

Housing, Environment, Transport and Community Safety Scrutiny Sub-Committee

Monday 15 July 2013 7.00 pm

Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

Membership

Councillor Gavin Edwards (Chair)
Councillor Michael Bukola (Vice-Chair)
Councillor Claire Hickson
Councillor Lorraine Lauder MBE
Councillor Graham Neale
Councillor Wilma Nelson
Councillor Martin Seaton
Cris Claridge
Miriam Facey
David Monaghan
John Nosworthy

Reserves

Councillor James Barber Councillor Sunil Chopra Councillor Patrick Diamond Councillor Michael Situ Councillor Geoffrey Thornton

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

Members of the committee are summoned to attend this meeting

Eleanor Kelly Chief Executive Date: 5 July 2013





Housing, Environment, Transport and Community Safety Scrutiny Sub-Committee

Monday 15 July 2013 7.00 pm Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

Order of Business

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3.	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.	
4.	MINUTES	1 - 8
	To approve as a correct record the Minutes of the open section of the meeting held on Wednesday 1 st May 2013.	
5.	NORTHERN LINE EXTENSION	9 - 14
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	DISCUSSION OF ANY OTHER OPEN ITEMS AS NOTIFIED AT THE START OF THE MEETING.	
	PART B - CLOSED BUSINESS	

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

Date: 5 July 2013



HOUSING, ENVIRONMENT, TRANSPORT AND COMMUNITY SAFETY SCRUTINY SUB-COMMITTEE

MINUTES of the Housing, Environment, Transport and Community Safety Scrutiny Sub-Committee held on Wednesday 1 May 2013 at 7.00 pm at Ground Floor Meeting Room G02A -160 Tooley Street, London SE1 2QH

PRESENT: Councillor Gavin Edwards (Chair)

Councillor Graham Neale (Vice-Chair)

Councillor Chris Brown Councillor Michael Bukola Councillor Lorraine Lauder MBE Councillor Martin Seaton

Councillor Catherine Bowman

OTHER

MEMBERS Councillor Catherine Bowman

PRESENT:

OFFICER Shelley Burke – Head of Overview & Scrutiny

SUPPORT: Tim Gould - Development Control & Strategic Projects

Fitzroy Williams – Sctrutiny Project Assistant

GROUP

Bob Lentell - Kennington and Walworth Neighbourhood Action Group **REPRESENTATIVES** Sean Maker - Kennington and Walworth Neighbourhood Action Group

Michelle Stokes - Kennington and Walworth Neighbourhood Action

Group

Lesley Walker - Kennington and Walworth Neighbourhood Action Group

1. **APOLOGIES**

1.1 Apologies for absence were received from Councillor Tim McNally.

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

2.1 The Chair agreed to accept additional documents in relation to the Northern Line Extension from the Kennington and Walworth Neighbourhood Action Group.

3. DISCLOSURE OF INTERESTS AND DISPENSATIONS

3.1 Councillor Graham Neale, vice-chair made a disclosure of interest as a council tenant and a resident of Draper House. Councillors Michael Bukola and Lorraine Lauder also disclosed that they were council tenants.

4. MINUTES

RESOLVED:

That the minutes of the meeting of the sub-committee held on 25 March 2013 be agreed as a true and accurate record.

5. THE NORTHERN LINE EXTENSION

- 5.1 The chair welcomed the representatives of the Kennington and Walworth Neighbourhood Action Group (KWNAG) to the meeting and thanked them for supplying the sub-committee with a list of questions that they had submitted to officers prior to the meeting.
- 5.2 A representative stated that the group involves residents from both Southwark and Lambeth and reported that this initially started as a privately promoted scheme with little consultation and had now developed into a public scheme.
- 5.3 There were some concerns, the first being the design and impact of the scheme on local residents and the fact that an underground cavern would be required, raised questions regarding risk assessment information being made available to the public. It was reported that the group had to use the Freedom of Information Act to gain sight of the risk assessment carried out by the original promoters of the scheme.
- The fact that ground stabilisation had also been suggested by Transport for London (TfL) who had put forward two methods of stabilising the ground around the step plate junction. They have stated that the contractor in consultation with TfL will decide the method deployed. The two alternatives for ground stabilisation have major consequences for noise, vibration, ground water management, movement of heavy lorries and changes to on-street parking to be endured by Southwark residents and children at Bishops House and Keyworth School, during the construction of the Northern Line Extension (NLE). Residents have not been

consulted about these disruptions.

- The sub-committee were informed that Kennington Station was already crowded at peak times, after two NLE consultations no upgrade had been proposed for Kennington Station but TfL confirmed that NLE will increase passengers through Kennington station by 10,000 during the rush hour. The group had also become aware that a suggestion of the station becoming an "exit only" station in the morning peak hours and thus inaccessible to Southwark residents.
- 5.6 Following the publication of the TfL architect's drawings for the NLE Vent Shaft in the corner of the Park adjacent to Kennington Park Place and St Agnes Place. The location of the shaft would create a big impact on traffic, local schools and Southwark residents. There were also Town Planning issues regarding Listed Buildings and Conservation Area which needed to be addressed.
- 5.7 Questions 12 to 19 regarded planning and consultation, representatives stated it looked like the council was not actively participating in this process and felt that Southwark residents indeed felt abandoned. As it stands there did not seemed to be any benefit to Southwark residents for this scheme, apart from if they wished to travel to Battersea.
- 5.8 Major changes would take place in this area such as demolishing the park keepers' lodge and replacing with a less appropriate building in scale and relationship to other buildings. There is a large council estate located very close to this area who knew nothing about the NLE plans.
- 5.9 Concerns were expressed by residents regarding soil condition and the ground not being sufficiently stabilised which could affect surrounding buildings and ground water management of the area which may not be able to be discharged.
- 5.10 The Kennington and Walworth Neighbourhood Action Group wanted the council to make representations to TfL and if they were rejected, officers should engage and support community groups. A lead officer should be highlighted to help groups raise any objections.
- 5.11 The area of consultation seemed to be quite small and started at the Kennington Park and included one or two streets down to the underground station, the last consultation poster was placed on the stairs leading down to the platform of the station.
- 5.12 In response to the chair's question, representatives reported that they represented over 40 people who attended their meeting last week regarding the proposed NLE plans, our real concerns are

- that so little consultation has be undertaken by TfL with local residents.
- 5.13 At this point the chair introduced the Tim Gould, Group Manager (Development Control & Strategic Projects) in the Transport Planning Service who had provided answers to the questions raised by representatives prior to the meeting.
- 5.14 Tim Gould introduced himself to the representatives and members of the sub-committee, he stated that he would be responsible for transport planning matters such as passenger numbers, crowding, and the need for works to the station and service disruption during construction.
- 5.15 Bill Legassick, Principal Environmental Health Officer in the Council's Environmental Protection Team would cover issues around the noise, vibration and pollution caused by construction activities, and operational noise and vibration. Members were informed that the officer was not available to attend this meeting.
- 5.16 The group manager reported that the promoter of the scheme was responsible for the consultation of local residents, points had been raised to the cabinet member councillor Barrie Hargrove to pass onto TfL.
- 5.17 The officer reported that the documents submitted would be assessed thoroughly and work would continue with officers from the London Borough of Lambeth, as the proposals affected both Lambeth and Southwark residents.
- 5.18 The sub-committee were informed that there would be impacts to residents and officers intended to minimise this as much as possible. Increase in passengers would be on platform movement using the new crossing passages to get to another platform, and not increasing movement at ticket, staircase or upper level.
- 5.19 Officers had not received any information regarding 'exit only' from the station and reported this would not be acceptable to the council.
- 5.20 Members were also informed that the Prince Albert Old Lodge was indeed outside of this borough and in the London Borough of Lambeth and officers would need to recommend a planning application and pass to the Government Secretary of State for consideration.
- 5.21 Representatives stated again that there were no benefits to residents of the London Borough of Southwark and residents will suffer through noise and disruption, the planning process only compensates on a limited basis and that is the nature of this

process.

- 5.22 A member of the sub-committee stated that in the interest of fairness of this scheme, it is part of the major transport infrastructure which is needed and it is understood that the council is also lobbying for public investment in Camberwell, Peckham and Elephant & Castle for proposed schemes.
- 5.23 The chair of Overview & Scrutiny stated that the council need to up its game, Lambeth appear to be benefiting from this deal. The locating of the worksites in Southwark is not a good deal for local residents.
- 5.24 The level of business through the station (18,000 people per hour) and development controls shows residents are paying a high price, we have to represent our residents more strongly as we have a duty of care, and need to do much more to compensate residents.
- 5.25 The officer pointed out that now was the time to raise any objections and reported that the council had passed on their concerns regarding the impact of the shaft on local residents.
- 5.26 A representative stated that the main problem was that the plans they had accessed were impossible and were not properly thought out, there were 2 other locations which had been suggested. Southwark needed to stand up for residents, children are taken to the lodge and park, now it will be too dangerous. There was also a risk of flooding, by pumping cement into the subsoil to stabilise the ground before construction.
- 5.27 The representative enquired what plans and proof TfL had provided that this was the best way forward and stated that the council should be asking hard questions of TfL.
- 5.28 The officer stated that the report had been made available from last night and questions can now be asked of TfL, he stressed that officers needed to read through all the documentations before asking questions and informed the sub-committee that the deadline for this would be the 18th June 2013.
- 5.29 The chair requested that officers take on board points raised at this meeting when asking questions of TfL.
- 5.30 A member of the sub-committee stated that there was presently not enough data available to answer all the questions raised by KWNAG and a time line would be required.
- 5.31 The officer reported objections would be required by 18th June 2013 and passed to the Secretary of State, officers would review all documentation and identify any raised objections and discuss

- with colleagues in the London Borough of Lambeth and London Borough of Wandsworth with regards to settlement.
- 5.32 Members were also informed that officers from the London Borough of Lambeth were happy to continue working with the present consultants and share information, reports and or any investigation that may be required.
- 5.33 The chair asked when will the council representations be ready?
- 5.34 The officer replied that council representations would be completed in time for the cabinet member councillor Hargrove to submit to the Secretary of State for Transport on the 18th June 2013.
- 5.35 A member of the sub-committee asked whether there would be an opportunity to scrutinise the report? And were there any public meetings planned?
- 5.36 A representative reported that a public meeting was planned for 8th May 2013 at Kennington Park House and undertook to e-mail the details through to members.
- 5.37 The chair with the agreement of the sub-committee undertook to receive a report back on this item as the views of residents were very important and it was felt that this item should be visited again. When revisiting this item the following people should be invited to attend the meeting:-
 - A representative from TfL
 - The cabinet member (Councillor Barrie Hargrove)
 - Group Manager (Development Control & Strategic Projects)
 - Principal Environmental Health Officer in the Council's Environmental Protection Team
- 5.38 The sub-committee agreed that the officer should take onboard the following points raised at this meeting, which residents were concerned about:-
 - Vent location at Bishops House
 - Number of people going through Kennington Station
 - Operational Noise
 - Noise from Construction.
- 5.39 The chair gave representatives the opportunity to make their closing comments.
- 5.40 The representative stated that it was felt that the right way forward would be for a public enquiry, as TfL appeared to be under

prepared and were very unhelpful with answering any questions raised to them. The only way residents were supplied with any information was through the Freedom of Information Act i.e. Kennington Station was not included in the consultation and now it is included in the scheme.

5.41 The chair thanked representatives for their contribution to the meeting and stated that in the next few weeks a more proactive stance would be provided for residents.

6. DRAPER HOUSE - REPORT

- 6.1 The chair introduced the report and went through the recommendations with the sub-committee. He further suggested that the termination at will clause should have been included in the initial contract.
- 6.2 A member of the sub-committee asked what were the chances of these recommendations being agreed?
- 6.3 The chair reported that he would be attending the meeting to promote the report to the Cabinet and was confident the recommendations would be agreed and passed to the Director for action.
- 6.4 The chair of Overview & Scrutiny Committee congratulated the sub-committee for a excellent report and stated that she would endorse the report and recommendations.
- 6.5 Members discussed recommendation 4 of the report which recommends that the conclusions be kept at the forefront of officers' minds in considering these future bids.
- 6.6 The sub-committee expressed concern regarding recommendation 6, shifting the cost from leaseholders to council tenants. The chair of Overview & Scrutiny Committee advised the sub-committee that the recommendation was good and the finance would not be deducted from the Housing Revenue Account (HRA).
- 6.7 The chair moved that the report be agreed and passed to the Cabinet for consideration.

RESOLVED:

That the scrutiny report Major Works at Draper House be submitted to the Cabinet for consideration via the Overview & Scrutiny Committee.

7. CLOSED MINUTES

- 7.1 That the closed minutes of the meeting of the sub-committee held on 25 March 2013 be agreed as a true and accurate record.
- 7.2 Councillor Graham Neale stated that refreshments had been made available to sub-committee members, but as a vegan nothing had been provided for him and this was not the first time that this had happened.

The meeting ended at 8.31 p.m.

CHAIR:

DATED:



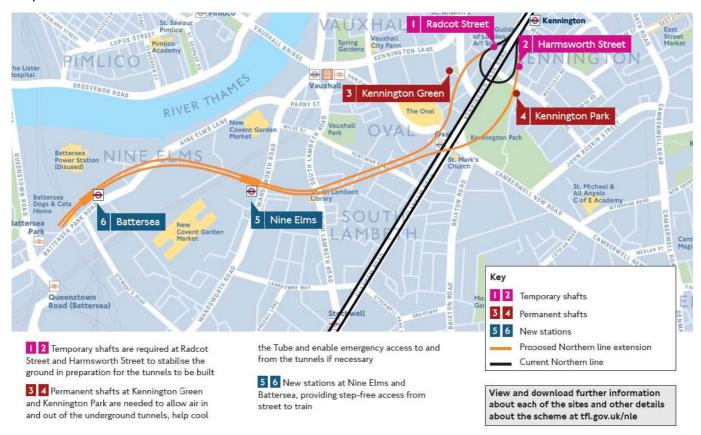
Northern Line Extension Note to Scrutiny Committee

Briefing note July 2013 www.southwark.gov.uk

This note summarises the proposals and outlines areas of concern which were included in a formal "Representation" on the scheme.

Proposals

The new branch would run from Kennington Station to new stations at Nine Elms and Battersea, to support massive development and regeneration in those areas including 16,000 new homes and 20-25,000 new jobs. Services from Battersea would follow the Charing Cross Branch to the north of Kennington, running at up to 30 trains per hour (currently up to 20tph, though the improvement is delivered by separate upgrades, not the Extension project). Bank Branch trains from Morden, serving Elephant & Castle, Borough and London Bridge stations, would see a similar increase from 22tph to 33tph.

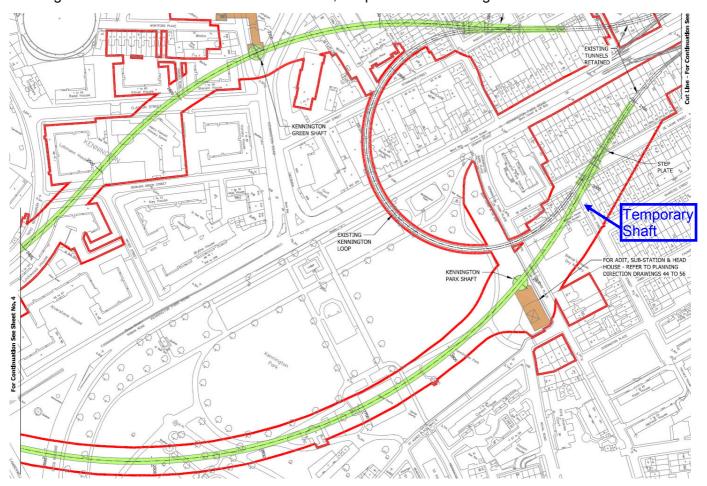


The southbound line would branch off the existing Kennington Loop (which allows terminating trains to turn just south of the station) at a "step plate" junction under De Laune Street close to Harmsworth Street (the northbound connection to the loop is at Radcot Street in Lambeth).

To control settlement of the buildings above, it is necessary to undertake ground stabilisation by means of grout injection (also known as compensation grouting). It is proposed that this would be done by constructing a temporary shaft in Harmsworth Street, which requires the closure of the road and brings a

number of lorries and other construction impacts into this residential area. Lorries would approach on Kennington Park Road from the southwest, turn into Kennington Park Place and De Laune Street, reversing into the site, then leaving the same way. The shaft would also be used to remove the tunnel boring machine.

An alternative "gallery tunnel" option is also available. That would involve carrying out the compensation grouting in the Harmsworth Street area from an additional tunnel dug from the permanent shaft. The tunnel boring machine would be removed from the permanent shaft and the remainder of the tunnel dug by an alternative method. This would remove the adverse impacts in Harmsworth Street, but increase the number of lorries necessary to serve the permanent shaft. Overall the gallery tunnel option seems to offer significant benefits to residents in Southwark, despite its disadvantage.



The permanent shaft would be in Kennington Park (in Lambeth), and is needed for venting, smoke extraction and emergency evacuation. Construction vehicles for the permanent shaft would turn from Kennington Park Road into Kennington Park Place (the boundary with Lambeth), pass the Bishop's House Early Start Centre, and turn to enter the construction site within the park, returning the same way. During construction almost all the tunnelling spoil would be removed at Battersea and taken by river. Lorries serving the two shaft sites would generally only be removing spoil from the shafts themselves.

Modelling shows that interchange movements at Kennington Station will increase dramatically. Already in the morning peak many passengers arriving on northbound Bank Branch trains from Morden change to Charing Cross Branch trains (with a similar effect on southbound platforms in the evening peak). At present there are three cross-passages between the two northbound platforms, and two cross-passages between the southbound platforms, and TfL propose another two in each case.

The remainder of the station, particularly the lifts and the very small ticket hall, can be quite congested in the peak periods. The station has already been identified as needing congestion relief work but TfL insist that should be a separate project, as yet unfunded and only at the earliest stages of design. The

NLE modelling shows that very few additional passengers are expected to enter or exit the station, the increases being almost exclusively on interchange movements. However, there are concerns over whether the station could handle an emergency evacuation of the vastly increased number of passengers at platform level. A related point is that there is some suggestion that the cross-passages would be constructed at some later date. TfL's modelling shows that there is already interchange congestion that would be relieved by the extra cross-passages, so any delay should be resisted.

Residents' Reaction

Residents in the areas affected by the temporary shaft in Harmsworth Street and the permanent shaft in the park have formed the Kennington & Walworth Neighbourhood Action Group (KWNAG). They feel aggrieved because they get no benefit from the scheme, but suffer:

- years of construction noise (two years for the temporary shaft in Harmsworth Street and four years for the permanent shaft):
- potential settlement of their homes leading to a need to redecorate and re-fit doors and windows;
- increased operational noise/vibration from the operational railway;
- increased congestion at Kennington Station which, they fear, could lead to morning peak closures;
- the temporary relocation of the dog walking area (this is fenced-off, which is uncommon and apparently attracts users from a very wide area);
- the temporary relocation of the "Bee Urban" hives and visitor facility.

In particular the residents have asked whether the connection to the Kennington Loop, and the permanent shaft, can be located further from residents. TfL have explained that a connection further along the loop would require trains in service (i.e. at a reasonable speed, rather than the very slow speed around the loop when trains are empty) to make a very tight turn. This would lead to discomfort to passengers, and higher operational noise and vibration which would lead to on-going maintenance problems. Any relocation of the permanent shaft would remove the option to use the gallery tunnels and therefore make the temporary shaft necessary.

Residents also feel that they have been poorly consulted by TfL, especially in regards to the small area consulted and the lack of options presented. Lambeth officers have raised the issue in communications with their residents, and have commissioned engineering consultants (Ramboll) to advise on technical matters.

Residents have asked if the Council will support them in making Representations and in appearing at a Public Inquiry. Officers have explained that, while an Inquiry Inspector would expect Councils and other major organisations to put together a "professional" case and be legally represented at an Inquiry, there would be no such expectation for resident objectors.

The Council's Representation

The following is the text of the Council's representation to the Secretary of State for Transport, signed by Councillor Hargrove and submitted on 18 June.

This representation is made on behalf of the London Borough of Southwark ("the Council"). It follows an informal discussion by the Council's Political Cabinet on Wednesday 5 June 2013, and a resolution seeking its confirmation will be tabled at the next available meeting of the full Council as required by Section 239 of the Local Government Act 1972. I will arrange for officers to inform you of the outcome of that resolution.

The London Borough of Southwark is broadly supportive of the proposals. They will improve transport services for large numbers of existing and future residents, workers and visitors to the Vauxhall, Nine Elms and Battersea Opportunity Area, in the neighbouring Boroughs of Lambeth and Wandsworth, and support the planned regeneration there.

However, the Council has a number of concerns which are detailed below. We anticipate that these can be resolved before the expected Inquiry into the draft Order, but if they have not been resolved to the Council's satisfaction we would wish for this letter to be considered an objection to the grant of the order and for these issues to be heard by your appointed Inspector.

1. Impact of the construction of the temporary shaft in Harmsworth Street

The Council believes that this aspect of the proposal will give rise to significant harm, that cannot be adequately mitigated, in relation to:

- noise and other environmental effects of construction activity, including from vehicle movements related to construction; and
- increased road safety risk arising from vehicle movements related to construction.

The applicant has included in the application an option for an alternative method of undertaking the required compensation grouting (the "gallery tunnels" approach). This alternative method, while adding marginally to the impact of the construction of the proposed permanent shaft in Kennington Park, will totally remove the above impacts from the proposed temporary shaft. The Council has seen no technical reason not to use the "gallery tunnels" method and would wish to secure a direction from you that this method should be used.

2. Impact of the construction of the permanent shaft in Kennington Park

While the Council accepts the need for this aspect of the proposal, it has concerns over the impact of construction on the amenity (specifically the environmental impacts including road safety) of residents, workers and visitors to the area. There is particular impact on the Bishop's House nursery school and Early Start Centre for which particular mitigation will be necessary which is outside the scope of the published "Construction Noise and Vibration Mitigation Scheme". The Council is also concerned about the impact on shift workers, home workers and those confined to their homes because of illness, and are not persuaded that the discretionary nature of mitigation in those cases provides sufficient confidence that adequate mitigation will be provided.

The Council is also concerned that the permanent shaft construction site is entirely within the London Borough of Lambeth but it will be almost entirely residents of the London Borough of Southwark that are affected. The Council would wish to see a direction that any prior consent notice issued by Lambeth officers under Section 61 of the Control of Pollution Act 1974 should follow consultation with the Council's Environmental Protection Officers.

3. Ground-borne noise from the tunnel construction

The Council disagrees that the noise from tunnel construction should be exempt from the controls within Section 61 of the Control of Pollution Act 1974 as proposed in the Code of Construction Practice. Working underground would seem to fall within the definition of Section 60(1)(b) of the 1974 act, which includes "...breaking up, opening or boring under any road or adjacent land in connection with the construction, inspection, maintenance or removal of works...". Such tunnelling works have the potential to generate significant harm to residents.

4. Ground-borne noise from the operational railway

The works have been designed to emit a level of vibration which is above World Health Organisation (WHO) guidance for emissions from railways operating at night. While the Council accepts that operations will not continue through the entire night-time period specified by WHO, exceedance of those levels for any of the night-time period will cause harm, while technology to reduce emissions is relatively inexpensive and easy to install, as we understand has been demonstrated on the Jubilee Line Extension. The Council would wish to see a direction from you in this respect.

5. Congestion at Kennington Station

The station is already congested during peak periods and a combination of background growth and additional demand will increase that congestion considerably. The application includes proposals for additional cross-passages at platform level, although there is some question over when the works will be carried out. The Council would wish to see a direction that they should be carried out before the extension is brought into operation. Further, all the modelling to-date has concentrated on the morning peak, and no

evidence has been presented to show that the addition of two cross-passages is sufficient mitigation of congestion at the southbound platforms in the evening peak period. The Council would wish to see evidence of the adequacy of the proposed intervention at the southbound platforms.

The Council notes that, separately from the TWAO application, Transport for London is developing a scheme to reduce congestion in the ticket hall of Kennington Station. The Council encourages TfL to introduce this prior to the opening of the NLE.

6. Control of Streetworks

Article 3 of the TWA Order proposes to disapply Sections 56, 56A, 58, 58A, 73A, 73B, 73C and 78A and Schedule 3A of the New Roads and Street Works Act 1991. These Sections of the Act give the Council, as highway authority, powers to control various aspects of street works including:

- timing of street works;
- powers to direct undertakers not place apparatus in certain street where this could disrupt traffic and there is an alterative location where they could be placed;
- the requirement for road or street works to be carried out within certain time periods after substantial works are completed; and
- powers to require a statutory undertaker to resurface the street where street works have been carried out including timing, quality of the resurfacing including materials, standard of resurfacing, workmanship and cost apportionment.

These provision will compromise the Council's ability to perform its duty under the Traffic Management Act 2004, work to minimise disruption to residents, and exercise sufficient control over streetworks (particularly repairs, reconstruction and reinstatement) in order to ensure it can reasonably fulfil its duty under the Highways Act 1980 without incurring additional cost. Until sufficient safeguards are provided to the Council's satisfaction, the Council cannot agree to the proposed disapplications contained in the draft TWA Order.

7. Employment Strategy

The Council is disappointed that the TWAO application does not identify the workforce and skills requirements of the project and propose a strategy setting out mechanisms and targets for recruiting and training local people across the workforce. We will expect to see those documents developed in the near future for inclusion in an agreement similar to a Section 106 agreement under the Town and Country Planning Act 1990.

8. Design Considerations for the Kennington Park Head House

This site is fully within Lambeth, but the Park edge forms the boundary with Southwark on Kennington Park Place and St. Agnes Place, both of which are in Kennington Park Road Conservation Area. The listed buildings at numbers 10, 11 and 12 Kennington Park Place and 1-7 (odds) St. Agnes Place are also within the direct setting of this proposal.

The loss of the existing lodge building is not viewed as problematic in itself, as it is of relatively low architectural value, but the Park itself is a Registered Park and Garden so any replacement development should be of the highest design quality (and positioning) to enhance this.

The two buildings as proposed are considered to be of good architectural quality in their own right, but their positioning within the Park raises very different issues. The head house sits fully inside the Park, amongst trees, and will function successfully as a 'pavilion-type' structure within the garden. The community-building, conversely, sits on the boundary of the Park and is considered to be obtrusive to its character and appearance, as well as contributing negatively to the setting of the adjacent conservation area and listed buildings; if the community-building was also to be positioned within the Park, with an effective green/landscaped buffer to the boundary, this issue would be much less problematic. The scale of the building onto the boundary was also considered to be problematic, with a largely blank and inactive two-storey wall facing outwards; options to re-configure this building with a lower-scaled wall on the boundary, and potentially more active use (i.e. having the entrance doorway facing the pavement) should be explored

in order to address the Council's concerns. Any design changes should be made following discussions with the London Borough of Lambeth, local residents and other users of the facilities, and in particular those involved in the "Bee Urban" project.

9. Dog Walking Area and "Bee Urban" Facilities and Nature Garden

While the temporary relocation of the dog walking area would seem appropriate, some of Southwark's residents are concerned that this temporary relocation should be fenced (as is the existing area) and that, on completion, the dog walking area should be reinstated in its current location. Similarly, there are concerns that facilities for the bee-keeping project and the nature garden that has been created should be appropriately reinstated on the site. The Council would wish to see appropriate assurances given.

Next Steps

A Public Inquiry is expected to be held in November or December 2013. Before that we will expect TfL to negotiate to seek the withdrawal of the representation. It will be necessary to prepare a "Statement of Case" for submission to the Inquiry and covering any remaining issues, likely to be required in September.

Tim Gould
Group Manager – Development Control & Strategic Projects, Transport Policy Team
020 7525 5361

Item No.	Classification:	Date: 15 July 2013	Report to:
6	Open	_	Overview and Scrutiny sub
			Committee:- Housing, Environment,
			Transport and Community Safety.
Report title:		Overview and Scrutiny Report on Private Sector Housing	
		regulation	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Fiona Colley, Cabinet Member For Regeneration and Corporate Strategy	
		And Councillor Mark Williams Deputy Cabinet Member for Housing	

SUMMARY

- 1. The following reports provides a broad outline of private sector housing in Southwark and overview of the current national and local pressures that are impacting on the quality of accommodation is some parts of the private sector.
- 2. This paper sets out background information about Landlord Accreditation and selective licensing schemes which the Leader has stated he is committed to implementing in Southwark and has appointed Councillor Williams to lead on as Deputy Cabinet Member for Private Rented Sector Housing. Officers are currently working up proposals to introduce these to improve standards in private sector housing in the borough.
- 3. This work will be complemented by a public awareness and education campaign which will explain the rights and responsibilities of both tenants and landlords.

BACKGROUND INFORMATION

National picture

- 4. The most recent census, published by the Office for National Statistics, shows the number of private renters in England and Wales increased by 88% between 2001 and 2011. In addition the ability to discharge the council's homelessness duty through private sector accommodation, new energy efficiency responsibilities in the energy bill, and changes to the single room rate (which is a driver for the demand in homes of multiple occupancies (HMO's)) are all conspiring to increase the significance of the sector for local authorities.
- 5. According to the latest English Housing Survey, 37% of privately rented homes are non-decent compared to 25 per cent of the owner-occupied homes and 20 per cent of the socially rented homes.
- 6. Standards of management within this sector vary enormously, and the highly publicised instances of rogue landlords demonstrate that there is a particular problem of upholding acceptable standards in some parts of the sector. The sector has seen an alternative 'housing market' whereby garages, sheds and outbuildings are now being used as accommodation, which has led to the government's much publicised 'beds in sheds' focus.

Local picture

7. Southwark's Housing Condition Survey (HCS) 2008 reported that there were 77,000 private dwellings in the borough, 22,000 of which were privately rented. The 2011 census

data suggested that the PRS had grown to over 28,000 dwellings. However, the Mayor's Housing Covenant estimates that by 2025, the private rental sector will be 37% of the entire housing sector. If this figure extrapolated for Southwark based on 120,000 households (2011) the sector may grow to over 44,000 dwellings.

8. Census data (2011) shows that there has been a 98.9% increase in the private rented sector, up from 14,323 in 2001 to 28,493 in 2011, and now accounting for nearly one in four households in compared to 13.5% at the time of the 2001 Census.

Current Legislative framework

- 9. Under the Housing Act 2004 it is compulsory for local authorities to license HMO's that are 3 or more storeys high, and have five or more people in more than one household who share amenities such as bathrooms, toilets and cooking facilities. Under the Act, anyone who owns or manages an HMO that falls under the compulsory licensing scheme must apply to the council for a license. The council must give a license if it is satisfied that the:
 - HMO is reasonably suitable for occupation by the number of people allowed under the license.
 - Proposed license holder is a fit and proper person.
 - Proposed license holder is the most appropriate person to hold the license.
 - Proposed manager, if there is one, is fit and proper.
 - Proposed management arrangements are satisfactory, the person involved in the management of the HMO is competent and the financial structures for the management are suitable.
- 10. Southwark has a statutory duty to license larger HMOs, which fall under the definition above. To date 150 are licensed and up to standard.
- 11. Under parts 2 and 3 of the Housing Act 2004 (the Act) Local Authorities have the power to introduce a discretionary licensing scheme. There are two types of scheme that can be considered which are 'additional' and 'selective' licensing:
 - Additional licensing under section 56 of the Act -allows the local authority to extend the Mandatory HMO licensing scheme to include other types of HMO.
 - Selective licensing is a regulatory tool provided by Section 80 of the Act. This applies
 to all dwellings in the private rented sector. However a selective licensing scheme can
 only be declared if one of two general conditions is met. The first relates to low
 housing demand: The second relates to anti social behaviour.
- 12. Successful discretionary licensing schemes can result in private tenants living more securely in reasonable housing conditions. They can also contribute towards regeneration and a reduction in anti social behaviour, if they are combined with other initiatives which deal with the problems in the area as a whole. Up until March 2010 discretionary licensing schemes could only be set up with approval from Communities and Local Government (CLG), but from 1 April 2010 schemes could be approved by local authorities (known as general consent)

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- 13. Local councils have discretion to introduce additional licensing of other types of HMO's which are not subject to mandatory licensing, including poorly converted self-contained flats (also known as Section 257 HMO's after the section in the Act which defines them). This may be in a defined geographical area or across the whole of a council's area. These schemes are aimed at dealing with situations that cannot be improved by any other means. The council has to consult local landlords before introducing additional licensing and they have to publicise it when it comes into force.
- 14 The setting up of a discretionary licensing scheme involves researching and collating the evidence to provide the business case for the scheme and carrying out an extensive consultation exercise. Under general consent, the government requires that the consultation must last for a minimum of ten weeks. The scheme can then come into force three months after the local authority approves the designation and it can last for up to five years.
- 15 The research, evidence gathering and consultation, must be robust to avoid any legal challenge which may result in the scheme being revoked. Local authorities need to keep their schemes under review to show whether the designation is achieving the desired effects. Schemes work by:
 - Only granting licenses to landlords or managing agents who have demonstrated that they are fit and proper persons to hold a license.
 - Attaching conditions to the license to control the management, occupation and use of the property. (Some mandatory conditions must be applied, such as a requirement to take up references for new tenant and to provide a written tenancy agreement).
- 16. Following the introduction of the scheme, Landlords and managing agents have to:
 - Apply for a license for each property
 - Pay a fee for each application
 - Show the property is safe and managed responsibly
 - Show they are 'fit and proper' persons
- 17. Each License granted will be bound with conditions, and these include:
 - Tenancy management conditions especially around seeking references, managing ASB and having written tenancies and deposits protected.
 - Property management conditions ensuring tenants know how to manage household rubbish, working smoke alarms and gas safety certificates, and
 - Occupancy management conditions that will control the number of tenants in a property based on room sizes and the level of amenities and facilities.
- 18. Local authorities running a discretionary licensing scheme may choose to require landlords to join up to an accreditation scheme (such as the London Landlord Accreditation Scheme) to help landlords improve their management skills.
- 19. The council is currently assessing the details to carry out a consultation, including detailed data collection and analysis, as part of its plans to introduce a selective licensing scheme.

- Officers are currently reviewing the lessons learnt from Newham Council who recently introduced a selective licensing scheme in 2013 which covers their entire borough.
- 20. The introduction of a selective licensing scheme takes between 12-18 months to commence implementation.

Category 1 Hazards

- 21. The Housing Act 2004 introduced the Housing Health and Safety Rating System (HHSRS), a prescribed method of assessing individual hazards, rather than a general standard to give a judgment of fit or unfit.
- 22. The Southwark Housing Conditions Survey in 2008 estimated that 37% of the private rented sector had category 1 hazards. Assuming that percentage has remained the same, given the growth in the PRS, it can be estimated that over 10,500 PRS dwellings require statutory intervention in order to meet minimum standards.
- 23. The HHSRS is evidence based (national statistics on the health impacts of hazards encountered in the home are used as a basis for assessing individual hazards) and 29 hazards are covered in total (Appendix 2 provides a list and description of the HHSRS Hazards) Hazards are rated according to how serious they are and the effect they are having, or could have, on the occupants. Each hazard is assessed separately, and if judged to be 'serious', with a 'high score', it is deemed to be a Category 1 hazard. All other hazards are Category 2 hazards. Local authorities have a duty to deal with hazards which are assessed as 'Category 1' and discretionary powers to deal with 'Category 2' hazards. The enforcement regime can require the improvement or prohibition of the use of the dwelling or its parts.
- 24. The full range of legal powers available to local authorities for alleviating unacceptable HHSRS Hazards are:
 - Improvement Notice
 - Prohibition Order
 - Emergency Remedial Action Notice
 - Emergence Prohibition Order
 - Demolition Order (Housing Act 1985)
 - Clearance Areas (Housing Act 1985)
 - Management Orders / Interim Management Orders.
 - Hazard Awareness Notice.

(Improvement Notices and Prohibition Notices can be 'suspended' in appropriate circumstances.)

25. All notices and orders have a statement of reason attached to them which states why one type of enforcement action was taken instead of another. Consideration is given to the views of owners, landlords and tenants before formal action is taken except in very urgent cases. Where the proposed notice includes a schedule of works, this is sent to all interested parties asking for their views, prior to the notices being formally served.

Other private sector housing schemes

26. There are a number of schemes which have been introduced to improve the standard of management and quality of accommodation which is provided through the private sector. These include:-

The London Landlord Accreditation Scheme:- was set up in 2004 with the aim of
improving landlord knowledge and awareness around key property management
issues, in the hope that this would make it more likely that their properties would be
maintained to a higher standard, their tenants' safety and health would be improved
and their businesses would be better protected against falling foul of the complex laws
surrounding the letting of residential properties.

In Southwark, there are currently approximately 354 LLAS accredited landlords and the project team working on this scheme, are undertaking action locally to increase the number of accredited landlords.

- **Beds in Sheds**:- the Government announced that they were committed to taking action against 'criminal landlords' who were letting converted sheds, unused caravans or other substandard accommodation for financial gain. To this end the government made £1.8 million in funding and has been allocated to help local authorities tackle the problem of 'beds in sheds'. The money to nine councils, considered to be the worst affected 7 of which are in London and include Southwark.
- Cross Agency Enforcement Programme:- The government has launched a task force, including the police, local authorities, the UK Border Agency and HM Revenue and Customs (HMRC), which will crack down on owners of substandard properties and deal with illegal immigrants.
- Local Landlord Accreditation Schemes:- Local authorities use private rented accommodation to discharge its duty for providing temporary or other short term housing to those people it accepts are in need. Local accreditation schemes provide vulnerable tenants who secure short term accommodation with safe and high quality accommodation. The scheme aims to promote good practice and improve standards of management in the private rented sector. Southwark Council current accesses around 1.400 properties spread across London and the Home Counties, for short term accommodation. The council is looking to introduce a Local Landlord Accreditation Scheme in the autumn 2013.

Current regulatory and enforcement activity

- 27. In 2012/13 the Private Sector Housing and Public Health Team (PSHPHT) received over 1,300 service requests that required inspection and follow up. These ranged from potentially life threatening conditions such as defective electrics, gas safety issues, and no fire protection in HMO's accommodating 5 or more tenants, to overcrowding issues, pest infestation and broken amenities not being remedied by landlord
- 28. Between 128 HMO's housing over 1,200 tenants were subject to regulatory activity. The condition of over 100 dwellings were improved as a result of our interventions, which in turn safeguarded the health, safety and welfare of 700 private sector tenants
- 29. Currently 150 HMO's are licensed by the team and meet the minimum standards required. This protects the health safety and welfare of over 1,000 tenants.

31. In 2012/13 the team:

- Served 161 prohibition notices which prohibited the landlord from letting inadequate rooms.
- Served 20 notices for overcrowding.

- Dealt with 252 dwellings with category 1 hazards or requiring improved health and safety arrangements in HMO's via formal warnings.
- Served 375 Housing Act Notices
- Prepared 10 prosecutions 4 of which were successful and 6 are pending.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact

APPENDICES

No.	Title
	List and description of the Housing Health and Safety Rating System (HHSRS) Hazards
Appendix 2	

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure				
Report Author	David Littleton Environmental Health and Trading Standards				
•	Business Unit Manager				
Version	V.2				
Dated	2 nd July 2013				

Appendix 1

Hazards covered by the HHSRS

Damp & Mould Growth

Threats to mental & physical wellbeing from living with dampness, mould & fungal growths and dust mites.

Most Vulnerable: 14 years or less

Excess Cold

Threats to health from exposure to sub-optimal indoor temperatures.

Most Vulnerable: 65 years plus

Excess Heat

Caused by excessively high indoor temperatures.

Most Vulnerable: 65 years plus

Asbestos & MMF

Caused by exposure to asbestos and manufactured mineral fibres (MMF).

Most Vulnerable: No specific group

Biocides

Threats to health from those chemicals used to treat mould growth and timber in dwellings.

Most Vulnerable: No specific group

Carbon Monoxide & Fuel Combustion Products

Hazards due to high levels of CO, NO2, SO2 & smoke in the atmosphere.

Most Vulnerable: For CO - 65 years plus, for NO2, SO2 & smoke - no specific group

Lead

Threats to health from the ingestion of lead.

Most Vulnerable: Under 3 years

Radiation

Threats to health from radon gas, airborne, or dissolved in water. E.g., leakage from microwaves might be considered.

Most Vulnerable: People aged 60-64 who have had a lifetime exposure to radon

Uncombusted Fuel Gas

The threat of asphyxiation due to fuel gas escaping into the atmosphere within a dwelling.

Most Vulnerable: No specific group
Volatile Organic Compounds

VOC's are diverse group of organic chemicals which includes formaldehyde that are gaseous at room temperature, and are found in a variety of materials within the home.

Most Vulnerable: No specific group

Crowding and Space

Health hazards linked to a lack of living space for sleeping and a normal

family/household life.

Most Vulnerable: No specific group

32

Entry by Intruders

Problems keeping a dwelling secure against unauthorised entry, and the maintenance of defensible space.

Most Vulnerable: No specific group

Lighting

Threats to physical and mental health linked to inadequate natural and/or artificial light. It includes the psychological effect associated with the view from the dwelling through glazing.

Most Vulnerable: No specific group

Noise

Threats to physical and mental health caused by noise exposure inside the dwelling or within its cartilage.

Most Vulnerable: No specific group

Domestic Hygiene, Pests & Refuse

Health hazards due to poor design, layout and construction to the point where the Dwelling cannot readily be kept clean and hygienic; access into and harbourage within dwelling for pests; inadequate and unhygienic provision for storing and disposal of household waste.

Most Vulnerable: No specific group

Food Safety

Threats of infection due to inadequate facilities for the storage, preparation and cooking of food.

Most Vulnerable: No specific group

Personal Hygiene, Sanitation & Drainage

Threats of infection and threats to mental health associated with personal hygiene, including personal washing and clothes washing facilities, sanitation and drainage.

Most Vulnerable: Under 5 years

Water Supply for Domestic Purposes

The quality and adequacy of the water supply for drinking and for domestic purposes such as cooking, washing, cleaning and sanitation.

Most Vulnerable: No specific group Falls Associated with Baths etc.

Falls associated with a bath, shower or similar facility.

Most Vulnerable: 60 years plus

Falls on the Level

Falls on any level surface such as floors, yards and paths. It also includes falls associated with trip steps, thresholds or ramps, where the change in level is less than 300mm

Most Vulnerable: 60 years plus

Falls Associated with Stairs and Steps

Falls associated with stairs, steps and ramps where the change in level is greater Than 300mm. It includes falls on stairs or internal ramps within the dwelling, internal Common stairs or ramps within a building, access to the dwelling and to shared facilities or means of escape in case of fire. It also includes falls over stair, step or ramp quarding (balustrading).

Most Vulnerable: 60 years plus

Falls between Levels

Falls from one level to another, inside or outside a dwelling, where the difference in levels is more than 300mm. For example, falls out of windows, falls from balconies or landings, falls from accessible roofs, into basement wells, and over garden retaining walls.

Most Vulnerable: Under 5 years

Electrical Hazards

Hazards from electric shock or electricity burns, including from lightning strikes.

Most Vulnerable: Under 5 years

Fire

Threats from uncontrolled fire and smoke. It includes injuries from clothing catching alight, which appears to be common when people attempt to put out a fire. It does not include clothing catching alight from a controlled fire by reaching across a gas flame or an open fire used for space heating.

Most Vulnerable: 60 years plus Hot Surfaces & Materials

Burns or injuries caused by contact with a hot flame or fire, and contact with hot objects or hot non-water based liquids, and scalds – injuries caused by contact with hot liquids and vapours. It includes burns caused by clothing catching alight from a controlled fire or flame.

Most Vulnerable: Under 5 years

Collision & Entrapment

This includes risks of physical injury from: Trapping body parts in architectural features, e.g. trapping limbs or fingers in doors / windows; Colliding with objects e.g. glazing, windows, doors, low ceilings and walls.

Most Vulnerable: Under 5 years

Explosions

Threat from the blast of an explosion, from debris generated by the blast, and from the partial or total collapse of a building as the result of an explosion.

Most Vulnerable: No specific group **Position & Operability of Amenities**

Threats of physical strain associated with functional space and other features at dwellings.

Most Vulnerable: 60 years plus

Structural Collapse & Falling Elements

The threat of the dwelling collapsing, or a part of the fabric falling because of inadequate fixing or disrepair, or as a result of adverse weather conditions. Structural failure may occur internally or externally.

Most Vulnerable: No specific group

Appendix 2

Case Studies

1. Severe Overcrowding

7/8 Bedroom property, 3 storeys, HMO. 1 shared bathroom and 1 large shared kitchen. There is another bathroom on the ground floor but this is exclusively used by the ground floor occupants.

There is a cellar being occupied by 2 brothers – Romanian. No natural light or ventilation.

The top floor rear rooms is occupied by a Romanian couple (the husband is the brother of the men in the cellar) and their 1 year old daughter and 2 year old son. This room measures approx 10.6 sq metres (big enough to be used as a bedsit for a single person).

The rent is collected from some tenants in cash

Action Taken

Two Prohibition Orders are served:

The Cellar – No natural light, no ventilation, height of ceiling is 1.5 metres (4 feet, 11 inches), floors, walls and ceilings are not plastered – bare brick.

The top floor rear right bedroom – measures 10.6 meters squared and is occupied by a couple and their two children (both under 3 yrs old). This is below our HMO room size standard. The room has severe condensation and mould growth.

2. Commercial Premises used as a dwelling



Commercial property (fish/mobile phones) with a lot of refrigeration equipment. The property was inspected in the early hours (2am) by police and Southwark Anti Social Behaviour Team they found what they believed was people residing there (probably workers). The only means of exit was through the main shutter at front. Initially when asked to open shutter it took some time to open it. At the rear is a space created for storage there had been someone sleeping there. There is also mezzanine level above this which there is a room with bedding on the floor and portable TV. There was evidence of some suitcases with clothes but no other means of storage. EHTS officers inspected, 12 hours after the initial police inspection. In the meantime the owner had time to clear evidence of permanent occupation from sleeping areas. We understand that the workers are being investigated for immigration offences.

The means of escape, from the occupied parts of the building, passes through the commercial shop which in total contains a lot of electrical equipment. The means of escape also passes by a kitchen with no fire door in place. Within the kitchen the occupier(s) have been using a portable gas ring connected to a gas bottle (butane). There are also butane gas bottles kept on the means of escape.

The electrical wiring is in poor state which increases the risk of fire starting and no working fire alarm system at the property. There is substantial disrepair throughout the property and the only means of escape to a place of total safety is through the main entrance which is a roller shutter door with no wicket gate.

Summary of category 1 hazards Fire safety

Other hazards
Electrical hazards
no natural light
falls from height
Food Safety
Personal Hygiene
Management issues

Action taken

The building cannot be used for occupation and an Emergency Prohibition Order was served. The occupiers were single males who made alternative arrangements.

3. HMO with an occupied Caravan in the rear garden







4.

The property is a five bedroom HMO with an occupied mobile home in the garden. It is occupied by people with alcohol and drug dependencies or previously homeless individuals, who find their way to the property through adverts at tube stations or at the '999' club in Deptford (a charity for homeless people). Due to this, conditions in the property deteriorate rapidly, the tenants do not look after the property, there are frequent breakages and despite having a cleaner for the common parts, the property is often very dirty.

There are currently five tenants in the main house and one tenant in the mobile home. Two of these tenants are extremely vulnerable and need supported housing; we are working with SASBU and the police to achieve this

Two of the rooms in the property are below the minimum room size of 10sqm for a single room required by the Council's HMO standards. The first floor front right bedroom measures 6.9sqm, and the first floor rear room measures 8.8sqm. There is no communal living space in the property.

Summary of hazards

Excess Cold – One of the bedrooms has a cracked window pane.

Crowding and Space- Two of the bedrooms are undersized and there are too many households in the property.

Entry by Intruders- The lock to the front door is in disrepair following a drugs raid by the police.

Domestic Hygiene, Pests and Refuse – The property is filthy.

Food Safety- There is an insufficient number of power sockets in the kitchen.

Personal Hygiene, Sanitation and Drainage – The WC is leaking.

Fire – Some of the fire doors are in disrepair and we can't be sure that the automatic fire detection system is working as no test certificate has been provided.

Action

Prohibition Orders were served in respect of the two undersized rooms in the property and the Caravan

We are currently worked with SASBU and the police to vacate the most vulnerable tenants from the property – their rooms were filthy and this is had an impact on the property and their behaviour on the local community.

4. Disused Office Block used to house 50 tenants



Inspection revealed that between 40 and 50 young people from a number of different countries had moved into the property between November 2011 and the date of inspection. The residents came from Spain, Italy, Netherlands and a range of other mainly European countries.

Acting on information received from neighbours and the Police a visit was made. We were informed that the 5th and 6th floors had been altered and were now being used for residential purposes. Access was gained to the building and we were accompanied by two colleagues from Planning Enforcement.

Officers found various degrees of building and construction on most floors which present their own hazards to tenants. However, Fifth floor consisted of 26 single bedrooms, a kitchen dining room containing 2 sets of facilities. There was a unisex area containing 3 shower cubicles and next door 3 WC cubicles and a range of 3 wash hand basins. Sixth floor - this had 22 single bedrooms, 2 galley style kitchens / dining areas each with 2 sets of facilities. The hygiene provisions were the same with 3 shower compartments and 3 WC compartments with a range of 3 wash hand basins.

Fire safety was completely inadequate. The control panel at ground floor did not appear to be on. There were call points at the exit from each floor on to the staircase but in 2 cases the glass was broken, and the extensive alterations on the other floors have probably caused the system to be turned off. Some of the doors were found to the secondary escape route were chained shut and the main exit door had the shutter down. There were

detector heads and sounders in the corridors but these were not working. The rooms and the kitchens had no smoke or heat detectors. The doors to the corridor appeared to be fire doors but in many cases they had dead locks. The final exit door to the main exit requires a key this needs to be changed.

Summary of category 1 hazards

Fire

Other hazards

Crowding & space

Domestic hygiene, pests & refuse – rubbish storage and disposal.

Personal Hygiene

Management issues No Planning permission for residential use. Inadequate fire safety the

There are no adequate arrangements for refuse disposal.

There are insufficient amenities.

Significant number of rooms undersized

Each floor is entered is a lockable door and has a set of kitchens, toilets and showers.

Action

Prohibition notices served. Building no longer used to provide human habitation.

HOUSING, ENVIRONMENT, TRANSPORT & COMMUNITY SAFETY SCRUTINY SUB-COMMITTEE

MUNICIPAL YEAR 2013-14

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