



**BOROUGH OF HAVANT
BUILDING ACT 1984 - SECTION 81
Notice to Person Undertaking Demolition**

Portsmouth Demolition & Salvage Ltd
419 Victory Business Centre
Somers Road North
Portsmouth
PO1 1PJ

Copy to:
The owner/occupier of adjacent buildings
Southern Gas Networks Ltd
Scottish and Southern Energy PLC
Health and Safety Executive
Southern Water
Hampshire Fire & Rescue Service

Case No 19/06106/DEM

WHEREAS on the 11 October 2019 you served a Notice on the Havant Borough Council specifying certain works of demolition intended to be carried out in respect of the buildings known as:

1 residential building	AT	The Gables, Purbrook Heath Road, Purbrook, Waterlooville, PO7 5RT
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TAKE NOTICE that the Havant Borough Council pursuant to Section 81 of the Building Act 1984, HEREBY REQUIRE you to take the following action at the appropriate time during the demolition, but in any event within 4 weeks of commencement of the demolition works on site or as specifically stated.

- 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 carrying out the demolition.
- 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 or drain in or under the building to be demolished, **and to inform the Council in writing 48 hours before so doing.**
- F** To remove any sewer or drain under the building and seal off any sewer or drain to which it was connected **and to inform the Council 48 hours before so doing.**
- G** Make good to the satisfaction of the Council the surface of the ground disturbed by anything done under paragraph (e) or (f) **and to inform the Council 24 hours before so doing.**
- H** To make arrangements with Statutory Undertakers to disconnect the gas, electricity and water supply to the building.
- I** To make such arrangement with regard to the burning of structures or materials on site as may be reasonably required:
 - a) If the building is or forms part of special premises, by the Health and Safety Executive and the Fire Authority; and
 - b) In any other case, by the Fire Authority.
- J** To take such steps relating to the conditions subject to which the demolition is undertaken, and the condition in which the site is to be left on completion, as the Council may consider reasonably necessary for the protection of the public and the preservation of public amenity

Dated this 11 October 2019

Signed

Head of Development

Note: you are requested to advise the Council's Building Control Section with 24 hours of commencement of demolition.

NOTES

- (A) Subject to your right of appeal (see below) failure to meet the conditions of this Notice can leave you liable to prosecution and fines. In addition to or as an alternative to prosecution, the council may themselves carry out the work in respect of which there is default and recover from you the expenses reasonably incurred by them in doing so.
- (A) Failure to inform the Council, as required by the conditions in the Notice, can result in prosecution and on summary conviction to a fine not exceeding level 2 on the standard scale.
- (A) Nothing contained in this Notice shall prejudice or affect the operation of any of the relevant statutory provisions, as defined in Section 53(1) of the Health and Safety at Work etc. Act 1974; and accordingly if any requirement of this Notice is inconsistent with any requirement imposed by or under the said Act of 1974, the latter requirement shall prevail.
- (A) Nothing in this Notice shall be construed as authorising any interference with apparatus or works of statutory undertakers authorised by any enactment to carry on an undertaking for the supply of electricity, or gas, or with the apparatus or works of a water or sewerage undertaker.
- (A) Nothing in this Notice shall be construed as exempting any person:
 - (I) From the obligation to obtain any consent required under Section 174 of the Water Industry Act 1991 or Section 176 of the Water Resources Act 1991 (interference with water supplies or with water works); or
 - (II) From criminal liability under any enactment relating to the supply of gas or electricity; or
 - (III) From the requirements of the regulations under Section 31 of the Gas Act 1972 (public safety)

APPEALS

The person served with this notice may appeal within 21 days from the date of service of this Notice (excluding the day of Service) to a Magistrates Court on any of the following grounds:

- (a) That the notice or requirement is not justified by the terms of the provision under which it purports to have been given;
- (a) That there has been some informality, defect or error in, or in connection with the notice;
- (a) 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;
- (a) That the time within which the works are to be executed is not reasonably sufficient for the purpose;
- (a) That the notice might lawfully have been served on the occupier of the premises in question instead of on 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;
- (a) Where the works are for works 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 benefited, ought to contribute towards the expenses of executing any works required;
- (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 which is being demolished, and ought to pay, or contribute towards the expenses of shoring it up; and
- (a) 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 towards, the expenses of weather proofing those surfaces.

Note: For further provisions as to appeals you are referred to Section 83 and Sections 102 to 104 of the Building Act 1984.