

Housing & Community Safety Scrutiny Sub-Committee

Tuesday 9 September 2014

7.00 pm

Ground Floor Meeting Room G01A - 160 Tooley Street, London SE1 2QH

Membership

Councillor Tom Flynn (Chair)
Councillor Ben Johnson (Vice-Chair)
Councillor Vijay Luthra
Councillor Claire Maugham
Councillor Damian O'Brien
Councillor Martin Seaton
Councillor Johnson Situ
Cris Claridge
Miriam Facey
Michael Orey

Reserves

Councillor Neil Coyle
Councillor Karl Eastham
Councillor David Hubber
Councillor Lorraine Lauder MBE
Councillor Hamish McCallum

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Contact Fitzroy Williams on 020 7525 7102 or email: fitzroy.williams@southwark.gov.uk

Members of the sub-committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 1 September 2014



Housing & Community Safety Scrutiny Sub-Committee

Tuesday 9 September 2014

7.00 pm

Ground Floor Meeting Room G01A - 160 Tooley Street, London SE1 2QH

Order of Business

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PART A - OPEN BUSINESS

1. APOLOGIES

2. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

In special circumstances, an item of business may be added to an agenda within five clear working days of the meeting.

3. DISCLOSURE OF INTERESTS AND DISPENSATIONS

Members to declare any interests and dispensations in respect of any item of business to be considered at this meeting.

4. MINUTES

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To approve as a correct record the Minutes of the open section of the meeting held on 7 July 2014.

5. DRAPER HOUSE - INDEPENDENT INVESTIGATION REPORT

15 - 71

6. WOMEN'S SAFETY CHARTER

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Councillor Radha Burgess and Head of Community Safety & Enforcement to introduce the item to the sub-committee.

DISCUSSION OF ANY OTHER OPEN ITEMS AS NOTIFIED AT THE START OF THE MEETING.

PART B - CLOSED BUSINESS

Item No.

Title

Page No.

**DISCUSSION OF ANY CLOSED ITEMS AS NOTIFIED AT THE START
OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.**

Date: 1 September 2014



HOUSING & COMMUNITY SAFETY SCRUTINY SUB-COMMITTEE

MINUTES of the Housing & Community Safety Scrutiny Sub-Committee held on Monday 7 July 2014 at 7.00 pm. at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Tom Flynn (Chair)
 Councillor Vijay Luthra
 Councillor Claire Maugham
 Councillor Damian O'Brien
 Councillor Martin Seaton

OTHER MEMBERS PRESENT: Councillor David Hubber (Reserve)
 Councillor Lorraine Lauder (Reserve)

OFFICER SUPPORT: Shelley Burke – Head of Overview & Scrutiny
 Gerri Scott - Strategic Director Housing & Community Services
 Jonathon Toy - Head of Community Safety & Enforcement
 Fitzroy Williams – Scrutiny Team

1. APOLOGIES

1.1 Apologies for absence were received from councillors Ben Johnson, Johnson Situ and Cris Claridge. The chair also welcomed reserve members councillors Lorraine Lauder and David Hubber.

2. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

2.1 There were no urgent items of business.

3. DISCLOSURE OF INTERESTS AND DISPENSATIONS

3.1 There were no disclosures of interests or dispensations.

4. GENERAL TERMS OF REFERENCE FOR SCRUTINY COMMITTEES/SUB-COMMITTEES

4.1 Members noted the general terms of reference for scrutiny sub-committees.

5. THE HOUSING AND COMMUNITY SERVICES HORIZON 2014-15

5.1 The Strategic Director Housing & Community Services reported that this was a large department. The bulk of the port-folio is housing services, but the department also includes responsibility for customer services and community engagement.

5.2 There are about 53,000 properties in Southwark which makes us the biggest social landlord in London and one of the largest in the country. It is also unusual in comparison to much of London in that Southwark's housing stock is in-house. A number of other local authorities landlords have transfered stock or have arrangements with management companies, ALMOs or housing associations.

5.3 The scale of the department's responsibilities are enormous and as such are split into 6 divisions, community engagement, customer experience, maintenance and compliance, major works, housing operations and specialist housing services.

5.4 The sub-committee were informed that the department has a strong performance management culture overseeing a comprehensive suite of key performance indicators providing stretching targets benchmarked against the best social housing providers.

5.5 Members were informed that the contract management teams were split into North (Southwark Building Services) and South (Mears), delivering internal and communal repairs. The director pointed out that officers were monitoring the current service provided by Mears with a view to improvement.

5.6 The strategic director reported that officers continue to work hard on tackling illegal occupancy and investigate who actually lives in Southwark properties which is an ongoing process. At the time of the meeting there was still 2,000 properties that the council is trying to get access to check that these are occupied by the legal tenant.

5.7 Key objectives are:-

- Implement a programme to ensure Southwark's housing stock is warm, dry and safe (report to Cabinet 22.07.2014)

- Deliver an improved housing repairs service, verified by residents
 - Improve customer services and increase online services customer experience
 - Ensure that charges for homeowners are fair
 - Provide improved value for money and deliver savings
 - Increase the supply of housing, use our stock effectively, reduce the numbers in temporary accommodation
 - Involve tenants and homeowners in the improvement of service delivery.
- 5.8 The sub-committee were informed that the Cabinet had already agreed to increase the level of tenant management in the borough. Soutwark already has some very successful TMO's such as the Leathermarket JMB model, and there are also other options which will be explored such as estate management board arrangements.
- 5.9 The chair thanked the strategic director for the briefing and report and opened the meeting for questions from members of the sub-committee.
- 5.10 A member stated that tenants were complaining about condensation issues and damp problems that seem to keep occurring, treatments are undertaken but the problems persist. What has been done to address this problem?
- 5.11 The strategic director reported that last year there were a number of residents who reported damp and or condensation problems. Where there are clusters of complaints which may identify an underlying issue in specific blocks or estates. Officers conducted a thorough review and appointed independent consultants to have a look at the structure of the building to tackle the problem in a different way. It has to be said that some of it is truly condensation and vents and windows need to be opened to ensure that there is adequate air circulation. Sometimes it is not condensation and instead is a deep rooted problem i.e. waste pipes have broken down in the building and are causing structural defects, rising damp and cold bridging because of the concrete structures of the building. Particularly with some of our system built properties.
- 5.12 In terms of the warm, dry and safe programme officers have had some success with gaining funding from British Gas, which enabled the council to clad buildings in a completely different way and this has really helped to improve the insulation of buildings and improve the thermal efficiency. Officers will always try to find imaginative and long lasting solutions and information is available to tenants to help address issues of condensation and damp.

- 5.13 A member asked regarding community engagement involving tenants in the management of their estates. The problem is over the years more and more TRA's find it difficult to find people who would volunteer to be responsible and run the association. Is there any way the council can change our approach, offer more encouragement or training?
- 5.14 The strategic director reported that a report was considered by Cabinet in the last administration which called for a new approach to community engagement. It is recognised that TRA's are not the foolproof way to involve people on estates. There are some very active and committed residents who give up a lot of their time, but that form of engagement is not for everybody. So there needs to be alternatives whether that is Face book or web pages or something else that people can tap into or even issue based consultation recognising that people are very interested in one thing and not another issue so they can dip in and contribute and then dip out again.
- 5.15 There is a continuing role for TRA's but officers are also looking at ways to engage with younger people in a way that works for them. Officers have experimented with Face book and trialled it with a few community council's. This has been successful.
- 5.16 A member stated he was keen to understand the situation with temporary accommodation, in some other London boroughs the fiscal pressures that authorities are under have placed a lot of pressure on temporary accommodation and levels of homelessness are on the rise. What is the situation in Southwark, have officers seen levels of homelessness increase? Are people being held in bed and breakfast for longer than need be?
- 5.17 The strategic director reported that Southwark has been relatively successful historically in containing temporary accommodation placements but have seen over recent months that there is increasing demand. There are pressures on supply and the reason why officers were successful previously was when the council had large scale regeneration programmes like the Aylesbury, those empty properties were used for temporary accommodation, but as those schemes start on site obviously those options were no longer available.
- 5.18 The sub-committee were informed that officers are looking at procuring more hostel accommodation where possible and moving into private sector leasing arrangements. The authority is also trying to encourage landlords to sign up to the council rather than put their properties into the private market. This route is no longer as attractive to private sector landlords as they can charge much higher rents to the market.

- 5.19 Officers are also being stringent in carrying out checks so that people who are genuinely homeless are being looked after as they should be and people who have alternative options available to them, whether that be staying at home or renting in the private sector take up those options.
- 5.20 Bournemouth Road which is our homelessness and housing service is seeing a lot of people coming through the doors. London generally is becoming difficult to find accommodation in due to the fact that it is so expensive in terms of the rental market. People are having to make choices about considering whether they should live outside of London. Where we have a responsibility for temporary accommodation, officers in Southwark try very hard not to go for outer borough placements and try to house in the borough or at least London.
- 5.21 A member asked to what extent are people having to move out of borough or to find accommodation themselves?
- 5.22 The strategic director stated that this is not encouraged, as other authorities have their own problems. London Councils the representative body for all London authorities have very rigid inter borough agreement which all parties comply with but there is a recognition that occasionally people will need to be placed in other boroughs, but we really try to avoid this wherever possible.
- 5.23 A member asked for some information regarding community engagement in the context of new council homes delivery, it has been great to read about the engagement that took place over the last year or two and the helpful things residents were saying about what sort of new council housing they wanted. How are we going to make sure that conversation welcomes new housing at the same time as giving people ownership and decision making that they want?
- 5.24 The strategic director informed members that a report would be going to Cabinet on the 22nd July 2014 which sets out how the council intends to deliver 11,000 new council homes. Contained in the report is a appendix which is a charter of principles regarding how to involve the community. One area proving difficult in terms of new builds is sometimes local communities feel quite distant, they do not see what is in it for them, whether they are a leaseholder or tenant they feel they are not fully engaged in the proposals for that area. What is being said in the report is that conversations with the community should happen at the earliest stage, including the potential opportunities for the local community in terms of any council new build. For example, the council recently introduced a shared equity stake for leaseholders affected by large scale regeneration schemes, which offer leaseholders the choice of a shared equity stake in the new property as opposed to getting bought out.

- 5.25 There is also the opportunity for local letting schemes within that locality which will determine who should live in the new properties with existing residents helping to determine the local policy.
- 5.26 The other example is the refurbishment of Lakanal, where the block has remained empty following the tragic fire. For many months officers have been working with the tenants and residents association regarding what they want to happen to the block, who should live in it, and opportunities for new build housing.
- 5.27 A member asked a question regarding pest control and lack of communication, giving details of a particular case. The Head of Community Safety & Enforcement stated that if the member gave him the details he would pick up the matter.
- 5.28 A members asked if the strategic director could expand on the leaseholder issues, major works are now receiving bills and explain the options available?
- 5.29 The strategic director stated there were a number of options for leaseholders, although the options are not the same if you are a resident leaseholder or non-residential leaseholder. The options for residential leaseholders include a number of fixed payment terms, i.e. up to 48 months for people to pay their service charges. If people are in financial hardship a charge can be taken on the property, so they don't actually pay anything but it is a charge on the property in terms of the eventual resale.
- 5.30 There is also a fixed service charge verses variable service charges option giving cost certainty to leaseholders for and option of being able to pay a same set amount year on year.
- 5.31 In cases of severe financial hardship there is the buy back option available where the council buy back the property and provide a tenancy for the leaseholder. This information is available on the website and will be circulated to members.
- 5.32 The chair asked if the handyperson services and the 100% satisfaction which seemed high, how did officers get to this number? And how many people might have been surveyed?
- 5.33 The strategic director stated that this information would be sent to members. The important thing about the handyperson service is it is something that people choose, so it is not delivered in terms of a responsive service, it is particularly for elderly/vulnerable clients and it is generally a very well perceived service but is separate to the normal day to day service and is funded in a different way.
- 5.34 A member asked about housing options system, is there likely to be a review of having a band 4? When there is very little chance

on anyone in this band ever being re-housed?

- 5.35 The strategic director stated that the allocation policy was reviewed by a cross party review group which was chaired by the previous cabinet member for Housing. It also involved tenants and expert advice from housing associations and took evidence from what worked well from elsewhere. There was discussion regarding band 4 because the bulk of the waiting list is contained in band 4 which is approximately 9,000 people currently.
- 5.36 Officers are writing out to every single person in band 4 because people have been in that category for so long that their circumstances may have changed. Officers have already found that a number of people have found their own accommodation, either have bought or rented elsewhere or have moved out of Southwark.
- 5.37 The allocation policy is going to be reviewed and there will be a report going back to cabinet in October 2014.
- 5.38 The strategic director undertook to circulate the following documents to members:-
- Leaseholders options
 - Handypersons Services Satisfaction Levels
 - Letter to residents in Band 4

6. COMMUNITY SAFETY ISSUES OVER THE NEXT TWELVE MONTHS

- 6.1 The Head of Community Safety & Enforcement introduced the briefing report to members, and stated officers were really focused on community safety priorities over the next six to twelve months as officers worked in partnership with other department and agencies.
- 6.2 The first part of the report was to try and give the sub-committee a understanding of where our partners/agencies are at this moment in time. It is important to understand that whilst the council continues through its own changes our partner organisations are going through similar changes and in some cases even bigger changes than the council are going through.
- 6.3 In terms of Southwark Police and the met as a whole they are seeing significant changes to their structures and how they organise and operate. Officers have had some particular pressures locally and there have been big changes in the police senior management team and further changes in terms of Inspectors and Chief Inspectors.

- 6.4 The analytical capacity that the council previously had no longer exists and the reason this has been high lighted on this report is when officers are looking at local intelligence and trying build a picture of what is happening over a period of time that is no longer done in Southwark. That work is now done in a regional centre which covers 6 to 7 different boroughs and both the council and police are reliant on the quality of the analytical products that comes through and we are often driven by good researched intelligence.
- 6.5 The agency going through the biggest changes are the probation service, the service in effect is being split into two different functions. In future they will look at high risk cases, those that have a significant risk of the offender may have gone into custody for some considerable period of time and may have a high tariff custodial offence that is the group of people they will be looking after.
- 6.6 Those that are low to medium risk will now be looked after through a community Rehabilitation Company and that will be a tendered company in each of the probation areas across the whole of England and Wales. There will be one area for London and that company will look after the management of low risk offenders. Quite often they are the people who commit the largest amount of crimes although it is considered low tariff offences. So things like shoplifting, theft from a person without any form of violence and theft from a motor vehicle, so crimes that really affect local residents so there is going to be quite a change to how those offenders are looked after in the future.
- 6.7 The Fire Brigade is also going through considerable changes, last year the council collectively took a very robust stance to the closure of Southwark Fire Station and the loss of tender at Peckham, we lost 50 fire fighters in this borough, this causes significant problems, particularly around the issue of familiarisation that is the ability for local fire fighters to understand the area/patches/blocks that they are visiting and looking after, this continues to cause concerns on a partnership level.
- 6.8 Domestic abuse is a very big area for officers and fits into the scheme of setting in terms of violent crimes agenda. In Southwark there are high levels of domestic abuse officers have recorded somewhere in the region of 2,200 incidents a year on average. There a lot of services that officers put into place in terms of domestic abuse. The sub-committee may wish to refer back to the report that this sub-committee produced last year in terms of domestic abuse and the recommendations it provided. Officers are aware that there is likely to be a new domestic abuse bill coming through government at some stage in the not too distant future. There is still a considerable amount of work to be undertaken with regards to the whole issue of violence against women and the

wider premises of that work area.

- 6.9 Anti-social behaviour is a very big issues for residents and officers in the borough, most of officers post consists of complaints of anti-social behaviour affecting residents on estates and this will remain a big priority over the 6 to 12 months. Members were informed that there will be new legislation the anti-social behaviour policing act which will become active in the autumn of 2014, it changes the landscape in terms of how anti-social behaviour and those powers are used.
- 6.10 The sub-committee were informed that violent crimes has been a long standing issue, unfortunately for many of our local communities they have been seriously affected by the stigma of violence and that has had a big impact on them.
- 6.11 Over the last few years officers have seen a 29% reduction of violence with injury, 51% reduction in gun crime and 43% reduction in knife crime, those figures do not come through anything less than a lot of hard work across the board by all agencies over a long period of time.
- 6.12 Members were informed that support to victims of crime was very important and there was a big change in terms of how victims services are being delivered across London and officers would not want to lose focus that support to victims is still paramount. Officer want victims in Southwark to receive the best possible support.
- 6.13 The chair thanked the Head of Community Safety & Enforcement and opened the questions section of the meeting.
- 6.14 A member of the sub-committee asked a question around people who use a different range of services across the council, a victim of domestic violence for example might also be a family with dependencies issues that exist within that family/community. How are you working with other departments across the council to bring it all together and deal with the whole range of issues, rather than one at a time?
- 6.15 The work officers do with any of the services is just as much in collaboration with those partner agencies, so picking up on your example officers would undertake that work through the troubled families team, we have substance misuse providers that officers work alongside and the way that officers work is like a team around the family and it may be picked up and lead by one particular agency. The council has a Domestic Violence Service which actually provides a whole range of different support for the individual and the wider family.
- 6.16 A member asked how do community wardens fit into community safety or are they entirely focused on environmental issues?

- 6.17 The officer reported community wardens are not entirely focused on environmental issues, officers provide quite a range of services through the wardens and again it would depend on the kind of issue and pressure happening at certain time of the year or events coming up.
- 6.18 Officers are really proud of the work of wardens including aspects such as working with the most vulnerable residents, when there are bad spells of weather, be it hot or cold quite often the social services team will call on the wardens to do visits in certain areas and it is a job they really enjoy doing. They also do a lot of work in terms of trying to support the more vulnerable members of the communities into services.
- 6.19 A member asked about ranking which were produced by the statistical unit which ranks the numbers of incidents and ranks them across London or our neighbours? The officer report the figures in the report were ranked across London.
- 6.20 The member asked about our statistical neighbours in that case, in both stats here the changes in recorded crime by crime types, I knowledge those figures but I am told that crime across the country has been significantly reduced, I do not know if these figures are for the London condition or our statistical neighbours. Are you able to tell us that?
- 6.21 The officer stated he could not tell you every one, officers can probably pull out the information, in term of percentage reductions on the serious end of violence agenda, and Southwark pretty much out performs anybody in the country.
- 6.22 The GLA had produced their anti-gangs strategy if members look to the map that they produced in that strategy you would see 2011-12 that Southwark is green showing there are lots of issues in terms of serious gang related violence, it is now clear.
- 6.23 The officer reported that he had worked with Professor David Kennedy who had come over from America and he talked about percentage figures in terms of the work he had done in Boston, LA and Baltimore our figures compared or bettered those cities in terms of our reductions.
- 6.24 *The officer undertook to send the links to these papers to members of the sub-committee.
- 6.25 *The officer undertook to provide a briefing paper on serious violence.
- 6.26 A member asked about noise complaint, what will this review look like? What ideas are going to be put forward? The residents'

experience of making noise complaints is they are reluctant to do so because of the requirement for officers to come to their property before addressing the source of the noise, and it does not feel like a common sense approach when there is a big noise in the small hours of the morning. How might that experience be different after the review?

- 6.27 The officer reported that the noise team have been discussing these points, if officers respond to a noise nuisance there are two ways of looking at it, from a statutory noise nuisance point of view and that requires officers to do certain things to meet with the legislation and that does not always suit people. Officers are trying to work through collectively as a team is see whether or not a response that can be provided if not that night to meet the statutory requirements then certainly to support the residents the day after to make sure they get the level of support and something can be done about the people who have caused that nuisance, in a way that resolves that issue.
- 6.28 A member asked if the noise team operated all night? Or is there a cut off point? The officer reported that at this moment in time there is a cut off point, so Monday to Thursday the services ends at 3.30 a.m., and weekends the service operates until 4.30 a.m.
- 6.29 The officer informed members that there was a conversation ongoing regarding, are the hours right, have officers got the level of seasonality right, do officers need to shift some of the coverage, do we need the level of daytime service or is there another way officers can deliver that in a way that actually provides a case management services to cover the points that you raised.
- 6.30 There are also other pressures particularly with the elderly and mental health that in itself is causing officers some challenges and trying to design service that is sensitive to these issues and in terms of mental health related issues such as Alzheimer's and dementia, these are areas that officers need to be careful about dealing with regards to complaints because these issues are more common now than a few years ago.
- 6.31 The chair asked a question regarding fire station closures and asked whether officers held figures on this information on twitter about instances that happen about the promises that the Mayor gave on response times and on where fire engines were coming from in London, are we collecting information as a borough on where we are being let down as a result of those closures so that we can use as ammunition in the future maybe to see some of that come back?
- 6.32 The officer stated that information could be provided for members, Southwark's point of view was that the measurement used in terms of a two tendered response was not sufficient from Southwark's

point of view. Many of the fires in this borough requires more than a two tendered response, it usually requires a three tendered response and sometimes more and our argument collectively as a council was the vulnerability of our blokes and residents, we need a measure of a three tendered response.

- 6.33 Officers were trying to gather evidence in terms of both two and three tender, because anything which is over six stories or more requires three tenders. What happens is the crew will arrive and will then wait for the right level of support before they will go and deal with the fire, so officers can extract figures which will give the sub-committee an indication of response times.
- 6.34 A member asked a question regarding counter terrorism and perhaps the council playing a bigger role, and also to what extent is that affected by the current reorganisation of the police and fire services?
- 6.35 The officer reported that the police would like to see councils to taking on a much greater role in terms of the prevention agenda, that might mean how the council manage those people who they deem as a risk of terrorism, or taking a stronger role in terms of building an infrastructure which increases the safety of our more iconic buildings and historic locations and both of those would be a challenge to officers.
- 6.36 The officer explained that there are areas which would need to be explored with the police and fire services, but there is a need to be clear that there is a level of expertise which the council would need from policing point of view before officers would say that the council were in the right ability to take on those kind of roles. Specialist skills are required to provide that level of service that they are talking around the council would probably need to bring in specialist services to provide that service.
- 6.37 A member asked a question regarding under reporting of certain hate crimes, such as domestic violence, male on female and same sex, have you noticed any change in Southwark's figures, a while ago we had quite a high profile publicity campaign on this subject and I wonder if there are any thoughts of repeating that or do you think it necessary?
- 6.38 The officer reported that there was a strong view that anything the council can do to encourage or to make the community feel safer and report even the most minor incidents is really important, this gives officers a better understanding of what was actually is going on in the community. It was wider than hate crime it also extends to the issue of women's safety as well, there is a whole range of things which are valuable for officers to encourage that level of input.

- 6.39 Hate crime figures have not particularly gone up considerably over the last couple of years, they are still low but there is still an awful lot that goes on out there in the borough that people seem to believe is daily life, so there are things that can be done to encourage addressing these problems.
- 6.40 The chair thanked the officers for the report and answering members' questions and with the sub-committee's agreement took a 5 minute break. The meeting will commence at 20.10 p.m.

7. WORK PROGRAMME

- 7.1 The chair introduced the item and reminded members that they were to bring suggested items of business for this year. He then stated that this would be an opportunity for members to influence two major work areas, housing and community safety. The sub-committee then discussed and suggested the following areas :-

Housing

- Arbitration Service
- Housing Repairs/ How effective are contractors
- Leaseholder Charges/ Communications/ Contractor Charges
- Allocations Policy/ Temporary Accommodation/ Home Search
- Community Engagement/ TMO delivery
- Damp/ Pest Control/ Maintenance
- Cycling/ Infrastructure /Amenities
- Bathrooms & Kitchens
- Regulation of Private Rented Sector

Community Safety

- Domestic Violence/ Women's Safety Charter – how the council aim to deliver
 - Anti-Social Behaviour and Noise Team
 - Closure of Police and Fire Stations
 - Borough & Fire Commander (Interview)
 - Role of Wardens (Visit)
 - Victims support – what the council has in place?
- 7.2 After considerable discussion members suggested the work programme should start with the following items of business:-
1. Housing Repairs – Draper House (October 2014)
 2. Women's Safety Charter (September 2014)
 3. Borough & Fire Commander & MOPAC – Interview

- (November 2014)
4. Allocation Policy (September 2014)
 5. Anti-Social Behaviour & Noise Team (Date required)

Meeting ended at 9.20 p.m.

CHAIR:

DATED:

Independent Investigation- final report**Claer Lloyd-Jones LLB Solicitor
Investigating officer****DRAPER HOUSE REFURBISHMENT****For
Doreen Forrester- Brown
Director of Legal Services and
Monitoring Officer
London Borough of Southwark****July 2014****Claer Lloyd-Jones & Associates Limited
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1. Introduction and acknowledgements

1.1 This investigation has been a journey of exploration. I was delighted to have been appointed the independent investigator, knowing that there were no wrong and no right answers, but much to find out. I was required to find out what had been going on at Draper House, what could be done to improve things between the residents, the contractor and Southwark, and above all, what might be learned to benefit both residents and Southwark in similar, future circumstances.

1.2 I have spoken to a large number of people: residents of Draper House, Southwark staff, Southwark Councillors and contractors. Everyone had a slightly different story to tell, but what unites everyone is a determination to make sure that the events at Draper House are not repeated.

1.3 I found that everyone has one thing in common; a commitment to effective resident involvement in major works projects, and to involving as many residents as possible in the management of their homes. This is consistent with Southwark's long-term policy of being a social landlord, improving the quality and quantity of homes in Southwark, and delegating more management to residents to make decisions about their own homes, such as setting up more Tenant Management Organisations. However, the problem for Southwark has been translating that policy into action. Residents at Draper House will say that the opposite is true: "LBS must start to treat warnings and complaints from its residents with the respect they deserve, and investigate, rather than dismissing them out of hand" (Draper House tenant).

1.4 I experienced co-operation from everyone I wanted to speak to. I listened as carefully as I could and therefore if I inadvertently misrepresent anyone's views the fault is my own.

1.5 I would like to thank everybody who I have interviewed, and everybody who has answered my requests for information, sometimes at short notice. I would like to thank the Draper House Residents Association (DRA) for hosting three meetings for me to meet tenants and leaseholders, and to have taken responsibility for notifying everyone so effectively. I would also like to thank the many residents who allowed me into their homes to see for myself the good and bad of the building works. Southwark Officers have been courteous and helpful, and so have Elkins staff.

1.5 During the journey things have changed. It seems that by my being appointed by the council in consultation with the DRA and getting around, getting to know people and asking questions, that relationships have improved and there is a real prospect of the works finishing well.

"We had scaffolding for two and a half years. We had workmen for two and a half years. They didn't turn up sometimes, they were careless sometimes,

some things had to be redone. But its finally finished and we are happy.”

“It was all worth it in the end.” (Draper House tenant)

1.6 Some of my interim recommendations have been implemented and brought about some improvements. I hope you will find this piece of work useful.

Claer Lloyd-Jones,
Independent Investigator
July 2014

Executive Summary

2.1 I was appointed as the Independent Investigator to undertake a review into the issues surrounding Draper House on 17th January 2014 and started work in early February. The investigation was set up in response to continuing complaints from residents (tenants and leaseholders) about the delivery of the major works scheme at Draper House. In particular it was clear to the Council that relationships between some council officers and some residents had broken down completely. The Council is determined to learn lessons and rebuild the trust of residents.

2.2 The initial scope of the review was proposed by the Monitoring Officer as follows:

- How communications about the delays to the project were managed by the Council
- What lessons can be learnt more generally from the management of the project
- Going forward how can the council rebuild the trust of residents

2.3 Following representation by residents the terms of reference for the review were expanded at the end of April with the full agreement of DRA. They are grouped under three headings: communications, building works and governance and transition. My findings and recommendations are to be found in sections 6, 7 and 8 of this report. The recommendations are summarized at section 9.

2.4 Everyone I spoke to was willing to identify lessons to be learnt from the Draper House refurbishment project. I summarise my findings below:

- The Council
 - Ensure all pre- contract work such as obtaining licences is done early.
 - Risk assess the project for reputational risk, hardship already undergone by residents, nature and level of organisation of residents, history of major works and repairs, nature and complexity of the works. Devise risk strategy for the project and keep under review over its lifetime.
 - Assemble the project team according to the skills required in the risk assessment and ensure construction experience and customer care skills.
 - Publicise roles and responsibilities of the team and single points of contact for complaints and queries.
 - Ensure project manager is on site regularly and is empowered to reach all relevant decisions quickly.
 - Engage early with residents through T&RA, forming good relationships, and talking through what they can expect from the residents viewpoint.
 - Devise a communications strategy for the project which is resident focussed, uses a variety of channels including new

- technology, newsletters and meetings, consult residents on their preferred method of contact.
 - Ensure the contractor deploys resources to keep the programme of works up to target date.
 - Listen to, respond to, and record issues raised by the T&RA and by individual tenants.
 - Consider plan for transition, at an early stage, for the end of the project, involving residents in its planning.
 - Ensure Councillors receive regular and pro-active briefings on progress, highlighting any potential difficulties.
- The Contractor
 - Produce programme of works for individual properties as well as communal and external works.
 - Ensure sufficient resource to keep up with the programme.
 - Publicise on-site roles and responsibilities.
 - Ensure all operatives are trained in customer care.
 - Think about work in people's homes as if it were in your own home.
 - Give accurate notice of when workmen need access to people's homes, for what purpose, for how long and what quality of work they can expect.
 - Respond promptly to and record complaints.
 - Participate fully in resident meetings.
- Residents
 - Ensure that all residents are familiar with roles and responsibilities of the project team, and the single points of contact for complaints and queries.
 - Sign off works completed in own homes.

2.5 The exceptional delays in the major works at Draper House made the fault lines of insufficient resident involvement, already existing in the Major Works Department's approach, even more apparent. An impressive list of initiatives and resources were taken by the Council to address residents' discontent including raising the amount of compensation payments, capping leaseholder charges, introducing fortnightly Residents Project Team meetings (instead of monthly), changing contractor, a Scrutiny Review, and employing two consultants as additional on-site project manager and clerk of works.

2.6 However residents saw this as being too little too late; the quality of work did not improve sufficiently, the delays continued, senior Councillors apologised and promised that residents concerns would be addressed. The problem has been translating those promises into action. From many residents' points of view the Council has not succeeded in rebuilding trust. Without a reliable survey, it is difficult not to be persuaded by those voices. Above all, the espoused value of listening to residents and involving them in the running of their homes, seems not to have been shared. I strongly recommend that residents surveys are conducted more frequently in future projects.

3.Methodology

3.1 My methodology for conducting the investigation has involved interviewing key people, mostly residents and staff. The list of those I have spoken to is set out in Appendix one.

3.2 I have guaranteed confidentiality to those who I have interviewed which has resulted in many views and opinions being expressed that might not otherwise have been heard. I have said that should I want to attribute comments to anyone I will seek their permission.

3.3 Documentary evidence has been provided by residents and by officers, or represent good practice from elsewhere. These are also set out in Appendix one. Some documentation has been given me in confidence, and I will, of course, respect that confidence.

3.4 The meetings I have attended can also be found at Appendix One.

3.5 In reaching my findings and recommendations I have analysed everything that has been said to me and then formed a judgement in relation to facts and subsequently recommendations.

4.Context and background

4.1 I have based the following paragraphs on documents made available to me by Housing Officers, Scrutiny Staff and Residents. I have also relied upon interviews I have conducted and on my own observations.

4.2 Draper House is situated at Elephant and Castle, next to the Strata building. It is a twenty-four storey block consisting of 140 homes, 28 of which are Leasehold. There is one freehold flat on the first floor and 3 freehold commercial units on the ground floor.

4.3 The property was designed and built by the London County Council in about 1965 and was transferred first to the then Greater London Council and subsequently to Southwark in 1986. It is of a striking design. The ends of the block are clad in Italian marble and the sides are of a geometric, brutalist, or modernist design with black and white windows on each floor, and balconies on every other floor. Internally the flats are two storey with kitchens and living rooms on the lower floor, and bedrooms and bathroom above. The internally accessed front door and the balconies are on the entrance floor. The flats are light and airy because of the large windows on both floors.

4.4 Many of the residents I met have been attracted to live and stay at Draper House because of its unusual and 'artistic' design. There seem to be an unusual concentration of residents who understand and love the building, either as professional architects or designers. Many of these have been keen to offer views and ask questions about the major works being carried out. This sort of resident interest is, of course, to be welcomed. Of course, many knowledgeable residents will be able to express strong views and make informed challenges. There is a perception among some residents that they know more than the Major Works Department and the Contractors. The potential for conflict is therefore understandable.

4.5 Over the years residents have been promised major works, but for various reasons these have not been carried out. Prior to work starting in December 2011 no works were carried out since Draper House was last decorated in 1994, some 17 years earlier.

4.6 It is unclear what was the cause of this extensive delay, although initially there had been some discussion as to whether the works should form part of the larger Elephant and Castle regeneration programme. However, a number of other issues seem to have compounded the problem and led to frustration and lack of confidence in the Council among residents. Many residents are longstanding and take great pride in their homes. They therefore have clear recollections of being let down by the Council over an extended period.

4.7 Works to Draper House under the Council's Decent Homes programme were tendered in 2006, but the contract was not proceeded with due to difficulties with the successful tenderer. The works were then re-tendered and

re-specified in October 2009. However there were problems relating to establishing a compound for the building works due to the freehold transfer of land to the owners of the Strata building next door. These problems had already been identified, but no solutions found.

4.8 The Council's Warm Dry and Safe programme replaced Decent Homes and new partnering contracts with 5 contractors were awarded in 2010. Draper House major works was one of the first schemes to be commissioned using the new arrangements in Contract Area 1. The successful contractor for that area was Breyer PLC. Contract commencement was due from 4th July 2011.

4.9 The works consisted of concrete cleaning and repairs, new asphalt roofs, fire safety works, asbestos removal, kitchen and window installation, new front doors, upgrade of electrics, refurbishment of the main entrance to Draper House, decoration to the exterior of the building, timber repairs and glass replacement, and internal decoration to the communal areas. The Agreed Maximum Price (AMP) of £5,186,769 covered the cost of the full programme of works. Until a minimum of one year after practical completion it will not be known what the actual cost has been, as is usual in projects of this kind.

4.10 Leaseholders at Draper House received their estimated service charge bill for the works of £35,000 in October 2011. These bills are payable up front and subsequently verified and a final account submitted once the works are completed, and the defects liability period of one year has elapsed. The works for Leaseholder did not include any internal works inside the home.

4.11 An order was given to the Breyer on 14th June 2010 for pre-construction works to commence. These were surveying the block, specifying and pricing the works. The works package was approved and instructions to commence the works were given in June 2011. The contract was to begin on 4th July 2011. In fact the works did not start until Christmas 2011 due to an inability to set up a works compound and necessity of negotiating with the Strata building managing agents to grant a licence to use their service yard to do so.

4.12 At the same time a major restructuring of the Housing Department led to a new project team taking responsibility from 1st September 2011. The new team identified a number of issues that had not been properly addressed at pre-contract works stage and which needed to be resolved before works could start. These included a full appraisal of the legal ownership issues in and around Draper House, and complete redesign of the scaffolding to accommodate the flying freeholds of the ground floor commercial units. These issues were in addition to the requirement to negotiate a licence for the building compound.

4.13 Even at this stage, with no work started, the project Team identified potential issues with Breyer: ability to properly resource the scheme, adequacies of management on site, issues of delays in paying sub-

contractors, the quality of programme management and sequencing. In addition residents and ward Councillors were expressing concern and discontent about the poor experience of residents in the delivery of day to day works and the quality and performance of Breyer. Some Leaseholders were complaining about the size of bills and the quality of the work. The Strategic Director of Housing and Community Services was becoming involved on a regular basis. As a result, the Housing Investment manager was asked to take personal responsibility and attend all Resident Project Team (RPT) meetings. The new Head of Major Works had set up the RPT as part of the "Putting Residents First" initiative introduced across the Borough.

4.14 Residents came together through the well supported Draper House Residents Association (DRA), led by Luisa Pretolani (Chair) and Julian Adomali (Secretary). The previous tenants and residents association had collapsed some time earlier. The relationship between Southwark Officers and Draper House residents was described to me by a senior staff member as 'fragile' at this time. This was a problematic scheme with difficult and complex technical and legal issues. Residents made legitimate and justified criticisms about site management, including not listening to residents concerns and complaints and not actively monitoring delivery and quality of workmanship. A default notice had been served in October 2012 on Breyer. This indicated that the council was dissatisfied with an element of contract delivery.

4.15 Breyer worked until their suspension in November 2012 following a serious carbon-monoxide incident which hospitalised a Draper House resident. The suspension of the contract continued until mutual termination of the contract in March 2013. No works were carried out or completed during that time due to the legal process of termination.

4.16 AE Elkins were the back up contractor under the partnering arrangement. Southwark balloted the residents of Draper House to gauge opinion as to whether residents would prefer to use the back up contractor or wait for the work to be retendered. The residents voted for the back up contractor and so Elkins started work in April 2013. Elkins did not conduct adequate due diligence before agreeing to take on the contract. Insufficient information was available to them. As a consequence Elkins had to spend time resurveying the properties before any work could begin. They found faults and defects left by Breyer.

4.17 Elkins wrote to tenants in 31 properties which had been found to have a decent kitchen by Breyer and offered them a new kitchen. This was as a result of resurveying all 53 properties which were not due a new kitchen. It seems that Breyer had not left the Council any of their survey notes. A contractor should not commit a client to more cost, as was the case here. As a result it was agreed that Elkins would resurvey those 31 properties. They then found that 19 would receive minor works, and 12 would benefit from a new kitchen. This raised the total to 71 new kitchens for tenants in Draper House. This is additional work paid for by Southwark. This change of approach caused understandable confusion amongst tenants.

4.18 During February to May 2013 Southwark's Housing, Environment, Transport and Community safety Scrutiny Sub- Committee conducted a Scrutiny Review into the problems at Draper House. The Scrutiny Review was thorough and was conducted with the benefit of a number of witnesses, including DRA, over 4 sessions, some of which were closed as confidential and legal matters relating to Breyer were discussed. The issue had been referred to the sub-committee by Overview and Scrutiny Committee at its February 2013 meeting. The Chair of Overview and Scrutiny Committee at the time was also one of the ward councillors, Councillor Cathy Bowman, who was very familiar with the problems at Draper House and the then suspension of all work following the carbon monoxide incident in November 2012. The sub-committee made nine recommendations, which were adopted by Overview and Scrutiny Committee on 10th June 2013. These were in turn adopted by Cabinet at its meeting on 10th December 2013. Below is a summary of the recommendations and an update on the current state of implementation of the recommendations that I was given by the Housing Investment Manager.

	Scrutiny Recommendation	Implementation Progress
a	All Major Works contracts issued by Southwark Council should contain termination at will clauses	This is being included in new contractor contracts
b	Default notices should be considered a primary tool for escalating poor performance at the earliest opportunity. Project managers should be encouraged to use them as a matter of course as soon as sub-standard performance becomes apparent.	These are being used more extensively and we will continue to do so. It is fair to say however with just three committed contractors left in the partnering arrangement, performance has greatly improved. (Both Wates and Breyer were asked to leave the partnering arrangements)
c	In all future contracts the council should stipulate an acceptable period within which the primary contract must pay sub-contractors for completed work	Since going to three main contractors there have been no issues raised. It is however being monitored as a standard item at contract meetings
d	The sub-committee is aware that due to EU Procurement law, the council must consider all future bids from Breyer Group PLC for work in Southwark. However, the sub-committee recommends that the conclusions of this scrutiny report be kept at the forefront of officers minds in considering these future bids	Breyer did not apply for the new framework so the issue has not arisen. A Project Board is in place with resident representatives to oversee the whole procurement process
e	During all major works projects, detailed complaints logs should be kept and reviewed on a	Complaints logs are being kept and monitored at contract meetings

	regular basis to prioritise issues which need to be resolved for the benefit of residents	
f	No Leaseholder in Draper house should be forced to pay for more than the value of the original notices on which they were consulted. It is understood that this is already the intention of council officers but the sub-committee felt it was important to underline this approach in our recommendations	Confirmed bills will remain at maximum S20 figure
g	Southwark procurement team should investigate setting up a formal network with other London Councils to share information regarding the performance of construction contractors	This has proved to be very problematic due to EU legislation. However neither Wates nor Breyer submitted a PQQ for new contractor framework
h	Officers should review how the original project management team for Draper house was appointed. PMTs should not be appointed in complex projects unless senior management are absolutely certain that the individuals have the training, qualifications and skills required to deal with the project. Measures should be put in place by senior officers to ensure this is the case in future.	Additional staff have been taken on in the team and this will continue to April 2016 to complete the WDS programme. In addition another Design and Delivery Manager is to be taken on in the team (subject to staff consultation) to provide extra management and support for more complicated processes.
i	The Scrutiny sub-committee did hear evidence from officers that new procedures for ensuring residents are communicated with during major works have been put in place. These procedures should be strictly followed and failure to do so should be treated as a serious matter by senior managers	The "Putting Residents First" consultation process has proved very successful and popular across the WDS programme. Resident satisfaction surveys for the 13/14 year will be assessed by the end of April 2014 to see if this process needs amending. Additional leaseholder consultation is also taking place as required. Draper house is very much an exception in terms of dissatisfaction, for historic reasons, with early delays in the contract due to the complications around the block and site area and having to terminate the Breyer contract. Lessons are being learnt from this, especially in communication and

	management of expectations and a review will be held with the TRA on scheme completion
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4.19 Southwark's complaints team, ward councillors and other council officers received many complaints from residents at Draper house, one of which has gone to the Housing Ombudsman (but was not upheld). The complaints as relayed to me cover the extensive delays, the poor quality of work, the lack of responsiveness of council officers, lack of resident involvement and engagement with the works, and a general lack of leadership of the project. As a result of complaints about delays, Southwark made compensation payments to residents, although the payments were felt to be inadequate by some residents who have indicated that they will issue legal proceedings. A number of 'letters before action' have been received by the Council. Some leaseholders have indicated that they are likely to start proceedings in the Leasehold Valuation Tribunal contesting the size of their service charges.

4.20 There have been 2 deputations to Council Assembly from Draper House Residents Association in January 2013 and recently in March 2014. The spokesperson summed up the disappointment felt by residents saying that the situation in March 2014 was much the same as in January 2013. Councillor Ian Wingfield, then Cabinet member for Housing and deputy-leader of the Council, apologised to the residents for the delay and inconvenience and outlined the steps taken by the Council to improve the situation, including a full-time project manager and compensation and that the scaffolding was coming down. He supported the need for all questions to be answered in full.

4.21 A further delay of 4 months in early 2014 occurred due to Southwark commissioning Arup to investigate concerns raised by residents about the cleaning of the exterior marble and concrete. The scaffolding was about to be taken down when residents raised the issue that no appropriate external cleaning had taken place. The conclusion was reached by Arup that jetwashing the marble would not achieve any difference in appearance. This conclusion calls into question the adequacy and/ or intention of the original cleaning specification. It also calls into question why the delay and briefing Arup was necessary given that the original specification must have been clear as to the result. It is true that by listening to some residents the council caused further delay to all residents.

4.22 All of the historical issues listed above at Draper House have seriously disadvantaged residents and lead to an inadequate service from the Council over an extended period since 1994. In these circumstances it is perhaps not surprising that there is an evident lack of trust between the residents and the Council. In addition, the risk of reputational damage to the Council by being seen as an uncaring landlord has been high.

4.23 Steps to mitigate this risk during 2013 have involved appointing a full-time on-site Project Manager and Clerk of Works after Breyer was replaced.

However, these staff are employed by another private contractor, Mace and Co, and do not have delegated authority from the Council to reach decisions in relation to the works. Therefore the 'single strong voice from Southwark' has been absent. Visibility of Southwark on site has been low.

4.24 The Operations Director at Elkins has been asked by Southwark during April 2014 to work full-time on-site. Both the on-site Project Manager and the Elkins Operations Director believe that much of their role is about resident liaison rather than managing works and projects. This inevitably causes delay and frustration.

4.25 No recent resident satisfaction survey has been conducted. This is poor practice in circumstances where residents concerns are so vocally made. In addition, my investigation would have been considerably assisted by knowing the views of the majority of residents on key issues relating to the works. I have been offered many views during the course of this investigation such as 'the silent majority are quite happy', 'there is no silent majority', and 'the majority of residents have complained about the quality or timeliness of the work at some point'. My own experience of meeting 30 or so residents and their partners is that the last statement is broadly right.

4.26 The development and establishment of the Draper House Residents Association is a considerable asset to the complex situation at Draper House. The DRA brings together the articulate and the less articulate tenants and leaseholders at Draper House. I have been impressed by the number of knowledgeable, professionally qualified and experienced residents who have been keen to help other residents in the block. For example, at my Saturday session with residents, a tenant came who had a gas leak. No-one apart from residents were on site as it was a Saturday. An officer member of the DRA took it on himself to assist her to a satisfactory and safe conclusion. Beyond being involved in major works, therefore, the DRA are actually being helpful to residents.

4.27 Leading Politicians at Southwark have been eager and sincere in giving public apologies to residents at Draper House for the delays and problems in completing the works. However, the issue for residents has been how this is translated into action by Officers. Leading Politicians at Southwark have also stated that they want all the issues to come out in public, in the interests of transparency and accountability. This report is intended to do that.

5. Terms of Reference of the Investigation

5.1 The Monitoring Officer at Southwark consulted with a wide range of councillors, officers and with the Draper House Residents Association in setting the initial scope for the review.

5.2 As the Council has received legal proceedings from a number of residents, she was anxious to avoid the scope of the review overlapping with the legal proceedings.

5.3 In addition, at the Cabinet meeting on 10th December 2013, there had been unanimous support for the nine recommendations brought forward by the Overview and Scrutiny Committee in relation to Draper House. The scope of the review, therefore, needed to avoid going over the same ground.

5.4 The terms of reference were set as follows:

- How communications about the delays to the project were managed by the council
- What lessons can be learnt more generally from the management of the project
- Going forward how can the council rebuild the trust of residents

5.5 The suggestion that these terms of reference were too narrow was made during the DRA's deputation to Council Assembly at the end of March. The Cabinet member for Housing indicated that he would accept suggestions to widen the scope of the investigation, if put forward by residents.

5.6 Discussion took place between the Chair of DRA and the Monitoring Officer, Doreen Forrester-Brown, resulting in an agreed and expanded terms of reference as follows:

1. Communications

a) How communications about the project were managed by the Council

1. Communications

a) How communications about the project were managed by the Council

b) How communications about the delays to the project were managed by the council

c) Going forward how can the council rebuild the trust and confidence of residents at Draper House

2. Building works

a) What systems and procedures were in place to manage and monitor the performance of contractors at Draper House?

b) Identify what went wrong in the delivery of the project to refurbish Draper House and which led to the breakdown of relationships between the council and residents.

c) What lessons can be learnt by the council, contractors and residents, from the project to refurbish Draper House.

3. Governance and Transition

- a) To review the governance arrangements for delivery of the project
- b) Examine whether the governance arrangements were sufficiently robust to manage the relationships between the council, contractor and residents and hold all parties to account for the delivery of the project
- c) Review the contractual arrangements for the completion of the works at Draper House to include;
 - i) Arrangements for the snagging of the building works
 - ii) The defects liability period
 - iii) The process for the sign off of work and the handing back of the building to Southwark

5.7 In the following paragraphs I take each of these in turn. I provide my interpretation of it, make findings of fact, and make recommendations for the council to consider.

6. Communications

a) How communications about the project were managed by the Council

6.1 It is difficult to overestimate the importance of good communication between the Council and its residents. The Council is the landlord and remains responsible for communications at all times, and will therefore be responsible for communications during major works.

The purpose of communications during major works is to keep residents informed of what to expect, and how to express their concerns and views. If the communications are timely and open, they will normally be regarded as adequate or better. The value of two way communications should also be built in to good communication strategies.

6.2 At Draper House the communications with residents have universally been regarded as poor; I am told that they have failed to manage residents expectations, that they do not keep residents up to date, they have not been regular and have not been open and honest. Complaints have been made about poor communications. Many have seen them as an example of how trust has been lost between the residents and the Council.

6.3 It was also suggested that given the special features of the project, namely the history of delay at Draper House, that communications should have been an exemplar.

6.4 Southwark has issued letters direct to residents itself and has also relied on communications from the contractor to residents in the form of newsletters. These are produced monthly by Elkins, and were produced monthly by Breyer previously. Southwark had no input into their production. The effect of this has been a mixture of letters, signed by different people, with no clear single voice from Southwark.

6.5 Examples provided of where communications could have been better include: problems arising from the Strata Building legal issues, the hiatus around the Breyer termination, and the facts of and the reasons for successive delays.

6.6 Helpful communications would include letters to individual residents containing Councillors Wingfield and John's apologies for the problems with works on site, rather than residents reading about this in the press. The OSC recommendations include a review of communications with residents. My recommendations below, once implemented, will assist that review.

6.7 Communications are usually made by letter, summoning a meeting of residents, and/or using the notice board in reception. The Council should be aware that other communications do take place, namely via DRA, and information given verbally by the contractor and sub/contractors. Resident satisfaction with communications has not been tested, and therefore it is not possible to say which methods of communication are preferred. The use of new media has been suggested as a quick and much used route for other purposes and therefore should be investigated and/or adopted by the Council.

6.8 A recent example of difficulties with communication has arisen due to the proposal to move gas meters from inside the flats onto balconies, necessitating re-erection of scaffolding. There has been one meeting with the gas department of the council and the gas suppliers, but so far no timescale, no estimate of length of works and no formal notification. These residents have suffered 3 years of netting over scaffolding, and the scaffolding has not been fully removed yet. The gas department is not joined up with the housing department, so nothing is looked at from the residents perspective.

6.9 The contractor needs to bear some of the responsibility for communications, ensuring that their newsletters are relevant and that the Resident Liaison Officers are empowered to initiate and insist on action and changes whenever problems arise.

6.10 Recommendations:

a) That in order to ensure consistency, openness and honesty, that one senior person in the Council is responsible for and has oversight for ensuring that all communications from Southwark to residents within major works projects are open timely and effective, and that the identity of that person is made known to residents.

b) That in order to ensure that communications are effective and relevant, that regular soundings are taken through the Tenants and Residents Associations, in this case DRA, and through satisfaction surveys. This will ensure that matters raised by residents are given sufficient consideration. These sounding should also explore residents' preferences for methods of communication, including the use of emails, texts etc. This should be done at a pre-works stage.

c) Where residents organisations on site have effective communication systems, as is the case with DRA, that consideration is given to producing joint communications. For example the pack to be produced for residents providing advice at the end of the works would benefit from being produced jointly.

d) That careful consideration is given to the content of communications with residents so that the Council is seen to be joined up, for example information about other work and its impact at Elephant and Castle, to expect information about fireproofing and fire procedures, the impact of subsequent gas meter works, a response to the Council Assembly deputations, an update on the OSC recommendations, an update on complaints.

e) That Ward Councillors are pro-actively briefed on progress on major works in their ward by officers on a regular (weekly or fortnightly) basis.

e) That a copy of this report is distributed to all Draper House residents.

6.11 1.b) How communications about the delays to the project were managed by the council

6.12 Delays to the works at Draper House have been a constant problem, forming a backdrop to the works at all times. I am told that no other major works project has been held up for so long. As communications generally were thought to be poor, communications about the delays fall into the same category. Communications about delays are particularly important because of the frustration caused to residents by delays.

6.13 It is vital in terms of good relationships with residents that delays are communicated effectively, but it is best if delays are avoided. For example, the work on the ground floor reception area was due to be finished by Elkins on Friday 4th July. It has not been, and there is no explanation from Southwark. This leaves the DRA and residents generally in a position of not understanding the hold up, nor knowing when this work will now be completed, nor knowing why Southwark, as client, has allowed this to happen. The delay in removing scaffolding currently is a similar issue.

6.14 In terms of earlier delays, Southwark accepts that the major delays in commencing the works in 2006, 2009 and 2011 were not well communicated to residents. Even when Breyer was appointed and due to start on 4th July 2011, this was again delayed for 6 months, due to the Council's difficulty in finding accommodation for the contractor, and pricing issues. Southwark probably knew enough about these issues at that stage to have avoided the delay.

6.15 The delay caused by the change of contractor from Breyer to Elkins was understandable, in terms of the event being a serious health and safety breach, but served to exacerbate an already difficult situation for residents. It

extended the period during which they experienced disruption to their lives due to delays to work being completed in their homes, and extended the period of their inability to use their balconies and an absence of natural light due to the scaffolding staying up longer. Individual programmes for each property would have helped residents to understand the revised timetables for work, once Elkins came on site.

6.16 The delay caused by obtaining the Arup report appears to some to have been avoidable. The questions raised by residents which caused the commissioning of Arup by the Council concerned the cleaning of the exterior. As the scaffolding started to come down residents could see that the building looked no cleaner after the jet washing. The Council had the specification for the work, let the contract, and therefore must have known, or could easily have established, what the building would look like once the cleaning work was completed. From an outsiders point of view, the delay of 3 months, combined with the cost of employing Arup, in order to establish something the council should have known already therefore appeared unnecessary.

6.17 There is no doubt that poor communications with residents about the delays, the reason for the delays and the fact of the delays, all contributed to the major breakdown of trust between the Council and residents, which continues today.

6.18 Recommendations

a) My recommendations in relation to communications generally in 6.9 above will assist in dealing with any further delays on the project, such as those referred to in 6.12 above.

b) In explaining delays to major works projects it is important for the Council to look at the issue from the residents point of view and inform residents as soon as possible and preferably before the delay occurs. An apology should start the communication. The Council will need to explain why the delay occurred, why it was not avoidable, how long it will last, the impact on residents if any, and the impact on the rest of the programme.

6.19 1.c) Going forward how can the council rebuild the trust and confidence of residents at Draper House

6.20 This has been another major theme throughout my investigation. All parties seem to agree that trust and confidence between residents and the Council has broken down. The question itself implies such. The key question when considering how it can be rebuilt, is to establish how it was lost. I have been offered many suggestions by both staff and residents. Those that follow seem to express a majority view:

‘ We didn’t start off feeling mistrust, but trust was lost though the Council’s actions and not doing what they said they would do.’

‘ Things do go wrong in a project of this size, but 70% of it could be put right quickly- changing the contractor, removing the asbestos, if the Council just behaved like a private contractor.’

‘ We needed to be extra sensitive given the history.’

‘ We should have taken the opportunity to change the team after the Breyer failure.’

6.21 There is also some similarity in views expressed as to how to rebuild trust and confidence:

‘ Improve communication and have more engagement with us- be more visible. I was disappointed we had to sue.’

‘ Publish the programme of works and stick to it.’

“ The council needs to show its listening to residents.’

‘ Involve ward Councillors more.’

‘ The Council needs to be visible and the Council departments need to be more joined up.’

6.22 Although it is now very late in the project, with the works due to finish at the end of July, it is vital that steps are taken to attempt to rebuild trust into the future. These steps need to be lead by the Council and not the contractor. There is a strong argument for the Council having an on-site full-time presence at a senior level to enable swift and binding decisions to be made about the works and snagging, until they are completed. A presence on –site would provide a focus for decision-making, demonstrate the importance of the work being done well, and probably reduce the number of emails being sent. Indiscriminate emails are difficult to respond to and track.

6.23 A small number of residents display their lack of trust in the Council by sending emails in an almost continuous stream. These are sent to a variety of people, including Councillors and Senior Officers, about a variety of problems at Draper House. The officers in question regard the numerous emails as problems due to their frequency, rather than genuine expressions of concern. Using email traffic in this way has therefore become counter productive to the writer.

6.24 The recommendations that follow only cover the period from the publication of my report to the end of the works, which is a short period. What needs to be taken seriously is the analysis of how the loss of trust between Southwark and the residents occurred and how it could be avoided, and how it can be avoided in future. Paragraph 7.12 below covers similar ground.

6.25 Recommendations

a) A senior Council presence to be available on site equipped and empowered to deal with queries personally.

b) Transition arrangements once the works are finished should be via a single point of contact. The Housing Management Team have a vital role to play here given that they had the major relationship with the residents before the major works started, and will do so once the contractor a major works team leave Draper House. In order to establish this a build ownership of the solution a meeting of all relevant parties should be held soon to include DRA, MWT, Housing management, Elkins, Mace, Ward Councillors, and Complaints. The aim of the meeting will be to establish clear arrangements during the 12 months defects liability period and beyond.

c) Establish a single point of contact for emails and correspondence and stick to it, other officers and Members can respond that the point of contact will be dealing with the correspondence within a certain time scale.

7. Building Works

7.1 2.a) What systems and procedures were in place to manage and monitor the performance of contractors at Draper House

7.2 The Council had appointed Breyer to its partnering contract covering the area of Draper House in 2010. They were appointed to do the works at Draper House with effect from 4th July 2011, although the work did not in fact commence until 6 months later. The relationship between Breyer and the Council was therefore managed by the partnering contract. The Scrutiny review carried out in 2013 looked in some detail at those contract arrangements and made the following recommendations:

All Major Works contracts issued by Southwark Council should contain termination at will clauses (In practice there will need to be objective evidence)
Default notices should be considered a primary tool for escalating poor performance at the earliest opportunity. Project managers should be encouraged to use them as a matter of course as soon as sub-standard performance becomes apparent.
In all future contracts the council should stipulate an acceptable period within which the primary contractor must pay sub-contractors for completed work
Officers should review how the original project management team for Draper house was appointed. PMTs should not be appointed in complex projects unless senior management are absolutely certain that the individuals have the training, qualifications and skills required to deal with the project. Measures should be put in place by senior officers to ensure

this is the case in future.

I support each of those recommendations and therefore find that the systems and processes in place through the partnering arrangement were not as effective as they might have been. In addition to the issue of paying subcontractors, an open model of supply chain partnering management would enable any concerns to be brought into the open. I would also propose that resident liaison is a stronger selection criteria in future procurements, and ought to be given greater priority in the decision whether to extend the existing three partnering contractors contracts.

7.3 The second issue is the manner in which the contractor was monitored and managed by Southwark. Southwark has in place a series of project managers who will have the primary relationship with the contractor on major works projects. The project manager can involve the more senior investment manager if required, or escalate the issue to the Head of Major Works who reports directly to the Director of Housing. The project manager may be managing other projects at the same time, so that usually there is no-one from Southwark available on site.

7.4 This is regrettable and I make a specific recommendation about this at 7.11.b below. Due to the history of delays, the lack of trust in the council, and a well-informed and vocal T&RA, Draper House is a major works project which was always going to need more attention and resource to avoid the risk of reputational damage. The major Works project Team were not known to be skilled in customer care to residents and to some other council officers, and the culture of the team was not reported as being resident- friendly. Those staff involved failed to appreciate the problems and complexity of the situation, and also failed to manage resident expectation.

7.5 In addition, relationships with Breyer were not running smoothly, even before the carbon monoxide incident in November 2012. There were complaints about the quality of the work and poor communications with residents. These involved contractors not turning up at agreed times, not completing work, and leaving jobs unfinished. Breyer were known for paying their sub-contractors late, which clearly impacted on residents' experience of the work undertaken. It is agreed by most commentators that more default notices should have been served on Breyer in order to try and manage the works more effectively. It has also been suggested that post-Breyer an opportunity arose to change the Project Team, who were seen to have failed. The response, to employ on-site 2 consultants from Mace, was insufficient, because not being Council employees, there were not authorized to make binding decisions.

7.6 In recognition of the problems with customer care and engagement, the new Head of Major Works introduced 'Putting Residents First'- 'Delivering major works to Southwark's council homes'. This is a welcome initiative which seeks to ensure that customer/ resident views are captured and respected. The policy includes monthly Residents panel meetings, but at Draper House it

was deemed necessary to hold RPT meetings fortnightly to deal with the volume of items.

7.7 The policy includes standards to meet customer priorities:

	Customer priorities	
1.	Customers want clear information on when works will take place and what works will take place	
2.	Customers want a clear programme for the consultation/works	
3.	Customers want the Council to involve as many residents as possible	
4.	Customers want the works to be of high quality	
5.	Customers want to be treated with respect	

7.8 The Residents Panel is not seen by residents to be successful. A Charter setting out its role and what is expected of attendees and how they should behave will help significantly to manage resident expectations. There were no minutes, no agreed agenda setting and it was unclear who is the chair. It urgently needs a review of its effectiveness. An external facilitator could assist the process. The 'Putting Residents First' commitments can be used to assess its effectiveness and address the concerns raised by residents that their views are not acknowledged, nor listened to. They give examples of where residents suggestions have been right such as the corridor fire doors needing to be replaced rather than refurbished. My interim recommendations included that minutes should be published and I understand they are now available.

7.9 I have spoken to a project manager who uses 'Putting Residents First' successfully in two projects he is involved with. His advice is that there were always going to be problems at Draper House given the history of delays and lack of trust. He stressed the importance of there being a 'single strong voice for Southwark' on site, which cannot be the case if a consultant project manager is used.

7.10 The Council may also wish to look at best practice on tenant involvement and engagement during works programmes published elsewhere, including models devised by the Chartered Institute of Housing and the National Federation of Housing.

7.11 Recommendations

a) That the recommendations from the OSC review of Draper House are fully implemented and the results published to residents.

b) That prior to determining the staffing arrangements for Major Works projects, that a risk assessment is carried out to determine whether additional attention or resource may be required on that site. Where it is required, the Council should deploy an appropriate employee with sufficient authority to attract respect and whose decisions in relation to design and spend on the project would be binding.

c) That Southwark reviews the effectiveness of ‘Putting Residents First’ by using resident surveys during works as opposed to afterwards, and looking at best practice policies elsewhere. This includes reviewing the effectiveness of the Draper House RPT.

d) Resident liaison becomes a stronger selection criteria in future procurements, and is given greater priority in the decision whether to extend the existing three partnering contractors contracts.

7.12 2.b) Identify what went wrong in the delivery of the project to refurbish Draper House and which led to the breakdown of relationships between the council and residents.

7.13 There is some overlap in this question with 6.18 above. In the following paragraphs I details comments made to me by residents about problems they experienced and which led them to cease to have confidence in the council.

7.14 Residents were concerned that there was no adequate programme which itemises the works which needed to be completed and the timetable for their completion. Equally there are no specifications of works and timetables for individual properties. I have seen a programme sent to one resident by email (see below) which is a list of trades with no dates, works or outcomes listed. This did not help the resident to plan the days he needed to be at home to let workmen in. Nor could he be confident that they would arrive in a sensible order. Nor could he measure whether the work was being done to the correct standard.

“Hi XXXXX,

Apologies for the delay in sending this over.

Below is a programme of works.

Please be advised that this is not set in stone and some of the trades may attend on different days to what has been stated.

- 1) *Rip out*
- 2) *Electrician*
- 3) *Electrician*
- 4) *Electrician/Gas engineer*
- 5) *Carpenter*
- 6) *Carpenter*
- 7) *Tiler*
- 8) *Making good*
- 9) *Decorator*
- 10) *Decorator*
- 11) *Finisher*
- 12) *Cleaner*

Regards

XXXXXXX

Resident Liaison Officer”

7.15 The absence of a programme of works also causes a problem for the project team. For example in relation to the completion of works at Draper House, Elkins was initially due to complete work and ensure the scaffolding was removed by February 2014. With no programme of works Elkins were able to move completion back to end of May 2014 with no explanation. Subsequently completion was moved back to the end of July without explanation.

7.16 Residents complain that workmen did not come when booked or notified causing problems with making domestic arrangements or going to work. That the quality of the work is not always to standard and that there are often long gaps between workmen attending to complete jobs. One tenant told me it took one year and two months to complete her new kitchen.

7.17 Where I have been invited into residents homes, I have seen that there are substantial problems with the quality of some of the work. I have seen holes left in walls and skirtings for more than a year, careless painting and plastering leaving splatters and spodges, trailing electricity wires, thermostats and heating not working over extended periods. The entryphone system is erratic. I am not qualified as anything other than a lawyer, but common sense tells me that what I have been shown is not adequate or satisfactory. The comment has been made to me by a Councillor, and I agree, that the work done by the contractor would not be acceptable if done by a private contractor.

7.18 The Council offered compensation payments to residents for the delay and disruption caused by the suspension of works from November 2012, the Breyer termination for a period of 21 weeks. The policy distributed to residents was a policy written for Draper House and based on the Council's compensation policy and guidance from the local government Ombudsman. For some residents, the compensation strategy is seen as inadequate and has led to the commencement of legal proceedings for disrepair, nuisance, negligence and breach of quiet enjoyment.

7.19 There have been suggestions made to me that some leaseholders should be viewed as difficult because they are more vocal about the problems they have experienced. It is argued that the problems caused by delays and disruption are reflected in the fact that their service charge contributions have been capped at the rate originally estimated and will not be increased to cover any additional costs incurred in the works. Service charges to leaseholders at Draper House have always been high due to the concierge scheme, and leaseholders have been arguing that the annual charges should be reduced whilst the contractors are on site to reflect the fact that cleaning of the communal parts has not taken place.

7.20 There is a widely held perception that there is little support for leaseholders in Southwark outside the homeowners unit. Views have been expressed to me that leaseholders receive less attention and are accorded less respect, and that they cause the major Works Team to feel defensive.

This sense of being treated differently is not found in the DRA. The different circumstances of tenants and leaseholders are respected there, and afforded the same degree of support.

7.21 Recommendations

a) That a programme of works is produced for the RPT in major works sites. That the programme shows work to communal and external areas, and works to individual properties, which are provided to individual residents.

7.22 2.c) What lessons can be learnt by the council, contractors and residents, from the project to refurbish Draper House.

7.23 Everyone I spoke to was willing to identify lessons to be learnt from the Draper House refurbishment project. Other sections of this report identify issues in greater detail, so I summarise my findings below:

- The Council
 - Ensure all pre- contract work such as obtaining licences is done early.
 - Risk assess the project for reputational risk, hardship already undergone by residents, nature and level of organisation of residents, history of major works and repairs, nature and complexity of the works. Devise risk strategy for the project and keep under review over its lifetime.
 - Assemble the project team according to the skills required in the risk assessment and ensure construction experience and customer care skills.
 - Publicise roles and responsibilities of the team and single points of contact for complaints and queries.
 - Ensure project manager is on site regularly and is empowered to reach all relevant decisions quickly.
 - Engage early with residents though T&RA, forming good relationships, and talking through what they can expect from the residents viewpoint.
 - Devise a communications strategy for the project which is resident focussed, uses a variety of channels including new technology, newsletters and meetings, consult residents on their preferred method of contact.
 - Ensure the contractor deploys resources to keep the programme of works up to target date.
 - Listen to, respond to, and record issues raised by the T&RA and by individual tenants.
 - Consider plan for transition, at an early stage, for the end of the project, involving residents in its planning.
 - Ensure Councillors receive regular and pro-active briefings on progress, highlighting any potential difficulties.

- The Contractor
 - Produce programme of works for individual properties as well as communal and external works.
 - Ensure sufficient resource to keep up with the programme.
 - Publicise on-site roles and responsibilities.
 - Ensure all operatives are trained in customer care.
 - Think about work in people's homes as if it were in your own home.
 - Give accurate notice of when workmen need access to people's homes, for what purpose, for how long and what quality of work they can expect.
 - Respond promptly to and record complaints.
 - Participate fully in resident meetings.

- Residents
 - Ensure that all residents are familiar with roles and responsibilities of the project team, and the single points of contact for complaints and queries.
 - Sign off works completed in own homes.

7.24 Recommendations

a) That before practical completion on each major works project that the RPT conducts a facilitated review of the project looking at what went well and what could have gone better. That the outcome of the review is published to residents and is given recorded consideration by the management team of the major Works department.

8. Governance and Transition

8.1 3.a) To review the governance arrangements for delivery of the project

8.2 Governance arrangements for a major works project should be able to tell us who is involved in running the project, and who is responsible for certain arrangements within the project, or certain aspects of delivery of the project. Good governance arrangements will provide clarity of roles and responsibilities, so that others running the project, and those who are affected by the project, are clear who to turn to where issues need raising. Good governance also means visibility of those arrangements to key external stakeholders, so that progress on delivery of the project is open and transparent.

8.3 In overall terms, the Council is responsible for the governance of the Draper House project. It has allocated the budget, it has decided on the specification and it has appointed the contractor. The Council will be judged against its own success criteria of keeping within budget, delivery within

timescale, delivery to a satisfactory standard and to resident satisfaction. It is for the council to determine which of its staff should be delegated responsibility to perform the day to day tasks that will deliver the required outcomes, in the case of major works this will be through a project team comprising staff with well described and established roles and responsibilities.

8.4 The governance arrangements for the delivery of the Draper House project changed twice. Initially, prior to any contracts being let, during the preparation stage, a project team was appointed. I have been told little about this team, except that it failed to obtain the necessary licenses for erection of scaffolding and accommodation for the contractor. As a result of a restructuring within the housing department, this project team, which was not viewed as successful, was changed at an early stage in the delivery of the contract by Breyer. The skills and expertise of the project team as a whole need to include both knowledge and qualification of construction work, in addition to excellent customer care skills. It was thought by the council that a stronger project team had been appointed. However, after Breyer was suspended, the project team changed again. There had been complaints by residents about the standard and quality of work by the contractor, and about the capacity of the project team to listen to and respond to resident concerns. Whilst the same Project Manager was retained, a further Project Manager and a new clerk of works were employed, both as consultants from Mace, another building contractor. At this time a new lead designer was also employed. The Mace staff were employed by Southwark to work on site at Draper House, with the intention of being able to give closer scrutiny to the work delivered by the second contractor, Elkins, and to be available to deal with resident concerns and complaints.

8.5 Governance arrangements will only be clear and transparent if they are published and explained to key stakeholders. It seems to me that at no point have the roles and responsibilities of any of the three project teams been explained either to other Southwark staff, to the contractors or to residents.

8.6 Successful delivery of the project outcomes will only be achieved through good contract management and good working relationships with the contractor. Many contract meeting will take place between members of the project team and the contractor in private as is appropriate. The RPT is intended to be the forum for all parties to discuss progress on the project. Its governance arrangement need to be visible and working well at this stage. However it is arguable that the RPT's progress has been hampered on some key decision such as whether to refurbish the corridor doors, or provide new ones. The problem seems to have been the inability to make decisions within the on-site project team. In this case there was also substantial disagreement within the project team as to the right choice. The absence of a decision-maker at site- level meant that those different views were known to residents, who saw confusion. This situation prompted a large volume of emails on the subject to more senior managers in Tooley Street who were viewed as being able to make the decisions.

8.7 Recommendations

a) That in assembling project teams, the skills and experiences of its members are carefully examined in advance. Sufficient experience and expertise of both construction work and customer service are essential.

8.8 3.b) Examine whether the governance arrangements were sufficiently robust to manage the relationships between the council, contractor and residents and hold all parties to account for the delivery of the project

8.8 The confusion caused by the lack of clarity in governance arrangements at Draper House has been extensive and has persisted throughout delivery of the project. At times it has been unclear whether the contractor has made a decision, or whether Southwark has. For example, in the case of the corridor doors, referred to above, the contractor is now paying the difference between the estimated cost of refurbishment of old doors and replacement with new doors. The contractor, the on-site project manager, the lead designer and the residents had all thought new doors the better option. Some views on this had been expressed up to one year earlier. This example is an illustration of how the governance arrangements are not robust. There is no 'single strong voice from Southwark'. There is an appearance that no-one seems to be in charge.

8.9 In terms of accountability, governance arrangements need to ensure that there is an accountability route from the council to residents, and also from council officers to Councillors. The accountability from the council to residents will be demonstrated by a) providing information to both individual residents and the T&RA, b) explaining delays and being held to account for them, and c) seeking approval from residents of the completed works. This accountability needs to be explicit in communications about the works to residents and other key stakeholders, and contractors need to understand that they are part of this accountability route.

8.10 Accountability also needs to be seen to be effective between Councillors and council officers. This will include ward councillors, who are representing their constituents, as well as responsible Cabinet members. There does not appear to be an obvious route for this accountability to be seen to be happening, and may explain why so many individual complaints have been raised, and why scrutiny became involved.

8.11 Recommendations

a) That clear written explanations of the roles and responsibilities of project teams are published along with contact details, and that future project teams do not have two project managers.

b) That decision-making is delegated to the project manager at on-site level

c) That Southwark provides clear methodology for how accountability to both residents and Councillors will work in future major projects

8.12 3.c) Review the contractual arrangements for the completion of the works at Draper House to include;

- i) Arrangements for the snagging of the building works**
- ii) The defects liability period**
- iii) The process for the sign off of work and the handing back of the building to Southwark**

8.13 Interior work to resident's flats and to communal areas is due to be finished by the end of July. On 9th July it was reported to the RPT that 120 flats had been finished, that the scaffolding would be removed to the second floor the following week, and outstanding windows fitted. The reception area is delayed, but is due to be finished by the following week. All snagging will need to be done by the end of July.

8.14 Exterior work to the external concrete and paving slabs will be done in August at which point practical completion can be signed off by the lead designer. The defects liability period will run for 12 months subsequently. During this period the contractor can be called back to fix outstanding defects. The contractor is arranging for a 'Finishing Pack' to be available to residents.

8.15 Residents had been concerned that there is no agreed process for signing off works in order to record resident views. This omission needed to be urgently clarified and consideration given to a sign off process involving residents directly.

8.16 The Strategic Director of Housing and Community Services at the Scrutiny sub-committee on 25th February 2013 stated: '....the importance of the project team acting as residents' champions and of residents being fully involved in the sign off of work'.

8.17 Elkins has recently introduced an arrangement whereby it asks residents to sign a form to say that they are satisfied with the works done. This is not the same as the council requiring this to be done as part of contractual arrangements and does not apply to work finished earlier which will have been signed off by the clerk of works only. The communal works will not require residents signatures, but have been the subject of substantial discussion at the RPT and by leaseholders.

8.18 Recommendations

a) Transition arrangements- see proposal under rebuilding trust and confidence.

b) Adoption of resident sign off for future works projects in residents homes.

9. Summary of Recommendations

Communications

1.a) Managing Communications

a) That in order to ensure consistency, openness and honesty, that one senior person in the Council is responsible for and has oversight for ensuring that all communications from Southwark to residents within major works projects are open timely and effective, and that the identity of that person is made known to residents.

b) That in order to ensure that communications are effective and relevant, that regular soundings are taken through the Tenants and Residents Associations, in this case DRA, and through satisfaction surveys. This will ensure that matters raised by residents are given sufficient consideration. These sounding should also explore residents' preferences for methods of communication, including the use of emails, texts etc. This should be done at a pre-works stage.

c) Where residents organisations on site have effective communication systems, as is the case with DRA, that consideration is given to producing joint communications. For example the pack to be produced for residents providing advice at the end of the works would benefit from being produced jointly.

d) That careful consideration is given to the content of communications with residents so that the Council is seen to be joined up, for example information about other work and its impact at Elephant and Castle, to expect information about fireproofing and fire procedures, the impact of subsequent gas meter works, a response to the Council Assembly deputations, an update on the OSC recommendations, an update on complaints.

e) That Ward Councillors are pro-actively briefed on progress on major Works in their ward by officers on a regular (weekly or fortnightly) basis.

e) That a copy of this report is distributed to all Draper House residents.

1.b) Managing Communications about delays

a) My recommendations in relation to communications generally in 6.10 above will assist in dealing with any further delays on the project.

b) In explaining delays to major works projects it is important for the Council to look at the issue from the residents point of view and inform residents as soon as possible and preferably before the delay occurs. An apology should start the communication. The Council will need to explain why

the delay occurred, why it was not avoidable, how long it will last, the impact on residents if any, and the impact on the rest of the programme.

1.c) Rebuilding Trust and Confidence with residents at Draper House

a) A senior Council presence to be available on site equipped and empowered to deal with queries and snagging problems personally.

b) Transition arrangements once the works are finished should be via a single point of contact. The Housing Management Team have a vital role to play here given that they had the major relationship with the residents before the major works started, and will do so once the contractor a major works team leave Draper House. In order to establish this a build ownership of the solution a meeting of all relevant parties should be held soon to include DRA, MWT, Housing management, Elkins, Mace, Ward Councillors, and Complaints. The aim of the meeting will be to establish clear arrangements during the 12 months defects liability period and beyond.

c) Establish a single point of contact for emails and correspondence and stick to it, other officers and Members can respond that the point of contact will be dealing with the correspondence within a certain time scale.

Building Works

2.a) Systems and procedures to manage the contractors

a) That the recommendations from the OSC review of Draper House are fully implemented and the results published to residents.

b) That prior to determining the staffing arrangements for Major Works projects, that a risk assessment is carried out to determine whether additional attention or resource may be required on that site. Where it is required, the Council should deploy an appropriate employee with sufficient authority to attract respect and whose decisions in relation to design and spend on the project would be binding.

c) That Southwark reviews the effectiveness of 'Putting Residents First' by using resident surveys during works as opposed to afterwards, and looking at best practice policies elsewhere. This includes reviewing the effectiveness of the Draper House RPT.

d) Resident liaison becomes a stronger selection criteria in future procurements, and is given greater priority in the decision whether to extend the existing three partnering contractors contracts.

2.b) What went wrong in the delivery of the project leading to breakdown in relationships

a) That a programme of works is produced by the contractor for the RPT, the project team and residents in major works sites. That the

programme shows work to communal areas as well as works to individual properties.

2.c) Lessons to be learned by the council, contractors and residents

a) That before practical completion on each major works site that the RPT conducts a facilitated review of the project. That the outcome of the review is published to residents and is given recorded consideration by the management team of the major Works department.

Governance and Transition

3.a) review the governance arrangements

a) That in assembling project teams, the skills and experiences of its members are carefully examined in advance. Sufficient experience and expertise of both construction work and customer service are essential.

3.b) Examine the robustness of the governance arrangements

a) That clear written explanations of the roles and responsibilities of project teams are published along with contact details, and that future project teams do not have two project managers.

b) That decision- making is delegated to Project Managers at on-site level

c) c) That Southwark provides clear methodology for how accountability to both residents and Councillors will work in future major projects

3.c) review the contractual arrangements for completion of the works

a) Transition arrangements- see proposal under rebuilding trust and confidence

b) Adoption of resident sign off for future works projects in residents homes.

10. Conclusion

10.1 It is obvious that relationships between residents at Draper House and the Council broke down some time ago, and that any steps already taken which sought to improve the position had not resolved the underlying problem of lack of trust between residents and the Council.

10.2 This report contains recommendations which aim to both finish the works to a sufficient standard and to take steps to improve the relationships at Draper House. I hope that the lessons learned can be used by Southwark in other major works projects.

10.3 I am impressed by the Council's seriousness about making things better for the residents at Draper House, but it must get the message across that residents are listened to, and that their concerns are taken seriously. These recommendations will go some way towards improving the delivery of major works and addressing residents concerns.

Appendix One

Interviews

I have interviewed the following:

Councillor Peter John – Leader of Southwark Council
 Councillor Ian Wingfield - Deputy Leader and Cabinet Member for Communities, Employment & Business
 Councillor Neil Coyle – Deputy Mayor
 Councillor Patrick Diamond – Labour Councillor
 Councillor Catherine Bowman – Liberal Democrat Councillor
 Councillor Gavin Edwards – Labour Councillor
 Eleanor Kelly – Chief Executive, Southwark Council
 Gerri Scott – Strategic Director, Housing & Community Services
 David Markham – Head of Major Works
 David Lewis - Head of Maintenance and Compliance
 Zoe Bulmer - Customer Resolution Manager
 Ferenc Morath - Investment Manager
 Cheryl Phillips - Project Manager
 Stephen Douglass – Head of Community Engagement
 James Oubridge - Onsite Project Manager
 Shelley Burke - Head of Overview and Scrutiny
 Paul Langford - Head of Operations
 Abi Oguntokun - Resident Services Manager
 Martin Green - Head of Specialist Housing Services
 Kevin Orford - Project Manager
 Andrew Dorsett - Lead Designer
 29 residents of Draper House
 Rod Miller - Elkins Operational Manager
 Jason Mount - Construction Director, Breyer

Document Review

I have received a large number of documents. A number of them are confidential.

They include:

Southwark's Housing Commission report
 A summary of complaints
 Southwark Complaints policy
 The Carbon Monoxide report
 Submission from Breyer about Carbon Monoxide incident

Misc Letters to residents from Southwark
 Newsletters to residents from Breyer and Elkins
 Overview and Scrutiny report into Draper House
 Background Papers to Scrutiny report
 Cabinet report 10th December 2013
 Southwark policy "delivering major works to Southwark council homes" –
 Putting Residents First
 Chartered Institute of Housing Repairs Charter
 Chartered Institute of Housing Complaints Charter
 Southwark V Leaseholders – Upper Tribunal decision 17/10/11
 Council Assembly Public pack 26/03/14
 Compensation Strategy for residents
 DRA response to questions from CLJ on new terms of reference June 2014
 Papers for RPT meeting 09/07/14

I have also received a large number of emails- some are follow on information from interviews, some are from residents of Draper House, many are emails I have been copied into from residents at Draper House

Meetings

I have attended three meetings with residents from Draper House organized by the DRA. Many thanks to DRA for organising them and supplying me with tea and biscuits
 Council Assembly March 2014 - where there was a deputation from Draper House
 Draper House Residents Panel - 9th July 2014

London 19th August 2014

Dear Councillors:

We, Draper House residents, have received and now digested the report of the investigation by Claer Lloyd Jones into the major works programme to refurbish our homes. This programme was more traumatic, and lengthier than we could ever have imagined; only now is the end in sight, and we truly hope that lessons really have been learned by those senior council staff whose attitude to us was so shockingly disinterested. A very bad taste has been left in tenants' and leaseholders' mouths, because of the treatment we - as borough residents and Council Tax payers - received, and significantly, because of the appalling wastage of money as a result of so much council and contractor mismanagement. Despite that, we are glad the investigation was commissioned, and we welcome its findings. Its scope was not as wide as we had hoped for, but it offered the chance for us to speak to an independent source about the serious problems encountered during, and prior to the start of, the major works programme. We were listened to, and the conclusions Claer Lloyd Jones comes to, we believe validate the dissatisfaction and complaints we so often raised.

Communication, or rather the lack of it, with Southwark Council officers was the major problem throughout the process and we are glad to see Claer's acknowledgement of this, and her recommendations for future projects *. However, we still have concerns, namely:

- there has not yet been a resident satisfaction survey
- the compensation awarded so far does not reflect adequately the great financial and emotional challenges the Draper House residents have had to face for 36 months.
- we do not know what we can expect in the way of a snagging period now that the works are drawing to a close.
- Elkins is keen to get each resident to 'sign off' his/her flat as satisfactorily completed. Most residents will not be doing so until it is clear how problems, which arise over the next year or so, are to be handled.

We look forward to communicating further on the above issues.

It is too late to turn back the clock for Draper House and its residents, but we hope that future major works programmes carried out within Southwark are managed properly by the council, that contractors who fail to comply with the rules - such that they leave residents unsafe and at risk in their homes - cannot walk away with compensation, and that public money is never again as shamefully wasted as it has been here.

Yours sincerely,
Luisa Pretolani
Chair, Draper Residents Association

** on the subject of communication, the Draper Residents Association is already questioning whether lessons have been learnt, as it recently became clear that planning issues regarding the Crossway Church - in which the DRA was involved - had changed without any notification whatsoever

Draper House Refurbishment Independent Investigation

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Context- An understandable potential for conflict

- The independent investigation was set up in response to continuing complaints from residents about the delivery of major works at Draper House.
- Built in 1965 by the LCC, it is an unusual and striking design which has attracted some residents who have an artistic or design background and who feel strongly about the integrity of the building

An understandable potential for conflict

- No major works for 17 years
- Inexplicable delays
- Strata building and legal problems
- Scaffolding and netting up for 3 years
- Breyer appointed and started on site Xmas 2011- problems identified from the start
- DRA, a considerable asset, raised concerns- site management, quality of work
- Breyer suspended Nov 2012- carbon monoxide incident

An understandable potential for conflict

- No works carried out until the contract was mutually terminated in March 2013
- AE Elkins appointed following a resident ballot
- Insufficient due diligence carried out- faults left by Breyer – e.g. disagreement about number of non-decent kitchens
- Compensation payments were felt to be inadequate
- 2 deputations to Council Assembly

An understandable potential for conflict

- Further delay of 4 months while Arup reviewed exterior cleaning
- No resident satisfaction survey
- Leading politicians have apologised publically- how is this translated into action by officers?

Terms of Reference

- a) Communications
 - b) Building works
 - c) Governance and Transition
- (Set out in full on page 15)

Findings- Communications

- Communications universally regarded as poor
- Given the special features of delay-communications should be an exemplar
- Confusing mix of communications from the Council and the contractors – no clear single voice from Southwark
- Poor communications contributed to breakdown of trust

Findings- Building works

- OSC recommendations address problems with contractors
- No single decision-maker from Southwark on site
- No risk assessment – particularly reputational risk due to failure to manage resident expectations
- RPT not successful- ‘Putting ResidentsFirst’ needs review against best practice

Findings- Building Works cont.

- No adequate programme of works- for communal areas or individual properties
- Completion date consequently moved back without explanation, appointments moved and inconvenience caused
- Substantial problems with quality of work
- Compensation strategy inadequate – further legal action
- Lessons to be learned set out on p 26

Governance and Transition

- Governance at Draper House changed twice but roles and responsibilities were never made clear causing confusion
- Large volumes of emails may have been caused by absence of decision-maker at site level, and no single point of contact for complaints
- At times it is unclear who is making decisions

Recommendations - Communications

- One senior person has responsibility for ensuring all communications within major works projects are open, timely and effective.
- Regular soundings are taken through TRAs and satisfaction surveys, including establishing preferred method of communications.
- Use joint Council/TRA communications where possible.

Recommendations-Communications

- Join up communications between Council departments
- Regular, pro-active brief for Ward Councillors
- Explain delays early, with an apology, preferably before the delay and from the residents point of view
- Senior Council presence to be available on site

Recommendations - Communications

- Transition arrangements should be via a single point of contact; Housing management Team have important role to play; all relevant parties need to meet
- Single point of contact for emails and correspondence

Recommendations –Building works

- OSC recommendations are fully implemented
- Risk assessment is carried out prior to determining staffing arrangements
- ‘Putting residents first’ is reviewed against best practice elsewhere
- Resident liaison is a stronger criteria for contractor selection, including extensions of 3 existing contractors in partnering arrangements

Recommendations-Building Works

- Programme of works must be produced and must include communal areas and individual properties
- RPT conducts facilitated review before practical completion which is published to residents
- Transition pack to be published to all residents

Recommendations- Governance

- Skills and experience of Project Team members examined carefully in advance. Construction experience and customer care experience are essential.
- Explanation of roles and responsibilities are published- avoid two project managers in future
- PMs should be able to make decisions on site

Recommendations- Governance

- Southwark provides methodology for accountability to residents and Councillors for each future project
- That residents are involved in sign off of works

Conclusion

- Relationships between residents and the Council have broken down.
- Underlying lack of trust.
- 23 recommendations.
- Lessons to be learned for the future.
- Council comes across as being serious about wanting to make things better, but it must listen to residents and take their concerns seriously.

The Report

- I was appointed as independent investigator 17th January 2014.
- I interviewed 53 people of which 29 are residents of Draper House
- I read 19 key documents and numerous emails
- DRA organised 3 meetings for me to meet residents
- I also attended Council Assembly and a Draper House Residents panel
- The report was completed in July 2014

Next Steps

- Housing Departments produces an Action Plan with timescales and milestones to implement the recommendations and lessons learned
- A monitoring group meets regularly to examine progress- suggested membership:
 - Chair of this meeting,
 - Cabinet Portfolio holder for Housing,
 - Ward Councillors,
 - TRA/DRA representatives,
 - Housing Department Officers.

A charter for Southwark's licensed premises to commit themselves to make Southwark the safest place for women in London.

The signatory undertakes to:

1. Prominently display high visibility posters in the venue which discourage harassment and encourage reporting.
2. To take every report of harassment and sexual intimidation seriously and take appropriate action.
3. To take active steps to support persons who report harassment or sexual intimidation which might take place in their premises.
4. To train all front of house staff to address women's safety and harassment.
5. To take active steps to ensure women leave the venue safely.

By this my signature I confirm I agree to adhere to the above principles and ensure their implementation and that I am duly authorised to act on this matter:

Signed (the Licensee): _____

Print: _____

Dated: _____

**HOUSING & COMMUNITY SAFETY SCRUTINY SUB-COMMITTEE
MUNICIPAL YEAR 2014-15**

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