

EAST AYRSHIRE COUNCIL

IRVINE VALLEY LOCAL COMMITTEE : 21 SEPTEMBER 2000

REPORT BY HEAD OF PLANNING & BUILDING CONTROL

1. PURPOSE OF REPORT

1.1 To advise the Committee of the implementation process for Enforcement Notices under the Building (Scotland) Act 1959, Town and Country Planning (Scotland) Act 1997 and Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 in relation to buildings in a dangerous condition.

2. BACKGROUND

2.1 Members at the 8 March 2000 Irvine Valley Local Committee the requested a report on procedures of Building Control and Planning in relation to buildings in a dangerous condition.

3. BUILDING (SCOTLAND) ACT 1959

3.1 The Building (Scotland) Act 1959 provides Councils with the power to remove or instigate by the owner to remove or repair any building or part of a building which is deemed to be in a dangerous condition. This process is carried out by the Council's Building Control Section assisted by either the Council's structural engineer or an externally appointed structural engineer.

3.2 The Building (Scotland) Act 1959 allows the Council to initiate works to remove dangerous buildings or parts of buildings, if they consider the need for works to be immediate.

3.3 If the danger is considered not to be an immediate risk the Council would serve a notice on the owned of the property detailing the works that are required to remove the danger.

3.4 If the owner fails to initiate the works within 7 days, and does not appeal against the notice either to the Council or to the Sheriff, a further notice informing the owner of the property of the Council's intention to make an order to carry out the necessary work to remove the danger is served.

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3.5 If the owner then fails to carry out said works or fails to appeal to the Sheriff or the Council, within 7 days of said notice of intention, then an order under Section 13 of the Building (Scotland) Act 1959 will be served. Following the appropriate time period for appeal of the Order to the Sheriff, the Order becomes operative and the Council can initiate works to remove the danger at their own expense.

3.6 The cost of works carried out by the Council can be recouped by placing a charging order on the property or selling the demolition materials from the site.

3.7 Where a building is found to be in a dangerous condition. The Council has the power to remove persons inhabiting or frequenting or adjacent from said building.

4. TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

4.1 The Town and Country Planning (Scotland) Act 1997 does not provide the Council with any powers in relation to the protection of the public from buildings in a dangerous condition.

5. PLANNING (LISTED BUILDING & CONSERVATION AREAS) (SCOTLAND) ACT 1997

5.1 The Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 does not provide the Council with any power in relation to the protection of the public from buildings in a dangerous condition.

6. LEGAL IMPLICATIONS

6.1 None

7. RECOMMENDATION

7.1 **It is recommended that the Committee notes the report.**

Alan Neish
Head of Planning & Building Control

CSI/FD
5 September 2000

Implementation Officer: Alan Neish

AGENDA