



**COFNOD O BENDERFYNIAD WEDI'I DDIRPRWYO GAN SWYDDOG**  
**RECORD OF DELEGATED OFFICER DECISION**

**Penderfyniad Allweddol | Key Decision**



**Mae'r Penderfyniad Wedi'i Ddirprwyo hwn wedi'i bennu yn 'Benderfyniad Allweddol' gan ei fod yn debygol o:**

This Delegated Decision has been established as a 'Key Decision' as it is likely:

***a) arwain at y Cyngor yn ysgwyddo gwariant sylweddol neu wneud arbedion sylweddol; to result in the Council incurring expenditure which is, or the making of savings which are, significant;***



***neu / or:***

***b) fod yn arwyddocaol o ran sut mae'n effeithio ar gymunedau sy'n byw neu'n gweithio mewn ardal sy'n cynnwys dwy etholaeth neu adran etholiadol neu ragor. to be significant in terms of its effects on Communities living or working in an area comprising two or more electoral wards.***



**c) Eraill / Other:**

**PWNC | SUBJECT:** Introduction of a new Housing Enforcement Charging Policy in accordance with the provisions of the Housing Act 2004.

**DIBEN YR ADRODDIAD | PURPOSE OF THE REPORT:**

The purpose of the report is to receive approval to introduce a new Housing Enforcement Charging Policy to recover the cost of undertaking certain housing enforcement actions.

In accordance with the Council's Scheme of Delegation, the report has been prepared to accompany the intended officer decision of the Director, Community Services, as described below.

**PENDERFYNIAD WEDI'I DDIRPRWYO | DELEGATED DECISION:**

The Director of Community Services in consultation with the Cabinet Member for Communities considers the outcome of the pilot of charging for Housing Act enforcement and agree that it will become policy in accordance of the provisions of the Housing Act 2004 from 1<sup>st</sup> April 2026

**Llofnod y Prif Swyddog**

Chief Officer Signature



Louise Davies

**Enw (priflythrennau)**

Name (Print Name)

Director of Community Services

**Swydd**

Designation


9<sup>th</sup> February 2026**Dyddiad**

Date

**Mae'r penderfyniad yn cael ei wneud yn unol ag Adran 15 o Ddeddf Llywodraeth Leol 2000 (Swyddogaethau'r Corff Gweithredol) ac yn y cylch gorchwyl sy wedi'i nodi yn Adran 5 o Ran 3 o Gyfansoddiad y Cyngor.**

The decision is taken in accordance with Section 15 of the Local Government Act, 2000 (Executive Functions) and in the terms set out in Section 5 of Part 3 of the Council's Constitution.

## YMGYNGHORI | CONSULTATION

	Cllr Bob Harris, Cabinet Member for Communities	6 <sup>th</sup> February 2026
<b>LLOFNOD YR AELOD YMGYNGHOROL O'R CABINET   CONSULTEE CABINET MEMBER SIGNATURE</b>	<b>ENW A SWYDD   NAME AND DESIGNATION</b>	<b>DYDDIAD   DATE</b>

<b>LLOFNODSWYDDOG YMGYNGHOROL   CONSULTEE OFFICER SIGNATURE</b>	<b>ENW A SWYDD   NAME AND DESIGNATION</b>	<b>DYDDIAD   DATE</b>

**A FYDD Y PENDERFYNIAD YMA'N CAEL EFFAITH AR Y WARD?**  
WILL THIS DECISION HAVE AN IMPACT ON THE WARD?

**BYDD | YES**      **NA FYDD | NO** ✓

**Unrhyw sylwadau pellach/Oes angen rhoi gwybod i'r Aelod Lleol:**  
Any further comments/Need for Local Member to be informed:

**RHEOLAU'R WEITHDREFN GALW-I-MEWN | CALL IN PROCEDURE RULES.**

**A YW'R PENDERFYNIAD YN UN BRYN A HEB FOD YN DESTUN PROSES GALW-I-MEWN GAN Y PWYLLGOR TROSOLWG A CHRAFFU?:**

IS THE DECISION DEEMED URGENT AND NOT SUBJECT TO CALL-IN BY THE OVERVIEW AND SCRUTINY COMMITTEE:

**YDY | YES      NAC YDY | NO ✓**

**Rheswm dros fod yn fater brys | Reason for Urgency:**

***Os yw'n cael ei ystyried yn fater brys - llofnod y Llywydd, y Dirprwy Lywydd neu Bennaeth y Gwasanaeth Cyflogedig yn cadarnhau cytundeb fod y penderfyniad arfaethedig yn rhesymol yn yr holl amgylchiadau iddo gael ei drin fel mater brys, yn unol â rheol gweithdrefn trosolwg a chraffu 17.2:***

*If deemed urgent - signature of Presiding Member or Deputy Presiding Member or Head of Paid Service confirming agreement that the proposed decision is reasonable in all the circumstances for it being treated as a matter of urgency, in accordance with the overview and scrutiny procedure rule 17.2:*

.....  
**(Llywydd | Presiding Member)      (Dyddiad | Date)**

**DS - Os yw hwn yn benderfyniad sy'n cael ei ail-ystyried yna does dim modd galw'r penderfyniad i mewn a bydd y penderfyniad yn dod i rym o'r dyddiad mae'r penderfyniad wedi'i lofnodi.**

**NB - If this is a reconsidered decision then the decision Cannot be Called In and the decision will take effect from the date the decision is signed.**

**AT DDEFNYDD Y SWYDDFA YN UNIG | FOR OFFICE USE ONLY**

**DYDDIADAU CYHOEDDI A GWEITHREDU | PUBLICATION & IMPLEMENTATION DATES**

**CYHOEDDI | PUBLICATION**

**Cyhoeddi ar Wefan y Cyngor | Publication on the Council's Website:-** 09.02.26

**DYDDIAD | DATE**

**GWEITHREDU'R PENDERFYNIAD | IMPLEMENTATION OF THE DECISION**

**Nodwch:** Fydd y penderfyniad hwn ddim yn dod i rym nac yn cael ei weithredu'n llawn nes cyn pen 3 diwrnod gwaith ar ôl ei gyhoeddi. Nod hyn yw ei alluogi i gael ei "Alw i Mewn" yn unol â Rheol 17.1, Rheolau Gweithdrefn Trosolwg a Chraffu.

**Note:** This decision will not come into force and may not be implemented until the expiry of 3 clear working days after its publication to enable it to be the subject to the Call-In Procedure in Rule 17.1 of the Overview and Scrutiny Procedure Rules.

**Yn amodol ar y drefn "Galw i Mewn", caiff y penderfyniad ei roi ar waith ar:**

Subject to Call In the implementation date will be:

13.02.26  
**DYDDIAD / DATE**

**WEDI'I GYMERADWYO I'W GYHOEDDI: ✓ | APPROVED FOR PUBLICATION :✓**

**Rhagor o wybodaeth | Further Information:**

Cyfadrn   Directorate:	Community Services
Enw'r Person Cyswllt   Contact Name:	Neil Pilliner
Swydd   Designation:	Environmental Protection & Housing Standards Manager
Rhif Ffôn   Telephone Number:	07786 523917

# **RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

## **REPORT TO ACCOMPANY A DECISION OF THE DIRECTOR OF COMMUNITY SERVICES**

**29<sup>th</sup> JANUARY 2026**

### **INTRODUCTION OF A NEW HOUSING ENFORCEMENT CHARGING POLICY IN ACCORDANCE WITH THE PROVISIONS OF THE HOUSING ACT 2004**

**AUTHOR(s):** Neil Pilliner, Environmental Protection & Housing Standards Manager

#### **1. PURPOSE OF THE REPORT**

- 1.1 The purpose of this report is to receive approval to introduce a new Housing Enforcement Charging Policy to recover the cost of undertaking certain housing enforcement actions.

#### **2. RECOMMENDATIONS**

It is recommended:

- 2.1 Approval is given to introduce a new Housing Enforcement Charging Policy on 1<sup>st</sup> April 2026.
- 2.2 The finance from the charge will continue to be used to recover the cost of undertaking the enforcement action.
- 2.3 The implementation of the Housing Enforcement Charging Policy to be adopted as a new charge in the Councils 2026/27 Fees and Charges report and subsequent years thereafter.

#### **3. REASONS FOR RECOMMENDATIONS**

- 3.1 A pilot project has provided an opportunity to review the implementation of the new charging policy over a full 12 month period and allowed sufficient time for any changes to be made prior to being formally incorporated in the Council's fees and charges process in 2026/27. The pilot has demonstrated the charging policy should be implemented to assist officers in improving compliance and improved housing conditions.

#### **4. BACKGROUND**

- 4.1 Rhondda Cynon Taf County Borough Council's Housing Standards Team carries out a wide range of enforcement functions in relation to the housing stock within the County Borough. These include the enforcement of various pieces of legislation in relation to the physical standards of housing stock, primarily the Housing Act 2004.

- 4.2 The Housing Act 2004 came into force in April 2006 and brought significant changes to how houses were inspected, the enforcement action that could be taken, the introduction of the Residential Property Tribunal and the introduction of mandatory licensing for certain high-risk houses in multiple occupation.
- 4.3 The change to the process of inspecting houses and the enforcement tools that became available was one of the most significant changes and introduced a risk-based inspection system called the Housing Health and Safety rating System (HHSRS). All properties are now inspected under this regime, which seeks to quantify the hazards within a property and give each hazard a score depending on its likelihood to cause harm, the presence of a vulnerable group in the property and the type and use of the property itself. The aim of introducing this method was to create a consistent approach for inspecting properties and a way of determining those at highest risk.
- 4.4 The HHSRS system categorises the hazards into two groups, category 1 hazards and category 2 hazards. A Local Housing Authority (LHA) is legally required to deal with category 1 hazards when they have been identified and category 2 hazards are discretionary. Most Councils deal with category 2 hazards where possible as they still affect the health and safety of the occupants.
- 4.5 The Housing Act 2004 introduced a broader range of enforcement options than were available under the previous legislation and can be applied to both category 1 and category 2 hazards, these include:
- **Hazard Awareness Notices** – A legal Notice that simply advises of the hazards present and the action that should be taken, these Notices do not carry a time limit for compliance.
  - **Improvement Notices** – A Notice that requires repairs to be undertaken within a set amount of time.
  - **Prohibition orders** – Restrict the use of whole or part of a dwelling due to serious hazards.
  - **Emergency Prohibition Orders** – Restrict the use of all or part of dwelling in an emergency.
  - **Emergency Remedial Action Notice** – Works undertaken as an emergency by the Council.
- 4.6 The Housing Act 2004 also gives the Local Authority the power to apply reasonable charges to recover certain administrative and Officer costs of enforcement work. Charges may be applied in respect of the issue of an Improvement Notice; Prohibition Order; Hazard Awareness Notice; Emergency Remedial Action; Emergency Prohibition Order, and Demolition Orders. The charge can reflect the costs incurred by the Council and including such factors as:
- a) Time spent visiting the premises.
  - b) Time spent drafting a Notice.
  - c) Time spent carrying out a rating under the Housing Health and Safety Rating System.
  - d) Administration costs in serving the notice, travelling and other costs.



## **5. HOUSING ENFORCEMENT CHARGING POLICY – REVIEW OF PILOT PROJECT**

- 5.1 The proposal to introduce a charge for housing enforcement action was discussed by the Senior Leadership Team and the Council Leader at a meeting on 27<sup>th</sup> March 2024. The new charging policy was supported subject to it being introduced as a pilot project and that consideration is given to including a nominal fee for the service of all relevant housing enforcement notices based on implementation by other Local Authorities in Wales.
- 5.2 As requested, the Policy was introduced as a pilot project, prior to its formal adoption as a new charge in the Council's Fees and Charges report. An extension of time for the pilot project enabled a full 12month review to take place, which proved beneficial as there is no standard application of charging for the service of housing enforcement notices across Local Authorities in Wales. In addition, the administrative burdens of applying nominal cost recovery for all relevant notices and the impact on improved compliance objectives, needed to be taken in to account. These factors were explored further on undertaking a 12month review of the pilot project in RCT, to ensure the charging policy can be applied in a fair and consistent manner.
- 5.3 In line with the provisions of the Housing Act 2004, a Pilot Housing Enforcement Charging Policy was produced to enable the Council to introduce charging to recover the costs of certain housing enforcement work and to encourage prompt compliance. The feedback from Officer's suggests that since the introduction of the pilot scheme, most landlords made greater effort to comply with notice requirements to avoid being charged a fee.
- 5.4 As part of the review of the pilot it was noted the charging regime did introduce additional administrative work to process the fees. However there has been a net benefit to the service, due to reduced Officer time involved in chasing up compliance, lower number of revisits required and improved tenant relations, when previous repairs had been undertaken on a piecemeal basis by their landlord.
- 5.5 During the pilot study the Officers also established confusion from some Landlords and Agents in understanding the fees, with some thinking the inspection incurs a fee regardless of property compliance. Whilst the messaging of the enforcement charging regime during the pilot period was deemed to be clear, a review of all correspondence has been carried out to ensure the information provided sets out the key provisions of the new Charging policy.
- 5.6 On reviewing the income received from implementing the Housing Enforcement Charging Policy as a pilot project from 01/09/24 to 31/08/25, the total income received was £18,377. However, no annual target income is intended for 2026-27, as it is being introduced with aim of encouraging prompt compliance by Landlords, rather than a means to generate a specific amount of income.
- 5.7 Taking account of issues raised above the pilot study demonstrated the need to maintain the cost recovery charges for the time spent by Officers in respect of the service of Improvement Notices; Emergency Remedial Action Notices; Prohibition Orders; Emergency Prohibition Orders and Demolition Orders. As of 1<sup>st</sup> April 2026, a

fee of £391 will continue to be imposed which was calculated based on Officer time spent on enforcement related tasks as detailed in the Housing Enforcement Charging Policy (Appendix 1). On receiving approval, it is the intention to include the fee in the Councils 2026/27 Fees/Charges report and subsequent years thereafter.

5.8 The fee will be waived in the following circumstances:

- To encourage prompt compliance with the requirements of **Improvement Notices**, the charge will be waived in full, provided all works required within the Notice schedule of repairs are complied with in full prior to the expiry of the Notice period.
- To avoid occupant Homelessness and burden upon the Council's Homelessness Service, fees associated with the service of **Prohibition Orders** (\*not Emergency Prohibition Orders) will not be imposed provided that all works required to discharge the prohibition order are undertaken in full prior to it becoming operative, which is 28 days from the date the order was served.
- No charges will be imposed for all **Hazard Awareness Notices** (HANs) served, as there is no time limit for compliance.
- In exceptional circumstances subject to approval by Service Director- Public Protection .

## **6. EQUALITY AND DIVERSITY IMPLICATIONS / SOCIO-ECONOMIC DUTY**

6.1 An Equality Impact Assessment was considered but the introduction of the proposed Charging Policy did not show any adverse effects on those groups with protected characteristics as defined under the Equality Act 2010. Consequently, a full Equality Impact Assessment is not required.

## **7. WELSH LANGUAGE IMPLICATIONS**

7.1 All correspondence associated with the production of the Housing Enforcement Charging Policy will be compliant with the Welsh Language (Wales) Measure 2011 where the Welsh language is treated no less favourably than English.

## **8. CONSULTATION**

8.1 A review of other Local Authorities in Wales was undertaken to assist in the calculation of costs being recovered for enforcement work to ensure consistency and fairness when applying the fee.

## **9. FINANCIAL IMPLICATIONS**

9.1 Section 50 of the Housing Act 2004 allows for recovery of the charges for Notices/Orders served under Section 49. A demand for payment of the charge must be served on the person from who the Local Authority are seeking to recover the cost of relevant enforcement work. The owner/landlord can appeal to the Land Tribunal. If no appeal is brought, the demand becomes operative at the end of 21 days following service of the order/notice. The Local Authority will register a land charge on the property. For the purposes of enforcing the charge, the Council have the same powers and remedies under the Law of Property Act 1925.

## **10. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED**

- 10.1 The provisions of the Housing Act 2004 give the Council power to charge for certain enforcement action as detailed above.

## **11. LINKS TO THE COUNCILS CORPORATE PLAN / OTHER CORPORATE PRIORITIES/ SIP**

- 11.1 It links with the People and Place priorities of the Corporate Plan, as encouraging prompt compliance with the requirements of Improvement/Prohibition Notices will achieve swifter improvements in housing standards for tenants and also benefit the wider community.
- 11.2 The use of consistency with the Well-being Goals under the Wellbeing of Future Generations (Wales) Act 2015, encouraging prompt compliance with the requirements of Improvement/Prohibition Notices will contribute to:
- A healthier Wales – a society in which people's physical and mental wellbeing is maximised and in which choices and behaviours that benefit future health are understood.
  - A Wales of cohesive communities – attractive, viable, safe and well-connected communities.

## **12. CONCLUSION**

- 12.1 The review of the Pilot Housing Enforcement Charging Policy established that it was fit for purpose and no changes were required to the content. It was deemed to be a robust policy which will be utilised with aim of improving compliance by Landlords undertaking any required housing standards work in a timely manner. On approval it is the intention to include the Housing Enforcement Charging Policy as a new charge in the Council's 2026/27 Fees/Charges report and subsequent years thereafter.

**LOCAL GOVERNMENT ACT 1972**

**AS AMENDED BY**

**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**DELEGATED OFFICER DECISION**

**REPORT OF DIRECTOR – COMMUNITY SERVICES**

**THE INTRODUCTION OF CHARGES FOR HOUSING ENFORCEMENT ACTION IN  
ACCORDANCE WITH THE PROVISIONS OF THE HOUSING ACT 2004**

**Relevant Scrutiny Committee**

Community Services Scrutiny Committee

**Background Papers**

None

**Officer to contact**

Neil Pilliner - Environmental Protection & Housing Standards Manager



# Housing Enforcement Charging Policy

**Rhondda Cynon Taff County Borough Council  
April 2026**

## **Background**

Rhondda Cynon Taf County Borough Council's Housing Standards Team carries out a wide range of enforcement functions in relation to the housing stock within the County Borough. These include the enforcement of various pieces of legislation in relation to the physical standards of housing stock, primarily, the Housing Act 2004.

The Housing Act 2004 came into force in April 2006 and brought significant changes to how houses were inspected, the enforcement action that could be taken, the introduction of the Residential Property Tribunal and the introduction of mandatory licensing for certain high-risk houses in multiple occupation.

The change to the process of inspecting houses and the enforcement tools that became available was one of the most significant changes and introduced a risk-based inspection system called the Housing Health and Safety rating System (HHSRS). All properties are now inspected under this regime, which seeks to quantify the hazards within a property and give each hazard a score depending on its likelihood to cause harm, the presence of a vulnerable group in the property and the type and use of the property itself. The aim of introducing this method was to create a consistent approach for inspecting properties and a way of determining those at highest risk.

The HHSRS system categorises the hazards into two groups, category 1 hazards and category 2 hazards. A Local Housing Authority (LHA) is legally required to deal with category 1 hazards when they have been identified and category 2 hazards are discretionary. Most councils deal with category 2 hazards where possible as they still affect the health and safety of the occupants.

## **Enforcement Notices**

The Housing Act 2004 introduced a broader range of enforcement options than were available under the previous legislation and can be applied to both category 1 and category 2 hazards, these include:

- Hazard Awareness Notices – A legal notice that simply advises of the hazards present and the action that should be taken, these notices do not carry a time limit for compliance.
- Improvement Notices – A notice that requires repairs to be undertaken within a set amount of time.
- Prohibition orders – Restrict the use of whole or part of a dwelling due to serious hazards.
- Emergency Prohibition Orders – Restrict the use of all or part of dwelling in an emergency.
- Emergency Remedial Action Notice – Works undertaken as an emergency by the Council.

Enforcement Notices can be served across all tenures, meaning they can be served on owner occupiers, Landlords and Registered Social Landlords (RSLs). It is rare to serve an enforcement notice on an owner occupier. Most property owners are likely to take steps to rectify these hazards within their own property without any intervention from the Council. However, there may be circumstances where it will be both necessary and appropriate for the Council to take formal action under the Act in an owner-occupied property. Such cases may include situations where the household is

considered vulnerable, and works are required to protect the safety and health of those occupants.

The above Notices and Orders are tools to effect a change or to discharge the Council's duty by advising of hazards present. In general, Hazard Awareness Notices are used when dealing with owner occupied properties.

### **Charging for Enforcement**

Requests for service are dealt with in accordance with the Council's Housing Standards Team Operational Guidance and the Council's Corporate Enforcement Policy. Service requests are triaged in terms of emergency and non-emergency responses. Non-emergency requests are dealt with initially in accordance with the Housing Standards Initial Filter Officer process and if issues remain unresolved after 28 days, the request for service is escalated to an Environmental Health Officer (EHO) to undertake a formal HHSRS inspection and enforcement action in accordance with Part 1 of the Housing Act 2004. All emergency responses are escalated to an EHO directly to undertake a formal enforcement action.

The Housing Act 2004 gives the Council the power to charge for certain enforcement action. The Local Authority may make such reasonable charges as they consider appropriate as a means of recovering certain administrative and other costs. Charges may be applied in respect of the issue of an Improvement Notice; Prohibition Order; Hazard Awareness Notice; Emergency Remedial Action; Emergency Prohibition Order and Demolition Orders.

The Council will use cost recovery charges for the time spent by Officers in undertaking the service of enforcement notices/orders. The charge being imposed reflects the costs incurred by the Council and includes such factors as:

- (a) Time spent visiting the premises
- (b) Time spent drafting a notice
- (c) Time spent carrying out a rating under the Housing Health and Safety Rating System
- (d) Administration costs in serving the notice, travelling and other costs.

A table detailing an analysis of how the charge has been formulated is included in Appendix 1a. A charge of £391.00 will be imposed for the service of Improvement Notices; Emergency Remedial Action Notices; Prohibition Orders; Emergency Prohibition Orders and Demolition Orders, subject to the fee waiver information detailed below.

In addition to the aforementioned charge, reasonable costs incurred in the service of the notice may be included in the costs to be recovered, an example of such costs would be where it was necessary to undertake an Electrical Installation Condition Report in order to identify all electrical hazards in a property or the undertaking of a structural engineer's report to identify a structural collapse or falling elements hazard.

## **Fee Waiver**

### **Improvement Notices**

A significant proportion of Improvement Notices are not complied with by the persons responsible within the notice period. This results in properties remaining in disrepair to the detriment of occupiers and will result in the Council having to undertake further visits and arrange works in default and / or preparation of a Prosecution File for failure to comply the statutory notice.

To encourage prompt compliance with the requirements of Improvement Notices, the charge will be waived in full; provided all works required within the notice schedule of repairs are complied with in full, prior to the expiry of the notice period.

### **Prohibition Orders**

To avoid occupant Homelessness and burden upon the Council's Homelessness Service, fees associated with the service of Prohibition Orders (\*not Emergency Prohibition Orders) will not be imposed provided that all works required to discharge the prohibition order are undertaken in full prior to the prohibition order becoming operative. The statutory operative Period being 28 days from the date of service of the order.

### **Hazard Awareness Notices**

There are no time limits stipulated on Hazard Awareness Notices and no charges will be imposed for all Hazard Awareness Notices (HANs) served.

### **Exceptional Circumstances**

In exceptional circumstances subject to approval by the Service Director Public Protection

## **Recovery of Charges:**

Section 50 of the Housing Act 2004 allows for recovery of the charges for notices/orders served under Section 49. A demand for payment of the charge must be served on the person from who the local authority seek to recover from.

The owner/landlord can appeal to the Lands Tribunal. If no appeal is brought, the demand becomes operative at the end of 21 days following service of the order/notice.

The local authority will register a land charge on the property. For the purposes of enforcing the charge, the Council have the same powers and remedies under the Law of Property Act 1925.

The Council reserves the right to reduce or cancel charges in certain circumstances, if it determines that it is appropriate to do so. Such circumstances will be considered on a case-by-case basis and authorisation sought via the Environmental Protection and Housing Standards Manager

## **Legislation**

### **Section 49 Power to charge for certain enforcement action**



(1) A local housing authority may make such reasonable charge as they consider appropriate as a means of recovering certain administrative and other expenses incurred by them in—

- (a) serving an improvement notice under section 11 or 12;
- (b) making a prohibition order under section 20 or 21;
- (c) serving a hazard awareness notice under section 28 or 29;
- (d) taking emergency remedial action under section 40;
- (e) making an emergency prohibition order under section 43; or
- (f) making a demolition order under section 265 of the Housing Act 1985 (c. 68).

(2) The expenses are, in the case of the service of an improvement notice or a hazard awareness notice, the expenses incurred in—

- (a) determining whether to serve the notice;
- (b) identifying any action to be specified in the notice, and
- (c) serving the notice.

(3) The expenses are, in the case of emergency remedial action under section 40, the expenses incurred in—

- (a) determining whether to take such action, and
- (b) serving the notice required by subsection (7) of that section.

(4) The expenses are, in the case of a prohibition order under section 20 or 21 of this Act, an emergency prohibition order under section 43 or a demolition order under section 265 of the Housing Act 1985, the expenses incurred in—

- (a) determining whether to make the order, and
- (b) serving copies of the order on persons as owners of premises.

(5) A local housing authority may make such reasonable charge as they consider appropriate as a means of recovering expenses incurred by them in—

- (a) carrying out any review under section 17 or 26, or
- (b) serving copies of the authority's decision on such a review.

(6) The amount of the charge may not exceed such amount as is specified by order of the appropriate national authority.

(7) Where a tribunal allows an appeal against the underlying notice or order mentioned in subsection (1), it may make such order as it considers appropriate reducing, quashing, or requiring the repayment of, any charge under this section made in respect of the notice or order.

### **Section 50 Recovery of charge under section 49**

(1) This section relates to the recovery by a local housing authority of a charge made by them under section 49.

(2) In the case of—

- (a) an improvement notice under section 11 or 12, or
  - (b) a hazard awareness notice under section 28 or 29,
- the charge may be recovered from the person on whom the notice is served.

(3) In the case of emergency remedial action under section 40, the charge may be recovered from the person served with the notice required by subsection (7) of that section.

(4) In the case of—

- (a) a prohibition order under section 20 or 21;
  - (b) an emergency prohibition order under section 43, or
  - (c) a demolition order under section 265 of the Housing Act 1985 (c. 68),
- the charge may be recovered from any person on whom a copy of the order is served as an owner of the premises.

(5) A demand for payment of the charge must be served on the person from whom the authority seek to recover it.

(6) The demand becomes operative, if no appeal is brought against the underlying notice or order, at the end of the period of 21 days beginning with the date of service of the demand.

(7) If such an appeal is brought and a decision is given on the appeal which confirms the underlying notice or order, the demand becomes operative at the time when —

- (a) the period within which an appeal to the **[F1Upper Tribunal]** may be brought expires without such an appeal having been brought, or
- (b) a decision is given on such an appeal which confirms the notice or order.

(8) For the purposes of subsection (7)—

- (a) the withdrawal of an appeal has the same effect as a decision which confirms the notice or order, and

(b) references to a decision which confirms the notice or order are to a decision which confirms it with or without variation.

(9) As from the time when the demand becomes operative, the sum recoverable by the authority is, until recovered, a charge on the premises concerned.

(10) The charge takes effect at that time as a legal charge which is a local land charge.

(11) For the purpose of enforcing the charge the authority have the same powers and remedies under the Law of Property Act 1925 (c. 20) and otherwise as if they were mortgagees by deed having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver.

(12) The power of appointing a receiver is exercisable at any time after the end of the period of one month beginning with the date on which the charge takes effect.

(13) The appropriate national authority may by regulations prescribe the form of, and the particulars to be contained in, a demand for payment of any charge under section 49.

## **Appendix 1a Rhondda Cynon Taff County Borough Council – Unit Cost of Notice/ Order**

	<b>STANDARD INSPECTION ANALYSIS (EXCLUDING</b>	<b>GR11 EHO</b>	<b>GR12 SEHO</b>	<b>SUB TO- TALS</b>	<b>TOTAL COSTS</b>
1	Arrange appointment and send letters to Landlord/Agent and tenant.	01:00		01:00	
2	Travel time to and from property	01:00		01:00	
3	Carry out HHSRS inspection.	01:00		01:00	
4	Upload records / notes etc.	00:30		00:30	
5	HHSRS evaluation and analysis	02:00		02:00	
6	Contact Agent/ Landlord and Tenant to discuss findings / feedback	00:30		00:30	
7	Record findings in Flare	00:30		00:30	
8	Discuss case with Senior EHO	00:15	00:15	00:30	
9	Draft Notice/Order	03:00		03:00	
10	SEHO reviews notice		00:30	00:30	
11	Send Notice/ Order to Information Management Team (FLARE)	00:10		00:10	
12	Input Reference number and send to Business Support Unit for Posting	00:10		00:10	
13	Email Agent, Landlord and tenant copy of Notice/Order	00:10		00:10	
	<b>Subtotal hours</b>	<b>10:15</b>	<b>00:45</b>	<b>11:00</b>	
	<b>Basic Hour Salary Rate</b>	<b>£35.36</b>	<b>£38.31</b>		
	<b>Total Hours Activity Cost (£)</b>	<b>£362.44</b>	<b>£28.73</b>		<b>£391.17</b>
					<b>£391.17</b>

**\*Notes** Costs exclude all accommodation, transportation, supplies and support services cost

