

Date: 6<sup>TH</sup> February 2013  
Our Reference: RS/PSH/006498  
Direct Phone Number: 0207 974 6976  
Contact: Bryan Middleton  
E-mail: Bryan.middleton@camden.gov.uk



Housing and Adult Social Care  
Private Sector Housing  
Bidborough House  
38-50 Bidborough Street  
London WC1H 9DB

Tel: 020 7974 4444 (Switchboard)  
Fax: 020 7974 6707  
DX: 2106 Euston

E-mail:  
ppp@camden.gov.uk  
www.camden.gov.uk

Please quote our reference in any correspondence

The Company Secretary  
Shellpoint Trustees Limited  
Wilberforce House  
Station Road  
London  
NW4 4QE



Dear Sir / Madam,

Housing Act 2004 Part 1 Section 11  
Common Parts  
41- 48 Yale Court Honeybourne Road London NW6 1JG

I enclose ~~[a copy of]~~ an improvement notice in respect of the above premises. Having considered all representations made during the consultation period I am of the opinion that this is the most appropriate course of action. A statement of reasons for this decision is enclosed.

The improvement notice has been served on the ~~[licence holder]~~~~[person having control]~~~~[person managing]~~~~[owner]~~.

A copy has been sent to all interested parties including tenants, leaseholders, freeholder and mortgagees for their information.

This notice incurs a charge of £320.00.

The charge will be recovered from the person(s), company or organisation the notice is served on. Recipients of copies of the notice will not be charged. The invoice(s) will be issued shortly and until recovered the expenses will be a charge on the premises.

Please contact me on the above telephone number if you wish to discuss anything further.

Yours Faithfully,

A handwritten signature in black ink, appearing to read 'Bryan Middleton'.

Environmental Health Officer  
Private Sector Housing  
**ENCLOSURES**

1. Improvement notice.
2. Statements of reasons
3. Schedule one-hazards identified and schedule two-necessary remedial works.

## HOUSING ACT 2004

## SECTION 11 AND SECTION 12

## IMPROVEMENT NOTICE

To: Shellpoint Trustees Limited

Of: Wilberforce House, Station Road, London , NW4 4QE

1. You are the [~~licence holder~~] [~~person having control~~] [~~person managing~~] [owner] of the [dwelling] [~~House in Multiple Occupation (HMO)~~][~~unoccupied HMO accommodation~~][common parts of a building containing one or more flats] known as  
**41 – 48 Yale Court Honeybourne Road London NW6 1JG** ("the premises").  
[and the person who in the Council's opinion ought to take the action specified in the notice]
2. The Council of the London Borough of Camden("the Council") is satisfied that [a] [Category 1 hazard(s)] [~~Category 2 hazard(s)~~] [Category 1 and 2 hazards] exist(e) 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.
3. Under section 11 of the Housing Act 2004 the hazards are Falling on Stairs. Under section 12 of the of the Housing Act 2004 the hazards are Falling between levels.
4. The hazard(s) and the deficiencies that give rise to them are specified in **SCHEDULE 1**.
5. Under Section [11(2)] [and] [12(2)] of the Housing Act 2004 the Council requires you to carry out the remedial works specified in **SCHEDULE 2** to this Notice and to begin them not later than the 11<sup>th</sup> day of March 2013 (being not less than 28 days from the date of this notice) and to complete them within the period of **21 days of that date**.
6. The Council considers the service of this Improvement Notice as the most appropriate course of action under Section [5(2)] [and] [7(2)] of the Housing Act 2004 for the reasons stated in the attached statement of reasons

Signed:



Authorised Officer

Dated: 6<sup>th</sup> February 2013  
Contact officer: Bryan Middleton  
Telephone: 0207 974 6976  
E-mail: [bryan.middleton@camden.gov.uk](mailto:bryan.middleton@camden.gov.uk)

**See notes on rights of appeal against this notice and other information on reverse**

### **Power to take action without agreement (under Schedule 3, Part 2 of the Housing Act 2004)**

If you do not take the action required by the notice in relation to a hazard the Council may themselves take the action required by the improvement notice. If during the period in which the works are to be carried out the Council consider that reasonable progress is not being made, they may themselves take the action required by the improvement notice. **(Paragraph 3)**

The Council must serve a notice, sufficiently in advance, before they enter the premises to take their own action under Paragraph 3. The notice is served on the person on whom the improvement notice was served, and a copy must be served on any other person who is an occupier of the premises **(Paragraph 4)**

Expenses reasonable incurred by the Council in taking action together with any accrued interest can be recovered by the Council. Until recovered a charge on the premises to which the improvement notice related will be placed. **(Paragraph 6)**

### **Power to take action with agreement (under Schedule 3, Part 1 of the Housing Act 2004)**

The council may, by agreement with the person on whom an improvement notice has been served, take any action to ensure the works required by the notice are undertaken. The Council will charge the person on whom the improvement notice was served with the cost.

### **Application for revocation or variation of the notice (under section 16 of the Housing Act 2004)**

The Council must revoke an improvement notice if they are satisfied that the requirements of the notice have been complied with. **(Subsection 1)**

The Council may revoke an improvement notice if in the case of a notice served under section 11, they consider that there are any special circumstances making it appropriate to revoke the order; or in the case of a notice served under section 12 they consider that it is appropriate to revoke the notice. **(Subsection 2)**

Where an improvement notice relates to a number of hazards subsection 1 it is to be read as applying separately in relation to each of those hazards, and if, as a result, the Council is required to revoke only part of the notice, they may vary the remainder as they consider appropriate. **(Subsection 3)**

The Council may vary an improvement notice with the agreement of the person on whom the notice was served. **(Subsection 4)**

The power to revoke or vary an improvement notice is exercisable by the Council on an application made by the person on whom the notice was served; or on the Councils own initiative. **(Subsection 8)**

## Notes

Items crossed through on the notice are not to be considered, and do not form part of the notice.

### 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 Residential Property Tribunal, but you must do this within 21 days after this notice is served on you.

#### Contact details:

The Residential Property Tribunal, 10 Alfred Place, London, WC1E 7LR

Tel: 020 7446 7700

Fax: 020 7637 1250

Website: <http://www.rpts.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 the Residential Property Tribunal. [www.rpts.gov.uk](http://www.rpts.gov.uk)*

The person on whom this notice is served may appeal to a residential property tribunal against the notice. The person must appeal using a Notice of appeal, which you can obtain from the residential property tribunal. Paragraph 11 and 12 below set out two specific grounds for appeal but an appeal may equally be made on other general grounds. **(Paragraph 10)**

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. **(Paragraph 11)**

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
- (Paragraph 12)**

### **Time limit for appeal**

Any appeal under paragraph 10 above must be made within 21 days of the correct service of this notice. A 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).

**(Paragraph 14)**

### **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 Council were unaware of. The tribunal may by order confirm, quash or vary the improvement notice.

**(Paragraph 15)**

Where the appeal is made on the ground specified in paragraph 11 above the tribunal may:

- (a) vary the improvement notice so as to require the person(s) specified in the notice of appeal to take the required action; or
  - (b) 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.
- (Paragraph 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 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.

**(Paragraph 17)**

### **Operative time for the notice following appeal**

If the tribunal confirms the notice, 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 an appeal is lodged to the Lands Tribunal the notice becomes operative when a decision is given on the appeal which confirms the notice. The withdrawal of an appeal has the same effect as a decision which confirms the notice.

**(Paragraph 19)**

### **Changes in person(s) liable to comply with the notice after service (under section 19 of the Housing Act 2004)**

If, after the service of the improvement 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 Council at an early stage and clarification of liability for compliance should be sought.

### **Offence of failing to comply with improvement notice (under section 30 of the Housing Act 2004)**

If the person, on whom the improvement notice was served, without reasonable excuse, fails to comply with the notice they 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.

### **Land Charge (under section 37 of the Housing Act 2004)**

When the improvement 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.

### **Grant (under Part 1 of Housing Construction and regeneration Act 1996)**

You may be entitled, under Part I of the 1996 Act, to a discretionary grant from the Council towards the cost of the works. The premises will have to satisfy the preliminary conditions of grant in each case. You should contact the Council 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 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.

## Housing Act 2004 Section 8

### Statement of Reasons for the service of a Improvement Notice

**Premises: 41-48 Yale Court Honeybourne Road London NW6 1JG**

The council is satisfied of the existence of a number of hazards at the above premises and has accordingly served an **Improvement Notice** as this is deemed to be the most effective and appropriate course of action to deal with the hazards identified in the premises. The hazards and the deficiencies giving rise to the hazards are described in the attached schedules of works.

In determining the most appropriate action regard has been given to the impact the course of action would have on the local environment, the effect of any conservation area/listing building status, the current and future occupation of the premises and the intentions and past record of compliance of the owner(s).

#### 1. Reasons why the Local Authority decided to serve an Improvement Notice:

The hazards have been assessed as Category 1 hazards. This means that the Local Authority is under a duty to take action under section 5 of the Housing Act 2004. There are also Category 2 hazards and when looked at together and along with the Category 1 hazards create a more serious situation. An **Improvement Notice** is considered to be the most appropriate course of action.

#### 2.Reasons why the Local Authority has taken this course of action rather than any other available under the Housing Act 2004: -

The hazards identified are significant and they pose a serious risk to occupiers and visitors of this block of flats. It is considered that remedial action is practicable in these circumstances and proportionate to the risks therefore service of a **Hazard Awareness notice** is not considered to be an appropriate course of action.

No purpose would be served by suspending any such action at this time, therefore the service of a **Suspended Improvement Notice** is not considered to be an appropriate course of action. A suspended improvement notice would be more appropriate where a programme of works to improve a property is already planned.

These remedial works were to be included but have not been completed as planned. The scaffold has been taken down and programmed works have been taking place, certain other works have been completed to the external façade of the building. It was proposed that the remedial works, listed in the schedule attached to this notice, would be completed before the end of January 2013. This hasn't happened.

The hazards do not pose an imminent risk of serious harm to the occupiers therefore **Emergency Remedial Action** or an **Emergency Prohibition Order** are not considered to be appropriate courses of action.

A **Suspended Prohibition Order, Prohibition Order, Demolition or Clearance** is not considered appropriate courses of action. These actions would not be proportionate having regard to the risks to health and safety presented by the property in its current condition. It would also result in the loss of accommodation, which is not desirable as the borough is in high demand and has a shortage of housing.

**THE LONDON BOROUGH OF CAMDEN  
HOUSING ACT 2004 SECTION 11 and 12**

**Address of Premises:**

**41-48 Yale Court Honeybourne Road London NW6 1JG**

**SCHEDULE 1**

**The nature of the hazard(s) and the deficiencies giving rise to the hazard(s) under  
Section 11 (category 1 Hazards) and Section 12 (category 2 Hazards):**

**Hazard: Falls on Stairs (category 1 Hazard)**

**External Stairs** (leading from the street level to the main entrance landing)

1. There is no handrail to either side of the stairs leading from street level to the main entrance door

**Hazard: Falls between levels (category 2 Hazard)**

**Main entrance door external landing**

2. The walls to the landing outside the main entrance door are without adequate guarding / edge protection.



**THE LONDON BOROUGH OF CAMDEN**

**HOUSING ACT 2004 SECTIONS 11**

**Address of Premises:**

**41-48 Yale Court Honeybourne Road London NW6 1JG**

**SCHEDULE 2**

**Remedial works required to remedy the deficiencies giving rise to the hazards specified in schedule 1**

**(Category 1 Hazard)**

**Hazard: Falls on Stairs**

**External Stairs (stairs leading from the street level to the main entrance)**

**41-48 Yale Court Honeybourne Road London NW6 1JG**

- 1. Provide Handrails** to either side of the stairs leading from the street level to the main entrance landing.

The height of the handrail must be between 900mm and 1000mm, measured to the top of the handrail from the pitch line, step or ground level.

Fixings brackets must be strong enough to withstand damage arising from every day use. Make good all disturbed surfaces on completion.

- 2. Provide adequate guarding beneath the handrail.**

The construction of the guarding should be such that its design is in keeping with handrail and that a 100mm sphere cannot pass through any opening in the guarding.

**Hazard: Falls between levels (category 2 Hazard)**

**41-48 Yale Court Honeybourne Road London NW6 1JG**

**Main entrance door external landing**

- 3. Provide guarding / edge protection** to the dwarf walls of the landing located to the right hand side and opposite the main entrance door.

The guarding should at least be 1100mm high, designed and constructed so as to discourage children climbing on it and strong enough to support the weight of an adult leaning against it.

There should be no openings to the guarding / edge protection allowing a 100mm sphere to pass through.

The construction and design of the guarding/edge protection should be in keeping with the handrail.

All works to comply with current Building Regulations.

# London Borough of Camden

## Works Appendix

**These notes are intended to be a guide to assist owners and builders who are required to carry out work. Failure to follow this guidance could mean that enforcement action could be taken against the person responsible for failure to follow statutory requirements.**

### **Directions/Conventions (Right/Left)**

References to the right hand or left hand sides of the premises are to be taken to indicate those sides of the premises as viewed from the opposite side of the street when facing the building.

### **Alternative Works**

Such alternative works may be carried out, in agreement, with the Environmental Health Officer or Technical Officer, so as ensure satisfactory compliance with the requirements of the schedules.

### **Planning**

The requirements contained herein are without prejudice to any action that the Council may take pursuant to the Town and Country Planning Acts and do not imply acceptance by the Council of the present or future use of the property. Any necessary planning permissions must be obtained before works commence.

### **Conservation Areas and Listed Buildings**

If the property is in a Conservation Area or is on the Government's list of buildings of special architectural or historic interest (listed buildings) special considerations may apply as regards the way works are carried out and whether planning or listed building consent is required. Please contact the Council's Advice and Consultation Team on 020 7974 4444 or [env.dev.con@camden.gov.uk](mailto:env.dev.con@camden.gov.uk) to find out if any special planning considerations apply to this building.

### **Building Regulations**

Proper building notice is to be given to the Building Control Officer, Camden Town Hall Extension, Argyle Street, London WC1H 8EQ, prior to commencement of works, where necessary. Ensure the Building Control Officer is advised at all appropriate stages of the work. The foregoing works are to be carried out to comply with any Local Authority by-Laws and the current Building Regulations

### **Hours of work**

Where any noise may be heard outside the site boundary, the contractor must restrict the work hours from 8:00am to 6:00pm Monday to Friday and 8:00am to 1:00pm Saturday. No work is to be carried out on Sundays or Bank Holidays.

### **Decoration and making good**

All new external woodwork is to be knotted, stopped, primed and painted with two undercoats and one topcoat. All new internal woodwork is to be knotted, stopped and primed. Apply rust inhibitor and one coat metallic paint to all new external metalwork.

When carrying out the works ensure all surfaces disturbed or damaged are made good and left to match existing

### **Health and Safety**

Whilst works are in progress due care and attention is to be paid towards the provisions of the Health and Safety at Work Act etc 1974 and the Control of Pollution Act 1974.

All works to be carried out in accordance with the provisions of the Health and Safety at Work etc. Act 1974 and all regulations and orders made there under.

### **Scaffolding**

Where necessary, provide and erect prefabricated metal scaffolding of good design and construction and properly secured to ensure a safe and secure working environment to comply with BS 1139:1990 and HSE guidance including boarding out, toe boards, hand rails, ladders and ties. On completion of the required building works dismantle in a safe manner and remove from site.

### **Site Conditions/Cleanliness**

While building works are in progress the common hallways, landing, corridors, stairways and other areas are to be kept free from accumulations of rubbish, debris and materials, etc. An adequate supply of electricity, gas and water must also be maintained throughout the building.

After works are completed to the satisfaction of the Local Authority, the site is to be cleared of all builders refuse, materials etc and left in a clean and tidy condition.

### **Mixing Mortar**

Mixing mortar is not normally to be carried out on the road or footway. If it is impossible to take a mixer through the house the road surface must be fully protected by tarpaulin or similar. Any wash from mixer or equipment must be prevented from entering the surface water drainage system.

### **Workmanship/British Standards/Codes of Practice**

All the foregoing work shall be carried out in a proper workmanlike manner to the satisfaction of the Local Authority. All works are to be carried out in accordance with the appropriate British Standard and Codes of Practice, whether or not the British Standard or Code has been specified. Where none applies, all materials shall be used and fixed according to the manufacturer's instructions. Undertake all works with skill and care in order to produce work fit for its intended use and of good quality. All materials are to be of good quality and conform to relevant British Standards.

### **Tenants**

Insofar as tenants may remain in occupation during works, every effort is to be made to cause minimum inconvenience to them. In particular all washing and sanitary facilities and all supplies of gas and water are to be maintained in proper working condition. As necessary, adequate temporary facilities must be provided during works.

Where the works are major and require the tenants to be rehoused during the works, this is to be arranged by the landlord. Proper advanced notification of the works is to be given to all tenants. Help is to be given for moving furniture and effects, providing alternative services and suitable temporary housing. On completion of the work the tenant must be moved back into the property and allowed to occupy the same area under the same tenancy conditions as they enjoyed prior to the works being carried out

**THE LONDON BOROUGH OF CAMDEN**  
**HOUSING ACT 2004 SECTIONS 11**

**Address of Premises:**

**41-48 Yale Court Honeybourne Road London NW6 1JG**

**SCHEDULE 2**

**Remedial works required to remedy the deficiencies giving rise to the hazards specified in schedule 1**

**(Category 1 Hazard)**

**Hazard: Falls on Stairs**

**External Stairs** (stairs leading from the street level to the main entrance)

**41-48 Yale Court Honeybourne Road London NW6 1JG**

- 1. Provide Handrails** to either side of the stairs leading from the street level to the main entrance landing.

The height of the handrail must be between 900mm and 1000mm, measured to the top of the handrail from the pitch line, step or ground level.

Fixings brackets must be strong enough to withstand damage arising from every day use. Make good all disturbed surfaces on completion.

- 2. Provide adequate guarding beneath the handrail.**

The construction of the guarding should be such that its design is in keeping with handrail and that a 100mm sphere cannot pass through any opening in the guarding.

**Hazard: Falls between levels (category 2 Hazard)**

**41-48 Yale Court Honeybourne Road London NW6 1JG**

**Main entrance door external landing**

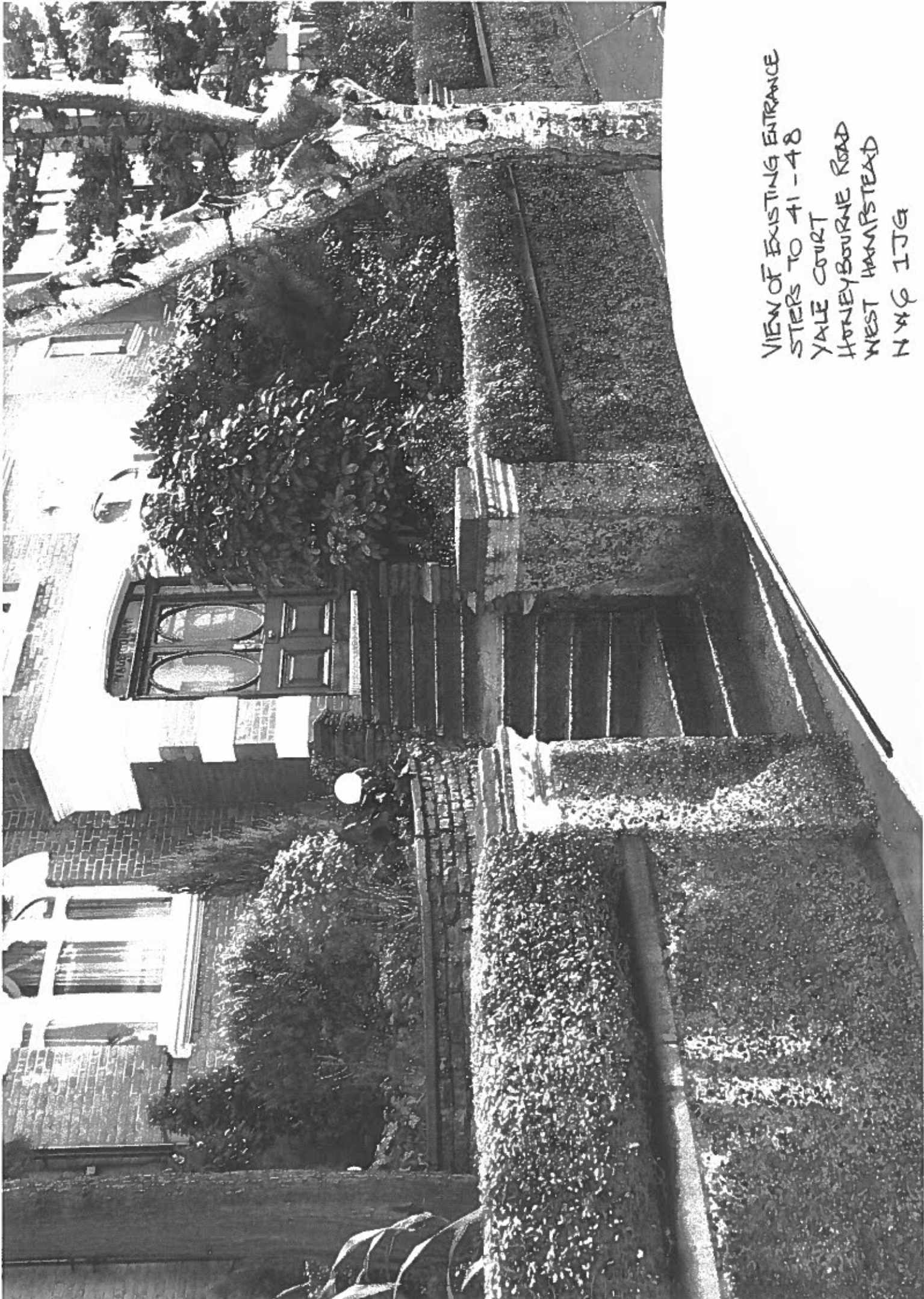
- 3. Provide guarding / edge protection** to the dwarf walls of the landing located to the right hand side and opposite the main entrance door.

The guarding should at least be 1100mm high, designed and constructed so as to discourage children climbing on it and strong enough to support the weight of an adult leaning against it.

There should be no openings to the guarding / edge protection allowing a 100mm sphere to pass through.

The construction and design of the guarding/edge protection should be in keeping with the handrail.

All works to comply with current Building Regulations.



VIEW OF EXISTING ENTRANCE  
STEPS TO 41-48  
YALE COURT  
HONEYBOURNE ROAD  
WEST HAMFBSTEAD  
N 46 I J G