



Building Safety Bill Team
Ministry of Housing Communities and Local Government
4th Floor, Fry Building
2 Marsham Street
London
SW1P 4DF

28/7/2019

Dear Sir/Madam,

Building a safer future: proposals for reform of the building safety regulatory system.
Response to Consultation.

Flat Justice is a not-for-profit Community Interest Company that helps tenants in the Private Rented Sector. We specialise in assisting tenants with applications for Rent Repayment Orders (RROs).

We write concerning the specific exclusion of purpose-built flats from being considered as a House of Multiple Occupation (HMO) under the recent “The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018”. This exclusion is contained in s4(c)(ii) of this legislation:

[An HMO is of a prescribed description if it meets:]

(ii) the self-contained flat test under section 254(3) of the Act but is not a purpose-built flat situated in a block comprising three or more self-contained flats;

This exclusion means that flats in high-rise blocks, such as Grenfell, are not subject to the rigorous fire & safety regulations applied to licensable HMOs and can operate “under the radar” of a Local Authority (LA) unless there is an additional or selective licensing scheme in place. There was and is no such scheme in Kensington & Chelsea.

In our experience of bringing RRO cases against non-compliant landlords, the prosecution nearly always has the immediate effect that the subject properties are equipped with modern fire safety, detection, alarm and fire-fighting installations. In addition, as part of the licensing regime, landlords must provide proof of the safety of their property’s electrical installation and regular safety checks on the electrical appliances, including fridges etc. Gas safety certificates must also be provided to the LA.

By including purpose-built flats in the HMO designation, the Government could, in one simple move, vastly improve the safety of all flats in blocks where such HMOs operate. There is already in place a well-understood ‘infrastructure’ of regulation, inspection and control along with the necessary legislature in place for enforcement through The Housing

Act 2004 (HA) and The Housing and Planning Act 2016 (HaPA). Indeed, HaPA 2016 reinforced tenant prosecutions introduced under HA 2004 so that, in addition to LA control, there is some 'self-policing' by the tenants themselves.

We would ask that the Government considers amending the 2018 Prescribed Description Order to remove the exclusion of purpose-built flats from the HMO designation.

With kind regards

A handwritten signature in black ink, appearing to read 'Guy Morris', written in a cursive style.

Guy Morris
MA (OXON) PGCE
Director