Access issues: What to do when a resident will not provide access?

Aisha Akhtar

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hqn TRAINING

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1 Message from Aisha

Thank you all for attending;

Attached:

- slides;
- 29 hazard list.

The meaning of maintenance; good blog on a recent case ; The meaning of maintenance - Nearly Legal: Housing Law News and Comment

Tower hamlets case; London Borough of Tower Hamlets v Lessees of Brewster House and Malting House (LANDLORD AND TENANT - SERVICE CHARGES - construction of the lease - remedying structural defects in the Large Panel System - meaning of covenant 'to maintain' - significance of a 'sweeper clause') [2024] UKUT 193 (LC) (11 July 2024) (bailii.org)

Piechnik v Oxford City Council EWHC 960; , the High Court has held that a local authority did not have a right to access a "right to buy" flat in a block (in which it retained most of the flats as secure tenancies) for the purposes of carrying out fire safety works simply because those works were in the wider interests of the occupiers. The rights of access had to be found in the express and implied terms of the lease. Insofar as the works fell within those express or implied terms, then the carrying out of such works would not amount to a breach of the covenant for quiet enjoyment https://www.bailii.org/ew/cases/EWHC/QB/2020/960.html

- someone asked me about Cancer and protected disability;

Conditions that are always disabilities under the Equality Act

You'll always be considered disabled under the Equality Act if:

- you have cancer - or any condition that is likely to become cancer if it's not treated, for example skin growths
- you have multiple sclerosis
- you have HIV - even if you don't have any symptoms
- you're registered as blind or sight impaired - you can check how to register as blind or sight impaired on RNIB's website
- you have a severe, long-term disfigurement - for example severe facial scarring or a skin disease

The Equality Act applies to people with cancer or those who have had cancer in the past. All cancers are included. And you are protected from the time you're diagnosed with cancer.

Labour Government vows to extend Awaab's Law to protect private tenants against mould and damp in King's Speech [Inside Housing - Insight - King's Speech 2024: the new housing-related bills in focus]

Thanks

Aisha

2 Housing Health and Safety Rating System: The 29 Hazards

If a hazard is a serious and immediate risk to a person's health and safety, this is known as a Category 1 hazard. If a hazard is less serious or less urgent, this is known as a Category 2 hazard.

Number	Hazard	Health Effects
1	**Damp and mould growth** Health threats due to dust mites, mould or fungal including mental and social wellbeing health threats associated with damp, humid and mouldy conditions	Allergies, asthma, effects of toxins from mould and fungal infections
2	**Excess cold** Threats to health from cold indoor temperatures. A healthy indoor temperature is 18°C to 21°C	Respiratory conditions: flu, pneumonia and bronchitis Cardiovascular conditions: heart attacks and strokes
3	**Excess heat** Threats due to high indoor temperatures	Dehydration, trauma, stroke, cardiovascular and respiratory
4	**Asbestos and MMF** Exposure to asbestos fibres and Manufactured Mineral Fibres (MMF)	Asbestos: Damage to lungs MMF: Damage to skin, eyes and lungs
5	**Biocides** Threats to health from chemicals used to treat timber and mould growth	Risk from breathing in, skin contact and swallowing of the chemical
6	**Carbon Monoxide and fuel combustion products** Excess levels of carbon monoxide, nitrogen dioxide, sulphur dioxide and smoke	Dizziness, nausea, headaches, disorientation, unconsciousness and breathing problems

Number	Hazard	Health Effects
7	**Lead** Threats to health from lead ingestion from paint, water pipes, soil and fumes from leaded petrol	Lead poisoning causing nervous disorders, mental health and blood production issues
8	**Radiation** Health threats from radon gas and its daughters, primarily airborne but also radon dissolved in water	Lung cancer caused by exposure, which increases amount and length of exposure
9	**Uncombusted fuel gas** Threat from fuel gas escaping into the atmosphere within a property	Suffocation
10	**Volatile organic compounds** Threat to health from a diverse group of organic chemicals including formaldehyde that are gaseous at room temperature and can be found in a wide variety of materials in the home	Allergies, irritation to the eyes, nose and skin, headaches, nausea, dizziness and drowsiness
11	**Crowding and space** Hazards associated with lack of space for living, sleeping and normal household or family life	Psychological distress and mental disorders, increased risk of hygiene issues, accidents and personal space and privacy compromised
12	**Entry by intruders** Problems keeping a property secure against unauthorised entry and maintaining defensible space	Fear of burglary occurring, stress and anguish caused by burglary and injuries caused by the intruder
13	**Lighting** Threats to physical and mental health associated with inadequate natural or artificial light, including the psychological effects associated with the view from the property through glazing	Depression and psychological effects due to lack of natural light. Eye strain from glare and inadequate light
14	**Noise** Threats to physical and mental health due to exposure to noise within the property or within its curtilage	Psychological and physiological changes resulting from lack of sleep, poor concentration, headaches and anxiety
15	**Domestic hygiene, pests and refuse** Health hazards due to poor design, layout and construction making it hard to keep clean and hygienic, attracting pests and inadequate and unhygienic provision for storing household waste	Stomach and intestinal disease, infection, asthma, allergies, disease from rats and physical hazards

Number	Hazard	Health Effects
16	**Food safety** Threats of infection from poor provision and facilities to store, prepare and cook food	Stomach and intestinal disease, diarrhoea, vomiting, stomach upset and dehydration
17	**Personal hygiene, sanitation and drainage** Threats of infections and threat to mental health associated with personal hygiene, including personal and clothes washing facilities, sanitation and drainage	Stomach and intestinal disease, skin infections and depression
18	**Water supply** Threats to health from contamination by bacteria, parasites, viruses and chemical pollutants due to the quality of water supply for drinking household use such as cooking, washing and sanitation	Dehydration, fatigue, headaches, dry skin, bladder infections and legionnaires disease
19	**Falls associated with baths** Falls associated with a bath, shower or similar facility	Physical injuries: cuts, lacerations, swellings and bruising.
20	**Falls on the level surfaces** Falls on any level surface such as floor, yards and paths, including falls associated with trip steps, thresholds or ramps where the change in level is less than 300mm	Physical injuries: bruising, fractures, head, brain and spinal injuries
21	**Falls associated with stairs and steps** Falls associated with stairs and ramps where the change in level is greater than 300mm. It includes internal stairs or ramps within a property, external steps or ramps associated with the property, access to the property and to shared facilities or means of escape from fire and falls over stairs, ramp or step guarding	Physical injuries: bruising, fractures, head, brain and spinal injuries
22	**Falls between levels** Falls from one level to another, inside or outside a dwelling where the difference is more than 300mm. Including falls from balconies, landings or out of windows	Physical injuries
23	**Electrical hazards** Hazards from electric shock and electricity burns	Electric shock and burns
24	**Fire** Threats to health from exposure to uncontrolled fire and associated smoke. It includes injuries	Burns, being overcome by smoke or death

Number	Hazard	Health Effects
	from clothing catching fire, a common injuring when trying to put a fire out.	
25	**Flames, hot surfaces and materials** Burns or injuries caused by contact with a hot flame or fire, hot objects and non-water based liquids. Scalds caused by contact with hot liquids and vapours.	Burns, scalds, permanent scarring and death.
26	**Collision and entrapment** Risks of physical injuries from trapping body parts in architectural features such as trapping fingers in doors and windows and colliding with objects such as windows, doors and low ceilings	Physical injuries such as cuts and bruising to the body
27	**Explosions** Threats from the blast of an explosion, from debris generated by the blast and from partial or total collapse of a building as a result of the explosion	Physical injuries, crushing, bruising, puncture, fractures, head, brain and spinal injuries.
28	**Ergonomics** Threats of physical strain associated with functional space and other features at the dwelling	Strain and sprain injuries
29	**Structural collapse and falling elements** The threat of the dwelling collapsing or part of the fabric being displaced or falling due to inadequate fixing or disrepair or as a result of adverse weather conditions.	Physical injuries

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Rockingham House, St Maurice's Road, York, YO31 7JA
Tel: +44 (0)1904 557150 Email: hqn@hqnetwork.co.uk Visit: hqnetwork.co.uk

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