



# BOSTON BOROUGH COUNCIL

## DELEGATION OF DECISIONS/AUTHORISATIONS FOR HOUSING STANDARDS TEAM

### Executive Function (E) Non-Executive (NE)

#### Roles

SHSO	Senior/Principal Housing Standards Officer
HSO	Housing Standards Officer
PMSH	Project Manager - Sustainable Housing

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

<b>Housing Act 2004 (NE)</b>		
Section 11,12,16	Power to serve, revoke and vary improvement notices relating to Category 1 and Category 2 hazards	SHSO, HSO *
Section 14	Power to suspend an improvement notices	SHSO, HSO *
Section 20, 21, 23, 25	Power to serve, suspend, revoke and vary prohibition orders for Category 1 and Category 2 hazards	SHSO, HSO #
Section 28	Power to serve hazard awareness notices on Category 1 hazards	SHSO, HSO
Section 29	Power to serve hazard awareness notices on Category 2 hazards	SHSO, HSO
Section 30, 31	Power to enforce Improvement Notices	SHSO, HSO #
Section 32, 33	Power to enforce Prohibition Notices	SHSO, HSO #
Section 41	Power to serve notice of emergency remedial action	SHSO, HSO *
Section 43	Power to serve notice of emergency prohibition orders	SHSO, HSO #
Section 49	Power to charge for certain enforcement action	SHSO, HSO
Section 61	Power to serve notice requiring HMO to be licensed	SHSO, HSO *
Section 62	Power to grant temporary exemption notice from HMO licensing	SHSO, HSO *
Section 64	Power to grant or refuse HMO licence	SHSO, HSO *
Section 67	Power to identify HMO licence conditions	SHSO, HSO *
Section 69	Power to vary HMO licence	SHSO, HSO *
Section 70	Power to revoke HMO licence	SHSO, HSO *
Section 72	Power to enforce offences in relation to licensing of HMO	SHSO, HSO #
Section 139, 144	Power to serve, review and suspend overcrowding notices	SHSO, HSO *
Section 234	Management regulations in respect of HMO	SHSO, HSO
Section 235	Power to require documents to be produced	SHSO, HSO
Section 239	Powers of entry at any reasonable time for the purpose of carrying out a survey or examination of the premises.	SHSO, HSO
Section 249A	Financial penalties for certain housing offences in England(schedule13A)	SHSO #
Section 255	Power to declare a property to be a house in multiple occupation	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	SHSO #
Schedule 13A	Power to serve a final notice in relation to Financial / Civil penalty	SHSO #

**Housing and Planning Act 2016 (E)**

Section 42	Power to serve a notice of intent in relation to Rent Repayment Orders	SHSO #
------------	--	--------

**The Redress Schemes for Lettings Agency Work and Property Management Work (England) Order 2014**

Part 4	Power to enforce registration	SHSO
--------	-------------------------------	------

**The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (E)**

Regulation 5	Power to serve a remedial notice	SHSO, HSO *
Regulation 7	Power to serve a remedial action notice	SHSO, HSO *
Regulation 8	Power to serve a penalty charge notice	SHSO, HSO *
Regulation 10	Power to serve notice of penalty charge review decision	SHSO

**Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015**

Regulation 37	Power to issue a compliance notice	SHSO, HSO * PMSH
Regulation 38	Power to serve a penalty notice	SHSO #, PMSH #

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

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

Key –

\* Notices to be peer reviewed by 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

A handwritten signature in black ink that reads "Emily Spicer". The signature is written in a cursive style with a horizontal line underneath the name.

Dated 17<sup>th</sup> October 2022

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
SHSO	Senior/Principal Housing Standards Officer	Thomas Amblin-Lightowler, Luke Settle
HSO	Housing Standards Officer	Ian Grimwood, Arturs Serdjuks^, Rebecca Millburn-Snell^, Craig Roberts^
PMSH	Project Manager - Sustainable Housing	Rachel Harwood^