

Item No. 10.	Classification: Open	Date: 7 March 2023	Meeting Name: Cabinet
Report title:		Marie Curie Update	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Darren Merrill, Council Homes and Homelessness	

FOREWORD – COUNCILLOR DARREN MERRILL, CABINET MEMBER FOR COUNCIL HOMES AND HOMELESSNESS

Keeping residents safe in their homes is of paramount importance to us as a landlord and where we fall short of the commitment we need to act to rectify.

This report is an update that follows on from the Cabinet report on 13 September 2022 where we responded to the independent review to understand why works undertaken on the sister block Lakanal house were not mirrored at Marie Curie.

As previous reports explain the works at Marie Curie are to be conducted in two phases. The complexities of these works and the nature that this block has residents that will need to move prior to much of the investigation work can be brought forward. The council has been conducting surveys across the council high rise buildings and these will be conducted at Marie Curie and this will determine the Phase 1 works. And these are expected to be completed by March 2023

Since the previous update the Qualitative Design Review has been testing the fire strategy for Marie Curie and this will be concluded by April 2023.

This report also updates on the delivery of the recommendations from the Frankham's Independent report from Paragraph 19-35 and also gives an update on progress of re-housing the residents in Marie Curie so that the detailed work can be conducted. Clearly there is still a lot of work to be brought forward but the council will continue to work with residents and the resident project group to make sure that we get the best outcome for all the live on the Estate. And we will report back in September 2023 with further update.

RECOMMENDATIONS

1. That Cabinet notes the progress and next steps relating to works at Marie Curie House, delivering on the recommendations of the independent review, and reviewing the works undertaken at Lakanal to review whether any additional works to Marie Curie are required at Lakanal.
2. That Cabinet instructs officers to bring a further update on these during September 2023.

3. That Cabinet notes that the council will not use Qualitative Design Reviews (QDRs) for other existing buildings.

BACKGROUND INFORMATION

4. This report follows on from reports to the Cabinet on 14 September 2021 and 13 September 2022.
5. At its meeting on 13 September 2022, the Cabinet instructed officers to report in March 2023 on the progress on the works to Marie Curie house, delivering the recommendations of the independent review and reviewing the works undertaken at Lakanal to review whether any additional works to Marie Curie house are required at Lakanal.
6. This report, therefore, updates Cabinet on the following:
 - a. The works to Marie Curie House
 - b. Delivering the recommendations of the independent review
 - c. Reviewing the works undertaken at Lakanal to review whether any additional works to Marie Curie are required at Lakanal
7. Additionally, this report gives an update on progress to move all residents out of Marie Curie in order to enable essential fire safety work to be carried out.

KEY ISSUES FOR CONSIDERATION

WORKS AT MARIE CURIE HOUSE

8. As previous reports have explained, the proposed works at Marie Curie will be split between Phase 1 and Phase 2.
9. The works for Phase 1 are comprised of Fire Risk Assessment (FRA) tasks and works to the external walls of the building.
10. The Council is conducting surveys across its High Rise Buildings. These surveys and the existing surveys will be conducted at Marie Curie and will determine the Phase 1 works.
11. The surveys are a Type 4 Fire Risk Assessment (FRA) and a Fire Risk Appraisal of External Walls (FRAEW). The Type 4 FRA is a destructive survey that looks at communal areas and a sample of dwellings. The FRAEW looks at the risks associated with the external walls of the building and anything attached to them, such as cladding, balconies and panels. The FRAEW also gives recommendations to mitigate these risks.
12. The surveys for Marie Curie are expected to commence by March 2023 and be completed by April 2023, but the programme is still being discussed with the contractor.
13. The Type 4 FRAs and FRAEWs will consider the findings of previous risk

assessments for Marie Curie, such as the compartmentation surveys that were conducted during 2020.

14. Where the surveys give recommendations, these will be the Phase 1 works for Marie Curie. The works will need to be completed within the appropriate timeframe, depending on the risks and practicality of the work.
15. The works for Phase 2 will be determined by the Qualitative Design Review (QDR). A QDR brings together a range of different stakeholders (such as fire engineers, contractors, consultants and clients) to determine the works that are needed for the building. A QDR is not a legal requirement for this building. However, the Council determined that it would be useful to undertake this QDR as a case study for Marie Curie.
16. Since the previous update (September 2022), the QDR has been testing the fire strategy for Marie Curie. It is expected that the QDR will be concluded by April 2023.
17. QDRs are usually used for new buildings. It is not usual to have a QDR on an existing building.
18. The Council determined that it should use a QDR for Marie Curie because it wanted to test whether this was useful way to determine the works for an existing building.
19. The Council has found that a QDR adds too many complexities when used for existing buildings. Therefore, it will not use QDRs for other existing buildings. Rather, the Council will:
 - Use competent persons to conduct the necessary surveys for its buildings and use these to determine works. For some buildings, this could include retrospective fire strategies.
 - Work with the Health and Safety Executive (HSE) and other organisations to understand any changes to the relevant government guidance and best practice.
 - Where needed, seek the advice of the relevant experts, such as Fire Engineers and Structural Engineers.
20. The table below summarises the next steps for the works at Marie Curie:

Action	Due Date
FRAEW and Type 4 surveys	Commence by March 2023 and complete by April 2023
QDR	Complete by April 2023
Phase 1 Works	Commence 2023, completion is dependent on the risk and practicality of the works.
Phase 2 Works	Commence September 2023, completion is dependent on the risk and practicality of the works.

21. As per recommendation 2 of this report, a further update on the works will be given during September 2023.

DELIVERING THE RECOMMENDATIONS OF THE INDEPENDENT REVIEW

22. As the 14 September 2022 Cabinet report explained, Frankham Risk Management Services Ltd. (Frankham) were commissioned to conduct an independent review for the Council.
23. This review would sought to understand why significant works were undertaken at Lakanal House (during 2016/17) but were not conducted at Marie Curie at the same time.
24. The report from Frankham gave the Council 18 recommendations – 7 of these were specific to Marie Curie and 11 were more general and applied across the Council's housing stock.
25. For the 14 September 2022 Cabinet report, the Council gave responses to each recommendation.
26. Following this, the Council developed an action plan to deliver against the recommendations. The plan has 38 actions, each of these are assigned to a Head of Service within Asset Management. Each action has been assigned a due date. The progress is against these dates is reviewed at a weekly meeting, which is attended by the Director of Asset Management.
27. The following paragraphs give an update on the progress of the actions. Each action has been given a progress rating. These are explained below.

Progress Rating	Description
Off Track	These actions have not been completed by their due date and a revised date have not been agreed.
At Risk	These actions may miss or have missed their due date. However, revised completion dates have been agreed.
On Track	These actions will be completed by their assigned due date
Completed	These action are Completed.

28. For the Marie Curie recommendations, there were 14 actions that need to be undertaken. 4 of these are Complete 7 are On Track, 3 are At Risk, and 0 are Off Track.
29. The At Risk actions are:
 - Action 1.3 – For the QDR to write a Fire Strategy for Marie Curie. This action has been delayed because it has taken longer than expected to test the fire strategy for this building. It is expected this will be completed by April 2023. As explained above, a QDR adds additional complexities to develop the scope of works.

- Action 2.1 – For the QDR to determine the works that need to be undertaken for Marie Curie. This action can also be completed by April 2023.
 - Action 2.3 – To Conduct the Phase 2 works at Marie Curie. This action was planned to commence within a reasonable timeframe of when the building becomes empty. This action is At Risk because it is dependent on the conclusion of the QDR. If the QDR completes by April 2023 (as expected above), then this action is likely to be back On Track. If there are delays with the QDR, then this action may become Off Track.
30. For the Council recommendations, 24 actions need to be undertaken. 5 actions are Complete, 16 are On Track, 3 are At Risk, and 0 are Off Track.
31. The At Risk actions are:
- Actions 11.2, 11.3 and 11.4 – each of these actions relates to the training of the Fire Safety Team. Challenges with suppliers have led to these actions being delayed. However, the work will resume during February 2023 and can be completed by April 2023. The Fire Safety Manager has also submitted business cases for the surveyors to undertake a Level 6 CIOB Fire Safety in Construction qualification (this relates to action 11.3). For the members of the team who are not surveyors, a business case has been submitted for the undertaking of NEBOSH Fire Safety qualifications (this relates to action 11.4).

REVIEWING THE WORKS AT LAKANAL AND MARIE CURIE

32. The last aspect of the recommendation from September 2022 was to review the works undertaken at Lakanal to review whether any additional works to Marie Curie are required at Lakanal.
33. This recommendation asks the Council to compare the 2016-17 works at Lakanal with the planned works at Marie Curie. It asks the Council to consider whether any of the planned works for Marie Curie will also be needed at Lakanal.
34. Both Marie Curie and Lakanal will have a Type 4 FRA and an FRAEW. The surveys may recommend different works for these buildings. Nevertheless, the outcome will be that both buildings have had the necessary surveys and works.
35. The 2016-17 works at Lakanal were comprehensive and they addressed the compartmentation problems with the building. However, the Council is going to undertake a Type 4 FRA and an FRAEW for Lakanal House. These surveys are needed because:
- There have been material changes to Lakanal House. Specifically, additional doors were added within the corridors. The Type 4 FRA will look at these changes. The Type 4 FRA may recommend that the doors are removed.
 - The FRAEW follows the latest government guidance for assessing external walls and anything attached to them (including balconies). Therefore, the Council has determined that it is best to use this survey before conducting any further works to the external walls of Lakanal.

36. The Type 4 FRA and the FRAEW for Lakanal House are expected to commence during March 2023 and complete by April 2023.
37. When the QDR is completed, the Council will compare the Phase 2 works for Marie Curie with the works undertaken at Lakanal.

RE-HOUSING UPDATE

38. As part of the rehousing of Marie Curie residents. So far, we have had 153 successful bids for a new home from Marie Curie tenants, of which:
 - 65 have accepted the offer of a new home
 - 0 are currently waiting for a viewing
 - 88 refused the property after viewing.
39. We now have 73 homes that are either empty or where the resident has accepted their new home or has sold their property back to the council. This leaves us with 19 tenants to rehouse and 6 leaseholders who are in discussion with the council on their options.
40. Help with bidding for tenants is available 24 hours a day through the Ledbury Team, and a weekly surgery is held on site for residents.

Policy Framework Implications

Fire Safety

41. Previous reports have explained the Council's Fire Safety work at Marie Curie between November and December 2020. As a response to smoke travel being reported by a resident, compartmentation surveys were undertaken, a waking watch was implemented and a communal alarm system was added to the building.
42. This report has explained the next steps for Fire Safety at Marie Curie – the Type 4 FRA, the FRAEW, the review of existing surveys, the completion of the QDR and the commencement of works. As per recommendation 2 of this report, further updates will be brought on these matters to Cabinet during September 2023.

Community, equalities (including socio-economic) and health impacts

Community impact statement

43. As well as the 98 homes at Marie Curie, there are two community projects and the Sceaux Gardens TRA that are based in the block. These are much valued community assets and the council is committed to working with the TRA, the Bike Project and Makerspace to keep the organisations going during the works. If the organisations have to move to accommodate the works, the Council will work with them to provide alternative space.

Equalities (including socio-economic) impact statement

44. Section 149 of the Equality Act, lays out the Public Sector Equality Duty (PSED) which requires public bodies to consider all individuals when carrying out their day to day work – in shaping policy, in delivering services and in relation to their own employees. It requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out their activities. The council's Approach to Equality ("the approach") commits the council to ensuring that equality is an integral part of our day to day business.
45. The FRA surveys and the Phase 1 works at Marie Curie should begin before every resident has moved out of the building. The Marie Curie team has an understanding of each resident's needs, such as English as an Alternative Language (EAL), low literacy, and a lack of access to IT. These needs will be considered when the works are being undertaken and when the works are being discussed with residents.

Health impact statement

46. The works at Marie Curie will address the Health and Safety risks found by the Type 4 FRA, the FRAEW and other risk assessments for this building.

Climate change implications

47. On 18 June 2019, the council's Cabinet agreed the resolution passed by the council assembly on 27 March 2019 to "declare a Climate Emergency and do all it can to make the borough carbon neutral by 2030." The Cabinet noted "that there are considerable financial savings to be made by 'going green', whether it be more energy efficient lighting, smart meters at council properties, or piloting energy generation schemes such as installing solar panels on council properties".
48. The government estimates that residential buildings account for 27% of Southwark's carbon emissions. The Council's direct emissions account for 12% of the borough's emissions and council housing is the second largest contributor to carbon emissions at 14%. The council therefore plans to take targeted actions across energy supply and usage and to retrofit council buildings including council homes to make them greener.
49. In line with the council's climate emergency declaration and its climate action plan, the works to Marie Curie will include improved insulation to the existing homes (green retrofitting) and the removal of gas from the block (targeted action on energy supply), which will make the homes significantly more energy efficient and reduce carbon emissions.

Resource implications

50. There are no resource implications arising from the works at Marie Curie, the recommendations of the review, or reviewing the works at Lakanal. Each of these

will be delivered by existing resources within Asset Management.

Legal implications

51. The comments from the Assistant Chief Executive, Governance and Assurance are explained below.

Financial implications

52. The works necessary for Marie Curie have both revenue and capital implications.
53. The revenue implications are estimated as follows:

Activity	Cost to date	Estimated Cost
Waking watch service (November 2020 to September 2023)	£1,094,271	£1,500,000
Council tax due whilst properties remain empty (completion unknown - end of March 2024)	£78,499	£200,000
Associated payments to 85 tenants requiring rehousing	£140,862	£180,000
Total Estimated Cost	£1,313,632	£1,880,000

54. As the dwellings will need to be empty during the works, there will be a loss of rent and services charges for the HRA. The amount lost will depend on the duration of the works. Given that the works and their duration have not been determined, it is not possible to estimate the cost of this loss. However, the annual loss in rent and service charges based on 2023-24 rent levels and service charge rates for Marie Curie is £546,557.
55. Capital costs will be associated mainly with the cost of the works required and the cost of purchasing homes from leaseholders to facilitate those works
56. These works include a lump sum and inconvenience payment of £6,500 per tenant which is capitalised. This estimated to be £552,000 total.
57. The cost of works is estimated to be in the region of £12.2m excluding fees and other associated costs. However, this will depend on the outcomes of the surveys and the QDR.
58. Marie Curie had 11 properties owned by leaseholders that the Council may need to purchase. Five leaseholders have sold their properties back to the Council. The cost of acquiring all leasehold properties is estimated to be in the region of £3.4m.

Consultation

59. A Resident Project Group has been established for Marie Curie, separate from that of Sceaux Gardens, to ensure the Marie Curie issues are dealt with directly with Marie Curie residents. The Resident Project Group meets at least quarterly. The report from Frankham's was discussed at the Marie Curie Resident Project

Group in September 2022 with a specific focus on the seven recommendations in relation to Marie Curie.

60. A weekly newsletter is distributed to both the remaining residents of Marie Curie and those tenants who have moved and have the right to return, to keep residents up to date on the works programme and to address issues of concern raised by the Resident Project Group that can be shared with all residents.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Head of Procurement

61. Not applicable

Assistant Chief Executive – Governance and Assurance

62. This report asks the cabinet to note the progress and next steps at Marie Curie following its consideration of the report presented to cabinet in September 2022.
63. There are no significant legal implications arising from the recommendations in this report, though legal issues may arise as the project progresses. The Director of Law and Governance and her staff will provide advice to officers as required on any legal and governance issues arising.
64. The cabinet's attention is drawn to the Public Sector Equality duty (PSED) under the Equality Act 2010, which requires public bodies to have regard, when making decisions, to the need to eliminate discrimination, advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and those who do not share it. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. In addition, the council also considers socio-economic impact.
65. The cabinet is referred to the community, equalities and health impacts section of this report. The PSED is a continuing duty and the EIA will need to be re-considered and updated as the project develops.
66. The report sets out ongoing consultation arrangements with residents. The product of continuing consultation must be regularly reviewed to ensure that conscious consideration is given to it in accordance with legal requirements.

Strategic Director of Finance and Governance (H&M 22/131)

67. The strategic director of finance and governance notes the contents of the report and the costs arising as outlined in the financial implications section above. The additional revenue cost and rental loss will continue to be met from contingency sums within the Housing Revenue Account and/or reserves as required.
68. The surveys currently in progress for Marie Curie House will determine the scope capital works required and their cost. Given the scale of the resources needed, this

may impact on the priority and delivery of other projects within the existing programme, which will be reviewed as necessary to accommodate the works required for Marie House.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Cabinet report: Marie Curie – Safety works and resident rehousing offers. 14 September 2021.	Constitutional Team, 160 Tooley Street, London SE1 2QH	Paula Thornton 020 7525 4395
Web Link: (Item 10) https://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?ID=7420		
Cabinet report: Marie Curie – Safety works and resident rehousing offers	Constitutional Team, 160 Tooley Street, London SE1 2QH	Paula Thornton 020 7525 4395
Web Link: Supplemental Agenda No.1		

APPENDICES

No.	Title
None	

AUDIT TRAIL

Cabinet Member	Councillor Darren Merrill, Council Homes and Homelessness	
Lead Officer	David Hodgson, Director of Asset Management	
Report Author	Nick Saunders, Project Manager, Building Safety Programme	
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CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Assistant Chief Executive – Governance and Assurance	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	Yes	Yes
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