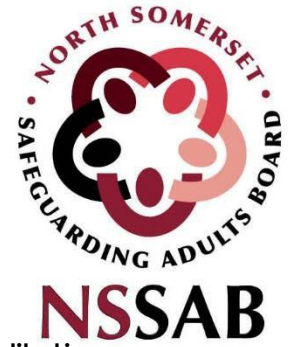


North Somerset Safeguarding Adult Board



Hoarding Protocol

This is an approved North Somerset Safeguarding Adult Board document and should not be edited in any way

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Introduction

This document is underpinned by South West Adult Self Neglect Best Practice Guidance sets out a framework for collaborative multi-agency working within North Somerset using a 'person-centred solution' based model. The framework offers clear guidance to staff working with people who hoard and should be read in conjunction with North Somerset Safeguarding Adults Board (NSSAB) Multi-Agency Policy and NSSAB Serious Self-Neglect Protocol.

Agencies are encouraged to 'Think Family', to ensure that the needs of all householders are considered and that the philosophy of there being 'no wrong door to services' is adopted.

Who does this framework apply to?

This framework applies to all agencies supporting the North Somerset multi-agency hoarding pathway and those who have agreed to support the framework.

There is an expectation that everyone in partnership with the protocol engages fully to achieve the best outcome for the individual, while meeting the requirements and duties of their agency or Board.

The following agencies and Boards support the framework:

- **North Somerset Council**
 - Community Safety
 - Environmental Health
 - Environmental Protection
 - Trading Standards
 - Planning
 - Building Control
 - Adult Social Care
- **Avon Fire and Rescue**
- **Avon and Somerset Constabulary**
- **South Western Ambulance Service**
- **Clinical Commissioning Group**
- **Housing Associations**
- **NSSCB**
- **NSSAB**
- **Local NHS providers**

What are the aims of this framework?

This framework's aims are to:

- Create a safer and healthier environment for the individual and others affected by the hoarding behaviour, e.g. family, neighbours.
- Develop a multi-agency pathway which will maximise the use of existing service's and resources and which may reduce the need for compulsory solutions.
- Ensure that when solutions are required, there is a process for planning solutions tailored to meet the needs of the individual and utilising a person centred approach. Possible solutions should include professional support and monitoring, property repairs and permanent or temporary re-housing.
- Develop creative ways of engaging individuals in the process.
- To establish best practice and improve knowledge of legislation that relates to hoarding behaviour through the Hoarding Steering Group
- To encourage agencies to Think Family by having an awareness of other adults and children in the home and ensuring there is no wrong front door to services

What is hoarding?

Hoarding may be diagnosed as a mental disorder though only when a specific set of diagnostic criteria are met.

More broadly, “[hoarding] is where someone acquires an excessive number of items and stores them in a chaotic manner. The items can be of little or no monetary value and usually result in unmanageable amounts of clutter” – NHS 2017¹

It's considered to be a significant problem if:

- the amount of clutter interferes with everyday living – for example, the person is unable to use their kitchen or bathroom and cannot access rooms
- the clutter is causing significant distress or negatively affecting the person's quality of life or their family's – for example, they become upset if someone tries to clear the clutter and their relationships with others suffer

¹ Source: NHS Choices 2017

What's the difference between a hoarder and a collector?

The main difference between a hoarder and a collector is that people who hoard have strong emotional attachments to their objects which are well in excess of their real value. Someone who has a hoarding disorder may typically:

- keep or collect items that may have little or no monetary value, such as junk mail and carrier bags, or items they intend to reuse or repair (see below)
- find it hard to categorise or organise items
- have difficulties making decisions
- struggle to manage everyday tasks, such as cooking, cleaning and paying bills
- become extremely attached to items, refusing to let anyone touch or borrow them
- have poor relationships with family or friends

Where and what gets hoarded?

Anything can be hoarded in many different areas including the property, garden or communal areas. Items include, but not limited to:

- Clothes
- Newspapers, magazine or books
- Bills, receipts or letters
- Food and/or containers
- Collectables such as toys, DVDs or CDs
- Animals

Types of Hoarding

There are typically three types of hoarding:

- **Inanimate objects:** This is the most common. This could consist of one type of object or collection of a mixture of objects, such as old clothes, newspapers, food, containers or papers.
- **Animal hoarding:** This is on the increase and often accompanied with the inability to provide minimal standards of care. The hoarder is unable to recognise that the animals are at risk because they feel they are saving them. The homes of animal hoarders are often eventually destroyed by the accumulation of animal faeces and infestation by insects.
- **Data Hoarding:** This is a relatively new phenomenon. It could present with the storage of data collection equipment such as computers, electronic storage

devices or paper. A need to store copies of emails, and other information in an electronic format.

General Characteristics of Hoarding

- **Fear and anxiety:** compulsive hoarding may have started as a learnt behaviour or following a significant event such as bereavement. The person who is hoarding believes buying or saving things will relieve the anxiety and fear they feel. The hoarding effectively becomes their comfort blanket.

Any attempt to discard the hoarded items can induce feelings varying from mild anxiety to a full panic attack with sweats and palpitations.

- **Long term behaviour pattern:** possibly developed over many years or decades of 'buy and drop'.

Collecting and saving with an inability to throw away items without experiencing fear and anxiety.

- **Excessive attachment to possessions:** people who hoard may hold an inappropriate emotional attachment to items.
- **Indecisiveness:** people who hoard may struggle with the decision to discard items that are no longer necessary, including rubbish.
- **Unrelenting standards:** people who hoard will often find faults with others; requiring others to perform to excellence while struggling to organise themselves and complete daily living tasks.
- **Socially isolated:** people who hoard will typically alienate family and friends and may be embarrassed to have visitors. They may refuse home visits from professionals, in favour of office-based appointments.
- **Large number of pets:** people who hoard may have a large number of animals that can be a source of complaints by neighbours. They may be a self-confessed 'rescuer of strays'.
- **Mental capacity:** people who hoard are typically able to make decisions that are not related to hoarding and although they may be assessed as having capacity they may find it difficult to act on that decision.
- **Extreme Clutter:** hoarding behaviour may be in a few or all rooms and prevent them from being used for their intended purpose.
- **Churning:** hoarding behaviour can involve moving items from one part of the

property to another, without ever discarding them.

- **Lack of Self-care:** a person who hoards may appear unkempt and dishevelled, due to lack of bathroom or washing facilities in their home. However, some people who hoard will use public facilities in order to maintain their personal hygiene and appearance.
- **Lack of insight:** a person who hoards will typically see nothing wrong with their behaviours and the impact it has on them and others.
- **Lifestyle choice:** There are many different reasons why a person may hoard. The assumption that hoarding behavior is a lifestyle choice must be critically analysed using carefrontational questioning.

Key Facts

- It is estimated that between 2 and 5% of the population hoard.
- This equates to at least 1.2 million households across the UK.
- It is estimated that only 5% of hoarders come to the attention of statutory agencies.
- Hoarding cases can cost up anywhere from £1000 to £60,000.
- 20-30% of OCD sufferers are hoarders (Chartered Institute of Environmental Health)
- Often, people who hoard can stop landlords from meeting their statutory duties- i.e. Gas safety checks and other certification required for registered Social Landlords

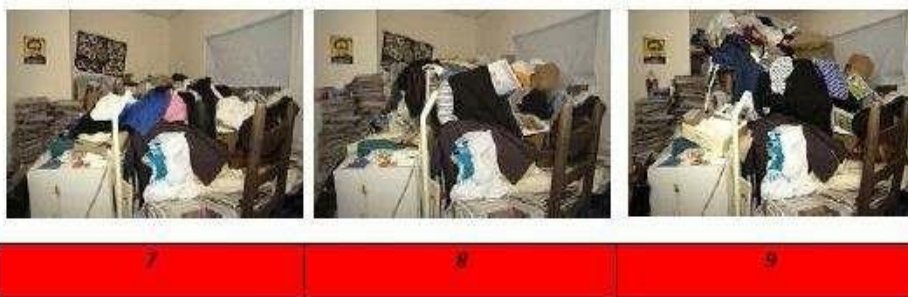
Source: <http://takelondon.co.uk/behind-t-1>

Assessment Tools

Clutter Image Rating Tool

Select the image that relates closely to the amount of clutter

Bedroom



Lounge



1



2



3



4



5



6



7



8



9

Kitchen



Example Questions

Listed below are examples of questions you may wish to ask where you are concerned about someone's safety in their own home, where you suspect hoarding.

Most people with a hoarding problem will be embarrassed about their surroundings so try to ascertain information whilst being as sensitive as possible.

Question
Tell me about your home.
How do you get in and out of your property?
Do you feel safe living here?
Have you ever had an accident, slipped, tripped up or fallen? How did it happen?
How do you move safely around your home? (Where floor is uneven or covered or there are exposed wires, damp, rot or other hazards)
Has a fire ever started by accident? Is the property at risk from fire?
Is there hot water, lighting and heating in the property? Do these services work properly?
Do you have any problems keeping your home warm?
When did you last go out in the garden? Do you feel safe to go outside?
Are you able to use the bathroom and toilet ok? Have a wash, bath, shower etc.?
Where do you sleep?
Are there any obvious major repairs that need carrying out at the property?
Are you happy for us to share your information with other professionals who may be able to help you?

Actions

Level One (Green)

Level 1 Clutter image rating 1 - 3	Household environment is considered standard. No specialised assistance is needed. If the resident would like some assistance with general housework or feels they are declining towards a higher clutter scale, appropriate referrals can be made subject to age and circumstances.
1. Property structure, services & garden area	<ul style="list-style-type: none"> • All entrances and exits, stairways, roof space and windows accessible. • Smoke alarms fitted and functional or referrals made to Avon Fire and Rescue to visit and install if criteria met. • All services functional and maintained in good working order. • Garden is accessible, tidy and maintained
2. Household Functions	<ul style="list-style-type: none"> • No excessive clutter, all rooms can be safely used for their intended purpose. • All rooms are rated 0-3 on the Clutter Rating Scale. • No additional unused household appliances appear in unusual locations around the property. • Property is maintained within terms of any lease or tenancy agreements where appropriate. • Property is not at risk of action by Environmental Health.
3. Health and Safety	<ul style="list-style-type: none"> • Property is clean with no odours, (pet or other). • No rotting food. • No concerning use of candles. • No concern over flies. • Residents managing personal care. • No writing on the walls. • Quantities of medication are within appropriate limits, in date and stored appropriately.
4. Safeguard of Children & Family members	<ul style="list-style-type: none"> • No concerns for household members.
5. Animals and Pests	<ul style="list-style-type: none"> • Any pets at the property are well cared for. • No pests or infestations at the property.
6. Personal Protective Equipment (PPE)	<ul style="list-style-type: none"> • No PPE required. • No visit in pairs required.

Level One: Multi Agency Actions

Level 1	Actions
Referring Agency	<ul style="list-style-type: none"> • Discuss concerns with the Individual. • Raise a request to Avon Fire and Rescue for a Home Fire Safety Check and to provide fire safety advice. • Refer to Social Care for a care and support assessment. • Refer to GP if appropriate.
Environmental Health	<ul style="list-style-type: none"> • No action.
Social Landlords	<ul style="list-style-type: none"> • Provide details on debt advice if appropriate to circumstances. • Refer to GP if appropriate. • Refer to Social Care for a care and support assessment if appropriate. • Provide details of support streams open to the resident via charities and self-help groups. • Ensure residents are maintaining all tenancy conditions. • Refer for tenancy support if appropriate. • Ensure that all utilities are maintained and serviceable.
Practitioners	<ul style="list-style-type: none"> • Complete Hoarding Assessment form. • Make appropriate referrals for support to other agencies. • Refer to social landlord if the client is their tenant or leaseholder.
Emergency Services	<ul style="list-style-type: none"> • Avon Fire and Rescue - Carry out a Home Fire Safety Check if it fulfils Service criteria and share with statutory agencies. • Avon and Somerset Police and South Western Ambulance Service- • Ensure information is shared with statutory agencies & feedback is provided to referring agency on completion of home visits.
Animal Welfare	<ul style="list-style-type: none"> • No action unless advice requested.
Safeguarding of Adults and Children	<ul style="list-style-type: none"> • Properties with adults presenting care and support needs should be referred to the appropriate Social Care referral point. • Please 'Think Family' and act on concerns for all householders.

Level Two (Amber)

Level 2 Clutter Image Rating 4-6	Household environment requires multi-agency involvement to resolve the clutter and the maintenance issues in the property.
1. Property structure, services & garden area	<ul style="list-style-type: none"> • Only major exit is blocked. • Concern that services are not well maintained. • Smoke alarms are not installed or not functioning. • Garden is not accessible due to clutter, or is not maintained • Evidence of indoor items stored outside. • Evidence of light structural damage including damp. • Interior doors missing or blocked open.
2. Household Functions	<ul style="list-style-type: none"> • Clutter is causing congestion in the living spaces and is impacting on the use of the rooms for their intended purpose. • Clutter is causing congestion between the rooms and entrances. • Room(s) score between 4-5 on the clutter scale. • Inconsistent levels of housekeeping throughout the property. • Some household appliances are not functioning properly and there may be additional units in unusual places. • Property is not maintained within terms of lease or tenancy agreement where applicable. • Evidence of outdoor items being stored inside.
3. Health and Safety	<ul style="list-style-type: none"> • Kitchen and bathroom are difficult to utilise and access. • Offensive odour in the property. • Resident is not maintaining safe cooking environment. • Some concern with the quantity of medication, or its storage or expiry dates. • Has good fire safety awareness with little or no risk of ignition. • Resident trying to manage personal care but struggling. • No risk to the structure of the property.
4. Safeguard of Children & Family members	<ul style="list-style-type: none"> • Hoarding on clutter scale 4 -7. Consider a Safeguarding Assessment. • Properties with adults presenting care and support needs should be referred to the appropriate Social Care referral point. • Please 'Think Family' and act on concerns for all householders.
5. Personal Protective Equipment (PPE)	<ul style="list-style-type: none"> • Latex Gloves, boots or needle stick safe shoes, face mask, hand sanitizer, insect repellent. • Is PPE required?

Level Two: Multi-Agency Actions

Level 2	In addition to actions listed below, cases need to be monitored regularly in the future due to RISK OF ESCALATION or REOCCURRENCE
Referring Agency	<ul style="list-style-type: none"> • Refer to landlord if resident is a tenant. • Refer to Council Connect on 01934 888 802 • Raise a request to the Fire and Rescue Service to provide a home fire Safety Check with a consideration for monitored smoke alarms/ assistive technology. • Provide details of garden services. • Refer to Social Care for a care and support assessment. • Referral to GP. • Referral to debt advice if appropriate. • Refer to animal welfare if there are animals at the property. • Ensure information sharing with all necessary statutory agencies with consent of the adult involved. NSSAB Information Sharing Protocol gives advice on this topic. • Consider calling a multi-agency meeting
Environmental Health Planning Building Control	<ul style="list-style-type: none"> • Carry out an inspection of the property utilising the referral form. • Following an inspection, Environmental Health Officer decides on appropriate course of action. • Consider serving notices under the appropriate act • Consider Works in Default if notices with complied by occupier.
Social Landlords	<ul style="list-style-type: none"> • Visit resident to inspect the property & assess support needs. • Refer internally to assist in the restoration of services to the property where appropriate. • Ensure residents are maintaining all tenancy conditions. • Enforce tenancy conditions relating to residents' responsibilities. • Ensure information sharing with all necessary statutory agencies.
Emergency Services	<ul style="list-style-type: none"> • Avon Fire and Rescue: Carry out a Home Fire Safety Check, share risk information with Statutory agencies and consider assistive technology. • Avon and Somerset Police and South Western Ambulance Service Ensure information is shared with statutory agencies & feedback is provided to referring agency on completion of home visits via the referral form
Animal Welfare	<ul style="list-style-type: none"> • Visit property to undertake a wellbeing check on animals at the property. • Educate client regarding animal welfare if appropriate. Refer to RSPCA for advice

	<ul style="list-style-type: none">• Provide advice / assistance with re-homing animals
Safeguarding of Adults and Children	<ul style="list-style-type: none">• Properties with adults presenting care and support needs should be referred to the appropriate Social Care referral point.• Please 'Think Family' and act on concerns for all householders

Level Three (Red)

<p>Level 3 Clutter Image Rating 7-9</p>	<p>Household environment will require intervention with a collaborative multi-agency approach with the involvement from a wide range of professionals. This level of hoarding constitutes a Safeguarding alert due to the significant risk to health of the householders, surrounding properties and residents. Residents are often unaware of the implication of their hoarding actions and oblivious to the risk it poses.</p>
<p>1. Property structure, services & garden area</p>	<ul style="list-style-type: none"> • Limited access to the property due to extreme clutter. • Extreme clutter may be seen at windows. • Extreme clutter may be seen outside the property. • Garden not accessible and extensively overgrown. • Services not connected or not functioning properly. • Smoke alarms not fitted or not functioning. • Property lacks ventilation due to clutter • Evidence of structural damage or outstanding repairs including damp. • Interior doors missing or blocked open. • Evidence of indoor items stored outside.
<p>2. Household Functions</p>	<ul style="list-style-type: none"> • Clutter is obstructing the living spaces and is preventing the use of the rooms for their intended purpose. • Room(s) scores 7 - 9 on the clutter image scale. Rooms are not used for intended purposes or very limited. • Beds inaccessible or unusable due to clutter or infestation. • Entrances, hallways and stairs blocked or difficult to pass. • Toilets, sinks not functioning or not in use. • Resident at risk due to living environment. • Household appliances are not functioning or inaccessible. • Resident has no safe cooking environment. • Resident is using candles. • Evidence of outdoor clutter being stored indoors. • No evidence of housekeeping being undertaken. • Broken household items not discarded e.g. broken glass or plates. • Property is not maintained within terms of lease or tenancy agreement where applicable. • Property is at risk of notice being served by Environmental Health.
<p>3. Health and Safety</p>	<ul style="list-style-type: none"> • Human urine and excrement may be present. • Excessive odour in the property may also be evident from the outside. • Rotting food may be present. • Evidence may be seen of unclean, unused and or buried plates & dishes. • Broken household items not discarded e.g. broken glass or plates. • Inappropriate quantities or storage of medication. • Pungent odour can be smelt inside the property and possibly from outside. • Concern with the integrity of the electrics.

	<ul style="list-style-type: none"> • Inappropriate use of electrical extension cords or evidence of unqualified work to the electrics. • Concern for declining mental health.
4. Safeguard of Children & Family members	<ul style="list-style-type: none"> • Properties with adults presenting care and support needs should be referred to the appropriate Social Care referral point. • Please note all additional concerns for householders.
5. Animals and Pests	<ul style="list-style-type: none"> • Animals at the property at risk due the level of clutter in the property. • Resident may not able to control the animals at the property. • Animals' living area is not maintained and smells. • Animals appear to be under nourished or over fed. • Hoarding of animals at the property. • Heavy insect infestation (bed bugs, lice, fleas, cockroaches, ants, silverfish, etc.). • Visible rodent infestation.
6. Personal Protective Equipment (PPE)	<ul style="list-style-type: none"> • Latex Gloves, boots or needle stick safe shoes, face mask, hand sanitizer, insect repellent. • Visit in pairs required.

Level Three: Multi-Agency Actions

Level 3	Actions
Referring Agency	<ul style="list-style-type: none"> • Raise Safeguarding Alert within 24 hours if there are care and support needs. • If the individual does not meet the Safeguarding thresholds for a referral, consider contacting Social Care regarding possible care and support needs assessment. • Ensure information sharing with all necessary statutory agencies with consent of the adult involved. NSSAB Information Sharing Protocol gives advice on this topic. • Refer to Avon Fire and Rescue Service within 24 hours to provide a Home Safety Check. • Refer to Environmental Health via the referral form.
Environmental Health	<ul style="list-style-type: none"> • Carry out an inspection. • At time of inspection, EHO decides on appropriate course of action. • Consider serving notices under Environmental Protection Act 1990, Prevention of Damage by Pests Act 1949 or Housing Act 2004. • Consider Works in Default if notices not complied by occupier.
Landlord	<ul style="list-style-type: none"> • Visit resident to inspect the property & assess support needs. • Attend multi agency meeting. • Enforce tenancy conditions relating to residents' responsibilities.
Practitioners	<ul style="list-style-type: none"> • Use Clutter Rating Assessment Tool and example questions • Ensure information sharing with all agencies involved to ensure a collaborative approach and a sustainable resolution.
Emergency Services	<ul style="list-style-type: none"> • Avon Fire and Rescue - Carry out a Home Fire Safety Check, share risk information with Statutory agencies and consider assistive technology. • Avon and Somerset Police and South Western Ambulance Service- Ensure information is shared with statutory agencies & feedback is provided to referring agency on completion of home visits via the referral form. • Attend multi agency meetings on request. • Ensure information sharing with all agencies involved to ensure a collaborative approach and a sustainable resolution. • Provide feedback to referring agency on completion of home visits
Animal Welfare	<ul style="list-style-type: none"> • Visit property to undertake a wellbeing check on animals at the property. • Remove animals to a safe environment. • Educate client regarding animal welfare if appropriate. • Take legal action for animal cruelty if appropriate. • Provide advice / assistance with re-homing animals.

Powers and Acts

Mental Capacity

The Mental Capacity Act (MCA) 2005 provides a statutory framework for people who lack the capacity to make decisions by themselves. The Act has five statutory principles and these are legal requirements of the Act:

1. A person must be assumed to have capacity unless it is established that they lack capacity
2. A person is not to be treated as unable to make a decision unless all practicable steps have been taken without success.
3. A person is not to be treated as unable to make a decision merely because he/she makes an unwise decision.
4. An act done, or decision made, under this act for, or on behalf of, a person who lacks capacity must be done, or made in his or her best interests.
5. Before the act is done, or the decision is made, regard must be had to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person's rights and freedom of action.

When a person's hoarding behaviour poses a serious risk to their health and safety, professional intervention will be required. With the exception of statutory requirements, the intervention or action proposed must be with the individual's consent. Article 8 of the European Convention on Human Rights (The right to respect for private and family life) - is engaged.

Interference with a person's life must be lawful, necessary and pursue a legitimate aim.

In extreme cases, taking statutory principle 3 (above) into account, the very nature of the environment may lead the professional to question whether the customer has capacity to consent to the proposed action or intervention and trigger a capacity assessment. All interventions must be undertaken in accordance with the 5 statutory principles and using the 'two stage' test of capacity (see MCA Code 4.11 – 4.25).

The MCA Code of Practice states that one of the reasons why people may question a person's capacity to make a specific decision is that "the person's behaviour or circumstances cause doubt as to whether they have capacity to make a decision" (MCA Code of Practice, 4.35). Extreme hoarding behaviour may therefore in the specific circumstances of the case, prompt an assessment of capacity.

Information Sharing

This document is underpinned by the North Somerset Safeguarding Adults Board Information Sharing Protocol.

Fire Safety

In the event of a fire, hoarding increases the amount of materials for a fire to burn in a property (fire loading). It can also make it difficult for people living in the property to safely evacuate. Fire can spread quickly, including to neighbouring properties if the level of hoarding is severe or if flammable items are being stored. It also poses a high risk to firefighters attending the scene.

Sharing information where consent has been gained to do so, is extremely important for firefighter safety, safety of the occupant and surrounding properties. This information assists the Fire Service to comply with the Fire Services Act 2004, section 6, to make provision for the purpose of promoting fire safety in the area. It also strengthens the operational risk assessment when dealing with incidents and fires where hoarding is present.

Environmental Powers

Environmental Health has certain powers which can be used in hoarding cases. Some are mentioned below. There is also a link to the Chartered Institute of Environmental Health which notes the growing list of statutory powers available to address hoarding and by means of a case study and the results of a survey, reviews the incidence and diversity of cases coming to the attention of environmental health authorities in the hope that, eventually, that may lead to better ways to resolve them.

Public Health Act 1936:

Section 79: Power to require removal of noxious matter by occupier of premises (dealt with by private housing team)

The Local Authority (LA) will always try and work with a householder to identify a solution to a hoarded property, however in cases where the resident is not willing to co-operate the LA can serve notice on the owner or occupier to "remove accumulations of noxious matter". Noxious not defined, but usually is "harmful, unwholesome". No appeal available. If not complied with in 24 hours, The LA can do works in default and recover expenses.

Section 83: Cleansing of filthy or verminous premises

Where any premises, tent, van, shed, ship or boat is either;

- a) filthy or unwholesome so as to be prejudicial to health; or
- b) verminous (relating to rats, mice other pests including insects, their eggs and larvae)

LA serves notice requiring clearance of materials and objects that are filthy, cleansing of surfaces, carpets etc. within 24 hours or more. If not complied with, Environmental Health can carry out works in default and charge. No appeal against notice but an appeal can be made against the cost and reasonableness of the works on the notice.

Section 84: Cleansing or destruction of filthy or verminous articles (dealt with Private Housing Team)

Any article that is so filthy as to need cleansing or destruction to prevent injury to persons in the premises, or is verminous, the LA can serve notice and remove, cleanse, purify, disinfect or destroy any such article at their expense.

Prevention of Damage by Pests Act 1949 Section 4: Power of LA to require action to prevent or treat Rats and Mice (Dealt with Environmental Protection Team)

Notice may be served on owner or occupier of land/ premises where rats and/ or mice are or may be present due to the conditions at the time. The notice may be served on the owner or occupier and provide a reasonable period of time to carry out reasonable works to treat for rats and/or mice, remove materials that may feed or harbour them and carry out structural works.

Environmental Protection Act 1990

Section 80: Dealing with Statutory Nuisances (Dealt with Environmental Protection Team)

Statutory Nuisances (SNs) are defined in section 79 of the Act and include any act or omission at premises that prevents the normal activities and use of another premises, including the following:

Section 79 (1) (a) any premises in such a state as to be prejudicial to health or a nuisance

(c) Fumes or gases emitted from [private dwellings] premises so as to be prejudicial to health or a nuisance

(e) any accumulation or deposit which is prejudicial to health or a nuisance

(f) any animal kept in such a place or manner as to be prejudicial to health or a nuisance

The LA serves an Abatement Notice made under section 80 to abate the nuisance if it exists at the time or to prevent its occurrence or recurrence.

Community Protection Notice: Anti-social Behaviour Crime and Policing Act 2014

The notice can deal with a wider range of environmental and ‘place-based’ behaviours, against a wider range of perpetrators. It can include requirements to ensure problems are rectified and that steps are taken to prevent the behaviour occurring again. North Somerset Council can carry out works in default on behalf of a perpetrator, if they fail to do so.

Building Control and Planning Enforcement

Building Act 1984

Section 76: Defective Premises

If it appears to a local authority that—

(a) Any premises are in such a state (in this section referred to as a “defective state”) as to be prejudicial to health or a nuisance, and

(b) Unreasonable delay in remedying the defective state would be occasioned by following the procedure prescribed by [section 80 of the Environmental Protection Act 1990],

the local authority may serve on the person on whom it would have been appropriate to serve an abatement notice under the said section 93 (if the local authority had proceeded under that section) a notice stating that the local authority intend to remedy the defective state and specifying the defects that they intend to remedy.

Town and Country Planning Act 1990 Section 215: Power to require proper maintenance of land

(1) If it appears to the local planning authority that the amenity of a part of their area, or of an adjoining area, is adversely affected by the condition of land in their area, they may serve on the owner and occupier of the land a notice under this section.

(2) The notice shall require such steps for remedying the condition of the land as may be specified in the notice to be taken within such period as may be so specified.

(3) Subject to the following provisions of this Chapter, the notice shall take effect at the end of such period as may be specified in the notice.

(4) That period shall not be less than 28 days after the service of the notice.

Please Note: *It is very unlikely Planning Enforcement could use this legislation to tackle hoarding which is taking place inside a property as it is unlikely that it would be injurious to the amenity of the wider area (unless it was spilling out of the windows and doors). However, S215 can be used when it comes to the untidy condition of areas outside of a property.*

For further guidance and information please refer to the Chartered Institute of Environmental Health Officers Professional Practice Note: Hoarding and How to Approach it

LINK DOESN'T WORK

http://www.cieh.org/uploadedfiles/core/policy/publications_and_information_services/policy_publications/publications/hoarding_ppn_may09.pdf

Housing

Housing Act 2004

Section 11 Improvement Notice

Improvement notices relating to category 1 hazards: duty of authority to serve notice

- (a) The local housing authority are satisfied that a category 1 hazard exists on any residential premises, and
- (b) No management order is in force in relation to the premises under Chapter 1 or 2 of Part 4,

Serving an improvement notice under this section in respect of the hazard is a course of action available to the authority in relation to the hazard for the purposes of

section 5 (category 1 hazards: general duty to take enforcement action).

The Council can serve an improvement notice under this section requiring the person on whom it is served to take such remedial action in respect of the hazard concerned.

Section 20 Prohibition Orders

Prohibition orders relating to category 1 hazards: duty of authority to make order

- (a) The local housing authority are satisfied that a category 1 hazard exists on any residential premises, and
- (b) No management order is in force in relation to the premises under Chapter 1 or 2 of Part 4,

making a prohibition order under this section in respect of the hazard is a course of action available to the authority in relation to the hazard for the purposes of section 5 (category 1 hazards: general duty to take enforcement action).

The Council can serve a prohibition order under this section prohibiting the use of any premises as is or are specified in the order relating to the hazard concerned.

Section 28 Hazard Awareness

Hazard awareness notices relating to category 1 hazards: duty of authority to serve notice

- (a) The local housing authority are satisfied that a category 1 hazard exists on any residential premises, and
- (b) no management order is in force in relation to the premises under Chapter 1 or 2 of Part 4,

Serving a hazard awareness notice under this section in respect of the hazard is a course of action available to the authority in relation to the hazard for the purposes of section 5 (category 1 hazards: general duty to take enforcement action).

The Council can advise the owner/occupier of the existence of this Category 1 hazard whilst not requiring them to carry out any works, they can advise that it considers the works specified in an attached schedule of works, and attached to the Hazard Awareness Notice to be practical and appropriate remedial action to be taken in relation to the hazard.

Section 239 Powers of entry

(1) Subsection (3) applies where the local housing authority consider that a survey or examination of any premises is necessary and any of the following:

Conditions is met –

(a) the authority consider that the survey or examination is necessary in order to carry out an inspection

(b) The premises are (within the meaning of Part 1) specified premises in relation to an improvement notice or prohibition order;

(c) A management order is in force under Chapter 1 or 2 of Part 4 in respect of the premises.

The Care Act 2014

The Care Act, 2014 builds on recent reviews and reforms, replacing numerous previous laws, to provide a coherent approach to adult social care in England. Local authorities (and their partners in health, housing, welfare and employment services) must now take steps to prevent, reduce or delay the need for care and support for all local people.

The Care Act places a duty on local authorities to undertake an assessment of need of any adult who appears to be in need of care and support.

Safeguarding Adults

The Care Act introduced three new indicators of abuse and neglect to Adult Safeguarding. The most relevant to this framework is self-neglect. The guidance states; “this covers a wide range of behaviour neglecting to care for one’s personal hygiene, health or surroundings and includes behaviour such as hoarding.” In practice, this means that their case may require a safeguarding enquiry when an adult has care and support needs, and they are deemed unable to control their own environment.

However, a formal safeguarding adults response may not always be the most appropriate and proportionate intervention. Care needs assessment and referral on to other agencies should be considered at first.

An ‘adult at risk’ may also be living with a hoarder in a property. There may be a safeguarding concern about the adult if they are at risk of harm due to the way the hoarder is living in the property. If in doubt, discuss the issue with a manager or contact the local authorities’ safeguarding team.

This framework accepts the guidance as supplied by North Somerset Council, Bath and North East Somerset Council, Bristol City Council and South Gloucestershire

Multi-Agency Adult Safeguarding Policy for raising a concern and referring in order to safeguard an 'Adult at Risk'. www.northsomersetsafeguarding.co.uk

Safeguarding Children

Safeguarding Children refers to protecting children from maltreatment, preventing the impairment of their health or development and ensuring that they are growing up in circumstances consistent with the provision of safe and effective care. Growing up in a hoarding property can put a child at risk by affecting their development and, in some cases, leading to the neglect of a child, which is a safeguarding issue.

The needs of the child at risk must come first and any actions we take must reflect this. Where children live in the property, a Safeguarding Children alert should always be raised. Please refer to the following link for guidance:

<https://www.northsomersetsafeguarding.co.uk/children-safeguarding-board/i-work-with-children/safeguarding-guidance-procedures-and-policies>