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Environmental Health
Breckland Council Telephone No. 01362 656870
Service Fax No. 01362 693733
DX 45058 Dereham

Ms T Wall
17 Filby Road
Swaffham
Norfolk PE37 7SA

Your Ref:
Our Ref: 97975/LA

Contact: Ms S Hammond
Direct Dial: 01362 656355
E-mail: sue.hammond@breckland.gov.uk

Date: 30 November 2007

Dear Ms Wall

**Prevention of Damage by Pests Act 1949
Rubbish/overgrown garden and mouse infestation – 17 Filby Road, Swaffham
Notice requiring steps to be taken to destroy rats or mice or to keep ground free from rats
or mice**


Further to my letter of 15 October 2007 and my subsequent visit to your home on 26 October 2007, unfortunately there has been no improvement in the conditions within your house and there is still a significant infestation of mice. Therefore, I am now serving a Notice under the above legislation.

The Notice gives you a period of two months, ending on **3 February 2008**, in which to complete items one to five outlined on the Notice. As discussed, if these works are not carried out to the satisfaction of the Council then works in default may have to be carried out. As we also discussed, to undertake such works would require removal of the animals/birds. The Council will liaise with the RSPCA as appropriate.

Please note that the contents of this letter do not form any part of the Notice reference number SGH/MN/08/2007.

As this Notice is a legal document, I strongly recommend that you seek legal advice from a solicitor or your local Citizens Advice Bureau. If you do not understand the contents of this letter or the Notice, please do not hesitate to contact me at the above office.

Yours sincerely



Sue Hammond
Environmental Health Officer

Encl. Prevention of Damage by Pests Act Notice

PREVENTION OF DAMAGE BY PESTS ACT 1949, s.4

To: Ms T Wall
17 Filby Road
Swaffham
Norfolk PE37 7SA

Notice Requiring Steps to be Taken to Destroy Rats or Mice or to Keep Land Free from Rats and Mice

WHEREAS it appears to the Breckland District Council ("the Council") that steps should be taken for the destruction of rats on land known as:

17 Filby Road
Swaffham
Norfolk PE37 7SA

TAKE NOTICE that the Council require you, within a period of two months ending on 3 day of February 2008, to take the following steps for the destruction of rats and mice on the land and for keeping the land free from rats and mice by carrying out the works described below:

1. All carpets, furniture and interior surfaces to be cleansed of organic waste such as bird/animal faeces and excess bird seed.
2. All rubbish, animal waste and undergrowth to be cleared from both the front and rear of property.
3. Obtain the service of a pest control company to treat each room and the loft space with poisoned bait to destroy rats and mice.
4. Rooms in which birds and animals are housed to be regularly swept/vacuumed to ensure bird seed and faeces do not accumulate.
5. Unused seed to be kept in vermin proof containers.

DATED *30th November 2007*

(Signed) 

Principal Environmental Health Officer
(Officer appointed for this purpose)

Environmental Health
Breckland Council
Elizabeth House
Walpole Loke
Dereham
Norfolk NR19 1EE
(address to which all communications should be sent)

Notes:

1. Section 4 (4) of the Prevention of Damage by Pests Act, 1949, provides that, if on a complaint made by the owner of any land it appears to a Court of Summary Jurisdiction that the occupier of the land prevents the owner from carrying out any work which he is required to carry out by a Notice under that Section, the Court may order the occupier to permit the carrying out of the work.
2. Subject to the provisions with respect to appeals, if any person on whom a Notice is served under Section 4 of the Act fails to take any steps required by the Notice at the time or within the period specified, the local authority may themselves take those steps and recover from him any expenses reasonably incurred by them in doing so.

A person who fails to take any steps is liable on summary conviction to a fine not exceeding level 3 on the Standard Scale.*

3. Subsections (3) to (5) of Section 290 of the Public Health Act, 1936 (which provide for an appeal to a court of summary jurisdiction) apply to any Notice served under Section 4 of the Act, *requiring the carrying out of any structural works*; and Sections 300 to 302 of the Public Health Act, 1936, (which contain supplementary provisions relating to such appeals) have effect accordingly. Subsections (3) to (5) provide as follows:-

Subsection (3): A person served with such a notice as aforesaid may appeal to a court of summary jurisdiction on any of the following grounds which are appropriate in the circumstances of the particular case:-

- (a) that the notice or requirement is not justified by the terms of the section under which it purports to have been given or made;
- (b) that there has been some informality, defect or error in, or in connection with, the notice.
- (c) that the authority have refused unreasonably to approve the execution of alternative works, or that the works required by the notice to be executed are otherwise unreasonable in character or extent, or are unnecessary;
- (d) that the time within which the works are to be executed is not reasonably sufficient for the purpose.
- (e) that the notice might lawfully have been served on the occupier of the premises in question instead of on the owner, or on the owner instead of on the occupier, and that it would have been equitable for it to have been so served.
- (f) where the work is work for the common benefit of the premises in question and other premises, that some other person, being the owner or occupier of premises to be benefited, ought to contribute towards the expenses of executing any works required.

Subsection (4): If and insofar as an appeal under this section is based on the ground of some informality, defect or error in or in connection with the notice, the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

Subsection (5): Where the grounds upon which an appeal under this section is brought include a ground specified in paragraph (e) or paragraph (f) of subsection (3) of this section, the appellant shall serve a copy of his notice of appeal on each other person referred to, and in the case of any appeal under this section may serve a copy of his notice of appeal on any other person having an estate or interest in the premises in question, and on the hearing of the appeal the court may make such order as it thinks fit with respect to the person by whom any work is to be executed and the contribution to be made by any other person towards the cost of the work, or as to the proportions in which any expenses which may become recoverable by the local authority are to be borne by the appellant and such other person.

In exercising its powers under this subsection, the court shall have regard:-

- (a) as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of the tenancy and to the nature of the works required; and
 - (b) in any case, to the degree of benefit to be derived by the different persons concerned.
4. The time within which an appeal may be brought is twenty-one days from the date on which the Notice was served.
 5. In proceedings brought by a local authority for the recovery of any expenses incurred by them, it is not open to the defendant to raise by way of defence any question which he could have raised on an appeal against the Notice.

* (Currently £1000, subject to alteration by Order).