



MAJOR EMERGENCY PLAN Version 10.0

Part 6.3 Dangerous Structures & Building Control Plan

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Contents		Page
1.0	General	2
2.0	Procedure	3
	2.1 If Action Under S. 77 Building Act 1984 is Required	3
	2.2 If Emergency Action Under S. 78 Building Act 1984 is Reqd	3
3.0	Legislation – The Building Act 1984	5
4.0	Resources Available From SDS Emergency Store	6

1.0 - GENERAL

Under the provisions of Sections 77 and 78 Building Act 1984 the District Council has the power to deal with buildings, structures or parts of buildings or structures that are considered to be dangerous.

Inspections and investigations are carried out by the Building Control Team

- If the danger is not immediate, Section 77 is used.
- If it is immediately dangerous, Section 78 is used

Resources are available from Sevenoaks Direct Services that may be used for making safe and barrier works. This is listed in Section 4.0 below.

2.0 - PROCEDURE

2.1 - If Action Under Section 77 Building Act 1984 is Required

If after inspection the Council decides that the structure is in a dangerous condition and that action under Section 77 is required:

- if possible, contact the owner and request that remedial works are commenced to remove any danger. Any request given verbally will be confirmed in writing
- if public safety is at risk, arrange for protective barriers and warning signs to be displayed
- if contact with the owners is not immediately possible, if appropriate, consider taking emergency action under Section 78
- as this is a delegated power, obtain consent from the Community & Planning Services Director and consult with the Legal Team before applying for a Court Order
- if co-operation with the owner is not received, apply for a Magistrates' Court Order
- at the expiry date of the Court Order, if remedial works have not commenced, arrange for the necessary works to be carried out and make arrangements to recover the costs involved
- when satisfied that the works are completed, in due course send a detailed invoice to the owner, which will include the cost of providing any works and any protective barriers and warning signs, if applicable
- record on Land Charges Register if appropriate

2.2 - If Emergency Action Under Section 78 Building Act 1984 is Required

If, after inspection, the Council decide that the structure is in such condition that emergency action under Section 78 is required:

- if possible, contact the owner and confirm the details of the action being taken. Any confirmation that may be given verbally will be confirmed in writing;
- if public safety is at risk arrange for protective barriers and warning signs to be displayed;
- make arrangements to carry out whatever works are necessary to remove any danger;
- when satisfied that the works are completed, in due course send a detailed invoice to the owner, which will include the cost of providing any works and any protective barriers and warning signs, if applicable
- record on Land Charges Register if appropriate

3.0 - LEGISLATION – THE BUILDING ACT 1984

77 Dangerous building

(1) If it appears to a local authority that a building or structure, or part of a building or structure, is in such a condition, or is used to carry such loads, as to be dangerous, the authority may apply to a magistrates' court, and the court may—

(a) where danger arises from the condition of the building or structure, make an order requiring the owner thereof—

(i) to execute such work as may be necessary to obviate the danger or,

(ii) if he so elects, to demolish the building or structure, or any dangerous part of it, and remove any rubbish resulting from the demolition, or

(b) where danger arises from overloading of the building or structure, make an order restricting its use until a magistrates' court, being satisfied that any necessary works have been executed, withdraws or modifies the restriction.

(2) If the person on whom an order is made under subsection (1)(a) above fails to comply with the order within the time specified, the local authority may—

(a) execute the order in such manner as they think fit, and

(b) recover the expenses reasonably incurred by them in doing so from the person in default, and, without prejudice to the right of the authority to exercise those powers, the person is liable on summary conviction to a fine not exceeding level 1 on the standard scale.

(3) This section has effect subject to the provisions the Planning (Listed Buildings and Conservation Areas) Act 1990 relating to listed buildings, buildings subject to building preservation and buildings in conservation areas.

78 Dangerous building—emergency measures

(1) If it appears to a local authority that—

(a) a building or structure, or part of a building or structure, is in such a state, or is used to carry such loads, as to be dangerous, and

(b) immediate action should be taken to remove the danger,

they may take such steps as may be necessary for that purpose.

(2) Before exercising their powers under this section, the local authority shall, if it is reasonably practicable to do so, give notice of their intention to the owner and occupier of the building, or of the premises on which the structure is situated.

(3) Subject to this section, the local authority may recover from the owner the expenses reasonably incurred by them under this section.

(4) So far as expenses incurred by the local authority under this section consist of expenses of fencing off the building or structure, or arranging for it to be watched, the expenses shall not be recoverable in respect of any period—

(a) after the danger has been removed by other steps under this section, or

(b) after an order made under section 77(1) above for the purpose of its removal has been complied with or has been executed as mentioned in subsection (2) of that section.

(5) In proceedings to recover expenses under this section, the court shall inquire whether the local authority might reasonably have proceeded instead under section 77(1) above, and, if the court determines that the local authority might reasonably have proceeded instead under that subsection, the local authority shall not recover the expenses or any part of them.

(6) Subject to subsection (5) above, in proceedings to recover expenses under this section, the court may—

(a) inquire whether the expenses ought to be borne wholly or in part by some person other than the defendant in the proceedings, and

(b) make such order concerning the expenses or their apportionment as appears to the court to be just,

but the court shall not order the expenses or any part of them to be borne by any person other than the defendant in the proceedings unless it is satisfied that that other person has had due notice of the proceedings and an opportunity of being heard.

(7) Where in consequence of the exercise of the powers conferred by this section the owner or occupier of any premises sustains damage, but section 106(1) below does not apply because the owner or occupier has been in default—

(a) the owner or occupier may apply to a magistrates' court to determine whether the local authority were justified in exercising their powers under this section so as to occasion the damage sustained, and

(b) if the court determines that the local authority were not so justified, the owner or occupier is entitled to compensation, and section 106(2) and (3) below applies in relation to any dispute as regards compensation arising under this subsection.

(8) The proper officer of a local authority may, as an officer of the local authority, exercise the powers conferred on the local authority by subsection (1) above.

(9) This section does not apply to premises forming part of a mine or quarry within the meaning of the Mines and Quarries Act 1954.

4.0 – RESOURCES AVAILABLE FROM SDS EMERGENCY STORE

Description	Size (mm)	No. or length
Propping and Boarding		
Plywood sheets (15mm thick)	2400 x 1200	9
Timber supports	100 x 50 x 3000	10
Timber supports	250 x 80 x 3000	3
Timber chocks and headers (for Acrow props)	100 x 50 & 150 x 80	various lengths
Acrow props	-	various lengths
Electrical		
Towable powered generator/temporary lighting tower	7 metre mast	1
Portable temporary lighting lamps/tripods (110V)	-	2
Small Portable Generators	-	2
Towable diesel-powered 3 phase 50Hz AC generator	-	1
Pumping		
Towable 4" Molex diesel-powered pump & hoses	-	1
Portable 2" diesel-powered pump & hoses	-	1
Barriers		
'Heras' steel mesh fencing panels and bases	3500(l) x 2000(h)	8
Interlocking modular plastic pedestrian barriers	2000(l) x 1000(h)	50 m approx.
Temporary orange plastic mesh fencing	Various roll lengths	500m approx.
Steel road pins	-	40
Amber battery-powered 'road works' beacons	-	20
Traffic cones	Not itemised	Not itemised
Temporary Road Closure signing	-	Not itemised
Other temporary road works signs (various)	Various faces & sizes	Not itemised
Other		
Chainsaws	12", 18" and 26"	3
Sandbags	-	500