

## **Part 5**

### **Private Sector Housing**

#### **5.1. Statement of Objectives**

The Private Sector Housing Team has responsibility for the enforcement of various pieces of mandatory and discretionary legislation associated with private sector drainage and private sector housing. The team strives to minimise the risks to human health and the environment for the people of Reigate and Banstead from unsatisfactory housing conditions, with the ultimate aim of ensuring:

- (a) a private sector housing stock that is sound and whose condition does not endanger the health and well-being of its occupants or visitors.
- (b) rented housing that is properly managed and maintained

#### **5.2. Determination of the Enforcement Policy**

All types of enforcement action will be based upon an assessment of the risk to public health and the environment, caused by non-compliance with the legislation. Any enforcement action chosen by the officer will be governed by a policy that considers consistency, proportionality, fairness, and is transparent.

#### **5.3. Authorised Officers**

All authorised officers of the Service will abide by this enforcement policy when carrying out their enforcement duties and shall receive relevant training to enable them to do so.

#### **5.4. Review**

This enforcement policy will be regularly reviewed either annually, or as necessary due to changes in legislation or new guidance from the Government, the Council or appropriate professional bodies.

#### **5.5. Authority to Investigate or Enforce**

The majority of enforcement powers involve the service of statutory notices. The legislation enforced by this section is contained in the following Acts of Parliament and regulations orders etc made under those principal Acts.

Housing Acts 1985 and 2004 (HA85/04)

Building Act 1984 (BA84)

Local Government (Miscellaneous Provisions) Acts 1976 & 1982 (LGMP76/82)

Public Health Acts 1936 and 1961 (PHA36/61)

Prevention of Damage by Pests Act 1949 (PDPA49)

Environmental Protection Act 1990 (EPA90)

Caravan Sites and Control of Development Act 1960 (CSCDA60)

Public Health (Control of disease) 1984 (PH(COD)A84)

Protection from Eviction Act 1977 (PFEA77)

Action can only be taken by officers who are specifically authorised. This will only be those who are competent by training, qualification and/ or experience.

Authorised officers will also have sufficient training and understanding of the team's procedures to ensure a consistent approach to service delivery.

### **5.6. Prior to enforcement**

Before considering taking any action in respect of a tenanted property the tenant(s) will normally be required to contact their landlord about the problems first. This applies to both private and housing association tenants. Legislation covering landlord and tenant issues require that tenants notify their landlords of any problems with the property. This is because landlords can only carry out their obligations under the legislation once they have been made aware of the problem. Copies of correspondence between the landlord and tenant should be provided for officers.

In certain situations tenants will not be required to write to their landlord first, e.g.:

- where the matter appears to present an imminent risk to the health and safety of the occupants;
- where there is a history of harassment/ threatened eviction/ poor management practice;
- where the tenant is old and frail or otherwise vulnerable, e.g., where the tenant's first language is not English and this is likely to cause them difficulty;
- where the tenant could not for some other reason be expected to contact their landlord/ managing agent;

Tenants are responsible for keeping officers informed of any contact they have with their landlord (or the landlord's agent or builder, etc.), which may affect the action the Council is taking or considering taking.

### **5.7. Enforcement Options**

In determining the most appropriate form of action the criteria outlined in General Principles for Enforcement Action will be followed.

#### **(a) No Action**

Where no action is possible or the general principles for enforcement action lead the officer to determine that no action should be taken by the Authority customers will be given advice on ways that they can deal with the matter themselves by taking their own legal action or other means. These include:

Referral to Thames Utilities in the case of Public Sewers; referral to a solicitor in relation to potential action under section 11 of the Landlord and Tenant Act 1985.

In cases that fall outside our legislative remit no other action will be taken.

#### **(b) Informal Action**

Informal action includes offering advice, or letter requesting action.

**“Housing Matters”** - Informal action will generally be used as a preliminary step prior to any statutory action.

**“Public Health/Drainage Matters”** – Informal action can be used alone or as a preliminary step prior to statutory action. However statutory action will not always

be preceded by informal action in respect of these matters depending on the severity of the circumstances and any imminent public health risk.

In all instances landlords and owner-occupiers (for drainage works) will be advised what is considered to be a reasonable time scale for works to be put in hand and completed.

**(c) Statutory Action**

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	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 50	Notice to empty/repair leaking/overflowing cesspools
Sec 83	Notice to cleanse filthy and verminous premises

**Public Health Act 1961**

Sec 17	Notice to unblock private sewer/drain
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**Local Government (Miscellaneous Provisions) Act 1976**

Sec 16	Notice requiring information
Sec 35	Notice requiring removal of obstruction in private sewer/drain

**Local Government (Miscellaneous Provisions) Act 1982**

Sec 29	Notice to secure property
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**Building Act 1984**

Sec 59	Notice in respect of defective drains/sewers
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
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## **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

As stated above, statutory action may follow informal action. Persons receiving an informal letter, (usually a landlord or agent), will be given up to twenty-eight days, (depending on the type, extent and complexity of the work required), in which to either contact the case officer to discuss their proposals for remedying the problem raised or to do the work. A decision will then be made as to whether to proceed with enforcement action, taking the following factors into account.

- the proposed works and whether, (if they are different to those suggested in the letter), they are considered to be adequate/appropriate;
- the landlord or agent's proposed timescale for the works and whether this is within the time limit specified in the informal letter;
- whether the landlord or agent has made clear his intention to carry out works to solve the problem raised;
- the landlord or agent's previous history;

Where the landlord or agent's response is satisfactory, they will be sent a letter confirming this. This letter will also set out the agreed terms for example the work they intend to carry out and the timescale for completion.

Enforcement action will be taken in the following circumstances;

- where a landlord or agent makes no contact with the case officer following receipt of an informal letter;
- where the landlord or agents proposals are unacceptable;
- where the landlord or agent has made unsatisfactory progress after agreeing terms as described above.

### **5.7.1. Housing Act 1985 and 2004**

#### **Tenure**

##### **(a) Owner occupied property**

Enforcement action will only be considered where an owner-occupied property contains a category 1 hazard (as determined by a Housing Health and Safety Rating (HHSRS) Assessment - see below) and a person of the vulnerable age group is in occupation. A statutory notice can be served where the action is designed to assist the owner by allowing the work to be carried out by agreement or in default by the Council and the cost made a charge against the property. Section 31 and Schedule 3 of the Housing Act 2004 refer.

##### **(b) Privately rented property**

Where there are potential risks to the health and safety of the occupants from deficiencies in the dwelling, or in a dwelling within a house in multiple occupation,

a risk assessment will be undertaken using HHSRS to determine the appropriate course of action and to inform the officer as to whether enforcement action is necessary.

In securing the repair and improvement of properties all relevant Government guidance will be followed. In particular, Office of the Deputy Prime Minister "Housing Health and Safety Rating System, operating guidance, Housing Act 2004 Guidance" about inspections and assessment of hazards given under section 9 of the Act.

### **Types of Enforcement Action**

#### **(a) Improvement Notices**

In the vast 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 likely to be a common type of enforcement for category 1 hazards. The service of a notice will seek to reduce a category 1 hazard to a category 2 hazard or else to remove it entirely.

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 and may be varied by agreement.

#### **(b) 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.

### **(c) 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
- See page 34 for information on the suspension of a prohibition order.

**(d) 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 HAN.

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**

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

In exceptional circumstances however all types of enforcement action 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.

**(e) 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

#### **(f) 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.

#### **(g) 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.

### **Licensing of Houses in Multiple Occupation**

The owners of certain types of HMOs must apply to the Council to have their property licensed.

The responsibility for licensing rests with the person having control of, or the person managing, the property. This is the owner, or the person who lets the property out and collects rents. Licences can be issued with conditions attached and run for up to 5 years.

Failure to apply for a licence and the continued operation of a licensable HMO is a criminal offence. A person found guilty of such an offence will be subject to a fine of up to the maximum of £20,000.

The Council is under a duty to make an interim management order where an HMO is required to be licensed and they consider that either –

- That there is no reasonable prospect of it being licensed in the near future, or
- That the health and safety of the occupants requires protecting.

The making of such an order, agreed by the Residential Property Tribunal (RPT), would effectively result in the Council taking over the management of the property.

Once a person has been successfully prosecuted in this manner then the Council may apply for a Rent Repayment Order.

Failing to comply with a condition attached to a licence is also an offence. A person found guilty of such an offence will be subject to a fine of up to the maximum of £5,000

### **Temporary Exemption Notice**

Where a landlord is, or shortly will be, taking steps to make an HMO non-licensable, the Council may serve a Temporary Exemption Notice (TEN). A TEN can only be granted for a maximum period of three months. A second three month TEN can be served in exceptional circumstances. A TEN will be served where an owner of a

licensable HMO states in writing that he/she is taking steps to make an HMO non licensable and states that the HMO will not be licensable within three months.

### **HMO declaration**

In circumstances where an application for a licence has not been received since the owner of an HMO disagrees with the Councils assertion that a certain building is an HMO then the Council will make an HMO declaration. This has the effect of formalising the Councils' decision. An owner may appeal this decision to the residential property tribunal (RPT). The decision of the RPT is final.

### **Management of Houses in Multiple Occupation**

There are prescribed standards of management in respect of all HMOs and non compliance with the Management of Houses in Multiple Occupation (England) Regulations 2006 (regulations made under section 234 of the Housing Act 2004), is an immediate offence. Although no enforcement notices can be served an informal letter to the landlord will normally be made to try to ensure compliance before deciding on prosecution as a course of action.

### **Penalties for Non Compliance for all types of Housing Legislation**

#### **(a) Prosecution/Formal Caution (given either by the Head Environmental Health Services or the Director of Policy and Environment)**

Where an officer believes that an offence has been committed and a prosecution or caution is appropriate, The Private Sector Housing Manager must be consulted and give their agreement to the proposed course of action. The general circumstances that are considered likely to warrant prosecution are listed in part one of this Policy. Specific instances are indicated under each legislation heading in this part. In each case prosecution or formal caution will be considered in accordance with the Matrices in appendix 1 and 2.

#### **(b) Works in Default**

In circumstances where works required on an enforcement notice are not undertaken then the Council has the power to undertake works in default. 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

#### **(c) Rent repayment order**

The Council may apply to the RPT for a Rent Repayment Order (RRO), where a landlord is convicted for failure to licence an HMO.

If rents were paid through Housing Benefit, the Council will use its powers under the Act to seek RROs for repayment of up to twelve months Housing Benefit. We will also provide tenants with information about how to apply for a RRO.

**(d) Interim management order and Final management order**

Where there is no prospect of an HMO being licensed or the health and safety condition is satisfied, the Council is required to make an Interim Management Order. This enables the Council to take over the management of an HMO and become responsible for the running of the property and collecting rents for up to one year. In extreme cases this can be extended as a Final Management Order to five years with the Council also having the power to grant tenancies.

We will only use these powers in exceptional circumstances. Any proposed action will have to be agreed by the Head Of Housing Services. These orders can only be made with the authorisation of the Residential Property Tribunal.

**The Council may also**

- Refuse a licence
- Revoke a licence
- Vary a licence
- Refuse to vary a licence

**(e) 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.

**(f) 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 affect 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 relevant Portfolio holder, by the Executive and full Council. The Department of Communities and Local Government must then approve it before it can be made.

### **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.

### **Charges for enforcement action**

Although the Council has powers to charge for enforcement action at the present time no charges are made. However in deciding whether to exercise these powers following a review, the following matters would be taken into account:

- the reasonableness of the charges in relation to enforcement costs;
- the personal circumstances of the person or persons against whom the enforcement action is being taken.

#### **5.7.2. Drainage (including BA84, PHA36, PHA61)**

##### **Tenure**

Enforcement action will be considered irrespective of tenure in relation to drainage. However in the case of privately rented accommodation owners will receive notices concerning defects whilst tenants will be expected to deal with blockages.

##### **Surface Water Drainage**

In general terms blockages in the surface water sewer will not be subject to enforcement action except in extreme circumstances. The Council however has a duty in law to deal with defects in the surface water system.

##### **Foul Drainage**

Blockages in the foul water system can be dealt with by way of enforcement action; however it is the Council's policy to refrain from such action wherever possible in the case of blocked private sewers serving less than seven properties (for reasons of disproportionate administration costs to the home owners). The Council has a duty in law to deal with defects in the foul drainage system

##### **Enforcement Notices**

- A notice may be served to effect the removal of a blockage in a drain (s17 PHA61)
- Notices may be served to effect the removal of a blockage from a private sewer. (s35 LGMPA76)
- A notice must be served in relation to defective drainage. (s59 BA84)
- A notice may be served to unstop a drain/repair a drain (s17 PHA61)
- A notice may be served to remedy a leaking cesspool (s50 PHA36)
- A notice may be served to repair a water closet not requiring reconstruction (s45 PHA36)

All notices will specify the works required and the time by which they must be completed. Notices will be complied once works are completed to the satisfaction of Council officers

### **Penalties for Non-Compliance**

#### **(a) Prosecution/Formal Caution**

Although still an option available to the Council, prosecution will not normally be considered in relation to non-compliance with notices requiring the unblocking or repairing of private sewers where multiple owners are responsible for works. The Council recognises the difficulties faced by the recipients of such notices and therefore as a general rule will propose simply to undertake the works in default.

#### **(b) Works in Default**

See explanation in housing (above)

### **5.7.3. Public Health (inc, LGMPA82, PHA36, PDPA49, EPA90, PH(CoD)A84) Tenure**

Enforcement action will be considered irrespective of tenure however in the case of privately rented accommodation other remedies will be thoroughly investigated and help sought from partner organisations (SCC, PCT, Landlord etc).

### **Enforcement notices**

- Notice may be served to board up premises (LGMPA82)
- Notice may be served to disinfect premises/persons (PHA83)
- Notice will be served to treat land or keep land free from rats and mice (PDPA49)
- Notice will be served in relation to statutory nuisances that exist (are likely to exist or recur)(animals, accumulations & premises)(EPA90)

All notices will specify the works required and the time by which they must be completed.

### **Penalties for Non-Compliance**

#### **(a) Prosecution/Formal Caution**

Although prosecution and formal caution are options available to the Council, they will normally only be considered where there is wilful non-compliance with one of the Public Health Act Notices; these notices are often served on vulnerable persons to enable the Council to intervene and get work done when the recipient is unable to and therefore the sanction of prosecution would be inappropriate.

#### **(b) Works in Default**

See explanation in housing (above).

Also in the case of notices served on tenants, the Council will try to avoid undertaking works in default as costs are difficult to recover from a tenant as they have no owners' interest and therefore no property against which to register a debt as a local land charge.

### **5.7.4. Miscellaneous (inc CSCDA60, PFEA77, LGMPA76)**

**(a) Caravan Sites and Control of Development Act 1960**

The Council is required to issue Site licences to mobile home sites within its area. The Council has the power to enforce the conditions on that site licence.

**Enforcement Notice**

A notice may be served in order to bring a site licence contravention to the attention of the site owner.

**Penalties for Non Compliance**

**Prosecution/Formal Caution**

See explanation in Housing above.

After 3 successful prosecutions the Council can apply to the Magistrates Court to revoke the licence

**Works in Default**

See explanation in Housing above.

**(b) Protection from Eviction Act 1977**

The Council will act to try to ensure that landlords uphold their obligations in connection with the ending of tenancies. Officers will provide advice to landlords and tenants where threats to illegally evict have been made and will endeavour to prevent/or reverse illegal eviction. However where landlords fail to heed such advice and either harass or illegally evict their tenants then the Council will consider taking prosecution action.

**Penalties for Non Compliance**

**Prosecution/Formal Caution**

See explanation in Housing above.

**(c) Local Government (Miscellaneous Provisions) Act 1976 – Reconnection of Services**

The Council has the power to ensure the re-connection (or to prevent the disconnection) of the gas, electricity or water supply, to lettings within a tenanted property. These powers will only be used where the tenants are not responsible for payment of the bill. In properties occupied by a single tenant it is expected that he/she will arrange for a supply in their own name and reconnection by the Council will not normally be considered appropriate.

**Recovery of Money**

The owner of the property will be charged the cost of re-connection and/or payment of the bill plus interest. This debt will be recovered either by way of rent from tenants or in the civil court.