



BOSTON BOROUGH COUNCIL

DELEGATION OF DECISIONS/AUTHORISATIONS FOR PRIVATE SECTOR HOUSING TEAM

Executive Function (E) Non-Executive (NE)

Roles

TLHS	Team Leader – Housing Standards
SHSO	Senior Housing Standards Officer
HSO	Housing Standards Officer

LEGISLATION	EXTENT OF DELEGATION / AUTHORISATION	POST
Local Government (Miscellaneous) Provisions Act 1976 (NE)		
Section 16	Power to serve notices to require information of interests in land/property	TLHS, SHSO, HSO
Section 35	Power to serve notices requiring the removal of obstructions from private sewers	TLHS, SHSO, HSO
Environmental Protection Act 1990 (NE)		
Section 79	Powers of entry to determine statutory nuisance	TLHS, SHSO, HSO
Section 80	Power to serve abatement notices relating to statutory nuisance	TLHS, SHSO, HSO #
Section 81	Power to recover costs incurred relating to statutory nuisance via a charge on a property	TLHS, SHSO, HSO
Local Government Miscellaneous Provisions Act 1982 (NE)		
Section 29	Power to approve works to an unoccupied building to prevent unauthorised entry or it becoming a danger to the public	TLHS, SHSO #
Building Act 1984 (NE)		
Section 59	Power to serve notice regarding defective drainage	TLHS, SHSO, HSO
Section 60	Power to serve notice regarding use and ventilation of soil pipes	TLHS, SHSO, HSO
Section 64	Power to serve notice requiring provision of closets	TLHS, SHSO, HSO
Section 76	Power to serve abatement notice in respect of defective premises	TLHS, SHSO #
Housing Act 1985		
Part 10, sections 324 to 344.	Power to serve notices in relation to overcrowding.	TLHS, SHSO, HSO

Housing Act 2004 (NE)		
Section 11,12,16	Power to serve, revoke and vary improvement notices relating to Category 1 and Category 2 hazards	TLHS, SHSO, HSO *
Section 14	Power to suspend an improvement notices	TLHS, SHSO, HSO *
Section 20, 21, 23, 25	Power to serve, suspend, revoke and vary prohibition orders for Category 1 and Category 2 hazards	TLHS, SHSO, HSO #
Section 28	Power to serve hazard awareness notices on Category 1 hazards	TLHS, SHSO, HSO
Section 29	Power to serve hazard awareness notices on Category 2 hazards	TLHS, SHSO, HSO
Section 30, 31	Power to enforce Improvement Notices	TLHS, SHSO, HSO #
Section 32, 33	Power to enforce Prohibition Notices	TLHS, SHSO, HSO #
Section 41	Power to serve notice of emergency remedial action	TLHS, SHSO, HSO *
Section 43	Power to serve notice of emergency prohibition orders	TLHS, SHSO, HSO #
Section 49	Power to charge for certain enforcement action	TLHS, SHSO, HSO
Section 61	Power to serve notice requiring HMO to be licensed	TLHS, SHSO, HSO *
Section 62	Power to grant temporary exemption notice from HMO licensing	TLHS, SHSO, HSO *
Section 64	Power to grant or refuse HMO licence	TLHS, SHSO, HSO *
Section 67	Power to identify HMO licence conditions	TLHS, SHSO, HSO *
Section 69	Power to vary HMO licence	TLHS, SHSO, HSO *
Section 70	Power to revoke HMO licence	TLHS, SHSO, HSO *
Section 72	Power to enforce offences in relation to licensing of HMO	TLHS, SHSO, HSO #
Section 139, 144	Power to serve, review and suspend overcrowding notices	TLHS, SHSO, HSO *
Section 234	Management regulations in respect of HMO	TLHS, SHSO, HSO
Section 235	Power to require documents to be produced	TLHS, SHSO, HSO
Section 239	Powers of entry at any reasonable time for the purpose of carrying out a survey or examination of the premises.	TLHS, SHSO, HSO
Section 249A	Financial penalties for certain housing offences in England(schedule13A)	TLHS, SHSO #
Section 255	Power to declare a property to be a house in multiple occupation	TLHS, SHSO, HSO *

By delegating Sections 11 – 249A of the Act to officers as set out above, delegation is also given in respect of all other relevant Sections and Schedules of the Act that enable each to be fully enforced. However Section 102 and 113, Interim and Final Management Orders (for HMO or Part 3 House), and Sections 134 and 136 Interim and Final Empty Dwelling Management Orders must be authorised by an Assistant Director		
Housing Act 2004 as amended by the Housing and Planning Act 2016 (E)		
Schedule 13A	Power to serve a notice of intent in relation to Financial / Civil penalty	TLHS, SHSO #
Schedule 13A	Power to serve a final notice in relation to Financial / Civil penalty	TLHS, SHSO #
Housing and Planning Act 2016 (E)		
Section 42	Power to serve a notice of intent in relation to Rent Repayment Orders	TLHS, SHSO #
The Redress Schemes for Lettings Agency Work and Property Management Work (England) Order 2014		
Part 4	Power to enforce registration	TLHS, SHSO
The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (E)		
Regulation 5	Power to serve a remedial notice	TLHS, SHSO, HSO *
Regulation 7	Power to serve a remedial action notice	TLHS, SHSO, HSO *
Regulation 8	Power to serve a penalty charge notice	TLHS, SHSO, HSO *
Regulation 10	Power to serve notice of penalty charge review decision	TLHS, SHSO
Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015		
Regulation 37	Power to issue a compliance notice	TLHS, SHSO, HSO *
Regulation 38	Power to serve a penalty notice	TLHS, SHSO #

Anti-Social Behaviour, Crime and Policing Act 2014		
Part 4, Chapter 1	Power to serve a Community Protection Notice Warning (CPN(W))	TLHS, SHSO, HSO *
Part 4, Chapter 1	Power to serve a Community Protection Notice (CPN)	TLHS, SHSO, HSO *
Prevention of Damage by Pests Act 1949		
Section 2	Duties of Local Authorities - Power to carry out inspections and destroy rats and mice	TLHS, SHSO
Section 4	Infestation and Harbourage – Power to require action	TLHS, SHSO
Section 5	Power to instigate the carrying out of works in default	TLHS, SHSO
Section 6	Powers for groups of Premises – Exercise of powers	TLHS, SHSO
Public Health Act 1936		
Section 45	Power to serve notice requiring repair of closets	TLHS, SHSO
Section 83	Power to serve notice requiring cleansing of filthy or verminous premises	TLHS, SHSO
Section 84	Power to cleanse or destroy filthy or verminous articles	TLHS, SHSO
Section 85	Power to cleans filthy and verminous persons and their clothing	TLHS, SHSO
Public Health Act 1961		
Section 17	Power to repair drains etc. and to remedy stopped-up drains etc.	TLHS, SHSO
The Electricity and Gas (Energy Company Obligation) Order 2018		
Article 17	Power to authorise measures accompanied by a statement from a local authority (Declaration) in relation to the Council’s Energy Company Obligation Local Authority Flexible Eligibility Statement of Intent	TLHS, SHSO

The Housing and Planning Act 2016 (Database of Rogue Landlords and Property Agents) Regulations 2018		
Section 3	Power to add details to the database	TLHS, SHSO #
The Housing and Planning Act 2016 (Banning Order Offences) Regulations 2017		
Section 3	Power to apply to the First-Tier Tribunal for a banning order	TLHS, SHSO #
The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020		
Section 4	Power to serve Remedial Notice	TLHS, SHSO, HSO *
Section 6	Power to arrange remedial action	TLHS, SHSO, HSO *
Section 8	Power to recover costs incurred in taking action	TLHS, SHSO, HSO *
Section 10	Power to take Urgent Remedial Action	TLHS, SHSO, HSO *
Section 11	Power to issue Financial Penalty	TLHS, SHSO
General Legislation applicable to task		
Regulation of Investigatory Powers Act 2000		TLHS, SHSO, HSO
Police and Criminal Evidence Act 1984		TLHS, SHSO, HSO
Human Rights Act 2003		TLHS, SHSO, HSO
Data Protection Act 1998		TLHS, SHSO, HSO
Freedom of Information Act 2000		TLHS, SHSO, HSO
The Enterprise and Regulatory Reform Act 2013		TLHS, SHSO, HSO

Key –

- * Notices to be peer reviewed by TLHS or SHSO and initialled before service.
- # To be reviewed by Assistant Director before service.

In accordance with the Council's Scheme of Delegation to Officers (which supersedes all other schemes of delegation), I, Emily Spicer being a Proper Officer of the Council, hereby authorise the above officers in exercise of their proper functions as Officers of the Council to serve, vary, amend and revoke all notices / actions set out within this scheme.

When undertaking land and property inspections, the above officers will carry official photographic identity and be able to produce named authorisation listing their delegated powers upon request.



Signed:

Dated: 11/09/2024

Emily Spicer
Assistant Director

Boston Borough Council
West Street
Boston
Lincolnshire
PE21 8QR

Appendix A - Officers currently employed within Roles (correct at the time of printing)
Officers marked with ^ are employed by East Lindsey District Council

AD	Assistant Director	Emily Spicer
TLHS	Team Leader – Housing Standards	Luke Settle^
SHSO	Senior Housing Standards Officer	Ian Grimwood
HSO	Housing Standards Officer	Mirella Hallett, Tiana-May Dawson