



**FIRST - TIER TRIBUNAL  
PROPERTY CHAMBER  
(RESIDENTIAL PROPERTY)**

**Case Reference** : **MAN/16UF/HIR/2018/0001  
MAN/16UF/HIR/2018/0002  
MAN/16UF/HIR/2018/0003**

**Properties** : **28, 37 and 39 Chapel Street, Appleby  
in Westmorland, Cumbria CA16 6QR**

**Applicant** : **Maurice Herbert Bailey**

**Respondent** : **Eden District Council**

**Type of Application** : **Housing Act 2004 - Schedule 1  
Paragraph 13(1)**

**Tribunal Members** : **Judge J.M. Going  
W. Reynolds MRICS**

**Date of Inspection** : **9<sup>th</sup> April 2019**

**Date of Decision** : **26<sup>th</sup> April 2019**

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**DECISION**

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## **The Decision and Order**

### **The Tribunal decided that:-**

- 1. Each of the Improvement Notices be varied, and**
- 2. henceforth be read and construed as if their original schedules had been deleted and substituted by those set out in the Schedules to this Decision.**
- 3. The operation of each individual Improvement Notice be suspended until the sooner of :-**
  - (a) 1 year from the date of this Decision, or**
  - (b) the subject property being occupied again as a residence.****(a “trigger event”).**
- 4. The remedial works specified in each individual Improvement Notice (as now varied) are to start no later than 30 days after the date of the first trigger event relating to the subject property and completed within a period of 6 weeks of that date.**
- 5. The Applicant shall notify the Respondent in writing at least 2 weeks before allowing an individual property to be re-occupied as a residence, or as soon as he considers that the specified remedial works have been completed, to allow the Respondent to then review the Improvement Notice for that property.**
- 6. There be no further order as to costs.**

### **Preliminary**

1. The Applicant appealed on 29<sup>th</sup> October 2018 to the First-Tier Tribunal Property Chamber (Residential Property) (“the first tier Tribunal”) under paragraph 13(1) of Schedule 1 of the Housing Act 2004 (“the Act”) against the Respondent’s issue on 9<sup>th</sup> October 2018 of Notices of Refusal (“the Refusal Notices”) to Vary the 3 Improvement Notices (“the Improvement Notices”) each dated 9<sup>th</sup> May 2018 served by the Respondent on the Applicant in relation to the properties.
2. The first tier Tribunal gave Directions.
3. Both parties provided a bundle of relevant documents including written submissions which were copied to the other. Neither requested a hearing.
4. On 9<sup>th</sup> April 2019 the Tribunal inspected each of the 3 properties.

5. The Applicant and Ms Anthony (the Respondent's Environmental Health officer) were both present throughout the Tribunal's initial inspection of each property.

### **The Contents of the Improvement Notices**

6. A full copy of each Improvement Notice was included within the Respondent's bundle.
7. In summary, each Improvement Notice identified various hazards and deficiencies mainly resulting from the properties having been made uninhabitable following extensive floods during Storm Desmond in December 2015, and specified the remedial works required by the Respondent.
8. Each Improvement Notice required the Applicant to begin the remedial works no later than 11th June 2018 and to complete them by 30th September 2018.

### **The Inspection**

9. Each property is a mid-terraced house in Chapel Street, a low-lying street in the historic town centre of Appleby within yards of, and cradled by a meander in, the River Eden.
10. 28 Chapel Street is understood to be a Grade 2 Listed building, and part of what was formerly the Old Grammar School. It is of traditional sandstone construction, pebble dashed at the front and overlooks the town's King George's playing fields. There is a step up to the front door and on the ground floor there is an entrance hall, 2 living rooms, separated by steeply raking stairs, and a kitchen extension leading out to a shared back garden. Upstairs there are 2 double bedrooms and a small bathroom.
11. The Tribunal was pleased to note that the majority of the works specified in the Improvement Notice relating to 28 Chapel Street appear to have now been completed, and that following some further drying out, repair or replacement if necessary of the bathroom window and various works still needed to ameliorate the flood risk, the property should very soon be able to be safely occupied again. All of the matters referred to in paragraphs 1 – 4 of Schedule 1 and paragraphs 1 – 8 of Schedule 2 to its' Improvement Notice appear to have been addressed and thus no longer relevant.
12. Both 37 and 39 Chapel Street are stone built with brick facing to the front elevation. Each is smaller than, and on the opposite side of the street to, number 28. Both are very close to Chapel Street's junction with Holme Street. Each is immediately accessed via a very small

garden, and with barely a step up to the front door. There is a small shared yard to the rear. On the ground floor each property has a small living room leading to the kitchen behind. Upstairs each has one small double bedroom and one single bedroom and a small shower room with a WC but no sink. There are however sinks in each of the bedrooms.

13. It was clear that whilst various works had been undertaken following the issue of the Improvement Notices, further works are still required in order to provide anything like satisfactory living conditions in both Numbers 37 and 39.
14. Number 37 was still something of a shell. The property had been opened up, boarding removed, and ventilated, and the old ground floor plasterwork hacked off with a scratch coat applied. Otherwise, little progress had been made to bring it back to a habitable state.
15. More had been achieved in number 39, where the Applicant confirmed that the roof and external guttering had been examined to prevent penetrating dampness. The windows appeared to be serviceable, the gas appliances removed, the air brick in the front wall blocked up, and finish coats of plaster had been applied. It also appeared that electrical rewiring works were in progress. However there were no kitchen fittings.

### **Evidence from the Submissions**

16. The Respondent's bundle included (albeit unsigned) witness statements by Ms Seddon (now employed as the Principal Housing Service officer in another authority) who was the Environmental Health Officer tasked with inspecting the properties following a meeting in December 2017 with her Director and some elected members of the District Council who "were concerned that vacant properties in Appleby, which had been boarded up following storm Desmond were now having their boarding removed."
17. The Respondent's submissions included photographs of the properties, taken at the time of Ms Seddon's inspections in January and February 2018, when various hazards were clearly in evidence. After making her inspections, Ms Seddon made an HHSRS assessment of each property, and copies of her inspection notes and the individual assessments were included in the Respondent's bundle. Each assessment identified one or more Category 1 hazard in each property. Each assessment also referred to the risk of flooding and those relating to numbers 37 and 39 stated that risk to be "significant.... within 12 months, potentially up to 1 m high."
18. The Respondent issued the 3 Improvement Notices on 9th May 2018. In the Statements of Reasons for the Decision to issue Improvement Notices rather than any other kind of enforcement action it was confirmed that the factors considered included "the landlord wishing to

bring the property back into use”. It was also noted that each property was unoccupied. The possibility of a suspended notice was considered but it was stated that “the suspension of an Improvement Notice .... would involve no action is until a trigger event occurs. Leaving the property without adequate flood defences for any longer than necessary could expose the property to further flooding and result in further deterioration of the property.”

19. Ms Seddon, with over 10 years experience working as an Environmental Health Officer, was of the view that flood resilience measures could legitimately be included in the specified remedial works and received supporting advice from Mr Battersby an Environmental Health Consultant. His advice is more particularly referred to in paragraph 58 below.
20. The Applicant did not appeal any of the Improvement Notices, nor was there any indication in any of the submissions that he disputes the prudence of the various remedial works specified in the Improvement Notices. The Respondent’s Grant officer, Ms Murphy, in her witness statement referred to her understanding, albeit of a time before her appointment, that in February 2016 the Applicant had wanted to fit all his properties with flood doors.
21. The Respondent provided evidence of having advised the Applicant on various occasions as to the possibility of grants or empty property loans. Unfortunately, despite deadlines having been extended by a year, his application for a “Property Level Flood Resilience Grant” was judged to be out of time. It appears however that empty property loans may still be available.
22. The Improvement Notices required the specified remedial works to be completed by 30th September 2018 and each property was reinspected by Ms Seddon on 27th September 2018 who concluded that, whilst works had begun, Category 1 hazards remained in all 3 properties.
23. The Applicant sent an email to Ms Seddon on 28th of September 2018 requesting “a time extension for the continuing work... as I have had difficulty arranging with local builders to undertake the work which has started, but has not been completed. I have also been off work for several weeks due to having a hip joint replacement operation which has restricted my ability to manage the continuing work... “
24. There is no evidence in the papers of an explicit reply to that email but the Respondent’s grounds for opposing the present appeal state that the request was duly considered before the Respondent decided to issue the Refusal Notices on 9<sup>th</sup> October 2018.
25. Each Refusal Notice states that the Respondent had decided not to vary the Improvement Notices because “reasonable progress has not been made.... (and) the period for compliance with the Improvement Notice has now expired.”

26. The Applicant contested the Respondent's reasons for issuing the Refusal Notices, arguing that the Category 1 hazards of damp and mould were no longer present in any of the properties and that substantial and reasonable progress had been made to comply with the Improvement Notices. He stated that "since the flood caused by Storm Desmond... it has been the intention to fit flood protection to the property. However, the cost of such measures is significant in relation to the value of the property. Eden district Council (EDC) had originally agreed to provide grants for installation of flood defences. However, as these were not completed by the end of August 2018 this grant was withdrawn by EDC in September 2018..." It was also said that "the landlord has a number of properties damaged by Storm Desmond. Priority has been given to the renovation of those properties currently occupied by tenants, therefore causing some delay to the schedule for completing works to (the subject properties)" and that flood resistant front and rear doors had been measured and ordered for both numbers 37 and 39 Chapel Street, whereas those for number 28 were "pending grant application and listed building approval."

### **The Statutory Framework**

27. The Act introduced a new system, the Housing Health and Safety Rating System (HHSRS), for assessing the condition of residential premises, which can be used in the enforcement of housing standards. The system entails identifying specified hazards and calculating their seriousness as a numerical score by a prescribed method.
28. Those hazards which score 1000 or above are classed as Category 1 hazards. If a local housing authority makes a Category 1 hazard assessment, it becomes mandatory under Section 5(1) of the Act for it to take appropriate enforcement action. Hazards with a score below 1000 are Category 2 hazards, in respect of which the authority has a discretion whether to take enforcement action.
29. The duty of a local authority to inspect a property is set out in Section 4 of the Act. Inspections are governed by the Housing Health and Safety Rating System (England) Regulations (2005/3208) which by reg. 5 provide that an inspector must:-
- (a) have regard to any guidance for the time being given under Section 9 of the Act in relation to the inspection of residential premises;
  - (b) inspect any residential premises with a view to preparing an accurate record of their state and condition; and
  - (c) prepare and keep such a record in written or electronic form.

30. The relevant Guidance is the Housing Health and Safety Rating System – Operating Guidance (“the Operating Guidance”) and the Housing Health and Safety Rating System -- Enforcement Guidance (“the Enforcement Guidance”) issued by the Secretary of State under Section 9 of the Act in February 2006. Authorities must also take it into account in assessing hazards: see Section 9(2).
31. Section 5(2) of the Act sets out seven types of enforcement action which are “appropriate” for a Category 1 hazard. These include serving an Improvement Notice.
32. An Improvement Notice is a notice requiring the person on whom it is served to take such remedial action in respect of the hazard concerned as is specified in the notice: Section 11(2). If the authority serves an Improvement Notice in respect of a Category 1 hazard, the remedial action must be such as to ensure that the hazard ceases to be a Category 1 hazard but may extend beyond that: Section 11(5). An Improvement Notice may provide for its operation to be suspended until a time, or the occurrence of an event specified in the notice: Section 14(1) of the Act. By Section 14(2): “The time specified may in particular be the time when a person of a particular description begins, or ceases, to occupy any premises”.
33. A “relevant person” may appeal to the first-tier Tribunal against a decision by an authority to refuse to revoke or vary an Improvement Notice (Schedule 1, paragraph 13 of the Act).
34. The appeal is by way of re-hearing and accordingly the Tribunal must consider the state of the property as at the time of the hearing.
35. The Tribunal may confirm, quash or vary an Improvement Notice (paragraph 15(3)).

### **The Tribunal’s Reasons and Conclusions**

36. The Tribunal has determined the position on the basis of all the evidence and its’ inspection of the properties. The Tribunal has also had regard to the submissions made by the parties.
37. Because the properties had clearly been empty and unoccupied for a considerable time the Tribunal was somewhat surprised by the initial decision as to the need for inspections.
38. However, Section 4 (2) of the Act states that “if an official complaint about the condition of any residential premises... is made to the proper officer of the authority, and the circumstances complained of indicate – (a) that a Category 1 or Category 2 hazard may exist on the premises,... the proper officer must inspect the premises...”

39. Section 5 (1) also makes it clear that “if a local Housing authority consider that a Category 1 hazard exists on any residential premises, they must take the appropriate enforcement action in relation to the hazard.”
40. Paragraph 4.20 of the Enforcement Guidance when discussing Empty Property states: –  
“... HHSRS can be used to assess an empty property. .... the authority..... may decide to target properties, in part, because of their condition, so that the property can be improved at the same time as it is put back into use for housing. But authorities will need to take care that, aside from the intention to bring housing back into use, they deal with hazards in an empty property in an appropriate way. For example, should an Improvement Notice be issued when a house has been unoccupied for some time and the owner has no intention of letting it? If there is no occupant there will be less risk of an accident or ill health...”
41. The Tribunal found that the Respondent, having taken the decision to inspect, acted appropriately in issuing Improvement Notices on 9th May 2018 and that the remedial works specified in the Improvement Notices were reasonable. From the evidence, it appears that this view was and is shared by the Applicant who clearly wants to bring the properties back into residential use, and who did not appeal against the Improvement Notices at the time of their issue.
42. The Tribunal did not however agree with the timescales specified in the Improvement Notices for the completion of the remedial action.
43. However in reaching its decision, the Tribunal reminded itself that paragraph 15(2) of Schedule 1 to the Act confirms that the appeal is by way of a re-hearing and not simply a review of a housing authority’s decision.
44. From its inspection, and the evidence before it, the Tribunal found that a number of the hazards identified in the Improvement Notices had been addressed.
45. Because of the works that had been undertaken the Tribunal concluded that each of the Improvement Notices should now be varied.
46. The Tribunal gave careful consideration as to whether it is appropriate to specify the flood protection works within an Improvement Notice.
47. Section 9(2) of the Act confirms that regard must be had to the Operating Guidance and the Enforcement Guidance.
48. The Operating Guidance states in bold letters in paragraph 1. 12 that the underlining principle of HHSRS is that: –  
**“Any residential premises should provide a safe and healthy environment for any potential occupier or visitor.”**



49. Paragraph 1.15 of the Operating Guidance also says that “It is a general principle that any dwelling should provide adequate protection from all potential hazards prevailing in the local external environment. This includes normal local weather conditions, ground conditions...” Paragraph 4.11 under the heading “identifying hazards” confirms that “as a minimum, a dwelling should be capable of satisfying the basic and fundamental needs for everyday life of the household. It should provide shelter...”
50. The Operating Guidance in paragraph 3.02 confirms “The rating system procedure requires, for each hazard, 2 judgements from the Inspector. These are an assessment of: –  
 (a) the likelihood, over the next 12 months, of an occurrence that could result in harm to a member of the vulnerable group; and  
 (b) the range of potential outcomes from such an occurrence.”  
 In other words, a 2 stage process of addressing first the likelihood of an occurrence and then the range of potential harm outcomes.
51. The Tribunal in making its judgement as to the likelihood of future flooding affecting the properties was assisted by a review of the “Appleby- in- Westmorland – Flood Investigation Report” prepared by Cumbria County Council and the Environment Agency and published in 2017.
52. The report highlighted that the River Eden is “highly responsive and can be further fuelled in winter by snow melt, with the River rising to peak levels and back to a normal level within a period of 8 to 12 hours.”
53. The report confirms that Appleby has a long history of flooding with the first known account being in 1733. It states that “in the 200 years between 1815 and 2015 there have been 67 floods (where at least one property was flooded) recorded in 53 different years.... and the deepest that the flood water is reported to have attained is 1.83 m (6 feet) – the same as reported during Storm Desmond.....  
 In December 2005, approximately 53 properties were flooded when the defences were overtopped, and 35 properties flooded on 3 separate occasions.....” 28 of the properties affected in 2005 were “in the Holme Street area”. (Numbers 37 and 39 Chapel Street adjoin the junction with Holme Street).  
 In November 2009 4 properties were flooded, albeit in another part of Appleby.  
 But in December 2015, and as consequence of Storm Desmond, 176 properties were flooded including the 3 subject properties. Some of the 176 properties were flooded on 3 separate occasions in December 2015.
54. In the light of this evidence the Tribunal had no difficulty in agreeing with Ms Seddon’s HHSRS assessment of the properties (particularly numbers 37 and 39) being at significant risk of future flooding.

55. The Tribunal then went on to consider the potential harm outcomes from a further flood. Paragraph 4.06 of the Operating Guidance makes it clear that a single deficiency may contribute, to different degrees, to more than one hazard. Clearly flooding could contribute to many of the list of 29 hazard profiles referred to on page 51 of the Operating Guidance including: – 1. Damp and mould growth 2. Excess cold 12. Entry by intruders. 15. Domestic hygiene, pests and refuse. 16. Food safety. 17. Personal hygiene, sanitation, drainage 18. Water supply. 22. Falling between levels 23. Electrical hazards. 24. Fire 26. Collision and entrapment 29. Structural collapse and falling elements.
56. The Tribunal also had regard not just to the range of potential physical health hazards resulting from a future flood but also the emotional stress likely to be experienced particularly by the most vulnerable, involved in a traumatic event, possibly involving the loss of treasured possessions, being evicted summarily from one’s home, potentially with an uncertain time as to when one might be able to return, if ever, and the very understandable heightened fear of a recurrence.
57. Paragraph 3.14 of the Operating Guidance makes it clear that assessing likelihood is not determining or predicting that there definitely will be an occurrence.
58. Because of all of the above the Tribunal agreed with Mr Battersby’s advice as referred to in paragraph 19 above, where he stated:-  
 “as set out in the Operating Guidance it is a general principle that any dwelling should provide adequate protection from all potential hazards prevailing in the local external environment. This includes normal local weather conditions... It seems that (the) normal local weather conditions include heavy rainfall and flooding and you should not forget that health includes mental health, and flooding and its aftermath have an effect on mental health. HHSRS can address deficiencies of design as well as disrepair...and as HHSRS looks at the risks over the next 12 months can address the issue even if there are no risks at the moment.”  
 and concluded that it is reasonable and appropriate for provision for flood defence doors to be included in the specified remedial works.
59. The Tribunal in reviewing the specification and making its own decision as to what are appropriate remedial works did have regard to questions of affordability, but was minded that paragraph 1.18 of the Operating Guidance states that “for the purposes of the HHSRS, the assessment is solely about the risk to health and safety. The feasibility, cost or extent of any remedial action is irrelevant to the assessment.”
60. Despite this it is to be hoped that grant and/or other financial assistance can still be made available to the Applicant. Paragraph 5.11 of the Enforcement Guidance states “where an Improvement notice has been served an authority should consider whether it is appropriate to offer financial assistance or advice to the owner, landlord or tenant...”

61. The Tribunal then went on to consider what timescales should be set for the completion of the outstanding remedial works.
62. It was noted that works have been undertaken to all 3 properties and the Tribunal had no difficulty in concluding that the Applicant wants, as an economic imperative, to bring each back to a fully habitable standard soon as circumstances will allow. The Tribunal had every sympathy with his decision to prioritise repairs to his other properties which were occupied.
63. Indeed it is because each of the subject properties is unoccupied that the Tribunal has concluded that it is entirely appropriate that each Improvement Notice be suspended with a long back stop date, whilst they remain empty and unoccupied. It is axiomatic that the risks to health and safety are very much reduced whilst a property remains unoccupied.
64. As a consequence of all of the foregoing the Tribunal concluded that each of the Improvement Notices should be varied in accordance with the provisions set out in its Decision and as referred to above.
65. The Tribunal then went on to consider whether there should be any order as to costs in relation to either the application or the proceedings.
66. Paragraph 13 of the Tribunal Procedure (First tier Tribunal) (Property Chamber) Rules 2013 provides that a Tribunal may determine that one party to the proceedings pays the costs incurred by the other party, in the limited circumstances set out in that Rule, if that party has acted unreasonably in bringing, defending or conducting those proceedings.
67. The Tribunal decided that, in all the circumstances of this case, it would not be appropriate to make an order as to such costs.

## **The First Schedule**

### **Re 28 Chapel Street Appleby in Westmorland**

Schedule 1 to the Improvement Notice.  
Deficiencies giving rise to Hazards.

1. Rotted woodwork to the bathroom window frame.
2. Lack of flood protection measures in the property which is situated with an identified flood zone.

Schedule 2 to the Improvement Notice.  
Specification of works to be carried out.

1. Either repair in a good and workmanlike manner to ensure that it is weathertight, or provide and fix a new bathroom window constructed of sound and suitable materials.
2. Inspect, test and where necessary repair or renew all gutters to the rear main house roof to ensure that all are watertight and in proper working order.
3. Fit a new composite Flood-resistant front door and frame.
4. Fit a new PVCu Flood-resistant rear door and frame.
5. Install 40 mm kitchen waste pipe nonreturn valve.

## **The Second Schedule**

### **Re 37 Chapel Street Appleby in Westmorland**

Schedule 1 to the Improvement Notice.  
Deficiencies giving rise to Hazards.

1. There is no fixed heating to any parts of the property.
2. The lack of wall plaster reduces the thermal efficiency of the walls.
3. The front of house door and frame is rotted allowing draughts in to the property.
4. No kitchen fittings are present in the kitchen.
5. The electrical installations are not complete or properly wired.
6. Lack of flood protection measures in the property which is situated with an identified flood zone.

Schedule 2 to the Improvement Notice.  
Specification of works to be carried out.

1. Complete the internal replastering in a good and workmanlike manner to a smooth hard finish.
2. Inspect, test and where necessary repair or renew all gutters to the roof to ensure that all are watertight and in proper working order.
3. Make all necessary repairs to ensure that the existing shower tray is properly sealed before testing and leaving the shower in a sound condition and good working order.
4. Fit a new composite Flood-resistant front door and frame.
5. Fit a new PVCu Flood-resistant rear door and frame.
6. Install 40 mm kitchen waste pipe nonreturn valve.
7. Engage a suitably qualified central heating engineer to design, supply and fix an appropriate gas fired Central heating system (for both space heating and hot water) to the property ensuring that the property can be economically maintained at a minimum temperature of 18°C when the outside temperature is -1°C. All gas works are to be carried out by a Gas Safe registered engineer in accordance with the Gas Safety

- (Installation and Use) Regulations 1998, and with the appropriate Gas Safety Certification being produced to the Respondent on completion.
8. Overhaul all of the windows to the property, cutting out any damaged or rot affected portions of the frames and making good by splicing in new sections of treated timber. Renew any defective glazing and putty. For the sash windows, ease and adjust sashes renewing as necessary any defective weights pulleys cords or fittings. Leave the sashes so as to open and close smoothly and be weathertight. If any of the window(s) are beyond repair, take out complete and remove from site and replace with new window(s) constructed of sound and suitable materials.
  9. Insulate the loft or as needed top up existing levels of insulation to a minimum thickness of 270 mm mineral wool (or equivalent to depending on material to be used) are specified under the current Building Regulations.
  10. Provide facilities in the kitchen for the storage, preparation and cooking of food: –
    1. Provide and install a sink top with drainer fixed to a sink base unit and with a satisfactory supply of piped hot and cold water to taps, complete with all necessary fittings, splash backs and drainage connections. Include for all necessary bonding due to the electrical installation.
    2. Provide and fix a suitable work top with an impervious surface for the preparation of food.
    3. Provide suitable storage facilities for dry goods (kitchen cupboards) and space for a fridge and freezer.
    4. Provide a suitable gas point or electric cooker point with a separate 30/45 amp circuit.
    5. Install an extractor fan in the kitchen or a cooker hood of a suitable capacity.
    6. Install a minimum of 6 13amp switched socket outlets for use with kitchen appliances.
    7. Make good all disturbed services ensuring that finishes are smooth, impervious and capable of being readily cleaned.
  11.
    1. Arrange for electrical engineer who is affiliated with NICEIC, NAPIT or equivalent to carry out a test and produce an Electrical Installation Condition Report (EICR) for the property. Provide a copy of the EICR to the Respondent's Environmental Services Department.
    2. Carry out all works identified in the EICR that are identified as C1 and C2. and with the appropriate safety certification being produced to the Respondent on completion.

## **The Third Schedule**

### **Re 39 Chapel Street Appleby in Westmorland**

Schedule 1 to the Improvement Notice.  
Deficiencies giving rise to Hazards.

1. The front door is badly fitting and the door frame rotted allowing water ingress.
2. Lack of flood protection measures in the property which is situated with an identified flood zone.
3. No kitchen fittings are present in the kitchen.
4. The electrical installation is incomplete.

Schedule 2 to the Improvement Notice.  
Specification of works to be carried out.

1. Fit a new composite Flood-resistant front door and frame.
2. Fit a new PVCu Flood-resistant rear door and frame.
3. Install 40 mm kitchen waste pipe nonreturn valve.
4. Provide facilities in the kitchen for the storage, preparation and cooking of food: –
  1. Provide and install a sink top with drainer fixed to a sink base unit and with a satisfactory supply of piped hot and cold water to taps, complete with all necessary fittings, splash backs and drainage connections. Include for all necessary bonding due to the electrical installation.
  2. Provide and fix a suitable work top with an impervious surface for the preparation of food.
  3. Provide suitable storage facilities for dry goods (kitchen cupboards) and space for a fridge and freezer.
  4. Provide an electric cooker point with a separate 30/45 amp circuit.
  5. Install an extractor fan in the kitchen or a cooker hood of a suitable capacity.
  6. Install a minimum of 6 13amp switched socket outlets for use with kitchen appliances.
  7. Make good all disturbed services ensuring that finishes are smooth, impervious and capable of being readily cleaned.
5.
  1. Arrange for electrical engineer who is affiliated with NICEIC, NAPIT or equivalent to carry out a test and produce an Electrical Installation Condition Report (EICR) for the property. Provide a copy of the EICR to the Respondent's Environmental Services Department.
  2. Carry out all works identified in the EICR that are identified as C1 and C2. and with the appropriate safety certification being produced to the Respondent on completion.

**Signed: Judge J.M. Going**  
**Date: 26 April 2019**