



Barbican Residential Committee

Date: MONDAY, 16 JUNE 2014
Time: 11.30am
Venue: COMMITTEE ROOMS, 2ND FLOOR, WEST WING, GUILDHALL

Members:

Randall Anderson	Jeremy Mayhew
Alex Bain-Stewart	Gareth Moore
Christopher Boden	Deputy Joyce Nash
David Bradshaw	Graham Packham
Deputy Billy Dove	Henrika Priest
Revd Dr Martin Dudley (Ex-Officio Member)	Chris Punter
Deputy Stanley Ginsburg	Stephen Quilter
Ann Holmes	Angela Starling
Michael Hudson	Deputy John Tomlinson
Vivienne Littlechild	Philip Woodhouse *
Professor John Lumley	Revd Dr Martin Dudley (Ex-Officio Member)

Enquiries: Julie Mayer tel.no.: 020 7332 1410
Julie.Mayer@cityoflondon.gov.uk

John Barradell
Town Clerk and Chief Executive

AGENDA

1. **APOLOGIES**
2. **MEMBERS DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**
3. **ORDER OF THE COURT**
To receive the Order of the Court dated 1 May 2014

For Information
(Pages 1 - 2)
4. **ELECTION OF CHAIRMAN**
To Elect a Chairman in accordance with Standing Order 29.

For Decision
5. **ELECTION OF DEPUTY CHAIRMAN**
To Elect a Deputy Chairman in accordance with Standing Order No 30.

For Decision
6. **MINUTES OF THE PREVIOUS MEETING**
To agree the minutes of the meeting held on 17 March 2014

For Decision
(Pages 3 - 10)
7. **SERVICE LEVEL AGREEMENTS QUARTERLY REVIEW**
Report of the Director of Community and Children's Services

For Information
(Pages 11 - 22)
8. **PROGRESS OF SALES AND LETTINGS**
Report of the Director of Community and Children's Services

For Information
(Pages 23 - 26)
9. **BARBICAN LISTED BUILDING MANAGEMENT GUIDELINES- VOLUME IV - LANDSCAPE SPD (PROGRESS REPORT)**
Report of the Director of the Built Environment.

For Information
(Pages 27 - 30)
10. **UPDATE REPORT**
Report of the Director of Community and Children's Services

For Information
(Pages 31 - 44)

11. **BARBICAN TOWERS CONCRETE & STRUCTURAL DEFECT - (RESOLUTION FROM THE GRAND COURT OF WARDMOTE) - TO FOLLOW**
Report of the Director of Community and Children's Services
12. **MINUTES OF THE BARBICAN ESTATE RESIDENTS' CONSULTATION COMMITTEE (RCC) - TO FOLLOW**
To receive the minutes of the meeting held on 2 June 2014.
13. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
14. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**
15. **EXCLUSION OF THE PUBLIC**
MOTION – that, under Section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Local Government Act.
16. **NON-PUBLIC MINUTES**
To approve the Non-Public Minutes of the Meeting held on 17 March 2014.
For Decision
For Decision
(Pages 45 - 46)
17. **3 WHITE LYON COURT (LETTING APPROVAL)**
Report of the Director of Community and Children's Services
For Decision
(Pages 47 - 54)
18. **ARREARS UPDATE**
Report of the Director of Community and Children's Services
For Information
(Pages 55 - 58)
19. **WRITE OFFS**
Report of the Director of Community and Children's Services
For Information
(Pages 59 - 62)
20. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
21. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT WHILE THE PUBLIC ARE EXCLUDED**

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Agenda Item 3

WOOLF, Mayor	RESOLVED: That the Court of Common Council holden in the Guildhall of the City of London on Thursday 1st May 2014, doth hereby appoint the following Committee until the first meeting of the Court in April, 2015.
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BARBICAN RESIDENTIAL COMMITTEE

1. **Constitution**

A Non-Ward Committee consisting of,

- 11 Members who are non-residents of the Barbican Estate elected by the Court of Common Council, at least one of whom shall have fewer than five years' service on the Court at the time of their appointment
- three Members nominated by each of the following Wards:-
 - Aldersgate
 - Cripplegate Within
 - Cripplegate Without
- the Chairman or Deputy Chairman of the Community & Children's Services Committee (ex-officio)

The Chairman and Deputy Chairman of the Committee shall be elected from the Members who are non-residents of the Barbican Estate.

2. **Quorum**

The quorum consists of any four Members who are non-residents of the Barbican Estate.

3. **Membership 2014/15**

Non-Residents:-

- 4 (4) William Harry Dove, M.B.E., J.P., Deputy
- 3 (2) Jeremy Paul Mayhew, M.A., M.B.A., for two years
- 6 (4) Gareth Wynford Moore
- 6 (3) Michael Hudson
- 2 (2) Graham David Packham, for three years
- 2 (2) Philip John Woodhouse, for three years
- 2 (2) Alex Bain-Stewart M.Sc., J.P.
- 2 (2) Christopher Paul Boden
- 15 (1) Stanley Ginsburg J.P., Deputy
- 2 (1) Ann Holmes
- 5 (1) Henrika Johanna Sofia Priest

Residents:-

Nominations by the Wards of Aldersgate and Cripplegate (Within and Without), each for the appointment of three Members

Aldersgate

Randall Keith Anderson
John Stuart Penton Lumley, Professor
Joyce Carruthers Nash, O.B.E., Deputy

Cripplegate (Within)

David John Bradshaw
Vivienne Littlechild
Angela Starling

Cripplegate (Without)

John Tomlinson, B.A., M.Sc., Deputy
Stephen Douglas Quilter, B.Sc.(Hons.)
Chris Punter

together with the ex-officio Members referred to in paragraph 1 above.

4. **Terms of Reference**

To be responsible for:-

- (a) the management of all completed residential premises and ancillary accommodation on the Barbican Estate, eg. the commercial premises, launderette, car parks, baggage stores, etc. (and, in fulfilling those purposes, to have regard to any representations made to it by the Barbican Estate Residents' Consultation Committee);
- (b) the disposal of interests in the Barbican Estate pursuant to such policies as are from time to time laid down by the Court of Common Council.

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BARBICAN RESIDENTIAL COMMITTEE

Monday, 17 March 2014

**Minutes of the meeting of the Barbican Residential Committee held at Guildhall
on Monday, 17 March 2014 at 11.30am**

Present

Members:

Gareth Moore (Chairman)
Henrika Priest (Deputy Chairman)
Alex Bain-Stewart
Christopher Boden
David Bradshaw
Deputy Billy Dove
Michael Hudson
Jeremy Mayhew
Deputy Joyce Nash
Graham Packham
Chris Punter
Stephen Quilter
Deputy John Tomlinson
Revd Dr Martin Dudley (Ex-Officio Member)

In Attendance:

George Gillon – Chief Commoner
Prof. John Lumley – Ward Member (Aldersgate)

Officers:

Ade Adetosoye	- Director of Community and Children's Services
Michael Bennett	- Community and Children's Services
Helen Davinson	- Community and Children's Services
Anne Mason	- Community and Children's Services
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Eddie Stevens	- Community and Children's Services
Karen Tarbox	- Community and Children's Services
Paul Beckett	- Department of the Built Environment
Alan Bennetts	- City Solicitor's
Richard Howlett	- City Solicitor's
Mark Jarvis	- Chamberlain's
Julie Mayer	- Town Clerk's

1. APOLOGIES

Apologies were received from Barbara Newman, Angela Starling, Philip Woodhouse, Randall Anderson, Ann Holmes, Deputy Stanley Ginsburg and Vivienne Littlechild.

2. **MEMBERS DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**

In respect of agenda Item 4 (Concrete Investigation and Repairs) the City Solicitor advised that, in accordance with Standing Order 22 (2) and the provisions of the Localism Act 2011, resident members of the Barbican Estate did not have a dispensation in this matter. However, the City Solicitor advised that, given the way in which the recommendation had been worded, there was a degree of flexibility which permitted members to address the meeting but not vote.

3. **MINUTES OF THE PREVIOUS MEETING**

The public minutes of the meeting held on 9th December 2013 were approved as a correct record.

4. **CONCRETE INVESTIGATIONS AND REPAIRS**

The Committee received a report of the Director of Community and Children's Services, in respect of the concrete repairs to the Barbican Estate. The report provided a background to the required works and responded to a Resolution from the Ward of Cripplegate, Within and Without, to the Court of Common Council in 19 April 2012.

The Chairman invited each member to express their views. During the discussion and debate the following items were raised/noted:

- Members noted that 2 items of correspondence had arrived after the despatch of the agenda; they would be circulated to members as soon as possible.
- Members welcomed a more comprehensive report and commended officers and the Chairman for their commitment to ensuring that members would be able to make a well-informed decision.
- At the core of this issue was whether the concrete works would repair 'a defect affecting the structure or a structural defect'. A view was expressed in that the structure was probably adequate by 1960/70's building standards. Had it deteriorated since, it might not necessarily mean it was defective but just in need of running repairs.
- Whilst noting that only 11 out of a possible 300 leaseholders had withheld payment, members accepted that there was a high level of dissatisfaction amongst residents. It was also understood that, if the recommendation was agreed today, further challenge and discovery would follow.
- There were mixed views expressed about the balance of the legal opinion. Members noted that the Barbican Association's lawyers had not met with the City Solicitor to date, as Counsel's opinion had not been provided. The City Solicitor confirmed that he had responded fully to all queries and been available for meetings.
- Given there was no 'sinking fund', the charge would be particularly unfair on the newer lessees on the Estate. However, it was also noted that, as an ex-local authority estate, the Barbican was prohibited from having a sinking fund but the City always sought to spread any charges over 2/3 financial years. Members asked whether an alternative to a sinking fund

might be considered but noted that a previous attempt to do so had failed.

- In respect of the Section 20 Notice; once the initial investigation had been undertaken and it became apparent that the costs would increase significantly, an LVT was granted and served on all residents. An application for dispensation from further consultation was made to the Leasehold Valuation Tribunal, and for the retention of the preferred contractor, Structural Renovations. The Tribunal granted the application. However, the BA did not contest the application as it did not wish to delay the remedial works, nor engage a different contractor which might have impacted on continuity of workmanship etc.

It was moved by Mr Bain-Stewart, Seconded by Mr Hudson and agreed that the debate should close and a vote be taken.

Of 12 possible voting members (which included a resident who was a tenant of the City of London Corporation and not a Leaseholder), 3 had submitted apologies and 3 abstained.

(Ex-Officio and Resident Members did not have a vote).

5 voted for (the Chairman did not exercise a casting vote)

1 voted against

It was therefore, RESOLVED, that:

Having considered the findings of the concrete investigation, the conclusion in response to the Resolution was agreed; i.e. that the works are not the rectification of a structural defect but rather general repairs and maintenance and that the lease stipulates such work is recoverable through the service charge.

5. BACKGROUND UNDERFLOOR HEATING

The Committee received a report of the Director of Community and Children's Services, which set out the progress of the Background Underfloor Heating Working Party. Members noted that the focus of the working party had been to review the current contract with EDF Energy and the future energy provider, with effect from October 2014. In response to a question about the amount of electricity used on the underfloor heating, officers advised that this was 22,230,698 KWH's in 2012/13.

RESOLVED, that:

The progress of the Barbican Estate Background Underfloor Working Party be noted.

6. SERVICE CHARGE RECONCILIATION 2012/13

The Committee received a joint report of the Chamberlain and the Director of Community and Children's Services, which summarised the service charge reconciliation of the 2012/13 actuals, as per the closed accounts, and the amount charged to the lessees. Members commended the simple format of the report and asked if it could be incorporated into the September report.

RESOLVED, that:

The service charge reconciliation report be noted.

7. PROGRESS OF SALES AND LETTINGS

The Committee received a report of the Director of Community and Children's Services, which advised members of the sales and lettings which had been approved by officers since the last meeting. Members noted an error on the printed agenda whereby 'Open Market Sales' should state £130,944,262,97 and not £130, 994,262,97.

RESOLVED, that:

The sales and lettings report be noted.

8. UPDATE REPORT

The Committee received a report of the Director of Community and Children's Services, updating members on issues raised by the Residents' Consultation Committee and the Barbican Residential Committee at their meetings in November/December 2013. The report also provided updates on other issues on the Estate.

Members noted that the redecorating works to the car parks had been funded by an underspend on the Community and Children's Services budget, which had been authorised by the Director. In response to a question, officers advised that the majority of car park spaces on the Estate were rented and therefore the works would affect the service charges. However, officers confirmed that all City Fund activity was distinct from service charge activity and all carry forwards were returned to the centre.

The Director of Community and Children's Services advised that, going forward, the Chamberlain was widening the consultation on the use of underspends with the Chairmen and Deputy Chairman of the Service Committees. However, given the current service based reviews and budget pressures, it was unlikely that similar opportunities would reoccur.

RESOLVED, that:

The update report be noted.

9. SERVICE LEVEL AGREEMENTS QUARTERLY REVIEW

The Committee received a report of the Director of Community and Children's Services, which updated Members on the review of the Estate-wide implementation of Service Level Agreements and Key Performance Measures, for the quarter October to December 2013.

RESOLVED, that:

The work undertaken by the Barbican Estate Office and the Resident Working Party, to monitor and review the implementation of the SLA's and KPI's estate-wide, be noted.

10. **CORPORATE GOVERNANCE - SCHEME OF DELEGATIONS AND STANDING ORDERS**

The Committee considered a report of the Town Clerk on the Officer Scheme of Delegation and Standing Orders. Members noted that all service committees had been required to consider those elements which fell within their areas of responsibility. In respect of the Scheme of Delegations for the Director of Community and Children's Services, in relation to the Barbican Estate, Members suggested that 1 (b), in the appendix to the report, be amended as follows:

To authorise sale prices above or below consultant values – to be amended to '*at or above consultant values*'.

RESOLVED, that:

1. Subject to the approval of the Policy and Resources Committee of the overall Scheme of Delegation, the delegations relating to the Director of Community and Children's Services, in respect of the Barbican Estate, as set out in the appendix to this report be approved, subject to the amendment to 1 (b) set out above.
2. The proposed amendment to Standing Orders relating to the declaration of operational property assets, which are surplus to requirements, be noted.

11. **MINUTES OF THE BARBICAN ESTATE RESIDENTS' CONSULTATION COMMITTEE (RCC)**

The minutes of the RCC's AGM held on 3rd February and its last meeting on 3rd March 2014 were received.

12. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

There were no questions

13. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

The Chairman agreed to the submission of an item of urgent business in respect of the Department of Communities and Local Government's '*Review of Property Conditions in the Private Rented Sector*', which sought to scrap current legislation whereby Londoners need to seek planning permission if they wanted to rent out their homes for any period less than three months. Members noted that the matter was open for consultation until the 28 March 2014.

Given that there might be strong differences of opinion, members of the RCC, at their meeting on 3rd March 2014, agreed that the best way forward would be to canvass residents via an email broadcast. The BEO would then analyse responses. The Chairman thanked the Chairman of the RCC (Tim Macer) and the officers for conducting this survey so quickly, the results of which had been circulated to members before the meeting.

The Policy and Performance Director (Department of the Built Environment) was in attendance for this item and advised Members that the City intended to respond to this Government consultation. They would be objecting to the proposed loss of local planning control in London over change of use from permanent housing to short term lets (temporary sleeping accommodation). Members noted that this was consistent with the City's policy position in the draft City Local Plan, where a specific policy (DM21.6) says that; '*such changes would not normally be permitted within residential areas where it could result in poor residential amenity including excessive noise or disturbance*'. The results of the Barbican residents' survey, and their clear majority against the proposed change, could form part of the response.

14. **EXCLUSION OF THE PUBLIC**

RESOLVED, that:

Under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following item on the grounds that they involve the likely disclosure of exempt information as defined in Part 1, of the Schedule 12A of the Local Government Act.

Item No	Paragraph No
15 – 18	3
19	-
20	3, 5

15. **RESIDENTIAL RENT REVIEW**

The Committee considered a report of Director of Community and Children's services, which sought to review the rent for homes of the Barbican Estate, let under City of London tenancies.

16. **ARREARS REPORT**

The Committee received a report of the Director of Community and Children's Services, which advised members of the current arrears in respect of tenants and leaseholders on the Barbican Estate and the recovery action being taken.

17. **BARBICAN WRITE OFFS**

The Committee considered a report of the Director of Community and Children's Services which sought approval to write off a debt which was considered uneconomic to pursue.

18. **DECISIONS TAKEN UNDER URGENCY/DELEGATED AUTHORITY**

The Committee received a report of the Town Clerk, which advised Members of the action taken under delegated authority or urgency, since the last meeting of the Committee, as follows:

Underfloor Heating – Barbican Estate
Vinci Park Service UK Ltd – 99 Aldersgate Street, Barbican, London

RESOLVED, that:

The above actions taken under urgent/delegated authority be noted.

19. **NON PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

There were no questions

20. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREE SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

On concluding the business of the meeting, Members thanked the Chairman for an excellent Committee Dinner on 12 March 2014

The meeting ended at 12.55pm

Chairman

Contact Officer: Julie Mayer
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Committee(s): Residents' Consultation Committee Barbican Residential Committee	Date(s): 02 June 2014 16 June 2014	Item no.
Subject: Service Level Agreements Quarterly Review January – March 2014		
Report of: Director of Community and Children's Services	Public	
<p>Executive Summary</p> <p>This report, which is for noting, updates Members on the review of the estate wide implementation of Service Level Agreements (SLAs) and Key Performance Measures (KPIs) for the quarter January to March 2014. This report details comments from the House Officers and the Resident Working Party and an ongoing action plan for each of the five SLAs.</p> <p>Recommendation</p> <p>That the Committee notes the work undertaken by the Barbican Estate Office and the Resident Working Party to monitor and review the implementation of SLAs and KPIs estate-wide and to identify and implement actions where appropriate, to improve services.</p>		

Background

1. This report covers the review of the quarter for January to March of the eighth year of the estate-wide implementation of the SLAs and KPIs with comments from the House Officers and the resident Working Party as well as an ongoing action plan for each of the service areas.

Current Position

2. All of the agreed six weekly block inspections have been completed in the quarter January to March.
3. House Officers, Resident Services Manager and the Barbican Estate Manager attended the recent SLA Working Party review meeting in January to review the SLAs and KPIs. Any new comments from the residents Working Party (Tim Macer, Chris Mounsey, Randall Anderson,

Jane Smith, David Graves, Robert Barker, Gianetta Corley), House Officers, surveys, House Group meetings and complaints are incorporated into the January to March comments.

4. Actions identified following each quarterly review have been implemented where appropriate and comments are included in the action plans in Appendices 1, 2, 3, 4 and 5. The KPIs are included in Appendix 6. The action plans monitor and show the progress made from each of the quarterly reviews together with all of the comments and responses/actions from the House Officers and resident working party. All of the unresolved issues from the previous quarterly reviews to December 2013 have been carried forward to this current quarterly review. The House Officers as residents' champions determine whether the issue has been dealt with and completed.
5. All of the resolved issues to December 2013 have been filed as completed by the House Officers in conjunction with the resident working party. Once comments are completed, they will be removed and filed.

Proposals

6. The Barbican Estate Office will continue to action and review the comments from the House Officers and Resident Working Parties related to the Customer Care, Supervision and Management, Estate Management, Property Maintenance, Major Works and Open Spaces SLAs.
7. The review of the SLAs and KPIs for the quarter April to June 2014 will take place in July and details of this review will be presented at the September committees.

Conclusion

8. The reviews will continue on a quarterly basis with the Resident SLA working party and actions will be identified and implemented where appropriate, to improve services.

Background Papers: Quarterly reports to committee from 2005.

Contact: *Michael Bennett, Barbican Estate Manager*
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APPENDIX 1

SERVICE LEVEL AGREEMENT REVIEW- CUSTOMER CARE, SUPERVISION AND MANAGEMENT 2014

	<u>Quarter</u>	<u>LL/SC</u>	<u>COMMENT/QUERY</u>	<u>RESPONSE/ACTION</u>	<u>COMPLETED</u>
156	April - June 2012	SC	House Officers sporadically receiving copies of complaint letters to PS.	BEO Manager attending PS weekly meetings which should improve communications but as the issue remains, further work needs to be done. PS responses to copy in the relevant HO.	
164	Apr - Jun 2013	SC	To review communication with off site long lessees (in terms of blockwide notices).	Currently being reviewed as part of the BEO Communications Strategy. Email address could also be used once this information has been gathered.	
168	Oct-Dec 2013	SC	PS are looking to use all the resident data to improve the service eg. sending water penetration letters to absentee landlords	Work is progressing with the data processing.	
170	Oct-Dec 2013	LL	Beech Gardens Project Communication Plan has been discussed and approved with the Project Board and is currently in operation.	Weekly bulletins going out, and Resident Meetings now quarterly due to lack of demand.	✓
171	Jan- Mar 2014	n/a	Extra column added to SLA action plans to clarify where these comments sit - is it a Landlords area or the Service Charge?	For comment only.	✓
172	Jan- Mar 2014	LL & SC	Changes to Barbican Estate Services team to include responsibility for commercial portfolio and common areas of the Estate.	For comment only.	
173	Jan- Mar 2014	LL & SC	HO role to also incorporate the Leasehold Services role eg lease enforcement, neighbour disputes, noise issues.	For comment only.	
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			Quarter - at the end of each quarter issues are raised by the House Officers and SLA Working Party which are then presented to service providers		
			Completed Actions - House Officers as residents' champions determine whether the issue has been dealt with and completed satisfactorily		
			SLA Service Level Agreement	LS Leasehold Services	
			CPA Car Park Attendant	DCCS Department of Children and Community Services	
			LP Lobby Porter	COG Core Operational Group	
			ES Estate Services	BOG Barbican Operational Group	
			BAC Barbican Arts Centre	ESM Estate Service Management	
			OS Open Spaces	DMT Departmental Management Team	
			WP Working Party	PS Property Services	
			GAG Gardens Advisory Group	LL/SC Landlord/Service Charge cost	
			HO House Officers		

APPENDIX 2

SERVICE LEVEL AGREEMENT REVIEW - ESTATE MANAGEMENT 2014

	<u>Quarter</u>	<u>LL/SC</u>	<u>COMMENT/QUERY</u>	<u>RESPONSE/ACTION</u>	<u>COMPLETED</u>
139	Oct - Dec 12	LL	Cromwell railings - to monitor if bicycles being locked on, is now more of an issue with the cinemas open.	BAC currently looking for funding for new bicycle railings outside the cinemas.	
144	Apr - Jun 13	LL	Following Resident Survey. Cleaning Manager reviewing podium cleaning levels/staffing at weekends	Supervisors are carrying out weekend inspections at the moment and staffing levels and cleaning frequencies will be altered accordingly.	
150	Apr - Jun 13	SC	Following Resident Survey. Handover to temporary concierge can be problematic.	BEO use a pool of regular agency staff who have all worked here before. Manual is available which covers all issues, but improvement is needed.	
152	Jul - Sep 13	SC	Cleaning Supervisors to pick up and action cleaning issues as outlined in inspection reports.	This has improved as each area is reviewed and issues highlighted	✓
154	Oct - Dec 13	SC/LL	Cleaning KPIs have dropped this quarter. Cleaning Manager to ensure action plans are followed.	KPIs for this quarter show that things are improving.	
155	Jan-Mar14	SC	Recruitment currently underway for 4 Estate Concierge and Tower Lobby Porters.	Completed May 2014	✓
156	Jan-Mar14	SC	League Table of cleaning results in Cleaners Mess Room has had a positive effect on the standards of cleaning.	For comment only	✓
157	Jan-Mar14	SC	Good feedback received from a number of AGMs about members of the cleaning team	For comment only	✓
158	Jan-Mar14	BAC	Lakeside Terrace - standard of cleanliness - especially BAC staff areas. Also outside Cote & Cinema café	BEO to speak with Street Enforcement Team plus organise meeting with BAC. Residents to mention at next BAC meeting	

APPENDIX 3

SERVICE LEVEL AGREEMENT REVIEW - PROPERTY MAINTENANCE 2014

	<u>Quarter</u>	<u>LL/SC</u>	<u>COMMENT/QUERY</u>	<u>RESPONSE/ACTION</u>	<u>COMPLETED</u>
145	Oct-Dec 2011	SC	Water penetration procedure - the letters to update residents on the cause of a leak seem to be being sent out sporadically. Letters not being sent out could lead to complaints and problems caused by residents making late insurance claims.	Reviewed and letters updated. Further monitoring following changes. A note is now added to the repairs system once a letter has been sent to a resident. Letters are being sent out more promptly.	
163	Jan - Mar 13	SC	Asset Maintenance WP - more detail about the actual assets and current cyclical programmes to be forthcoming	Draft Asset Management Strategy was discussed at the Jan 2014 WP meeting. Next WP meetings scheduled for June and rest of year.	
165	Apr - Jun 2013	SC	From Resident Survey. Communication and follow up from Repairs can be patchy.	Fed back to PS team. The raising of follow on orders following water penetration has improved and it easier to track these orders on the repairs system as further detailed information is being included on the leak investigation order.	
168	July - Sept 2013	LL	Podium tiling (Landlords items) are being reviewed and prioritised by BEO.	Priorities are Lauderdale Place, Defoe Place, Ben Jonson Highwalk, St Giles Terrace - scheduled works to most of these areas is nearing completion.	✓
170	Oct-Dec 2013	SC	Repairs Call Centre - issues with raising orders and updating feedback following leak investigations.	See point 165.	✓
171	Oct-Dec 2013	SC	Accuracy of water penetration letters can cause problems when incorrect information is sent out regarding the cause of a leak or what remedial work is planned to cure a leak.	See point 145 and 165.	✓
172	Oct-Dec 2013	SC	PS short staffed at moment. New Surveyor starting soon.	Surveyor for housing started March14.	✓
173	Jan - Mar 14	SC	Scaffolding - concerns have been raised with the method and construction of scaffolding on the estate. Are proper H/S practices being adhered to, is scaffolding being checked by PS?	Been reviewed by PS.	
174	Jan-Mar 14	SC	Scaffolding - when contractors identify that scaffolding may be required to resolve a leak communication on this needs to be improved as it can often be a period of a number of months before the scaffolding is actually constructed for the work.	Been reviewed by PS.	
175	Jan-Mar 14	LL	Electromagnetic survey was completed (for the aerial installations) in March14 to be circulated to House Group chairs of the tower blocks upon receipt of the report.	For comment only.	✓

APPENDIX 4
SLA AGREEMENT REVIEW - MAJOR WORKS 2014

	<u>Quarter</u>	<u>LL/SC</u>	<u>COMMENT/QUERY</u>	<u>RESPONSE/ACTION</u>	<u>COMPLETED</u>
94	Jan-March 2012		Concrete survey - are other blocks to be tested?	The concrete consultants in their report on the Towers recommended that a programme of checks and tests be carried out on the low rise blocks. The initial investigation and making safe has been completed to Breton/Mountjoy. The report has been reviewed by the specialist consultant, John Broomfield, who has produced a specification and recommendations for remedial works. The specialist contractor is to provide a quotation for undertaking the necessary remedial works.	
113	Oct-Dec 2013	SC	2014/15 redecoration project is a large project with a number of blocks included - work is on-going with tendering. Condition surveys are complete.	Statutory consultation April14.	
114	Oct-Dec 2013	SC	Scaffolding arrangements for redecoration projects are being reviewed. The scaffolding is going to be more precisely specified to prevent the issues encountered in 2013/14	Included in the tender documents is a precise specification for scaffolding.	
115	Oct-Dec 2013	SC	Redecoration project - where scaffolding is being used for inaccessible areas of a block - all other repairs in that area should also be covered.	PS project manager to prioritise repair works off the scaffolding and there is a contingency for additional works.	
116	Jan-Mar 14	SC	Pre start meeting for redecoration will be scheduled after the statutory consultation has been sent out.	Resident Meeting April 2014	
117	Jan-Mar 14	LL	Podium plinths Ben Jonson Place - the Dept. of the Built Environment, BEO and Planning Dept. are carrying out a joint exercise looking at a method for re-tiling these plinths so that the tiles remain stuck on which may involve a different design or shaped tile.	Discussions ongoing	

APPENDIX 5
SERVICE LEVEL AGREEMENT REVIEW - OPEN SPACES 2014

	<u>Quarter</u>	<u>LL/SC</u>	<u>COMMENT/QUERY</u>	<u>RESPONSE/ACTION</u>	<u>COMPLETED</u>
127	Jul - Sep 12	SC&LL	Various difficult to access areas - problems with safety equipment currently being reviewed.	Thomas More Hanging Gardens - quote from contractor. PS completing a Listed Building Consent application.	
				Frobisher Buttresses - a satisfactory method now found. Contractors will abseil in Spring 2014. One (possibly 2) visits per year.	
134	Oct - Dec 13	LL	Allotment project to be extended in the Spring	Now complete	✓
135	Oct - Dec 13	SC	Issues with OS contractors using loud machinery at weekends. OS Officers will monitor more carefully in future.	Now complete	✓
137	Jan- Mar 14	LL	Positive comments received about spring planting	For comment only.	✓
138	Jan- Mar 14	LL	Policy regarding squirrels has been confirmed and reiterated to residents (letters).	For comment only.	✓
139	Jan- Mar 14	SC	Reseeding and returning of areas of lawn discussed with OS. To be actioned in Spring.		

Barbican KPIs 2013-14

Title of Indicator	Actual 2012/13	TARGET 2013/14	OCT- DEC 2012	JAN- MAR 2013		APR- JUN 2013	JULY- SEPT 2013	OCT- DEC 2103	JAN- MAR 2014	PROGRES S AGAINST TARGET	SUMMARY
Customer Care											
Answer all letters satisfactorily with a full reply within 10 working days	83%	100%	91%	98%		93%	92%	96%	96%	☹	2 letters were responded past the 10 day deadline
Answer all emails to public email addresses within 1 day and a full reply to requests for information within 10 days	96%	100%	97%	100%		95%	100%	89%	96%	☹	1 email was responded to past the 10 day deadline
To resolve written complaints satisfactorily within 14 days	92%	100%	100%	100%		96%	97%	100%	100%	☺	
Repairs & Maintenance											
% 'Urgent' repairs (complete within 24 hours)	98%	95%	97%	99%		97%	96%	98%	98%	☺	
% 'Intermediate' repairs (complete within 3 working days)	96%	95%	95%	98%		96%	98%	98%	97%	☺	
% 'Non-urgent' repairs (complete within 5 working days)	96%	95%	97%	97%		96%	97%	98%	94%	☹	Missed target by only 1% (16 out of 2026 orders)

% 'Low priority' repairs (complete within 20 working days)	95%	95%	95%	98%		98%	97%	96%	92%	☹️	The period Jan to Mar 2014 has seen very bad weather, and despite contracting in additional roofing and drainage contractors, bad weather inhibited some works and affected overall performance for this quarter. It is not a general reflection on the overall repairs service
Availability % of Barbican lifts	N/A	New Target				Tower lifts 99.78%	Tower lifts 98.47%	Tower lifts 97.08%	Tower lifts 99.21%	☺️	
						Terrace lifts 99.52%	Terrace lifts 99.27%	Terrace lifts 99.42%	Terrace lifts 99.06%		
Percentage of communal light bulbs - percentage meeting 5 working days target	85%	90%	87%	85%		83%	98%	96%	100%	☺️	
Background heating -percentage serviced within target. Total loss 24hrs/ Partial loss 3 working days	Total 74% Partial 92%	Total 90% Partial 90%	Total 62% Partial 95%	Total 86% Partial 89%		n/a	n/a	Total 85% Partial 100%	Total 100% Partial 100%	☺️	

Communal locks & closures - percentage of repeat orders raised within 5 working days of original order	Will 0% Ben J 0% Sed 0%	0%	0%	0%		0%	0%	0%	0%	😊	
Replacement of lift car light bulbs - percentage meeting 5 working days target	90%	90%	94%	87%		85%	95%	83%	100%	😊	
Estate Management											
House Officer 6-weekly joint inspections with House Group representatives monitoring block cleaning - good and very good standard	94%	90%	100%	82%		92%	87%	82%	97%	😊	
House Officer 6-weekly joint inspections with House Group representatives monitoring communal window cleaning - good and very good standard	91%	80%	95%	97%		80%	94%	79%	95%	😊	

House Officer 6-weekly joint inspections with House Group representatives monitoring podium cleaning - good and very good standard	94%	80%	97%	95%		92%	87%	96%	90%	😊	
House Officer 6-weekly joint inspections with House Group representatives monitoring car park cleaning - good and very good	94%	80%	100%	90%		97%	94%	84%	97%	😊	
Open Spaces											
To carry out variations/additional garden works (other than seasonal works and unless other timescale agreed) within 6 weeks (30 working days) of BEO approval	94%	80%	100%	100%		100%	100%	100%	100%	😊	
Major Works											
% Overall Resident satisfaction of completed Major Works Projects (£50k+)	96%	90%	n/a	n/a		n/a	n/a	95%	n/a	😊	

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Committee(s): Residents' Consultation Committee Barbican Residential Committee	Date(s): 2 June 2014 16 June 2014	Item no.
Subject: Progress of Sales & Lettings		
Report of: Director of Community and Children's Services	Public	
<p><u>Executive Summary</u></p> <p>This report, which is for information, is to advise members of the sales and lettings that have been approved by officers since your last meeting. Approval is under delegated authority and in accordance with Standing Orders. The report also provides information on surrenders of tenancies received and the number of flat sales to date.</p> <p>Recommendation: That the report be noted.</p>		

Main Report

BACKGROUND

1. The acceptance of surrenders of tenancies and the sale and letting of flats are dealt with under delegated authority and in accordance with Standing Orders 77a and 77b.

SURRENDERS

2. There have been no surrenders since your last meeting.

RIGHT TO BUY SALES

- 3.

	12 May 2014	06 February 2014
Sales Completed	1076	1075
Total Market Value	£91,536,908.01	£90,761,908.01
Total Discount	£29,230,964.26	£29,130,964.26
NET PRICE	£62,305,943.75	£61,630,943.75

OPEN MARKET SALES

4.

	12 May 2014	06 February 2014
Sales Completed	834	833
Market Value	£131,395,262.97	£130,944,262.97

5. Fifteen exchanges of sold flats have taken place with the sum of £720,254 being paid to the City of London.
6. The freeholds of 14 flats in Wallside have been sold with the sum of £35,000 being paid to the City of London.
7. A 999 year lease has been completed with the sum of £43,200 being paid to the City of London.

APPROVED SALES

8.

CASE	Block	Floor	Type	Price	Remarks as at 12 May 2014
1	Shakespeare Tower	18	4 bed	£1,727,009.00	Proceeding

APPROVED LETTINGS

9. There have been no lettings approved since your last committee

11. SALES PER BLOCK

BLOCK	TOTAL NO. OF FLATS IN EACH BLOCK	TOTAL NO. SOLD IN EACH BLOCK	NET PRICE £	% NO. OF FLATS SOLD IN EACH BLOCK
ANDREWES HOUSE	192	182	14,913,260.00	94.79
BEN JONSON HOUSE	204	195	14,132,454.83	95.59
BRANDON MEWS	26	24	1,057,460.00	92.31
BRETON HOUSE	111	105	6,806,712.50	94.59
BRYER COURT	56	55	2,307,338.50	98.21
BUNYAN COURT	69	66	4,693,780.00	95.65
DEFOE HOUSE	178	170	14,644,782.50	95.51
GILBERT HOUSE	88	85	9,381,852.50	96.59
JOHN TRUNDLE COURT	133	131	4,467,527.50	98.50
LAMBERT JONES MEWS	8	8	1,400,000.00	100.00
MOUNTJOY HOUSE	64	63	5,925,723.50	98.44
THE POSTERN/WALLSIDE	12	8	2,499,630.00	66.67
SEDDON HOUSE	76	74	7,675,677.50	97.37
SPEED HOUSE	114	104	8,933,148.50	91.23
THOMAS MORE HOUSE	166	162	13,668,455.00	97.59
WILLOUGHBY HOUSE	148	145	13,542,670.50	97.97
TERRACE BLOCK TOTAL	1645 (1645)	1577 (1575)	126,050,473.33 (124,924,473.33)	95.87 (95.74)
CROMWELL TOWER	112	99	20,663,501.00	88.39
LAUDERDALE TOWER	117	113	22,703,779.63	96.58
SHAKESPEARE TOWER	116	107	21,622,406.76	92.24
TOWER BLOCK TOTAL	345 (345)	319 (319)	64,989,687.39 (64,989,687.39)	92.46 (92.46)
ESTATE TOTAL	1990 (1990)	1896 (1894)	191,040,160.72 (189,914,160.72)	95.28 (95.18)

The freeholds of 14 Flats in Wallside have been sold. The net price achieved for the purchase of the original leasehold interest and the subsequent freehold interest is £3,459,500.

The figures in brackets are as stated at your last meeting.

Contact: Anne Mason
anne.mason@cityoflondon.gov.uk
Telephone Number: 020 7029 3912

Agenda Item 9

Committee(s):	Date(s):
Barbican Residents Consultation Committee - For Information	2 nd June 2014
Barbican Residential Committee - For Information	16 th June 2014
Subject: Barbican Listed Building Management Guidelines – Volume IV – Landscape SPD – Progress report	Public
Report of: Annie Hampson	For Information
Summary	
<p>In May 2005, the Barbican Estate Listed Building Management Guidelines Volumes I and II were adopted. Following a planned review, revised Volumes I and II were adopted as a Supplementary Planning Document on 9th October 2012.</p> <p>Volume IV – Landscape of the Barbican Estate Listed Building Management Guidelines is now in preparation. A working party has been convened to represent all stakeholders (internal and external) on the estate and 5 meetings have been held to provide a forum for comment on a range of issues affecting the Landscape of the Barbican Estate. The draft text is being finalised and will be presented to Planning and Transportation Committee on 17th July 2014, requesting approval to carry out a Public Consultation. The Public Consultation would take place during July/August/September. Once this has been completed and all the comments collated, the final document will be presented to your Committee for consideration, prior to approval and adoption as an SPD by the Planning and Transportation Committee.</p> <p>Members are asked to:</p> <ul style="list-style-type: none">• Note the report	

Main Report

Background

1. In May 2005, the Barbican Estate Listed Building Management Guidelines Volumes I & II Supplementary Planning Guidance were adopted by Planning and Transportation Committee.
2. A five year review of the document began in 2010 with the reconvention of the original Working Party. In accordance with the review procedure set out in Volume I, Section 12. Avanti Architects, the consultants for the Barbican Listed Building Management Guidelines, were retained to assist the process. The revised document was adopted as an SPD in 2012 following public consultation. This is a material consideration in the consideration of applications for planning and listed building consent on the residential part of the Barbican Estate.
3. The introduction to Volume II identified two further Volumes to complete the suite of documents. Volume III (Arts Centre, Schools and other buildings), and Volume IV (Landscaping).
4. In 2013 the opportunity arose to fund Volume IV – Landscaping. It was an optimum time to assess this aspect of the estate and provide formal guidance for the Landscaping in order to inform future projects and proposals.
5. A working party was formed made up of a wide variety of stakeholders on the Barbican Estate. Avanti Architects were retained as consultants to develop the draft text. 5 meetings of the working party have been held since January 2014.
6. Volume IV – Landscaping of the Barbican Estate Listed Building Management Guidelines comprises of three parts.
7. Part One – Management Guidelines SPD. This relates to the landscape and open space elements of the Estate, considers their architectural significance, and provides Management Guidelines relating to specific elements of the landscape, and guiding how change to these elements should be managed. This includes guidance in the form of the same ‘Traffic Light’ system as Volume II.
8. Part Two – Landscape, including soft landscaping and the potential for the development of a Landscape Management Plan for the Barbican Estate. This part of the document will be concerned with elements of the landscape which are not a part of the statutory designated heritage asset, but which contribute to the significance of the landscaping.
9. Part Three – Best Practice – this guide sets out best practice for a wide range of works. The document will be added to over time, as best practice is agreed between the Department of the Built Environment and stakeholders.

Current Position

10. Following 5 working party meetings the draft document is in the final stages of preparation.
11. Part one of the document is proposed as a Supplementary Planning Document (SPD) to the City of London Development Plan. (Please note: The Core Strategy will form part of the City's Development Plan once the Plan is adopted). SPDs must be prepared in accordance with procedures set out in relevant regulations and public consultation must be carried out in accordance with the City's Statement of Community Involvement, adopted in 2012.
12. It is proposed that the Barbican Listed Building Management Guidelines Volume IV - Landscape Draft SPD, and Part Two, Best Practice Guide, should be the subject of formal public consultation in July/August/September 2014. The draft text will be presented to Planning and Transportation Committee on 17th July requesting approval to proceed to the public consultation stage.
13. At the end of the formal consultation period I will report on the responses received and on any proposed amendments to the SPD as a result, to your Committee, prior to consideration and formal approval by to the Planning and Transportation Committee.

Options

14. There are no financial or risk implications arising from the proposed consultation process.

Corporate & Strategic Implications

15. The draft SPD supports Policy CS12 of the City's Core Strategy and emerging Local Plan, which seeks to safeguard 'the City's listed buildings and their settings, while allowing appropriate adaptation and new uses.'
16. The Community Strategy: The City Together Strategy contains five key themes. The theme relevant to the Barbican Estate is to 'protect, promote and enhance our environment', including the built environment of the City and its public realm.
17. The Barbican Listed Building Management Guidelines Draft SPD, Volume IV supports the Strategic aims of the Departmental Business Plan, relating to the sustainable design of the streets and spaces and the protection and enhancement of the City's built environment. These aims are met by promoting the protection and enhancement of the Barbican Estate.
18. An Equality Impact Assessment will be carried out once the draft text is complete.
19. A Sustainability Appraisal Screening will be carried out once the draft text is complete.

Implications

20. There are no financial implications or key risks associated with the proposal.

Conclusion

21. Members are recommended to note this report and the information contained within it.

Appendices

None

Petra Sprowson

Planning Officer, Department of the Built Environment

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Committee:	Date(s):	Item no.
Residents' Consultation Committee	02 June 2014	
Barbican Residential Committee	16 June 2014	
Subject: Update Report		
Report of: Director of Community and Children's Services		Public
<p><u>Executive Summary</u></p> <p>Barbican Estate Office</p> <ol style="list-style-type: none"> 1. "You Said; We Did" Action List – see appendix 1 2. Podium/Car Park Works 3. Agenda Plan <p>Property Services – see appendix 2</p> <ol style="list-style-type: none"> 4. Redecorations 5. Roof apportionments 6. Beech Gardens Podium Works 7. Asset Maintenance Plan 8. Public lift availability 9. Upgrade of the Barbican Television Network 10. Concrete Works <p>City Surveyors Department – see appendix 3</p> <ol style="list-style-type: none"> 11. St Alphage House 12. Public Lifts 13. Frobisher Crescent <p>Recommendations that the contents of this report are noted.</p>		

Background

This report updates members on issues raised by the Residents' Consultation Committee and the Barbican Residential Committee at their meetings in March 2014. This report also provides updates on other issues on the estate.

Barbican Estate Office Issues

1. "You Said; We Did" Action List

Appendix 1 includes issues raised by the RCC and BRC at their meetings in March and other outstanding issues.

2. Podium/Car Park Works

The following works have been completed across the Podium and in the Car Parks:

- Treat/re-stain and repairing all the benches across the podium
- Repainting all the covered walkway ceilings
- Repainting the following car parks - Andrewes, Speed, Defoe, Thomas More, Willoughby
- Replacement tiling works on Lauderdale Place, Defoe Place - Ben Jonson Highwalk, St Giles Terrace (still ongoing)

3. Agenda Plan

The table below includes a list of pending committee reports:

Residents' Consultation Committee & Barbican Residential Committee - Agenda Plan 2014

Report Title	Officer	RCC Meeting Date	BRC Meeting Date
Update Report <ul style="list-style-type: none"> • Agenda Plan 2014 • "You Said; We Did" • Property Services Update • City Surveyors Update 	Michael Bennett	8 Sept	22 Sept
SLA Review	Michael Bennett		
Automated Payment System for Temporary Car Parking Review	Barry Ashton		
Background Underfloor Heating Update	Mike Saunders		
Roof Apportionments for Shakespeare Tower, Breton & Ben Jonson House	Mike Saunders		
Garchey 5 Year Review	Mike Saunders		
Working Party Review – Minutes of Beech Gardens Future Landscaping Working Party	Karen Tarbox		
Working Party Review – Minutes of Beech Gardens Project Board	Karen Tarbox		
Annual Residents Survey	Helen Davinson		
Progress of Sales & Lettings	Anne Mason		
Arrears Report (BRC Only)	Anne Mason		
Annual Review of RTAs	Town Clerks		
Relationship of BRC Outturn Report to Service Charge Schedules – RCC Only	Anne Mason		

Revenue Outturn	Anne Mason		
Update Report <ul style="list-style-type: none"> • Agenda Plan 2014 • “You Said; We Did” • Property Services Update • City Surveyors Update 	Michael Bennett	24 Nov	8 Dec
SLA Review	Michael Bennett		
Progress of Sales & Lettings	Anne Mason		
Arrears Report (BRC Only)	Anne Mason		
Service Charge Expenditure & Income Account - Latest Approved Budget 2014/15 & Original Budget 2015/16	Chamberlains		
Revenue & Capital Budgets - Latest Approved Budget 2014/15 and Original 2015/16 - Excluding dwellings service charge income & expenditure	Chamberlains		
Working Party Review – Minutes of Asset Maintenance Working Party	Karen Tarbox		
Working Party Review – Minutes of Parcel Tracking System Working Party	Barry Ashton		
Car Park & Baggage Stores Charging Policy	Barry Ashton		

Background Papers:

Minutes of the Barbican Residential Committee 03 March 2014.
Minutes of Residents’ Consultation Committee 17 March 2014.

Contact Name Michael Bennett, Barbican Estate Manager
Tel: 020 7029 3923
E:mail: barbican.estate@cityoflondon.gov.uk

Appendix 1

“You Said; We Did” - Action List – June 2014

Actions from March 2014 RCC/BRC & other outstanding issues

Issue	Officer	Action Date
Customer Care		
Communications		
<ul style="list-style-type: none"> Minutes of Working Parties to be available on website - Working Party page set up - minutes loaded (Barbican Occupiers User Group TBC by City Surveyors) 	Helen Davinson	Ongoing
<ul style="list-style-type: none"> Formal Q&A Annual Residents meeting – BEO reviewing 	Michael Bennett	Ongoing
Revenue & Capital Budgets and Service Charge & Income Account Reports		
<ul style="list-style-type: none"> Costs – ‘City widened Line’ underground tunnel – additional electricity costs – for ongoing costs for changes made to the underground line – verbal update next BRC 	Mark Jarvis	Ongoing
Residents Survey		
<ul style="list-style-type: none"> BEO to consider annual survey due to success of online survey & show comparative data in next survey 	Helen Davinson	May/June 2014
Estate Services		
Services		
<ul style="list-style-type: none"> Podium litter - outside Gilbert House particularly at weekends – Cleaning Supervisors carried out spot podium inspections across the Estate March/April – few issues – to continue spot inspections through Spring/summer & review 	Michael Bennett	June
Major Works		
Beech Gardens		
<ul style="list-style-type: none"> Landscaping – pre-condition/types of planting – consultation process to include images of previous planting & proposed 	Karen Tarbox	Ongoing
Open Spaces		
SLA Review		
<ul style="list-style-type: none"> Wooden planters at Cromwell, Lauderdale Place & Defoe Place in disrepair to be replaced with concrete Drainage in Thomas Moore Garden – being reviewed by Property Services 	Helen Davinson	Completed Ongoing
Commercial		
Possible future additional communications antennae on Tower blocks		
<ul style="list-style-type: none"> If any damage to fabric of building from installations – would service charges be indemnified – if any 	Michael Bennett	Completed

<p>damage were to be caused to the blocks during installation of equipment on the roof, the likelihood is that the cost of remedial works would be the subject of an insurance claim, either against the block policy or against cover taken out by the service provider, not a charge on the service charge account</p> <ul style="list-style-type: none"> • Possible loss of services (availability of lifts) during installations – there has been little loss of services re current antennae installations 		Completed
Department of Built Environment (DBE)		
Podium Tiling		
<ul style="list-style-type: none"> • An alternative stair edging is being developed using a grooved tile, matching what appears to be the original design that incorporates yellow finish material into the grooves – we are liaising with Planning • Tiling review required for walkways on the Estate - priorities are Lauderdale Place (complete), Defoe Place (complete), Ben Jonson Highwalk (ongoing), St Giles Terrace (ongoing) • The plinths along Ben Jonson Highwalk will now be repaired by the Barbican Estate Office alongside our colleagues in the Department of the Built Environment. Our Technical officers are liaising with Planning officers to find a permanent solution to the tiles continually falling off & we have earmarked funds for this in financial year 2014/15. 	Helen Davinson	Ongoing
	Helen Davinson	Ongoing
	Michael Bennett/Helen Davinson	Ongoing
City Surveyors		
Frobisher Crescent		
<ul style="list-style-type: none"> • Compartmentation between flats – referred to Fire integrity of each flat 	Michael Bennett	
2 Fann Street - Redrow Development		
<ul style="list-style-type: none"> • Provision of cycle parking – no discussions so far with BEO 	Michael Bennett	
Barbican Arts Centre		
Barbican Exhibition Hall 1 – Proposed Tenant - London Film School (LFS)		
<ul style="list-style-type: none"> • Negotiation of the lease – contact officer: Alexandra Bentley – City Surveyors • Lease terms – opening hours: it has been agreed that LFS will have to draft & agree a Visitor's Management Plan similar to that drafted by the Barbican Cinemas. It has been agreed that this Visitor's Management Plan will prevent members of the public from being in the building after 23.00 	Michael Bennett	Ongoing Completed
<p>Contact: Michael Bennett, Barbican Estate Manager – 020 7029 3923 – barbican.estate@cityoflondon.gov.uk</p>		

4. Redecorations

2014/15 Programme

The 2014/15 programme includes the following blocks:

- Cromwell Tower (External)
- Ben Jonson House (External)
- Breton House (External)
- Bunyan Court (Internal)
- Frobisher Crescent (Internal & External)

Tenders for Ben Jonson House and Breton House are due to be returned on 16 May 2014.

Bunyan Court residents opted to defer the internal redecorations

The remaining blocks are due to be tendered in June 2014.

5. Roof Apportionments.

BLOCK	CURRENT STATUS	Estimated Final Account Verification	Estimated Final Apportionments
Breton House	Draft final apportionment being completed before passing to Working Party	N/A	September 2014
Ben Jonson House	Draft final apportionment being completed before passing to Working Party	N/A	September 2014
Shakespeare Tower	Committee report being finalised by Officers	N/A	September 2014

6. Beech Gardens Podium Works (As at 13 May 2014)

Work in progress

The main contractor, VolkerLaser Ltd is continuing with the works that commenced in November 2013 and completion is still envisaged by January 2014. Planning approval is currently being applied for in relation to the finished colour of the pond lining and resident members of the Project Board are playing an active role in this process.

VolkerLaser Ltd are presently working in most areas of the project site boundary and will shortly be reopening sections of the podium to the public, where both waterproofing and tiling have been completed.

Soft Landscaping

Following development of initial designs by J & L Gibbons, an alternative consultant has been commissioned on the advice of officers from Open Spaces. This consultant has submitted a concept design and is due to present this to the Landscaping Working Party May/June. A resident consultation exercise will take place before concluding the final landscaping design.

7. Asset Maintenance Plan

The Asset Management software (Keystone) went live on 12 May 2014. Although the system has been populated with known asset data there are areas that will require surveys to determine the age, condition and replacement costs. Meetings with the Barbican Asset Management Working Party have been set for the remainder of the year with the next meeting taking place in June. A demonstration of the live system will take place at that meeting.

8. Public Lift Availability

Availability of the public lifts under the control of Property Services is detailed below:

Lift	From April 2012 to March 2013	From April 2013 to March 2014
Turret (Thomas More)	99.9%	99.16%
Gilbert House	100%	99.70%

9. Upgrade of the Barbican Television Network

VFM are about to start work installing the new fibre back-bone within the subway. They will then begin to contact those residents who have expressed an interest in their services in order to commence installation within flats.

There has been a great deal of effort put into this project not least by members of the Television Working Party who have worked with officers to produce an SLA, review the license with VFM and review the detailed design of the network.

A very successful open day took place on 26 February 2014 which saw a large number of residents throughout the day and into the evening.

Updates have also been sent out via the email broadcast and these will increase as the project gets underway. VFM are also producing a comparison sheet detailing the costs of their services compared to services from other major suppliers.

10. Concrete Works

The initial investigation and making safe has been completed to Breton and Mountjoy Houses. The report has been reviewed by the specialist consultant, John Broomfield, who has produced a specification and recommendations for remedial works. Quotations are to be sought for undertaking remedial works.

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City Surveyors Update

Officers from the City Surveyors Department have provided the following updates:

11. St Alphage House

Demolition underway. Building due to start in July 2014 leading to completion of the buildings by March 2017. More information will be provided by Brookfield Multiplex in the news letter sent to Barbican residents and further consultation meetings are due to take place in May/June. Schrodgers a global asset management company have signed a legal agreement to occupy 1 London Wall Place (Eastern building) as their new HQ from late summer 2017.

12. Six Public Lifts serving the Barbican Estate

Public Lift report for the period 01/02/2014 to 30/04/2014

Location And Age	Status	% of time in service between 1/02/2014 And 30/04/2014	Period of time Not in Use Between 01/02/2014 To 30/04/2014	Comments Where the service is 95% or less or by exception
Little Britain Modernised 2007	IN SERVICE	100%	0 Hours	
London Wall (No.1) Lift Eastern Pavilion 2003	IN SERVICE	100%	0 Hours	
London Wall (No.1) Lift Western Pavilion 2003	IN SERVICE	98.9%	24 Hours	

Location And Age	Status	% of time in service between 1/02/2014 And 30/04/2014	Period of time Not in Use Between 01/02/2014 To 30/04/2014	Comments Where the service is 95% or less or by exception
London Wall (No.1) Western Pavilion Escalator (DOWN) 2003	IN SERVICE	95.6%	94.5 Hours	A number insurance defects items were identified in the month of April 2014 which resulted in a loss in service which in turn had a detrimental effect on the percentages being reported. These defects were corrected.
London Wall (No.1) Western Pavilion Escalator (UP) 2003	IN SERVICE	98.9%	24 Hours	
Moor House 2005	IN SERVICE	99.1%	19 Hours	
Moorgate Escalator (UP) 1973	NOT IN SERVICE	70.8%%	624 hours	March 2014 Allianz Insurance inspector had carried out a review of this unit and reported number of A and B defects which has recognised the need for the unit to be taken out of service, further concerns surrounding the age of the asset which has now reached the end of its natural lifecycle. It has also been identified that many of the parts/materials for this unit are now obsolete creating further challenges in bringing this unit back into service.
Wood Street Public Lift (Royex House) 2008	IN SERVICE	99.9%	2 Hours	

Location And Age	Status	% of time in service between 1/02/2014 And 30/04/2014	Period of time Not in Use Between 01/02/2014 To 30/04/2014	Comments Where the service is 95% or less or by exception
Speed House	IN SERVICE	100%	0 Hours	

13.Frobisher Crescent

The Heating System suffered from an outage on 27 February 2014. UHL have yet to respond in full regarding this incident. However, this has compromised the City Surveyor accepting handover of the system which was predicated on a defect free winter period. A meeting will take place with UHL to discuss the implications.

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Committee(s):	Date(s):
Barbican Residential Committee	16 th June 2014
Subject: Barbican Estate – Concrete Investigation and Repairs	Public
Report of: Director of Community and Children’s Services	For Decision
<u>Summary</u>	
<p>The following resolution arises from the Wardmote for the Ward of Aldersgate, which took place on 19th March 2014:</p> <p>“That Aldersgate Wardmote notes that testing has revealed areas of concrete on the Barbican Estate which are insufficiently compacted and with less than 4 cm of coverage of reinforcing. These defects have led to the need for extensive inspection and repair. The Wardmote believes that these original construction defects should be the responsibility of the City. The Wardmote understands that this is the subject of discussions between the City and the Barbican Association. The Wardmote urges that the City actively engage in these discussions and report its resolution promptly.”</p> <p>Your committee has been asked to receive officer’s response to the Wardmote.</p> <p>Recommendations</p> <ol style="list-style-type: none"> 1. That the Committee considers the comments in this report in addition to those already stated in the report to Barbican Residential Committee dated 17th March 2014 and reiterates its earlier decision that the concrete testing and repairs works are of a general repairs and maintenance nature, and that the lease stipulates that such work is recoverable through the service charge. 2. That the Committee notes that the City of London’s Comptroller’s department has provided full access to original design and construction information requested by the Barbican Association’s representatives in this matter and will continue to provide access and information as necessary. 	

Main Report

1. Background

Your Committee received a report on 17th March 2014 (Appendix 3) following an earlier Wardmote for the ward of Cripplegate as stated below:

“Since the recent testing and remedial works to the concrete in the three Barbican Tower Blocks relate to structural matters, Barbican residents take the view that the costs for these works should be borne by the Landlord i.e. the City of London Corporation and not Long Lessees of the Barbican Estate. Does the Corporation not agree that this is a reasonable and correct assumption of Barbican residents? On what basis does the Corporation arrive at a different conclusion to residents and furthermore, what provision of the lease would justify charging Long Lessees for these works?”

Your Committee resolved that “the works are not the rectification of a structural defect, but rather general repairs and maintenance, and that the lease stipulates that such work is recoverable through the service charge”.

2. Wardmote for the Ward of Aldersgate

The Wardmote for the Ward of Aldersgate, which took place on 19th March 2014 refers to the following matters:

- 2.1 That Aldersgate Wardmote notes that testing has revealed areas of concrete on the Barbican Estate which are insufficiently compacted and with less than 4 cm of coverage of reinforcing.
- 2.2 These defects have led to the need for extensive inspection and repair.
- 2.3 The Wardmote believes that these original construction defects should be the responsibility of the City.
- 2.4 The Wardmote understands that this is the subject of discussions between the City and the Barbican Association.
- 2.5 The Wardmote urges that the City actively engage in these discussions and report its resolution promptly.”

3. City of London's Response:

Response to 2.1 – The Bickerdike Allen report dated 16 March 2012 provides full details of the findings of the concrete testing, including areas of low compaction. Further clarification regarding low compaction is provided in Appendix 1. This clarification was sought following receipt of the letter from W J Marshall, Appendix 2 (Barbican Association appointed consultants).

Response to 2.2 – It is accepted that all elements of a building will deteriorate over time, and it is reasonable to expect that periodic inspection and maintenance work of this nature will be required to keep the property in good condition for the future. The concrete testing was instigated following an incident of concrete spalling from one of the Tower blocks.

Response to 2.3 – It is the opinion of Dr J Broomfield that the analysis by W J Marshall is fundamentally flawed in so far as it has taken readings of the tested areas and applied these to the overall structure, whereas the surveys concentrated on problem areas. It is therefore the opinion of Dr J Broomfield that the areas of low compaction is “likely to be 1% or less of the total structure” and “a few isolated problem areas very much in line with the expectations and site practices of the time”. The City of London maintains that the works are not the rectification of a structural or construction defect, but rather general repairs and maintenance.

Response to 2.4 and 2.5 – City of London's Comptroller's department has provided full access to original design and construction information requested by the Barbican association's representatives in this matter.

4. Corporate & Strategic Implications

The works contribute to the following aims of the City Together strategy: “supports our communities” and “protects, promotes and enhances our environment”.

5. Legal Implications

The Comptroller and City Solicitor have been consulted in the preparation of this report and his comments are incorporated in the report.

Background Papers:

Report to Barbican Residential Committees: 17th March 2014.

Appendices

Appendix 1 – Additional Information – Bickerdike Allen Partners

Appendix 2 – letter from W J Marshall

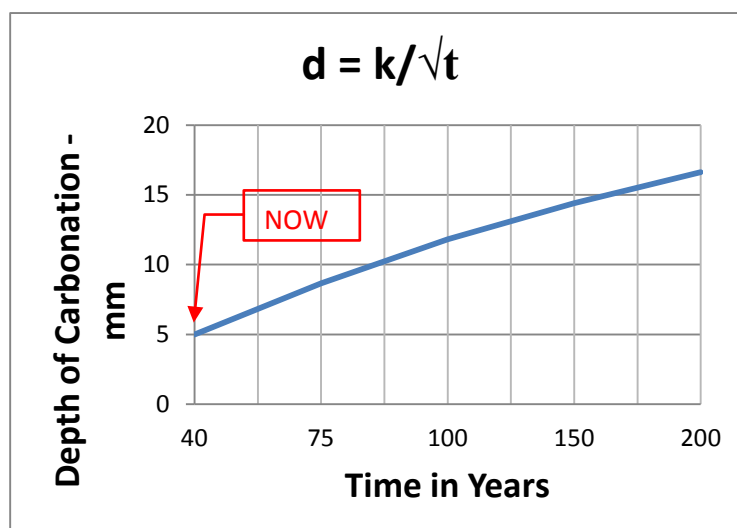
Appendix 3 – Report to BRC 17th March 2014 and Appendices

Contact: Karen Tarbox k.tarbox@cityoflondon.gov.uk or 0207 332 132

Notes on Report Letter from WJM dated 4th March 2014

While in principle the letter makes some sense we offer the following points:-

- 1 The actual depth of carbonation measured was typically 5mm. The incidence of cover to the steel in the 0 - 10mm range was <1% according to the WJM letter, so the structural relevance is negligible as is the risk of future corrosion affecting the structural performance as a whole. See the plot below. This does not mean that these areas of low cover (or honeycoming or cracking) should be ignored and steps do need to be taken from now on to minimise the risk of further corrosion or at least to monitor and manage the risk from these defects and the possible consequences.
- 2 The steel in the 11-20mm range comprising less than 2% will not be at risk of corrosion until 100 years or so after construction. Regardless of what the specification at the time of construction stated, the proof of the high quality of the concrete is that the depth of carbonation is extremely low, so the structure is still performing as intended by the designers.
- 3 Concrete structures will deteriorate over time if not maintained. This is well known and understood and has been known for many years. Deterioration is inevitable in any building material and when of a minor nature is normally remedied as part of maintenance – brickwork and stone needs occasional repointing to prevent water ingress, old lead often only seems to last a long time because it started out thick and corrodes slowly, stainless steel can look rusty if not cleaned, paint and timber require more frequent attention.
- 4 The defects identified in the present surveys are small in number considering the quantity of concrete in the Barbican. Other concrete buildings from the 1960's and 70's have been demolished or extensively repaired by now, so it is again surprising and a tribute to the quality of the original construction that some issues are only now becoming apparent.
- 5 The cover measured in the surveys would always be to the links assumed to be 10 or 12 mm diameter. Larger links would give a pessimistically low reading because the covermeter would interpret the greater amount of steel as a 10 or 12mm bar closer to the surface. The normal assessment of carbonation depth with time based on 5mm after 40 years is shown below.



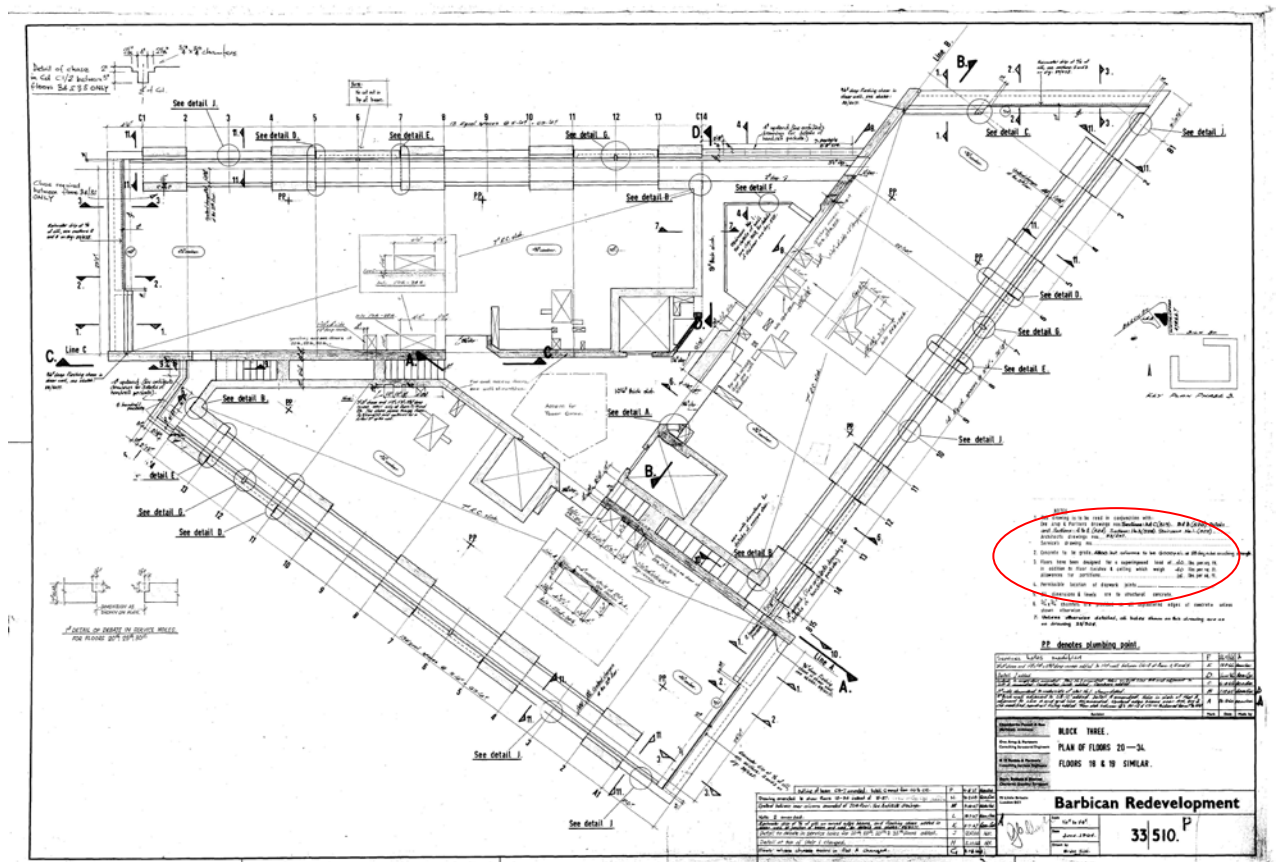
6 Extract from Concrete Practice (C&CA 1975)

TABLE 12: Required cover for concrete grades and different conditions of exposure (from CP 110).

Conditions of exposure	Nominal cover									
	Concrete grade									
	20		25		30		40		50 and over	
	mm	in.	mm	in.	mm	in.	mm	in.	mm	in.
Mild: e.g. completely protected against weather, or aggressive conditions, except for brief period of exposure to normal weather conditions during construction	25	1	30	1 1/4	15	5/8	15	5/8	15	5/8
Moderate: e.g. sheltered from severe rain and against freezing whilst saturated with water. Buried concrete and concrete continuously under water	—	—	40	1 1/2	30	1 1/4	25	1	20	3/4
Severe: e.g. exposed to driving rain, alternate wetting and drying and to freezing whilst wet. Subject to heavy condensation or corrosive fumes	—	—	50	2	40	1 1/2	30	1 1/4	25	1
Very severe: e.g. exposed to sea water or Moorland water and with abrasion	—	—	—	—	—	—	60	2 1/4	50	2
Subject to salt used for de-icing	—	—	—	—	30*	2	40*	1 1/4	25	1

*Only applicable if the concrete has crumbled etc.

[CP 110-1:1972. (Code of practice for the structural use of concrete Design, materials and workmanship)]



Concrete in columns 6000psi = 41 N/mm² – concrete generally 4800psi = 33N/mm²

By the criteria in CP110 the nominal cover to steel in columns should be 30mm (SEVERE exposure), on which there will be a tolerance of about ±1/4" (6mm), or possibly as much as ±1/2" (12mm).

Drawing dated 1964 – pre-dating CP110 1972 and CP 114:1969 (The structural use of reinforced concrete in buildings). According to CP114 1957 reprinted 1965:-

307. *Cover. Reinforcement should have concrete cover and the thickness of such cover (exclusive of plaster or other decorative finish) should be: [BAP emphasis]*

- 1 *for each end of a reinforcing bar, not less than 1 in, nor less than twice the diameter of such bar;*
 - 2 ***for a longitudinal reinforcing bar in a column, not less than 1½ in, nor less than the diameter of such bar. In the case of columns with a minimum dimension of 7½ in or under, whose bars do not exceeding ½ in diameter, 1 in cover may be used;***
 - 3 *for a longitudinal reinforcing bar in a beam, not less than 1 in nor less than the diameter of such bar;*
 - 4 *for tensile, compressive, shear or other reinforcement in a slab, not less than ½ in nor less than the diameter of such reinforcement;*
 - 5 *for any other reinforcement not less than ½ in nor less than the diameter of such reinforcement.*
- 7 The minimum cover according to CP114 is 1½ inches or 37-38 mm for vertical structural reinforcement and ½ inch or the bar diameter for links. This could therefore be as low as 12 mm for ½ inch links.
- 8 Bearing in mind the percentage minimum cover readings quoted in WJM table 1 are not proportions of the areas surveyed and that they mostly relate to individual link bars or link bar ends and not to groups or whole elements of the structure, the fact is that that 88% of cover measurements have achieved that the specification of cover (be it 38 or 40mm or to CP114 or CP110) for the vast majority of the steel reinforcement.

Dr R Casson
Bickerdike Allen Partners
11th March 2014

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Mr M Cogher
Comptroller and City Solicitor
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6 March 2014

Our Ref KDG/18162.1/LM
Your Ref BR 1502/001/RH/TB

Dear Sirs

The Barbican Estate - Remedial Works to Exterior Concrete

The Barbican Association has engaged William J Marshall & Partners to advise in connection with the technical issues which arise out of the dispute concerning the recoverability of the cost of works to the exterior concrete of the three tower blocks from the long leaseholders via the service charge. A copy of the preliminary report prepared by Mr de Silva is enclosed for your information.

It is apparent from the report that there was material non-compliance with the standards which were current at the time of construction. Such non-compliance provides at least preliminary evidence of the existence of defects which should be further investigated. To enable Mr de Silva to prepare a more detailed report he will need access to copies of the relevant contract documents, in particular, the specification. Please confirm that you are willing to provide such information either to us or to him directly for this purpose.

Yours faithfully

Pemberton Greenish LLP

Enc

Your reference:

Telephone 020 7592 1122

Facsimile 020 7821 7837

Ms K Glanville
Pemberton Greenish LLP
45 Cadogan Gardens
London
SW3 2AQ

Our reference:
KdeS/OE/A.5463

BY EMAIL AND POST

4th March 2014

Dear Ms Glanville

Barbican, City of London

Thank you for your letter of 27th February 2014, instructing us on behalf of the Barbican Association to prepare a short report setting out our preliminary conclusions concerning the contemporary requirements for concrete cover and concrete compaction and, on the basis of the reports by Martech and Bickerdike Allen Partners, whether those requirements were met for the three tower blocks at the Barbican known as Cromwell Tower, Lauderdale Tower and Shakespeare Tower.

The data on the condition of the tower blocks is included in reports prepared by Martech dated 12th January 2012, 13th January 2012 and 27th January 2012, and by Bickerdike Allen Partners dated 16th March 2012, which were made available to us by the Barbican Association.

This letter sets out the preliminary conclusions we have reached thus far. Our views are based on limited information: in particular we have not seen the original construction drawings or the engineer's specification. Our views therefore remain subject to review upon further investigation.

Concrete cover

1. At the time of construction of the tower blocks, which I understand were completed in 1973 (Cromwell), 1974 (Lauderdale) and 1976 (Shakespeare), the general design standard for concrete cover to reinforcement was set out in the "British Standard Code of Practice for the structural use of reinforced concrete in buildings", BSCP 114: 1969. The standard required a minimum of 40mm cover to reinforcement in all external work where the face of the concrete was not adequately protected by a protective coating or suitable cladding.

2. We have analysed the information contained in Martech's reports regarding their measurements of the cover to the reinforcement of the towers. Over 2,400 No cover-meter readings were taken. The results are summarised in Table 1 overleaf.

Continued.../2

Partners:

K T R de SILVA MA, MSc, DIC, CEng, MICE, MCIWEM
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Consultants:

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W J MARSHALL DLC (Hons), DIC, CEng, FICE, FGS, MIHT
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4th March 2014

COVER RANGE	INCIDENCE
0-10mm	<1%
11-20mm	<2%
21-30mm	6%
31-40mm	11%
41-50mm	23%
51mm+	58%

Table 1 - Summary of cover-meter results

3. The data in Table 1 above is evidence of non-compliance with the minimum cover required by BSCP 114: 1969. We note that the 40mm figure for cover in BSCP 114: 1969 was a minimum requirement. No reduction in cover below this level was therefore permitted, that is, there was no negative tolerance on the cover. Hence at least 11% and less than 19% of over 2400 No cover checks that Martech made revealed cover that was outside the requirements of BSCP 114: 1969.

4. We would expect the contract documents for construction of the tower blocks to have included a specification for the cover required to the reinforcement. Given the results summarised in Table 1 above, in particular that 81% of the cover-meter readings showed cover of 41mm or more, we think it likely that the cover specified was greater than the minimum required under BSCP 114: 1969. On that basis, the degree of non-compliance and deviation relative to the specification would be even greater than that relative to BSCP 114: 1969. Further investigations are however required to discover the cover set down in the specification.

Concrete compaction

5. BSCP 114: 1969 states that "*concrete should be thoroughly compacted during the operation of placing, and carefully worked around the reinforcement, around embedded fixtures and into the corners of the formwork*".

6. Martech recorded approximately 120 No locations of visible, surface honeycombing, generally measuring about 500mm x 500mm, indicating inadequate and non-compliant compaction of the concrete. A significant number of these locations were on the north elevation of Cromwell Tower. One result of the honeycombing is to reduce the level of concrete cover to the reinforcement.

7. Further investigations are required to discover the standard of compaction set down in the specification.

Ms K Glanville

KdeS/OE/A.5463

4th March 2014

Consequences

8. In general terms, the above non-compliances will have resulted in the affected areas being at greater risk of corrosion of the reinforcement. Corrosion can damage the surrounding concrete since the volume of the rust is greater than the volume of the parent steel. Such damage typically manifests in spalling of the surface of the concrete, which presents, among other things a safety hazard.

We trust this letter is sufficient for your present purposes but do please contact us if you require further information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K T R de Silva', with a long horizontal flourish extending to the right.

K T R de Silva
on behalf of William J Marshall & Partners LLP

Enc

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Committee(s):	Date(s):
Barbican Residential Committee	17 March 2014
Subject: Barbican Estate – Concrete Investigation and Repairs	Public
Report of: Director of Community and Children’s Services	For Decision
<p><u>Summary</u></p> <p>On 19 April 2012, the following resolution was made from the Ward of Cripplegate, Within & Without to the Court of Common Council :</p> <p>“Since the recent testing and remedial works to the concrete in the three Barbican Tower Blocks relate to structural matters, Barbican residents take the view that the costs for these works should be borne by the Landlord i.e. the City of London Corporation and not Long Lessees of the Barbican Estate. Does the Corporation not agree that this is a reasonable and correct assumption of Barbican residents? On what basis does the Corporation arrive at a different conclusion to residents and furthermore, what provision of the lease would justify charging Long Lessees for these works?”</p> <p>It was resolved by the Court that the resolution be referred to the Barbican Residential Committee for consideration.</p> <p>This report provides the background to the required works and responds to each of the three questions raised in the Wardmote:</p> <ol style="list-style-type: none"> 1. Does the Corporation not agree that this is a reasonable and correct assumption of Barbican residents? 2. On what basis does the Corporation arrive at a different conclusion to residents? 3. What provision of the lease would justify charging Long Lessees for these works? <p>Recommendations</p> <p>That the Barbican Residential Committee considers the findings of the concrete investigation and agrees the conclusion in response to the resolution that the works are not the rectification of a structural defect, but rather general repairs and maintenance, and that the lease stipulates that such work is recoverable through the service charge.</p>	

Main Report**1. Background**

1.1 Your Committee received a report in March 2012 (Appendices A) regarding the results of the concrete investigation and repair works, which had been necessary to be undertaken to the three Barbican Towers. The general conclusion was that the concrete had been assessed to be in “remarkably good condition for its age” and “that repairs were of a cosmetic nature rather than structural”. The detailed report, provided by Bickerdike Allen Partners, is in Appendix B

1.2 Following the April 2012 resolution, Barbican Residential Committee received a request from the Barbican Association (BA) to defer the final report to enable further consideration to be given by the BA. The Barbican Estate Office received a request for additional information from the Barbican Association in January 2013. The Questions and Officer’s responses are provided in Appendix C.

1.3 Further to these responses a follow up meeting took place on 30th April 2013, chaired by the then BRC Deputy Chair – Mr Gareth Moore with representatives from the BA and RCC, also present were City of London Officers, Bickerdike Allen Partners and Dr J Broomfield. The minutes of this meeting are provided in Appendix D.

1.4 A report scheduled for Barbican Residential Committee in September 2013 was further deferred, at the request of the Barbican Association (BA), until December 2013. During the intervening period, additional information was requested by the BA, which was subsequently provided by Officers on 27th September 2013. An exchange of correspondence had been entered into between the BA’s solicitors and the City of London Solicitor’s, however, as at December 2013 no additional information had been forthcoming to articulate the BA’s argument in support of their request that the City of London should not charge the cost of the work to the long lessees of the Tower blocks. A report was submitted to BRC in December 2013 and further deferred at the request of the BA.

1.5 On 18th December 2013 additional information regarding the specification of initial repairs was requested by the BA. As at 12th February 2014 all information requested from the BA has been provided and a detailed timeline of such requests and officer responses is provided in Appendix F.

1.6 A further exchange of correspondence has been entered into between the BA’s solicitors and the City of London Solicitor’s, however, as at 12th February 2014 and despite reminders to same, no additional information has been forthcoming to articulate the BA’s argument in support of their request that the City of London should not charge the cost of the work to the Tower

block long lessees. Copies of the exchanges of correspondence are provided in Appendix G.

2. Summary of the work carried out

2.1 Following the safe removal of a loose section of concrete to Shakespeare Tower in June 2011, consultants Bickerdike Allen Partners were called in to provide specialist advice. Following receipt of their recommendations, arrangements were put in place to inspect all three Towers for loose concrete fragments due to the potential health and safety risk, and tests carried out to determine the condition of the concrete generally.

2.2 As the estimated cost of the work exceeded the statutory limit for leaseholders' contributions, a statutory consultation notice was issued to leaseholders concerning the investigative works. A further notice was despatched, when the extent and cost of the repairs became known, following the examination and report by the Engineers. In July 2013 the City of London sought and obtained dispensation from further consultation from the Leasehold Valuation Tribunal (now First Tier Tribunal – Property Chamber), under section 20ZA of the Landlord and Tenant Act 1985, in relation to the works undertaken thus far and the retention of Structural Renovations Ltd for the forthcoming finishing works.

3. The issue of a “structural defect” in relation to the concrete repairs

3.1 The term “structural defect” in this context relates to the original Housing Right to Buy legislation, which stipulated that a local authority landlord could not recover the cost of correcting such defects from leaseholders. However, these costs could be recovered if the purchaser of the flat had been informed of the defect before the purchase or, if the defect did not become apparent to the landlord until at least 10 years after the sale.

3.2 For comparison purposes, in the case of the renewal of the Barbican roofs, carried out in the 1990's, the City Corporation agreed that it would pay for the cost of correcting structural defects as it was clear that a number of problems were caused by inadequate design or workmanship and these had been evident from the building's original completion. The cost of renewing building components associated with the defects that had failed through normal wear and tear were however recovered through the service charge provisions contained in the lease.

4. Concrete Inspections and Nature of Repairs.

4.1 The results of the recent technical investigation carried out by the engineers have been analysed by consultants Bickerdike Allen Partners and their March 2012 report is attached as Appendix B. In general terms, the repairs were entirely expected and usual for buildings of this age and, following laboratory analysis, the concrete was found to be of very high

quality. The isolated problems discovered were typical of a building which is over 40 years old and were very minor in relation to the overall amount of exposed concrete. In contrast, an example of a problem discovered with older concrete buildings was the use of high alumina cement during construction, which eventually results in a weakening of the concrete; fortunately, this material was not used in Barbican concrete.

4.2 The repairs required were of a cosmetic nature rather than structural – i.e. they did not adversely affect the load bearing capacity nor were they to correct an inherent or design defect – although they had to be classified as essential due to the health and safety risk. It is accepted that all elements of a building will deteriorate over time, and it is reasonable to expect that periodic inspection and maintenance work of this nature will be required to keep the property in good condition for the future.

4.3 The works to the concrete do not amount to works to make good a structural defect but are works necessary to effect repairs and maintenance, unlike for comparison the replacement of the Barbican roofs, which were, in part, known not to be fit for purpose, as they were leaking from the outset due to incorrect design.

4.4 This statement is further supported by earlier inspections of the Towers carried out by Ove Arup in 1986 at which time they concluded that:

“The concrete of all three Tower Blocks has, as reported to you, recently been inspected. The condition of the concrete was discovered to be generally good, and free of major defects.

None of these defects are of structural or other particular significance. No such defect has constituted a potential safety hazard, for example, arising from the detachment of concrete from the building surface.

No evidence of defects due to alkali silica reaction, or chloride attack, were evident on inspection, or were expected.”

5. Corporate & Strategic Implications

5.1 The works contribute to the following aims of the City Together strategy: “supports our communities” and “protects, promotes and enhances our environment”.

6. Legal Implications

6.1 The Comptroller and City Solicitor have been consulted in the preparation of this report and his comments are incorporated in the report.

7. Conclusion

7.1 In response to the question *“Does the Corporation not agree that this is a reasonable and correct assumption of Barbican residents?”* our response is as follows:

Following the concrete investigations, the expert opinions of Dr R Casson (Bickerdike Allen Partners) and Dr J Broomfield are that the repairs required were of a cosmetic nature rather than to make good a structural defect (see paragraph 4.2) and we therefore do not agree with the Barbican Association’s view that the costs for these works should be borne by the Landlord.

7.2 In response to the question *“On what basis does the Corporation arrive at a different conclusion to residents?”* our response is as follows:

The expert opinions of Dr R Casson (Bickerdike Allen Partners) and Dr J Broomfield are that the repairs required were of a cosmetic nature rather than to make good a structural defect (see paragraph 4.2). As such the repairs should be regarded as periodic repair and maintenance of a building over the course of its life rather than making good a structural defect.

7.3 In response to the question: *What provision of the lease would justify charging Long Lessees for these works?* our response is as follows:

In relation to the clause in the lease requiring the City to recharge for the cost, Clause 4 (3) of the standard lease provides that the tenant covenants to:-

“Pay to the City in the manner and at the times hereinafter described a reasonable part of the costs of carrying out specified repairs and of insuring against risks involving specified repairs”.

"the costs" means the costs of carrying out specified repairs and of insuring against risks involving specified repairs and "specified repairs" means repairs carried out in order:

to keep in repair the structure and exterior of the premises and of the Building in which they are situated (including drains gutters and external pipes) not amounting to the making good of structural defects;

to make good any structural defect of whose existence the City has notified the tenant before the date hereof (such defects being listed in the Fourth Schedule hereto) or of which the City does not become aware earlier than five years after the grant hereof; and

to keep in repair any other property over or in respect of which the tenant has any deemed rights”

APPENDIX 3

Therefore, even if the repairs amount to the making good of a structural defect, which they do not, long leaseholders still have a contractual obligation to contribute towards the costs incurred as a result of the operation of the second part of sub-clause referred to above.

Background Papers:

Report to the Residents' Consultative and Barbican Residential Committees: 12 March and 26 March 2012 (Appendix A)

Appendices

Appendix A – Report to BRC 26 March 2012

Appendix B – Bickerdikey Allen report dated 16 March 2012

Appendix C – Response to BA questions Jan 2013

Appendix D – Minutes of meeting 30th April 2013

Appendix E – BRC Minutes Mar 2012 – Dec 2013

Appendix F – Timeline of exchange of information between the BA and BEO

Appendix G – Exchange of correspondence between the BA's solicitor, Pemberton Greenish and CoL Comptrollers.

Contact:

Karen Tarbox k.tarbox@cityoflondon.gov.uk or 0207 332 1325

Committee:	Date(s):	Item no.
Residents' Consultation Committee	12 March 2012	8
Barbican Residential Committee	26 March 2012	
Subject: Concrete Investigation – Barbican Towers		
Report of: Director of Community and Children's Services		Public
<p><u>Summary</u></p> <p>1. This report provides a background to the concrete investigations and remedial works being undertaken to the three tower blocks. The general conclusion is that the concrete has been assessed to be in remarkably good condition for its age and that further works of this nature should not be necessary for 20 to 30 years.</p> <p>Recommendation</p> <p>2. The contents of this report are noted.</p>		

Background

1. Cromwell Tower, Lauderdale Tower and Shakespeare Tower were completed respectively in 1973, 1974 and 1976. They are Grade II listed buildings.
2. In June 2011, a section of concrete to Shakespeare Tower was reported as being loose. This was immediately removed and made safe. A firm of building pathology specialists, Bickerdike Allen Partners were engaged to advise on how best to proceed. Their advice was that all three blocks, due to the health and safety risks, should be inspected for loose concrete fragments, for concrete and reinforcement deterioration, and concrete samples taken from all elevations for laboratory analysis.
3. A specification was prepared and tenders invited for the work. The contract was subsequently awarded to Structural Renovations Ltd.

The Inspections

4. The elevations to the three blocks were examined by engineers using abseiling techniques combined with protection at ground level using

scaffolding. Hammer tests were carried out to all parts and any loose material was safely removed.

5. Tests carried out on the concrete included cover to the reinforcement, carbonation, cement content, half cell and resistivity tests (to record corrosion) and chloride contamination.

Results Obtained

6. In general it was noted that although the structures do have a significant number of visible concrete defects in the areas surveyed it is generally free of visible concrete defects as a whole, i.e. considering the amount of exposed concrete and its age, indicating a generally good quality, well-constructed concrete structure. The following extract from the specialist's report provides a summary of the findings:

The test and investigation results obtained indicate that the concrete elements are generally in a good / satisfactory condition although there are localised areas of significant deterioration predominantly as a result of poor compaction and / or low original cover and carbonation.

The visual inspection of the facades found a number of defects to the elements and any immediately loose material found in areas accessed at the time of inspection was safely removed.

The cover and carbonation test results indicated that generally reinforcement is within alkaline (uncarbonated) concrete. The mean covers were all >40mm and the mean carbonation results were around 10mm or less. The mean carbonation results were slightly skewed by the results in localised areas of poor compaction. The minimum recorded covers were generally low and indicative of localised areas of low cover, notably to the balcony top edges and landing beams.

The vast majority of the chloride test results were considered to be of low risk, edging into moderate risk, except for one high risk result (suggesting very localised contamination). Therefore chlorides were not considered a significant factor in the deterioration found at this time (although in some areas they may have exacerbated corrosion).

The half cell test results and resistivity testing (at 9 test areas) generally indicated low, if any, levels of corrosion activity at the time of testing.

Estimated Costs

7. Based on budget costings for the additional repair works, the following costs per block are anticipated:

Shakespeare Tower (works commenced 30th January, for completion w/c 26th March)

The estimated works cost of £143,253.50 plus staff costs (15%) of £21,488.03, gives a total of £164,741.53.

The original Section 20 notice amount was £98,253.70, so the estimated extra over amount for the block would be £66,487.83.

Lauderdale Tower (works expected to commence w/c 13th February for completion w/c 26th March)

The estimated works cost of £137,862.00 plus staff costs (15%) of £20,679.30, gives a total of £158,541.30.

The original Section 20 notice amount was £85,395.55, so the estimated extra over amount for the block would be £73,145.75.

Cromwell Tower (works expected to commence w/c 27th February for completion w/c 26th March)

The estimated works cost of £153,866.50 plus staff costs (15%) of £23,079.98, gives a total of £176,946.48.

The need for a road closure to deal with the Silk Street elevation of Cromwell Tower has been a significant factor in the increased costs for this block, relative to the other two.

The original Section 20 notice amount was £99,004.65, so the estimated extra over amount for the block would be £77,941.83

Under the Landlord and Tenant Act, a further notice will be issued to residents informing them of the increased costs.

Insurance Issues

8. With respect to an insurance claim for the work, the City's Buildings

Insurance Cover specifically excludes damage by wear and tear or damage “that happens gradually”. As the defects have occurred over time, the works are not covered by the City’s insurance.

Conclusion

9. The tests and investigations were required to be undertaken to ensure the safety of residents and the public and to maintain the building fabric. The repair works using specialist products to localised areas, are considered to be very minor in structural terms. This will help preserve the durability of the structure for the future.

Background Papers:

Minutes of Residents’ Consultation Committee 30 January 2012

Joy Hollister

Director of Community and Children’s Services

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**Review report on Concrete Testing
Shakespeare, Cromwell & Lauderdale Towers
The Barbican, London**

**Dr R Casson
BSc, PhD, FCIOB, ACI Arb**

16 March 2012

Prepared for: City of London Corporation

0 Summary

- 0.1 Following the identification of small pieces of concrete that were spalled (ie split from the face of the concrete) but still retained on the external surface of the concrete of Shakespeare Tower, a 100% visual and hammer tap survey by abseilers was commissioned to identify other similar potential safety hazards on all 3 tower blocks.
- 0.2 Every panel was also spot checked for the thickness of the concrete cover to the reinforcement, and a selection of 90 panels per block were tested on their outer external surfaces to assess them for actual and potential deterioration.
- 0.3 The results obtained showed the reinforced concrete to be in very good condition for its age with only minor occurrences of normal types of defects. These have no structural implications but will require some intervention to prevent local deterioration in the future and the risk of detachment of further pieces of concrete.

1 Introduction

- 1.1 The City of London Corporation (the Corporation) has instructed Bickerdike Allen Partners (BAP) to review and comment on the testing and results obtained from some of the concrete in the three tower blocks that form part of the Barbican Estate. Any survey work carried out by BAP in connection with this commission is limited to the scope of that instruction
- 1.2 Following the identification of the spalling / detachment of a number of a number of small but not insignificant pieces of concrete from Shakespeare Tower, a survey of the safety of the external concrete surfaces that were likely to be at risk of generating further such occurrences was commissioned by the Corporation.
- 1.3 The safety survey and testing were carried out by specialist testers using abseil access following a tender process that was awarded on the basis of competence as well as price. A key element of the tender was the inclusion in the report of an interpretation of the test results obtained in terms of their significance to the durability and longevity of the tower structures, and the need for and detailed nature of any repairs required. BAP were also instructed to advise on the selection and evaluation of the bids for the work.
- 1.4 This report reviews the testing carried out by the contractor Structural Renovations Ltd and the interpretation of the results as offered by their specialist testing subcontractor Martech Technical Services Ltd. The full reports of the testing are available via the Corporation.

2 The need for the survey

2.1 In reinforced concrete structures, corrosion of embedded reinforcement is initially inhibited by the alkalinity of the concrete. This alkalinity is reduced gradually over time by the effects of exposure to carbon dioxide in the atmosphere, a process known as carbonation.

In good quality concrete, carbonation is likely to begin to put the steel reinforcement at risk after a period of 40-60 years, or less if there is low cover of concrete (ie the thickness of concrete) over the steel. In poor quality concrete (which can occur for several reasons) or if it contains calcium chloride (which in the 1960's and 70's may have been used to accelerate the setting of concrete) the risk of corrosion can be much higher.

2.2 The tower blocks in the Barbican were built at different times between the mid 1960's to the mid-1970's. The designs appear very similar and the structural design and concrete design were probably also essentially the same.

2.3 Parts of the concrete construction are made from precast concrete units but the majority of the concrete was cast in situ.

2.4 The concrete in the Barbican is now typically 40 – 50 years old and is approaching the age at which even good quality concrete may start to show some problems.

2.5 The detachment of the concrete pieces is an indication of possible potential problems, so there was a need to establish as quickly as possible the risk of further detachments, and the need for any intervention to prevent any more from developing in the future.

2.6 No information is available on the concrete mix as originally specified, and the cover to the steel although specified to be unusually high for the time may vary significantly from the specified thickness. The purpose of the survey was therefore:-

- i) To carry out an overall visual and hammer tapping inspection to identify areas of change or deterioration.
- ii) To carry out sample checks on cover to the reinforcement
- iii) To carry out tests on concrete samples to confirm whether it posed any additional risks.

3 The survey

3.1 The survey was undertaken in two distinct parts –

- i) The safety survey where all the external concrete surfaces over public areas were visually examined by an appropriately experienced abseiler, the cover to the reinforcement was assessed and the surfaces were tapped with a hammer to detect any loose concrete. Loose pieces were removed and safely brought down.
- ii) A distributed survey of typical structural elements on every elevation of each tower involving some standard concrete tests to establish if there may be aspects of the concrete condition that require further investigation.

3.2 The distributed testing was carried out to act as an indicator of possible issues with the concrete, as a full survey would have taken an extremely long time to carry out and hence prohibitively expensive. Distributed testing of a sample of structural members is not truly random sampling but is sufficiently representative to give an indication if there are patterns of defects that occur in similar structural members.

3.3 The testing was not designed or intended to identify isolated one-off defects; from experience the visual survey will reveal one-off defects that need immediate attention.

3.4 The testing consisted of a number of standard concrete tests namely cover to reinforcement, depth of carbonation and cement content. Initially some tests to assess the corrosion of the reinforcement were carried out but the results did not suggest that there was any worthwhile data to be obtained so this was discontinued.

4 Results

4.1 The observations and measurements from the safety survey are shown in the elevation drawings which are attached in **Appendix A** to the paper copy of this report at size A1, however in the electronic copy these are not easily read at A3 size.

4.2 The detailed results are given in the contractors reports for each tower block and in the marked-up elevation drawings. The test results from the 90 test areas (30 per elevation) are summarised in Table 1 below.

4.3 The results for the distributed test areas are reported as follows:-

Table 1 Reported concrete test results

The Elements tests are illustrated in Figure 1.

Shakespeare Tower									
Element	Depth of Cover			Depth of Carbonation			Chloride Content		
	(mm)			(mm)			(%)*		
	Min	Max	Mean	Min	Max	Mean	Min	Max	Mean
Landing Beam	3	67	43	<5	15	7	0.08	0.29	0.18
Wall	0	>80	53	<5	>50#	13	0.17	0.33	0.23
Spandrel Panel	29	>100	60	<5	20	8	0.10	0.73	0.20
Balcony	7	>100	42	<5	15	7	0.13	0.26	0.17
Column	0	>100	55	<5	>70#	10	0.08	0.33	0.20
Round Column	45	>80	61	<5	10	4	0.14	0.26	0.19
Cromwell Tower									
Element	Depth of Cover			Depth of Carbonation			Chloride Content		
	(mm)			(mm)			(%)*		
	Min	Max	Mean	Min	Max	Mean	Min	Max	Mean
Landing Beam	8	80	47	<5	40	11	0.08	0.93	0.39
Wall	13	89	54	<5	25	13	0.09	0.36	0.19
Spandrel Panel	22	99	53	<5	10	5	0.08	0.59	0.26
Balcony	0	88	41	<5	20	8	0.10	0.25	0.15
Column	28	95	62	<5	70	11	0.09	0.30	0.18
Round Column	3	81	67	5	10	8	0.22	0.29	0.25
Lauderdale Tower									
Element	Depth of Cover			Depth of Carbonation			Chloride Content		
	(mm)			(mm)			(%)*		
	Min	Max	Mean	Min	Max	Mean	Min	Max	Mean
Landing Beam	6	83	38	<5	40	9	0.16	0.42	0.26
Wall	6	>100	56	<5	15	6	0.13	0.30	0.22
Spandrel Panel	15	80	54	<5	10	5	0.15	0.41	0.25
Balcony	10	82	43	<5	25	7	0.10	0.45	0.18
Column	17	84	60	<5	35	5	0.14	0.34	0.23
Round Column	78	90	84	<5	10	6	0.23	0.35	0.30

Notes # deep results recorded only at poorly compacted / honeycombed areas

*Chlorides expressed as % ions by mass of cement using a calculated mean cement content of

Shakespeare = 20.7%, (17.2% to 22.7%)

Cromwell = 19.4%, (18.8% to 22.3%)

Lauderdale = 20.2%, (13.7% to 26.7%)

Depth of cover

- 4.4 The minimum spot cover for each area is shown in Appendix A and few show values less than 20mm. The minimum values in Table 1 are very localised; where they are 0 they are exposed bar ends or where the steel is visible in honeycombed concrete. Unless associated with spalling of the concrete cover the low cover would usually relate to locally misplaced reinforcement where the next bar would be deeper into the concrete.

Depth of Carbonation

- 4.5 The test results show the depth of carbonation is typically less than 5mm in dense concrete. This is an extremely low value and suggests that the typical concrete was dense and very high quality.
- 4.6 The relationship between depth of carbonation and time is such that if it has taken 40 years to carbonate 5mm the next 5mm will take a further 120 years. Consequently other than at locations of extremely low cover there appears to be little risk of carbonation induced corrosion on the outer faces of the concrete. The accessible and non safety-critical inner faces have not been assessed and it would be prudent to carry out testing of these faces at some time.

Chloride content

- 4.7 The chloride contents are generally below the 0.4% by mass of cement which for 40 year old damp alkaline concrete is the level at which a low risk of corrosion becomes moderate.
- 4.8 There are some isolated results which were higher than this threshold level but none were indicating a high risk of corrosion or appeared to have defects that might be associated with this. In the absence of evidence of deterioration at these locations should be investigated further as soon as practicable to confirm the results, and to identify the source of the chloride contamination. Initially these could be from the balcony for ease of access.
- 4.9 The significance of the chloride content results depends to some extent on the cement content results. The cement content results for Lauderdale appear very variable but they are within a normal range for precast and in-situ concretes, both of which were sampled in this survey. Taking the mean of this range as representing all the concrete is not unreasonable for a first assessment and the indications from the chloride contents is that there is nothing that gives cause for immediate concern, especially when considered with the low depth of carbonation.

Half cell potential and Resistivity

- 4.10 Half Cell Testing and Resistivity tests were carried out at 9 or 10 locations on each block. In general all the results indicated a low probability of corrosion but at a few locations in each building results indicating a higher probability were obtained. These were all associated with small concrete spalls which confirms that some corrosion was occurring at these locations but also indicates that where conditions were right for corrosion it was already manifested by spalling so it may be inferred that it is not occurring elsewhere.

5 Remedial works

- 5.1 The results indicate that a relatively small number of repairs are needed and only a small proportion of those require a volume of repair materials, the majority are small holes, cracks or shallow spalls.
- 5.2 Where there are indications of corrosion of the steel reinforcement some corrosion inhibition treatment would be justified and the least intrusive of these are the migrating corrosion inhibitors (mci) or vapour phase corrosion inhibitors (vpi). Both are introduced close to the steel via a drilled hole.
- 5.3 The typically low depth of carbonation means there is no need for a general anti-carbonation coating.
- 5.4 The remedial works contractor should propose materials and methods of executing these works, which can then be independently reviewed.

6 Review of the test reports

- 6.1 Bickerdike Allen Partners have reviewed the test reports and prepared the above summaries based on them. In our opinion the analysis, interpretation and recommendations presented by the test contractor are reasonable from the data obtained.
- 6.2 In our opinion it is reasonable to base strategies for any remedial works and maintenance on the reports.

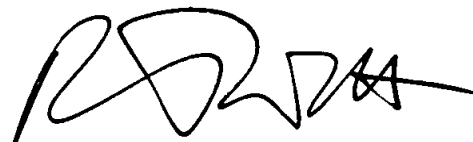
7 Further investigations

The following suggestions for further investigations are offered by Bickerdike Allen Partners as a starting point for the development of a full repair and maintenance programme. They are not intended to be a full or complete analysis of whatever might be necessary to ensure the long term integrity of the structures.

- 7.1 The concrete structures of the Barbican Estate are of an age where deterioration might be expected to start and susceptible locations should be identified early to optimise any intervention for repairs.
- 7.2 The top surfaces of the balcony panels have numerous minor defects including holes drilled for glass balustrade supports and steel exposed by surface spalls. These can be accessed from the balconies and a systematic record should be made of all such items so that a programme of repairs can be carried out.
- 7.3 Similarly the balcony-facing concrete in the outdoor concrete on the inside of the outer envelope, the apartment walls and the ceilings over the balconies should be systematically checked by methods similar to those use to inspect and test the external faces of the envelope.
- 7.4 Even if these tests indicate there is little of current concern the results obtained will provide a baseline for further test results from future surveys that must be implemented to ensure the long term integrity of the structures.
- 7.5 Consideration should be given to carrying out a programme of safety checks on the external surfaces of the medium rise structures as these will be affected by the same physical and chemical deterioration processes as the high rise blocks and concrete falling from the 4th floor can be as injurious as that from the 34th floor.



**Dr R Casson
Senior Associate
Bickerdike Allen Partners**



**R Jowett
Partner
Bickerdike Allen Partners**

Figure 1
Elements of the buildings







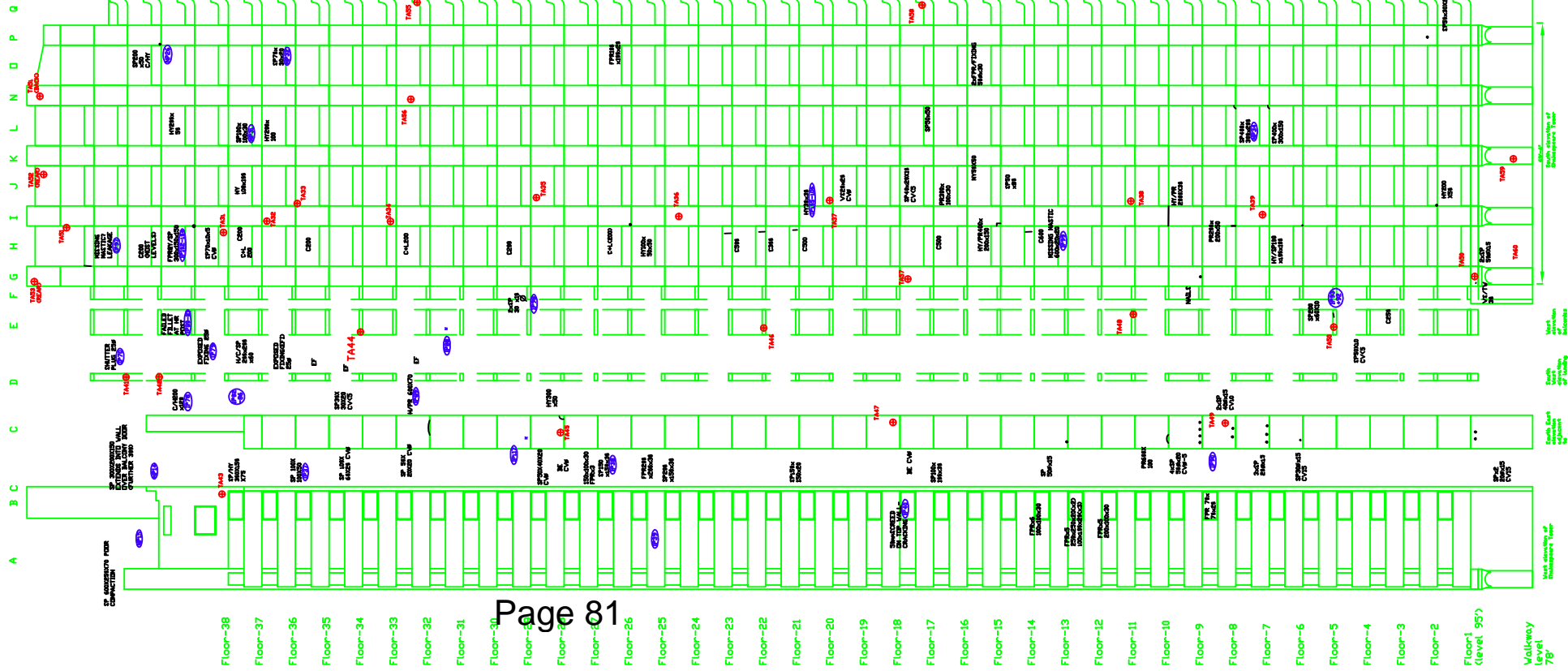
Round Columns

APPENDIX A

**SURVEY RESULTS FOR SHAKESPEARE, CROMWELL
& LAUDERDALE TOWERS**

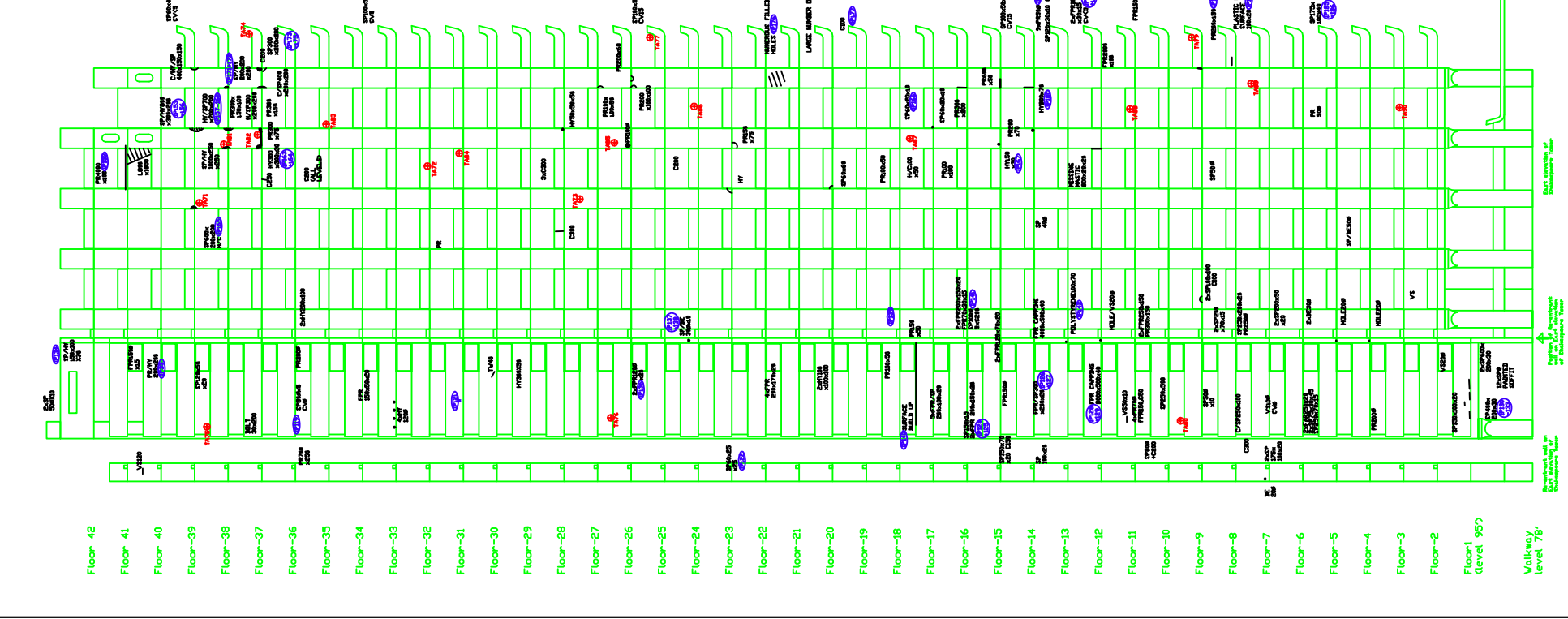
LEGEND

TA	Test Area Location and Reference
⊕ S	Sample Location and Reference
CV	Depth of Cover (mm)
BWK	Brickwork
CB	Depth of Carbonation (mm)
C+P	Clean and Passive Steel
SP	Spall
PR	Previous Repair
RS	Rust Spot/Stain
PY	Pyrite
BE	Bar End
B/O	Breakout to Expose Reinforcement
{ c	Crack
VS	Visible Steel
45	Rebar Location and Depth of Cover (mm)
HY	Honeycombing / poor compaction
SSC	Slight Surface Corrosion
SC	Surface Corrosion
H	Hollow



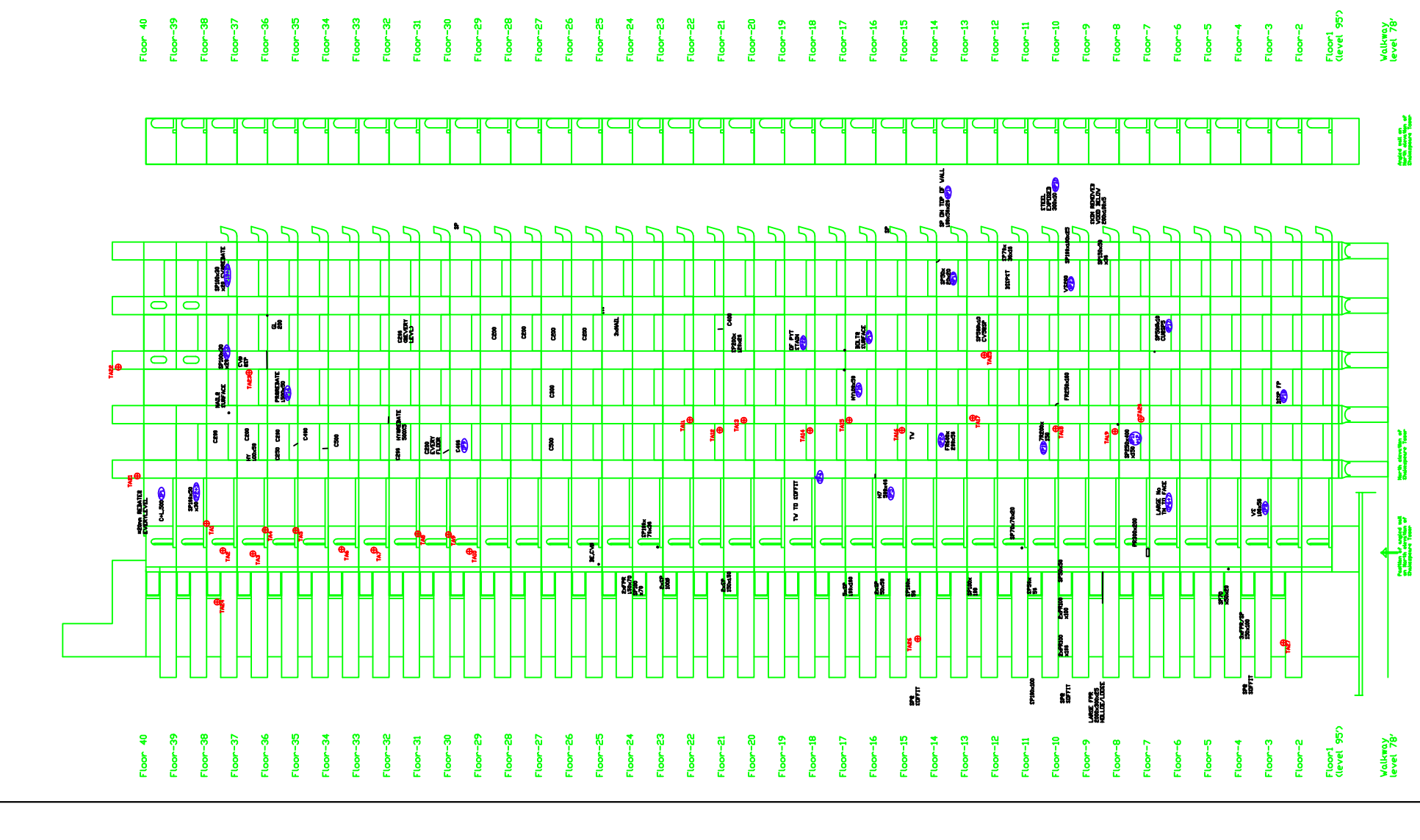
SHAKESPEARE ELEVATION A - SOUTH

Floor 42
 Floor 41
 Floor 40
 Floor 39
 Floor 38
 Floor 37
 Floor 36
 Floor 35
 Floor 34
 Floor 33
 Floor 32
 Floor 31
 Floor 30
 Floor 29
 Floor 28
 Floor 27
 Floor 26
 Floor 25
 Floor 24
 Floor 23
 Floor 22
 Floor 21
 Floor 20
 Floor 19
 Floor 18
 Floor 17
 Floor 16
 Floor 15
 Floor 14
 Floor 13
 Floor 12
 Floor 11
 Floor 10
 Floor 9
 Floor 8
 Floor 7
 Floor 6
 Floor 5
 Floor 4
 Floor 3
 Floor 2
 Floor 1 (level 95)
 Walkway level 78



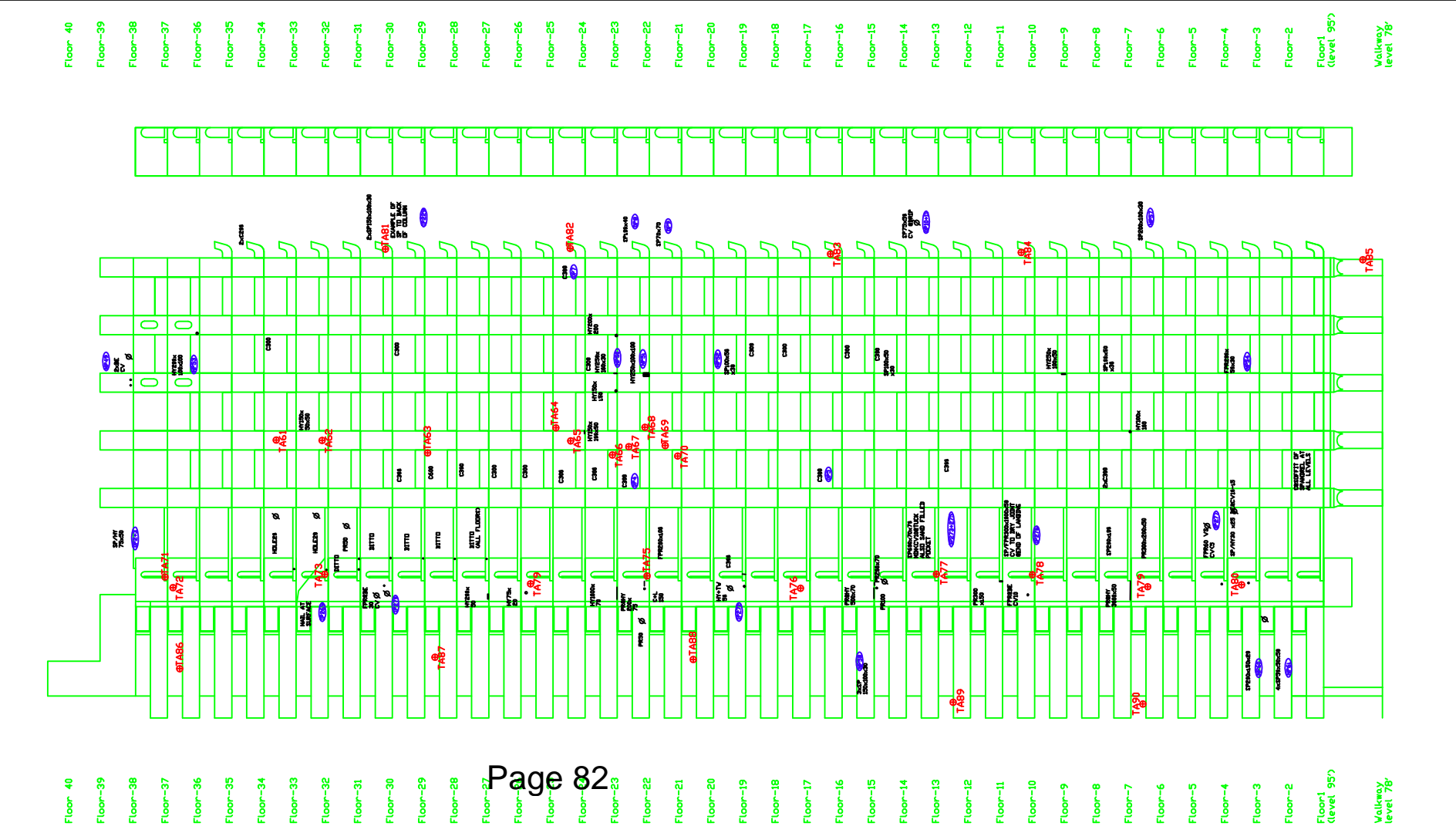
SHAKESPEARE ELEVATION B - EAST

Floor 42
 Floor 41
 Floor 40
 Floor 39
 Floor 38
 Floor 37
 Floor 36
 Floor 35
 Floor 34
 Floor 33
 Floor 32
 Floor 31
 Floor 30
 Floor 29
 Floor 28
 Floor 27
 Floor 26
 Floor 25
 Floor 24
 Floor 23
 Floor 22
 Floor 21
 Floor 20
 Floor 19
 Floor 18
 Floor 17
 Floor 16
 Floor 15
 Floor 14
 Floor 13
 Floor 12
 Floor 11
 Floor 10
 Floor 9
 Floor 8
 Floor 7
 Floor 6
 Floor 5
 Floor 4
 Floor 3
 Floor 2
 Floor 1 (level 95)
 Walkway level 78

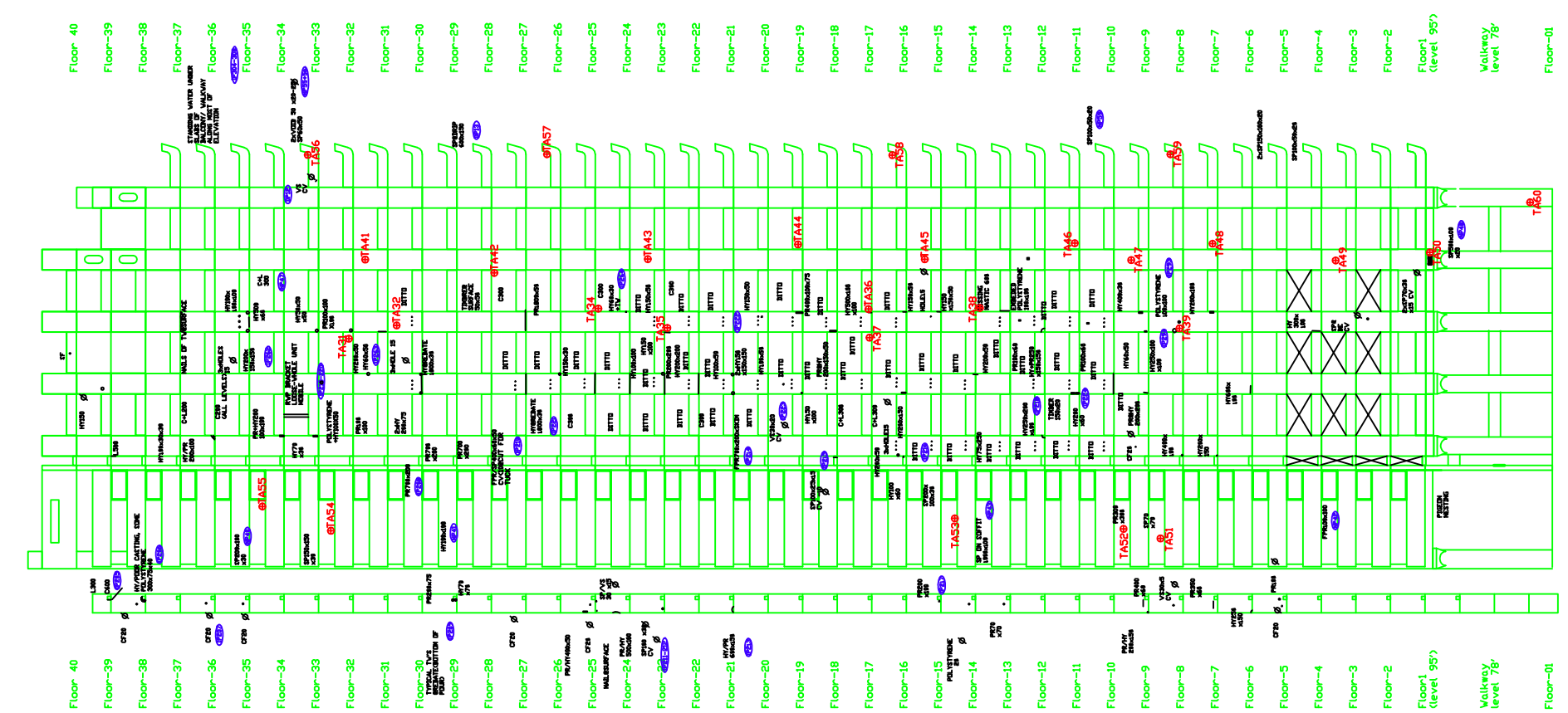


SHAKESPEARE ELEVATION C - NORTHWEST

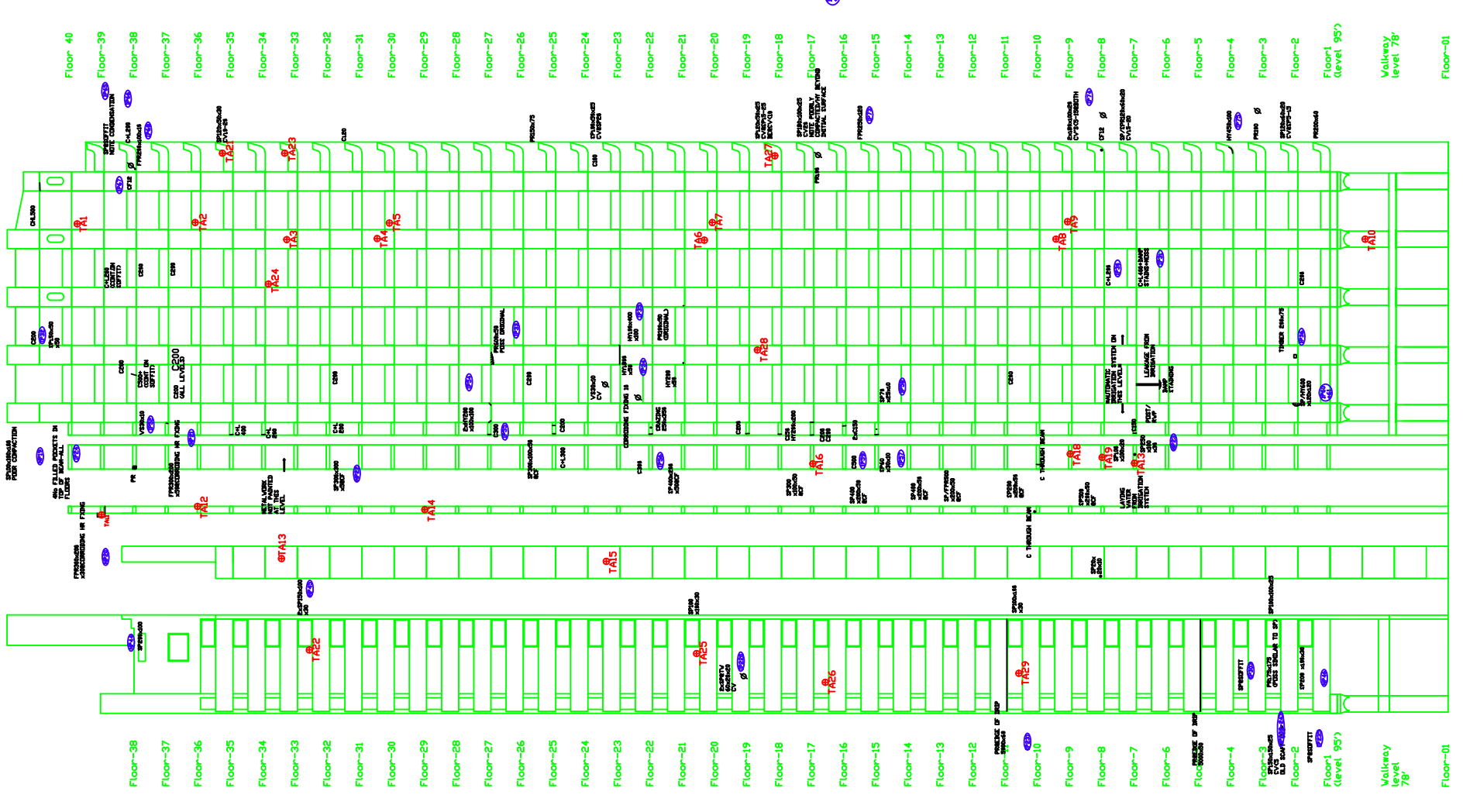
Floor 40
 Floor 39
 Floor 38
 Floor 37
 Floor 36
 Floor 35
 Floor 34
 Floor 33
 Floor 32
 Floor 31
 Floor 30
 Floor 29
 Floor 28
 Floor 27
 Floor 26
 Floor 25
 Floor 24
 Floor 23
 Floor 22
 Floor 21
 Floor 20
 Floor 19
 Floor 18
 Floor 17
 Floor 16
 Floor 15
 Floor 14
 Floor 13
 Floor 12
 Floor 11
 Floor 10
 Floor 9
 Floor 8
 Floor 7
 Floor 6
 Floor 5
 Floor 4
 Floor 3
 Floor 2
 Floor 1 (level 95)
 Walkway level 78



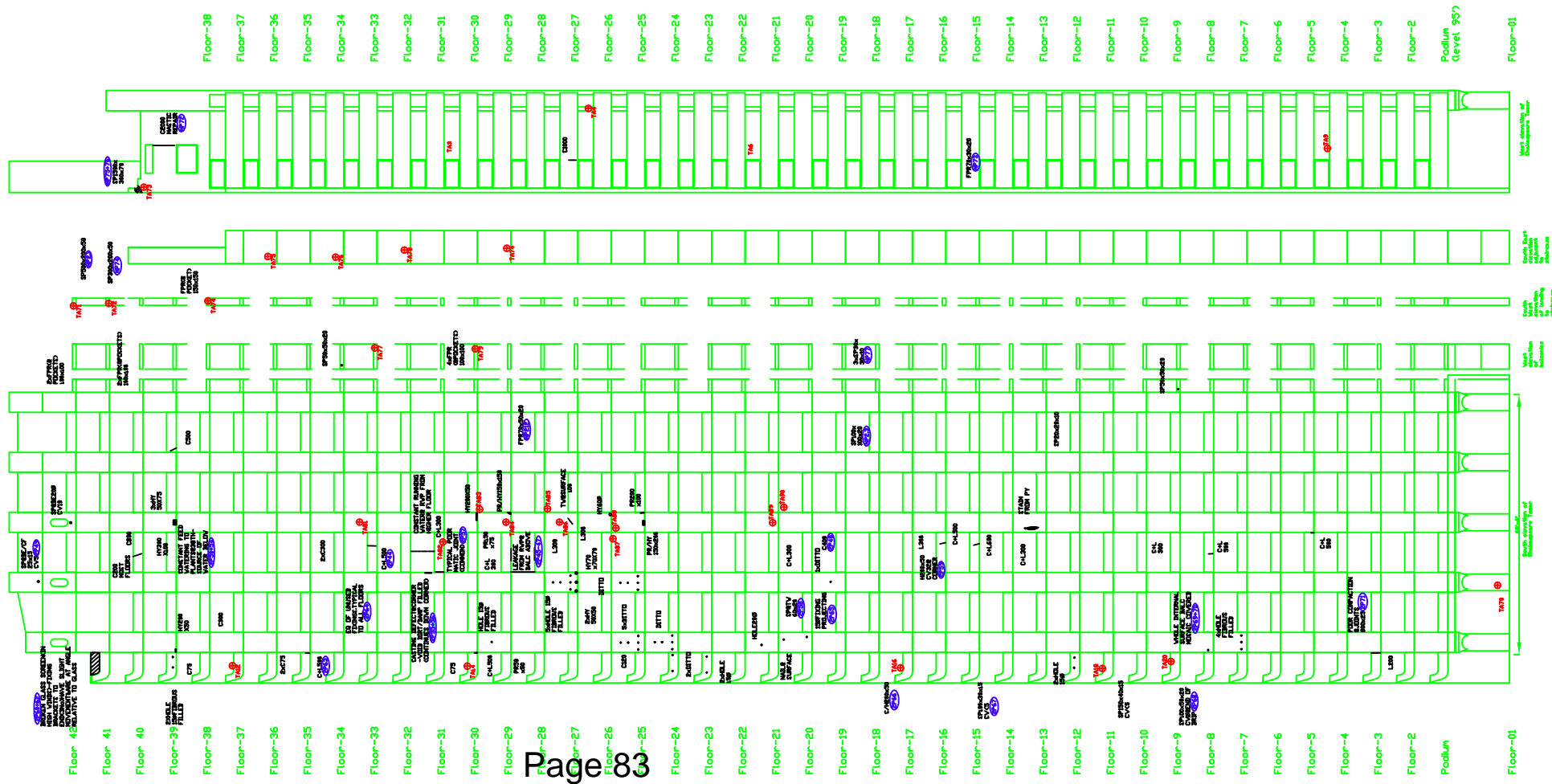
CROMWELL ELEVATION A - EAST



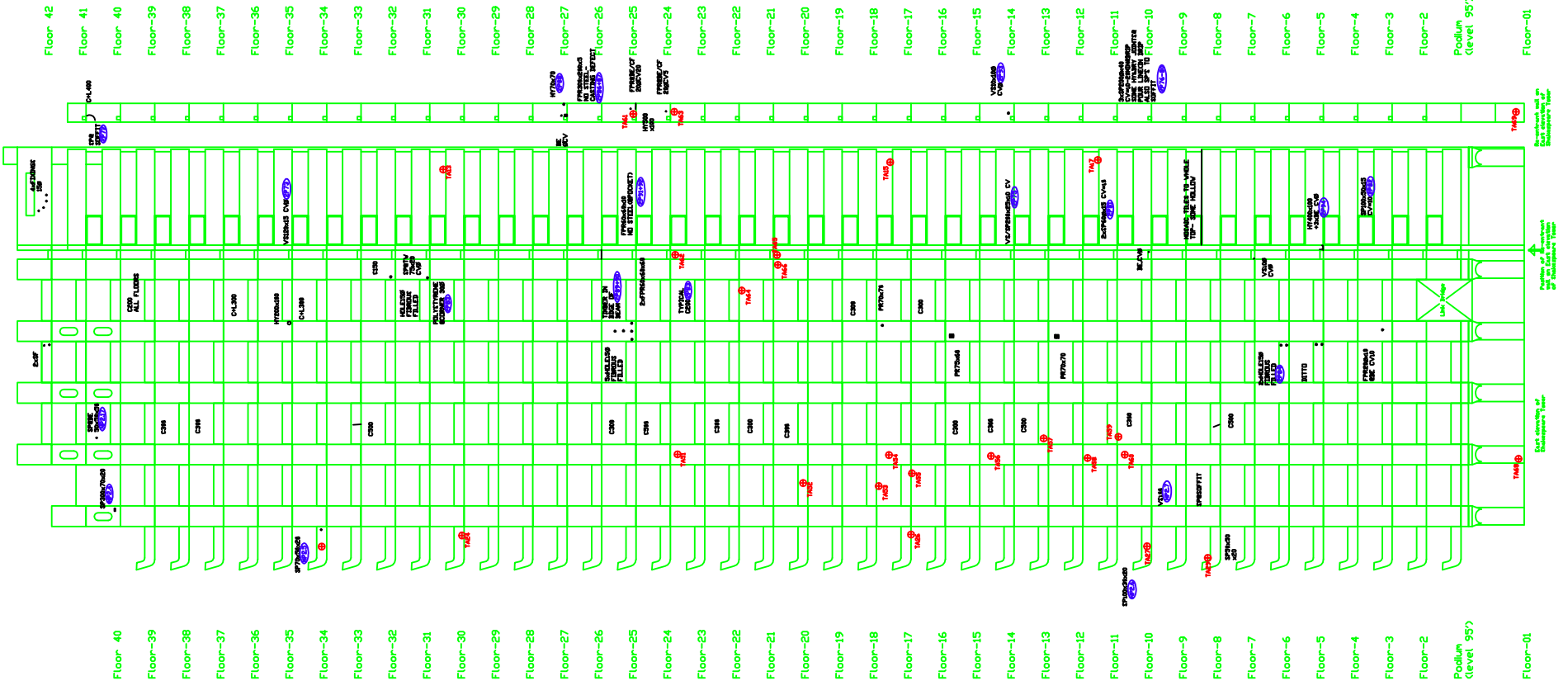
CROMWELL ELEVATION B - NORTH



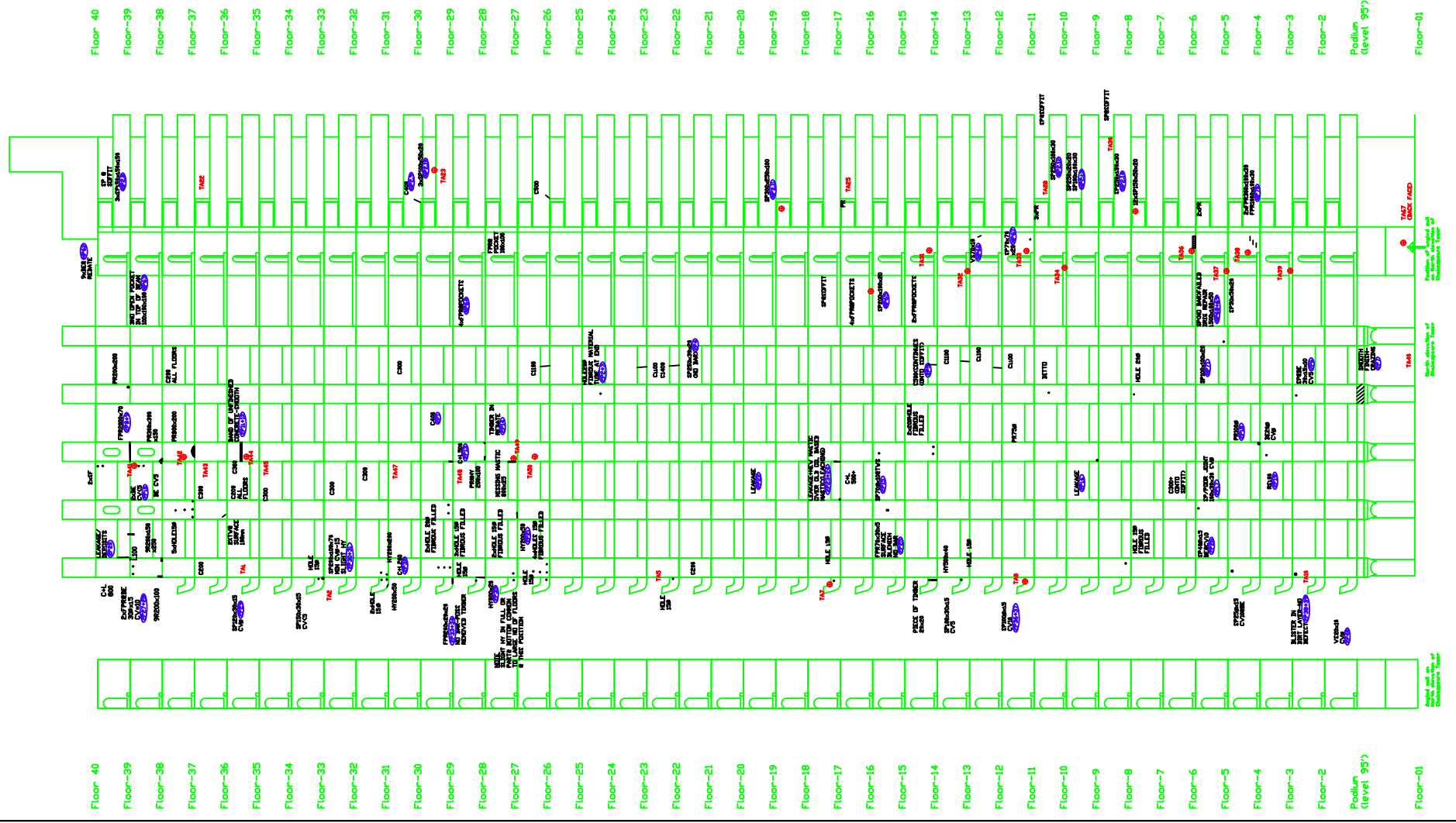
CROMWELL ELEVATION C - SOUTHWEST



LAUDERDALE ELEVATION - WEST



LAUDERDALE ELEVATION - NORTH



LAUDERDALE ELEVATION - SOUTH-EAST

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Barbican estate concrete: surveys, repairs, and charging
Questions / Answers

1. It is clear from the previous reports we have now seen, notably *Barbican Estate—Spalling Concrete*, report dated 5 April 1986 for Barbican Residential Committee, 14 April 1986 and the *Physical Future of the Barbican Estate* 1991, that the existence of some defects to the concrete has been known to the City since at least 1986.

For example, in para 2.2.6 of the 1986 report it describes a number of minor defects “due to local instances of insufficient cover to reinforcement and less dense concrete.”

The fact that the attendees at the 1986 meeting to consider the report included the town clerk and senior officers from the city engineer’s department suggests that there was concern at a high level within the City about the nature of defects to the concrete at that time.

1) Prior to the April 1986 concrete report there had been a number of issues concerning the Barbican Estate and all of its building components, including health & safety implications, some of which had involved possible litigation against Chamberlin, Powell and Bonn, the architects of the estate. In view of this, subsequent issues that arose at that time concerning the concrete were also reviewed by senior officers. With regards to the concrete aspect, the April 1986 report states that “none of the defects are of structural or other particular significance. No such defect has constituted a potential safety hazard” and “the condition of the concrete was discovered to be generally good, and free from major defects.”

2. Both the 1986 and 1991 reports state that the consultants consulted at the time said that the defects should be mitigated by repairs followed by regular monitoring and maintenance.

For example, in the 1991 report Section 2 on pp. 4-5, covers the “Structure and Exterior”. Within sub-section 2.1, Concrete, it says: “The concrete should be durable, provided that proper maintenance is carried out.”

2) Periodic inspections of the concrete have been carried out; either by commissioned specialists or by Barbican Estate staff and contractors in the course of their normal duties or through carrying out conditions surveys to inform other works specifications e.g. external redecoration. Whenever defects have been identified these have been attended to either individually or as part of a wider programme e.g. mastic works to concrete joints. In all cases these defects have been minor and most did not require any remedial action.

3. The defects identified in the concrete in the 1986 report were not listed in schedule 4 to the leases that were issued by the City when people started to buy long leases to the flats.

3) The defects identified in the 1986 report were not included in schedule 4 of the leases issued to prospective buyers because they are not considered to be a structural defect.

4. The repairs and regular inspections and maintenance recommended in 1986 and again in 1991 were not carried out.

4) Following the 1986 report, repair works were carried out. This is confirmed in the Ove Arup report.

5. The work done in 2012, the subject of the current reports, is the first repair and maintenance that has been done to rectify problems first formally identified in 1986. We accept that the concrete generally is in good condition (something residents are pleased about). However, the main areas that have needed repair this year clearly have needed it as a result of low compaction and poor coverage (and inadequate initial repairs to those defects) that were present from the outset, at the time the buildings were built. The costs have primarily arisen from the need to remedy these initial defects.

5) The works carried out in 2012 were not unexpected and were considered to be reasonable for a building of this age and type.

6. The costs of the 2012 works to the three Barbican towers are due to be charged in full to the long leaseholders. The known existence of the defects in 1986; the lack of declaration of these defects in leases issued subsequently to 1986; and the lack of the planned monitoring and maintenance recommended in 1986 and 1991 until this year make it manifestly inequitable that all the costs should fall on the long leaseholders.

We therefore seek a discussion with you and your officers about the equitable distribution of the costs for the current concrete works – and any future similar repairs to the terrace blocks.

We also have concerns that the work done in 2012 was more expensive than it need have been (in particular, in the use of the scaffolding).

6) The scaffolding was required for the protection of the residents and the public and was a necessary requirement of the CDM Co-ordinator and the contractors. It was cost effective to leave the scaffolding in place whilst the cosmetic repairs were carried out rather than strike the scaffolding and re install it.

7. Given this last concern about a lack of cost control, together with the failure to follow up on the 1986 and 1991 reports, we also want to discuss with you the future procedures for asset management on the estate. As you know, we have long pressed for better asset maintenance planning and this has led to a working party on this issue. However, the only tangible result has been the selection of asset maintenance software. Proper implementation should significantly improve matters but we believe that 1) this effort needs to be accelerated so we can attempt to head off future issues such as this one, and 2) residents need to be more fully involved in the major maintenance decisions.

It is clear to residents that section 20 notices no longer provide long leaseholders with the level of consultation that they need and are entitled to (as major payers) about major works. Such consultation needs to include much more initial discussion of the details of the work, its rationale, its specification, and the methods of working.

We trust that the BRC will not consider further the report it already has before it until we have had a chance to discuss these issues with you and your officers. We will, of course, make ourselves available for a meeting at your earliest convenience.

- 7) Section 20 consultation is required by the Housing Act. However, where possible the BEO exceeds this requirement consistently. We consult through a variety of mediums; house groups, newsletters and individual letters to leaseholders. We use public forums such as the RCC and the BA, and we hold open meetings as evidenced in the Beech Gardens and Redecoration projects.

Asset Management has been provided through planned inspection cycles and condition surveys. In 2010 the Asset management working party was convened with a remit to develop an Asset Maintenance Plan in order to:

- maintain the fabric of the property in good condition, especially in view of its listed status, and therefore extend its life
- manage Health and Safety requirements – for example, the asbestos register and Health and Safety equipment
- gather and analyse information from day to day maintenance work
- avoid unplanned costly major repairs and to plan future financial commitments both for the landlord and residents with a view to saving money in the long term
- identify any opportunities for savings that can be made – for example, whole life cycle costings
- survey and monitor the condition of the buildings, make an assessment of the life expectancy of components so that replacement works can be programmed
- assess the buildings in terms of their sustainability and energy efficiency.

The introduction of the Asset Manager role, within the new Property Services structure, will lead this group in the development of the Asset Management strategy and the implementation of new asset management software will ensure that this aspect of the service is more visible in the future.

Specific projects to maintain or improve the asset will be delivered in accordance within the City of London's project governance arrangements; reporting through a local programme board and Project Sub Committee as required.

Our commitment to resident involvement can be evidenced as mentioned above and we will continue to consult with residents both in terms of development of the strategy and specific asset management plans and projects.

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**MEETING TO DISCUSS THE CONCRETE REPAIRS ON THE BARBICAN ESTATE
30 APRIL 2013 – 11 AM – BARBICAN ESTATE OFFICE**

PRESENT:

GARETH MOORE – Deputy Chairman of the Barbican Residential Committee (BRC)
TIM MACER – Chairman of the Barbican Residents' Consultation Committee (RCC)
JANE SMITH – Chairman of the Barbican Association (BA)
ROBERT BARKER – Secretary to the Barbican Association
EDDIE STEVENS - Housing and Technical Services Director - Community and Children's Services
KAREN TARBOX - Head of Technical - Community and Children's Services
DR RON CASSON – Concrete Consultant, Bickerdike Allen
DR JOHN BROOMFIELD – Concrete Corrosion Specialist
JULIE MAYER – Town Clerks (Clerk to the BRC and RCC)

This meeting had been called at the request of the RCC and the BRC, who had set today's agenda.

1. APPORTIONMENT OF COST

The BA and RCC considered it essential that the City should apportion the costs equitably and given the history, the research they had undertaken and the opinions they had sought, they did not believe that the City's stance; i.e. that this was a 100% service charge matter, was justifiable.

Mr Barker felt that the fundamental issue was the definition of 'structural defects' and 'defects affecting the structure'. The group were asked to note an extract from the BRC minutes from 1986, which referred to minor defects on the Estate. Mr Barker felt that they should have been mentioned in subsequent leases; that the original workmanship had been inadequate and the City was therefore liable and not the long leaseholders. Mr Barker also urged the City to revisit Counsel's opinion in this matter, which had been sought by the Comptroller and City Solicitor in 1999 and 2000. Mr Stevens later confirmed that this had been done.

The group then studied pictures from a balcony at Willoughby House, where some steel had been exposed. The property was owned by Mr Macer, who confirmed that the balcony had been in this condition for at least 10 years but that there had not been any further deterioration in that time. In concluding, the RCC and BA accepted that some of the defects were due to fair wear and tear but they would like to see a fair apportionment.

Eddie Stevens then invited Dr Casson, a leading UK concrete expert, to explain the structure of concrete and its deterioration.

Dr Casson advised that all concrete structures built in the same era (i.e. 1960's and 70's) were similarly affected and the defects on the Barbican Estate were very typical. Dr Casson referred to the tabled photographs and, whilst unsightly, explained that the concrete's function was not impaired and there was no evidence of creeping corrosion on the exposed steel. In fact, Dr Casson was surprised at the very low level of deterioration on the Barbican Estate, given that many 1960's/70's concrete buildings had now been demolished. The number of affected concrete elements was very low compared with the total number in the estate, and this again reflected the high standards of construction.

In concluding, Dr Casson recommended stabilisation and cosmetic repair but emphasised that the deterioration was neither a 'structural defect' nor a 'defect affecting the structure'. Dr Broomfield concurred with Dr Casson's view and agreed that the Barbican Estate was generally a well-made structure, given that build and design standards of the 1960's and 1970's were greatly inferior to those of today.

Dr Broomfield then explained that there was currently no guidance as to how often concrete buildings should be inspected, although bridges and car parks were covered by legislation. Furthermore, prior to the introduction of robust European standards in 2000, materials and guidance had been unreliable and, therefore, any repairs could reasonably have had to have been undertaken 2 or 3 times in the time up to now, if carried out in accordance with earlier standards.

Mr Barker challenged whether proper maintenance had been carried out. Mr Stevens explained that maintenance works are regular and planned, generally before any fault arises but concrete cannot be maintained in this way. Dr Broomfield suggested that the rate of regression and timing of future repairs could be estimated from the current rate of carbonation and cover depths but this would be a complex task.

Dr Casson confirmed that the concrete on the Barbican Estate was in excellent condition, given its age. Dr Broomfield advised that low compaction occurred in all concrete buildings but new builds use special additives which prevent it. Such additives were not available in the 60's and 70's. Dr Broomfield also advised that structures such as the Barbican reach their 'design life' after about 50 years and therefore concurred with Dr Casson's view as to the Estate's excellent condition. In response to a question about carbonation, Dr Casson advised that this would only be deemed a structural defect if it coincided with low cover, which was generally not found in the surveys that had been carried out.

In concluding, Mr Stevens advised that, having carefully considered the views of leading experts in the field, he would be recommending this as a chargeable repair to long leaseholders.

The BA and RCC accepted the conclusion but, given the evidence presented, asked if there was any merit in making the repairs. Dr Casson and Dr Broomfield advised that whilst there was no pressing need from an engineering perspective, cosmetic repairs should be phased over the next few years. The BA and RCC asked to see the full concrete reports and details of any works carried out between 1991 and the present day. Mr Stevens offered to facilitate at future resident meetings on this matter.

Dr Casson and Dr Broomfield finally explained the rationale behind the amount of scaffolding used. The group noted that, as some of the testing had necessitated 'hammer tapping', there had been a risk of falling concrete. Furthermore, given the height of the tower blocks, simply cordoning off the blocks would not have provided sufficient protection. The scaffolding had remained in place whilst the concrete test results were being analysed, as this was more cost effective than dismantling and re-erecting it.

2. Future maintenance and asset management programme

This issue highlighted the concerns expressed through the RCC and from the BA over the urgent need for an asset maintenance programme, as there will inevitably be aspects of the fabric that will require more maintenance, as the Barbican Estate ages. The BA and RCC felt that progress had been very slow to date, and sought an update on the current status.

Mrs Tarbox advised that Mike Saunders (Asset Manager) is leading on the development of the Barbican Asset Management Strategy, working with the Asset Management working party. Mrs Tarbox advised that the focus of the group to date had been on the procurement and implementation of the asset management software and acknowledged that progress had been protracted. Mrs Tarbox confirmed that work had commenced on a draft strategy, aligning key objectives to those of the City of London's Asset Management Strategy, and that an outline draft would be produced by the end of May in order to commence discussion with the working party, at a meeting to be arranged in June, regarding the further development

of the strategy. (M Saunders will be arranging this meeting). Mrs Tarbox also advised that the target date for wider consultation of the strategy would be some time in August.

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Date	Committee	Details / Resolution
26/03/12	BRC Minutes	<p>EXTERNAL CONCRETE INVESTIGATION WORKS</p> <p>This report provided a background to the concrete investigations and remedial works being undertaken to the three tower blocks. The general conclusion was that the concrete is in remarkably good condition for its age and that further works of this nature should not be necessary for 20 to 30 years. Members noted that the scaffolding was being dismantled and it is expected that this would be complete by early April.</p> <p>The full report from Bickerdike Allen Partners had been circulated to all house groups. As the print on the agenda had been quite small, large, detailed survey drawings were available for Members’ inspection.</p> <p>There was considerable debate and discussion as to whether the defects were structural or cosmetic and the Housing Services Director acknowledged that the health and safety concerns would have the same impact in either case.</p> <p>Members noted the following proposed motion for submission to the Grand Court of Wardmote, from the Ward of Cripplegate held on 8 March 2012, which had been agreed unanimously:</p> <p><i>‘Since the recent testing and remedial works to the concrete in the three Barbican Tower Blocks relate to structural matters, Barbican residents take the view that the costs for these works should be borne by the Landlord; i.e. the City of London Corporation and not Long Lessees of the Barbican Estate.</i></p> <p><i>Does the Corporation not agree that this is a reasonable and correct assumption of Barbican residents? On what basis does the Corporation arrive at a different conclusion to residents and furthermore, what provision of the lease would justify charging Long Lessees for these works?’:</i></p> <p>The Director advised that the City was in discussion with English Heritage about the remedial works and this might take several months. As the scaffolding was being removed, the work would need to be done by abseillers. In response to questions, the Director confirmed that, had the works been carried out whilst the scaffolding was in place, they would have cost less.</p> <p>The Director acknowledged the concerns and debate and would respond fully</p>

		in the next report to the Committee.
11/06/12	BRC Minutes	<p>Concrete Testing</p> <p>In respect of the concrete testing charges, which had been the subject of a ward mote and Resolution of Common Council, Members would receive a report in September. Members noted that letters had been sent out in respect of service charges (relating to the concrete works) but any disputes would be held in abeyance until September and no overdue accounts would be pursued until then.</p>
24/09/12	BRC Minutes	<p>CONCRETE INVESTIGATION AND REPAIRS</p> <p>Members agreed to defer the concrete report to the BRC meeting on Monday 10 December to enable the Barbican Association and the RCC to have more time to consider this matter fully, including any supplementary information and/or reports, so that a properly considered response could be given.</p> <p>The Town Clerk advised that the RCC would be entitled to hold a Special Meeting in the Interim period, if they felt this would be appropriate, but their next scheduled meeting was on 26 November 2012.</p> <p>The Chairman advised that, as this report had been written in response to a Ward mote, it had gone direct to the Barbican Residents' Association (BRC) but members of the RCC had been sent a copy of the report at the same time as BRC Members. Mr Anderson. The Chairman of the RCC, was present at the meeting to represent the views of the RCC Members, if this had been necessary.</p> <p>RESOLVED, that: The Report be deferred to the 10 December BRC Meeting.</p>
10/12/12	BRC Minutes	<p>REMEDIAL TOWER CONCRETE WORKS - THE DIRECTOR OF COMMUNITY AND CHILDREN'S SERVICES TO BE HEARD</p> <p>Members noted that the Chairmen of the Barbican Association and Barbican Residents' Consultation Committees had raised some questions on this report, which had been deferred from the September Barbican Residential Committee Meeting. The Chairmen of the BA and RCC had written to the Chairman of the BRC and asked for a meeting about these issues and the Chairman had agreed. The Chairman and members agreed that this matter needed serious, detailed consideration, given its legal and technical complexities. In the interests of fairness, the BRC would not be prepared to receive a formal report and recommendation until the matter had</p>

		been given the necessary level of exploration.
11/02/13	BRC minutes	<p>MINUTES OF THE PREVIOUS MEETING</p> <p>The public minutes and summary of the Barbican Residential Committee (BRC) of 10 December 2012 were approved, subject to a correction on page 3 in that the area at the base Lauderdale (not Shakespeare Tower) was badly lit.</p> <p>Matters arising:</p> <p>Concrete testing - a letter had been sent to the Chairmen of the Barbican Association (BA) and Residents Consultation Committee (RCC) answering their queries. The Chairman and Deputy Chairman of the BRC would meet with the Chairmen of the BA and RCC before the report is presented to the June meeting of the BRC. Members asked if they could be sent a copy of the letter.</p>
16/09/13	BRC Minutes	<p>TOWER CONCRETE INVESTIGATION AND REPAIRS</p> <p>The Chairman was heard in respect of the above report, which had been scheduled for today's meeting but subsequently deferred.</p> <p>The Committee were advised that, following correspondence from the Barbican Association (BA) and the Barbican Residents Consultation Committee (RCC), the Chairman had agreed to defer this item to December. The BA and RCC had asked for more time to consider the technical points raised during the meeting with the concrete specialists. The Chairman asked for the Committee's approval to defer the report, on the express understanding that there would be no further delays past December 2013; given that the Ward Mote had raised this question prior to the elections.</p> <p>The Chairman and Director of Community and Children's Services gave an assurance that all relevant information, regardless of its history, would be shared with the BA and RCC.</p> <p>RESOLVED – that:</p> <ol style="list-style-type: none"> 1. The Barbican Residential Committee defers taking a decision on the treatment of the concrete repair charges to the December meeting of the Barbican Residential Committee. 2. There be no further delay in taking the above decision, past December 2013.
09/12/13	BRC Minutes (draft)	Concrete Investigation and Repairs

		<p>Members considered a report of the Director of Community and Children’s Services. Concern was raised by both resident and non-resident members that the Solicitor representing the Barbican Association had not commenced discussions with the City Solicitor to address the legal implications of the concrete works. It was therefore moved and subsequently agreed:</p> <p>RESOLVED – that:</p> <ol style="list-style-type: none">1. A meeting be convened on or before the date of the next Barbican Residential Committee. on Monday 17 March 2014, in order for a decision to be made before the next Ward Mote.2. The papers presented to this meeting include the view of the Barbican Association and a summary of discussions between the Barbican Association and the City of London Corporation solicitors.
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Date	From	To	Details
28/03/13	BA Barbican Association	BEO Barbican Estate Office	<p>I am writing to you following the briefings on the concrete works conducted by Karen Tarbox and Chris Bates, with a very specific request for an item to be included in the specification for all future concrete inspections.</p> <p>The request is that the contractor doing the inspections documents for every repair the reason for that repair - eg weathering, low coverage, inadequate compaction, re-repair etc.</p> <p>Looking back at the Martek reports on the three towers, I see that this seems to have been done on the towers in that each repair is identified and a code given for the reason for and type of repair. I imagine therefore it will not be a problem to do it on the terrace block too. Indeed, the recent Q+A document issued by the BEO suggests that the causes of each repair will be documented (Q Will there be records kept in order to identify the cause of areas needing repair i.e. wear and tear, poor coverage etc? A Yes, subject to the cause being ascertainable using the methods available on site), but I would be grateful if you could confirm that this will be done.</p> <p>The reason we are requesting this is because, as you know, the BA is in discussion with the City about the apportionment of costs, believing that the initial errors in construction (such as low coverage and inadequate compaction) should have been declared in the leases if the long leaseholders are to bear the costs. If the costs are ultimately to be apportioned, proper documentation of the reason for each repair will facilitate any apportionment.</p>
10/04/13	BEO	BA	<p>I confirm that the specification for future investigation of exterior concrete will stipulate that testing and documentation is to be carried out in line with that already undertaken on the Barbican towers. For further clarification I confirm that this was also the case in regard to the specification for investigation of exterior concrete at Breton House and Mountjoy House, which was the subject of discussion at the residents meeting. For instance the quotation document for Breton House and Mountjoy House includes a requirement that “All surfaces to [be] tested be inspected for cracks and the findings are to be recorded on drawings. All surfaces to be hammer tested and any loose material identified and carefully taken down (defective areas). All surfaces to be assessed for cover to reinforcement to identify which areas have low cover and most likely to be at risk.”</p> <p>If further detail on the content of the specification is required please let me know accordingly.</p>

			<p>On a related matter you may recall from the residents meeting that the original consultation for Breton House and Mountjoy House was cancelled due to an administrative error. We will shortly be commencing the new consultation process and in addition to the statutory consultation requirements we will include a supplementary document, which will provide more detail regarding the proposed work and anticipated costs. In addition to the information already provided in the Q & A brief, I will also ensure that the confirmation as above is included in the supplementary document as I know this was of particular interest to both the Barbican Association and residents.</p>
11/06/13	BA	BEO	<p>Following the meeting with Gareth Moore and the concrete experts, the BA is still considering its response. We have engaged a concrete expert, and he would like to see some typical drawings of the towers, including the concrete construction. He was told by the London metropolitan archives that the BEO still holds a large number of the original drawings of the building on the estate, and I think I have heard Eddie refer to these too.</p> <p>Is it possible to have access to such drawings? If copies are difficult I am sure he could send someone to refer to them in your office.</p>
12/06/13	BEO	BA	<p>Thank you for your email. I will make some enquiries and come back to you asap.</p>
17/06/13	BA	BEO	<p>I am writing to seek two bits of further information relating to the concrete works on the towers.</p> <p>The first is the more urgent because having the information may affect how house groups respond to the letter from the LVT seeking dispensation from section 20 consultation for the finishing off of the repairs (the deadline for the response is this Friday, 21 June).</p> <p>1a. Please can you provide us with details of the specification for the final repairs to the concrete and the method of working?</p> <p>In particular we would like to know about the expected life of the repairs and any guarantees; information on how closely it will visually match the existing concrete; information on how it will withstand extremes of weather.</p>

			<p>Please can you provide copies to me and to the chairs of the house groups of the three towers – though even better would be if you put the specification/methods document on the BEO part of the website, so any resident can view it.</p> <p>Indeed, a briefing/Q+A session for residents might also be useful.</p> <p>If you can't provide this by say Wednesday this week can you instead confirm that you will provide it as soon as possible and give us a date by which we will have it?</p> <p>1b. Please can you tell us the likely costs of the remaining repair work and how you plan to ensure that the costs are reasonable, given that you are not tendering. I am enclosing a breakdown of the costs that Michael Bennett sent us last June. Are these costs still accurate?</p> <p>2. The next question relates to the scaffolding that was used during the tower works – both the costs and the reasons for it.</p> <p>a) Can you give us a further breakdown of the costs of the scaffolding – ie how much were the costs of</p> <ul style="list-style-type: none"> a) erecting the scaffolding b) hiring it weekly whilst it was there c) disassembling it <p>b) I remember you or Eddie saying at the meeting we had to discuss the concrete works that the reasons for the scaffolding being necessary and its costs were all fully documented. Please could you let us see the documentation on the reasons for and costs of the scaffolding?</p>
17/06/13	BEO	BA	<p>Thank you for your email. I have asked Chris Bate and Anne Mason to provide me with the information relating to specification, works and costs etc requested in your email below and hope to be able to let you have these by Wednesday. If this is not possible I will let you know tomorrow.</p>

		<p>With regards to a briefing / Q & A session I would be very happy to arrange either at your preference. Once I have responded, with the details you have requested, perhaps you could then let me know which you feel would be more appropriate.</p> <p>With regards to your email last week about the original drawings, I am advised that the drawings included in the report by Bickerdike Allen were developed by Bickerdike Allen using original drawings obtained by Arup. The original drawings are retained by Arup and there is a cost attached to opening the archive and obtaining copies of the drawings. Chris Bate has contacted Arup to ascertain details of the fees and process and the information below, extracted from their reply, advises on both. Before proceeding on this basis your expert may wish to review the drawings in the report by Bickerdike Allen to see if these are suitable for his / her purpose and if not, we are of course happy to support you in the access request for additional drawings.</p> <p>We have put in a request for the list of drawings for each of the Tower Blocks, as there is no cost attached to this aspect of the request and will let you have this as soon as we received it. Once your expert has had chance to peruse the BAP information and list of drawings please let me know if we can be of further assistance with this matter. Process for access to archive drawings from Arup:</p> <p><i>Upon request from the BEO;</i></p> <p><i>Arup will supply an excel drawing list. If there are drawings of interest to the client let us know and we will issue you with a Arup Terms & Conditions form.</i></p> <p><i>The T&C form needs to be completed and return in the post accompanied by a letter of permission from the Barbican Estate Management Team naming the client and giving permission to view and buy copies of drawings.</i></p> <p><i>Once we have received these we can arrange a date and time for the client or the client's engineer in to the office to view the drawings and select which ones they wish to buy.</i></p> <p><i>The charges are</i></p>
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			<ul style="list-style-type: none"> • £500.00+VAT to open the archive which gives the client a 2 month window to re-approach us for more drawings. • £20.00+VAT per PDF copy of a drawing. <p><i>Copies of drawings are only released upon payment of invoice.</i></p> <p><i>Arup does not release calculations.</i></p>
17/06/13	BA	BEO	<p>Thank you very much indeed for your prompt response.</p> <p>I will get back to you on the matter of the drawings.</p>
19/06/13	BEO	BA	<p>Chris Bate will be sending a full response direct to you this morning as I am due in committee. As we have also received related questions from Chairmen of the Towers, our approach will be to provide a Q & A , plus supplementary information, which will be sent to yourself and copied to each of the Chairman of the Towers for completeness.</p> <p>I am also writing to advise that I will be on annual leave from lunchtime today, returning on 15th July 2013. In my absence any questions relating to the on-going concrete repairs or the LVT should, in the first instance, be directed to Christopher Bate - Christopher.Bate@cityoflondon.gov.uk. (This will also be advised to all recipients in Chris' follow up email.)</p> <p>Chris has been fully involved in this matter and is therefore best placed to deal with enquiries in my absence. (He will also continue to liaise with Eddie on all such matters)</p>
22/07/13	BA	BEO	<p>Thank you to you and Christopher for providing all the information we asked for about the final repairs to the Tower concrete.</p> <p>May we accept your offer of a Q+A briefing to residents about the latest repair works. We think that the residents of the three towers particularly would welcome an opportunity to have a presentation on what is proposed and its timings and to ask questions - but perhaps you could make the meeting open to all, as with the Beech Street works briefings?</p>

			<p>May I also respond to one suggestion that Chris made in his briefing notes to us that, since we had engaged WJ Marshall to advise us, a meeting of experts to agree the final specification might be appropriate. We appreciate the suggestion but are going to decline! The BA has no wish to usurp the role of the BEO in managing works on the estate by appointing its own experts. We are using WJ Marshall to advise us on one very narrow specific question and we think it would not be appropriate to involve them in wider questions.</p> <p>Finally, thanks to Christopher for liaising with Arup over access to the plans for WJ Marshall; in the end they did not need to refer to the plans.</p>
07/08/13	BEO	BA	<p>I am very sorry for the delay in replying to your email below. Chris and I would be very happy to meet with residents regarding the final concrete repairs and I will ask the House Officers to set this up.</p>
02/09/13	BA	BEO	<p>I am writing to seek some further information about concrete. As you will know, our legal advice is that at least some of the defects identified and repaired in the recent work on the towers does amount to structural defects that should have been declared in the lease.</p> <p>We have been advised to seek further documentation. The following is the list of documents. I have tried to get the BRC minutes from the City's website but they do not appear to be available.</p> <ol style="list-style-type: none"> 1. Background meeting notes and correspondence with Ove Arup & Partners, February 1986, see report to BRC 14 April 1986, Agenda Item 7 – Background material. 2. Any relevant report, but certainly the minutes of the BRC 10 February 1986.

			<p>3. Minutes of the BRC 14 April 1986.</p> <p>4. The results of the “walk-round survey” recommended to the BRC 14 April 1986. This survey was done, see the 1991 Physical Future document, paragraphs 2.1.1.1 and 2.1.1.2. Also any report of the survey mentioned in 3.4</p> <p>5. The results of the “reconnaissance survey of the Estate”, by Ove Arup & Partners, recommended to the BRC 14 April 1986. As the budget was £35,000 this must have been a substantial piece of work.</p> <p>6. The report of a second estate-wide survey, see the 1991 Physical Future document, paragraph 2.1.1.2.</p> <p>7. The Ove Arup report referred to in Q+A 4.</p> <p>8. The risk assessments for the scaffolding erected for the inspections and repairs in 2011</p> <p>In addition, in the “Questions / Answers” appended to the current report, on pp. 35-37 of the RCC bundle...</p> <p style="padding-left: 40px;">Q&A 1 – This reveals that after the settlement of the litigation against the original architects, because of “subsequent issues”, it was necessary to review the concrete. What were these issues?</p> <p style="padding-left: 40px;">Q&A 2 – The Barbican Association has not seen the reports produced by “commissioned specialists” and others arising out of these “periodic inspections” (until the recent post-2010 surveys). We are also now informed, “In all cases these defects have been minor and most did not require any remedial action.” When were these defects identified and are any of them now included in the current repair programme?</p> <p style="padding-left: 40px;">Q&A 4 – The BA has not seen a copy of the Ove Arup report referred to.</p>
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			Please don't hesitate to get in touch if you want any clarification.
10/09/13	BA	BEO	<p>I am just wondering if you could give me an estimated time of arrival of the documents we asked for? I'm going on holiday shortly and it would help me plan.</p> <p>You can send them in ones and two if you want. You don't need to wait till you have them all....</p>
10/09/13	BEO	BA	<p>Thank you for your email below.</p> <p>I have requested the 1986 BRC report and minutes from Archive storage via the Town Clerk's office. As soon as these are available to me I will forward to you accordingly (I am awaiting confirmation of the likely timescale).</p> <p>The risk assessments (and related H & S advice to the contractors) have been requested from the CDM co-ordinators and I expect to have these by next week and will forward these to you once received.</p> <p>Other papers (items 4 – 7) are being sought and I will update you as to their availability asap. If I have any further queries regarding these I will come back to you.</p> <p>I will, as you mention, send information to you as I receive it. Is there a second contact that you would like me to include in emails etc during your absence?</p>
25/09/13	BEO	BA	<p>Further to our exchange of emails, I believe we now have all of the documentation requested, with the exception of part of one report. You requested background information to the 1986 BRC report and we have located reference to an earlier (Nov 1985) report by Ove Arup for the Towers, which is separated into three parts i.e. one for each Tower. Unfortunately we have not been able to locate the section for Cromwell Tower and whilst we will continue our internal search, we are also approaching Ove Arup to see if they can assist us from their archive records, so there may be some delay in providing this information.</p>

			<p>I have received agreement from the City’s Assistant Solicitor regarding circulation of the Non-public minutes for the 1986 BRC and for this item I have copied the selection of the minutes as they relate only to the Concrete report.</p> <p>Due to many of the archived copies being in hard copy only we have had a minor issue in making these electronic – simply that due to the binding method these have had to be scanned upside down! The PDF can be rotated, but for ease, we have also made up a hard copy of all documentation (appropriately segmented in a lever arch binder). I will be meeting with Eddie tomorrow just to advise him of the documentation being provided and I will then be able to have these sent to you. I wonder if it would be possible to arrange to meet with you, to hand the hard copies to you and to check that we have understood your requirements correctly and to clarify some documents. This will not of course preclude you from asking for any additional information or seeking clarification at a later stage.</p> <p>I would also like to also discuss a meeting date for mid – late November, so that I can secure Dr’s Casson and Broomfield’s availability, if required in order to respond to any further questions you may have prior to the Dec BRC committee meeting.</p> <p>I am in meetings this afternoon but available tomorrow morning if you would prefer to call me to discuss this further and I would be happy to make arrangements to meet out of hours (with some notice) if that is more convenient for you. My contact numbers are below.</p>
25/09/13	BA	BEO	<p>Thank you for this. Let me respond more fully to your email later - but for now, I'm wondering about meeting up with you (presumably it wouldn't take longer than 15 minutes?) first thing on Friday morning.</p> <p>I'm not sure what time you get in but would sometime around 8.30 or 9.00 be OK? I need to be away by 9.15. I'll then be back around 4.30 pm and could pop into the estate office then if necessary.</p> <p>Alternatively I may be around at about 4.30- 5 pm tomorrow afternoon - but I won't know till it</p>

			happens
25/09/13	BEO	BA	<p>Thank you for your email. Friday am would be fine as I am clear of meetings until 10:00. I am always in by 8:30 so that will be fine and it should only take a few minutes just to show you how the documentation has been pulled together etc.</p> <p>Assuming this is ok, I'll meet you in the BEO reception at 8:30 unless I hear from you to the contrary.</p>
27/09/13	BEO	BA	Meeting between JS & KT for KT to handover e-copy and hard copy of documents.
27/09/13	KT	ES/RH	<p>Email: I met with Jane Smith, BA Chair, this morning to hand over additional documentation requested.</p> <p>I had previously requested that the BA consider dates for a further meeting (probably Nov) with our concrete specialists so that we may respond to any queries the BA or their consultant may have, prior to the Dec BRC meeting (see email 25/9/13).</p> <p>Jane advised that she would be writing to Eddie and Myself next week, advising that the BA do not think that a further meeting with our specialists would be required as “their consultant had come to the same conclusion as BAP re the concrete and there not being a structural defect” (meant in building terms) “ but that the matter was now a legal one – in terms of the lease and therefore they would most likely want to meet with the City’s solicitors”.</p>
07/10/13	JS	GM	<p>Thank you very much for your suggestion, via Karen, of another meeting with your concrete experts to help resolve the concrete discussions between the BA and the City.</p> <p>In the interests of resolving the issue we have in fact engaged a solicitor, Kerry Glanville of Pemberton Greenish, to advise us, and I am writing now to tell you that she will shortly be writing to the City solicitor to seek a meeting with him. Our advice is that the issue is not an engineering one but a legal one and we think it needs a meeting with lawyers present.</p> <p>I will forward you a copy of her letter when she sends it. In the meantime may I also thank you</p>

			both and Karen and her staff for being so helpful in getting us the documents we have asked for.
08/10/13	GM	JS	Many thanks for the update.
13/10/13	JS	GM/ES	Here, as promised, is a copy of the letter from our solicitor to the City solicitor.
17/12/13	BA	BEO	<p>I wonder if we can ask you for one more bit of information relating to the concrete works on the towers?</p> <p>Is it possible to the written specification of the repairs that Structural Renovations actually did in their initial repairs? The Bickerdike Allen report of March 2012 is actually all about the investigations and refers to the repairs as needing to be done.</p> <p>We know from what officers have said verbally that most of the repairs (except for the upper floors of Lauderdale and the surface finishes) were done immediately after the inspections while the scaffolding was still up. We also know about the finishing off repairs in 2013 from the Q+A session after English Hertiage had given the go ahead, but I can't find any document that specifies what the initial repairs were. If we could have a copy that would be very helpful. If we could have it before Christmas that would be even more helpful!</p>
18/12/13	BEO	BA	<p>Thank you for your email. I am sure we can get the information to you before Christmas. However, may I just clarify your requirements with regards to “specification”?</p> <p>Are you referring to the technical specification of the product used in the initial repairs? – if so, please find attached the technical sheets for your perusal. Or Are you seeking further information regarding the requirement and location of the works to be carried out? The technical drawings of the towers show where the repairs were required and I understand that instruction to Structural Renovation was to carryout repairs to locations in accordance with the BAP drawings and attached technical specifications.</p>

			I'll check with Chris regarding any further detailed instruction to Structural Renovations and perhaps, in the meantime, you could clarify your requirements so that we can get the right additional information to you asap.
18/12/13	BA	BEO	<p>Thank you very much for your prompt response. And thank you for the technical specification of the product.</p> <p>I think we are looking for a wider specification than that - ie the piece of paper that gave the instructions to Structural Renovations to do {what sort of?} repairs at the locations identified on the BAP drawings (the drawings that give the locations we have already). I imagine the instructions would include things like</p> <ul style="list-style-type: none"> -coat any exposed steel with X -apply the restoration mortar and the Betofix RM - in accordance with technical instructions etc..
24/12/13	BA	BEO	Any luck with this further document?
24/12/13	BEO	BA	<p>I am very sorry but I will now not be able to get the remaining information to you before Christmas.</p> <p>The instruction to Structural Renovation was by way of a procurement process that included a specification for testing and potential repairs, their proposal, subsequent appointment of SR via purchase order in accordance with the proposal, further provisional instructions and further instructions following site visits...so there are several documents that make up the instruction. Whilst I have much of the information to hand, unfortunately it is not within the BEO permissions to recreate the electronic purchase orders and we have requested this information from the Central Procurement team. Also, Chris Bate is on leave until 2nd January and I would prefer that he validates the documentation before I send it to you as I was not involved at that stage.</p> <p>Chris is back on 2nd January 2014 and I will make this request a priority on his return, by which time I should have documentation from the procurement team.</p>

			I apologise that I cannot get this information to you sooner but am confident that we will be able to get this to you by the end of the first week in January.
10/01/14	BA	BEO	Forgive me for emailing now, but I shall be out all day (and therefore not able to email later on today) and I'm just checking to hope that you will send me the remaining specification for the concrete repairs today - I think you said the end of the first week in January?
10/01/14	BEO	BA	<p>I have now received the copy purchase orders and have attached those relevant to the “build-up repairs”, which are those referred to in your request.</p> <p>As previously indicated and for clarification there is not one single instruction, as this is made up of the original tender documents for the investigation works (attached), which included some provision for repairs, the outcomes of the investigation work, which identified the location of required repairs (i.e. Bickerdike Allen Partners report – which you already have), the purchase orders to carry out the repairs in accordance with the work identified in the report and the Remmer’s technical information sheets, which shows the product detail and working methods of repair.</p> <p>I trust the use of these documents together with the Bickerdike Allen Report and Drawings provides the information you require regarding the location and nature of build-up repairs. If you require any further information regarding the final finish repairs please let me know accordingly. Regards</p>
02/02/14	BA	BEO	<p>In the last set of documents that you sent us in response to our request for information on the actual specification for the repairs to the concrete on the towers, we noticed that the quotation from Structural Renovations included in item 4.5:</p> <p>“We would be able to offer a significant saving by the use of an alternative scaffolding contractor who is familiar with the Corporation and has previously worked on the Barbican site.”</p> <p>Can you tell us what the City’s response was to that item? Was it followed up? If so with what result? If not, can you tell us for what reason was it not followed up?</p>

			<p>I would be very grateful for any information you can provide.</p> <p>Also, is there a report yet on the outcome of the inspections to Mountjoy and Breton House?</p>
12/02/14	BEO	BA	<p>Having checked with Officers and Consultants involved at the time, my understanding is that the reason for not pursuing the alternative contractor option was that to do so would have delayed the process and the works were of an urgent health and safety nature, in response to Bickerdike Allen’s advice that all the blocks should be dealt with by the end of the year (2011). The Mattison quote was based on their site meeting with an abseiling specialist (Vertical Technology) and the CDM coordinator. Ensuring that any alternative quotation complied with the same requirements would have entailed a delay to the project, due to requiring a further procurement process to ensure a fair process; including further on site meetings with any potential scaffolding companies and was deemed not feasible to pursue in the context of urgent works being required.</p> <p>With regards to Mountjoy and Breton House, we have now received the results of the testing, which have been sent to Dr Broomfield for his review and we expect to receive his report and recommendations shortly. As soon as we have his report this information will be shared with the house groups and residents.</p>

Barbican Tower blocks – Requests for Information from Pemberton Greenish and Officer response

Date	Ref	From /To	
7/10/13	1	Letter: Pemberton Greenish to City of London	Advising that following Counsel opinion this matter is of a legal nature (lease) rather than a technical matter
10/10/13	2	Letter: CoL to PG	Request to see Counsel opinion and enclosing copy of First Tier Tribunal dispensation order
1/11/13	3	Email: CoL to PG	<p>Dear Ms Glanville, following my receipt of your chaser letter dated the 30th October I did ring yesterday to obtain your email address in order that I could send through to you the letter and it's enclosures I sent on the 10th October 2013.</p> <p>I haven't heard from you. I am therefore sending a copy of my letter dated 10th October to your generic email address by way of a PDF in the hope that it reaches you. Perhaps at some point you will acknowledge safe receipt.</p>
7/11/13	4	Telephone: CoL & PG	<p>PG will not waive privilege, and release their Counsel's opinion.</p> <p>PG have not set out in clear terms what their arguments are. They have merely said in their opening letter that the issue is a legal as opposed to a technical one, and that we did not give notice; by which they must mean historic notice as opposed to notice in 2011.</p> <p>Phone call ended with Ms Glanville saying she would acknowledge my 10th October letter, and confirm that their Barristers opinion would not be released. When asked what the City's response would be I stated that I would have to take instructions as to whether the City consider a meeting is appropriate.</p>
22/11/13	5	Letter: PG to CoL	Confirming not prepared to disclose Counsel opinion and other
26/11/13	6	Letter CoL to PG	Requesting clarification of claims made by client and evidence to support. Letter confirms the City would consent to a meeting
4/12/13	7	Letter: CoL to PG	Letter sets out legal precedent of definitions of structural defects, reinforcing the City's position that the works to the Towers were not to correct structural defects.
20/12/13	8	Letter: PG to CoL	Acknowledgement of letter 4 th Dec
27/01/14	9	Letter CoL to PG	Querying no correspondence received as correspondence of 20 th December advised a response in the New Year.
30/01/14	10	Letter: PG to CoL	Advising still investigating and will advise when they are in a position to meet with City Officers

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Mr M Cogher
Comptroller and City Solicitor
City of London
Guildhall
PO Box 270
London
EC2P 3EJ

7 October 2013

Our Ref KDG/Barbican/SMD
Your Ref

Dear Sirs

The Barbican Estate – Remedial Works to Exterior Concrete

We are instructed on behalf of the Barbican Association in connection with the investigations which have been carried out and the remedial works which are currently being undertaken to the exterior concrete of the buildings comprising the Estate.

We understand it is the intention of the City to recover the entirety of the cost of these works from the leaseholders under the terms of their leases as part of the service charge. You will be aware that the Association has received an opinion from specialist counsel to the effect that, contrary to the conclusions set out in the report of the Director of Community and Children's Services to the Barbican Residents Consultation Committee and the Barbican Residential Committee dated 16 September 2013, such costs are not recoverable under clause 4(3) of the leases as the works are necessary to remedy defects in the structure of the building of which no notice has been given to the leaseholders, either expressly in their leases, or within 5 years following the grant of those leases. We concur with the advice counsel has given.

There seems to be no, or no significant, dispute regarding the existence of the defects, the probable cause of the defects or the remedial works that are needed (although our client reserves its position as to whether the cost of the works is reasonable and/or whether they have been carried out to a reasonable standard). The principal point of difference between the parties appears to turn on whether the works are necessary to repair a defect in the "structure" of the building. The documents we have seen indicate that the debate thus far has focused on whether or not the effect of the spalling concrete has impacted adversely upon the structural/loadbearing integrity of the buildings. In concluding that the defects are not structural the City appears to have been influenced by the advice of its engineers to the effect the structural/loadbearing integrity of the buildings has not been affected, at least for the time being.

The issue is a legal rather than a technical one; the question of whether any element of a building is part of its "structure" for these purposes is a matter of law and not an issue on which an engineer is qualified to express an opinion.

The cost of the remedial works is substantial. Whether it is recoverable from leaseholders or payable by the City is a matter of great concern to all parties and needs, as we are sure you will agree, to be addressed

sooner rather than later. In this regard our client is willing to attend a further meeting to explore whether this can be resolved without having the matter referred to the First Tier Tribunal for a determination. If, however, such a meeting is to take place we respectfully suggest that it should be attended, not by engineers and construction industry experts, but by you, our Ms Glanville and no more than one or two representatives of the parties. Perhaps you could let us know as soon as possible whether this proposal is of interest to you and, if so, let us have two or three dates when a meeting would be convenient.

Yours faithfully



Pemberton Greenish LLP

Comptroller and City Solicitor

Michael Cogher LLB (Hons), Dip.L.G., Solicitor
Comptroller and City Solicitor

Pemberton Greenish LLP
45 Cadogan Gardens
London SW3 2AQ

Telephone 020 7332 1690
Fax 020 7332 1992

Your ref KDG/BARBICAN/SMD
Our ref BR1502/001/RH/TB

Date 10 October 2013

Dear Sirs

**The Barbican Residential Estate
Remedial Works to Exterior Concrete**

I thank you for your letter dated 7 October and note your instructions on behalf of the Barbican Association.

As I am sure you are aware, the City made an application earlier this year for a Dispensation Order pursuant to Section 20ZA of the Landlord and Tenant Act 1985 to dispense with consultation in respect of remedial works to the concrete exterior of the three tower blocks at the Barbican Estate. I attach a copy of the Tribunal decision granting the City dispensation. I understand the remedial work is virtually complete.

You are correct that it is the City's intention to recover a proportionate part of the total costs incurred from long Leaseholders further to the operation of the standard form of long Lease. On that point, I am informed that the costs billed to date to long Leaseholders have in the vast majority of cases been paid without more.

I am not aware of the opinion of specialist Counsel to which you refer, and I would invite you to make that opinion available in order that I can consider it in conjunction with my client department.

If, following receipt of the opinion it is considered the proposed meeting to which you refer would be beneficial then of course a meeting can be arranged.

Yours faithfully


R Howlett
For Comptroller and City Solicitor

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Mr M Cogher
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COMPTROLLER and
CITY SOLICITOR
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To: RJ

7 October 2013

Our Ref KDG/Barbican/SMD
Your Ref

Dear Sirs

The Barbican Estate – Remedial Works to Exterior Concrete

We are instructed on behalf of the Barbican Association in connection with the investigations which have been carried out and the remedial works which are currently being undertaken to the exterior concrete of the buildings comprising the Estate.

We understand it is the intention of the City to recover the entirety of the cost of these works from the leaseholders under the terms of their leases as part of the service charge. You will be aware that the Association has received an opinion from specialist counsel to the effect that, contrary to the conclusions set out in the report of the Director of Community and Children's Services to the Barbican Residents Consultation Committee and the Barbican Residential Committee dated 16 September 2013, such costs are not recoverable under clause 4(3) of the leases as the works are necessary to remedy defects in the structure of the building of which no notice has been given to the leaseholders, either expressly in their leases, or within 5 years following the grant of those leases. We concur with the advice counsel has given.

There seems to be no, or no significant, dispute regarding the existence of the defects, the probable cause of the defects or the remedial works that are needed (although our client reserves its position as to whether the cost of the works is reasonable and/or whether they have been carried out to a reasonable standard). The principal point of difference between the parties appears to turn on whether the works are necessary to repair a defect in the "structure" of the building. The documents we have seen indicate that the debate thus far has focused on whether or not the effect of the spalling concrete has impacted adversely upon the structural/loadbearing integrity of the buildings. In concluding that the defects are not structural the City appears to have been influenced by the advice of its engineers to the effect the structural/loadbearing integrity of the buildings has not been affected, at least for the time being.

The issue is a legal rather than a technical one; the question of whether any element of a building is part of its "structure" for these purposes is a matter of law and not an issue on which an engineer is qualified to express an opinion.

The cost of the remedial works is substantial. Whether it is recoverable from leaseholders or payable by the City is a matter of great concern to all parties and needs, as we are sure you will agree, to be addressed

sooner rather than later. In this regard our client is willing to attend a further meeting to explore whether this can be resolved without having the matter referred to the First Tier Tribunal for a determination. If, however, such a meeting is to take place we respectfully suggest that it should be attended, not by engineers and construction industry experts, but by you, our Ms Glanville and no more than one or two representatives of the parties. Perhaps you could let us know as soon as possible whether this proposal is of interest to you and, if so, let us have two or three dates when a meeting would be convenient.

Yours faithfully



Pemberton Greenish LLP

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From: Howlett, Richard
Sent: 01 November 2013 09:36
To: 'law@pglaw.co.uk'
Subject: Barbican Estate Exterior Concrete Works.

ATTENTION MS.GLANVILLE.

Dear Ms Glanville, following my receipt of your chaser letter dated the 30th October I did ring yesterday to obtain your email address in order that I could send through to you the letter and it's enclosures I sent on the 10th October 2013.

I haven't heard from you. I am therefore sending a copy of my letter dated 10th October to your generic email address by way of a PDF in the hope that it reaches you. Perhaps at some point you will acknowledge safe receipt.

Regards.

Richard Howlett
Chief Legal Assistant
Comptroller & City Solicitors Department
020 7332 1690
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Outcome of telephone conversation with Pemberton Greenish 1st November 2013

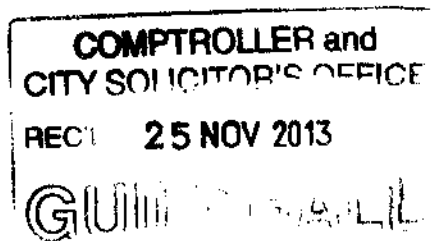
PG will not waive privilege, and release their Counsel's opinion.

PG have not set out in clear terms what their arguments are. They have merely said in their opening letter that the issue is a legal as opposed to a technical one, and that we did not give notice; by which they must mean historic notice as opposed to notice in 2011.

Phone call ended with Ms Glanville saying she would acknowledge my 10th October letter, and confirm that their Barristers opinion would not be released. When asked what the City's response would be I stated that I would have to take instructions as to whether the City consider a meeting is appropriate.

R Howlett
1st Nov 2013

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Mr M Cogher
Comptroller and City Solicitor
City of London
Guildhall
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EC2P 3EJ

And by email: richard.howlett@cityoflondon.gov.uk

22 November 2013

Our Ref KDG/18162.1/LM
Your Ref BR 1502/001/RH/TB

Dear Sirs

The Barbican Estate - Remedial Works to Exterior Concrete

We refer to your letter of 5 November and the subsequent telephone conversation between your Mr Howlett and our Miss Glanville.

Your letter does not address the points made in the third paragraph of our letter of 7 October. Whilst we are not prepared to waive privilege and disclose to you the written opinion obtained from Counsel on behalf of our client (nor should this be necessary in order to illicit your response), we are content to amplify the basis on which we say that our client is not liable to contribute towards the cost of the repairs carried out to the concrete exterior to the tower blocks on the Estate in order to assist you.

The flats comprising the Estate are demised in some cases by leases granted under the provisions of the "right to buy" legislation (Part V of the Housing Act 1985, formerly Part 1 of the Housing Act 1980) with the majority being demised under the terms of voluntary sales leases. The landlord's repairing obligations are not set out expressly in the right to buy leases; they are implied by the relevant legislation. There are express covenants in the voluntary sales leases. However, in all material respects (save for the notice period) the provisions are the same. The City's obligation is "to keep in repair the structure and exterior of the premises and of the Building". The leaseholders are to pay to the City "a reasonable part of the costs of carrying out specified repairs". "Specified repairs" are defined as repairs carried out in order "to keep in repair the structure and exterior of the premises and of the Building in which they are situated (including drains gutters and external pipes) not amounting to the making good of structural defects" and repairs carried out "to make good any structural defect of whose existence the Corporation has notified the tenant..... or of which the Corporation does not become aware earlier than ten [or 5] years after the grant". It is the second limb of the definition which is relevant here.

We trust there is no dispute between the parties that the works which have been carried out to the exterior concrete of the tower blocks, the cost of which you are seeking to recover (and in most cases have recovered) from the leaseholders, are works of repair to remedy a defect. In our letter of 7 October we anticipated, on the basis of the documents we have seen, that the City's contention is that the works were not necessary to remedy a defect in the "structure".

Whilst we accept that what is meant by "structure" depends on the proper interpretation of the particular lease in question, the case law provides some useful guidance as to how the courts are likely to construe that word. In this respect, there are a number of relevant decisions. The first is *Pearlman v The Keepers and Governors of Harrow School* [1979] QB 56, CA in which Eveleigh LJ approved the following passage from the unreported decision of His Honour Judge White in *Pickering v Phillimore* [1976] in which the Court of Appeal had to consider whether the installation of a central heating system was "an improvement made by the execution of works amounting to structural alteration, extension or addition" for the purposes of the Housing Act 1974.

"A house is a complex unity, particularly a modern house. "Structural" implies concern with the "constituent or material" parts of that unity. What are the "constituent" or "material" parts? In my judgment in any ordinary sense they involve more than simply the loadbearing elements, for example, the four walls, the roof and the foundations. The constituents are more complex than that. [He then suggested a definition of "structural" as] appertaining to the basic fabric and parts of the house as distinguished from its decorations and fittings."

A similar approach was taken in *Irvine v Moran* [1991] 1 EGLR 261, where the Court had to consider the meaning of "structure" in the landlord's covenant to keep in the repair the "structure and exterior" implied pursuant to Section 11 of the Landlord & Tenant Act 1985. Thayne Forbes QC, sitting as a Deputy High Court Judge, adopted the following approach:

"The structure of the dwelling house is something less than the overall dwelling house itself and the exterior of the dwelling house is also something less than the overall dwelling house itself... I am not persuaded... that one should limit the expression "the structure of the dwelling house" to those aspects of the dwelling house which are loadbearing in the sense that sort of expression is used by professional consulting engineers and the like; but what I do feel is, as regards the words "structure of a dwelling house", that in order to be part of the structure of the dwelling house a particular element must be a material or significant element in the overall construction. To some extent, in every case there will be a degree of fact to be gone into to decide whether something is or is not part of the structure of the dwelling house."

In *Ibrahim v Dovecorn Reversions Limited* [2001] 2 EGLR 46, Rimer J cited the above passage with apparent approval and in *Marlborough Park Services Limited v Rowe* [2006] 2 EGLR 27, Neuberger LJ referred to it as "a good working definition".

In the decided cases the essential distinction to be drawn, therefore, is not between loadbearing and non-loadbearing aspects of a building but between the constituent elements of a building and its decorative or other finishes and fittings. In *Grand v Gill* [2011] EWCA Civ 554, Rimer LJ held in relation to plasterwork as follows:

"In the days when lath and plaster ceiling and internal partition walls were more common than now, the plaster was, I should have thought, an essential part of the creation and shaping of the ceiling or partition wall, which serve to give a dwelling house its essential appearance and shape. I would also regard plasterwork generally, including that applied to external walls, as being ordinarily in the nature of a smooth constructional finish to walls and ceilings, to which the decoration can then be applied, rather than a decorative finish in itself. I would therefore hold that it is part of the "structure"."

In the light of these decisions we consider that the exterior concrete to the tower blocks will be held to be part of the structure of those buildings.

We accept that the leaseholders are liable to contribute to the cost of repairing those defects to the structure of which notice was given on or before the grant of the leases or of which the City has not become aware earlier than five or ten years (as the case may be) from the grant of the leases.

It has been suggested by Mr Howlett that the City was not aware of the defects to the concrete until 2011; this is disputed. The report of the Director of Building & Services to the Barbican Residential Committee for the purposes of a meeting on 14 April 1986 clearly shows that the City was aware, by 5 April 1986, that there were some defects affecting the concrete and that it was at least suspected that there were "local instances of insufficient cover to reinforcement and less dense concrete" (para 2.2.6). The 1986 report referred (at para 2.2.9) to defects found in five locations including Flat 373 in the Cromwell Tower and Flats 12 and 251 in the Lauderdale Tower, in relation to which "the potential hazard was averted due to timely intervention and repair although it is not clear what work was done. The defects were ascribed to "a repair or other interference with the concrete work effected during the construction or shortly after construction had been completed". The 1986 report recommended that a walk-round survey and report, followed by a "reconnaissance survey" be conducted over a total period of about 45 weeks and at an estimated cost (at that time) of £35,000.

The 1991 report headed "The Physical Future of the Barbican Estate" refers, under the heading "Spalling in Concrete" to the walk-round survey being carried out and the report of the reconnaissance survey being received in April 1991.

A report commissioned by the Association from William J Marshall & Partners refers to and considers the results of fairly extensive testing in relation to the tower blocks by Martech. This reveals that although Marshall did not consider the results to be "exceptional" for buildings of their age and class, between 17% to 20% of more than 2,400 cover meter readings were at or below the depth of 40mm which was the recommended depth at the time of construction. Furthermore, although the area affected in each case was generally around only half a metre square, there were about 120 locations where compaction was found to be inadequate, a significant number of which were on the north elevation of the Cromwell Tower (para 3.10). Although 95% of 200 tests revealed the carbonation depth to be 20mm or less (para 3.14), in some locations carbonation had occurred to a depth of over 50mm (in other words to a depth greater than that of 42% of the areas where depth of cover had been tested). Even on these figures around 1 in 20 of the tested areas showed carbonation to a depth which matched or exceeded the cover levels recorded in around 1 in 50 of all the tested areas (para 3.7). About 280 areas of spalling concrete were identified and about 50 areas of exposed reinforcement (para 3.18). Intrusive investigation revealed one instance of "significant corrosion" of a reinforcement bar (para 3.22). It is not suggested that defects in these affected areas had been caused by previous repair work as opposed to the original construction.

Accordingly, the extent of the low cover and poor compaction combined with instances of spalling concrete and exposed reinforcement suggests significant and widespread defects in the concrete, albeit in patches generally of half a metre square. These defects have occasionally resulted in significant damage. There are apparent parallels between the results of the Martech testing, as analysed in the Marshall report, and the "local instances of insufficient cover to reinforcement and less dense concrete" recorded in the 1986 report (para 2.2.6). At the very least, the information presently available demonstrates longstanding defects in the original construction of a kind which the Corporation knew about from 1986 and which were then sufficiently widespread to warrant wide ranging surveys. Further, it is apparent that localised repair of the concrete surface in an area where it had become disrupted or loose by reason of corrosion of the embedded reinforcement caused (at least in part) by inadequate cover and/or compaction would not address other areas of inadequate cover or compaction in which the same surface damage may later become manifest.

We consider that, at least by the time of 1991 report, the City was aware of unremedied defects in the concrete because it had decided that a second cycle of inspections was required. The reports do not

suggest that there is any material difference in the construction of the concrete as between the various different buildings. The City was, therefore, aware of such defects across the Barbican Estate including the tower blocks, in two of which actual defects had been discovered by 1986.

It is a fact that no notification was given to any lessee of any structural defect in relation to the concrete either at or before the leases were granted or within the relevant five or ten year period notwithstanding the City's knowledge of their existence. It is in this context that our letter of 7 October refers to no notice having been given to the leaseholders. It has been suggested by Mr Howlett that the Notice of Intention served on the leaseholders pursuant to Section 20 of the Landlord & Tenant Act 1985 (referred to in the decision of the Leasehold Valuation Tribunal dated 30 July 2013) constitutes "notice" for this purpose. In view of the compelling evidence as to when the City became aware of the problems, this cannot be the case.


The City's application for dispensation from the consultation requirements proceeded unopposed and on the assumption (on the part of the City and not questioned by the Tribunal) that the costs incurred in carrying out the remedial works were recoverable as part of the service charge. The Tribunal was not asked to make a decision in respect of this issue of substance. Its determination cannot bring within the service charge regime costs which are not recoverable under the terms of the leases, nor is it the case that a failure to oppose the application by the leaseholders and/or the payment of the sums demanded of them, affect their liability under the leases or preclude them from challenging the City's entitlement to recover these costs and/or seek reimbursement of the sums already paid.

We have been asked by the leaseholders to put you on notice that they intend to seek redress in respect of those sums which have been improperly recovered from them in respect of the cost of carrying out repairs to the concrete structure to the tower blocks. This is quite apart from any arguments they may have as to the reasonableness of the sums demanded and/or the standard of the works carried out.

We hope that on reflection you will feel that there may be some benefit in having a meeting to explore whether this matter can be resolved without the need for applications to the Court and/or Tribunal. Our client is prepared to make available to you in advance of any meeting a copy of William J Marshall & Partners' report.

We look forward to hearing from you.

Yours faithfully



Pemberton Greenish LLP

Comptroller and City Solicitor

Michael Cogher LLB (Hons), Dip.L.G., Solicitor
Comptroller and City Solicitor

Pemberton Greenish
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Your ref KDG/18162.1.LM
Our ref BR1502/001/RH/TB

Date 26 November 2013

Dear Sirs

The Barbican Estate - Remedial Works to Exterior Concrete

I thank you for your letter dated 22 November sent late that day by e-mail, the hard copy arriving by post on 25 November.

Firstly, I did not write to you on 5 November?!. Other than a brief e-mail sent on 1 November, I have written to you once, and that was on 10 October.

I am pleased that you have now begun to articulate your arguments. It was my understanding/impression rightly or wrongly, that your clients acknowledge the necessary works to the concrete do not amount to the making good of a structural defect having accepted at a previous meeting(s) expert opinion on that point. If your clients' position has changed, perhaps you will confirm.

If your clients' position has not changed, your arguments appear to be that as the concrete forms part of the structure of the block (and the City's position is presently reserved in that respect for the purposes of this correspondence), then remedial work undertaken to that structure amounts to work being carried out to make good a defect with the structure which the City were aware of, or should have been aware of in 1986, and notification given then.

If that is your clients' position, then it appears to ignore the operation of the Lease which, in my view, envisages two types of repair: (i) repairs carried out in order to keep in repair the structure and exterior and (ii) repairs to make good any "structural defect". If your clients accept that the first type of repair has proved necessary, that is work to repair the structure and exterior, as opposed to the making good of a structural defect, then as a mere running repair, the City's position is that the associated costs are recoverable.

As far as the 1986 position is concerned, I am instructed that a fair conclusion of Ove Arups' findings is as follows:

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DX 121783 GUILDHALL-DX
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“The condition of the concrete was discovered to be generally good and free from major defects”

“None of these defects are of structural or other particular significance”

Moreover, just because part of a buildings structure or exterior requires repair, does not in my view mean, applying the provisions of the standard form of Lease, the associated costs are irrecoverable.

Referring back to your opening letter of 7 October, you asserted that no notice of the remedial works to remedy defects in the structure of the building was given. That is not right. Your assertion, now that you have begun to articulate your arguments, is obviously aimed at the position in 1986. I am grateful for the explanation.

I obviously appreciate that the Order for Dispensation does not affect liability or preclude your clients' challenging cost recovery; that much is even made clear in the Order itself if it needed to be made clear. If your clients have issues regarding reasonableness of sums demanded and to be demanded and/or the standard of the works carried out, perhaps they would provide full reasoning and evidence in support.

As a first measure and following receipt of your letter only yesterday, I will take further instructions from my client Director. I anticipate an Instruction to Counsel where after it is entirely possible a meeting to explore matters will be considered appropriate in the not too distant future.

Yours faithfully

R Howlett
For Comptroller and City Solicitor

Comptroller and City Solicitor

Michael Cogher LLB (Hons), Dip.L.G., Solicitor
Comptroller and City Solicitor

Pemberton Greenish
Solicitors
45 Cadogan Gardens
London SW3 2AQ

Telephone 020 7332 1690
Fax 020 7332 1992

Your ref KDG/18162.1.LM
Our ref BR1502/001/RH/TB

Date 4 December 2013

Dear Sirs

The Barbican Estate - Remedial Works to Exterior Concrete

Further to your letter of 22 November 2013, and my reply of 26 November, 2013, I have now taken instructions from my client and considered the issues raised in your letter with Counsel. This letter sets out the City of London's response to the arguments raised in your letter.

There is no dispute between the parties as to the terms of the leases relevant to this matter, nor that the works in question to the exterior concrete of the towers are works of repair to the structure and/or the exterior of the blocks affected. We do not, however, agree with your description of the works, contained in the third paragraph of your letter, as "works of repair to remedy a defect".

One of the key difficulties with this description of the works is that it does not use the language contained in the lease but, rather, elides the two separate concepts in clause 5(4) of the lease, *i.e.* that of "keep[ing] in repair the structure and exterior" of the premises and of the building and that of "mak[ing] good any defect affecting the structure". While we accept that, as a matter of definition, the lease uses the term "specified repairs" to mean both kinds of work, as a convenient shorthand, that does not, in our view, affect the proposition that they are conceptually distinct and intended, by the lease, to be so.

It is clear in our view that the leases were drafted in this way, reflecting the provisions of Part V of the Housing Act 1985, so as to distinguish between works of what might be called ordinary "repair" to the structure and/or exterior and works to "make good" what are described as "structural defects" or "defects affecting the structure". It is to be noted, that in relation to the latter, that the activity referred to is one of making good the defect rather than repairing it, and that the phrase "structure and exterior" is not used.

This distinction is meaningful, particularly in the context of whether or not the cost of undertaking the works is recoverable from leaseholders under the service charge provisions of the lease. Ordinary repairs and maintenance to the structure or exterior of the buildings on the estate, such as the replacement of rotten window frames, or repointing of brickwork, or the reapplication of mastic seals, is different in kind from works for the making good of structural defects. The City

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believes that the repair of localised areas of loose and/or spalling concrete, caused essentially by wear and tear to the buildings (*i.e.* their exposure over time to the elements) rather than by any inherent defect to the concrete, falls into the former category of works.

The City therefore does not accept your contention that any work to the structure to repair some aspect of it that has gone out of repair amounts to the making good of a structural defect. While we do not dispute the various authorities to which you refer on the meaning of the word “structure”, we do not consider them to be particularly relevant because the critical issue is not whether the external walls of the blocks are part of their structure but, rather, what is meant by the term “structural defect”. Our interpretation of the lease, which accords with the way that the courts have construed the use of the same language under Part V of the 1985 Act (see below), is that “structural defects” are confined to inherent or design defects.

This interpretation has the advantage of preserving the distinctions in the lease between repairs to the structure and exterior and the making good of structural defects, to which I have already referred, above. Your interpretation, on the other hand, as we understand it, collapses that distinction. This seems unlikely to be correct because it deprives of any effect, so far as the structure of the buildings is concerned, the provisions relating to repairing the structure and exterior: in other words, all works to remedy wants of repair to the structure would also amount to repairs to remedy a defect and would thus be works to make good a structural defect. This would mean that notice on or before the grant of the lease (or absence of knowledge of the “defect” for 5 or 10 years) would always be required for recovery of the costs through the service charge to be possible.

The construction of the lease provisions I have suggested above is supported by the case of *Payne v Barnet LBC* (1998) 30 HLR 295, CA, which considered the meaning of the provisions of s.125, 1985 Act and the equivalent, predecessor provisions in the Housing Act 1980. The third holding in the headnote reads:

“ ‘Structural defects’ are defects affecting the structure which require making good, as opposed to ordinary items of repair or maintenance; in the context of right to buy applications, structural defects are limited to the narrow category of inherent defects.”

Brooke LJ, at p.300, said this.

“...Part III of Schedule 2 to the 1980 Act, as amended, ...set out the terms of any lease which might be granted under these provisions. Paragraph 13(1A) of this schedule imposed on the landlord (a) an implied covenant ‘to keep in repair the structure and exterior of the dwelling-house and of the building in which it is situated (including drains, gutters and external pipes) and to make good any defect affecting that structure;’ and (b) an implied covenant to keep in repair any other property over or in respect of which the tenant has any rights by virtue of this schedule. We will call the repairs referred to in these two paragraphs ‘ordinary external repairs’ as distinct from making good structural defects.

“We make this distinction because it appears to us that the draftsman of this schedule was well aware of the vexed problem in landlord and tenant law of distinguishing between a liability to repair and a liability to make good an inherent defect in the property demised (see *Woodfall on Landlord and Tenant*, Volume 1, paras 13.029-13.037 and the well-

known cases there cited). In *Post Office v. Aquarius Properties Ltd* [1987] 1 All E.R. 1055, for instance, this court held that a covenant by a tenant to keep demised premises in good and substantial repair did not impose any obligation on him to remedy a defect in the structure of the premises, whether that defect resulted from faulty design or workmanship, if it had been present from the time the building was constructed and had caused no damage to it. In the Housing Act scheme the landlord is fixed not only with the liability to keep the dwellinghouse's structure and exterior in repair, but also with the liability to make good any defect affecting that structure. However, the requirements he must fulfil if he is to be able to pass on to the tenant any of the expense he may incur in meeting these liabilities are different in each case."

At p.312, he added:

"Parliament has required the landlord to tell the tenant of any structural defects, meaning defects affecting the structure which require making good, as opposed to ordinary items of repair or maintenance..."

The repair of isolated areas of spalling concrete on buildings which are more than 40 years old is not, in the City's view, works to make good structural defects, but ordinary works of repair and maintenance much like the examples I have given above (re-pointing brickwork or replacing rotten window frames). Neither the design nor the construction of the buildings' external walls was defective in any respect; over time, however, concrete repairs will become necessary due to wear and tear including, in particular, the exposure of the external surface of the concrete to the elements. It is clear from the expert reports which we commissioned and which your clients have seen that the quality of the concrete in general is extremely high and still generally providing good cover to the steel reinforcement.

I cannot therefore agree with the central thesis of your letter that recovery of the costs of the works depends on the giving of notice or the date of the City's knowledge of the need for the works. Accordingly, I do not propose to comment in detail on your assertions derived from the William J Marshall report or the Martech testing. In any event, having not been given sight of the Marshall report, the City has no option but to reserve its position on the contents of that report. I have already commented in general terms on the 1986 conclusions of Ove Arup, in my letter of 26 November.

The one point I would make, in general terms at this stage, is that I do not accept that knowledge of a need for localised concrete repair works in either 1986 or 1991 would be such as to put the City on notice of the need for further concrete repairs in 2011. This is because, as I have said, the damage to the concrete is caused by the effects of exposure to the elements over time. While it is to be expected therefore that from time to time further such repairs will be required, it was only in about June 2011 that officers of the City became aware of an area of unsound concrete on the 37th floor of Shakespeare Tower which led to the current investigative and repair works. In *Payne*, where the issue of knowledge was considered in the context of the notice requirements of Part V, 1985 Act, the Court of Appeal pointed out (at p.312) that:

"It is, of course, knowledge, not suspicion about a possibility, that is required before the obligation of disclosure under section 125(4A) of the Act can have any effect."

If, in the light of this response, your clients still wish to have a meeting with us to explore whether the matter can be resolved, then I am instructed that officers are willing to meet with you. It is important, however, that any such meeting should not proceed on the misunderstanding that the City accepts the proposition that the works undertaken related to anything other than routine repairs and maintenance to give effect to its obligation to keep in repair the structure and exterior of the blocks in question.

Yours faithfully

R Howlett
For Comptroller and City Solicitor

Mr M Cogher
Comptroller and City Solicitor
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20 December 2013

Our Ref KDG/18162.1/SMD
Your Ref BR 1502/001/RH/TB

Dear Sirs

The Barbican Estate - Remedial Works to Exterior Concrete

We thank you for your letter of 4 December. Although we had hoped to respond substantively prior to Christmas this has not been possible. You will hear from us in the New Year.

Yours faithfully

Pemberton Greenish LLP

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Comptroller and City Solicitor

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Comptroller and City Solicitor

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Your ref BR1502/001
Our ref KDG/18162.1/SMD

Date 27 January 2014

Dear Sirs

The Barbican Residential Estate - Remedial works to exterior concrete

I refer to correspondence in respect of the above. Upon a review of my file, I note I replied substantively to your points on the 4th December 2013 in which I indicated that officers were prepared to meet with you.

You responded just before Christmas stating that I would hear from you in the New Year. I am a little surprised I have had nothing further from you, particularly as February is fast approaching.

If there are any points that I did not cover in my 4th December letter (and I do not believe there are) perhaps you will let me know in due course.

Yours faithfully

Mr Richard Howlett
for Comptroller and City Solicitor

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Mr Richard Howlett
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30 January 2014

Our Ref KDG/18162.1/LM
Your Ref BR 1502/001

Dear Sirs

The Barbican Estate - Remedial Works to Exterior Concrete

We refer to your letter of 27 January.

We are continuing, at present, to investigate with our clients the issues that arise in connection with this matter and will contact you to let you know when we shall be in a position to meet the City's officers.

In the meantime, we confirm that there are no points, additional to those covered in your letter of 4 December, that we would like you to address.

Yours faithfully



Pemberton Greenish LLP

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BARBICAN ESTATE RESIDENTS CONSULTATION COMMITTEE **Monday, 2 June 2014**

Minutes of the meeting of the Barbican Estate Residents Consultation Committee
held at Guildhall on Monday, 2 June 2014 at 6.30pm

Members:

Tim Macer - Willoughby House (Chairman)	John Tomlinson - Cromwell Tower
Professor Chris Mounsey - Breton House (Deputy Chairman)	Gillian Laidlaw - Mountjoy House
Randall Anderson - Shakespeare Tower	Fiona Lean - Ben Jonson House
Averil Baldwin - Thomas More House	Natalie Robinson - Andrewes House
Robert Barker - Lauderdale Tower	Jane Smith - Barbican Association
Gordon Griffiths - Bunyan Court	Professor Michael Swash - Willoughby
Helen Wilkinson - Speed House	John Taysum - Bryer Court
Robin Gough – Defoe House	John Tomlinson - Cromwell Tower
Dr Gianetta Corley – Gilbert House	Janet Wells - John Trundle House
	Mark Bostock – Frobisher Crescent

In Attendance:

Gareth Moore – Past Chairman of the Barbican Residential Committee
Henrika Priest – Past Deputy Chairman of the Barbican Residential Committee

Officers:

Eddie Stevens	- Community and Children's Services
Helen Davinson	- Community and Children's Services
Mike Saunders	- Community and Children's Services
Anne Mason	- Community and Children's Services
Julie Mayer	- Town Clerk's

1. APOLOGIES

Apologies were received from David Graves.

2. DECLARATIONS OF INTEREST

There were no declarations.

3. MINUTES

The Minutes of the Barbican Residents' Consultation Committee (RCC) held on 3 March 2014 were approved.

4. BARBICAN LISTED BUILDING MANAGEMENT GUIDELINES- VOLUME IV - LANDSCAPE SPD (PROGRESS REPORT)

The Committee received a report of the Director of the Built Environment which set out the Draft Barbican Listed Building Management Guidelines (Volume IV) – Landscape SPD. Members noted that the draft was being finalised and would be presented to the Planning and Transportation Committee, on 17 July 2014, in order to seek approval to carry out a public consultation during July/August/September. Once the consultation was complete and all comments collated, the final document would be presented to the RCC and Barbican Residential Committee (BRC), prior to its approval and adoption by the Planning and Transportation Committee.

The Barbican Estate Office would publicise the consultation via an email broadcast, with a link to the website.

RESOLVED, that:

The report and public consultation exercise on the Barbican Listed Building Management Guidelines be noted.

5. SLA REVIEW

The Committee received a report of the Director of Community and Children's Services, which updated Members on the review of the estate-wide implementation of Service Level Agreements (SLAs) and Key Performance Indicators (KPI's) for the quarter January to March 2014.

During the discussion of this item, the following matters were raised:

- Residents were concerned at the mess and debris at Lakeside Terrace, which was attracting pigeons. The Chairman of the Barbican Association agreed to raise this at their next meeting with the Arts Centre (Planned for Monday 9th June).
- The concrete survey results were awaited and quotations for the remedial works were expected next month. House Groups had seen the latest specification (for Breton and Mountjoy Houses) which generally had a good prognosis. Officers would seek the advice of consultants before works commence on the other blocks.

RESOLVED, that:

The work undertaken by the Barbican Estate Office and the Resident Working Party to monitor and review the implementation of SLAs and KPIs estate-wide and to identify and implement actions be noted.

6. WORKING PARTY REVIEW - MINUTES OF THE GARDENS ADVISORY GROUP

The Committee received the Minutes from the Gardens Advisory Group, dating back to July 2013. During the discussion of the minutes, the following items were raised/noted:

- The Working Party had been running for 5 years and is attended by residents, Barbican Estate officers (Chaired by a BEO officer), officers from the Department of Open Spaces including the gardeners.
- The Group had last met in mid-May and had discussed the new concrete planters and visited Sculpture Court. Members noted that all wooden planters would be replaced eventually and they were very happy with the new concrete ones.

- In response to some concerns about tree removal, officers advised that this was generally a last resort, following advice from the Department of Open Spaces and consultation with the Gardens Advisory Group. The Chairman suggested and Members agreed, that future communications about tree removal should explain the reasons as well as the logistics. Members also noted that consultation on the current Listed Building Guidelines (at Item 4 on the Agenda) would further serve this issue.

RESOLVED, that:

The Minutes of the Gardens Advisory Working Party be noted.

7. PROGRESS OF SALES & LETTINGS

The Committee received a report of the Director of Community and Children's Services which advised members of the sales and lettings which had been approved since the last meeting.

RESOLVED, that:

The Sales and Lettings report be noted.

8. 3 WHITE LYON COURT (LETTING APPROVAL)

The Committee received a redacted report in respect of a property at 3 White Lyon Court, which had been vacant since the previous tenant determined the lease by exercise of a break option.

During the discussion of this report, the following items were raised/noted:

- There should be no smoking near entrances, particularly near the day nursery.
- A resident had experienced some noise nuisance from the area below Da Vinci Parking and was concerned that it might worsen following this development. The Commercial House Officer will raise this directly with Da Vinci.

RESOLVED, that:

The report be noted and recommended to the Barbican Residential Committee on 16 June 2014.

9. UPDATE REPORT

The Committee received a report of the Director of Community and Children's Services on the issues raised at the last meeting of the RCC and BRC in March 2014. The report also provided updates on other issues on the estate.

During the discussion and debate on this report, the following matters were raised:

- The BEO were seeking quotes from specialised contractors re the 'tombstones' on St Giles' Terrace. The works would include re-grouting the stones, replacing masonry bricks and a "conservation clean" of the stones.

- Residents asked for urgent action in respect of the “blown” tiles along the expansion joint on Ben Jonson Highwalk. The BEO had already raised this with the contractors.
- There would be a further update on the London Film School Lease negotiations in July. Members noted that there had been some delay whilst the LFS was being affiliated with a London University.
- In response to a query at the last meeting, Members noted that ‘compartmentation’ was the protection in flats to prevent fires spreading; (i.e. part of the Building Regulations).
- A decision on the roof apportionments would be taken in September.
- The Housing and Technical Services Director was due to meet with the TV Contractors on 3rd June and would advise residents on progress.
- Residents of Ben Jonson and Breton Houses asked to see a breakdown of the external redecoration costs.
- A meeting had been arranged with UHL in respect of the Heating at Frobisher Crescent.
- There was extensive rain damage to the balconies on the South West Corner of Frobisher Crescent and extra drainage would be required. It was noted that one flat was currently inhabitable as a result. Residents felt that the BEO had been very helpful but asked for the matter to be raised formally at the BRC on 16 June 2014. Residents asked if a City Surveyors’ representative could attend this meeting.

Antennae on Tower Bocks

- There would be no liability to residents, should the contractor cause any damage.
- Residents would be consulted if the contractor expected to use the lifts excessively and they would be reimbursed.

RESOLVED, That:

The Update Report and comments provided above be noted.

10. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE

There were no questions.

11. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

In addition to the questions submitted in advance (at appendix 2 to these minutes), the Chairman permitted a further question, **as an item of urgent business.**

Members expressed some concerns about the car parking gate to the Heron spaces and the Heron door in the corner of the car park behind Moor Lane. Members were concerned about security in that the gate took a very long time to close and suggested that the timing be adjusted to be more appropriate and hence reduce tailgating. The door behind the lift was sometimes left open, to the extent that Speed House CPAs have to close it, rather than Heron security. Furthermore, the door behind the lift and the gate onto the ramp leading to Moor Lane were supposed to have an ASSA lock fitted on the outside for Barbican residents' use.

Residents suggested that a simple improvement would be to label the door buttons; i.e. one is for pedestrian use (just a few seconds) and the other for cars (which takes about 2 minutes)

Officers advised that the City Surveyor and Town Clerk were seeking to resolve the matter.

Finally, the Chairman announced the forthcoming retirement of Eddie Stevens, the Technical Services Director and thanked him for his outstanding work over many years. The Chairman felt that Eddie had been a 'friend' to the residents and not just an officer. This sentiment was echoed by the Barbican Association. In response, Eddie stated that the RCC was a great success and exemplary in conflict resolution and joint working between residents and officers.

The meeting ended at 8.00pm

Chairman

**Contact Officer: Julie Mayer tel.no.: 020 7332 1410
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