

Overview & Scrutiny Committee

Monday 13 September 2010

7.00 pm

Town Hall, Peckham Road, London SE5 8UB

Membership

Councillor Lisa Rajan (Chair)
Councillor Andy Simmons (Vice-Chair)
Councillor Neil Coyle
Councillor Toby Eckersley
Councillor Gavin Edwards
Councillor Mark Glover
Councillor David Hubber
Councillor Tim McNally
Councillor Helen Morrissey
Councillor Paul Noblet
Councillor the Right Revd Emmanuel Oyewole

Reserves

Councillor Sunil Chopra
Councillor Nick Dolezal
Councillor Dan Garfield
Councillor Mark Gattleson
Councillor Jeff Hook
Councillor Lorraine Lauder MBE
Councillor Lewis Robinson
Councillor Cleo Soanes
Councillor Geoffrey Thornton

Education representatives

Reverend Nicholas Elder
Colin Elliott, Parent Governor
Jane Hole

INFORMATION FOR MEMBERS OF THE PUBLIC

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Contact

Peter Roberts on 020 7525 4350 or email: peter.roberts@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Annie Shepperd

Chief Executive

Date: 3 September 2010



Overview & Scrutiny Committee

Monday 13 September 2010
7.00 pm
Town Hall, Peckham Road, London SE5 8UB

Order of Business

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	PART A - OPEN BUSINESS	
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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 personal interests and dispensation in respect of any item of business to be considered at this meeting.	
4.	MINUTES	1 - 14
	To approve as a correct record the Minutes of the open sections of the meetings held on 7 July, 19 July (Ordinary) and 19 July (Call-in) 2010.	
5.	CALL-IN: MAYDEW HOUSE - RESULTS FROM THE RESIDENTS SURVEY CONSULTATION (CABINET 9 AUGUST 2010)	15 - 61
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	DISCUSSION OF ANY OTHER OPEN ITEMS AS NOTIFIED AT THE START OF THE MEETING.	

Item No.

Title

Page No.

PART B - CLOSED BUSINESS

7. MINUTES

To approve as a correct record the Minutes of the closed sections of the meetings held on 7 July and 19 July (Call-in) 2010.

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

Date: 3 September



OVERVIEW & SCRUTINY COMMITTEE

MINUTES of the Overview & Scrutiny Committee held on Wednesday 7 July 2010 at 10.00 am at Town Hall, Peckham Road, London SE5 8UB

PRESENT:	Councillor Andy Simmons (Vice-Chair) Councillor Neil Coyle Councillor Toby Eckersley Councillor Gavin Edwards Councillor Mark Gattleson (Reserve) Councillor Mark Glover Councillor Jeff Hook (Reserve) Councillor David Hubber Councillor Helen Morrissey Councillor the Right Revd Emmanuel Oyewole Councillor Geoffrey Thornton (Reserve)
OTHER MEMBERS PRESENT:	Councillor Fiona Colley, Cabinet Member for Regeneration and Corporate Strategy
OFFICER SUPPORT:	Tom Branton, Regeneration & Neighbourhoods Shelley Burke, Head of Overview & Scrutiny Deborah Collins, Strategic Director of Communities, Law & Governance Doreen Forrester-Brown, Legal Services Eleanor Kelly, Deputy Chief Executive Stephen Platts, Head of Property Jennifer Seeley, Deputy Finance Director Peter Roberts, Scrutiny Project Manager

1. APOLOGIES

- 1.1 Apologies for absence were received from Councillor Lisa Rajan (Chair) and from Councillors Tim McNally and Paul Noblet (Councillors McNally and Noblet were unable to attend due to a prejudicial interest).

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

- 2.1 The Vice-Chair agreed to accept additional documents in relation to item 4, Elephant & Castle – Regeneration Agreement and Disposal of Associated Land.

3. DISCLOSURE OF INTERESTS AND DISPENSATIONS

- 3.1 Councillor Geoffrey Thornton declared a personal and non-prejudicial interest as a local resident and representative of one of the affected wards.

4. ELEPHANT & CASTLE - REGENERATION AGREEMENT AND DISPOSAL OF ASSOCIATED LAND

- 4.1 The committee moved into closed session in order to consider this item. Councillor Fiona Colley, cabinet member for regeneration and corporate strategy, introduced the report to be considered by that evening's cabinet meeting. She felt that the proposed regeneration agreement remained true to the council's vision for the Elephant & Castle while addressing shortcomings in the head of terms. Originally there had been no guarantee of the amount of affordable housing with this purely reliant on the planning process. The proposal to be considered by cabinet was a guaranteed minimum level of 25%.
- 4.2 Councillor Colley reported progress in discussions over the shopping centre site and that any compulsory purchase of the site in the future would be underwritten by Lend Lease. She also reported that the cabinet would be taking a decision on the preferred location for a leisure centre.
- 4.3 In response to questions the head of property confirmed that the council's duty of exclusivity to Lend Lease continued until the end of July. The strategic director of communities, law & governance referred to her supplementary advice on procurement issues, set out in the report. The head of property stressed that a very competitive and robust process had been followed in selecting Lend Lease. Lend Lease was very committed to the regeneration of the Elephant & Castle.
- 4.4 Some members of the committee queried whether a level of 25% affordable housing was acceptable in the development, given planning targets of 35%. The cabinet member's view was that 25% was the minimum level acceptable and that it was hoped to achieve more. The head of property emphasised that the statutory planning process would still require Lend Lease to meet the level of 35% affordable housing, unless it could put the case for a lower level. The head of property also commented that social housing grant from the Homes and Communities Agency (HCA) would not necessarily be available in future and that Lend Lease was taking this risk on board.
- 4.5 Some members were concerned that affordable housing would not be developed until the later phases of the project. The head of property explained that this would be dealt with through the planning process to ensure that the affordable housing was not back-ended. Members also sought confirmation that the number of

affordable homes would equal the number lost in demolition of the Heygate. The cabinet member confirmed that this was the case, taking into account housing spread across the Elephant & Castle area.

- 4.6 A member asked when money spent on leaseholder buy-outs and security would be returned to the Housing Investment Programme (HIP). The head of property referred to paragraph 75 of the finance director's concurrent report which set out that receipts arising from guaranteed payments would initially be used to reimburse the HIP for the costs incurred in achieving vacant possession.
- 4.7 The head of property clarified the ongoing governance arrangements, including the joint management board, provision for an annual audit and the dispute mechanism set out in the regeneration agreement.
- 4.8 In response to members' questions, the strategic director of communities, law & governance explained the current rules relating to Section 106 funding.
- 4.9 The deputy chief executive informed the committee on the availability of TfL funding. The council, TfL, the Greater London Authority (GLA) and Lend Lease were working together to reach the right decision for transport in the Elephant & Castle opportunity area and in particular the underground station.
- 4.10 In response to questions, the head of property clarified the details of the council's right to buy back land. The head of property emphasised that both Lend Lease and the council were committed to a programme of early demolition, as soon as possible after vacant possession had been achieved.
- 4.11 A member asked whether a change in London Mayor or a change in government policy could adversely impact on the development. The cabinet member and the head of property stated that the past and current mayors were both very supportive of the scheme. The GLA had identified the Elephant & Castle as a key development opportunity area. The head of property also updated the committee on progress of the Oakmayne development, due to start on site in the autumn.
- 4.12 The head of property updated the committee on progress in providing a multi-utility services company (MUSCo). He stressed that the commitment was to achieve a carbon neutral development, whether by a MUSCo or through a more local solution for the Elephant & Castle.
- 4.13 Members of the committee asked for clarification of proposals for a leisure centre. The cabinet member explained the council's intention to consult on options, including a pool and inviting views on the type of pool. The committee generally agreed that the council should indicate that a pool is its preferred option and ask for views on any other facilities to be provided. Members also asked for an update on plans for a new library. The cabinet member indicated that there were a number of options which would be explored after the issue of the leisure centre was resolved.

RESOLVED:

1. That cabinet assures itself that the council can satisfy the District Auditor that it has achieved the best consideration for disposal of its land at the Heygate Estate and that the terms of disposal sufficiently meet those of the developer's best and final offer.
2. That the consultation to establish what leisure facilities local people want to see at the Elephant & Castle be on the basis of provision of a swimming pool and invite views on the type of pool and any other preferred facilities.

The meeting ended at 12.45 pm



OVERVIEW & SCRUTINY COMMITTEE

MINUTES of the Overview & Scrutiny Committee held on Monday 19 July 2010 at 7.00 pm at Town Hall, Peckham Road, London SE5 8UB

PRESENT: Councillor Lisa Rajan (Chair)
Councillor Andy Simmons (Vice-Chair)
Councillor Toby Eckersley
Councillor Gavin Edwards
Councillor Dan Garfield (Reserve)
Councillor Mark Glover
Councillor David Hubber
Councillor Tim McNally
Councillor Helen Morrissey
Councillor Paul Noblet
Councillor the Right Revd Emmanuel Oyewole

EDUCATION REPRESENTATIVES: Colin Elliott, Parent Governor

OFFICER SUPPORT: Shelley Burke, Head of Overview & Scrutiny
Doreen Forrester-Brown, Legal Services
Adrian Green, Regional Manager, Electoral Commission
Peter Roberts, Scrutiny Project Manager

1. APOLOGIES

1.1 Apologies for absence were received from Councillor Neil Coyle.

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. MINUTES

RESOLVED:

That the minutes of the meeting held on 24 May 2010 be agreed as a correct and accurate record.

5. SCRUTINY WORK PROGRAMMES

- 5.1 The chairs of the scrutiny sub-committees outlined the work programmes proposed at their initial meetings.
- 5.2 In response to questions, Councillor Gavin Edwards, chair of the housing & community safety scrutiny sub-committee, confirmed that the sub-committee was aware of the previous scrutiny review of housing repairs. The intention of the sub-committee was to focus on the specific issue of performance management and would take the previous review into account as background information.
- 5.3 Members highlighted imminent changes in housing benefits and asked whether the sub-committee had considered reviewing the impact on Southwark. Councillor Edwards explained that the sub-committee had not considered this but could review their work programme at a later date if there proved to be a major impact on Southwark. Councillor Tim McNally reported that he had already raised this as an issue and would be happy to circulate the results of his enquiry.
- 5.4 A member asked whether overview & scrutiny committee or the housing & community safety scrutiny sub-committee might review the result of bringing revenues and benefits fully back in-house. Councillor McNally suggested that it would not be appropriate for overview & scrutiny committee to take the lead on this as three members were former members of the executive who had been involved in the decision to bring the service back in-house.
- 5.3 Councillor Mark Glover, chair of the regeneration & leisure scrutiny sub-committee, indicated that the review of funding generated by Section 106 would cover all community council areas to assess what income streams were supporting regeneration borough-wide.
- 5.4 The chair asked that, in reviewing service changes to drug and alcohol treatment at Marina House, the health & adult care scrutiny sub-committee join this up with the work of officers in children's services.
- 5.5 The chair also reported that the housing & community safety scrutiny sub-committee was proposing to co-opt representatives from the tenants and home owners councils. In response to members' comments, the chair of the sub-committee agreed to extend the proposed co-option to include a representative and reserve from each body.
- 5.6 The committee considered the proposed cabinet member interviews. The chair explained that the intention was to invite members of the housing & community

safety and leisure & regeneration scrutiny sub-committees to attend overview & scrutiny committee when the cabinet members for housing management and regeneration & corporate strategy were being interviewed. The sub-committee members would also be invited to submit questions in advance of the meeting. Councillor Edwards confirmed that this would not preclude the sub-committees inviting either member to attend a meeting to give evidence on specific reviews.

- 5.7 The committee discussed whether or not it would request written answers to questions in advance of meetings. Members considered that the deadline for questions should be set sufficiently in advance of meetings to allow cabinet members to provide written answers. The chair indicated that she and the vice-chair would raise the issue with the Democracy Commission.

RESOLVED:

1. That the work programmes of the scrutiny sub-committees be agreed.
2. That the proposed cabinet member interviews be agreed and the committee invite the attendance of cabinet members on the following dates:
 - September: Councillor Ian Wingfield, Deputy Leader & Housing Management
 - November: Councillor Richard Livingstone, Finance & Resources
 - January: Councillor Peter John, Leader
 - February: Councillor Fiona Colley, Regeneration & Corporate Strategy

6. ELECTION REVIEW - SCOPING

- 6.1 Adrian Green, Regional Manager from the Electoral Commission, addressed the committee and outlined the role and responsibilities of the commission and of returning officers.
- 6.2 Members commented on the initial response of Southwark's returning officer to the proposed scrutiny review and asked whether there were any examples of returning officers being appointed from other local authorities in order to avoid conflict. Members also asked whether the electoral commission considered self assessment to be an adequate way of measuring performance. Adrian Green responded that returning officers had appeared in front of scrutiny committees and that the commission's upcoming report would make reference to the valuable role of scrutiny. Bristol had recently engaged an independent consultant to undertake a review and report to an overview and scrutiny committee. He was of the view that self assessment was probably not adequate but that introducing anything more, in order to achieve a more independent and rigorous process, would require additional resources.
- 6.3 In response to further questions, Adrian Green expressed the view that as returning officers delivered elections on behalf of the council it was appropriate for

them to be accountable to the council. Members emphasised that the counting of votes in both the elections had been lengthy and wondered if the electoral commission had any role in improving procedures. Adrian Green stated that a lot of problems could be traced back to the availability of resources and to planning and managing procedures. Possibly the council had more of a role in respect of local elections as it had a duty to provide resources. It was a matter of choice for returning officers as to whether or not to change procedures and not something on which the electoral commission could give direction.

- 6.4 Members noted that the council's head of electoral services was conducting a review of the combined general and local elections on 6 May 2010 and asked the electoral commission's representative if the commission would be interested in seeing the results of this review. Adrian Green replied that the commission would welcome sight of the report and that the committee could receive the performance standards report in relation to Southwark and a copy of Southwark's self-evaluation.
- 6.5 Members asked whether the commission set out any standards as to the number of staff per voting station and the number of counters. Adrian Green indicated that guidance was published as to polling stations in respect of a single parliamentary election but not in respect of combined elections. No guidance was issued in respect of the numbers of counters and there was a variation across local authorities.
- 6.6 The chair indicated that for the next meeting of the committee she would ask the returning officer to present the results of the local review. Members agreed that it would be a positive move to re-invite the returning officer to participate in the scrutiny review and to consider the local review together with the self-evaluation and the electoral commission's monitoring report. Any comments from the electoral commission on the local review could be considered at the same meeting.
- 6.7 Members noted the reference in the returning officer's email of 24 June 2010 to a session explaining the UK electoral system to Kosovo officials and asked whether it would be possible for a copy of any presentation to be circulated. Members also noted the list of declaration times for the general election and asked whether it would be possible to contact Wandsworth (for Putney, Battersea and Tooting) and Hackney (Hackney North and Stoke Newington and Hackney South and Shoreditch) asking how much each borough spent on the election process, how many counters were employed and the number of staff at each polling station. As a comparison, Southwark's returning officer could be asked whether she considered the resources allocated to her were sufficient or if she needed additional resources.
- 6.8 Members also suggested that the returning officer be asked about how practical changes could be made to allow people standing in queues at closing time to cast their votes and whether any alternative premises could be found for the count.

The meeting ended at 8.35 pm



OVERVIEW & SCRUTINY COMMITTEE

MINUTES of the Overview & Scrutiny Committee held on Monday 19 July 2010 at 8.30 pm at Town Hall, Peckham Road, London SE5 8UB

PRESENT: Councillor Lisa Rajan (Chair)
Councillor Andy Simmons (Vice-Chair)
Councillor Toby Eckersley
Councillor Gavin Edwards
Councillor Dan Garfield (Reserve)
Councillor Mark Gattleson (Reserve)
Councillor Mark Glover
Councillor David Hubber
Councillor Helen Morrissey
Councillor the Right Revd Emmanuel Oyewole
Councillor Geoffrey Thornton (Reserve)

OTHER MEMBERS PRESENT: Councillor Fiona Colley
Councillor Martin Seaton, East Walworth

OFFICER SUPPORT: Tom Branton, Regeneration & Neighbourhoods
Shelley Burke, Head of Overview & Scrutiny
Doreen Forrester-Brown, Legal Services
Eleanor Kelly, Deputy Chief Executive
Stephen Platts, Head of Property
Jennifer Seeley, Deputy Finance Director
Peter Roberts, Scrutiny Project Manager

1. APOLOGIES

- 1.1 Apologies for absence were received from Councillor Neil Coyle and from Councillors Tim McNally and Paul Noblet (Councillors McNally and Noblet were unable to attend due to a prejudicial interest).

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 Councillor Geoffrey Thornton declared a personal and non-prejudicial interest as a local resident and representative of one of the affected wards.

4. CALL-IN: ELEPHANT & CASTLE - REGENERATION AGREEMENT AND DISPOSAL OF ASSOCIATED LAND (CABINET 7 JULY 2010)

- 4.1 The committee moved into closed session in order to consider the call-in.
- 4.2 Councillor David Hubber introduced the grounds of the call-in request (paragraph 4 of the covering report).
- 4.3 In response, Councillor Fiona Colley, cabinet member for regeneration and corporate strategy, referred the committee to paragraphs 63 – 69 of the cabinet report and recommendation 2.1 which set out the intention to seek confirmation from the Department for Communities and Local Government (CLG) as to whether consent to the transfer of land would be necessary. She was confident that best consideration would be achieved (paragraph 4a of the covering report). In terms of the second ground, paragraph 4b, that the terms of disposal did not meet Lend Lease's best and final offer (BaFO), leaving the council open to legal challenge, the cabinet member referred the committee to the advice it had received from the strategic director of communities, law & governance at its meeting on 7 July 2010. The cabinet member disagreed that the level of affordable housing guaranteed by the regeneration agreement would necessarily have been achieved through the planning process (paragraph 4c). Finally, she explained that there was no cap on planning overage and that the cap applied to the parent company's guarantee (paragraph 4d).

Failure to achieve best consideration for disposal of land on the Heygate Estate

- 4.4 Members asked the cabinet member whether she was satisfied that she could defend the cabinet's decision to the district auditor. The cabinet member replied that the district auditor was coming in to discuss this later in the week. In response to further questions, the head of property explained that it was not the district auditor's function to take a view on best consideration but rather to ensure that appropriate processes had been followed. The council was acting appropriately in seeking advice from the CLG as to best consideration.
- 4.5 A member asked the cabinet member if the cabinet would be open to reconsidering its decision. The cabinet member's view was that this would further delay an already protracted process and that the actions to be taken in respect of best consideration were clearly set out at recommendations 2.1 and 2.2. The deputy chief executive added that consistent advice had been given by officers in respect of best consideration.
- 4.6 The committee noted that it would be expensive to go back to the beginning of the procurement process. Some members of the committee agreed with the cabinet member that the mandate at the election had been to resolve plans for

development at the Elephant & Castle.

Failure to meet BaFO – rendering the council open to legal challenge

- 4.7 Some members remained concerned that the risks had not been properly calibrated. The cabinet member reported that the cabinet had considered the officer advice at length and taken the view that the risk was manageable.
- 4.8 In response to questions about the delay in the timetable (the report to November's executive had specified signing of the regeneration agreement by March 2010), the deputy chief executive informed the committee that subsequent reports had been considered by the executive on 9 February and 23 March 2010 and progress had been noted.

Sacrifice of 2023 priority return for 25% minimum guarantee on affordable housing

- 4.9 Some members were of the opinion that a guaranteed minimum of 25% affordable housing was selling the council short when a figure of 29% was being achieved in most planning applications. These members questioned whether giving up the guarantee of priority return in 2023 in exchange for a guarantee on affordable housing was best value for the council tax payer. The cabinet member stressed that the guarantee of affordable housing in the regeneration agreement did not fetter the planning committee and that she believed that similar amounts of profit could still be achieved. She stated that regeneration was not just about the amount of profit but about realising a vision for the Elephant & Castle. The aim was to deliver more affordable housing than had previously been available.
- 4.9 Members queried the nature of the guarantee of affordable housing and whether it was a specific clause in the regeneration agreement. The head of property explained that it was covered in two areas of the of the regeneration agreement, within the "minimum development requirements" and in the section relating to the planning application.
- 4.14 Some members were concerned that Social Housing Grant may not be available from the Homes and Communities Agency (HCA).

Capping the planning overage

- 4.15 The head of property clarified that there was no cap on the planning overage. A cap and termination date existed in respect of the guarantees provided by Lend Lease Corporation. The committee was satisfied with these explanations and agreed that the grounds set out under paragraph 4d did not require further consideration.

Recommendations

- 4.17 The following motion was moved by Councillor David Hubber and seconded by Councillor Mark Gettleton:

That the cabinet:

- i) Renegotiate the terms of the regeneration agreement that enables the council to achieve a settlement that is closer to best consideration and that is less likely to be challenged by the district auditor;
- ii) Afford itself the opportunity to consider any views expressed by the district auditor in the next few days;
- ii) Renegotiate a deal with Lend Lease that enables the terms of the deal to better meet BaFO considerations and reduce the risk of challenge by other developers; and
- iv) Include in its recommendations the requisite detail on how the 25% minimum affordable housing guarantee will be achieved in practice, given the caveats in place on Lend Lease defaulting on the deal.

4.18 The motion was put to the vote and declared to be lost. The following members requested that their votes in favour be recorded in the minutes: Councillors Lisa Rajan, Toby Eckersley, David Hubber, Mark Gettleston and Geoffrey Thornton.

4.19 An alternative motion was moved by Councillor Andy Simmons and seconded by Councillor Mark Glover. The motion was put to the vote and declared carried:

RESOLVED:

- i) That the poor performance to date of the council in providing replacement social housing at the early housing sites at the Elephant & Castle be noted;
- ii) That the negative impact of the coalition government on the Homes and Communities Agency budget and thus the low probability of social housing grant being made available to the Elephant & Castle be noted;
- ii) That the committee agrees with the cabinet's commitment to ensure a minimum level of affordable housing of 25% for the first time, with a planning target of 35% affordable housing;
- iv) That the commitment to move forward with a new leisure centre at the Elephant & Castle be welcomed;
- v) That the positive discussions with St Modwen on the regeneration of the shopping centre be welcomed;
- vi) That the potential substantial capital receipts for the council if housing prices rise be noted;
- vii) That the cabinet member be asked to report back to a future meeting of the committee on how the minimum 25% level of affordable housing will be achieved in practice; and
- viii) That the decision is not referred back to the cabinet.

(Resolution vii was agreed unanimously. The following members requested that their votes against all other parts of the resolution be recorded in the minutes: Councillors Lisa Rajan, David Hubber, Mark Gettleson and Geoffrey Thornton. Councillor Toby Eckersley requested that his abstention be recorded.)

The meeting ended at 10.35 pm

Item No: 5.	Classification: OPEN	Date: 13 September 2010	Meeting Name: Overview & Scrutiny Committee
Report Title:		Call-in: Maydew House – Results From The Residents Survey Consultation (Cabinet 9 August 2010)	
Ward(s) or Group affected:		Surrey Docks & Rotherhithe	
From:		Head of Overview & Scrutiny	

BACKGROUND INFORMATION

1. On 9 August 2010 the cabinet considered a report on the results from the Maydew House Residents Survey Consultation (open report included as appendix). The cabinet agreed that:
 - i) That the findings from the consultation with the tenants and leaseholders of Maydew House be noted.
 - ii) That it be noted that residents will be required to move out of their properties regardless of whether Maydew House is sold or retained and refurbished due to the nature and extent of the work required which is necessary to ensure that Maydew House meets the decent homes standard.
 - iii) That the long term future of Maydew House be considered as part of the current review of the council's decent homes investment strategy, which is due to report later this year, and to make any decision in full consultation with the residents of Maydew House. Such consultation to include consideration of the right of return for tenants.
 - iv) Without prejudicing the potential right of return as mentioned above, that the permanent re-housing of residents from Maydew House commence with immediate effect and in order to facilitate this, the special allocations scheme be applied in the council's lettings policy as it relates to re-housing on regeneration and improvement schemes (including awarding secure tenants band 1 priority for re-housing) and the local variation to the council's lettings policy as set out in paragraph 109 of the report be agreed.
 - v) To provide qualifying displaced residents with home loss and disturbance payments, under relevant legislation.
 - vi) To deduct any outstanding rent arrears (and in cases where a liability order has been obtained, outstanding council tax) from the home loss payment, in line with legal advice in paragraph 132 of the report, recognised good practice and sound financial management principles, with exceptions to this being considered each on their own merits by the strategic director of regeneration and neighbourhoods.

- vii) That the new units currently being built at Montreal House in Canada Water be ring fenced to secure tenants being re-housed from Maydew House and the Heygate estate, if they wish.
- viii) That officers investigate the viability of extending the cash incentive scheme currently in place, from within existing budgets, to assist secure tenants of Maydew House who may be interested in a move into home ownership and to prepare a report with recommendations to the deputy leader and cabinet member for housing management to consider.
- ix) That the acquisition of all leasehold interests in Maydew House, be funded from the housing investment programme and that the head of property be authorised to undertake the necessary negotiations.

REASONS FOR CALL-IN

2. On 17 August 2010 the Chair of Overview & Scrutiny Committee - Councillor Lisa Rajan - and three members of the committee (Councillors David Hubber, Tim McNally and Paul Noblet) requested a call-in of the decision on the following grounds:
 - a) That the consultation to date is insufficient, and is not considered by residents to be independent, inclusive and unbiased. The 'Have Your Say' questionnaire was used by the Cabinet to support their decision to decant, and yet it did not represent the full spectrum of residents' views.
 - b) That the costing and proposed works are based on the inspection of only two dwellings out of 144, which residents consider to be an insufficient basis for an accurate survey of need.
 - c) That residents were given insufficient time to respond to the last-minute addition of further options for Maydew House, which has been interpreted by residents as a lack of transparency.
 - d) Residents have yet to receive a full detailed breakdown of costs for essential works despite requesting this information.

CALL-IN MEETING

3. The committee will consider the call-in request and in particular whether or not the decision might be contrary to the policy framework or not wholly in accordance with the budget.
4. If, having considered the decision and all relevant advice, the committee is still concerned about it then it may either:
 - a) refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns, or
 - b) refer the matter to council assembly if the decision is deemed to be outside the policy and budget framework.

5. If the committee does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the scrutiny meeting.

BACKGROUND DOCUMENTS

Background Papers	Held at	Contact
Agenda – Cabinet	160 Tooley Street London SE1 2TZ	Everton Roberts Constitutional Team 020 7525 7221

APPENDICES
Report to Cabinet, 9 August 2010

Audit Trail

Lead Officer	Shelley Burke, Head of Overview & Scrutiny	
Report Author	Fitzroy Williams, Scrutiny Project Assistant	
Version	Final	
Dated	4 September 2010	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Communities, Law & Governance	No	-
Cabinet Member	No	-

Item No. 5.	Classification: Open	Date: 9 August 2010	Meeting Name: Cabinet
Report title:		Maydew House – Results from the Residents' Consultation	
Ward(s) or groups affected:		Rotherhithe ward	
Cabinet Member		Deputy Leader & Cabinet Member for Housing Management	

FOREWORD – COUNCILLOR IAN WINGFIELD, DEPUTY LEADER & CABINET MEMBER FOR HOUSING MANAGEMENT

1. When Cabinet met to consider the report on Maydew House on 20 July 2010, we were presented with a report, which described the major works needed at Maydew House and the impact these works would have on the residents living there. The report explained that in order to carry out the works a substantial amount of asbestos would need to be disturbed and that this would mean residents would have to move out either temporarily or permanently. Fire safety works were also soon to be completed, the results of which will shortly be fed back from the fire brigade to the council. The report to cabinet included feedback from consultation with residents.
2. At the meeting a group of residents from Maydew House made a formal response to the report. They made a strong case against its findings, questioning the extent of the major works that needed doing and the extent of the risk posed by the asbestos. The group, on behalf of residents, also stated that they felt that their homes are already in a good state of repair and questioned the need for works at all.
3. My cabinet colleagues and I felt that these arguments, which were very well made, merited further investigation. With regard to these issues, we agreed to adjourn any decision on the Maydew House report for a few weeks to receive further feedback from independent experts.
4. At our meeting on 9 August 2010, we will be hearing from technical experts on the impact of undertaking major works and will receive more information on the asbestos which is contained within the block. We want to make sure that we have all the facts in front of us when we make such an important decision, which would have a significant impact on people's lives.

20 JULY 2010 - FOREWORD

5. Our Manifesto pledge is to make all council homes warm, safe, and dry. In February, the then Executive of the council considered the high cost of investing in Maydew House to bring it up to the Southwark decent homes standard and looked at possible alternative options. At the time, residents asked for more information and that further consultation and discussion with residents was undertaken.
6. This report provides the Cabinet with the results of the consultation process with the residents of Maydew House. It sets out the arrangements for carrying out the consultation work and summarises the feedback that has been received. I have also

visited Maydew House in person to meet the residents and to listen to their views and concerns.

7. The report explains that significant works are required to Maydew House which due to the unusually high extent of asbestos existing within the block will require existing residents to move out for an extended period for that work to be completed. The process of residents moving out is likely to take around 18 months and the completion of the work around a year.
8. The requirement for the whole of Maydew House to be vacated will be necessary whichever option the Cabinet decide to progress for the future of the block, as a full re-housing programme for the block is required to undertake the works that are necessary to meet the decent homes standard and to minimise the impact of these works on residents.
9. Resident views are central to agreeing the way forward for Maydew House but this will have to be carefully balanced against the excessively high cost of refurbishing the block to meet the decent homes standard and carry out other essential works; and be considered in the light of the overall investment needs of all the council's housing stock across the borough. An update on the cost of retaining and investing in this block is set out in this report.
10. The previous report considered the sale of the block and this remains an option. The council, however, has a strong commitment to retaining its housing stock to meet local housing need and disposals are only considered in very exceptional and agreed circumstances; and where they are part of either a broader regeneration initiative or an agreed council strategy to generate funds to re-invest in the council's housing stock.
11. Maydew House requires significant work and capital expenditure to make it warmer, safer, and dry, and to meet the government's decent homes standard. Doing nothing is not an option because it would not allow the council to meet either its decent homes targets or its statutory landlord obligations to maintain the block. These unique and exceptional circumstances require special consideration and residents' views play a key part in informing the decision. I would like to record my personal thanks to all the residents who have taken the opportunity to contact us and feed back their views.

RECOMMENDATIONS

That the Cabinet agrees:

12. To note the findings from the consultation with the tenants and leaseholders of Maydew House.
13. To note that residents will be required to move out of their properties regardless of whether Maydew House is sold or retained and refurbished due to the nature and extent of the work required which is necessary to ensure that Maydew House meets the Decent Homes standard.
14. To consider the long term future of Maydew House as part of the current review of the council's Decent Homes Investment Strategy, which is due to report later this year, and to make any decision in full consultation with the residents of Maydew House.

15. To commence the permanent re-housing of residents from Maydew House with immediate effect and in order to facilitate this, to apply the special allocations scheme in the council's lettings policy as it relates to re-housing on regeneration and improvement schemes (including awarding secure tenants band 1 priority for re-housing) and to agree the local variation to the council's lettings policy as set out in paragraph 109.
16. To provide qualifying displaced residents with home loss and disturbance payments, under relevant legislation.
17. To deduct any outstanding rent arrears (and in cases where a liability order has been obtained, outstanding council tax) from the home loss payment, in line with legal advice in paragraph 132, recognised good practice and sound financial management principles, with exceptions to this being considered each on their own merits by the Strategic Director of Regeneration and Neighbourhoods.
18. To agree the decision to ring fence the new units currently being built at Montreal House in Canada Water to secure tenants being re-housed from Maydew House and the Heygate estate
19. Officers be asked to investigate the viability of extending the cash incentive scheme currently in place, from within existing budgets, to assist secure tenants of Maydew house who may be interested in a move into home ownership and to prepare a report with recommendations to the Deputy Leader and Cabinet Member for Housing Management to consider.
20. To the acquisition of all leasehold interests in Maydew House, to be funded from the Housing Investment Programme and to authorise the Head of Property to undertake the necessary negotiations

BACKGROUND INFORMATION

21. Maydew House is a 24 storey block of 144 two bedroom flats, arranged in 'scissor' configuration, on the edge of Southwark Park. It is part of the Abbeyfield Estate which also includes Thaxted and Damory Courts, the Bede Centre and the Y block.
22. A report on options for investment in Maydew House was considered by the Executive on 15 February 2010. The Executive resolved that officers:
 - i. Provide an information pack on all considered options to Maydew residents, together with individual consultation of residents on their housing preferences.
 - ii. Carry out further feasibility work and report back on investment and regeneration options for the wider Abbeyfield Estate.
 - iii. Report back to Executive in June 2010 on the outcome of 1 and 2 above.
 - iv. Investigate further the possibility of early moves for those who have already registered for housing transfer.
23. This report deals with recommendations (i), (iii) and (iv) above. The work in respect of investment and regeneration options for the wider estate (recommendation (ii) will be integrated within a report on the wider investment options considering the investment needs of the whole of the Council's housing

stock.

24. The information pack was provided for residents. It was delivered on March 20 2010 to all secure tenants and leaseholders. Two packs were put together: one for secure tenants and one for leaseholders. A letter was also sent to all residents in temporary accommodation to inform them that these activities were under way involving their neighbours. A dedicated enquiry line was also set up to deal with questions arising from the pack. The pack, which is one of the background papers, explained why the council needs to make a decision about the future of Maydew House, and why, whatever option is to be pursued, residents will need to move out.
25. The current occupancy breakdown at Maydew House (as at July 2010) is:

Secure Tenants	96
Temporary Accommodation/Licences	40
Leaseholders	5
Voids	3
Total	144

26. Permanent re-lets to vacant flats in Maydew House were suspended in 2008 because the need to carry out major works was identified. It was recognised, however, that the nature and extent of work to be carried out was more than could reasonably be expected to be achieved in occupied properties and therefore would require the rehousing of residents.
27. Due to the significant nature and extent of the work required, the high cost, and limitations on the resources available, it was also identified that it would be necessary for the council to review all available options for the sustainable future of the block, in consultation with residents, to ensure that the best practical way forward was identified, taking into account resident views and resource availability.
28. There was no decision to actively re-house Maydew House residents at that time, and for most of the period since, void properties within the block have not been let permanently and have been used as temporary accommodation.
29. The further feasibility work on investment and regeneration options for the wider Abbeyfield Estate is currently the subject of detailed appraisal and options work. This work will form the basis for consultation with residents and tenants of the wider estate. Once this is complete, a further report will be brought to Cabinet.
30. Some residents had already requested to move from Maydew House prior to this consultation exercise. None have currently moved and this is mainly due to their housing need having placed them in a band which requires them to have to wait some time before they are likely to be successful in bidding for properties under the Council's Choice Based Lettings scheme.

OVERVIEW

31. In considering this report, there are five key questions:
- I. **Why is it necessary for the block to be fully vacated for the works to take place?**
32. The council's technical advice is that the nature and extent of the works will be

highly disruptive and, due to the way that Maydew House has been constructed, is likely to disturb significant levels of asbestos, which is difficult to manage safely with residents in occupation.

33. Given the single stairway, and the scissor type construction of the block, it is difficult to compartmentalise the work or to do it in sections, with residents remaining in occupation. The council's advice is that phasing works is unlikely to be practical. Phasing would be inconvenient to residents, involve significant construction programme difficulties for any contractor, is likely to compromise health and safety regulations, extend the work programme, and increase the cost of the contract. In any event, residents would still have to move out while work is done to their own flat for a lengthy and protracted period.
34. It is important to emphasise that Maydew House is not an unsafe place in which to live. If left un-disturbed the asbestos is perfectly safe. The block, however, is in extensive need of updating and refurbishment. These improvement works will disturb significant amounts of asbestos whatever works are carried out which mean that the residents will need to move out while the works take place.

II. Could the council do less works to reduce the overall costs of investing in the block and as a result, make it more financially viable for the council to retain the block and not sell it?

35. The updated cost advice is shown in Appendix B and is split between essential and non essential works. This cost advice excludes the cost of home loss and disturbance payments, lease holder buy backs and professional fees.
36. Further items could be removed from the list of essential works if Cabinet and residents agree, such as the renewal of kitchen and bathroom replacements, in order to reduce costs. However, the scope for removing items and reducing the scale of the works is extremely limited as most of the works are essential upgrades to services and amenities within the block.
37. Removing kitchen and bathroom replacements, for example, would reduce costs by around £1M to approximately £9.5M. It is difficult, however, to see what other works could be scaled back.
38. The majority of proposed works are statutory landlord obligations and cannot be removed from the programme if the council is to meet its legal responsibilities to keep the block in good repair and its requirement to achieve decent homes. These include items such as electrical rewiring; structural repairs; roof renewal; lift replacement; communal ventilation; renewal of water mains; works to refuse chutes; and plant equipment renewal. Ongoing day to day responsive repairs to the block are high due to the need to urgently upgrade many of these basic facilities and amenities.

III. Why is it necessary for residents to move out permanently?

39. The works involved are significant and extensive and are likely to involve residents having to move out of the block for more than a year while they take place and possibly longer.
40. In addition, given the nature, extent and complexity of works of this type to a building of this construction, the programme for any proposed building works could take longer than for a more conventional scheme or building project and there are

many uncertainties.

41. Moving residents out for lengthy periods of time has a significant impact on people's lives. To offer a temporary move for a lengthy period, when residents build up family, school, and work commitments in an area where they have only been re-housed on a temporary basis with uncertainty about when they may need to move back is not considered to be reasonable or fair to the residents who will be impacted by the work.
42. The offer of a permanent move given the likely duration of the work offers residents the ability to relocate, build new support networks, and make firm plans for the future.

IV. Why does a decision need to be made now?

43. The council has made a commitment to achieving decent homes and ensuring that all council homes are safe, warm, and dry. To achieve this for Maydew House, the block will first have to be vacated and this is likely to take around 18 months from start to finish.
44. If Maydew House is retained and refurbished, works cannot start until the building has been fully vacated, as we do not believe that doing the works in sections will be feasible.
45. The work itself is likely to take around a year and possibly longer. This means that, if the council does decide to retain the block and refurbish it, it will be at least two and a half years before the work is completed.
46. If a decision is made to sell Maydew House, it will still need to be vacated and disposed of quickly because, while it is still occupied and until it has been sold, it will count against the council's decent homes targets as non decent stock.

V. What do residents think about what needs to be done?

47. Residents' comments and opinions are set out in detail in the rest of this report.

RESIDENT CONSULTATION

48. Following the delivery of the information pack to Maydew House, residents were invited to feed back views and ask questions. Tenants were also offered individual meetings with staff.
49. A summary of the consultation work carried out since March 2010 is set out below in Table 1.

Table 1 – Consultation Work April / May 2010

Number of secure tenants	96
Number of consultation visits requested and completed	68
Number of tenants already registered on Homesearch (prior to start of consultation process)	25
Number of tenants who have completed in full the Housing Application form during the consultation process	21
Number of surveys returned	84

50. To date, the majority of residents have expressed a wish not to return to Maydew House if they are required to move out.

51. The question that residents were asked was:

Given that residents must move for the asbestos to be removed, do you prefer a permanent or temporary move?

52. The responses that we have received to date have been:

- 62 households wished to move out permanently and not return
- 12 households wished to move out temporarily and return
- Nine households did not know
- One household said they would be happy with either a temporary or a permanent move.

53. This means that so far only 12 households expressed a wish to return to the block.

Resident Consultation Surgery Event – 17 May 2010

54. The Chief Executive with other staff held a consultation surgery at Maydew House on Monday 17 May between 4pm and 9pm. All residents received a letter to invite them to book an appointment and were able to sign up for a time with the concierge office. There were posters up around the block advertising this and households were asked to contact the council to arrange an appointment.

55. A total of 24 households signed up for the event. However, of the 24 that signed up, two did not attend and a further three attended that had not booked a prior appointment. Therefore, there were in total 25 households that attended this consultation event on 17 May 2010.

56. Of the 25 households that attended, there were two temporary tenants, one leaseholder, and 22 secure council tenants.

57. Many residents expressed concern about the timetable for any potential moves out of Maydew House. Residents were advised that no timetable can be confirmed until the council's Cabinet has agreed what it wishes to do regarding the block and that the resident feedback will inform this decision; that no final decision has yet been made; that the presence of asbestos in the block and the extensive works required to bring the block up to the decent homes standard would necessitate all residents having to move out whatever is decided about the long term future of the block; that the Cabinet will be considering a report on this in either June or July this year; and that residents would be notified of the date the Cabinet would be considering the issue.

58. Many residents raised individual issues regarding their own personal housing circumstances and these matters have been followed up individually with key officers making contact with residents on matters raised.

59. The leaseholder expressed concern about leaseholders having to pay a contribution to the current fire safety works which are being carried out and he felt it was unfair that leaseholders should have to pay this, when they may shortly have to vacate the building. This is an issue also raised by two other leaseholders as

part of the wider consultation work.

60. Of the 22 secure tenants, eight of the tenants who came to the event had previously applied for a move out of Maydew House prior to the start of the consultation. Four of the tenants expressed reluctance to move out of Maydew House on a permanent basis, giving reasons such as the existing sense of community at Maydew House; the need to be near friends and neighbours; and the difficulty of moving. One of the residents also expressed concern that the information on the extent of asbestos within the building and the need for residents to move out while works take place may not be reliable. The remaining 18 residents wished to move permanently from Maydew House. Many of these residents also felt that being given Band 1 status was also a good incentive and there was a strong preference for local new build projects being ring fenced for Maydew House residents. Residents also supported the development of a local variation to the lettings policy to prioritise people moving out of the block for offers of accommodation. It is fair to say that those residents who wished to move wanted a decision taken quickly, wanted to move quickly, and had no desire to return.
61. Four residents expressed interest in the Cash Incentive Scheme, which provides residents with a grant to purchase a private property, although it should be noted that this scheme is not currently available to residents at Maydew House because the council's current scheme is targeted on achieving moves to assist overcrowded households. However, if the Cabinet is able to agree that a policy decision is made to extend this scheme to specific residents in other circumstances this could include residents in Maydew House. Further work would be needed on this option, which officers would bring back to the appropriate decision maker.

Cabinet Visit to Maydew House – 28 May 2010

62. The Cabinet visited Maydew House on 28 May 2010 to have a look round the block and to inspect an empty flat.

Meeting With the Tenants & Residents Association – 2 June 2010

63. Council officers were invited to the Tenants and Residents Association meeting which took place on 2 June 2010 to provide a general update.
64. The following feedback from residents was received:
- The information being assembled by the council, particularly on refurbishment costs should be independently checked.
 - Residents need reassurance that a decision has not already been made behind the scenes and that the current consultation is meaningful.
 - The timescale for the decision should be made clear as soon as possible.
 - There is a great deal of uncertainty among residents; the council should not delay a decision any further.
 - If a scheme for just Maydew is progressed, residents of Thaxted and Damory will still need to be consulted and kept informed because of the engineering links. Thaxted and Damory residents have not been involved enough so far.
 - In any decant work, the bed size entitlement policy for under occupiers should be carefully considered.
 - The fire safety work ongoing at Maydew House is welcomed but the contractors need to clean up after themselves daily.

- Keeping maintenance and management standards up will be very important.

Visit To Maydew House by the Deputy Leader & Cabinet Member for Housing Management – 8 June 2010

65. The Deputy Leader and Cabinet Member for Housing Management, Councillor Ian Wingfield, visited Maydew House on 8 June 2010 to talk to the residents and to hear their concerns.
66. Residents expressed a wide range of views and comments. Councillor Wingfield invited residents to put their views in writing to him and promised that any letters or e mails that he received would be available as background papers for all Cabinet Members to see and to have available to them before making a decision. He also told residents that they would be very welcome to attend the Cabinet meeting and to send a deputation to it, if they wished to do so.

ANALYSIS OF FEEDBACK RECEIVED FROM RESIDENTS – KEY ISSUES

67. The following is a summary of the issues that residents have raised:

Rent arrears

68. Residents generally have expressed concern about households in debt to the council, either with Council Tax payments or rent payments. Residents strongly felt that any proposed re-housing policy should prioritise those households not in debt to the council and incentivise residents to clear any outstanding debts.

Under Occupying Households

69. All the properties in Maydew House are two bedroom properties. In terms of one bed need, and of those currently visited, 25 households would currently be assessed as qualifying for one bedroom properties. However, of these 25 households, 13 have specifically expressed a wish for a property that is larger than they would normally be allowed to be considered for under the council's current housing allocations policy. Our consultation feedback is still being confirmed and it is thought that this figure could be higher.
70. We have received comments from tenants to the effect that they wish to leave permanently but would not be happy to leave if they were only offered a one bed and this is an important issue to those residents. This does, however, need to be counter balanced by the council's wider responsibilities to maximise the use of the available social housing stock locally so that it helps those most in need. If the allocation of properties is not based on assessed housing need, those on the housing register have to wait longer.
71. The council's policy on all new decant projects is to match those households to those properties that meet their current housing needs and not to move households to properties which are too large for their needs. This will, understandably, be disappointing for some residents who are under occupying their current property and are looking for a like for like move.

Ring Fencing For Local New Build Schemes

72. The possibility of ring fencing new build schemes for residents at Maydew House is of interest to a large number of tenants. They do have reservations about Housing

Association new build (mainly, around higher rents and their belief that rooms are smaller) but many residents would prefer a move to a housing association new build property, particularly if it allowed them to remain in the local area. This is because people have local contacts, work locally, and use local schools, and it helps to reduce the amount of change that people experience.

73. The decision to ring fence a particular new build scheme for a specific decant project is an individual member decision for the Deputy Leader and the Cabinet Member for Housing Management or a decision that could be made by the Cabinet. In making a decision to ring fence a scheme, the council needs to take into account the likelihood that this will disappoint other housing applicants in priority housing need that would also like to bid for these units. Recent experience of ring fencing properties is that there are often practical difficulties with holding properties on new build schemes. An alternative option would be not to ring fence the new build units but to actively market them to Maydew House residents. This would allow Maydew House residents to bid but alongside other housing applicants. As Band 1 applicants, Maydew House residents would be in the highest priority band for these properties but are unlikely to be successful in bidding for them unless the properties are specifically ring fenced to them.
74. Based on our consultation feedback, 52 tenants have confirmed an interest in registered social landlord new build schemes. In addition, 12 of the 52 specifically mentioned a preference to be considered for the new housing scheme at Montreal House, a scheme which is referred to in the resident information pack.
75. If the council wish to ring fence new build projects to Maydew House residents, the council may also wish to consider whether residents needing to be moved as part of other regeneration schemes should have these schemes ring fenced to them as well. As residents that need to be moved for regeneration schemes will have band 1 priority anyway they will already be well placed to be allocated to any new build units that come up. This report recommends that a new build scheme at Montreal House in Canada Water which is ready now is ring fenced to Maydew House residents and also to residents being re-housed as part of the Heygate scheme to assist the council to vacate the Heygate estate.

Preference to Remain in the Local Area

76. It should be noted that the majority of tenants wish to stay in the Bermondsey/Rotherhithe area and some very specifically, in the Canada Water area.

Households Requesting to be Split up and Move to Smaller Properties

77. Some families wish to be split up and move to smaller properties. This is in cases where families have grown, some of which are tenancies shared between cousins or siblings, or where there are grown up children. This affects around five tenancies.
78. Under the terms of the council's Lettings Policy, the Housing Options Manager has the discretion to consider splitting large size family households where it is in the council's interest.
79. The council will normally consider re-housing non-dependents (sons and daughters) of the tenant where we are satisfied that the non-dependents were original members of the household at the time the tenancy commenced or were born into the household.

80. We would not normally consider re-housing cousins, aunts, uncles or more distant relatives, unless they were original members of the household at the start of the tenancy.
81. Each case is looked at separately on its own merits and is dealt with under the policies that the council has currently.

Interest in Home Ownership Options

82. 11 tenants have so far expressed an interest in possible home ownership options to move out of the block. However, to date only one household has completed financial information forms to enable an assessment to be made of the affordability of this option.
83. If the Cabinet wished to introduce a cash incentive scheme to help some Maydew House residents to purchase a private property, funding would need to be either re-directed from the current council scheme, which was set up to free up units in order to assist overcrowded households, or new resources would have to be found. Further work would be needed on this option, which officers would bring back to the appropriate decision maker.

Over Occupation

84. A number of tenants living at Maydew House are requiring larger properties to meet their housing need. Some have asked if they can be eligible for the larger bed properties on the basis that it is unfair to move now and then have to move again in near future when their housing needs will change. While this is understandable, given the very high levels of housing need and homelessness in the borough, it would be a significant policy change to assess housing need based on future needs, however significant these needs may be, and such a policy, given the high level of housing need within the borough, is not recommended.

Feedback from Leaseholders

85. One leaseholder has expressed interest in the possibility of shared ownership as both leaseholders are elderly and she felt it may be difficult for them to afford to buy an alternative property without some form of assistance.
86. The council has also been in contact with Holland Properties – Managing Agents for a leaseholder, who lives abroad. We have not heard from the agent or the leaseholder since, despite encouraging completion of the feedback form.
87. One of the leaseholders had three issues:
- 1) Paying full-cost for the fire safety works and not having the benefit of those works for the period they remain effective.
 - 2) Any potential increase in the costs of property ownership and his ability / willingness to accept this. He doesn't have a mortgage now and he doesn't feel the council will be able to pay enough for him to purchase a like for like property without him having to take out a mortgage.
 - 3) Policy precedent. He wanted to know whether Maydew leaseholders would be afforded the same assistance options as leaseholders affected by other regeneration schemes.

88. Another leaseholder had a number of concerns over property values, the timescales for implementation of the Cabinet decision and the types and levels of disturbance costs the council would cover. He also expressed dissatisfaction at having to meet fire safety work costs as a leaseholder, despite possibly having to move out of the building. He is not certain as to whether he will require re-housing assistance, but may well do.
89. We have also been in contact with Phillipa Raven of Jetbond Ltd. The company are well versed with council procedure, having owned flats on the Heygate Estate. The flat is currently empty and Jetbond informed the council that they did not intend to re-let until the decision has been made, after which time they would look to reach agreement over a sale price swiftly.

Those Residents who did not wish to Move

90. Those residents that did not wish to move questioned the need for the works to be carried out and the necessity of moving out of the block to allow any works to take place. Some residents felt that it was not worth them responding to the consultation because, in their view, the decision had already been made. Residents that did not wish to move felt that they should be more fully compensated for any move, in terms of financial remuneration for the improvements that they have made to their properties and the investment that they have made in them. Some residents asked whether, if it was decided that Maydew House should be sold, affordable housing could be provided as part of any sale and refurbishment works to allow any interested residents to return.

Future Consultations Plan

91. Further consultation will take place with tenants and leaseholders following the approval of the recommendations. Specific consultation / information to tenants being re-housed will take place via an open day, and a project team will be set up to consider options for any potential wider estate regeneration.

INVESTMENT NEEDS

Fire Risk Assessment (FRA)

92. The council is currently undertaking work to comply with the requirements of the FRA. Works to comply with the FRA started on site in early April. Good progress is being made on the work to be done and the LFB has expressed no concerns with our implementation plan to date. They will, however, need to be satisfied at the end of July/early August that our works have been completed to plan. On completion of the works Maydew House will be fully compliant with the FRA, however, in the longer term works to bring the building up to the highest standard of fire safety would be highly desirable given the design and construction of the block. These works would include rewiring to support hard wired smoke alarms, a disruptive programme that could not be completed with residents in situ.

Lift Upgrades

93. There are two lifts in the block and both call on each floor. There is asbestos in the lift shafts which would mean the area would need to be sealed while the asbestos is removed and the lift upgraded. The lift would be unavailable during the period of the works. Each lift could be upgraded separately, so for at least four months the block would be served by only one lift. Residents would not need to be decanted

during the works but would clearly be inconvenienced. The lift which would be serving all floors while the other lift and lift shaft is upgraded is not likely to be reliable and could fail more often with more frequent use. While this is stating the obvious, the residents on the higher floors would be seriously inconvenienced by any ongoing lift failures.

Decent homes work

94. In assessing the options for Maydew House, there has been a specific focus on the current condition of the building, and the resulting investment needs. There has also been further work on the estimated costings of the work required. There have been two strands to the work; firstly, work has been undertaken as part of the refresh of the borough wide stock condition survey that is being finalised at the moment and secondly, a specific piece of work has been commissioned as part of the Abbeyfield options appraisal work by Levitt Bernstein and cost consultants, BPTW.
95. Initial costings were made available to Maydew residents as part of the information pack. The updated cost summary is attached at Appendix D, and shows the cost of delivering Southwark's decent homes standard and additional strategic safety works to Maydew House is estimated to be £12.2 million or nearly £85k per home. These figures exclude home loss and disturbance allowance payments lease holder buy backs and professional fees. The cost advice includes work classified as non-essential but which would normally be expected to be included when works of this scale are undertaken (the comparative costs excluding the non essential works is £10.5m / or around £73k per unit). Investment of this level represents a significant and disproportionate pressure for the decent homes budget and given the housing investment gap is considered to be very difficult to justify. The prioritisation of these works against limited resources would also mean that there could be no guarantee when these works could be carried out. The earliest these works could be included in the investment delivery programme would be 2012/13, subject to prioritisation against our limited resources.
96. As part of the options testing a type 2 asbestos survey has been carried out for Maydew House (updated requirement for SCS methodology) that has provided further information on the known presence of asbestos throughout the building. In its present condition the asbestos is safe, and will remain so provided it is not disturbed. However, it has been confirmed by a specialist consultant that decent homes work would release the asbestos. They have recommended that given the nature and scale of the proposed decent homes work residents should be moved out of the building for the duration of the work.
97. This specialist recommendation limits the options available to the Cabinet in so far as undertaking the work while residents are living in Maydew House.
98. This means that no matter what the future is for Maydew House it will be necessary to relocate the existing residents. The financial and practical issues concerning investment at Maydew House are explored further in this report, but the situation is extremely challenging and may take some time to determine and thereafter to implement. It may also be that a preferred course could encounter unforeseen problems, which may prevent the return of residents. It does not seem reasonable that residents should be left to cope with this uncertainty, and should be offered priority for permanent rehousing forthwith. If rehousing is agreed, it is also recommended that negotiations be started with the five residential long leaseholders in Maydew House.

OPTIONS APPRAISAL

99. Officers are investigating three options to deliver the investment needed at Maydew House:
- Option A - The council to carry out our decent homes works and other investment works to Maydew House.
 - Option B - Empty and sell Maydew House so that it can be refurbished by a potential commercial developer for 100% private homes, to generate a capital receipt to support the housing investment programme.
 - Option C - Demolish Maydew House and redevelop the site, also potentially generating a capital receipt for the housing investment programme, noting that current planning policy would not allow development on the existing scale.
100. A further option may be to dispose of Maydew House for refurbishment to a private developer, but with the provision in the contract of sale that an element of affordable housing is also provided within the block. This option is considered complex and may prove difficult to achieve because it will both disproportionately reduce the value of the block and the likelihood of securing a sale. Experience from other boroughs indicates that mixed tenure blocks often experience difficulty in being taken forward as viable projects, largely due to the lack of mortgage-ability of the private units in the block, and this presents a significant financial risk for any potential private purchaser interested in buying and refurbishing the block.
101. Consideration of plans for the long term future of the block will be considered as part of the borough wide strategy for achieving decent homes and will be the subject of a further report.

STRATEGY FOR VACATING THE BLOCK

Temporary Accommodation

102. The high number of residents living in the block as temporary tenants will make the decant of the block a quicker process, although the priority is to move people and ensure that those remaining are safe and secure.
103. At the beginning of May 2010, there were 38 units used as temporary accommodation within Maydew House and future empty properties and those becoming available through the decant will also be let as non-secure tenancies. This will continue until the secure tenants are all moved out and will be subject to a risk assessment of the continuing use of the building for temporary accommodation, particularly the use of the upper floors. It will also be subject to the cost of meeting a reasonable standard of accommodation for temporary use and other management considerations.
104. Temporary households residing in Maydew House are housed under a non-secure tenancy as part of Homeless legislation, so will not be entitled to permanent accommodation or a home loss and disturbance payment as part of the decant process. However residents may be offered alternative housing as part of the temporary accommodation re-housing process. This will be dealt with by the

Temporary Accommodation Services who will ensure residents are moved to suitable alternative accommodation separate from the scheme.

105. The Temporary Accommodation Service will ensure that vacant possession of these properties is achieved within the required timescale.

Leaseholder Issues

106. There are five leasehold interests in Maydew House; two of which are sub-let. Specific consultation will need to take place with the leaseholders themselves with the aim of obtaining vacant possession by negotiation.
107. If the option of the council retaining the block is considered, leaseholders would be liable for an element of both the decent homes refurbishment works, and the strategic safety works. The rechargeable element of these works would be in the region of £73-85,000 per leasehold and this is likely to be unaffordable.

Decant Policy

108. The current decant policy as outlined in the council's lettings policy will apply. Tenants, and eligible leaseholders, will be given the highest re-housing status (Band 1) under this policy.
109. It is recommended that a local variation to the council's lettings policy is developed for the block. A local variation to the council's lettings policy for Maydew house could work as follows:
- All households to be re-housed are placed in Band 1 as under the current policy
 - We would then prioritise households according to what floor they live on, going from top to bottom, so that we could begin to empty the block a floor at a time. This is the secure and safest way to proceed with a block of this nature.
 - Where two residents happen to bid for the same property, priority would be given to residents who did not owe the rent arrears.
110. This last variation is in line with the views expressed by the Maydew House tenants during the consultation. As referred to in this report, strong views were expressed by tenants on the issue of rent arrears and priority. As this proposal is considered to be largely in line with the current policy and where it is not, views have been already sought from the tenants, it is not considered necessary to carry out further consultation on this issue. In any event, it is not considered that the local variation is likely to substantially affect tenants.
111. As all the properties in the block are two bedroom homes, under the 2006 'Council Policy for rehousing tenants/homeowners on regeneration schemes (Executive 26/9/06) re-affirmed in an Executive member decision in January 2009 (Rehousing tenants and homeowners on regeneration schemes – outcome of consultation exercise and final proposal), no tenants or leaseholders will be entitled to an extra bedroom above need. This is to ensure that the council maximises the use of the social housing stock to help those that are most in need.
112. The council is also able to agree a policy on deductions from home loss payments and it is recommended that where tenants owe the council rent arrears, or in cases

where they owe council tax arrears and the council has a liability order against them, a deduction is made from their home loss payment to cover any outstanding council debts. In making these deductions, the council does not fetter its discretion and will consider any exceptional cases where this should not apply on an individual basis. The emphasis is on exceptional cases. If the Cabinet is happy to agree this approach, it is recommended that exceptions to this policy are considered by the Strategic Director of Regeneration and Neighbourhoods. To put this into context, a schedule of council tax arrears and rent arrears is available as a background paper.

Implications on Current Decant Programme

113. The Executive decision of 14 October 2009 'Southwark Housing Strategy - 2009-16' noted the development of an interactive supply and demand model. This model informs our understanding of the capacity that the council has available for the borough wide decant programme which supports all of our housing regeneration schemes. Data within this model shows:

- New affordable housing supply, both intermediate and social housing, including new RSL developments and Section 106 agreements.
- Projected relets of both council and RSL housing (based on historic letting data).
- Demand from residents being relocated as a result of regeneration schemes, based on phasing of schemes.
- Demand from other priority housing applicants.

114. From this model there is an assumption that 220 households will be decanted in regeneration schemes each year. It is difficult to accurately measure the impact of Maydew as successful rehousing will be determined by actual supply, need and choice – of both property type and area, for all the priority schemes. From experience, residents being re-housed as part of a regeneration scheme from different parts of the borough have different preferences as to where they want to live. The feedback from the resident consultation is that many of the residents in Maydew House will want to remain in the north of the borough. This could put pressure on housing in the Bermondsey and Rotherhithe areas and may make it more difficult to meet other priority housing needs in those areas.

115. It is estimated the re-housing for Maydew will take around 18 months, starting from the date of the Cabinet decision in July 2010.

116. The decanting of Maydew House will have an impact on our overall decant capacity; however, it is believed that this can be managed as part of the decant programme but will require regular monitoring.

Community Impact Statement

117. Members of disadvantaged and minority communities are statistically more likely to be council tenants than the population as a whole. National research has shown that BME tenants are more likely to live in properties that require higher levels of investment. Improved housing also has a direct impact on wider issues such as education, security and health. The Housing Investment Programme, therefore, has a positive impact on black and minority ethnic communities in the borough by investing in council housing stock and generating resources to support capital investment.

118. Any proposals to rehouse people from Maydew House would need to take into account the impact of empty homes on the remaining residents living within the block. In particular, empty properties would need to be effectively managed to ensure that they do not have a detrimental impact on the personal safety or amenity of those remaining residents.
119. In rehousing residents from Maydew House, the council will ensure that the policies it adopts are fair and transparent and avoid discrimination.

Resource Implications

120. If Cabinet agree the recommendations which are set out in this report, provision can be made within the housing investment programme for expenditure of up to a total of £2 million in 2010/12, for the re-housing of tenants and leaseholders of Maydew House.
121. If the block is retained then the costs associated with the refurbishment of the block to decent homes standards will need to be funded directly from the decent homes allocation, at an estimated cost excluding home loss and disturbance allowance payments, leaseholder buy backs and fees, of around £12 million to bring the dwellings up to standard. This is not programmed within the current investment programme. The funding available for decent homes work across the whole of the borough is currently £40M per annum.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

122. Section 21 of the Housing Act 1985 vests the council with the power to manage its housing stock. This power enables the council to adopt such policies as it considers appropriate for the better management of its stock.
123. Section 105 Housing Act 1985 requires the council to consult with its secure tenants on matters of housing management, which in the opinion of the council as landlord represents a new programme of maintenance, improvement or demolition, or a change in the policy or practice of the authority and is likely to substantially affect either secure tenants as a whole or a group of them.
124. The report sets out the consultation that has taken place. Cabinet members should take the outcome of consultation into account when making decisions on the proposals.
125. As to the recommendation for permanent re-housing of residents, while the council will endeavor to re-house residents by agreement, secure tenants can only be required to give up possession of the property they occupy if one of the grounds for a possession order in Schedule 2 of the Housing Act 1985 is made out. The availability of the mandatory 'regeneration' grounds in schedule 2 will depend on the final decisions made with regard to the future of Maydew House. In the case of leaseholders, in the absence of agreement, the council could only acquire their interests in the property via a compulsory purchase order.
126. Those occupying 'temporary accommodation' will generally be non secure tenants who do not have security of tenure. In the absence of agreement to vacate, the

council would need to obtain possession under a court order; an order in this situation would be available to the council as of right subject to fulfillment of the correct procedural requirements. Those vacating temporary accommodation may (but not necessarily) be entitled to the provision of alternative accommodation depending on their circumstances.

127. Occupying leaseholders are not generally entitled to be re-housed by the council following 'buy back' of their property. However in certain circumstances a duty to provide suitable alternative accommodation may arise under section 39 of the Land Compensation Act 1973. This duty arises where a person is displaced from residential accommodation in consequence of specified events that include a situation where land is to be improved or redeveloped. The duty does not apply to trespassers or persons permitted to reside in any dwellings pending its improvement (e.g. those in temporary accommodation provided under homelessness legislation). In considering whether suitable accommodation on reasonable terms is otherwise available, the local authority will need to look at the circumstances of the displaced person. This can include the person's financial circumstances. The council will need to have regard to its applicable re-housing policy.
128. Home loss and disturbance payments are payable to displaced residents under the Land Compensation Act 1973. In certain situations the council must make payments to those entitled. In other situations the council has discretion to make payments.
129. Qualifying residents who are permanently displaced as a consequence of the carrying out of any improvement or of redevelopment on the land occupying properties as their only or main residence in Maydew house throughout the period of one year ending with the date of displacement ('qualifying period'), will be entitled to home loss payments. Discretionary payments may be made to those occupying properties as their only or main residence at the date of displacement but who have not done so throughout the 'qualifying period'. Persons occupying temporary accommodation under homelessness legislation are not eligible for home loss payments. Qualifying residents will also be eligible for disturbance payments following displacement.
130. As to home loss payments, the amount payable is fixed by law; in the case of owner occupier leaseholders it amounts to 10 per cent of the value of their property subject to a maximum threshold of £47,000 and a minimum threshold of £4,700. Non-resident leaseholders (i.e. investors) are entitled to a basic loss payment of 7.5% of the value subject to a maximum of £75,000. In any other case e.g. secure tenants a flat rate of £4,700 is applicable.
131. As to disturbance payments, these cover the reasonable expenses of a person entitled to payment in removing from the land from which he is displaced. The amount payable is not fixed and it is for the displacing authority to decide in the first instance what is reasonable although any dispute may be taken to the Lands Tribunal for determination.
132. The council may lawfully apply a policy of deducting rent arrears from home loss payments. It may also lawfully apply a policy of deducting council tax arrears where the council has obtained a liability order as long as it does not fetter its discretion in this regard; the report confirms that the authority will consider exceptional cases.
133. There are several statutory powers pursuant to which the council may acquire units

in Maydew House:

- Section 17 of the Housing Act 1985 ("the 1985 Act") empowers local authorities to acquire land, houses or other properties for the provision of housing accommodation;
- Section 120 of the Local Government Act 1972 ("the 1972 Act") provides that as a principal council, the council may acquire by agreement any land for the purposes of any of the council's functions, or for the benefit, improvement or development of the area;
- Section 227 of the Town and Country Planning Act 1990 ("the 1990 Act"), if the council thinks the acquisition will facilitate the carrying out of development, re-development or improvement in relation to the land (provided this is likely to contribute to the promotion or improvement of the economic, social or environmental well-being of the area) or the land is required for a purpose which it is necessary to achieve in the interests of the proper planning of the area.

134. Whilst the works to Maydew House are improvements, of these powers, it is considered that Section 17 is the most appropriate as this is the principal power to purchase housing and land for the provision of housing accommodation.

Leaseholder & Home Ownership Implications

135. The option to carry out decent homes works and other improvements to Maydew House is unlikely to be financially viable for leaseholders. Indeed, the estimated apportioned cost to each affected leaseholder (£73-85,000 per leasehold property) would be enormous and highly likely to lead to non-payment of the service charges in respect to them, LVT hearings and court action at some considerable cost to the council in terms of time, staffing and monetary resources. The three resident leaseholders would have to be relocated temporarily and the terms of the relocation negotiated and agreed which would be contentious, time consuming and without guarantee of success. This would cause delay to works commencing and force the council to continue to provide an acceptable level of service to them under the specific covenants laid out in the lease. For the two non-resident leaseholders, compensation for loss of rental income and any penalties the leaseholder must pay to their tenant for ending a tenancy early if this is the case would need to be factored in.

136. The Bede has a licence of two flats at Maydew House, which are used for staff accommodation. The occupiers of these flats may be entitled to a home loss payment under section 29(2) of the Land Compensation Act 1973 if they have been in occupation for a year or more. If less than a year, the council has discretion under the Act to pay them an amount up to £4,700. Any legal interests would need to be bought out if the block is vacated..

Finance Director

137. The Finance Director notes the comments in the report and its recommendations. The report outlines the need to re-house residents from Maydew House, which will incur costs relating to leaseholder acquisition, home loss payments and disturbance payments. It is noted that a total budget provision of £2m is made within the Housing Investment programme for the period 2010-12 to fund these costs. It has been confirmed that the necessary expenditure can be contained within this budget and that there are sufficient resources available in the Housing Investment Programme overall to fund these costs, although there will be an

impact on other HIP activities.

138. The Finance Director understands that this report does not itself make a recommendation on the long term future of Maydew House, but recommends this is considered as part of the council's current review of the decent homes investment strategy. However, the Finance Director notes that the £12m cost associated with the option of refurbishment to decent home standard is currently not budgeted within the Housing Investment Programme and, if implemented, will therefore reduce the £40m total funding available for decent homes works across the whole borough.
139. The Finance Director supports the recommendation to deduct any outstanding debt for rent arrears and any outstanding council tax where a liability order has been obtained. This is in accordance with best practice for sound financial management, and is in line with the Audit Commission's expectation for the council to make every endeavour to collect monies owed to it, thereby reducing the burden on other council tenants and council tax payers.

BACKGROUND PAPERS

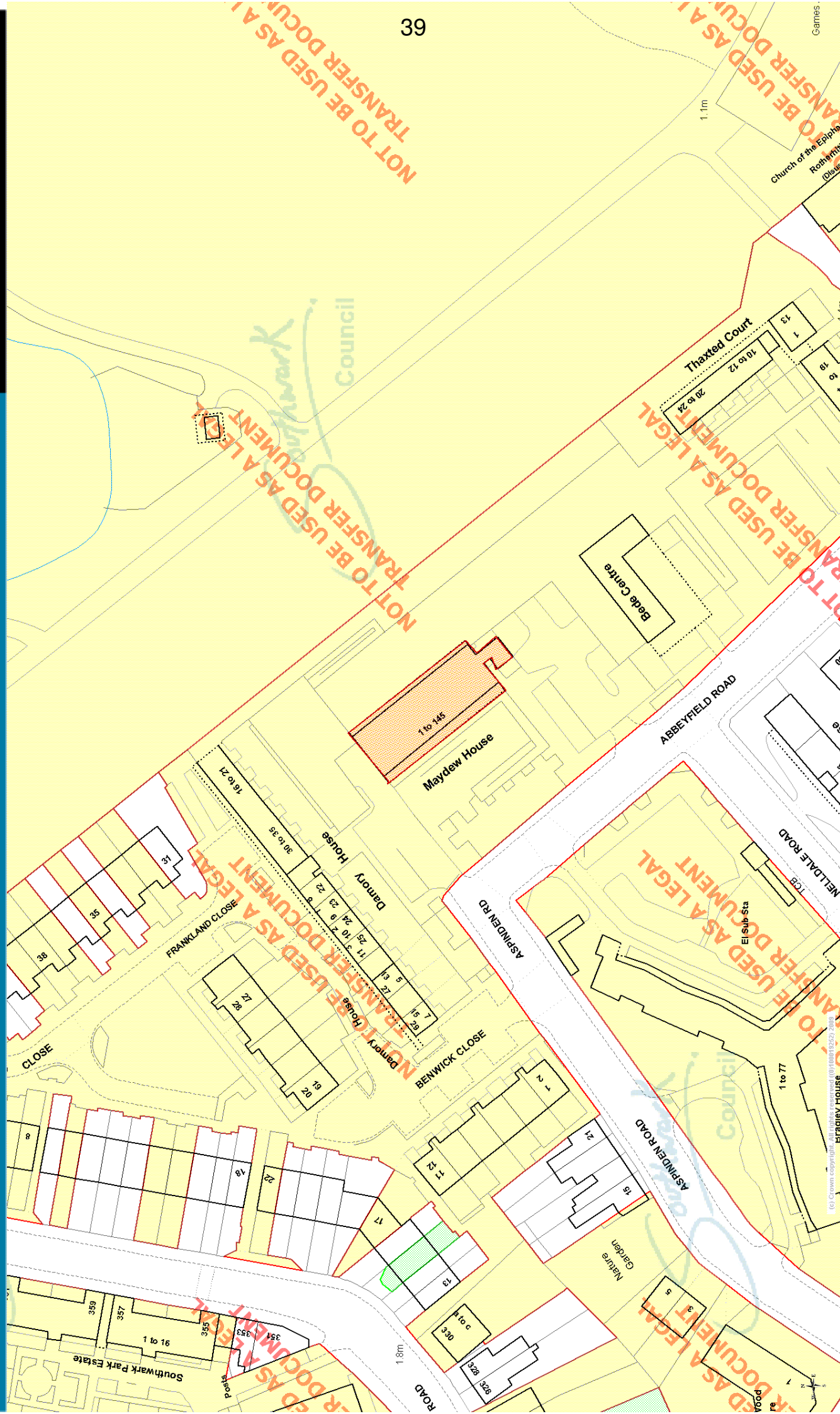
Title	Held At	Contact
Resident Information Packs	Regeneration and Neighbourhoods Dept.	Darren Welsh 020 7525 1203
Schedule of Council tax and rent arrears (closed item)	Regeneration and Neighbourhoods Dept.	Darren Welsh 020 7525 1203

APPENDICES

No.	Title
A	Map of Maydew Site
B	Cost advice

AUDIT TRAIL

Cabinet Member	Deputy Leader and Cabinet Member for Housing Management	
Lead Officer	Richard Rawes, Strategic Director of Regeneration and Neighbourhoods	
Report Author	Darren Welsh, Head of Housing Strategy & Options	
Version	Final	
Dated	30 July 2010	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES		
Officer Title	Comments Sought	Comments included
Strategic Director for Communities, Law & Governance	Yes	Yes
Strategic Director of Environment and Housing	Yes	Yes
Director of Finance	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Support Services		30 July 2010



ABBEYFIELD ESTATE - FEASIBILITY STUDY

BUDGET COST ESTIMATE

OPTION A - DECENT HOMES REFURBISHMENT WORKS

Work Type		Maydew (144 Nr)		
		(5 Nr Leaseholders)		

Essential Works - Landlord Obligations

Internal Works to Dwellings	
Demolition / Alteration Works	100,800.00
Kitchen Replacement	590,400.00
Bathroom Replacement	415,440.00
Internal Partitions	332,640.00
Electrical Rewire	374,400.00
Replacement Heating / Hot Water	1,252,800.00
Front Entrance Door	N/A
Asbestos Removal	641,410.00
BWIC with Services	30,960.00
Works to Building Envelope and Communal Areas	
Window Replacement	1,714,416.00
Structural Repairs	246,416.00
Roof Renewal	96,000.00
Roof Edge Protection	N/A
Lift Replacement	390,000.00
Asbestos Removal	11,819.50
Lateral Replacement	252,000.00
Communal Lighting Replacement	248,400.00
Communal Ventilation	120,000.00
Decorations to Communal Areas	144,900.00
Flooring to Communal Areas	217,350.00
Door Entry Works	141,120.00
CCTV / Security Installations	143,750.00
Fire Protection / Protective Installations	86,250.00
Replacement Distribution Mains	1,235,690.00
Plant Equipment Renewal	630,000.00
Refuse Chutes and Hoppers	15,000.00
BWIC with Services	100,000.00
Scaffolding / Hoist	See Roof / Windows
Sub-Total	£9,531,961.50
Contingency (10%)	£953,196.15
Total Cost - Essential Works - Landlord Obligations	£10,485,157.65
Cost per Unit (Including Leaseholders)	£72,813.59

Non-Essential Works

External Works	
Cladding System	1,269,832.00
Digital TV Installation	40,000.00
Community Hall	£105,000.00
Undercroft Garages	£105,000.00
Landscaping	£35,000.00
Signage	£7,000.00
Sub-Total	£1,561,832.00
Contingency (10%)	£156,183.20
Total Cost - Non-Essential Works	£1,718,015.20
Cost per Unit (Including Leaseholders)	£11,930.66

TOTAL COST OF ALL WORKS **£12,203,172.85**

NOTES/EXCLUSIONS

VAT
Professional Fees
Planning, Building Regulations + other statutory fees
Finance/Interest charges
Decant Costs (Assumed works to be carried out with tenants in occupation)
Legal fees
Party Wall Matters
Abnormal costs e.g. remediation, mains and road diversions
Site investigation
Specialist surveys
Fitting out, loose furniture and the like
Indicative costs shown above do not include site wide matters such as abnormal and the like
All costs are current as of 2nd Quarter 2010 with no allowance for inflation/deflation
Estimated costs assumed scheme to be competitively tendered
No allowance made for remodelling existing units (Strip out / Refurb only)
Preliminaries costs built into rates

Cost per unit for Maydew House includes Leasehold properties
Cost per unit for Damory House and Thaxted Court are based on tenanted properties only

Cabinet Briefing Note - 9 August 2010

Report of Gill Davies - Strategic Director of Environment and Housing

Maydew House - Update on programme of strategic safety work

1. At the Cabinet meeting held on 20th July 2010, the Cabinet were informed that the council is currently undertaking work to comply with the requirements of the Fire Risk Assessment (FRA) on Maydew House.
2. Works to comply with the FRA started on site in early April and works were completed on time on 27th July 2010.
3. Other FRA items are being resolved through housing management actions and low level repairs, in addition to the programme of improvement works within the block.
4. The London Fire Brigade (LFB) and council officers conducted a joint inspection of the completed work on 27 July 2010 and although a formal letter is expected, the inspecting officer has informally confirmed the LFB's satisfaction with the work.
5. If the letter of confirmation is received before the Cabinet meeting, it will be made available to the Cabinet for information.
6. Three items from the FRA remain to be resolved. Two relate to the communal mechanical ventilation system, and involve the cleaning of ductwork and the prevention of smoke and fire travel within the ductwork and between dwellings.
7. The LFB are keen to see what further work is recommended and Council officers are currently working with specialists Exova Warringtonfire to arrive at workable borough wide solutions to this specific issue.
8. The other issue relates to emergency lighting to the stairwell, and the LFB understand that we are planning to install this separately and are satisfied with these proposals.

Gill Davies
Strategic Director of Environment and Housing

Item No.	Classification: Open	Date: 9 August 2010	Meeting Name: Cabinet
Report title:		Maydew House technical response to independent Surveyors report	
Ward(s) or groups affected:		Rotherhithe	
From:		Strategic Director of Environment and Housing	

RECOMMENDATION(S)

1. That Cabinet notes this briefing from the Strategic Director of Environment and Housing.

BACKGROUND INFORMATION

2. The discussions over the future of Maydew House entered the public arena earlier this year, and the issue was highlighted in the local press.
3. Two residents of Maydew House commissioned an external consultants report from A Tarling Esq. The report called into question a number of our intentions in relation to the improvement works programme, asbestos and the condition of the building. This report provides a technical response to the issues raised.

RESPONSE TO THE SURVEY REPORT

4. The response to the report is noted in the following table, with the original comments from Tarling Esq. cited in bold italics with the Environment and Housing response noted directly below.

Report number (per A Tarling report)	Comments received from A Tarling and Environment & Housing response
1.5.1.4	<p><i>Metal ceiling to the corridor with lighting with diffusers – diffusers of this type normally burn without self extinguishing releasing dense black toxic fumes and will drip burning plastic. This is a Section 20 building and there should be no flammable materials in the corridor. I have recovered a broken piece which I will be testing.</i></p> <p>The fittings conform to relevant British Standards and are suitable for the location.</p>
2.1.2	<p><i>Roof repairs are recommended. The roof covering cannot be the original and it is recommended that the files be inspected to ascertain whether the roof covering is still under guarantee.</i></p> <p>Whilst the roof is not leaking at present and the membrane is in generally good condition, the roof has very poor falls and is subject</p>

	to 'ponding' which will in time will degrade it. Our consultants report has assumed roof replacement to correct the issue of the falls and therefore extend the roofs life.
2.5.1.1	<p><i>Due to the presence of gas the Landlord is required to check the structural resistance to explosion in accordance with the following BRE report of 1987. "The structural adequacy and durability of large panel system dwellings" ISBN 0 85125 250 8</i></p> <p>All of our property stock has been inspected externally during 2009/10 by external Chartered Building Surveyors. No defects were recorded in relation to the panels.</p>
2.6.1	<p><i>The windows are replacement PVCu units that are at most 10 years old. I could not see any reason for their replacement.</i></p> <p>The windows were replaced in two phases, the most recent of which was over 15 years ago. The front façade were replaced on phase one and are of a lower standard and are nearing the end of their serviceable life span.</p> <p>In recognition of the other associated works proposed, which requires scaffolding, the window replacement costs is significantly lowered than undertaking this is a one off project at some future point.</p>
2.7.1	<p><i>The hoppers to the rubbish chute that I inspected are modern and not in need of any attention. I cannot see why they should be replaced.</i></p> <p>Our experience shows that the seals to hopper doors often require attention due to minor distortion in the door making a cold smoke seal not achievable.</p> <p><i>The door entry system is working, I met between 20 and 30 tenants and none of them had problems with the system. I cannot ascertain why they should be replaced.</i></p> <p>The system is beyond its expected life cycle and replacing on a planned preventative basis reduces the risk of service failure and represents better value for money for residents.</p> <p><i>The CCTV installation is old but still working although in need of replacing. Whilst the recording media and some cameras may require replacing, this is part of normal ongoing maintenance. The wiring should not require replacing.</i></p> <p>Not replacing the wiring has historically caused part replaced systems to fail to function correctly and limits the scope of the new equipment.</p> <p><i>The final escape door from the fire escape staircase into the concierge has a loose frame and is not sealed between the frame and structure. this must be rectified and the gap fire sealed with mineral wool and intumescent mastic.</i></p> <p>This was not identified in the Fire Risk Assessment (FRA) or Notice of Fire Safety Deficiency (NFSD), as issued by the London Fire Brigade. In fact the FRA noted that the door was being propped open when it needs to remain shut and protect bottom of escape stairs. As such, we can only assume this is a recent defect and we will instigate</p>

	<p>a repairs order to remedy.</p> <p><i>The fire escape door to the exterior at the bottom of the staircase is not labelled. This is the best means of escape as it does not take you into an unvented and potentially smoke filled lobby.</i></p> <p>The lack of general escape signage was picked up in the FRA, but not on the NFSD issued. Signage was done and was found to be in place upon our inspection.</p>
3.1.1.1	<p><i>Remember – the duty is all about protecting yourself and other people from exposure to asbestos fibres by managing any asbestos present in a building properly. It is not about removing all asbestos! If the asbestos is in good condition and not likely to be disturbed, it is usually safer to leave it in place and manage it. Removal may be unnecessary and costly!</i></p> <p>We concur with the comment but would note that the asbestos is highly likely to be disturbed during the course of the work. In particular the rewiring and renewal of services will require working on walls known to contain asbestos.</p>
3.1.3	<p><i>The main aim of the Asbestos Regulations is to reduce the release of fibres to an absolute minimum. Thus where it is possible to encapsulate and protect asbestos based materials from damage, or to undertake work without disturbing asbestos based materials that is what you must do.</i></p> <p>It is not possible to undertake a number of the works programmes without disturbing asbestos based materials. We know this due to previous improvement programmes and we are also mindful of our duty to protect operatives from accidental disturbance of asbestos contaminated materials.</p>
3.1.4	<p><i>The last thing the Act intended was for wholesale disturbance and damage to asbestos based materials.</i></p> <p>We concur but the Act and other legislation puts Southwark under a legal duty of care to operatives</p>
3.1.5	<p><i>If asbestos based materials are being damaged and cannot be encapsulated and protected from damage then, and only then, should it be removed.</i></p> <p>We concur. The asbestos cannot be protected from damage which then requires removal.</p>
3.1.5.1	<p><i>Thus asbestos based floor tiles in excellent undamaged condition should be labelled and protected with a laminate floor or similar. Where carpet is to be applied only the perimeter tiles should be removed to allow for fixing gripper rods . Where sheet vinyl is fitted where removal would damage the asbestos based tiles then all the tiles should be removed.</i></p> <p>The floor tiles will be disturbed where these interface with services and abut walls. Moreover, considering the extent of the other asbestos removals planned, it would not be a good use of resources to leave these in place.</p>
3.1.6	<p><i>It should be noted that metric size vinyl tiles and sheet material</i></p>

	<p><i>is asbestos free. Imperial size floor tiles are asbestos based.</i></p> <p>We do not concur with this view. It is possible to encounter both metric and imperial sized floor tiles that have some element of asbestos contained within.</p>
3.1.7.1	<p><i>The work is non notifiable and does not require specialists to remove. Suitably trained operatives complying with HSE data sheets are required. Respiratory equipment is not required. This is because the asbestos is so well bound up in the tile and the bitumen adhesive that spraying lightly with water prevents release of asbestos fibres.</i></p> <p>We agree that this part of the proposed project is not notifiable. It will however, require specific risk assessments and method statements to be developed. Moreover, the disposal of the removed floor tiles, as noted in Regulation 6 and 8 of the Control of Asbestos Regulations 2006, requires all asbestos to be disposed of by a licensed contractor.</p>
3.1.8.2	<p><i>This HSE document makes it quite clear that the AIB (asbestos insulating board) should not be disturbed and should be protected. this is because the removal of the AIB (asbestos insulating board) would cause a large degree of asbestos fibre release.</i></p> <p>As noted above, it is inevitable that the asbestos will be disturbed by the programme of works, due to the location and proximity of the asbestos to services.</p>
3.3.1	<p><i>Some of the walls may be of AIB (asbestos insulating board). These should not be disturbed and should be protected.</i></p> <p>Some of the walls do contain AIB and will be disturbed during the course of the works.</p>
3.4.2	<p><i>Where the whole flat requires removal of tiling then temporary rehousing should be considered.</i></p> <p>We fully concur.</p>
3.5.1	<p><i>The kitchen replacement and bathroom replacement is part of normal decent homes work and this would not require Rehousing of tenants.</i></p> <p>Under normal circumstances, we would agree. However, due to the design of the blocks (Scissor blocks) it is unrealistic to undertake the works with the resident insitu. A number of partition walls will be removed, including those to the bathroom thus making the property uninhabitable</p>
3.6.6 & 3.6.3.1	<p><i>When I tested the vent to flat thirty two I found that there was no noticeable draw although I could feel a slight draft. If the system is working correctly then a sheet of toilet paper should be held against the vent. I therefore reduce the size of the opening to the size of a 50pence piece and found that, instead of air being extracted, air was being blown into the bathroom.</i></p> <p><i>This is potentially highly dangerous as smoke and extremely hot gasses would enter into the flat in a fire situation.</i></p>

	<p>We have instructed fire engineers Exovia Warrington Fire to investigate and report back on solutions to a number of duct problems. We await their report and recommendations. The improvement programme has taken account of this and will incorporate, as necessary.</p>
4.1.1.9	<p><i>Very often BS 7671 (the 17th edition of the IEE regulations {IEE – Institute of Electrical Engineers}) are cited as the appropriate legal standard to work to. This is only appropriate for new installations or new additions to existing installations but NOT to minor repairs or renewals. These standards / regulations are NOT retrospective for the simple reason that on the day the 17th edition came into force every installation in the UK was non compliant even though they were perfectly safe. In fact there have been revisions to the 17th edition that would render all previous 17th edition domestic properties non-compliant!</i></p> <p>We note that Mr. Tarling has correctly noted the limitations of his report in terms of electrical installations. Our Electrical Engineer has confirmed that BS 7671 is applicable to all work including minor repairs/renewals i.e. replacement of damaged cable's.</p>
4.1.2	<p><i>Whilst the installation does not comply with the British Standard 7671 17th edition of the IEE regulations the wiring in flat thirty two is the original plastic covered cables and essentially safe.</i></p> <p>This assumption cannot be made unless fully tested inline with BS7671.</p> <p>The condition of the "original" cables cannot be considered "essentially safe" without a suitable inspection. There are pre-define tests to identify any deficiencies within wiring, no definitive statement can be made without these tests being undertaken.</p>
4.1.2.1	<p><i>The wiring is not VIR, rubber covered or lead sheathed and will remain functional for the life of the building.</i></p> <p>As previously noted, the assumption that the electrical cable's "will remain functional for the life of the building" cannot be supported without carrying out measured testing.</p> <p>The use of a calibrated test instrument needs to be used and obtained readings are compared with the minimum recommended requirements of BS7671.</p> <p>This forms part of a periodic inspection report and the overall assessment made by a competent person will determine the suitability of the cable's for continued use.</p> <p>The construction of the cable is misleading as PVC insulated cable does not guarantee integrity or safe operation.</p> <p>David Miles and Partners (our M&E consultant) has commented that the electrical systems in the flats being in the order of 45 years old are beyond the expected economical life and whilst safe in operation should any changes be required will need complete upgrade to comply with latest regulations.</p>
4.1.2.2	<p><i>The consumer unit comprises hard wired fuses without a cover.</i></p>

	<p><i>As a result a failing fuse could set fire to papers or flammable materials contained in the consumer unit cabinet.</i></p> <p>A Mantel unit "cabinet" is not designed as a storage cupboard and should not be used for this purpose. The semi enclosed fuses to BS3036 have a suitable cover installed. The mantel unit which in its original condition is a suitable enclosure, being of metal construction. The fuses will have a carrier installed and the consumer unit will have a cover to insulate any live parts. It is not recommended to replace the existing protection devices purely to allow for storage of combustible material</p>
4.1.2.3	<p><i>Whilst the light switch back box is earth bonded there is no earthbonding to the light fittings. The original light rose and pendant bayonet fittings were in plastic and therefore completely safe. Metal fittings installed by the tenants must be earth bonded – this is not the responsibility of the Landlord.</i></p> <p>Ceiling roses of class 2 construction do not require a circuit protective conductor to be connected to the outer casing. Any new accessories connected to final circuits need to be installed by competent persons and be suitable for the location. Accessories of class 1 construction, will have a fly lead terminated to the containment system which is utilised as the circuit protective conductor. During and on completion of this work, a minor works certificate is required to be completed.</p>
4.1.3.1	<p><i>Replace the fuse carriers and hard-wired fuses with Miniature Circuit Breakers (MCBs).</i></p> <p>Semi enclosed fuses are perfectly acceptable under BS7671 and there is no need to change to MCB as a routine procedure.</p>
4.1.3.2	<p><i>Provide earthbonding to the light fittings.</i></p> <p>An acceptable type of circuit protective conductor is provided to all points of utilisation within the installation. The metal containment does need to be periodically inspected and tested to ensure safety for continued use.</p>
4.1.3.3	<p><i>Replace the original light roses and twin flex pendant drops to accommodate earthbonding.</i></p> <p>Earth bonding is not required at an accessory. A circuit protective conductor is required to accessories other than class 2 construction.</p>
4.2.2	<p><i>The domestic hot and cold water plumbing system will, due to its age, require replacing. This can also be undertaken without the need to decant the property.</i></p> <p>Under normal circumstances we would concur. However, due to the proximity of asbestos containing materials and access to the services via these, decanting is required.</p>
4.2.3/4	<p><i>I am surprised that the replacement of the waste plumbing and rainwater downpipes is being considered. Cast iron soil stacks and rainwater downpipes installed in the 1930's and many installed in the Victorian era are still performing perfectly well even where fully exposed to direct sun and freezing weather. If the system is of plastic then, as it is protected from UV within</i></p>

	<p><i>the plumbing should not have failed.</i></p> <p><i>In my experience all that would be required is a pressure jet clean to remove and accumulations of fat and other debris.</i></p> <p>Our maintenance records show that the cast iron pipework has corroded in numerous places. Our experience also shows us that pressure jetting causes further leaks due to the corroded nature of the pipework and the type of jointing material used originally.</p>
4.3.1	<p><i>The annual gas safety certificate is NOT sufficient for a large panel system block.</i></p> <p>Our Gas Safe registered contractor carries out a gas tightness test to this pipe work once a year when they service and inspect the boilers and issues a safety certificate.</p>
4.3.2	<p><i>The gas riser in the refuse chute lobbies appears to be in excellent condition. Further information is required.</i></p> <p>The gas riser leaves the gas meter room passing through a wall in to a ventilated service void to outside it then rises up the building passing through the bin chute rooms and plant rooms on it's way to the roof , these rooms are well ventilated and the pipe is sleeved and sealed where it passes though the floors</p>
5.1	<p><i>From the brief information provided it is my opinion that the proposed asbestos removal would be in breach of the Control of Asbestos Regulations. Only asbestos that is damaged or is likely to be damaged and cannot be sealed or protected should be removed.</i></p> <p>We do not concur with this comment. As asbestos can be reasonable foreseeable to be disturbed during the course of the works, not to remove the asbestos ahead of the main works would place us in a position of non conformity with the Regulations. As such, our intended approach conforms to the Regulations</p>
5.2	<p><i>From the information provided it is evident that the specifier has simply listed every possible conceivable work whether it is required or not.</i></p> <p>All of the works are required. The programme has not been over specified, as advised by our independent consultants.</p>
5.3	<p><i>Without the specifier identifying exactly why each element is, in his or her opinion, required then a sensible decision cannot be reached as to the extent of the required works.</i></p> <p>As noted throughout this report, the rationale for the proposed works has been set out. This will enable timely planned preventative maintenance to be undertaken, as endorsed by the Audit Commission. Better value for money will be achieved via the works packaging and lower reactive maintenance and the resultant disturbance for resident's longer term.</p>

Conclusion

5. As can be seen from the above, there are areas of common ground. However, there are areas of divergence of opinion, most notably on the proposed removal of asbestos and the associated decanting of resident. Our response to these issues remains that the asbestos has to be removed as it is foreseeable that it will be disturbed during the course of the improvement works and that decanting is inevitable due to the locations of the asbestos requiring removal.

INITIAL REPORT ON PROPOSED WORK

AT

**MAYDEW HOUSE
SE16**

**FOR
MELANIE DEVALL
(MAYDEW HOUSE)
&
GERAINT LUMLEY
(MAYDEW HOUSE)**

OUR REF: AET/BS010-016

29TH JULY 2010

INITIAL REPORT ON PROPOSED WORKS AT MAYDEW HOUSE

1. INTRODUCTION

- 1.1. I visited MaydeW House on Thursday 29th July during dry warm weather weather.
- 1.2. Any mention of left and right is as viewed from the front of the property.
- 1.3. The property is a large panel system building built in about 1964

1.3.1.

1.4. FORM OF CONSTRUCTION:

- 1.4.1. Concrete large panel system with replacement PVCu windows, door entry system to main entrance door and corridor.
- 1.4.2. There are 2 lifts and one fire escape staircase.

1.5. STRUCTURAL ALTERATIONS

1.5.1. *The following structural alterations and extensions were noted:*

- 1.5.1.1. Door entry system
- 1.5.1.2. Security door blocking the intended smoke ventilation to the corridor
- 1.5.1.3. PVCu windows
- 1.5.1.4. Metal ceiling to the corridor with lighting with diffusers –diffusers of this type normally burn without self extinguishing releasing dense black toxic fumes and will drip burning plastic. This is a Section 20 building and there should be no flammable materials in the corridor. I have recovered a broken piece which I will be testing.

2. EXTERNALLY**2.1. ROOF:**

- 2.1.1. Not inspected but any works on the roof will not affect the tenants.
- 2.1.2. Roof repairs are recommended. The roof covering cannot be the original and it is recommended that the files be inspected to ascertain whether the roof covering is still under guarantee.

2.2. CHIMNEYSTACKS AND FLASHINGS:

- 2.2.1. Not inspected but any works on the roof will not affect the tenants

2.3. PARAPETS, PARAPET GUTTERS AND VALLEY GUTTERS:

- 2.3.1. Not inspected but any works on the roof will not affect the tenants

2.4. GUTTERS, DOWNPIPES AND GULLIES:

- 2.4.1. Not inspected but any works on the roof will not affect the tenants

INITIAL REPORT ON PROPOSED WORKS AT MAYDEW HOUSE

2.5. MAIN WALLS:

2.5.1. Large panel system buildings

- 2.5.1.1.** Due to the presence of gas the Landlord is required to check the structural resistance to explosion in accordance with the following BRE report of 1987. 'The structural adequacy and durability of large panel system dwellings" ISBN 0 85125 250 8
- 2.5.1.2.** The property must be able to withstand an explosive force of 5 psi (34.5Kpa).
- 2.5.1.3.** In addition the property should be reinspected every 10 years to assess the condition of the panels and the ability to withstand such an explosion.
- 2.5.1.4.** This is not covered in any of the reports to date.

2.6. DOORS AND WINDOWS:

- 2.6.1.1.** The windows are replacement PVCu units that are at most 10 years old. I could not see any reason for their replacement.

2.7. COMMON PARTS:

- 2.7.1.** The hoppers to the rubbish chute that I inspected are modern and not in need of any attention. I cannot see why they should be replaced.
- 2.7.2.** The door entry system is working, I met between 20 and 30 tenants and none of them had problems with the system. I cannot ascertain why they should be replaced.
- 2.7.3.** The CCTV installation is old but still working although in need of replacing. Whilst the recording media and some cameras may require replacing, this is part of normal ongoing maintenance. The wiring should not require replacing.
- 2.7.4.** The final escape door from the fire escape staircase into the concierge has a loose frame and is not sealed between the frame and structure. This must be rectified and the gap fire sealed with mineral wool and intumescent mastic.
- 2.7.5.** The fire escape door to the exterior at the bottom of the staircase is not labelled. This is the best means of escape as it does not take you into an unvented and potentially smoke filled lobby.

3. INTERNALLY

3.1. ASBESTOS:

- 3.1.1.** From HSE document “**Managing Buildings? You must manage asbestos**”
- 3.1.1.1.** Remember – the duty is all about protecting yourself and other people from exposure to asbestos fibres by managing any asbestos present in a building properly. **It is not about removing all asbestos!** If the asbestos is in good condition and not likely to be disturbed, **it is usually safer to leave it in place and manage it.** Removal may be unnecessary and costly!

INITIAL REPORT ON PROPOSED WORKS AT MAYDEW HOUSE

- 3.1.2. From **The Control Of Asbestos Regulations 2006** (in force since 13th November 2006)

Prevention or reduction of exposure to asbestos

11. —(1) Every employer shall—

(a) prevent the exposure of his employees to asbestos so far as is reasonably practicable;

(b) where it is not reasonably practicable to prevent such exposure—

(i) take the measures necessary to reduce the exposure of his employees to asbestos to the lowest level reasonably practicable by measures other than the use of respiratory protective equipment, and

(ii) ensure that the number of his employees who are exposed to asbestos at any one time is as low as is reasonably practicable.

(2) Where it is not reasonably practicable for the employer to prevent the exposure of his employees to asbestos in accordance with paragraph (1)(a), the measures referred to in paragraph (1)(b)(i) shall include, in order of priority—

(a) the design and use of appropriate work processes, systems and engineering controls and the provision and use of suitable work equipment and materials in order to avoid or minimise the release of asbestos; and

(b) the control of exposure at source, including adequate ventilation systems and appropriate organisational measures,

and the employer shall so far as is reasonably practicable provide the employees concerned with suitable respiratory protective equipment in addition to the measures required by sub-paragraphs (a) and (b).

(3) Where it is not reasonably practicable to reduce the exposure of an employee to asbestos to below the control limit by the measures referred to in paragraph (1)(b)(i), then, in addition to taking those measures, the employer shall provide that employee with suitable respiratory protective equipment which will reduce the concentration of asbestos in the air inhaled by the employee (after taking account of the effect of that respiratory protective equipment) to a concentration which is—

(a) below the control limit; and

(b) is as low as is reasonably practicable.

(4) Personal protective equipment provided by an employer in accordance with this regulation or with regulation 14(1) shall be suitable for its purpose and shall—

INITIAL REPORT ON PROPOSED WORKS AT MAYDEW HOUSE

(a) comply with any provision of the Personal Protective Equipment Regulations 2002[12] which is applicable to that item of personal protective equipment; or

(b) in the case of respiratory protective equipment, where no provision referred to in sub-paragraph (a) applies, be of a type approved or shall conform to a standard approved, in either case, by the Executive.

(5) The employer shall—

(a) ensure that no employee is exposed to asbestos in a concentration in the air inhaled by that worker which exceeds the control limit; or

(b) if the control limit is exceeded—

(i) forthwith inform any employees concerned and their representatives and ensure that work does not continue in the affected area until adequate measures have been taken to reduce employees' exposure to asbestos to below the control limit,

(ii) as soon as is reasonably practicable identify the reasons for the control limit being exceeded and take the appropriate measures to prevent it being exceeded again, and

(iii) check the effectiveness of the measures taken pursuant to sub-paragraph (ii) by carrying out immediate air monitoring.

- 3.1.3. The main aim of the Asbestos Regulations is to reduce the release of fibres to an absolute minimum. Thus where it is possible to encapsulate and protect asbestos based materials from damage, or to undertake work without disturbing asbestos based materials that is what you must do.
- 3.1.4. The last thing the Act intended was for wholesale disturbance and damage to asbestos based materials.
- 3.1.5. If asbestos based materials are being damaged and cannot be encapsulated and protected from damage then, and only then, should it be removed.
- 3.1.5.1. Thus asbestos based floor tiles in excellent undamaged condition should be labelled and protected with a laminate floor or similar. Where carpet is to be applied only the perimeter tiles should be removed to allow for fixing gripper rods . Where sheet vinyl is fitted where removal would damage the asbestos based tiles then all the tiles should be removed.
- 3.1.6. It should be noted that metric size vinyl tiles and sheet material is asbestos free. Imperial size floor tiles are asbestos based.
- 3.1.7. I inspected flat thirty two and flat forty and only located imperial floor tiles in one bedroom. These are damaged but can be removed without the need to remove the tenant from the flat. Removal would take less than a morning and the area is easily protected.

INITIAL REPORT ON PROPOSED WORKS AT MAYDEW HOUSE

- 3.1.7.1. The work is non notifiable and does not require specialists to remove. Suitably trained operatives complying with HSE data sheets are required. Respiratory equipment is not required. This is because the asbestos is so well bound up in the tile and the bitumen adhesive that spraying lightly with water prevents release of asbestos fibres.
- 3.1.8. **AIB (asbestos insulating board) – millboard**
- 3.1.8.1. Attached at the end of this report is the HSE document “Dealing with asbestos insulating board (AIB), millboard, marine board, insulating blocks, etc
- 3.1.8.2.** This HSE document makes it quite clear that the AIB (asbestos insulating board) should not be disturbed and should be protected. this is because the removal of the AIB (asbestos insulating board) would cause a large degree of asbestos fibre release.
- 3.1.9. **Other asbestos**
- 3.1.9.1.** Much of the asbestos is in plant rooms and elsewhere and unless there is any need for it to be disturbed it should be left well alone and simply protected. It is not known whether the asbestos in other areas is sprayed fibre lagging or rigid board.
- 3.2. CEILINGS:**
- 3.2.1. The ceiling to the corridor has been replaced with a material ceiling. This is fire resistant.
- 3.2.2. I am inform that the ceiling was installed when asbestos based ceilings were removed.
- 3.2.3. The diffusers to the lights require testing for flammability and ability to self extinguish.
- 3.3. WALLS AND PARTITIONS:**
- 3.3.1. Some of the walls may be of AIB (asbestos insulating board). These should not be disturbed and should be protected.
- 3.4. FLOORS:**
- 3.4.1. As noted some of the floors have asbestos based tiling. Where these are not damaged they should be protected as described above. Where minor removal is necessary then it can be undertaken with tenants in occupation.
- 3.4.2. Where the whole flat requires removal of tiling then temporary rehousing should be considered.
- 3.5. JOINERY:**
- 3.5.1. The kitchen replacement and bathroom replacement is part of normal decent homes work and this would not require Rehousing of tenants.

INITIAL REPORT ON PROPOSED WORKS AT MAYDEW HOUSE

3.6. DAMPNESS, CONDENSATION VENTILATION:

- 3.6.1. No dampness and condensation noted at the time of the survey.
- 3.6.2. The ventilation system to the bathroom in flat thirty two is defective and the bathroom ventilation is totally blocked up to flat forty.
- 3.6.3. When I tested the vent to flat thirty two I found that there was no noticeable draw although I could feel a slight draft. If the system is working correctly then a sheet of toilet paper should be held against the vent. I therefore reduce the size of the opening to the size of a 50pence piece and found that, instead of air being extracted, air was being blown into the bathroom.
 - 3.6.3.1. This is potentially highly dangerous as smoke and extremely hot gasses would enter into the flat in a fire situation.
 - 3.6.3.2. It is highly likely that another tenant has fitted an extract fan to their bathroom thus pressurising the duct. It is clear that there are no safety shutters to the extract vent to prevent blowback.

3.7. FIRE PRECAUTION WORKS:

- 3.7.1. These can be undertaken with the tenants in occupation.

3.8. INTERNAL DECORATIONS:

- 3.8.1. Making good decoration can be undertaken with the tenant in occupation.

4. SERVICES

4.1. ELECTRICITY:

Note: The following statements are based upon a basic training in domestic electrical installations. Where faults are noted a report should be commissioned from a qualified Electrical Engineer.

- 4.1.1. Legal Requirements
 - 4.1.1.1. The legislation of specific relevance to electrical maintenance is the Health & Safety at Work Act 1974, the Management of Health & Safety at Work Regulations 1999, the Electricity at Work Regulations 1989, the Workplace (Health, Safety and Welfare) Regulations 1992 and the Provision and Use of Work Equipment Regulations 1998
 - 4.1.1.2. The Health & Safety at Work Act 1974 puts the duty of care upon both the employer and the employee to ensure the safety of all persons using the work premises. This includes the self employed.
 - 4.1.1.3. The Management of Health & Safety at Work Regulations 1999 states:

"Every employer shall make suitable and sufficient assessment of:

(a) the risks to the health and safety of his employees to which they are exposed whilst at work, and

INITIAL REPORT ON PROPOSED WORKS AT MAYDEW HOUSE

(b) the risks to ensure the health and safety of persons not in his employment arising out of or in connection with the conduct by him or his undertaking."

4.1.1.4. The Provision and Use of Work Equipment Regulations 1998 states:

"Every employer shall ensure that work equipment is maintained in an efficient state, in efficient working order and in good repair."

4.1.1.5. The PUWER 1998 covers most risks that can result from using work equipment. With respect to risks from electricity, compliance with the Electricity at Work Regulations 1989 is likely to achieve compliance with the PUWER 1998.

4.1.1.6. PUWER 1998 only applies to work equipment used by workers at work. This includes all work equipment (fixed, transportable or portable) connected to a source of electrical energy. PUWER does not apply to fixed installations in a building. The electrical safety of these installations is dealt with only by the Electricity at Work Regulations.

4.1.1.7. The Electricity at Work Regulations 1989 states:

"All systems shall at all times be of such construction as to prevent, so far as reasonably practicable, such danger."

"As may be necessary to prevent danger, all systems shall be maintained so as to prevent, so far as reasonably practicable, such danger."

"'System' means an electrical system in which all the electrical equipment is, or may be, electrically connected to a common source of electrical energy and includes such source and such equipment"

"'Electrical Equipment' includes anything used, intended to be used or installed for use, to generate, provide, transmit, transform, rectify, convert, conduct, distribute, control, store, measure or use electrical energy."

4.1.1.8. Scope of the legislation

It is clear that the combination of the HSW Act 1974, the PUWER 1998 and the EAW Regulations 1989 apply to all electrical equipment used in, or associated with, places of work. The scope extends from distribution systems down to the smallest piece of electrical equipment.

It is clear that there is a requirement to inspect and test all types of electrical equipment in all work situations.

INITIAL REPORT ON PROPOSED WORKS AT MAYDEW HOUSE

- 4.1.1.9. Very often BS 7671 (the 17th edition of the IEE regulations {IEE – Institute of Electrical Engineers}) are cited as the appropriate legal standard to work to. This is only appropriate for new installations or new additions to existing installations but NOT to minor repairs or renewals. These standards / regulations are NOT retrospective for the simple reason that on the day the 17th edition came into force every installation in the UK was non compliant even though they were perfectly safe. In fact there have been revisions to the 17th edition that would render all previous 17th edition domestic properties non-compliant!
- 4.1.2. Whilst the installation does not comply with the British Standard 7671 17th edition of the IEE regulations the wiring in flat thirty two is the original plastic covered cables and essentially safe.
- 4.1.2.1. The wiring is not VIR, rubber covered or lead sheathed and will remain functional for the life of the building.
- 4.1.2.2. The consumer unit comprises hard wired fuses without a cover. As a result a failing fuse could set fire to papers or flammable materials contained in the consumer unit cabinet.
- 4.1.2.3. Whilst the light switch back box is earth bonded there is no earthbonding to the light fittings. The original light rose and pendant bayonet fittings were in plastic and therefore completely safe. Metal fittings installed by the tenants must be earth bonded – this is not the responsibility of the Landlord.
- 4.1.3. At most to comply with legislation, rather than the IEE regulations the Landlord should
- 4.1.3.1. Replace the fuse carriers and hard-wired fuses with Miniature Circuit Breakers (MCBs).
- 4.1.3.2. Provide earthbonding to the light fittings.
- 4.1.3.3. Replace the original light roses and twin flex pendant drops to accommodate earthbonding.
- 4.2. PLUMBING AND HEATING:**
- 4.2.1. The heating system has previously been replaced without the need to decant the tenants.
- 4.2.2. The domestic hot and cold water plumbing system will, due to its age, require replacing. This can also be undertaken without the need to decant the property.
- 4.2.3. I am surprised that the replacement of the waste plumbing and rainwater downpipes is being considered. Cast iron soil stacks and rainwater downpipes installed in the 1930's and many installed in the Victorian era are still performing perfectly well even where fully exposed to direct sun and freezing weather. If the system is of plastic then, as it is protected from UV within the plumbing should not have failed.
- 4.2.3.1. In my experience all that would be required is a pressure jet clean to remove and accumulations of fat and other debris.

INITIAL REPORT ON PROPOSED WORKS AT MAYDEW HOUSE**4.3. GAS:**

- 4.3.1. The annual gas safety certificate is NOT sufficient for a large panel system block.
- 4.3.1.1. The ability of the block to withstand the effects of a gas explosion must be taken into account.
- 4.3.1.2. The installation of double glazed PVCu windows would act to increase the pressure required in an explosion before this element fails. Any previous reports on structural adequacy would have immediately become out of date.
- 4.3.2. The gas riser in the refuse chute lobbies appears to be in excellent condition. Further information is required.

5. CONCLUSION

- 5.1. From the brief information provided it is my opinion that the proposed asbestos removal would be in breach of the Control of Asbestos Regulations. Only asbestos that is damaged or is likely to be damaged and cannot be sealed or protected should be removed.
- 5.1.1. The intention of the Act is to ensure that release of asbestos fibres is kept to an absolute minimum
- 5.1.2. Even the HSE documents oppose wholesale removal where it is unnecessary and point out that removal is very costly. The HSE prefer and encourage management of asbestos.
- 5.2. From the information provided it is evident that the specifier has simply listed every possible conceivable work whether it is required or not.
- 5.2.1. Just how anyone can consider window replacement when the existing PVCu windows are approximately 10 years old
- 5.2.2. The specifier should be put to strict proof that the door entry system is in such disrepair that replacement is required.
- 5.2.3. The specifier should be put to strict proof that the CCTV system requires replacing as it should be maintained in full working order in any event as part of normal maintenance.
- 5.3. Without the specifier identifying exactly why each element is, in his or her opinion, required then a sensible decision cannot be reached as to the extent of the required works.

Arnold E Tarling BSc FRICS MCI Arb

6. PHOTOGRAPHS

- 1 TO FOLLOW
- 2

**Cabinet Member Interview –
Councillor Ian Wingifeld, Deputy Leader and Housing Management**

Strategic issues

1. What responsibilities has the leader given to the deputy leader outside the deputy leader's portfolio area? (Councillor A Simmons)
2. How will a potential Government cut of possibly a quarter of the budget impact upon Southwark council tenants? (Councillor H Morrissey)
3. Can the deputy leader confirm that he has no plans to create an arms-length management organisation or transfer the ownership of council homes in any other way? (Councillor L Rajan)
4. The corporate structure which the deputy leader has inherited divided responsibility for housing services between executive directors. What is the deputy leader's assessment of the effectiveness of this structure? (Councillor G Edwards)
5. Can the deputy leader set out the costs of recruiting, interviewing and employing a new strategic director of housing? (Councillor L Manchester)
6. How does the deputy leader expect the government's changes to Housing Benefit to impact on Southwark? (Councillor A Simmons)
7. How many housing benefit claimants in Southwark will be affected by the new financial caps announced by the government? (Councillor D Hubber)
8. Will the reduction in housing benefit potentially hit Southwark council tenants disproportionately than other London councils? (Councillor H Morrissey)
9. Can the deputy leader set out the ways in which he will work with registered social landlords to improve the quality of service they provide to their tenants in the borough? (Councillor L Rajan)

Individual estates/blocks

10. Could the deputy leader give a breakdown of the costs incurred for works undertaken on the Downtown Estate in Surrey Docks ward since 2007 with regard to the district heating system (pipes and boiler house), repairs to radiators and pipes within individual homes, and the cost of repairs and compensation for any homes where damage was caused by floods related to failures in the district heating? (Councillor D Hubber)
11. Can the deputy leader provide an update on the result of the entry phone ballot at Kellow House, and given the level of antisocial behaviour problems and that a significant proportion of the 16 properties are leasehold - when will the door entry system be installed? (Councillor T McNally)
12. How much longer will Southwark Housing continue to light empty floors on the Heygate blocks, and what is the likely cost of this lighting until demolition concludes? (Councillor T McNally)

13. Can the deputy leader set out the timeline for demolition of the Heygate?
(Councillor P Noblet)
14. Now that the Elephant and Castle agreement has been signed, how will the deputy leader be involved in the future planning of the social housing in this project? (Councillor H Morrissey)
15. What are the deputy leader's long term plans for Maydew House?
(Councillor W Nelson)
16. When will a survey be carried out on the Manor Estate, South Bermondsey, to investigate water ingress? (Councillor W Nelson)
17. When will the deputy leader complete the security works for the remaining two blocks in Four Squares? (Councillor W Nelson)
18. Would the deputy leader please outline his proposals for the future of the Aylesbury Estate in the light of recent cabinet decisions and likely shortage of government funding, with particular reference to re-consultation with residents, notably in those parts of the estate where the risks of uncertainty and degeneration may have increased through the delays now proposed?
(Councillor T Eckersley)
19. In the event that a multi-utility services company (MUSCo) is not delivered at the Elephant & Castle, what alternative proposals does the deputy leader have to provide energy and other utilities as part of the Aylesbury regeneration and other surrounding estates which currently use out of date district heating systems? (Councillor P Clarke)

Housing management

20. Does the deputy leader think that the Homesearch bidding system is a fair and efficient way to conduct housing allocation? (Councillor L Rajan)
21. How many vacant council owned homes will the deputy leader sell off in this municipal year? (Councillor T McNally)
22. Following the leader's response to my question at council assembly (question 6) about the stock condition survey, will the deputy leader provide me with the detailed results of the survey? (Councillor P Clarke)
23. What are the start dates for all the major works agreed as part of the 2010-2012 investment programme? When will the plan for works from 2012 be drawn up? and what will the consultation programme consist of?
(Councillor P Noblet)
24. What is being done to investigate the numbers of people who have council flats and are currently sub-letting them? (Ms J Hole)
25. Is the deputy leader happy with Fire Safety within Housing?
(Councillor A Simmons)
26. When will all council properties with lofts have them insulated and when will all council properties with cavity walls have wall insulation? (Councillor L Rajan)

Decent Homes

27. How many properties does the deputy leader believe do not currently meet the Decent Homes standard? (Councillor L Manchester)
28. How many properties does the deputy leader intend to bring up to Decent Homes standard in each of the next four years? (Councillor L Manchester)
29. What is the current funding gap for bringing council housing in Southwark up to Decent Homes standard? I'd be grateful for details of the funding gap for each of the different standards of Decent Homes refurbishment that are under consideration (Councillor G Edwards)
30. What discussions has the deputy leader had, or does he intend to have, with Tenants Council about his intention to deliver Decent Homes by the next election? (Councillor T McNally)

Leaseholder issues

31. Would the deputy leader please outline his proposals for improving leaseholder management, with particular reference to the opportunities for building on leaseholder concern for value for money in order to improve housing management generally? (Councillor T Eckersley)
32. Does the deputy leader support the provision included in the private members bill proposed by Simon Hughes MP that leaseholder bills be capped at £10,000? (Councillor T McNally)

Overcrowding/under-occupancy

33. The issue of overcrowding is one of the most challenging issues. What does the deputy leader estimate is the size of the issue that he has inherited? (Councillor H Morrissey)
34. What is being done to increase the stock of larger flats and small houses for families who are currently in over-crowded situations? (Ms J Hole)
35. A large number of blocks have former drying rooms or store rooms which are either locked off or illegally used as private store rooms. In many cases these are not big enough to create flats under the Hidden Homes initiative. What will the deputy leader do to tackle overcrowding in the borough by using these spaces to expand existing adjacent flats? (Councillor P Clarke)

Service performance

36. Southwark's own key performance indicators show that 90.32% of service users are satisfied with the housing repairs service in the borough. Does the deputy leader think this is an accurate assessment of the opinion held by tenants and leaseholders of the repairs service? (Councillor G Edwards)
37. How does the deputy leader rate the council's performance with regard to Tenant and Leaseholder satisfaction and what steps are being taken to address any deficiencies? (Councillor A Simmons)

38. At the last Tenants Council meeting, the deputy leader stated that the call centre was unavailable for three weeks over Christmas. Can he confirm that this was the case, and if so, can he say what he intends to do to ensure it does not happen again? (Councillor L Manchester)

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