



**Stockton-on-Tees**  
BOROUGH COUNCIL

**Private Sector  
Housing Division**



# **Enforcement Action Policy 2010 - 2015**

Updated  
May 2010

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STOCKTON ON TEES BOROUGH COUNCIL  
DEVELOPMENT AND NEIGHBOURHOOD SERVICES  
PRIVATE SECTOR HOUSING DIVISION  
ENFORCEMENT POLICY

**1.0 Introduction**

- 1.1 The role of the Housing Conditions section within the Private Sector Housing Division of Development and Neighbourhood Services, is to improve sub standard housing conditions within the borough using both formal and informal methods of working.
- 1.2 Action may be taken following receipt of a service request from owner occupiers, private sector tenants living in either a single dwelling house or House in Multiple Occupation (HMO) or following a proactive inspection of a HMO used to accommodate tenants which may include people seeking asylum or students.
- 1.3 Other properties may also be identified as requiring improvement, for example an empty and derelict property. The Division's HMO and Empty Property Policy Documents detail the standards required and what assistance we will provide to achieve our aims
- 1.4 We work closely with private landlords and aim to work informally to alleviate problems whenever possible. Our aim is to pro actively engage landlords, and through a process of support and encouragement raise standards of accommodation and improve the management of their properties.

**2.0 Corporate Enforcement Policy**

- 2.1 As a Local Authority, Stockton on Tees has adopted the Government's Concordat on Good Enforcement and comply with the Regulators Compliance Code: Statutory Code of Practice for Regulators. Subsequently a Corporate Regulatory Services Enforcement Policy has been produced which commits us to following fair, effective and consistent policies and procedures. The Corporate Regulatory Services Enforcement Policy applies to all enforcement and regulatory services including the enforcement powers used within the Private Sector Housing Division.
- 2.2 This policy is available at the Council's 16 Church Road, Stockton office. On request, it will be made available on tape, in Braille, large type, or in a language other than English. It can be ordered by:

telephoning: 01642 527797  
e mailing: [privatesectorhousing.gov.uk](mailto:privatesectorhousing.gov.uk)  
visiting: [www.stockton.gov.uk](http://www.stockton.gov.uk) or  
writing to: Private Sector Housing Division,  
Development and Neighbourhood Services,  
Stockton-on-Tees Borough Council  
16 Church Road,  
Stockton-on-Tees  
TS18 1XD.

2.3 The Private Sector Housing Division's Enforcement Policy is specific to enforcement within housing and contributes towards the fulfillment of the Authority's sustainable Community Strategy, Council Plan, Housing Strategy and other corporate strategies.

### **3.0 Statutory Duties and Legal Framework**

#### **Duties and Powers**

3.1 The Local Authority has both statutory duties and discretionary powers to improve standards within the private sector. The Division will carry out both proactive and reactive work as a means of identifying and improving poor housing conditions.

3.2 In practice the following types of work are undertaken:

- Requests for service
- Inspections of caravan sites and mobile home parks.
- Housing points allocation inspections
- Licensing of Houses in Multiple Occupation
- Management inspections of Houses in Multiple Occupation
- Risk assessment inspections of Houses in Multiple Occupation
- Investigations and inspections with reference to statutory nuisances
- Inspections of property used to house asylum seekers
- Planning and Building Control consultations
- Empty Homes inspections

#### **Standards to be achieved**

3.3 The Division works to the Housing Health and Safety Rating System (HHSRS), which is contained within the Housing Act 2004 – Part 1 – Housing Conditions and supporting legislation, and the associated HHSRS Operating Guidance. As an Authority we will have regard to this guidance when inspecting residential premises under Part 1 of the Act and assessing hazards under the Housing Health and Safety Rating System (Regulations) 2005 (S.I. 2005 No. 3208).

3.4 The HHSRS was introduced as a replacement for the Housing Fitness standard and is the Government's approach to the evaluation of the potential risks to health and safety from any deficiencies identified in dwellings.

3.5 The underlying principle of the HHSRS is that, any residential premises should provide a safe and healthy environment for any potential occupier or visitor.

3.6 In addition HMOs must also be suitable for the number of occupiers and the Division has produced guidance relating to fire safety and amenities within HMOs, this guidance provides details of means of escape in case of fire, details of kitchen and bathroom facilities along with room sizes.

- 3.7 HMOs are also subject to regulations which have the purpose of ensuring that in respect of every HMO, there are satisfactory management arrangements in place and that satisfactory standards of management are observed.
- 3.8 The Management of Houses in Multiple Occupation (England) Regulations 2006 (S.I. 2006 No. 372) and The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 impose certain duties on the manager of the HMO in respect of the repair, maintenance, cleanliness and good order of the house and facilities and equipment in it, the Regulations also impose duties on persons occupying a house for the purpose of ensuring the manager of the HMO can fulfill the duties imposed by the Regulations.
- 3.9 The decent homes standard was introduced by the Government in July 2001, with the intention of improving the standard of housing in England, and to provide common-sense tests to ensure that such accommodation is fit for the 21st century. The decent homes standard incorporates four basic criteria:
- It is free from Category 1 Hazards
  - Disrepair
  - Modern facilities
  - Thermal comfort
- 3.10 Whilst the decent homes standard applies to privately rented accommodation the standard is not an enforcement standard and the Division do not have powers to require owners to comply. However, through our informal working processes we will provide guidance to landlords to enable them to bring their accommodation up to standard in terms of the decent home standard which we have developed for private sector homes.

### **How we will improve conditions**

- 3.11 The Division will seek to remedy sub-standard housing conditions in accordance with the Corporate Regulatory Services Enforcement Policy, its adopted enforcement concordat and our own Enforcement Policy. In the first instance we will try to resolve issues in an informal manner, we believe that in the majority of cases it results in repairs/ improvements being undertaken far more quickly when compared to the formal route. This process gives landlords the right to make representations and to help reduce the burden that can arise from having to take formal enforcement action. Should the informal route be pursued with little or no success, then formal action will be considered.
- 3.12 Circumstances in which the Division would not wish to delay the commencement of formal enforcement action are likely to arise when the Division considers that there is a high risk to the health and safety of the occupant or adjoining neighbours or where a landlord has a history of not complying with informal requests to undertake work or non-compliance with statutory notices.
- 3.13 The flowchart in Appendix 1 shows the general procedure adopted by the Division to bring about improvements in sub-standard housing.

## Response times

- 3.12 When taking formal or informal action, the Division will set fair and consistent timescales for the work to be carried out, the Division's Procedure Notes will offer guidance to officers to assist in achieving this. Regular contact will be maintained with the landlord and the tenant throughout the investigation and any subsequent actions to ensure all are aware of the progress being made.

Requests for Service (RFS) are categorised upon receipt:

### **Category A – Urgent works**

Clients can expect to be contacted within 24 hours of the Division receiving the RFS (providing a contact telephone number or e-mail address has been provided) with the offer of a visit being made and undertaken within 1 working day if accepted.

### **Category B – Routine non-urgent work**

Clients can expect their RFS to be acknowledged within 5 working days and an offer of a visit being made and undertaken within 10 working days if accepted.

### **Category C – Advice and information**

Clients can expect to be contacted and receive the relevant advice and information within 28 days of the Division receiving their RFS.

## Enforcement Action and Available powers

- 3.13 Where enforcement action becomes necessary the Private Sector Housing Division has numerous pieces of legislation available to remedy the unsatisfactory conditions that exist. This policy document has been drafted with consideration to the main pieces of legislation which form the backbone of our service and are detailed as below and at Appendix 2

## Housing Act 2004

This piece of legislation is used to deal with

- a) Properties that contain Category 1 Hazards
- b) Properties that contain unacceptable Category 2 Hazards\*
  - An unacceptable Category 2 hazard is a hazard that has a score of 100 or more (Bands D - F.)

For properties that have been assessed and deemed to contain Category 1 and/or unacceptable Category 2 hazards the Division will determine the most appropriate course of action, having regard to the HHSRS Enforcement Guidance. The guidance is intended to help decide which is the appropriate enforcement action under section 5 of the Housing Act 2004 and how to exercise discretionary powers under section 7.

The Division has a duty to deal with Category 1 Hazards and a power to deal with Category 2 hazards and the table below (Table 1) shows the enforcement options available when considering the long - term future of the property.

**Table 1**

<b>Action</b>	Category of hazard where action appropriate	
	<b>Category 1</b>	<b>Category 2</b>
No Action	No	Yes
Informal Written Instruction/Advice	No	Yes
Improvement Notice*	Yes	Yes
Suspended Improvement Notice*	Yes	Yes
Prohibition Order*	Yes	Yes
Suspended Prohibition Order*	Yes	Yes
Hazard Awareness Notice	Yes	Yes
Emergency Remedial Action	Yes	No
Emergency Prohibition Order	Yes	No
Demolition Order	Yes	In certain prescribed circumstances
Clearance area	Yes	In certain prescribed circumstances

\* An Improvement Notice or Prohibition Order is a local land charge

Once it has been determined that the most appropriate course of action is to use the formal enforcement powers available then the Division will again have regard to the HHSRS Enforcement Guidance along with the circumstances and views of the tenant, landlord and owner, along with the views of other agencies where appropriate when considering the most effective and appropriate means of formal enforcement action for dealing with the hazards identified as being present at a property.

Where the Division determine the most appropriate course of action is to serve a notice or make an order then in accordance with section 8 of the Housing Act 2004 the Division have a duty to provide a statement reasons for their decision to take a particular course of enforcement action rather than the other options available and to provide a copy of that statement to accompany notices and orders served under Part 1 of the Act to all interested parties (owners/managing agents etc.).

Where a property which has been inspected and assessed under the Housing Health and Safety Rating System and Category 1 and unacceptable Category 2 hazards have been identified becomes vacant prior to the final determination of the most appropriate course of action, the Division will give careful consideration to the circumstances of why the property has become vacant but not allow this reason to prevent further action and will still look to have work undertaken whilst the property is empty. Not only may work prove easier to undertake whilst the property is vacant but this is also aimed at preventing the owner or landlord intentionally making the property vacant as a reason not to undertake or complete works, to prevent retaliatory evictions where tenants have reported poor housing conditions to the Division and to prevent additional empty properties within the borough.

An owner or landlord of a property is more likely to want to bring the property on to the market for sale or for rental purposes where work of improvement has been undertaken.

c) Licensing of houses in multiple occupation.

Certain Houses in Multiple Occupation are subject to mandatory licensing. The Act also allows the Division to introduce additional licensing for certain other HMOs.

d) Selective Licensing of other residential accommodation.

The Division may introduce selective licensing of privately rented properties which are not HMOs.

e) Management Orders

Interim and final management orders can be used in circumstances as prescribed in the Housing Act 2004 to take over the management of properties which have been refused a licence or have been empty for longer than 6 months and meet other relevant criteria.

The management orders allow the Division to take over the management of a property and are intended to rectify the circumstances that make them necessary, management orders in respect of empty properties are intended to return dwellings back into use. The making of a management order rules out the formal enforcement options detailed in Table 1.

### Charging for taking enforcement action

3.14 The Housing Act 2004 – Part 1 – section 49 provides for Local Authorities to make charges for specific notices served under the provisions of the Housing Act 2004 as they consider appropriate as a means for recovering certain administrative and other expenses incurred by them in:

- i) Serving an Improvement Notice.
- ii) Making a Prohibition Order
- iii) Serving a Hazard Awareness Notice
- iv) Taking Emergency Remedial Action
- v) Making an Emergency Prohibition Order
- vi) Making a Demolition Order under section 265 of the Housing Act 1985.

The amount that will be charged is based upon the average officer time involved in the following:

- i) Determining whether to take such action, serve the notice or make such an order.
- ii) Identifying any action to be specified on a notice or order.
- iii) Serving the notice.
- iv) Serving copies of the order.
- v) Carrying out any review under sections 17 or 26 of the Housing Act 2004.
- vi) Serving copies of the Authority's decision on such a review.

3.15 The charges described in paragraph 3.14 are listed in Table 2 as follows;

**Table 2**

<b>Action</b>	<b>Fee</b>
Improvement Notice	£323.00
Suspended Improvement Notice	£323.00
Hazard Awareness Notice	£323.00
Prohibition Order	£301.00
Suspended Prohibition Order	£301.00
Emergency Remedial Action	£301.00
Emergency Prohibition Order	£301.00
Demolition Order	£301.00
Review of notices and orders	£301.00

Additional costs that are incurred in obtaining specialist reports and the like which assist in identifying any action to be specified within a notice will be added on the fee.

- 3.16 When a charge is imposed in connection with the service of a notice or making of an order, under the Housing Act 2004 the Private Sector Housing Division will seek to recover that charge by serving a demand for payment and accompanying invoice. The sum recoverable becomes a local land charge on the property concerned.
- 3.17 In deciding whether to exercise the powers to make a charge the Private Sector Housing Division will consider the circumstances of the person or persons against whom enforcement action is being taken on an individual basis and reserves the right to waive the charge for enforcement action

### **Environmental Protection Act 1990**

- 3.18 Under the terms of the above legislation, the Authority is under a duty to investigate and take action to abate statutory nuisances.
- 3.19 A statutory nuisance includes 'any premises in such a state as to be prejudicial to health or a nuisance'. Should it be determined that a statutory nuisance exists a notice will be served to require the owner or the person responsible for the nuisance to remedy the statutory nuisance.
- 3.20 Timescales for the completion of works will be fair and reasonable taking into account the nature and extent of the work required to remedy the nuisance.
- Service of a notice for dangerous conditions such as gas safety, inadequate supplies of hot/cold water, or dangerous electrics will be within **2 working days** following an inspection.
  - Service of a notice for non-urgent works will be within **10 working days** following an inspection.

## **Local Government (Miscellaneous Provisions) Act 1976**

3.21 Under the terms of the above legislation officers are able to determine ownership of a property. A notice is served under section 16 of the Act on a person thought to have details regarding ownership. The person upon whom the notice is served is required to provide information relating to the individual property.

## **Miscellaneous Legislation**

3.22 Further details regarding the miscellaneous legislation available to the Division can be found at Appendix 2.

## **Non-compliance with statutory notices**

3.23 Where a Housing Act 2004 notice has been served or where an order has been made, if the level or risk associated with the hazard has been sufficiently reduced, the Private Sector Housing Division will revoke the notice served or order which has been made.

3.24 Should the recipient of a statutory notice fail to comply with the requirements of the notice consideration will be given to the following:

- Taking no further action
- Carrying out the work in default
- Prosecution
- Carrying the work out in default then prosecution
- Consider whether a simple caution is appropriate

3.25 The response to non-compliance will be determined on an individual basis, that is case by case, having regard to the individual circumstances and any relevant guidance available.

3.26 Equally, where work in default is considered each case will be judged on its own merits, taking in account the value of the works and the affect on the residents of the borough if the work was not undertaken.

3.27 Where work in default is undertaken the principles of the Division's anti-fraud and propriety policy will be followed. All costs incurred by the Authority plus a an administration charge of £50 or 10% of the cost of the works, whichever is the higher, will be recharged to the owner of the property. A local land charge will also be placed against the property.

3.28 In circumstances where a notice or order is served and at a later date, but prior to any work being commenced or completed, a property becomes vacant the Division will give consideration to the circumstances of why the property has become vacant but will not allow this as a reason for the recipient of a notice or order not to undertake or complete work in order to comply with a notice or order. Not only may work prove easier to undertake whilst a property is vacant but this is also aimed at preventing the owner or landlord intentionally making the property vacant as a reason not to undertake or complete works, to prevent retaliatory evictions where tenants have reported poor housing conditions to the Division and to prevent additional empty properties within the borough.

An owner or landlord of a property is more likely to want to bring the property on to the market for sale or for rental purposes where work of improvement has been undertaken.

## **4.0 Working with Partners**

- 4.1 The different sections of the Private Sector Housing Division work together to produce a holistic approach to private sector renewal. The majority of the work carried out within the Housing Conditions section is reactive and therefore it is not always possible to fully dedicate our efforts to proactive work within target areas. This in the main is due to our statutory responsibilities and that dangerous conditions must be dealt with immediately regardless of locality.
- 4.2 We will however endeavour to target our proactive enforcement of standards where this is required to meet the wider objectives of both regeneration programmes and the priorities of the Private Sector Housing Renewal Strategy.
- 4.3 The responsibility and delegated authority to improve conditions in the private rented sector rests with the Private Sector Housing Division. There are several other Departments and external bodies (especially private sector landlords) that also have an important, direct or indirect role to play in providing accommodation and maintaining that accommodation in a satisfactory condition. We consult with these partners in several ways:

### **Housing Neighbourhood Partnership and landlords@stockton**

Landlords providing accommodation within the borough are invited to forums to discuss relevant information, changing legislation, good practice and to share views on improvements.

### **Planning and Building Control Applications**

When Planning or Building Control applications are submitted by landlords for new HMOs or conversions of existing dwellings the Private Sector Housing Division will make the applicant and relevant Council Departments aware of our required standards, which gives the applicant an opportunity to discuss minimum standards before work actually commences.

### **Consultation with the Fire Authority**

On issues connected with fire safety we have a duty to ensure that we consult with the Fire Authority where a prescribed fire hazard exists in a HMO or in any common parts of a building containing one or more flats and where the Private Sector Housing Division intend to take enforcement action in relation to that hazard. In addition the Private Sector Housing Division will take on board any issues or concerns that the Fire Authority may have with regard to means of escape in case of fire when taking informal action or providing advice.

The Local Authority and the Fire Authority have also signed up to a protocol which details fire safety and enforcement matters, outlining information sharing and who will take the lead should enforcement become necessary in certain properties.

### **Children, Education and Social Care Directorate**

We have a good communication process with the Children, Education and Social Care Directorate, who have direct contact with many vulnerable groups of residents in private rented accommodation.

We consult on issues such as asylum seeker accommodation, Probation Services and temporary accommodation.

## **Tees Valley Housing Enforcement Group**

The liaison group set up between the five Tees Valley Local Authorities meet on bi-monthly basis to discuss various issues with the aim of producing a consistent approach to enforcement matters across the Tees Valley Local Authorities. In addition the group have set up a sub-group involving the Fire Authority which resulted in the development of means of escape in case of fire standards for smaller HMOs. These standards have been adopted by all of the participating authorities to ensure a common Tees Valley wide approach.

## **5.0 Financial and Other Assistance**

- 5.1 The availability of financial assistance for private sector landlords varies and is dependant upon the funding allocated to the Authority from Central Government details on the assistance currently available to private sector landlords can be obtained by contacting the Private Sector Housing Division.
- 5.2 To further assist landlords the Private Sector Housing Division have developed a 'Landlord Toolkit' that considers the ways the Division can work with private landlords. In accordance with the Toolkit the Division, if possible and subject to the circumstances set out in paragraph 3.12, will look to work informally with landlords and provide advice and assistance following the receipt of a request for assistance from a tenant in respect of their housing conditions.
- 5.3 The Toolkit also details a number of other ways such as landlord forums, landlord training, landlord newsletters, access to anti-social behaviour and tenancy deposit services as ways which the Division can assist landlords and these are all included within the Landlord Accreditation Scheme which the Division operate.
- 5.4 The Landlord Accreditation Scheme provides advice to both landlords and tenants on numerous issues relating to standards and requirements relating to the supply of accommodation and also regarding management standards. This includes information on gas safety, condensation and mould growth and general HMO standards and tenancy matters.
- 5.5 As part of the scheme, partnerships with internal and external agencies have been secured to offer benefits and incentives to private landlords, including training, discounted business services, tenant referencing and assistance with anti-social behaviour issues through the Landlord Liaison Scheme and exclusive access to the Council's Bond Guarantee Scheme.
- 5.6 Support and education for private landlords is delivered through private landlords conferences and forums. In addition the scheme produces three newsletters annually and online training has been developed to support landlords with their professional development. Partnerships with other local authorities are being developed to jointly produce further professional development manuals for landlords in the area.
- 5.7 The Landlord Accreditation Scheme includes a requirement for landlords to join the Landlord Liaison scheme, which was set up with the aim of improving the liaison between landlords in

the borough (i.e. private sector and social landlords) and Stockton Council, to help to combat criminal and anti-social behaviour.

- 5.8 The Landlord Liason scheme aims to help landlords to reduce the likelihood of allocating properties to tenants who have previously caused damage to property, caused anti-social behaviour, have a history of rent arrears or who have breached tenancy agreements or abandoned their tenancies with other landlords. The Division works closely with the Anti-Social Behaviour Team and in particular the Landlord Liaison Officer to promote the benefit of the scheme.
- 5.9 The Division encourages landlords to join the Landlord Accreditation Scheme and membership of the scheme is a condition of any financial assistance to private sector landlords and any grant assistance that may be available in the future to landlords would be subject to the landlord joining the scheme. Full details of the scheme will be given to applicants when financial assistance is applied for. Further details of the scheme can be obtained by contacting the Private Sector Housing Division.
- 5.10 The Division also produces several leaflets and guides relating to the above and copies can be obtained by contacting the Private Sector Housing Division or by visiting the Authority's internet site at [www.stockton.gov.uk](http://www.stockton.gov.uk)

## **6.0 Future Changes**

- 6.1 This policy document will be updated to reflect legislative changes as and when new powers are introduced by Government.

## **7.0 Contact Details**

By Post Private Sector Housing Division  
Development and Neighbourhood Services  
Stockton-on-Tees Borough Council  
16 Church Road,  
Stockton-on- Tees  
TS18 1TX.

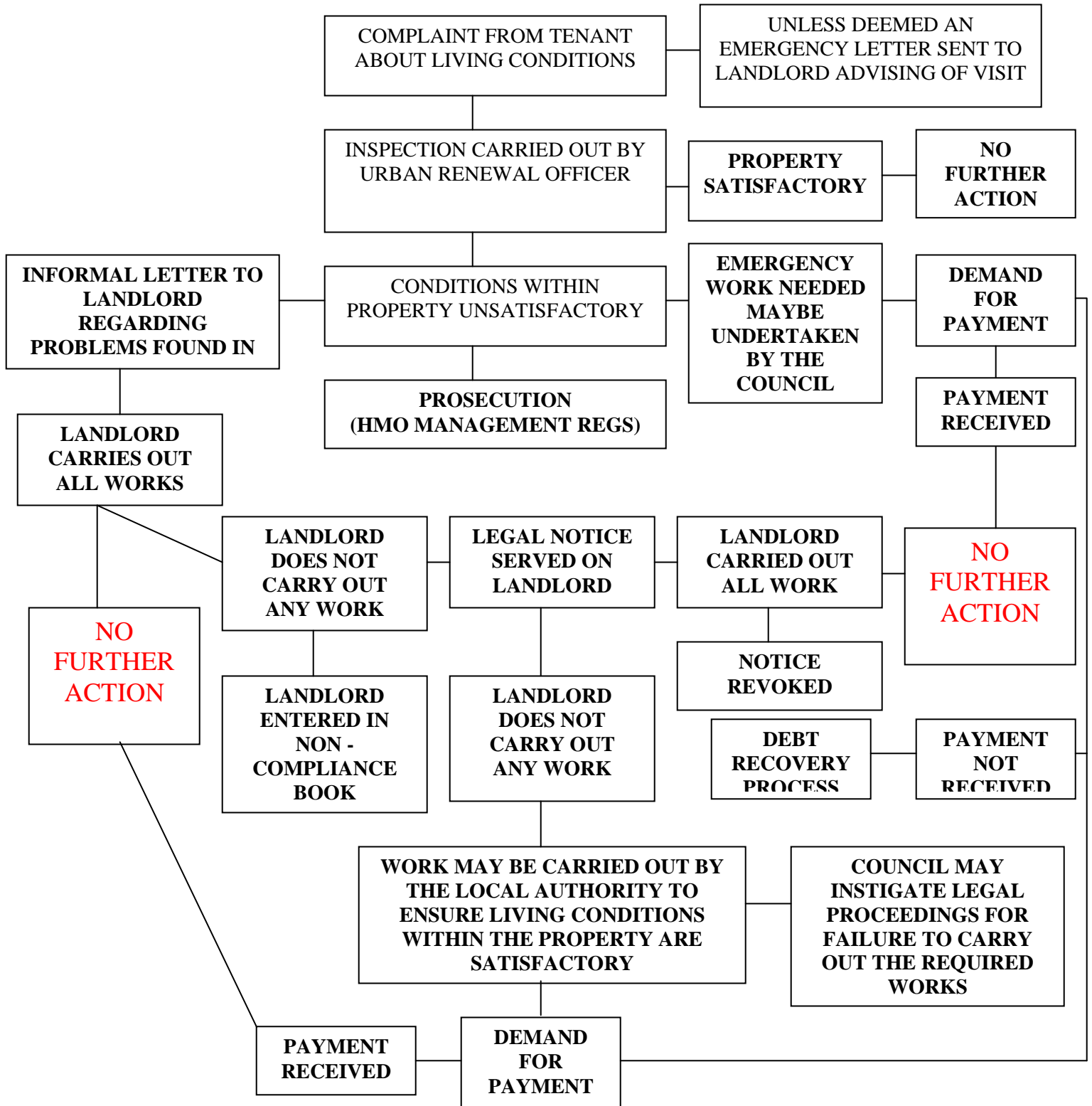
By Telephone 01642 527797

By Fax 01642 526541

By e-mail [privatesectorhousing@stockton.gov.uk](mailto:privatesectorhousing@stockton.gov.uk)

# Appendix 1

## FLOW CHART ON ENFORCEMENT PROCEDURES



**APPENDIX 1**

**AUTHORISATION AND DELEGATION OF STATUTORY FUNCTIONS**  
**HOUSING ACTS LEGISLATION**  
**HOUSING ACT 2004**

**Part I – Housing Conditions**

**Chapter 1 – Enforcement of Housing Standards**

*New system for assessing housing conditions*

New system for assessing housing conditions and enforcing housing standards

Meaning of “category 1 hazard” and “category 2 hazard”

*Procedure for assessing housing conditions*

Local housing authorities to review housing conditions in their districts

Inspections by local housing authorities to see whether category 1 or 2 hazards exist

*Enforcement of housing standards*

Category 1 hazards: general duty to take enforcement action

Category 1 hazards: how duty under section 5 operates in certain cases

Category 2 hazards: powers to take enforcement action

Reasons for decision to take enforcement action

Guidance about inspections and enforcement action

Consultation with fire and rescue authorities in certain cases

**Chapter 2 – Improvement Notices, Prohibition Orders and Hazard Awareness Notices**

*Improvement Notices*

Improvement notices relating to category 1 hazards: duty of authority to serve notice

Improvement notices relating to category 2 hazards: power of authority to serve notice

Contents of improvement notices

Suspension of improvement notices

Operation of improvement notices

Revocation and variation of improvement notices

Review of suspended improvement notices

Service of improvement notices etc. and related appeals

Change in person liable to comply with improvement notice

### *Prohibition Orders*

Prohibition orders relating to category 1 hazards: duty of authority to make order  
Prohibition orders relating to category 2 hazards: power of authority to make order  
Contents of prohibition orders  
Suspension of prohibition orders  
Operation of prohibition orders  
Revocation and variation of prohibition orders  
Review of suspended prohibition orders  
Service of copies of prohibition orders etc. and related appeals

### *Hazard awareness notices*

Hazard awareness notices relating to category 1 hazards: duty of authority to serve notice  
Hazard awareness notices relating to category 2 hazards: power of authority to serve notice

### *Enforcement: improvement notices*

Offence of failing to comply with improvement notice  
Enforcement action by local housing authorities

### *Enforcement: prohibition orders*

Offence of failing to comply with prohibition order etc.  
Recovery of possession of premises in order to comply with order  
Power of tribunal to determine or vary lease

### *Enforcement: improvement notices and prohibition orders*

Power of court to order occupier or owner to allow action to be taken on premises  
Power of court to authorise action by one owner on behalf of another

### *Supplementary provisions*

Effect of improvement notices and prohibition orders as local land charges  
Savings for rights arising from breach of covenant etc.  
Effect of Part 4 enforcement action and redevelopment proposals

## Chapter 3 – Emergency Measures

### *Emergency remedial action*

Emergency remedial action  
Notice of emergency remedial action  
Recovery of expenses of taking emergency remedial action

### *Emergency Prohibition Orders*

Emergency Prohibition Orders  
Contents of emergency prohibition orders

### *Appeals*

Appeals relating to emergency measures

## Chapter 4 – Demolition Orders and Slum Clearance Declarations

### *Demolition Orders*

Demolition Orders

### *Slum clearance declarations*

Clearance areas

### *Appeals*

Transfer of jurisdiction in respect of appeals relating to demolition orders etc.

## Chapter 5 – General and Miscellaneous Provisions Relating to Enforcement Action

### *Recovery of expenses relating to enforcement action*

Power to charge for certain enforcement action

Recovery of charge under section 49

### *Repeals*

Repeal of power to improve existing enforcement procedures

Repeal of provisions relating to demolition of obstructive buildings

Miscellaneous repeals etc. in relation to fire hazards

### *Index*

Index of defined expressions: Part 1

## **Part 2 – Licensing of Houses in Multiple Occupation**

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Licensing of HMOs to which this part applies

### *Designation of additional licensing areas*

Designation of areas subject to additional licensing

Designations under section 56: further considerations

Designation needs confirmation or general approval to be effective

Notification requirements relating to designations

Duration, review and revocation of designations

### *HMOs required to be licensed*

Requirement for HMOs to be licensed

Temporary exemption from licensing requirement

### *Grant or refusal of licences*

Applications for licences

Grant or refusal of licence

Tests as to suitability for multiple occupation

Tests for fitness etc. and satisfy management arrangements

Licence conditions

Licences: general requirements and duration

### *Variation and revocation of licences*

Variation of licences  
Revocation of licences

### *Procedure and appeals*

Procedural requirements and appeals against licence decisions

### *Enforcement*

Offences in relation to licensing of HMOs  
Other consequences of operating unlicensed HMOs: rent repayment orders  
Further provisions about rent repayment orders  
Other consequences of operating unlicensed HMOs: restriction on terminating tenancies

### *Supplementary provisions*

Transitional arrangements relating to introduction and termination of licensing  
Meaning of "HMO"  
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## **Part 3 – Selective Licensing of other residential accommodation**

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Licensing of houses to which this part applies

### *Designation of selective licensing areas*

Designation of selective licensing areas  
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Designation needs confirmation or general approval to be effective  
Notification requirements relating to designations  
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Temporary exemption from licensing requirement

### *Grant or refusal of licences*

Applications for licences  
Grant or refusal of licence  
Tests for fitness etc. and satisfactory management arrangements  
Licence conditions  
Licenses: general requirements and duration

### *Variation and revocation of licences*

Variation of licences  
Revocation of licences

### *Procedure and appeals*

Procedural requirements and appeals against licence decisions

### *Enforcement*

Offences in relation to licensing of houses under this Part

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Further provisions about rent repayment orders

Other consequences of operating unlicensed houses: restriction on terminating tenancies

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Meaning of "house" etc.

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## **Part 4 – Additional Control Provisions in relation to Residential Accommodation**

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Interim and Final Management Orders: introductory

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Making of interim management orders

Special interim management orders

The health and safety condition

Operation of interim management orders

Local housing authority's duties once interim management order in force

General effect of interim management orders

General effect of interim management orders: leases and licences granted by authority

General effect of interim management orders: immediate landlords, mortgages etc.

Financial arrangements while order is in force

#### *Interim management orders: variation and revocation*

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Revocation of interim management orders

#### *Final management orders: making and operation of orders*

Making of final management orders

Operation of final management orders

Local housing authority's duties once final management order in force

General effect of final management orders

General effect of final management orders: leases and licences granted by authority

General effect of final management orders: immediate landlords, mortgages etc.

Management schemes and accounts

Enforcement of management scheme by relevant landlord

#### *Final management orders: variation and revocation*

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#### *Interim and final management orders: procedure and appeals*

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### *Interim and final management orders: other general provisions*

Effect of management orders: occupiers

Effect of management orders: agreements and legal proceedings

Effect of management orders: furniture

Management Orders: power to supply furniture

Compensation payable to third parties

Termination of management orders: financial arrangements

Termination of management orders: leases, agreements and proceedings

Management orders: power of entry to carry out work

## Chapter 2 – Interim and Final Empty Dwelling, Management Orders

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Empty dwelling management orders: introductory

### *Interim empty dwelling management orders*

Making of interim EDMOs

Authorisation to Make interim EDMOs

Local Housing Authority's duties once interim EDMO in force

### *Final Empty dwelling management orders*

Making of final EDMOs

Local Housing Authority's duties once final EDMO in force

### *Compensation*

Compensation payable to third parties

## Chapter 3 – Overcrowding Notices

Service of overcrowding notices

Contents of overcrowding notices

Requirement as to overcrowding generally

Requirement as to now residents

Appeals against overcrowding notices

Revocation and variation of overcrowding notices

## Chapter 4 – Supplementary Provisions

Supplementary provisions

Interpretation and modification of this Part

Index of defined expressions: Part 4

## Chapter 5 – Miscellaneous

## **Part 7 – Supplementary and Final Provisions**

### *Register of licences and management orders*

Register of licences and management orders

### *Codes of practice and management regulations relating to HMOs etc.*

Approval of codes of practice with regard to the management of HMOs etc.

Management regulations in respect of HMOs

### *Information provisions*

Power to require documents to be produced

Enforcement of powers to obtain information

Use of information obtained for certain other statutory purposes

False or misleading information

### *Enforcement*

Powers of entry

Warrant to authorise entry

Penalty for obstruction

Additional notice requirements for protection of owners

### *Authorisations*

Authorisations for enforcement purposes etc.

### *Documents*

Power to prescribe forms

Power to dispense with notices

Service of documents

Licences and other documents in electronic form

Timing and location of things done electronically

Proof of designations

### *Other supplementary provisions*

Orders and regulations

Offences by bodies corporate

Power to up-rate level of fines for certain offences

Local inquiries

### *Meaning of "house in multiple occupation"*

Meaning of "house in multiple occupation"

HMO declarations

Revocation of HMO declarations

HMOs: certain converted blocks of flats

HMOs: persons not forming a single household

HMOs: Persons treated as occupying premises as only or main residence

HMOs: presumption that sole use condition or significant use condition is met

### *Other general interpretation provisions*

Meaning of "appropriate national authority", "local housing authority" etc.

Meaning of "lease", "tenancy", "occupier" and "owner" etc.

Meaning of "person having control" and "person managing" etc.

Calculations of number of persons

## **SCHEDULES**

- Schedule 1 - Procedure and appeals relating to improvement notices
  - Part 1 - Service of improvement notices
  - Part 2 - Service of notices relating to revocation or variation of improvement Notices
  - Part 3 - Appeals relating to improvement notices
- Schedule 2 - Procedure and appeals relating to prohibition orders
  - Part 1 - Service of copies of prohibition orders
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- Schedule 3 - Improvement notices: enforcement action by local housing authorities
  - Part 1 - Action taken by agreement
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- Schedule 4 - Licences under Parts 2 and 3: mandatory conditions
- Schedule 5 - Licences under Parts 2 and 3: procedure and appeals
  - Part 1 - Procedure relating to grant or refusal of licences
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- Schedule 6 - Management Orders: procedure and appeals
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  - Part 1 - Interim EDMOs
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  - Part 4 - Appeals
- Schedule 8 - Penalty charge notices under section 168
- Schedule 9 - New schedule 5A to the Housing Act 1985: initial demolition notices
- Schedule 12 - New schedule 2A to the Housing Act 1996
- Schedule 14 - Buildings which are not HMOs for purposes of this Act (excluding Part 1)
- Schedule 15 - Minor and consequential amendments
- Schedule 16 - Repeals

## **HOUSING ACT 1985**

### **Part II – Provision of Housing Accommodation (Sections 8-57)**

Acquisition of land, etc  
Disposal of land held for purposes of this Part  
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### **Part IX – Slum Clearance (Sections 264-323)**

Demolition or Closing of unfit premises beyond repair at reasonable cost  
Demolition Orders  
Clearance Areas  
Use of condemned houses for temporary housing accommodation  
Listed Buildings in relation to Closing Orders  
Provisions of Protection or Assistance of Owners  
Supplementary Provisions – Power of Entry

### **Part X – Overcrowding**

Definition of Overcrowding  
Responsibility of Occupier  
Responsibilities of Landlord  
Powers and Duties of Local Housing Authority  
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### **Part XV – Grants for works of improvement, repair and conversion**

Miscellaneous –  
Assistance for provision of separate service pipe for water supply.

### **Part XVII – Compulsory Purchasing and Land Compensation**

Compulsory Purchase  
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### **Part XVIII – Miscellaneous and General Provisions**

General provisions relating to housing conditions  
Environmental considerations  
Enforceability of Covenants, etc  
General provisions – Service of Notices

## **SCHEDULES**

### **LOCAL GOVERNMENT AND HOUSING ACT 1989**

#### **Part VII – Renewal Areas**

All provisions including Powers of Entry

## **SCHEDULES**

Schedule 9 - Amendments of Parts VI, IX, XI, XVII, XVIII of the Housing Act 1985.

### **HOUSING ACT 1996**

#### **Part VIII – Miscellaneous and General Provisions**

Exercise of compulsory purchase powers in relation to Crown Land.

### **HOUSING GRANTS, CONSTRUCTION AND REGENERATION ACT 1996**

#### **Part I – Grants etc., for Renewal of Private Sector Housing**

- Chapter I - The Main Grants
- Chapter II - Group Repair Schemes
- Chapter III - Home Repair Assistance
- Chapter V - Supplementary Provisions

#### **Part IV – Grants etc., for Regeneration, development and relocation**

Relocation grants in clearance areas.

#### **Part V – Miscellaneous and General Provisions**

## **SCHEDULES**

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### **HOUSING ACT 1988**

Chapter VI – General Provisions – Powers of Local Authorities for purposes of giving information.

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## **LANDLORD & TENANT ACT 1987 & 1988**

### **Arrangement of Sections**

Information to be given to tenant  
Implied terms as to fitness for human habitation  
Repairing obligations  
Service Charges  
Supplementary provisions – Power of Local Housing Authority to prosecute

## **PROTECTION FROM EVICTION ACT 1977**

### **Part I – Unlawful eviction and harassment**

### **Part III – Supplemental Provisions**

Prosecution of offences  
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## **RENT ACT 1977**

### **Part XI – General**

Supplement - Powers of Local Authority for purposes of giving information.

## **STATUTORY INSTRUMENTS**

Housing Act (Overcrowding and Miscellaneous Forms) Regulations 1937

Housing Renovation etc., Grants (Reduction of Grant) (Amendment) Regulations 1996

Housing Renovations etc., Grants (Prescribed Forms and Particulars) (Amendment) Regulations 1996

Group Repair (Qualifying Building) Regulations 1996

Housing (Deferred Action and Charge for Enforcement Action) (Forms) Regulations 1996

Housing (Fitness Enforcement Procedures) Order 1996

Housing (Maximum Charge for Enforcement Action) Order 1996

Home Repair Assistance Regulations 1996

Disabled Facilities Grant and Home Repair Assistance (Maximum Amounts) Order 1996

Housing Renewal Grants (Service and Charges) Order 1996

Housing Renewal Grants Regulations 1996

Housing Renewal Grants and Home Repair (Amendment) Regulations 1996

Housing (Enforcement Procedures for HMOs) Order 1997

Housing (Recovery of Expenses for Section 352 Notices) Order 1997

Housing in Multiple Occupation (Fees of Registration Schemes) Order 1997

Housing (Fire Safety in HMOs) Order 1997

Housing Renewal Grants (Amendment) Regulations 1997

Regulatory Reform (Housing Assistance)(England and Wales) Order 2002

Regulatory Reform (Fire Safety) Order 2005

Disabled Facilities Grants (Maximum Amounts and Additional Purposes) (England) Order 2008

## **PUBLIC HEALTH ACT 1936**

### **Part II - Sanitation and Buildings**

Sanitary convenience for buildings

Removal of refuse, scavenging, keeping of animals, etc.

Filthy or verminous premises or articles and verminous persons

### **Part IV – Water Supply**

Provisions for the protection of public from polluted water

### **Part XI - Miscellaneous**

Watercourses, ditches, ponds etc.

Tents, Vans, Sheds, etc.

### **Part XII - General**

Supplemental as to powers of Councils

Notices etc.

Entry and Obstruction

Notices requiring the execution of works

Provisions as to recovery of expenses, etc.

Prosecution of offences etc.

## **PUBLIC HEALTH ACT 1961**

### Part II – Sanitation and Buildings

Sewers, drains and sanitary conveniences  
Accumulation of rubbish

### Part VI - Miscellaneous

## **BUILDING ACT 1984**

### Part III – Other provisions about buildings

Drainage  
Provision of sanitary convenience  
Buildings  
Defective premises, demolition, etc.  
Yards and passages

### Part IV - General

Duties of Local Authorities  
Documents  
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Compensation and recovery of sums  
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## **ENVIRONMENTAL PROTECTION ACT 1990**

### Part III – Statutory Nuisances and Clean Air

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## **PREVENTION OF DAMAGE BY PESTS ACT 1949**

Part I - Rats and Mice

Part III – Supplemental

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## **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

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Powers of Local Authorities to obtain particulars of persons interested in land  
Restoration or continuation of supply of water, gas or electricity  
Alterations and supplemental provisions of Public Health Acts  
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Power to enter premises  
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## **CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960**

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Miscellaneous and Supplemental – Power of entry of officers of Local Authorities

## **LOCAL GOVERNMENT ACT 1972**

Part IX – The Environment

### SCHEDULES

Schedule 14 - Amendment and modification of Public Health Acts, etc.

## **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

Part XI – Public Health etc.

## **DEREGULATION AND CONTRACTING OUT ACT 1994**

### Part II – Contracting out Functions

#### **SCHEDULES**

- Schedule 1 - Powers to improve enforcement procedures
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## **WATER INDUSTRY ACT 1991**

### Part II – Appointment and regulation of undertakers

### Part III - Quality and sufficiency of supplies

Local Authority Functions

Local Authority Rights of Entry, etc

### Part V - Miscellaneous and Supplemental

Construction of Act – Provisions relating to the service of documents

#### **SCHEDULES**

Schedule 6 – Supplemental provisions relating to Rights of Entry

## **REFUSE DISPOSAL (AMENITY) ACT 1978**

Abandoned vehicles and other refuse

Miscellaneous and Supplemental – Powers of Entry, etc

## **PUBLIC HEALTH (CONTROL OF DISEASE) ACT 1984**

### Part II - Control of Disease

Infected Articles

Infected Premises

### Part V - Miscellaneous

## **ADDITIONAL LEGISLATION**

National Assistance Acts 1948 and 1951  
Caravan Sites Act 1968  
Fire Precautions Act 1971  
Defective Premise Act 1972  
Water Act 1973  
Health and Safety at Work Act 1974  
Local Government, Planning and Land Act 1980  
Police and Criminal Evidence Act 1984  
Fire Safety and Places of Sport Act 1987  
Water Industry Act 1991  
Access to Neighbouring Land Act 1992  
Home Energy Conservation Act 1995  
Energy Conservation Act 1996  
Party Wall etc. Act 1996  
Criminal Proceedings Investigations Act 1996

## **FEEDBACK**

**If you would like to comment on our  
Policy, please write to or e-mail the  
address shown below**

**Private Sector Housing Division  
Stockton-on-Tees Borough Council  
16 Church Road  
Stockton-on-Tees  
TS18 1TX  
Tel: 01642 527797  
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