



Disrepair of private property

This fact sheet can be made available in other languages or formats on request by contacting 0161 770 6666. For further information please see our detailed fact sheet Information for all.

The Council has certain powers to deal with private properties in disrepair when they are prejudicial to health or if they are seriously detrimental to the local amenity.

Premises that are prejudicial to health or a nuisance

If your neighbour's property is defective and causing problems to your property, then Environmental Health's Public Health team may be able to assist. They have powers under the Environmental Protection Act 1990 to require owners of defective property to carry out repairs when the property is in such a state as to be prejudicial to health or a nuisance. This usually means defects, such as penetrating dampness, that may result in health problems.

The Environmental Health Officers have the power to serve a notice on the owner to require them to carry out repairs to the property. Where the owner does not carry out the works, the Council may do the works in default and recharge the owner. The owner may also be prosecuted, however this is unlikely unless the owner was deliberately obstructive or there was a history of non-compliance.

Aggrieved persons may also take their own private action against others using S82 of the Environmental Protection Act 1990. If you decide on this course of action, then you must give 21 days notice to the person responsible before you make a complaint to the Magistrate's Court. The Court may then make an order requiring abatement of the problem, and if they so wish fine the responsible person and/or order compensation to be paid. It is recommended you seek legal advice before resorting to this course of action.

Ruinous and dilapidated structures

If there is a structure in your neighbourhood that is ruinous and dilapidated and is seriously detrimental to the neighbourhood, then the Public Health Team have powers under the Building Act 1984 to deal with this.

Environmental Health Officers have the power to serve a notice on the owner of structures that are ruinous and dilapidated requiring them to restore or repair them, or if the owner so elects to demolish the structure.

If the owner does not carry out the works within the specified time, then the Council may do the works in default and recharge the owner for the works carried out. The owner may also be prosecuted in Magistrates Court, however this is unlikely unless the owner was deliberately obstructive or there was a history of non-compliance.

Rubble and other material from, or exposed by, demolition or collapse

If there is rubble or material that is seriously detrimental to the amenity, resulting from a collapsed structure in your neighbourhood, then the Public Health Team have powers under the Building Act 1984 to deal with this.

Environmental Health Officers have the power to serve a notice on the owner of the land requiring them to remove the rubble or other material.

If the owner does not carry out the works within the specified time, then the Council may do the works in default and recharge the owner for the works carried out. The owner may also be prosecuted in Magistrates Court, however this is unlikely unless the owner was deliberately obstructive or there was a history of non-compliance.

Buildings open to access

Where a vacant building is open to access, then the Public Health Team have powers under the Local Government (Miscellaneous Provisions) Act 1982 to deal with this.

Environmental Health Officers may serve a notice on the owner of the building requiring them to secure it within a specified time limit. If the owner fails to carry out the works, then the Council may carry out the works in default and recharge the owner.

Land or buildings that are detrimental to the amenity

Where land or buildings are seriously detrimental to amenity due to their visual appearance, the Public Health Team have powers under S215 of the Town & Country Planning Act to deal with them.

This piece of legislation can be used for a variety of problems including buildings in serious disrepair, land that has overgrown vegetation or large accumulation of waste items such as scrap vehicles, engine parts, construction materials etc.

If you report a problem of this type, then an Environmental Health Officer will visit to determine whether action can be taken. If the Officer perceives that action is possible, they may then commence proceedings in accordance with Council protocol. This usually involves:

- An initial letter to the owner advising them of the works that need to be carried out
- If the owner does not carry out the works, then the Officer may serve a notice under S215 of the Act
- If the notice is not complied with, then the Council may do works in default and recharge the owner and/or they may prosecute the owner

Contacting us

If you would like more information or would like to report a problem you can contact us by:

Writing to

Environmental Health, Chadderton Town Hall, Middleton Road, Chadderton, Oldham, OL9 6PP

Phoning

0161 770 3447

Faxing

0161 770 3444

Emailing

environmentalhealth@oldham.gov.uk

We value your comments and suggestions

We want to provide good quality service for people in Oldham and as we are a public service you have a say in what we do. We want you to be completely satisfied with our services but to ensure this we need to know what you think. What do we do best? Where could we improve things? Do you have any ideas or suggestions? Only by listening to you can we give you the service you deserve. If you wish to make a comment about our services you can e-mail us on

[**customer.feedback@oldham.gov.uk**](mailto:customer.feedback@oldham.gov.uk)

or you can phone us on 0161 770 4191

or you can write to us: Complaints Officer

Strategy and Resources Directorate

PO Box 160

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