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| REPORT TO: | Environmental and Development Services Committee | AGENDA ITEM: 8 |
| DATE OF MEETING: | 31st January 2008 | CATEGORY: RECOMMENDED |
| REPORT FROM: | Director of Community Services | OPEN |
| MEMBERS' CONTACT POINT: | Steve Powell (5730) | DOC: |
| SUBJECT: | Authorisation for officers to enter land pursuant to the Building Act 1984 and other relevant legislation | REF: |
| WARD(S) AFFECTED: | All | TERMS OF REFERENCE: EDS 05 |

1.0 Recommendation

1.1 That the committee confirm the Scheme of Delegation which grants the Head of Planning delegated powers to authorise nominated officers the 'right to enter premises' as set out in the detail below.

2.0 Purpose of Report

2.1 To confirm the authorisation of nominated officers the right to enter premises in the performance of their duties under the Building Act 1984 and the Building Regulations 2000 (as amended).

3.0 Detail

3.1 The authority to enter premises is set out in Section 95 of the Building Act 1984. Admission to premises other than a factory or workplace cannot be demanded as of right unless 24 hours notice has been given to the occupier. Under certain circumstances (e.g. where entry has been refused or the premises are unoccupied) a justice of the peace may issue a warrant for an authorised officer to enter the premises. The occupier must be given notice of the intention to apply for a warrant.

3.2 The relevant sections of the 1984 Act under which this authority may be exercised are as follows:

- 3.3 Section 32 – Lapse of deposit of plans
- Section 33 – Tests for conformity with the Building Regulations
- Section 35 & 36 – Breach of Building Regulations
- Section 77 – Dangerous Buildings and structures
- Section 78 – Dangerous buildings and structures – emergency measures
- Section 79 – Ruinous and dilapidated buildings
- Section 91 – Duties of local authorities

Section 97 – Execution of works

3.4 Currently the officers that would be nominated under the scheme are:

G. Hague, S Powell, G Billinge, J Davey, A Gouldin, M Hewings, I Soar, Anna Palmer, J Holder, S Holden

4.0 Financial Implications

None

5.0 Corporate Implications

None

6.0 Community Implications

6.1 None

7.0 Conclusions

7.1 The report seeks confirmation of the authorisation of nominated officers the right to enter premises in performance of their duties under the Building Act 1984 and the Building Regulations 2000 (as amended)

8.0 Background Papers

Relevant Statutes and Regulations.