ADUR & WORTHING
COUNCILS

COPY

THE HOUSING ACT 2004 (THE ACT) – PART 1
SECTION 12
IMPROVEMENT NOTICE REGARDING PREMISES WHERE HAZARDS EXIST

To: Ms Anne-Marie Cramp

At: 20 Norfolk Street, Worthing, West Sussex, BN11 4BB (*Contact address*)

You are the person [~~holding the licence for~~][having control of][~~managing~~][~~owning~~] the premises known as

94 South Street, Tarring, Worthing, West Sussex, BN14 7NB ("the premises")

The Worthing Borough Council ("The Council") are satisfied that due to the deficiencies detailed in Schedule 1 of this Notice, Category 2 hazards described therein exist at the premises and that there are no interim or final management orders in existence and that the land has not been approved by The Council for re-development.

The Council, having had regard to the guidance given by the Secretary of State under section 9 of the Housing Act 2004, are satisfied that the most satisfactory course of action in respect of the premises is the service of an improvement notice under section 12 of the Act. Schedule 2 of this notice sets out The Councils statement of reasons why they consider service of an improvement notice as the most appropriate enforcement measure.

In the opinion of The Council the actions specified in Schedule 3 to this notice ("the actions") are those remedial actions required for The Council to revoke the improvement notice

Under section 13 of the Act The Council require you to carry out the actions and to begin them not later than 28 days after the property becomes vacant and to complete them within the time periods detailed within Schedule 3

Signed: ..... [redacted] ..... (Designated Officer)

Dated 30 April 2024
Worthing Borough Council
Environmental Health - Private Sector Housing
Town Hall
Chapel Road
Worthing
West Sussex
BN11 1HA

01273 263259
private.sectorhousing@adur-worthing.gov.uk

Notice Reference: PSH/9274

SCHEDULE 1 to Accompany Notice reference PSH/9274
Deficiencies and Hazards

In the opinion of The Council, the following deficiencies at the premises contribute towards category 2 hazards under Section 12 of the Housing Act 2004:–

Deficiency	Hazard	Band
• The windows in the property were single glazed, increasing the likelihood of condensation forming on the windows • At the time of inspection the tenant complained that the letterbox allows rain water in • The tenant reported that sandbags were placed in front of the back door as an additional defense against a potential flood, because water had previously breached the back door when the garden flooded • There was no externally venting mechanical extraction in the kitchen, making it more difficult to remove excess moisture in the air created by cooking and washing up • There was no externally venting mechanical extraction in the bathroom, making it more difficult to remove excess moisture in the air created by showering and bathing • The bathroom window did not close, possibly due to the wood swelling, making it more difficult to control the humidity of the room, which could result in increased condensation and mould growth	**1. Damp and mould growth**	**I**
• The windows in the property were single glazed, reducing the thermal efficiency of the property and contributing to the hazard of Excess cold • The walls of the property are solid with no insulation, reducing the thermal efficiency of the property and contributing to the hazard of Excess cold • The bathroom window did not close, possibly due to the wood swelling, resulting in uncontrollable draughts, heat loss, and thus making the room more difficult to heat • The loft hatch was damaged around the	**2. Excess cold**	**D**

edges, resulting in an uncontrollable draught in that area • At the time of inspection the tenant complained that she sometimes has to restart the boiler, making it more difficult to heat the property at times • At the time of inspection the tenant complained that the letterbox allows rain water in, which suggests the letterbox is poorly fitted and would result in uncontrollable draughts	**2. Excess cold (continued)**	
• At the time of inspection the two bedroom property was being occupied by one adult and four children (all under age ten); the HHSRS guidance states that a two bedroom property is suitable for up to four persons	**11. Crowding and space (actual)**	D
• The floor covering in the kitchen was worn excessively and would no longer be impervious or easy to keep clean and dry. The tenant reported that this damage was caused, in part, by a recent incident when rain water breached the back door and flooded the kitchen • There was an area of broken floor covering in front of the washing machine in the kitchen, making the area difficult to keep clean and dry • There were areas of missing wall tiles in the kitchen, making those areas difficult to keep clean and dry • The kitchen was generally dated and deterioration of the doors, cabinets and kickboards had begun to occur • There was what appeared to be part of a waste and overflow kit on the floor underneath the cupboard, but it was not clear if this had become detached from the sink or if it was some old plumbing that had been abandoned; at the time of inspection the tenant stated that the sink does sometimes leak	**16. Food safety**	I
• There was no easily graspable handrail for the full flight of stairs because the newel post was not easily graspable; this will increase the likelihood of a person falling on the stairs	**21. Falling on stairs etc**	D

• The window opening limiter in the rear bedroom was cable operated, and so once overridden, the opening limiter would not require overriding each time the window is opened • At the time of inspection the bunkbed was positioned in front of the window to the rear bedroom, which would make the window particularly easy to access for children; the opening limiter was engaged and so was suitable in this instance to prevent the young children from falling out the window	**22. Falling between levels**	**I**
• Extension cables were being used in the kitchen • There was a socket box fitted underneath the kitchen sink; this may not be an ideal installation • A wall mounted socket box and cover was missing to the area behind the oven • At the time of inspection the tenant complained that some of the electrical sockets in the kitchen were not working, resulting in the tenant having to rely on extension cables, some trailing across the floor and into cupboards	**23. Electrical hazards**	**G**
• The layout of the property is such that all the bedrooms are 'inner rooms' with no protected escape route to an ultimate place of safety in the case of fire • There were bolts to the inside of the front door, which could delay escape in the case of a fire • There were bolts to the inside of the back door, which could delay escape in the case of a fire • The window opening limiters fitted in the lounge were not capable of being easily overridden, preventing this window from being used as a means of escape or rescue in the case of a fire • The window opening limiters fitted in the front bedroom were not capable of being easily overridden, preventing this window from being used as a means of escape in the case of a fire • The window opening limiter fitted in the	**24. Fire**	**D**

rear bedroom was cable operated and engaged at the time of inspection, which may not be easily overridden, preventing this window from being used as a means of escape or rescue in the case of a fire • Extension cables were being used throughout the property, increasing the likelihood of overloading sockets and causing a fire	**24. Fire (continued)**	
• Looking at the front of the property, the roof appeared to have a dip	**29. Structural collapse and falling elements**	**J**

SCHEDULE 2 to Accompany Notice reference PSH/9274
Statement of Reasons for Actions

The Council considers the following statement of reasons why service of a **Suspended Improvement Notice** is the most appropriate enforcement measure:–

Neither **Emergency Remedial Action** nor an **Emergency Prohibition Order** is considered proportionate having regard to the risk to health and safety presented by the property in its current condition.

However, significant category 2 hazards have been identified and the internal conditions in the property pose a risk to occupiers. Therefore the service of a **Hazard Awareness Notice** or a **Suspended Prohibition Order** is not considered an appropriate course of action.

As it is considered that remedial action is practicable and can be undertaken at reasonable expense a **Prohibition Order** is not considered an appropriate course of action, nor are **demolition** or **clearance** appropriate courses of action.

Formal action is warranted in order to ensure that occupation of the property does not result in a significant adverse health outcome.

The Council has determined that a **Suspended Improvement Notice** is required to reduce the likelihood of occupiers being harmed due to deficiencies. The Council acknowledges that the small property is currently occupied by a family with four young children, and that the family is looking for more suitable accommodation elsewhere. The high occupancy of the property is a hazard in itself, but will create delays and issues in relation to completing some of the necessary works because some of the works cannot reasonably be completed whilst the current tenants are in occupation. The occupant has also raised concerns about how the young children in the property would cope with works being carried out.

The Council has received certification to confirm that the electrical installation is in an acceptable condition, and to confirm that the gas boiler and gas hob have been inspected and are safe to use.

Initial communications with the landlord regarding these works have indicated that the landlord is in agreement that improvement works are required to keep the occupants safe, and the landlord has already had to delay some of these works due to concerns that the works will inconvenience the current occupants.

Taking into account all the above, the Council considers that the improvement works detailed in Schedule 3 should be completed in the period between the end of the current tenancy and the start of a new tenancy.

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Taking into account all the above, the Council considers that the improvement works detailed in Schedule 3 should be completed in the period between the end of the current tenancy and the start of a new tenancy.

SCHEDULE 3 to Accompany Notice reference PSH/9274
Remedial Actions

In the opinion of The Council the following remedial actions are required within the stated timescales (which shall be no earlier than 28 days from the date this Notice is served on you) to comply with this notice:–

Timescale for completion of works:

All those works which are detailed in Schedule 3 to this Notice shall be completed before the property is next occupied by a new tenant

Ensure that any works that you intend to carry out have been agreed in writing by this Council prior to the commencement of the works to confirm that they will comply with the requirements of Schedule 3 of this notice.

1.	Carry out works to the ground floor internal layout so as to remove the risk presented by the existence of inner rooms One way to do this would be to separate the kitchen from the area at the bottom of the stairs by creating a wall (using suitable materials) with a door opening into the kitchen Another option could be to fit a localised suppression system in the kitchen Any works proposed must be agreed by the Council in writing before commencing the works Any alterations should meet current building regulations and you may need to obtain planning permission for any changes
2.	Arrange for a suitably qualified person to investigate the dip in the roof structure Provide a copy of the report to Worthing Borough Council Carry out any remedial works identified in the survey report
3.	Remove the bolts from the front door and the back door; occupants should be able to easily and quickly escape without hindrance or delays from unnecessary door furniture If the door does not close properly without a bolt, carry out any necessary works to the door and / or frame to ensure the door does close properly
4.	Carry out works to ensure the letterbox and flap is properly fitted to avoid uncontrollable draughts Alternatively a post box could be fitted to the outside of the house and the existing letterbox could be sealed shut
5.	Replace the existing single glazed windows with double (or triple) glazed units, all with suitable opening configurations Options for double glazing include uPVC frames and timber frames It is understood that planning permission may be required for this work
6.	Regarding the new double glazing, ensure that any replacement windows on the first floor with a low sill (less than 1100mm high) have opening limiters The opening limiters must meet the following criteria:- 1. any opening limiter fitted must be capable of restricting the opening of the

	window so that a sphere with a diameter of 100mm cannot pass through; 2. any device fitted must be capable of release by an adult person; 3. opening limiters must not be key operated and must have to be overridden each time the window is opened
7.	If planning constraints result in double glazed windows being refused planning permission, arrange for the repair of the bathroom window to ensure it can open and close with ease and is draught-proof so far as is reasonably practicable
8.	If planning constraints result in double glazed windows being refused planning permission, remove the opening limiters currently in place, and replace them with opening limiters that meet the following requirements:- 1. opening limiters are required for all first floor windows with low sill heights (less than 1,100mm above indoor floor level); 2. any opening limiter fitted must be capable of restricting the opening of the window so that a sphere with a diameter of 100mm cannot pass through; 3. any device fitted must be capable of release by an adult person; 4. opening limiters must not be key operated and must have to be overridden each time the window is opened It is recommended that ground floor windows are also fitted with opening limiters to encourage secure ventilation
9.	Fit a vertical grab rail to the newel post at the winder at the top of the stairs The rail will need to be positioned so as to allow a person ascending or descending to easily transfer between the handrails on the lower and upper flight
10.	Provide an externally venting mechanical extractor to the bathroom The extractor must either be humidistat controlled or vent at a rate of 15 litres per second with a 15 minute over-run
11.	Replace the loft hatch to ensure the entrance to the loft is fully covered to eliminate uncontrollable draughts Ideally there should be suitable insulation material added to the loft side of the hatch to improve the insulation
12.	Provide an externally venting mechanical extractor to the kitchen If it is adjacent to the cooker it should have a minimum extraction rate of 30 litres per second, if it is located elsewhere in the kitchen it should have a minimum extraction rate of 60 litres per second
13.	Arrange for the plumbing underneath the kitchen sink to be inspected to identify any disrepair, faults or leaks Carry out any necessary remedial works of repair
14.	Remove the damaged floor covering in the kitchen and fit a new suitable covering that is slip resistant, impervious and easily cleanable If removal of the existing floor covering in the kitchen reveals that the sub flooring or the floor requires drying, repairing or replacing, then suitable works must be carried out to remedy any disrepair
15.	Carry out works to ensure the wall tiles in the kitchen are in a condition that enables

Powers of the Residential Property Tribunal

The appeal will be heard by 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.

Where the appeal is 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, 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

Where the appeal is made on the ground that an alternative course of action would be best, 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

If there is not an appeal, the notice will become operative at the end of 21 days from the date it is served.

If there is an appeal and the Residential Property Tribunal confirms the notice, it will not become operative until the period for appealing to the Residential Property Tribunal expires without such an appeal being brought. If there is such a further appeal, the notice will not become operative until it is confirmed by the Residential Property Tribunal

If you start an appeal to the Residential Property Tribunal and then withdraw it, the notice will become operative on the day on which it would have become operative if the Residential Property Tribunal had confirmed the notice on the day on which you withdrew the appeal

Effect of notice

If you do not comply with the notice The Council may take action against you.

To comply with the notice you must start and finish the works—

(a) if you do not appeal, by the date and within the time stated in the notice,

(b) if you do appeal and the notice is upheld, by such date and within such time as the Residential Property Tribunal will fix, and

(c) if you start an appeal and then withdraw it, by the 21st day after the date on which the notice becomes operative and within the period (beginning on that 21st day) stated in the notice.

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 not exceeding level 5 (presently £5,000) on the standard scale, or to a Civil Penalty Notice of up to £30,000, where the level is determined by The Council.

You may also be liable to a Rent Repayment Order for a period of up to 12 months.

If you do not comply with the notice, or 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 for all costs incurred in completing the works, including administrative fees. They may recover these costs by requiring tenants or licensees in the premises to pay rent or sums in the nature of rent direct to them, until the costs are recovered in full. Also until recovered, the cost of doing the works together with any accrued interest are registered as a land charge against the property.

If you do not comply with the notice, and The Council carry out works, and you are able to let rooms previously uninhabitable due to defects, The Council may apply to the Residential Property Tribunal for an order for you to pay to The Council any amount as the Tribunal considers to be just.

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).

Copy of notice

Copies of this notice will have been served upon every person whom Council is aware has a relevant interest or is an occupier of the premises

Advice

If you do not understand this notice or wish to know more about it, you should contact The Council. . 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.