

Possible Legal Interventions

Agency	Legal Power and Action	Circumstances requiring intervention
<p>Shropshire Council Regulatory/ Housing Services</p>	<p>Public Health Act 1936</p> <p>s.83 Cleansing of Filthy or Verminous Premises</p> <p>s.84 Cleansing or Destruction of Filthy or Verminous Articles</p> <p>LA must apply</p> <p>s. 85 Cleansing of Verminous Persons and Their Clothing</p> <p>Powers of Entry/Warrant 24 hours' notice must be given</p> <p>There is no appeal against notices and LA has power to carry out works in default and recover costs and prosecute for non-compliance. An appeal can be made against the cost and reasonableness of works on notice</p>	<p>Powers to deal with filthy / verminous premises including articles requiring cleansing or destruction to prevent injury or danger to person.</p> <p>If the occupier refuses entry then a warrant from a Justice of the Peace needs to be applied for, to gain entry.</p> <p>(All tenure including Leaseholders/ Freeholders)</p>
<p>Shropshire Council Regulatory Services (Environmental Health Function)</p>	<p>Environmental Protection Act 1990</p> <p>s.80 Dealing with Statutory Nuisances</p>	

	<p>LA can serve an Abatement Notice under s80. Recipient has 21 days to appeal.</p>	<p>Powers to deal with any premises in such a state as to be prejudicial to health or a nuisance.</p>
<p>Shropshire Council Regulatory Services (Environmental Health Function)</p>	<p>Prevention of Damage by Pests Act 1949</p> <p>s.4 Power to require action to prevent or treat rats and mice</p> <p>Notice may be served, giving a reasonable time to carry out works to treat for rats/mice, remove materials that may feed or harbour them and carry out structural works. LA may carry out works in default and recover costs.</p>	<p>Powers to require action such as the removal of materials providing food or harbourage to pests where there is evidence of rats or mice (only on 'land' not 'premises' so not for internal infestations inside a property).</p>
<p>Shropshire Council Regulatory Services (Environmental Health Function)</p> <p>And</p> <p>Shropshire Council Housing Services</p>	<p>The Housing Act 2004</p> <p>If there are serious hazards (Category 1) there is a duty on the LA to act. If there are other less serious hazards (Category 2) the LA has the power to act.</p> <p>There is the right of appeal to the Residential Property Tribunal within 21 days.</p>	<p>Powers to carry out an assessment of premises to identify any hazards that would likely cause harm and to act where necessary to reduce the risk of harm.</p> <p>Can assess the design, construction and maintenance of dwellings but expressly excludes deficiencies solely attributable to the behaviour of the occupant.</p>

		<p>Regulatory Services are responsible for assessing the private rented sector.</p> <p>Housing Services are responsible for assessing owner-occupied properties.</p>
<p>Shropshire Council Regulatory Services (Environmental Health Function)</p> <p>And</p> <p>Shropshire Council Housing Services</p>	<p>Building Act 1984</p> <p>s.76 Defective Premises</p> <p>It provides an expedited procedure. LA may undertake works after 9 days and recover expenses, unless the owner/occupier states intention to undertake works within 7 days.</p>	<p>Powers to deal with premises which are in such a state as to be prejudicial to health or a nuisance.</p> <p>Regulatory Services are responsible for assessing the private rented sector.</p> <p>Housing Services are responsible for assessing owner-occupied properties.</p>
<p>Shropshire Council Planning</p>	<p>Town and Country Planning Act 1971</p> <p>S215 Power to require proper maintenance of land</p> <p>Minimum 28-day notice to remedy condition of land as specified</p>	<p>Powers to issue owner and/or occupier to deal with condition of land that is adversely affecting amenities for which it is part of or adjoining to.</p>
<p>Shropshire Council Building Control</p>	<p>Building Act s77 Dangerous Structures</p>	<p>Where danger arises from the condition of the building or structure the Council can make an order requiring the owner:</p> <p>(i) to execute such work as may be necessary to obviate the danger or,</p> <p>(ii) demolish the building or structure, or any dangerous part of it, and remove any rubbish resulting from the demolition</p>

		Etc.
<p>Shropshire Council Regulatory Services (Environmental Health Function)</p> <p>and</p> <p>Shropshire Council Housing Services</p> <p>and</p> <p>West Mercia Police</p>	<p>Anti-Social Behaviour, Crime and Policing Act 2014</p> <p>Warning Letter and Community Protection Notice (CPN) requiring an individual to do specific things, stop doing specific things or take reasonable steps to achieve a specified result.</p> <p>A warning letter must be served before the Community Protection notice is served.</p> <p>A civil injunction can be obtained from the County Court based on “the balance of probabilities” if the behaviour likely to cause harassment, alarm or distress (non-housing related anti-social behaviour); or conduct capable of causing nuisance or annoyance (housing-related anti-social behaviour); and it is just and convenient to grant the injunction to prevent anti-social behaviour.</p> <p>The injunction can include prohibitions as well as positive requirements to address the underlying cause of the anti-social behaviour.</p>	<p>Powers to tackle ongoing Anti-Social Behaviour and stop conduct which unacceptably affects victims and the community.</p> <p>Behaviour needs to be detrimental to the quality of life of those in the locality, persistent or continuing and be unreasonable.</p> <p>Served upon a person 16years or older.</p> <p>Guidance suggests care should be taken to consider how the use of this power would impact on the more vulnerable members of society.</p> <p>The Council may decide to take remedial action to address the issue if the notice is not complied with. The council can also apply to Court for a remedial Order and or forfeiture order on conviction of non-compliance of the notice.</p> <p>In a housing context, conduct by the tenant which is capable of causing housing-related nuisance or annoyance to any person. “Housing-related” means directly or indirectly relating to the housing management functions of a housing provider or a local authority</p> <p>Injunctions should not be used to stop reason, trivial or benign behaviour that has not caused or is unlikely to cause harassment, alarm or</p>

		distress. I can be issued to any person of 14 years or above.
Police	<p>Power of Entry</p> <p>(S17 of Police and Criminal Evidence Act)</p> <p>Person inside the property is not responding to outside contact and there is evidence of danger.</p>	Information that someone was inside the premises was ill or injured and the Police would need to gain entry to save life and limb
Fire Service	<p>Powers of Entry Part 6</p> <p>Section 44 The Fire and Rescue Services Act 2004</p> <p>An employee of a fire and rescue authority who is authorised in writing by the authority for the purposes of this section may do anything they reasonably believe to be necessary.</p> <p>Emergency access can be gained by FRS to prevent a fire or other emergency.</p>	<p>This for the purpose of:</p> <ul style="list-style-type: none"> - extinguishing or preventing the fire or protecting life or property; - rescuing people or protecting them from serious harm in a road traffic accident; - reacting in an emergency of another kind relating to the function of the fire and rescue authority; - preventing or limiting damage to property resulting from action taken.
Animal Welfare agencies such as RSPCA/Local authority e.g. Environmental Health/DEFRA	<p>Animal Welfare Act 2006</p> <p>Offences (Improvement notice)</p> <p>Education for owner a preferred initial step, Improvement notice issued and monitored. If not complied can lead to a fine or imprisonment</p>	<p>Cases of Animal mistreatment/neglect.</p> <p>The Act makes it not only against the law to be cruel to an animal, but that a person must ensure that the welfare needs of the animals are met.</p> <p>See also: http://www.defra.gov.uk/wildlife-pets/.</p>
West Mercia Police	Mental Health Act 1983	Evidence must be laid before a magistrate by an AMHP that

<p>And</p> <p>Registered Health Professionals/Shropshire Council Adult Social Care Approved Mental Health Professionals</p>	<p>Section 135(1)</p> <p>Provides for a police officer to enter a private premise, if need be by force, to search for and, if though fit, remove a person to a place of safety if certain grounds are met.</p> <p>The police officer must be accompanied by an Approved Mental Health Professional (AMHP) and a doctor.</p> <p>NB. Place of Safety is usually the mental health unit but can be the Emergency Department of a general hospital, or anywhere willing to act as such.</p>	<p>there is reasonable cause to believe that a person is suffering from mental disorder, and is being</p> <ul style="list-style-type: none"> • Ill-treated, or • Neglected, or • Being kept other than under proper control, or • If living alone is unable to care for self, and that the action is a proportionate response to the risks involved.
<p>All</p> <p>Local Authority</p>	<p>Mental Capacity Act 2005</p> <p>A decision can be made about what is in the best interests of a mentally incapacitated person by an appropriate decision-maker under the MCA. It is important to follow the empowering principles of the Act and ensure that any actions taken are the less restrictive option available.</p> <p>NB: Where the decision is that the person needs to be deprived of their liberty in their best interests, a Deprivation of Liberty Safeguards (DoLS) authorisation will be required. In circumstances where a</p>	<p>A person who lacks capacity to make decisions about their care and where they should live is refusing intervention and is at high risk of serious harm as a result,</p>

	<p>person is objecting to being removed from their home, or to any DoLS authorisation, referral to the Court of Protection may be needed and legal advice should be sought.</p>	
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