

**IN THE FIRST-TIER TRIBUNAL  
PROPERTY CHAMBER  
(RESIDENTIAL PROPERTY)**

**Case ref: LON/00BJ/LSC/0286**

In the Matter of: The Landlord and Tenant Act 1985; Section 27A

**B E T W E E N:**

**THE MAYOR AND BURGESSES OF THE  
LONDON BOROUGH OF WANDSWORTH**

Applicant/ Landlord

**and**

**VARIOUS LEASEHOLDERS OF  
100 HIGH-RISE RESIDENTIAL BLOCKS  
IN THE LONDON BOROUGH OF WANDSWORTH**

Respondents/ Leaseholders

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**APPENDIX [ 10 – Minutes of HROSC meetings on 14.09.17]**

**TO THE STATEMENT OF CASE  
ON BEHALF OF  
THE LONDON BROUGH OF WANDSWORTH**

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**MINUTES OF A MEETING OF THE  
HOUSING AND REGENERATION OVERVIEW AND SCRUTINY COMMITTEE  
HELD AT THE TOWN HALL, WANDSWORTH, SW18 2PU ON  
THURSDAY, 14TH SEPTEMBER, 2017 AT 7.30 P.M.**

**PRESENT**

Councillor Mrs. J. Cooper (Chairman) ; Mrs. Clay (Deputy Chairman) ; Councillors Dikerdem, Hart, Lescott, McKinney, Thom and White.

In attendance: Councillor Salier (Cabinet Member for Housing) and Councillor Hogg (Leader of the Opposition). Councillors Carpenter, Heaster (Council's Member-level Fire and Emergency Planning Champion) and Grimston; and Mrs. M. Price (Vice-Chairman of the BRF) were also present.

**APOLOGIES**

Apologies for absence were received from Councillor Cuff.

On the very sad news of Councillor Maddan's death, the Committee observed a minutes silence. The Chairman acknowledged the invaluable contributions Councillor Maddan had made as a Wandsworth Councillor.

The Committee proceeded to consider the business set out on the agenda for their meeting (a copy of which is interleaved, together with a copy of each of the supporting papers).

**DECLARATIONS OF INTERESTS**

No disclosable pecuniary interests or other relevant personal interests were declared.

Councillor Clay disclosed a connection with item 9 (Paper No. 17-272) insofar as she rents properties to Wandsworth residents.

Councillor Hart disclosed a connection with item 9 (Paper No. 17-272) insofar as he is a private landlord in Wandsworth and a Director of a Residents' Association.

Councillor Thom declared a connection with item 9 (Paper No. 17-272) insofar as he is a Council leaseholder.

**ORDER OF AGENDA**

At the suggestion of the Chairman, the Committee agreed to deal with the following items:

item 4 – Proposed governance arrangements for the shared regulatory service with Merton and Richmond Councils (Paper No. 17-267); followed by

item 3 – Borough Residents' Forum - Report of meeting on 6th September 2017 (Paper No. 17-266); followed by

item 11 – Supplemental Agenda Item: Deputation Request (Paper No. 17-269A); followed by

Item 6 – Update on fire safety arrangements in Wandsworth Council's housing stock (Paper No. 17-269); followed by

Item 5 – Alton Estate Regeneration Project, SW15 (Roehampton and Putney Heath) (Paper No. 17-268)

after item 2, before returning to the numerical order of the agenda.

## **MINUTES OF THE MEETING HELD ON 20TH JUNE 2017**

Signed as correct.

### **PROPOSED GOVERNANCE ARRANGEMENTS FOR THE SHARED REGULATORY SERVICE WITH MERTON AND RICHMOND COUNCILS (PAPER NO. 17-267)**

Following discussion it was

**RESOLVED** - That the Executive be informed that the Committee supports the recommendations in paragraph 3 of Paper No. 17-267.

### **BOROUGH RESIDENTS' FORUM - REPORT OF MEETING ON 6TH SEPTEMBER 2017 (PAPER NO. 17-266)**

The Chairman reminded members of the Committee to give attention to the views of the Borough Residents' Forum (BRF), as set out in Paper No. 17-266, when considering related items on the agenda.

Item 3 was then received as information.

### **DEPUTATION REQUEST (ATTACHED – PAPER NO. 17-269A)**

On item 11, (Paper No. 17-269A) the Chairman stated that as provided for under Section 100B(4)(b) of the Local Government Act 1972, she was of the opinion that this report should be considered at the meeting as a matter of urgency, by reason of the special circumstances which were that the request for a deputation to be heard by the Committee was received subsequent to the despatch of the agenda and that the views of the deputation would have to be heard at this meeting. It was then

**RESOLVED** – That the Deputation be received.

Mr. Cairns on behalf of a number of concerned leaseholders on the Alton estate, SW15 (Roehampton and Putney Heath), made a presentation to the Committee. Mr. Cairns was accompanied by Mr. Fannon.

The Deputation had given notice that they would be raising the following points:

1. The lack of consultation with affected residents and a request that consultation take place.
2. The failure to identify the costs that would be passed onto leaseholders including annual maintenance costs.
3. The unsound reasoning that has led to this proposal. Tower block residents are not significantly more at risk than other dwelling types. Given the fire fatality record of people in Wandsworth tower blocks the expenditure of some £30 million can only make a marginal difference to the safety of the blocks.
4. Sprinklers will introduce new hazards to the home including accidental activation and electrical hazards on activation.
5. Fire prevention is preferable to fire cure. The Council would achieve greater safety at lesser cost by focusing on fire prevention including public education.

Following the answering of questions from members of the Committee, the Chairman on behalf of the Committee thanked Mr. Cairns for his deputation. Mr. Cairns and Mr. Fannon then left the Committee Room and returned to the Public Gallery.

#### **UPDATE ON FIRE SAFETY ARRANGEMENTS IN WANDSWORTH COUNCIL'S HOUSING STOCK (PAPER NO. 17-269)**

During discussion of Paper No. 17-269, officers advised the Committee about the correction in paragraph 11 as shown emboldened below:

‘A consultant, Brodie, Plant and Goddard, has been appointed to oversee the procurement of the re-cladding works for both blocks. Good progress has been made to date and, subject to supply and labour issues, it is hoped that works can commence early in 2018, lasting approximately 36 **weeks months**. Residents will be kept fully informed of developments and consulted over the appearance of the new cladding system’.

Councillor Grimston, not being a member of the Committee, spoke with the agreement of the Committee. In summary, Councillor Grimston was concerned that the Committee appeared to be in agreement with the Council's proposal to retro-fit sprinklers despite this proposal not being based on evidence. Councillor Grimston urged that a cost-benefit analysis should be undertaken. Councillor Grimston added that individuals should be given a choice - there should be widespread consultation amongst tenants across the Borough to ascertain whether there is general support for their rents being spent in this way rather than on improved capital works; and that no leaseholder should be forced to pay £3,000 to £4,000 for the retro-fitting of sprinklers.

Councillor Heaster attended the meeting in his new additional capacity as the Council's Member-level Fire and Emergency Planning Champion. Councillor Heaster advised the Committee that there have been no known deaths in any housing unit in this country where a sprinkler has been installed that related to a fire. Councillor Heaster referred to the comments made by the London Fire Brigade Commissioner, Dany Cotton, where she supports the retro-fitting of sprinklers, as given below:

"I support retro-fitting – for me where you can save a life then it's worth doing. This can't be an option, it can't be a nice to have, this is something that must happen. If this isn't one of the recommendations (of the Grenfell Inquiry), then I will be so very disappointed. Retro-fitting sprinklers is a small cost – if you value lives. A fire involves huge costs in refurbishment but also massive costs in rehousing etc. etc."

Councillor Heaster further advised the Committee that Coroners, on examining all of the evidence that related to deaths related to fires in residential tower blocks, have made calls and recommended the retrospective fitting of sprinklers following the fires at Harrow 2005, Southampton 2010 and Camberwell 2011 – Lakanal House. Councillor Heaster added that the:

- The Fire Service has campaigned consistently for sprinklers;
- Sprinklers are now far more effective and targeted and also cheaper than years ago;
- Installation causes a modest disruption to residents;
- Buildings erected after 2007, and more than 30 metres (98 feet) high are all required to be fitted with sprinkler systems; and
- Following Grenfell more Councils like Wandsworth are deciding to retro-fit sprinklers.

Councillor Heaster added that there was a body of informed opinion supporting the retro-fitting of sprinklers which had significant weight and needed to be considered but may not stack up against the statistical evidence that was being sought by the Deputation and Councillor Grimston.

In response to a question from a Member of the Labour Group, Councillor Heaster, confirmed that the view of Chief Fire Officers through various forums is that sprinklers should be fitted in blocks of ten storey and above, i.e. 30 metres and above. Councillor Heaster re-iterated that Coroners have made calls for retrospective fitting of sprinklers following the fires at Harrow 2005, Southampton 2010 and Camberwell 2011 – Lakanal House. The London Fire Brigade Commissioner, Dany Cotton and the neighbours of Grenfell hold the same view. Councillor Heaster advised the Committee that as with Grenfell, it is easier for the Fire Brigade to tackle a fire in lower rise properties than in high rise blocks.

The Director of Housing and Regeneration advised the Committee that the assumption that concrete blocks are always safe and that fires only spread in cladded blocks is not correct. Following the fires at Lakanal House where 6 residents died and more recently in Sheppard's Bush it is apparent that compartmentation can fail and even concrete blocks may have materials in their construction or subsequently retro fitted which may cause fire to spread.

The Director added that Grenfell had a single point of access and was above ten storeys. It was clearly difficult for the fire Brigade to access the building whilst residents were trying to leave the block.

The Director advised the Committee that the National, London and local fire services have identified the benefits of sprinkler systems in dwellings and recommended them on the basis of their expert opinion, their responsibilities in seeking to prevent fires and in turn of their review no doubt of inquest findings. The Building Regulations 2010 (as amended) state “sprinkler systems installed in dwelling houses can reduce the risk to life and significantly reduce the degree of damage caused by fire”. The LFB also supports the use of sprinkler systems stating that they can be effective in suppressing fires quickly and can reduce death and injury from fire. The LFB has produced comprehensive advice on the benefits of sprinkler systems in residential units.

The Assistant Director of Resources (Financial Management) confirmed that the £24 million to retro-fit sprinklers to all blocks ten storeys or higher would have no direct impact on the Capital Programme for both planned schemes and new works/schemes coming forward.

The Deputy Chairman, Councillor Mrs Clay, reminded the Committee that following the Grenfell enquiry it was more than probable that the CPS would be prosecuting the Tenant Management Organisation for what might be considered their criminal action. Councillor Mrs. Clay added that she would be very uncomfortable if purely on a cost saving measure the Council was not to spend the £24 million to retro-fit sprinklers.

The Director of Housing and Regeneration added that the retro-fitting of sprinklers was not a ‘knee-jerk’ reaction to one very tragic event. He identified that coroners had studied the facts in their entirety and took evidence at inquests following fatalities caused by fires in high rise blocks and had made recommendations for retrospective fitting of sprinklers to the appropriate bodies. The Fire Brigade have stated that the results would have been different if sprinklers had been fitted.

The Director of Housing and Regeneration was also keen to understand how legally Hammersmith & Fulham could use rents from tenants, i.e. HRA funding to subsidise leaseholder contributions for retro-fitting sprinklers.

In response to further questions, the Director of Housing and Regeneration confirmed that the Paper is seeking approval from the Executive to put together a programme of retro fitting sprinkler systems to all residential units within Council housing blocks of ten storeys or more. Once the programme has been put together, as with all Capital Programmes, consultation would then take place with residents as to the approach to be taken to undertake those works and to explain why the works were considered necessary. The Director reiterated that full block coverage was essential and referred to the Leader’s (Councillor Govindia’s) quote which reads “After the dreadful tragedy in Kensington and Chelsea it is vital that we move decisively to do all we can to provide additional reassurance and enhance the safety for all of the residents in our high rise blocks whether they be council tenants, leaseholders or private renters by bringing the blocks up to the new build standards now required across the public and private sector and these proposals will do just that”.

Councillor White then proposed, and Councillor McKinney seconded, the following motion:

That the Executive is recommended to agree the following:

1. Ensure consultation with residents;
2. Appropriate prioritisation of the most vulnerable buildings; and
3. Programme to be reviewed in light of the Grenfell enquiry and recommendations arising from the enquiry.

The Cabinet Member for Housing, Councillor Salier, confirmed support for the prioritisation of vulnerable blocks which was already stated in the report, and issues arising from the Grenfell enquiry being reported to the Committee including any further recommendations in terms of fire safety that would need to be considered and acted upon, again as stated in previous reports to Committee. Consultation was also inherent in the Paper under consideration albeit the starting point of that consultation was that these works were necessary and needed to be undertaken.

A Member of the Labour Group was in favour of leaseholders having the opportunity of opting out of having sprinklers retro-fitted on a block by block basis. The Cabinet Member for Housing, Councillor Salier, was not comfortable with this suggestion as it was inequitable that safety and security would not be the same for all residents within Wandsworth. Councillor Salier added that because this was a necessary safety measure it would be difficult to justify an opt out. Any leaseholder that disagreed with the proposal of course had the option to raise this during the consultation and to make a legal challenge once the works were programmed following the same process as other major work projects.

The Director of Housing and Regeneration questioned whether it was equitable for residents in new blocks to be afforded greater security and safety than compared to residents living in older Council blocks. In addition, whether it was equitable for a private tenant not to be afforded the same level of security and safety as their neighbours simply because, in this instance, the non resident leaseholder had opted out of having sprinklers fitted.

The Director stressed that there must be full coverage in a block to ensure the integrity of the system – i.e. an entire block should be fitted with sprinklers to afford all residents the same level of security and safety.

The Director, whilst accepting that the issue was not one of 'flat security', referred to paragraph 19 of the report and confirmed that the standard Wandsworth right to buy lease gives the Council the right "to do such things as the Council may decide are necessary to ensure the efficient maintenance, administration or security of the Block" and it is considered that this provision enables the Council to retro-fit sprinklers in individual leasehold flats. Clearly if the fire were to spread between floors than it becomes a 'block security' matter.

The Assistant Head of Law – Housing and Debt Litigation, Housing & Planning Team (South London Legal Partnership) referred the Committee to paragraphs 19-20 of the report and confirmed the advice given, in that the standard Wandsworth right to buy lease gives the Council the right "to do such things as the Council may decide

are necessary to ensure the efficient maintenance, administration or security of the Block” and it is considered that this provision enables the Council to retro-fit sprinklers in individual leasehold flats. ‘Security’ in this context includes safety, which properly and reasonably includes facilities and equipment to fight and prevent the spread of fire. In addition, the lease also provides that the cost of works carried out in fulfilment of the Council’s obligations are recoverable from leaseholders by way of service charges. The Social Landlords Discretionary Reduction of Service Charges (England) Directions 2014 give the Council discretion to waive or reduce service charges by such amount as it considers reasonable, having taken account of the criteria set out in the Direction, which include exceptional hardship.

In relation to the first recommendation proposed by Councillor White, the Cabinet Member for Housing, Councillor Salier, clarified that the consultation being proposed by Councillor White did not refer to whether sprinklers would be fitted or not. The consultation that would be undertaken would meet particular requirements in relation to necessary works being ordered to blocks, in particular to consult with leaseholders on proposed and necessary major works.

There being unanimous support for Councillor White’s motion, the Chairman declared the motion to be carried.

**RESOLVED** - That the Executive be informed that the Committee supports the recommendations in paragraph 3 of Paper No. 17-269, in addition that the Executive be recommended to agree the following:

1. Ensure consultation with residents;
2. Appropriate prioritisation with most vulnerable buildings; and
3. Programme to be reviewed in light of the Grenfell enquiry and recommendations arising from the enquiry.

### **ALTON ESTATE REGENERATION PROJECT, SW15 (ROEHAMPTON AND PUTNEY HEATH) (PAPER NO. 17-268)**

During discussion of Paper No. 17-268, officers confirmed that:

1. Further design meetings would be held with the GP surgeries on the estate (the Danebury Avenue Surgery and the Alton Practice). Other services, such as health visitors, have been contacted.
2. The ‘Reflections on Home’ website would be checked to ensure it worked properly.
3. Noted that 10 units for the Bessborough Road scheme were too few in number to start the decant and less than what had been agreed. Officers stated that this was because of the constraints of the site and the decision not to include Petersfield Rise in the scheme (Paper No.17-6). The decant strategy is being finalised with Redrow. Officers confirmed the need for 8 x 3-bed units and 2 x 2-bed units for the Bessborough Road scheme.
4. The Roehampton Youth Club was moving to Dilton Gardens.

The Roehampton Partnership would be provided with a detailed update on the overall regeneration scheme at its next meeting on 26 September 2017.



A Member of the Majority Group, in noting that the programme and timeline as given in paragraph 19 of the report was achievable and that construction would start as planned in December 2018, made an observation that the Mayor of London has yet to build a single home since being elected to office.

Item 5 was then received as information.

### **HRA BUSINESS PLAN UPDATE 2017/18 (PAPER NO. 17-270)**

During discussion of Paper No. 17-270, in relation to sheltered accommodation, the Chairman stated how pleased she was with the completion of the installation of overhead showers in such properties as she thought all sheltered accommodation should have these.

In response to questions officers confirmed that the January HRA rent setting report (Paper No. 17-9) approved a 1 per cent rent reduction for social tenants in line with the Welfare Reform and Work Act. This Act requires social rents to be reduced by similar amounts for the next two years.

In relation to the policy announcement contained within the Housing and Planning Act which required Local Authorities to make a payment to the Government based on the estimated value of their higher value vacant housing, officers confirmed that although the general detail was contained within the Act the Council is still awaiting further information and details of the sums the Council is expected to contribute.

In relation to whether funding of 'hidden homes' was coming to an end, officers confirmed that there would be further bidding rounds for additional years. The figures quoted in the report and appendix refer to residual spend for current schemes. Therefore, this did not mean the 'hidden homes' programme was coming to an end.

**RESOLVED** – That the Executive be informed that the Committee supports the recommendations in paragraph 3 of Paper No. 17-270.

### **HOMELESSNESS REDUCTION ACT 2017 (PAPER NO. 17-271)**

During discussion of Paper No. 17-271, officers confirmed that the Act confers a duty on local bodies to refer. In addition, the Homelessness Reduction Act 2017 replaces the current general and target duty to provide advice and information free of charge and would place a duty on local authorities to provide or secure the provision of free information and advice to any person in their district on preventing homelessness. This will require local authorities to publicise the duty in places where people need to access it.

In response to whether the Council would be placed under a duty to re-house a former tenant who had lost his tenancy by going to gaol once he was released, officers advised that the decision would be made on a case by case basis.

Officers further added that it was essential through the communication strategy and targeting that the message 'don't delay' must be publicised.

**RESOLVED** – That the Executive be informed that the Committee supports the recommendations in paragraph 3 of Paper No. 17-271.

### **HOUSING SERVICES ACTIVITY UPDATE (PAPER NO. 17-272)**

During discussion of Paper No. 17-272, officers advised that ahead of the decant of any block, where temporary accommodation had been provided for those accepted as being unintentionally homeless, they would be rehoused/decant alongside secure tenants, where possible into secure tenancies elsewhere or into alternative temporary accommodation as applicable.

In relation to families in B&B for longer than six weeks, officers advised that the average length is 7 weeks and in such cases we do have a solution for these families.

Item 9 was then received as information.

### **ANNUAL QUALITY PERFORMANCE REVIEW 2016/17 (PAPER NO. 17-273)**

During consideration of Paper No. 17-273, officers advised that this Paper reported on issues that were covered in other reports, such as information contained within Paper No. 17-272 - Housing Services Activity Update. However, the Annual Quality Performance Review has been a requirement on all departments to produce and does contain information on housing management issues which are not reported in any other papers submitted to the Committee.

The Assistant Director (Housing Strategy and Regeneration) confirmed that the AQPR and its content provided the basis for the Annual Report on performance which is provided every Autumn as a supplement in Homelife. He confirmed that Annual Reports on housing management performance in particular was required as part of the Council's responsibilities as a regulated social landlord to report performance to assist with scrutiny on how it delivered services and met its service standards. He also confirmed that the Annual Report had again been written and developed with the assistance of council residents and he thanked residents involved in helping with its production. Finally, he confirmed that the focus from here on would be not on producing the AQPR but the annual report.

In response to why the report does not have a geographical focus as to where the complaints originated from, the Assistant Director (Housing Strategy and Regeneration) advised that performance reports were also provided to the AHP which did have a geographical focus, although not on a block by block basis. Effectively the AQPR was a summary and overview of the Services' performance whilst the AHPs, as an example, allowed for issues of performance in that area to be scrutinised and for individual issues and collective complaints to be raised and addressed. The Assistant Director also advised that Members may take up specific issues with the Area Housing Officer with the enquiries being logged through the Department's business directorate.

In response to the suggestion that it would be interesting to know why leaseholder satisfaction had declined and which major programme had caused this, the Assistant Director added that the intention was to undertake a further survey targeting

leaseholders and to report back to the committee. The Assistant Director identified that the survey may identify reasons for lower satisfaction that related to for instance service charge levels which the Council could do less about (annual service charges were VAT exempt and relatively low) and other areas of delivery where there may be opportunities to improve service delivery (e.g. improvements in communicating with council residents that would arise when the new housing management computer system was in place).

In relation to the often poor communication received from some Housing Associations when a complaint is raised and whether the Council had any powers to require them to act, the Assistant Director advised that once the complaint procedure has been exhausted and the tenant remains dissatisfied the next step would be the Housing Ombudsman rather than the Council intervening. However, the Assistant Director added that the Housing & Regeneration Department had good working relations with Housing Associations, and therefore, suggested that if a Member was dissatisfied with the response they received from a housing association they could direct their response to the Housing Directorate. He also noted that this was a service offered to members where there were more difficult complaints arising that were not being resolved.

In response to a question from a member of the committee the Assistant Director confirmed that he would review the equalities information on the website to ensure that EQIAs were easily accessible and that commentary was provided to any equalities data provided. He also confirmed that the AQPR by default had been a summary of a significant quantum of information so could not go into the detail that was available.

Item 10 was then received as information.

The meeting ended at 10.00 p.m.