



Housing Act 2004 Guidance

# Local Authority Enforcement Options



## A Landlords Guide

# Local Authority

## Assessment of hazards

Using guidance issued by the DCLG (Department for Communities and Local Government, the former Office of the Deputy Prime Minister), based on research by the University of Warwick, Council Officers rate each individual hazard present within a dwelling on a pre-determined scale. This results in a hazard score for each of the 29 hazards incorporated within HHSRS. Scores are grouped into 10 bands from A to J with Band A representing the most severe hazards down to Band J representing those with minor health impact. Hazard bands A to C are deemed "Category One Hazards". The remaining Bands are deemed "Category Two".



The Local Authority will be guided by three main points when making an enforcement decision:

- The HHSRS Hazard Rating
- Whether the Local Authority has a duty or power under the act to take action
- The best way of dealing with a hazard having regard to the enforcement guidance

## Hazard Awareness Notice

- Advisory notice only
- Normally used only for Category 2 hazards (unusually could be used for Category 1 hazards)
- Often used where properties are owner-occupied
- No time limit to commencement of remedial works
- No follow up inspection

## Improvement Notice

- Used for Category 1 or 2 hazards
- Remedial work must begin no later than 28 days after notice has been issued (unless the notice has been appealed)
- Suspension of notice is possible in certain circumstances e.g. where a person of a certain description begins or ceases to occupy the dwelling
- Agreed time period for remedial work to be completed
- Follow up visits to verify work has been completed
- Failure to comply with the notice is a criminal offence



## Prohibition Orders

- Used for Category 1 or 2 hazards
- May prohibit use of part or all of a dwelling where hazards are identified e.g.
  - Serious threats to health and/or safety
  - To limit number of occupants
  - Prohibit use of dwelling to particular group
- Suspension of the order is possible under certain circumstances e.g. where a person of a certain description begins or ceases to occupy the dwelling
- Contravention of the order is a criminal offence

## Emergency Action

- Used for Category 1 hazards only
- Used where there is considered to be an imminent risk to health and/or safety
- Allows Local Authority to carry out immediate remedial action
- Can also serve an emergency prohibition order which would have immediate effect



## Demolition Orders

- Used for Category 1 hazards only
- Used where an imminent risk to health and/or safety has been identified
- Property is considered to be beyond reasonable repair

## Clearance

- As above but for a whole area
- A number of properties all pose imminent and/or significant risk to health and/or safety

# Enforcement Options

## Landlord Property Inspection Process

The guide below illustrates the inspection process that landlords should carry out in order to minimise the possibility of notices or orders being served on a dwelling.



## Contact Details for Residential Property Tribunal

If you wish to appeal against the service of a notice or order, contact the Residential Property Tribunal Service on 0121 643 8336 or at

RPTS  
2nd Floor, Ladywood House  
45 Stephenson Street  
Birmingham  
B2 4DH

For further information on the Residential Property Tribunal please visit: [www.rpts.gov.uk](http://www.rpts.gov.uk)



Decent And Safe Homes (DASH) East Midlands is a project funded by the Government Office of the East Midlands. We work with landlords, tenants and Local Authorities to raise standards in housing.

Further information on DASH, its associates, projects and successes can be found by visiting our website at [www.eastmidlandsdash.org.uk](http://www.eastmidlandsdash.org.uk) or by calling 01332 256409.

Issued October 2006

### Also Available:

- Housing Act 2004 Guidance - Amenities and Space. A Landlords Guide
- Housing Act 2004 Guidance - Houses in Multiple Occupation - Licensing in the East Midlands
- Housing Act 2004 Guidance - The 29 Hazards. A Landlords Guide
- The Decent Homes Standard. A Landlords Guide

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