

**CAMBRIDGE CITY COUNCIL
WITNESS STATEMENT**

**(Criminal Procedure Rules, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)**

Statement of: Nick Musk

Address: Cambridge City Council

Occupation: Senior Technical Officer (Residential) Environmental Health

Date of Birth/Age: Over 18

This statement, consisting of 2 pages, each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 7th November 2013

Signed *NJ Musk*

I am a Senior Technical Officer in the Residential section of Environmental Health at Cambridge City Council. I was first made aware of the garden bungalow at 91 Burnside Cambridge by colleagues in the Council Tax department in March 2013 with reference made to a non-licensable HMO - (Housing Act 2004).

I made a pre-arranged site visit on 15th April 2013 and Mr Kelly showed me around the main house fronting onto Burnside and the garden bungalow. At that time I was advised the main house was occupied by 3 individuals, which constituted a house in multiple occupation (HMO) and adequate fire safety measures were lacking. I was also shown the garden bungalow that was in the process of being plastered and fitted out. Mr Kelly advised the garden bungalow would only be let to a couple and was self-contained with the kitchen in the process of being fitted. My advice to him was that with only a couple in occupation, the garden bungalow would not be considered a HMO but advised it would be prudent to provide a fire blanket and small fire extinguisher in the kitchen area. Following this site visit a list of works required was emailed to Mr Kelly including the good practice recommendation to provide a fire blanket and fire extinguisher in the kitchen area of the garden bungalow.

A pre-arranged return site visit was made on 19th July 2013 and Mr Kelly again showed me the main house and garden bungalow. Most of the fire safety measures required in the main house had been installed. I also enquired if the recommended fire blanket and fire extinguisher had been installed in the kitchen area in the garden bungalow.

Signed *NJ Musk* **Signature witnessed by** *J. O'Donnell*

CAMBRIDGE CITY COUNCIL
WITNESS STATEMENT Continuation sheet

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Mr Kelly provided me with access to the garden bungalow and I observed that all kitchen facilities had been removed, leaving nothing but the tiled walls. In addition Mr Kelly notified me there were three unrelated individuals living in the garden bungalow, which constituted a HMO and adequate fire safety measures were lacking. Having enquired of Mr Kelly where the kitchen facilities had gone, I was shown to a brick built outhouse with corrugated sheet roof and stable type door close to the rear of the main house. This outhouse was fitted out as a kitchen but had the addition of a working toilet positioned against the rear wall within the kitchen - see photographs IMG_0039 and IMG_0043. Mr Kelly advised me the kitchen was available to the three persons occupying the garden bungalow.

Between my site visits of 19th July 2013 and 9th September 2013, consideration was being given to the most appropriate course of formal action in respect of the relocated kitchen facilities in the outhouse and the provision of the toilet in that same space. Requisitions for Information were served on Mr Kelly and Mr Waite to determine the most responsible person, which were satisfactorily returned in the required timescale.

My next pre-arranged return site visit and most recent, was made on 9th September 2013 and Mr Kelly again showed me the main house, garden bungalow and outhouse. All but one fire safety measure in the main house had been completed and Mr Kelly confirmed there were still 3 individuals in occupation. Mr Kelly also advised me there were still 3 individuals in occupation in the garden bungalow, reducing to 2 persons from the end of September. Viewing the outhouse I noted some of the kitchen facilities had been removed and so too had the toilet, the latter relocated to an enclosed space behind the outhouse which Mr Kelly advised me was only for his use and that of tradesmen working for him. I noted that a washing machine and tumble dryer had been installed in the outhouse and Mr Kelly advised me this was now a laundry room available to all tenants and the occupiers of the garden bungalow were using the kitchen facilities within the main house. The kitchen within the main house would be suitable for up to 6 persons to share with the addition of a dishwasher, but without a dishwasher the kitchen is currently suitable for up to 5 persons.

Signed NJ Musk Signature witnessed by Y. O'Donnell