



East Cambridgeshire District Council

Environmental Services Division, The Grange, Nutholt Lane, Ely, Cambridgeshire.

Tel: 01353 665555

ENVIRONMENTAL PROTECTION ACT 1990
Sections 80

Abatement Notice in respect of Statutory Nuisance

To: ONE STOP STORES LIMITED

Of: Apex Road, Brownhills, Walsall, West Midlands, United Kingdom, WS8 7HU

Ref: NT/23/179

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the **East Cambridgeshire District Council** ("the Council") being satisfied of the existence of a statutory nuisance under section 79(1)(g) of that Act at the premises known as **One Stop Stores, 2 St John's Rd, Ely, CB6 3BB** arising from the **fixed mechanical plant identified as a Daikin R410A Refrigeration Condensing Unit operating** in such a manner as to be a nuisance to the occupiers of neighbouring properties.

As the **owner responsible for the said nuisance YOU ARE REQUIRED WITHIN 7 DAYS** from the service of this notice to abate the noise nuisance and the Council **HEREBY PROHIBITS** the recurrence of the same. You are therefore required to -

Abate the noise nuisance

THIS is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995 applies and, in consequence, in the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council;
The nuisance to which this notice relates is likely to be of a limited duration such that suspension would render the notice of no practical effect, and
the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine not exceeding £20,000.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

Dated 14th June 2023

Signed *E. Knox*

Designation† Environmental Services Manager
The officer appointed for this purpose

Please address any communications to:

Environmental Services Department
East Cambridgeshire District Council
The Grange, Nutholt Lane, Ely,
Cambridgeshire, CB7 4EE

NB The person served with this notice may appeal against the notice to a magistrates' court within 21 days beginning with the date of service of the notice. See notes on the reverse of this form.

The Statutory Nuisance (Appeals) Regulations 1995 provide as follows:-

APPEALS UNDER SECTION 80 (3) OF THE ENVIRONMENTAL PROTECTION ACT 1990 ("THE 1990 Act")

2. (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case-
- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
 - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
 - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonably in character or extent, or are unnecessary;
 - (d) that the time, or, where more than one limit is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
 - (e) where the nuisance to which the notice relates-
 - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f) or (g) of the 1990 Act and arises on industrial, trade or business premises, or
 - (ii) is a nuisance falling within section 79(1)(b), of the 1990 Act and the smoke is emitted from a chimney, or
 - (iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes.That the best practicable means were used to prevent, or to counteract the effects of, the nuisance;
 - (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of-
 - (i) any notice served under section 60 or 66 of the Control of Pollution Act 1974 ("the 1974 Act") (control of noise on construction sites and from certain premises), or
 - (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone); or
 - (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);
 - (g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the Noise and Statutory Nuisance Act 1993 (loudspeakers in streets or roads);
 - (h) that the abatement notice should have been served on some person instead of the appellant, being -
 - (i) the person responsible for the nuisance, or
 - (ii) the person responsible for the vehicle, machinery or equipment, or
 - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
 - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
 - (i) that the abatement notice might lawfully have been served on some person instead of the appellant being -
 - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
 - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises,and that it would have been equitable for it to have been so served;
 - (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
 - (i) a person also responsible for the nuisance, or
 - (ii) a person who is also owner of the premises, or
 - (iii) a person who is also an occupier of the premises, or
 - (iv) a person who is also the person responsible for the vehicle, machinery or equipment,and that it would have been equitable for it to have been so served.
- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the hearing of the appeal the court may:-
- (a) quash the abatement notice to which the appeal relates, or
 - (b) vary the abatement notice in favour of the appellant, in such manner as it thinks fit, or
 - (c) dismiss the appeal;
- and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.
- (6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit -
- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
 - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above, the court -
- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
 - (b) shall be satisfied, before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

SUSPENSION OF NOTICE

3. (1) Where:-
- (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and -
 - (b) either:-
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of the works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
 - (c) either paragraph (2) does not apply or it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.
- (2) This paragraph applies where -
- (a) the nuisance to which the abatement notice relates -
 - (i) is injurious to health, or
 - (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
 - (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance
- (3) Where paragraph (2) applies the abatement notice -
- (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
 - (b) shall include a statement as to which of the grounds set out in paragraph (2) apply.

**EAST CAMBRIDGESHIRE DISTRICT COUNCIL****HOUSING ACT 2004****SECTION 11 AND SECTION 12*****SUSPENDED IMPROVEMENT NOTICE***

To: Sayush Properties Limited

Of: 17 Chilcourt
ROYSTON
Herts SG8 9DD

1. You are the owner

of the dwelling known as 20a High Street, Sutton, Ely, Cambs CB6 2RB ("the Premises").
2. In the opinion of East Cambridgeshire District Council Category 1 and Category 2 hazards exist(s) on the Premises and the Council is further satisfied that no Management Order is in force in relation to the Premises under Chapter 1 or 2 of Part 4 of the Housing Act 2004.
3. This notice is served as the deficiencies specified in **SCHEDULE 1** give rise to the hazards at the Premises as specified in **SCHEDULE 1**.
4. The remedial action which the Council considers would, if taken in relation to the hazards result in the Council revoking this Order, is specified in **SCHEDULE 2**.
5. Under **Section 14** the operation of this order is **suspended** until 6 months from the date of service of the Order, or until a change in tenant results in the occupation of the premises by any person over 60 years of age, which the Local Authority considers appropriate in view of the Category 1 hazards in respect of which this order is made or a change in housing condition which requires a hazard re-assessment.
6. The Council considers the service of this Suspended Improvement Notice to be the appropriate enforcement action under Section 5(2) and 7(2) of the Housing Act 2004 for the reasons stated in the attached statement of reasons

SCHEDULE 2

See attached specification of works to be carried out.

Signed:

Dated 31st May 2023

Environmental Services Manager

Contact officer: Linda Thompson
Office address: The Grange, Nutholt Lane, Ely, Cambs CB7 4EE

Telephone: 01353 665555
 E-mail: linda.thompson@eastcambs.gov.uk

Notes

Meaning of "category 1 hazard" and "category 2 hazard"

"category 1 hazard" means a hazard of a prescribed description which falls within a prescribed band as a result of achieving, under a prescribed method for calculating the seriousness of hazards of that description, a numerical score of or above a prescribed amount;

"category 2 hazard" means a hazard of a prescribed description which falls within a prescribed band as a result of achieving, under a prescribed method for calculating the seriousness of hazards of that description, a numerical score below the minimum amount prescribed for a category 1 hazard of that description; and

"hazard" means any risk of harm to the health or safety of an actual or potential occupier of a dwelling or HMO which arises from a deficiency in the dwelling or HMO or in any building or land in the vicinity (whether the deficiency arises as a result of the construction of any building, an absence of maintenance or repair, or otherwise).

"prescribed" means prescribed by regulations made by the appropriate national authority (see section 261(1)); and

"prescribed band" means a band so prescribed for a category 1 hazard or a category 2 hazard, as the case may be.

Right of appeal (under Schedule 1, Part 3 of the Housing Act 2004)

If you do not agree with this notice you may appeal against it to the First-tier Tribunal Property Chamber (Residential Property), but you must do this within 21 days after this notice is served on you.

EASTERN REGION

HM Courts & Tribunals Service

First-tier Tribunal (Property Chamber) Residential Property, Cambridge County Court, 197 East Road

Cambridge, CB1 1BA

Telephone: 01223 841 524

Fax: 01264 785 129

Email address: RPEastern@justice.gov.uk

These notes are intended as general information to the recipient(s) of this as a broad summary of their rights of appeal against the notice. They are not intended to be definitive and persons considering an appeal are advised to seek independent legal advice and/or refer to the full version of Schedule 1 to the Housing Act 2004. Further advice can be obtained from <https://www.gov.uk/courts-tribunals/first-tier-tribunal-property-chamber>

The person on whom this notice is served may appeal to a First Tier Tribunal against the notice. The person must appeal using a Notice of appeal, which you can obtain from the residential property tribunal. The paragraphs below set out two specific grounds for appeal but an appeal may equally be made on other general grounds:

- An appeal may be made on the ground that one or more other persons as owner(s) of the premises ought to take the action specified in this notice or pay all or part of the cost of that action. If you appeal on this ground you must serve a copy of your notice of appeal on the person(s) concerned.
- An appeal may be made on the ground that rather than service of this improvement notice one of the alternative courses of action below is the best course of action in relation to the hazard in respect of which this notice was served:
 - (a) The making of a prohibition order under section 20 or 21 of the Housing Act 2004
 - (b) The service of a hazard awareness notice under section 28 or 29 of the Housing act 2004
 - (c) The making of a demolition order under section 265 of the Housing Act 1985

Time limit for appeal

Any appeal must be made within 21 days of the correct service of this notice. A First Tier Tribunal may allow an appeal to be made after the expiry of the 21-day period if it is satisfied there is a good reason for

the failure to appeal within that period (and for any delay since then in applying for permission to appeal outside the 21-day period).

Powers of the residential property tribunal

The appeal will be heard by the tribunal by way of a re-hearing but may consider matters raised that the Council were unaware of. The tribunal may confirm, quash or vary the improvement notice.

Where the appeal is made on the grounds specified above the tribunal may –

- vary the improvement notice so as to require the person(s) specified in the notice of appeal to take the required action; or
- it may make an order as it considers appropriate requiring the payment of all or part of the costs of the action to be taken under the notice by the person(s) specified in the notice of appeal or to the Council.

Where the appeal is made on the ground of an alternative courses of action should have been taken the tribunal must have regard to guidance issued to the Council by the Government under section 9 of the Housing Act 2004. If the tribunal finds that an alternative course of action was the best course of action it must, if requested by the appellants or the Council, identify that course of action.

Operative time for the notice following appeal

If the tribunal upholds the notice, and the notice was not suspended, it becomes operative at the end of the allowable period for further appeal to the Upper Tribunal, if such further appeal is not lodged. If the notice was suspended for a period longer than this it becomes operative at the end of the suspension period.

Power to take action without agreement (under Part 2 and 3 of schedule 3 of the Housing Act 2004)

If you do not comply with the notice, the Council may do the works themselves and charge you with the cost.

If during the period in which the works are to be carried out the Council think that reasonable progress is not being made, they may, after giving notice in writing of their intention to do so, do the work themselves and charge you with the cost.

Until recovered, the expenses recoverable by the Council together with any accrued interest on them, are a charge on the premises to which the improvement notice related

Power to take action with agreement (under Part 1 of schedule 3 of the Housing Act 2004)

If you have difficulty in finding a builder to do the works or have any other problems in arranging the works, you can ask the Council if they will do the work themselves and charge you with the cost.

Application for revocation or variation of the notice

If you are satisfied that the requirements of the notice have been complied with in full, or where the notice relates to a number of different hazards that the requirements of the notice relating to some of the hazards have been complied with, you may apply to the Local Authority for revocation or variation of the notice as appropriate.

(section 16)

Changes in person(s) liable to comply with the notice after service

If, after the service of the notice, the person(s) on whom it was served cease(s) to be a “person of the relevant category” (eg. Licence holder, person managing, person having control etc) i.e. the interest in the property is disposed of or the licence holder/persons managing change, then that person’s liability to comply with the notice

may cease and transfer to the new person(s) of the relevant category. Changes in ownership, management or licence holder should therefore be notified to the Local Authority at an early stage and clarification of liability for compliance should be sought.

(section 19)

Penalty- Offence of failing to comply with improvement notice

If you, without reasonable excuse fail to comply with the notice you commit an offence punishable on summary conviction to a fine not exceeding level 5 on the standard scale. or a financial penalty, the level of which would be calculated in accordance with the Council Private Sector Housing Enforcement policy.

The obligation to take any remedial action specified in the notice in relation to a hazard continues despite the fact that the period for completion of the action has expired.

(section 30)

Land Charge

When the notice becomes operative it will be a local land charge on the premises to which it relates. This means that it will be recorded in the register of local land charges kept by the Council. This register is public and anyone may search for entries in it upon payment of a fee. Purchasers will normally search this register.

(section 37)

Advice

If you do not understand this notice or wish to know more about it, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Housing Aid Centre, Law Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half-an-hour of legal advice for a small fee. If you want to know more about the works the Council require you to do, you may wish to consult a surveyor.

SCHEDULE 1**20A HIGH STREET, SUTTON CB6 2RB****Nature of Category 1 Hazard: Excess Cold**

The deficiencies giving rise to the hazard are as follows:

- The dwelling's fixed heating consists of various models of electric storage heater, these have manual charge controls which lack the controllability and efficiency of modern counterparts. The charge period associated with economy tariffs and lack of convector boost associated with these older models coupled with the spacious and high ceiling rooms means that inadequate heating for periods within any 24 hours is likely. It is not known if the heaters have been regularly maintained.
- There is no heating provision to the large GF hallway, internal room off the lounge or the kitchen.
- The Energy Performance Certificate (EPC) for this dwelling provides an energy rating of G this is below the minimum standard set by the Minimum Energy Efficiency Standard (MEES) Regulations for letting a property unless exempt. The EPC indicates that the solid brick constructed walls and the loft space are both uninsulated. The level of thermal efficiency to the separation between the GF commercial premises and the FF dwelling is not known.

Nature of Category 1 Hazard: Falls associated with stairs and steps

The deficiencies giving rise to the hazard are as follows:

- The metal fire escape staircase leading from the FF kitchen has been poorly maintained. There is significant rust to the underside of the top platform and a small hole has rusted through on the nearside edge.
- The outside light situated on the wall at the top of the fire escape is not working.

Nature of Category 2 Hazard: Damp and mould growth

The deficiencies giving rise to the hazard are as follows:

- The chimney breast and LHS external wall to the rear LHS bedroom are showing signs of penetrating damp.
- On the outside of the LHS bathroom wall there is a significant stepped vertical crack extending down from the roofline. This may permit penetrating damp.
- Damp staining evident to the bathroom airing cupboard floor.
- Minimal provision for background ventilation throughout with the exception of the lounge (which has an open fire).
- The kitchen extractor fan was not in working order and there was no mechanical extraction provision in the bathroom.

Nature of Category 2 Hazard: **Domestic hygiene and pests.**

The deficiencies giving rise to the hazard are as follows:

- Areas of missing, cracked and/or damaged wall plaster in GF hallway, FF landing and corridor and in the kitchen.
- Various cracks/gaps between wall tops and ceilings most evident in bathroom, kitchen and internal room off lounge.
- Lounge skirting has gaps and a sizeable hole.
- Hole in the kitchen ceiling around the electric cable to the consumer unit.
- The cold water tap to the bathroom wash hand basin is not working.

In considering the factors above, the potential risks associated with this property have been identified as follows:

Whilst the dwelling benefits from mostly double-glazed windows and a fixed heating system the age, type and extent of the heating system, long term water penetration and any associated high relative humidity reduces the ability to properly heat the dwelling. In addition, the poor thermal efficiency of the remaining outer envelope of the property eg walls and roof reduces the ability to maintain an adequate temperature and this would be more so for those occupier(s) and visitors over 60 years of age.

Whilst the metal fire escape is for use only in case of emergency for this dwelling the staircase's external situation, hard metal surfaces/edges and concrete surface at the bottom increase the severity of harm should a fall occur and this would be more so for those over 60 years of age.

The areas of damaged/missing and/or significantly cracked wall plaster are not capable of being easily cleaned and decorated and the disrepair to skirting may provide harbourage to pests. Cracks to the external wall and gaps to the ceiling may allow entry or give harbourage to pests. Marginally increasing the risk of an associated occurrence of illness of an occupier.

SCHEDULE 2

In accordance with all necessary permissions and guidance:

- a) Arrange for a full inspection of all heaters within the property, service and undertake all necessary repairs and extend the heating system as necessary or supply and install a fixed heating system throughout the property. Ensure the resulting fix or replacement heating system is capable of maintaining the following internal temperatures when the external temperature is -1°C
 - Living room 21°C
 - Bedrooms 18°C
 - Kitchen 18°C
 - Bathroom 22°C
 - Hall/passage 18°C

- b) Investigate ways to improve the thermal efficiency of the outer envelope of the dwelling and to minimise cold draughts. On completion the property should be free from excess draughts and sufficiently insulated to prevent any cold bridging and/or damp penetration.
- c) Arrange for an inspection of loft spaces, ensuring there is insulation of a suitable type and to a minimum depth of 270mm, that it is laid correctly and meets current building regulation standards.
- d) Instruct a suitably competent person(s) to undertake a damp survey to identify any necessary remedial works to treat/prevent damp and undertake all necessary works.
- e) Provide controllable background ventilation throughout to improve the air flow within the property. Ensure there are sufficient extractor fans for the bathroom and kitchen and any existing extractor fans are effective in removing water laden air from bathing and cooking to the outside.
- f) Repair or replace the outside light to the fire escape.
- g) Employ a suitably competent person to inspect the fire escape and make any repair and/or carry out any rust treatment as necessary to ensure structural integrity.
- h) Repair all damaged plaster areas of the ceiling and walls, and repair or replace the damaged skirting. Redecorate to match the original, using good quality materials and paints which are suitable for the locations.
- i) Employ a suitably competent person to inspect the bathroom plumbing for leaks and carry out any necessary repairs.
- j) Employ a suitably competent person to inspect and carry out any necessary repairs to the wash hand basin pipework and/or tap(s) to ensure a constant supply of hot and cold water.

In accordance with Section 17 the Local Authority will review this suspended improvement notice.

All works must be completed within 8 weeks from the date this or any subsequent suspension of the Improvement Notice ends

STATEMENT OF REASONS FOR SERVICE OF A SUSPENDED IMPROVEMENT NOTICE

In accordance with Section 8 of the Housing Act the following information provides the reasons for the decision to serve a suspended improvement notice rather than taking other forms of action with respect to 20A High Street, Sutton CB6 2RB.

1. The LL purchased the property in January 2021 with a sitting tenant. There is evidence that some routine maintenance has been undertaken by the LL, for example provision of an EICR and he has provided evidence which indicates attempts to progress other matters prior to our involvement were thwarted due to lack of access. Several attempts by the LL to progress since our involvement, have also failed due to lack of access.

2. Both category 1 hazards present are hazards to which elderly persons are considered to be most vulnerable. Neither occupier is elderly and the tenant has expressly stated he will not provide access to carry out any of the work which would reduce the excess cold hazard. The landlord has recently lodged an application for an exemption under MEES
3. The works are considered reasonably practical to be undertaken and do not require emergency repairs to be addressed. Therefore prohibition, emergency prohibition, emergency remedial action, and demolition are not considered appropriate responses.
4. The HHSRS Enforcement Guidance advises that a hazard awareness notice (HAN) under section 28 is a possible response to a category 1 hazard. It also states there may be circumstances where works of improvement are not practicable or reasonable, in which case a HAN might be appropriate. Or authorities may wish to use the HAN procedure without issuing an improvement notice where an owner or landlord has agreed to take remedial action and the authority is confident the work will be done in reasonable time.
5. The Landlord had been able to demonstrate to the Council's satisfaction that his attempts to liaise with the tenant and arrange for contractors to undertake the work (since our initial formal involvement with the LL in April 2021) have so far been unsuccessful, and have in the main been outside of his control. A change in circumstance appears unlikely in the short term so works of improvement appear not to be practical at this time. A HAN therefore must be considered as a suitable option in this situation.
6. The HHSRS Enforcement Guidance advises an improvement notice (IN) under section 11 or 12 of the Act is a possible response to a category 1 or a category 2 hazard. Officers have already identified that opportunities for works of improvement have been thwarted and further attempts by the LL to agree a suitable time for contractors to attend may not be achievable at this time. The Enforcement Guidance advises that suspension of an IN may be appropriate where the hazard is not sufficiently minor to be addressed by a HAN but the current occupiers are not members of a vulnerable group. There are Category 1 and 2 hazards within the property which are not classed as minor. The current tenant is not a member of a vulnerable group for any of the identified hazards.
7. The ECDC Private Sector Housing Enforcement Policy identifies situations where the investigation of complaints of housing conditions may not be provided or be discontinued. The first of these is where the tenant(s) unreasonably refuses access to the landlord, managing agent or landlord's builder, to arrange or carry out works. The evidence in this case demonstrates there has been repeated refusal of access during normal contractor working hours and this is considered unreasonable. We will continue to monitor progress direct with the LL.
8. We have not identified an immediate risk to the current occupier's health and safety but there are Category 1 and 2 hazards which must be addressed. This would become a higher priority the longer the period of time over which the hazards remain, if more vulnerable persons were to reside at the property in the future, or if there was a change in circumstances of the current occupier.

9. Considering the above matters the most appropriate course of action is to serve a Suspended IN, with a review after 6 months to re-assess if another course of action is more appropriate or to extend the Suspended IN. Although our dealings with the LL have been positive we have little background knowledge on this individual on which to base confidence that service of a HAN will be sufficient to ensure efforts will continue to be made by the LL to gain entry to undertake the necessary repairs. In addition, part of the repair work is to the external of the property and so although the tenant has the right to quiet enjoyment of the property it is reasonable to assume that the LL, with reasonable notice and having sought legal opinion, could undertake checks and/or repairs to the external emergency staircase, without unreasonable effect on the tenant's quiet enjoyment. In the 6-month period we would expect the LL to be able to demonstrate that he has continued with his efforts, informally and formally (if required), to gain access to undertake the remaining internal repairs.
10. The decision to serve a suspended IN will allow the LL further time to progress the actions required and offers reassurance to the LA that measures can be taken quickly if the situation changes and a review is required. It will also provide reassurance to the tenant that the LA recognises that repairs are required but that this can only happen with cooperation between both parties.

END OF DOCUMENT

NOTICE REQUIRING INFORMATION AS TO
OWNERSHIP OF PREMISES OR LAND

To: The Company Director(s), TR Lettings Limited

Of: 20-22 Wenlock Road, London N1 7GU

In connection with the functions conferred on the Council by **The Housing Act 2004 – Housing Health and Safety Rating System. In relation to a Category 2 hazard concerning Damp and Mould Growth**

NOTICE IS HEREBY GIVEN that the East Cambridgeshire District Council requires you within 14 days from the date of service of this Notice to state in writing the nature of your interest in the land or premises known as: **Flat 3, 6 Granby Street, Littleport, Cambs CB6 1NE** together with the name and address of any person known to you as having an interest therein, by completing the form enclosed and returning the form to the Council.

Dated this Twenty fourth day of July 2023.


.....
Environmental Services Manager

N.B. Your attention is drawn to the provisions of S.16 of the Local Government (Miscellaneous Provisions) Act 1976:-

- (1) Where, with a view to performing a function conferred on a Local authority by any enactment, the authority considers that it ought to have information connected with any land, the authority may serve on one or more of the following persons, namely:-
- (a) the occupier of the land; and
 - (b) any person who has an interest in the land either as freeholder, mortgagee or lessee or who directly or indirectly receives rent for the land; and
 - (c) any person who, in pursuance of an agreement between himself and a person interested in the land, is authorised to manage the land or to arrange for the letting of it,

a notice specifying the land and the function and the enactment which confers the function and requiring the recipient of the notice to furnish the authority, within a period specified in the notice (which shall not be less than fourteen days beginning with the day on which the notice is served), the nature of his interest in the land and of each person whom he believes is, as respects the land, such a person as is mentioned in the provisions of paragraphs (b) and (c) of this subsection.

- (2) A person who:
- (a) fails to comply with the requirements of a notice served on him in pursuance of the preceding subsection; or
 - (b) in furnishing any information in compliance with such a notice makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400.



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,
ELY, CAMBRIDGESHIRE CB7 4EE

Telephone: Ely (01353) 665555

www.eastcambs.gov.uk

Messrs M.J. & G.S. Chiao Chong
1Teasel Close
ROYSTON
Herts SG8 9NG.

This matter is being dealt with by:

Linda Thompson

Telephone: 01353 665555

E-mail: Linda.Thompson@eastcambs.gov.uk

My Ref: 23/01534/HP_DIS

Your ref

Date: 25th September 2023

Dear Sirs

95 The Causeway, Soham CB7 5BD
Housing Act 2004 Part 1
Housing Health and Safety Rating System Inspection
Local Government (Miscellaneous Provisions) Act 1976

It is my understanding that you are the freeholders of the above residential property, in addition to of the adjoining commercial property at number 97. I write to advise that concerns of hazardous housing conditions at number 95 have been brought to the attention of this department and that it is our intention to inspect the property at **10:30 am on Wednesday 4th October**. This information is provided in accordance with Section 239(5) of the Housing Act 2004. Arrangements are in place with the occupier (Mr. Aduong Chau) to provide access.

In addition, I enclose 'requisition for information' notices and attached short forms, which asks you about ownership or other interest in the premises.

Please ensure that you complete all six parts of the forms and return them to me by 14 days from the date of the notice. You will see at the bottom of the notice that this is a legal requirement.

In the meantime, should you wish to discuss this matter please do not hesitate to contact me.

Yours faithfully

Linda Thompson MCIEH
Technical Officer (Domestic)
Environmental Services

Encs

NOTICE REQUIRING INFORMATION AS TO
OWNERSHIP OF PREMISES OR LAND

To: Mr. Gerald Sian Chiao Chong

Of: 1 Teasel Drive, Royston, Hertfordshire SG8 9NG

In connection with the functions conferred on the Council by **Part 1 of the Housing Act 2004**.

NOTICE IS HEREBY GIVEN that the East Cambridgeshire District Council requires you within 14 days from the date of service of this Notice to state in writing the nature of your interest in the land or premises known as: **95 The Causeway, Soham, ELY, Cambridgeshire CB7 5BD** together with the name and address of any person known to you as having an interest therein, by completing the form enclosed and returning the form to the Council.

Dated this Twenty fifth day of September 2023.


.....
Environmental Services Manager

N.B. Your attention is drawn to the provisions of S.16 of the Local Government (Miscellaneous Provisions) Act 1976:-

- (1) Where, with a view to performing a function conferred on a Local authority by any enactment, the authority considers that it ought to have information connected with any land, the authority may serve on one or more of the following persons, namely:-
- (a) the occupier of the land; and
 - (b) any person who has an interest in the land either as freeholder, mortgagee or lessee or who directly or indirectly receives rent for the land; and
 - (c) any person who, in pursuance of an agreement between himself and a person interested in the land, is authorised to manage the land or to arrange for the letting of it,

a notice specifying the land and the function and the enactment which confers the function and requiring the recipient of the notice to furnish the authority, within a period specified in the notice (which shall not be less than fourteen days beginning with the day on which the notice is served), the nature of his interest in the land and of each person whom he believes is, as respects the land, such a person as is mentioned in the provisions of paragraphs (b) and (c) of this subsection.

- (2) A person who:
- (a) fails to comply with the requirements of a notice served on him in pursuance of the preceding subsection; or
 - (b) in furnishing any information in compliance with such a notice makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400.

To: Environmental Services FAO L. Thompson
East Cambridgeshire District Council
The Grange, Nutholt Lane
Ely, Cambs, CB7 4EE

Requisition
NT23/187

Re: **95 The Causeway, Soham, ELY, Cambridgeshire CB7 5BD**

(All names in full please)

1. Who is/are the OWNER(S)?
(i.e. freeholder(s))

Name(s):
Address:

Date of Birth:

2. (i) Who has a weekly/monthly or
other tenancy of the property?
(i.e. Tenant)

Name:
Address:

Date of Birth:

(ii) Approximate rent paid

£

per week/month/

3. (i) Who has a lease for a term of
years? (i.e. LESSEE)

Name:
Address:

Date of Birth:

(ii) Approximate number of years of
lease remaining:

(iii) Approximate rent:

£

per year

4. If you receive or pay rent, who do you
receive from or pay to?

Received from/paid to:

Name:
Address:

5. (i) Is there a mortgage affecting the
property?

YES / NO/ NOT TO MY KNOWLEDGE

(ii) If yes, who is the mortgagee?

Name:
Address:

6. If not stated above, the legal interest of
any other person in the property,
including yourself.

I declare the above information is correct to the best of my knowledge.

Dated:

Signed:

NOTICE REQUIRING INFORMATION AS TO
OWNERSHIP OF PREMISES OR LAND

To: Mr. Matthew Jin Chiao Chong

Of: 1 Teasel Drive, Royston, Hertfordshire SG8 9NG

In connection with the functions conferred on the Council by **Part 1 of the Housing Act 2004**.

NOTICE IS HEREBY GIVEN that the East Cambridgeshire District Council requires you within 14 days from the date of service of this Notice to state in writing the nature of your interest in the land or premises known as: **95 The Causeway, Soham, ELY, Cambridgeshire CB7 5BD** together with the name and address of any person known to you as having an interest therein, by completing the form enclosed and returning the form to the Council.

Dated this Twenty fifth day of September 2023.



.....
Environmental Services Manager

N.B. Your attention is drawn to the provisions of S.16 of the Local Government (Miscellaneous Provisions) Act 1976:-

- (1) Where, with a view to performing a function conferred on a Local authority by any enactment, the authority considers that it ought to have information connected with any land, the authority may serve on one or more of the following persons, namely:-
- (a) the occupier of the land; and
 - (b) any person who has an interest in the land either as freeholder, mortgagee or lessee or who directly or indirectly receives rent for the land; and
 - (c) any person who, in pursuance of an agreement between himself and a person interested in the land, is authorised to manage the land or to arrange for the letting of it,

a notice specifying the land and the function and the enactment which confers the function and requiring the recipient of the notice to furnish the authority, within a period specified in the notice (which shall not be less than fourteen days beginning with the day on which the notice is served), the nature of his interest in the land and of each person whom he believes is, as respects the land, such a person as is mentioned in the provisions of paragraphs (b) and (c) of this subsection.

- (2) A person who:
- (a) fails to comply with the requirements of a notice served on him in pursuance of the preceding subsection; or
 - (b) in furnishing any information in compliance with such a notice makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400.

To: Environmental Services FAO L. Thompson
East Cambridgeshire District Council
The Grange, Nutholt Lane
Ely, Cambs, CB7 4EE

Requisition
NT23/186

Re: **95 The Causeway, Soham, ELY, Cambridgeshire CB7 5BD**

(All names in full please)

1. Who is/are the OWNER(S)?
(i.e. freeholder(s))

Name(s):
Address:

Date of Birth:

2. (i) Who has a weekly/monthly or
other tenancy of the property?
(i.e. Tenant)

Name:
Address:

Date of Birth:

(ii) Approximate rent paid

£

per week/month/

3. (i) Who has a lease for a term of
years? (i.e. LESSEE)

Name:
Address:

Date of Birth:

(ii) Approximate number of years of
lease remaining:

(iii) Approximate rent:

£

per year

4. If you receive or pay rent, who do you
receive from or pay to?

Received from/paid to:

Name:
Address:

5. (i) Is there a mortgage affecting the
property?

YES / NO/ NOT TO MY KNOWLEDGE

(ii) If yes, who is the mortgagee?

Name:
Address:

6. If not stated above, the legal interest of
any other person in the property,
including yourself.

I declare the above information is correct to the best of my knowledge.

Dated:

Signed:

**EAST CAMBRIDGESHIRE DISTRICT COUNCIL****HOUSING ACT 2004****SECTION 11 and 12*****IMPROVEMENT NOTICE***

To: Chief Executive Officer

Of: Sanctuary Housing Association
Sanctuary House
Chamber Court
Castle Street
Worcester
Worcestershire
WR1 3ZQ

1. You are the owner

of the dwelling known as **107 West Drive Crescent, Soham CB7 5EB** ("the Premises").
2. In the opinion of East Cambridgeshire District Council Category 1 and 2 hazards exist(s) on the Premises and the Council is further satisfied that no Management Order is in force in relation to the Premises under Chapter 1 or 2 of Part 4 of the Housing Act 2004.
3. This notice is served as the deficiencies specified in **SCHEDULE 1** give rise to the hazards at the Premises as specified in **SCHEDULE 1**.
4. Under Section 11(2) and 12(2) of the Housing Act 2004 the Council requires you to carry out the works specified in **SCHEDULE 2** to this Notice and to begin them not later than the 4th August 2023 (being not less than 28 days after service of this notice) and to complete them within the periods specified in the schedule.
5. The Council considers the service of this Improvement Notice to be the appropriate enforcement action under Section 5(2) and 7(2) of the Housing Act 2004 for the reasons stated in the attached statement of reasons

SCHEDULE 2

See attached specification of works to be carried out.

Signed:

Dated 7th July 2023

Environmental Services Manager

Contact officer: Linda Thompson
Office address: The Grange, Nutholt Lane, Ely, Cambs CB7 4EE
Telephone: 01353 665555
E-mail: karen.see@eastcambs.gov.uk

Notes

Meaning of "category 1 hazard" and "category 2 hazard"

"category 1 hazard" means a hazard of a prescribed description which falls within a prescribed band as a result of achieving, under a prescribed method for calculating the seriousness of hazards of that description, a numerical score of or above a prescribed amount;

"category 2 hazard" means a hazard of a prescribed description which falls within a prescribed band as a result of achieving, under a prescribed method for calculating the seriousness of hazards of that description, a numerical score below the minimum amount prescribed for a category 1 hazard of that description; and

"hazard" means any risk of harm to the health or safety of an actual or potential occupier of a dwelling or HMO which arises from a deficiency in the dwelling or HMO or in any building or land in the vicinity (whether the deficiency arises as a result of the construction of any building, an absence of maintenance or repair, or otherwise).

"prescribed" means prescribed by regulations made by the appropriate national authority (see section 261(1)); and

"prescribed band" means a band so prescribed for a category 1 hazard or a category 2 hazard, as the case may be.

Right of appeal (under Schedule 1, Part 3 of the Housing Act 2004)

If you do not agree with this notice you may appeal against it to the First-tier Tribunal Property Chamber (Residential Property), but you must do this within 21 days after this notice is served on you.

EASTERN REGION

HM Courts & Tribunals Service

First-tier Tribunal (Property Chamber) Residential Property, Cambridge County Court, 197 East Road

Cambridge, CB1 1BA

Telephone: 01223 841 524

Fax: 01264 785 129

Email address: RPEastern@justice.gov.uk

These notes are intended as general information to the recipient(s) of this as a broad summary of their rights of appeal against the notice. They are not intended to be definitive and persons considering an appeal are advised to seek independent legal advice and/or refer to the full version of Schedule 1 to the Housing Act 2004. Further advice can be obtained from <https://www.gov.uk/courts-tribunals/first-tier-tribunal-property-chamber>

The person on whom this notice is served may appeal to a First Tier Tribunal against the notice. The person must appeal using a Notice of appeal, which you can obtain from the residential property tribunal. The paragraphs below set out two specific grounds for appeal but an appeal may equally be made on other general grounds:

- An appeal may be made on the ground that one or more other persons as owner(s) of the premises ought to take the action specified in this notice or pay all or part of the cost of that action. If you appeal on this ground you must serve a copy of your notice of appeal on the person(s) concerned.
- An appeal may be made on the ground that rather than service of this improvement notice one of the alternative courses of action below is the best course of action in relation to the hazard in respect of which this notice was served:
 - (a) The making of a prohibition order under section 20 or 21 of the Housing Act 2004
 - (b) The service of a hazard awareness notice under section 28 or 29 of the Housing act 2004
 - (c) The making of a demolition order under section 265 of the Housing Act 1985

Time limit for appeal

Any appeal must be made within 21 days of the correct service of this notice. A First Tier Tribunal may allow an appeal to be made after the expiry of the 21-day period if it is satisfied there is a good reason for the failure to appeal within that period (and for any delay since then in applying for permission to appeal outside the 21-day period).

Powers of the residential property tribunal

The appeal will be heard by the tribunal by way of a re-hearing but may consider matters raised that the Council were unaware of. The tribunal may confirm, quash or vary the improvement notice.

Where the appeal is made on the grounds specified above the tribunal may –

- vary the improvement notice so as to require the person(s) specified in the notice of appeal to take the required action; or
- it may make an order as it considers appropriate requiring the payment of all or part of the costs of the action to be taken under the notice by the person(s) specified in the notice of appeal or to the Council.

Where the appeal is made on the ground of an alternative courses of action should have been taken the tribunal must have regard to guidance issued to the Council by the Government under section 9 of the Housing Act 2004. If the tribunal finds that an alternative course of action was the best course of action it must, if requested by the appellant or the Council, identify that course of action.

Operative time for the notice following appeal

If the tribunal upholds the notice, and the notice was not suspended, it becomes operative at the end of the allowable period for further appeal to the Upper Tribunal, if such further appeal is not lodged. If the notice was suspended for a period longer than this it becomes operative at the end of the suspension period.

Power to take action without agreement (under Part 2 and 3 of schedule 3 of the Housing Act 2004)

If you do not comply with the notice, the Council may do the works themselves and charge you with the cost.

If during the period in which the works are to be carried out the Council think that reasonable progress is not being made, they may, after giving notice in writing of their intention to do so, do the work themselves and charge you with the cost.

Until recovered, the expenses recoverable by the Council together with any accrued interest on them, are a charge on the premises to which the improvement notice related

Power to take action with agreement (under Part 1 of schedule 3 of the Housing Act 2004)

If you have difficulty in finding a builder to do the works or have any other problems in arranging the works, you can ask the Council if they will do the work themselves and charge you with the cost.

Application for revocation or variation of the notice

If you are satisfied that the requirements of the notice have been complied with in full, or where the notice relates to a number of different hazards that the requirements of the notice relating to some of the hazards have been complied with, you may apply to the Local Authority for revocation or variation of the notice as appropriate.

(section 16)

Changes in person(s) liable to comply with the notice after service

If, after the service of the notice, the person(s) on whom it was served cease(s) to be a “person of the relevant category” (eg. Licence holder, person managing, person having control etc) i.e. the interest in the property is disposed of or the licence holder/persons managing change, then that person’s liability to comply with the notice may cease and transfer to the new person(s) of the relevant category. Changes in ownership, management or licence holder should therefore be notified to the Local Authority at an early stage and clarification of liability for compliance should be sought.

(section 19)

Penalty- Offence of failing to comply with improvement notice

If you, without reasonable excuse fail to comply with the notice you commit an offence punishable in the magistrates' court by a fine not exceeding level 5 on the standard scale.

The obligation to take any remedial action specified in the notice in relation to a hazard continues despite the fact that the period for completion of the action has expired.

(section 30)

Land Charge

When the notice becomes operative it will be a local land charge on the premises to which it relates. This means that it will be recorded in the register of local land charges kept by the Council. This register is public and anyone may search for entries in it upon payment of a fee. Purchasers will normally search this register.

(section 37)

Advice

If you do not understand this notice or wish to know more about it, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Housing Aid Centre, Law Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half-an-hour of legal advice for a small fee. If you want to know more about the works the Council require you to do, you may wish to consult a surveyor.

SCHEDULE 1

107 West Drive Crescent, Soham CB7 5EB

Nature of Category 1 Hazards: **Damp and Mould Growth**

The deficiencies giving rise to the hazard are as follows:

Evidence of longstanding disrepair to wet room drainage system resulting in overflowing shower waste water. Associated significant and persistent damp at low height affecting floors, internal walls in both bedrooms, rear hallway and lounge. In addition, damp staining at varying heights is evident to left hand side external wall affecting both bedrooms.

Mould growth evident to all wet room surfaces, internal door surfaces and window frames throughout, bedroom walls and furnishings.

The wet room extractor fan is not working and the kitchen fan is dirty adversely affecting efficient operation.

There is evidence of debris accumulating in the gutters and a lack of maintenance to the fascia and soffit boards.

Nature of Category 2 Hazards: **Falling on level surfaces, Personal Hygiene, Sanitation and Drainage**

The deficiencies giving rise to the hazards are as follows:

Due to defective drainage waste water from the shower is pooling on the wet room floor, most noticeably between doorway and wc.

In considering the factors above, the potential risks associated with this property have been identified as follows:

Occupiers and visitors being exposed to damp and mould. There is evidence of continuing disrepair to the wet room drainage, causing dampness and mould growth. The damp is extensive and requires intervention to ensure adequate drying out. Persistent damp and lack of adequate mechanical extraction increases humidity levels encouraging mould growth.

There is the further increased risk to persons from hazard of falls from slipping on wet surfaces.

There is the increased risk of exposure to waste water by the drains serving the shower regularly overflowing. This makes it difficult to keep the floors clean and hygienic and discourages the use of these facilities. The system must be designed and constructed so as to ensure pipes do not block under normal use.

SCHEDULE 2

In accordance with all necessary permissions and guidance:

- a) Undertake further investigations as necessary to ensure that all source(s) of damp have been identified and remedied. Taking any necessary steps to ensure adequate drying out of affected structures and making good of surfaces.
- b) Clean away any mould growth using anti-fungal solution and make good.
- c) Thoroughly investigate the foul and waste water drainage system(s) and undertake any necessary repairs so as to ensure that pipes serving the wet room are capable of carrying foul or waste water safely to the main drainage system and do not block in normal use.
- d) Overhaul, repair or replace the extractor fans ensuring they are capable of effectively removing moisture laden air from bathing and cooking to the outside.
- e) Examine and overhaul or replace the guttering to ensure it discharges rain water effectively away from the building.

All works to be completed by 1st September 2023

STATEMENT OF REASONS FOR SERVICE OF AN IMPROVEMENT NOTICE

In accordance with Section 8 of the Housing Act the following information provides the reasons for the decision to serve an improvement notice rather than taking other forms of action with respect to 107 West Drive Crescent, Soham CB7 5EB.

1. An Occupational Therapist (OT) of Prevention and Early Intervention, Cambridgeshire County Council contacted the council on 29th March 2023 to raise concerns about the condition of her clients' rented property due to outstanding repairs. She included a copy of her letter raising these concerns directly with Sanctuary sent on the same date.
2. On 3rd April 2023 an email was sent to Sanctuary requesting they look into the matter and provide any update and a plan of action.
3. On 5th April 2023 the occupiers' sister (point of contact) advised that Sanctuary had inspected the property on 4th April 2023, but she was unaware of the outcome as she had not been made aware of their attendance, although she understood an undertaking was given that the wet room would be renovated and the mould treated but the occupiers would need to be decanted before works could start.
4. On 5th April 2023 we emailed Sanctuary requesting an update re outcome of their inspection, suggesting someone also update the OT and occupier's sister.
5. On 6th April 2023 an update from Cambridgeshire County Council Specialist Housing Advisor indicated that following Sanctuary's inspection of the property there was now liaison between Sanctuary Area Housing Officer and their team re progressing a decant so that works could be undertaken and it was agreed no further action from Env Health was necessary at this time.
6. On 31st May 2023 the OT contacted the council again reporting a lack of progress and engagement by Sanctuary.

7. On 1st June Sanctuary were emailed raising concerns about lack of progress and requesting any update and providing S239 notice of my intention to inspect. An acknowledgement was received on the same day advising that Sanctuary's Wellbeing Team were involved, inspections had been raised and due to staff changes a new Area Housing Officer allocated who would be in getting in touch with the occupiers to discuss the plan of action.
8. On 7th June 2023 Sanctuary advised that they were looking for a suitable property to decant the occupiers to, which was necessary prior to works commencing.
9. An inspection was undertaken on 8th June 2023 identifying a Category 1 damp and mould growth hazard requiring attention.
10. On 9th June 2023 Sanctuary advised they had identified a suitable property (subject to compliance checks) and that necessary works had been identified.
11. On 19th June a HAN was emailed to Sanctuary with a recommended timescale for the investigations/works.
12. On 22nd June 2023 an email was sent to Sanctuary requesting any update.
13. On 23rd June 2023 Sanctuary advised that damp and drain surveys to identify necessary works and provide associated quotes were yet to be carried out. No update with regard to arrangements to decant were provided therefore a reply was sent advising that it was considered in the circumstances a decant should be arranged as a priority as it was not reasonable to expect the occupiers to stay in the property whilst waiting for surveys and quotations to be completed prior to works being raised and a timescale for completion established.
14. Since this time no further communication from Sanctuary has been received.
15. Given the lack of progress to date and further anticipated delays when considering the seriousness of the hazard merits an Improvement Notice.
16. It is acknowledged that it is more appropriate to temporarily rehouse the occupiers and also that their particular needs mean this is more challenging to arrange. However, the necessity of a decant prior to works commencing was identified during their inspection on 5th April 2023
17. No information has been provided as to the timescale for progressing the decant or works. The family occupiers are not using their bedrooms or have one of their children to stay due to conditions.
18. The works are considered reasonably practical to be undertaken and therefore prohibition, emergency prohibition, emergency remedial action, and demolition are not considered appropriate responses.

F. Knox

7th July 2023