**MINUTES OF A MEETING OF THE HOUSING AND REGENERATION OVERVIEW AND SCRUTINY COMMITTEE HELD AT THE TOWN HALL, WANDSWORTH, SW18 2PU ON THURSDAY, 13TH SEPTEMBER, 2018 AT 7.30 P.M.**

## PRESENT

Councillor Mrs. J. Cooper (Chairman); Councillor Morgan (Deputy Chairman); Councillors Byrne, Calland, Dikerdem, Gilbert, P. Graham, Hart, Ireland, McLeod, Ryder and White.

In attendance: Councillor Caddy (Cabinet Member for Housing and Regeneration) and Councillor Hogg (Leader of the Opposition); Councillors Mrs. A. Graham, Grimston and Belton; and Mrs. M. Price (Vice-Chairman of the BRF) were also present.

## APOLOGIES

None received.

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 Hart disclosed a connection in any relevant matter insofar as he is a private landlord in Wandsworth and a Director of a Residents' Association.

Councillor Ireland disclosed a connection in any relevant matter insofar as she is a leaseholder on the Edgecombe Hall Estate.

## ORDER OF AGENDA

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

- item 14 – Supplemental Agenda Item: Deputation Request (Paper No. 18-280A);
- item 15 – Supplemental Agenda Item: Deputation Request (Paper No. 18-286A);
- item 11 – Petition from residents of Bisley House SW19 (West Hill) regarding the installation of sprinklers (Paper No. 18-286)

after item 5 – Proposal for an evidence-based approach to fire safety post Grenfell Tower (Paper No. 18-280), before returning to the numerical order of the agenda.

## MINUTES OF THE MEETING HELD ON 20TH JUNE 2018

Councillor Gilbert requested that it be noted that she objected to the accuracy of the minutes. The minutes were then signed as correct (by 7 votes to 5).

## BOROUGH RESIDENTS' FORUM - REPORT OF MEETING ON 4TH SEPTEMBER 2018 (PAPER NO. 18-278)

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. 18-278, when considering related items on the agenda. The Vice-Chairman of the BRF stated that although she had not been present at the last BRF meeting she had been fully briefed by a resident member of the BRF. Following discussion

Item 3 was then received as information.

## FIRE SAFETY UPDATE (PAPER NO. 18-279)

During discussion of Paper No. 18-279, in response to questions from the Committee, officers advised that:

- The risk from fire is not limited to height alone but also needs to take into consideration the vulnerability of the residents. It follows that sheltered schemes and hostels have a high number of more vulnerable and less mobile tenants who are at a greater risk from fire. This increased risk stems partly from the fact that many residents would have difficulty in self-evacuating in the event of a fire.
- On 6th December 2017, Assistant Commissioner Dan Daly, Head of Fire Safety and the LFEPA, issued a Refreshed Sprinkler Position Statement to LFEPA members. It stated, amongst other things, that:
  *"Existing residential blocks over 18m in height (retrofitting), subject to a risk-based approach that should include consideration of the vulnerability of the residents".*
- The Director of Housing and Regeneration advised that at present Wandsworth Council's policy was to retro-fit sprinklers into existing high-rise blocks of 30 metres and above, thus bringing our existing high-rise blocks in line with current Building Regulations which require all new residential buildings in excess of 30m height to be provided with AFSS (Automatic Fire Suppression Systems).
- Croydon Council was cited by a Member of the Minority Group as an example of a Council that was retro-fitting sprinklers, had approached its residents and informed them of what was happening and would not be charging its leaseholders for the installation. The Committee was advised that the Croydon lease did not give Croydon Council the authority to retro-fit unless residents consented; and that a high percentage of occupants in tower blocks in Croydon were tenants. The Chairman added, that the Council has an overriding duty of care to its residents and it could not, therefore, consult on essential matters of safety, which cannot be optional.
- It was confirmed that 50% of all high-rise blocks in the country were programmed to be retro-fitted with sprinklers.
- The First Tier Tribunal's jurisdiction was to review the Council's interpretation of the clauses in its lease and to determine whether Wandsworth Council can

charge for retro-fitting of sprinklers.

- The Committee was further advised that if the Tribunal's decision is that Wandsworth cannot charge leaseholders for retro-fitting sprinklers, then the Council cannot retro-fit sprinklers without the leaseholder's permission. It followed that if the Tribunal did not uphold the view as to these works being necessary then the Council could not guarantee there would be sufficient coverage in a block to justify fitting sprinklers. Effectively those refusing works would make the fitting of sprinklers less effective in protecting against fire spread.
- As at the date of the meeting, the Tribunal has indicated that 450 responses have been received although this did not include petitions. Officers added that they could not comment on tenants' views as they are not involved in the application.

The Minority Group suggested that the report was full of inconsistencies and mis-representations; and that 20% of leaseholders had responded to the tribunal despite the deadline for submissions being during the holiday period. The Chairman, Councillor Mrs. J. Cooper, reminded the Minority Group that the Labour party nationally were in favour of retro-fitting sprinklers. The Opposition Speaker of the Housing and Regeneration Overview and Scrutiny Committee stated that the Labour Party position was irrelevant as far as this Committee was concerned; and that this Committee should consider what was right for the residents of Wandsworth.

It was then proposed by Councillor Gilbert, and seconded by Councillor White, an amendment as set out below:

'The Executive is recommended to direct officers to provide the Committee with a risk benefit analysis of installation of sprinklers in the Council's sheltered housing stock and appropriate hostel accommodation, such that the Committee may make a recommendation on the basis of appropriate information - and in the meantime, take whatever preparatory steps may be necessary to ensure that installation could take place, if appropriate'.

There being 5 votes for Councillor Gilbert's motion and 7 votes against the Chairman declared the motion to be not carried.

It was then proposed by Councillor P. Graham and seconded by Councillor Byrne (additional recommendations) as set out below:

(a) Initially focus the Council's sprinkler programme on sheltered schemes and homeless hostels to safeguard our most vulnerable residents first;

(b) 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

(c) Continue to seek additional funding from government to pay for fire-safety improvements, particularly retro-fitting sprinklers.

In response to a question asked by a Member of the Majority Group about the timescales proposed in the amendment, the Director of Housing and Regeneration confirmed that given the following timescales and those associated with reordering

the programme, it would allow time for the tribunal to report and for any lessons to be learned from the findings of the Grenfell enquiry before any works to the high rise stock commenced:

- the First Tier Tribunal directions hearing deferred to October 2018
- the First Tier Tribunal hearing is likely to take place in Spring 2019
- decision of the First Tier Tribunal is likely to be announced in Summer 2019
- Grenfell report to be available by the end of 2019.

The Director added, that if the recommendation in the paper is supported it would be sensible to wait for the findings from the Grenfell report given the timings of the various and relevant events take this out as covered by the paragraph above.

The Chairman declared the motion to be carried (in the case of (a) and (c) by 7 votes and 5 abstentions).

**RESOLVED** – That the Executive be informed that the Committee supports (by 7 votes and 5 abstentions) the recommendations in paragraph 3 of Paper No. 18-279 and in addition the following recommendations as set out below:

(a) (by 7 votes and 5 abstentions) initially focus the Council's sprinkler programme on sheltered schemes and homeless hostels to safeguard our most vulnerable residents first;

(b) 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

(c) (by 7 votes and 5 abstentions) continue to seek additional funding from government to pay for fire-safety improvements, particularly retro-fitting sprinklers.

[**Post meeting Note:** Croydon Council did not consult on the original commitment to install sprinklers].

**PROPOSAL FOR AN EVIDENCE-BASED APPROACH TO FIRE SAFETY POST GRENFELL TOWER (PAPER NO. 18-280)**

Councillors White and Grimston as co-authors of Paper No. 18-280, which had the support of the Minority Group, presented their report to the Committee.

During discussion of Paper No. 18-280, a detailed critique of the information around statistical risk from fire and the citations quoted in the paper was undertaken by the Majority Group. Councillor Grimston stated that he felt obliged to undertake a statistical analysis as the Council had not done so.

A summary of the main points arising from the discussion is given below:

- Wandsworth Council had a duty of care towards the safety of its residents.
- Wandsworth Council would continue to lobby central Government for funding the retro-fitting of sprinklers.

- A Member of the Minority Group commended the Council for removing the cladding from Sudbury House.
- The Majority Group made it clear that we should not ballot residents on issues of safety.
- The Committee agreed that we should learn from the Grenfell tragedy – the Majority Group believed this was to take measures to prevent a repeat of the tragic loss of lives. The Minority Group believed this was to listen to residents. adding that there had been no consultation with residents.
- The Minority Group expressed concern that the retro-fitting of sprinklers would damage the structure and integrity of the building. Reassurance was given by officers that retro-fitting of sprinklers would not damage the structure and integrity of the building.
- As there is no legal requirement to fit sprinklers in existing high-rise blocks the money should be spent on improving living conditions.
- The Minority Group also stated that the retro-fitting of sprinklers was not just about money. It was an invasion of people's homes and imposition of measures that they did not want.

The Opposition Speaker of the Housing and Regeneration Overview and Scrutiny Committee, Councillor White, reminded the Committee that the Government had not stated that the retro-fitting of sprinklers was essential. It had, however, funded the removal of cladding from high rise blocks as it viewed this as essential. A Member of the Majority Group stated that the Government had left it up to local authorities to determine if it was essential. Councillor White confirmed that if the Grenfell enquiry found that retro-fitting of sprinklers was essential, then he would be in favour of the retro-fitting of sprinklers. Councillor White added that this has always been the Minority Group's position.

The Cabinet Member for Housing and Regeneration, Councillor Caddy thanked Councillors White and Grimston for their report. Councillor Caddy reiterated her position, that retro-fitting of sprinklers on a block by block vote basis was not acceptable as we would be in a position where two identical blocks would have differing levels of security if the votes were different. The Cabinet Member reminded the Committee that the Government Select Committee had recommended the retro-fitting of sprinklers; the London Fire Brigade Commissioner, Dany Cotton, also supported the retro-fitting of sprinklers; and that this Committee had received the views of experts in their field who had also recommended the retro-fitting of sprinklers. Councillor Caddy stated that in practice, given the timescales of the Grenfell enquiry's likely reporting, we should be able to consider the results of the enquiry when preparing further plans to retro-fit sprinklers. The Cabinet Member stressed her duty to protect the safety of residents living in the Borough in such buildings. It was then

**RESOLVED** – That (by 7 votes to 5) the recommendations in paragraph 1-4 inclusive of Councillor White's and Councillor Grimston's report be not supported.

**DEPUTATION REQUEST (CONT'D) (PAPER NO. 18-280A)**

On item 14, (Paper No. 18-280A) 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.

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

1. The groundswell of opposition to sprinklers from leaseholders who do not feel unsafe in their flats, object to not being consulted and, on the Alton estate, have come together to form the Alton Leaseholders' Association to resist their forced installation.

2. The unsound reasoning that has led to this proposal. Tower blocks residents are not at 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. Consider -
   (a) The Council has stated that the blocks are safe
   (b) The Fire Brigade are NOT claiming that the blocks are unsafe
   (c) The fire risk assessments indicate that sprinklers are not necessary
   (d) Housing Minister Alok Sharma responding to a request for funding replied that the works were *'additional rather than essential'*.

Mr. Cairns requested that the Council halt proceedings at the First-tier Tribunal until it has had time to review the findings of the inspections being carried out and ideally, the findings of the Grenfell inquiry, so that any decision on additional fire safety measures can be soundly based on evidence rather than fear. The request was not supported (by 7 votes to 5).

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 then left the Committee Room and returned to the Public Gallery.

**DEPUTATION REQUEST - PAPER NO. 18-286A (ATTACHED)**

On item 15, (Paper No. 18-286A) 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. Jones, on behalf of the residents of Bisley House SW19 (West Hill), made a presentation to the Committee.

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

- residents of Bisley House oppose the imposition of sprinklers in their homes

- the sprinklers are not necessary in a non-clad building; and
- their fitting would incur unnecessary cost and disruption, with no benefit to residents.

Mr. Jones urged the Committee to learn from past experiences and referred the Committee to the leaked BRE report in the Evening Standard paper, in which it was stated that the original concrete building was turned from a safe structure into a tinderbox by the refurbishment between 2014 and 2016. In addition to the cladding material and insulation being combustible, the design and installation of the windows and cavity barriers 'fueled' the fire at Grenfell. Furthermore, the original facade of Grenfell Tower, comprising exposed concrete and, given its age, likely timber or metal frame windows, would not have provided a medium for fire spread up the external surface. In BRE's opinion there would have been little opportunity for a fire in a flat of Grenfell Tower to spread to any neighbouring flats. Mr. Jones also referred to the Sunderland fire in 1973.

A Member of the Majority Group advised that the Council would continue to lobby central Government for funding retro-fitting of sprinklers.

Mr. Jones confirmed whilst he had not visited the show flat his neighbours who had visited it were not impressed with the workmanship and were very concerned at the Council's poor level of performance in delivering major works. The Cabinet Member for Housing and Regeneration stated that it was clearly everyone's expectation that works would be carried out to a high standard and gave an assurance that defective works would be rectified. The Chairman urged Mr. Jones to visit the show flats and said that officers would endeavor to make a viewing available at a time convenient for Mr. Jones.

A member of the Minority Group questioned if the Council's legal advice had been that the Council would not be discharging its 'duty of care' if it did not fit sprinklers in high rise blocks. The Cabinet Member for Housing and Regeneration advised that as the Cabinet Member she had a duty to protect residents living in high rise blocks and to ensure their safety.

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

**RESPONSE TO PAPER NO. 18-280 (PAPER NO. 18-281)**

During discussion of Paper No. 18-281, the Director of Housing and Regeneration stated that the Council was committed to the retro-fitting of sprinklers. However, if the First Tier Tribunal's decision was that the Council was not entitled to undertake the work, then as a significant percentage in Wandsworth's high-rise blocks are leaseholders, the Council would not be able to require that sprinklers are retro-fitted. The Director added that there was an overwhelming body of evidence from professional bodies recommending sprinklers. The Director advised that sprinklers were the only means of suppressing or putting out a fire at source automatically.

Officers confirmed that the majority of leaseholders responding to the First Tier Tribunal were not in favour of retro-fitting of sprinklers.

Officers advised that sprinklers are a longstanding, proven and improving technology which rarely fail or are subject to accidental actuation. Officers added that sprinklers had been fitted to its temporary accommodation at Nightingale Square and since their installation has had no problems or complaints from residents.

The Director of Housing and Regeneration confirmed that Leeds Building Society had refused to lend on one new-build block that had not been fitted with sprinklers.

Officers confirmed that the Council's buildings insurance would cover damage to the property and contents.

Item 3 was then received as information.

[**Post meeting note:** The Council's buildings insurance would cover damage to the property only and residents are expected to carry their own contents insurance.]

## HOUSING AND HOMELESSNESS STRATEGY: OPTIONS PAPER (PAPER NO. 18-282)

During discussion of Paper No. 18-282, a summary of the concerns raised by the Minority Group is given below:

- leaseholders are hardly mentioned in the report.
- No mention of sustainability in the report.
- No mention of how current opportunities are going to be exploited maximally to provide the affordable homes we need.
- No mention of lobbying Government for more spending or lifting of the borrowing cap for providing affordable homes.
- The paper focuses too much on home ownership.
- Greater consultation to take place with leaseholders.

In response the Assistant Director (Strategy and Development) thanked Committee members for their comments and particularly advised that the Government was consulting on raising borrowing caps to assist with development but currently Wandsworth were not in a position where it needed to apply for borrowing caps to be raised to deliver the regeneration and council self-build plans that were in train.

The Cabinet Member for Housing and Regeneration, Councillor Caddy, advised that the report did not focus solely on home ownership and identified targets for delivery of all forms of housing to meet demand. Councillor Caddy added, that 1,000 new homes were going to be built by the Council, 60% of which would be affordable housing.

The Director of Housing and Regeneration advised the Committee that Councillor Govindia had been honoured in the 2018 Inspirational Leader of the Year category for his work in delivering thousands of new homes in the Borough. The Housing Heroes Awards are jointly organised by leading trade journal Inside Housing and the Chartered Institute of Housing that represent the housing association and social housing sectors and judged by a panel of industry experts in recognition of "the unsung heroes of the housing world".

The Assistant Director (Strategy and Development) added that Wandsworth generally performs well in the overall delivery of housing and affordable housing and identified by the Council meeting its numerical targets set for both the delivery of market and affordable housing.

The Assistant Director advised that a Resident Working Group would be set up and clearly representation will be sought from RA's.

The Assistant Director further advised that everyone could submit their views, and indeed he had encouraged RAs to submit their views on the Strategy at the recent BRF meeting; key stakeholders would be written to; and the paper would be presented to the Committee in January 2019 with responses received. It was then

**RESOLVED** – That the Executive be informed that the Committee supports (by 7 votes to 5) the recommendations in paragraph 3 of Paper No. 18-282.

**HOUSING SERVICES ACTIVITY UPDATE (PAPER NO. 18-283)**

During discussion of Paper No. 18-283, Councillor White proposed, and Councillor Gilbert seconded the following amendment as set out below:

"This committee believes the lack of attention to the rise of homelessness in the Borough over the last 8 years and the current rise in homelessness above projections, have been exacerbated by failure to build enough social and council homes to meet the demand in this sector."

There being 5 votes for Councillor White's motion and 7 votes against the Chairman declared the motion to be not carried.

Councillor Gilbert requested officers to consider developing a KPI to report on overcrowding, in relation to the number of families on any of the Council's housing queues who are living with overcrowding, as a total figure, and broken down to demonstrate the number of people sharing the relevant space: (a) for example 4 persons in a 1 bedroom flat: (b) 5 persons in a 1 bedroom flat: etc such that the picture of overcrowding is clearer.

Item 3 was then received as information.

**RE-TENDERING OF THE LIFT SERVICING AND MAINTENANCE SERVICES TO DOMESTIC DWELLINGS AT VARIOUS PROPERTIES BOROUGH-WIDE (CONTRACTS A AND B) (PAPER NO. 18-284)**

**RESOLVED** – That the Executive be informed that the Committee supports the recommendations in paragraph 3 of Paper No. 18-284.

**RE-TENDERING THE BOROUGHWIDE DISTRICT AND COMMUNAL DOMESTIC GAS SERVICING, MAINTENANCE AND INSPECTION CONTRACTS (PAPER NO. 18-285)**

**RESOLVED** – That the Executive be informed that the Committee supports the recommendations in paragraph 3 of Paper No. 18-285.

**PETITION FROM RESIDENTS OF BISLEY HOUSE SW19 (WEST HILL) REGARDING THE INSTALLATION OF SPRINKLERS (PAPER NO. 18-286)**

Item 11 was received as information.

**PETITION FROM RESIDENTS OF GLEN ALBYN ROAD, CHOBHAM GARDENS AND THURSLEY GARDENS SW19 (WEST HILL) IN RELATION TO NOISE AND VANDALISM (PAPER NO. 18-287)**

Item 12 was received as information.

**PETITION FROM RESIDENTS OF ELIOT COURT, WENTWORTH COURT AND SUDBURY HOUSE, SW18 (SOUTHFIELDS) IN RELATION TO PEST INFESTATION (PAPER NO. 18-288)**

During discussion of Paper No. 18-288, Councillor White proposed, and Councillor Ireland seconded the following amendment as set out below:

'This committee recommends that a block treatment/deep clean of Eliot and Wentworth Court should take place as soon as possible and should have been undertaken as a matter of course following completion of the heating works on those blocks, as this sort of work encourages vermin by opening new pathways for them; and the committee also recommends that the collection of food waste must be reorganised, it will never be possible to eradicate pests when food is left on the landings and the chutes are not adequate for waste in modern homes and are constantly blocked'.

There being 5 votes for Councillor White's motion and 7 votes against the Chairman declared the motion to be not carried.

Item 13 was then received as information.

**PAPER BY COUNCILLORS PAUL WHITE AND MALCOLM GRIMSTON IN RESPONSE TO PAPER NO. 18-281 (PAPER NO. 18-281A)**

Officers agreed to provide a response to Councillors White and Grimston.

The meeting ended at 12.00 a.m.