



THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA
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Ms N. Rawé
3 Jefferson House
11 Basil Street
London
SW3 1AX

30th Sept 2004

Dear Ms. Rawé

Steel Services Limited

I am writing in response to your letter of 30 August 2004, in which you complain that the Council's Housing Department has delayed in taking action against Steel Services Limited and their attempt to have them provide certain financial information to you.

The Chief Housing Officer has advised me that there has been a large amount of correspondence pass between yourself and the Council's Tenancy Relations Service – Mr Sandy McDougall and his successor, Mr John Hutchings – in this matter. Whilst I appreciate the obvious care you have taken with your letter to me, I am not in a position to answer each and every point you have raised.

What is clear is that you have requested the year-end accounts for 2002 and 2003 for Jefferson House from your landlords, Steel Services Ltd, but that these have not yet been provided to you. As you are aware, the Tenancy Relations Service has made a number of submissions to the property's managing agents, Martin Russell Jones. I note that in response to Mr Hutchings' letter of 16 July, they maintain that the 2002 accounts had already been forwarded to you but further indicated that the 2003 accounts were still with the auditors. Mr Hutchings attempted to find out exactly when the accounts would be available and also informed the agents that you had not received the 2002 accounts.

Various items of correspondence and phone calls ensued between Mr Hutchings and the managing agents without any precise information being revealed. Consequently, the question arose whether to prosecute. As you are aware, as Steel Services Ltd are based on the British Virgin Islands they were thought to be outside the jurisdiction of British law. While you were initially told that we could not prosecute the landlords because of this, further discussions continued with the Head of Housing Needs and a decision was eventually taken that the Council would attempt to prosecute the agents and the Council's Legal Department was consequently informed.

At the point when you called to chase up progress, Mr Hutchings was unaware of the period the Legal Department would require to pursue such a prosecution and when pushed to provide an answer, he issued a conservative estimate of seven days. When this period elapsed and you contacted again, Mr Hutchings, despite his original good intentions, indicated that he could not provide an answer. Mr Hutchings has indicated that the ensuing "sighs" you heard were borne more out of his frustration in not being able to provide a comprehensive answer to the question as opposed to being directed at you personally. However, the Council offers its apologies to you for any offence this may have caused.

The Council's Legal Department is now in the process of deciding whether it is in the public interest to facilitate a prosecution. The statutory time limit for bringing a prosecution under Section 25 of the Landlord and Tenant Act 1985 is six months from the date of the commission of the offence. On the information available, it is highly likely that the statutory time limit in respect of the request for the 2002 accounts has expired and that no prosecution can be brought.

LIES! - See:
- my 5 Oct 04
reply;
- 15 Oct 04 from
Gerald Wild
- mine to him of
11 Nov 04
- mine to John
Hutchings of 11
Nov 04

With regard to the 2003 accounts, the agents had one month to comply with the Council's request, so technically an offence has been committed. However, the advice from Legal Services is to continue to contact the agents (and their accountants if necessary) for them to provide an estimate of when the accounts will be available for inspection. Their response could determine whether it is appropriate to prosecute. Mr Hutchings' last request to the agents for this information was made on 17 September but so far there has been no positive outcome to this approach.

see 25 Jun 04
from Hutchings
to MRJ and
CKFT

While Mr Hutchings is obviously in frequent contact with Legal Services about this case, I regret we are not yet able to furnish you with precise details of how long it might be before a decision on whether to prosecute or not is taken. However, given Martin Russell Jones' most recent failure to provide the necessary information, it is hoped that we are nearing the point where some sort of final view can be taken in this matter. Mr Hutchings will of course keep you advised of any developments.

I am sorry for any inconvenience this delay may be causing you.

Yours sincerely,



Councillor Shireen Ritchie