

Dangerous Structures and Places Policy

Building Control Service



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1.0

Introduction

- 1.1 This policy has been written to demonstrate the responsibilities, powers and work of Belfast City Council in addressing the problems of Dangerous Structures and Places in Belfast.
- 1.2 The council has a duty to protect members of the public in Belfast from dangers arising from any structures in the Belfast area.
- 1.3 Dangerous structures are buildings, parts of buildings or other structures which pose a structural threat, for example, possibility of collapse, to persons in or around them. Other dangers relating to places to which the public have access will also fall within the scope of this policy.
- 1.4 In the event of a building or structure becoming dangerous the council through the Building Control Service will require the owner, agent or occupier, to remove the danger by taking appropriate action, either by repairing, securing or demolishing the structure.
- 1.5 If the owner or occupier of the dangerous structure or place does not take the appropriate action, the council will carry out this work in default to ensure any imminent dangers to the public are removed. The council will then pursue the owner for any costs accrued in carrying out this work.

2.0 Legislation

2.1 The council is empowered to take action, in relation to dangerous buildings, under the following legislation:

2.2 **Belfast Improvement Act 1878**

This act applies to dangerous structures; this includes all buildings and anything affixed to, or projecting from buildings and walls. The most common types of dangerous structure include chimneys and walls, but other items such as shop awnings, gutters and roof timbers are also included. This act also applies to dangerous places to which the public have access.

2.3 **Public Health Acts Amendment Act 1907**

This act enables a district council to serve a notice requiring an owner to carry out works in respect of dangerous places. The council has a wide discretion to impose what requirements it views as reasonable for the removal of danger within this notice. The owner can appeal this notice to Belfast Magistrates Court within 21 days of receiving it.

2.4 **Belfast Corporation Act 1911**

This act applies where the owner or occupier of any structure which appears to be in a ruinous or dangerous state is unknown and cannot be ascertained. The council will attach a notice to a conspicuous part of the premises to the effect it intends to make a complaint before a magistrate in accordance with the provisions of the Belfast Improvement Act of 1878.

The magistrate can then order that the taking down, repair or securing of the structure be carried out by the council. This work will then be carried out without notice being served on the unknown owner or occupier.

3.0 Objectives

3.1 Through this policy we aim to achieve the following objectives:

- Creating a safe and healthy city
- Protecting the public
- Fulfilling our statutory and corporate duties
- Ensuring the safety of Belfast City Council staff

3.2 As with all the enforcement work we undertake we will comply with the principles of good enforcement these are:

- Standards
- Openness
- Helpfulness
- Complaints about service
- Proportionality
- Consistency

3.3 For the purposes of implementing this policy the good enforcement principles we will have particular regard to will be:

- Consistency
- Proportionality
- Helpfulness
- Openness

4.0

Principles of good enforcement

4.1 Consistency

We will carry out our duties in a fair, equitable and consistent manner and will endeavour so far as is practicable, to;

- 4.1.1 Apply this policy to all structures and places where known danger exists and where we possess legislative responsibilities.
- 4.1.2 Train staff on a bi-annual basis on their duties and responsibilities in surveying dangerous structures and places in accordance with this policy.
- 4.1.3 Develop a staff handbook to accompany this policy to advise and assist all our staff as to their responsibilities in relation to the implementation of this policy for dangerous structures and places.
- 4.1.4 Ensure surveyors responsible for such sites will at all times retain personal protective equipment and wear it as necessary.
- 4.1.5 Ensure our contractors produce a method statement which outlines a plan of works which are to be performed in regard to a dangerous structure or place, and their work will be carried out in accordance with a Health and Safety Plan as required by the Construction (Design and Management) Regulations.
- 4.1.6 Ensure all owners, agents, or persons responsible in relation to a dangerous structure or place will be issued with a dangerous structures notice and a letter within 72 hours of discovering the danger.
- 4.1.7 Respond promptly to reports of dangerous structures and places both during and outside normal working hours in accordance with its categorisation. (Refer to 6.0)
- 4.1.8 Pro-actively resolve any dangers presented by buildings or places to which we have legal responsibility. This will be a duty undertaken by all Belfast City Council Building Control surveyors.

4.2 Proportionality

We will attempt to minimise the costs of compliance by ensuring any action we take is proportionate to the risks and will endeavour so far as is practicable, to;

- 4.2.1 Ensure that any intervention is lawful and proportionate.
- 4.2.2 Assess the extent of any danger and categorise it into category A, category B or category C in accordance with this policy.
- 4.2.3 Ensure that our decisions in respect of dangerous structures or places will be evidence-based.

- 4.2.4 Use the most appropriate legislative powers to deal with the dangers posed in the most effective and efficient manner.
- 4.2.5 Ensure that sites are levelled off when our contractors have undertaken this work in default.
- 4.2.6 Order the immediate demolition of a dangerous structure if it poses a severe and imminent threat to public health and safety.

4.3 Helpfulness

The Building Control Service will endeavour so far as is practicable, to;

- 4.3.1 Work closely with relevant stakeholders to ensure that our respective duties in relation to dangerous structures and places will be carried out by the proper authorities. (Refer to 5.0)
- 4.3.2 Take all reasonable steps to warn the public of any danger presented by a structure or a place. When necessary surveyors shall tape off sites, and place visible signs warning the public of the dangers posed by a structure or place.
- 4.3.3 Have available, or have access to, suitable materials and labour for erecting hoarding and stabilising buildings.
- 4.3.4 Compile a register of buildings, which have the potential to become dangerous and establish ownership so that future action can be speedily effected.
- 4.3.5 Work closely with the Environment and Heritage Service in retaining a record of buildings currently with a listed status in Belfast where possible. We will also be sensitive to conservation issues when carrying out our surveys.
- 4.3.6 Notify and, where relevant, seek approval from all the appropriate external agencies for works related to any dangerous structures.
- 4.3.7 Ensure that the Corporate Gazetteer is updated and other information impacting on the life cycle address management is recorded and communicated through to the Land and Property Services when a property has been demolished.

4.4 Openness

- 4.4.1 This policy on dangerous structures and places will be available to any member of the public upon request.
- 4.4.2 This policy will be available to download from the Belfast City Council website on www.belfastcity.gov.uk/buildingcontrol

4.5 Financial statement

- 4.5.1 In any work concerning dangerous structures and dangerous places undertaken by the council, we will instruct our Legal Services Department to recover costs accrued when possible.

4.5.2 The council retain a right to waive the costs for work undertaken in default at the council's discretion.

5.0

Our commitment to work with others

- 5.1 The council is committed to working with others whenever the need arises in carrying out its role in relation to this policy. This commitment to work with other organisations is essential in ensuring the proper, effective and efficient implementation of this policy.
- 5.2 Where a potential overlap in duties exists between the council and other organisations, the service will seek to consult with the relevant organisation to ensure a holistic approach is taken.
- 5.3 This policy has been circulated to, and approval sought from, organisations that have a vested interest in protecting members of the public in Belfast from dangers arising from any structure or place.
- 5.4 It is our belief that through joined-up working arrangements with other organisations the council can ensure that dangerous structures and places in Belfast are dealt with in the most effective manner and relevant organisations properly perform their respective duties.

List of organisations we have consulted with:

The Northern Ireland Housing Executive

The Northern Ireland Fire and Rescue Service

The Police Service of Northern Ireland

Environment and Heritage Service

Northern Ireland Electricity

Department of Regional Development Roads Service

The Health and Safety Executive

The Water Service

Phoenix Natural Gas

6.0

Categorisation

6.1 To guarantee a proportionate response is delivered by the Building Control Service we will categorise a dangerous structure or place depending on the basis of the information we hold. The aim of categorisation is to ensure our response to a danger will be efficient, effective and reasonable.

6.2 Category A Danger:

When the complainant has specifically stated that the building or structure is in their opinion in a dangerous condition and there is a potential for immediate collapse the complaint will be given a Category A rating. If verified by the surveyor they will arrange to secure and close off the vicinity in conjunction with relevant agencies so as to prevent any danger to the public.

Category A will be our default position in respect of dangerous structures and places when, due to lack of information, a surveyor cannot make a category assessment from the information received. This may be revised following initial site inspection.

Response to Category A Danger:

Where, in the opinion of the surveyor, the structure is on the point of collapse, or is in a ruinous and dangerous condition, the surveyor will secure immediate demolition as required under appropriate legislation. This decision will be based on all available evidence so it is legally defensible.

Further to an initial assessment the surveyor will devise a plan of action with all relevant stakeholders, preferably on site. In addition, following the categorisation of a building as being a Category A danger the surveyor will ensure that this work remains his priority until such times as the building is made safe or is secured.

Response time: Immediate

6.3 Category B Danger:

Complaints which fall into this category are buildings which are not in danger of imminent collapse but are of ongoing concern such as slates blowing from a roof.

Response to Category B Danger:

Where it is established that certain works are required to render the property safe but such works are not immediate, the surveyor will take the necessary action as required under the Belfast Improvement Act 1878.

Response time: within 24 hours

6.4 Category C Danger

These are complaints where a danger exists but it is not affecting the public.

Response to a Category C Danger:

Where a place or structure may constitute a danger but poses no threat to the public the surveyor will classify the property as safe and advise all other relevant parties of this decision.

Response time: at the discretion of the service

7.0 Site investigations

- 7.1 Upon arrival on site, the surveyor who performs the site investigation will take photographs of the site.
- 7.2 When site investigations involve special circumstances, such as contaminated land, asbestos, sports grounds or petrol stations the surveyor will consult and work in partnership with other relevant council officers.
- 7.3 If required a surveyor will place warning tape around the structure or place, and place visible signs to inform the public of the danger which is posed. Where necessary the council will obtain the permission of the Roads Service to erect a hoarding on a public road or footpath. If required the surveyor will instruct our contractor to erect proper hoarding or fencing to secure the danger.
- 7.4 When possible a surveyor will give written notice to the owner or occupier if known, and also place a notice on the door or other conspicuous part of the building. This notice will require the owner or occupier to take down, secure, or repair the danger in accordance with relevant legislation.
- 7.5 Where appropriate action is not taken in a timely manner in response to a notice, the council may take the case before the magistrates court to seek an order for the owner, or the occupier if appropriate, to carry out the requisite work.

8.0 Ownership

- 8.1 When possible notices will be served on the property owner or, where it is rented property on the agent. Conclusive proof of ownership is often difficult. When appropriate the council will appear before the magistrates court to secure an order to carry out the necessary remedial works where the owner remains unknown.
- 8.2 Where the property is owned by an individual or an individual acts as agent for a rented property, the notice will be served on that individual at their normal place of residence.
- 8.3 In the case of a Registered Company, the notice will be served in the name of the company and served at the company address or offices.
- 8.4 In the case of a partnership, all partners will be served with a notice, or where a partner has specific responsibility for that area of the company's operation, on that particular partner.
- 8.5 Where the ownership of a property is held by trustees the notice will be served on all trustees or on the person the trustees have elected to represent their interests, normally this will be a solicitor.

9.0

Form of notice and subsequent action

- 9.1 The wording of the notice we serve will follow the wording stated in the relevant legislation; and will give the recipient of the notice the choice of: 'taking down, securing, or repairing the property', to the satisfaction of the surveyor.
- 9.2 The surveyor will seek to reach agreement with the person responsible for compliance with the notice as to their method of compliance and the timeframe in which such remedial works will take place.
- 9.3 The notice will also state the time period in which the works are to be carried out, although where possible we will contact the recipient and agree an appropriate time period in which the work must be carried out.
- 9.4 The council will provide any reasonable adjustment to the notice to cater for any disability the recipient may have.
- 9.5 The site will be monitored on a regular basis following the issue of the notice to ascertain the continuing risk, if any, that the site poses and to confirm that the condition of the structure has not deteriorated. These monitoring visits may be more frequent depending on the nature of an individual case.
- 9.6 If, during this period, the requested work has been satisfactorily completed and the danger adequately removed, the surveyor will ensure that all necessary details are recorded, the owner is notified and the file on the case will be closed.
- 9.7 If, at the end of the notice period or the period agreed with the owner or agent, the requested works have not been completed or are not completed to the satisfaction of the surveyor, legal proceedings will be initiated.
- 9.8 Subsequently a summons will be drafted for "Failure to comply with the notice". A case file will then be prepared and forwarded to the Legal Services Department at the earliest opportunity to begin legal proceedings.

10.0

Legal proceedings

- 10.1** All cases relating to dangerous structures and places are heard in the Petty Sessions of Belfast Magistrates Court.
- 10.2** Depending on the outcome of the case the council will always attempt to obtain an order from the court to have the work carried out within a set number of days. Our Legal Services Department will be instructed to recover all costs which the council have accrued.
- 10.3** The structure or place of danger will always be inspected on the morning of the court date to determine its current condition.