

# **DANGEROUS BUILDINGS AND STRUCTURES**

## **RECOVERY OF EXPENSES**

### **1. Definitions**

**“Act”** means the Building Act 1984

**“dangerous building/structure”** refers to buildings or parts of buildings that are assessed as being unsafe and present a potential or immediate risk to public health and safety. It also includes garden walls, fences or hoardings, in fact any built structure, that because of its condition could endanger the safety of the public.

**“building”** has the meaning it has in Section 121 of the Act

**“expenses”** include any fees incurred by the local authority relating to

- The appointment of a contractor to secure or remove a danger under emergency powers
- The appointment of a consulting structural engineer to advise the Council
- Time spent in the execution of an officer’s time ensuring a building or structure is left/maintained in a safe condition (for hourly rates see the Schedule of Charges below).
- Other expenses and subsistence (see 4. below)

**“Council”** means Cheshire West and Chester Council.

### **2. Introduction**

Staff within the Building Control Consultancy of Cheshire West and Chester Council is committed to providing a comprehensive service, which reflects the statutory requirements placed on the Council by the Act.

Building Control has a statutory duty to deal with dangerous buildings and structures throughout the borough and is on call 24 hours a day, 365 days a year. The Council may from time to time exercise its powers under Sections 77 and 78 of the Act to secure the safe condition of buildings and structures and in turn protect public health and safety in and around buildings

A Building Control Surveyor will visit the site to inspect the building/structure and arrange for the appropriate action to be taken to remove/arrest any danger that presents a risk to persons in and around the building/structure.

As provided for by Sections 77, 78 and 107 of the Act, the Council will seek the recovery of all reasonable expenses associated with the attendance at and supervision of dangerous buildings/structures. Full details of the Council’s current charging rates are set out in the Schedule of Charges\* below.

### 3. Procedures

The Council will follow set procedures to determine the best solution that meets the needs of the situation on-site in the interests of the property owner(s) and public health and safety.

If the structure is considered **potentially** dangerous, the Council will endeavour to contact the owner(s) of the building or structure and ask them to arrange for the removal of the danger or for repairs to be carried out. Ultimately the Council has powers under Section 77 of the Act to seek a court order to compel the owner(s) to remove the danger and in default may itself carry out the necessary works.

If the structure is considered to be in **imminent** or **immediate** danger of collapse or part has already collapsed, the Building Control Surveyor will try to contact the owner(s) of the building or structure to require their urgent action in removing the danger.

If the owner(s) is/are unavailable, unable or unwilling to arrange for the danger to be removed, the officer will arrange for the Council's appointed contractor to take the minimum action necessary to remove the danger. This action can often involve putting up barriers or fencing to keep people away from the dangerous area until a more permanent solution is found.

Wherever possible all actions taken will be confirmed in writing and the owner(s) will be advised of the likely cost involved.

Where the danger is of a more serious nature, the Council may require the appointed contractor to remove or demolish part or all of the building/structure. This course of action will only be pursued in extreme cases using the emergency powers contained in Section 78 of the Act.

In either case the Council will seek to recover any reasonable expenses incurred from the owner(s).

The Council's powers under dangerous building legislation do not extend to dealing with dilapidated premises, which may be in a poor condition, but do not present a danger to the public.

#### **Actions**

One or more of the following actions may be necessary following notification and inspection of a dangerous building/structure:

- Supervision of the works
- Diagnostic survey and problem assessment
- Cost effective course of action taking into consideration all health and safety aspects
- Service of statutory notice on property owner(s)
- Effecting removal of occupants from the premises
- Securing area against entry by use of barriers, fencing and warnings etc.

- Notification to other services e.g. Highways, Police, Electricity, Gas and Water, etc.
- Issuing instructions to contractors
- Land search enquiries
- Demolition

### **Call-out service**

The Council operates a 24-hour call-out service to enable the public or emergency services to contact us and have a Building Control Surveyor on site any hour of the day or night. Attendance on site will be made normally within 60 minutes.

### **Legislation**

The Building Act 1984

- Section 77 – Dangerous Building
- Section 78 – Dangerous Building (Emergency Measures)
- Section 107 – Recovery of expenses etc.

### **Enforcement**

The Council takes its responsibility with regard to dangerous buildings very seriously and will not hesitate to prosecute individuals if they are unwilling to make their properties safe.

### **Charges**

All work undertaken under section 78 is subject to cost recovery including, where appropriate, the costs of one or more of the actions given in section 4 above, and will be based on a registered log of time spent on each individual incident. A copy of the current tariff of charges is included in the Schedule of Charges below. It should be noted that incidents requiring continuous supervision by Building Control Surveyors and/or Structural Engineers will be charged at current hourly rates.

Where the call-out is of a simple nature, eg. removing a loose slate or securing an overhanging fence, administration charges may be waived

### **Payments**

The Council will seek to recover all of those reasonable expenses it incurs in the exercise of its powers under Section 77 or Section 78 from the building owner(s).

Failure to pay will result in the amount being pursued in the courts but in any event as from the date of completion of works will until recovered remain as a charge on the premises and on all estates and interests in them.

## DANGEROUS BUILDINGS AND STRUCTURES

Schedule of charges for call-out during and outside officer hours

---

Attendance period		Charges	
		Officers	Administration
1	During office hours	£50/hour - District Surveyor £60/hour - Area Manager	£50
2	Outside normal hours Night time, weekends, B/H	£75/hour - District Surveyor £90/hour - Area Manager	£50
3	Minimum call-out charge	£50 during office hours £75 outside office hours	

During office hours are between 7.00 am and 6.00 pm  
Outside office hours are between 6.00 pm and 7.00 am

\*Please note that the Council may from time to time adjust its charges and accordingly reserves the right to seek recovery under Section 107 of the Act at a rate other than that published.