, or has had,
> substantially more serious conditions*, including an allegedly
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non-functioning or inadequate fire-alarm system over an extended
> period, damaged fire doors and frames,
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> secured using padlocks, a loose banister, cooking appliances
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> communal kitchen, and potentially defective fire separation
associated
> with the suspended ceiling.

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> Again, we are not asking the Council to accept these allegations

> without investigation. *We are expressly asking the Council to
> investigate them.*

>

> However, if those
matters are substantiated, our question is
> straightforward:

>

> *WHAT FORMAL ENFORCEMENT ACTION HAS BEEN
TAKEN IN RESPECT OF 37
> BRERETON AVENUE?*

>

> Has an Improvement Notice been served?

>

> Has a Prohibition
Order been considered or served?

>

> Have HHSRS assessments been undertaken?

>

> Have breaches of the HMO
Management Regulations been investigated?

>

> Have the alleged fire-safety deficiencies been referred to
Humberside
> Fire and Rescue Service?

>

> If *no formal enforcement action has been taken*, we respectfully

> request an explanation as to why.

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> This is particularly important because the regulatory powers are not

> confined to licensed HMOs. The statutory regime expressly provides
> enforcement mechanisms concerning HMOs
that are *not required to be
> licensed*. For example, Housing Act powers concerning overcrowding can
> apply to unlicensed HMOs, and housing conditions remain capable of
> enforcement through Part 1/HHSRS.

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> We
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> positions.

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> *At 7 Brereton Avenue, a
landlord who is actively cooperating,
> voluntarily undertaking works, providing evidence and repeatedly
> asking the Council what remains outstanding is facing proposed formal
> enforcement. Yet at 37 Brereton
Avenue, where substantially more
> serious safety deficiencies and occupation levels have been reported,
> we presently have no information demonstrating equivalent enforcement
> action.*

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> We are not requesting
preferential treatment.

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> We are not asking for 37 Brereton Avenue to be treated unfairly.

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> *We are
asking for consistency.*

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> If the same statutory framework applies, then comparable risks and
> breaches
should be assessed objectively and the Council's enforcement
> powers exercised consistently, proportionately
and on the evidence.

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> Accordingly, *please confirm what inspections, HHSRS assessments,
> notices,
enforcement action or other interventions have taken place at
> 37 Brereton Avenue during the relevant period
and, if no formal action
> has been taken, the basis upon which that decision was reached.*

>
>
> Kind
regards,
>
> Andreas Russo
>
>
> On 18/08/2026 19:12, Andreas Russo wrote:
>>
>>
>> Summary of Our
Position
>>
>> *1. Improvement Notice*
>>
>> Given the circumstances outlined above, if the Council proceeds
with
>> an Improvement Notice *without properly complying with the applicable
>> statutory requirements,
HHSRS procedure and relevant guidance*, we
>> will challenge the notice before the First-tier Tribunal and
*seek to
>> have it quashed*. We are actively cooperating and requesting the
>> schedule of hazards and
proposed works so that legitimate matters can
>> be addressed voluntarily. There should therefore be no need
to create
>> avoidable Tribunal proceedings and unnecessary expenditure of Council
>> resources.
>>
>> *2.
Building Control*
>>
>> Regarding Building Control, *we are presently awaiting the evidence
>> specifically
requested from Building Control* demonstrating that any
>> alleged controlled building works were carried out
within the
>> applicable statutory enforcement period and that the relevant time
>> limits have therefore
not expired. The evidence currently available
>> to us indicates that the relevant works/configuration are
historical.
>>
>> Until Building Control provides the requested contrary evidence
>> identifying *the
specific works, when they were carried out and
>> evidence establishing that they fall within an applicable
enforcement
>> period*, there is nothing further for us to progress in relation to
>> Building Control or
regularisation. *We are simply awaiting Building
>> Control's evidence before taking any further steps.*
>>

>> *Regards*
>>
>> *Andreas Russo*
>>
>>
>> On 18/08/2026 19:01, Andreas Russo wrote:
>>>
>>>
>>> Formal
record and request for Legal Services review
>>>
>>> *For completeness, we have also sent a voicemail to your
mobile
>>> telephone and have retained a record of that communication.* We are
>>> maintaining a clear
contemporaneous record of our attempts to
>>> cooperate and resolve these matters because, should an
Improvement
>>> Notice nevertheless be served, we intend to exercise our statutory
>>> right of appeal and,
where the statutory or procedural requirements

>>> have not been complied with, *seek an order from the First-tier Tribunal quashing the notice.*

>>>

>>> Given the seriousness of proceeding to formal enforcement, *we respectfully request that the proposed course of action and this correspondence are referred to the Council's Legal Services before any Improvement Notice is served.* Please ensure that the applicable Housing Act 2004 provisions, statutory HHSRS guidance, the Council's own enforcement policy and the evidence of our ongoing voluntary cooperation are properly considered before formal action is taken.

>>> We are expressly seeking a constructive resolution and therefore ask the Council to avoid unnecessary or disproportionate enforcement where the matters can first be identified, discussed and addressed voluntarily.

>>>

>>> *Where enforcement powers are abused, or exercised without proper compliance with the applicable statutory framework and mandatory procedural requirements, the resulting Improvement Notice will be vulnerable to being quashed by the First-tier Tribunal. Where those failures render the notice unlawful or invalid, we will specifically ask the Tribunal to quash it.*

>>>

>>> *Proceeding in that manner would achieve nothing except unnecessary Tribunal proceedings and a substantial waste of the Council's time, legal resources and public money. It may also generate avoidable costs precisely because the proper statutory procedure was not followed in the first place.* We therefore strongly urge the Council to obtain appropriate legal advice and follow the legislation, statutory guidance and its own enforcement policy before proceeding to formal enforcement. There is simply no reason to create an avoidable Tribunal dispute when we are actively offering to cooperate and resolve properly identified matters voluntarily.

>>>

>>>

>>> On 18/08/2026 18:40, Andreas Russo wrote:

>>>>

>>>> *Subject: 7 Brereton Avenue – Request to Resolve Matters Constructively Before Formal Enforcement*

>>>>

>>>> *IMPORTANT: ANY IMPROVEMENT NOTICE SERVED WITHOUT COMPLIANCE WITH THE APPLICABLE STATUTORY REQUIREMENTS WILL BE OPEN TO CHALLENGE BEFORE THE FIRST-TIER TRIBUNAL, AND WE WILL APPLY FOR THE NOTICE TO BE QUASHED. THE COUNCIL SHOULD THEREFORE ENSURE THAT THE REQUIRED HHSRS ASSESSMENT, STATUTORY PROCEDURE, REASONS AND EVIDENTIAL BASIS ARE PROPERLY ESTABLISHED BEFORE FORMAL ENFORCEMENT IS TAKEN.*

>>>>

>>>> *WE ARE ACTIVELY COOPERATING, REQUESTING THE SCHEDULE OF HAZARDS AND PROPOSED WORKS, AND OFFERING TO UNDERTAKE WORKS THAT ARE PROPERLY REQUIRED. IF THE COUNCIL PROCEEDS TO AN IMPROVEMENT NOTICE WITHOUT PROPERLY COMPLYING WITH THE STATUTORY FRAMEWORK, THAT

>>>> FAILURE WILL FORM PART OF OUR
APPEAL AND WE WILL ASK THE TRIBUNAL
>>>> TO QUASH THE NOTICE.*
>>>>
>>>> *OF PARTICULAR IMPORTANCE, THERE IS
ALREADY WRITTEN EVIDENCE
>>>> PREDATING THE COUNCIL'S EMAIL ANNOUNCING ITS INTENTION TO SERVE AN
>>>>
IMPROVEMENT NOTICE WHICH DEMONSTRATES OUR ACTIVE COOPERATION.
>>>> BEFORE WE HAD EVEN BEEN PROVIDED WITH A
SCHEDULE OF HAZARDS OR TOLD
>>>> PRECISELY WHAT REMEDIAL WORKS THE COUNCIL WANTED, WE HAD ALREADY
>>>>
STARTED UNDERTAKING WORKS AND SENDING THE COUNCIL DOCUMENTARY AN

[Extract truncated in this PDF to avoid duplicating long quoted chains. Original .eml file is retained as source evidence.]

A27. Re: 37 brereton Avenue occupied by more than 4 people

Date	Tue, 18 Aug 2026 21:28:11 +0100
From	Andreas Russo <info@areton-ltd.com>
To	"Kyle Horner (NELC)" <Kyle.Horner@nelincs.gov.uk>
Cc	"Lucy Woods (NELC)" <Lucy.Woods@nelincs.gov.uk>, homeimprovementteam@nelincs.gov.uk, Andy Ross <andyross1980@hotmail.co.uk>, "Paul Wilmot (NELC)" <Paul.Wilmot@nelincs.gov.uk>
Source file	Re_ 37 brereton Avenue occupied by more than 4 people - Andreas Russo (info@areton-ltd.com) - 2026-08-18 2128(1).eml

Firstly, I apologise for the number of emails being sent. However, the issues now arising are sufficiently serious that *we consider it necessary to place our concerns clearly and contemporaneously on the record.*

We are becoming increasingly concerned by what appears to be a *significant disparity in the manner in which the Council is exercising its regulatory and enforcement functions*. In relation to 7 Brereton Avenue, despite our extensive cooperation, voluntary remedial works, repeated requests for clarification and substantial evidence supplied to the Council, we appear to be facing increasingly formal enforcement action. At the same time, some of the legal and procedural bases advanced in relation to our property remain disputed and, in certain instances, have still not been properly particularised or evidenced.

Our concern is therefore not merely that we disagree with individual officers. *It is that the relevant statutory regimes appear, in our case, to be being interpreted and applied excessively and, in certain respects, incorrectly, whilst apparently materially more serious conditions at other HMOs are not attracting an equivalent regulatory response.*

That apparent disparity is extremely concerning and, frankly, upsetting. We expect the Council's statutory powers to be exercised *lawfully, consistently, rationally, proportionately and upon a proper evidential basis*. Where formal enforcement action is taken without satisfying the applicable statutory and procedural requirements, we will exercise our statutory rights of appeal and, where appropriate, *ask the First-tier Tribunal to quash or vary that action*.

Conversely, where apparently serious housing and fire-safety conditions exist elsewhere, the applicable legislation should not simply go unenforced. *The same statutory framework should be applied objectively and consistently according to the actual hazards and evidence at each property.*

We therefore ask that the matters raised below are treated *with an appropriate degree of seriousness and reviewed at a sufficiently senior level, including by Legal Services where appropriate.* We are not seeking preferential treatment. We are asking for something much simpler: *the correct legislation to be applied correctly, proportionately and consistently.*

*
*

If the Council considers the conditions at 7 Brereton Avenue sufficiently serious to justify the service of an Improvement Notice — notwithstanding our extensive cooperation, voluntary works and the serious procedural and evidential concerns already identified, which we intend to rely upon in seeking to have any defective Notice quashed by the First-tier Tribunal — then an obvious and unavoidable question arises: WHERE IS THE PROHIBITION ORDER, OR EQUIVALENT FORMAL ENFORCEMENT ACTION, IN RESPECT OF 37 BRERETON AVENUE?

If the reported conditions at 37 Brereton Avenue are verified — including the alleged prolonged absence of an effective fire-alarm system, padlocked bedroom doors, defective fire doors and frames, compromised fire separation, an unusable communal kitchen, cooking appliances being used within bedrooms and evidence of occupation exceeding four persons — it is extremely difficult to understand how the Council could consider formal enforcement necessary at No. 7 whilst apparently permitting substantially more serious conditions to continue at No. 37 without correspondingly serious intervention.

We therefore require the Council to confirm whether a Prohibition Order under section 20, an Emergency Prohibition Order under section 43, an Improvement Notice, or any other Part 1 Housing Act 2004 enforcement action has been considered or taken in respect of 37 Brereton Avenue. If no such action has been taken, please provide the HHSRS assessment undertaken and the Council's recorded reasons for determining that such enforcement was unnecessary.

*The Council cannot reasonably apply one standard of enforcement to a landlord who is actively cooperating, undertaking works and repeatedly requesting clarification at No. 7, while applying a materially different standard to substantially more serious conditions at another HMO, if those reported conditions at No. 37 are substantiated. We therefore require a clear explanation of the apparent disparity in enforcement. *

This will be also done through FOI

Regards

Andreas

On 18/08/2026 20:19, Andreas Russo wrote:

>
> *Subject: 37 Brereton Avenue, Cleethorpes – Request for
Investigation
> and Clarification of Regulatory Position*
>
> Good afternoon,
>
> We would be grateful if the
Council could clarify the current
> regulatory position regarding *37 Brereton Avenue, Cleethorpes* and
>
investigate a number of potentially serious housing and fire-safety
> matters which have been reported to us
concerning the property.
>
> We understand that the property is being operated as an HMO. We
> further
understand that its current occupation may be approximately
> six persons, although we ask the Council to
verify the actual number
> of occupants.
>
> A number of concerns have been reported to us, including:
>
>
* an allegation that there is no properly functioning fire-alarm
> system;
> * bedroom doors reportedly
being secured using padlocks rather than
> appropriate internal locking arrangements;
> * reported
cracking/damage around fire-door frames;
> * reports that certain fire doors have been repaired or screwed
back
> together;
> * a reportedly loose staircase banister;
> * reports of occupants using air fryers
or other cooking appliances
> within bedrooms;
> * an allegation that the main kitchen is not presently
functional
> and therefore is not being routinely used by occupants;
> * concerns regarding a suspended
ceiling within part of the communal
> area, including an alleged substantial gap which may compromise
>
the required fire separation; and
> * concerns regarding the actual number of occupants presently
>
residing at the property.
>
> We appreciate that these matters need to be independently verified and
>
*we are not asking the Council to accept any allegation without
> investigation*.
>
> However, if accurate,

they appear capable of raising significant

- > issues under the Housing Act 2004/HHSRS, the Management of Houses in
- > Multiple Occupation (England) Regulations 2006 and applicable
- > fire-safety legislation.
- >
- > We

therefore respectfully request confirmation of:

- >
- > 1. whether 37 Brereton Avenue is presently known to the Council as an
- > HMO;
- > 2. the number of occupants presently recorded by the Council;
- > 3. whether the

property presently holds any mandatory, additional or

- > selective licence, or has any current application;

- > 4. the date of the Council's most recent inspection;
- > 5. whether any HHSRS hazards have been identified;

- > 6. whether any Improvement Notice, Prohibition Order, Hazard
- > Awareness Notice or other

formal/informal enforcement action has

- > been taken;
- > 7. whether the fire-safety arrangements have been

inspected or

- > referred to Humberside Fire and Rescue Service; and
- > 8. whether the Council considers the

current kitchen, fire doors,

- > alarm arrangements, means of escape and communal fire separation
- > to

be satisfactory.

- >
- > For clarity, the fact that a property may fall below the threshold for
- > *mandatory HMO

licensing does not remove the underlying housing and

- > fire-safety duties applicable to an HMO*. The

Government confirms that

- > the Fire Safety Order applies to the common parts of HMOs, and the
- > Council

itself states that landlords of shared properties and HMOs

- > must protect occupants from fire.
- >
- > Government

guidance:

- >
- > <https://www.gov.uk/government/publications/people-with-duties-under-fire-safety-laws/a-guide-for-persons-with-duties-under-fire-safety-legislation-accessible>
- >
- > <https://www.gov.uk/government/publications/people-with-duties-under-fire-safety-laws/a-guide-for-persons-with-duties-under-fire-safety-legislation-accessible?utm_source=chatgpt.com>
- >
- > North East Lincolnshire

Council landlord guidance:

- >
- > <https://www.nelincs.gov.uk/homes-and-property/advice-for-landlords/>
- >
- > <https://www.nelincs.gov.uk/homes-and-property/advice-for-landlords/?utm_source=chatgpt.com>
- >
- > North East

Lincolnshire Council HMO information:

- >
- > <https://www.nelincs.gov.uk/licencing/houses-in-multiple-occupation-hmo/>
- > <https://www.nelincs.gov.uk/licencing/houses-in-multiple-occupation-hmo/?utm_source=chatgpt.com>
- >
- >

We would therefore be grateful if these matters could be investigated

- > and the Council's present position

confirmed.

- >
- >
- > Serious concern regarding consistency of enforcement
- >
- > What we find particularly

difficult to understand is the apparent

- > disparity between the regulatory approach being taken in relation

to

- > *7 Brereton Avenue* and the apparent position at *37 Brereton Avenue*.
- >
- > At 7 Brereton Avenue, we have
- cooperated extensively with the Council,
- > provided substantial documentation and evidence, maintained the
- >
- > property to a high standard and continued voluntarily undertaking
- > works. The property has a *Grade A
- fire-alarm system, fire doors and
- > automatic door closers*, together with the other fire-safety measures
- >
- previously documented to the Council. Notwithstanding this, we are
- > presently facing the prospect of an
- Improvement Notice and continuing
- > requests concerning Building Control matters which we have repeatedly
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- asked the Council to identify by reference to the *specific works,
- > dates, evidence and statutory basis*
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>> be addressed voluntarily. There should therefore be no need
to create
>> avoidable Tribunal proceedings and unnecessary expenditure of Council
>> resources.
>>
>> *2.
Building Control*
>>
>> Regarding Building Control, *we are presently awaiting the evidence
>> specifically
requested from Building Control* demonstrating that any
>> alleged controlled building works were carried out
within the
>> applicable statutory enforcement period and that the relevant time
>> limits have therefore
not expired. The evidence currently available
>> to us indicates that the relevant works/configuration are
historical.
>>
>> Until Building Control provides the requested contrary evidence
>> identifying *the
specific works, when they were carried out and
>> evidence establishing that they fall within an applicable
enforcement
>> period*, there is nothing further for us to progress in relation to
>> Building Control or

regularisation. *We are simply awaiting Building
>> Control's evidence before taking any further steps.*
>>

>> *Regards*

>>

>> *Andreas Russo*

>>

>>

>> On 18/08/2026 19:01, Andreas Russo wrote:

>>>

>>>

>>> Formal

record and request for Legal Services review

>>>

>>> *For completeness, we have also sent a voicemail to your
mobile

>>> telephone and have retained a record of that communication.* We are

>>> maintaining a clear

contemporaneous record of our attempts to

>>> cooperate and resolve these matters because, should an
Improvement

>>> Notice nevertheless be served, we intend to exercise our statutory

>>> right of appeal and,

where the statutory or procedural requirements

>>> have not been complied with, *seek an order from the

First-tier

>>> Tribunal quashing the notice.*

>>>

>>> Given the seriousness of proceeding to formal
enforcement, *we

>>> respectfully request that the proposed course of action and this

>>> correspondence are

referred to the Council's Legal Services before

>>> any Improvement Notice is served.* Please ensure that
the applicable

>>> Housing Act 2004 provisions, statutory HHSRS guidance, the Council's

>>> own enforcement

policy and the evidence of our ongoing voluntary

>>> cooperation are properly considered before formal action
is taken.

>>> We are expressly seeking a constructive resolution and therefore ask

>>> the Council to avoid

unnecessary or disproportionate enforcement

>>> where the matters can first be identified, discussed and
addressed

>>> voluntarily.

>>>

>>> *Where enforcement powers are abused, or exercised without proper

>>>

compliance with the applicable statutory framework and mandatory

>>> procedural requirements, the resulting

Improvement Notice will be

>>> vulnerable to being quashed by the First-tier Tribunal. Where those

>>>

failures render the notice unlawful or invalid, we will specifically

>>> ask the Tribunal to quash it.*

>>>

>>> *Proceeding in that manner would achieve nothing except unnecessary

>>> Tribunal proceedings and a

substantial waste of the Council's time,

>>> legal resources and public money. It may also generate avoidable

>>> costs precisely because the proper statutory procedure was not

>>> followed in the first place.* We

therefore strongly urge the Council

>>> to obtain appropriate legal advice and follow the legislation,

>>>

statutory guidance and its own enforcement policy before proceeding

>>> to formal enforcement. There is

simply no reason to create an

>>> avoidable Tribunal dispute when we are actively offering to

>>> cooperate

and resolve properly identified matters voluntarily.

>>>

>>>

>>>

>>> On 18/08/2026 18:40, Andreas Russo wrote:

>>>>

>>>> *Subject: 7 Brereton Avenue – Request to Resolve Matters

>>>> Constructively Before Formal
Enforcement*

>>>>

>>>> *IMPORTANT: ANY IMPROVEMENT NOTICE SERVED WITHOUT COMPLIANCE WITH

>>>> THE APPLICABLE

STATUTORY REQUIREMENTS WILL BE OPEN TO CHALLENGE

>>>> BEFORE THE FIRST-TIER TRIBUNAL, AND WE WILL APPLY FOR
THE NOTICE TO

>>>> BE QUASHED. THE COUNCIL SHOULD THEREFORE ENSURE THAT THE REQUIRED

>>>> HHSRS ASSESSMENT,

STATUTORY PROCEDURE, REASONS AND EVIDENTIAL BASIS

>>>> ARE PROPERLY ESTABLISHED BEFORE FORMAL ENFORCEMENT IS
TAKEN.*

>>>>

>>>> *WE ARE ACTIVELY COOPERATING, REQUESTING THE SCHEDULE OF HAZARDS

>>>> AND PROPOSED WORKS,

AND OFFERING TO UNDERTAKE WORKS THAT ARE

>>>> PROPERLY REQUIRED. IF THE COUNCIL PROCEEDS TO AN IMPROVEMENT
NOTICE

>>>> WITHOUT PROPERLY COMPLYING WITH THE STATUTORY FRAMEWORK, THAT

>>>> FAILURE WILL FORM PART OF OUR

APPEAL AND WE WILL ASK THE TRIBUNAL

>>>> TO QUASH THE NOTICE.*

>>>>

>>>> *OF PARTICULAR IMPORTANCE, THERE IS

ALREADY WRITTEN EVIDENCE

>>>> PREDATING THE COUNCIL'S EMAIL ANNOUNCING ITS INTENTION TO SERVE AN

>>>>

IMPROVEMENT NOTICE WHICH DEMONSTRATES OUR ACTIVE COOPERATION.

>>>> BEFORE WE HAD EVEN BEEN PROVIDED WITH A

SCHEDULE OF HAZARDS OR TOLD

>>>> PRECISELY WHAT REMEDIAL WORKS THE COUNCIL WANTED, WE HAD ALREADY

>>>>

STARTED UNDERTAKING WORKS AND SENDING THE COUNCIL DOCUMENTARY AND

>>>> PHOTOGRAPHIC EVIDENCE OF THOSE WORKS,

BASED SIMPLY UPON OUR BEST

>>>> UNDERSTANDING OF WHAT THE COUNCIL MIGHT REQUIRE.*

>>>>

>>>> *THIS CHRONOLOGY

IS IMPORTANT. IT PROVIDES CONTEMPORANEOUS WRITTEN

>>>> EVIDENCE THAT WE WERE NOT REFUSING TO COOPERATE OR
REFUSING TO

>>>> UNDERTAKE REMEDIAL WORKS. QUITE THE OPPOSITE: BEFORE FORMAL

>>>> ENFORCEMENT WAS EVEN

PROPOSED, AND BEFORE THE COUNCIL HAD PROVIDED

>>>> US WITH ITS SCHEDULE, WE WERE ALREADY VOLUNTARILY TAKING
ACTION AND

>>>> PROVIDING EVIDENCE OF IT. IF AN IMPROVEMENT NOTICE IS NEVERTHELESS

>>>> SERVED WITHOUT THE

COUNCIL FIRST PROPERLY IDENTIFYING AND ASSESSING

>>>> THE REMAINING HAZARDS, DEFICIENCIES AND NECESSARY

REMEDIAL WORKS IN

>>>> ACCORDANCE WITH THE STATUTORY FRAMEWORK, WE WILL PLACE THIS ENTIRE

>>>> CHRONOLOGY

[Extract truncated in this PDF to avoid duplicating long quoted chains. Original .eml file is retained as source evidence.]

A28. Re: 37 brereton Avenue occupied by more than 4 people

Date	Tue, 18 Aug 2026 21:28:11 +0100
From	Andreas Russo <info@areton-ltd.com>
To	"Kyle Horner (NELC)" <Kyle.Horner@nelincs.gov.uk>
Cc	"Lucy Woods (NELC)" <Lucy.Woods@nelincs.gov.uk>, homeimprovementteam@nelincs.gov.uk, Andy Ross <andyross1980@hotmail.co.uk>, "Paul Wilmot (NELC)" <Paul.Wilmot@nelincs.gov.uk>
Source file	Re_ 37 brereton Avenue occupied by more than 4 people - Andreas Russo (info@areton-ltd.com) - 2026-08-18 2128.eml

Firstly, I apologise for the number of emails being sent. However, the issues now arising are sufficiently serious that *we consider it necessary to place our concerns clearly and contemporaneously on the record.*

We are becoming increasingly concerned by what appears to be a *significant disparity in the manner in which the Council is exercising its regulatory and enforcement functions*. In relation to 7 Brereton Avenue, despite our extensive cooperation, voluntary remedial works, repeated requests for clarification and substantial evidence supplied to the Council, we appear to be facing increasingly formal enforcement action. At the same time, some of the legal and procedural bases advanced in relation to our property remain disputed and, in certain instances, have still not been properly particularised or evidenced.

Our concern is therefore not merely that we disagree with individual officers. *It is that the relevant statutory regimes appear, in our case, to be being interpreted and applied excessively and, in certain respects, incorrectly, whilst apparently materially more serious conditions at other HMOs are not attracting an equivalent regulatory response.*

That apparent disparity is extremely concerning and, frankly, upsetting. We expect the Council's statutory powers to be exercised *lawfully, consistently, rationally, proportionately and upon a proper evidential basis*. Where formal enforcement action is taken without satisfying the applicable statutory and procedural requirements, we will exercise our statutory rights of appeal and, where appropriate, *ask the First-tier Tribunal to quash or vary that action*.

Conversely, where apparently serious housing and fire-safety conditions exist elsewhere, the applicable legislation should not simply go unenforced. *The same statutory framework should be applied objectively and consistently according to the actual hazards and evidence at each property.*

We therefore ask that the matters raised below are treated *with an appropriate degree of seriousness and reviewed at a sufficiently senior level, including by Legal Services where appropriate.* We are not seeking preferential treatment. We are asking for something much simpler: *the correct legislation to be applied correctly, proportionately and consistently.*

*
*

If the Council considers the conditions at 7 Brereton Avenue sufficiently serious to justify the service of an Improvement Notice — notwithstanding our extensive cooperation, voluntary works and the serious procedural and evidential concerns already identified, which we intend to rely upon in seeking to have any defective Notice quashed by the First-tier Tribunal — then an obvious and unavoidable question arises: WHERE IS THE PROHIBITION ORDER, OR EQUIVALENT FORMAL ENFORCEMENT ACTION, IN RESPECT OF 37 BRERETON AVENUE?

If the reported conditions at 37 Brereton Avenue are verified — including the alleged prolonged absence of an effective fire-alarm system, padlocked bedroom doors, defective fire doors and frames, compromised fire separation, an unusable communal kitchen, cooking appliances being used within bedrooms and evidence of occupation exceeding four persons — it is extremely difficult to understand how the Council could consider formal enforcement necessary at No. 7 whilst apparently permitting substantially more serious conditions to continue at No. 37 without correspondingly serious intervention.

We therefore require the Council to confirm whether a Prohibition Order under section 20, an Emergency Prohibition Order under section 43, an Improvement Notice, or any other Part 1 Housing Act 2004 enforcement action has been considered or taken in respect of 37 Brereton Avenue. If no such action has been taken, please provide the HHSRS assessment undertaken and the Council's recorded reasons for determining that such enforcement was unnecessary.

*The Council cannot reasonably apply one standard of enforcement to a landlord who is actively cooperating, undertaking works and repeatedly requesting clarification at No. 7, while applying a materially different standard to substantially more serious conditions at another HMO, if those reported conditions at No. 37 are substantiated. We therefore require a clear explanation of the apparent disparity in enforcement. *

This will be also done through FOI

Regards

Andreas

On 18/08/2026 20:19, Andreas Russo wrote:

>
> *Subject: 37 Brereton Avenue, Cleethorpes – Request for
Investigation
> and Clarification of Regulatory Position*
>
> Good afternoon,
>
> We would be grateful if the
Council could clarify the current
> regulatory position regarding *37 Brereton Avenue, Cleethorpes* and
>
investigate a number of potentially serious housing and fire-safety
> matters which have been reported to us
concerning the property.
>
> We understand that the property is being operated as an HMO. We
> further
understand that its current occupation may be approximately
> six persons, although we ask the Council to
verify the actual number
> of occupants.
>
> A number of concerns have been reported to us, including:
>
>
* an allegation that there is no properly functioning fire-alarm
> system;
> * bedroom doors reportedly
being secured using padlocks rather than
> appropriate internal locking arrangements;
> * reported
cracking/damage around fire-door frames;
> * reports that certain fire doors have been repaired or screwed
back
> together;
> * a reportedly loose staircase banister;
> * reports of occupants using air fryers
or other cooking appliances
> within bedrooms;
> * an allegation that the main kitchen is not presently
functional
> and therefore is not being routinely used by occupants;
> * concerns regarding a suspended
ceiling within part of the communal
> area, including an alleged substantial gap which may compromise
>
the required fire separation; and
> * concerns regarding the actual number of occupants presently
>
residing at the property.
>
> We appreciate that these matters need to be independently verified and
>
*we are not asking the Council to accept any allegation without
> investigation*.
>
> However, if accurate,

they appear capable of raising significant

- > issues under the Housing Act 2004/HHSRS, the Management of Houses in
- > Multiple Occupation (England) Regulations 2006 and applicable
- > fire-safety legislation.
- >
- > We

therefore respectfully request confirmation of:

- >
- > 1. whether 37 Brereton Avenue is presently known to the Council as an
- > HMO;
- > 2. the number of occupants presently recorded by the Council;
- > 3. whether the

property presently holds any mandatory, additional or

- > selective licence, or has any current application;

- > 4. the date of the Council's most recent inspection;
- > 5. whether any HHSRS hazards have been identified;

- > 6. whether any Improvement Notice, Prohibition Order, Hazard
- > Awareness Notice or other

formal/informal enforcement action has

- > been taken;
- > 7. whether the fire-safety arrangements have been

inspected or

- > referred to Humberside Fire and Rescue Service; and
- > 8. whether the Council considers the

current kitchen, fire doors,

- > alarm arrangements, means of escape and communal fire separation
- > to

be satisfactory.

- >
- > For clarity, the fact that a property may fall below the threshold for
- > *mandatory HMO

licensing does not remove the underlying housing and

- > fire-safety duties applicable to an HMO*. The

Government confirms that

- > the Fire Safety Order applies to the common parts of HMOs, and the
- > Council

itself states that landlords of shared properties and HMOs

- > must protect occupants from fire.
- >
- > Government

guidance:

- >
- > <https://www.gov.uk/government/publications/people-with-duties-under-fire-safety-laws/a-guide-for-persons-with-duties-under-fire-safety-legislation-accessible>
- >
- > <https://www.gov.uk/government/publications/people-with-duties-under-fire-safety-laws/a-guide-for-persons-with-duties-under-fire-safety-legislation-accessible?utm_source=chatgpt.com>
- >
- > North East Lincolnshire

Council landlord guidance:

- >
- > <https://www.nelincs.gov.uk/homes-and-property/advice-for-landlords/>
- >
- > <https://www.nelincs.gov.uk/homes-and-property/advice-for-landlords/?utm_source=chatgpt.com>
- >
- > North East

Lincolnshire Council HMO information:

- >
- > <https://www.nelincs.gov.uk/licencing/houses-in-multiple-occupation-hmo/>
- > <https://www.nelincs.gov.uk/licencing/houses-in-multiple-occupation-hmo/?utm_source=chatgpt.com>
- >
- >

We would therefore be grateful if these matters could be investigated

- > and the Council's present position

confirmed.

- >
- >
- > Serious concern regarding consistency of enforcement
- >
- > What we find particularly

difficult to understand is the apparent

- > disparity between the regulatory approach being taken in relation

to

- > *7 Brereton Avenue* and the apparent position at *37 Brereton Avenue*.
- >
- > At 7 Brereton Avenue, we have
- cooperated extensively with the Council,
- > provided substantial documentation and evidence, maintained the
- >
- > property to a high standard and continued voluntarily undertaking
- > works. The property has a *Grade A
- fire-alarm system, fire doors and
- > automatic door closers*, together with the other fire-safety measures
- >
- previously documented to the Council. Notwithstanding this, we are
- > presently facing the prospect of an
- Improvement Notice and continuing
- > requests concerning Building Control matters which we have repeatedly
- >
- asked the Council to identify by reference to the *specific works,
- > dates, evidence and statutory basis*
- said to engage Building Regulations.
- >
- > Against that background, we are extremely concerned by the reported
- >
- > condition and occupation of 37 Brereton Avenue.
- >
- > We understand that *more than four persons may presently
- be occupying
- > 37 Brereton Avenue*. If correct, we ask the Council urgently to
- > establish the actual
- number of persons occupying the property and
- > whether any applicable licensing requirements are being
- complied with.
- >
- > More fundamentally, however, *the absence of a requirement for
- > mandatory HMO licensing
- would not exempt a smaller HMO from the
- > substantive housing-management and fire-safety legislation
- applicable
- > to it.* The mandatory licensing threshold and the underlying safety
- > obligations are separate
- matters. A property does not cease to be
- > subject to applicable HMO management, HHSRS and fire-safety
- >
- requirements merely because its occupation happens to fall below the
- > mandatory licensing threshold.
- >
- > We
- have been informed of potentially serious conditions at 37 Brereton
- > Avenue, including the reported absence
- of an adequately functioning
- > fire-alarm system, damaged fire doors and frames, doors being secured
- > by
- padlocks, a loose staircase banister, cooking appliances being used
- > within bedrooms, an allegedly non-
- functional communal kitchen, and
- > concerns regarding the integrity of fire separation associated with a
- >
- suspended ceiling.
- >
- > We stress again that *we are asking the Council to investigate and
- > verify these
- reports independently rather than asking it to accept
- > them as established facts.*
- >
- > However, if those
- reports are substantiated, *we require an
- > explanation as to how such conditions have been assessed and
- dealt
- > with by the Council, particularly when contrasted with the extensive
- > regulatory scrutiny and
- proposed formal enforcement presently being
- > directed towards 7 Brereton Avenue.*
- >
- > Our concern is not
- that 37 Brereton Avenue should be treated unfairly
- > or subjected to unnecessary enforcement. *Our concern is
- consistency,

> proportionality and equal application of the statutory framework.*
>
> We simply expect the
same legislation, standards and enforcement
> principles to be applied consistently to comparable HMOs.
>
>
If the Council considers relatively minor matters at 7 Brereton Avenue
> sufficiently serious to justify
formal enforcement notwithstanding our
> extensive cooperation and voluntary remedial works, *we struggle to

> understand how the substantially more serious conditions reportedly
> existing at 37 Brereton Avenue
could properly attract a materially
> different regulatory response, if those conditions are verified.*
>
>
Accordingly, we respectfully request that the Council investigate 37
> Brereton Avenue, establish its actual
occupation and condition, and
> explain *what regulatory and enforcement action has been taken or is
>
presently considered appropriate*.
>
> This is particularly important because we need to understand *the
>
objective standards being applied by the Council to HMOs within the
> same area*. We cannot reasonably be
expected to understand the
> Council's regulatory expectations if apparently comparable properties
> are
subjected to materially different approaches without an
> identifiable statutory or evidential justification.

>
>
> Apparent disparity in enforcement
>
> We must also raise a serious concern regarding the
*apparent
> consistency and proportionality of the Council's enforcement approach*.
>
> In relation to *7
Brereton Avenue*, we are being informed that the
> Council is preparing formal enforcement action, including
an
> Improvement Notice, notwithstanding the fact that we have cooperated
> throughout, responded
extensively to officers, provided documentary
> and photographic evidence, voluntarily commenced remedial
works and
> repeatedly asked the Council simply to identify precisely what further
> works it requires.
>
>
By contrast, we understand that *37 Brereton Avenue is also operating
> as an HMO*, and we have evidence
indicating that the actual number of
> occupants may exceed four persons. We are prepared to provide that
>
evidence to the Council.
>
> More importantly, even if the occupation were four persons or fewer,
> *that
would not place the property outside the Housing Act 2004, HHSRS
> or applicable HMO Management Regulations
merely because mandatory HMO
> licensing was not required.* The distinction concerns licensing; it
> does
not provide a general exemption from the statutory housing and
> safety regime applicable to HMOs. The
Council's own published material
> recognises that HMOs are subject to the Management Regulations,
>
including duties concerning fire-safety measures.
>

> Against that legal background, we find the apparent disparity
> extremely difficult to understand.
>
> We are being threatened with formal enforcement at 7 Brereton Avenue
> despite having a high-standard fire-alarm system and substantial fire precautions,
actively cooperating with the Council and voluntarily
> undertaking works.
>
> Yet we have received reports that *37 Brereton Avenue has, or has had,
> substantially more serious conditions*, including an allegedly
>
non-functioning or inadequate fire-alarm system over an extended
> period, damaged fire doors and frames, bedroom doors reportedly
> secured using padlocks, a loose banister, cooking appliances
> reportedly being used in bedrooms, an allegedly non-functional
> communal kitchen, and potentially defective fire separation associated
> with the suspended ceiling.
>
> Again, we are not asking the Council to accept these allegations

> without investigation. *We are expressly asking the Council to
> investigate them.*
>
> However, if those matters are substantiated, our question is
> straightforward:
>
> *WHAT FORMAL ENFORCEMENT ACTION HAS BEEN TAKEN IN RESPECT OF 37
> BRERETON AVENUE?*
>
> Has an Improvement Notice been served?
>
> Has a Prohibition Order been considered or served?
>
> Have HHSRS assessments been undertaken?
>
> Have breaches of the HMO Management Regulations been investigated?
>
> Have the alleged fire-safety deficiencies been referred to Humberside
> Fire and Rescue Service?
>
> If *no formal enforcement action has been taken*, we respectfully

> request an explanation as to why.
>
> This is particularly important because the regulatory powers are not

> confined to licensed HMOs. The statutory regime expressly provides
> enforcement mechanisms concerning HMOs that are *not required to be
> licensed*. For example, Housing Act powers concerning overcrowding can
>
apply to unlicensed HMOs, and housing conditions remain capable of
> enforcement through Part 1/HHSRS.
>
> We
therefore find it extremely difficult to reconcile the apparent
> positions.
>
> *At 7 Brereton Avenue, a landlord who is actively cooperating,
> voluntarily undertaking works, providing evidence and repeatedly
>
asking the Council what remains outstanding is facing proposed formal
> enforcement. Yet at 37 Brereton Avenue, where substantially more

> serious safety deficiencies and occupation levels have been reported,
>
we presently have no information demonstrating equivalent enforcement
> action.*
>
> We are not requesting
preferential treatment.
>
> We are not asking for 37 Brereton Avenue to be treated unfairly.
>
> *We are
asking for consistency.*
>
> If the same statutory framework applies, then comparable risks and
> breaches
should be assessed objectively and the Council's enforcement
> powers exercised consistently, proportionately
and on the evidence.
>
> Accordingly, *please confirm what inspections, HHSRS assessments,
> notices,
enforcement action or other interventions have taken place at
> 37 Brereton Avenue during the relevant period
and, if no formal action
> has been taken, the basis upon which that decision was reached.*
>
>
> Kind
regards,
>
> Andreas Russo
>
>
> On 18/08/2026 19:12, Andreas Russo wrote:
>>
>>
>> Summary of Our
Position
>>
>> *1. Improvement Notice*
>>
>> Given the circumstances outlined above, if the Council proceeds
with
>> an Improvement Notice *without properly complying with the applicable
>> statutory requirements,
HHSRS procedure and relevant guidance*, we
>> will challenge the notice before the First-tier Tribunal and
*seek to
>> have it quashed*. We are actively cooperating and requesting the
>> schedule of hazards and
proposed works so that legitimate matters can
>> be addressed voluntarily. There should therefore be no need
to create
>> avoidable Tribunal proceedings and unnecessary expenditure of Council
>> resources.
>>
>> *2.
Building Control*
>>
>> Regarding Building Control, *we are presently awaiting the evidence
>> specifically
requested from Building Control* demonstrating that any
>> alleged controlled building works were carried out
within the
>> applicable statutory enforcement period and that the relevant time
>> limits have therefore
not expired. The evidence currently available
>> to us indicates that the relevant works/configuration are
historical.
>>
>> Until Building Control provides the requested contrary evidence
>> identifying *the
specific works, when they were carried out and
>> evidence establishing that they fall within an applicable
enforcement
>> period*, there is nothing further for us to progress in relation to
>> Building Control or

regularisation. *We are simply awaiting Building
 >> Control's evidence before taking any further steps.*
 >>

>> *Regards*
 >>
 >> *Andreas Russo*
 >>
 >>
 >> On 18/08/2026 19:01, Andreas Russo wrote:
 >>>
 >>>
 >>> Formal
 record and request for Legal Services review
 >>>
 >>> *For completeness, we have also sent a voicemail to your
 mobile
 >>> telephone and have retained a record of that communication.* We are
 >>> maintaining a clear
 contemporaneous record of our attempts to
 >>> cooperate and resolve these matters because, should an
 Improvement
 >>> Notice nevertheless be served, we intend to exercise our statutory
 >>> right of appeal and,
 where the statutory or procedural requirements
 >>> have not been complied with, *seek an order from the
 First-tier
 >>> Tribunal quashing the notice.*
 >>>
 >>> Given the seriousness of proceeding to formal
 enforcement, *we
 >>> respectfully request that the proposed course of action and this
 >>> correspondence are
 referred to the Council's Legal Services before
 >>> any Improvement Notice is served.* Please ensure that
 the applicable
 >>> Housing Act 2004 provisions, statutory HHSRS guidance, the Council's
 >>> own enforcement
 policy and the evidence of our ongoing voluntary
 >>> cooperation are properly considered before formal action
 is taken.
 >>> We are expressly seeking a constructive resolution and therefore ask
 >>> the Council to avoid
 unnecessary or disproportionate enforcement
 >>> where the matters can first be identified, discussed and
 addressed
 >>> voluntarily.
 >>>
 >>> *Where enforcement powers are abused, or exercised without proper
 >>>
 compliance with the applicable statutory framework and mandatory
 >>> procedural requirements, the resulting
 Improvement Notice will be
 >>> vulnerable to being quashed by the First-tier Tribunal. Where those
 >>>
 failures render the notice unlawful or invalid, we will specifically
 >>> ask the Tribunal to quash it.*
 >>>

>>> *Proceeding in that manner would achieve nothing except unnecessary
 >>> Tribunal proceedings and a
 substantial waste of the Council's time,
 >>> legal resources and public money. It may also generate avoidable
 >>>
 costs precisely because the proper statutory procedure was not
 >>> followed in the first place.* We
 therefore strongly urge the Council
 >>> to obtain appropriate legal advice and follow the legislation,
 >>>
 statutory guidance and its own enforcement policy before proceeding
 >>> to formal enforcement. There is
 simply no reason to create an
 >>> avoidable Tribunal dispute when we are actively offering to
 >>> cooperate
 and resolve properly identified matters voluntarily.
 >>>
 >>>

>>>

>>> On 18/08/2026 18:40, Andreas Russo wrote:

>>>>

>>>> *Subject: 7 Brereton Avenue – Request to Resolve Matters

>>>> Constructively Before Formal
Enforcement*

>>>>

>>>> *IMPORTANT: ANY IMPROVEMENT NOTICE SERVED WITHOUT COMPLIANCE WITH

>>>> THE APPLICABLE

STATUTORY REQUIREMENTS WILL BE OPEN TO CHALLENGE

>>>> BEFORE THE FIRST-TIER TRIBUNAL, AND WE WILL APPLY FOR
THE NOTICE TO

>>>> BE QUASHED. THE COUNCIL SHOULD THEREFORE ENSURE THAT THE REQUIRED

>>>> HHSRS ASSESSMENT,

STATUTORY PROCEDURE, REASONS AND EVIDENTIAL BASIS

>>>> ARE PROPERLY ESTABLISHED BEFORE FORMAL ENFORCEMENT IS
TAKEN.*

>>>>

>>>> *WE ARE ACTIVELY COOPERATING, REQUESTING THE SCHEDULE OF HAZARDS

>>>> AND PROPOSED WORKS,

AND OFFERING TO UNDERTAKE WORKS THAT ARE

>>>> PROPERLY REQUIRED. IF THE COUNCIL PROCEEDS TO AN IMPROVEMENT
NOTICE

>>>> WITHOUT PROPERLY COMPLYING WITH THE STATUTORY FRAMEWORK, THAT

>>>> FAILURE WILL FORM PART OF OUR

APPEAL AND WE WILL ASK THE TRIBUNAL

>>>> TO QUASH THE NOTICE.*

>>>>

>>>> *OF PARTICULAR IMPORTANCE, THERE IS

ALREADY WRITTEN EVIDENCE

>>>> PREDATING THE COUNCIL'S EMAIL ANNOUNCING ITS INTENTION TO SERVE AN

>>>>

IMPROVEMENT NOTICE WHICH DEMONSTRATES OUR ACTIVE COOPERATION.

>>>> BEFORE WE HAD EVEN BEEN PROVIDED WITH A

SCHEDULE OF HAZARDS OR TOLD

>>>> PRECISELY WHAT REMEDIAL WORKS THE COUNCIL WANTED, WE HAD ALREADY

>>>>

STARTED UNDERTAKING WORKS AND SENDING THE COUNCIL DOCUMENTARY AND

>>>> PHOTOGRAPHIC EVIDENCE OF THOSE WORKS,

BASED SIMPLY UPON OUR BEST

>>>> UNDERSTANDING OF WHAT THE COUNCIL MIGHT REQUIRE.*

>>>>

>>>> *THIS CHRONOLOGY

IS IMPORTANT. IT PROVIDES CONTEMPORANEOUS WRITTEN

>>>> EVIDENCE THAT WE WERE NOT REFUSING TO COOPERATE OR
REFUSING TO

>>>> UNDERTAKE REMEDIAL WORKS. QUITE THE OPPOSITE: BEFORE FORMAL

>>>> ENFORCEMENT WAS EVEN

PROPOSED, AND BEFORE THE COUNCIL HAD PROVIDED

>>>> US WITH ITS SCHEDULE, WE WERE ALREADY VOLUNTARILY TAKING
ACTION AND

>>>> PROVIDING EVIDENCE OF IT. IF AN IMPROVEMENT NOTICE IS NEVERTHELESS

>>>> SERVED WITHOUT THE

COUNCIL FIRST PROPERLY IDENTIFYING AND ASSESSING

>>>> THE REMAINING HAZARDS, DEFICIENCIES AND NECESSARY

REMEDIAL WORKS IN

>>>> ACCORDANCE WITH THE STATUTORY FRAMEWORK, WE WILL PLACE THIS ENTIRE

>>>> CHRONOLOGY

[Extract truncated in this PDF to avoid duplicating long quoted chains. Original .eml file is retained as source evidence.]

Appendix B1

Fwd 7 brereton avenue - Andre__01__7 Brereton Ave DN35 7RP Contract.pdf



7 Brereton Ave DN35 7RP Contract

Andreas investments Ltd

Bank Details

Andreas investments Ltd

Bank Account Number - 16541391

Sort Code - 541023

The Tenant

Tenant's Name:

Email

Phone:

Date of birth:

(Most likely a Whatsapp Number)

The Tenant 2 (optional)

Tenant's Name:

Email

Phone:

(Most likely a Whatsapp Number)

Date of birth:



The Agreed Terms

Rent per month

Tenancy start date



The tenancy is a periodic tenancy commencing on the start date and continuing until terminated in accordance with this agreement.

The Tenant may terminate the tenancy at any time by giving not less than two months' written notice, which must expire at the end of a rental period.

OVERVIEW

(For letting of a residential dwelling)

Notices:

This tenancy is a periodic tenancy. The Tenant remains responsible for paying rent and complying with this agreement until the tenancy is properly ended in accordance with this agreement and the law.

Where there is more than one Tenant, all obligations, including those for Rent repairs can be enforced against all of the Tenants jointly and against each individually. The total sum of the Security Deposit and the first months Rent must be paid on or before the start date of this Tenancy Agreement in order for keys to be allocated to allow for access to the Property.

If you are unsure of your obligations under this Agreement, then you are advised to take independent legal advice before signing.

This Agreement is made Between:

Landlord: _____ Andreas Russo _____

Landlord's address: 43 Azalea Lane, LN6 6AQ

Note: Under s, 48, Landlord and Tenant Act 1987, notices can be served on the above address

Property Address: _____ A Room , **7 Brereton Av DN35 7RP Contract**

Contents: The fixtures and fittings at the Property together with any furniture, carpets curtains and other effects listed in the Inventory.

(but continuing thereafter by virtue of statute, until notice is given and vacant possession is returned to the Landlord)

Inclusive of: Council Tax

Utilities (gas, electric & water)

Internet

TV License

1. The Landlord lets and the Tenant takes the Property as a periodic tenancy at the rent set out above.
2. This tenancy continues until ended in accordance with this agreement and applicable law.

meaning of the Housing Act 1988 as amended by the Housing Act 1996.

(Meaning: The Agreement is for a specific time only. After the Agreement expires the Landlord can regain possession of the Property).

3. The Landlord reserves the right to increase the rent by giving the Tenant not less than one month's written notice prior to the next rent due date, or such other notice as may be required by law.

3. THE TENANT AGREES WITH THE LANDLORD TO:

3.1 Pay the Rent on the day specified by the Landlord's Agent.

3.2 Pay the Security Deposit on the date specified by the Landlord's Agent. (if any)

3.3 The Landlord shall pay all reasonable electricity gas, and water charges for appliances supplied by the Landlord. A maximum allowance of £13 p.p.p.w. for the entire Property. Should this figure be exceeded the Landlord reserves the right to levy a charge to cover the additional cost. It is the Tenants responsibility to monitor their own usage.

Alternatively pay monthly maximum consumption gas and electricity 260 pound per month in the winter and 100 monthly for water (October 1st - March 31) other months of the year the electricity and gas monthly cap is 180 pound and water is the same 100 pound any excess needs to be paid separately by each tenant.

(Meaning: The Rent is inclusive of utility bills but they are capped, so if you use more gas, electricity or water than included you will be liable for the remaining charges).

Please note that the split will be done between each room rented out. Therefore the less occupation the more the split excess bills. For example if only 4 rooms were rented out then the excess is split only by each tenant of the 4 rooms whether they occupied the room or not.

3.4 The Tenant agrees to pay all Council Tax charges unless stated otherwise.

USE OF THE PROPERTY:

3.5 Not to assign, sublet or part with the possession of the Property or let any other person live at the Property.

3.6 Not to carry out any profession, trade or business or take in lodgers or paying guests at the Property or put up any notice boards or other notices or use the Property for any purpose other than as a private residence.

3.7 Not to do or allow at the Property anything which is illegal or anything which may be or become a nuisance or annoyance to the Landlord, the Tenants or occupiers of any neighbouring premises.

(Meaning: Don't break the law and please respect your housemates and neighbours).

3.8 Not to do anything which may increase the insurance premium on the Property or which may cause any insurance of the Property to become void.

3.09 Not permit smoking inside the Property by Tenants or guests. If smoking has occurred and damage has been sustained to the interior of the Property or it's contents, the Tenant is liable for the cost incurred by the Landlord to have any discoloured decorations or damage to the fixture and fittings professionally redecorated, cleaned or replaced.

3.10 The tenant must not allow children to live in the property; not allow animals in the property.

3.11 The tenant acknowledges responsibility for the security of the Property subject to the tenant doing the following: using all locks that are fitted to the property; not giving keys to anyone other than a named person as a tenant under this agreement, a member of your family living at the property, or a permitted lodger (if at the end of the tenancy there is a responsible cause to believe that the landlord has not had returned to him all keys to the property, the tenant agrees to pay the landlord's reasonable costs for fitting replacement locks as there is a duty to make sure that future tenants are protected, The Tenant must ensure that all entrance and communal doors are kept properly closed, secured, and locked at all times and must not compromise the security or safety of the Property or other occupants, not alter locks on doors or windows to the property.

3.12 The room is to be occupied by a single person only unless otherwise stated in WRITING by the manager.

3.13 Fire Safety & Obstruction of Communal Areas

The Tenant agrees that all internal and external communal areas, including hallways, staircases, landings, and fire exits, must be kept **clear of personal belongings, furniture, bicycles, rubbish, or any other items** at all times.

The Tenant must not store or leave any items in these areas that may:

- Block or obstruct escape routes in case of an emergency;
- Create a trip hazard or fire risk;
- Prevent access for other occupants or emergency services.

Failure to comply with this condition may result in **removal of the items without notice** and may constitute a **breach of the tenancy agreement**.

The Landlord and/or appointed representatives will carry out regular inspections to ensure compliance with fire safety standards. The Tenant agrees to cooperate fully and take immediate action if requested to remove any obstructions.

4. CONDITION:

4.1 Keep the Property clean and keep the interior of the Property in good repair and condition and not damage the furniture and contents nor remove any of them from the Property.

(Meaning: You will be responsible for the cost of any damage to the walls, doors, windows or furniture provided by the Landlord. It is important that you complete the inventory when you move in so that you and the Landlord both know what furniture was in the house and the condition. We will provide a filled inventory that you should view and agree or make changes to within 7 days of key exchange).

4.2 Replace all broken glass in doors and windows damaged during the Term.

4.3 Not redecorate the Property without written consent of the Landlord.

(Meaning: Please do not repaint the inside or outside walls of the Property without written permission of the Landlord who may also wish to approve any colours).

4.4 Not to glue, stick or otherwise fix anything to the exterior or interior of the Property without written

consent of the Landlord. (Meaning: Please do not glue posters to the walls! The use of blu-tack may be permitted. Please ask the Managing Agent if this will be allowed prior to doing so).

4.5 Keep the garden, driveway, pathway, hedges, rockeries neat tidy and do not remove any trees or plants.

(Meaning: Keep the exterior of the Property free from rubbish. Please ensure that you only leave bins out on refuse day. The Council like to charge for bins left out after refuse day. The Landlord will not be responsible for these costs).

4.6 To allow access to the Landlord or his/her Managing Agent or Third Party Agent at reasonable times of the day upon receiving 24 hours notice (unless in the case of an emergency) to inspect and view the Property and its condition and repair, from time to time the landlord or managing agent may require access for viewings. 24hrs notice will be given to all tenants. You may also be required to allow access to your bedroom and other areas of the property. (Meaning: We may require access to the Property for maintenance or inspection purposes. We will aim to give you 24hrs notice. If mutually agreeable between the Tenant and the Landlord / Managing Agent 24hrs notice will not be required).

4.7 To immediately report maintenance work to the Landlord or his/her Managing Agent, including damage to the Property or furniture.

(Any unnecessary call out requiring staff involvement will incur a minimum **£50.00 charge**. Eg. Calls out of office hours for lock-outs).

4.8 To ensure that the Property is properly ventilated and to allow thorough circulation of fresh air at regular intervals and to be responsible for removing, cleaning and leaving in good order any areas of blackness caused by condensation or lack of proper ventilation.

4.9 Not fix or suffer to be fixed the exterior or windows of the Property any notice board, notice, sign, advertisement or poster.

4.10 Not cause or unreasonably permit any blockage to the drains and pipes, gutters and channels in or

about the Property. Common causes of blockages for which the Tenants would be responsible include putting fat/oil down the sink, failure to remove hair from plug holes and flushing inappropriate things (such as sanitary towels) down the toilet.

4.11 Not add any aerial, antenna or satellite dish to the Property without the Landlord's consent, which will not be unreasonably withheld. It is the Tenants responsibility to remove any such aerial, antenna or satellite dish at the end of the Tenancy or be liable for the cost of removal.

4.12 Not change the locks, (or install additional locks) to any doors in the Property, nor make additional keys for the locks without the Landlords consent, which will not be unreasonably withheld. All keys are to be returned to the Landlord at the end of the tenancy. Any loss of keys must be reported to the Landlord within twenty four (24) hours. The Landlord can either supply new keys at the cost of £20.00 per key to the Tenant(s) or change the locks at a minimum cost of £75 per door to the Tenant(s).

4.13 Pay the Landlord for the reasonable cost of replacing the locks and cutting new keys if any keys are not returned when the Tenants move out.

4.14 Regularly test all smoke detectors and alarms and if necessary replace the batteries. Lightbulbs are also consumables and it is the Tenants responsibility to replace these.

4.15 Not keep, use or permit to be used and oil stove, paraffin heater or other portable fuel burning appliance, or other appliance against the terms of the insurance of the Property, except as provided by the Landlord.

4.16 (If applicable) be responsible for ensuring that any television used is correctly and continually licensed.

4.17 Not to prop open any fire doors in the Property except by any built in system that closes them in the event of a fire and not disable or interfere with any self-closing mechanism.

4.18 Forward any correspondence addressed to the Landlord and other notices, orders and directions affecting the Landlord to the Landlord without delay.

4.19 Not without the prior consent of the Landlord, keep or suffer to be kept in the Property any cat, dog, or other pet.

4.20 Not to leave the Property vacant for more than 28 consecutive days without notifying the Landlord or

his/her Managing Agent.

4.21 To ensure that when you leave the Property during the Term unattended that you have ensured that all windows and doors have been locked and bolted.

4.22 Deliver up the Property to the Landlord at the end of the Tenancy in the same good, and clean state of repair, condition and decoration as they were in at the commencement of the Term (fair wear and tear and damage by accidental fire excepted).

4.23 Not take in any lodger or paying guest without the prior written consent of the Landlord.

4.24 To pay the Landlord's costs in connection with any breach by the Tenants of this Tenancy.

4.25 Pay any excess on the Landlord's insurance if the claim results from the negligence, misuse or failure to act reasonably by the Tenants or any of his/her visitors or friends.

4.26 Pay and arrange for the removal of all vermin, pests and insects, if infestation begins during the term, woodworm and wood-boring insects excepted, unless such infestation occurs as a failure of the Landlord to fulfil his repairing obligations.

4.27 Pay any costs incurred by the Landlord if, contrary to the terms of this agreement, the Tenant permits

the Property to be Occupied as a House in Multiple Occupation under the Housing Act 2004, any Local

Authority directives or decisions or, contrary to the terms of this agreement, uses the Property in such a way as to require it to be licensed. This will usually happen if the Tenant permits additional people of any age, to live in the Property.

4.28 Pay the costs of any court action taken for possession of the Property or breach of Tenancy, as provided for in the court's judgment.

4.29 Where the Tenants request a repair and on inspection the problem has been caused by a failure on part of the Tenant (for example drains blocked by the Tenants waste) the Tenants agree to be responsible for the reasonable cost of the contractors visit.

4.30 Should this Tenancy Agreement be formed in the name of a single Tenant, it is agreed that the

responsibility to act in a Tenant like manner is jointly held in relation to the communal areas by all occupants of the Property. As such, should there be any deductions sought from the Security Deposit at the end of the Tenancy in

connection to communal areas, the cost will be shared equally between all occupants.

4.31 50 pound penalty will apply per electric heater found in each room

4.32 Excess Bills payments are divided by the number of rooms and not individual room consumption. Individual room consumption is not available in any of our HMO properties.

4.33 If the Tenant wishes to vacate the Property, the Tenant must serve notice in accordance with this agreement. Where the Tenant requests to leave earlier than the expiry of a valid notice period, the Landlord may, at their discretion, agree to an earlier surrender of the tenancy.

Any such agreement will be conditional upon the Tenant remaining liable for rent and obligations under this agreement until a suitable replacement tenant is found and takes occupation of the room.

The Tenant agrees to cooperate with reasonable access for viewings during this period. The Tenant may be required to contribute towards the reasonable and evidenced costs incurred by the Landlord in re-letting the room, in accordance with applicable legislation.

4.34 The landlord is not liable for any theft inside the boundary of the property

5. THE DEPOSIT:

5.1 The Landlord will arrange for the Tenant's Security Deposit (if any) to be protected by an

authorised Tenancy Deposit Scheme in accordance with the provisions of the Housing Act 2004 within thirty (30) days of receipt, and comply with the rules of the Tenancy Deposit Scheme at all times.

(Meaning: All Security Deposits are stored with the DPS (Deposit Protection Scheme). You will receive an email with a Repayment ID please print this email and keep it safe. You will require your Deposit ID at the end of the term of this Agreement).

5.2 Subject to deposit scheme rules, the deposit is held to pay for any financial loss suffered by the Landlord because of the break of any of the items listed on the inventory.

6. FORFEITURE:

6.1 Provided that if the Rent or any part thereof shall be in arrears for fourteen (14) days after the same shall have become due whether legally demanded or not if there shall be a breach of any of the obligations on the part of the Tenants, the Landlord may re-enter the Property or any part thereof and immediately thereupon the Tenancy shall absolutely determine without prejudice to any other rights and remedies of the Landlord.

7. LANDLORDS OBLIGATIONS:

7.1 The Landlord agrees with the Tenants as follows:

7.2 To pay and indemnify the Tenants against all agreed rates, assessments and outgoings in respect of the Property under this Agreement.

7.3 That the Tenants paying the Rent and performing the obligations on the part of the Tenant may quietly

possess and enjoy the Property during the Tenancy without any unlawful interruption from the Landlord or any person claiming under or in trust for the Landlord.

Tenancy Notice Period

The Tenant may terminate the tenancy at any time by giving not less than two months' written notice, which must expire at the end of a rental period.

8. MISCELLANEOUS

8.1 References to the masculine gender include the feminine; to the singular include the plural; and to 'Month' referring to calendar month.

9. SPECIAL TENANCY CONDITIONS:

9.1 There shall be incorporated into this Agreement such of the provisions set out below.

9.2 The Tenants must not play any musical instrument or use any sound reproduction equipment so as to be a cause of annoyance or disturbance to adjoining residents and without prejudice to the generality of the foregoing not between the hours of 11.00pm and 9.00am to play any such instrument or use any sound reproduction equipment so as to be audible outside the Property.

9.3 The garden is to be kept neat and tidy and free of refuse and items that may cause offence to neighbours and all refuse to be stored so as not to attract pests or vermin and be placed in the appropriate area on the day ready for collection by the Local Authority.

9.4 No illegal drugs to be used or kept on the Property at any time.

9.5 Any bank charges incurred by the Landlord, as a result of misrepresented or returned cheques or reversed standing order payments due to the Tenant will be charged at £20.00 per transaction.

9.6 If the Rent or any other money due to the Landlord from the Tenant under the terms of the Agreement is unpaid 3 days after it was due the Landlord will claim interest under s.69 of the County Court Act 1984 at the rate of 8.0% per calendar month or any subsequent rate change by legislation. After 3 days a charge of £10 per day will be made until rent is received in full.

9.7 If any Rent is unpaid 14 days after it was due (whether legally demanded or not) or the Tenant fails to comply with any obligations under this Agreement or any of the following Grounds under Schedule 2 of the Housing Act 1988 apply namely Ground 2, Ground 8 or Grounds 10-15 inclusive the Landlord may re-enter the Property and end the Tenancy (without affecting any right of the Landlord to claim any arrears of Rent or to claim for any other obligation owed to the Landlord under this Agreement).

9.8 If the Tenant(s) leave any possessions at the Property after the Tenancy ends, the Landlord may remove them and dispose of them by any means. The Landlord may deduct any removal expense from the Security Deposit held.

9.9 Any notice under this Agreement shall be in writing and be served on the Tenant(s) at his/her last known address or by sending it by registered post or recorded delivery.

9.10 At the end of the Tenancy the inspection will be carried out after the Property has been vacated by all Tenants, and all keys are returned to the Landlord with the outgoing Tenant(s) forwarding addresses.

9.11 The Tenant(s) must ensure all Rental payments are paid on the day due.

9.12 Any use of naked flames including, but not exclusive to candles, incense sticks or other are strictly prohibited.

9.13 The Landlord reserves the right to terminate this Agreement should the Tenant be unable to supply a suitable Guarantor (if required) or if the Guarantor supplied proves to be unacceptable. This clause cannot be instigated by the Tenant. If the Landlord wishes to exercise the clause it will only be deemed executed if provided in writing by the Landlord.

9.14 If the Property benefits from an internet service provided by the Landlord, there will be no reduction in Rent should the Tenant choose not to use the facility. There will be no deduction in the Rent should the service be restricted, suspended or de-activated by the Internet Service Provider the Tenant shall not be due any compensation in this case.

9.15 If the Property benefits from the inclusion of a Television License, a single License to the Property is provided only.

9.16 For the purposes of S.48 of the Landlord and Tenant Act 1987 the Landlord's address for service of notices is **7 Brereton Ave Cleethorpes DN35 7RP, UK.**

9.17 Should this Agreement be in the name of a single Tenant residing in a Property on a house share basis with shared facilities, it is agreed that the responsibility for all communal areas is joint and several in nature absolutely.

10. INSPECTIONS AND ACCESS TO THE PROPERTY

To permit the Landlord, or his agent, contractor or those authorised by the Landlord, upon giving at least 24 hours notice in writing (except in an emergency) to enter the property at all reasonable times for the purpose of inspection and repair or access to view the property, accompanying a prospective Tenant or purchaser of the property.

10.1 if there is an emergency and the Landlord needs to enter the property immediately he is entitled to enter, or it necessary force entry to the property without giving Tenant any notice. The Landlord is entitled to ask for payment from the Tenant for any damage done in the process of forcing entry to the property if it was the tenant's fault that it was necessary to force entry.

10.2 The Tenant will be liable for any losses caused to the Landlord where the Tenant refuses access.

10.3 Where the Tenant fails to keep an appointment the tenant is liable to cover workmen's call-out charges. These charges may be avoided if the Tenant cancels the appointment at least 2 hours before the appointment, or informs the Landlord that workmen may attend without the Tenant being present.

10.4 Right to Rent Clause:

The Tenant must provide satisfactory evidence of their Right to Rent in the United Kingdom before occupation and must immediately notify the Landlord of any change to their immigration status or right to occupy residential accommodation in the UK. Failure to provide required documentation may result in the Landlord reporting the matter to the relevant authorities and taking such action as permitted by law.

10.5 Fire Safety Clause

The Tenant must not interfere with, disable, obstruct, cover, tamper with, or misuse any fire safety equipment, smoke detector, heat detector, fire alarm, emergency lighting, fire door, self-closing mechanism, fire escape route, or fire-fighting equipment.

Any deliberate interference shall constitute a serious breach of the tenancy agreement.

10.6 Security of Building Clause

The Tenant shall ensure that all external doors, communal doors, fire doors and security entrances remain closed and secured at all times.

The Tenant must not deliberately leave entrance doors open or permit unauthorised persons to enter or remain in the Property.

10.7 Visitors and Overnight Guests

No guest may occupy the Property for more than 2 consecutive nights or more than 7 nights in any calendar month without prior written consent.

The Tenant remains responsible for the behaviour of all visitors.

10.8 Violence and Threatening Behaviour

Any physical violence, threat of violence, intimidation, harassment, abusive language, discriminatory conduct, or threatening behaviour towards any occupier, neighbour, contractor, agent or landlord shall constitute a serious breach of this agreement.

This is very useful evidence for future possession proceedings.

10.9 Illegal Activity Clause

The Tenant must not use the Property for any criminal, unlawful or immoral purpose and must not permit any criminal activity to take place at the Property.

10.10. Reporting of Incidents

The Tenant shall immediately report any fire safety issue, security breach, criminal activity, property damage, violence, threats or serious anti-social behaviour occurring at the Property.

10.11 Utilities and Services Contribution

In addition to the contractual rent, the Tenant shall pay a contribution towards the costs of utilities, communication services and other occupation-related services supplied to or made available at the Property.

The parties acknowledge that this contribution is separate from and in addition to the contractual rent and is not a tenancy deposit, holding deposit or any form of security for the performance of the Tenant's obligations under this Agreement. The contribution shall not be held against rent arrears, damage to the Property or breaches of this Agreement.

The contribution is intended solely to assist with the costs associated with the occupation and operation of the Property, including, where applicable, electricity, gas, water, broadband, communication services, television licensing, council tax liabilities and such other categories of permitted payments as may be recognised by Schedule 1 of the Tenant Fees Act 2019 or any replacement legislation.

The parties agree that the contribution is made towards the ongoing provision of services and occupation-related costs and shall be treated accordingly. The contribution does not constitute a tenancy deposit and is not intended to operate as security for the performance of any obligation under this Agreement.

11. TERMINATING THIS AGREEMENT

11.1 The Landlord may recover possession of the Property strictly in accordance with the statutory grounds for possession in force at the time. The Tenant acknowledges that where any such ground applies, the Landlord shall be entitled to seek possession through the courts and the Tenant will be required to give up vacant possession in accordance with any notice served and any court order obtained.

The Tenant further acknowledges that failure to comply with the terms of this agreement, including but not limited to rent arrears, breach of obligations, or unauthorised occupation, may result in legal proceedings for possession and the recovery of any outstanding sums and associated costs as permitted by law..

11. TERMINATING THIS AGREEMENT

11.1 The Landlord may recover possession of the Property strictly in accordance with the statutory grounds for possession in force at the time. The Tenant acknowledges that where any such ground applies, the Landlord shall be entitled to seek possession through the courts and the Tenant will be required to give up vacant possession in accordance with any notice served and any court order obtained.

The Tenant further acknowledges that failure to comply with the terms of this agreement, including but not limited to rent arrears, breach of obligations, or unauthorised occupation, may result in legal proceedings for possession and the recovery of any outstanding sums and associated costs as permitted by law..

12. DATA PROTECTION

12.1 The Landlord undertakes with the Tenant that it will treat all information held about the Tenant

secure at all times in accordance with ICO (Information Commissioner's Office) Reg No: ZA130918.

I, the undersigned, confirm and declare the following:

1. Sole Occupancy

I understand and agree that I am the sole authorised occupant of the room stated above. No other person is permitted to live in or regularly stay in the room without the prior written consent of the Landlord or their Agent.

2. Guest Policy

I am aware that guests are only permitted to stay overnight occasionally, and that no guest may stay more than **two (2) nights in any seven (7) day period** without prior written permission. I understand that allowing a guest to stay long-term or live in the room is not permitted.

3. No Subletting or Sharing

I acknowledge that I am not permitted to sublet, share, or allow any other person to reside in the room, either permanently or temporarily.

4. Consequences of Breach

I understand that breaching any of the above conditions may constitute a serious violation of my tenancy agreement and may result in eviction proceedings. I also understand that unauthorised occupancy may be reported to the local council where required by law.

By signing this declaration, I confirm that I have read and understood the above terms and agree to abide by them.

☐ I understand that smoking in the premises is prohibited. Smoking in the room is an offence and cleaning fee will be required at the end of your tenancy. This can vary between 150 pounds to 300 pounds depending on the work involved to bring the room back to its original state.

☐ I understand that if I am suspected of using any illegal drugs this will be reported to the police.

Loud music is not allowed. Antisocial behaviour is a crime and will be reported to the police. I will be required to take turn in the house cleaning and I will be responsible with everyone else in the appropriate bagging

☐ of the refuse as the council requires. In case when my turn comes to take care of the house cleaning and refuse disposal I am not available the landlord will require a cleaner to do this job and this may cost 50 pounds for cleaning and 10 pounds for refuse bagging.

I understand that any refund to any rent overpayment is chargeable at 20 GPB admin fee. In case of

☐ deposit being levied these deposits are going to be returned 2 to 5 days after the tenant has moved out. No deposits can be offset against rents.

I understand that any issue with the wifi can only be resolved by the tenants by contacting the internet provider. This is because the internet provider required access to the wifi during the phone call. If the internet provider requires an account number

☐ they can retrieve it by using the house address. In case the tenant insists in having the landlord to provide support to contact the internet provider this is at a charge of 35 pound per hour and minimum charge of 35 pound.

☐ I understand that I am with the other people living in the house responsible to keep the communal areas clean, Keep the garden clean and free from weeds. Dispose of the refuse appropriately. Any blockage to toilets caused by flushing down wipes or tampons will be charged to the tenants. Only normal toilet paper is allowed in the toilet.

☐ I agree to set up a standing order and late rent will incur late rent fees as permitted by law. Currently the law permits interest rates on late rent calculated prorata at 3% interest rate above the current bank of england base rate. est charge of 3% above the bank of england interest rate. will be subject to

☐ I agree to allow the maintenance personel to access the room in my absence should the need arise. I understand that if there is a sofa bed in the room this is the only bed allowed in the room and the Landlord may require the use of the room from time to time for only a few hours with a weeks forewarning and a 50 pound compensation for this which is deductible from the rent.

☐ I understood all the above and I have had the opportunity to ask any question before enter into this agreement

☐ Cleaning Rota Compliance tenants must follow the assigned cleaning rota. Failure to complete their scheduled cleaning duty will result in a £50 fine. This fine will be used to pay a cleaning company if one is hired to complete the missed rota duty

Fire Safety AcknowledgmentBy marking this box,
you confirm that you have read and understood the
fire safety guidelines or completed the online fire
safety course provided at Areton Ltd - Fire Safety
Guide for Tenants. [https://areton-ltd.com/fire-safety-
guide-for-tenants/](https://areton-ltd.com/fire-safety-guide-for-tenants/)

☐

Cleaning must be done before vacating the room.

☐

Failure to clean the room properly will result in
additional charges, which may be deducted from
the deposit or any pending rent.

Any damage to furniture or inventory must be
reported to the landlord immediately during the
tenancy. If damages are found at the end of the
tenancy and were not reported earlier, the tenant
will not be eligible for any refund of extra rent or
deposit (if paid)

☐

SIGNATURES OF Agent on behalf of the Landlord Andreas Russo

Email

Name

First

Last

Address

Address Line 1

Address Line 2

City

State / Province / Regio

Postal / Zip Code

Country



Signature

Untitled

×

draw type

SIGNATURE OF Tenant

The Tenant

Name

First

Last

Signature:

×

draw type

Signed and agreed on:

GUARANTOR PART TO BE COMPLETED UPON REQUEST

IMPORTANT NOTICE This Guarantor Agreement creates a binding legal contract. If you do not fully understand the nature of the agreement, then it is recommended that you take independent legal advice before signing.

GUARANTOR AGREEMENT for residential lettings

General Notes This is a contract by which the Landlord agrees to grant a tenancy in consideration of the Guarantor's agreement to act as surety for that tenancy agreement 1. This agreement is for use with the letting of residential property and their associated tenancies. As such, this is a legal document guarantor is advised to take legal advice if not sure of the terms he/she is signing for. It is essential that a copy of the proposed tenancy is attached to the Guarantor agreement and that the Guarantor is given adequate opportunity to read both documents before signing. If the Guarantor is not able to be present in person to sign the guarantee, it is recommended that the guarantee is signed at least seven days before the tenancy is due to start. This agreement may also be covered by the Cancellation of Contracts Made in a Consumer's Home or Place of Work etc. Regulations 2008 and a notice of cancellation is included for use with this agreement as appropriate. 4. This agreement has been drawn up after consideration of the Office of Fair Trading's Guidance on Unfair terms in Tenancy Agreements.

. The Landlord agrees to let the Property to the Tenant(s). In consideration of this, the Guarantor agrees to act for the Tenant(s) should he/they fail, for any reason, to meet the financial commitments arising from the Tenancy Agreement entered into in respect of the Property. 2. This Guarantor Agreement refers to the current tenancy being undertaken (on the proposed commencement date above or any revised lease start date relating to the same tenancy) and any extension or renewal of that tenancy. All references to the Landlord herein shall be deemed to include the Landlord's Agent or any person authorised to act on the Landlord's behalf. 3. The Guarantor undertakes to pay to the Landlord from the date of this Agreement from time to time the Rent within 10 days of receipt of a written demand from the Landlord or his Agent addressed to the Guarantor if the Tenant following demand has not paid the amount being demanded when it was due under the Tenancy Agreement. 4. The Guarantor shall pay and make good to the Landlord on demand all reasonable losses and expenses of the Landlord incurred as a result of default by the Tenant in the performance or observance of the Tenant's covenants under the Tenancy Agreement. Any failure of the Landlord in demanding or collecting the Rent when it falls due, and any time to pay which may be given to the Tenant by the Landlord shall not release the Guarantor or in any way affect the liability of the Guarantor under this agreement. Should the Guarantor die during the currency of this agreement, the Guarantor's estate will be liable as surety and co-principal debtor. 5. Where the Rent, or any portion of it, is paid by housing benefit or other benefit scheme, the Guarantor agrees to pay the Landlord or Agent for the amount of any claims arising from overpayment, which may be made by the local authority in relation to the specified Tenant(s). Such overpayments may occur at any time, either during the tenancy or within six years thereafter. 6. If the tenancy is for a fixed term, then this guarantee applies for the whole of the term and is not revocable during that term. 7. If the tenancy is periodic or has become periodic by agreement or the operation of law, then this guarantee may be terminated by written notice by the Guarantor subject to the Tenant vacating at the earliest legally permissible date required for possession. If the Tenant fails to vacate on this earliest date then the guarantee shall continue until the Tenant vacates.

In case Of HMOs It is agreed that when the tenants have disabilities of any kind the Guarantor will make good of all losses incurred by the landlord in connection with loss of rent due to other tenants needing to find alternative accommodation due to incompatibility of living with a person with disabilities. For avoidance of any doubt a person with disabilities is recognised as such if he/she has a doctors' diagnosis as such or in receipt of benefits due to disabilities.

8. It is agreed that there shall be no right to cancel this Agreement once the tenancy has begun and the Consumer Protection (Distance Selling) Regulations 2000 shall not apply in this case. e than one Tenant, all obligations, including those for Rent repairs can be enforced against all of the Tenants jointly and against each individually. The total sum of the Security Deposit and the first months rent must be paid on or before the start date of this Tenancy Agreement in order for keys to be allocated to allow for access to the Property.

If you are unsure of your obligations under this Agreement, then you are advised to take independent legal advice before signing.

The GUARANTOR 1

Name

First	Last
-------	------

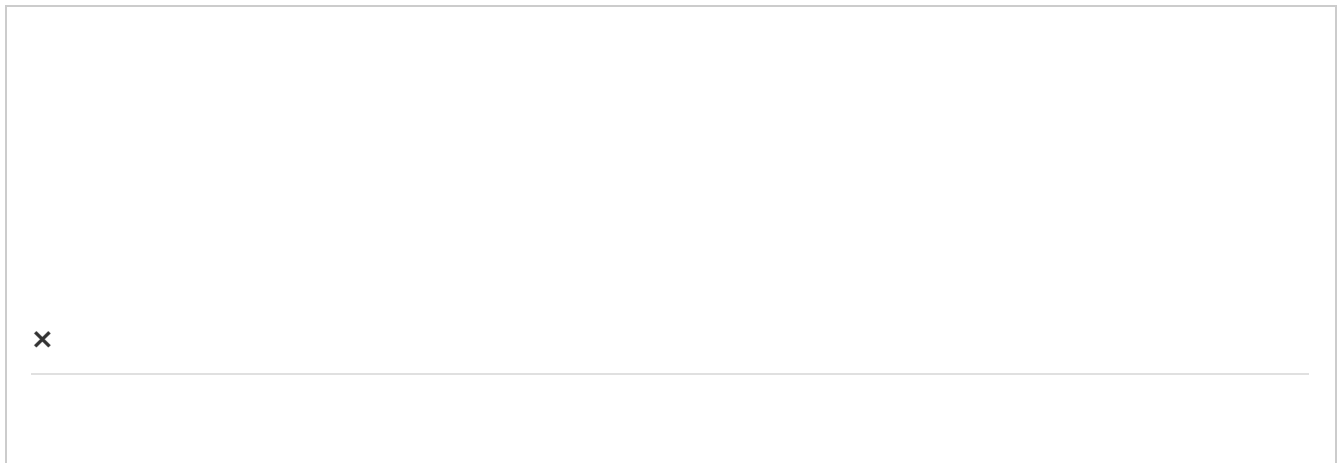
Address

Address Line 1			
Address Line 2			
City	State / Province / Region	Postal / Zip Code	Country 

Phone

Email

Signature:



[draw](#) type

GUARANTOR 2

Name

First	Last
-------	------

Address

Address Line 1

Address Line 2

City

State / Province / Regio

Postal / Zip Code

Country

▼

Phone

Email

Signature:

×

draw type

Sign and Send

Save

Appendix B2

Fwd 7 brereton avenue - Andre__02__7 brereton avenue (DEICR0549116).pdf



Certificate Number:

DEICR0549116

1 DETAILS OF THE PERSON ORDERING THE REPORT

Client: Andreas Investment Ltd

Address: 6 Colwick Rd, Nottingham, NG2 4BU

2 REASON FOR PRODUCING THIS REPORT

Reason for producing this report:
requested by landlord

Date on which inspection and testing was carried out:

30/06/2026

3 DETAILS OF THE INSTALLATION WHICH IS THE SUBJECT OF THIS REPORT

Installation Address: Same as Client Address, 7 brereton avenue , Cleethorpes, DN35 7RP

Estimated age of wiring system: 10 years

Evidence of additions/
alterations:

No

if yes, estimated age:

N/A

years

Installation records available? (Regulation 651.1)

No

Date of last inspection:

N/A

4 EXTENT AND LIMITATIONS OF INSPECTION AND TESTING

Extent of the electrical installation covered by this report:

None

Agreed limitations including the reasons (see Regulation 653.2):

none

Agreed with:

N/A

Operational limitations including the reasons:

N/A

The inspection and testing detailed in this report and accompanying schedules have been carried out in accordance with BS 7671:2018 (IET Wiring Regulations) as amended to 2024.

It should be noted that cables concealed within trunking and conduits, under floors, in roof spaces, and generally within the fabric of the building or underground, have not been inspected unless specifically agreed between the client and inspector prior to the inspection. An inspection should be made within an accessible roof space housing other electrical equipment.

5 SUMMARY OF THE CONDITION OF THE INSTALLATION

See section 8 for a summary of the general condition of the installation in terms of electrical safety.

Overall assessment of the installation in terms of it's suitability for continued use*:

SATISFACTORY

*** An unsatisfactory assessment indicates that dangerous (Code C1) and/or potentially dangerous (Code C2) conditions have been identified.**

6 RECOMMENDATIONS

Where the overall assessment of the suitability of the installation for continued use on page 1 is stated as 'UNSATISFACTORY', I/We recommend that any observations classified as 'Code 1 - Danger Present' or 'Code 2 - Potentially dangerous' are acted upon as a matter of urgency.

Investigation without delay is recommended for observations identified as 'FI - Further Investigation Required'.

Observations classified as 'Code 3 - Improvement recommended' should be given due consideration.

Subject to the necessary remedial action being taken, I/we recommend that the installation is further inspected and tested by:

5 Years

Note: The proposed date for the next inspection should take into consideration the frequency and quality of maintenance that the installation can reasonably be expected to receive during its intended life. The period should be agreed between relevant parties.

7 OBSERVATIONS AND RECOMMENDATIONS FOR ACTIONS TO BE TAKEN

Referring to the attached schedules of inspection and test results, and subject to the limitations specified on page 1 of this report under 'Extent of the Installation and Limitations of Inspection and Testing':

N/A There are no items adversely affecting electrical safety

or

✓ The following observations and recommendations are made

[illegible]

One of the following codes, as appropriate, has been allocated to each of the observations made above to indicate to the person(s) responsible for the installation the degree of urgency for remedial action.

C1 **Danger Present**
Risk of injury. Immediate remedial action required

C2 Potentially dangerous
Urgent remedial action required

C3 Improvement recommended

FI Further investigation required without delay

Immediate remedial action required for items: N/A

N/A

Urgent remedial action required for items: N/A

N/A

Improvement recommended for items:	N/A
---	-----

N/A

Further investigation required for items: N/A

N/A

8 GENERAL CONDITION OF THE INSTALLATION

General condition of the installation (in terms of electrical safety):

9 DECLARATION

I/We, being the person(s) responsible for the inspection and testing of the electrical installation (as indicated by my/our signatures below), particulars of which are described above, having exercised reasonable skill and care when carrying out the inspection and testing, hereby declare that the information in this report, including the observations and the attached schedules, provides an accurate assessment of the condition of the electrical installation taking into account the stated extent and limitations in section 4 of this report.

Trading Title: Lu-Vic Electrical Ltd

Address: Unit E1, The Enterprise Village
Prince Albert Gardens
N E Lincs
DN31 3AT



Registration Number (if applicable): NICEIC 601916000

Telephone Number: 01472 320604

For the INSPECTION, TESTING AND ASSESSMENT of the report:

Name: K Loche Position: Electrician Signature: [Signature] Date: 29/06/2026

10 SUPPLY CHARACTERISTICS AND EARTHING ARRANGEMENTS

Earthing Arrangements		Number and Type of Live Conductors		Nature of Supply Parameters		Supply Protective Device	
TN-S:	✓	1-phase (2-wire): ✓	2-phase (3-wire): N/A	Nominal voltage, U/Uo:	230 V	BS(EN):	1361
TN-C-S:	N/A	3-phase (3-wire): N/A	3-phase (4-wire): N/A	Nominal frequency, f:	50 Hz	Type:	2
TT:	N/A	Other:	N/A	Prospective fault current, Ipf:	0.81 kA	Rated current:	100 A
		Confirmation of supply polarity: N/A		External earth fault loop impedance, Ze:	0.29 Ω		

11 PARTICULARS OF INSTALLATION REFERRED TO IN THE REPORT

Means of Earthing	Details of Installation Earth Electrode (where applicable)			
Distributor's facility: ☒	Type: N/A	Location: N/A		
Installation earth electrode: N/A	Resistance to Earth: N/A Ω	Method of measurement: N/A		

Main Switch / Switch-Fuse / Circuit-Breaker / RCD

Location: Hallway BS (EN): 60947-3 Number of poles: 2
Current rating: 100 A Fuse/device rating or setting: N/A A Voltage rating: 240 V

If RCD main switch:

RCD Type: N/A Rated residual operating current ($I_{\Delta n}$): N/A mA Rated time delay: N/A ms Measured operating time: N/A ms

Earthing and Protective Bonding Conductors

Earthing conductor
Conductor material: Copper csa: 16 mm² Connection/continuity verified: N/A

Main protective bonding conductors
Conductor material: Copper csa: 10 mm² Connection/continuity verified: N/A

Bonding of extraneous-conductive parts

To water installation pipes: ☒ To gas installation pipes: ☒
To oil installation pipes: N/A To lightning protection: N/A
To structural steel: N/A To other service(s): N/A

12 INSPECTION SCHEDULE FOR DOMESTIC & SIMILAR PREMISES WITH UP TO 100A SUPPLY

Item	Description	Outcome																												
1.0	INTAKE EQUIPMENT (VISUAL INSPECTION ONLY)																													
	An outcome against an item in this section, other than access to live parts, should not be used to determine the overall outcome.																													
1.1	Distributor/supplier intake equipment																													
1.1.1	Service cable	Pass																												
1.1.2	Service head	Pass																												
1.1.3	Earthing arrangement	Pass																												
1.1.4	Meter tails	Pass																												
1.1.5	Metering equipment	Pass																												
1.1.6	Isolator (where present)	N/A																												
	Where inadequacies in the intake equipment are encountered, which may result in a dangerous or potentially dangerous situation, the person ordering the work and/or the dutyholder must be informed. It is strongly recommended that the person ordering the work informs the appropriate authority. For this section only, where inadequacies are found, an 'X' should be put against the appropriate item and a comment made in Section 7.																													
	Has the person ordering the work / dutyholder been notified?	N/A																												
1.2	Consumer's isolator (where present)	N/A																												
1.3	Consumer's meter tails	Pass																												
2.0	PRESENCE OF ADEQUATE ARRANGEMENTS FOR OTHER SOURCES SUCH AS MICROGENERATORS (551.6; 551.7)	N/A																												
3.0	EARTHING / BONDING ARRANGEMENTS (411.3; Chap 54)																													
3.1	Presence and condition of distributor's earthing arrangement (542.1.2.1; 542.1.2.2)	Pass																												
3.2	Presence and condition of earth electrode connection where applicable (542.1.2.3)	Pass																												
3.3	Provision of earthing/bonding labels at all appropriate locations (514.13.1)	Pass																												
3.4	Confirmation of earthing conductor size (542.3; 543.1.1)	Pass																												
3.5	Accessibility and condition of earthing conductor at MET (543.3.2)	Pass																												
3.6	Confirmation of main protective bonding conductor sizes (544.1)	Pass																												
3.7	Condition and accessibility of main protective bonding conductor connections (543.3.2; 544.1.2)	Pass																												
3.8	Accessibility and condition of other protective bonding connections (543.3.1; 543.3.2)	Pass																												
4.0	CONSUMER UNIT(S) / DISTRIBUTION BOARD(S)																													
4.1	Adequacy of working space/accessibility to consumer unit/distribution board (132.12; 513.1)	Pass																												
4.2	Security of fixing (134.1.1)	Pass																												
4.3	Condition of enclosure(s) in terms of IP rating etc (416.2)	Pass																												
4.4	Condition of enclosure(s) in terms of fire rating etc (421.1.201; 526.5)	Pass																												
4.5	Enclosure not damaged/deteriorated so as to impair safety (651.2)	Pass																												
4.6	Presence of main linked switch (as required by 462.1.201)	Pass																												
4.7	Operation of main switch (functional check) (643.10)	Pass																												
4.8	Manual operation of circuit-breakers and RCDs to prove disconnection (643.10)	Pass																												
4.9	Correct identification of circuit details and protective devices (514.8.1; 514.9.1)	Pass																												
4.10	Presence of RCD six-monthly test notice, where required (514.12.2)	Pass																												
4.11	Presence of alternative supply warning notice at or near consumer unit/distribution board (514.15)	Pass																												
<table><tr><td>Outcomes</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>Acceptable condition</td><td>PASS</td><td>Unacceptable condition</td><td>C1 or C2</td><td>Improvement recommended</td><td>C3</td><td>Further investigation</td><td>FI</td><td>Not verified</td><td>N/V</td><td>Limitation</td><td>LIM</td><td>Not applicable</td><td>N/A</td></tr></table>			Outcomes														Acceptable condition	PASS	Unacceptable condition	C1 or C2	Improvement recommended	C3	Further investigation	FI	Not verified	N/V	Limitation	LIM	Not applicable	N/A
Outcomes																														
Acceptable condition	PASS	Unacceptable condition	C1 or C2	Improvement recommended	C3	Further investigation	FI	Not verified	N/V	Limitation	LIM	Not applicable	N/A																	

12 INSPECTION SCHEDULE FOR DOMESTIC & SIMILAR PREMISES WITH UP TO 100A SUPPLY

Item	Description	Outcome
4.12	Presence of other required labelling (please specify) (Section 514)	Pass
4.13	Compatibility of protective devices, bases and other components; correct type and rating (No signs of unacceptable thermal damage, arcing or overheating) (411.3.2; 411.4; 411.5; 411.6; Sections 432, 433)	Pass
4.14	Single-pole switching or protective devices in line conductor only (132.14.1; 530.3.3)	Pass
4.15	Protection against mechanical damage where cables enter consumer unit/distribution board (132.14.1; 522.8.1; 522.8.5; 522.8.11)	Pass
4.16	Protection against electromagnetic effects where cables enter consumer unit/distribution board/enclosures (521.5.1)	Pass
4.17	RCD(s) provided for fault protection - includes RCBOs (411.4.204; 411.5.2; 531.2)	Pass
4.18	RCD(s) provided for additional protection/requirements - includes RCBOs (411.3.3; 415.1)	Pass
4.19	Confirmation of indication that SPD is functional (651.4)	Pass
4.20	Confirmation that ALL conductor connections, including connections to busbars, are correctly located in terminals and are tight and secure (526.1)	Pass
4.21	Adequate arrangements where a generating set operates as a switched alternative to the public supply (551.6)	N/A
4.22	Adequate arrangements where a generating set operates in parallel with the public supply (551.7)	N/A
5.0	FINAL CIRCUITS	
5.1	Identification of conductors (514.3.1)	Pass
5.2	Cables correctly supported throughout their run (521.10.202; 522.8.5)	Pass
5.3	Condition of insulation of live parts (416.1)	Pass
5.4	Non-sheathed cables protected by enclosure in conduit, ducting or trunking (521.10.1)	Pass
5.4.1	To include the integrity of conduit and trunking systems (metallic and plastic)	Pass
5.5	Adequacy of cables for current-carrying capacity with regard for the type and nature of installation (Section 523)	Pass
5.6	Coordination between conductors and overload protective devices (433.1; 533.2.1)	Pass
5.7	Adequacy of protective devices: type and rated current for fault protection (411.3)	Pass
5.8	Presence and adequacy of circuit protective conductors (411.3.1; Section 543)	Pass
5.9	Wiring system(s) appropriate for the type and nature of the installation and external influences (Section 522)	Pass
5.10	Concealed cables installed in prescribed zones (see Section 4. Extent and limitations) (522.6.202)	Pass
5.11	Cables concealed under floors, above ceilings or in walls/partitions, adequately protected against damage (see Section 4. Extent and limitations) (522.6.204)	Pass
5.12	Provision of additional requirements for protection by RCD not exceeding 30mA:	
5.12.1	For all socket-outlets of rating 32A or less, unless an exception is permitted (411.3.3)	Pass
5.12.2	For the supply of mobile equipment not exceeding 32A rating for use outdoors (411.3.3)	Pass
5.12.3	For cables concealed in walls at a depth of less than 50mm (522.6.202; 522.6.203)	Pass
5.12.4	For cables concealed in walls/partitions containing metal parts regardless of depth (522.6.203)	Pass
5.12.5	Final circuits supplying luminaires within domestic (household) premises (411.3.4)	Pass
5.13	Provision of fire barriers, sealing arrangements and protection against thermal effects (Section 527)	Pass
5.14	Band II cables segregated/separated from Band I cables (528.1)	Pass
5.15	Cables segregated/separated from communications cabling (528.2)	Pass
5.16	Cables segregated/separated from non-electrical services (528.3)	Pass

Outcomes	Acceptable condition	Unacceptable condition	C1 or C2	Improvement recommended	C3	Further investigation	FI	Not verified	N/V	Limitation	LIM	Not applicable	N/A
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This form is based on Appendix 6 of BS 7671:2018+A2:2022. Copyright Tysoft 2026.

Ref: DEICR0549116 - Page: 5 of 10

12 INSPECTION SCHEDULE FOR DOMESTIC & SIMILAR PREMISES WITH UP TO 100A SUPPLY

[illegible]

Inspected by:

Name:	K Loche	Position:	Electrician	Signature:		Date:	30/06/2026
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DISTRIBUTION BOARD DETAILS

DB reference: BG Metal

Location: under stairs Left Side

Supplied from:

Origin:

Distribution circuit OCPD: BS (EN): N/A

Type: N/A

Rating/Setting: N/A A

No of phases: 1

SPD Details: Types: T1 N/A T2 N/A T3 N/A N/A N/A

Status indicator checked (where functionality indicator present) N/A

Confirmation of supply polarity N/A

Confirmation of phase sequence N/A

Zs at DB: N/A Ω

lpf at DB: N/A kA

Schedule of Circuit Details and Test Results																														
Circuit Details																Test Result Details														
Circuit number	Circuit description	Conductor details					Max disconnect time permitted by BS7671 (s)	Overcurrent protective device					RCD				Continuity (Ω)					Insulation resistance				Zs	RCD		AFDD	
		Type of wiring	Reference method	Number of points served	Number and size			BS (EN)	Type	Rating (A)	Breaking capacity (kA)	Maximum permitted Zs (Ω)	BS (EN)	Type	Rated operating current (mA)	Rating (A)	Ring final circuit			R1+R2 or R2		Test voltage (V)	Live - Live (MΩ)	Live - Earth (MΩ)	Polarity (✓)		Maximum measured (Ω)	Disconnection time (ms)	Test button operation (✓)	Manual test button operation (✓)
					Live (mm²)	cpc (mm²)											r1 (line)	r _n (neutral)	r2 (cpc)	R1+R2	R2									
	Main Switch	A	C	12	25	16	5	60947-2	N/A	100		N/A	N/A	N/A	N/A										✓	0.28	N/A	N/A	N/A	
	Spd Device	A			6	6	N/A																	✓		N/A	N/A	N/A		
1	Fire Alarm	A	100	1	1.5	1.0	0.4	61009	B	6	10	7.28	61009	A	30	6	N/A	N/A	N/A			500	200	200	✓	0.53	11	✓	N/A	
2	bed 1 sockets	A	100	5	2.5	1.5	0.4	61009	B	32	10	1.37	61009	A	30	6	0.10	0.10	0.16			500	200	200	✓	0.40	11	✓	N/A	
3	bed 1 light	A	100	1	1.0	1.0	0.4	61009	B	6	10	7.28	61009	A	30	6	N/A	N/A	N/A			500	200	200	✓	0.51	13	✓	N/A	
4	bed 2 sockets	A	100	4	2.5	1.5	0.4	61009	B	32	10	1.37	61009	A	30	6	0.41	0.41	0.68			500	200	200	✓	0.55	11	✓	N/A	
5	bed 2 light	A	100	1	1.5	1.0	0.4	61009	B	6	10	7.28	61009	A	30	6	N/A	N/A	N/A			500	200	200	✓	0.48	11	✓	N/A	
6	dining room sockets	A	100	8	2.5	1.5	0.4	61009	B	32	10	1.37	61009	A	30	6	0.38	0.39	0.66			500	200	200	✓	0.54	11	✓	N/A	
7	dining room light	A	100	1	1.5	1.0	0.4	61009	B	6	10	7.28	61009	A	30	6	N/A	N/A	N/A			500	200	200	✓	0.91	17	✓	N/A	
8	Kitchen Sockets	A	100	10	2.5	1.5	0.4	61009	B	32	10	1.37	61009	A	30	6	0.42	0.42	0.70			500	200	200	✓	0.34	16	✓	N/A	
9	cooker 1	A	100	1	6	2.5	0.4	61009	B	32	10	1.37	61009	A	30	6	N/A	N/A	N/A			500	200	200	✓	0.58	11	✓	N/A	
CODES FOR TYPE OF WIRING		A	B	C		D		E		F		G		H		O - Other														
		Thermoplastic insulated/sheathed cables	Thermoplastic cables in metallic conduit	Thermoplastic cables in nonmetallic conduit		Thermoplastic cables in metallic trunking		Thermoplastic cables in nonmetallic trunking		Thermoplastic /SWA cables		Thermosetting /SWA cables		Mineral insulated cables		N/A														

DETAILS OF TEST INSTRUMENTS

Details of test instruments used (serial and/or asset numbers):

Multi-functional: 803466

Insulation resistance: 803466

Continuity: 803466

Earth electrode resistance: 803466

Earth fault loop impedance: 803466

RCD: 803466

TESTED BY

Name: K Loche

Position: Electrician

Signature:

Date: 30/06/2026

SCHEDULE OF CIRCUIT DETAILS AND TEST RESULTS

DB reference:

BG Metal

Location:

under stairs Left Side

Supplied from:

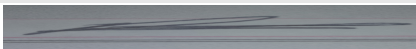
Origin

[illegible]

DISTRIBUTION BOARD DETAILS															
DB reference:	DB 2				Location:	under stairs right DB				Supplied from:	Origin				
Distribution circuit OCPD:	BS (EN): N/A				Type:	N/A		Rating/Setting:	N/A A		No of phases:	N/A			
SPD Details:	Types:	T1	N/A	T2	N/A	T3	N/A	N/A	N/A	Status indicator checked (where functionality indicator present)	N/A				
Confirmation of supply polarity	N/A				Confirmation of phase sequence	N/A				Zs at DB:	N/A Ω		lpf at DB:	N/A kA	

Schedule of Circuit Details and Test Results																													
Circuit Details																Test Result Details													
Circuit number	Circuit description	Conductor details					Max disconnect time permitted by BS7671 (s)	Overcurrent protective device					RCD				Continuity (Ω)				Insulation resistance			Polarity (✓)	Zs		RCD		AFDD
		Type of wiring	Reference method	Number of points served	Number and size			BS (EN)	Type	Rating (A)	Breaking capacity (kA)	Maximum permitted Zs (Ω)	BS (EN)	Type	Rated operating current (mA)	Rating (A)	Ring final circuit			R1+R2 or R2		Test voltage (V)	Live - Live (MΩ)		Live - Earth (MΩ)	Maximum measured (Ω)	Disconnection time (ms)	Test button operation (✓)	Manual test button operation (✓)
					Live (mm ²)	cpc (mm ²)											r ₁ (line)	r _n (neutral)	r ₂ (cpc)	R1+R2	R2								
	Main Switch	A	C	11	25	16	5	60947-2	N/A	100		N/A	N/A	N/A	N/A	N/A	N/A	N/A				N/A	N/A	N/A	✓	0.29	N/A	N/A	X
	Spd Device	A			6	6	5	60947-2	N/A				N/A	N/A	N/A	N/A						500	200	200	✓		N/A	N/A	X
1	bed 3 lights	A	100	1	1.0	1.0	0.4	61009	B	6	6	7.28	61009	AC	30	N/A						500	200	200	✓	0.51	11		X
2	bed 3 sockets	A	100	6	2.5	1.5	0.4	61009	B	32	6	1.37	61009	AC	30	N/A	0.41	0.41	0.68			500	200	200	✓	0.41	10		X
3	bed 4 lights	A	100	1	1.0	1.0	0.4	61009	B	6	6	7.28	61009	AC	30	N/A						500	200	200	✓	0.49	13		X
4	bed 4 sockets	A	100	4	2.5	1.5	0.4	61009	B	32	6	1.37	61009	AC	30	N/A	0.35	0.37	0.63			500	200	200	✓	0.37	10		X
5	bed 5 lights	A	100	1	1.0	1.0	0.4	61009	B	6	6	7.28	61009	AC	30	N/A						500	200	200	✓	0.43	11		X
6	bed 5 sockets	A	100	5	2.5	1.5	0.4	61009	B	32	6	1.37	61009	AC	30	N/A	0.31	0.31	0.54			500	200	200	✓	0.47	11		X
7	bed 6 lights	A	100	1	1.0	1.0	0.4	61009	B	6	6	7.28	61009	AC	30	N/A						500	200	200	✓	0.59	11		X
8	bed 6 sockets	A	100	3	2.5	1.5	0.4	61009	B	32	6	1.37	61009	AC	30	N/A	0.33	0.33	0.55			500	200	200	✓	0.43	10		X
9	corridor lights	A	100	9	1.0	1.0	0.4	61009	B	6	6	7.28	61009	AC	30	N/A						500	200	200	✓	0.49	15		X
CODES FOR TYPE OF WIRING		A	B	C		D		E		F		G		H		O - Other													
		Thermoplastic insulated/sheathed cables	Thermoplastic cables in metallic conduit	Thermoplastic cables in nonmetallic conduit		Thermoplastic cables in metallic trunking		Thermoplastic cables in nonmetallic trunking		Thermoplastic /SWA cables		Thermosetting /SWA cables		Mineral insulated cables		N/A													

DETAILS OF TEST INSTRUMENTS														
Details of test instruments used (serial and/or asset numbers):														
Multi-functional:	803466				Insulation resistance:	803466				Continuity:	803466			
Earth electrode resistance:	803466				Earth fault loop impedance:	803466				RCD:	803466			

TESTED BY																			
Name:	K Loche				Position:	Electrician				Signature:					Date:	30/06/2026			

[illegible]

ELECTRICAL INSTALLATION CONDITION REPORT GUIDANCE FOR RECIPIENTS

(to be appended to the Report)

This Report is an important and valuable document which should be retained for future reference.

1. The purpose of this Report is to confirm, so far as reasonably practicable, whether or not the electrical installation is in a satisfactory condition for continued service (see Section 5). The Report should identify any damage, deterioration, defects and/or conditions which may give rise to danger (see Section 7).
2. This Report is only valid if accompanied by the Inspection Schedule(s) and the Schedule(s) of Circuit Details and Test Results
3. The person ordering the Report should have received the 'original' Report and the inspector should have retained a duplicate.
4. The original Report should be retained in a safe place and be made available to any person inspecting or undertaking work on the electrical installation in the future. If the property is vacated, this Report will provide the new owner/occupier with details of the condition of the electrical installation at the time the Report was issued.
5. Section 4 (Extent and Limitations) should identify fully the extent of the installation covered by this Report and any limitations on the inspection and testing. The inspector should have agreed these aspects with the person ordering the Report and with other interested parties (licensing authority, insurance company, mortgage provider and the like) before the inspection was carried out.
6. Some operational limitations such as inability to gain access to parts of the installation or an item of equipment may have been encountered during the inspection. The inspector should have noted these in Section 4.
7. For items classified in Section 7 as CI (Danger present), the safety of those using the installation is at risk, and it is recommended that a skilled person or persons competent in electrical installation work undertakes the necessary remedial work immediately.
8. For items classified in Section 7 as C2 (Potentially dangerous), the safety of those using the installation at risk and it is recommended that a skilled person or persons competent in electrical installation work undertakes the necessary remedial work as a matter of urgency.
9. Where it has been stated in Section 7 that an observation requires further investigation (code FI) the inspection has revealed an apparent deficiency which may result in a code CI or C2, and could not, due to the extent or limitations of the inspection, be fully identified. Such observations should be investigated without delay. A further examination of the installation will be necessary, to determine the nature and extent of the apparent deficiency (see Section 7).
10. For safety reasons, the electrical installation should be re-inspected at appropriate intervals by a skilled person or persons, competent in such work. The recommended date by which the next inspection is due is stated in Section 7 of the Report under Recommendations.
11. Where the installation includes a residual current device (RCD) it should be tested six-monthly by pressing the button marked 'T' or 'Test'. The device should switch off the supply and should then be switched on to restore the supply. If the device does not switch off the supply when the button is pressed, seek expert advice. For safety reasons it is important that this instruction is followed.
12. Where the installation includes an arc fault detection device (AFDD) having a manual test facility it should. be tested six-monthly by pressing the test button. Where an AFDD has both a test button and automatic test function, manufacturer's instructions shall be followed with respect to test button operation.
13. Where the installation includes a surge protective device (SPD) the status indicator should be checked to confirm it is in operational condition in accordance with manufacturer's information. If the indication shows that the device is not operational, seek expert advice. For safety reasons it is important that this instruction is followed.
14. Where the installation includes alternative or additional sources of supply, warning notices should be found at the origin or meter position or, if remote from the origin, at the consumer unit or distribution board and at all points of isolation of all sources of supply.

Appendix B3

Fwd 7 brereton avenue - Andre__03__Emergency lightning.pdf

925817

EPG6

EMERGENCY LIGHTING PERIODIC INSPECTION AND TESTING CERTIFICATE – For certifying continued compliance of an existing emergency lighting installation

Based on the recommendations given in BS 5266-1: 2016 'Emergency lighting – Part 1: Code of practice for the emergency lighting of premises'

PART 1 : DETAILS OF THE CONTRACTOR, CLIENT AND INSTALLATION

DETAILS OF THE CONTRACTOR

Trading Title(where applicable): _____
 Name: Areton LTD
 Address: Rear of 68 Harold St Grimsby DN32 7NQ, UK
 Postcode: DN32 7NQ Tel No: _____

DETAILS OF THE CLIENT

Reference Number (RN): _____
 Name: Andreas Investments Ltd
 Address: 6 Colwick Road Nottingham
 Postcode: NG2 4BU Tel No: N/A

DETAILS OF THE INSTALLATION

Occupier: TENANTS
 Address: 7 Brereton Ave Cleethorpes DN35 7RP, UK
 Postcode: DN35 7RP Tel No: N/A

PART 2 : DETAILS OF THE EMERGENCY LIGHTING INSTALLATION COVERED BY THIS CERTIFICATE

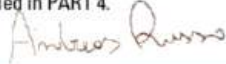
Description and extent of the installation covered by this certificate:
 EMERGENCY LIGHTING WITHIN THE ESCAPE ROUTES OF THE PROPERTY.

(see additional page No. N/A)

PART 3 : CERTIFICATION

I hereby certify that the emergency lighting system described in PART 2 above, has been inspected and tested and in accordance with the 'Results of the Inspection and Testing' on page 2, and to the best of my/our knowledge and belief, the installation complies with the appropriate recommendations and requirements of BS 5266-1: 2016 Emergency lighting Part 1: Code of practice for the emergency lighting of premises and BS EN 50172:2004 / BS 5266-8: 2004 BS 1838: 2013 Lighting applications - Emergency escape lighting systems, except for the deviations, if any, recorded in PART 4.

Name (capitals): Andreas Russo

Signature: 

Position: Test Engineer

Date: 13/02/2026.

PART 4 : DETAILS OF DEVIATIONS FROM THE RECOMMENDATIONS OF BS 5266-1

Clause No.	Details of the deviations	(see additional page No. N/A)
NONE		

PART 5 : RELATED REFERENCE DOCUMENTS

Electrical Installation Condition Report and/or date of most recent - covering the existing emergency lighting installation**
 (Report No: N/A) Date: _____

Other documents (if any)

(see additional page No. _____)

State: N/A

(Ref No: N/A)

**** The wiring system of an existing emergency lighting system should have been periodically inspected and tested in accordance with BS 7671 and an Electrical Installation Condition Report issued. Where applicable and where available, the serial number and/or date of the most recent report should be recorded in the space provided.**

PART 6 : NEXT INSPECTION

I, the signatory in PART 3 RECOMMEND that this installation is further inspected and tested after an interval of not more than: 12 MONTHS

Please see the 'Notes for Recipient'

Page 1 of 7

Original to the person ordering the work)

EMERGENCY LIGHTING PERIODIC INSPECTION AND TESTING CERTIFICATE – SCHEDULE OF ITEMS INSPECTED AND TESTED

Based on the recommendations given in BS 5266-1: 2016 'Emergency lighting – Part 1: Code of practice for the emergency lighting of premises'

PART 7 : INSTALLED EMERGENCY LIGHTING SYSTEM (Tick all applicable fields and enter text as appropriate)

Purpose of emergency lighting		Arrangement of emergency lighting		Classification of operation of emergency lighting (see Annex F of BS 5266-1: 2016) (see additional page No. N/A)			
				Type	Mode	Facilities	Duration
Emergency escape lighting:	(✓)	Self-contained emergency lighting:	(✓)				
Emergency safety lighting:	(✓)	Central battery system:	(✓)				
Open area lighting:	(N/A)	Combined emergency luminaire	(N/A)				
Standby lighting:	(N/A)	Standby generator:	(N/A)				
Partial standby lighting:	(N/A)	Other (state):					
High risk task area lighting:	(✓)						

PART 8 : RESULTS OF INSPECTION AND TESTING (Where a declared outcome is identified by an 'X', the details of the deviation must be accurately recorded on page 1 (PART 4) and where required, page 3 (PART 10))

* ✓ indicates that an item (Clause No.) was assessed and the declaration outcome was SATISFACTORY; * ✗ indicates that a deviation was identified; 'N/A' indicates that the assessment of an item was NOT APPLICABLE to the particular installation

Clause No.	Items assessed for compliance	Declared outcome
4.2	1 – Plans are available and correct	(✓)
5.2.5; 5.2.6	2 – Adequate illumination is provided under test conditions, for safe movement on escape routes and open areas This can be checked by visual inspection and checking that the illumination from the luminaires is not obscured and that minimum design spacings have been met. If luminance is measured, complete PART 9	(✓)
4.2; 5.2.8	3 – Luminaires correctly positioned and oriented as shown on the plans	(✓)
11	4 – Original design still valid	(✓)
5.3.3	5 – All escape route safety signs and other safety signs, such as fire fighting equipment location signs visible with the normal lighting extinguished	(✓)
5.2.8	6 – Correct application and siting of emergency escape lighting	(✓)
7.4	7 – Luminaires conform to BS EN 60598-2-22	(✓)
6.7	8 – Luminaires have an appropriate Ingress Protection (IP) rating for their location	(✓)
8	9 – Wiring systems comply with the requirements of BS 7671, as amended	(✓)
8.2	10 – Fire protection of central wiring systems satisfactory (including cable supports)	(✓)
8.2.6	11 – Emergency escape lighting circuits correctly segregated from other supplies	(✓)
8.2.12	12 – Wiring to emergency lighting supply power sources in a fixed installation, where a specialist plug and socket arrangement is used, is protected against unauthorised interference	(✓)
8.3.3	13 – A sufficient number of suitably located test facilities are provided	(✓)
8.3.5	14 – Central power system output voltage range is compatible with the supply voltage range of the luminaires, taking into account supply cable voltage drop	(✓)

Please see the 'Notes for Recipient'

Page 2 of 7

Original (to the person ordering the work)

EMERGENCY LIGHTING PERIODIC INSPECTION AND TESTING CERTIFICATE – SCHEDULE OF ITEMS INSPECTED AND TESTED

Based on the recommendations given in BS 5266-1: 2016 'Emergency lighting – Part 1: Code of practice for the emergency lighting of premises'

PART 8 : RESULTS OF INSPECTION AND TESTING - Continued (Where a declared outcome is identified by an 'X', the details of the deviation must be accurately recorded on page 1 (PART 4) and where required, page 3 (PART 10))

* ✓ indicates that an item (Clause No.) was assessed and the declaration outcome was SATISFACTORY; * ✗ indicates that a deviation was identified; 'N/A' indicates that the assessment of an item was NOT APPLICABLE to the particular installation

Clause No.	Items assessed for compliance	Declared outcome
10.6	15 – Instructions for operation and maintenance are available	(✓)
11	16 – Test records in the log book complete and satisfactory	(✓)
10.6; 10.7; 11	17 – Instructions together with a suitable log book showing a satisfactory commissioning test available for use by the building occupier	(✓)
12	18 – Luminaires tested and found to operate for their full rated duration	(✓)
	23 – After test, each luminaire charging indicator operates correctly	(✓)
	19 – Luminaires clean and undamaged with lamps in good condition	(✓)
10.7; 13	20 – Building occupier and their staff trained on suitable maintenance, testing and operating procedures, or a current maintenance contract is in place	(N/A)
13.3.2	21 – Evidence of servicing of Central Battery System (in line with manufacturer's procedures); in-house or current maintenance contract is in place	(✓)
13.3.3	22 – Evidence of servicing of Standby Generator System (in line with manufacturer's procedures); in-house or current maintenance contract is in place	(N/A)

PART 9 : TEST INSTRUMENTS USED (Where Item 2 in PART 8 is carried out by measurement, details of instruments MUST be recorded)

Light Meter Model: (EXTECH LT505) Serial No: (N/A) Other (if any) Model: (N/A) Serial No: (N/A)

PART 10 : ADDITIONAL DETAILS OF DEVIATIONS FROM THE RECOMMENDATIONS OF BS 5266-1

Clause No.	Additional details of deviations (continuation of PART 4, page 1)	(see additional page No. N/A)

PART 11 : DETAILS ON ALTERNATIVE METHOD USED TO VERIFY ILLUMINATION REQUIREMENT

Where applicable: (see additional page No. N/A)

N/A

EMERGENCY LIGHTING PERIODIC INSPECTION AND TESTING CERTIFICATE –
For certifying continued compliance of an existing emergency lighting installation

ADDITIONAL NOTES

THIS INSTALLATION IS SATISFACTORY.

(see additional page No. N/A)

NOTES FOR RECIPIENT

THIS CERTIFICATE IS AN IMPORTANT AND VALUABLE DOCUMENT WHICH SHOULD BE RETAINED FOR FUTURE USE

This 'Emergency Lighting Periodic Inspection and Testing Certificate' consists of three pages. The absence of any

The Emergency Lighting Periodic Inspection and Testing Certificate is to be issued only for the periodic inspection and testing of an existing emergency lighting installation to verify compliance with the current standard of BS 5266-1.

The certificate must not be issued for any of the following purposes:

- a. to certify a new emergency lighting installation, or
- b. new work associated with an alteration, or
- c. an addition to an existing emergency lighting installation, or
- d. for the verification of an existing installation where no documentation is available for compliance with the current edition of the Code of Practice.

This certificate has been issued to provide supporting evidence (along with the client's current 'Fire Risk Assessment'), to enable the competent person, acting on behalf of the Responsible Person for the premises, to continue to declare, that the existing emergency lighting system to which it relates has been inspected and tested in accordance with the appropriate recommendations and requirements given in BS 5266-1: 2016 Emergency Lighting Part 1: 2016 Code of practice for the emergency lighting of premises, BS EN 1838: 2013 Lighting applications – Emergency lighting, and BS EN 50172: 2004/ BS 5266-8: 2004 Emergency lighting systems, to verify that the emergency lighting installation continues to comply with these standards.

You should have received the certificate marked 'Original' and the contractor should have retained the certificate marked 'Duplicate'. This certificate is a valuable document and should be retained for future reference for the purpose of providing evidence of properly maintaining the emergency lighting installation. If you were the person ordering the work, but not the user of the installation, you should pass this certificate, immediately to the Responsible Person for the premises.

The 'Original' certificate should be retained in a safe place and shown to any person inspecting or undertaking further work on the emergency lighting installation in the future. If you later vacate the property or building, this certificate will demonstrate to the new Responsible Person that the emergency lighting installation complied with the emergency lighting standards detailed in the certificate, and with BS 7671: Requirements for Electrical Installations (as amended), at the time the certificate was issued (if accompanied with a current 'Electrical Installation Condition Report' on the electrical installation, as prescribed by BS 7671, as amended). If there is a change of use of the building or a change in occupancy, a new 'Fire Risk Assessment' should be carried out.

Page 1 of the certificate

Provision is made (PART 1) for the contractor's trading title, address, the name and signature of the person certifying the periodic inspection and testing of the emergency lighting installation.

PART 4 is provided for recording details of all deviations from BS 5266-1 found during the inspection and testing of the emergency lighting installation. PART 10 of page 3 provides additional space for use, if required, to adequately record any deviation from BS 5266-1.

Provision is made (PART 5) for recording the previous 'Electrical Installation Condition Report' serial number (where applicable) and any other related reference documents for the emergency lighting installation.

For safety reasons, the emergency lighting installation will need to be re-inspected and tested by a competent person at appropriate intervals. Provision is made in PART 6 'Next Inspection' to record a recommendation that the emergency lighting installation should be inspected and tested at a specified interval, in accordance with clause 7.2 of BS EN 50172: 2004/BS 5266-8: 2004 and the 'Fire Risk Assessment' for the premises. The standard recommends that you engage the services of a competent contractor for this purpose. Additionally, inspections will be required to be undertaken by the Responsible Person for the premises on daily, monthly and annual basis, in accordance with BS 5266-1 and recorded in the emergency lighting test log book.

Page 2 of certificate

PART 7 provides fields for the contractor to record system information on the purpose, installation arrangements and the classification of operation of the installed emergency lighting system.

Provision is also made (PART 8 'Results of Inspection and Testing') for the result of each of the prescribed inspections and tests to be separately recorded. All the outcome brackets should have been completed by the insertion of a tick '✓', to indicate compliance, an 'X' to indicate a deviation or 'N/A' meaning Not Applicable, as appropriate.

Should the person ordering the periodic inspection and testing of the emergency lighting installation (e.g. the client, as identified on Page 1 of this certificate), or the Responsible Person for the premises have reason to doubt the accuracy of this certificate, in the first instance the specific concerns should be raised in writing with the contractor.

Page 3 of certificate

Where a test instrument has been used, for example, to measure the illuminance provided by the emergency lighting installation, a record of the model and serial number should have been recorded in the spaces provided in PART 9. Where no instrument has been used, the entries for 'Light Meter and Other (if any)' should read 'None'. The contractor should provide details of the alternative method used to verify the required illuminance levels within PART 11.

Where there is insufficient space on page 1 (PART 4) to record all the deviations from BS 5266-1 the details of additional deviations should be recorded in PART 10.

EMERGENCY LIGHTING PERIODIC INSPECTION AND TESTING CERTIFICATE

GUIDANCE FOR THE CONTRACTORS

The Emergency Lighting Periodic Inspection and Testing Certificate consists of three pages. The absence of any of these pages would render the certificate invalid. The three pages marked 'Original' should be issued to the person ordering the work, and those marked 'Duplicate' should be retained by the contractor for record purposes.

General

The Emergency Lighting Periodic Inspection and Testing Certificate is to be issued only for the periodic inspection and testing of an existing emergency lighting installation to verify compliance with the current Code of Practice BS 5266-1: 2016.

The certificate must not be issued for the following purposes:

- a. to certify a new emergency lighting installation, or
- b. new work associated with an alteration, or
- c. an addition to an existing emergency lighting installation, or
- d. for the verification of an existing installation (installed to a previous edition of BS 5266-1) for compliance with the current edition of the Code of Practice.

Those undertaking the periodic inspection and testing of an emergency lighting system must have access to the principal technical reference documents relating to emergency lighting systems, and correctly and consistently apply the principles set out in those documents.

Such documents include:

- *BS 5266: Part 1: 2016 Code of practice for the emergency lighting of premises*
- *BS EN 1838: 2013 Lighting applications. Emergency lighting*
- *BS EN 50172: 2004/BS 5266-8: 2004 Emergency escape lighting systems*
- *BS 7671: Requirements for Electrical Installations (as amended)*
- *The appropriate building and Electricity at Work Regulations.*

This Emergency Lighting Periodic Inspection and Testing Certificate provides continued supporting evidence (along with the client's current 'Fire Risk Assessment') to enable the person responsible for the safety of the installation the 'Responsible Person' to confirm that the emergency lighting system has been inspected and tested, and continues to comply with the appropriate recommendations and requirements given in BS 5266-1, BS EN 1838: 2013 and BS EN 50172: 2004/BS 5266-8: 2004, if accompanied by the relevant 'Electrical Installation Condition Report' on the electrical installation, as prescribed by BS 7671 (as amended).

Completing the Certificate

All data-entry fields must be completed by inserting the information required.

Page 1

PART 1 : DETAILS OF THE CONTRACTOR, CLIENT AND INSTALLATION

The information provided should fully and uniquely identify the contractor responsible for undertaking the periodic inspection and testing of an existing emergency lighting system, the client and the address where the emergency lighting system is installed. The field named 'Reference Number (RN)' within CLIENT details is provided so the contractor can assign a reference to the particular job/contract. Otherwise 'None' should be inserted.

PART 2 : DETAILS OF THE EMERGENCY LIGHTING INSTALLATION COVERED BY THIS CERTIFICATE

Information presented in the fields should clearly identify the extent of the emergency lighting installation to which the certificate relates.

PART 3 : CERTIFICATION

The name and signature of the contractor responsible for the periodic inspection and testing of the existing emergency lighting installation is required, to certify that the emergency lighting system complies with the relevant requirements and recommendations of BS 5266-1: 2016, BS EN 50172: 2004 and BS EN 1838: 2013.

PART 4 : DETAILS OF DEVIATIONS FROM THE RECOMMENDATIONS OF BS 5266-1

Where deviations from the current version of BS 5266, Part 1 have been identified, the relevant clause number reference should be entered in this part, along with details of the deviation. If no deviations are identified, enter 'None' in this part and in PART 10 on page 3. Where additional information has been provided in PART 10 on page 3, this should be indicated in PART 4.

PART 5 : RELATED REFERENCE DOCUMENTS

Details of the most recent Electrical Installation Condition Report (as prescribed by BS 7671: Requirements for Electrical Installations, as amended) covering the existing emergency lighting electrical installation, must be entered in this part.

Where other documents are required by the Client, or have otherwise been provided, these may be identified in the space provided (Other documents, if any), or by reference out to a separate attached page.

PART 6 : NEXT INSPECTION

The date of the next inspection and test should be agreed between the contractor and the person responsible for the safety of the premises and the agreed time interval having considered clause 7.2 of BS EN 50172: 2004 and the 'Fire Risk Assessment' must be inserted. In no circumstances should 'N/A' (or 'Not Applicable') be inserted in this field.

Page 2

PART 7 : INSTALLED EMERGENCY LIGHTING SYSTEM

Purpose of installed emergency lighting system

This part must be completed by entering a tick () in the brackets that identify the purpose of the emergency lighting system, 'N/A' must be entered in the remaining brackets.

Emergency lighting installation arrangement

This section must be completed by entering a tick () in the brackets that identify the installation arrangement of the emergency lighting system, 'N/A' must be entered in the remaining brackets.

Classification of operation of emergency lighting system

Details of the categories of operation of the system must be entered in this part, based on the format recommended in BS 5266-1: 2016 Annex F.

Page 2 & 3 – Schedule of Items Inspected and Tested

PART 8 : RESULTS OF INSPECTION AND TESTING

The inspection and testing checklist must be completed by the contractor responsible for carrying out the inspection and testing. The items contained in the checklist should be assessed, and the outcome declared in the column on the right.

Compliance with the recommendations of an itemised clause is confirmed by inserting a tick ' ' while a deviation is indicated by inserting an 'X'. Where an 'X' is inserted, details of the deviation should be recorded accurately (PART 4 and where required, PART 10) in the certificate. Where an item is not applicable, enter 'N/A' in the relevant field.

Page 3

PART 9 : TEST INSTRUMENTS USED

Where verification of the required illuminance (item 2 of the schedule) is undertaken by measurement the model and serial number of the test instrument(s) used should be recorded in the field provided. Where other methods have been used the fields must be completed by entering 'None'.

PART 10 : ADDITIONAL DETAILS OF DEVIATIONS FROM THE RECOMMENDATIONS OF BS 5266-1

If no additional deviations are carried forward from PART 4 of page 1 of the certificate then 'None' should be entered in this part.

PART 11 : DETAILS ON ALTERNATIVE METHOD USED TO VERIFY ILLUMINATION REQUIREMENT

This part must be completed where the person carrying out the inspection and test has used an alternative method of measurement to verify the adequate illumination provided for safe movement on the escape routes and open areas of the emergency lighting system. Examples of alternative methods are:

- Ensuring that the design is within the maximum spacing allowed by third party authenticated spacing tables for the appropriate light levels;
- Authenticated spacing data such as ICEL 1001 registered tables; or
- Calculation as detailed in Annex D of BS 7671, as amended and CIBSE/SLL Guide LG12; or
- Use of an appropriate computer design package which uses BSI or other nationally approved data.

If no alternative method of measurement is employed, this part should be completed by entering 'None'.

Appendix B4

Fwd 7 brereton avenue - Andre__04__Energy performance certificate (EPC) _ Find an energy certificate _ GOV.UK.pdf

Energy performance certificate (EPC)

7 Brereton Avenue
CLEETHORPES
DN35 7RP

Energy rating

D

Valid until:

25 July 2034

Certificate
number:

2651-2111-1128-0799-6111

Property type

Mid-terrace house

Total floor area

125 square metres

Rules on letting this property

Properties can be let if they have an energy rating from A to E.

You can read [guidance for landlords on the regulations and exemptions \(https://www.gov.uk/guidance/domestic-private-rented-property-minimum-energy-efficiency-standard-landlord-guidance\)](https://www.gov.uk/guidance/domestic-private-rented-property-minimum-energy-efficiency-standard-landlord-guidance).

Energy rating and score

This property's energy rating is D. It has the potential to be B.

[See how to improve this property's energy efficiency.](#)

The graph shows this property's current and potential energy rating.

Properties get a rating from A (best) to G (worst) and a score. The better the rating and score, the lower your energy bills are likely to be.

For properties in England and Wales:

the average energy rating is D
the average energy score is 60

Score	Energy rating	Current	Potential
92+	A		
81-91	B		84 B
69-80	C		
55-68	D	65 D	
39-54	E		
21-38	F		
1-20	G		

Breakdown of property's energy performance

Features in this property

Features get a rating from very good to very poor, based on how energy efficient they are. Ratings are not based on how well features work or their condition.

Assumed ratings are based on the property's age and type. They are used for features the assessor could not inspect.

Feature	Description	Rating
Wall	Solid brick, as built, no insulation (assumed)	Very poor
Roof	Pitched, 100 mm loft insulation	Average
Window	Fully double glazed	Average
Main heating	Boiler and radiators, mains gas	Good
Main heating control	Programmer, TRVs and bypass	Average
Hot water	From main system	Good
Lighting	Low energy lighting in 50% of fixed outlets	Good
Floor	Solid, no insulation (assumed)	N/A
Secondary heating	None	N/A

Primary energy use

The primary energy use for this property per year is 236 kilowatt hours per square metre (kWh/m2).

How this affects your energy bills

An average household would need to spend **£1,984 per year on heating, hot water and lighting** in this property. These costs usually make up the majority of your energy bills.

You could **save £648 per year** if you complete the suggested steps for improving this property's energy rating.

This is **based on average costs in 2024** when this EPC was created. People living at the property may use different amounts of energy for heating, hot water and lighting.

Heating this property

Estimated energy needed in this property is:

- 15,811 kWh per year for heating
- 2,297 kWh per year for hot water

Impact on the environment

This property's environmental impact rating is D. It has the potential to be C.

Properties get a rating from A (best) to G (worst) on how much carbon dioxide (CO₂) they produce each year.

Carbon emissions

An average household produces 6 tonnes of CO₂

This property produces 5.2 tonnes of CO₂

This property's potential production 2.4 tonnes of CO₂

You could improve this property's CO₂ emissions by making the suggested changes. This will help to protect the environment.

These ratings are based on assumptions about average occupancy and energy use. People living at the property may use different amounts of energy.

Steps you could take to save energy

Step	Typical installation cost	Typical yearly saving
1. Internal wall insulation	£4,000 - £14,000	£395
2. Floor insulation (solid floor)	£4,000 - £6,000	£64
3. Low energy lighting	£25	£57
4. Heating controls (room thermostat)	£350 - £450	£65
5. Solar water heating	£4,000 - £6,000	£67
6. Solar photovoltaic panels	£3,500 - £5,500	£538

Advice on making energy saving improvements

[Get detailed recommendations and cost estimates \(www.gov.uk/improve-energy-efficiency\)](http://www.gov.uk/improve-energy-efficiency)

Help paying for energy saving improvements

You may be eligible for help with the cost of improvements:

- Free energy saving improvements: [Warm Homes Local Grant \(www.gov.uk/apply-warm-homes-local-grant\)](http://www.gov.uk/apply-warm-homes-local-grant)
- Heat pumps and biomass boilers: [Boiler Upgrade Scheme \(www.gov.uk/apply-boiler-upgrade-scheme\)](http://www.gov.uk/apply-boiler-upgrade-scheme)
- Help from your energy supplier: [Energy Company Obligation \(www.gov.uk/energy-company-obligation\)](http://www.gov.uk/energy-company-obligation)

Who to contact about this certificate

Contacting the assessor

If you're unhappy about your property's energy assessment or certificate, you can complain to the assessor who created it.

Assessor's name	David Sexton
Telephone	01472730539
Email	info@trademark-services.co.uk

Contacting the accreditation scheme

If you're still unhappy after contacting the assessor, you should contact the assessor's accreditation scheme.

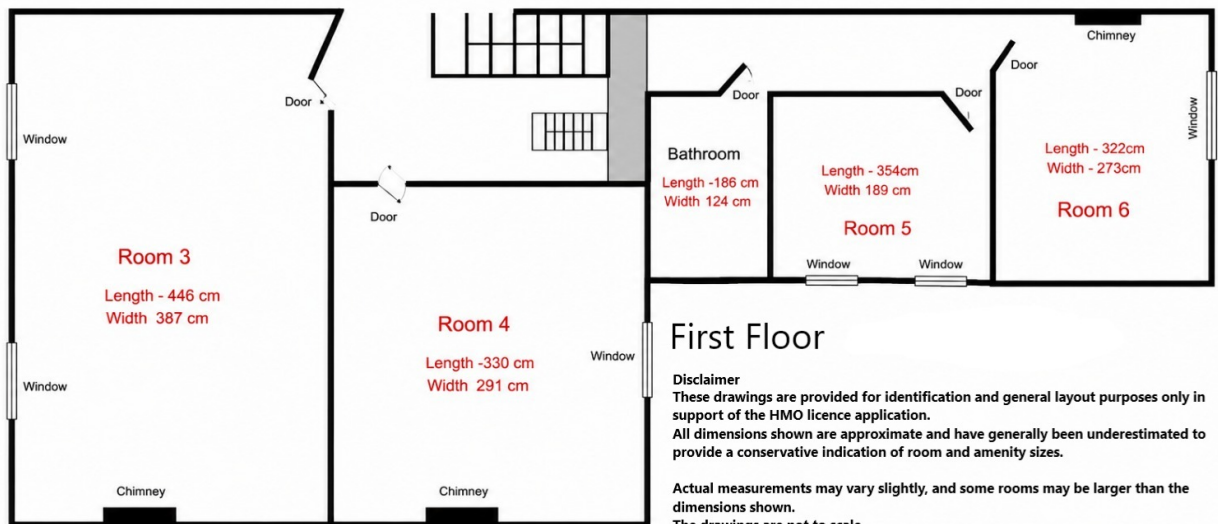
Accreditation scheme	ECMK
Assessor's ID	ECMK302207
Telephone	0333 123 1418
Email	info@ecmk.co.uk

About this assessment

Assessor's declaration	No related party
Date of assessment	26 July 2024
Date of certificate	26 July 2024
Type of assessment	RdSAP

Appendix B5

Fwd 7 brereton avenue - Andre__05__First Floor Plan.jpeg



First Floor

Disclaimer

These drawings are provided for identification and general layout purposes only in support of the HMO licence application. All dimensions shown are approximate and have generally been underestimated to provide a conservative indication of room and amenity sizes.

Actual measurements may vary slightly, and some rooms may be larger than the dimensions shown.

The drawings are not to scale.

The positions and sizes of windows, doors, chimneys, stairs and other features are indicative only and are not shown in exact proportion or precise locations.

The purpose of these drawings is to illustrate the overall internal layout and arrangement of the accommodation and amenities. They should not be relied upon for construction, structural, surveying, or contractual purposes.

Appendix B6

Fwd 7 brereton avenue - Andre__06__Gas Safety.jpeg

Regin

LANDLORD / HOME OWNER GAS SAFETY RECORD Report Ref No: **45C 6026482**

This inspection is for gas safety purposes only to comply with the Gas Safety (Installation and Use) Regulations. Flues have been inspected visually and checked for satisfactory evacuation of products of combustion. A detailed internal inspection of the flue integrity, construction and lining has NOT been carried out.

REGISTERED BUSINESS DETAILS

Reg No: **513/31**
Company: **Handy Heating Services**
Address: **Willingham Court, Cleethorpes, N.E. Lincs**
Postcode: **DN35 0SE**
Tel: **01755 936323**

INSPECTION / INSTALLATION ADDRESS

Name & Title: **J. Barker Home**
Address: **Cleethorpes, N.E. Lincs**
Postcode: **DN35 7KP** Tel:

LANDLORD (OR AGENT) NAME & ADDRESS (if applicable)

Name & Title: **J. Barker Home**
Address: **132, Cleethorpe, N.E. Lincs**
Postcode: **DN35 7PD** Tel:

Number of appliances tested: **1**

APPLIANCE DETAILS

Location	Name and Model	Type	Flue type (Open/Close/Other)	Operating pressure (bar or correct pressure)	Safety device (Pressure/Flame/Other)	Spillage test (Pass/Fail)	Smoke test (Pass/Fail)	Flue gas analysis (Pass/Fail)	Final combustion analysis (Pass/Fail)	Satisfactory combustion (Pass/Fail)	The flue (Pass/Fail)	Appliance ventilation (Pass/Fail)	Landlord's inspection (Pass/Fail)	Approved (Pass/Fail)	Appliance Safe to Use (Yes/No)
1	1st flue	Gas boiler	Open	1.5 bar	Pressure	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Yes
2															
3															
4															
5															

FLUE TESTS

For appliances not owned by the landlord the recorded 'Appliance Safe to Use' response is based on a visual check for obvious defects only

Satisfactory Visual Inspection: Yes ☒ No ☐ Emergency Control: Yes ☒ No ☐ Satisfactory Gas Tightness Test: Yes ☒ No ☐ Equipment Bonding Satisfactory: Yes ☒ No ☐

RECTIFICATION WORK CARRIED OUT

Gas Installation: Yes ☒ No ☐ Pipework: Yes ☒ No ☐

GIVE DETAILS OF ANY FAULTS

1	2	3	4	5
1	2	3	4	5

OTHER COMMENTS OR OBSERVATIONS

Approved audible CO Alarms Fitted & Localised Correctly: Yes ☒ No ☐ N/A ☐ Air CO Alarms in Date: Yes ☒ No ☐ N/A ☐

NEXT GAS SAFETY CHECK DUE BEFORE: 15/05/17

ISSUED BY (GAS ENGINEER)

Print Name: **Tom Barker** Licence No: **3518387** Signed: **Tom Barker** Issue Date: **15/05/17**

RECEIVED BY

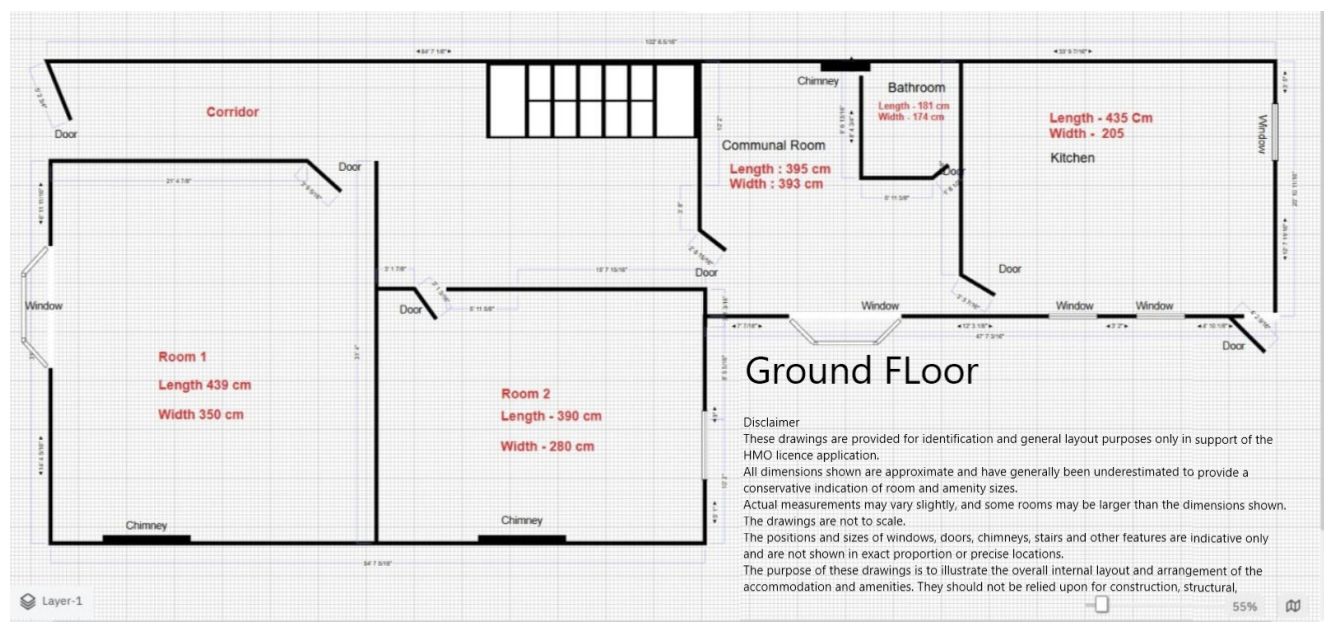
Print Name: **Landlord/Agent/Home Owner** Signed: **Landlord/Agent/Home Owner**

Form Ref: REG245

© Regin Products Ltd

Appendix B7

Fwd 7 brereton avenue - Andre__07__Ground Floor.png



Appendix B8

Fwd 7 brereton avenue - Andre__08__Pat test 2026.pdf

PORTABLE APPLIANCE TESTING (PAT) REPORT/CERTIFICATE

Certificate Reference Number 911194

DETAILS OF CLIENT/LANDLORD

Andreas Investment LTD : 7 Brereton Ave Cleethorpes DN35 7RP, UK

TEST EQUIPMENT DETAILS

Test Equipment used	Seaward Prime Test 50 PAT Tester
---------------------	----------------------------------

Tested by Areton LTD, Andreas Russo MEng
FFF

Date
25/02/2026

Retest Date
25/02/2027[illegible]

PORTABLE APPLIANCE TESTING (PAT) REPORT/CERTIFICATE

Repair Code Description

1	Replace 240v 13A plug – plastic
2	Replace 240v 13A plug – rubber
3	Change plug fuse 3A
4	Change plug fuse 5A
5	Change plug fuse 10A
6	Change plug fuse 13A
7	Replace 240v trailing socket
8	Replace 240v 16A plug
9	Replace 240v 16A connector
10	Replace 110v 16A plug
11	Replace 110v 16A connector
12	Replace 110v 16A panel mount socket
13	Trim, refit cable to appliance
14	Trim, refit cable to plug, or socket
15	Trim, refit cable to 240/110v 16A plug/connector/socket
16	Trim refit cable to 3-phase plug/connector/socket
17	Replace 15A/5A/2A plug
18	Trim, refit cable to fuse connection unit
19	Fit 10A flexible lead connector
20	Replace 1.5 Arctic Yellow/Blue cable 0-2m
21	Replace 1.5 Arctic Yellow/Blue cable 3-5m
22	Replace 1.5 Arctic Yellow/Blue cable 6-10m
23	Replace 1.5 Arctic Yellow/Blue cable 11 -1 5m
24	Replace 2.5 Arctic Yellow cable 0-2m
25	Replace 2.5 Arctic Yellow cable 3-5m
26	Replace 2.5 Arctic Yellow cable 6-10m
27	Replace 2.5 Arctic Yellow cable 11-15m
28	Replace 1.5 3 Core cable 0-2m
29	Replace 1.5 3 Core cable 3-5m
30	Replace 1.5 3 Core cable 6-10m
31	Replace 1.5 3 Core cable 11-15m
32	Replace 1.0 3 Core cable 0-2m
33	Replace 1.0 3 Core cable 3-5m
34	Replace 1.0 3 Core cable 6-10m
35	Replace 1.0 3 Core cable 11-15m
36	Replace 0.75 2 Core cable 0-2m
37	Replace 0.75 2 Core cable 3-5m
38	Replace 0.75 2 Core cable 6-10m
39	Replace 0.75 2 Core cable 11-15m
40	Supply 4 way extension lead complete
41	Supply and fit 4 way trailing socket
42	Supply and fit 2 way trailing socket
43	Supply kettle lead/complete with plug
44	Replace IEC plug/socket
45	Replace IEC computer lead
46	Replace cotton covered flex 2-3m
47	Fit 13A flex connector
48	Supply class 2 reversible mains lead
49	Fit 16/20/25mm cord grip bush
50	Fit strain relief bush

Appendix B9

Fwd 7 brereton avenue - Andre__09__Risk Assessment.pdf



Fire Risk Assessment



Premises Address

7 Brereton Ave Cleethorpes, DN35 7RP UK

FIRE RISK ASSESSMENT

Person having control of the premises:	Andreas Russo
Name of landlord (if different):	Andreas Russo
Person carrying out fire risk assessment:	Andreas Russo
Date of fire risk assessment:	7/04/2026
Person who has control of fire safety in premises:	Andreas Russo
Date for review:	07/04/2027

This assessment only considers the risk to life from fire to ensure compliance with fire safety legislation. The report does not address the risk to Property or business continuity from fire

General Information

This fire risk assessment form has been produced for use by persons carrying out a risk assessment of small houses in multiple occupation and other dwellings.

Completion of the fire risk assessment form should assist in complying with the requirements of both the Housing Act 2004, and supporting Housing, Health and Safety Rating System, and the Regulatory Reform (Fire Safety) Order 2005.

The risk assessment form has been developed as part of the work carried out for Decent and Safe Homes East Midlands (DASH). The form should be used in conjunction with the 'Fire Safety Guide for Houses in Multiple Occupation and Other Dwellings', published by DASH, referred to as 'the Guide'. The guide was modified in conjunction with CS Todd & Associates Ltd in August 2008 to reflect the publication of the national fire safety guidance that was formally launched in London on July 23rd 2008. To download the DASH guide, please follow the link <http://www.eastmidlandsdash.org.uk/firesafety.asp>

The risk assessment form is intended for use by owners, landlords and other persons and is limited in its scope to those premises covered in the above Guide.

The fire risk assessment should be completed by a competent person. Guidance notes, which should be read in conjunction with the Guide, have been provided to assist the person completing the assessment to record significant findings. If the person responsible for completing the risk assessment reads the above mentioned Guide and decides they are unable to apply the guidance, or complete the risk assessment, they should seek expert advice.

Further information on fire safety risk assessment can be found in guidance documents published by Communities and Local Government at <http://www.communities.gov.uk/corporate/>

Notes on Completion of the Form

All sections of the form should be completed. If sections are not applicable then a comment should be made to that effect.

Where a description of any fire hazard, subsequent control measures and fire precautions are considered appropriate, then additional information should be recorded in the comments box. While it might not be essential to record further details in every comments box, it is recommended that adequate information is provided, to ensure the form does not become a ticklist with inadequate supporting evidence.

If a 'No' box is ticked, additional information should always be included in the comments box, which should also lead to an identified action in the 'Action Plan' on page 19.

The 'Action Plan' should be a comprehensive list of actions that need to be taken to reduce risk and ensure adequate fire safety measures are provided and/or taken for the safety of life in the premises.

The Premises

1.	The Premises									
1.1	Number of floors	Basement	0	Ground	1	First	1	Second		
1.2	Property	Flat		Detached		Semi-det.		Terraced	Yes	
		Other								
1.3	Date of Construction	Pre 1920		1946 - 79	X	1920 - 45		After 1979		
1.4	Construction	Walls:	Brick / concrete	X	Other					
		Floors:	Timber	X	Concrete		Other			
		Ceilings:	Lath / plaster		Skimmed plasterboard	X	Other			
		Roof:	Pitched tiled/slate	X	Flat		Other			
1.5	Provide a brief account of the occupants. Include number, type and any special needs	3 occupants Living there on the day of inspection...								
<i>Example:</i> Three-storey terrace house converted into student accommodation. The premises have a shared kitchen and lounge on the ground floor, with five bedrooms and shared bathroom facilities on the first and second floors.										
1.6	Comments. Provide a brief description of the premises. (see example above)	6 bed HMO with shared kitchen and bathrooms with total 6 occupants								

The Occupants

2.	The Occupants	
2.1	Number of sleeping occupants	3
3.	Occupants at Risk from Fire	
3.1	Disabled Occupants	0
3.2	Children	0
3.3	Elderly	0

3.4	Other	0
-----	-------	---

Guidance

You should identify any occupants considered to be at special risk from fire. This includes disabled occupants, who may require assistance to evacuate or require special facilities of warning of fire. All forms of disability need to be considered, including mobility impairment, deafness, blindness and learning difficulties.

Consideration should also be given to other vulnerable occupants, such as the elderly, young children, people who may be dependent on drugs or alcohol, and people whose first language may not be English.

3.5	Comments	--
-----	----------	----

Fire Loss Experience

4.	Fire Loss Experience	
----	----------------------	--

4.1	Fire Loss Experience	Date	No
		Brief details	No
		Cause	No
		Action Taken (if any)	No

Guidance

Provide details on any fires that have occurred in recent years.

Factors to consider include the circumstances of the fire, including the cause and any remedial action taken to prevent such fires from occurring in the future.

4.2	Comments	-----
-----	----------	-------

Fire Hazards & Their Elimination or Control

5. Electrical Sources of Ignition

5.1	Reasonable measures taken to prevent fires of electrical origin	Yes ☒	No ☐
5.2	More Specifically Fixed installation and appliances periodically inspected and tested	Yes ☒	No ☐
	Portable appliance testing carried out on appliances supplied by landlord	Yes ☒	No ☐
	Suitable policy regarding the use of personal electrical appliances	Yes ☒	No ☐
	Suitable limitation of trailing leads and Adapters	Yes ☒	No ☐

Guidance

Fixed electrical installations should be inspected and tested by a competent electrician in accordance with IEE guidance every five years.

Electrical appliances, including portable appliances, should be subject to periodic inspection and test by a competent person. It is recommended that such tests be carried out on an annual basis. It is recommended that copies of all relevant certification are kept with this risk assessment.

5.3	Comments and hazards observed	No Comment
-----	-------------------------------	------------

6. Smoking

6.1	Do people allowed to smoke in the premises?	Yes ☐	No ☒
6.2	If persons smoke in the premises are there suitable arrangements for those who wish to smoke?	N/A ☐	Yes ☒ No ☐
6.3	Any naked flames in room / smoking proof in room	N/A ☐	Yes ☒ NO ☐

Guidance

If smoking is permitted in the premises, you should detail any specific areas where occupants are permitted to smoke and the arrangements provided for the safe disposal of smokers' materials. This would, for example, include the provision of ashtrays and bins in common areas.

¹ This is the only 'No' box entry that does not require a recommendation on the action plan.

6.3	Comments and hazards observed	Scented candle observed in room; occupant advised to remove it immediately due to the fire risk associated with naked flames.
-----	-------------------------------	---

7.	Arson
----	-------

7.1	Does basic security against arson by outsiders appear reasonable. ²	Yes ☒	No ☐
7.2	Is there an absence of combustible material in close proximity to the premises or available for ignition by outsiders	Yes ☐	No ☒

Guidance

Provide information on any arrangements provided to reduce the risk of arson.

This may include:

- Additional security measures taken to prevent unauthorized access, such as access controls fitted to external doors.
- Arrangements for the removal of rubbish and combustible materials, including the location of refuse bins and any combustible storage in close proximity to the building that might present a risk. For example, refuse bins may need to be secured or provided with lockable lids to reduce the risk of arson.

Example:

All external doors have been provided with security locks to prevent unauthorized access.

Refuse and combustible waste are located in a secure yard clear of the building.

7.3	Comments and hazards observed	Cardboard packaging found in the escape route; removed upon discovery and disposed of appropriately.
-----	-------------------------------	--

8.	Portable Heating & Heating Installations
----	--

8.1	Is the use of portable heaters avoided as far as practicable	Yes ☒	No ☐	
8.2	If portable heaters are used: Is the use of the more hazardous type avoided e.g. radiant bar fires or LPG appliances	N/A ☒	Yes ☐	No ☐
	Are suitable measures taken to minimize the hazard of ignition of combustible materials	N/A ☒	Yes ☐	No ☐
	Is the fixed heating installation subject to regular maintenance	N/A ☐	Yes ☒	No ☐

² **Note:** If specific advice on security (including security against arson) is required, the advice of a security specialist should be obtained.

Guidance

- The use of portable heaters should wherever possible be avoided, particularly in common areas.
- Any portable heaters provided by the landlord should be subject to regular inspection and maintenance.
- If portable heaters are provided, you should record which type and where they are used.
- Wherever possible, residents should not be permitted to provide their own portable heaters.

Provide a brief description of the fixed heating system, which should be subject to regular maintenance and inspection by a competent person.

Example:

Oil filled electric radiators have been provided in the living and dining rooms. Heaters are subject to annual inspection and test by a competent electrician.

The premises have a gas fired heating system, which is subject to annual inspection and test. A gas safety certificate was issued on [date].

8.3	Comments and hazards observed	-----
-----	-------------------------------	-------

9.	Cooking
----	---------

9.1	Reasonable measures taken to prevent fires as a result of cooking	N/A ☐	Yes ☒	No ☐
9.2	More specifically: Filters cleaned or changed regularly	N/A ☐	Yes ☒	No ☐
	Appliances regularly maintained	N/A ☐	Yes ☒	No ☐
	Suitable fire blanket available	N/A ☐	Yes ☒	No ☐

Guidance:

Provide information on the type of cooking appliances provided and the location.

Cooking appliances should be subject to regular maintenance and inspection.

Any filters should be subject to regular cleaning, or periodically changed, to prevent the build up of grease deposits.

Example:

Electric hobs and ovens are provided in each bedsit for use by occupants.

Gas hob/oven and microwave provided in kitchen for shared use of students. A gas safety certificate was issued on [date].

Cooking appliances are subject to annual maintenance by an external contractor. Filters are inspected and cleaned every six months.

9.3	Comments and hazards observed	Electrical cookers have been selected for the premises to minimise the risk of fire associated with cooking activities.
-----	-------------------------------	---

10.	Furniture & Furnishings
-----	-------------------------

10.1	Do furniture and furnishings comply with the Furniture and Furnishings (Fire) (Safety) (Amendment) Regulations	Yes ☒	No ☐
------	--	---	-----------------------------

Guidance

Any furniture or furnishings provided by the landlord should be in accordance with the Furniture and Furnishings (Fire) (Safety) (Amendment) Regulations 1993.

Evidence should be provided and made available for audit that all furniture and furnishings comply with the above regulations.

10.2	Comments and hazards observed	-----
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11.	Housekeeping
-----	--------------

11.1	Is the standard of housekeeping adequate	Yes ☒	No ☐
------	--	---	-----------------------------

11.2	More specifically: Are combustible materials separated from ignition sources	Yes ☒	No ☐
	Is unnecessary accumulation of combustible materials or waste avoided	Yes ☒	No ☐
	Are hazardous materials stored appropriately	N/A ☐	Yes ☒ No ☐
	Inappropriate storage of combustible/hazardous materials avoided	Yes ☒	No ☐

Guidance on Comments

Comment and opinion on housekeeping are particularly relevant to fire safety in any premises. Housekeeping in this context will generally relate to the storage of combustible waste or materials in the common parts of the premises. Poor housekeeping can lead to the storage of combustible materials in close proximity to electrical equipment or heat sources.

The assessment should address the risk of storage of combustible waste and materials in common areas, such as stairs and landings, in understairs and other cupboards, which open onto the stairs, in communal living areas and kitchens, etc.

The storage of hazardous materials or flammable liquids should not be permitted in the premises. This includes the storage of petrol or other flammable liquids, LPG cylinders or similar hazardous materials.

In general, the storage and use of small quantities of domestic cleaning materials can be ignored.

11.3	Comments and hazards observed	Minor housekeeping issue noted in the rear yard involving combustible materials; corrective action taken immediately.
------	-------------------------------	---

12.	Hazards Introduced by Outside Contractors and Building Works
-----	---

12.1	Is there satisfactory control over works carried out in the building by outside contractors	Yes ☒	No ☐
------	---	---	-----------------------------

Guidance

Works carried out on the premises, which could present a fire risk or that may affect the fire protection arrangements in the premises, should be subject to some form of onsite control by the landlord.

This is particularly important if works are carried out that could materially effect the fire precautions such as, fire separation, fire protection to walls, partitions ceilings and doors, or work undertaken on the fire detection and warning, emergency escape lighting, or automatic sprinkler systems (if fitted).

12.2	Comments and hazards observed	
------	-------------------------------	--

13.	Other Fire Hazards That Warrant Consideration
-----	--

13.1	Hazards observed	Minor housekeeping issue noted in the rear yard involving combustible materials; corrective action taken immediately (Cart boards) .
------	------------------	--

Guidance on Comments

This might include the consideration of hazards below or in close proximity to the premises. For example, the premises may be located over a shop or business, whose process may present a hazard to the residents of the premises.

It also provides an opportunity to record any other relevant or significant fire hazard that may be present that has not been previously recorded.

If there are no additional hazards, then write N/A and record 'None' under 'Comments'.

13.2	Comments	-----
------	----------	-------

Fire Protection Measures

14.	Means of Escape		
14.1	It is considered that the premises are provided with reasonable means of escape in case of fire	Yes ☒	No ☐
14.2	More specifically: Are there reasonable distances of travel: - Where there is escape in a single direction - Where there are alternative means of escape	N/A ☐ N/A ☐	Yes ☒ Yes ☒ No ☐ No ☐
	Is there suitable fire protection of escape routes (doors/stairs)	Yes ☒	No ☐
	Are there an adequate number and position of exits (doors/windows)	Yes ☒	No ☐
	Are exits easily and immediately openable where necessary	Yes ☒	No ☐
	Are escape routes unobstructed	Yes ☐	No ☒
14.3	It is considered that the premises are provided with reasonable arrangements for means of escape for disabled people.	N/A ☒	Yes ☐ No ☐
Guidance Provide a brief description of the means of escape provided in the premises. <i>Example:</i> <i>Premises have a single protected staircase, serving all floors, which leads to a final exit door via the ground floor hall.</i> It might also be relevant to make comment on any issues, such as travel distance and exits (including window exits) provided in accordance with the above Guide. This is particularly important if you decide to move away from the recommendations of the Guide. In this case, you must identify why and detail any additional control measures introduced as a result. <i>Example:</i> <i>Travel distances in rooms and to the final exit are in accordance with the distances recommended in the above Guide.</i> <i>All doors to bedsits are FD30S doors and have been fitted with positive self-closing devices (if fitted).</i> <i>Escape windows have been provided in all bedrooms on the first floor for evacuation in the event of a fire. Residents required to use window exits are considered capable of using the window unaided in the event of a fire.</i>			
14.4	Comments and deficiencies observed	Escape route partially obstructed by occupants' belongings; cleared immediately upon discovery	

15.	Measures to Limit Fire Spread & Development		
------------	--	--	--

15.1	It is considered that there is: Fire separation and compartmentation of a reasonable standard.	Yes ☒	
	Reasonable limitation of linings that may promote fire spread	Yes ☒	No ☐

Guidance:

Provide details on fire resistance of floors/ceilings and doors.

Provide details of the surface finish on walls, partitions and ceilings. This is particularly relevant on escape routes.

Example:

The floor between the basement and the ground floor has been upgraded to afford a fire resistance of 60 minutes; all other floors in the premises afford a fire resistance of 30 minutes.

The ceilings in the premises are constructed of lath and plaster, and additional automatic fire detection has been provided to compensate for the reduced standard of fire resistance.

The walls and ceiling of the stairway are lined with plasterboard and have a plastered finish.

15.2	Comments and deficiencies observed	All habitable rooms are separated by minimum 30 minutes fire resistant measures
-------------	--	---

16.	Emergency Escape Lighting		
------------	----------------------------------	--	--

16.1	Reasonable standard of emergency escape Lighting system provided.	N/A ☐	Yes ☒	No ☐
16.2	Is emergency lighting provided in the building?	N/A ☐	Yes ☒	No ☐
16.3	Are the emergency lights working properly and free from obvious defects?	N/A ☐	Yes ☒	No ☐

Guidance:

If provided, detail the type and location of emergency escape lighting provided in the premises.

Example:

Self-contained, non-maintained, emergency escape lighting units have been provided and located in the staircase at ground, first and second floors.

If emergency escape lighting is not considered necessary then tick 'N/A' and record 'None' under 'Comments'.

16.2	Comments and deficiencies observed	-----
-------------	------------------------------------	-------

³ Based on visual inspection of readily accessible areas, with a degree of sampling where appropriate.

⁴ Based on visual inspection, but no test of illuminance levels or verification of full compliance with relevant British Standards carried out.

17.1	General Fire Arrangements
-------------	----------------------------------

17.1	Is there a fire alarm system to alert everyone in the building?	N/A ☐	Yes ☒	No ☐
17.2	The fire alarm systems present during the inspection are:	N/A ☐	Yes ☒	No ☐
17.3	Can the fire alarm be heard clearly throughout the building?	N/A ☐	Yes ☒	No ☐
17.4	Are zonal plans displayed next to the fire panel, or does the panel have a zonal display?	N/A ☐	Yes ☒	No ☐
17.5	Are fire alarm call points easy to reach?	N/A ☐	Yes ☒	No ☐
17.6	Does all firefighting equipment have clear identification signs?	N/A ☐	Yes ☒	No ☐
17.7	Are LPG appliances on-site regularly maintained?	N/A ☒	Yes ☐	No ☐

17.8	Comments and deficiencies observed	-----
-------------	------------------------------------	-------

18.1	Gas Installation
-------------	-------------------------

18.1	Any High Flammable Gases used or stored	N/A ☐	Yes ☐	No ☒
18.2	Is there a natural gas installation?	N/A ☐	Yes ☒	No ☐
18.3	Are gas installations and appliances regularly serviced by a qualified person?	N/A ☐	Yes ☒	No ☐
18.4	Are gas emergency shut-off controls easy to access and free from obstructions?	N/A ☒	Yes ☐	No ☐

18.4	Comments and deficiencies observed	----
-------------	------------------------------------	------

19.	Fire Safety Signs & Notices			
-----	-----------------------------	--	--	--

19.1	Reasonable standard of fire safety signs and notices	N/A ☐	Yes ☒	No ☐
19.2	Has a Fire Safety Policy been produced and is it being reviewed regularly?	N/A ☐	Yes ☒	NO ☐
19.3	Is there an emergency plan in place and is it reviewed on a regular basis?	N/A ☐	Yes ☒	NO ☐
19.4	Safe assembly point / area	Anywhere outside of property		

Guidance:

Provide details of any fire signs and notices, such as exit signs or fire action notices provided.

If none, tick 'N/A' and record 'None' under 'Comments'.

19.2	Comments and deficiencies observed	-----
------	------------------------------------	-------

20	Means of Giving Warning in Case of Fire
----	---

20.1	Manual break glass fire alarm call points provided	Yes ☒	No ☐	
20.2	Automatic fire detection provided	Yes ☒ throughout premises	Yes ☐ Part of premises only	No ☐

Guidance

Provide details on the type of fire detection and alarm system provided and, where appropriate, the location of control equipment, detectors and call points.

Example:

The premises have been provided with a Category LD3 Grade D system in accordance with the recommendations of BS 5839- 6. Smoke alarms have been provided in the ground floor hall, living room and on the landing of the first floor. In addition, heat alarms have been provided in the kitchen and in the basement.

20.3	Comments and deficiencies observed	None
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21.	Mutual Fire Extinguishing Appliances		
21.1	Reasonable provision of portable fire extinguishers	Yes ☐	No ☒
22.2	Are all fire extinguishing appliances readily accessible	Yes ☐	No ☒

Guidance

Give details of fire-fighting equipment provided, such as portable extinguishers and fire blankets, and their location.

22.3	Comments and hazards observed	None
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23.	Automatic Sprinkler System
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23.1	Type of fixed system	None
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Guidance

If provided, include details of the type of system installed, which standard it was installed to, and the areas of the premises covered by the system.

If none, record 'None' under 'Comments'.

23.2	Comments	None
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Management and Maintenance of Fire Safety Provisions

24.	Procedures and Arrangements		
Reference should be made to Section 10, 'Management and Maintenance', of the Guide, for the following sections of the form.			
24.1	Fire safety is managed by 5	Andreas Russo	
Guidance Record the name of the person responsible for the day-to-day management of fire safety arrangements in the premises. This could be the landlord, the owner, the managing agent or someone employed by them to carry out this task			
24.2	Is there a suitable record of the fire safety arrangements	N/A ☐	Yes ☒
Guidance For licensed HMOs in particular, there should be a simple record of the fire safety arrangements. This is often referred to as a 'fire safety manual', the purpose of which is to define and record the fire safety strategy and procedures in the premises. For small premises, covered by the Guide, it would be sufficient to provide a simple document that identifies the various fire safety precautions, such as the evacuation strategy, the fire detection and alarm system, management and details of the procedures introduced to ensure that fire safety systems are maintained in efficient working order.			
24.3	Comments	None	
24.4	Are appropriate fire procedures in place	Yes ☒	No ☐
24.5	More specifically: Are procedures in the event of fire appropriate and properly documented	N/A ☐	Yes ☒
	Are there suitable arrangements for summoning the fire & rescue service	Yes ☒	No ☐
Guidance In the majority of premises covered by the Guide, the fire procedures will be a simple list of actions to take on discovering a fire and/or on hearing the fire alarm. Residents should be made aware of the fire procedures or action plans in the event of fire and, if necessary, suitable notices should be displayed in common rooms, such as kitchens and living rooms, and in individual units of accommodation.			

⁵ This is not intended to represent a legal interpretation of responsibility, but merely reflects the managerial arrangement in place at the time of this risk assessment.

24.6	Comments	No Comments
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25.	Routine Inspection, Maintenance of Premises and Fire Safety Provisions
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25.1	Is there adequate maintenance of fire safety provisions & regular safety checks	Yes, ☒	No ☐
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Guidance

Provide details on any planned maintenance undertaken. This would include inspection and maintenance of fire resisting partitions, or ceilings.

In particular, it should cover the periodic inspection and maintenance of fire resisting doors and self-closing devices to ensure the doors remain a good fit in their frames and that the doors close effectively.

In the majority of small premises, it would be reasonable to carry out maintenance and inspection of doors etc on an annual basis.

25.2	Comments and deficiencies observed	No Comments
------	------------------------------------	-------------

25.3	Is monthly testing and periodic servicing of the fire detection and alarm system carried out	N/A ☐	Yes ☒	No ☐
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Guidance

The fire detection and alarm system should be tested and maintained in accordance with the recommendations of BS 5839-6. ⁶

Grade A systems should be tested weekly and serviced every six months by a competent person.

Grade D systems should be tested weekly by operating all sounders, in the case of smoke and heat alarms, this will be achieved by using the test button.

For Grade D systems the testing of alarms in individual rooms, bedsits or flats would need to be carried out by the tenants. Landlords should carry out annual maintenance and testing of alarms.

25.4	Comments and deficiencies observed	Weekly inspections are generally carried out; however, greater consistency is required to ensure all scheduled inspections are completed.
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25.5	Are monthly and annual testing routines for emergency escape lighting carried out	N/A ☐	Yes ☒	No ☐
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⁶ BS 5839-6: 2004. Fire detection and fire alarm systems for buildings - Code of practice for the design, installation and maintenance of fire detection and fire alarm systems in dwellings.

Guidance

If fitted, emergency escape lighting should be subject to a monthly functional test and an annual discharge test in accordance with the requirements of BS 5266-8. ⁷

If none, tick 'N/A' and record 'None' under 'Comments'.

25.6	Comments and deficiencies observed	None
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25.7	Is annual maintenance of fire extinguishing appliances carried out	N/A ☒	Yes ☐	No ☐
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Guidance

Portable fire extinguishing appliances, including fire blankets should be subject to annual maintenance.

If none, tick 'N/A' and record 'None' under 'Comments'.

25.8	Comments and deficiencies observed	-----
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25.9	Periodic inspection of external escape staircases and gangways	N/A ☒	Yes ☐	No ☐
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Guidance

External escape stairs should be subject to periodic inspection and maintenance to ensure the stairs remain safe to use at all times, including during poor weather conditions.

In addition, it is recommended that staircases should be subject to a three yearly inspection and structural survey by a competent person.

If none, tick 'N/A' and record 'None' under 'Comments'.

25.10	Comments and deficiencies observed	None
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25.11	Is weekly testing and periodic inspection of sprinkler installations carried out	N/A ☒	Yes ☐	No ☐
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⁷ BS 5266-8: 2004 (BS EN 50172: 2004). *Emergency escape lighting systems*.

Guidance

Automatic sprinkler systems should be tested weekly and subject to periodic maintenance and inspection by a competent person.

If none, record 'None' under 'Comments'.

25.12	Comments and deficiencies observed	N/A
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25.13	Are routine checks of final exit doors and/or security fastenings carried out	N/A ☐	Yes ☒	No ☐
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Guidance

Routine checks of final exit doors and/or security fastenings, not in daily use, should be carried out to ensure exits remain easily openable. This should include a periodic check of any exit windows.

25.14	Comments and deficiencies observed	-----
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26.**Maintenance/Serviceing of Equipment & Records**

26.1	Are Appropriate Records kept of: Sprinkler Tests	N/A ☒	Yes ☐	No ☐
	Portable fire-fighting equipment inspection and servicing	Yes ☒	No ☐	
	Fire alarm inspection and regular test / checks / Servicing	Yes ☒	No ☐	
	Emergency escape lighting inspection and regular test checks / Monthly / Yearly	Yes ☒	No ☐	
	Maintenance and testing of other fire protection systems	Yes ☒	No ☐	

Guidance

It is recommended that records of testing and inspection of fire safety equipment should be maintained in a form readily available for audit by enforcing authorities.

26.2	Comments and deficiencies observed	
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27.1 -

Do all doors that are part of emergency routes and high- risk areas meet the required fire resistance standards?	Yes
Are all self-closing mechanisms functioning properly and in good condition?	Yes
Are intumescent strips and cold smoke seals installed on all fire-resistant doors?	Yes
Do all fire-resistant doors have the correct number and type of hinges as per regulations?	Yes
Can all fire-resistant doors close smoothly into their rebates without obstruction?	Yes
Are fire doors of the appropriate fire rating, free from damage, and do they have gaps of 4mm or less at the top and sides?	Yes

Are fire evacuation drills conducted on a regular basis?	N/A
Are sufficient persons nominated to ensure a safe evacuation of the building?	N/A
Are there personal evacuation procedures in place for the safe evacuation of persons with a Physical or Sensory Disability?	N/A
Are Safe Assembly/Muster Points established and signed accordingly?	Yes

29. Waste Management

29.1 Is there a satisfactory system of waste management?	Yes
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ACTION PLAN

If, when you complete your fire risk assessment there are actions you need to take (e.g. any 'No' box that has been ticked), you should record them here. Detail what needs to be actioned, who is required to do it, when it should be completed by and then sign it off when completed.

Item No.	Action	Who	When	Signed/ Completed
1.	Scented candle observed in room; occupant advised to remove it immediately due to the fire risk associated with naked flames	Tenant	Immediately	Andreas Russo
2.	Cardboard packaging found in the escape route; removed upon discovery and disposed of appropriately.	Maintenance Guy	Removed Same day	Andreas Russo
3.	Minor housekeeping issue noted in the rear yard involving combustible materials; corrective action taken immediately.	Maintenance Person	Removed Immediately	Andreas Russo
4.	Escape route partially obstructed by occupants' belongings; cleared immediately upon discovery	Tenant	Removed Immediately Same day	Andreas Russo

Appendix B10

Fwd 7 brereton avenue - Andre__10__Fire Alaram 7 .pdf

FIRE DETECTION AND FIRE ALARM SYSTEM INSPECTION AND SERVICING REPORT

Based on the recommendations given in BS 5839-1 'Fire detection and fire alarm systems for buildings.
Code of practice for design, installation, commissioning and maintenance of systems in non-domestic premises'

PART 1 : DETAILS OF THE CONTRACTOR, CLIENT AND INSTALLATION

DETAILS OF THE CONTRACTOR

Trading Title (where applicable):
Name: Areton Ltd
Address: 68A Harold St, Grimsby DN32 7NQ
Postcode: DN32 7NQ Tel No: +44 7830 885825

DETAILS OF THE CLIENT

Reference Number (RN):
Name : Andreas Investments Ltd
Address : 6 colwick Road Nottingham
Postcode: NG2 4BU Tel No: N/A

DETAILS OF THE INSTALLATION

Occupier: TENANTS
Address : 7 Brereton Ave Cleethorpes
DN35 7RP
Postcode: Tel No: N/A

PART 2 : DETAILS OF THE FIRE DETECTION AND FIRE ALARM SYSTEM COVERED BY THIS REPORT

Description and extent of the system covered by this report: (See additional page No N/A)
FIRE ALARM SYSTEM GRADE A

PART 3 : DETAILS OF THE EXTENT OF THE INSTALLATION AND LIMITATIONS OF THE INSPECTION COVERED BY THIS REPORT

Description and extent of the system covered by this report: (See additional page No N/A)
ALL FIRE DETECTION UNITS IN CIRCULATION AREAS.

Agreed limitations, if any, on the inspection and servicing: (See additional page No N/A)
NONE

PART 4 : CERTIFICATION OF INSPECTION AND SERVICING (tick brackets and insert text, as appropriate)

I/we being the competent person(s) responsible (as indicated by my/our signatures) for the inspection and servicing of the fire alarm system, particulars of which are set out in PART 2, CERTIFY that the said work for which I/we have been responsible complies to the best of my/our knowledge and belief with the recommendations of Clause 45 of BS 5839-1: 2017 (tick applicable bracket(s)) –
quarterly inspection of vented batteries (see PART 9): (✓) periodic inspection and test (see PART 10): (✓) inspection and test over a 12 month period (see PART 11): (✓) except for the variations, if any, stated in this report.
Variations from the recommendations of Clause 45 of BS 5839-1: 2017 for periodic or annual inspection and test (as applicable): (See additional page No N/A)
NONE.

I/We further declare that in my/our judgement, the said system was overall in SATISFACTORY condition (see PART 6) at the time the inspection and servicing was carried out, and that it should be further inspected as recommended (see PART 7).

The extent of liability of the signatory(s) is limited to the system described in PART 2.

Name (capitals): Andreas Russo Signature: [Signature] Position: Electrical And Electronics Engineer Date: 13 Feb 2026

Original to the person ordering the work)

FIRE DETECTION AND FIRE ALARM SYSTEM INSPECTION AND SERVICING REPORT

Based on the recommendations given in BS 5839-1 'Fire detection and fire alarm systems for buildings.
Code of practice for design, installation, commissioning and maintenance of systems in non-domestic premises'

PART 5 : OBSERVATIONS AND RECOMMENDATIONS FOR ACTIONS TO BE TAKEN (tick bracket and insert text, as appropriate)

Referring to the attached schedules of inspected, and subject to any limitations listed in PART 3:
There are no items adversely affecting operational performance of the fire detection and fire alarm system ☒ , OR The following observations and recommendations for action are made:

Item No	Observation(s)	Recommendation
Additional pages? (N/A _____) State page numbers: (N/A _____) Urgent remedial action required for items: (NONE _____) Corrective action(s) recommended for items: (NONE _____)		

PART 6 : SUMMARY OF INSPECTION AND SERVICING (all fields to be completed, tick brackets and insert text, as appropriate)

General condition of the fire detection and fire alarm system: (See additional page No 4 _____)
THE SMOKE DETECTORS & SOUNDERS APPEARS TO BE IN SATISFACTORY CONDITION.

Outstanding defects reported to premises management:
Relevant details of the work carried out and faults identified have been entered in the system log book (see Clause 40.2 of BS 5839-1):

☐ During the past 12 months, (N/A _____) false alarms have occurred.
☐ This number of false alarms equates to (N/A) false alarms per 100 automatic fire detectors per annum (for Category M systems enter N/A 'Not Applicable').

(Date(s) of the inspection and servicing:
13 Feb 2026

PART 7 : NEXT INSPECTION AND SERVICING

Based upon risk assessment, taking into account the type of system and the environment, I RECOMMEND that the fire detection and alarm system, details of which are given on page 1 of this report, is inspected and serviced after a period not exceeding: 12 months Enter a period not exceeding 6 months

FIRE DETECTION AND FIRE ALARM SYSTEM INSPECTION AND SERVICING REPORT

Based on the recommendations given in BS 5839-1 'Fire detection and fire alarm systems for buildings.
Code of practice for design, installation, commissioning and maintenance of systems in non-domestic premises'

PART 8 : RELATED REFERENCE DOCUMENTS

Design Specification:	(Ref No YES)	Fire Alarm Design Report:	(Ref No LIM)	Previous inspection and service report:	(Ref No N/A)
Design Drawings:	(Ref No YES)	Fire Alarm Installation Report:	(Ref No LIM)	Log Book:	(Ref No YES)
'As Fitted' Drawing:	(Ref No YES)	Fire Alarm Commissioning Report:	(Ref No LIM)	Purchase Specification:	(Ref No N/A)
Electrical Installation Report:	(N/A)	Operating and Maintenance Instructions:	(Ref No YES)		

PART 9 : QUARTERLY INSPECTION OF VENTED BATTERIES

ENGINEER DECLARATION (All fields below must be completed) A '✓' indicates YES A '✗' indicates NO 'N/A' indicates NOT APPLICABLE or 'LIM' indicates a LIMITATION			
Item	Description	✓/✗/N/A/LIM	Comments
1	All vented batteries and their connections examined by a person competent in battery installation and maintenance technology. Electrolyte levels checked and topped up as necessary:	✓	

PART 10 : TASKS TO BE INCLUDED IN A PERIODIC INSPECTION AND TEST OF THE SYSTEM

The period between successive inspection and service visits should be determined by risk assessment but the period should not exceed six months.			
2	System logbook examined. Any faults recorded have received appropriate attention	N/A	
3	All manual call points remain unobstructed and conspicuous	✓	
4	All exits, including any new exits, have an adjacent manual call point	✓	
5	No new or relocated partitions have been erected within 500 mm horizontally of any automatic fire detector. [see 22.3g]	✓	
6	No storage encroaches within 300 mm of ceilings, such as to obviate compliance with 22.3i)	✓	
7	A clear space of 500 mm is maintained below each automatic fire detector [see 22.3o], and that the ability of the detector to receive the stimulus that it has been designed to detect has not been impeded by other means	✓	
8	No changes to the use or occupancy of an area that makes the existing types of automatic fire detector unsuitable for detection of fire or prone to unwanted alarms	✓	
9	No new building alterations or extensions require additional fire detection and fire alarm equipment to be installed	N/A	
10	All false alarms records checked in accordance with 30.2i	N/A	
11	The rate of false alarms during the previous 12 months calculated and recorded [see below]	N/A	
12	Number of detectors on the system (a) Number of false alarms in the past 12 months (b) Rate of false alarms per 100 detectors (c) = 100 x (a/b)	✓	A 12 B 0 C 0
13	Action taken in respect of false alarms recorded complies with recommendations of 30.2j	✓	
14	Battery charge voltage with the mains on steady and within the manufacturer's recommendations	✓	Battery charge voltage = 12.3 V

FIRE DETECTION AND FIRE ALARM SYSTEM INSPECTION AND SERVICING REPORT

Based on the recommendations given in BS 5839-1 'Fire detection and fire alarm systems for buildings. Code of practice for design, installation, commissioning and maintenance of systems in non-domestic premises'

PART 10 : TASKS TO BE INCLUDED IN A PERIODIC INSPECTION AND TEST OF THE SYSTEM - Continued

ENGINEER DECLARATION (All fields below must be completed)

A '✓' indicates YES

A '✗' indicates NO

'N/A' indicates NOT APPLICABLE

or 'LIM' indicates a LIMITATION

Item	Description	✓/✗/N/A/LIM	Comments
15	Batteries load tested with the mains disconnected (other than those within devices such as manual call points, detectors and fire alarm sounders of a radio-linked system), to confirm that they are in good serviceable condition and not likely to fail before the next service visit	✓	
16	Specific gravity of any vented batteries is correct	N/A	
17	The fire alarm functions of the CIE checked by the operation of at least one detector or manual call point on each circuit. (An entry should be made in the logbook indicating which initiating devices have been used for these tests.)	✓	
18	The fire alarm devices (sounders, visual devices) operate correctly	✓	
19	All controls and visual indicators at the CIE operate correctly	✓	
20	Any facilities for automatic transmission of fire and fault signals to an ARC operate correctly. (if dual path signalling then both path need to be checked)	N/A	
21	All ancillary functions of the CIE operate correctly	✓	
22	All fault indicators and monitoring of their circuits operate correctly (Where practicable, by simulation of fault conditions)	✓	
23	All printers checked to confirm that they operate correctly and that characters are legible	N/A	
24	All printer consumables are sufficient in quantity or condition such that the printer can be expected to operate until the time of the next service visit	N/A	
25	Radio systems of all types serviced in accordance with the recommendations of the manufacturer	N/A	
26	Any further checks and tests recommended by the manufacturer of the CIE and other components of the system carried out	✓	
27	On completion of the work, any outstanding defects should be reported to the premises management. The system logbook [see 40.2d] should be completed and an inspection and servicing certificate issued	✓	

PART 11 : TASKS TO BE INCLUDED IN A PERIODIC INSPECTION AND TEST OF THE SYSTEM OVER A TWELVE MONTH PERIOD

In addition to the tasks included in a periodic inspection and test of the system the following tasks should be carried out every year and may be carried out over the course of two or more service visits.

28	Every manual call point tested, either by removal of a frangible element, insertion of a test key or operation of the device as it would be operated in the event of fire	✓	
29	All automatic fire detectors and remote detectors examined, as far as practicable, to confirm that they have not been damaged or painted	✓	
30	Every detector functionally tested. (including heat detectors, point smoke detectors, optical beam detectors, aspirating fire detectors, carbon monoxide fire detectors, flame detectors and multi-sensor detectors) to demonstrate that the detectors are connected to the system, are operational and are capable of responding to the phenomena they are designed to detect	✓	

Original (to the person ordering the work)

FIRE DETECTION AND FIRE ALARM SYSTEM INSPECTION AND SERVICING REPORT

Based on the recommendations given in BS 5839-1 'Fire detection and fire alarm systems for buildings.
Code of practice for design, installation, commissioning and maintenance of systems in non-domestic premises'

PART 11 : TASKS TO BE INCLUDED IN A PERIODIC INSPECTION AND TEST OF THE SYSTEM OVER A TWELVE MONTH PERIOD - Continued

ENGINEER DECLARATION (All fields below must be completed)

A '✓' indicates YES

A '✗' indicates NO

'N/A' indicates NOT APPLICABLE

or 'LIM' indicates a LIMITATION

Item	Description	✓/✗/NA/LIM	Comments
31	Where fitted, detector remote indicators checked for correct operation	N/A	
32	For fire detection systems that enable analogue values to be determined at the CIE, each analogue value checked and is within the range specified by the manufacturer	✓	
33	All fire alarm devices (sounders, visual devices) checked for correct operation	✓	
34	All visual fire alarm devices not obstructed from view and that lenses are clean	✓	
35	All unmonitored, permanently illuminated filament lamp indicators at CIE replaced	N/A	
36	Radio signal strengths in radio-linked systems to which clause 27 applies checked for adequacy, and the results recorded	N/A	
37	All readily accessible cable fixings are secure and undamaged	N/A	
38	The cause and effect programme confirmed as being correct by activating at least one cause and observing the operation of effects	✓	
39	The standby power supply capacity checked to establish it remains suitable for continued service	✓	
40	All further annual checks and tests recommended by the manufacturer of the CIE and other components of the system carried out	✓	

PART 12 : ADDITIONAL CHECKS FOR A SPECIAL INSPECTION ON APPOINTMENT OF A NEW SERVICING ORGANISATION

41	Existing records (see clause 40), where available, studied, and sufficient information obtained and documented for effective future servicing of the system	N/A	
42	Adequate number of call points to conform to 20.2	✓	
43	Adequate provision of fire detection for the Category of system that the system was designed to meet	✓	
44	Sound pressure levels conform to the recommendations of 16.2	✓	
45	Standby power supplies conform to 25.4	✓	
46	All cabling with fire resistance conforms to 26.2c	✓	
47	All circuits monitored in compliance of 12.2.1	✓	
48	Requirements of BS 7671 for electrical safety met clause 29	✓	
49	False alarms at a level that complies with Section 3	N/A	
50	No changes in the use, layout and construction of the protected premises that may impact on the effectiveness of the system	✓	
51	Zone plan or other suitable diagrammatic representation of the premises [see 23.2.2e] present and correct	✓	
52	Logbook available (if not available a suitable logbook should be provided by the servicing organisation)	✓	

Original (to the person ordering the work)

FIRE DETECTION AND FIRE ALARM SYSTEM INSPECTION AND SERVICING REPORT

ADDITIONAL NOTES

THIS FIRE ALARM SYSTEM IS SATISFACTORY.

(see additional page No. N/A)

Originalto the person ordering the work)

NOTES FOR RECIPIENT

THIS REPORT IS AN IMPORTANT AND VALUABLE DOCUMENT WHICH SHOULD BE RETAINED FOR FUTURE USE

This report has been issued to confirm that the fire detection and fire alarm system to which it relates has been inspected and serviced in accordance with the recommendations given in *BS 5839-1: Fire detection and fire alarm systems for buildings - Part 1: Code of practice for design, installation, commissioning and maintenance of systems in non-domestic premises.*

It is essential that the fire detection and alarm system is subject to periodic inspection and servicing so that:

- unrevealed faults are identified,
- preventative measures can be taken to confirm the continued reliability of the system,
- false alarm problems are identified and suitably addressed, and
- the User(s) and the Premises Management are made aware of any changes to the building that affect the protection afforded by the system.

It is also essential that the routine testing which includes both weekly testing and monthly attention as detailed in Clauses 44.2 and 44.3 of BS 5839-1: 2017 is performed by the Premises Management

In addition, as indicated in PART 7 (Next Inspection and Servicing), the Premises Management should ensure that, as recommended in BS 5839-1, the system is inspected and serviced by a competent person at intervals as described in BS 5839-1 and that the results are recorded on Fire Detection and Fire Alarm System Inspection and Servicing Reports and that appropriate action is taken to correct any recorded defects.

It remains the responsibility of the compiler of the report to ensure that the information provided on the report is factual, and that the declaration (in PART 4) of the overall condition of the fire detection and alarm system (summarised in PART 6) to which the report relates is reasonable in all the circumstances.

The fire detection and alarm system

Periodic inspection and servicing needs to be carried out by a competent person with specialist knowledge of fire detection and fire alarm systems, including knowledge of the causes of false alarms, sufficient information regarding the system, and adequate access to spares.

Persons offering to design, install, commission, accept, verify, modify, maintain or inspect and service fire detection and fire alarm systems have a duty in law to ensure that all their supervisors and operatives given responsibility for such work are competent*. This includes having a full understanding of all the technical and operational requirements relating to fire detection and alarm systems and, if appropriate, being competent in battery installation and maintenance technology.

This will normally be a fire alarm servicing organisation. Care needs to be taken to ensure that, if, for example, in-house employees are used for this task, they have equivalent competence to the technicians of a fire alarm servicing organisation. Competence of fire alarm servicing organisations can be assured by the use of organisations that are third-party certificated, by a UKAS-certificated certification body, to carry out inspection and servicing of fire detection and alarm systems.

* BS 5839-1 defines a competent person as a, ‘person with the relevant current training and experience, and with access to the requisite tools, equipment and information, and capable of carrying out a defined task.

This fire detection and alarm system inspection and servicing report

This report is intended for use by fire detection and alarm system engineers not registered with NICEIC, or by NICEIC Approved Contractors working outside the scope of their registration.

This report is intended to be issued only for the inspection and servicing of a fire detection and fire alarm system.

Report adapted from BS 5839-1: 2017 with the permission of BSI under licence number 2002SK/0342.
Complete British Standards can be obtained from BSI Customer Services, 389 Chiswick High Road, London, W4 4AL.

This report consists of at least five numbered pages and should be read in conjunction with the documents identified in PART 8 ‘Related Reference Documents’ on the report. It is part of a suite of documentation identified in PART 8 of the report to be provided to you, the Recipient, and it should be passed to the User and/or the Premises Management for the system.

You should have received the report marked ‘Original’ and the organisation responsible for inspecting and servicing the fire detection and alarm system should have retained the report marked ‘Duplicate’. This report is a valuable document and should be retained for future reference as you may, subsequently, rely on this report as evidence of compliance with legislation. If you were the person ordering the work but not the User of the system, you should pass this report, or a full copy of it including all the related reference documents immediately to the User and/or the Premises Management.

The ‘Original’ report should be retained in a safe place and shown to persons responsible for inspecting, servicing, modifying or using the fire detection and fire alarm system. If you later vacate the property or building this inspection and servicing report will demonstrate to the new Premises Management that the fire detection and fire alarm system was inspected and serviced as recommended by BS 5839-1.

Premises Management

The Premises Management referred to in these Notes for Recipient is defined in BS 5839-1 as ‘The persons having day-to-day control of the fire detection and alarm system(s) and implementation of the fire procedures.’

The User

The User referred to in these Notes for Recipient is defined in BS 5839-1 as ‘The person or organisation having control of the building (or part of the building) in which the fire detection and alarm system is installed.’

Interpreting the report

Page 1

PART 1 : Details of the Compiler, Client and Installation

Information presented in the fields should clearly identify the contractor completing this report, client and the location of the fire detection and fire alarm system.

PART 2 : Details of the Fire Detection and Fire Alarm System

Information presented in this field should clearly identify the extent of the fire detection and fire alarm system covered by this report.

PART 3: Extent of the Installation and Limitations of the Inspection

Information presented in the fields should fully identify the extent of the system covered by the report and any agreed limitations on the inspection and servicing. The Contractor should have agreed all such aspects with the Premises Management and other interested parties (e.g. licensing authority, insurance company, building society) before carrying out the inspection and servicing. It would be reasonable to assume that comprehensive inspection and servicing of the whole of the fire detection and alarm system, without limitations, has been carried out unless otherwise clearly indicated in this part. It should be noted that the greater the limitations applying to an inspection and servicing, the less the value of the fire detection and alarm system inspection and servicing report.

NOTES FOR RECIPIENT - Continued

PART 4 : Certification of Inspection and Servicing

The contractor should have signed and dated the report and recorded any variations which should have been agreed by all interested parties and recorded in the box provided. A one-word overall assessment of the installation i.e. ‘SATISFACTORY’ or ‘UNSATISFACTORY’ should be made (deleting as appropriate) in this part of the report, reiterating the summary given in PART 6 which should summarise the observations and recommendations made in PART 5.

Page 2

PART 5 : Observations and Recommendations for Actions to be Taken

The contractor should have entered a ‘ ✓ ’ to indicate that ‘there are no items adversely effecting operational performance of the fire detection and fire alarm system’ or proceeded to enter details under ‘the following observations and recommendations are made’.

Where a Contractor judges that the observation(s) provide a serious cause for concern, the client is to be advised immediately, in writing. It should be noted that, where an existing or a potential defect is observed that may put the safety of those using the building at risk, this should, in writing, be brought to the attention of the User and/or Premises Management.

If the space available on the form for recording recommendations is insufficient, additional numbered pages are to be provided as necessary.

PART 6 : Summary of Inspection and Servicing

This report should have been used to report on the inspection and servicing process, the purpose of which is to establish that the system complies with the recommendations of BS 5839-1 (except for any variations which should be recorded in PART 4 ‘Certification of Inspection and Servicing’).

An accurate description of the general condition of the installation should have been given by the contractor in this PART 6 of the report which should summarise the observations and recommendations made in PART 5. If the space available on the form for the summary of the inspection and servicing is insufficient, additional numbered pages are to be provided as necessary.

PART 7 : Next Inspection and Servicing

The period between successive inspection and servicing visits should be based on a risk assessment, taking into account the type of system installed, the environment in which it operates and other factors which may affect the long term operation of the system. The recommended period between successive inspection and servicing visits should not exceed six months. If a risk assessment shows a need for more frequent inspection and servicing visits, then all interested parties should agree the appropriate inspection and servicing schedule. If this recommendation is not implemented, it should be considered that the system is no longer compliant with Section 6 of BS 5839-1.

Page 3

PART 8 : Related Reference Documents

All relevant documentation should have been handed over to you the Recipient and it should be passed to the Premises Management for the system. Provision is made for recording the details of the previous Fire Detection and Fire Alarm System Inspection and Servicing report.

A test log book for the system should be available, should be held in a safe place, should be kept up-to-date by the Premises Management and made available together with the other system documentation for inspection when required.

Pages 3, 4 & 5

PARTS 9, 10, 11 & 12

All fields in the PARTS 9, 10, 11 & 12 should have been completed, as appropriate, for the particular fire detection and fire alarm system.

As indicated at the top of each subsequent page:

- A ‘ ✓ ’ should have been inserted to indicate that an inspection or test has been carried out and that the result is satisfactory.
- A ‘ ✕ ’ should have been inserted to indicate that an inspection or test has been carried out and that the result is unsatisfactory. Where a ‘ ✕ ’ has been entered which indicates a non-compliance, a departure from BS 5839-1 should have been recorded in PART 5 as an observation.
- ‘N/A’ should be recorded in the box if an inspection or a test is not applicable. (It is unlikely that all items will apply, and the range of applicable inspections and tests will depend on the particular system covered by the report).
- ‘LIM’ should be recorded in the box where, exceptionally, an agreed limitation has prevented the inspection or servicing being carried out. Where a limitation on a particular inspection or test has been agreed with the client, it should be recorded in PART 3.

PART 9 : Quarterly Inspection of Vented Batteries

This part should have been completed by a person competent in battery installation and maintenance technology, which should be completed every quarter for fire detection and fire alarm systems employing vented batteries

PART 10 : Tasks to be Included in a Periodic Inspection and Test of the System

The contractor should use this section to record the tasks carried out during a periodic inspection and test of the fire detection and fire alarm system.

PART 11 : Tasks to be included in a Periodic Inspection and Test of the System over a twelve month period

In addition to the work recommended in PART 10, it is recommended that the work detailed in PART 11 is carried out over every 12 month period.

PART 12 : Additional Checks for a Special Inspection on appointment of a new Servicing Organisation

When a servicing organisation takes over the servicing arrangements for an existing system, a special inspection should be carried out, and existing records (see Clause 46.2 of BS 5839-1), where available should be studied to obtain sufficient information to be documented for effective future servicing of the system.

FIRE DETECTION AND FIRE ALARM SYSTEM INSPECTION AND SERVICING REPORT

GUIDANCE FOR THE CONTRACTOR

These Fire Detection and Fire Alarm System Inspection and Servicing Reports are intended for use by persons inspecting and servicing fire detection and fire alarm systems in accordance with the BS 5839-1:2002 Fire detection and fire alarm systems for buildings - Part 1: Code of practice for design, installation, commissioning and maintenance of systems in non-domestic premises.

A record of each report issued should be made on the record sheet provided with these reports.

General

Certification of the inspection and servicing of the fire detection and fire alarm system provides assurance to the User and/or the Premises Management that the system has been inspected and serviced in accordance with the relevant requirements of BS 5839 Part 1. Observations and recommendations recorded on the report (PART 5) are to relate to those requirements.

A Fire Detection and Fire Alarm System Inspection and Servicing Report is to be issued only for the inspection and servicing of a fire detection and fire alarm system carried out in accordance with BS 5839-1.

Premises Management is defined as 'Persons having day-to-day control of the premises, the fire detection and fire alarm system(s) and implementation of the fire procedures.'

The User referred to in this guidance is defined in BS 5839-1 as 'The person or organisation having control of the building (or part of the building) in which the fire detection and alarm system is installed.'

The 'Notes for Recipient' on the Fire Detection and Fire Alarm System Inspection and Servicing Report make it clear that persons offering to design, install, commission, accept, verify, inspect, service and modify fire detection and fire alarm systems have a duty in law to ensure that all their supervisors and operatives given responsibility for such work are competent*. This includes having a full understanding of all the technical and operational requirements relating to fire detection and alarm systems. Possession of the principal technical reference documents relating to fire detection and fire alarm systems, and the correct and consistent application of the principles set out in those documents, is therefore essential, as is the possession and correct use of suitable test instruments and, where appropriate, competence in battery installation and maintenance technology.

The principal technical reference documents for fire detection and alarm systems in buildings are:

- BS 5839: Fire detection and fire alarm systems for buildings, Parts 1 and 6
- BS 7671: Requirements for Electrical Installations (as amended)
- Building Regulations Approved Document B (for England and Wales), Technical Handbook (Section 2) to the Building Standards (Scotland) Regulations (for Scotland) and the Technical Booklet E to the Northern Ireland Building Regulations (for Northern Ireland), as applicable.

* BS 5839-1 defines a competent person as a, 'person with the relevant current training and experience, and with access to the requisite tools, equipment and information, and capable of carrying out a defined task.

In all cases, all sections of the Fire Detection and Fire Alarm System Inspection and Servicing Report should be fully completed. Exceptionally, where particular sections of the report do not apply, entries should be inserted in the appropriate boxes reading 'N/A' (Not Applicable).

It is the responsibility of the compiler of the report to ensure that the information provided is factual.

The five pages (and any additional pages) of the Fire Detection and Fire Alarm System Inspection and Servicing Report marked 'Original', should be given to the person ordering the work along with the Related Reference Documents listed in PART 8 of the report. The report marked 'Duplicate' should be retained by the contractor.

The total number of pages that make up the report should be inserted in the box provided at the bottom on the right-hand side of each page.

All fields must be completed by inserting the information called for.

The electrical installation aspects of the fire detection and alarm system should have been certified with an Electrical Installation Certificate, and the results of each subsequent periodic inspection and test of the electrical installation should be recorded on an Electrical Installation Condition Report for an electrical installation in accordance with the requirements of BS 7671 (as amended).

GUIDANCE FOR THE CONTRACTOR - Continued

Completing the Report

Page 1

PART 1 : DETAILS OF THE CONTRACTOR, CLIENT AND INSTALLATION

The information provided should fully and uniquely identify the contractor, the client and the address where the fire detection and fire alarm system is installed. The field named 'Reference Number (RN)' within CLIENT details is provided so the contractor can assign a reference to the particular job/contract. Otherwise 'None' should be inserted.

PART 2 : DETAILS OF THE FIRE DETECTION AND FIRE ALARM SYSTEM COVERED BY THIS CERTIFICATE

Information presented in the fields should clearly identify the extent of the fire detection and fire alarm system and whether the system is new or a modification (i.e. an alteration to or an extension of an existing fire detection and fire alarm system).

PART 3 : EXTENT OF THE INSTALLATION AND LIMITATIONS OF THE INSPECTION AND SERVICING

Information provided must fully identify the extent of the fire detection and fire alarm system covered by the report and any agreed limitations on the inspection and servicing. The contractor should have agreed all such aspects with the User and/or the Premises Management and other interested parties (e.g. licensing authority, insurance company, bank or building society) before carrying out the inspection and servicing. It would be reasonable to assume that comprehensive inspection and servicing of the whole fire detection and fire alarm system, without limitations, has been carried out unless otherwise stated in this part.

PART 4 : CERTIFICATION OF INSPECTION AND SERVICING

The Inspection and Servicing Report should be signed by the contractor who should give a declaration of the overall condition stating that the system is in 'a satisfactory' or 'an unsatisfactory' condition (by ticking the appropriate bracket), which should reiterate the statement given in PART 6 and which should summarise the observations and recommendations made in PART 5.

Page 2

PART 5 : OBSERVATIONS AND RECOMMENDATIONS FOR ACTIONS TO BE TAKEN

The contractor should have entered a '✓' to indicate that 'there are no items adversely affecting operational performance of the fire detection and fire alarm system' or proceeded to enter details under 'the following observations and recommendations are made'.

At the bottom of PART 5, two brackets are provided for recording the items which, in the opinion of the contractor, need urgent remedial work and those items requiring corrective action, respectively.

Where the contractor judges that the observation(s) provide a serious cause for concern, the User and/or Premises Management is to be advised immediately in writing. Where an existing or potential malfunction of the system is observed that may put the safety of those using the building at risk, this should, in writing, be brought to the attention of the User and/or Premises Management. If the space available on the form for recording observations and recommendations is insufficient, additional numbered pages are to be provided, as necessary, the existence of which should be clearly identified on the Fire Detection and Fire Alarm System Inspection and Servicing Report.

PART 6 : SUMMARY OF INSPECTION AND SERVICING

This part should be completed with an accurate description of the general condition of the system, together with the date(s) of the inspection and servicing. If the space available on the form for the summary of the inspection and servicing is insufficient, additional numbered pages are to be provided as necessary.

The results of the inspection and servicing process should include the assessment of false alarms.

Section 3 of BS 5839-1 deals with the limitation of false alarms. The system false alarm record should be checked carefully to determine the following:

- the rate of false alarms during the previous 12 months, expressed as the number of false alarms per 100 detectors per annum (the rate should be recorded in the test log book by the service technician),

- whether, since the time of the previous service visit, two or more false alarms, other than false alarms with good intent, have arisen from any single manual call point or fire detector (or detector location), and

- whether any persistent cause of false alarms can be identified.

As a minimum, a preliminary investigation should be carried out as part of the service work if any of the following apply:

- the rate of false alarms over the previous 12 months has exceeded one false alarm per 25 detectors per annum,
- more than 10 false alarms have occurred since the time of the previous service visit (i.e. typically within the last 6 months),

- two or more false alarms (other than false alarms with good intent) have arisen from any single manual call point or fire detector (or detector location) since the time of the last service visit, or
- any persistent cause of false alarms is identified,

- 'three or more unwanted fire alarm signals have occurred in the last 12 months'.

The purpose of the preliminary investigation is to determine whether any action could be taken to reduce the potential for false alarms; the User should be informed of the investigation and given appropriate advice, including advice regarding the need for a more in-depth investigation.

PART 7 : NEXT INSPECTION AND SERVICING

The period between successive inspection and servicing visits should be based on a risk assessment, taking into account the type of system installed, the environment in which it operates and other factors which may affect the long term operation of the system. The recommended period between successive inspection and servicing visits should not exceed six months. If a risk assessment shows a need for more frequent inspection and servicing visits, then all interested parties should agree the appropriate inspection and servicing schedule. If this recommendation is not implemented, it should be considered that the system is no longer compliant with Section 6 of BS 5839-1.

GUIDANCE FOR THE CONTRACTOR - Continued

PART 8 : RELATED REFERENCE DOCUMENTS

It is the responsibility of the competent person periodically inspecting and servicing the fire detection and fire alarm system to confirm that all essential related reference documents are properly recorded in this section (documenting the reference numbers of the listed documents). Details of the most recent previously-issued fire detection and fire alarm system inspection and servicing report and/or the design, installation and commissioning certification should be included. Originally, the User should have been supplied with a test log book. It is essential that a test log book exists and is kept up-to-date. Where other documents are required by the client, or have otherwise been provided, these may be recorded by reference to separate numbered page(s) attached to the report.

Pages 3, 4 & 5

PARTS 9, 10, 11 & 12

All fields in the PARTS 9, 10, 11 & 12 should have been completed, as appropriate, for the particular fire detection and fire alarm system.

As indicated at the top of each subsequent page:

- A ‘✓’ should have been inserted to indicate that an inspection or test has been carried out and that the result is satisfactory.
- A ‘✗’ should have been inserted to indicate that an inspection or test has been carried out and that the result is unsatisfactory. Where a ‘✗’ has been entered which indicates a non-compliance, a departure from BS 5839-1 should have been recorded in PART 5 as an observation.
- ‘N/A’ should be recorded in the box if an inspection or a test is not applicable. (It is unlikely that all items will apply, and the range of applicable inspections and tests will depend on the particular system covered by the report).
- ‘LIM’ should be recorded in the box where, exceptionally, an agreed limitation has prevented the inspection or servicing being carried out. Where a limitation on a particular inspection or test has been agreed with the client, it should be recorded in PART 3.

PART 9 : QUARTERLY INSPECTION OF VENTED BATTERIES

This part should be completed every quarter for fire detection and fire alarm systems employing vented batteries.

PART 10 : TASKS TO BE INCLUDED IN A PERIODIC INSPECTION AND TEST OF THE SYSTEM

The periodic between successive inspection and service visits should be determined by risk assessment but the period should not exceed six months.

PART 11 : TASKS TO BE INCLUDED IN A PERIODIC INSPECTION AND TEST OF THE SYSTEM OVER

In addition to the tasks included in PART 10, the tasks detailed in PART 11 should be carried out every year and may be carried out over the course of two or more service visits.

PART 12 : ADDITIONAL CHECKS FOR A SPECIAL INSPECTION ON APPOINTMENT OF A NEW

When a servicing organisation takes over the servicing arrangements for an existing system, a special inspection should be carried out, and existing records (see Clause 46.2), where available should be studied to obtain sufficient information to be documented for effective future servicing of the system.

Appendix B11

Re 7 Brereton Avenue - Andrea__01__Building control for HMOs_ no need for noise insulation.pdf

Building control for HMOs, no need for noise insulation

In this article we will discuss

- **How building control can be enforced for a conversion from C3 to C4 (this is assuming that building control is required for such a conversion)**
- **We will show how the law does not require building regulations when a change of use occurs from class C3 to class C4 small HMO takes place.**
- **We will show how the rooms in an HMO are not classed as “rooms for Residential Purposes”.**

1 Conditions to enforce building regulations compliance. If the use as an HMO is prior to 2022 than even if building control were required, any enforcement period has already expired. For building control to be enforced, this needs to be done through the magistrate. The council needs to prove: 1 the conversion has taken place recently 2 the recent conversion does not comply with the relevant building regulations at the time. 3 a material change of use has taken place that triggers building regulation compliance. All three conditions not only need to be satisfied but also proven beyond reasonable doubt in court for successful enforcement. In this case, the burden of proof rests with the council.

2 The change of use from a building control point of view according to several building control officers change of use from class C3 to Hmos (both class C4 and Suigeneris HMOs) never takes place since both class c3 , c4 and sui generis Hmos are all considered dwelling-houses. If it can be proven that the current interpretation of the legislation confirms that class use c3, c4 and sui generis HMOs are all considered dwellinghouses any conversion from c3 to c4 does not constitute change of use from a building control stand point. Additionally if HMOs benefit from the same permitted development rights of class c3 dwellinghouses, then this is yet another indication that c3, c4 and sui generis Hmos are all still dwellinghouses. Therefore, converting from a dwelling house to dwellinghouse does not constitute change of use from a building control stand point. Whilst there are some building control officers stating that according to their interpretation, a suigeneris HMOs may not be considered a dwellinghouse (although this is considered as such by several councils in England and the high courts), the consensus among building control officers is that undoubtedly Small HMO ut t0 6 people are still dwelling-houses and therefore thermal insulation , sound proofing etc are not required in any case. This is also quite logical because the costs of sound insulation and thermal insulation all throughout the house including party walls would be so prohibitive in most circumstances that would also render most projects not financially viable. The change of use may occur instead if the dwellinghouse is converted into flats, this is where building control is triggered.

3 When material change of use is triggered from a building control point of view. [The document of the NELincs](#) fails to recognize that the HMO is a dwellinghouse. Hence part E noise testing is not applicable. This is the case since c3 to c4 change may constitute a change from a planning perspective but not from a building control perspective. Both c3 and c4 use are classed as dwelling-houses as we will see later on.

It is not all class use changes that triggers compliance with building regulations. The law defines specifically when a change of use materially occurs from a building control standpoint. Therefore a change of use can occur from a

planning perspective but may not necessarily also from a building control point of view.

The following legislation states when a material change of use is triggered, which requires compliance with building regulations:

<https://www.legislation.gov.uk/uksi/2010/2214/regulation/5>

Any other change of use do not trigger compliance with building regulations.

As we can see no mention is made to a change of use from any class use to an HMO. This is because as we know HMOs are usually classed as dwellinghouses.

4 A room in a dwellinghouse is not a room for residential purposes.

2.—(1) The Building Regulations 2000(1) (“the principal Regulations”) are amended as follows.

(2) In regulation 2(1) (interpretation) after the definition of “public body’s notice” insert—

““room for residential purposes” means a room, or suite of rooms, which is not a dwelling-house or flat and which is used by one or more persons to live and sleep in, including rooms in hotels, hostels, boarding houses, halls of residence and residential homes but not including rooms in hospitals, or other similar establishments, used for patient accommodation;”.

This is an excerpt from <https://www.legislation.gov.uk/uksi/2002/2871/regulation/2/made>

It is important to read the above, because on its own the interpretation of this legislation seems to infer that the room in a dwellinghouse since it is used to live and sleep in therefore it becomes a room for residential purposes even if it is a C3. This is the reason for the clarification document made by the government found in point 5 below.

The “*live and sleep*” is very important because both conditions have to be true for a Room to be classed as “room for residential use”.

The “live and sleep” in the room test has to be satisfied for a room to be classed as “room for residential purpose”. This condition is not satisfied in single family dwellinghouses, small HMO dwelling-houses and also Sui generis HMO dwelling-houses. This is due to the presence of living rooms and /or dining rooms where the “living” take place.

In an HMO in fact there is always separate living room, Therefore also for this reason the Rooms in an HMO as clarified in point 5 dwellinghouses are NOT considered as “rooms for Residential Purposes. This is because both conditions are not satisfied in an HMO.

This condition may be satisfied if the HMO in a dwelling house does not have a living room or dining room. This rarely happens in HMOs in Dwellinghouses. However as clarified in point 5 this condition of living and sleeping in the room are usually satisfied in hotels, hostels, boarding houses, hall of residents etc, where people live and sleep in the rooms.

5 The guidance document confirms that rooms in an HMO (dwellinghouse) are not considered as rooms for residential purposes. [Download the formal government document here](#) . This document corroborates the position that HMOs are regraded as dwelling houses. In this guidance If the HMO is similar to a single family home the rooms do not fall into the remit of part E from a building regs point of view. See on page 6 *"Rooms or suites of rooms in HMOs which are not hotels, hostels, boarding houses, halls of residence, residential homes or similar are therefore unlikely to be rooms for residential purposes as defined in the Building Regulations. It is not possible to give definitive guidance, but it is unlikely for example that bedrooms in a HMO which consists of a single family dwelling-house which is shared by a small group of students could be regarded as rooms for residential purposes"*. This once again reinforces the interpretation as we will see below that HMOs that are made from dwelling houses are still considered dwelling houses. This is the reason for part E testing and compliance not being a requirement. And as it is applicable in our case *rooms in our HMOs are not hotels, hostels, boarding houses, halls of residence, residential homes or similar*, Therefore, part E testing is not applicable. More broadly, according to this official document part E compliance, is not required because there is no conversion, HMOs are still dwellinghouses. In particular, rooms in HMOs that are considered by law as Dwellinghouses are not "rooms for residential purposes". In the example it is clear that reference is made to a C4 class, this is because a group of students are constituting different separate households, whilst living in a "dwelling-house". The use of "single family dwellinghouse" in particular the words *Single Family* is in contradiction with the definition of HMO where the dwellinghouse is not occupied by a single family, this is in error because it cannot be true that a dwellinghouse is a single family while being used as an HMO. The error is very likely made as a "habit of language" for example instead of saying "conspiracy people say "conspiracy ...theory" as a matter of habit. In this case the dwelling-house is coupled with the word single family but the reference is clear to the word dwellinghouse,. This is because as we know HMOs are still dwelling-houses by consolidated interpretation of the law.

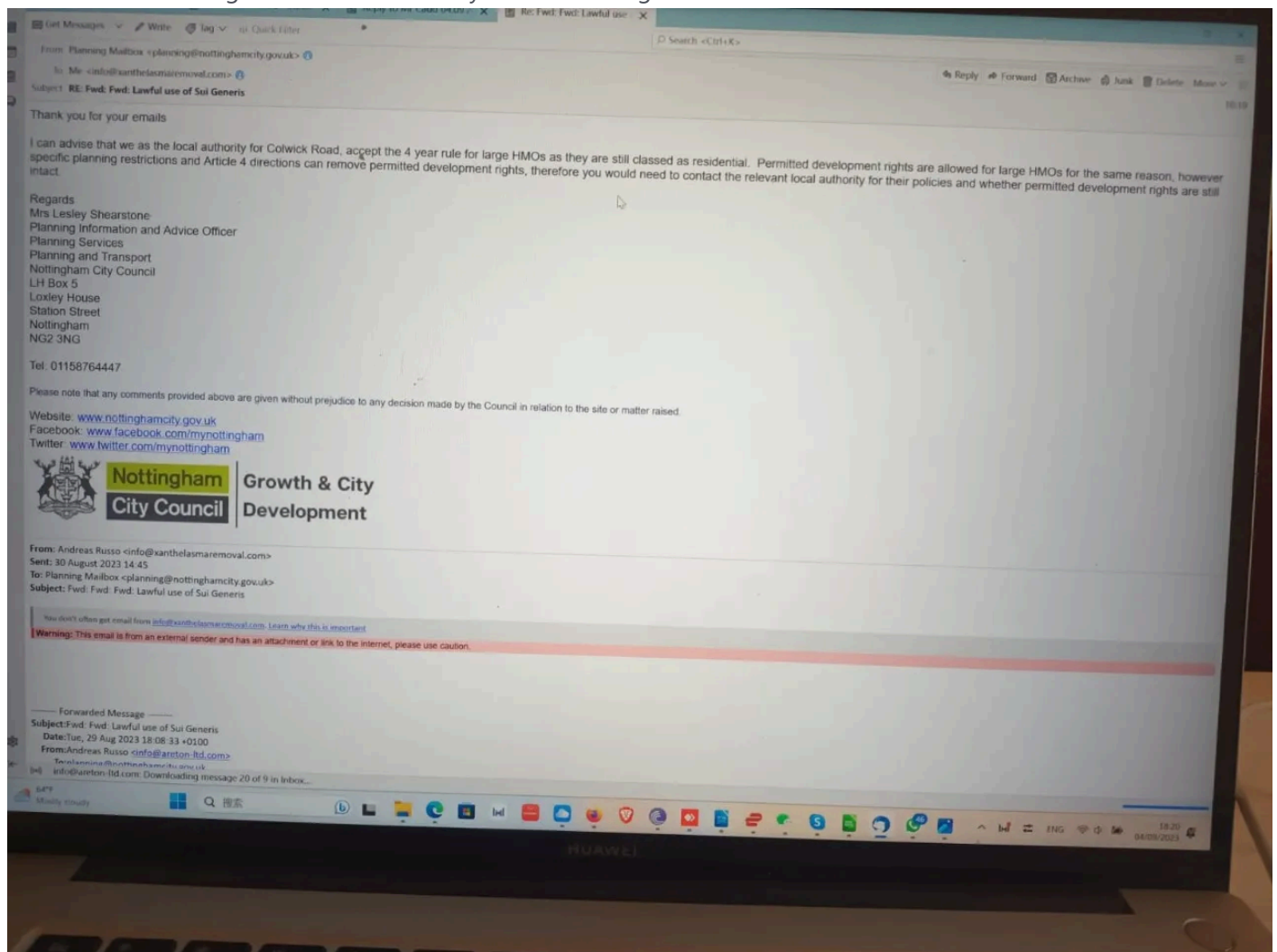
Also if an argument is made that the rooms in an HMO are the same as hotels, meaning in a short-term let, this is contradicted by the fact that HMO room contracts are normally shorthold tenancy agreements. In totality eviction does not require an eviction court order, whereas a court order is required to evict a tenant lawfully from an HMO.

Proof of consolidated interpretation of the Legislation of HMOs as Dwellinghouses.

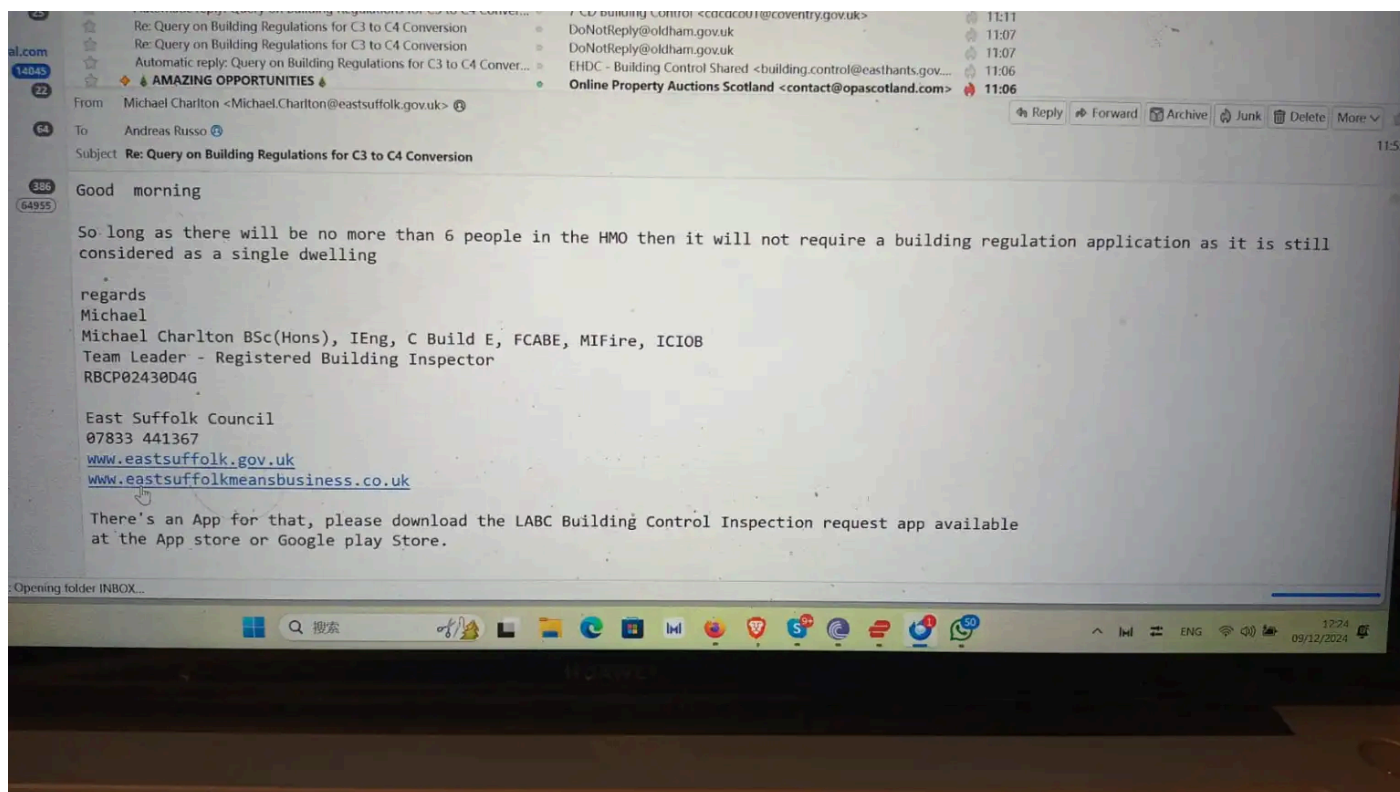
As we can see below, a c4 class use HMO as a consolidated interpretation of the law is in fact considered a dwelling-house and so are larger sui generis HMOs.

To see that HMOs are OFFICIALLY considered dwelling-houses and HMOs do benefit from the same PD right as any other dwellinghouse please refer to:

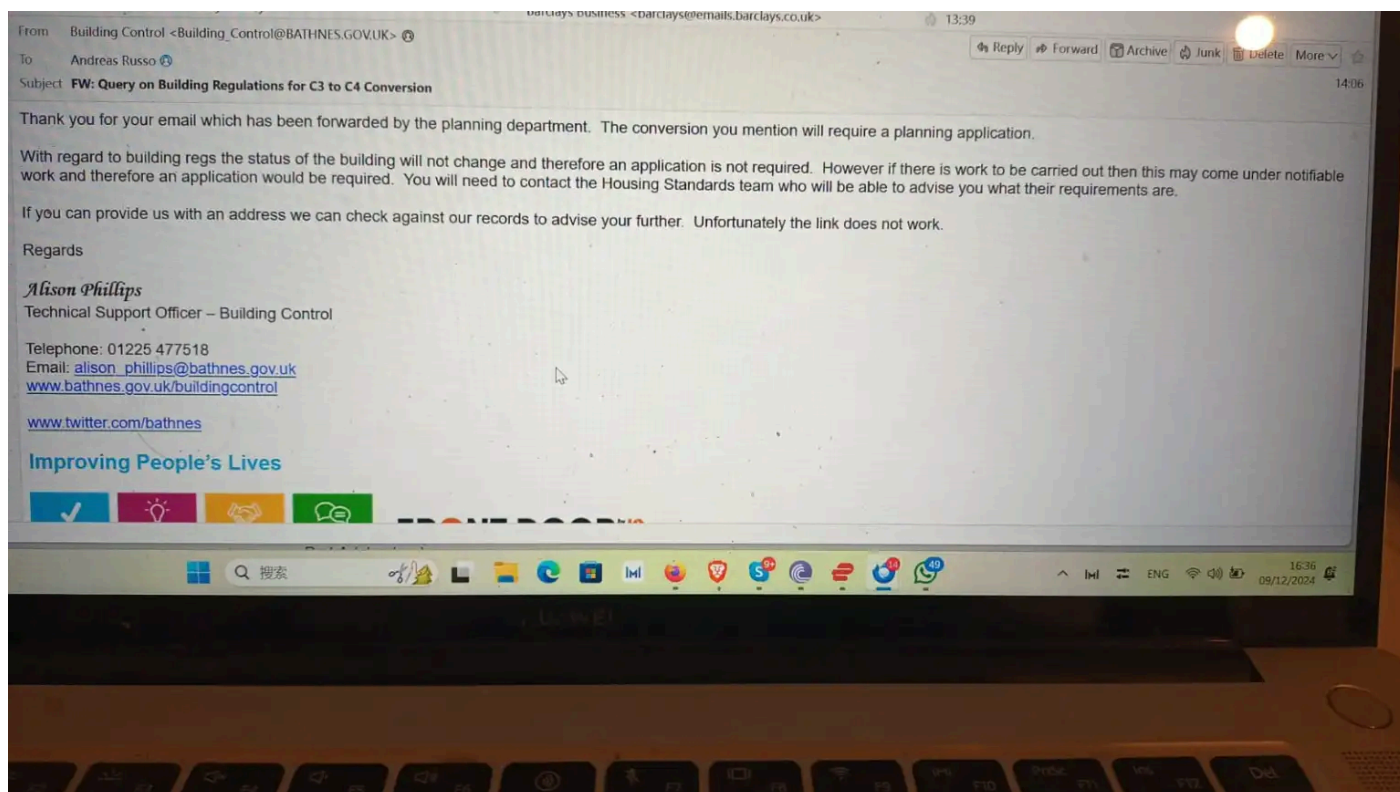
1. Email from Nottingham council. This confirms how from their point of view a Sui generis 8 bed HMO is still a dwellinghouse and it benefits from all PD rights of any other dwelling-house including C3 class. This is a view shared by most councils in England and Wales. Therefore from a building regulation standpoint there is no change of use from c3 to c4 or sui generis HMO since they are all dwelling houses.



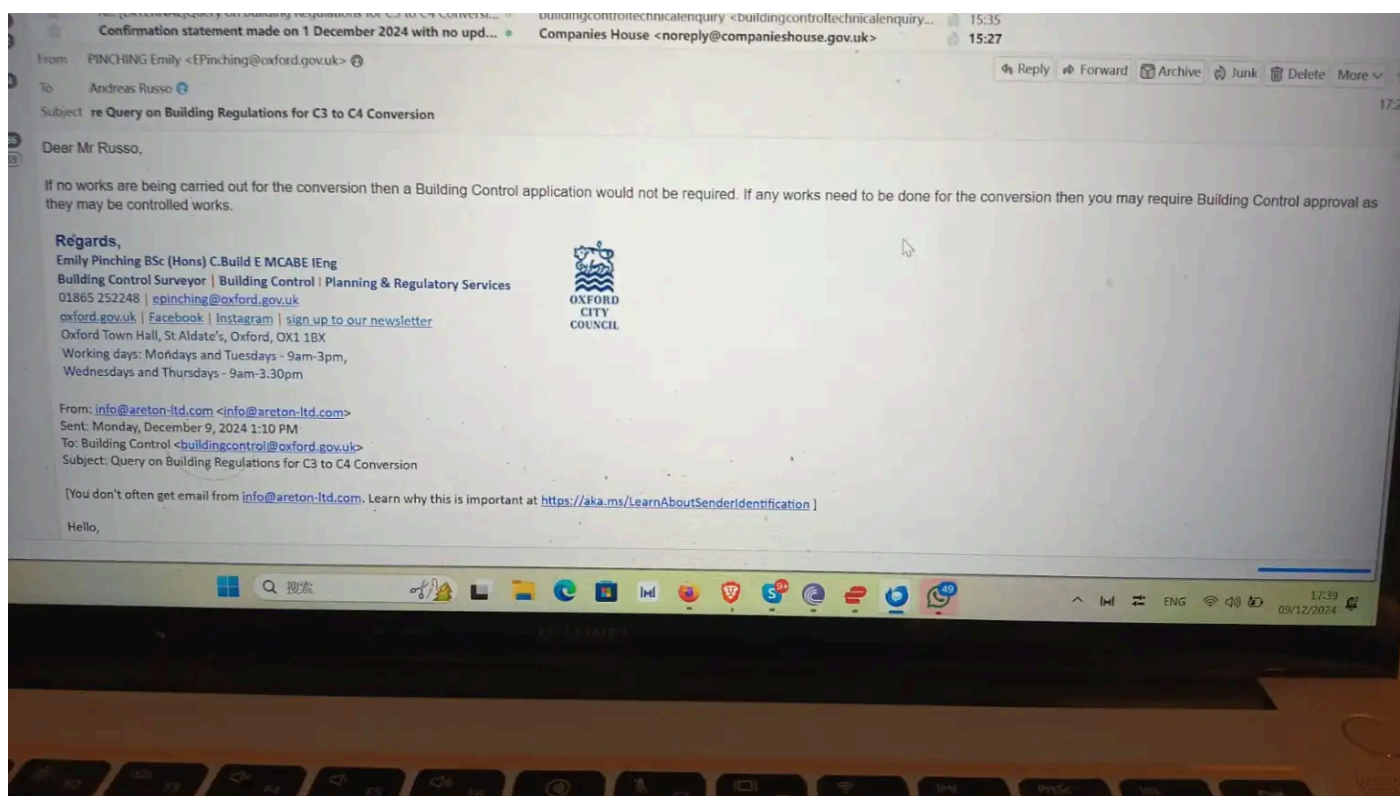
The following is confirmation of the classification of an HMO class C4 as a dwellinghouse and this email also confirms that a mere conversion from C3 to C4 does not trigger Building regulation compliance.



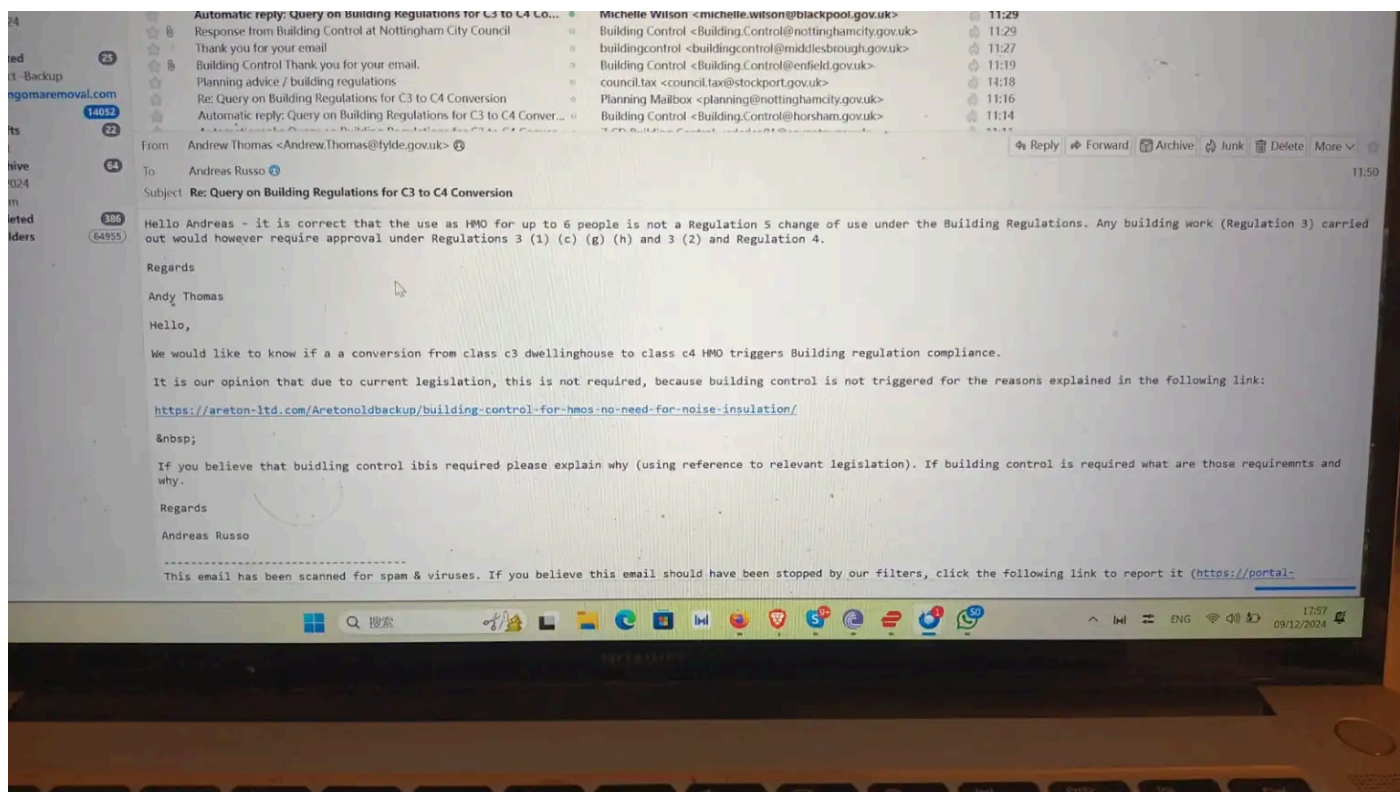
This email below also confirms that a mere conversion from C3 to C4 does not trigger Building regulation compliance. As we will see the change of use from C3 to HMO in itself does not trigger building regulation compliance. Therefore if building works are not carried out (that do not trigger building regulation compliance) there is no requirement for building control. For example if the conversion is done by simply renting the rooms out (provided fire reg is complied with) and no building work is carried out then conversion can be carried out without the involvement of building control.



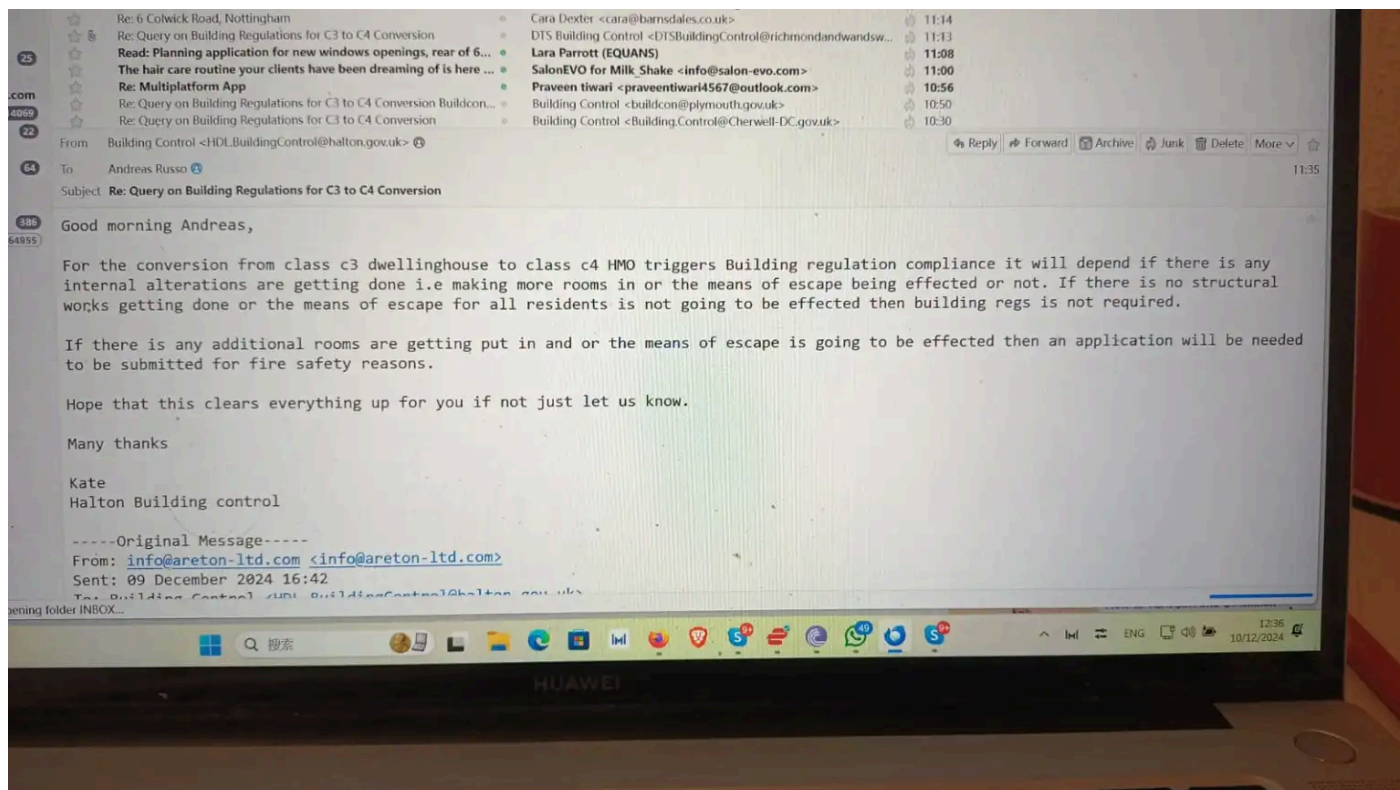
This email below also confirms that a mere conversion from C3 to C4 does not trigger Building regulation compliance.



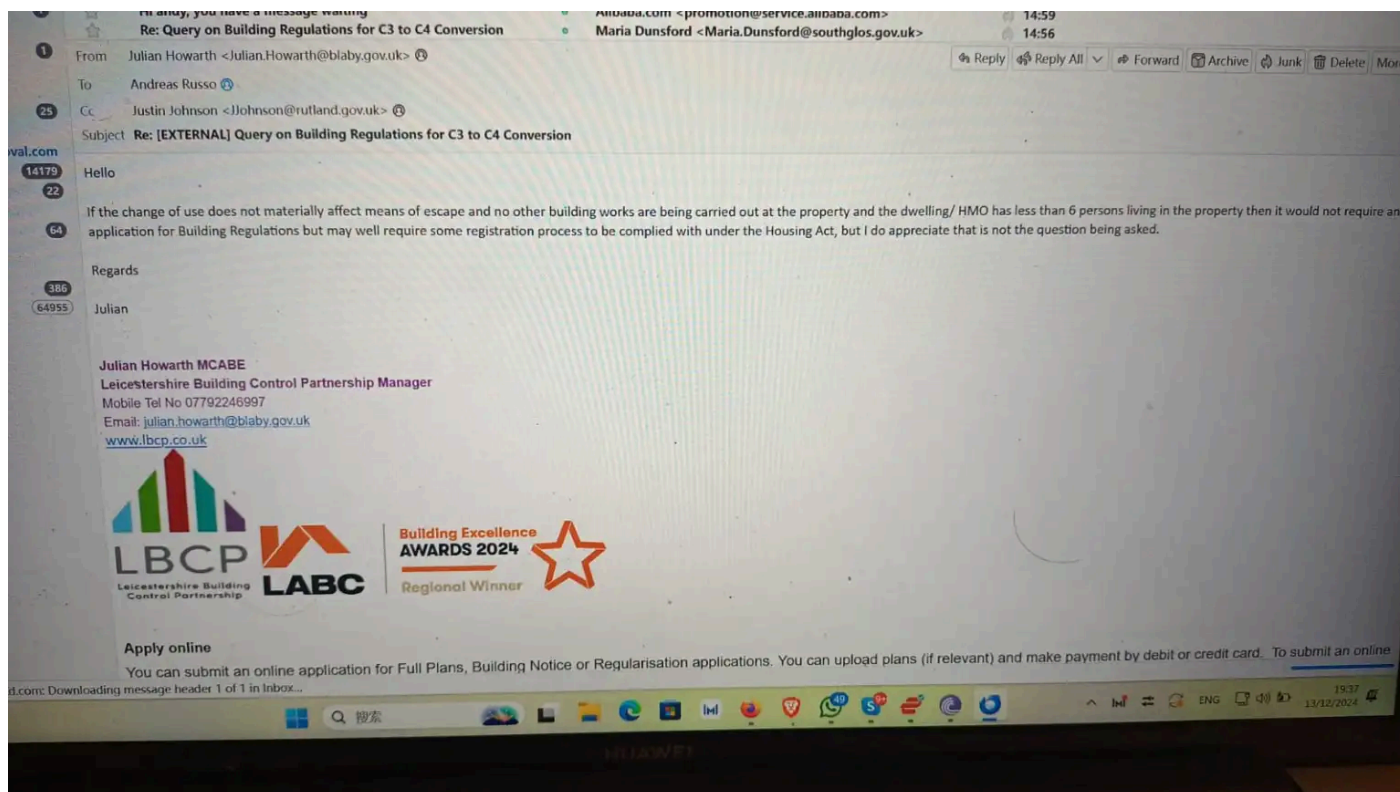
This email below also confirms that a mere conversion from C3 to C4 does not trigger Building regulation compliance. However certain types of building works could depending if they are foundation works, structural works etc.



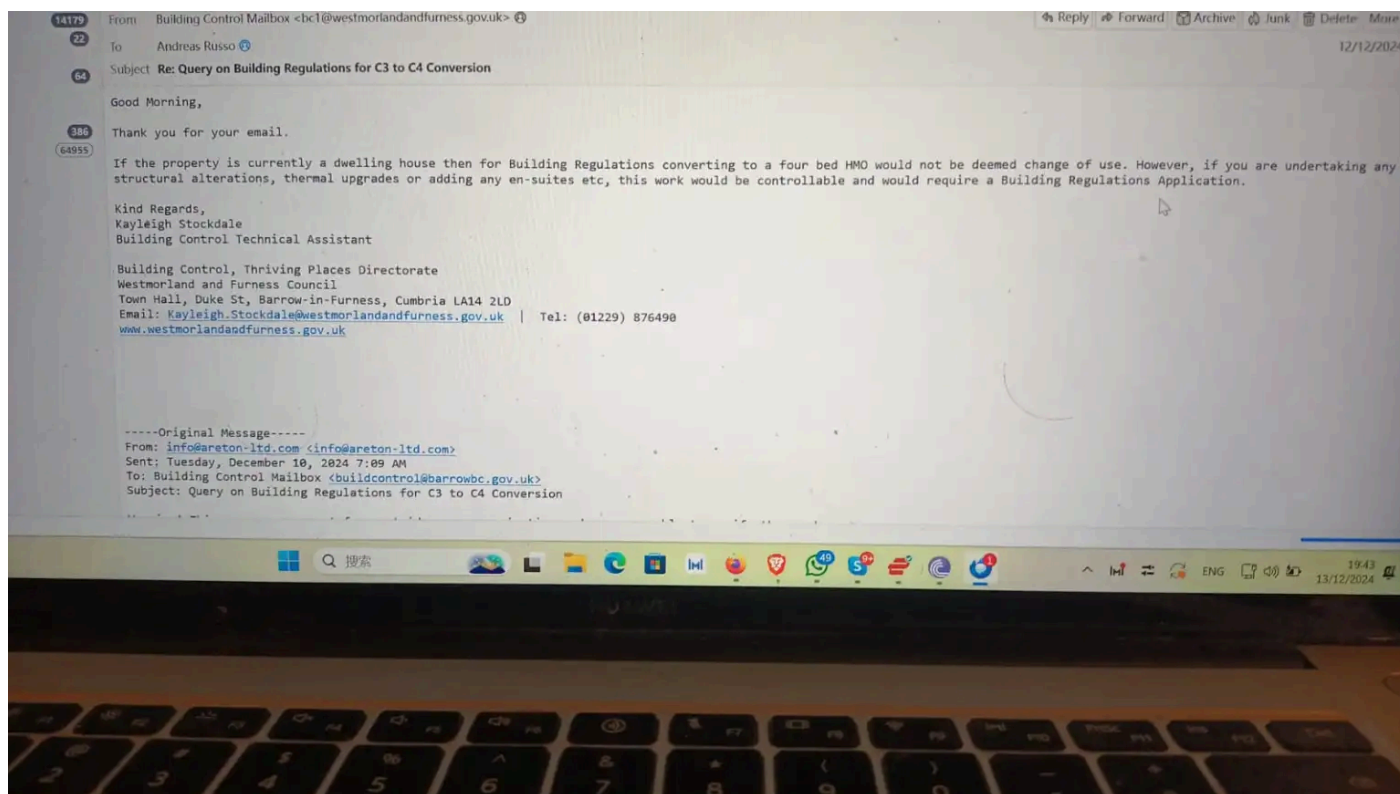
This email below also confirms that a mere conversion from C3 to C4 does not trigger Building regulation compliance. However certain types of building works could depending if they are foundation works, change in the fire escape, structural works etc.



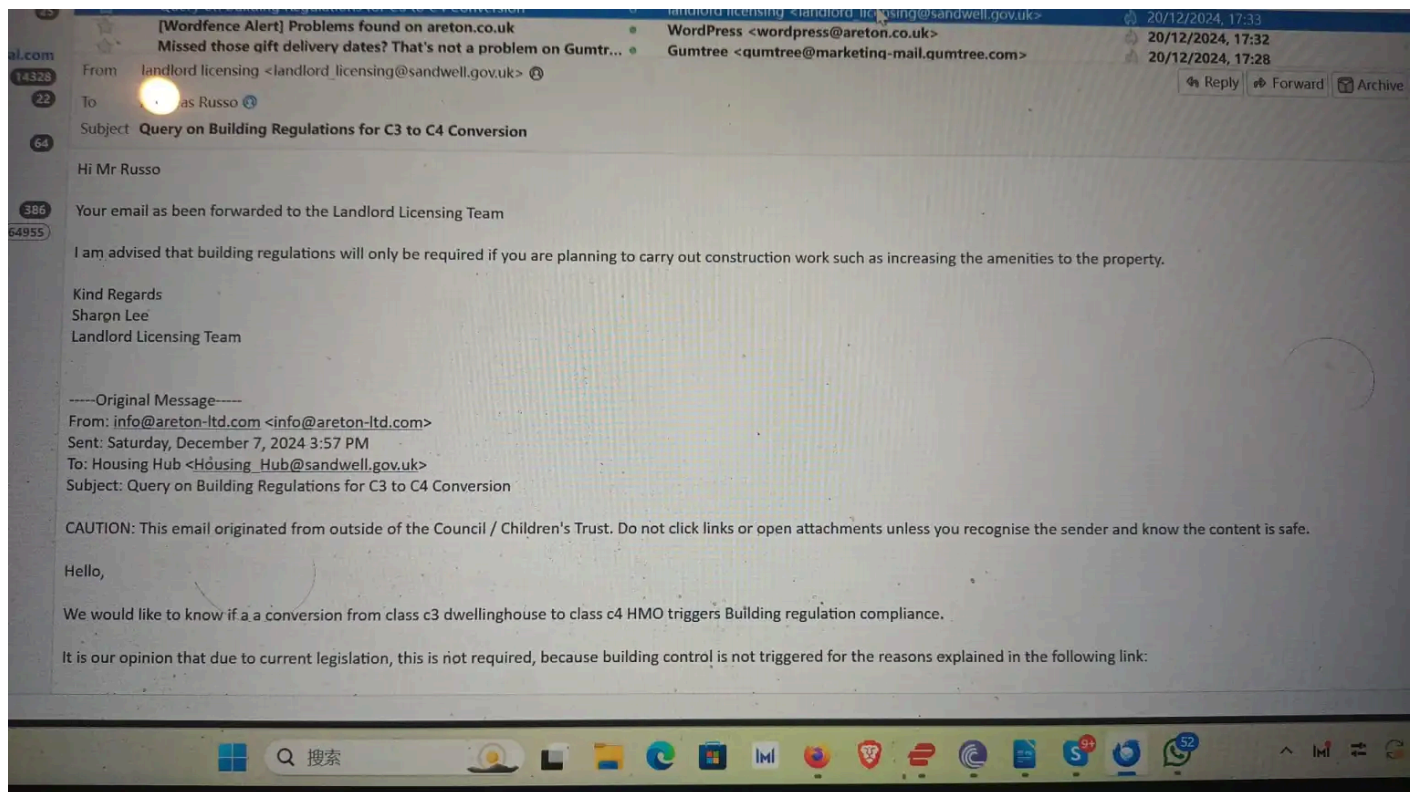
more below



more below



more below



2 The following [lawful use – 6 Colwick Road](#) was granted using the 4 year rule for dwellinghouses. Yet another proof that not only c4 small hmo are considered dwellinghouses but also very large sui generis too. This is in line with point 1 above.

3 not only are most councils of the opinion that c4 and sui generis HMOs are dwelling-houses, but this is confirmed by a recent high court ruling.

The relevant point here is that in considering the challenge, the High Court applied the test set out in *Gravesham Borough Council v Secretary of State for the Environment* ('the Gravesham test'); the High Court concluding that **an HMO is indeed a dwellinghouse**.

This now makes the classification of HMOs officially as dwelling-houses, this document is accepted as the official interpretation by all courts in England and Wales. <https://www.bailii.org/ew/cases/EWHC/Admin/2022/2051.html>
[London Borough of Brent v Secretary of State for Levelling Up, Housing and Communities & Anor \[2022\] E](#)

More evidence can be gathered proving that HMOs are classed as dwelling houses but we believe the ones above are sufficient.

The law clearly defines them HMOs of any size still as Dwellinghouses irrespective of the type of occupation. The use c3 , c4 and sui generis HMOs are all as dwellinghouses.

[For more on classification of HMOs as dwellinghouse click here](#)

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Appendix B12

Re 7 Brereton Avenue - Andrea__01__WITNESS STATEMENT - 1.pdf

WITNESS STATEMENT

WITNESS STATEMENT

Full Name

Stuart lindo

I, Stuart lindo of 9 Brereton Avenue, Cleethorpes, DN35 7RP, make this statement from my own personal knowledge and recollection.

1. I have resided at 9 Brereton Avenue, Cleethorpes, DN35 7RP, since approximately 2014 and have therefore lived immediately adjacent to 7 Brereton Avenue for a substantial period of time.
2. Since moving into my property in 2014, I have visited and entered 7 Brereton Avenue on numerous occasions and have had the opportunity to observe the internal layout and configuration of the property over many years.
3. Based upon my personal observations, the internal layout and configuration of 7 Brereton Avenue has remained substantially unchanged throughout the period that I have known the property.
4. To the best of my knowledge and recollection, the arrangement of the rooms, bathrooms and internal facilities currently present within the property is the same arrangement that has existed since I first became familiar with the property in or around 2014.
5. I have recently seen the interior of the property and can confirm that, to the best of my knowledge, the internal configuration remains substantially the same as it has been throughout the period of my acquaintance with the property.
6. To the best of my knowledge and recollection, the bathrooms and sanitary facilities currently present within the property have existed for many years and form part of the long-standing layout of the building.
7. To the best of my knowledge and recollection, the property has also contained fire doors and fire safety measures for many years. I recall fire doors being present throughout the period that I have known the property.
8. I also recall the presence of a fire alarm system within the property throughout the period that I have known it and, to the best of my recollection, such fire safety measures have existed for many years.
9. I make this statement because, as the immediate neighbouring occupier of 9 Brereton Avenue since 2014, I have had direct and first-hand knowledge of the property over a prolonged period and have personally observed its layout and configuration on numerous occasions.
10. Based upon my observations over that period, I am not aware of any material alteration to the internal layout or configuration of the property and, to the best of my knowledge and belief, the layout remains substantially the same today as it was when I first became familiar with it in 2014.

I believe that the facts stated in this witness statement are true.

Email**Phone**

07562760504

Name

Stuart lindo

Date

06/06/2026

Signature

SLG

Appendix B13

Re_ HMO Licence application - __01__Re 7 Brereton Avenue - Andreas Russo
(info_areton-ltd.com) - 2026-07-05 1708 (1).msg

Embedded file retained in source e-mail

Re_ HMO Licence application - __01__Re 7 Brereton Avenue - Andreas Russo (info_areton-ltd.com) - 2026-07-05 1708 (1).msg

This file type is not rendered in this PDF bundle. It remains available as an attachment inside the source .eml file.

Appendix B14

Re_ HMO Licence application - __01__Screenshot 2026-08-18 164508.png

From

Andy Perkins (NELC)

To

Andreas Russo

Cc

Building Control (NELC) , Lucy Woods (Equans) , Paul Wilmot (NELC) , Guy Hobson (NELC)

Subject

Re: 7 Brereton Avenue

✉ Reply

📧 Reply All

⬅ Forward

🗳 Archive

🗑 Spam

🗑 Delete

⋮ More

04/06/2026, 15:

Good afternoon, Harry

Thank you for your correspondence.

To clarify, Building Control operates strictly under the Building Act 1984 and the Building Regulations 2010, which are entirely separate from Housing Act licensing and Planning Use Classes. The guidance provided in your attached emails consistently emphasises a critical condition, a Building Regulations application is not required if absolutely no building works or structural alterations are carried out, and the means of escape remain unaffected.

Under Regulation 3 of the Building Regulations 2010, Building Work includes the alteration of a building or the provision of a controlled service or fitting. For this property to operate as an HMO legally and safely, it must comply with mandatory fire safety standards.

The moment any physical changes are made to the property such as

1. Fitting locks to individual bedroom doors (which alters the escape route profile),
2. Installing or upgrading doors to FD30 fire doors,
3. Installing a mains-powered, interlinked fire detection system,
4. Adding new bathrooms, En-suites, or mechanical extract ventilation,

This would legally constitute Building Work, consequently, an application would be required so that the authority can inspect and issue a Completion Certificate.

Regarding the Gravesham and Brent high court rulings cited in your text, these are Planning and Town & Country Planning Act decisions relating to Use Classes. They do not exempt a property from the independent statutory requirements of the Building Act 1984.

If you intend to operate this HMO with absolutely no physical alterations, no door locks, and the exact existing layout and fire protection of a single-family home, please confirm this in writing. Otherwise, we would require a Building Notice or Full Plans application so we can schedule the necessary safety inspections.

Kind Regards Andy

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PLEASE NOTE: MY WORKING DAYS ARE MONDAY TO THURSDAY.

Dropbox

Appendix B15

Re_ HMO Licence application - __01__WhatsApp Image 2026-08-18 at 5.38.48 PM.jpeg



Appendix B16

Re_ HMO Licence application - __02__Re 7 Brereton Avenue - Andreas Russo
(info_areton-ltd.com) - 2026-07-05 1708 (2).msg

Embedded file retained in source e-mail

Re_ HMO Licence application - __02__Re 7 Brereton Avenue - Andreas Russo (info_areton-ltd.com) - 2026-07-05 1708 (2).msg

This file type is not rendered in this PDF bundle. It remains available as an attachment inside the source .eml file.

Appendix B17

Re_ HMO Licence application - __02__WhatsApp Image 2026-08-18 at 4.32.57 PM.jpeg

