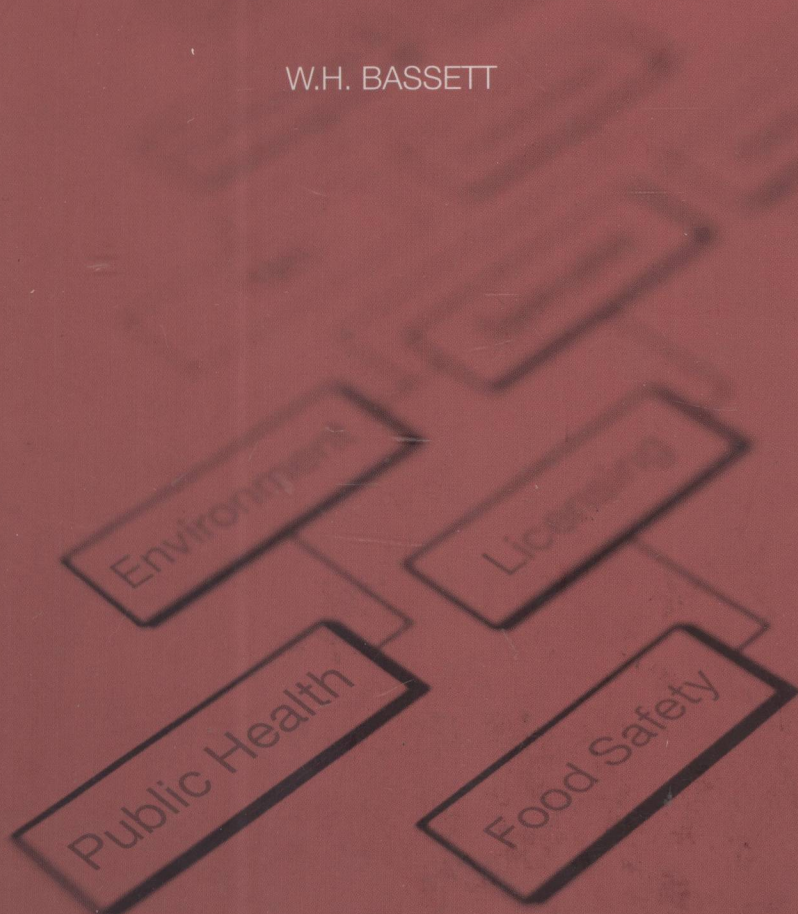


# ENVIRONMENTAL HEALTH PROCEDURES

SEVENTH EDITION

W.H. BASSETT



D956.126  
B559  
E.7

# ENVIRONMENTAL HEALTH PROCEDURES

---

*Seventh edition*

**W.H. BASSETT**

DMA, FCIEH

*Formerly Chief Executive and Director of Housing and  
Environmental Health, Exeter City Council, UK*



E2008001662



**Taylor & Francis**

Taylor & Francis Group

LONDON AND NEW YORK

First published 1983 by Chapman & Hall  
Second edition 1987  
Third edition 1992  
Fourth edition 1995

Fifth Edition 1998 by E & FN Spon  
Sixth edition 2002

Seventh edition published 2007 by Taylor & Francis  
2 Park Square, Milton Park, Abingdon, Oxon OX14 4RN

Simultaneously published in the USA and Canada  
by Taylor & Francis  
270 Madison Ave, New York, NY 10016

*Taylor & Francis is an imprint of the Taylor & Francis Group,  
an informa business*

© 1983, 1987, 1992, 1995, 1998, 2002, 2007 W.H. Bassett

Typeset in 10/12 Times  
by Graphicraft Limited, Hong Kong  
Printed and bound in Great Britain by  
The Cromwell Press, Trowbridge, Wiltshire

All rights reserved. No part of this book may be reprinted or reproduced or utilized in any form or by any electronic, mechanical, or other means, now known or hereafter invented, including photocopying and recording, or in any information storage or retrieval system, without permission in writing from the publishers.

*British Library Cataloguing in Publication Data*

A catalogue record for this book is available from the British Library

*Library of Congress Cataloging-in-Publication Data*

Bassett, W.H.

Environmental health procedures / W.H. Bassett. 7th ed.  
p. cm.

Includes bibliographical references and index.

ISBN 978-0-415-39574-8 (hardback)

1. Public health laws—Great Britain. 2. Environmental law—Great Britain. 3. Environmental health—Great Britain—Administration. I. Title.

KD3359.B37 2007

344.4104—dc22

2006052266

ISBN10: 0-415-39574-7 (hbk)

ISBN10: 0-203-96286-9 (ebk)

ISBN13: 978-0-415-39574-8 (hbk)

ISBN13: 978-0-203-96286-2 (ebk)

**ENVIRONMENTAL  
HEALTH  
PROCEDURES**

**Other books in Clay's Library of Health and the Environment:**

E Coli: Environmental Health Issues of VTEC 0157 – *Sharon Parry and Stephen Palmer* 9780415235952 HB

Environmental Health and Housing – *Jill Stewart* 9780415251297 HB

Air Quality Assessment and Management – *Owen Harrop* 9780415234108 HB, 9780415234115 PB

Dictionary of Environmental Health – *David Worthington*

Air Pollution 2<sup>nd</sup> ed – *Jeremy Colls* 9780415255646 HB, 9780415255653 PB

**Also available from Taylor & Francis:**

Clays's Handbook of Environmental Health 19<sup>th</sup> Edition – *edited by W. H. Bassett*  
9780415318082 HB

Decision-making in Environmental Health – *edited by C. Corvalián D. Briggs and G. Zielhuis*  
9780419259404 HB  
9780419259503 PB

Legal Competence in Environmental Health – *Terence Moran*  
9780419230007 HB

Monitoring Bathing Waters – *edited by Jamie Bartrama nd Gareth Rees*  
9780419243700 HB  
97804192438019 PB

Small Water Supplies – *D. Clapham*  
9780415282826 HB

Toxic Cyanobacteria in Water – *edited by Ingrid Chorus and Jamie Bartram*  
9780419239307 PB

Upgrading Water Treatment Plants – *Glen Wagner and Renato Pinheiro*  
9780419260400 HB  
9780419260509 PB

Water Pollution Control – *Richard Helmer and Ivanildo Hespanhol*  
9780419229100 PB

Water Quality Assessments – *Deborah Chapman*  
9780419215905 HB  
9780419216001 PB

Water Quality Monitoring – *Jamie Bartram and Richard Balance*  
9780419223207 HB  
9780419217305 PB

Urban Traffic Pollution – *D. Schwela and O. Zali*  
9780419237204

# Subject index of procedures

N.B. FC refers to the flowchart number given to each diagram

## **Abandoned refuse**

Removal – RD(A)A 1978  
FC130

## **Abandoned vehicles**

Removal – RD(A)A 1978 FC129  
part 2

## **Accidents**

Notification of HASAWA 1974  
FC79

## **Accumulations**

(see also litter and waste)

Abandoned refuse (in open air)  
– RD(A)A 1978 FC130

Abandoned trolleys – EPA 1990  
FC41

Abandoned vehicles – RD(A)A  
1978 FC129

Accumulation of rubbish  
(seriously detrimental) – PHA  
1961 FC9

As statutory nuisances – EPA  
1990 FC30

Cleansing of filthy or verminous  
premises – PHA 1936/61FC10

From demolition of buildings –  
BA 1984 FC19

Removal of controlled waste  
from land – EPA 1990  
FC29

Removal of noxious matter –  
PHA 1936 FC8

## **Animal boarding establishment**

Licensing – ABEA 1963 FC90

## **Air pollution**

Burning of crop residues – EPA  
1990 FC45

Control of grit and dust from  
furnaces – CAA 1993 FC62

Height of chimneys  
– serving furnaces – CAA 1993  
FC64

– not serving furnaces – CAA  
1993 FC65

Obtaining information about  
atmospheric pollution – EPA  
1990 FC69

Prohibition of dark smoke  
from chimneys – CAA 1993  
FC60

Prohibition of dark smoke from  
industrial and trade premises –  
CAA 1993 FC61

## **Air quality**

LA reviews – EA 1995 FC58

Air quality management areas –  
EA 1995 FC59

## **Anti-social behaviour**

Anti-social behaviour orders –  
CDA 1998 FC134

## **Approvals**

Product-specific food establish-  
ments – EC Reg. 852/853 2004  
FC82

## **Audible alarms**

Audible alarms notification areas  
– CNEA 2005 FC36

**Authorizations**

(see prescribed processes)  
for the accumulation and  
dispatch of radioactive waste –  
RSA 1993 FCs 124–125

**Buildings**

Demolition of BA 1974 FC19

**Camping sites**

Licensing – PHA 1936 FC7  
Removal of unauthorized  
camping – CJPOA 1994  
FC133

**Caravan sites**

Licensing – CSCDA 1960 FC105

**Cesspools**

Overflowing and leaking – PHA  
1936 FC4

**Chimney heights**

(see air pollution)

**Clean air**

(see air pollution)

**Cooling towers** (and evaporation  
condensers)

Notification – HASAWA 1974  
FC80

**Consents**

For the use of loudspeakers in  
streets – CPA 1974 FC75

**Contaminated land**

Identification – EPA 1990 FC46  
Remediation – EPA 1990 FC47

**Crop residues**

Burning of EPA 1990 FC45

**Dangerous wild animals**

Licensing – DWAA 1976 FC91

**Dark smoke**

(see air pollution)

**Defective premises**

Accelerated nuisance provisions  
– BA 1984 FC17  
As statutory nuisance – EPA  
1990 FC30  
Demolition of buildings – BA  
1984 FC19  
Dangerous buildings – BA 1984  
FC20  
Protection of buildings –  
LG(MP)A 1982 FC128  
Ruinous and dilapidated  
buildings – BA 1984 FC18

**Dilapidated buildings**

(see defective buildings)

**Demolition**

Demolition orders HA 1985  
FC112  
Demolition of buildings BA  
1984 FC19

**Disease control**

Cleansing and disinfection of  
premises and articles –  
PH(CoD)A 1984 FC26  
Cleansing of filthy or verminous  
premises – PHA 1936/61 FC10  
Declaration of notifiable diseases  
by LA – PH(CoD)A 1984  
FC25  
Key to powers to control disease  
p. 80  
Notification of diseases –  
PH(CoD)A 1984 FC24  
Powers available to control  
specific disease p. 82

**Dogs**

Licensing of dog breeding  
establishments – B of DA 1973  
FC92

Seizure of strays – EPA 1990  
FCs 42–43  
Dog control orders – CNEA  
2005 FC44

**Drains**

(see also sewers)  
Blocked drains – PHA 1961 FC3  
Defective drainage to existing  
buildings – BA 1984 FC11  
Drainage of yards and passages  
– BA 1984 FC12  
Repair by LAs – PHA 1961 FC1

**Dust**

(see air pollution)

**Emergency Prohibition orders**

For housing – HA 2004 FC111  
For food hygiene – FH Regs.  
2006 FC85

**Enforcement notices**

For health and safety HASAWA  
1974 FC76  
For food safety FSA 1990  
FCs 83–86  
For permitted activities – PPC  
Regs. 2000 FC54

**Entertainment**

Sanitary conveniences at places  
of entertainment etc. –  
LG(MP)A 1976 FC127

**Fire**

Means of escape from certain  
high buildings – BA 1984 FC16

**Fish**

Closure of mollusc harvesting  
areas – EC Reg. 852/853 2004  
FC89

**Food**

Registration of food business  
establishments – EC Reg.  
852–854 FC81

Approval of product-specific  
establishments by FAs – EC  
Reg. 852–854 FC82

Hygiene improvement notices –  
FH Regs. 2006 FC83

Hygiene prohibition orders –  
FH Regs. 2006 FC84

Hygiene emergency prohibition  
notices and orders – FH Regs.  
2006 FC85

Remedial action notices – FH  
Regs. 2006 FC86

Detention notices – FH Regs.  
2006 FC86

Detention and seizure of food  
notices – FH Regs. 2006 FC87

Sampling of food – FH Regs.  
2006 FC88

Closure notices on mollusc  
harvesting areas – EC Reg.  
852–854 2004 FC89

**Food hygiene and control**

(see food)

**Grit (and dust)**

(see air pollution)

**Health and safety at work**

(see occupational health and  
safety)

**Houses**

Improvement notices – HA 2004  
FC107

Prohibition orders – HA 2004  
FC108

Hazard awareness notices – HA  
2004 FC109

Emergency remedial action  
notices – HA 2004 FC110

Emergency prohibition orders –  
HA 2004 FC111

Demolition orders – HA 1985  
FC112

Clearance areas – HA 1985  
FC11



- Overcrowding notices in non-HMOs – HA 1985 FC121
- Houses in multiple occupation**
- HMO declarations – HA 2004 FC114
- Licensing of HMOs – HA 2004 FC115
- Designation of areas for additional licensing of HMOs – HA 2004 FC116
- Temporary exemption orders – HA 2004 FC117
- Interim management orders – HA 2004 FC118
- Final management orders – HA 2004 FC119
- Overcrowding notices for HMOs – HA 2004 FC120
- Information**
- About air pollution – EPA 1990 FC69
- About ownership etc. of premises – LG(MP)A 1976 p. 11
- Integrated Pollution and Prevention Control (IPPC)**
- See pollution
- Improvement notices**
- For food hygiene – FH Regs. 2006 FC83
- For health and safety – HASAWA 1974 FC76
- Injuries**
- Reporting of deaths, injuries, diseases and dangerous occurrences – HASAWA 1974 FC78
- Licensing**
- Animal boarding establishments – ABEA 1963 FC90
- Camping sites – PHA 1936 sect. 269 FC7
- Caravan sites – CSCDA 1960 FC105
- Dangerous wild animals – DWAA 1976 FC91
- Dog breeding establishments – B of DA 1973 FC92
- Pet shops – PAA 1951 FC93
- Riding establishments – REA 1964 FC94
- Street trading – LG(MP)A 1982 FCs 102–104
- Context of Licensing Act 2003 – LA 2003 FC95
- Personal licences – LA 2003 FC96
- Premises licences – LA 2003 FC97
- Club premises certificates – LA 2003 FC98
- Permitted temporary activities – LA 2003 FC99
- Closure of licensed premises – LA 2003 and ASBA 2003 FC100
- Litter**
- Abandoned trolleys – EPA 1990 FC41
- Litter offences – EPA 1990 FC37
- Litter abatement orders – EPA 1990 FC37A
- Litter abatement notices – EPA 1990 FC38
- Litter clearing notices – EPA 1990 FC39
- Street litter control notices – EPA 1990 FC40
- Loudspeakers**
- Consent for use in streets – CPA 1974 FC75
- Noise**
- Consents for the use of loudspeakers in streets – CPA 1974 FC75

From construction sites – CPA  
1974 FC70  
Noise abatement zones – CPA  
1974 FCs 71–74  
Noise nuisances – EPA 1990  
FCs 30–31  
Noisy parties – EPA 1990 FC33  
Seizure of equipment – NA 1996  
FC34  
Noise from certain premises at  
night – FC38  
Audible alarms notification areas  
– CNEA 2005 FC36

**Notification**

Of deaths, injuries, diseases and  
dangerous occurrences –  
HASAWA 1974 FC79  
Of diseases – PH(CoD)A 1984  
FC24  
Of cooling towers and  
evaporative condensers –  
HASAWA 1974 FC80

**Nuisances**

(see statutory nuisances)

**Occupational health and safety**

Improvement notices –  
HASAWA 1974 FC76  
Prohibition notices – HASAWA  
1974 FC77  
Reporting of deaths, injuries,  
diseases and dangerous  
occurrences – HASAWA 1974  
FC79  
Seizure of dangerous articles and  
substances – HASAWA 1974  
FC78

**Orders**

Anti-social behaviour orders –  
CDA 1998 FC134

**Overcrowding**

In houses – HA 1985 FC121  
In houses in multiple occupation  
– HA 1985 FC120

**Permits**

For scheduled activities – PPPC  
Regs. 2000 FCs 48–57

**Persons in need of care and  
attention**

Removal to care – NAA 1948  
FCs 122–123

**Pet shops**

Licensing – PAA 1951 FC93

**Pollution**

Permitting of scheduled activities  
by LAs – PPPC Regs. 2000  
FC48  
Handling of commercially  
confidential information –  
PPPC Regs. 2000 FC49  
Transfer of permits – PPPC  
Regs. 2000 FC50  
Variations to permit conditions  
– PPPC Regs. 2000 FC51  
Surrender of permits – PPPC  
Regs. 2000 FCs 52–53  
Enforcement and suspension  
notices – PPPC Regs. 2000  
FC54  
LA powers to prevent or remedy  
pollution – PPPC Regs. 2000  
FC55  
Revocation of permits – PPPC  
Regs. 2000 FC56  
Applications to exclude  
commercially confidential  
information from public register  
– PPPC Regs. 2000 FC57

**Prohibition notices**

For health and safety –  
HASAWA 1974 FC77

**Prohibition orders**

For food hygiene – FH Regs.  
2006 FCs 84–85  
For housing – HA 2004  
FCs 108 and 111

**Radioactive substances**

- Registration of users – RSA  
1993 FC124
- Authorization for the  
accumulation and disposal  
of waste – RSA 1993 FC125

**Rats and mice**

- Control of – PDPA 1949 FC126

**Receptacles**

- For commercial and industrial  
waste – EPA 1990 FC28
- For household waste – EPA  
1990 FC27

**Registration**

- Food premises – EC Reg. 852  
2004 FC81
- Radioactive substance users –  
RSA 1993 FC122
- Scrap metal dealers – SMDA  
1964 FC106
- Skin piercing – LG(MP)A 1982  
FC101

**Riding establishments**

- Licensing – REA 1964 FC94

**Rubbish**

- (see accumulations)

**Ruinous buildings**

- (see defective premises)

**Sanitary conveniences**

- At places of entertainment etc. –  
LG(MP)A 1976 FC127
- Defective sanitary conveniences  
– PHA 1936 FC5

**Scrap metal dealers**

- Registration – SMDA 1964  
FC106

**Scheduled activities under IPPC**

- (see pollution)

**Sewers**

- (see also drains)
- Blocked private sewers –  
LG(MP)A – 1976 FC2
- Blocked private sewers – PHA  
1961 FC1
- Repair of private sewers by LAs  
– PHA 1961 FC1

**Shellfish**

- Closure of mollusc harvesting  
areas – EC Reg. 852/854 FC89

**Skin piercing**

- Registration – LG(MP)A 1982  
FC101

**Smoke**

- (see also air pollution)
- Smoke nuisances – EPA 1990  
FC30
- Smoke control areas – CAA  
1993 FCs 66–68

**Statutory nuisances**

- Accelerated procedure for  
defective premises – BA 1984  
FC17
- Action by aggrieved persons –  
EPA 1990 FC31
- Action by LA – EPA 1990 FC30

**Street trading**

- Licensing, designation and  
consents – LG(MP)A 1982  
FCs 102–104

**Surrenders**

- Of permits for scheduled  
activities – PPC Regs. 2000  
FCs 52–53

**Sunday trading**

- Controls over trading at large  
shops – STA 1994 FC151
- Controls over loading/unloading  
at large shops – STA 1994  
FC152

**Suspension notices**

For permitted activities – PPPC  
Regs. 2000 FC54

**Trading**

On Sundays – STA 1994  
FCs 151–154  
In streets – LG(MP)A 1982  
FCs 102–104

**Trolleys**

Abandoned shopping and luggage  
trolleys – EPA 1990 FC41

**Variation notices**

For scheduled activities – PPC  
Regs. 2000 FC51

**Vehicles**

Removal of abandoned  
vehicles – RD(A)A 1978 FC129

**Waste**

(see also accumulations and litter)  
Receptacles for commercial and  
industrial waste – EPA 1990  
FC28  
Receptacles for household waste  
– EPA 1990 FC27  
Removal of controlled waste  
from land – EPA 1990 FC29

**Water supply**

Closure or restriction of  
polluted supply – PHA 1936  
FC6  
Control over private supplies –  
WIA 1991 FC22  
Control over public supplies –  
WIA 1991 FC21  
For new houses – BA 1984  
FC15

# Preface

Each edition of this work records the ever-increasing breadth of environmental health law and complexity of its content. This edition not only reflects these trends again but also indicates just how substantial legislative changes in environmental health law have been since the publication of the 6<sup>th</sup> edition in 2002. These changes have not been peripheral but have affected in a major way the main activities of environmental health departments as outlined below.

## **Housing Act 2004**

This Act has brought an entirely new approach to the identification of unacceptable housing standards through a system of Housing Health and Safety Rating. At the same time a scheme has been developed to license the most vulnerable houses in multiple occupation and improve control over all of them. With both a new range of enforcement procedures has been introduced to enable unsatisfactory properties to be brought up to standard.

## **Food safety**

Food safety and hygiene law has undergone a very significant series of changes which have produced a complex structure of law involving both new UK legislation and the direct enforcement of new EC Regulations. The main provisions of the Food Safety Act 1990 have been left in place and, in some cases, duplicate the new provisions.

## **Clean Neighbourhoods and Environment Act 2005**

This Act has introduced both new and amended measures to deal with a wide range of local environmental protection issues including litter, dogs, nuisances, abandoned vehicles, noise, waste and contaminated land. Some appear as new procedures e.g. litter clearing notices and dog control orders, whilst others are brought in by way of changes to existing procedures e.g. noise at night and statutory nuisances.

## **Licensing Act 2003**

The implementation of this Act not only replaces the earlier controls over public entertainment but has also transferred to local authorities the role of

regulating the sale of alcohol. The integration of these two functions has brought significant new duties for environmental health departments.

In order to take full account of all of this, and of many other but less significant changes, the chapters on Housing and Food Safety have been completely rewritten and there is a new section on the Licensing Act 2003 within the Licensing chapter. All other changes, both large and small, have been built into existing chapters.

It should be stressed that this work is an interpretation of the law and is not the law itself. This comment is particularly relevant to the new chapters on Food Safety and Housing Standards. The recent legislation on which the procedures are based involves both a change of policy approach to the legal requirements and a new enforcement regime and together this appears to be more complicated and less easy to interpret than the legislation replaced. The author would appreciate any comments on the work and suggestions as to alternative interpretations will be very helpful.

I am most grateful to the following colleagues for their help and advice in producing this edition: Hazel Ball, Strategic Director of Community and Environment, Exeter City Council; Tim Coulson, Head of Food and Licensing, Nottingham City Council; Bruce Jassi, Strategic Director of Environment, Salford City Council and his environmental protection staff; and Andy Statham, Head of Housing and e-services, Newark and Sherwood District Council.

W.H. Bassett  
Exeter  
January 2007

## Extract from the preface to the first edition (1983)

The idea for this work came after many exasperating years of having to wade through Acts of Parliament or legal encyclopaediae in order to find the legal answer to a fairly simple practical problem which faced me as an environmental health officer. The author has also been conscious of a need for a reference text for both practising and pupil environmental health officers, community physicians and others which gives basic information about environmental health procedures in a simple form. It has also been suggested to the author that other people outside the environmental health profession including lawyers, law centre administrators, surveyors, estate agents, elected local authority members and members of the general public who become involved in environmental health problems would welcome a procedural analysis of this type.

This book attempts to meet all those needs and provide a means of identifying procedures relating to the many facets of environmental health practice.

Each of the main procedures has been reduced to a diagrammatic form and included with it is text on the basic issues concerned with that procedure. By this means the steps involved in the different procedures can be quickly followed and individual stages identified. Related procedures have been cross-referenced. At the beginning of each chapter, the general procedural provisions and definitions relating to the procedures contained in that chapter are indicated. Where a procedure differs either procedurally or in definition this is indicated either in the diagram or in the text.

W.H. Bassett  
Exeter  
1983

# Abbreviations

Many of the abbreviations used appear in single procedures or sections. These are noted within each of those places. The following have a more widespread use and are therefore grouped together here:

AC	Audit commission
AO	Authorized officer
BA	Building Act
BS	British standard
CAA	Clean Air Act
CCDC	Consultant in communicable disease control
CDCS	Communicable disease surveillance centre
CEHO	Chief environmental health officer
CIEH	Chartered Institute of Environmental Health
CNEA	Clean Neighbourhoods and Environment Act
CoP	Code of practice
CPA	Control of Pollution Act
DC	District council
DCLG	Department of Communities and Local Government
DEFRA	Department of Environment, Food and Rural Affairs
DoH	Department of Health
DoE	Department of the Environment (now replaced)
DTI	Department of Trade and Industry
EA	Enforcing authority (Introduction, Chapter 1)
EA	Environment agency
EHO	Environmental health officer
EG	Enforcement guidance
EO	Enforcement officer
EPA	Environmental Protection Act
FRA	Fire and rescue authority
FA	Food authority
FC	Flow chart
FSA	Food Standards Agency (Food control and hygiene legislation, Chapter 12)
FSA	Food Safety Act
HA	Housing Act (Housing Acts, Chapter 14)
HA	Health Authority
HASAWA	Health and Safety at Work etc. Act
HMO	House in multiple occupation
HSC	Health and Safety Commission



HSE	Health and Safety Executive
JP	Justice of the Peace
LA	Local authority
LA	Licensing Act 2003 (Licensing, Chapter 13)
LA	Licensing Authority
LGA	Local Government Act
LG(MP)A	Local Government (Miscellaneous Provisions) Act
MAFF	Ministry of Agriculture, Fisheries and Food (now replaced)
ODPM	Office of the Deputy Prime Minister (now replaced)
PCT	Primary Care Trust
PHA	Public Health Act
PPCA	Pollution Prevention and Control Act
RPT	Residential Property Tribunal
SEPA	Scottish Environmental Protection Agency
SoS	Secretary of State
SU	Sewerage undertaker
WDA	Waste disposal authority
WCA	Waste collection authority
WIA	Water Industry Act
WRA	Waste Regulation Authority
WU	Water undertaker