

Appendix B- Environmental Protection team – Filthy Premises – Public Health Act 1936

Under the Public Health Act 1936 officers have powers to investigate and remedy premises that are in a filthy and unwholesome condition.

The service received an odour complaint alleging an odour of cat faeces and urine coming from an apartment in the borough. An officer visited and witnessed the reported odour in some parts of the communal areas of the block (evidence that other occupiers were being affected in their flats was not identified at any point of the investigation). Information was provided by complainants that the Police and RSPCA had both tried to gain entry but access wasn't given.

A further visit was undertaken as the complainant reported that the odour coming from the apartment had become unbearable. During the visit the odour of cat faeces and urine was present in the communal areas of landings and stairwells. Cat biscuits and dirt/faeces were on the floor in front of the door.

Access continued to be refused by the occupier by cancelling appointments last minute. The occupier advised officers of their medical issues and so a multi-agency approach was implemented to assist the occupier with both health and social care being involved.

Officers liaised with the RSPCA who had been receiving calls regarding the welfare of the cats in the property but had been unable to gain entry and had only had limited contact from the occupier.

A Community Protection Warning under the Anti-Social Behaviour, Crime and Policing Act 2014 was served on the occupier as complaints continued to be received and officers were satisfied that the odour emanating from the apartment was impacting on the residents of the block when using communal areas.

Owing to the lack of cooperation and the need to enter the apartment to assess it fully, officers attended Leicester Magistrates Court and obtained a Warrant to enter premises.

The Warrant to enter premises was executed, the Police and RSPCA were also in attendance. Upon entering the apartment, it was evident there was a significant number of cats. The apartment was heavily soiled throughout with cat faeces, urine and cat sick. The odour was overpowering.

Due to the amount of cats that needed to be removed, the RSPCA called for back-up to help with removal and transportation. Throughout the day 50 live cats were removed alongside two deceased kittens.

A Notice was subsequently served on the occupier to cleanse the property within 28 days.

After the 28 days, attempts were made to gain entry to the apartment to assess whether the Notice had been complied with or not but access was refused.

Another application for a warrant to enter was therefore heard at Leicester Magistrates Court.

The warrant was granted and executed and entry gained with the RSPCA and Police. There was a vast improvement in the cleanliness of the property. There was still an odour of ammonia and one small room that needed cleaning/clearing. Two cats were in the apartment, they were checked over by the RSPCA who had no reason to remove them.

The occupier was given notice of termination of tenancy by their landlord and was evicted.