**ENVIRONMENTAL HEALTH POWERS**

Environmental health services become involved when there is an absolute need because the hoarding is impacting on the wider community. Environmental health services are part of the regulatory arm of local authorities with access to a range of enforcement powers which can be used in hoarding cases. To access Environmental Health in Somerset please [click here](https://www.somerset.gov.uk/environment-and-food-safety/).

**Public Health Act 1936**

Under section 83 (cleansing of filthy or verminous premises which are prejudicial to health), the local authority can serve notice requiring materials and objects that are filthy to be cleared, and surfaces and carpets to be cleaned within 24 hours or more. If this is not complied with, environmental health can carry out works in default. This means it can carry out works to a property when the individual refuses or fails to and then bill the property owner for it later on and recover expenses. There is no appeal against notice but an appeal can be made against the cost and reasonableness of the works on the notice.

There is a complementary duty in section 84 of the act to cleanse, or if necessary, destroy filthy or verminous articles. The local authority can serve notice and remove, cleanse, purify, disinfect or destroy any such article at their expense.

**Environmental Protection Act 1990**

Part III of this act provides powers for local authorities to deal with ‘statutory nuisances’, which are defined in section 79. This includes “any premises in such a state as to be prejudicial to health or a nuisance” and “any accumulation or deposit which is prejudicial to health or a nuisance”.

Where a local authority is satisfied that a nuisance exists, section 80 places a duty on it to serve an abatement notice to abate the nuisance if it exists at the time or to prevent its occurrence or recurrence.

**Prevention of Damage by Pests Act 1949**

Under section 4, the local authority has the power to require action to prevent or treat rats and mice, where it appears that such steps should be taken by serving a notice. Whereas the Public Health Act power tends to be used for internal clearance, the Pests Act power tends to be used for clearing gardens.

The notice may be served on the owner or occupier and provides a reasonable period of time to carry out work to treat for rats and/or mice, remove materials that may feed or harbour them and carry out structural works.

The local authority may carry out works in default and charge for these.

**Refuse Disposal (Amenity) Act 1978**

This allows a local authority, after it has given notice, to remove anything abandoned on land in the open air and to recover their costs. The occupier first has to disclaim ownership.

**Town and Country Planning Act 1990**

Section 215 provides a power to require the owner or occupier of land which is adversely affecting the amenity of an area to return it to an appropriate condition. These powers deal with situations where the material is visible to neighbours or to others living in the community and which is harmful to the amenity or quality of the environment.

According to a professional practice note on hoarding and how to approach it from the Chartered Institute of Environmental Health, last updated in 2015, “these formal enforcement tools are probably best seen as useful for resolving a crisis, and perhaps essential for protecting the interests of close neighbours, but nonetheless, blunt weapons to be used sparingly and only when necessary.” Longer-term solutions are likely to involve a multi-agency approach in which environmental health officers actually play only a minimal, containment role.

**Grants and loans for private housing**

Home owners, private tenants and private sector landlords may be eligible for a grant or interest-free loan for home maintenance and other costs. Many people struggle with the cost of home maintenance, especially older and disabled residents who may feel unable to carry out the work themselves. Although maintaining the condition of private homes is the owner’s responsibility, we recognise that this is not always possible. Your application will vary according to the type of assistance you require. In all cases residents interested in applying for a grant or interest free loan will need to complete a form.

**SUMMARY OF OTHER POWERS & DUTIES**

**Care, support and safeguarding**

Adult social care duties arise under the Care Act 2014. People who self-neglect will often have the appearance of care and support needs, which will trigger a (Section 9) assessment. Care Act statutory guidance lists self-neglect as one of the circumstances that fall with its definition of abuse and neglect, so adult safeguarding duties may also apply.

**Mental Capacity**

Establishing the mental capacity to understand the risks involved is the key to deciding how to meet personal and household needs and is a crucial part of both assessments and safeguarding enquiries. Capacity must be determined in relation to a specific decision at a specific time. See SSAB Self Neglect Toolkit: MCA and Self Neglect.

**Deprivation of liberty**

If best interests involve care and support arrangements that amount to a deprivation of liberty, additional legal safeguards must be applied. If resident in a hospital or care home, authorisations must be sought from the local authority as the supervisory body. For arrangements in any other location, authorisation must be sought from the Court of Protection.

**Powers of entry**

Police & Criminal Evidence Act 1984 permits the police to enter premises without a warrant: to save life; prevent injury; or, prevent serious damage to property. This power can be used only in a genuine emergency, not in response to general concerns about welfare.

Section 135 of the Mental Health Act 1983 empowers an approved mental health professional (AMHP) to request a magistrate’s warrant authorising a police constable (accompanied by an AMHP and a doctor) to enter an individual’s property if it is believed s/he is mentally disordered. The warrant can only be granted if there is reasonable cause to suspect that s/he is being ill-treated or neglected, or lives alone and is unable to care for him/herself. S/he may be taken to a place of safety for 72 hours, in order to assess the need for hospital admission or other care arrangements.

The Court of Protection can give an order authorising entry to her/his home and removal to a more suitable caring environment if it decides s/he lacks mental capacity to make decisions about where to live and her/his care; and this is judged to be in her/his best interests.

**The Mental Health Act 1983**

Admission for assessment under sections two or four. If s/he has a mental disorder of a nature or degree that warrants admission to hospital, and admission is in the interests of her/his health or safety, or is for the protection of others, s/he may be admitted and detained for up to 28 days. An approved mental health professional (AMHP), or the nearest relative, can make an application to the hospital, on the recommendation of two doctors (section two) or, where the admission is of urgent necessity, one doctor (section four). Admission for treatment under section three is possible if s/he has a mental disorder of a nature or degree that makes it appropriate for her/him to receive medical treatment in a hospital, and treatment is necessary for her/his health or safety or for the protection of others, s/he may be admitted and detained for up to six months initially under section three of the act.

The treatment must be available and possible to provide only if s/he is detained. An AMHP (or nearest relative) can make application to the hospital, on the recommendations and statements of two doctors. The risk of self-neglect is one factor to be considered by an AMHP in deciding whether to make an application under section two or three.

Application for guardianship under section seven is an alternative to hospital admission. An AMHP (or the nearest relative) can apply to the local authority to place her/him under guardianship, a form of community-based control that does not authorise compulsory treatment.

The basis for this would be that s/he has a mental disorder of a nature or degree that warrants reception into guardianship, and it is necessary in the interest of her/his welfare or for the protection of others. The guardian has the power to determine where s/he should live, to require his attendance for treatment, occupation, education or training, and/or to require that a doctor or AMHP is able to visit her/him.

**Anti-Social Behaviour, Crime and Policing Act 2014**

Where a person’s behaviour is “capable of causing nuisance or annoyance to others” the local authority, housing provider, or the police can apply to court for an injunction to prevent nuisance and annoyance (IPNA). The injunction may contain requirements and prohibitions, and a power of arrest for breach attached where risk of harm is significant. Breach of an IPNA is a statutory ground for eviction if the property is rented.