



**South
Derbyshire**
District Council

PRIVATE SECTOR HOUSING

ENFORCEMENT POLICY

DECEMBER 2007

INTRODUCTION

Definition

The term enforcement covers all actions that we undertake to secure compliance with the legislation we enforce and includes advisory visits and assisting with compliance as well as formal action such as the service of enforcement notices and prosecutions.

Scope

The Private Sector Housing Team is part of the Environmental Services Division and undertakes the council's statutory functions in relation to private sector housing. This policy details our approach to enforcement in this regulatory area, which includes:

- assessment of hazards in residential premises under the Housing Health and Safety Rating System (HHSRS)
- statutory nuisance affecting residential properties
- standards of repair, amenity, fire precautions and management in Houses in Multiple Occupation including licensing of properties within the mandatory licensing scheme
- standards in empty properties and bringing them back into occupation

Responsibilities

The Private Sector Housing Manager will monitor the implementation and effectiveness of the policy, reporting to the Head of Environmental Services and the Housing and Community Services Committee.

Purpose

The purpose of this document is to state our policy with respect to law enforcement, following the principles contained in the Enforcement Concordat issued by the Cabinet Office and adopted by South Derbyshire District Council in September 2000.

The policy is based on the principles of openness (about our policies and practices), clear standards (of performance and levels of service), proportionality (ensuring our actions are proportionate to the risks), consistency (of our approach), targeting (to areas of greatest risk or need) and transparency (of our methods and organisation). The Policy recognises the Human Rights Act 1998 and all staff must apply the principles of the European Convention on Human Rights in accordance with the Act.

This Policy is available on the council's website and in hardcopy at the Council Offices. It can be ordered by telephoning 01283 595942 or writing to the Private Sector Housing Manager, South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote DE11 0AH or email to privatesectorhousing@south-derbys.gov.uk. We welcome comments on this Policy from all sources. The Policy is available in alternative formats or other languages on request.

PART 1: GENERAL ENFORCEMENT

In order to achieve and maintain consistency in private sector housing enforcement the Council will use the following range of enforcement options as appropriate:

- No Action
- Informal Action
- Statutory Action
- Formal Caution
- Prosecution
- Works in Default
- Emergency Measures

No Action

Where no action is possible for example, cases that fall outside our legislative remit or the individual circumstances of the case lead the officer to determine that no action should be taken, the service user will be given advice on ways that they can deal with the matter themselves by taking their own legal action or such other means.

Informal Action

Informal action will include verbal advice and/or advisory letters and will generally be used as a preliminary step prior to any formal or statutory action.

Informal action is appropriate where one or more of the following apply:

- There is no legislative requirement to serve a formal notice and the circumstances are not serious enough to warrant formal action.
- Past history suggests that informal action can be reasonably expected to achieve compliance.
- There is confidence in the management or the individual.
- The consequences of non compliance will not pose a significant risk to occupiers or others.
- An effective solution with a suitable timescale can be agreed.

Verbal or written informal action will include:

- A clear indication of the legislation contravened and the measures required to secure compliance
- All the information necessary to understand what works are required and why they are necessary
- An advisory warning indicating the subsequent steps that the Council may take to achieve compliance and any charges that may result from this action.
- An invitation for the company or individual to contact the appropriate officer to discuss the matter further.

Officers giving verbal or written advice will always clearly differentiate between those items, which are legal requirements and those, which are recommended as good practice.

Statutory Action

The Council will serve a formal notice where they have a statutory duty to do so, taking into account the following criteria:

- There are significant contraventions of legislation but prosecution is not appropriate,
- Where informal action has not achieved compliance,
- There is a lack of confidence that the individual or company will respond to an informal approach,
- There is a history of non compliance with informal action
- Standards are generally poor with little management awareness or regard of statutory requirements,
- The consequences of non compliance could be potentially serious to the health and safety of the occupier or public health,
- Although it is intended to prosecute, effective action needs to be taken to remedy conditions, which pose an immediate risk to health and safety.

Officers authorised to take statutory action are identified in the Council's Scheme of Delegation (available on request). An Initial Assessment Sheet (form at schedule 1) recording the decision making process will be completed by the authorised officer and attached to the case file.

Statutory notices will be served in accordance with the provisions of the appropriate legislation and will specify;

- the reason for the enforcement action being taken including an explanation of what is wrong, what is needed to put things right, what will happen if the notice is not complied with.
- A reasonable time scale for compliance having regard to the seriousness of the defects or contraventions.
- Written information detailing the right of appeal against the notice, including the grounds for appeal and method for doing so.
- Any fees or charges which may be due

Officers serving statutory notices will be prepared to discuss the works specified, with individuals or company representatives and will fully consider the availability and suitability of alternative solutions.

Formal Cautions

The Council may offer a Formal Caution as an alternative to prosecution in order to:

- deal quickly and simply with less serious offences
- to divert less serious offences away from the Courts, and
- to reduce the chances of repeat offences

The Council will only offer a Formal Caution where: -

- a) there is evidence of the offender's guilt sufficient to give a realistic prospect of conviction
- b) he offender admits the offence, and

c) the offender clearly understands the significance of a formal caution and gives informed consent to being cautioned
d) the use of a formal caution is considered to be in the public interest.
Formal cautions must not be used as a substitute for prosecutions, which would otherwise be defective.

The Formal Caution will be administered by the 'Cautioning Officer', who will be a senior manager (see scheme of delegation).

The decision whether to offer a Formal Caution or take an alternative course of action should be documented (see for at schedule 2) and attached to the case file.

The offender will be advised in writing of the proposal to issue a Formal Caution in accordance with Home Office Circular 18/1994. In certain circumstances the Caution may be administered by post.

The Formal Caution will be in writing in accordance with Home Office Circular 18/1994. Two copies will be signed by the person receiving the caution, each copy will then be countersigned by the person administering the caution. Each party will then retain one copy.

Where the offender refuses to accept a caution or fails to return the signed copies within 14 days, consideration will be given to the institution of legal proceedings.

Where the offence relates to a complaint, the complainant will be notified that a formal caution has been issued.

Officer will send a copy of the formal caution to the:

Office of Fair Trading: -
Central Register of Convictions
Office of Fair Trading
Craven House
40 Uxbridge Road
London
W5 2BS
Prosecution

The Council recognises that the decision to prosecute is significant and could have far reaching consequences upon the alleged offender.

The Council will only instigate legal proceedings where there is sufficient, admissible and reliable evidence that an offence has been committed by an identifiable individual or company, that there is a realistic prospect of conviction and that prosecution for the offence is in the public interest.

The decision to prosecute will only be made by those officers listed in the Council's Scheme of Delegation.

In making the decision to prosecute the following factors will be considered, in line with the guidance in the Code of Practice for Crown Prosecutors: -

a) the seriousness of the offence;

- the risk to health
- identifiable victims
- failure to comply with a statutory notice served for a significant breach of legislation
- failure to comply with statutory management responsibilities resulting in a significant risk to health
- operating a licensable House in Multiple Occupation (H.M.O) without a licence
- failure to comply with the conditions attached to a licence issued in respect of a licensable H.M.O
- disregard for the public health for financial reward

b) the previous history of the landlord/owner or person responsible;

- offences following a previous history of similar offences
- failure to respond positively to past warnings
- failure to comply with statutory notices

c) the ability of witnesses and their willingness to co-operate;

d) evidence that the individual or company is concerned to prevent a recurrence of the problem;

e) whether a prosecution would be in the public interest and the importance of the case,

- the likely penalty on conviction
- the offender's age and state of health
- the offender's attitude to the offence

f) whether other action, such as issuing a formal caution or the service of a statutory notice would be more effective

g) any explanation by the individual/company.

In exceptional circumstances the Council will consider prosecution at the same time as the service of a statutory notice.

Any departure from this policy when making a decision with regard to prosecution will require justification and authorisation from a Senior Officer.

The decision whether to prosecute or take an alternative course of action should be documented using the form at Schedule 2

All prosecutions will be brought without unnecessary delay.

Works in Default

The Council will normally only carry out works in default of a statutory notice where:

- a) there is an imminent risk to health/safety, such that the consequences of not taking immediate and decisive action would be unacceptable or
- b) statute does not permit prosecution for non-compliance with a statutory notice, or

c) where the Private Sector Housing Manager is satisfied that circumstances are such that default is the best course of action.

This course of action will be considered irrespective of any prosecution action that might also be undertaken for the same offence. This action must be with the agreement of the Private Sector Housing Manager and recorded on file or on the database. The cost of the works, plus the Councils reasonable administration charges (based on an officer hourly rate), will be charged to the responsible party and recovered through the civil court.

Charges will be made for abortive costs in preparing to carry out work in default where an order has been placed and the owner then carries out the work required.

Where there is no prospect of the money being recovered, the debt may be placed on the property as a land charge. In some cases interest will be added annually.

Emergency Measures

The Council will only use emergency enforcement powers under housing legislation where there is an imminent risk of serious harm.

In such circumstances the Council will take whatever remedial action it considers necessary to remove an imminent risk of serious harm. This could include taking remedial action in respect of a hazard and the recovery of reasonable expenses or prohibiting the use of all or part of a property.

Such emergency measures will only be taken where the Private Sector Housing Manager is satisfied that the use of emergency powers is the best course of action. Where emergency measures are taken, the owner of the property or other relevant person will be advised of the method of appeal against the action taken.

PART 2: SPECIFIC ENFORCEMENT of the HOUSING ACT 2004 Part 1 & HOUSING HEALTH & SAFETY RATING SYSTEM (ENGLAND) REGULATIONS 2005

The Housing Act 2004 introduces a requirement for local authorities to base their enforcement decisions in respect of all types of residential property on assessments under Housing Health and Safety Rating System (HHSRS). Local Authorities must inspect properties to determine whether there are Category 1 or Category 2 hazards present, using the method prescribed by the regulations above, having regard to operating guidance issued by the Secretary of State.

Assessment of hazards is a two stage process, addressing first the likelihood of an occurrence and then the range of probable harm outcomes. These two factors are combined using a standard method to give a score in respect of each hazard identified.

The decision to take enforcement action is based on a three considerations: (a) the hazard rating score determined under HHSRS;

(b) whether the local authority has a duty or power to act, determined by the presence of a hazard score above or below a threshold prescribed in the regulations; and
(c) the authority's judgement as to 'the most appropriate course of action' to remove or reduce the hazard taking into account the most vulnerable potential occupant and the actual occupants.

Duties and Powers

The Act puts the Council under a general duty to take action in relation to a Category 1 hazards. Under this general duty, the Council must take the most appropriate of the following courses of action:

- serve an Improvement Notice
- make a Prohibition Order
- serve a Hazard Awareness Notice
- take Emergency Remedial Action or make an Emergency Prohibition Order
- make a Demolition Order
- declare a Clearance Area

The Council cannot simultaneously take more than one of these actions unless they are emergency measures (Emergency remedial action followed by an improvement notice or prohibition notice is regarded as a single course of action).

The Act gives the Council discretionary powers to deal with Category 2 hazards. However, emergency measures, demolition or clearance are not permitted as the most appropriate courses of action.

The Council will generally exercise its discretion to take the most appropriate course of action where Category 2 hazards exist as follows:

- Band D hazards
- Multiple hazards at band D or below where they create a more serious situation when looked at together, even though no single hazard is evidence of serious risk to health and safety.

Decision to take enforcement action.

An inspection of a property must be carried out and the deficiencies noted. The Housing Health & Safety Rating System will be followed to assess whether there are category 1 or category 2 hazards within the property. Having made this assessment and dependent on the problems within the property consideration will be given to the most appropriate course of action to reduce the hazards to an acceptable level.

The most appropriate legislation must be identified for dealing with the hazard. Only where the Housing Act 2004 is not appropriate should other legislation be considered. Consideration must also be given to whether consultation is required with other enforcing bodies. In particular where the hazard of fire is identified there is a duty to consult with the fire authority as prescribed under section 10 of the 2004 Act. Other

bodies such as the Police, Social and HSE may need to be contacted or other departments within the Council such as pollution control, planning, building control.

Regard must also be had to the availability of grant and loan schemes to assist with housing repairs and improvements, which might be more appropriate under the circumstances and negate the need for formal action. However, where the offer has been made and the landlord or owner subsequently refuses any offers of assistance it may be necessary to pursue enforcement action.

Most Appropriate Course of Action

For the purposes of scoring hazards using HHSRS it is assumed that the property is occupied by the most vulnerable household. However, for the purposes of deciding the most appropriate course of action regard is had to the actual household in occupation. In reaching their decision the Council will take account factor such as:

- the extent, severity and location of the hazard
- the cost and practicality of remedial works (i.e listed buildings)
- presence of multiple hazards
- the vulnerability of the current occupier
- likelihood of changes in occupancy (ie tenant turnover)
- tenure and responsibility for remedial work (i.e tenant, owner occupier)
- view of the current occupier/owner
- current occupation and the impact the Council's decision may have on the social exclusion of certain groups of people.

Once a decision has been made the appropriate notice procedure must be followed. When taking any form of enforcement action a covering letter and the statement of reasons under section 8 must also accompany the notice and the schedule of works.

Enforcement Options

Improvement Notices

In the majority of cases properties are in such a condition that they can be repaired or improved rather than demolished or closed and so improvement notices are a useful enforcement option for category 1 hazards. The service of an improvement notice will seek to address category 1 and category 2 hazard. The Council will generally seek to reduce or remove hazards to a standard that will prevent the building elements deteriorating.

An improvement notice will specify the following information:

- which category of hazard it relates to
- the nature of the hazard and the premises/ property on which it exists;
- the deficiency giving rise to the hazard;
- the premises and nature of remedial action required;
- the date by which remedial action is to be started, (not less than 28 days);

- the period in which the remedial action is to be completed;
- notes in respect of the right of appeal.

An improvement notice will be revoked when it is complied with and may be varied by agreement.

Suspension of an Improvement Notice (or a prohibition order see below)

Normally an improvement notice would become operative 21 days after service and a prohibition order after 28 days. However both may be suspended. The notice may specify an event that triggers the end of the suspension, such as:

- non-compliance with an undertaking
- a change of occupancy

Suspension may also be appropriate where the hazard is not sufficiently minor to be addressed by a hazard awareness notice but the current occupiers are not members of a vulnerable age group. Consideration will also be given to the turnover of tenants at the property. Typically the activation of a suspended notice would be a change of occupancy, where an occupier is replaced by one who is of the vulnerable age group. The notice will require the owner or landlord to notify the Council of a change of occupancy to ensure that the notice can be reviewed.

Consideration will be given to any request by the tenant to suspend the notice or replace the action by the issue of a hazard awareness notice where the works are likely to affect that tenants' health. All suspended notices and orders will be reviewed every 12 months or earlier as deemed to be appropriate.

Prohibition Orders

A prohibition order may be used for either a category 1 or 2 hazard. It may prohibit the use of a part or all of the premises for some or all purposes, or occupation by particular numbers or descriptions of people.

A prohibition order will specify the following:

- whether it relates to a category 1 or 2 hazard;
- the nature of the hazard and the premises on which it exists
- the deficiency giving rise to the hazard;
- the premises and prohibitions which are imposed;
- any remedial action that would result in the order being revoked. (An order becomes operative 28 days after it is made)
- notes in respect of the right of appeal.

A prohibition order will be revoked if the Council is satisfied that the hazard to which it relates no longer exists.

This action will only be used in exceptional circumstances and may include the following:

- where the conditions present a serious threat to health or safety but where remedial action is considered unreasonable or impractical for cost or other reasons e.g. where the remedial works cannot be undertaken with the tenant in occupation;

- to specify the maximum number of persons who occupy a dwelling where it is too small for the household's needs;
- to control the number of persons who occupy a dwelling where there are insufficient facilities (e.g. personal washing facilities, sanitary facilities, or food preparation or cooking facilities).
- to prohibit the use of the dwelling by a specified group (until such time as improvements have been carried out), where a dwelling is hazardous to some people, but relatively safe for occupation by others: The specific group relates to the class of people for whom the risk arising from the hazard is greater than for any other group, for example, elderly people or those with young children;
- in an HMO, to prohibit the use of specified dwelling units or of common parts.

Regard will be had to the following matters when considering serving a prohibition order:

- the risk of exclusion of vulnerable people from the accommodation;
- whether the building is listed;
- the position of the premises in relation to neighbouring buildings;
- irrespective of any proposals the owner may have, the potential alternative uses of the premises
- any conservation or renewal area and any general proposals for the area
- the effect of complete prohibition on the well being of the local community and the appearance of the locality
- the availability of local accommodation for re-housing any displaced occupants
- whether it is appropriate to offer financial advice or assistance

Hazard Awareness Notice

Category 2 hazards i.e. a score of 500 or more will result in a hazard awareness notice being served. This will draw the attention of the owner to the desirability of remedial action. There will be no requirement to carry out the recommended works. NB no informal action will be taken prior to the issue of a Hazard Awareness Notice.

A hazard awareness notice will specify:

- the nature of the hazard and the premises on which it exists;
- the deficiency giving rise to the hazard;
- the premises on which the deficiency exists;
- the reasons for deciding to serve the notice, including the reasons for deciding that serving the notice is the most appropriate course of action;
- the details of any remedial action, which the Council considers, would be practical and appropriate to take.

The advisory nature of the notice may result in monitoring of any premises to ascertain if works have been undertaken. The service of a hazard awareness notice will not prevent further formal action.

Standard Enforcement Action Thresholds

	Vulnerable age group in occupation	No vulnerable age group in occupation
Category 1 Hazard		
Score >1000	Statutory Action/ improvement notice	Statutory Action/Improvement Notice
Category 2 Hazard		
Score 500-999	Statutory Action/Hazard awareness notice	Statutory Action/Hazard awareness notice
Score <500	No Action	No Action

In exceptional circumstances however all enforcement options will be considered.

Where the hazard score results in no action the occupier/tenant will be advised of any other action that may be available to them to deal with the issues that are of concern to them. Such advice will be confirmed by letter and may be copied to the owner for information.

Emergency Remedial Action/ Emergency Prohibition Orders

The Council has the discretion to take emergency enforcement action against hazards, which present an imminent risk of serious harm to occupiers of those or other residential premises. This action will only be taken in exceptional circumstances and will require the following:

- the existence of a category 1 hazard
- that the hazard presents an imminent risk of serious harm to the health and safety of the occupiers
- that no management order is in force in respect of the premises.

The Council can take remedial action to remove the hazard and recover reasonable expenses, or prohibit the use of all or part of the property. There are appeal provisions but any appeal will not prevent any remedial works being undertaken or prohibition order being made.

A notice will be served within seven days of remedial action being started. This will state:

- the nature of the hazard and the premises / property which it exists;
- the deficiency giving rise to the hazard
- the premises and nature of remedial action required;
- the power under which the remedial action has been (or is to be) taken;
- the date when the remedial action was (or is to be) started.
- notes in respect of right of appeal

Demolition

Where a Demolition Order is used, the Council will assist in the re-housing of the occupants who are displaced. The Council will consider the following matters in reaching a decision on a making demolition order:

- the availability of local accommodation for re-housing occupants
- the demand for, and the sustainability of the current accommodation if the hazard were remedied;
- the prospective use of the cleared site;
- the local environment, the suitability of the area for continued residential use and the impact on the area of the cleared site.

A demolition order may be replaced with a prohibition order if proposals are submitted for the use of the premises for use other than human habitation.

Clearance Areas

Clearance is unlikely to be the most viable option in most cases. However the following matters would be taken into account in reaching a decision on the most appropriate action.

- the likely long term demand for residential accommodation;
- the degree of concentration of dwellings containing serious intractable hazards;
- the density of buildings and street pattern around which they are arranged;
- the overall availability of housing accommodation in the wider neighbourhood in relation to housing needs and demands;
- the proportion of dwellings free of hazards and other, non residential, premises in sound condition which would also need to be cleared to arrive at a suitable site;
- whether it would be necessary to acquire land surrounding or adjoining the proposed clearance area; and whether added land can be acquired by agreement with the owners;.
- the existence of any listed buildings;
- the results of statutory consultation;
- the arrangements necessary for re-housing the displaced occupants and the extent to which occupants are satisfied with those arrangements;
- the impact of clearance on, and the scope for relocating, commercial premises;
- the suitability of the proposed after-use(s) of the site having regard to its shape and size, the needs of the wider neighbourhood and the socio-economic benefits which the after-use(s) would bring, the degree of support by the local residents and the extent to which such use would attract private investment into the area.

Interim and Final Empty Dwelling Management Order

Where property has been left empty for at least 6 months the Council has the power to ask the RPT for approval to issue an interim Empty Dwelling Management Order.

This gives the Council the power to take over the management of the house and seek to ensure it becomes occupied. The Council is required to engage with the owner to try and reach a solution before applying for such an order, which may last up to 1 year. This interim order may then be made final with the approval of the RPT if a solution has not been found in the first year. This final EDMO can last up to 7 years.

These powers will only be considered in very exceptional circumstances.

Compulsory Purchase Order

This option is only taken up in exceptional circumstances, for example;-

- Where the property has been derelict for some time and is having a detrimental effect on the local environment or neighbouring properties; or
- Where the property appears to be abandoned and the owner cannot be traced; or
- Where all other avenues for bringing the property back to a useful life have been exhausted; or
- Where the property is suitable for immediate residential use, but is not likely to be occupied for residential purposes unless bought by the Council.

The making of a CPO has to be agreed by the Housing & Community Services Committee. The Department of Communities and Local Government must then approve it before it can be made.

General Provisions & Other Issues:

Vacated properties with Statutory Notice

In cases where properties are subject to a statutory notice and the property is subsequently vacated, all notices or orders will be reviewed to consider whether the impact of any hazard has diminished, and whether notices or orders may be varied, suspended or revoked. The council will seek to deter landlords from undertaking retaliatory eviction and will not consider that removal of a tenant achieves compliance with the any Notice served.

Action by Agreement

The Act also makes provision for remedial works to be carried out by agreement. This is where the local authority arranges for the works to be carried out at the request of the person responsible and they are then charged for the full cost. If the costs incurred cannot be paid they must be placed as a charge against the property. The Enforced Sale Procedure may then be used if considered appropriate.

Level of remedial works required

It is the Council's aim that all properties will meet the decent homes standard as a minimum. The decent home standard requires that a home must not contain category 1 hazards; must be in a reasonable state of repair; must have reasonably modern facilities and services; must provide a reasonable degree of thermal comfort.

Where category 1 hazards are identified they must be reduced to a low category 2 as a minimum. Where this is not possible all reasonable steps must be taken to reduce the hazards as far as reasonably practicable. In some cases, such as listed buildings, category 1 hazards may remain. This scenario should have been considered when deciding which course of action is most appropriate and may influence the officer's decision as to which type of enforcement action to take.

When deciding on the remedial works, regard must be had to the seriousness of the hazard, the ideal that the property should achieve, and the level of work required that is reasonable to reduce the hazard significantly without incurring excessive cost.

Accredited Landlords

Before officers visit privately rented properties, they shall refer to the Regional Accredited Landlord database to check whether the property is owned by an EMLAS Accredited landlord. In such cases, the officer will carry out a simple EMLAS compliance check at the time of the visit. For this purpose, the Regional Scheme Operator provides scheme compliance checklists. The officer will keep one copy for their records and send another to the Regional Scheme Operator and a further copy to the Regional Accredited Landlord.

The findings from the compliance check will determine the course of action taken by the Regional Scheme Operator for any breaches of the EMLAS requirements. Action will normally be taken under the EMLAS regulatory procedures in the first instance, rather than the authority taking statutory enforcement action.

If the Regional Scheme Operator undertakes any compliance checks they will provide the Authority with copies of completed compliance checklists.

Authority reserves the right to over-ride this protocol at the discretion of the Private Sector Housing Manager and initiate formal statutory enforcement action in the first instance, if circumstances are such that it is appropriate to do so. Where this happens the authority will notify the Regional Scheme Operator of the course of action and the outcome. The Regional Scheme Operator will record these details against the landlord's EMLAS compliance performance.

POWERS OF ENTRY

Most of the legislation enforced by the Private Housing Team includes the power for authorised officers of the local housing authority to gain entry onto property for the purpose of carrying out the authority's duties under that legislation.

If an officer is unsuccessful in gaining entry by informal means the Council will consider obtaining a warrant from a Justice of the Peace to provide for the power of entry by force if necessary. If prior warning of entry is likely to defeat the purpose of the entry then a warrant can be obtained.

The Council also has the power to require documents to be produced in connection with its enforcement (Parts 1 – 4 of the Housing Act 2004) by a notice. The notice will specify the consequences of not complying.

Copies of documents can be obtained and kept by the Council.

POWER TO CHARGE FOR ENFORCEMENT ACTION

Local authorities have the power to make a reasonable charge as a means of recovering administration and other expenses incurred in taking enforcement action as specified in section 49 of the Housing Act 2004. The expenses, which may be recharged are those of determining whether to serve the notice or order, serving it, and

- in the case of an improvement or hazard awareness notice - identifying any action to be specified in the notice.

The Council will charge for the time spent by officers where any of the enforcement options, other than the service of a hazard awareness notice, are used.

The charge will be calculated by multiplying the number of hours work by the hourly rate.

The hourly rate will be the average hourly cost including overheads for officers involved in enforcement activity. This will increase annually in line with pay awards and inflation. Time spent carrying out work in default or remedial action will be recovered separately.

If the Secretary of State prescribes a maximum amount that may be charged to recover administration and other expenses incurred in taking enforcement action the Council will limit any charge accordingly.

A schedule will be sent detailing the time spent by Council staff in enforcing any notice, together with an invoice.

When a charge is imposed under section 49 of the Housing Act 2004 the sum recoverable becomes a charge on the premises concerned. If enforcement action has been taken against a named person or legal entity the Council will seek to recover the charge by sending out an invoice. The Council reserves the right to not to invoice or to waive a charge for enforcement action in exceptional circumstances with each case being considered on its own merits.

PART 3 LICENSING OF HOUSES IN MULTIPLE OCCUPATION

Part 2 of the Housing Act 2004 introduces mandatory licensing of certain types of HMO (house in multiple occupation). This enforcement policy provides detail on how to administer the mandatory licensing scheme and how the various requirements and provisions provided by the Act are to be used in executing the LHAs duties.

Mandatory licensing has been introduced to tackle the worst properties in this sector. Local Authorities may also introduce Additional and Selective licensing schemes within their area. These schemes are discretionary and the Local Authority will be expected to undertake research and prepare a report for the Secretary of State advising why such schemes are necessary in their area, to deal with specific issues.

Mandatory licensing is aimed at certain types of HMO with 3 or more storeys. They must be occupied by 5 or more people who constitute more than one household.

The licensing function has been introduced in order to:

- Ensure landlords are fit and proper persons or employ agents who are.
- Ensure adequate management is in place
- Ensure authorities have measures available to encourage landlords to co-operate with licensing

- Where landlords are unwilling or unable to co-operate the local authority can step in to manage the property.
- Ensure tenants are protected
- Ensure high risk HMOs and their landlords are identified, so that health and safety measures can be dealt with under part 1 of the 2004 Act.

Duty to Licence HMOs

Section 61 of the Housing Act 2004 places a duty on the Local Housing Authority to licence certain types of HMO. The Council must take all reasonable steps to ensure applications are made.

In trying to ensure that landlords are aware of this duty, local advertising in tandem with national advertising has taken place and literature has been published for both landlords and tenants. Where resources allow, update campaigns will be run at agreed intervals.

Definition of an HMO

The 2004 Act also introduces a new definition of an HMO. There are four categories or tests for an HMO:

- the standard test,
- the self-contained flat test,
- the converted building test and,
- certain converted blocks of flats.

A - The Standard test:

Any building which consists of one or more units of accommodation which are not self-contained and where two or more households share one or more basic amenities, or where the accommodation is lacking basic amenities.

B - The self-contained flat test:

Any part of a building which is a self-contained flat, which consists of one or more units of accommodation, in which two or more households share one or more basic amenities or where the accommodation is lacking basic amenities.

C - The converted building test:

Any building, which has been converted and contains one or more units of accommodation, which are not self-contained (whether or not the building also consists of some self-contained units).

D - Certain converted blocks of flats:

Any building which has been converted into and consists of self contained flats only, and it does not comply with appropriate building standards (e.g. the 1991 Building Regulations) and less than two thirds of the flats are owner occupied, (more than one third on short tenancies).

Properties requiring a Mandatory Licence

All types of HMO except 'D – certain converted blocks of flats' are included in licensing. However, it only applies to those properties that are three storeys or more high

(basements are included as a storey), with 5 or more persons living there, who make up more than one household. There are some exceptions to this.

Exemptions:

- Any building that consists entirely of self-contained flats.
- Properties managed by a public sector body.
- Student accommodation, which is in the control of an educational establishment
- Buildings occupied by religious communities.
- Any building entirely occupied by owner/occupiers i.e. freehold estate or leasehold interest of at least 21 years.
- Any building occupied by only two persons and who form two households.

The Licensing of Houses in Multiple Occupation (Prescribed Circumstances) (England) Order 2006, prescribes the definition of a licensable HMO. It also defines basements, attic spaces and mezzanine levels as a storey.

Applications for Licences

Each licence application must be dealt with systematically and will require a degree of checking before a licence can be issued. Checks must be carried out within agreed timescales and a Notice either granting or refusing a licence must be issued before the licence itself is issued.

Application forms

The Licensing and Management of Houses in Multiple Occupation and other Houses (Miscellaneous Provisions) (England) Regulations 2006 stipulate the contents of the application form that should be used for HMO Licensing. The Council has adopted a Derbyshire wide form developed by DASH in order to achieve consistency across the county.

Checking and processing an application

When an application is received, it must be checked by the officer to ensure that it is complete.

A complete application must contain a floor plan of the property including room sizes and have marked on it the location of bathrooms, toilets and kitchens as well as any smoke detectors and alarms.

It must also have the required certificates, the correct fee and be signed by all, appropriate parties.

Evidence and certificates

Each application must provide gas safety certificates, electrical safety certificates, furniture certificates or a signed declaration that all the furniture that has been provided is up to current standards, commissioning certificates for any alarm systems and building notice completions where other works have been carried out. There should be plans of the property and any supporting documents for the fit and proper person criteria. The officer checking the application must ensure that the certificates are valid.

Test for suitability for use as an HMO

Each HMO must satisfy a test of suitability to be used as an HMO. If it fails to meet these criteria this will be grounds to refuse a licence.

The Licensing and Management of Houses in Multiple Occupation and other Houses (Miscellaneous provisions) (England) Regulations 2006 stipulate the standard of amenities required in order to be considered suitable.

As a result of these Regulations, guidelines have been produced to ensure consistency countywide. When an HMO does not meet these guidelines, the additional items should be included as part of the licence conditions, but where this is impracticable it may be necessary to refuse the licence.

Fit and Proper Person and Management

The purpose of HMO licensing is to ensure that the most high risk and poorly managed properties are targeted.

The requirement that the licence holder should be a fit and proper person is to ensure that tenants are protected from rogue landlords and the act stipulates criteria that the licence holder must meet to be regarded as fit and proper.

The local housing authority must have regard to evidence, which indicates that a person has:

- a) Committed an offence involving fraud, dishonesty, violence, drugs, and/or sexual offences.
- b) Practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origins, or disability in connection with any business
- c) Contravened any law relating to housing or landlord and tenant law
- d) Acted otherwise than in accordance with any codes of practice that are relevant under section 233 of the housing act 2004.

They must also have regard to evidence, which shows that:

- a) any person associated or formerly associated (either on a personal or work level) meets any of the criteria above,
- b) and this evidence is relevant for the person being fit and proper to be the licence holder or manager of the house.

It is anticipated that most landlords will self certify as fit and proper to hold a licence. The application form contains a series of questions in order to ascertain the status of the applicant and will be expected to sign a declaration that all the information is correct. Where the proposed manager or licence holder is not a fit and proper person, the applicant should be given the opportunity to review the current situation and make proposals that do meet these criteria. If this is not possible, it may be necessary to refuse the licence.

Provision of false or misleading information

On occasions it may be necessary to verify the information provided regarding fit and proper persons where problems are encountered.

As a minimum a check with council tax and housing benefit should be made to validate names and addresses and any other information these records may hold. The Housing Act 2004 makes provisions through section 237 that this information must be made available for use in relation to parts 1-4 of the Act.

It may also be necessary to contact other local authorities to check that the applicant has not been refused a licence in other areas.

Section 238 of the Act makes it an offence to provide false or misleading information. On conviction of an offence under this part a fine of up to level 5 can be incurred. Where the statement has been signed this is a declaration that information provided is correct. Should contradictory information come to light, prosecution should be considered.

Licence holder and management arrangements

The local housing authority should assume that the person in control of the HMO (owner/landlord) is the most appropriate person to hold the licence, unless the contrary is shown to be true.

In deciding if the proposed management arrangements are satisfactory regard must be had to the following considerations;

- a) whether the proposed manager of the house has a sufficient level of competence
- b) whether the proposed manager is a fit and proper person – regard must then be had to the fit and proper person criteria.
- c) Whether the proposed management structure and funding arrangements are suitable.

Missing information

Where there is missing documentation such as the certificates or the application is incomplete or there is concern over some of the information provided, a letter should be sent to the applicant detailing the problems with the application and requesting that the information be sent within 21 days of the date of the letter.

If the information is not returned there are a number of options available depending on the situation. It may be possible to grant the licence and request the information as part of the licence conditions. However, where this is not possible it may be more appropriate to treat the property as operating as an HMO without a licence and look to pursue a prosecution. Alternatively the applicant may have decided not to continue as an HMO so a temporary exemption notice may be necessary. If the decision is to refuse the licence the council must consider a management order.

Fees and charges

Section 63(3) provides that the local housing authority may require an application for a licence to be accompanied by a fee, which has been fixed by the authority.

The fee must only take into account all the costs incurred by the authority in carrying out their functions under part 2 of the act, such as processing an application and granting or refusing a licence.

The licence fee charged by South Derbyshire District Council is £325.00 and will be reviewed at regular intervals to reflect how the scheme evolves and any additional costs incurred by the council.

Granting a Licence

Where an application for a licence has been received and the council is satisfied that the proposed licence holder is fit and proper, that the house is suitable for multiple occupation and the application submitted is valid, the local housing authority must grant a licence.

Each licence must only relate to one HMO and can last for up to 5 years. In some cases in may be necessary to grant the licence for less than 5 years.

A licence may not be transferred to another party. If the property is sold, the new owner or appropriate person must then apply for a new licence.

Before a licence can be granted the Local Housing Authority must serve a notice under schedule 5 part 1 paragraph 1 of the Act. It must state:

- the reasons for granting the licence,
- the main terms of the licence and
- the end of the consultation period.

This notice must be served with a copy of the proposed licence and the proposed conditions. It should be sent to the proposed licence holder and all relevant people named in the application.

The consultation period should be 21 days. In certain circumstances it may be necessary to allow more or less time. This should be no less than 14 days and up to 28 days.

Once any representations have been considered the Local Housing Authority may decide to alter the licence. A further notice must be served which sets out the proposed modifications, the reasons for them and the end of the consultation period – normally 7 days.

If a response is not received within the agreed consultation period then the licence must be prepared with the proposed conditions. If any amendments are made at this stage the consultation procedure must be followed again.

Once the consultation period has ended and the proposed licence and conditions have been agreed, a further notice must then be served on the proposed licence holder and all relevant people advising of the decision.

Where the decision is to grant the licence the notice must state:

- The reasons for deciding to grant the licence and the date the decision was made
- The right of appeal
- The period within which an appeal can be made

This notice must be accompanied by a copy of the licence and the conditions and must be served within 7 days of the final decision being made.

The Council will hold the original licence. Only copies of the licence and conditions are issued to all relevant parties.

The licence becomes operative at the end of the appeal period, which is 28 days. If an appeal is made, then it becomes operative on the date decided by the residential property tribunal. This depends on whether their decision is to vary, quash, or uphold the licence and its conditions.

Licence conditions

Once the application has been checked and it is valid, the licence can be prepared. A set of conditions will be attached to each licence and generally the same set of conditions will apply. However, there may be situations where the use of the property or the information provided in the form lead the officer to require additional conditions to be placed on the property or licence holder.

The conditions must be appropriate in regulating the management, use and occupation of the house and its condition and contents (section 67).

Conditions may include:

- Conditions imposing restrictions or prohibitions on the use or occupation of parts of the house
- Conditions requiring that reasonable and practicable steps are taken to prevent or reduce anti-social behaviour by persons occupying or visiting the house.
- Conditions requiring facilities and equipment to be made available in the house in order to meet the standards set out under section 65 (HMO standards).
- Conditions requiring the facilities and equipment to be kept in good repair and proper working order.
- Where works are needed to meet the HMO standards, conditions may be set requiring the works to be carried out in timescales specified or determined under the licence.

The licence **must** include the conditions set out in schedule 4 of the Act as follows:

- The licence holder must produce every year to the local housing authority for their inspection, a valid gas safety certificate that has been obtained within the last 12 months.
- The licence holder must keep electrical appliances and furniture provided by him/her in a safe condition
- The licence holder must supply on demand a declaration by him/her on the safety of the appliances and furniture.
- The licence holder must ensure that smoke alarms are installed in the house and that they are in proper working order.
- The licence holder must supply on demand a declaration by him/her on the condition and positioning of the alarms.
- The licence holder must supply to the occupiers of the house a written statement of the terms on which they occupy it.

Refusing a Licence

A licence can be refused if the local authority is not satisfied that the following criteria have been met.

- The house must be reasonably suitable for occupation by not more than the maximum households or persons specified in the application or a maximum decided by the authority.
- The proposed licence holder must be a fit and proper person having regard to the specified criteria and is the most appropriate person to hold the licence.
- The proposed manager should be the person having control of the house or be employed by an agent or employee of the person in control.
- The proposed manager must be a fit and proper person to be the manager.
- The proposed management arrangements must be satisfactory.

Before a licence can be refused a similar process must be followed as described above. The Local Housing Authority must serve a notice under schedule 5 part 1 paragraph 5 of the Act. It must state:

- the reasons for refusing the licence,
- the end of the consultation period.

The consultation period should be 21 days. In certain circumstances it may be necessary to allow more or less time. This should be no less than 14 days and up to 28 days.

The applicant or proposed licence holder should provide within their consultation, ways in which the reasons for refusing the licence can be rectified.

If, once the consultation period has ended, it is still not possible to grant the licence, a further notice must be served stating:

- The authority's decision to refuse the licence
- The reasons for the decision and the date it was made
- The right of appeal
- The period within which an appeal can be made
- The consequences of refusing the licence

This Notice must be served within 7 days of the final decision being made. An appeal can be made to the residential property tribunal within 28 days.

Consequences of refusing a licence

If a licence is to be refused serious consideration must be given to the consequences of this decision. Depending on the reasons for the refusal it may be appropriate to consider the options available for dealing with the property.

Where a licence is refused the Council has a duty to take on the management of the property by serving an Interim Management Order.

A management order should be the last resort and other avenues should be considered before instigating this action.

It may be more appropriate to consider a Temporary Exemption Notice

It may also be necessary for an inspection to be carried out when a refusal is being considered to ensure that the plans and other paperwork relating to the application provide a true picture of the property.

All reasonable steps must be taken to assist the proposed licence holder or owner of the property to either take action to allow the property to become licensed or to take the property out of use as an HMO.

Inspections

All licensed HMOs must be inspected within 5 years of the licence being granted to check that the information supplied is correct and that the property is free from serious hazards. Depending on the total number of licence applications received and officer workloads, the PSH team will inspect all licensed properties within 3 months of application. However, this target will remain under review.

An officer must carry out an inspection in accordance with part one of the Act.

Therefore, each unit of accommodation will be individually assessed along with any common areas.

The purpose is to ensure that the HMO is free from category 1 hazards, however officers will be expected to follow the procedures and guidance set out in part 2 of this policy relating to category 2 hazards and priority hazards. Licensing does not preclude the property from having any of the enforcement action described in part 2 being taken in relation to any hazards found and in most cases an improvement notice will be the most appropriate course action.

Revoking a licence

A licence may be revoked under a number of circumstances.

- 1) Where the licence holder or any other person has committed a serious breach of a condition on the licence or repeated breaches.
- 2) Where the authority no longer consider the licence holder to be fit and proper.
- 3) Where the authority no longer considers the management to be satisfactory or the person involved to be fit and proper.
- 4) Where the HMO ceases to be an HMO
- 5) Where the authority believes the structure of the HMO is such that they would not normally have granted a licence. E.g. it is no longer suitable for the number of households or persons.
- 6) By request of the licence holder or other relevant person

Where the decision is made to revoke the licence a notice must be served under schedule 5 part 2 paragraph 22 of the Act. It must state the reasons why the licence is being revoked and give a consultation period of 21 days. In certain circumstances it maybe necessary to allow more or less time. This should be no less than 14 days and up to 28 days.

Where no representation is received or a final decision is made to continue with the revocation of the licence a further notice should be served stating the authorities decision, the reasons for that decision, and the right of appeal.

This notice must be served within 7 days of the final decision to revoke the licence.

In deciding to revoke the licence consideration must be given to the consequences of doing so. If the property is to remain a licensable HMO then the council must make an interim management order. If it is no longer an HMO no further action is required.

The revocation will come into force following a 28 day appeal period providing an appeal is not made to the residential property tribunal.

If an appeal is made the revocation will become effective following the decision made by the residential property tribunal.

Where the revocation has been made with agreement by the licence holder and other relevant persons it may not be necessary to serve notices relating to the consultation period. If the Council decides not to revoke the licence it must serve a notice advising of this decision and the reasons why it has been refused.

Varying a licence

A licence may be varied where either the licence holder makes a request or the local authority feels it is relevant to do so. It may be varied where there has been a change in circumstances, which also includes the discovery of new information.

The inspection may identify issues that were unknown previously. This may lead to the licence needing to be varied as a result with regards to the maximum numbers of households who are authorised to occupy the building.

The licence may also be varied where the applicable standards have been altered as a result of revision of regulations or where further regulations have superseded them.

Before the licence can be varied the local housing authority must serve a notice under schedule 5 part 2 paragraph 14 on the licence holder and interested parties, stating the effect of the variation, the reasons for the variations, and give a consultation period of 21 days. In certain circumstances it maybe necessary to allow more or less time. This should be no less than 14 days and up to 28 days.

Where no representation is received or a final decision is made to continue with the variation of the licence a further notice should be served stating the authorities decision, the reasons for that decision, and the right of appeal.

This notice must be served within 7 days of the final decision to vary the licence.

The varied licence will come into force following a 28 day appeal period providing an appeal is not made to the residential property tribunal.

If an appeal is made the variation will become operative following the decision made by the residential property tribunal.

If the Council decide not to vary the licence it must serve a notice advising of this decision and the reasons why it has been refused.

Where the variation has been made with agreement by the licence holder and other relevant persons it may not be necessary to serve notices relating to the consultation period.

Penalties

There are a number of possible offences relating to HMO licensing. It is the intention of the PSH team to take action where there is evidence of an offence and it is appropriate to take action.

The following offences apply:

- A person commits an offence if he manages or is in control of an HMO that should have a licence but does not have one. Prosecution can result in fines of up to £20,000.
- A person commits an offence if he manages or is in control of an HMO and knowingly permits another person to occupy the house, which then results in the house being occupied by more than the agreed number of households or persons authorised by the licence. Prosecution can result in fines of up to £20,000.
- A person commits an offence if he is a licence holder or person on which restrictions/obligations apply and he fails to comply with any condition on the licence. A breach of licence conditions can lead to prosecution and up to £5,000 per breach.

Other penalties include:

- Rent Repayment Orders – if a person has committed the offence described above, in that no licence is being held for a property that should have one, then the local authority or tenants can apply for a rent repayment order. The residential property tribunal can award this order, which requires the appropriate person to repay all rents and other periodical payments, and housing benefit for the period up to a licence being issued. The Order will state the amount to be repaid.
- Termination of Tenancies – Landlords will not be able to issue any section 21 notices under the Housing Act 1988 (recovery of possession on termination of a shorthold tenancy), whilst the HMO is unlicensed.
- Category 1 and 2 hazards – where an inspection has been carried out and hazards have been identified the procedures laid out in the first part of this enforcement policy must be followed.

Appeals

Appeals relating to any part of licensing are made to the residential property tribunal.

Unlicensed HMOs

When an HMO is brought to the attention of the private sector housing team they will investigate whether the property requires a licence.

If the property does need a licence a letter and application pack will be sent to the owner advising of the need to licence and requiring an application to be made within 28 days.

Where the owner makes representation suggesting that a licence is not required and the private sector housing team agrees, the details will be kept on file to be investigated further when resources allow.

If no response is received from the owner, further investigation is required including an inspection to establish if a licence is required.

Where the property is licensable and reasonable attempts have been made to contact the owner without success, prosecution should be considered.

Interim Management Orders and Final Management Orders

An interim management order is made for the purpose of securing any action that the authority considers necessary, to protect the health, safety and welfare of the occupants.

An order can also be served in circumstances that the authority thinks are appropriate with a view to ensuring the proper management of the house pending the licence being granted.

The authority has a duty to make an interim management order in respect of an HMO where there is no reasonable prospect of it being licensed in the near future or it is necessary to protect the health, safety and welfare of the occupants.

Where a licence has been revoked for any reason and the property remains a licensable HMO an interim management order must be made if there is no reasonable prospect of the property regaining its licence.

Once an interim management order has been served the local authority must take over the management of the property for up to 12 months. This includes carrying out any remedial works necessary to deal with the immediate risks to health and safety.

If there is still no prospect of a licence being granted after 12 months then a final management order must be made which may be in force for up to 5 years. If after 5 years there is no prospect of the property being licensed a further management order must be made.

The Council is under a duty to issue interim and final management orders where necessary. The PSH team will instigate this action where necessary **but as a last resort**.

All practical steps should be taken to assist the owner of the property to satisfy the licensing requirements.

Management orders can be varied or revoked at any time as a result of a request from the owner or on the local authorities initiative.

Temporary Exemption Notices

A temporary exemption notice (TEN) may be issued where an HMO that is due to be licensed is to be taken out of use as a licensable HMO. A person having control or managing an HMO can notify the local authority of its plans and request that the property be exempt from licensing. The authority must then consider this representation

and if appropriate, serve the temporary exemption notice. A TEN remains in force for a period of 3 months, after which the property must have a license if it is still in such a condition as to require one. If further notification is received and the authority considers that there are exceptional circumstances a second TEN may be served which will remain in force for a further 3 months.

If the authority decide not to issue a TEN a further notice must be served under section 62 (6) which details the decision, the reasons for it and the date on which it was made, the right of appeal and the period within which the appeal must be made.

Schedule 1

Enforcement Action: Initial Assessment Sheet

Address

Date & Officer (initials)

Level of Risk

No risk to occupants' health &/or safety	A
Risk to health &/or safety possible but unlikely	B
Potential minor effect to health &/or safety, potential for more serious effect in more vulnerable groups	C
Identified or potential serious effect on health &/or safety*	D

Previous History (relates to any formal/informal action taken in the past)

No previous history	A
Some, but acted promptly on informal action	B
Some, not acted promptly on informal action, but promptly on formal action	C
Considerable &/or failure to act promptly on formal action*	D

Confidence Rating (Prior experience or indication from recent contact or if no contact from condition of property)

Highly confident remedial works will be completed promptly & to an acceptable	A
Doubts exist	B
No or little confidence	C
Owner openly demonstrates unwillingness to undertake any action	D

Interpretation of Scores:

A's/B's only = Informal action, unless justification can be made to Manager

D*= Formal Action/Service of Notices should usually be taken based solely on either of these circumstances.

Any other circumstances to be discussed with Manager or Officer to justify.

Summary of action taken (tick appropriate box)

Informal	
Formal	
Referred to another agency	

Schedule 2

Deciding whether to Prosecute or offer a Formal Caution

The decision to prosecute or offer a formal caution should be made using the following two-stage process:

STAGE 1

CRITERION	PROSECUTE	OFFER CAUTION
Is the offence serious?	Yes	No
Is the offender old or infirm?	No	Yes
Has the offender a previous history of offending?	Yes	No
Is the offender willing to prevent a recurrence of the problem?	No	Yes
Would a prosecution be in the public interest?	Yes	No
Has the offender offered a reasonable explanation?	No	Yes

Ring the appropriate response to each criterion and total the number of rings in each column. The decision will be influenced by the total number of rings.

STAGE 2

Is the use of a formal caution appropriate given the views, circumstances and any action taken by the victim	Yes	No
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Recommendation of Investigating Officer: Formal Caution/Prosecution*

* Delete as applicable

Signed _____ Date:

Action agreed by Private Sector Housing Manager:

Signed _____ Date:

Action agreed by Head of Environmental Services:

Signed _____ Date:

List of Statutory Notices

Housing Act 2004

Sec 11, 12 Improvement notices

Sec 20, 21 Prohibition orders

Sec 28, 29 Hazard awareness notices

Sec 40, 43

Emergency action and emergency prohibition

Sec 133, 134, 135, 136 & 137 orders

Interim and final empty dwelling management orders

Sec 139, 140, & 144

Overcrowding notices (for HMOs that are not required to be licensed)

Housing Act 1985

Sec 265 Demolition Order

Sec 335 Requisition -persons sleeping in dwelling

Sec 338 Abatement of Overcrowding notice

Public Health Act 1936

Sec 45 Notice to require cleansing of WC's in Buildings

Sec 83 Notice to cleanse filthy and verminous premises

Local Government (Miscellaneous Provisions) Act 1976

Sec 16 Notice requiring information

Local Government (Miscellaneous Provisions) Act 1982

Sec 29 Notice to secure property

Building Act 1984

Sec 59 Notice in respect of defective drains/sewers cesspools etc

Sec 60 Notice in respect of the use of vent pipes

Sec 76 Notice to remedy defective premises

Sec 84 Notice to remedy drainage of yards

Caravan Sites and Control of Development Act 1960

Sec 9(2) initiate proceedings Notice of contravention of site licence conditions

Prevention of Damage by Pests Act 1949

Sec 4 Notice requiring works

Public Health (Control of Disease) Act 1984

Sec 31 Notice of disinfection of a premises

Environmental Protection Act 1990

Sec 80 Abatement Notice

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