



OVERVIEW & SCRUTINY COMMITTEE

MINUTES of the Overview & Scrutiny Committee held on Monday 13 September 2010
at 7.00 pm at Town Hall, Peckham Road, London SE5 8UB

PRESENT: 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

OTHER MEMBERS PRESENT: Councillor Ian Wingfield, Deputy Leader and Cabinet Member for Housing Management

ALSO PRESENT: Jane Adamson, Managing Director, ALS Ltd (Health & Safety Consultants)
Professor John Bridle, Asbestos Watchdog
Melanie Duvall and representatives of Abbeyfield Tenants' & Residents' Association
Arthur Jones, former chair of tenants' & residents' association
Barry McCullough, Director, Levitt Bernstein (Architects)
Etienne Paresys, Maydew House resident
Arnold Tarling, Surveyor

OFFICER SUPPORT: Shelley Burke, Head of Overview & Scrutiny
Doreen Forrester-Brown, Head of Legal Services
Darren Welsh, Head of Housing Strategy & Options
Peter Roberts, Scrutiny Project Manager

1. APOLOGIES

- 1.1 Apologies for absence were received from Mr Colin Elliott and Ms Jane Hole, education representatives.

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

2.1 There were no late items of business.

3. DISCLOSURE OF INTERESTS AND DISPENSATIONS

3.1 There were no disclosures of interests or dispensations.

4. MINUTES

4.1 In response to questions, the chair confirmed that she had submitted apologies for absence in respect of the meeting of 7 July 2010 but not due to a prejudicial interest.

RESOLVED:

That the minutes of the open sections of the meetings held on 7 July, 19 July (ordinary) and 19 July (Call-in) 2010 be agreed as correct and accurate records.

5. CALL-IN: MAYDEW HOUSE - RESULTS FROM THE RESIDENTS SURVEY CONSULTATION (CABINET 9 AUGUST 2010)

5.1 Councillor Paul Noblet introduced the grounds of the call-in request (paragraph 2 of the covering report). He explained that a group of tenants from Maydew House had contacted members of the committee about their concerns but stressed that there was a range of views amongst residents, some wanting to leave and others wanting to remain or have the right to return. Councillor Noblet highlighted an issue of properties initially ring-fenced for tenants moving out of Maydew House but which subsequently appeared in Homesearch.

5.2 In response, Councillor Ian Wingfield, deputy leader and cabinet member for housing management, stressed that the cabinet decision had not been easy nor taken lightly, particularly as it would result in people being moved from their homes. Councillor Wingfield said that water leaks in the block as long ago as 1997 had revealed that something was wrong with the structure and fabric of Maydew House. The current process of resident consultation had begun in November 2009 and was detailed in paragraphs 48 to 66 of the report to cabinet. Significant effort and resources had been devoted to the consultation.

5.3 In respect of the grounds for the call-in at paragraph 2(b) of the call-in report, Councillor Wingfield stated that eight properties had been surveyed as part of the stock condition survey. The asbestos survey had looked at a further twenty-one properties, giving a figure of almost 20% of the total number of properties. All the properties had been built at the same time. In addition to this, the council had managed this property for forty years. The survey confirmed the council's knowledge and experience as the landlord. Councillor Wingfield added that in 2001 the council had embarked on works relating to the water leakage, starting at the top of the block, but that the asbestos had not been touched by these works.

- 5.4 Councillor Wingfield explained that, in terms of the options considered by cabinet (and referred to at paragraph 2(c)), the intention was to make clear the various options that were possible and how the cabinet had reached its final decision. The works would have an impact on the quality of life of residents – it was unacceptable for there to be large periods when people were without hot water and heating – and in addition there were serious health and safety implications arising from the presence of asbestos.
- 5.5 In terms of costs (paragraph 2(d)), Councillor Wingfield stated that these were not set in stone and could reduce as the result of further studies and tendering of the work. Councillor Wingfield drew attention to the cabinet's amendment of officer recommendations to make reference to tenants' right of return but stressed that ultimately this could not be separated from any decisions on the decent homes investment programme and on the future of the block. In response to the ring-fencing of twenty properties at Montreal House, Canada Water, Councillor Winfield explained that only six residents from Maydew House had registered an interest in these and that the remaining properties could not be left empty and so had been included in Homesearch.
- 5.6 Etienne Paresys, a leaseholder in Maydew House, addressed the committee. He acknowledged that a number of tenants were against the cabinet decision but, as a leaseholder, he had an opposing view. He pointed out the health and safety issues and that a large number of those tenants surveyed wanted to move out permanently. Mr Paresys stressed that he was in a position of uncertainty and high financial risk if he had to meet charges relating to the works. The cabinet had taken a decision to begin negotiating with leaseholders but this had not happened, leaving leaseholders unable to do anything with their properties.
- 5.7 In response to questions from committee members, Mr Paresys stated that there had been eighty replies to the council's survey of residents and that sixty-two of these had wanted to move out of the block. A further survey would just be a delay. A lot of people were not happy with the building and, because of the amount of asbestos in the block, residents would have to move out in order for any work to be done. Mr Paresys confirmed that he had not bought his flat as a right to buy tenant but from another person and that the current uncertainty as to whether the council was buying back properties from leaseholders put him in an unclear position in terms of paying for any works, including those required by fire regulations.
- 5.8 Arthur Jones, a former chair of the tenants' and residents' association, spoke on behalf of the block attached to Maydew House and stated that residents of this block were not getting enough information from the council about proposals for Maydew. The residents included a lot of elderly people. Councillor Wingfield gave his assurance that the residents of neighbouring blocks would be kept informed about proposals for Maydew House. Arthur Jones also stressed that drainage had always been a problem at Maydew House and commented on the extent of asbestos in the dividing walls. Some members were doubtful whether a decision on Maydew could be reached without taking into account the future of all the blocks.

- 5.9 Melanie Duvall and representatives of the Abbeyfield Estate Tenants' and Resident's Association addressed the committee. Residents were dissatisfied with the consultation generally and in particular that what had been advertised as one-to-one drop-ins had turned into a single public meeting. The representatives were of the view that survey questions had been phrased in a biased way and that the results had been skewed by this. They recognised that a number of tenants wished to leave but felt that often this was due to over-crowding or the unreliability of the lifts and did not reflect concerns about asbestos within the block. Of the secure tenants who responded to the survey, twenty-one wanted to stay and twenty-two wanted to leave.
- 5.10 Ms Duvall stated that the tenant and resident representatives had been given no opportunity to formally consider or comment on all the options in the report to the cabinet in August. She introduced Professor John Bridle of Asbestos Watchdog. In Professor Bridle's opinion the council's report on asbestos was ambiguous and exaggerated. He believed that a lot of areas indicated as containing asbestos did not contain asbestos. He also believed that residents would not be exposed to a risk if works were undertaken. In addition Professor Bridle stated that the current regulations might be changed. If there was a possibility of inaccuracy about the spread of asbestos, some members of the committee wondered whether the council should do another survey of the block. Councillor Wingfield commented that residents' loss of heating and hot water was also an element in determining how work could be done.
- 5.11 The T&RA representatives asked Mr Arnold Tarling, surveyor, to offer his comments. In Mr Tarling's view it would be possible to do electrical work in the block without disturbing any asbestos-bearing material. He had visited several properties and believed everything could be removed with the minimum disturbance of asbestos. He also believed that some of the asbestos was in fact pink-faced plaster board and not asbestos at all. There was no risk in taking out bathrooms, kitchens and plumbing and the windows did not need replacing. As a result he felt that the council was being quoted a large sum of money for works which were unnecessary. The Abbeyfield tenants' and residents' representatives were of the view that a lot of the proposed work did not need to be done and asked that Professor Bridle and Mr Tarling be allowed to meet with the council's experts.
- 5.13 Committee members asked the representatives how they had chosen their two advisers. The representatives explained that Mr Tarling had been suggested to them by Councillor Wingfield. They had located Professor Bridle via an internet search. Professor Bridle provided the committee with an outline of his experience working in the asbestos industry and as part of Asbestos Watchdog UK. He clarified that his professorship was an honorary qualification awarded by an organisation in Russia. In response to questions he also explained that he received no payment for his advisory work.
- 5.14 A member asked Professor Bridle and Mr Tarling whether, if residents remained on site, they believed an insurance company would give the council absolute indemnity against any claim resulting from asbestos related work at Maydew House. Professor Bridle and Mr Tarling could not comment but Professor Bridle repeated his belief that work could be carried out without the release of asbestos fibres. The council's consultants took the view that no insurance company would

be prepared to offer indemnity.

- 5.15 One of the Abbeyfield Estate representatives reported that she had visited the ring-fenced flats at Canada Water and that it was unacceptable for there to be two separate entrances, one for council tenants and one for leaseholders. She felt that there was a good sense of community at Maydew House and that this would be broken up. Another representative asked why, if Maydew House was considered unsafe, the council continued to move temporary residents into the block.
- 5.16 Committee members asked Councillor Wingfield the time-table for decision-making on the future of Abbeyfield Estate, particularly in the wider context of the Decent Homes investment programme. Councillor Wingfield stated that the cabinet was expecting a report in October and intended to consider investment in the council's housing stock at the same time as it considered the impact of the government's comprehensive spending review. It was unlikely that there would be any decision about the long-term future of the block until November at the earliest. If a decision was taken to re-furbish the block then the cabinet's August decision as to tenants' right to return would remain.
- 5.17 Members asked if the cabinet would consider capping charges on leaseholders. Councillor Wingfield referred the committee to paragraphs 85 to 89 of the report to cabinet and emphasised that the council would discuss the situations of individual leaseholders but that in a lot of cases flats were owned by companies rather than individuals.
- 5.18 Jane Adamson clarified the amount of information the council possessed in respect of the condition of Maydew House. The block had been built in 1965 and over time there had been programmes of asbestos removal. A survey had been undertaken in 1998 and the current proposals reflected a worst case scenario informed by the survey and the council's long knowledge as landlord of the block. Members highlighted the views of the tenants' and residents' experts, that there was less asbestos to remove, that works would not disturb asbestos and that minimal asbestos fibres would be released. Jane Adamson completely disagreed with these views. She outlined her qualifications and experience of working in the asbestos field and stated that she could not see how work could take place in the properties without disturbing asbestos. The risk to individuals was tremendous and in addition it was essential to comply with the regulations.
- 5.19 Officers from the regeneration and neighbourhoods department agreed with Jane Adamson's recommendations which they had analysed and found to be robust. The views of the tenants' and resident's experts did not take account of the full information and current evidence in the council's possession. In response to questions from members, officers gave no view on the background of Professor Bridle as they had not carried out an independent check. In response to further questions, Jane Adamson confirmed the amount of training that would be required for any operative undertaking work in properties containing asbestos.
- 5.20 Barry McCullough reported that, while the electrics were not unsafe, the electrical consultant had advised that they were at the end of their life and needed to be tested. It would not be possible to pull wiring through the wall partitions without disturbing asbestos. Safe solutions might be found for other work, such as fixing

extractor fans currently encased in board containing asbestos, but it was likely that these would be more costly and take a longer time than if residents moved out of the property. Some elements of work could not be done while residents remained. In response to questions from members, Jane Adamson explained that designated routes would be needed for the removal of asbestos and that these would need to be secluded from residents.

- 5.21 A member asked whether it would be an option not to do any work on the building and how long it would be before works became essential. Barry McCullough stated that one of the six boilers already needed replacing and that the plumbing generally needed attention, referring to the long record of historic failures in this area. Some problems would surface immediately and others arise over the next five to fifteen years. A member queried the inclusion of window replacement in the proposed works. Barry McCullough explained that some were already showing signs of failing and that, because of the costs of scaffolding, it would be more cost effective to replace all the windows at once. Councillor Wingfield emphasised the cabinet's view that it was not practical or responsible to attempt to do works on a piecemeal basis. He also commented that, as the block would only become hazardous in the longer term, the council had to continue to place temporary residents in it.
- 5.22 In response to confirmation that evidence showed that asbestos was evenly spread throughout the building, a member asked what weight had been given by the cabinet to concerns about health and safety. Councillor Wingfield indicated that the cabinet had given full weight to these concerns and had called for further advice before reaching a decision at its second meeting.
- 5.23 Members asked whether the cabinet could estimate the impact on the capital budget of the government's comprehensive spending review. Councillor Wingfield indicated that the council was awaiting the government's announcement on 20 October and that the implications could be significant. In response to further questions he clarified that issues of maintenance would form part of the Decent Homes programme.
- 5.24 Some members remained concerned that, if a decision was taken in the future to sell the block, there would not be affordable homes available in the block that residents would be able to return to. Councillor Wingfield did not envisage that the council would sell the block. Officers explained that there would be no further ring-fenced properties but that if the cabinet decision was implemented then residents would have Band 1 priority.
- 5.25 The committee considered the evidence it had received. Some members proposed a two-tier approach with those tenants wanting to move being given Band 1 priority and the remainder of tenants being allowed to remain until a decision was taken on the future of the building. The block was not dangerous in the short-term. Negotiations could be begun immediately with leaseholders. Other members took the view that this would destabilise the community, introduce more uncertainty and be more costly. Ultimately, no residents would be able to remain while the block was re-furnished. Officers commented that there would be practical difficulties around managing a two-tier approach, particularly that it was not consistent with the council's existing allocations and decant policies. One example

of this was that relocation expenses would be triggered but home loss payments would not be triggered unless there was a permanent move with no right to return.

RESOLVED:

1. That the decision not be referred back to the cabinet for reconsideration.
2. That the cabinet member be asked to ensure that residents of neighbouring blocks are kept informed of developments at Maydew House.
3. That the cabinet member be asked to ensure that residents of Maydew House are kept informed about the timescale for the cabinet's decision making on Maydew House and factors affecting the process such as the comprehensive spending review and its impact on capital spend.

6. CABINET MEMBER INTERVIEW - COUNCILLOR IAN WINGFIELD, DEPUTY LEADER & HOUSING MANAGEMENT

- 6.1 This item was deferred to a future meeting of the committee.

7. MINUTES

- 7.1 Consideration of the minutes of the closed sections of the meetings held on 7 July and 19 July (Call-in) 2010 was deferred to the next meeting of the committee.

The meeting ended at 10.30pm.