



Department for
Communities and
Local Government

Review of public authorities' powers of entry

**The Department for Communities and Local Government's
proposals to rationalise powers of entry and include
safeguards**



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Ministerial foreword

The right to peaceful enjoyment of property is a fundamental British value. Whether at home or at work people rightly expect to be free to go about their business without interference from the state and this government believes in the sanctity of this right. There are of course emergencies that mean this right has to be tempered: the fire and rescue service putting out blazes, for instance. And in some cases where people persist in criminal or anti social behaviour – often after ignoring warnings – the problem can only be tackled through allowing authorities to access a property.

Ultimately there has to be a balance between lawful enjoyment of property and cases of danger or unlawful behaviour with a clear need for intervention. This government is concerned, however, that the balance has become skewed. Over many years the number of public authorities that can obtain access to homes and businesses have grown, quietly but significantly. So have the number of different powers. These now stand at more than 1,200 across all public authorities.

As a government we are determined to redress the balance: to give public authorities tough powers to deal with real problems and to remove meddling, pointless and bureaucratic ones.

This is why on 1 May 2012 the Protection of Freedoms Act placed a duty on all Secretaries of State to identify and review the powers of entry they are responsible for and to report back to Parliament. Out of the 1,200 powers of entry across public authorities my department is responsible for the exercise of 63, covering housing, planning and local government. This report sets out which ones we have identified with potential to be scrapped, amended to include further safeguards, or consolidated into existing powers to reduce the total number of powers.

These powers are only one part of the picture, with other government departments also publishing their reviews today, but many are exercised by councils who play an essential part in the lives of everyone in the country. It's vital we give them the right powers for the job whilst ensuring strong protections for private and family life and respect for the privacy of citizens' homes and businesses from unnecessary intrusion.

ERIC PICKLES

Secretary of State for Communities and Local Government

Executive summary

The government recognises the importance of respecting civil liberties and is committed to preserving the rights of individuals in their homes and businesses from unnecessary intrusion.

Powers of entry and associated powers are important tools that facilitate the protection of the public from harm, enable the effective investigation of offences and allow for the necessary enforcement of regulations.

The Department for Communities and Local Government, along with other central government departments, has scrutinised its stock of regulation to identify and examine each individual regulation with a power of entry attached to see if that power:

- is still required or should be repealed;
- should have further safeguards added to it; or
- can be consolidated with other similar powers, to reduce the overall number.

The purpose of the Powers of Entry Review has been to ensure greater consistency in the exercise of powers of entry and greater clarity for those affected by them while upholding effective enforcement.

The intention of Government is that public authorities should have fewer powers to enter people's homes and that the privacy and rights of homeowners and businesses should be protected and strengthened wherever possible. It is essential that powers of entry, as with any enforcement power, achieve the right balance between the need to enforce the law and ensure public protection, and to provide sufficient safeguards and rights to the individual.

Wherever possible, legislation for powers of entry of any kind ought to include provision for a magistrate's warrant to act as a backstop power. A warrant would help achieve the government's ambition to ensure the correct balance between the rights of individuals and businesses (ensuring that the power to enter without warrant is not excessive) with the need for effective enforcement, applying, for instance, where entry to premises is refused, likely to be refused, where the owner or occupier of a property cannot be found or where force is required to gain entry. In particular, entry to private dwellings should only be by consent or following the issue of a warrant. For the purposes of this statutory review, the potential changes to these powers of entry would relate only to England.

This report lists the 63 individual Powers of Entry for which the Department for Communities and Local Government is responsible, describes what they mean in practice, and explains what action can be taken. Of this department's powers:

- 6 powers will be repealed or consolidated
- 8 powers will have further safeguards added
- 45 powers will be retained
- 4 powers have been identified as being out of scope of the review

Reporting/analysis of the review of each power of entry

(1) Summary table of powers

No.	Power of Entry	Description of Power of Entry	Decision / Outcome
		Policy Rationale for Review Outcome	
1.	Anti-social Behaviour Act 2003	s.74. High Hedges – power of entry for purposes of complaints or appeals – enables person authorised by the relevant authority to enter land where a complaint has been made under s.65 or a ‘remedial notice’ has been issued under s.69 or an appeal made under s.71.	Further safeguards
		The department will investigate the introduction of a warrant provision where entry has been refused.	
2.	Caravan Sites and Control of Development Act 1960	s.26. Power of entry for officers of local authority (1) without warrant in connection with a site licence.	Retain
		The power of entry extends only to the land and services of a mobile home site and not to any residential dwelling thereon. At least 24 hours’ notice must be given in writing, except in the case of an emergency when reasonable notice must be given. If entry is refused the local authority can apply for a warrant.	
3.	Caravan Sites and Control of Development Act 1960	s.26(2). Entry with warrant. Power of entry for officers of local authority with warrant in connection with a site licence.	Retain
		The power of entry extends only to the land and services of a mobile home site and not to any residential dwelling thereon. At least 24 hours’ notice must be given in writing, except in the case of an emergency when reasonable notice must be given. If entry is refused the local authority can apply for a warrant.	
4.	Compulsory Purchase (Vesting Declarations) Act 1981	s.8. Vesting and right to enter and take possession. Allows entry for the purpose of taking possession under a compulsory purchase order after a General Vesting Declaration comes into effect.	Retain
		Powers at line 4, 5, 6 and 26 should be considered together as they are for a single purpose. A warrant provision is already included through section 13 of the Compulsory Purchase Act 1965 (number 6).	
5.	Compulsory Purchase Act 1965	s.11. Powers of entry, enter on and take possession including s.11(3) surveying. Allows entry for the purpose of taking possession under a compulsory purchase order following service of notice to treat.	Retain
		Powers at line 4, 5, 6 and 26 should be considered together as they are for a single purpose. A warrant	

		provision is already included through section 13 of the Compulsory Purchase Act 1965 (no. 6).	
6.	Compulsory Purchase Act 1965	s.13. Refusal to give possession to the acquiring authority - with warrant. As with s.11 where owner or occupier refuses to give up possession. Powers at line 4, 5, 6 and 26 should be considered together as they are for a single purpose. A warrant provision is already included through s.13 of the Compulsory Purchase Act 1965.	Retain
7.	Fire and Rescue Services Act 2004	s.44. Powers of fire-fighters in an emergency - includes power of entry in (2)(a). These existing powers of entry are a critical element of fire-fighters' ability to extinguish fires or deal with other emergencies for the purposes of rescue and the protection of life or property.	Retain
8.	Fire and Rescue Services Act 2004	s.45. Obtaining information and investigating powers – power of entry given in (1) without warrant. To provide authorised employees the right to gain entry into premises to obtain information needed by a fire and rescue authority to discharge certain duties or to investigate the cause or progression of a fire that has occurred at the premises. Gives emergency powers to enter in case of fire, protecting life and property. A warrant is required in certain circumstances: entry cannot be forced and 24 hours' notice must be given to the occupier of a private dwelling unless authorised by a justice of the peace.	Retain
9.	Fire and Rescue Services Act 2004	s.45(5). Power to apply for a warrant to enter a dwelling – as for line 8. Allows for an authorised officer to apply for a warrant if they are unable to enter premises, or consider that they are likely to be unable to do so, otherwise than by force.	Retain
10.	Fire and Rescue Services Act 2004	s.45(7): Power to apply for a warrant to enter a dwelling without giving 24 hours' notice. Should be considered together with lines 8 and 9. This power contains a warrant provision.	Retain
11.	Housing Act 1985	Pt II. Provision of Housing Accommodation. s.21. Inspection of local authority homes. This is a general power of management to local housing authorities over their own stock. This is not a power of entry for the purposes of this review.	Out of scope
12.	Housing Act 1985	Pt II. Provision of Housing Accommodation. s.54. Power of entry for purposes of survey and examination. This is a power for an authority (or Secretary of State) to discharge its housing functions, including inspecting housing conditions, managing housing and exercising compulsory	Retain

		purchase powers in relation to housing.	
		Existing safeguards attached to the power are sufficient and proportionate. The person must be authorised in writing by the local authority (or the Secretary of State); authorisation must set out the reason for requiring and be available for inspection; entry must be at a reasonable time; and the authorised person must give 24 hours' notice in writing to the occupier and to the owner, if known. These powers of entry are important in ensuring the health and safety of the occupants. There is concern that if local authorities had to apply for a warrant before exercising the power it might deter them from using their powers because of the extra administrative costs involved.	
13.	Housing Act 1985	Pt VII. Area Improvement. s.260. Powers of entry for purpose of survey, examination or valuation. This power relates to compulsory purchase and area improvement. Part VIII, while technically in force, no longer has effect. This power of entry cannot be used any longer. We will repeal the entirety of Part VIII when the opportunity arises.	Out of scope
14.	Housing Act 1985	Pt IX. Slum Clearance. s.273. Demolition Orders: cleansing before demolition. Enables local authority to enter and carry out necessary cleansing works prior to demolition. Power not used by local authorities.	Repeal
15.	Housing Act 1985	Pt IX. Slum Clearance. s.319: Power of entry - for purposes of survey and examination or valuation. Power not used by local authorities.	Repeal
16.	Housing Act 1985	Pt X. Overcrowding. s.337: Power of entry to determine permitted number of persons. This power relates to the statutory overcrowding standards, and specifically the space standard in s.326 of the Housing Act 1985. Power of entry to determine whether a dwelling is statutorily overcrowded, and any appropriate enforcement action should be taken. Existing safeguards attached to the power are sufficient and proportionate. The person must be authorised in writing by the local authority; authorisation must set out the reason for requiring and be available for inspection; entry must be at a reasonable time; and the authorised person must give 24 hours' notice in writing to the occupier and to the owner, if known. These powers of entry are	Retain

		important in ensuring the health and safety of the occupants. There is concern that if local authorities had to apply for a warrant before exercising the power this might deter them from using their powers because of the extra administrative costs involved.	
17.	Housing Act 1985	<p>s.340. Power of entry – entry for purposes of survey and examination for assessing statutory overcrowding in Part X of the Housing Act 1985.</p> <p>There is a need to determine whether a dwelling is statutorily overcrowded and that any appropriate enforcement action should be taken. Existing safeguards attached to the power are sufficient and proportionate. The person must be authorised in writing by the local authority; authorisation must set out the reason for requiring and be available for inspection; entry must be at a reasonable time; and the authorised person must give 24 hours' notice in writing to the occupier and to the owner, if known. These powers of entry are important in ensuring the health and safety of the occupants. There is concern that if local authorities had to apply for a warrant before exercising the power, this might deter them from using their powers because of the extra administrative costs involved.</p>	Retain
18.	Housing Act 1985	<p>s.584. Power to enter and determine short tenancies of land acquired or appropriated. Relates to local authority purchase of land.</p> <p>This is not a power of entry for the purposes of the review. It is a power to end a short tenancy and take possession of the property.</p>	Out of scope
19.	Housing Act 1996	<p>Pt VII. Homelessness.</p> <p>s.212. Protection of property: supplementary provisions – duties of local housing authority in relation to homeless persons. This is the power to take reasonable steps to mitigate loss or damage to applicant's property.</p> <p>The power is to protect the property of the homeless in the case of illegal eviction and harassment and incidents of domestic violence. In both cases it is important that the authorities are afforded rapid access to secure property as there is a real danger that property will be destroyed or removed. The power is used only as a last resort to gain consent of any difficult parties; consent is readily given when presented with the legislation.</p>	Retain
20.	Housing Act 2004	<p>Pt 1 Housing conditions.</p> <p>s.40. Emergency remedial action (can also get warrant under s.240). The power to enter premises in case of an emergency, such as an electrical hazard.</p>	Retain

		Allows entry to premises in case of a category 1 emergency. The risks entailed in diluting this power with a warrant when decisive and prompt action is needed are considered too great.	
21.	Housing Act 2004	Pt 4. Additional Controls in relation to residential accommodation. s.131. Management orders – power of entry to carry out work. This power is needed to give local authorities the power to enter a dwelling that is subject to a management order so that it can carry out work.	Retain
22.	Housing Act 2004	s.240. Warrant to authorise entry. To give power to enter a premise for: inspection; to enter a premise following a refusal; and to enter by force if necessary. This power already requires a warrant. Government efforts to tackle rogue landlords would be hindered should this power be removed. It is judged that this would send the wrong signal to the market to remove a local authority power to step in and improve conditions for tenants.	Retain
23.	Housing Act 2004	Sch. 7. Further Provisions regarding Empty Dwelling Management Orders. Pt 3. Interim and Final Empty Dwelling Management Orders. Para. 25. This is the power to enter premises to carry out improvement works. The aim is to consolidate this power with s239 Housing Act 2004. It has been deemed necessary to keep the power itself to tackle sub-standard accommodation that has been left empty for a significant period of time. A series of other amendments have already been put in place to stop disproportionate use of these powers.	Consolidation
24.	Housing Act 2004	Part 7. Supplementary & Final Provisions. s.239. General powers of entry - the power to enter premises for inspection or to ascertain if a crime has been committed. This is the power that is the key to housing authorities being able to inspect properties to check reported health risks such as carbon monoxide poisoning and to check that enforcement notices have been complied with. The power is non-invasive and normally requires 24 hour notification. No warrant is required to ascertain whether a crime has been committed.	Retain
25.	Housing Act 2004	Sch. 3. Improvement Notices: Enforcement Action by local housing authorities. Para. 3. Power to take action without agreement.	Retain

		This power is needed to enable a local authority to enter a dwelling to carry out improvement works where an improvement notice has not been complied with, or to address a hazard	
26.	Local Government (Miscellaneous Provisions) Act 1976	Pt I. General. s.15. Power of local authorities to survey land which they propose to acquire compulsorily.	Further safeguards
		This power is necessary for the compulsory purchase system to function. Local authorities must be able to survey land prior to making a Compulsory Purchase Order (For example, the cost of remediation of contaminated or unstable land may make a project unviable). This power isn't covered by a warrant but sufficient safeguards are in place, as 14 days' notice is required. Given that there have been no reported problems with the use of this power, the department will investigate the introduction of a warrant provision.	
27.	Local Government (Miscellaneous Provisions) Act 1976	Sch. 1, para. 9 (Modifies s.11 and s.13 Compulsory Purchase Act 1965 – see above).	Retain
		Powers at line 4, 5, 6 and 26 should be considered together as they are for a single purpose. Acquiring authorities must be able to survey land prior to making a Compulsory Purchase Order (e.g. the cost of remediation of contaminated or unstable land may make a project unviable). They must also be able to enter and take possession of land that they are authorised to acquire by a confirmed Compulsory Purchase Order, otherwise no land could be purchased for schemes in the public interest. A warrant provision is already included through Section 13 of the Compulsory Purchase Order Act 1965 (no. 6).	
28.	Local Government (Miscellaneous Provisions) Act 1982	Pt XI Public Health. s.29. Protection of Buildings – where insecure against trespassers or danger to public health.	Retain
		This is the only practical means to prevent unsecured, unoccupied buildings being used for illegal purposes or becoming a danger to public health. Consent or a warrant serves no purpose in respect to an unoccupied building.	
29.	Local Government (Miscellaneous Provisions) Act 1982	Pt XII Miscellaneous. s.33. Enforceability by local authorities of certain covenants relating to land.	Repeal
		Our current intention is to repeal this power. This is subject to consultation with Local Authorities.	
30.	Local Government and Housing Act 1989	Pt VII Renewal Areas. s.97. Powers of entry and penalties for obstruction..	Repeal
		Local Authorities are not using the power.	

31.	Local Government, Planning and Land Act 1980	Pt XVI Urban Development. s.167. Power to survey land etc. This is the power to survey any land, or estimate its value, in connection with a proposal by an urban development corporation to acquire the land compulsorily.	Further safeguards
		Due to the setting up of new Urban Development Corporations (For example, Ebbsfleet) this power is still needed. It is part of a coherent legal framework for Urban Development Corporations. This power is necessary for the compulsory purchase system to function. Urban Development Corporations must be able to survey land prior to making a Compulsory Purchase Order (For example, the cost of remediation of contaminated or unstable land may make a project unviable). This power isn't covered by a warrant but sufficient safeguards are in place. A person authorised by an urban development corporation shall, if so required, produce evidence of his authority to enter. If the land is occupied, admission may not be demanded unless 28 days' prior notice has been served. Given that there have been no reported problems with the use of this power, the department will investigate the introduction of a warrant provision (in relation to England).	
32.	Mineral Workings Act 1985	s.7. Power to enter former mining land etc (Local authority has powers to reclaim or improve land that has been used for underground mining). (1) Entry without warrant.	Retain
		It is necessary to safeguard local people from harm and damage, and to neighbouring people and land. Where consent is not given there are already safeguards – local authorities can apply for a warrant under section 7(7).	
33.	Mineral Workings Act 1985	s.7. Power to enter former mining land etc (Local authority has powers to reclaim or improve land that has been used for underground mining). (7) Entry with warrant.	Retain
		It is necessary to safeguard local people from harm and damage, and to neighbouring people and land. Where consent is not given there are already safeguards – local authorities can apply for a warrant under section 7(7).	
34.	Planning (Hazardous Substances) Act 1990	s.36. Rights of entry. Powers of entry relating to planning controls for hazardous substances.	Retain
		It is necessary to ensure compliance with requirements that prevent accidents and threat to life. A warrant condition is attached under section 36(A) as a backstop should entry be refused.	

35.	Planning (Hazardous Substances) Act 1990	s.36A. Warrants to enter land relating to planning controls for hazardous substances where admission has been refused or in urgent cases.	Retain
		It is necessary to ensure compliance with requirements that prevent accidents and threat to life. A warrant condition is attached under section 36(A) as a backstop should entry be refused.	
36.	Planning (Listed Buildings and Conservation Areas) Act 1990	s.88. Rights of entry. Powers relate to planning and development controls over listed buildings.	Retain
		Powers at lines 35, 36, 37 and 38 should be considered together as they are used for single purposes. Many listed buildings are dwellings. A warrant condition is attached under section 88(A) as a backstop should entry be refused.	
37.	Planning (Listed Buildings and Conservation Areas) Act 1990	s.88A. Warrant to enter land.	Retain
		Powers at lines 35, 36, 37 and 38 should be considered together as they are used for single purposes. Many listed buildings are dwellings. A warrant condition is attached under section 88(A) as a backstop should entry be refused.	
38.	Planning (Listed Buildings and Conservation Areas) Act 1990	s88C. Rights of entry: Crown Land.	Retain
		Powers at lines 35, 36, 37 and 38 should be considered together as they are used for single purposes. Many listed buildings are dwellings. A warrant condition is attached under section 88(A) as a backstop should entry be refused.	
39.	Planning (Listed Buildings and Conservation Areas) Act 1990	s.42. Execution of works required by listed building enforcement notice.	Retain
		Powers at lines 35, 36, 37 and 38 should be considered together as they are used for single purposes. This power of entry is for the execution of s.43 (not complying with an enforcement notice). This is covered under the warrant conditions attached under section 88(A).	
40.	Planning Act 2008	Part 5. Applications for orders granting development consent. Section 53. Rights of entry. This power enables applicants of nationally significant infrastructure projects to enter land for the purpose of surveying and taking levels in the land, or to enable compliance with the Environmental Impact Assessment and Habitats Directives.	Retain
		The power may only be exercised at a "reasonable time" and only where authorised by the Secretary of	

		<p>State (s.53(1)). Authorisation may only be given where it appears to the Secretary of State that the proposed applicant is considering a “distinct project of real substance genuinely requiring entry onto the land”.</p> <p>Prior to using this power, the authorised person must give an occupier of the land 14 days’ notice (s.53(4)(b)).</p> <p>The authorised person must also provide evidence of their authority to enter the land (s.53(4)(a)).</p> <p>In addition, the authorised person must comply with any “other condition” imposed by the Secretary of State (s.53(4)(c)).</p> <p>If any damage is caused to land or chattels compensation may be recovered (s.53(7)).</p>	
41.	Planning Act 2008	<p>Part 5. Applications for orders granting development consent.</p> <p>Section 54. Rights of entry: Crown land – see line 40 for explanation.</p> <p>The power may only be exercised at a “reasonable time” and only where authorised by the Secretary of State (s.53(1)). Authorisation may only be given where it appears to the Secretary of State that the proposed applicant is considering a “distinct project of real substance genuinely requiring entry onto the land”.</p> <p>The person entering the land must have permission from either a person entitled to give it (like a Local Planning Authority) or the appropriate Crown Authority.</p> <p>If any damage is caused to land or chattels compensation may be recovered (s.53(7)).</p>	Retain
42.	Town and Country Planning Act 1990	<p>Pt III. Control over Development.</p> <p>s.106. Planning obligations (6). This is a requirement to make a planning proposal acceptable in planning terms. It is an enforceable undertaking on the landowner whether on or outside the landowners land.</p> <p>Power to enter a “building site”, thus it excludes private dwellings. No warrant needed but notice of 21 days must be given.</p> <p>The government’s measures to incentivise take up of the Community Infrastructure Levy will greatly restrict use of section 106 but will not end it – the powers of entry therefore need to remain in place.</p>	Retain
43.	Town and Country Planning Act 1990	<p>Pt VII. Enforcement.</p> <p>s.178. Execution and cost of works required by enforcement notice. Allows the local planning authority to enter land to carry out works required by an enforcement notice if the developer fails to do so.</p>	Retain

		Warrant provision is included by virtue of s196B of Town and Country Planning Act 1990.	
44.	Town and Country Planning Act 1990	s.190. Enforcement of orders under s.102 & sched. 9. Allows local planning authorities or mineral planning authorities to enter land and carry out any steps required by a discontinuance order, a minerals discontinuance order, a prohibition order, suspension order or supplementary suspension order and to recover their expenses.	Retain
		Warrant provision is included by virtue of s196B of Town and Country Planning Act 1990. (Line 50).	
45.	Town and Country Planning Act 1990	s.209. Execution and costs of works required by s.207 notice - enables local planning authorities' access to land to carry out work required by a "tree replacement notice" where no action has been taken.	Retain
		Appropriate tree protection procedures and sufficient safeguards (see s.214B and s.214C) are in place. Reasonable notice of entry must be given and a warrant from a magistrate is required if entry is refused.	
46.	Town and Country Planning Act 1990	s.219. Execution and costs of works required by a s.215 notice (power to require proper maintenance of land).	Retain
		A warrant is already required where entry is refused.	
47.	Town and Country Planning Act 1990	Pt XI. Statutory Undertakers. s.273: Notice for same purposes as ss.271 and 272 but given by undertakers to developing authority. Allows statutory undertakers (For example, utilities companies) and telecommunications code system operators to serve notice on the acquiring authority (where land has been compulsorily purchased) claiming a right of entry to remove or relocate their equipment.	Retain
		The power of entry does not in any way affect the public.	
48.	Town and Country Planning Act 1990	Pt XV Miscellaneous & General Provisions. s.324. Rights of entry (survey/ valuation /remove placards/ posters etc).	Further safeguards
		Given that there have been no reported problems with the use of this power, the department will investigate the introduction of a warrant provision.	
49.	Town and Country Planning Act 1990	s.325A: Rights of entry: Crown land (Applies s.324 to Crown Land subject to permission from appropriate authority as defined in s.293(2)).	Further safeguards
		Given that there have been no reported problems with the use of this power, the department will investigate the introduction of a warrant provision.	
50.	Town and	s.196B. Right to enter under warrant. Allows local	Retain

	Country Planning Act 1990	planning authorities to enter land to ascertain whether there has been a breach of planning control or whether an enforcement notice has been complied with. A warrant is already required where entry is refused or the case is urgent.	
51.	Town and Country Planning Act 1990	s.214. Right to enter under warrant. Enables local planning authorities and planning inspectors (acting for the Secretary of State) to gain access to protected trees on private land to assess applications for work on those trees, for appeals and for breaches and offences relating to tree preservation orders. Appropriate tree protection procedures and sufficient safeguards are in place. Reasonable notice of entry must be given and a warrant from a magistrate is required if entry is refused or is expected to be refused, or if the case is urgent.	Retain
52.	Town and Country Planning Act 1990	s.196A. Rights to enter without a warrant. Allows local planning authorities to enter land to ascertain whether there has been a breach of planning control or whether an enforcement notice has been complied with. Warrant provision already included – see s.196B. (Number 50).	Retain
53.	Town and Country Planning Act 1990	s.214B. Rights to enter without warrant: (1) relates to tree protection functions of local planning authorities; (2) relates to the Secretary of State's functions conferred in relation to tree protection; (3) relates to a person authorised by local planning authority in connection with functions under this; chapter (4) relates to an officer from Valuation Office to survey in connection with a claim for compensation against the local planning authority; (5) relates to the Secretary of State's functions under this chapter. Appropriate tree protection procedures and sufficient safeguards are in place. Admission shall not be demanded as of right to any dwelling or occupied land unless 24 hours' notice is given to the occupier. S.214C enables warranted entry in relation to (1) and (2) where entry has been refused or is expected to be refused or in urgent cases. Introducing a warrant provision where entry has been refused under subsections (3), (4) and (5) would increase local authority powers.	Retain
54.	Town and Country Planning Act 1990	s.302(5) and Sch. 15. Enforcement as respects war-time breaches by Crown of planning control. Para. 14 Powers of entry. Allows local planning authorities to enter Crown land to ascertain whether	Repeal

		<p>there has been a breach of planning control relating to development carried out in the Second World War period.</p> <p>This power could not be repealed in isolation. However, it is possible that the entire provision relating to enforcement against such breaches may be obsolete if there are no/few such breaches in existence and if so, could be repealed. Consultation would be required to ensure there are no unintended consequences.</p>	
55.	Anti-social Behaviour Act 2003	<p>s.77. High Hedges – power of entry to enforce action required by a remedial notice where that action has not been taken.</p> <p>The department will investigate the introduction of a warrant provision where entry has been refused.</p>	Further safeguards
56.	Housing Act 1985	<p>s.600. This power enables the survey/examination of premises for the purposes of compulsory purchase/land compensation.</p> <p>Power is necessary for the compulsory purchase system to function. Acquiring authorities must be able to survey land/premises before making a Compulsory Purchase Order or exercising their land compensation powers.</p> <p>Safeguards already exist: the person must have written authorisation; entry must be at a reasonable time and the authorised person must give 7 days' notice. Surveying the property is a necessary part of a lengthy process of which the owner/occupier will be aware. It is in the owner/occupier's interest to allow entry for these purposes.</p> <p>Sufficient safeguards exist in the context of compulsory purchase.</p>	Retain
57.	Housing Act 1996	<p>s.37. To enable an authorised regulator to enter premises for the purpose of survey and examination, when a registered social landlord has failed to maintain or repair.</p> <p>This power is only exercisable by Welsh ministers. It has therefore been confirmed by the legal department that this power is out of scope of this review.</p>	Out of scope
58.	Planning Act 2008	<p>s.163. Provides a right to enter without warrant, in relation to any land, if the relevant local planning authority has reasonable grounds for suspecting that an offence under section 160 or 161 is being, or has been, committed on or in respect of the land.</p> <p>The power in section 163 will need to be considered alongside section 164 in the Planning Act 2008, which provides that a warrant may be issued authorising a person, authorised by the relevant local planning authority, to enter land. The</p>	Retain

		<p>conditions of this are that it is shown to the satisfaction of a justice of the peace on sworn information that:</p> <ul style="list-style-type: none"> - there are reasonable grounds for suspecting that an offence is being, or has been, committed under section 160 or 161; and - either entry has been, or is likely to be, refused or the case is urgent. <p>The warrant will authorise entry on one occasion only. The entry must take place within one month of the date of issue of the warrant. Generally entry is permitted only at a reasonable hour, but an exception may be made in urgent cases. The person authorised to enter land must produce evidence of the authority and state the purpose of entry before entering land (s.165(1)(a)). If the person leaves the land when the owner/occupier is not present, they must leave it as effectively secured against trespassers as it was found (s.165(1)(c)). If any damage is caused to land or chattels compensation may be recovered (s.165(4)).</p>	
59.	Local Government Finance Act 1988	<p>Sched.9 Non- domestic Rating: Administration. Para 7: Power of entry.</p> <p>Notice period for exercise of the power to be extended to 72 hours. The Department for Communities and Local Government will introduce a requirement to obtain a warrant if entry under paragraph 7 of schedule 9 to the Local Government Finance Act 1988 is refused. This would provide a further safeguard, in line with the government's aims.</p>	Further safeguards
60.	Local Government Finance Act 1992	<p>Pt I Council Tax: England & Wales. s.26. Powers of entry to value property etc.</p> <p>The following safeguards are to be added in relation to England only. The Department for Communities and Local Government will introduce a requirement to obtain a warrant if entry under sections 26 of the Local Government Finance Act 1992 is refused. This would provide a further safeguard, in line with the Government's aims. We are open to representations on whether this is sufficient.</p>	Further safeguards
61.	Planning Act 2008	Community Infrastructure Levy Regulations 2010 [2010/948] – s.109(1). The Community Infrastructure Levy is charged on new development to provide essential infrastructure.	Retain

		Collecting authorities may not enter any part of the relevant land which is used as a private dwelling unless a justice of the peace issues a warrant authorising the relevant person to do so (regulation 109(4)).	
62.	Regulatory Reform Act (Fire Safety) 2005	Regulatory Reform (Fire Safety) Order 2005 – Articles 27 and 31 set out the powers of inspectors with responsibility for enforcing the regulatory provisions in respect of fire safety. The power of entry to premises is fundamental to the effective audit, and, if necessary, enforcement of compliance with the provisions of the Fire Safety Order. Enforcing authorities have no powers to force entry, or for search and seizure, and can only use their powers of entry at a reasonable time. Article 27 of the Order states that an inspector must, if so required when visiting any premises in the exercise of powers conferred in the article, produce to the occupier of the property evidence of his authority.	Retain
63.	Criminal Justice and Public Order Act 1994	s.78 enables local authorities to take action themselves (or through bailiffs) to remove unauthorised encampments on any land occupied without the consent of the landowner. There are already warrant provisions in place. The order to remove persons and vehicles is granted by a magistrates' court and the trespassers and land owner are given 24 hours' notice before the local authority enters the land.	Retain

(2) Summary of actions

Of the department's 63 powers, the outcome of the review concludes:

- **6 powers may be either repealed in their entirety or consolidated with other powers.** These are powers permitting local authorities to enter land and property. The powers are rarely used, if at all, and can therefore be removed.
- **8 may be reformed to strengthen safeguards around their use.** These include powers to enter land for the purposes of surveying. The kinds of safeguards which may be strengthened are typically the application of a warrant where prior permission has been refused.
- **45 powers should be retained.** These are powers which are necessary in their current form to carry out the business of government, and which already have robust and proportionate safeguards, such as a warrant, in place to prevent their misuse. Of these, 29 powers already have provision to require a magistrate's warrant/approval for their use.

There are 16 Department for Communities and Local Government powers for which a warrant provision is not being pursued. These powers cover a number of areas, such as where the threat to life is imminent, where there is no impact on the public or where there is reasonable suspicion that a criminal act has occurred or may occur. The rationale for each decision is laid out in the above table.

- **4 powers are out of scope of the review.**