



Reference

PR201911-225207

Notice

Housing Act 2004 Part 1 – [Section 11]
Improvement Notice

Recipient

Name
Friars House (Aylesbury) Ltd

Address
5 Sentinel Square, Hendon, London. NW4 2EL

Relating to

Relating to: Friars House, 4 Great Western Street, Aylesbury Bucks. HP20 2PL

Person Responsible

You are the person having control of the dwelling and common parts of a building containing one or more flats detailed above ('the premises').

Hazards

The Aylesbury Vale District Council ('the Council') is satisfied that a Category 1 Fire hazard exists on the premises and 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. There is a significant fire hazard existing at Friars house, HP20 2PL, which affects all flats above the ground floor and the common parts.

The hazard(s) and the deficiencies that give rise to them are specified in Schedule 1 to this notice.

The operative date of this Notice is 19 day of December 2019

Works Required

Under Section [11(2)] of the Housing Act 2004 the Council requires you to carry out the works specified in **Schedule 2** to this Notice. This is the remedial action which the council considers would, if taken in relation to the hazard, result in their revoking the notice under Section 16 of the Housing Act 2004.

Time scales are as follows;

External survey of building cladding and associated works

- To start within 31 days from the date of issue of this notice.
- The report(s) should be provided to the council within 4 months.
- Any works identified to be agreed with the council and carried out within 12 months.

Internal compartmentation survey and associated works

- To start within 31 days from the date of issue of this notice.
- The report(s) should be provided to the council within 4 months.
- Any works identified to be agreed with the council and carried out within 12 months.

Installation of LD1 detection system and replacement of damaged fire doors

- To start work within 6 weeks from the date of issue of this notice.
- Works to be completed within 4 months.

Replace damaged fire doors

- To start work within 6 weeks of the date of issue of this notice
- To complete the works within 3 months.

Arrange inspection and test of automatic opening vents (AOVs), passenger lift, wet riser and dry riser systems, Carry out works required as identified by this inspection and provide certificates that demonstrate that the work has been satisfactorily carried out.

- To start works within 31 days from the date of issue of this notice.
- Works to be completed within 8 weeks.

Most Appropriate Course of Action

The Council considers the service of this Improvement Notice as the most appropriate course of action under Section [5(2)] of the Housing Act 2004 for the reasons stated in the attached statement of reasons.

SCHEDULE 1

NOTIFICATION OF HAZARDS

1.0 DESCRIPTION OF HAZARD – FIRE	
All items below refer to the inspection carried out on 22nd and 23rd July 2019 by officers from Aylesbury Vale District Council and the Fire Safety Joint Inspection Team (JIT) unless otherwise stated.	
Item No.	External façade
1.1	There are Aluminium Composite Material panels in grey and gold finish covering approximately 30% of the external façade from floors 3-7. The floor plans submitted as part of the planning application indicate that up to 20 flats (40%) are clad with this material. A sample of ACM has been tested by the Building Research Establishment (BRE) (sample number D0085-01 and found to be category 3 ACM.
1.2	The ACM was noted to be within 1.5m of the glazed windows within the lift lobby areas on the east façade of the building. The lift lobby windows are adjacent to the glass atrium containing the single staircase from level 3 down to ground level.
1.3	Some of the window mouldings appear to be of the same material construction as the ACM cladding.
1.4	The type and combustibility of the façade insulation is unknown although from the detailed plan submitted at the planning stage it appears that it was the intention to use Kingspan K15 rainscreen board. A photograph taken by Aylesbury Vale District Council appears to show this product being used in the construction of the 7th floor penthouses. According to the technical specification document for the product it does not achieve a rating of Euroclass A2-s2, d0 or A1.
1.5	There is a render covering around 30% of the external façade of the building. No documentation has been provided regarding the combustibility of the render or any associated insulation although there is a plan from the planning stage showing that expanded polystyrene insulation was to be used behind the render.
1.6	During the visual inspection it was not possible to confirm the presence of cavity barriers or fire stopping within the external cladding system. No documentation has been provided to support the presence of cavity barriers or fire stopping either.
1.7	There are 5 penthouse flats within the building which are provided with terraces. All of the penthouse flats which were inspected had ACM cladding adjacent to the terrace area. A BBQ was seen on a terrace during the inspection. There are 24 flats which are provided with balconies. Of these 24 balconies, 9 are located within the ACM clad area of the building.
1.8	Extract outlets with what appeared to be plastic covers were noted to be protruding through the external cladding of the building on the west and east façade. During the visual inspection it was not possible to confirm the presence of suitable fire stopping associated with the outlets where they penetrate the façade system.
	Other external observations
1.9	There were numerous cigarette butts within close proximity to Friars House on the flat roof at the west side on level 3, which may have been discarded by residents from their windows or persons accessing the flat roof beneath the ACM clad areas beginning at level 4.
1.10	There were air conditioning units and electrical cables located on the flat roof at the north west corner of the flat roof on level 3 which were not well maintained. The units are located directly underneath the ACM clad section of the building and could be a potential source of ignition.
1.11	The cupboard providing access to the dry-riser was located to the right of the main entrance door. The door to the cupboard was damaged and could not be closed, allowing easy unauthorised access to the dry riser.
	Fire alarm and detection system

1.12	There is a Grade A fire alarm system provided within the common parts, although it is unclear as to which devices are sounders only, which devices are detectors only and which devices are combined sounders/detectors. There are also break-glass call points situated throughout the communal areas. No certification or documentation has been provided to confirm the satisfactory inspection/testing and operation of the Automatic Fire Detection (AFD) system. Residents in some flats advised that they heard the fire alarm when tested whilst others advised that they did not.
1.13	All of the flats which were inspected had been provided with stand-alone mains wired AFD consisting of a heat detector within the kitchen area and a smoke detector in the entrance lobby. The heat detector in flat 35 was tested during the inspection and found to be linked to the smoke detector in the flat. The smoke detector in flat 21 was tested but it could not be concluded whether it was linked to the heat detector. No detection was seen in bedrooms within flats that were inspected.
	Compartmentation
1.14	Access was gained to two cupboards opening onto the common areas.
1.15	<p>The electrical riser cupboard in the lift lobby on level 3 was not locked or secured shut during our inspection on the 22/07/2019. During our inspection on the 23/07/2019 the cupboard was found to be locked and access could not be gained, however. The following observations were made on the 22/07/2019:</p> <ol style="list-style-type: none"> It could be seen that there was no vertical separation at the floor and ceiling level within the cupboard, which would allow any fire to spread between levels within the riser. The partition between the riser cupboard and the lift lobby on level 3 is plasterboard attached to the outside of a metal frame. If a fire were to start within the cupboard this would not provide the necessary fire separation to protect the lobby, which is on the means of escape for all flats on this level. Electrical cables were seen passing through the partition wall of the riser cupboard to the void above the false ceiling in the lift lobby on level 3. The penetrations were filled with an excessive amount of pink expanding foam which would not provide the necessary fire separation to protect the lobby. The use of pink foam in this manner is inappropriate because it has been used to fill large gaps, therefore has not been used in accordance with manufacturer's guidelines and will not provide the required level of protection from fire. There is a cavity between the brick wall of the lobby and the plasterboard lining to the lobby wall, which is open to the inside of the electrical cupboard. This would allow fire to spread from the riser cupboard into the cavity.
1.16	The riser cupboard on level 7 outside flat 46 was also not locked or secured shut. There was no intumescent collar visible on the soil pipe passing through the floor or ceiling of the cupboard. An excessive amount of pink foam had been used to seal the penetrations for a soil pipe at both floor and ceiling level. Pink foam had also been used to fill in gaps between the wall and door frame within the cupboard.
1.17	Inspection hatches were opened within the false ceilings at either end of the communal corridor on level 3 (outside of flat 5 and flat 9). Services and cables were seen passing through partition walls from the void above the false ceiling of the corridor into the flats. The penetrations were either sealed with pink foam or with an incomplete or excessive use of white mastic. There was a hole within the previous office 'true' ceiling which had been filled in using pink foam.
1.18	Locked cupboard in corridor near flat 10 on level 3 shows signs of having been flooded, with damp staining evident to the adjacent plasterboard and carpet. Flooded plasterboard does not perform well in a fire and may compromise the ability of the cupboard to provide the necessary resistance to the spread of fire.
	Fire doors on common parts
1.19	Fire doors were provided throughout the common parts and to flat entrance doors and cupboards that were accessed during the inspection. All of the fire doors inspected were fitted with cold smoke seals and intumescent strips. All flat front doors inspected and doors along the means of escape were also fitted with self-closing devices.
1.20	The front doors and frames to flats 1 and 4 had been damaged from what appeared to be impact by a ramming device. The flat metal plate to the door handle and key hole (escutcheon plate) of flat 9 was damaged exposing a large hole around the barrel of the lock. Several doors which were inspected within the building would not be classed as compliant fire doors due to the presence of non-fire resistant fixings e.g. locking mechanisms, handles, door furniture, etc. However the doors are generally of a reasonable standard with respect to fire.

1.21	Fire doors within the lift lobby areas are sub-optimal in that they have been fitted with U-shaped handles with bolts that pass through the door and a hole cut in them for mortice locks and mechanical code locks. These doors serve riser and service cupboard and pose a medium risk.
	Means of escape
1.22	There is only one route of escape for the entire block of flats.
1.23	For a building of this height the stairs should be a minimum width of 110cm. The stairs have a width of 90cm.
1.24	A building of this height should have a full size firefighting lift with two power supplies. No evidence has been seen that the lift is a firefighting lift.
	Smoke ventilation
1.25	There is a mechanical ventilation smoke control system provided within the corridors to levels 3, 4, 5 and 6 consisting of a fan at one end of the corridor and an opening inlet at the other. No evidence was provided demonstrating suitable and sufficient inspection, testing and operation of the system.
	Dry and wet riser systems
1.26	No evidence was provided demonstrating suitable and sufficient maintenance of the dry riser system, and an out of date certificate was provided for the wet riser system.
	Individual flats
1.27	The majority of the flats inspected had open plan kitchen/lounges with windows opening onto balconies or the external façade. Within flat 21 the kitchen area was adjacent to the external wall of the building, which was clad with ACM. Both of these factors increase the risk of a fire spreading to the external façade.
	Fire risk assessment
1.28	The most recent fire risk assessment for the block of flats is a non-intrusive Type 1 FRA. It identified issues with compartmentation within the internal common parts, for which no evidence was provided to demonstrate these defects have been addressed e.g. breaches in compartmentation where pipes and wires pass through walls and ceilings in riser cupboards. No intrusive surveys to establish the current integrity of fire compartmentation and stopping in the building, such as Type 2 or 4 fire risk assessments have been made available.
1.29	A fire safety report commissioned on behalf of Aylesbury Vale District Council by Freya Comprehensive Fire Solutions on 26th April 2019 states that there is ACM cladding in the same locations as confirmed during the inspection, and found there to be several issues with compartmentation within the block which have yet to be addressed e.g. penetrations to compartment walls within risers incorrectly sealed with expanding foam.

SCHEDULE 2

SCHEDULE OF REMEDIAL WORKS

2.0 PRELIMINARIES	
Item No.	Works
2.1	<p>All works to be carried out by competent persons in accordance with the requirements of the Local Planning Authority, Building Regulations, Gas (Safety) Regulations, latest edition of the Institute of Electrical Engineer's Regulations, the Statutory Water Undertaker's Byelaws, any Codes of Practice, British Standards Specification or manufacturer's instructions, directions, specification of good practice as appropriate and the requirements of any other relevant body.</p> <p>If you are unable to obtain the necessary planning permissions and comply with current building regulations this Notice will remain until such time when planning permission is sought and compliance with Building Regulations is met.</p> <p>If in the course of the works the fire and smoke resisting capabilities of any structural elements are compromised, then the appropriate work must be carried out to re-establish their integrity.</p>
2.2	'Left' and 'right' and 'front' and 'rear' are stated throughout as though standing in the street facing the entrance door of the property.
2.3	All works to be completed in a workman like manner.
2.4	Make good all works disturbed or otherwise damaged during execution of works.
2.5	Clear away all debris from site and leave premises clean and tidy on completion.
2.6	Supply, deliver, erect and dismantle on completion all scaffolding, screening and/or temporary support as necessary to ensure the proper execution of the work.
2.7	You are reminded of your obligation under Section 11 of the Landlord and Tenant Act 1985 to make good any damages to decorations which occur as a consequence of the following works.
2.8	You are reminded of your duties under the Health & Safety At Work Act 1976 and associated regulations to protect both your employees and other persons not in your employment.
2.9	If asbestos is found during the course of the works, care should be taken when removing it and the Principal Enforcement officer should be contacted for advice and guidance.
2.10	You are advised that nothing contained in this notice gives any power for you to require the occupier(s) to leave the dwelling on a permanent basis and the security of the tenure(s) remain(s).
2.11	Your attention is drawn to the problems of working in occupied property. Allowance must be made to maintain services and security. Due regard must be given to the occupiers welfare. In particular, works are to be so arranged that at all times washing, sanitary and cooking facilities are reasonable available and suitable for use. Where works are of such a nature that alternative accommodation is required for the occupier as a temporary measure, this is to be arranged by the landlord. You must bring to the attention of all persons exposed to hazards which could cause harm due to activities undertaken in the work being carried out.
2.12	Proper advance notification of works is to be given to the Occupiers and all necessary aid given for moving furniture and fittings, protecting possessions, providing alternative services and temporary re-housing as appropriate.
2.13	Remove all fixtures and fittings as necessary for the proper execution of works and re-fix/re-install upon completion.
2.14	Information and any specialist advice on problems encountered regarding this schedule may be obtained from Environmental Health, The Gateway, Gatehouse Road, Aylesbury, Bucks. HP19 8FF. You must consider The Construction (Design and Management) Regulations 2007 (CDM) for construction work if:

	<p>a. It Is notifiable work i.e. lasts more than 30 days or will involve more than 500 person days of work, or;</p> <p>b. It Is non-notifiable works which involves five people or more on site at any one time.</p> <p>These regulations are enforced by the Health & Safety Executive (HSE). See, www.hse.gov.uk/contact for more information.</p>
2.15	<p>Alternative works of equivalent effect may be agreed by the council, please contact the authorised officer with your proposals.</p> <p>If you are considering any type of alternative use or building work alterations you are advised to consult with both Building Control and the Planning Department to comply with relevant legislation and guidance or planning issues that may be relevant.</p>
2.16	<p>You are requested to inform the authorised officer when you start each of the works required.</p>

3.0 SPECIFICATION OF WORKS

<p>3.1</p>	<p>Commission an intrusive survey/appraisal of the external cladding system (including the insulation material behind the cladding and the insulation behind the render) The Survey should determine what the wall construction is, what materials were used and what their fire rating is. It is also to determine whether there are appropriate cavity barriers in place to support proper compartmentation.</p> <ul style="list-style-type: none"> The survey is to be conducted by a competent person such as a chartered engineer registered with the UK Engineering Council by the Institution of Fire Engineers or someone with relevant knowledge and experience. Professional advice may be obtained from a qualified chartered professional with relevant experience in fire safety, including fire testing of building products and systems, such as a chartered engineer registered with the Engineering Council by the Institution of Fire Engineers, or a chartered professional from another built environment profession specialising in fire safety consultancy, such as the Chartered Institute of Architectural Technologists (CIAT), Chartered Institution of Building Services Engineers (CIBSE), Fellows of the Institution of Structural Engineers (IStructE), Royal Institution of Chartered Surveyors (RICS), the Chartered Institute of Building (CIOB), and the Society of Façade Engineers. A copy of the report is to be provided to the Local Authority. <p>Commission an intrusive survey/appraisal of the internal compartmentation. The survey must check what fire protection measures are installed within the building and where they are fitted as well as whether they continue to provide appropriate protection and their performance is satisfactory.</p> <ul style="list-style-type: none"> The survey is to be conducted by a competent person such as a chartered engineer registered with the UK Engineering Council by the Institution of Fire Engineers or someone with relevant knowledge and experience. Professional advice may be obtained from a qualified chartered professional with relevant experience in fire safety, including fire testing of building products and systems, such as a chartered engineer registered with the Engineering Council by the Institution of Fire Engineers, or a chartered professional from another built environment profession specialising in fire safety consultancy, such as the Chartered Institute of Architectural Technologists (CIAT), Chartered Institution of Building Services Engineers (CIBSE), Fellows of the Institution of Structural Engineers (IStructE), Royal Institution of Chartered Surveyors (RICS), the Chartered Institute of Building (CIOB), and the Society of Façade Engineers. A copy of the report is to be provided to the Local Authority.
<p>3.2</p>	<p>Complete the works identified by the above surveys/appraisals, sufficient to remove the ACM cladding and to put right the internal compartmentation such that the required level of fire resistance is provided, Works are to be carried out with the agreement of the local authority and must be based on the findings of the surveys; works to include but not limited to:</p> <ul style="list-style-type: none"> Remove ACM cladding and any combustible materials from the external façade of the building and replace with material complying with Euro Class A1 or Euro Class A2-s1, d0. Ensure associated cavity barriers and fire breaks have been provided in accordance with current Building Regulations. Cavity barriers should be provided to close the edges of cavities, around openings, and in line with every compartment floor and compartment wall. Any recladding work must comply with all relevant Building Regulations/requirements. In particular requirements on structural safety, resistance to moisture penetration and build up, and energy efficiency need to be considered – as well as ensuring that the fire safety requirements are met.
<p>3.3</p>	<p>Provide in each flat an LD1 fire alarm and detection system complying with BS5839-6:2019 with smoke detectors fitted in bedrooms linked to smoke detectors in flat entrance lobbies and heat detectors in flat kitchens/living rooms. NB, These systems do not have to be linked to the communal detection system.</p>

3.4	<p>Replace any damaged fire doors within the building.</p> <p>Fire door sets to comply with the requirements of BS 476: Part 22: 1987 or BS EN 1634-1. The door sets must also satisfy the requirements of BS 476-31.1 or EN 1634-3: 2004 in relation to smoke control. Door sets must be installed to satisfy the requirements of BS 8214: 2016 as set out below:</p> <ul style="list-style-type: none"> • Fitted with three plain steel butt hinges of not less than 100mm x 75mm. • Fitted with heat activated intumescent seals and cold smoke seals. • Fitted with a self-closing device (preferably of the overhead hydraulic type) manufactured to satisfy the requirements of BS EN 1154:1997. • The self-closing device must be capable of closing the door positively onto the latch, or, where a latch is not required, of holding the door closed for not less than 30 minutes. • The gap between the door edge and door lining (or frame) must be not more than 3mm (+/- 1mm). • All hinges and latch parts necessary for holding the door in place during a fire shall comply with BS 8214: 2016 and BS EN 12209: 2003. • Where there are gaps between the door lining and the surrounding construction all voids must be properly filled using suitable fire stopping material applied under the manufacturer's specifications. • Where glazing is incorporated into fire doors, 6mm Georgian-wired glass or fire resistant glazing is to be used. The glazing must be fixed according to BS 476 Parts 20-23.
3.5	<ul style="list-style-type: none"> • Arrange for the Automatic Opening Vents (AOVs) to be inspected/tested by a competent person, carry out any necessary works identified and provide a certificate of completion. • Arrange for the passenger lift to be inspected/ Tested by a competent person, carry out any necessary works identified and provide a certificate of completion • Arrange for the wet riser to be inspected/ Tested by a competent person, carry out any necessary works identified and provide a certificate of completion. • Arrange for the dry riser to be inspected/ Tested by a competent person, carry out any necessary works identified and provide a certificate of completion.

Officer

Signature:

Name: Mr Paul Harrington

Title: Principal Enforcement officer

Date: 19th December 2019

Contact address: The Gateway, Gatehouse Road, Aylesbury Bucks. HP19 8FF

Email: envhealth@aylesburyvaldc.gov.uk

Telephone: 01296 585858

Notes

Copies of this notice will be served on every other person who, to the knowledge of the local authority, is an occupier of the premises or has a relevant interest, that is an interest as freeholder, mortgagee or lessee.

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.

'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)).

'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 Property Chamber of the First Tier Tribunal (PC), but you must do this within 21 days after this notice is served on you.

The office of the First Tier Tribunal (Property Chamber) for the region in which Aylesbury Vale District Council is located and to which appeals should be made is Cambridge County Court, 197 East Road, Cambridge, CB1 1BA. Tel: 01223 841 524.

Email rpeastern@justice.gov.uk. More information can be provided directly by that office.

More information can be found at <http://www.justice.gov.uk/tribunals/residential-property> where it is also possible to download the appropriate forms.

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 the Property Chamber of the First Tier Tribunal (PC) www.rpts.gov.uk

Appeal against Improvement Notice (under Part 3 of schedule 1 of the Housing Act 2004)

10. The person on whom this Notice is served may appeal to a Property Chamber of the First Tier Tribunal (PC) formerly the Residential Property Tribunal against the Notice. The person must appeal using a Notice of Appeal, which you can obtain from the Property Chamber of the First Tier Tribunal (PC) formerly the Residential Property Tribunal. Paragraphs 11 and 12 below set out two specific grounds for appeal but an appeal may equally be made on other general grounds.

11. An appeal may be made under paragraph 10 above 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.

12. An appeal may be made under paragraph 10 above 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

13. Any appeal under paragraph 10 above must be made within 21 days of the correct service of this Notice. A Property Chamber of the First Tier Tribunal (PC), formerly the Residential Property 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 Property Chamber of the First Tier Tribunal (PC) formerly the Residential Property Tribunal

14. The appeal will be heard by the Property Chamber of the First Tier Tribunal (PC), formerly the Residential Property Tribunal, by way of a re-hearing but may take into account matters raised that the Local Authority were unaware of. The tribunal may confirm, quash or vary the Improvement Notice.

15. Where the appeal is made on the ground specified in paragraph 11 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
- 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 Local Authority

16. Where the appeal is made on the ground specified in paragraph 12 above (alternative courses of action), the tribunal must have regard to guidance issued to the Local Authority 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 Local Authority, identify that course of action.

Operative time for the Notice following appeal

17. 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 Lands 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 Local Authority 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 Local Authority 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 Local Authority, 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 Local Authority 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 and the requirements of the Notice relating to some of these 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' (e.g. 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.

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 Local Authority. 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).

Grant

You may be entitled, under Part I of the 1996 Act, to a discretionary grant from the Local Authority towards the cost of the works. The premises will have to satisfy the preliminary conditions of grant in each case. You should contact the Local Authority about the possibility of obtaining grant and submit a formal application for grant before appointing contractors or starting the works.

Advice

If you do not understand the contents of this Notice or would like to know more about it, please contact the Local Authority. If you would like to receive independent advice about the contents of this notice, your rights and obligations then please contact The Citizens Advice Bureau, Housing Aid Centre, Law Centre or solicitor. Please be aware that you may qualify for legal aid or otherwise free independent advice from a solicitor or legal advisor for up to half an hour.
