

Housing Act 2004 Statement of Reasons Section 8

Statement of Reasons for the service of an Emergency Prohibition Order in respect of Structural Collapse and Falling Elements.

Premises: Eastgate, Station Approach, Woking, GU22 7PQ

Woking Borough Council hereby give the following reasons for their decision to serve an Emergency Prohibition Order on 23 November 2023 in respect of the above property.

The authority is satisfied that **Structural Collapse and Falling Elements** hazards exist at the premises and that action should be taken in respect of those hazards. These hazards have been assessed as Category 1 and Woking Borough Council is under a duty to take action under Section 5 of the Housing Act 2004.

In determining the most appropriate action regard has been given to the following:

- **The initial information provided to us regarding testing being carried out at the request of Southern Housing by Structural Engineers.**
- **The preliminary results and appraisal report written by the Structural Engineers which indicates that the core samples taken and tested to date indicate issues with the concrete used in the construction of the building.**
- **The receipt of photographic evidence of the nature of new core samples taken from the building today which show severely compromised concrete within the building.**
- **The need to ensure the safety of all people who potentially use the building as their residence or for commercial activities.**
- **The understanding that some occupants are refusing to leave the building despite the requests for them to do so from Southern Housing.**

The following actions (in bold) were considered before the authority made its decision:

A **Hazard Awareness Notice** under section 28 is not considered appropriate as this serves only to advise the owners of the hazards and appropriate remedial action. Advising of remedial action in respect of the Category 1 and Category 2 hazards where there is risk of harm to the occupiers, and the service of a Hazard Awareness Notice will not serve to ensure the safety of the occupants.

An **Improvement Notice** under section 11 would require remedial action to be taken in a set time, but this would not protect the tenants subject to the current risks due to the hazards in the property.

There are no good reasons known to the authority that would warrant considering serving a **Suspended Improvement Notice** for a period of time. The occupants are at risk now and more investigations are required.

A **Prohibition Order** under section 20 to prohibit use of all or part of the property is not appropriate as it is considered that this situation constitutes an emergency and action is required immediately to ensure the safety of the occupants.

There are no good reasons known to the authority that would warrant considering making a **Suspended Prohibition Order** for a period of time. The property is not habitable now and action needs to be taken for the safety of the current occupants.

The hazards encountered do pose an imminent risk to the health and safety to occupiers and visitors to the property so making an **Emergency Prohibition Order** is appropriate in this case. It is important that the current occupants leave the property as soon as possible and access to the property is limited until further tests are carried out and the structure made safe.

The taking of **Emergency Remedial Action** by the Council is not appropriate further testing is required prior to any works being carried out and the responsibility for this work does not fall within the remit of the Council.

Demolition or Clearance is not the most appropriate course of action as further tests and analysis need to be carried out to establish the severity of the situation.

Decision

The decision is to serve an **Emergency Prohibition Order** which is considered to be the most effective and appropriate means for dealing with the hazards identified in the premises.