

17 February 2021  
Our ref: 6977672

Thank you for your request received on 1 February 2021, for the following information:

**I just would like to know what are the policies & working procedures in dealing with disrepair and with a potential illegal eviction.**

**What are the steps that should be followed by the council employees after I make a phone call. Step by step. In checking, reporting, collecting the data and what should be the final outcome.**

**For instance: I am making a phone call to the Environmental department about disrepair and refusal from the landlord (private renting not council) to acknowledge the situation.**

**What are, according to the law, the steps that the environmental officer should or must follow?**

**Is there any evidence regarding the disrepair that must be collected and how?**

**The same with the Housing department: I've been contacted by a housing officer. But after collecting evidence from me, it is only silence.**

**What should be the steps taken according to your Housing Policies regarding an eviction .**

We have processed this request under the Freedom of Information Act 2000.

## **Response**

The council holds the information requested and the answers to your questions are below

**I just would like to know what are the policies & working procedures in dealing with disrepair and with a potential illegal eviction.**

Under the Development and Regulatory Services Enforcement Policy, The Private Sector Housing Team (PSH) deals with:

- Investigating service requests from residents about private sector housing conditions;
- Providing advice and taking enforcement action where appropriate to bring housing up to standard or bring empty properties back into residential use
- Investigating service requests about the condition of empty properties;
- Administration of licences for houses in multiple occupation (HMO);
- Administration of Caravan Site Licensing Scheme.

The service aims to:

- Protect and improve the health and wellbeing of residents and visitors to the borough, in particular by ensuring that they have a safe place to live;
- Increase the number of homes within the borough;
- Relieve the pressure on health and social care resources by helping people to stay safely in their own homes.

The Council has a legal responsibility to ensure that minimum standards are reached and maintained. PSH will aim to improve and maintain housing standards through:

- advice to tenants, landlords and owners;
- encouraging good management practices;
- advice on and enforcement of national and local housing standards.

The PSH team's priority is to bring properties up to a minimum standard rather than to seek the rehousing of the occupiers.

To implement this policy, the Team has written procedures in for example, "Taking service Requests" and "Investigating service requests and enforcement". The PSH Team does not deal with illegal evictions but would refer it to the Tenancy Sustainment Team.

**What are the steps that should be followed by the council employees after I make a phone call. Step by step. In checking, reporting, collecting the data and what should be the final outcome.**

**For instance: I am making a phone call to the Environmental department about disrepair and refusal from the landlord (private renting not council) to acknowledge the situation.**

When a service request is received by the Private Sector Housing Team it will be allocated to an enforcement officer who will then contact the complainant to gather more details and assess if an inspection is required. Inspections will take place when there are justifiable reasons and where based on risk assessment a visit is required e.g. in accordance with statutory duties. At the time of pandemic lockdown inspections are restricted to only the most serious and vulnerable cases. If a service is received which includes the element of an illegal eviction, then this would be forwarded to the Tenancy Sustainment Team for them to investigate. The data gathered would include the complainants contact details; what the issues are; contact details of the landlord/owner; an assessment would then be carried out to decide whether an inspection is required. The officer would carry out certain internal checks to verify who the owner is, for example, land registry and Council Tax details. The complainant would also be informed that under the law their landlord would have to be notified of an officer's inspection.

**What are, according to the law, the steps that the environmental officer should or must follow?**

Under Section 239(5), Housing Act 2004, Before entering any premises in exercise of the power conferred by subsection (3), the authorised person or proper officer must give at least 24 hours' notice of his intention to do so – (a) to the owner of the premises (if known), and (b) to the occupier (if any).

Environmental Health covers a wide range of legislation under Housing and Public Health where the Council has a duty to take action or a discretion to take action.

**Is there any evidence regarding the disrepair that must be collected and how?**

To assess a complaint of disrepair a visit would be arranged with both the complainant and owner. The purpose of the visit to the property/site is to ascertain if there are any deficiencies that contravene housing/public health legislation and to ascertain the occupier's wishes regarding proposed action. Notes would be made during the inspection, detailing any deficiencies and health & safety hazards found. Where appropriate, photographs would be taken to assist with the Housing, Health and Safety Rating System assessment or any proposed enforcement action.

**The same with the Housing department: I've been contacted by a housing officer. But after collecting evidence from me, it is only silence.**

**What should be the steps taken according to your Housing Policies regarding an eviction .**

Referred to the Tenancy Sustainment Team for action.

**Further information**

If you are interested in the data that the council holds you may wish to visit Open Barnet, the council's data portal. This brings together all our published datasets and other information of interest on one searchable database for anyone, anywhere to access. <http://open.barnet.gov.uk/>

**Advice and Assistance : Direct Marketing**

If you are a company that intends to use the names and contact details of council officers (or other officers) provided in this response for direct marketing, you need to be registered with the Information Commissioner to process personal data for this purpose. You must also check that the individual (whom you wish to contact for direct marketing purposes) is not registered with one of the Preference Services to prevent Direct Marketing. If they are you must adhere to this preference.

You must also ensure you comply with the Privacy Electronic and Communications Regulations (PECR). For more information follow this Link [www.ico.org.uk](http://www.ico.org.uk)

**For the avoidance of doubt the provision of council (and other) officer names and contact details under FOI does not give consent to receive direct marketing via any media and expressly does not constitute a 'soft opt-in' under PECR.**

**Your rights**

If you are unhappy with the way your request for information has been handled, you can request a review within the next 40 working days by writing to the Information Management Team at: [foi@barnet.gov.uk](mailto:foi@barnet.gov.uk). Or by post to Information Management Team (FOI) London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW

If, having exhausted our review procedure, you remain dissatisfied with the handling of your request or complaint, you will have a right to appeal to the Information Commissioner at: The Information Commissioner's Office, Wycliffe House, Water

Lane, Wilmslow, Cheshire, SK9 5AF (telephone: 0303 123 1113; website [www.ico.org.uk](http://www.ico.org.uk)). There is no charge for making an appeal.