

Housing Act 2004

Function	Delegation
To exercise the powers conferred on District Councils under the Housing Act 2004 – Part 1 and in particular:-	Environmental Health Team Leader.
To keep under review the housing conditions in the District (s.3)	Environmental Health Team Leader.
To carry out inspections of any residential premises to see if a category 1 or category 2 hazard exists. (s.4)	Environmental Health Team Leader.
To be the proper officer for dealing with official complaints under (s.4(2))	Environmental Health Team Leader.
To take appropriate enforcement action where a category 1 or category 2 hazard exists, including:- a. Serving, suspending, revoking and reviewing an Improvement Notice (s11 – 12; s.14;s,16; s17) b. Making, revoking, varying and reviewing a Prohibition Order (s20 - s21;s.25;s.26) c. Serving a Hazard Awareness Notice (s28 - 29) d. Taking Emergency Remedial Action and recovering the costs of so doing (s40: s.42) e. Making, revoking, or varying an Emergency Prohibition Order (s43) f. <i>making a demolition order under s.265 Housing Act 1985</i> g. <i>declaring a clearance area under s.289 Housing Act 1985</i>	Environmental Health Team Leader.
To take appropriate enforcement action in respect of Improvement Notices, Prohibition Orders and Emergency Remedial Action (s. 31; s. 35; s.40; Schedule 3)	Environmental Health Team Leader.
To exercise the powers conferred on District Councils under the Housing Act 2004 – Part 2, (except the designation of areas subject to additional HMO licensing (s.56-60)) and in particular:-	Environmental Health Team Leader.
To operate and manage any HMO licensing scheme or arrangements, including:- a. the granting and refusal of licences and the imposition of conditions (s.64; s.67) b. To serve or decide not to serve a temporary exemption notice (s62) c. <i>setting fees for HMO licences</i> d. varying and revoking HMO licences (s.69-70)	Environmental Health Team Leader.

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To apply to a residential property tribunal for a rent repayment order and to serve a notice of intended proceedings (s73)	Environmental Health Team Leader.
To exercise the powers conferred on District Councils under the Housing Act 2004 – Part 4 and in particular:-	Environmental Health Team Leader.
To make Interim and Final Management Orders, including applications to a residential property tribunal and the carrying out of all actions consequent upon the making of such orders, including variation and revocation (s.102 - s131)	Environmental Health Team Leader.
To serve, revoke or vary an Overcrowding Notice (s.139 – 144)	Environmental Health Team Leader.
General Housing Act 2004 delegations	
To compile and maintain a public register of licensed HMOs (s232)	Environmental Health Team Leader.
To authorise officers to enter premises to carry out work under sec 131, Schedule 3 para. 3(4) and Schedule 7 para.25	Environmental Health Team Leader.
To authorise officers to require the production of documents (s. 235)	Environmental Health Team Leader.
To authorise officers to enter premises for the purposes of survey and examination under section (s.239)	Environmental Health Team Leader.
To apply to a justice of the peace for a warrant to authorise entry (s.240)	Environmental Health Team Leader.
To authorise officers for enforcement purposes (s243)	Environmental Health Team Leader.
To authorise prosecution of any offence under Parts 1 – 4, and 7 of the Housing Act 2004	Environmental Health Team Leader. Authorisation to take legal proceedings after consultation with The legal Services Team Leader.
That authority to authorise prosecutions for harassment and unlawful eviction/cutting off of services etc. under the Protection from Eviction Act 1977. under the provisions contained with Section 7 of the Landlord and Tenant Act 1985 be transferred from the Housing Team Leader to the Environmental Health Team Leader	Environmental Health Team Leader. Authorisation to take legal proceedings after consultation with The legal Services Team Leader.