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

SCHEDULE OF THE COUNCIL'S RELEVANT DECISIONS

Introduction

1. In this case the Respondents challenge whether or not the Council has made a Decision to retro-fit sprinklers in the Blocks.

2. The appropriate decision making body in relation to the decision to retro-fit sprinklers in the Blocks is the Council's Executive ("the Executive")

3. In relation to the Council's housing stock, the Council's Housing & Regeneration Overview and Scrutiny Committee ("HROSC") considers and makes recommendations to the Executive.

4. In relation to the Council's expenditure the Council's Finance and Corporate Resources Overview and Scrutiny Committee (FROSC") considers and makes recommendations to the Executive.

5. In order to understand the Executive's Decisions it is necessary to consider the relevant HORSC and FROSC Papers and Recommendations that the Executive has approved.

HPLP Bundle; 8th November 2019

6. On 8.11.2019 HPLP served a bundle for the hearing of the HPLP Application to Strike-Out the Council's Application ("The HPLP Bundle"). The HPLP Bundle includes some, but not all, of the relevant Papers, Committee Recommendations and Executive Decisions.

7. Where a copy of any relevant Paper, Recommendation or Executive Decision is in the HPLP Bundle the Tab and page number of the Paper, Recommendation or Decision is set out herein in bold in curly brackets thus: **{Tx, p. y}**.

8. Where a copy of any relevant Paper, Recommendation or Executive Decision is **NOT** in the HPLP Bundle it is identified as such and it is attached hereto as an Appendix; each Appendix and its content will be set out herein.

<u>Executive Committee Decisions</u>

3rd July 2017 Executive Meeting

9. On 3.7.2017 the Executive approved two relevant recommendations; one each from the HROSC[1] and thee FROSC:

   9.1 That of the HROSC contained in Paper No. 17-239[2]; and

   9.2 That of the FROSC contained in Paper No. 17-243.

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[1] The Relevant Minutes of the HROSC Meeting are not in the HPLP Bundle. A copy of those Minutes are attached hereto in Appendix A.

[2] Paper 17-239 is not in the HPLP Bundle. A copy of paper 17-239 is attached hereto also in Appendix B.

10. The Executive Decisions in relation to these two Recommendations are in the HPLP Bundle **{T11}**. The Executive approval of Papers No. 17-239 and 17-243 are at **{T11, p.243}** and **{T11, p.249}** respectively.

HROSC Paper No. 17-239

11. Paper No. 17-239 is dated 20.6.2017. The HROSC Recommendation of Paper 17-239 was made on 28.6.2017 and was as follows:

> The Executive are recommended to *approve that the Director of Housing and Regeneration brings a report back to the HROSC once the investigation at Grenfell Tower has progressed sufficiently to provide some clarity on the case and unprecedented spread of the fire, including any required or potential improvements for fire safety in Wandsworth Council housing blocks.*

12. The HROSC Recommendation of Paper 17-239 was approved by the Executive on 3.7.2019 **{T11, p.243}**.

FROSC Paper No. 17-243

13. Paper No. 17-243 is dated 28.6.2017 **{T7}**. The FROSC Recommendation of Paper 17-243 was made on 29.6.2017 **{T10, p. 231}** and was as follows:

> The Executive are recommended *to instruct the Director of Housing and Regeneration to prepare an urgent procurement plan for the installation of water sprinkler systems* [in the Blocks].

14. The FROSC Recommendation of Paper 17-239 was approved by the Executive on 3.7.2017 **{T11, p.249}**.

18th September 2017 Executive Meeting

15. On 18.9.2017 the Executive[3] approved one relevant recommendation from the HROSC; that in Paper No. 17-269 as amended by the HROSC.

[3] The Minutes of Executive Meeting on 18.9.2017 are not in the HPLP Bundle; they are attached hereto as Appendix C.

Paper No. 17-269

16. Paper No. 17-269 is dated 6.9.2017 **{T8}**. The recommendation in paragraph 3(b) of Paper 17-269 is as follows:

> *3. The Executive are recommended to approve:-*
>
> (b) *that the Council embark on a programme of retro-fitting sprinklers to all residential units within Council housing blocks of ten storeys or more and that the cost of those works be re-charged to leaseholders through their service charges.*

17. At a meeting on 14.9.2017 the HROSC recommended paragraph 3 of Paper 17-269 **{T12, p.258}**. The HROSC made the following three additional recommendations **{T12, p.258}**:

    17.1 *Ensure consultation with residents*;

    17.2 *Appropriate prioritisation of the most vulnerable buildings; and*

    17.3 *Programme be reviewed in the light of the Grenfell enquiry and recommendations arising from the enquiry.*

18. The HROSC Recommendation in respect of paper 17-269 was approved, together with the amendments, at the Executive Meeting on 18.9.2017: see **Appendix C, p. 2**.

17th September 2018 Executive Meeting

19. On 17.9.2018 the Executive approved one relevant recommendation from the HROSC; that in Paper No. 18-279 as amended by the HROSC.

HROSC Paper No. 18-279

20. Paper No. 18-279[4] is dated 5.9.2018 and it was considered by the HROSC at a meeting on 13.9.2018[5]. At paragraph 3 Paper No. 18-279 sought approval for the extension of the sprinkler installation programme to the Council's sheltered housing stock: see **Appendix D, p. 6**.

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[4] Paper No. 18-279 is not in the HPLP Bundle. Paper 18-279 is attached hereto as Appendix D; it is an attachment to the Agenda for the HROSC Committee Meeting on 13.9.2018.

[5] The Minutes of the HROSC Meeting on 13.9.2018 are not in the HPLP Bundle; they are attached hereto as Appendix E.

21. Paper 18-279 is clearly drafted on the assumption that the installation of sprinklers in the Blocks is proceedings.

22. At the meeting on 13.9.2018 the HROSC approved Paper 18-279 with the following additional recommendations: see **Appendix E**:

    22.1 *initially focus the Council's sprinkler programme on sheltered schemes and homeless hostels to safeguard our most vulnerable residents first;*

    22.2 *allow directions from the First Tier Property Tribunal and recommendations made by the Grenfell Tower Inquiry to shape whether, and how, the programme is progressed across the Council's high-rise stock; and*

    22.3 *continue to seek additional funding from government to pay for fire-safety improvements, particularly retro-fitting sprinklers.*

23. The HROSC Recommendation in respect of paper 18-279 was approved, together with the amendments, at the Executive Meeting on 17.9.2018: **{T15, p.283}**.

<u>Conclusion</u>

24. At an Executive Meeting on 18.9.2017 the Council made a decision to:

    … embark on a programme of retro-fitting sprinklers to all residential units within Council housing blocks of ten storeys or more and that the cost of those works be re-charged to leaseholders through their service charges.

25. At an Executive Meeting on 13.9.2018 the Council made a decision to:

    … allow directions from the First Tier Property Tribunal and recommendations made by the Grenfell Tower Inquiry to shape whether, and how, the programme is progressed across the Council's high-rise stock

26. It is the Council's position that its decision to embark on a programme of retro-fitting sprinklers in the Blocks made at the Executive Meeting on 18.9.2017 was not revoked by the decision made at the Executive Meeting, dated 13.9.2018; thus, if and insofar as is necessary, the Council has sufficient intent to carry out the works for the Tribunal to have jurisdiction under LTA 1985, ss. 27A(3).

11th November 2018

Nicholas Grundy QC

Ben Maltz