

DANGEROUS STRUCTURE POLICY

Response during working hours

The Target response time to incidents during working hours is **1 hour** maximum (from 1st contact received **at** the Building control service **to** arrival at the incident).

Initial Action

1. On receipt of the notification of a potentially dangerous structure, the receiving Officer within the Building Control Service, will obtain a 'Dangerous Structure Record Sheet, which it is suggested is used to record all information collected on site and to record subsequent actions and complete the following for the benefit of investigating officer:
 - Location of building/structure,
 - Description of hazard
 - Source of information,
 - Details of notifier,
 - The timer & date of notification
 - Owner & address of structure – if known and any other information gleaned
 - Assess the need for action
 - Assign a Building Control Officer (BCO) to visit the site.
 - Give the 'Dangerous Structure Record Sheet' to BCO.
2. The Building Control Officer assigned is to visit the site within the target response time. (After notifying office staff of absence & intended location and after collecting appropriate Personal Protective Equipment – 'PPE' and a mobile phone, torch and other equipment)

On arrival at the incident, the BCO is to:

- Record on the 'Dangerous Structure Record Sheet' the date & time of arrival on site.
 - Undertake a survey and prepare a detailed site inspection note giving the condition of the structure.
 - Record any contact names and all relevant factual information.
 - Take photographic evidence prior to any action taken, if necessary.
 - The BCO must establish the identity of the owner of the building or structure and any other interested party, tenant etc, **but do not let this impede taking the necessary action.** Note, if the building/structure is owned by the Council, contact with the appropriate section must be made.
3. Decide at this point under which Section of the Building Act 1984 is to proceed:
i.e.
Section 77 or for emergency measures, Section 78.

If no danger exists, but the structure investigated is in a poor state of repair, documents shall be issued, as appropriate, to interested parties.

If the structure visited is not dangerous or in a poor state of repair, details are to be recorded on the 'Site Record Sheet' to confirm this position and the file closed and attached to the appropriate Dangerous Structure main files on return to the office.

Notes:

Regarding choice of action

Section 77 should be used unless there is imminent danger to people in or around the building; bearing in mind that fencing or watching may be appropriate. This is important since, in any claim arising in proceedings to recover costs incurred in taking action under Section 78, the Court will consider whether the Authority should have taken action under Section 77 of the Act.

If the court considers that the Local Authority might reasonable have proceeded under Section 77, then any costs incurred either in whole or part, would not be recoverable.

It should be noted that if an owner or occupier of any premises sustains damage as a result of action being taken under Section 78, he is entitled to claim compensation from the Authority.

Listed Buildings:

If you suspect that a building may be listed, discuss the situation with the relevant Planning Officer on the action to be taken. However, if the situation warrants immediate action to be taken under Section 78, then this should take precedence.

Filing

The Dangerous Structure Notice File and relevant case files are retained in the system for three years before transferring to the appropriate archive system.

Action under Section 77

1. Having inspected the dangerous structure and established ownership the appropriate dangerous structure letter to the owner is to be issued by recorded delivery, within 24 hours of the visit. Where appropriate, a copy of the letter is to be forwarded to interested parties.
2. A reasonable time limit for removing the danger must be determined. It should not exceed 14 days after the danger is first noted. If no response is forthcoming, maintain the initiative. The site should be regularly revisited according to the circumstances.
3. In the event of no action being taken, the building owner must be advised in writing that the council proposes to apply to the Magistrates Court for an order requiring (as appropriate):
 - (a) The repair of the offending building or structure and removal of the resultant waste materials.
 - (b) The demolition of the offending building or structure and removal of the resultant waste materials.

4. Where the danger arises from overloading the building or structure, the Court may make an Order restricting the use until necessary remedial works have been carried out.
5. It should be pointed out again to the owner of the building or structure that failure to comply with a Court Order within the time specified could render them liable to a fine and that the Council could carry out the work and recover the costs in default.
6. If no action is taken, where necessary, prepare a report for submission to the relevant Committee, with a recommendation that application be made by the Council's Solicitor to the Magistrates Court for an Order requiring cessation of the dangerous condition.
7. Continue to monitor the situation in accordance with any relevant Court Order.

Action under Section 78

1. Following an inspection of the dangerous building or structure, the BCO should decide whether immediate action is necessary. If so, the BCO must take reasonable steps to contact the owner and advise him of the Council's intention to take action to remove the immediate danger.

Note: the owner if contactable, must be given the opportunity to remove the danger immediately themselves. If this cannot be done, the BCO should proceed to make arrangements to carry out the work.

2. Arrangements should be made to carry out the work as follows:
 - (a) Where it is necessary to secure the temporary closure of a public highway, the local Police should be contacted at the earliest opportunity to implement the closure.
 - (b) Contact the Fire Service if required: **01926 423231 (Incident Desk)**
 - (c) To cut off services:
 - (d) If necessary through the appropriate emergency plan, advise interested parties of action being taken.
 - (e) Arrange for the work to be carried out as quickly as possible.
 - (f) In some cases, specialist structural advice may be required.
 - (g) For specialist demolition work or work involving large plant.
 - (h) Obtain an invoice for work carried out as soon as possible; add on own time and expenses, travelling etc.
 - (i) Raise a Credit Invoice Notification form for the cost incurred and pass to the Finance division with an explanatory memo.
3. If the work becomes necessary as a result of a Court Order, then the same procedures would be used.

4. As with Section 77, record action taken and support action taken with photographic evidence, if necessary.

Response During 'Out of Hours'

The Target response time to incidents during 'Out of Working Hours' is **2 hours** maximum (from 1st contact received **by** the Building Control Officer contacted **to** arrival at the incident).

Initial Action

1. On receipt of notification of a potentially dangerous structure, the receiving Officer will use a 'Dangerous Structure Record Sheet'
 - Location of building / structure,
 - Description of hazard source of information,
 - Details of the notifier,
 - The time & date of notification,
 - Owner & address of structure, if known, and any other information gleaned,
 - Assess the need for action and where appropriate, notify the emergency operator or approximate time of arrival.
2. The Building Control Officer is to visit the site within the target response time. (Ensuring appropriate Personal Protective Equipment - 'PPE' and a mobile phone, torch and other equipment is taken).

On arrival at the incident, the BCO is to:

- Record on the 'Dangerous Structure Record Sheet' the date & time of arrival on site.
 - Undertake a survey and prepare a detailed site inspection note giving the condition of the structure.
 - Record any contact names and all relevant factual information.
 - Take photographic evidence prior to any action taken, if necessary.
 - The BCO must quickly try to establish the identity of the owner of the building or structure and any other interested party, tenant etc, **but do not let this impede taking the necessary action.** Note, if the building / structure is owned by the Council, contact with the appropriate section must be made (*see annexe 2 to this document. To be inserted for the appropriate council*).
3. Decide at this point under which Section of the Building Act 1984 to proceed:

If no danger exists, but the structure investigated is in a poor state of repair, documents shall be issued, as appropriate, to interested parties.

If the structure visited is not dangerous or in a poor state of repair, details are to be recorded on the 'Site Record Sheet' to confirm this position and the file closed and attached to the appropriate Dangerous Structure main files on return to the office.

The procedures from this point to be taken as per 'during working hours' but using the appropriate Council's out of hours emergency system to make contact with other Council personnel as deemed necessary.