

Section 81 of the Building Act 1984

Notice to person undertaking demolition

To:

Apex Demolition Ltd
52 High Street St Martins
Stamford
Lincolnshire
PE9 2LG

Reference 73238/DE/2022/28

WHEREAS on the fourteenth day of September 2022, you served a notice on the Council of the London Borough of Hillingdon (hereinafter called "the Council") specifying certain works of demolition intended to be carried out in respect of the building known as:

233-236 NESTLES AVENUE & 1-2 VIVEASH CLOSE HAYES, NESTLES AVENUE HAYES

There are 5 existing units which are to be demolished.

- Unit 234 Nestles Avenue
- Unit 233-236 Nestles Avenue
- 1A Viveash Close
- 1B Viveash Close (1A & 1B are attached)
- 2 Viveash Close

TAKE NOTICE that the London Borough of Hillingdon pursuant to Section 81 of the Building Act 1984, HEREBY REQUIRE you to take the following action within 28 days of commencing the demolition of the above building, that is to say:

- a) (to shore up adjacent buildings)
- b) (to weatherproof any surfaces of an adjacent building which are exposed by the demolition)
- c) (to repair and make good any damage to an adjacent building caused by the demolition or by the negligent act or omission of any person engaged in it)
- d) (to remove material or rubbish resulting from the demolition and clearance of the site)
- e) (to disconnect and seal, at such points as the council may reasonably require, any sewer, drain or water pipe in or under the building to be demolished)
- f) (to remove any sewer, drain or water pipe in or under the building to be demolished and seal any sewer, drain or water pipe with which the sewer, drain or water pipe to be removed is connected)
- g) (to make good to the satisfaction of the Council the surface of the ground disturbed by anything done under paragraph (e) or (f) above)
- h) (to make arrangements with the relevant statutory undertakers for the disconnection of the supply of gas, electricity and water to the Building)
- i) (to make such arrangements with regard to the burning of material on site as may be reasonably required by the Health and Safety Executive and/or Fire Authority)
- j) (to take such steps as the Council may consider reasonably necessary for the protection of the public and the preservation of Public amenity).
- k) to make such application for any Hoarding/Scaffold, which will be erected either on or adjacent to the highway or mobile equipment, such as cranes/cherry pickers etc., which will be operated on the highway. Application forms can be obtained from: Highway Maintenance, Central Depot, Harlington Road, Uxbridge, Middlesex UB8 3EU or Tel. 01895 556000. Applications must be made at least three weeks before the commencement of work as failure to apply for an appropriate licence may result in enforcement action being taken.)

(Before you comply with any requirement of paragraph (e) or (f) above, you must give at least 48 hours' notice to the Council.)

(Before you comply with paragraph (g) above, you must give at least 24 hours' notice to the Council
(Failure to give such notice will incur liability to a fine not exceeding level 2 on the standard scale)

Attention is directed to the provisions of section 82 (2),(4),(5),(6), Section 83 of the Building Act, 1984, set out overleaf. Any appeal in pursuance of these provisions should be made to the Magistrates' court and must be brought within 21 days from the date of service of this notice.

DATED this fifteenth day of September 2022

BUILDING CONTROL SERVICES

Signed.....
Julia Johnson

BUILDING ACT 1984
Powers of local authority in relation to demolitions

Section 82

- 2) No one shall be required under paragraph (c), (e), (f), of sub-section (1)* above to carry out any work in land outside the premises on which the works of demolition are being carried out if he has no right to carry out that work, but, subject to section 101, the person undertaking the demolition, or the local authority acting in his default, may break open any street for the purpose of complying with any such requirement.
- 4) This section does not authorise interference with apparatus or works of statutory undertakers authorised by any enactment to carry on an undertaking for the supply of gas, electricity or water.
- 5) Without prejudice to the generality of sub-section (4) above, this section does not exempt a person from -
 - (a) the obligation to obtain any consent required under section 67 of Schedule 3 to the Water Act 1945 (interference with valves and other apparatus) or section 68 of that schedule (alterations to supply pipes and other apparatus);
 - (b) criminal liability under any enactment relating to the supply of gas or electricity; or
 - (c) from the requirements of regulations under section 31 of the Gas Act 1972 (public safety)
- 6) Section 99 below applies in relation to a notice given under section 81 (1)

Section 83

- 1) Section 102 below applies in relation to a notice given under section 81.
- 2) Among the grounds on which appeal may be brought under section 102 below against such a notice are -
 - (a) in the case of a notice requiring an adjacent building to be shored up, that the owner of the building is not entitled to the support of that building by the building which is being demolished, and ought to pay or contribute towards the expenses of shoring it up;
 - (b) in the case of a notice requiring any surfaces of an adjacent building to be weatherproofed, that the owner of the adjacent building ought to pay, or contribute to the expenses of weatherproofing those surfaces.
- 3) Where the grounds on which an appeal under section 102 below is brought include any ground specified in sub-section (2) above -
 - (a) the appellant shall serve a copy of his notice of appeal on the person or persons referred to in that ground of appeal, and
 - (b) on the hearing of the appeal the court may take such order as it thinks fit -
 - (i) in respect of the payment of, or contribution towards, the cost of the works by any such person or
 - (ii) as to how any expenses which may be recoverable by the local authority are to be borne between the appellant and any such other person

N.B. Section 82 (1) states that a notice by a local authority under this section may require a person undertaking the demolition to take action under all or any of the paragraphs (a) to (j) shown in the foregoing notice.

Provisions as to appeals against, and the enforcement of notices requiring execution of works

Section 99

- 1) A notice in relation to which it is declared by any provision of this Act that this section applies shall indicate the nature of the works to be executed and state the time in which they are to be executed.
- 2) Subject to any right of appeal conferred by section 102 below, if the person required by such a notice to execute the works fails to execute them within the time limited by the notice -
 - (a) the local authority may themselves execute the works and recover from that person the expenses reasonably incurred by them in doing so, and
 - (b) without prejudice to that power, he is liable on summary conviction to a fine not exceeding level 4 on the standard scale and to a further fine not exceeding £2 for each day on which the default continues after he is convicted.
- 3) This section has effect subject to any modification specified in the provision under which the notice is given.

Section 102

- 1) Where a person is given a notice in relation to which it is declared by any provision of this Act that this section applies, he may appeal to a magistrates court on any of the following grounds that are appropriate in the circumstances of the particular case -
 - (a) that the notice or requirement is not justified by the terms of the provision under which it purports to have been given;
 - (b) that there has been some informality, defect, or error in, or in connection with the notice;
 - (c) that the authority have refused unreasonably to approve the execution of alternative works or that the works required by the notice to be executed are otherwise unreasonable in character or extent, or are unnecessary;
 - (d) that the time within which the works are to be executed is not reasonably sufficient for the purpose;
 - (e) that the notice might lawfully have been served on the occupier of the premises in question instead of the owner, or on the owner instead of on the occupier, and that it would have been equitable for it to have been so served;
 - (f) where the work is work for the common benefit of the premises in question and other premises, that some other person, being the owner or occupier of premises to be benefitted, ought to contribute towards the expenses of executing any works required.
- 2) If and in so far as an appeal under this section is based on the ground of some informality, defect or error in, or in connection with the notice, the court shall dismiss the appeal, if it is satisfied that the informality, defect or error was not a material one.
- 3) The appellant -
 - (a) shall, where the grounds upon which the appeal is brought include a ground specified in sub-section (1) (e) or (f) above, serve a copy of his notice of appeal on each other person referred to, and
 - (b) may, in the case of any appeal under this section, serve a copy of his notice of appeal on any other person having an estate or interest in the premises in question.
and on hearing the appeal, the court may make such order as it thinks fit with respect to -
 - (i) the person by whom any works are to be executed and the contribution to be made by any other person towards the cost of the work, or
 - (ii) the proportions in which any expenses that may become recoverable by the local authority are to be borne by the appellant and such other person.
- 4) In exercising its powers under sub-section (3), above, the court shall have regard -
 - (a) as between an owner and occupier, to the terms and conditions, whether contractual or statutory, of the tenancy and to the nature of the works required; and
 - (b) in any case, to the degree of benefit to be derived by the different persons concerned.
- 5) This section has effect subject to any modification specified in the provisions under which the notice is given.

Section 107

- 5) Where -
 - (a) a person has been given a notice in relation to which section 102 above applies, and
 - (b) the local authority take proceedings against him for the recovery of expenses that they are entitled to recover from him, it is not to be open to him to raise any question which he could have raised on an appeal under that section.