# Housing Act 2004, Part 1, Section 8
# Statement of Reasons for Chosen Course of Action

Address of Premises:

Inspection Date:

Inspecting Officer:

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Category 1 Hazards identified:

Category 2 Hazards identified:

The above hazards have been discovered at the property resulting from the deficiencies listed on the attached schedule.
The Council has a duty to take formal action in respect of Category 1 Hazards and a power to take formal action in respect of Category 2 Hazards.

The options available to the Council are to:

**a) Serve an Improvement Notice***
**b) Make a Prohibition Order***
**c) Serve a Hazard Awareness Notice**
**d) Take Emergency Remedial Action**
**e) Make an Emergency Prohibition Order**
**f) Make a Demolition Order**
**g) Declare a Clearance Area**
**h) Take no formal action (only available in relation to category 2 hazards)**

* both of these actions may be suspended and triggered only by a specified event

Based on the evidence collected, the Council has determined that the most appropriate course of action to take in relation to the hazard(s) listed above is to:

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| *<Insert chosen course of action>* |

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The factors that have been considered in reaching this decision are:-

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| 1. | The significance of the hazard(s) – the rating score & band | |
| 2. | The extent and location of the hazard(s) within the premises | |
| 3. | The range of hazards identified within the premises | |
| 4. | Whether the Council is under a duty or has a power to take formal action in respect of the hazard(s) identified | |
| 5. | The hazard(s) is/are considered sufficiently serious to warrant a local land charge | |
| 6. | The level of risk posed to the current occupiers, including whether there is an imminent risk of serious harm | |
| 7. | The views and intentions of the occupier(s) (or occupiers representative(s)) | |
| 8. | The risk of social exclusion of a vulnerable group or individual | |
| 9. | The availability of alternative accommodation | |
| 10. | The views and intentions of the owner(s) (or owners representative(s)) | |
| 11. | The compliance record of the person(s) in control of the premises | |
| 12. | Whether the chosen option is practical, reasonable and proportionate in reducing the hazard(s) to an acceptable level | |
| 13. | The building is listed or located within a conservation area | |
| 14. | The potential for alternative use of the premises or site | |
| 15. | The physical impact on adjoining buildings | |
| 16. | The longer term viability of the [premises] [and] [area] | |
| 17. | The impact on the local community and on the appearance of the local area | |
| 18. | The extent of hazards within neighbouring premises and the general condition of the neighbourhood | |

Statement of Reasons:

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# Guidance Notes on producing the Statement of Reasons

1. As a requirement of section 8 of the Act, a Statement of Reasons must be produced for all enforcement decisions taken under Part 1 of the Act (and relevant provisions of the 1985 Act) and the Statement must accompany all notices, orders and copies served. It may be considered good practice to produce the Statement of Reasons in respect of:

   - any consultation stages in advance of formal action
   - informal action taken (i.e. to justify the decision not to take formal action)

2. Your decision on what is the most appropriate course of action must be taken with full regard to Part 1 of the 2004 Act, the HHSRS Enforcement Guidance and your Council's Enforcement Policy (The principles of the Cabinet Office Enforcement Concordat should also be followed)

3. Those hazards that have been identified as category 1 and 2 are to be inserted in the appropriate spaces provided on page 1

4. Insert your chosen course of action into the box provided on page 1

5. Place a tick against all the factors that you have taken into account in reaching your decision. This checklist provides a starting point to help you structure your statement of reasons and indicates to all recipients of the notice/order the range of factors that have been taken into consideration

6. The Statement of Reasons is a critical element of the enforcement process. A clear, convincing Statement of Reasons will maximise understanding and the likelihood of compliance and reduce the chance of an appeal. In the event of an appeal, the evidence provided in the Statement of Reasons will play an important role in helping the Residential Property Tribunal decide whether the enforcement action should be upheld or quashed

7. Under section 8 of the Act you may attach a copy of your inspection report and HHSRS calculations to the Statement of Reasons. A careful decision must be made as to what evidence is provided. Too much detail or technical information may cause confusion. Conversely the withholding of certain key information (because it may be perceived as weakening the enforcement decision) is also likely to be counter-productive. In practice both of these misjudgements will increase the prospect of an appeal

8. Ideally the Statement of Reasons will provide a logical commentary on the relevant factors listed above that have been taken into consideration in reaching your decision. It will provide a clear picture of the significant hazard(s) posed and why the enforcement action you are taking is the most appropriate response. In some instances it may also be advisable to explain why another option was not considered appropriate.

9. Consider using the following contexts:

   (a) The Hazard(s) – the location, extent and inter-relationship between hazards, taking key information from your justifications for likelihood and spread of harms
   (b) The current occupier(s) – the degree of risk posed to the current occupiers having regard to their vulnerability, their views and their intentions, the risk of contributing to social exclusion
   (c) The owner(s) – the views and intentions of the owners and any evidence that you have regarding their previous conduct in respect of housing management related issues
   (d) The property – its location in relation to other properties, its status (listed or within conservation area), what are its longer term prospects and what is the likely impact of your action on its future use and viability
   (e) The area – area plans that have influenced your decision and the impact of your action or lack of action on the area
   (f) The wider context – Make reference to any relevant areas of your Council's enforcement policy

10. Inclusion of clear evidence such as photographs, videos, sketch plans, measurements, readings and sample results may support and strengthen your Statement of Reasons