

Unfinished Security Works on the Four Squares Estate

DRAFT

Report of Housing & Community
Safety Scrutiny Sub-Committee

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Part 1 – Introduction

Background to unfinished security works on the Four Squares Estate

1.1 The Four Squares Estate is based in Bermondsey, near to Southwark Park, between Jamaica Road and Southwark Park Road. As the name suggests the estate is made up of four different squares of housing known as New Place Square, Lockwood Square, Marden Square and Layard Square. In total there are 685 flats on the estate.

1.2 The estate has had long-term and well documented problems with anti-social behaviour, vandalism, arson and other property crime. Resident representatives have been working with representatives of Southwark Council and other agencies for many years in order to put in place measures to address these problems. A major part of this work has been the need to install security measures on the Four Squares helping residents to be secure in their homes. The security works would include works to the garages, stairwells, lift lobbies, estate lighting, external works and CCTV.

1.3 On 30th November 2005 Southwark's Investment Programme Group (IPG) agreed to fund security works on the estate. Since that time, until March 2010, there has been a general expectation that Southwark Council would carry out security works on all four squares. The total estimated cost of the scheme agreed in 2005 was £8,025,514. This was allocated funding through £2.34 million from the London Housing Board and £5,685,514 allocated from Southwark.

1.4 To date the Council has spent £6,606,788 on the security works on New Place and Lockwood Squares with a further £130,000 committed to these projects in for retention payments, giving a grand total of 6,736,788 committed and spent. The completion of the security works in these two blocks has lead to a significant reduction in crime and anti-social behaviour to the benefit of all residents living there

1.5 In January 2010 a letter was sent by a council officer to a resident of Marden Square stating that the security works, which were expected to be carried out in that year, would not be taking place. Subsequent email exchanges between ward councillors and officers (see appendix A) revealed that capital funds were not committed to the completion of security works on Marden and Layard. To date the security works have not been carried out.

1.6 As a result residents of these blocks continue to suffer from a lack of security in their homes. Indeed, residents of Marden and Layard now endure an intensification of the problems they were experiencing previously because issues which were previously spread across four blocks are now more concentrated on these blocks.

1.7 Residents from Four Squares made a deputation to Cabinet on 19th October 2010 to request the urgent completion of security works across the estate. Their deputation detailed the numerous promises which had been made to them about the completion of the works and explained how the failure of the council to carry out the works was impacting on their daily lives.

1.8 At the cabinet meeting which heard the deputation, the Leader of the council (Cllr Peter John) and Deputy Leader of the Council (Cllr Ian Wingfield) expressed their concern about discrepancies in the audit trails relating to the history of funding decisions on the works. Councillor John suggested that this may be an issue which the Housing and Community Safety Scrutiny Sub-committee may wish to look into. Following the meeting, the Chair of Overview and Scrutiny (Cllr Rajan) wrote to the Chair of the sub-committee to suggest the committee carry out a scrutiny of the Four Squares security works. This report is the sub-committee's response to that request.

Timeline of events

2.1 As part of the scrutiny process the sub-committee requested officers to produce a detailed timetable of events and decisions relating to the security works at the Four Squares. The table is reproduced below:

FOUR SQUARES TIMELINE				
Item/Event	Year	Date/ Month	From	Form
A £1m estimate of the likely scheme costs for a pilot phase was included in the outline programme considered by the Investment Programme Group (IPG) in 2002 for a funding allocation in 2003/4	2002	24-Sep		doc
IPG paper - Major Investment Schemes Update	2003	21-Oct	Neil Kirby	doc
A successful bid for external funding was made in 2004 for £2.34M from the London Housing Board for the second phase of the programme, which would include the conversion of garages to provide 12 ground floor units. (GOL decision)	2004	8-Apr		doc
New area structure and area investment team take over 95 projects from four NHOs. New Place lift contract let already and in pre-contract phase. 1) Noi served 23/03/04; 2) Tender out 17/05/04; 3) NoP served 05/08/04; 4) Contract let 20/09/04; 5) Start on site 22/05/05; 6) PC 21/05/06. New Place security works contract stalled with legal dispute with Balfour Beatty, SBDS working on new documentation to facilitate new tender. Lockwood Lift project tendered	2005	1	Kevin Orford	Officer memory of events
New Place lift project commences	2005	2	KO	Officer memory of events
Design team confirms lift project has to complete before security works can commence	2005	2	KO	Officer memory of events
Lockwood lift project let. New Place lift project practical completion	2005	5	KO	Officer memory of events
New Place security contract tendered	2005	6	KO	Officer memory of events
IPG Sub-Group paper - Major Investment Schemes Update	2005	27-Sep	NK	doc
Lockwood lift project commences	2005	11	KO	Officer memory of

				events
Report for IPG on Four Squares Security Works Project. In 2005, the total estimated cost of the scheme agreed by the Investment Programme Group was £8,025,514. This was part funded through £2.34M of external funding from the London Housing Board. The group agreed to fund the balance of funding required of £5,685,514 from council resources to secure the funding from the London Housing Board and to allow the scheme to go ahead (IPG sub)	2005	30-Nov	M Connor	doc
Delegated Authority Report - G2 contract award approval New Place Square - Security Works	2006	2	KO	doc
Lockwood lift project reaches practical completion. New Place security project let	2006	3	KO	Officer memory of events
Lead designer for New Place leaves, replaced by Colm Murphy who will act as CPM	2006	4	KO	Officer memory of events
New Place security project commences. Sealed off garage area flooded when opened up. Council engages specialist drain contractor to deal. ASB towards Apollo and vandalism of work	2006	5	KO	Officer memory of events
Apollo identify structural problem in garages. Apollo complete design work for specialist doors and these approved by SBDS design team. Questions raised re manufacture time	2006	6	KO	Officer memory of events
Council Assembly Motion (moved by Cllr Stanton, seconded by Cllr Mann)	2006	22-Mar	DoH	doc
Executive meeting to consider the motions referred to from Council Assembly	2006	26-Jun	DoH	doc
Structural movement report issued by engineer to SBDS. SBDS instruct geotech ground survey in garages adjacent to movement identified in engineers report. ASB towards site team and LBS staff escalates and SASBU involved	2006	7	KO	Officer memory of events
Due to long manufacturing time for special doors contract split in two distinct periods to eliminate additional cost claims/contractual claims, also will help reduce vandalism opportunity and cost	2006	8	KO	Officer memory of events

Ongoing water leakage into garages from asphalt above. LBS cannot afford full scale replacement of asphalt which is required, instead minor repair instruction issued. LU issues details of Jubilee Line no-dig zone therefore no geotech survey of ground can be done, alternative method of obtaining data to be found. level of vandalism to existing garages great. Deemed impossible to overhaul and repair doors as had been specified at tender stage. Completion of heating works and completion programme issue means final account possible and formal Gateway 3 can be drafted	2006	10	KO	Officer memory of events
1st period of security work finishes, site winds down	2006	11	KO	Officer memory of events
Various discussions/briefings about the total investment needs of four squares apx £20m; most expensive estate in portfolio, and cost of security work	2006	11	KO	Officer memory of events
Discussions commence with STS re their proposed heating mains replacement works will overlap which 2nd period of security contract. Agreed with STS and HM that urgently required heating mains works at New Place will be undertaken within the Apollo security contract by way of nomination of both a specialist contractor and novation of the Council's specialist consultants. HM stated aims of security and heating works will therefore be met	2006	12	KO	Officer memory of events
2nd period security work commences. Apollo formally instructed re heating works. Pilot for new high level security garage door installed for approval	2007	1	KO	Officer memory of events
Programme produced by specialist heating firm and consultant for heating works, shows delay to Apollo of 12 months with start date proposed for March 07.	2007	2	KO	Officer memory of events
Design issues raised by specialist consultant, STS need to resolve	2007	3	KO	Officer memory of events
Vandals break into site office - smashed and wrecked. Furniture thrown off 5th floor balcony, graffiti burned into newly painted stair walls. Heating mains works commence after delay due to design issues, delay to security works is now 4 months. Security testing of bespoke main entrance door prototype complete, door performs satisfactorily	2007	4	KO	Officer memory of events

Excavation for heating mains works uncovers cold water mains in very poor condition, variation issued to replace mains whilst trenches open, further delays to security work completion due to additional work and time in open trenches	2007	6	KO	Officer memory of events
KF covers Rotherhithe during reorganisation. Heating mains works progress slow, further delay to security completion. Delays as a result of reorganisation	2007	7	KO	Officer memory of events
Planning application submitted for Marsden project	2007	10	KO	Officer memory of events
Reorganisation of investment team complete. Heating works close leaving Apollo able to commence security work	2007	11	KO	Officer memory of events
Leak from within Flat 18 from foul drains, sewage running into staircase 102. Damage to already decorated area, damaged newly installed lighting and prevents any form of works in this area.	2007	12	KO	Officer memory of events
Apollo issue completion programme for LBS, proposed completion date April 2008. Tender for Lockwood security issued. Apollo not invited. Completion of heating works and completion programme issue means projected final account possible and formal Gateway 3 can be drafted	2008	1	KO	Officer memory of events
Delegated Authority Report - G3 Variation Decision - New Place Square Security Works - CCTV and Door Entry	2008	1	B Anderson-Skyers	doc
G3 item approved (time and money variation). Foul water ingress to staircase 102 stops on 25 March 2008, drying out and cleansing of area required prior to remedial decoration commencement. LBS cleaners raise issues regarding new floor coatings in stairwells, joint meeting held to resolve issue and remedial actions agreed - discussion on the remuneration for this work ongoing	2008	3	KO	Officer memory of events
In-house stock condition survey commences	2008	4	David Lewis	Officer memory of events
Completion of CCTV in lifts held up by Apex, LBS term lift contractor. Area Investment team to deal with Apex issues and facilitate CCTV works. Snagging of main doors undertaken and Fendor Hansen requested to return to rectify faults. AHO to issue FOBs so door entry can be turned on, ongoing vandalism of decorations so decision made to complete decorations once building secure. Apollo site agent leaves company employ. Planning permission granted for Marsden Project	2008	4	KO	Officer memory of events

Door entry turned on, remaining tenants who have not collected FOBs advised in advance of access issues and process with out of hours team agreed to facilitate out of hours FOB collection/delivery.	2008	5	KO	Officer memory of events
Work substantially complete on site, staircase 102 drying out so agreed this work can be completed outside of practical completion. Apollo and CPM begin discussions on EoT	2008	6	KO	Officer memory of events
LBS staff chase O&M manual and H&S file, PC cannot be given until these are received albeit work on site ended. Apollo therefore still coming out to pick up all maintenance calls for door entry and the like. Lockwood security scheme let in Sept to Lengard Ltd	2008	7/8/9/10	KO	Officer memory of events
Delegated Authority Report - G2 Contract Award Approval - Lockwood Square - Security Works	2008	7	Beverley Anderson-Skyers	Doc
FOI request from Cllr Al-Samerai: Security and Other Works Four Squares Estate	2008	8		Letter
Apollo agreed to proposed final account issued by LBS and deliver all outstanding documentation. LBS agree to give PC and date in Jan 09, Apollo request is backdated, the request is denied. Lockwood security project starts on site	2009	1	KO	Officer memory of events
In-house stock condition survey completed	2009	2	DL	Officer memory of events
Executive Report from Cllr Humphreys Capital Income Generation for the Housing Investment Programme and Hidden Homes	2009	17-Mar	Fiona Cliffe/ Richard Rawes	Doc
Savills commissioned to review and validate survey results	2009	4	DL	Officer memory of events
Top-level investment plan reported to Cllrs Humphreys / Stanton based on the Council's in-house survey and a series of assumptions made because of insufficient data	2009	June to Aug	DL	Officer memory of events
Proposal for report to Executive on SCS and work programme, Executive decided not to proceed because concerns re. data accuracy	2009			

The Marden security work went to tender in July 2009. In late November 2009 the 2-year programme was agreed, this did not include Marden security works. The project remained on the F/P for a period in order that we had the ability to award the contract should the Council's funding position change and we needed to increase the outputs, this did not happen and the project was therefore never put forwards for approval.	2009	Nov	KO	Officer memory of events
Lockwood security project completes on site. Small variation for money required to pick up vandalism issues to new works	2009	9	KO	Officer memory of events
At Lead Member Brief to Cllr Humphreys on Investment strategy : D Lewis advised 'Potential shortfall may result in the deferment of some schemes. Action Note: Table to be adjusted - DL/MOB	2009	18-Sep		EMH MoM
Draft 2 Year Programme to Tenants' Council. Special TC Minutes of 19/10 meeting (draft)	2009	19-Oct	DL/MOB	Doc
Savills commissioned undertaken fresh stock condition survey	2009	12	DL	Officer memory of events
Investment Delivery Strategy Major Works Commitments 2010-12 : Presentation to Bermondsey Area Forum	2009	12	DL	Doc
LBS undertake end of DLP visit (New Place) and issue snag list of Apollo	2010	1	KO	Officer memory of events
Letter sent to a resident	2010	12-Jan	KO	Letter
Email to Cllr Humphreys, Cllr Al-Samerai, Cllr Stanton from D Lewis - 'security works are not on hold, full package of security works have been specified for Marden, however, given the timing we are exploring the idea of incorporating the works into the new major works contracts rather than through traditional tendering. The new major works contracts are due for award at the end of March, subject to a favourable decision by the LVT, and we can then discuss the options for delivery with the incoming contactor'	2010	15-Feb		Email
Savilles survey completed	2010	12	DL	Officer memory of events
Email from Cllr Al-Samerai to D Lewis, MOB, Cllr Humphreys, cc: Cllr Stanton, Cllr Mann, R Rawes - re: 'letter to a resident dated 12th January 2010 states security works not going ahead this year' (see L2 above)	2010	6-Mar		Email

Email D Lewis to Cllr Al-Samerai, K Humphreys, MOB cc: N Stanton, E Mann, R Rawes - 'intention to incorporate the works into the new major works contracts due to be awarded in March, subject to a positive LVT decision. However large commitments for delivery on the St Saviours and Hawkstone Estates, which have been agreed with residents. Full extent of strategic fire safety works are yet to be fully determined unable to say precisely when the works at Marden will start. However once the new contractor has been appointed and we have worked through programme and resource issues we will be in position to provide further information to residents'	2010	8-Mar		Email
Email MOB to Cllr Al-Samerai to D Lewis, K Humphreys cc: N Stanton, E Mann, R Rawes - 'Published two year programme to the end of 2011/2012, and still have to consider the impact of the inevitable increase in fire safety works expected as a result of the intrusive inspection process currently underway. There is therefore considerable uncertainty around the programme currently, and we cannot make a commitment to undertake these works this year. We will be revisiting the Investment Programme in the light of the stock condition survey and fire safety assessments in June next year, at which point we can consider any outstanding calls on us'	2010	18-Mar		Email
Revised top-level investment plan presented to members. Decency improved and investment gap reduced	2010	April - July	DL	Officer memory of events
Email MOB to Cllr Al- Samerai, D Lewis, N Stanton, E Mann - response to Cllr A email of 7 July advised D Lewis attending AGM	2010	7-Jul		Email
LBS agree Apollo have complete snagging and sign off making good of defects releasing final retention. LBS complete end of DLP visit to Lockwood and issue snagging list to Lengard. John Westray (CPM New Place and Lockwood) leaves LBS employ	2010	9	KO	Officer memory of events
Additional info re Four Squares Deputation to Cabinet from Director E&H to Scrutiny Committee	2010	3-Oct		Doc
Four Squares Deputation to Cabinet	2010	19-Oct		Doc
Delegated Authority Report - G3 Variation Decision - Lockwood Security Works	2010	10	KO	Doc

2.1 There are clearly numerous events outlined in the table above which will require comment and analysis as part of this report. However, at this stage it is be identifying events which the sub-committee feels are particularly significant. They are:

November 2005 – The Investment Programme Group’s allocation of £8,025,514 (including external funding) to carry out security works on the Four Squares.

February 2006 – Contract award for the New Place Square security works

May 2006 to January 2008 – The various complications (leading to significant overspend) on the New Place Square Security works

January 2008 - Delegated Authority Report - Variation Decision on New Place Square Security Works - CCTV and Door Entry. This signed off the overspend on the New Place security works.

July 2006 – Contract award for Lockwood Square Security works

June to September 2009 – Decisions made by Southwark’s Executive regarding the future investment programme.

October 2009 to March 2010 – Various communications between the Executive Member for Housing, Officers, ward councillors and residents of the estate.

Executive Members/Cabinet Members for Housing

The list below sets out the various Executive/Cabinet Members for Housing in post during the period covered by this report:

Beverley Bassom	May 2002 - May 2004
Gavin O’Brien	May 2004 – February 2005
Stephen Flannery	March 2005 - February 2006
Beverley Bassom	March 2006 – May 2006
Kim Humphreys	May 2006 – May 2010
Councillor Ian Wingfield	May 2010 - present

Questions to be answered by this Report

3.1 The sub-committee has decided to concentrate on producing a report which answers the following questions:

- Why has most of the money intended to pay for the security works on all four squares been spent on just two of them?
- Have commitments been made to residents of the Four Squares (either by councillors or officers) without an agreed budget being in place to match their statements?

- Why was the decision not to continue with the security works or allocate a budget to these works not communicated clearly to residents of the Four Squares in late 2009-2010?
 - How should the Cabinet now proceed in relation to the incomplete security works?
-

How the Sub-committee collected evidence

4.1 The sub-committee used various methods to collect the evidence for this scrutiny. They include:

- Interview with Riverside ward councillor, Cllr Anood Al-Samerai
- Interview with the former Director of Environment and Housing, Gill Davies
- Interview with the former Executive Member for Housing, Kim Humphries
- Interview with the Cabinet Member for Housing, Cllr Ian Wingfield
- Contributions to meetings and discussion with members of the Four Squares Tenants and Residents Association
- Written questions to Housing Officers
- Documentation relating to the tendering and contract award process for the security works
- Consideration of emails between ward councillors, the Executive Member for Housing and Housing Officers between February and March 2010
- Consideration of Executive and Council Assembly Papers relating to the Four Squares.

Part 2 – What went wrong?

The original budget for the security works

5.1 With such a significant short-fall in the funding for the completion of the security works, questions are inevitably raised about the adequacy of the original budget allocated to the works. In short, was it a reasonable budget to have set at that time for the completion of all four squares?

5.2 The sub-committee has been given two different assessments by officers of the adequacy of the original budget allocated to Four Squares security works. At the start of our scrutiny we submitted written questions to David Lewis, Asset Management and Investment Planning Manager. Two answers to questions put to him are relevant here:

Question: “Why was most of the budget for these security works on Four Squares spent on just two of the blocks?”

Answer “To date the Council has spent more than £6.7m on the security works at New Place and Lockwood Squares. This includes a grant of £2.3m from the London Housing Board to the Council made in 2004/2005. The anticipated total spend for the whole estate was £8m. Each package of security works was designed to a high standard following extensive consultation with residents. In the end, the costs for each square were more than anticipated.”

And

Question: “Did representatives of Southwark Council (Either Officers or Councillors) make commitments to residents without allocating a budget and without a budget being available for the work”

“As mentioned above, the allocated budget has only ever been £8m and this position has been maintained. Although the scheme started on the basis that it would extend to all blocks, this was on the understanding that it would be met within the existing allocation. These resources were not adequate even at the outset. The reductions in capital allocation to the decent homes programme in 2009 meant that no further additional commitment could be made to this project.”

5.3 The sub-committee notes that even within these answers there are contradictory statements. The statement: “The anticipated total spend for the whole estate was £8m.” and “These resources were not adequate even at the outset” directly conflict.

5.4 Both Gill Davies (the former Director for Environment and Housing) and Margaret O’Brien (Head of Housing Management) stated in their interviews with the sub-committee that the original budget was, in 2005, expected to cover security works on all Four Squares.

5.5 The sub-committee notes that ward councillors and residents of the Four Squares all believed that the original budget was adequate for the completion of the works.

5.6 The sub-committee notes that there is no formal record of any councillor or officer raising doubts about the adequacy of the budget for the Four Squares security works at the time of the original allocation in 2005.

5.7 The sub-committee would dispute the claim made by the officer that “These resources were not adequate even at the outset” and concludes that the insufficiency of the budget arises from factors outside of the original budgeting process (i.e. unexpected costs, poor contractor performance, poor contract management)

The overspend on phase 1 of the security works (New Place Square)

6.1 The sub-committee has received both written and oral evidence regarding the reasons for a very large overspend on the first phase of the project, delivering the security works for New Place Square. The total overspend for this phase of the project was £1,164,102.38

6.2 Officers attribute the overspend to a number of unexpected structural and flooding issues which arose when work began on site. These include:

- When the sealed off garage area at New Place Square was opened up the area was flooded
- The unexpected need to have specialist doors for the garages built and installed
- Structural movement identified in a ground survey
- Continued water leakage into the garage area

6.3 The sub-committee believes that when these unexpected issues arose during 2006 and 2007, decisive action should have been taken to clarify precisely what additional costs were going to be incurred as a result of these developments and what the knock-on effect would be on the rest of the project. That this did not occur suggests that either the Executive Member at the time was not told about the overspend by officers, or he was told and took no action to remedy the situation.

6.4 Instead, what appears to have happened is that the extra costs were simply absorbed by the existing budget which eventually lead to a slow realisation among officers, councillors and eventually residents of the Four Squares that the full project could not be delivered within the existing allocated budget.

6.5 Although there is no doubt that the unexpected developments outlined above are the primary reason for the significant overspend on the phase 1 works, the sub-committee believes that other factors also contributed to the size of the overspend.

6.6 At the time of these works each area office (which oversaw these projects) was operating its own technical team, with their own versions of contract documentation and with different ways of working. The council had no centralised contract management expertise and there were poor communications between staff working on individual investment projects and staff with engineering expertise.

6.7 There is no way for the sub-committee to make a definitive judgement on how much additional money was paid to the contractor that should not have been as a result of these weaknesses in Southwark’s contract management systems. However, the sub committee does believe that the sheer scale of the overspend suggests much more could have been done to keep costs down.

6.8 The sub-committee also feels that it is a matter for concern that the scale of this overspend in the early stages of the project was not more widely communicated. It is very surprising that the Executive Member(s) either at the time or subsequently did not take action to either:

- ensure a ring-fenced allocation of funds was made to cover the additional costs; or
- instruct officers to communicate with residents and ward councillors to alert them to the fact that there was a significant overspend and which may lead to a reduction in the security works which had originally been planned.

Formal, informal and delegated decisions of Southwark Council

7.1 There has been considerable confusion regarding the actual formal decisions which Southwark Council has taken with regard to the Four Squares Security works. This confusion largely surrounds uncertainty over whether or not the previous council Executive ever formally made a decision to allocate (and ring-fence) £8,025,514 of funding (including LHB grant) to the security works; and whether or not the former Executive made a formal decision to allocate additional funds to cover the overspend in phase 1.

7.2 Having investigated this issue at length and taken advice from officers, the sub-committee can confirm the following:

- No formal decision was ever made by the previous Executive to allocate money specifically to the Four Squares Security Works. Instead, the original allocation was made by the Investment Programme Group (IPG) which operates under the delegated authority of the Executive Director for Housing. The decision to re-allocate the money to other projects was taken in 2009 as part of the "Investment Delivery Strategy Major Works Commitments 2010-12." This decision was also made by the Executive Director for Environment and Housing.
- As mentioned in the previous section, no formal decision was ever made by the previous Executive to allocate additional funds to the Four Squares security works following the overspend in phase 1 of the project.

7.3 The minutes of the sub-committee interview with officers on the 11th January 2011 demonstrate how the 2009 delegated decision lead to a misunderstanding about the allocation of capital funds. Officers stated:

"There may have been some mis-communication. Officers had put forward a programme of work for the future and this had not included Four Squares; members may have assumed that it was an existing and ongoing project"

7.4 Nevertheless, it is clear from the interview with the former Executive Director for Housing, Kim Humphreys, that in 2009 he was aware that the works would no longer be completed on the Four Squares. The minutes from the January 11th meeting record:

When did the Executive Member become aware that the work would not go ahead?

He was aware that some major works would not go ahead in 2009. This was a public decision which was well publicised at Tenants Council and Area Forums. Rather than contracting for individual jobs it was the intention to move to a system with a small number of major works contractors, which would have provided a greater degree of flexibility.

At what point did the former executive member know that the works would not be done within the £8 million allocation?

It was explained that he was aware in 2009 that this work had to be balanced against other issues in the major works budget.

7.5 The sub-committee has been informed that decisions about major investment from the Housing Capital Fund, unlike the General Fund, are not *required* to go before the Executive/Cabinet and can be made under the delegated authority of the Executive Director.

7.6 The sub-committee believes that the lack of transparency and public scrutiny involved in the 2009 decision to remove the Four Squares from the investment programme is one of the reasons why there has been so much confusion over the status of the project. As a result the sub-committee believes that this is practice should be changed and this is covered in the recommendations at the end of this report.

Officer/Member Communications

8.1 During the course of this scrutiny process, the sub committee has come across examples of communications between officers and Members (both on the Executive and ward councillors) which give reason for concern.

8.2 In particular, an exchange of emails between February 2010 and March 2010 involving officers, ward councillors, the Leader of the Council (also a ward councillor) and the then Executive Member for Housing. A full version of these emails can be found in Appendix A of this report. There are lessons to be learnt from these emails about the need for Executive/Cabinet Members to be clear in their communications with ward councillors and in providing a lead for officers. These issues will be covered in a later section of this report.

8.3 Below is a brief description of the email exchanges referred to above:

- The emails begin with Cllr Anood Al-Samerai asking for confirmation that the security works will be completed.
- This is followed by a very short response from Cllr Humphreys stating that promises have been made to the Four Squares residents and inviting comments from officers.
- This is followed by an email from the Asset Management and Investment Planning Manager which begins with the sentence "The Security works are not on hold" and goes on to say that the security works may be incorporated into major works contracts.
- Three weeks later Cllr Al-Samerai responds to say that she has just been shown a letter dated the 12th January which says that the security works are not going to be going ahead this year.
- This is responded to by the Asset Management and Investment Planning Manager repeating his earlier suggestion that the security works will be incorporated into major works contracts.
- 10 days later Cllr Al-Samerai responds to re-iterate the urgency of the situation and to emphasise the promises which have been repeatedly made to residents of the Four Squares. 8 days later she writes again to ask for confirmation of the situation with the security works which will be delivered by officers at the Four Squares AGM the following Monday.
- This is followed by a response the same day from the Head of Housing Management, stating for the first time that "...we cannot undertake these works this year." This email is a fairly full and frank explanation of the situation. It clearly contradicts previous emails suggesting that the works are going to go ahead according to the original timescale. The email finishes with the words: ". . . we will be re-visiting the

investment programme in the light of the stock condition survey and fire safety assessments in June of next year at which point we can consider any outstanding calls on us.”

- The then Leader of the Council, Nick Stanton, then makes a contribution in a short email stating “But there was a ring-fenced fund from London Housing Board for the 4 squares security works.” (NB: officers now confirm that this is incorrect. The LHB grant has already been spent by the council on phase 1 and 2). At the time, officers respond to Cllr Stanton by saying they will check on his statement.
- Cllr Al-Samerai once again writes to remind officers and Executive Members of the promises which have already been made and the reasons why the works are so urgent.
- Cllr Humphreys writes to say: “Margaret, Some of the history has been forgotten (sic). We will need to revisit”
- Finally, on the 22nd of March, Margaret O’Brien writes to clarify the situation again. She writes “...we do not have any capital funds uncommitted currently, although we will be reviewing in June/July to take into account the stock condition survey and fire assessments.”

8.4 The sub-committee believes these emails show that officers were sending mixed messages to ward councillors about the likelihood of the works being carried out in the near future. In particular, the phrase “The security works are not on hold.” is misleading. At the time this email was sent it was known among officers and the Executive Member that the Four Squares was not in the two year investment programme and that there were no longer funds allocated to completing the works. Instead vague commitments to incorporate the works into other contracts are made, but without a clearly defined timescale.

8.5 The sub-committee believes that a recommendation from the recently published Report on Key Performance Indicators for Housing Repairs could equally be applied to communications surrounding the Four Squares security works. The recommendation includes: “There needs to be a new culture of openness and transparency between officers, members and tenants . . . Officers at all levels should be encouraged to be open and frank...”

8.6 The sub-committee appreciates that officers are often put in a difficult position when asked to confirm whether or not important investment working is going ahead or not. As mentioned previously, the role played by the Executive Member in these emails certainly does not make their job any easier. However the sub-committee strongly feels that officers should be frank about the facts of the situation, and be prepared to deliver bad news to members (and residents) as and when this is necessary. From the email exchanges we have seen, this was not always the case with regard to the Four Squares, and the recommendations of this scrutiny report will address this issue.

8.7 That said, a major contributory factor to the confusing messages being communicated in the emails above is the lack of clarity over the cost of the works and the council’s financial situation. The lack of a “baseline” figure for the cost of completing the works, uncertainty about how much money is actually available in the housing capital budget and a lack of clear direction from the Executive Member for Housing all make it difficult for officers to commit to a single agreed line. As a result, completion of the security works is left hanging as a future possibility, but without any certainty about how it will be paid for or how it will be delivered.

Council/Resident Communications

9.1 During the scrutiny process the sub-committee heard evidence from residents of the Four Squares Estate about how often they had received promises from Officers and Councillors about the completion of the security works. This had understandably engendered a great deal of cynicism among tenants on the Four Squares about the council's ability to deliver on its promises. They gave details of numerous meetings at which they were told that the security works would be going ahead.

9.2 The sub-committee feels it is a matter for particular regret that the news that the security works on Marden and Layard would not be proceeding was communicated by a single letter to a single resident of the Four Squares. There was no meeting arranged to inform them of the situation and no general communication with residents to inform them that the works would not be going ahead. During oral evidence given during interviews officers apologised for this.

9.3 As a result, this news spread slowly among residents and added to the impression that the council was not interested in keeping them informed about developments with security works which directly affect their quality of life.

9.4 The sub-committee feels that it is crucial, in the future, for councillors and officers not to make promises on which they are not able to deliver. In relation to capital investment in housing, we expect the completion of the stock condition survey to provide all concerned with clearer information about where investment is needed.

Executive Member Communications

10.1 This project has been underway over a period of years. As a result, it has been overseen by three different Executive Members for Housing. As has already been noted, the sub-committee feels that the Executive Members in post during the period of phase 1 of the works should have made more effort deal with the issue of the overspending, either by allocating further funding, or explaining to residents that this was going to have a knock-on effect on the rest of the works.

10.2 It should be noted that phase 2 of the works, overspending did not become a significant problem. During oral evidence to the sub-committee Cllr Humphreys explained that when he was Executive Member for Housing he insisted on receiving written updates on all over-spending on major works.

10.3 During oral evidence, Cllr Humphrey's explained that he was aware that, although there was some initial misunderstanding with officers, he was aware that the Four Squares had been removed from the two year investment programme by the Executive Director for Housing in 2009. The minutes record the following three questions and answers:

When did the executive member become aware that the work would not go ahead?

He was aware that some major works would not go ahead in 2009. This was a public decision which was well publicised at Tenants Council and Area Forums. Rather than contracting for individual jobs it was the intention to move to a system with a small number of major works contractors, which would have provided a greater degree of flexibility.

At what point did the former executive member know that the works would not be done within the £8 million allocation?

It was explained that he was aware in 2009 that this work had to be balanced against other issues in the major works budget

When you were asked in February 2010 by the local councillor about the project what did you tell her about the work being completed?

Housing and Community Safety Scrutiny Sub-Committee - Tuesday 11 January 2011. The former executive member had talked about the work being completed but not where the money would be coming from. At the time it was hoped that JSI funding would help to find additional resources.

10.4 The sub-committee notes the lack of clarity in both the decision making and communications techniques of the former Executive Member around this issue. On the one hand, he had allowed the Four Squares Security works to be removed from the two year investment programme, but on the other, (see the email exchange in Appendix A) he was continuing to make statements such as “Commitments have certainly been made to Four Squares residents. We need to establish how we will honour them.” The sub-committee would expect an Executive/Cabinet Member in this situation to be more forthright with ward councillors about the real funding situation. Though, of course, this direction may have been forthcoming in a forum other than these emails, the sub-committee has found no evidence of this.

10.5 In oral evidence to the sub-committee Cllr Al-Samerai said that she was never directly told by Kim Humphreys about the fact that the Four Squares security works had been removed from the two-year investment programme. The sub-committee would expect an Executive/Cabinet Member in this situation to take the time and responsibility to communicate this to ward councillors in person.

Other factors

11.1 It has been widely documented that during the period of the second half of 2009 and the first part of 2010, the council was struggling to ascertain the exact level of investment required to bring Southwark’s housing stock up to a decent homes standard. Although the security works on the Four Squares were not strictly part of the Decent Homes programme, the funding for the works did come from the same capital source. The ongoing uncertainty about the Decent Homes funding gap did not make it easy for either officers or Members to plan ahead. It is the view of the sub-committee that this uncertainty contributed to the lack of clarity over whether or not the Four Square Security works were actually going to be completed.

Part 3 - Conclusions and Recommendations

Conclusions

The sub-committee believes the following answers can be given to the questions which this report has set out to answer:

Why has most of the money intended to pay for the security works on all four squares been spent on just two of them?

The primary reason for this is the unexpected structural and flooding issues which arose when work began on site during phase 1 of the project. This vastly contributed to the overspend on the project overall. However, the sub-committee also feels that poor contractor management by Southwark council may have contributed to this.

Have commitments been made to residents of the Four Squares (either by councillors or officers) without an agreed budget being in place to match their statements?

Yes. When the project began in 2005 it was widely expected and understood that the £8,025,514 allocated to the project would mean all four squares could have their security works completed. Since the completion of phase 1 of the works, it was widely understood among senior officers that further funding would need to be allocated to the works. Not only was this funding not forthcoming, but the remainder of the £8,025,514 which had not already been spent was allocated to other works in late 2009. The Executive Member and senior officers allowed ward councillors and residents to believe that the works would be going ahead as planned right up until the last minute, when this pretence could no longer be maintained.

Why was the decision not to continue with the security works or allocate a budget to these works not communicated clearly to residents of the Four Squares in late 2009-2010?

The primary reasons are the nature of the decision and failure of officers (and the Executive Member) to do so. The decision was taken by the Executive Director for Environment and Housing under delegated powers. Such decisions are, by their nature, less open to public and member scrutiny. That said, the officers (and Executive Member) who failed to communicate this decision to ward councillors and residents quite clearly should have done so as soon as they were aware of the situation. During interviews with senior officers during this scrutiny process they apologised for not doing so.

How should the Cabinet now proceed in relation to the incomplete security works?

This is covered in recommendation below.

Recommendations

The recommendations of the sub-committee are as follows:

1. All Cabinet Members whose responsibilities cover contractor works ensure that they are receiving regular updates on any additional or unexpected spending on the contract. Project managers should be required to submit a written report to cabinet members detailing the reasons for the overspending and describing the knock-on effects that this will have on the delivery of the project.
2. All additional spending on contractor works (over and above the original budget) in excess of £50,000 must be signed off by the Cabinet Member.

3. The committee notes that since the overspending in phase 1 of the Four Squares Security works there have been numerous changes in Southwark's handling of major works. The sub-committee recommends that work continues to embed a professional and rigorous approach to contract management which demands the highest standards from contractors and protects Southwark Council from unacceptable levels of contract overspend.
4. Any Cabinet Member who becomes aware of a significant overspend on a major works contract which will impact on the council's ability to deliver on the scheme should take immediate and decisive action to deal with the situation. Either the Cabinet member should take steps to allocate the required additional funds or ambitions for delivery should be scaled down.
5. In addition the cabinet member should take steps to ensure that any changes to the scheme should be communicated to affected residents in a sensitive and timely fashion
6. The programme of works to be funded through the Capital Investment in Housing should be confirmed at a public meeting of the Cabinet. It should no longer be the subject of delegated officer powers.
7. Although it would not be fair to conclude that officers deliberately went out to mislead residents and ward councillors in this case, the sub-committee has found evidence of communications which falls short of the standard that would be expected. In the light of this evidence, the sub-committee recommends that the Cabinet ask Southwark Standards Committee look at the member-officer protocol to see if it could be revised in the light of issues uncovered during this scrutiny. The Standards committee may wish to make recommendations for revision. Clearly, any change to the member officer protocol would need to be agreed by full council.
8. Residents of the Four Squares gave very powerful evidence to the committee about the number of broken promises they have had to endure during the security works process. The sub-committee also heard of the continuing problems with crime and vandalism which continue to plague Marden and Layard Squares as a result of the security works not having been delivered.

The sub-committee understands the severe financial restraints under which the current Cabinet is working and the huge amount of investment which is needed in Southwark's housing stock. However, the sub-committee feels that residents of the Four Squares have been treated extremely poorly during this long-running saga. The sub-committee also recognises the commitment already given by the Cabinet Member for Housing to look at this issue very closely once the stock condition survey is complete and an assessment of the priority of works needed across the whole borough is complete.

As a result the sub-committee recommends that that the Cabinet Member for Housing does everything in his power to identify resources that will lead to the completion of works on Marden and Layard in as short a period as possible.

Appendix A - Email exchanges between ward councillor, Housing Officers, Leader of the Council and the Executive Member for Housing (Feb-March 2010, reverse chronological order)

-----Original Message-----

From: O'Brien, Margaret
Sent: 22 March 2010 09:10
To: Humphreys, Kim (Cllr); Al-Samerai, Cllr Anood; Stanton, Nicholas; Lewis, David
Cc: Mann, Eliza; Rawes, Richard
Subject: RE: Four Squares

Dear Kim and Anood

I am aware of the history, and I realise that there is a historic problem in the commitment given some five years ago. My problem is that we do not have any capital funds uncommitted currently, although we will be reviewing in June/July to take into account the stock condition survey and fire assessments. I understand that there is a small allocation sitting within the HIP programme, and outside our capital allocation to put toward the 4 squares security works. This will also be taken into account when we review in June.

I do really appreciate the sensitivities here, but I do not feel we can make an absolute commitment to completing the works in the next financial year, although I fully recognise that we must honour this commitment we need to consider the timescale in the light of the wider review of our priorities. The timing of the scheme is a difficult and complex decision that needs to be taken when we have full information on our future health and safety commitments.

I understand from David that he discussed the scheme with you in February after your email. He explained that works have not been put on hold, but had not been provided for in the current programme, and that a full review of that programme would take place early in the next financial year when we were clearer about the potential commitment on fire safety and when the new contractors were in place. As neither of these issues have been resolved we are still not in a position of making a cast iron guarantee of start date, even though we recognise that this commitment must be honoured.

I know this is not quite what you want to hear, but I feel it must be better to be honest with residents, and that means avoiding a commitment to start in the next financial year before the review of the programme has taken place.

I am in and out today and happy to discuss - we could pick it up at the briefing this afternoon?

Regards, Margaret.

-----Original Message-----

From: Humphreys, Kim (Cllr)
Sent: 21 March 2010 12:26
To: Al-Samerai, Cllr Anood; O'Brien, Margaret; Stanton, Nicholas; Lewis, David
Cc: Mann, Eliza; Rawes, Richard
Subject: Re: Four Squares

Margaret,

Some of the history has been forgotten. We will need to revisit

----- Original Message -----

From: Al-Samerai, Cllr Anood
To: O'Brien, Margaret; Stanton, Nicholas; Lewis, David; Humphreys, Kim (Cllr)
Cc: Mann, Eliza; Rawes, Richard
Sent: Sun Mar 21 11:09:11 2010
Subject: Re: Four Squares

Is there any update on your discussions, Margaret? I am really concerned about what will be said at Monday's meeting and that the history of all this is not being understood.

I don't know how many ways my ward colleagues and I can say that -residents were promised this work years ago; -the money is there;
- half an estate has been done;
-the police have evidence that crime is now on remaining two squares; - delays cost the council in repairing ongoing vandalism; -the disastrous works on New Place delayed the whole project which would otherwise have been completed by now; -clear commitments were made to elected members;
- I thought the point of the major works contracts was to improve things but if it means that there is not the capacity to carry out the work which should be being done and which has funding there is a major flaw; -it must be possible to say that once the major works contract is done this work will be started.

Also to start talking about purdah now is frustrating as I raised this issue almost two months ago and was told in an e-mail (copied to you) dated 15th Feb that 'the security works have not been put on hold'.

Anood

----- Original Message -----

From: O'Brien, Margaret
To: Stanton, Nicholas; Al-Samerai, Cllr Anood; Lewis, David; Humphreys, Kim (Cllr)
Cc: Mann, Eliza; Rawes, Richard
Sent: Thu Mar 18 18:00:31 2010
Subject: RE: Four Squares

Not aware, will discuss with Richard/Darren and get back to you tomorrow!

-----Original Message-----

From: Stanton, Nicholas
Sent: 18 March 2010 17:54
To: O'Brien, Margaret; Al-Samerai, Cllr Anood; Lewis, David; Humphreys, Kim (Cllr)
Cc: Mann, Eliza; Rawes, Richard
Subject: RE: Four Squares

But there was a ringfenced fund from London Housing Board for the 4 squares security works.

-----Original Message-----

From: O'Brien, Margaret
Sent: 18 March 2010 17:53
To: Al-Samerai, Cllr Anood; Lewis, David; Humphreys, Kim (Cllr)

Cc: Stanton, Nicholas; Mann, Eliza; Rawes, Richard
Subject: RE: Four Squares

Dear Anood

Thanks for your email, I though I had better reply directly given the sensitivities of the issue. As David has explained, we have published our two year programme to the end of 2011/2012, and still have to consider the impact of the inevitable increase in fire safety works expected as a result of the intrusive inspection process currently underway. We are also - hopefully - about to award our major works contracts next week at Executive. There is therefore considerable uncertainty around the programme currently, and we cannot make a commitment to undertake these works this year. We will be revisiting the Investment Programme in the light of the stock condition survey and fire safety assessments in June next year, at which point we can consider any outstanding calls on us.

There is an additional complication in relation to Monday's AGM. You will be aware that we are approaching the purdah period and are already operating under strict guidelines with regard to Member relations, and political activity. Kevin can only attend to present this position, and answer general questions on Investment Delivery but cannot engage in a discussion of the relative merits of this scheme or any other. The investment programme is considered politically contentious and therefore the rules about our conduct have to be very strictly observed.

I hope that we can have an early discussion when this period is over!

Kind regards, Margaret.

-----Original Message-----

From: Al-Samerai, Cllr Anood
Sent: 18 March 2010 11:18
To: Lewis, David; Humphreys, Kim (Cllr); O'Brien, Margaret
Cc: Stanton, Nicholas; Mann, Eliza; Rawes, Richard
Subject: Re: Four Squares

I understand that Kevin Orford will be attending the 4 squares AGM on Mon (22nd March). For the reasons I have given before it is really important that residents are reassured the security works will be done this year. I would appreciate it if you could confirm that the information Kevin gives to the meeting will reflect this.

Anood

----- Original Message -----

From: Al-Samerai, Cllr Anood
To: Lewis, David; Humphreys, Kim (Cllr); O'Brien, Margaret
Cc: Stanton, Nicholas; Mann, Eliza; Rawes, Richard
Sent: Wed Mar 10 16:35:34 2010
Subject: Re: Four Squares

Thanks David.

I do understand the issues around contracts but I am concerned that the previous delays and promises on the Four Squares are being overlooked. If funding is not the problem then a way to complete these security works this year has to be found.

The longer it takes the more the council spends in dealing with the damage and if there hadn't been such a disastrous process at New Place the work would already have been done by now.

I am grateful to you for your offer of attending a residents' meeting but there needs to be a timescale for works this year as soon as possible.

Anood

----- Original Message -----

From: Lewis, David
To: Al-Samerai, Cllr Anood; Humphreys, Kim (Cllr); O'Brien, Margaret
Cc: Stanton, Nicholas; Mann, Eliza; Rawes, Richard
Sent: Mon Mar 08 10:31:08 2010
Subject: RE: Four Squares

Dear Cllr Anood,

Thank you for your note and our subsequent telephone conversation.

As discussed, it is our intention to incorporate the works into the new major works contracts due to be awarded in March, subject to a positive LVT decision. Options for delivering Marden Security works (including New Place Doors) will be discussed with the incoming contractor. However, as advised, there are already large commitments for delivery on the St Saviours and Hawkstone Estates, which have been agreed with residents. This will take considerable time and resources to deliver. In addition the full extent of any required strategic fire safety works are yet to be fully determined. We are therefore unable to say precisely when the works at Marden will start. However, once the new contractor has been appointed and we have worked through programme and resource issues we will be in position to provide further information to residents.

I am happy to attend the Four Squares TRA meeting to give an update on the current situation and I apologise for any confusion that may have been caused.

Kind regards

David

-----Original Message-----

From: Al-Samerai, Cllr Anood
Sent: 06 March 2010 11:27
To: Lewis, David; Humphreys, Kim (Cllr); O'Brien, Margaret
Cc: Stanton, Nicholas; Mann, Eliza; Rawes, Richard
Subject: Re: Four Squares

I have just been shown a letter to a resident dated 12th January 2010 stating that security works would not be going ahead this year. Obviously this completely contradicts what I have been told. There is now confusion and anxiety for residents. Please could a letter be sent to Marden Square residents clarifying that the security works will be taking place and that the contract is to be awarded at the end of March. Please could ward cllrs also be sent a copy.

I am also told that the Marden works included new front doors on New Place Square (as Lockwood have been given). Please could you confirm that this is still part of the contract.

Many thanks,

Anood

Cllr Anood Al-Samerai
LibDem Member for Riverside Ward

07947 671 849

----- Original Message -----

From: Lewis, David
To: Humphreys, Kim (Cllr); Al-Samerai, Cllr Anood; O'Brien, Margaret
Cc: Stanton, Nicholas; Mann, Eliza; O'Brien, Margaret; Rawes, Richard
Sent: Mon Feb 15 15:26:07 2010
Subject: RE: Four Squares

Dear Kim,

The security works are not on hold. Indeed, the full package of security works have been specified for Marden, however, given the timing we are exploring the idea of incorporating the works into the new major works contracts rather than through traditional tendering. The new major works contracts are due for award at the end of March, subject to a favourable decision by the LVT, and we can then discuss the options for delivery with the incoming contactor.

I will keep you advised.

Regards

David

-----Original Message-----

From: Humphreys, Kim (Cllr)
Sent: 05 February 2010 11:09
To: Al-Samerai, Cllr Anood; O'Brien, Margaret
Cc: Stanton, Nicholas; Mann, Eliza; O'Brien, Margaret; Rawes, Richard; Lewis, David
Subject: Re:

Thanks for the e-mail the contents of which are noted. Commitments have certainly been made to Four Squares residents. We need to establish how we will honour them.

David, Margaret - comments?

----- Original Message -----

From: Al-Samerai, Cllr Anood
To: Humphreys, Kim (Cllr)
Cc: Stanton, Nicholas; Mann, Eliza
Sent: Wed Feb 03 08:26:52 2010
Subject:

Dear Kim,

As you know, two blocks of the Four Squares have had security works including entryphones and this has greatly improved serious difficulties with asb. I am really concerned to hear that entry phones on the other two

blocks (Marden and Layard) appear to have been put on hold and would greatly appreciate it if you could urgently look into this.

Residents were clearly promised work would be done to all four blocks and not doing so is simply not fair to residents on the remaining two blocks. The police are completely supportive of entryphones and can provide considerable evidence that crime in the two blocks with entryphones has decreased dramatically while almost all their calls to the Four Squares are now to the two blocks without entryphones. I fully appreciate the costs involved, but huge sums are saved with reduced asb and vandalism and the council's commitment to security on this estate must be honoured.

I do hope that you will be able to confirm that the remaining security work will be carried out and let me know the timescale for this. I would, of course, be happy to discuss further with you.

Look forward to hearing from you. Best wishes, Anood