

WREXHAM COUNTY BOROUGH COUNCIL



The Building Act 1984

Section 78

***Notice of intention to carry out emergency measures,
in order to deal with a dangerous building or structure.***

To: Mr & Mrs C Eaton

WHEREAS you are the owner of premises known as:

Holt Hill, Green Street, Holt, Wrexham, LL13 9JF

on which a certain structure namely :

**Redundant Chimney to Gable & Parapet Wall to gable & Front at Holt Hill
Green Street, Holt, Wrexham, LL13 9JF.**

AND WHEREAS it appears to me the Building Control Surveyor of the WREXHAM COUNTY BOROUGH COUNCIL that the said building / Structure is in such a state as to be dangerous and that immediate action should be taken to remove the danger namely:

***Reduce the height of the redundant chimney and parapet walling to gable & front including the stone capping, saving them in order to rebuild like for like including any detailing over windows.
Further remediation structural works maybe required following the Structural Engineers observations.***

TAKE NOTICE that I intend to exercise the powers conferred by section 78 of the Building Act, 1984 and take such steps as may be necessary to remove the danger aforesaid – And

You are required to employ the services of a qualified structural engineer to report on the redundant chimney & parapet wall including conclusions & recommendations for remedial works and undertake such works in order for the danger to be removed to the occupants. The Report should be sent to me at the earliest opportunity but within 2 working days.

The Local Authority will take action to recover from the owner of the building the expenses reasonably incurred by them under the said section.

Dated : 30 March 2021

(Signed)

.....
(The officer appointed for this purpose)

Head of Community Wellbeing and Development
Pennaeth Adran Lles Cymuned a Datblygiad
Lawrence Isted

16 Lord Street, Wrexham, LL11 1LG
16 Stryt yr Arglwydd, Wrecsam, LL11 1LG
Tel/Ffon: 01978 292016 Minicom: 01978 292067

«BLGRef_No»

NOTES

THE PROVISIONS OF SECTION 78 ARE SET ON THE REVERSE OF THIS FORM.

The Building Act 1984 Section 78

78. (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 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 the 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.