Southend-on-Sea City Council
Director of Public Protection: Joanne Stowell
Civic Centre, Victoria Avenue, Southend-on-Sea, Essex SS2 6ER
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Sorrell
FAO: Alex Bunney, Director
40 Clarence Street
Southend on Sea
Essex
SS1 1BD

Our ref: 23/00294/HOUDIS
Your ref:
Date: 14th March 2023
Telephone: 01702 215002
Email: pauloatt@southend.go.uk

Dear Sir's,

HOUSING ACT 2004
Re: Flat A Rear of 87 Broadway, Leigh on Sea Essex SS9 1PE

I have visited the above address on **8th March 2023** and carried out an inspection of the property under the Housing Act 2004's Housing Health and Safety Rating System (HHSRS) provisions.

The HHSRS is a risk assessment process that calculates health and safety risks to occupants from one or more of 29 prescribed hazards, which can result in either high scoring Category 1 hazard(s) or lower scoring Category 2 hazard(s). The council has a legal duty to take action if a Category 1 hazard is found to exist in a property. The Council will also take action for Category 2 hazards in certain cases.

My inspection of the above dwelling identified hazards, which I have listed on the attached Schedule 1 – Notification of Hazards. This schedule also provides you with details of the deficiencies that are causing the hazards. As a result of these hazards I will be serving an Improvement Notice that will require action to be taken to deal with the hazards identified in the main property.

Any legal notices will be served on you as the owner of the above property and any other persons responsible. It will also be recorded as a Local Land Charge on the property.

It is important that the council is aware of your views about this matter. You are strongly encouraged to contact me so that you have an opportunity to discuss the council's proposed action. You should contact me within 14 days of the date of this letter, being **30th March 2023**.

Charge for Enforcement Action

You will be charged a fee of £605.00 per notice for this enforcement action. The Housing Act 2004 (HA2004), section 49, allows Local Authorities to reasonably charge to recover certain administrative expenses incurred in the service of certain enforcement notices, orders and actions and is stated in the Private Sector Housing Group Enforcement Policy.

If you believe there are extreme circumstances not to serve a charging notice, then you need state in writing the reason/s within 14 days of the date of this letter, being **30th March 2023**.

Non-Compliance of Notices

Failure to comply with any notices or orders served/made may also result in prosecution and, if found guilty, you will be liable for a fine of up to £5000. Additionally, the council may carry out the works without your agreement and recover the costs of the works plus administration expenses.

Furthermore, the Council has the power to issue a financial penalty (FPN) of up to £30,000 for non-compliance of an Improvement Notice as an alternative to prosecution proceedings. A successful prosecution or the issuing of two or more FPN's in a 12-month period will also result in you being entered onto a nationwide Rogue Landlords Database available to Government and Local Authorities.

Please do not hesitate to contact me if you would like to discuss this letter. In the meantime, I look forward to hearing from you and working together to resolve this issue.

Please do not hesitate to contact me if you would like to discuss this letter.

Yours faithfully,

Paul Oatt
BSc. (Hons) MSc CEnvH FCIEH, Chartered Environmental Health Practitioner

NOTIFICATION OF HAZARDS

Housing Act 2004, Part 1
The Housing Health and Safety Rating System (England) Regulations 2005*

NB: The Hazard Description in the table below relates to those hazards described in Schedule 1 of these Regulations.

Description

The property is a pre-1920's built three-storey maisonette above a shop, with a ground floor courtyard and entrance at rear, opening into a hallway and staircase leading to the first floor, which contains a box bedroom, living room, main bedroom, WC, kitchen and bathroom. A door on this level leads out to the flat roof area above the shop. The second floor has a loft conversion consisting of one room. The property is occupied by a single household.

Damp and Mould Band G Category Two

The windows are double glazed wooden framed and not sufficiently weather proofed allowing damp to penetrate. There is evidence of damp staining on wooden subcills. In the second-floor bedroom the gable end window (right flank of gable) was found to have hollow plaster and damp readings across an area 0.116M^2 at an area approximately 1.2 metres above floor level.

The damp is confined to these areas and there is a good central heating system. A doubt however exists about the heating provision to the second-floor bedroom (see notes on excess cold). There is no associated mould growth but nevertheless the likelihood is higher than average as most housing has no problems with penetrating damp through windows. As there is no associated mould growth, the outcomes are no worse than average.

Excess Cold Band B Category One

The second-floor bedroom is situated in the roof space. There is a draught and heat loss from the enclosed loft roof slope area and doubt exists about the insulation in this area. This is also reflected in the energy performance certificate reference (2728-3019-9208-5882-5204). A doubt exists about the provision of heating in this room. The room was measured in metres as follows;

- Main part of room 3.32(width) x 5.17(length) = 17.098M^2
- Gable end window area 1.17(width) x 2.47 (length) = 2.8899M^2
- The dimensions for the chimney breast was measured and adjacent inbuilt cupboard.
- Chimney breast = 0.37 (width) x 1.15(length) = 0.4255M^2
- Cupboard = 0.42 (width) x 0.82 (length) = 0.3444M^2

Adding the main part of the room together, minus the chimney breast and cupboard provides a floorspace of 19.2M^2 (rounded). The wall height was found to be 2.68 Metres from floor to ceiling. (19.2 x 2.68) = 50.5M^3 (rounded). The calculations were input into a radiator sizing website, approximating the width and length as closely as possible (3.5 x 5.5) = 19.25. Also taking account of windows and doors the necessary British thermal unit (BTU) output required for a radiator in a room of this size with solid brick wall and poor insulation in the loft above requires a radiator heater with a capacity of 10174 BTU's.

https://great-home.co.uk/radiator-sizing-guide-and-btu-calculator/#seecalc

The property has solid brick walls and is poorly insulated. The inadequate heating in this room and the lack of insulation in the adjacent loft space also allows heat to escape and draughts to enter. This places the hazard at a level higher than average for its age.

Although the risk of the dwelling falling to unhealthily cold temperatures and the consequent risk of serious harm is higher than average, the spread of harms is not increased in terms of its severity.

Falls on Level Band D Category Two

The flat roof area outside of the first-floor fire exit door is holding a large spread of ponding water. There is no artificial lighting in this area at the end of the roof there is a sharp approximately 1 metre drop to another flat roof below. The gas flue is positioned at height below the requisite 2 metres from floor level along the flank wall to this flat roof area and is not guarded. There is outdoor furniture indicating the area is used for external gathering and not just a means of escape.

The flat roof materials should be laid to a sufficient fall to carry away surface water, as well as the damage this can cause to a roof overtime ponding also provides an opportunity for other moisture-related problems to occur, such as the growth of moss and algae creating a further slip hazard on a route leading from a fire exit and used for a means of escape. A fall on this area would involve impact with a hard surface, aside from this the risk also increases in colder weather when water is likely to ice. The lack of 50mm clearance that would be provided by a flue guarding heightens the risk of potential scalding from flue gases from persons using this area.

The chance of suffering a severe or serious accident is significantly higher than average because of the hard surfaces, secondary hazards and other compounding matters.

Falls Between Levels Band D Category Two

At the end of the flat roof area outside of the first-floor fire exit door there is a sharp approximately 1 metre drop to another flat roof below. The outdoor furniture indicates the area is used for external gathering and not just a means of escape. There is no guarding to the end of this flat roof area, the ponding of water and poor lighting heighten not only the risk of a fall on level but a potential slip between these levels. The lower level flat roof has a horizontal balustrade with a large gaps between the railings. An attempt has been made to cover with a thin wooden screening, which is loose in areas and in one part has come away altogether exposing the guarding.

The lack of guarding and the drastic change in level between the upper and lower flat roofs in an area that is poorly lit with other associated slip hazards increases the risk of serious injury from impact with harsh and unforgiving surfaces. With the inadequate guarding to the lower roof, there is a greater chance of a small child falling between or over the horizontal guarding whilst exploring this area. The form of the guarding makes it easy and tempting to climb. A fall from this area which is a flat roof area that covers a ground floor building and is therefore quite high would result in a greater impact and injury on the concrete ground below.

As per the previous hazard the chance of suffering a severe or serious accident is significantly higher than average because of the fall between these flat roof areas onto hard surfaces, there are also secondary hazards and other compounding matters.

Fire Safety Band E Category Two

The glass panel above the kitchen door is not fireproof. The ground floor entrance is adjacent to a commercial premise and does not have a smoke alarm. The kitchen has no heat detector. There is a fire exit door at first floor level but it is unclear what the expected ultimate point of safety would be if directed through this route to an unguarded flat roof area.

Because the property is above a commercial premise the lack of a smoke detector on the ground floor adjacent to this business means that there is insufficient warning if a fire were to break out in this location. The means of escape should be through a protected route to an ultimate place of safety and not into an area that places occupiers at further risk.

The fire risk assessment needs re-thinking. The installation of an acceptable smoke detection system and removal non-fire safe glass above a risk room will reduce the risk to average for a property of this age.