Notice of Meeting

LIVING AND WORKING SELECT COMMITTEE

Wednesday, 7 February 2018 - 7:00 pm
Committee Room 2, Town Hall, Barking

Members:  Cllr Phil Waker (Lead Member); Cllr Mick McCarthy (Deputy Lead Member); Cllr Irma Freeborn, Cllr Syed Ghani, Cllr Giasuddin Miah, Cllr Dave Miles, Cllr James Ogungbose, Cllr Lee Waker and Cllr Linda Zanitchkhah

Date of publication: 30 January 2018

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Chief Executive

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AGENDA

1. Apologies for Absence

2. Declaration of Members' Interests

   In accordance with the Council’s Constitution, Members are asked to declare any interest they may have in any matter which is to be considered at this meeting.

3. Minutes - To confirm as correct the minutes of the meeting held on 5 December 2017 (Pages 3 - 4)

4. Update from LWSC Working Group

5. Estate Renewal Programme Update (Pages 5 - 14)

6. Fire Safety Policy Proposals (Pages 15 - 20)
7. Leasehold Service Charges (Pages 21 - 25)

8. Lifts Maintenance (Pages 27 - 31)

9. Any other public items which the Chair decides are urgent

10. To consider whether it would be appropriate to pass a resolution to exclude the public and press from the remainder of the meeting due to the nature of the business to be transacted.

Private Business

The public and press have a legal right to attend Council meetings such as the Living and Working Select Committee, except where business is confidential or certain other sensitive information is to be discussed. The list below shows why items are in the private part of the agenda, with reference to the relevant legislation (the relevant paragraph of Part 1 of Schedule 12A of the Local Government Act 1972 as amended). There are no such items at the time of preparing this agenda.

11. Any other confidential or exempt items which the Chair decides are urgent
Our Vision for Barking and Dagenham

One borough; one community; London’s growth opportunity

Our Priorities

Encouraging civic pride

- Build pride, respect and cohesion across our borough
- Promote a welcoming, safe, and resilient community
- Build civic responsibility and help residents shape their quality of life
- Promote and protect our green and public open spaces
- Narrow the gap in attainment and realise high aspirations for every child

Enabling social responsibility

- Support residents to take responsibility for themselves, their homes and their community
- Protect the most vulnerable, keeping adults and children healthy and safe
- Ensure everyone can access good quality healthcare when they need it
- Ensure children and young people are well-educated and realise their potential
- Fully integrate services for vulnerable children, young people and families

Growing the borough

- Build high quality homes and a sustainable community
- Develop a local, skilled workforce and improve employment opportunities
- Support investment in housing, leisure, the creative industries and public spaces to enhance our environment
- Work with London partners to deliver homes and jobs across our growth hubs
- Enhance the borough’s image to attract investment and business growth

Well run organisation

- A digital Council, with appropriate services delivered online
- Promote equalities in the workforce and community
- Implement a smarter working programme, making best use of accommodation and IT
- Allow Members and staff to work flexibly to support the community
- Continue to manage finances efficiently, looking for ways to make savings and generate income
- Be innovative in service delivery
Present: Cllr Phil Waker, Cllr Mick McCarthy (Deputy Chair in the Chair), Cllr Syed Ghani, Cllr Giasuddin Miah, Cllr Dave Miles, Cllr James Ogungbose and Cllr Linda Zanitchkhah

Apologies: Cllr Irma Freeborn

18. Declaration of Members' Interests

There were no declarations of interest.

19. Minutes (30 October 2017)

The minutes of the meeting held on 30 October 2017 were confirmed as correct.

20. Leasehold Service Charges

The Chair varied the order of the agenda to bring forward item 6 as representatives from Barking and Dagenham Leasehold Association were in attendance.

The Chief Operating Officer (COO) presented a report to the Select Committee regarding Leasehold Service Charges. The report was first presented to the LWSC on 2 May 2017 (min. 48 refers), however following requests for additional information on leaseholders at the last meeting officers presented the report again as a starting point for the discussion.

The Select Committee discussed the report in detail and debated various issues such as charges for graffiti removal and estate management.

The Select Committee were keen to hear the views of leaseholders and invited representatives of the Barking and Dagenham Leasehold Association to address the meeting.

Mr Cross, the Chair of the Barking and Dagenham Leasehold Association, was in attendance and advised that the Select Committee that he felt the consultation process for the graffiti charge and safer neighbourhood / estate police charge was not undertaken properly. Mr Cross also raised concerns that the Management fee should be charged in three bands rather than two, to make it fairer for conversion properties.

Following further discussions on the issues raised by Mr Cross, the Select Committee requested that a further report on leaseholders be added to the work programme for the next meeting:

- Current management arrangements;
- Consultation requirements;
- The Council’s position on refunds;
- Estate Boundaries’; and
- Outline proposals / implementation plan for the new Management Fee.

The Select Committee also had several questions regarding the maintenance of lifts and it was agreed a report would be brought to a future Select Committee addressing:

- The lifts the Council repaired;
- Contractors used; and
- Performance statistics.

The report was noted.

21. LWSC Working Group Update

The Lead Member advised that the working group had not met.

22. Delivery of Internal Works by Contractors

The Group Manager for Capital Commissioning and Delivery presented a report to the Select Committee regarding a summary of contractor performance on internal works to council properties both in occupation and as part of the voids programme delivered by external contractors.

The Living and Working Select Committee had requested a report outlining the performance of contractors undertaking internal works to council properties in occupation and as part of the works programme.

The Select Committee had before them detailed information on Home Services and Be First, which included a breakdown of the number of properties completed, customer satisfaction and budget and actual spend. The Select Committee discussed and considered the performance data contained within the report in detail.

While noting the report before them, the Select Committee requested that a further information on the delivery of internal works by contractors be circulated to the Select Committee in the new year to consider:

- How the Council measured the quality of the work undertaken;
- Who received the Clerk of Works reports;
- What is level of snagging in properties?;
- What tenant liaison is undertaken?; and
- Are contractors using apprentices and if so how successful are they?

The report was noted.

23. Work Programme

The work programme was noted.
Summary

The Council’s Estate Renewal programme has now been running since 2010 and has been successful in transforming the boroughs poorest quality housing into new high-quality developments bringing additional place making and environmental benefits. The delivery of all Estate Regeneration workstreams from the earliest consultation through the process of decanting, working with leaseholders, Masterplanning, development and Construction Management for all the schemes remaining in the programme is continuing in line with the current approvals but the responsibility for delivery of these work streams has now transferred to a dedicated Affordable Housing team in the new Be First Company.

This report updates the Living and Working Select Committee on the progress of the Boroughwide Estate Renewal Programme and the delivery of new homes on the Estate Renewal sites.

Recommendation(s)

The LWSC is asked to note the report.

1. Background and Approvals

1.1 Between 6 July 2010 and 27 January 2015 Cabinet approved the implementation of an ongoing programme of estate renewal across Gascoigne (East), Gascoigne West, Goresbrook Village, the Leys, Althorne way, Sebastian Court, Marks Gate and a number of smaller estate renewal projects in line with the Councils Asset Management Strategy and HRA Business Plan.

1.2 The Decanting and implementation of the schemes in this programme is continuing in line with the current approvals and the responsibility for delivery has now transferred
to a dedicated team in the new Be First Regeneration company. The schemes completed to date and the ones currently under construction will transform some of the borough’s poorest quality housing into new high-quality residential developments bringing many additional place-making and environmental benefits. Over 84% of the new homes in this programme have been or will be provided as Affordable Housing as a mix of affordable rent between 50 – 80% of market rent and Shared Ownership.

1.3 The Council approved in September 2017 the update to its Investment and Acquisition Strategy (IAS) that outlined the projects that would form the first core of Regeneration activity and future pipeline projects for the new Be First Regeneration Company.

1.4 All the currently approved Estate Renewal projects were included in the detailed appendices to the strategy along with two additional areas that were yet to receive formal approval but had been subject to feasibility works due to their locations adjacent to approved schemes, these areas are detailed below and will be the subject of a report to Cabinet in March this year to formalise their inclusion in the Estate Renewal programme and confirm a number of additional recommendations that need to be agreed by Cabinet to meet the Council’s Statutory obligations. The approvals sought via this report will enable the service of any necessary demolition notices, Compulsory Purchase Orders, and the appropriation of sites to enable delivery within the Investment Strategy.

1.5 The additional sites are:

- The Ex Council office (known as 90 Stour Road), the multi storey Car Park and adjoined residential block at 2 - 82 Stour Road
- Padnall and Reynolds Court at Marks Gate

1.6 High level feasibility work has been completed on these areas prior to full approval, once approved as part of the wider programme the schemes will be subject to the normal Estate Renewal consultation and wider resident engagement process to determine the final redevelopment options.

2. Existing Programme Progress – Decant and Leasehold acquisition

2.1 The attached schedule in Appendix 1 gives an update on all the current and approved projects decant and Leasehold acquisition.

3. Resident consultation and engagement

3.1 We recognise that residents who live in the Estate Renewal programme areas are often very anxious and worried about how the programme will affect them, as the programme has progressed we have refined individual Resident engagement strategies for each project and have provided support, information and guidance to the residents whose homes are included and the wider community.

3.2 The core Decant and Leaseholder team work with the existing property services, legal, Elevate Finance and needs and allocations teams to ensure that the programme monitored at all times to prevent any adverse impacts.
3.3 The team develop Consultation and engagement strategies that will continue throughout the lifetime of the projects. The consultation will be divided into three stages, with different levels of engagement reflecting different stages of the development process as outlined below. A close working relationship with existing Tenants’ and Residents’ Groups will be developed and maintained throughout the decant and demolition process.

Stage 1 – Community Consultation on the initial programme and identified areas within the estates – informing both tenants and leaseholders of the Council’s proposals with a particular focus on key activities prior to the master planning process commencing.

Stage 2 – Community consultation and resident’s involvement in the Design and Development process - focused on residents directly involved in each phase of redevelopment. The appointed Design teams will work closely with residents and engage with key stakeholders active in the areas.

Stage 3 – Capacity Building and working towards greater community integration and cohesion. Alongside the Stages 1 and 2, project officers will scope the need to provide extra community development / capacity building resource in order to facilitate resident engagement in the estate renewal programme areas throughout the project’s lifespan. This would include a range of projects with different user groups (i.e. young people and older people) to be facilitated by external and internal resources as necessary.

4. Leaseholder buybacks and Compulsory Purchase Orders

4.1 The Council has an agreed range of options for leaseholders who are affected by redevelopment; these include options for anyone who finds they are not able to find suitable accommodation for their needs within the compensation offered by offering gap funding via equity share arrangements. These options have now been in place for some years and the team continue to deal with acquisitions on a case by case basis when we are alerted to any difficulty.

4.2 The Council always seeks to acquire by negotiation and offers a fair package of compensation based on the current Compulsory Purchase legislation, including a 10% homeloss premium on top of the agreed market value for leaseholders in occupation.

4.3 A large number of the Leaseholders we acquire for Estate Renewal purposes are investment purchasers, round 60% of the current programme. These owners can still claim compensation in the normal way but the statutory homeloss premium is reduced to 7.5% of the market value.

4.4 In order to expedite matters where we are not able to acquire by negotiation the necessary leasehold interests the original approvals always seek authority for the use of the Council’s Compulsory Purchase Order making powers pursuant to Section 17 of the Housing Act 1985 for the acquisition of any outstanding leasehold interests. This has been actioned for the final acquisitions on the Gascoigne Phase 1 & 2 of the Gascoigne Programme and is now being actioned for the final acquisition at Sebastian Court, although it is hoped that service of this notice will be enough to bring the owner back into negotiations and acquire agreement.
5. Decommissioning Void Properties and Estate Security

5.1 With the exception of the properties identified for use as Temporary Accommodation whilst the decanting programme is ongoing, all other decant voids are being fully decommissioned. The Decant team and the Property services teams jointly monitor any security issues as the blocks and areas empty and have a range of options to tackle issues as they occur including extra security patrols and working closely with the Police Safer Neighbourhoods team to identify concerns. The use of a large number of the Decant voids as TA has greatly assisted with keeping areas occupied whilst the programme continues.

6. Tenants relocation and offer to return

6.1 The secure tenants in the decant programme can bid for a new home via the Choice Lettings system and are given information at the time of their Decant visit about opportunities to return to the new homes in their current area. So far in the programme residents have taken advantage of this opportunity at the Leys, Goresbrook Village and Gascoigne projects.

8. Temporary Accommodation in Decant voids

8.1 During 2017 around 250 properties which are part of the Estate Renewal Programme have been used as Temporary Accommodation. Whilst the number of properties we use may rise in some of the blocks that have a demolition date further in the future, this number is likely to remain static as new phases commence and others reach the point of demolition.

9. Redevelopment of Estate Renewal sites

9.1 The Cabinet has approved the delivery arrangements for the redevelopment of the Estate Renewal sites, three are currently onsite;

**Gascoigne East Phase 1** – The first completions for Phase 1, 421 new homes, are due in mid-February 2018 and will continue till mid-2019. The new development area, Weavers Quarter, is all Affordable tenure, comprising Reside rented homes from 50 – 80% of market rent and Shared Ownership.

**Becontree Heath (including the site of Althorne Way)** – This scheme is being delivered in partnership with Countryside, the scheme of 170 homes across 5 sites (one of which is a former Estate Renewal site) in area delivers 51% affordable homes for Reside for both affordable rent and Shared Ownership.

**The Leys** - The first phase of this scheme was fully completed last year and the second phase of 69 homes will complete in September 2018. The scheme delivers 35 Affordable rent homes and 34 for Shared Ownership.

9.2 Other further schemes are in the planning and scheme development stage:

**Gascoigne Phase 2** - A Design competition has been launched to appoint a design team to complete a review of the current Outline consent and draw up a reserved matters application for delivery of the Phase 2 residential scheme and the later
Phase 3 proposals. The detailed design application for Phase 2 will be made later this year.

**Gascoigne West** - Outline planning consent has been submitted for 850 units (all phases) with approval expected in March 18. The Be First team will proceed to appointing a full design team for a Reserved Matters application for Phase 1 A & B in late summer with a projected start on site date in early 2019. The further programme for Phase 2 is targeted to start approx. 18 months after Phase 1.

**Sebastian Court** – Cabinet approved the detail for a scheme of 90 – 100 new homes in a mix of Affordable Rent and Shared Ownership. Tender to appoint contractor in line with approved delivery proposals due to be completed in February, the demolition tender documents have been drafted and ready to be issued pending the final decant and leasehold buyback. Final Leasehold acquisition remains a risk to programme and the CPO procedure has been instigated.

**Padnall Road** – Pending the inclusion of further Marks Gate sites via Cabinet Approval in March a full Masterplanning and Development team will be appointed to work with the residents and wider community to develop proposals for all the Marks Gate sites.

**Public Background Papers Used in the Preparation of the Report:** None

**List of appendices:**

- Appendix 1: Detail for tenant and leasehold buy back phasing programme
This page is intentionally left blank
<table>
<thead>
<tr>
<th>Project</th>
<th>Original Tenant/Leaseholder Nos</th>
<th>Progress – Tenant/Leaseholder moves/acquisitions</th>
<th>Notes/Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Live decant/buyback areas</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gascoigne East Phase 2A</td>
<td>240 Tenants/41 Leaseholders</td>
<td>4 Tenants/0 Leaseholders</td>
<td>This is the site for the New Greatfield’s school, the first zone has now been completed and occupied by the 7 &amp; 8 year groups. Construction on the further zones will commence in the Spring. The empty blocks in this area have now been handed over to the demolition contractor. The final tenant decants are now being prioritised via direct offers to aim to complete Vacant possession for the end of March 2018.</td>
</tr>
<tr>
<td>Gascoigne East Phase 2B&amp;C</td>
<td>152 Tenants/60 Leaseholders</td>
<td>54 Tenants/12 Leaseholders</td>
<td>The decanting is progressing well, and the CPO has been served and confirmed for this area. The final stage of the CPO, the vesting declarations are due to be finalised in February 2018. Final compensation settlements will be agreed with the remaining 12 Leaseholders and assistance for leaseholders requiring gap funding is being dealt with on a case by case basis.</td>
</tr>
<tr>
<td>Gascoigne East Phase 3 A&amp;B</td>
<td>288 Tenants/54 Leaseholders</td>
<td>206 Tenants/40 Leaseholders</td>
<td>Decant and Leasehold visits have just commenced on phase 3a, this area is required to further both the residential and school development programmes. A number of the</td>
</tr>
</tbody>
</table>
original number of Leaseholders have been acquired under the willing seller’s arrangements and tenants have moved outside the decant process (transfers, termination or eviction)

<table>
<thead>
<tr>
<th>Phase</th>
<th>Tenants</th>
<th>Leaseholders</th>
<th>Tenants</th>
<th>Leaseholders</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gascoigne West Phase 1</td>
<td>23</td>
<td>17</td>
<td>8</td>
<td>0</td>
</tr>
<tr>
<td>Gascoigne West Phase 2</td>
<td>21</td>
<td>20</td>
<td>11</td>
<td>8</td>
</tr>
<tr>
<td>Sebastian Court</td>
<td>59</td>
<td>6</td>
<td>3</td>
<td>1</td>
</tr>
</tbody>
</table>

Decanting is progressing well, and all the Leasehold acquisitions are now complete. This will be the first phase for redevelopment in this scheme.

Decanting and Leasehold acquisitions are progressing well, and consideration will be given to bringing forward parts of phase 2 with phase 1 if the areas are vacant to meet the programme above.

The final stages of the Decanting and buybacks are nearing, the CPO process is being used to deal with one remaining Leaseholder (investment purchaser).

This phase will require division into sub phases prior to decant start, a number of the Leaseholders have come forward as part of the willing sellers programme and completed their sales back to the Council. These homes are being utilised as for TA cases until vacant possession is required.
<table>
<thead>
<tr>
<th>Location</th>
<th>Tenants</th>
<th>Leaseholders</th>
<th>Status</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gascoigne West Phase 3</td>
<td>45</td>
<td>45</td>
<td>Pending – target for start Summer 2018</td>
<td>As for Gascoigne West above, outline planning consent has been submitted for 850 units (all phases) with approval expected in March 2018. This will be the last phase for delivery and tenant decants are due to commence in the Summer, due to the relatively high numbers of Leaseholders the visits and offers for this phase have started in advance of the tenant decants. To date.</td>
</tr>
<tr>
<td>Roxwell Road/Stebbing Way</td>
<td>35</td>
<td>6</td>
<td>N/A</td>
<td>First stage feasibility work for this project has commenced and has been presented to the Be First Gateway panel, the final proposals will be presented to the Councils Investment Panel prior to consultation with residents and decanting/leaseholder actions commencing.</td>
</tr>
<tr>
<td>Rainham Road Nth 265 - 285</td>
<td>11</td>
<td>6</td>
<td>N/A</td>
<td>First stage feasibility work for this project has commenced and has been presented to the Be First Gateway panel, the final proposals will be presented to the Councils Investment Panel prior to consultation with residents and decanting/leaseholder actions commencing.</td>
</tr>
<tr>
<td>Padnall Road 168 – 284 evens</td>
<td>35</td>
<td>18</td>
<td>N/A</td>
<td>This project will be brought forward as part of a wider Masterplan for this and the additional sites due to...</td>
</tr>
</tbody>
</table>
be presented to Cabinet in March. Following the wider approvals a Design team will be appointed to work with the residents and wider Marks Gate Community on the proposals for the areas.
**Summary**

The attached report is an update to the Fire Safety Report presented to the Living and Working Select Committee in November 2017.

In December 2017, the department for Communities and Local government published an interim report lead by Dame Judith Hackitt, “Building a Safer Future, Independent review of building Regulations and Fire Safety.

**Recommendation(s)**

The LWSC is asked to note the report and provide any additional observations or comments for officers to consider.

## 1. Introduction and Background

1.1. In the early hours of 14th June, emergency services responded to a report of a flat on fire on the 4th floor of Grenfell Tower, North Kensington.

1.2. The fire spread very rapidly and spread across 20 floors in 18 minutes. Up to 40 fire appliances and crews responded to the incident.

1.3. Grenfell Tower is a 24 storey block with 127 flats. 364 households have been placed in emergency accommodation. The current number of people who have been confirmed dead stands at 80. This figure will not be revised further until the end of the year, until a full search and recovery has been concluded.

1.4. There has been considerable speculation and focus on how the fire spread so quickly and claimed so many lives. The investigation into the cause and spread is ongoing and will take many months to conclude. This will also form
part of the coroner’s inquests into the deaths.

1.5. In addition, the Prime Minister has called for a public inquiry which be led by retired court of appeal judge Sir Martin Moore-Bick, this will take several years to conclude.

1.6. The government has also established a government fire safety expert panel, chaired by Sir Ken Knight to advise on any immediate actions that are required to ensure buildings are safe.

1.7. Barking and Dagenham council established a Strategic Operations Group to oversee the work across all departments in response to the fire, the early areas of investigation and the wider response to government departments at a regional and national level.


1.9. Living and Working Select Committee were provided with a comprehensive report and feedback session at the November meeting.

2. **Proposals and Issues**

2.1 The Fire Safety Cabinet report, adopted in October 2017 set out a series of recommendations in relation to fire safety. The recommendations were based on three broad headings:-

- Improving Fire Safety in Buildings
- Using Regulation to improve fire safety
- Protecting people from the risk of fire

2.2 **Specific update on the policy recommendations**

2.2.1 The following section provides an update on the progress with reagrds to the recommendations set out under the above three headings.

2.3 **Improving fire safety in Buildings**

2.3.1 The council has put in place measures to ensure that developers of council owned projects understand their responsibility to use materials that meet the standard of non-combustibility.

2.3.2 Whilst it is not a material consideration, planning officers are highlighting the need for consideration of sprinkler systems and a clear fire strategy for all high rise residential building of 18 meters and above.

2.3.3 **Sprinklers in High Risk Residential Blocks**

2.3.4 The Fire Safety Cabinet report also made a number of recommendations in relation to sprinkler systems. This includes the consideration for the installation of sprinkler systems in any new build, residential building of more than 18 metres. It also
recommended a review of the existing high rise residential buildings of 8 storeys or more, to assess the practicality for retro-fitting sprinkler systems.

2.3.5 Senior Officers in My Place have designed an assessment flow chart, to support their approach in assessing the practicality for retro-fitting sprinkler systems. The flow chart has been designed to provide a level of evaluation, ensuring that the fitting of such a system adds a further level of safety without creating detriment to the structural integrity of the building. It confirms that the cost of delivering such a system is commensurate to the risk determined and that resident opinion, through consultation, is duly considered in the decision making process.

2.3.6 This programme of assessment will be completed in the early summer 2018.

2.4 Using regulation to Improve Fire safety

2.4.1 Legal Services have been instructed to draft a contractual clause to be included in all capital procurement for high risk residential buildings, sheltered accommodation and schools, which requires contractors to allow assigned auditors access to all records and the development site itself. It is anticipated that this clause will be incorporated into council contracts from late February 2018.

2.4.2 Properties in Multiple Occupation in High Risk residential blocks

2.4.3 228 properties were identified as being private lets within high rise blocks across the borough. These were risk rated and 145 properties were visited.

2.4.4 To date 27 Unlicensed properties were identified, 7 have been brought to license via enforcement action and other findings indicated that properties were used as temporary accommodation or owner occupiers.

2.4.5 Enforcement action has been taken against 4 addresses which have been sublet and subdivided. One address was vacated and returned the council and two are proceeding to prosecution.

2.5 Protecting people from the risk of fire

2.5.1 Recommendations related to Personal Emergency Evacuation Plans (PEEP’s) have been progressed and will continue to be implemented as cases arise.

2.5.2 The council is hold regular meeting with senior representatives of the LfB to ensure that current information is up to date. There are no changes to fire safety advice to residents at this time.

3. Dame Judith Hackitt Report


3.2 The interim recommendations of the Dame Judith Hackitt report fall under the following 4 headings:-
- The government – should review and streamline the suite of Approved Documents. In addition, the report recommends that government should restrict the use of desktop studies to approve significant changes to a high risk building.

- Skills and competency – The report recommends that, for all disciplines across the design, build, inspection, assessment and maintenance of high risk buildings, there should be suitably qualified professionals with clear roles and responsibilities.

- Handover process – The report highlights that there needs to be greater clarity of roles and responsibilities at each handover stage, including a formal review between each of the responsible persons. This includes a greater quality assurance role by building control bodies.

- Consultation and transparency – The report recommends that there should be greater consultation with key bodies, through the design, building and maintenance process. This includes greater involvement of the Fire and Rescue Service. It also includes Fire Risk Assessments being undertaken annually and accessible to residents.


4. Consultation

4.1 The Policy Recommendations have been drawn together in consultation with London Fire Brigade, and senior officers across council departments.

Public Background Papers Used in the Preparation of the Report: None

List of appendices:

Appendix 1 – Table of recommendations
<table>
<thead>
<tr>
<th>Number</th>
<th>Principle</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recommendation 1</td>
<td>Improving fire safety in buildings</td>
<td>Our policy will be to only use individual materials in any external façade system, that meet the standard of non-combustibility, as set out in prevailing building regulations, when building or refurbishing council-owned or maintained residential blocks or schools.</td>
</tr>
<tr>
<td>Recommendation 2</td>
<td>Improving fire safety in buildings</td>
<td>The expectation of the council will be that developers include sprinkler systems for any residential block of more than 18 metres.</td>
</tr>
<tr>
<td>Recommendation 3</td>
<td>Improving fire safety in buildings</td>
<td>The council’s policy in relation to retrofitting sprinklers will be based on key criteria and decisions to retro-fit will be considered in partnership with London Fire Brigade and in line with any recommendations of the national inquiry. The criteria is as follows: High-rise residential buildings of 8 storeys or more – Where there are council-owned or maintained buildings of 8 storeys or more, we will undertake a programme to assess if retro-fitting sprinkler systems are a viable option to improve fire safety, without detrimentally impacting on the integrity of the building. High-rise residential blocks which form part of the council’s regeneration programme – Where buildings fall under this category, we will look to complete the scheme at the earliest opportunity. In the interim we will explore the use fire detection and alarm systems in partnership with the LFB, which will greatly improve the early detection, if fire were to occur. We will continue retro-fitting sprinkler systems in sheltered accommodation, in partnership with London Fire Brigade.</td>
</tr>
<tr>
<td>Recommendation 4</td>
<td>Improving fire safety in buildings</td>
<td>To work with the LFB to identify buildings where the installation of fire detection and alarm systems, is deemed most appropriate. The council will use its civil protection response when fire safety crews take the decision to evacuate a building. The council will only use fire detection and alarm safety alarms in high rise residential buildings.</td>
</tr>
<tr>
<td>Recommendation</td>
<td>Using to improve fire safety</td>
<td>An auditing clause will be written in to all future council contracts, explicitly requiring an Building Control Approved Inspector to co-operate with “any group or individual which LBBD assigns to audit the process.”</td>
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</tr>
<tr>
<td>Recommendation 6</td>
<td>Using to improve fire safety</td>
<td>The council will request that developers set out their fire safety strategy in their design and access statement for any residential block of more than 18 metres, although it is recognised that this is not a material planning consideration.</td>
</tr>
<tr>
<td>Recommendation 7</td>
<td>Using to improve fire safety</td>
<td>The council will be to use its powers to ensure that no property in a residential tower block of more than 5 storeys, is sub-divided into an additional, or statutory HMO.</td>
</tr>
<tr>
<td>Recommendation 8</td>
<td>Using to improve fire safety</td>
<td>For all additional and statutory Houses in Multiple Occupation, the council to require a fire risk assessment to be completed by a responsible person. and provided to the local authority. No licence will be granted on an additional or statutory HMO that does not have a FRA.</td>
</tr>
<tr>
<td>Recommendation 9</td>
<td>Protecting from the risk of fire</td>
<td>To expand Personal Emergency Evacuation Plans (PEEP) for those individuals (both adults and children) who have substantial disabilities or vulnerabilities, drawing on accepted Care Act and Children Act definitions whatever type of accommodation they live in.</td>
</tr>
<tr>
<td>Recommendation 10</td>
<td>Protecting from the risk of fire</td>
<td>The council will work with the LfB to provide the best, most up to date fire safety advice to residents about how they can keep themselves and their families safe, to prevent fire and protect themselves in the case of a fire.</td>
</tr>
<tr>
<td>Recommendation 11</td>
<td>Protecting from the risk of fire</td>
<td>To continue to look for best practice in fire safety through guidance, audit tools and free e-learning, such as the fire safety in the home training provided by the TSA in partnership with LFB and Learning Curve.</td>
</tr>
</tbody>
</table>
A report on leasehold service charges was presented to the Living and Working Select Committee (LWSC) on 05 December 2017.

The Living and Work Select Committee (LWSC) requested a further report to explain the current management arrangements of the leasehold service, the council's position of refunds, consultation requirements and additional service charge information.

Recommendation(s)

The LWSC is asked to note the content of the report

1. Current management arrangements

1.1 The Leaseholder management service is currently provided by the Sales & Leasing Team (within My Place) who are made up of:

1 Sales Leasing & Conveyancing Manager
4 Senior Sales & Leasing Officers
8 Sales & Leasing Officers
2 Section 20 Officers
2 Chartered Surveyors
1 Service Charge Officer- located with the Finance Team

1.2 These colleagues during their work benefit from the services of IT, Legal Services, HR, Elevate, Home Services, Finance among others.

1.3 The activities provided by the team include,

- Service Charge calculations & reviews
- Conveyancing
- Landlord & Leaseholders enquiries
- Assignments
- Change of use applications
- Landlord consent enquiries
2. Consultation Requirements

2.1. The consultation requirements for planned major works and variable Service charges, differ as outlined below:

2.2. Major Works Consultation

2.2.1 We observe the statutory requirements for consultation under Section 20 of the Landlord and Tenant Act 1985 (as amended) by The Commonhold and Leasehold Reform Act 2002, Section 151. This requires us to consult our leaseholders on:

- **Qualifying works** - Proposed major repairs or improvements which cost over £250 for which they will be required to pay
- **Qualifying long-term agreements** - Proposed contracts for long term provision of services entered into by the landlord with a wholly independent organisation or contractor for a period of more than 12 months, where the amount payable by any one contributing leaseholder exceeds £100 in any one year

2.2.2 The consultation procedures provide for two separate 30-day periods for leaseholders to make observations

2.2.3 The Landlord may have to serve consultation notices on leaseholders at the following three stages in the process of awarding a contract:

- the pre-tender stage – notice of intention; - 30-day consultation period
- the tender stage – notification of landlord’s proposals (estimates); - 30-day consultation period
- in some cases, the award of contract stage – notification of the award of contract- 21 days notification

2.3. Consultation for variable Service charges

2.3.1 We have worked with the Barking and Dagenham Leaseholders Association to develop a way of charging which is clearer and ensures that leaseholders are charged fairly and consistently for the services they receive.

2.3.2 For instance, to review the way Management fees were charged, the Leaseholders’ Association was consulted in 2013/2014

2.3.3 With respect to the Safer Neighbourhood charge, we consulted the leaseholders and other borough residents as part of the consultation on the Cabinet report dated 19 January 2016, *Titled: Housing Revenue Account Estimates and Review of Rents and Other Charges 2016/17*, where this service and the charges were proposed and agreed.
2.4 Recommendations:

2.4.1 To consult leaseholders directly by sending letters to advise them of proposed changes to services provided

2.4.2 Continue to liaise with the Leaseholders' association and ensure that it is truly representative of the leaseholders, by ascertaining that our leaseholders are fully aware of its existence and the role it plays

3 The Council’s position on Refunds

3.1 Refunds are usually authorised based on the circumstances of the case and the instructions given to the income section

3.2 We can only issue a refund where the service has not been provided and no cost has been incurred by the council.

3.3 Generally, refunds or changes in service charges which leaseholders are liable for, are processed through the Estimates / Actualisation process- The Actual costs of services are issued in September of the year.

3.4 If the leaseholder’s account is in arrears - Any credit will be used to offset the debt

3.5 If the leaseholder’s account is in credit – The Actual account credit will be used to offset the service charges for the next quarter or the next financial year.

3.6 If the leaseholder has a direct debit facility, their direct debit payments will be adjusted.

3.7 In exceptional circumstances, if the leaseholder insists on a refund and the income team are satisfied with the direct debit arrangement, the refund will be authorised.

4 Estate Boundaries

4.1 The lease includes a plan that shows the leasehold property (edged in red) and any garden, storeroom or parking space. The building in which leasehold flats are situated are part of an estate shown edged in blue on the plan

4.2 The boundary has not changed. It is defined at the point the property is sold and is clearly marked in the lease documents

4.3 As described on the Council website under ‘Your Lease’, The building in which a flat is situated is part of an estate. This may be as small as a single block containing two flats or a larger area containing several blocks in a common area

4.4 The 4th schedule of the lease sets out the definition of service charges and how the Council can determine “a reasonable and proper method to ascertain charges”.

4.5 The lease enables the Council as freeholder, to define and apportion charges, in many respects as it sees fit and reasonable.
4.6 The method of charging for services is dependent on the service. For instance,

4.6.1 Grounds maintenance is charged on an estate to estate basis. The estate plan/drawings attached to the lease determines the estate boundary.

4.6.2 The costs of Responsive communal repairs are shared equally amongst the dwellings in the block. A block is defined as a building or group of dwellings forming a continuous structure.

4.6.3 Insurance premium is calculated based on the number of bedrooms.

4.6.4 **The Graffiti/Estate Maintenance charge** - This charge comprises all expenditure relating to a range of estate-based tasks that are essential to maintain the common external areas of the estate. Each estate is unique and the tasks undertaken to each estate are appropriate to its particular needs.

4.6.5 On the Actual account 2015/2016, there was an error in the method of calculating this charge. The total cost of the service was divided equally amongst all Housing Revenue Account (HRA) dwellings.

4.6.6 The error was rectified and the charge was divided equally among the dwellings on the estates that benefited from the service.

5 Proposals / Implementation plan for the Management fee

5.1 In accordance with the terms of the lease, the management fee is the sum equal to the reasonable and proper costs and charges of the corporation in effecting the administration and management of the estate and/or the building of which a property forms part including, without prejudice to any other similar provisions of the Lease, the preparation of the service charge and the collection of the same.

5.2 **Current Position:**

5.2.1 There are currently 2 Bands - Band A and Band B

- **Band A** applies to leasehold properties which receive the full range of services provided by the council, such as caretaking, grounds maintenance and estate maintenance services.

- **Band B** applies to corner conversions and street properties which receive minimal services, such as insurance premium and reserve fund contribution.

5.2.2 Until the review has been concluded, and resources identified, the service has opted to freeze the Management Fee.

5.3 **Issues raised by leaseholders:**

5.3.1 The problem has stemmed from a misunderstanding of the definition of ‘estate’ mentioned above. The argument is that they live on a street not an estate.

5.3.2 Also, the fact that **Band A** properties are stated to have ‘**the full range of services**’ such as caretaking, grounds maintenance and estate maintenance.
5.3.3 Leaseholders who are provided minimal services and caretaking believe that they should not pay the same fee as leaseholders who are provided all the services, which include estate maintenance and/or grounds maintenance.

5.4 Proposals/Recommendations for the Review:

5.4.1 **Identification of resources:** LBBD will adopt a more commercial approach to the management fee structure. A revised management fee will reflect costs where there is no loss to the authority.

5.4.2 **The service cost review:** will need to consider direct and indirect costs such as IT support, HR, Housing, Finance and General Income. All of which are impacted by leasehold services. The timeline to complete the review & then consult with Leaseholders is 5 months. We will aim to consult with leaseholders in June 2018 and adopt the new management fee approach in 2019/20.

5.4.3 **Benchmarking** data to enable a comparison with peer authorities.

5.4.4 We may be amenable to having 3 **Bands**, which some leaseholders have requested: Thus, the banding may be as follows:

- **Band A** - Corner conversion and end of tunnel block properties which receive minimal services.
- **Band B** - Properties which receive minimal services and the caretaking service.
- **Band C** - Properties which receive the full range of services, including estate maintenance and/or grounds maintenance.

**Public Background Papers Used in the Preparation of the Report:** None

**List of appendices:** None
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**Summary**

Following LWSC meeting on Tuesday 5 December 2017, the Select Committee had several questions regarding the maintenance of lifts and requested that a report on the maintenance of Passengers Lifts would be brought to a future Select Committee addressing the following areas:

- The lifts the Council repaired;
- Contractors used; and
- Performance statistics.

The following report covers all passengers lifts within Corporate and Education buildings, Housing blocks and Sheltered Accommodation schemes lifts from the 1 January 2017 to the 31 December 2017.

This report focusses on Passenger lifts.

The number of repairs included in this report are shown at table 1 and table 2 of this report and provides the number of lift repairs reported and response times to requests for repairs.

**Recommendation(s)**

The LWSC are recommended to note the report.
1. Introduction

1.1 LBBD have a statutory obligation to ensure that all passenger lifts and lifting equipment is maintained. We hold responsibility for lift safety subject to the Lifting Operations and Lifting Equipment Regulations (LOLER).

1.2 The law requires that all lifts when in use should be thoroughly examined:

- after substantial and significant changes have been made;
- at least every six months if the lift is used at any time to carry people, every 12 months if it only carries loads, or in accordance with an examination scheme; and
- following ‘exceptional circumstances’ such as damage to, or failure of, the lift, long periods out of use or a major change in operating conditions which is likely to affect the integrity of the equipment.

1.3 In October 2017, My Place became responsible for Housing and Corporate assets. To support this service, regular monthly, quarterly and yearly inspections of the lifts are carried out by qualified lift Engineers. My Place can confirm that the monthly, quarterly and yearly inspections have been carried out and the associated inspection certificates are held centrally.

1.4 Each quarter, My Place submits a report to the Authority’s Assurance Board. This report details the Statutory compliance checking regime for LBBD’s assets and Lifts forms part of this reporting structure.

1.5 Historically the Council’s Liability Insurance team also carries out yearly inspections and provide us with the annual reports of all lifts as part of their inspection regime of all equipment covered the liability insurance.

2. Repairs response time

2.1 As part of the Contract arrangements, the appointed Supplier must ensure the availability of a breakdown responsive repair team 24 hours a day 365 day a year. The response time agreed is to be a maximum of 2 hours for emergencies and 4 hours for all other faults.

2.2 There are several reasons for the lift break-downs and the time that it takes for the lift to be repaired. Those include:

- The age of the lifts with many lifts installed between 1990 and 1995;
- Some of the lifts in the High-rise blocks are constantly in use with a high-level traffic (especially in the 12-floor to 16-floor high-rise blocks);
- Some lifts have suffered considerable damage due to vandalism;
- Some lift repairs require new specialist parts that are not stocked-items or readily available on the market. On those occasions the parts will need to
be fabricated or to be sent to a specialist lift mechanical engineer to be repaired. This causes the repair to exceed the response times agreed; and

- Poor Supplier performance.

3 Lifts repaired

3.1 In total the Council has 128 lifts within My Place remit and direct responsibility to maintain. 36 Lifts within Corporate and Education buildings and 92 lifts within the Housing blocks, sheltered accommodation schemes and Hostels.

3.2 From the 1st January 2017 to the 31st December 2017 there were 766 repairs/callouts reported (680 Housing Lifts and 86 Corporate and education Building).

4 Housing blocks, sheltered accommodation schemes and Hostels

4.1 The Lift Maintenance Contract was tendered back in 2013. The Contract was awarded to Crown Acre. The duration of the Contract was 3 years +1+1. In July 2017 Crown Acre was taken over by their parent company Kone Plc. The current Contract is due to expire in April 2018. We will be seeking a short extension to enable My Place to carry out the re-tender. We plan to have the new contract in place by October 2018.

4.2 The following table provides number of repairs carried out from the 1st January 2017 to 31 December 2017.

Table 1

<table>
<thead>
<tr>
<th>Performance data</th>
<th>Number of repairs</th>
<th>Repair time in working days</th>
</tr>
</thead>
<tbody>
<tr>
<td>Repairs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Lift repairs</td>
<td>680</td>
<td></td>
</tr>
<tr>
<td>Contractors used</td>
<td>Crown Acre and Kone Plc.</td>
<td></td>
</tr>
<tr>
<td>Number of repairs</td>
<td>Repair time in working days</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Completed on the same day</td>
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</tr>
<tr>
<td>450</td>
<td>1 day</td>
<td></td>
</tr>
<tr>
<td>48</td>
<td>2 days</td>
<td></td>
</tr>
<tr>
<td>98</td>
<td>3 days</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>4 days</td>
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</tr>
<tr>
<td>3</td>
<td>30 days</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>31 days</td>
<td></td>
</tr>
</tbody>
</table>

**Overall Performance**

During the duration of this Contract, officers built a good relationship with Crown Acre, this helped to prioritise response and the Contract overall performance was an acceptable performance. Following Kone’s takeover of this Contract, whilst the Supplier responded to reported breakdown incidents in a timely manner, the time taken to complete the associated repairs gave rise to concern.

**Management action**

The Director of My Place (Robert Overall) convened a meeting to discuss areas of concern and agree the way forward to improve repairs performance.

A follow up meeting has been arranged for the 24 of January 2018 to monitor progress of the agreed actions.

The Lift service has been adversely affected by the long lead time taken to obtain parts. To remedy this, we are doing the following:

- Recycling whole lifts or lifts parts from decommissioned buildings. The lifts and or lift parts will be held in stock for future repairs.
- Lift contractor will use historic data to advise of average times taken to obtain key parts – we will then pre-purchase these parts to keep in stock
- Consider building these actions into the deliverables required for the re-tender process

The Passengers lift, and Stairlifts Contract ends in April 2018, and we are currently preparing to re-tender.

## 5 Corporate and Education Building Lifts

5.1 The Lift Maintenance Contract was tendered in 2013 and was awarded to Abbey Lift care. The duration of the Contract was 3 years + 1year and is due to expire on 1 May 2018.

5.2 The following table provides the number of repairs carried out from the 1 October 2017 to 31 December 2017.
<table>
<thead>
<tr>
<th>Performance Info</th>
<th>Number of repairs</th>
<th>Response time in hours from receipt of referral from LBBD</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>26</td>
<td>2 hours</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>12 hours</td>
</tr>
<tr>
<td></td>
<td>0</td>
<td>48 hours</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>7 days</td>
</tr>
</tbody>
</table>

**Overall Performance**

During the duration of this Contract officers reported 90% success response rate against the response time set within the Contract.

**Contract Information**

The Passengers lift, and Stairlifts Contract ends in April 2018, and we are currently preparing to re-tender.

**Public Background Papers Used in the Preparation of the Report:** None

**List of appendices:** None
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