



Community & Children's Services Committee

Date: FRIDAY, 12 OCTOBER 2018
Time: 11.30 am
Venue: COMMITTEE ROOMS, WEST WING, GUILDHALL

Members:

Randall Anderson (Chairman)	Angus Knowles-Cutler
Dhruv Patel OBE (Deputy Chairman)	Deputy Catherine McGuinness
George Abrahams	Benjamin Murphy
Munsur Ali	Deputy Joyce Nash
Rehana Ameer	Barbara Newman
Tom Anderson	Susan Pearson
Matthew Bell	William Pimlott
Peter Bennett	Henrika Priest
Mary Durcan	Jason Pritchard
John Fletcher	James de Sausmarez
Marianne Fredericks	Ruby Sayed
Alderman John Garbutt	Mark Wheatley
Alderman Prem Goyal OBE JP	Deputy Philip Woodhouse
Alderman David Graves	Laura Jorgensen – Co-optee
Caroline Haines	Matt Piper – Co-optee
Deputy the Revd Stephen Haines	
Graeme Harrower	
Deputy Henry Jones	

Enquiries: Julie Mayer: julie.mayer@cityoflondon.gov.uk
Town Clerks: 0207 3321410

Lunch will be served in Guildhall Club at 1PM
NB: Part of this meeting could be the subject of audio or video recording

John Barradell
Town Clerk and Chief Executive

AGENDA

Part 1 - Public Reports

1. **APOLOGIES**
2. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**
3. **MINUTES**
To agree the public minutes and non-public summary of the meeting held on 14th September 2018.
For Decision
(Pages 1 - 8)
4. **REVIEW OF HOUSING GOVERNANCE**
Report of the Town Clerk.
For Decision
(Pages 9 - 24)
5. **GATEWAY 7 - OUTCOME REPORT: DECENT HOMES UPGRADE WORKS TO AVONDALE, HOLLOWAY & WILLIAM BLAKE ESTATES**
Director of Community & Children's Services.
For Decision
(Pages 25 - 30)
6. **MENTAL HEALTH CENTRE**
Report of the Director of Community & Children's Services.
For Decision
(Pages 31 - 34)
7. **PORTSOKEN PAVILION CAFÉ**
Report of the Director of Community & Children's Services.
For Decision
(Pages 35 - 36)
8. **FIRE SAFETY UPDATE - HRA PROPERTIES**
Report of the Director of Community and Children's Services.
For Information
(Pages 37 - 48)
9. **ARTIZAN STREET LIBRARY AND COMMUNITY CENTRE FLOOD DAMAGE AND BUILDING WORK UPDATE**
Report of the Director of Community and Children's Services.
For Information
(Pages 49 - 52)

10. **GOLDEN LANE ESTATE - NEW FLATS AT GREAT ARTHUR HOUSE AND RELOCATION OF ESTATE STAFF**
Report of the Director of Community and Children's Services.
For Information
(Pages 53 - 58)
11. **REPORT OF ACTION TAKEN SINCE THE LAST MEETING OF THE COMMITTEE**
Report of the Town Clerk.
For Information
(Pages 59 - 60)
12. **LAND TRANSACTIONS - FORMER RICHARD CLOUDESLEY SCHOOL SITE**
Report of the Town Clerk.
For Decision
(Pages 61 - 76)
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 involve the likely disclosure of exempt information as defined in Paragraph 3 of Part I of Schedule 12A of the Local Government Act.

For Decision

Part 2 - Non-Public Reports

16. **NON-PUBLIC MINUTES**
To agree the non-public minutes of the meeting held on 14th September 2018.
For Decision
(Pages 77 - 80)
17. **PROGRESS REPORT OF THE PROVISIONS OF ADDITIONAL SCHOOL PLACES AND SOCIAL HOUSING ON THE FORMER RICHARD CLOUDESLEY SCHOOL SITE**
Report of the Director of Community and Children's Services.
For Decision
(Pages 81 - 86)
18. **GATEWAY 5 - AUTHORITY TO START WORK: CITY OF LONDON PRIMARY ACADEMY ISLINGTON (COLPAI) - TENDER AWARD**
Report of the City Surveyor.
For Decision
(Pages 87 - 114)

19. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
20. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREE SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

COMMUNITY & CHILDREN'S SERVICES COMMITTEE

Friday, 14 September 2018

Minutes of the meeting held at Guildhall at 11.00 am

Present

Members:

Randall Anderson (Chairman)	Deputy Henry Jones
Dhruv Patel OBE (Deputy Chairman)	Deputy Catherine McGuinness
Munsur Ali	Benjamin Murphy
Rehana Ameer	Barbara Newman
Matthew Bell	Susan Pearson
Peter Bennett	William Pimlott
Mary Durcan	Henrika Priest
John Fletcher	James de Sausmarez
Marianne Fredericks	
Alderman Prem Goyal OBE JP	Lorna Jorgensen – Co-optee
Deputy the Revd Stephen Haines	
Graeme Harrower	

Officers:

Andrew Carter	- Director of Community and Children's Services
Jacquie Campbell	- Community and Children's Services
Simon Cribbens	- Community and Children's Services
Natasha Dogra	- Town Clerk's
Julie Mayer	- Town Clerk's
Mark Jarvis	- Chamberlain's Department
Mike Kettle	- Community and Children's Services
Gerald Mehrtens	- Community & Children's Services
Paul Murtagh	- Community & Children's Services
Peter Young	- City Surveyors
Carol Boswarthack	- Community and Children's Services

1. APOLOGIES

Apologies were received from Ruby Sayed, Jason Pritchard, Deputy Joyce Nash, Mark Wheatley, Caroline Haines, Alderman David Graves, Alderman John Garbutt and Philip Woodhouse.

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

Members noted that Susan Pearson had not been granted a dispensation to speak or vote on either COLPAI or Golden Lane matters and, therefore, Mr Graeme Harrower would be speaking on her behalf.

General concerns were expressed about the rejection of dispensation requests, particularly where they had been granted for the Barbican Residential Committee (BRC) but not for the Community and Children's Services Committee. Members felt that the policy was not being applied consistently.

Whilst the Chairman would not want to discourage Members from appealing against the decisions, he also suggested, and Members agreed, that the Committee take a resolution to the Standards Committee setting out these concerns.

Members also experienced a Member attempting to comply with the Standards Committee's suggestion that residents, and electors, can be adequately represented by communicating their views through another Member. Members agreed that this proved to be something of a farce, when responses to comments led to further questions conveyed via that Member who eventually came to refer to himself as a 'ventriloquist dummy'.

Given that Community and Children's Services addresses many matters of substantial interest to residents in the City, it was the Committee's view that precluding those Members who represent residents from speaking on these issues leads inevitably to an inability to fully consider residents' interest.

Further, the Committee did not believe that hearing from Members who live in the City would cause any harm which the Standards laws and rules are intended to avoid. Members believe the current position causes harm to residents, particularly in the context of the City where many Members are not resident in the City and represent wards pre-dominated by non-residents. Members also expressed concern that the breadth of the denial of dispensations contrasted unfavourably with the way in which apparently similar concerns related to Temple's commercial residents were dismissed.

Therefore it was RESOLVED, That - the Standards Committee be asked to craft a set of dispensations that ensures that residents' interests can be fully represented by their elected representatives. To this end, Members of the Community and Children's Services Committee urge the Standards Committee to research the dispensations policies of nearby London Boroughs that seek to address this issue.

3. **MINUTES**

RESOLVED, that - the public minutes and non-public summary of the meeting held on the 8 June 2018 be agreed as an accurate record.

Matters arising

Members asked about the Ward Mote Resolution in respect of the Golden Lane works and noted that works to the windows may come forward in order to mitigate noise disturbance from the COLPAI development. In response to a question as to whether the other blocks could be expedited, the Assistant Director advised that this was possible on the less complex blocks but Members should be mindful of the timing of planning applications. Members would receive a more detailed report at the November meeting and residents would be kept advised of delivery dates.

4. **DCSS BUSINESS PLAN: QUARTER 1 UPDATE**

The Committee received a report of the Director of Community and Children's Services on the Department's Business Plan. The report highlighted the progress made during Quarter 1 (Q1) in delivering the Business Plan, the Departmental Risk Register and the service's budget.

RESOLVED, that - the report be noted.

5. **CHILD CARE SUFFICIENCY AUDIT**

The Committee received a report of the Director of Community and Children's services which provided an update on the findings of the Child Care Sufficiency Audit 2018.

RESOLVED, that - that the report be noted.

6. **ANNUAL HRA OUTURN**

The Committee received a report of the Chamberlain and Director of Community and Children's Services in respect of the Housing Revenue Account (HRA) 2017/18. The Director advised that he was working with the Chamberlain to avoid over-ambitious targets in the future.

Members noted that the Housing Management and Almshouses Sub Committee met 6 times a year and received a full report on slippages at each meeting.

RESOLVED, that - that the report be noted.

7. **THE GENERAL DATA PROTECTION REGULATION**

The Committee received a report of the Director of Community and Children's Services on the activities undertaken by the Department to ensure compliance with the General Data Protection Regulation.

RESOLVED, that - that the report be noted.

8. **DRAGON CAFÉ**

The Committee received a report of the Director of Community and Children's Services on the Dragon Café, which sought to engage with City workers and residents in respect of their mental wellbeing. Members noted that the response to the project has been very positive.

Members noted that, as the Café was based in the Library, there were no additional space costs. Clients included low paid workers but there was currently no breakdown of attendance statistics. Officers advised that the health offer has been rolled out across the City, to all lending libraries and community centres, but not under the 'Dragon Cafe' banner. These sessions cover a wide range of topics including "health shots", narcotics anonymous and smoking cessation and Members were pleased to note the wide area covered; i.e. Portsoken to Shoe Lane. Members would receive a further report on the Dragon Café's sustainability.

RESOLVED, that - that the report be noted.

9. FINAL EDUCATION SKILLS STRATEGY

The Committee received a report of the Director of Community and Children's Services in respect of the Final Education Skills Strategy for the period 2019-2023. The report also outlined the consultation and approval process for the strategies.

RESOLVED, that - that the report be noted.

10. DECENT HOMES UPGRADE WORKS TO AVONDALE SQUARE ESTATE, HOLLOWAY ESTATE AND WILLIAM BLAKE ESTATE

The Committee considered a report of the Director of Community and Children's Services on the Decent Homes upgrade works to Avondale Square Estate, Holloway Estate and William Blake Estate. The report advised that 98 properties had been omitted from the programme, due to the additional expense of unforeseen works. The work in these properties was completed under a separate contract.

Members were pleased to note that the contract had come in under budget, despite issues throughout and noted the key areas for improvement and lessons set out in the report. The Assistant Director advised that, since taking up his post 2 years ago, robust project managers and clerks of works were in post across all contracts.

RESOLVED - that the lessons learnt be noted and the project be closed.

11. HOUSING REGISTER AND ALLOCATIONS

The Committee received a report of the Director of Community and Children's Services in respect of the Housing Register and Allocations.

Members welcomed a helpful report, which provided detailed information about the City of London Corporation's Housing Register, responded to Members' queries and provided a comparison to other boroughs' social housing waiting lists. Members asked for a high level, quarterly update on the success and challenges of meeting targets, noting that providing comparative data was challenging if other boroughs recorded theirs differently.

Members noted that the Housing Delivery Working Group had met twice and officers were progressing the actions. Members asked if a further meeting could be arranged as soon as possible.

RESOLVED, that - the report be noted.

12. HOUSING GOVERNANCE - BRIEFING PAPER

The Committee received a report of the Director of Community and Children's Services in respect of Housing Governance, ahead of a more detailed report which would be presented to Members next month.

RESOLVED, that - the report be noted.

13. STRONGER COMMUNITIES GRANT

The Committee received a report of the Director of Community and Children's Services in respect of the Stronger Communities Grant's. Members asked for their thanks to go on record to both John Fletcher (Chairman of the Housing Management and Almshouses Sub Committee) and Jack Joslin (Senior Grants Officer) for championing this application.

RESOLVED, that:

- I. The changes to the criteria to include a specific small grants process for applications of £3,000 or less be noted; and
- II. The report be noted.

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

A question was raised in respect of this week's Planning Committee, which had considered an application for a change of use of the Golden Lane Community centre and agreed it on a narrow margin. The Member was concerned that it contravened residents' wishes.

The Chairman of the Policy and Resources Committee, also a Member of this Committee, stressed how residents' views were paramount to the City Corporation and was fully aware of recent issues which had caused discontent. The Chairman of the Community and Children's Services Committee reminded Members that this development sought to provide 3 much needed housing units (2 for families and 1 for rehabilitation following hospital discharge). However, he also accepted that the future use of the estate office was not urgent and could warrant further consideration. A Member emphasised the value in retaining on site housing offices, as they had helped the City Corporation cope with the challenges arising from universal credit. The Director advised that the unit cost of providing Social Housing was higher in Inner London.

In concluding, the Director reminded Members that officers were required to act on policy decisions taken by Members and offered the Committee a further report, including the minutes from the Planning Committee, taking into consideration some further information which had come to light during the Planning Committee this week.

The Chairman of the Housing Management and Almshouses Sub Committee referred to this week's Court question and advised that there had been expressions of interest in the former car park space on the first floor of Middlesex St Estate. Officers advised that they had been working with organisations experienced in the best use of the space. The Chairman asked officers to prepare costings for dedicated stair and life access to the floor, and

explore options for useful occupation, ready for the working group meeting on the 4th December 2018.

In respect of Great Arthur House, Members would receive a report on the final cost and recharges to leaseholders, which would seek to avoid litigation as far as possible.

15. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT.

Members noted that Tower Hamlets had terminated a massage parlour licence opposite Middlesex Street.

The Chairman advised that there was a vacancy for an 'Allocated Member' for the Avondale Estate and asked for expressions of interest to be sent to the Town Clerk.

16. EXCLUSION OF THE PUBLIC

RESOLVED – 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 involve the likely disclosure of exempt information as defined in Paragraph 3 of Part I of Schedule 12A of the Local Government Act.

Item nos
17 -28

Paragraph No
3

17. NON-PUBLIC MINUTES

RESOLVED – that, the non-public minutes of the meeting held on 8 June 2018 be approved.

18. HOUSING DELIVERY PROGRAMME - PROVISION OF SOCIAL HOUSING ON THE SYDENHAM HILL ESTATE, LEWISHAM

The Committee considered and approved a report of the City Surveyor.

19. HOLLOWAY ESTATE

The Committee considered and approved a report of the Director of Community and Children's Services.

20. PROGRESS REPORT OF THE PROVISION OF ADDITIONAL PRIMARY SCHOOL PLACES AND SOCIAL HOUSING ON THE FORMER RICHARD CLODESLEY SCHOOL SITE

The Committee received a report of the Director of Community and Children's Services.

21. COMPLIANT COMMITTEE REPORT

The Committee considered and approved a waiver report of the Director of Community and Children's Services.

22. HRA COMMERCIAL ARREARS

The Committee received a report of the Director of Community and Children's Services.

23. HOUSING DELIVERY PROGRAMME - PROVISION OF SOCIAL HOUSING ON THE AVONDALE SQUARE ESTATE

Members considered and approved a report of the Director of Community and Children's Services.

24. HOUSING DELIVERY

The Committee received a report of the Director of Community and Children's Services.

25. POLICE ACCOMMODATION STRATEGY - DECANT CAR PARKING GATEWAY 3 ISSUES REPORT

The Committee received a report of the City Surveyor and the Director of Community and Children's Services.

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

There was a question raised, whilst the public were excluded in respect of the Golden Lane Community Centre (agenda item 14).

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

There were no items.

The meeting ended at 1.15 pm

Chairman

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Committee: Community & Children's Services Committee	Date: 12 October 2018
Subject: Review of Housing Governance	Public
Report of: Town Clerk	For Decision

Summary

The question of the City Corporation's housing governance has been raised on several occasions over the recent period. This has necessarily included discussion as to the arrangements associated with the Barbican Residential Committee, following an expression of concern by the Standards Committee in relation to the potential perception of conflicts of interest associated with resident Members serving on the Committee.

The Policy & Resources Committee considered an initial report at its July 2018 meeting (attached at Appendix A) intended to open discussion, which set out the current structures in place around housing governance, the various issues which Members and Committees had raised concerning the existing arrangements and presented an initial outline of some of the potential options which could be taken in respect of a future direction. The Policy & Resources Committee expressed a desire to consult with and receive the views of those Committees which would be affected by any change to the existing structures, so as to ensure that any decisions to be made in respect of formative proposals due course is taken on an informed basis.

The views of your Housing Management & Almshouses Sub-Committee were sought at its meeting on 24 September 2018, in order to help inform the Grand Committee's deliberations. The minute of this discussion is attached at Appendix B.

Recommendation

The view of the Committee is sought on the future of the City's Corporation's housing governance and any potential amendments that might be made, particularly in relation to the future of the Barbican Residential Committee and the impact that any changes might have on the remit and activities of the Community & Children's Services Committee.

Main Report

Background

1. The City Corporation's housing governance arrangements were last reviewed in 2011, as part of the comprehensive Governance Review process which took place at that time. As part of that Review, it was specifically asked that consideration be given to the question of whether oversight of the entirety of the City Corporation's housing activities,

including the Barbican Estate, should be undertaken by a single Committee.

2. Ultimately, the decision was made to create a standalone Housing Sub-Committee, reporting in to the Community & Children's Services Committee. This Sub-Committee was to be dedicated to the management of the City's eleven (non-Barbican) housing estates and designed give focused attention to engagement with residents. The City of London Almshouse Trust was also subsumed and merged with the new Housing Sub-Committee (to create the Housing Management & Almshouses Sub-Committee).
3. The Barbican Residential Committee (BRC) was retained as a discrete Grand Committee, with responsibility for oversight of the management of the Barbican Estate, including the management of all completed residential premises and ancillary accommodation on the Barbican Estate, as well as the disposal of interests in the Barbican Estate.
4. That Committee is a non-ward committee appointed by the Court of Common Council which acts on behalf of the City Corporation as landlord of the Barbican Estate and is not to be confused with the Barbican Estate Residents' Consultation Committee, which is an independent body which exists to represent the views of the Barbican Estate residents. In carrying out its management functions, the BRC must have regard to any representations made to it by the Barbican Estate Residents' Consultation Committee.
5. The City Corporation's Standards Committee, at its 26 January 2018 meeting, resolved its belief that the present operation of the BRC - and particularly the association of the two distinct roles of managing agent and landlord - gives rise to a perception of a conflict of interest.
6. There is no doubt that the current arrangements are lawful. The BRC is covered by the rules on disclosable pecuniary interests in the Localism Act 2011 in the same way as any other Committee. Members of the BRC can deal with any disclosable pecuniary interests that arise by not participating in the discussion and vote on that item, or by seeking an appropriate dispensation from the Standards Committee.
7. However, some concerns have been expressed about the number of dispensations that have been applied for by the resident Members of the BRC, and resident Members have also highlighted the implications which they feel the dispensations regime has on their ability to fully represent residents' interests.

Current Composition

8. The composition of the BRC has, for many years, been such that there are nine resident Members: three from Aldersgate Ward and six from Cripplegate Ward (three from each side of that Ward).

9. When the Committee first included resident Members (initially, resident Members were excluded), Aldersgate as a Ward was represented by six elected Members, with Cripplegate represented by twelve Members. The representation on the Committee from those Wards was therefore half the elected Members. Although eligible, the Aldermen for the two Wards traditionally are not appointed to serve.
10. Following the reduction in the number of Common Councilmen from 130 to 100 during the latter part of the twentieth century, as well as the 2013 Ward Boundary Review, Aldersgate representation has changed to six Members and Cripplegate to eight Members. The composition of the BRC did not alter with either change in the number of Ward Members.
11. Although the non-resident members (when all vacancies are filled) form a majority of the Committee, resident Members arguably have a greater interest in the Committee's business and have tended to be more regular attendees. As a consequence, they are sometimes a majority of the Members present at a meeting. This adds to the sentiment (whether right or wrong) expressed by the Standards Committee that resident Members might be perceived to have an undue influence or dominate the Committee.
12. The Standards Committee therefore requested that the Policy and Resources Committee explore the issue (see Appendix A), with the latter Committee now keen to gather the early thoughts of all of those Committees which might potentially be impacted by any changes prior to beginning to draw together any formative proposals or suggestions as to a way forward.

Options

13. The report to the Policy & Resources Committee outlined five potential options in relation to future arrangements, in summary:-
 - (i) Maintain the status quo.
 - (ii) Disband the Barbican Residential Committee and transfer its responsibilities to the Community & Children's Services Committee.
 - (iii) Disband the committee and transfer its responsibilities to the Property Investment Board.
 - (iv) Reconfigure the Barbican Residential Committee.
 - (v) Establish a new, non-Ward based Housing Committee.
14. Within each these options, there are of course a range of issues which would need to be considered. For instance, there would need to remain a clear delineation and separation between the management of the Barbican Estate and the City Corporation's Social Housing Estates, given the requirements around the management of Housing Revenue Accounts monies.

15. This report does not advance arguments for any of these options, each of which (to a greater or lesser degree) could be argued to have advantages and disadvantages. These issues will be captured, together with the comments of relevant Committees, following consultation. However, all views from Members are welcomed in relation to any of the potential options referenced in the appended report, as well as other possibilities which might occur, in order to inform future thinking.

Options (ii) and (v): Disband the Barbican Residential Committee and Transfer Responsibilities to the Community and Children's Services Committee or Establish a new non-Ward based Housing Committee

16. Two of the options that had been suggested as initial areas for exploration are of direct relevance to the Community & Children's Services Committee; namely, that consideration should be given transferring the responsibilities of the BRC to the Community and Children's Services Committee (CCSC) or that a new non-ward-based Housing Committee should be created. The former would of course add significant responsibilities to CCSC's existing remit; the latter would likely see the reduction in the Grand Committee's remit (and particularly that of its Housing Management & Almshouses Sub-Committee).
17. It should be noted that, in 2011, the Court of Common Council explicitly considered whether there was merit in merging the CCSC's housing responsibilities with those of the BRC but did not pursue it as an option (particularly as the Barbican Estate did not come within the financial and regulatory arrangements for local authority housing). It did, however, propose that oversight of the City Corporation's housing management activities (excluding the Barbican Estate) could, in future, be undertaken by a sub-committee of the CCSC (with power to act) to enable greater focus in that area. The Housing Management & Almshouses Sub-Committee was subsequently created and is currently responsible for:-
 - a. the management of the City Corporation's existing social housing stock (with the Grand Committee retaining responsibility over policies affecting the City's Strategic Housing responsibilities);
 - b. approving schemes affecting the City's existing social housing and proposed stock in accordance with the policies and strategies for investment agreed by the Grand Committee and having regard to the City Corporation's Project Approval Procedure;
 - c. approve policies in relation to the management of housing services to tenants and leaseholders in City estates and review them as necessary;
 - d. the management of the City of London Almshouses (registered charity no 1005857) in accordance with the charity's discharging the City of London Corporation's function in respect of governing instruments; and

- e. advising the Grand Committee on:-
- the general performance of the Social Housing Service and the Almshouses; and
 - its recommendations concerning the Allocation Scheme in the City's Housing Registration process.
18. The Housing Management Sub-Committee is, therefore, a relatively recently created body which was specifically designed to be responsible for the City's social housing stock. There is no suggestion that the current Sub-Committee is in any way failing to deliver on its remit and the Director of Community & Children's Services has confirmed that he is satisfied that the current arrangements with regard to that Sub-Committee work well.
19. It should also be noted that the funding models for the Barbican (and other private estates) are different to those for the social housing estates. In addition, the Director of Community & Children's Services has expressed some concern that there might be a risk that Barbican issues would dominate and overshadow social housing issues, should the BRC's responsibilities be merged in any way with those of the existing Housing Management Sub-Committee.
20. Your Housing Management & Almshouses Sub-Committee has given initial consideration to any potential transfer of responsibilities which might be caused as a consequence of either of Options (ii) or (v) being pursued. The minute of these discussions is set out at Appendix B. In summary, your Sub-Committee is not supportive of any change which might have a detrimental impact on the current provision of service in respect of the City's social estates; equally, it would not support any break between the Sub-Committee and your Grand Committee, given the considerable synergies in respect of areas of activity.
21. Your Sub-Committee also observed that it would be difficult for Members to take a balanced view on matters in isolation, given the difficulties of fully understanding the respective roles of the Barbican Residential Committee and the Housing Management & Almshouses Sub-Committee unless a Member had served on them. It was therefore suggested that a fuller discussion on an informal basis, perhaps at the Informal Meeting of the Court of Common Council in November, would be prudent in order to allow freer debate and additional context to be provided, which in turn would lead to a fuller and more reasoned discussion.
22. Members may also wish to be aware that the Property Investment Board (PIB), Barbican Residential Estates Consultative Committee (RCC) and an inquorate meeting of the Barbican Residential Committee (BRC) have already given some initial thought to the proposals. PIB indicated that it would not be keen to take on the responsibilities of the BRC, given its primary focus was on commercial investments. The RCC was keen for the BRC to be retained and, whilst the inquorate meeting of the BRC subsequently supported this, it also concluded that the number of resident Members on the Committee should be reduced from nine to six, two from

Aldersgate and two from each side of Cripplegate, with the number of non-resident Members being retained at 11.

23. It should also be noted that a number of Barbican Residents, including the Chairman of the Barbican Association, have written to express their firm view that they would expect to continue to have their interests represented by their Ward Members on any committee considering matters involving the management of the Barbican Estate and that they too would be firmly opposed to any transfer of responsibilities to PIB, given the differing characteristics of commercial and residential property and the focus of that Board.

Conclusion

24. The views of the Community and Children's Services Committee are sought as to the potential options outlined in both this report and the original report to Policy & Resources attached as an appendix, prior to the issue of housing governance being considered by the Grand Committee.

Appendices

- Appendix A: Report to Policy & Resources, July 2018
- Appendix B: Report to Housing Management & Almshouses Sub Committee, September 2018

Committee:	Date:
Policy and Resources Committee	5 July 2018
Subject: Review of Housing Governance	Public
Report of: Town Clerk	For Decision
Report author: Greg Moore – Town Clerk's Department	

Summary

The Policy and Resources Committee has agreed to set up a new Working Party to oversee the delivery of 3,700 new homes, to be built as part of the City Corporation's commitment to the delivery of affordable housing.

As part of this discussion, the wider question of the City Corporation's housing governance was raised. This was with particular reference to the Barbican Residential Committee, which has struggled for some time to fill a number of vacancies from the Court and subsequently suffered from quoracy difficulties. The issue of housing governance was also raised and discussed recently at a meeting of the Court of Common Council in June.

The report examines the current structures in place around housing governance and presents a range of options for Members' consideration in respect of a future direction for the City Corporation's housing governance arrangements.

Recommendation

Members are asked to consider the options set out at paragraph 19 of the report and determine a way forward in respect of housing governance arrangements.

Main Report

Background

1. The City Corporation's housing governance arrangements were last reviewed in 2011, as part of the comprehensive Governance Review process which took place at that time.
2. As part of that Review, it was specifically asked that consideration be given to the question of whether oversight of the entirety of the City Corporation's housing activities, including the Barbican Estate, should be undertaken by a single Committee.
3. Up to this point, responsibility for housing matters had rested with the Community & Children's Services Committee, with the exclusion of the Barbican Estate and the City Almshouses, both of which had dedicated committees.
4. Following consideration, it was determined that the status quo should be maintained in respect of retaining a separate standalone committee for the Barbican Estate. However, there was considered to be merit in creating a separate Housing Sub-

Committee, dedicated to the management of the City's other eleven housing estates, such that it could give greater attention to engagement with residents. The City of London Almshouse Trust was also subsumed and merged with this new Housing Sub-Committee.

Current Position

5. The existing arrangements have worked well since that time in respect of the Housing Sub-Committee and its engagement with the various Estates and Almshouses. The Sub-Committee meets a minimum of four times per annum (and in practice now meets five times per annum) and reports in to the Community & Children's Services Committee. The Director of Community & Children's Services has also confirmed that he is content with the existing arrangements in respect of the Housing Sub-Committee, which he believes compare well with arrangements at other local authorities.
6. The Community & Children's Services Committee is, however, not responsible for the management of the Barbican Estate. Arguments have been rehearsed over the years for not amalgamating the two areas, principally to satisfy Barbican Residents who opted, via a referendum in 2003, to retain the City Corporation as managers of the Estate.
7. The Barbican Residential Committee has therefore retained responsibility for that Estate, including the management of all completed residential premises and ancillary accommodation on the Barbican Estate, as well as the disposal of interests in the Barbican Estate, since its creation. The Committee's Constitution and Terms of Reference are set out for information at Appendix 1.
8. It is a non-ward committee appointed by the Court of Common Council which acts on behalf of the City Corporation as landlord of the Barbican Estate, and is not to be confused with the Barbican Estate Residents' Consultation Committee, which is an independent body which exists to represent the views of the Barbican Estate residents. In carrying out its management functions, the Barbican Residential Committee must have regard to any representations made to it by the Barbican Estate Residents' Consultation Committee.

Issues

9. The Barbican Residential Committee has, in recent times, struggled to attract Members to fill the non-residential vacancies on the Committee.
10. Whilst the Committee is comprised of both residential and non-residential Members, for obvious reasons it is only non-residential Members whose presence counts towards a quorum (the quorum being any four Members who are non-residents).
11. With 11 places for non-residential Members (as opposed to 9 for residential Members), the Committee carried five vacancies for the majority of the past municipal year and currently has four vacancies. As a consequence, it has been in danger of either failing to establish or failing to maintain a quorum at its quarterly meetings. Although only one meeting in the previous year failed to achieve a quorum, significant effort has been required at times to avert further meetings being similarly affected.

12. There have also been a number of discussions concerning potential conflicts of interest. Such conflicts are essentially 'hard-wired' into the Barbican Residential Committee itself by the fact that nine places are reserved for Members from the wards (or sides of Wards) encompassing the Barbican Estate, with three Members each being nominated by Aldersgate, Cripplegate Within and Cripplegate Without. The intention of this arrangement was to ensure that the views of residents were fully represented on the Barbican Residential Committee, as well as via the Barbican Estate Residents' Consultation Committee.
13. The Court of Common Council has attempted to offset any concerns over potential conflicts of interests by reserving the aforementioned further eleven places on the Barbican Residential Committee for non-residents of the Barbican Estate. Even when the one ex-officio position to the Chairman or Deputy Chairman of the Community & Children's Services Committee is taken into account, this ensures that a majority of the Members of the Barbican Residential Committee will be non-residents of the Barbican Estate. This does of course only protect the City's position if the non-resident Members attend in sufficient numbers.
14. Further safeguards include the fact that the Chairman and Deputy Chairman of the Barbican Residential Committee must be elected from the Members who are non-residents of the Barbican Estate, and that the quorum stipulates any four Members who are non-residents of the Barbican Estate must be in attendance.
15. There is no doubt that the current arrangements are lawful. The Barbican Residential Committee is covered by the rules on disclosable pecuniary interests in the Localism Act 2011 in the same way as any other Committee. Members of the Barbican Residential Committee can deal with any disclosable pecuniary interests that arise by not participating in the discussion and vote on that item, or by seeking an appropriate dispensation from the Standards Committee.
16. However, Members may wish to consider whether the constitutional arrangements of the Barbican Residential Committee might give rise to a public perception that conflicts of interest could occur.
17. Indeed, the Standards Committee, at its 26 January 2018 meeting, resolved its belief that the present operation of the Barbican Residential Committee - and particularly the association of the two distinct roles of managing agent and landlord - gives rise to a perception of a conflict of interest (please see the accompanying Resolution attached as Appendix 2). They have therefore suggested that the Policy and Resources Committee might wish to review the current composition and terms of reference of the Barbican Residential Committee, dependent on the broader decision concerning overall housing governance arrangements, in order to consider the separation of the managing agent and landlord roles to relieve these perceptions.
18. It should be emphasised that the Barbican Residential Committee is by no means the sole vehicle or mechanism through which the City Corporation consults with residents on the Barbican Estate. This includes liaison with the Housing Associations through the Barbican Association, and with residents through social media and the website, notices on boards, letters, and drop-in sessions.

Options

19. In view of the issues outlined above and in response to Members' requests for the existing arrangements to be reviewed, a variety of options are presented for Members' consideration:

- (i) ***Maintain the status quo.*** Whilst issues have arisen in recent times, the Barbican Residential Committee has still only failed to achieve a quorum on one occasion and the existing Housing Sub-Committee works well. Members may wish to consider leaving matters as they stand for the present and reviewing the arrangements in twelve months' time, to see if problems filling vacancies on the Barbican Residential Committee continue.

Equally, Members may consider it prudent to wait until the work of the new Housing Delivery Programme Working Party has progressed before commencing a comprehensive review of housing governance, which would take into account outcomes from the Working Party's activity. With the increase of leaseholders on some Estates such as Golden Lane, there may well reach a point where having a separate Private Estates Committee - covering the Barbican, Golden Lane, plus any private ventures emerging from the Working Party's activities - might provide a more appropriate shift in governance arrangements.

- (ii) ***Disband the Barbican Residential Committee and transfer its responsibilities to the Community & Children's Services Committee.*** They could, perhaps, discharge their new duties through the existing Housing Sub-Committee, which could have its own remit expanded in turn. It should be noted however that the funding models for the Barbican (and other private estates) are different to those for the social housing estates; in addition, the Director of Community & Children's Services has expressed some concern that there might be a risk that Barbican issues would dominate and overshadow social housing issues.
- (iii) ***Disband the committee and transfer its responsibilities to the Property Investment Board.*** The Property Investment Board manages the City Corporation's property portfolio, including the day-to-day management of a large number of commercial properties, each with varying arrangements with leaseholders. The argument could therefore be made that this function is broadly analogous to the management of the Barbican Estate, which could transfer to PIB's control.
- (iv) ***Reconfigure the Barbican Residential Committee,*** given the consistent issues in filling vacancies and quoracy concerns, as well as potential perceived conflicts of interest. Should Members wish to pursue this matter, it is recommended that a further report be produced setting out a variety of options.
- (v) ***Establish a new, non-ward based Housing Committee.*** This could be a comprehensive, overarching Grand Committee in the style of the Investment Committee, which would deliver its work through two Boards – one for the

Barbican Estate, and one for the others City Estates currently managed through the Housing Sub-Committee. The membership of both Boards would flow from Grand Committee, as with Investment Committee and its Boards.

This would exclude responsibility for the delivery of the 3700 new homes, for which a separate Working Party has already been established.

The exact composition of such a Committee and its Boards would be the subject of a further report, but in broad terms it could perhaps comprise two Aldermen nominated by the Court of Aldermen, 14 Members elected by the Court of Common Council, and relevant ex-officio Members. Members may also consider it appropriate to reserve a number of places on the Committee for Members from residential wards and also whether the Committee would benefit from having one or two co-opted non-City of London Corporation Members with appropriate expertise.

Conclusion

20. Members are asked to consider the current position in respect of housing governance arrangements and determine what course of action, if any, should be taken to enhance or improve existing arrangements.

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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 2018/19**

Non-Residents:-

- 7 (4) Jeremy Paul Mayhew
- 1 (1) Rehana Banu Ameer, *for two years*
- 10 (3) Michael Hudson
- 2 (2) Graham David Packham, *for three years*
- 6 (2) Christopher Paul Boden
- 2 (2) Susan Jane Pearson
- 1 (1) Matthew Bell, *for three years*
- Vacancy
- Vacancy
- Vacancy
- Vacancy

Residents:-

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

Aldersgate

Randall Keith Anderson
Joyce Carruthers Nash, O.B.E., Deputy
Barbara Patricia Newman, C.B.E.

Cripplegate

Mark Bostock (Cripplegate Without)
David John Bradshaw, Deputy (Cripplegate Within)
William Pimlott (Cripplegate Within)
Joan Mary Durcan (Cripplegate Without)
John Tomlinson, Deputy (Cripplegate Without)
Stephen Douglas Quilter (Cripplegate Without)

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, e.g. 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.

TO: **POLICY AND RESOURCES COMMITTEE**

5th July 2018

FROM: **STANDARDS COMMITTEE**

7th February 2018

10. **BARBICAN RESIDENTIAL COMMITTEE - POTENTIAL CONFLICTS OF INTEREST**

The Committee considered a report of the Comptroller and City Solicitor on potential conflicts of interest on the Barbican Residential Committee. The report had come forward following concerns expressed by Members of the Standards Committee at a previous meeting. Members noted that, on 14 December 2017, the Policy & Resources Committee had asked for the governance of the City Corporation's residential housing to be examined on a more strategic level with the aim of producing proposals which consolidate the governance arrangements of the City Corporation's residential housing offer.

The following matters were noted and raised.

- The Committee noted that the Barbican Residential Committee is responsible for the management of all completed residential premises and ancillary accommodation on the Barbican Estate, as well as the disposal of interests in the Barbican Estate. The Barbican Residential Committee acts on behalf of the City Corporation as landlord of the Barbican Estate.
- Nine members of that Committee are nominated by the residential wards encompassing the Barbican Estate, being Aldersgate, Cripplegate Within and Cripplegate Without. As a matter of practice, the members nominated by the wards of Aldersgate, Cripplegate Within and Cripplegate Without are always residents of the Barbican Estate.
- The Court of Common Council had attempted to offset any concerns over potential conflicts of interests by itself electing a further eleven members of the Barbican Residential Committee who are non-residents of the Barbican Estate. Even when the one ex-officio position to the Chairman or Deputy Chairman of the Community & Children's Services Committee is taken into account, this ensures that a majority of the members of the Barbican Residential Committee should be non-residents of the Barbican Estate. At present, however, there were five vacancies for non-resident members of the Barbican Residential Committee, despite significant efforts to fill these vacancies, and at meetings over the past two years Aldersgate and Cripplegate ward members had always been in a majority.
- The Chairman and Deputy Chairman of the Barbican Residential Committee are elected from the non-residents members of the Barbican Estate, and the quorum for meetings was any four non-resident members. Non-resident Members from the wards of Aldersgate, Cripplegate Within and Cripplegate Without can also be elected to fill the quota of non-resident members, stand for the Chairmanship and Deputy Chairmanship and count towards the quorum.

Currently, eleven out of the fifteen members of the Barbican Residential Committee represent Aldersgate or Cripplegate.

- The question of disclosable pecuniary interests and dispensations granted to enable members to speak was considered, along with relevant declarations made under the Code of Conduct.
- Members noted that, at the two most recent quorate meetings of the Barbican Residential Committee, the resident Members were in the majority.
- The Comptroller and City Solicitor confirmed that these current arrangements for the composition of the Barbican Residential Committee are lawful.
- Members then considered whether the current arrangements might give rise to a public perception that conflicts of interest could occur, particularly around Aldersgate and Cripplegate ward member ratios, quorum and attendance of non-resident members at meetings. A Member put forward the view that, having previously served on the committee, he was uncomfortable with its composition. Although he did not consider that anyone was motivated by self-interest, there was potential for conflicts of interest to occur and this point was endorsed by another Member who said that Aldersgate and Cripplegate members are put in an 'invidious position'. A further Member confirmed that he ceased to be a member of the Barbican Residential Committee due to similar concerns.
- Discussion continued and views were put forward that a revised structure may be necessary that allowed members at the committee to discuss issues such as service charges, with the management of the estate dealt with separately, effectively splitting the managing agent role away from the landlord role.

In conclusion, the informal meeting considered that the present operation of the Barbican Residential Committee, with the distinct roles of managing agent and landlord, and with the current vacancies for 5 non-resident members and Aldersgate and Cripplegate ward members being in a majority at its meetings over the past two years, could give rise to a perception of a conflict of interest and that the Policy and Resources Committee might wish to review the current composition and terms of reference of the Barbican Residential Committee, in order to consider the separation of the managing agent and landlord roles, to relieve these perceptions.

The inquorate meeting asked that these **views be submitted to the Policy and Resources Committee under the urgency provisions of Standing Order No. 41(a) to ensure that these views could be considered as part of that Committee's review of the governance of the City Corporation's residential housing.**

HOUSING MANAGEMENT AND ALMSHOUSES SUB (COMMUNITY AND CHILDREN'S SERVICES) COMMITTEE: MINUTE EXTRACT

Monday, 24 September 2018

17. HOUSING GOVERNANCE

The Chairman had agreed to admit the following item of urgent business in respect of the Housing Governance Review.

Members considered a report of the Town Clerk in respect of Housing Governance and noted the comments raised at previous Committees, who would also be affected by the review. The Chairman advised that he would be seeking the views of those Members who had not been granted dispensations, and would ask the Chairman (of the Policy and Resources Committee) if he could address the Committee and share their views.

The following comments were made in respect of options (i) and (v) as set out in the report:

- I. The debate warranted further exploration by all Members, at the Informal Meeting of the Court of Common Council in November, before a final decision could be taken.
- II. The Barbican Estate needed separate representation from the HRA Committee/Sub Committee. Whilst it was accepted that the BRC might need some re-organisation, subject to further debate, it would not require a merger with another Committee. Members noted the City Corporation's undertaking to Barbican Residents that they would always have their own Committee.
- III. Under the BRC's current Constitution, resident Members can be granted dispensations to speak but not vote. However, their right to speak could affect decisions taken by non-resident Members with voting rights. The recent outcome of dispensation requests had resulted in Members not being able to speak and concerns that this could potentially disenfranchise residents.
- IV. It was suggested that the report could have been more detailed in respect of the work undertaken by each of the Committees, drawing out the differences and similarities. Members noted the main difference in that the HRA Committee/Sub Committees were mainly concerned with policies affecting the wellbeing of residents; whereby the BRC, being almost entirely Leaseholders, was more property focussed.
- V. The Chairman felt strongly, and Members agreed, that any change should not decrease the quality or level of social and welfare services to

the City Corporation's Social Housing Tenants; it should have either a neutral or improved outcome.

- VI. Whilst noting a potential advantage on the property side, which might arise from linking the Committees, Members agreed that there would be no discernible advantage in breaking the link between the Housing Management and Almshouses Sub Committee and the synergy offered by the Community and Children's Services Committee.

RESOLVED, that – the above views be reported to the Policy and Resources Committee, noting particularly:

1. Any outcome to the Housing Governance Review should not compromise the social and welfare services available to the City Corporation's housing tenants.
2. The need to retain separate Committees for Barbican and HRA/Social tenancy matters; whilst accepting that the BRC might need some re-organisation.
3. The Sub Committees suggestion to continue this debate at the Informal Meeting of the Court of Common Council in November, before the Policy and Resources Committee take a final decision.
4. The Chairman to seek the permission of the Chairman (of the Policy and Resources Committee) to address the Committee when they take a decision on Housing Governance; reflecting the views of those Members who were not granted a dispensation to speak at today's meeting of the Housing Management and Almshouses Sub Committee.

Committees:		Dates:
Corporate Projects Board Community and Children's Services Committee Projects Sub		21 August 2018 12 October 2018 12 September 2018
Subject: Decent Homes upgrade works to Avondale Square Estate, Holloway Estate and William Blake Estate.	Gateway 7 Outcome Report Regular	Public
Report of: Director of Community & Children's Services Report Author: David Downing		For Decision

Summary

Dashboard

Programme status	Works complete. Pending approval of Gateway 7 and project closure
Overall Project Risk	Green/Low
Project Status compared to Gateway 2	Budget: Red (Total budget at G2: £4,071,000.00) Specification: Red (98 properties omitted post G5) Time: Green
RAG Status against last approved	Budget: Green Specification: Green Time: Green
Approved budget at Gateway 5	Works: £3,879,134.85 Fees & Staff Costs: £484,891.86 Total: £4,364,026.71
Approved budget at post Gateway 5 Issues Report	Works: £4,234,658.54 Fees & Staff Costs: £129,368.17 Total: £4,364,026.71
Total Out-turn Cost at Gateway 7	Works: £4,234,658.54 Fees & Staff Costs: £72,712.57 Total: £4,307,370.57

Summary of project completed

Wates Construction Ltd were appointed to conduct kitchen, bathroom and heating system upgrades to City of London tenanted flats on the Avondale Square, Holloway and York Way Housing Estates to bring them up to the Decent Homes standard. Upgrades to 403 tenanted properties were completed under this contract. As detailed in the post-Gateway 5 Issues Report (as approved at Projects Sub Committee 23/11/2016 and

DCCS Grand Committee 09/12/2016) works to a further 98 properties were omitted from the programme due to the additional expense of unforeseen works which were required to many of those properties which were completed. A contract for these omitted properties has been tendered as a separate project (incorporating lessons learnt) within the Gateway process with works now being delivered by the appointed contractor.

Recommendations

1. It is recommended that the lessons learnt be noted and the project be closed.

Main Report

1. Brief description of project	Upgrade of kitchens, bathrooms and heating systems to City tenanted flats where works were identified as required at Avondale Square, Holloway and York Way Estates to bring these properties up to the Decent Homes standard as set by the Department for Community and Local Government.
2. Assessment of project against SMART Objectives	<p>No SMART objectives were set for this project at the time of inception (2014). However, in retrospect these would be as follows:</p> <p>Specific & Realistic: tenanted flats requiring upgrades to kitchens, bathrooms and heating systems were brought up to the Decent Homes standard. This was achieved for 403 properties.</p> <p>Measurable & Achievable: the standard of refurbished flats meets or exceeds that prescribed by legislation. This was achieved for 403 properties.</p> <p>Timely: works to flats included in the programme to be completed within defined project timescale. As stated, the full programme of works was not completed within this contract.</p>
3. Assessment of project against success criteria	<p>1. 403 tenanted properties across the three housing estates covered by this project have been brought up to Decent Homes standard.</p> <p>2. 98 tenanted properties on the Avondale Square Estate where works were required were however omitted from the programme due to additional unforeseen expenses accrued when completing many of the 403 flats which were upgraded.</p>
4. Key Benefits	<p>1. Compliance with statutory Decent Homes requirements.</p> <p>2. Improved and modernised facilities for the residents living in the properties where works are completed.</p>

	3. Improved energy efficiency for properties where heating systems were modernised.												
5. Was the project specification fully delivered (as agreed at Gateway 5 or any subsequent Issue report)	Yes, as per the Issues Report approved at Projects Sub Committee 23/11/2016 and DCCS Grand Committee 09/12/2016.												
6. Programme	<p>The project was not completed within the agreed programme</p> <p>As work progressed it became evident that significant additional works were required over and above those identified during the initial pre-tender survey process. The main elements of these additional works were full electrical rewires, plastering work following removal of tiling, asbestos removals and the addition of mechanical extraction fans to reduce the risk of condensation. Accommodating the cost of these additional works led to the early exhaustion of the project budget and the necessary early curtailment of the programme, whereby, as detailed above, 98 properties where works were required were omitted from the programme. This change of project scope was approved by Issues Report at Projects Sub Committee 23/11/2016 and DCCS Grand Committee 09/12/2016.</p> <p>The required works to the omitted properties have subsequently, with Committee approval, been the subject of a separate project within the Gateway process with works now being delivered by the appointed contractor.</p>												
7. Budget	<p>The project was completed within the agreed budget.</p> <p>The aforementioned post-Gateway 5 Issues Report authorised the amendment of the Gateway 5 budget to allocate £355,523.69 of the approved Fees budget to meet the cost of the additional works required within the tenanted flats. The overall project budget remained unchanged.</p> <table border="1" data-bbox="644 1697 1401 1774"> <tr> <th colspan="2">Estimated Budget at Gateway 2</th></tr> <tr> <td>Total</td><td>£4,071,000.00</td></tr> </table> <table border="1" data-bbox="644 1843 1401 1995"> <tr> <th colspan="2">Approved Budget at Gateway 5</th></tr> <tr> <td>Works</td><td>£3,879,134.85</td></tr> <tr> <td>Fees and staff costs</td><td>£484,891.86</td></tr> <tr> <td>Total</td><td>£4,364,026.71</td></tr> </table>	Estimated Budget at Gateway 2		Total	£4,071,000.00	Approved Budget at Gateway 5		Works	£3,879,134.85	Fees and staff costs	£484,891.86	Total	£4,364,026.71
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Works	£3,879,134.85												
Fees and staff costs	£484,891.86												
Total	£4,364,026.71												

Final Account Verification	Revised budget following Issues Report	
	Works	£4,234,658.54
	Fees and staff costs	£129,368.17
	Total	£4,364,026.71
	Out-turn cost at Gateway 7	
	Works	£4,234,658.54
	Fees and staff costs	£72,712.57
	Total	£4,307,370.57
	Not Verified	
	Verification by Chamberlains not required as project does not exceed risk or budgetary thresholds.	

***Please note that the Chamberlain's department Financial Services division will need to verify Final Accounts relating to medium and high risk projects valued between £250k and £5m and all projects valued in excess of £5m.**

Review of Team Performance

8. Key strengths	The works which were completed were finished to a high quality.
9. Areas for improvement	<p>1. A more robust specification and more comprehensive series of pre-contract condition surveys would have identified the nature and extent of the additional works which were required and allowed for them to be included in the tender package.</p> <p>2. The earlier appointment of a Quantity Surveyor would have allowed greater control over costs during the initial stages of project delivery.</p> <p>3. Up to date periodic electrical surveys carried out in advance of the refurbishment works would have given a clearer picture of the extent of the electrical works required.</p>
10. Special recognition	N/A

Lessons Learnt

11. Key lessons	<p>This was the first major contract of this kind let under the City of London's current Decent Homes Programme. There have been a number of lessons learned from this including:</p> <ol style="list-style-type: none">1. More rigorous analysis of submitted tenders and subsequent awarding of the contract by the project team in the assessment phase, particularly in scrutinising cost allowances for electrical remedial works, asbestos removal, mechanical ventilation installations.2. Increased quality of specifications and other contract documentation to reduce the potential for disputes, variations and claims for additional works by, for example, tying the contractor to fixed costs for the completion of major components.3. To introduce an omittance sheet to counter variations and remove the cost of standard items from fixed cost installations where there is no requirement to fit them.4. Improved processes and procedures for contract management to ensure contracts are managed effectively and we get value for money, including early appointment of Quantity Surveyors and utilising a Clerk of Works throughout the contract.5. Closer alignment of the various programmes of work contained within the Decent Homes Programme to ensure effective co-ordination and programming, minimise disruption for our residents, cost reductions and value for money through economies of scale.6. To complete cyclical electrical testing to properties identified for Decent Homes upgrades to pick up on the condition of the electrical systems prior to starting works.
12. Implementation plan for lessons learnt	<p>Experience gained from this project will be implemented in other similar future projects. The lessons learnt and areas identified for improvement have already been implemented into three similar Decent Homes projects currently being delivered by DCCS Property Services.</p>

Appendices

None

Contact

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Committee	Dated:
Community and Children's Services Committee – For decision	21/09/2018
Subject: Mental Health Centre	Public
Report of: Andrew Carter, Director of Community and Children's Services	For Decision
Report author: Zoe Dhami, Strategy Officer, Department of Community and Children's Services	

Summary

This report follows on from the successful proposal in March 2018 for a mental health centre to provide additional clinical interventions to those working and living in the Square Mile, including lower-paid workers. Since the approval of the proposal, funds of £451,000 have been agreed by the Priorities Board. This report will update members on the progress of the centre and seek approval for the drawdown of CIL funding.

Recommendations

Members of Community and Children's Services (CCS) Committee are asked to:

- note progress of the centre and
- provide approval for the drawdown of the Community Infrastructure Levy (CIL) allocated funding to an amount up to £451,000.

Main Report

Background

1. On 7 March the CCS Grand Committee reviewed and agreed to a proposal for a City of London mental health centre. As part of the discussion, members requested that, due to the demand for such a service, delivery should be from two adjoining shop units.

Current Position

2. Officers have identified two adjoining Housing Revenue Account shop units – 75 and 77 Middlesex Street – for use. The shop units are in an area providing access to City residents and workers.

3. To further support the delivery and viability of the centre, the department sought capital funding of £433,000 from the CIL for refurbishment costs. This was approved at the Priorities Board meeting of 20 June 2018.
4. On 23 August, the department received the estimated budget of renovating both properties from the City Surveyor's. The total estimated cost is £451,137.49, and a further bid to the Priorities Board was made to extend the approved funding amount. This approval was provided on 11 September, subject to further approval by the CCS Grand Committee and Resource Allocation Sub-Committee. A report is due to be taken to the December Resource Allocation Sub-Committee.
5. The £451,000.00 recommended by Priorities Board is specifically from the Social and Community Enhancement CIL funding.
6. As the renovation aspect of the mental health centre meets the financial threshold for the Gateway Process, initial stages have been initiated. Papers G1 and G2 (project brief and report) have been submitted to the Corporate Projects Board for comment before being submitted to the Project Sub-Committee. This also includes a 'Test of Relevance' to ensure that the project has no adverse or negative impact under the Equality Act 2010.
7. The department will be seeking a provider through an Invitation to Tender, and a specification is being drawn up. Renovation work would not begin on the two shop units until a provider has been awarded the contract.

Proposals

8. Members are asked to approve the drawdown of CIL funding up to the amount of £451,000.

Corporate & Strategic Implications

9. This project relates to the Department of Community and Children's Services' Business Plan (2017–22) which lists a priority objective as health and wellbeing, specifically that: "people of all ages enjoy good health and wellbeing."
10. It also relates to the draft Corporate Plan (2018–23), where a corporate outcome within the strategic objective of "contributing to a flourishing society" is that "people enjoy good health and wellbeing".

Implications

11. The operational, human resource and clinical risk of this provision would rest with the provider and be subject to monitoring by the commissioning team within Department of Community and Children's Services.

Conclusion

12. The Department of Community and Children's Services within the City Corporation has committed to supporting the mental wellbeing of the different populations within the Square Mile and is able to effect real change in this area by addressing gaps. Approval of this funding will ensure that renovation can begin as soon as a provider has been awarded the contract.

Appendices

- None

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Committee: Community and Children's Services	Date: 12 October 2018
Subject: Portsoken Pavilion Café	Public
Report of: Andrew Carter, Director of Community and Children's Services	For Decision
Report author: Simon Cribbens, Assistant Director – commissioning and partnerships, Community and Children's Services	

Summary

This report seeks approval to extend the rent-free period granted to the tenant of the Portsoken Pavilion Café by 24 days in recognition of additional constraints placed on its business by the lack of an operational kitchen.

Recommendation

Members are asked to:

- Approve an extension of the existing rent-free period granted to the tenant of the Portsoken Pavilion Cafe by 24 days.

Main Report

Background

1. The Portsoken Pavilion Café was opened as part of the wider Aldgate Square regeneration. It is delivered and run as a community cafe by the charity Kahaila under a contract with the City Corporation's Department of Community and Children's Services.
2. Kahaila signed a lease and took occupation of the premises in April 2018 and were granted a six-month rent-free period. This acknowledged that the business would be significantly constrained by the on-going development work in the Square and would, on completion of those works, need a period to establish itself.
3. Building works on Aldgate Square required the site to be fenced off, obstructing access to the Pavilion Café and restricting views of it. The fencing around the Square was removed on 13 June 2018. It was anticipated that this was the point from which the Pavilion Café could fully deliver its menu and grow its customer base.
4. During the initial period of the Pavilion Café's operation from April 2018, the kitchen could not be used as it had not secured an appropriate certification from Building Control due to a fault. This was entirely the responsibility of the

developer and not the Pavilion Café provider. Repair and retesting meant the kitchen was not provided with a certificate, and therefore operational, until 7 July 2018. As a consequence, the Pavilion Café could only offer a limited menu and drinks. This was most impactful in the period after 13 June 2018.

Current Position

5. In recognition of the constraints to trade during the period in which the Pavilion Café was fully accessible, but without a functioning kitchen, the provider has asked the City Corporation to extend the rent-free period granted to it by 24 days.

Proposals

6. Officers consider the request reasonable and therefore are seeking the approval of Members to extend the rent commencement date within the current lease from 16 October 2018 to 9 November 2018.

Corporate & Strategic Implications

7. The delivery of a community café as part of the wider Aldgate Square regeneration supports the Department's commitment and contribution to the Corporate Plan aim for a flourishing society.

Implications

8. The extension of the rent-free period by 24 days will result in rental loss to the Department of £1,894.

Conclusion

9. The growth and success of the Portsoken Pavilion Café - as both a business and a hub for the local community – is a priority for the Department and will fulfil the wider aims of the regeneration of the Aldgate Square.

Appendices

None

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Committees:	Dates:
Housing Management and Almshouse Sub Committee Community & Children's Services Committee	24/09/2018 12/10/2018
Subject: Fire Safety Update – HRA Properties	Public
Report of: Director of Community & Children's Services	For Information
Report author: Paul Murtagh Assistant Director Barbican and Property Services	

Summary

The purpose of this report is to update Members on the progress that has been made in relation to fire safety matters since the last update report submitted to Committee on 5 June 2018.

Recommendations

Members are asked to note, consider and comment on the report.

Main Report

Background

1. In July 2017, an initial detailed report was presented to this Committee, the Community & Children's Committee and the Audit and Risk Management Committee updating Members on the City of London Corporation's (CoLC) approach to fire safety in its social housing portfolio and, following the tragic fire at Grenfell Tower, the subsequent actions that we had taken. This report informed Members of the progress we had made with matters such as:
 - fire risk assessments,
 - communication with residents,
 - estate management,
 - fire safety maintenance and improvement works,
 - inspections by the London Fire Brigade (LFB),
 - potential future improvement works.
2. Subsequently, further update reports were brought back to this Committee and the Community & Children's Committee in January and February 2018. In addition, at its meeting on 5 June 2018, this Committee received a further report entitled 'Fire Safety Review', which informed Members of the work that has been done on potential improvement works to enhance the safety of the CoLC's social housing estates and its residents in the event of fire.
3. This report is intended as a further update.

Considerations

Automatic Water Fire Suppression Systems (Sprinklers)

4. At its meeting on 11 May 2018, Members of the Community & Children's Committee agreed a recommendation from its Director to retro-fit automatic water suppression systems in each of its five social housing high-rise tower blocks below:
 - Great Arthur House, Golden Lane;
 - Petticoat Tower, Middlesex Street;
 - West Point, Avondale Estate;
 - Central Point, Avondale Estate;
 - East Point, Avondale Estate.
5. Further discussions have been held with colleagues in the CoLC's Planning Team in relation to Great Arthur House, which Members agreed was the priority as a result of the compartmentation issues. A Gateway 1-4 report has been prepared and will be submitted first to the next meeting of the Corporate Projects Board on 15 October 2018.

Fire Doors

6. As Members will be aware from previous reports, recent random sample testing of a number of front entrance doors to individual flats in our residential blocks has been carried out. This destructive testing indicated an average fire resistance of 16 minutes. Although this is in line with what was predicted for doors in their original state, it gives serious cause for concern when set against the recommendations from many of the 2018 Fire Risk Assessments.
7. The CoLC is committed to replacing all front entrance doors in its residential blocks of flats with fire doors that give up to 60 minutes fire resistance (30 minutes as an absolute minimum). The estimated cost of this programme is in the region of £4million.
8. Members may be aware of the recent concerns raised by the Ministry of Housing, Communities and Local Government (MHCLG), which found that a glazed, composite fire door from Grenfell Tower failed a 30-minute fire resistant test after 15 minutes. Further investigations highlighted similar problems with doors from a further four high-profile specialist fire door manufacturers. These findings have caused considerable uncertainty in the industry with manufacturers desperately trying to recover their credibility. It has also led to a shortage in suppliers to satisfy the demand from housing associations and local authorities seeking to upgrade the doors to their homes.
9. We have been working closely with GERDA Security Products Limited, a specialist door manufacturer (not implicated by the recent MHCLG investigations), to develop a prototype replacement doorset that has been rigorously tested to provide 60 minutes fire resistance and has passed appropriate door smoke tightness tests. The prototype door set has been manufactured and fitted in one of our homes in Petticoat Tower, Middlesex Street and it has been very well received.

10. It is intended, subject to final agreement from City Procurement, that the GERDA prototype will be specified for the remainder of the Door Replacement Programme at Petticoat Tower, which is due to commence at the end of October 2018.
11. Officers are currently finalising the programme and delivery schedule for the remainder of the main Door Replacement Programme, which will be spread over the next 18 to 24 months and will likely need to be subject to a fully compliant OJEU procurement process.

Fire Risk Assessments (FRAs)

12. As Members will be aware, Frankham Risk Management Services Limited has recently completed new FRAs for each of our residential blocks of flats. These new FRAs are of a Type 3, which cover everything required for the previously used Type 1 FRA's but also provide for an assessment of the arrangements for means of escape and fire detection (smoke alarms, heat detectors, etc.) within a sample of the flats (typically around 10%). The new Type 3 FRA's, as agreed by Members, were published on the CoLC's website in June this year.
13. At its meeting on 5 June 2018, Members were presented with the recently agreed 'Specific Hazard Identification and Action Plan Template for Fire Risk Assessments', which lists the recommendations from all the FRA's on our residential blocks. Officers continue to work on the various recommendations contained within the Action Plan and the following notable areas of fire safety work have been commissioned or carried out:
 - Specific 'Fire Safety Signage Surveys' have commenced on our residential blocks of flats with a view to ensuring that the deficiencies noted in the FRA's are rectified and the signage in all our blocks is accurate, up-to-date and complies fully with the legislative requirements and best practice.
 - Tenders have been sought for the compilation of Fire Safety Management Plans (FSMP) for 20 of our residential blocks of flats. These FSMP's will cover detailed inspections into the levels of compartmentation and protection to fire escape routes, common areas, plant rooms, voids, service ducts, refuse chutes and risers and doors. Further invasive testing of vertical and horizontal structures providing fire compartmentation will also be undertaken.
 - A specialist fire engineering consultant has been appointed to carry out a sample number of Type 4 surveys to address specific concerns raised in the FRA's relating to fire stopping.
 - Periodic electrical testing of our tenanted properties has been enhanced to ensure that all homes have been tested, and all necessary remedial works completed, within the next 12 months.
 - A detailed document audit has been carried out to ensure information relating to testing of emergency lighting, gas safety inspections and alarms is readily available for inspection and verification.
 - The installation of 2500 heat, smoke and carbon monoxide detectors in our tenanted properties.
 - The introduction of Portable Appliance Testing (PAT) initiative that tests the 'white' goods in the homes we carry out electrical testing (this has already

identified 16 faulty and potentially dangerous appliances on the Golden Lane Estate including washing machines, refrigerators and cookers).

- A successful pilot installation of a new 60-minute fire door at Petticoat Tower, which will provide the basis of the specification for the main door replacement programme;
- Work is underway to change the electrical consumer units in our high-rise blocks of flats to comply with the new 18th Edition of the Electrical Regulations.

14. There have been further discussions with Frankhams in relation to some of the recommendations and timescales contained in the FRA's. As a result of these discussions, and due to the amount of work that has been done, or is being done, the Fire Safety Action Plan is being revised and updated to provide a more inclusive and robust document on a block-by-block basis and this will be presented to this Committee at its next meeting.

Great Arthur House

15. As Members will be aware, due to the unique nature of the building and its issues, Great Arthur House is being dealt with as a 'special project' in terms of the fire safety works. Further detailed investigation work has been carried out that has confirmed initial concerns about the level of compartmentation in the service ducts. We have appointed Checkmate Fire Solutions Limited, a specialist nationwide 3rd party accredited building fire safety, installation and compliance services company to carry out a full compartmentation audit of Great Arthur House to identify the full extent of the issues and to prepare a schedule of remedial works to be put out to tender.

16. Approval has been obtained under the Gateway process to facilitate the removal and replacement of two front entrance 'screens' and doors to individual flats. These will be replaced to replicate the ones removed and the units taken out will be used for destructive testing to assess their level of fire resistance, one in its original condition and the second in an upgraded condition. This will allow us to determine the extent of work required to upgrade the compartmentation of the front entrance doors and screens to the rest of the flats in the block. At the time of writing this report, we are still awaiting a date for the destructive testing.

17. Members will be aware that there has been a significant amount of work done at Great Arthur House to address initial concerns with compartmentation including:

- the installation of a permanent hard-wired fire alarm system to the whole of the building.
- the delivery, and installation where required, of individual smoke detectors to all flats in Great Arthur House.
- the introduction of a 'Waking Watch', a team of four security staff patrolling the building at all times, whose role is to alert residents in the event of a fire and to assist in any evacuation process.
- the completion of a detailed 'fire safety signage survey' and subsequent upgrading of all fire safety signage to reflect the new evacuation arrangements

and to pick up the deficiencies noted in the FRA's, to ensure, that the signage in the block is accurate, up-to-date and compliant.

- the introduction of an evacuation process for residents in the event of a fire.

18. The Waking Watch provision is expensive and it has always been intended that once the hard-wired fire alarm system was installed and commissioned, the Waking Watch would be removed. Although we have recently achieved access to all flats in Great Arthur House and all detection units have now been installed, we have decided that the removal of the Waking Watch will be 'phased' to allow us to give adequate notice to the residents. It should be noted however, that depending on the advice given in relation to the new compartmentation issues, it may be necessary to retain the Waking Watch for a further period of time.

Estate Management

19. Since the last meeting of this Committee on 5 June 2018, there have been several tasks completed and processes implemented by our estate management team that will go some way to ensuring the safety of residents in our social housing estates. Attached as Appendix 1 to this report is the 'Housing & Neighbourhoods Fire Safety Improvement Action Plan Summary 2017-19', which outlines the tasks completed and processes implemented.

20. Members will be aware that the biggest area of work by far for the Housing & Neighbourhoods Team is the Tenancy Visits Project, which is the subject of a separate report to this Committee.

Inspections by the LFB

21. As part of the government's response to the Grenfell Tower tragedy, fire services across the country have been instructed to carry out ad-hoc inspections on residential flat blocks to ensure that they comply with the requirements of the Regulatory Reform (Fire Safety) Order 2005 and to ensure that appropriate FRAs are being carried out. Since the last meeting of this Committee, an impromptu fire safety inspection was carried out at the Holloway Estate. The Fire Safety Inspecting Officer advised that he was satisfied that everything was in order although, he sought clarification on the timescales for implementing three of the recommendations included in the recent FRA. This has been provided.

The Hackitt Review

22. Following the Grenfell Tower fire, the Home Secretary, Amber Rudd and the Communities Secretary, Sajid Javid, commissioned Dame Judith Hackitt to conduct a review into building regulations and fire safety. The review, which was carried out independently of government, has a particular focus on regulations as they apply to high-rise residential buildings.

23. Dame Judith Hackitt's 'Independent Review of Building Regulations and Fire Safety' was published on 17 May 2018. The review is 156 pages long. There are 53 recommendations contained in the review, some of the key ones are summarised at Appendix 2 to this report.

24. It is fair to say that the Hackitt review has been met with something of a mixed reaction by professionals within the industry. Some think the report is underwhelming and those who expected the review to provide the answers, are largely disappointed.
25. The biggest change in thinking in the Hackitt Review is the creation of a two-tier system, whereby high-rise buildings will be subject to a different system to other buildings which, creates an arbitrary 10-storey cut off point. This has drawn considerable criticism as, by inference, blocks of less than 10 storeys are 'overlooked' and if fails to take into consideration other high risk buildings such as hospitals, schools and even nursing homes.
26. The Hackitt Review has also been widely criticised for failing to recommend a ban on combustible cladding although, in her response, somewhat surprisingly, Dame Judith said that it was not in her remit to look at Grenfell.
27. We are still some way from understanding the full impact of the Hackitt Review and the resulting legislative changes that may be brought about. The Ministry of Housing Communities & Local Government is presently consulting on the clarification of Approved Document B – Fire Safety in line with the Secretary of State's commitment in Parliament on 17 May 2018 to consult on clarifying building regulations fire safety guidance. The consultation closes on 11 October and it will likely be some time before we know the outcome.

Appendices

- Appendix 1: Housing & Neighbourhoods Fire Safety Improvement Action Plan Summary 2017-19
- Appendix 2: Summary of the Hackitt Review

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APPENDIX 1

HOUSING & NEIGHBOURHOODS FIRE SAFETY IMPROVEMENT ACTION PLAN SUMMARY 2017-19

ACTION	DEADLINE	PROGRESS
Produce leaflet on fire safety for residents	Jan 2017	Complete
Produce poster on basic fire safety	Jan 2017	Complete
Sign up process amended to include fire safety advice	Jan 2017	Complete
Check and update records of vulnerable residents	July 2017	Complete (and ongoing)
Revise fire action and evacuation posters and include local variations as appropriate.	Sept 2017	Complete
Investigate presence and maintenance of lightening conductors	Sept 2017	Confirmed conductors are inspected annually by Nimbus Lightening Protection Ltd.
Have new notices installed in all blocks	Nov 2017	Complete Interim notices were installed in Autumn 2017. A separate project, to create permanent notices is being initiated by Property Services.
Review fire safety advice in Tenancy Handbook	Sept 2017	Complete. Review shows no inaccuracies. Relevant sections in handbook to be revisited as part of overall handbook review in late 2018
Develop communications programme on fire safety, including newsletter items, letters, Facebook posts, website updates, events etc	Oct 2017	Programme complete and being implemented
Write to all residents in City, telling them not to put out rubbish until day of collection as fire risk	Sept 2017	Complete. Included in FAQs
Secure funding for programme of tenancy visits	Nov 2017	Complete. Funding agreed
Revise fire safety protocol to include all communal areas. Develop standard procedure and enforcement letters	Dec 2017	Complete
Plan and implement tenancy visits project	July 2018	Team recruited and trained, visits have commenced and regular reports being presented to Housing Management & Almshouses Sub-Committee

Last revised August 2018

APPENDIX 1

Create Cigarette disposal comms campaign	August 2018	Piece to go in Autumn newsletter, highlighting recent fire
Review fire log books and make recommendations	Sept 2018	Log books being reviewed and updated as per FRA recommendations
Review sheds and garages agreement to be clear about storage of combustible items. Revise procedure to include inspections and key changes.	Sept 2018	Complete
Set up monthly FRA Monitoring Meeting with Property Services	Sept 2018	To begin shortly
Enhanced of programme of on-site training for cleaners	Oct 2018	Checklists for daily inspections being revised based on FRAs – training will to cover this.
Review and republish schedule of risk assessments and establish system for quality assuring	Dec 2018	Part of Estate Services Review
Review quality and monitoring of walkabouts and review daily, weekly, monthly checklists	Dec 2018	Part of Estate Services Review
Establish new process for updating information on vulnerable households and put into place any support plans needed	Dec 2018	Part of Estate Services Review and Tenancy Visits Project

APPENDIX 2

Dame Judith Hackitt's 'Independent Review of Building Regulations and Fire Safety' was published on 17 May 2018. There are 53 recommendations contained in the review, some of the key ones are summarised below:

1. New regulatory framework

A new regulatory framework for buildings more than 10 storeys high which, includes the creation of a Joint Competent Authority (JCA) made up of Local Authority Building Standards, fire and rescue authorities and the Health and Safety Executive. The JCA will hold a database of all high-risk residential buildings (HHRBs), whether in construction or already occupied. It will oversee the sign-off of HHRBs with dutyholders having to show that their plans are "detailed and robust".

High-rise residential buildings are defined as being 10 storeys and higher, rather than 18m. The Review also calls for many key recommendations to be extended to other multiple occupancy residential buildings covered by the Fire Safety Order, and some other institutional residential buildings where people sleep, including care homes

2. Clear responsibilities

Hackitt warns that a lack of clarity on roles and responsibilities when it comes to building safety was one of the circumstances that led to the Grenfell Tower disaster. She is recommending a clear and identifiable "dutyholder" with responsibility for building safety for the whole building. That dutyholder will have to present a safety case to the JCA at regular intervals. The key roles that are most important initiating, overseeing and influencing activity throughout the procurement, design and construction of a building should also be identified. The key roles for prioritising building safety will be the same as those identified in the Construction Design and Management (CDM) Regulations 2015 to avoid confusion.

3. Three 'gateways'

There should be three 'gateway' points where those responsible for a building's safety will have to prove to the new JCA that they are complying with regulations. The first gateway point is to satisfy the JCA that the building is accessible by the fire service, which must be determined before the building gets planning permission. Secondly, the dutyholder must satisfy the JCA that key building safety risks are understood and will be managed and that "robust" processes are in place, before building work can start. Thirdly, the JCA must be satisfied that the signed-off design has been followed before occupation can start.

4. More rigorous enforcement

More rigorous enforcement powers. A wider and more flexible range of powers will be created to focus incentives on the creation of reliably safe buildings from the outset. Stronger enforcement powers should align with the Health and Safety at Work Act. The JCA/Local Authority Building Standards should have additional powers to issue

FIRE SAFETY REVIEW – SEPTEMBER 2018

improvement and prohibition notices, as well as clear powers to require changes to work that meet Building Regulations. Time limits for bringing prosecutions should be increased to five or six years for "major deficiencies".

5. Higher levels of competency

The construction sector and fire safety sector will have to demonstrate more effective leadership for ensuring building safety among key roles including an overarching body to provide oversight of competency requirements. The aim is to move towards a system where ownership of technical guidance rests with the industry as the intelligent lead in delivering building safety and providing it with the flexibility to ensure that guidance keeps pace with changing practices.

6. More effective product testing

A clearer, more transparent and more effective specification and testing regime of construction products must be developed, including products as they are put together as part of a system. There should be clear statements on what systems products can and cannot be used for, with their use made essential. The scope of testing, the application of products in systems, and the resulting implications must be more clearly communicated in plain, consistent and non-technical information. Additional test houses should be established and certified, while test methods and standards should be maintained under a periodic review process.

7. Better information

The review identifies four "key information products" integral to oversight on building safety. They are:

- the digital record,
- the fire and emergency file,
- full plans, and
- the construction control plan.

Hackitt recommends that the creation, maintenance and handover of relevant information should be an "integral part" of the legal responsibilities of clients, principal designers, and principal contractors undertaking works on HRRBs.

For existing buildings, the duty holder must undertake an information-gathering exercise to build a record of how the building is constructed and how safety should be managed. This may require invasive building surveys. A phased programme for this should be developed by the JCA.

Whole-building Fire Risk Assessments (FRAs) should be carried out annually until the JCA has reviewed a building's safety case documents, at which point an appropriate routine can be agreed between the JCA and duty holder.

8. Residents

Residents should have the right to access FRA's and safety case documents. Duty holders should have a resident engagement strategy setting out how information will be shared with residents.

Residents should have clearer obligations to maintain their flat's safety and should cooperate with the duty holder and building safety manager. The intention of this recommendation relates to access to residents' properties where there are safety concerns.

9. Better procurement

Principal contractors and clients for HHRBs should devise contracts that specifically state that safety requirements must not be compromised for cost reduction. Tenders should set out how the proposed solution will produce safe building outcomes. Contracting documentation relating to the safety aspects of the building should be included in the digital record.

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Committees	Dated:
Community and Children's Services – For Information Culture, Heritage and Libraries – For Information	12/10/2018 22/10/2018
Subject: Artizan Street Library and Community Centre flood damage and building work update	Public
Report of: Andrew Carter, Director of Community and Children's Services	For Information
Report author: Carol Boswarthack, Head of Barbican and Community Libraries, Department of Community and Children's Services	

Summary

On Monday 29 January 2018, Artizan Street Library and Community Centre staff discovered significant water damage to the building caused by an overflowing hand basin in the first-floor toilets. Vandalism was suspected, and the incident was immediately reported to the police. The ground floor Multi Hall sustained the worst of the damage and the ceiling, walls and floor need repair. Additionally, the fire alarm was damaged, and the DVD loan stock destroyed. Loss adjusters were appointed and compensation for loss of income from room hire (£4,150 per quarter) and replacement of the water damaged DVD stock (£1,500) was approved.

The remedial work is now underway and has been combined with reconfiguration of space to provide a ground floor Housing Office. The current date for completion of the building work is 19 October 2019.

Recommendation

Members are asked to:

- Note the report.

Main Report

Background

1. Artizan Street Library and Community Centre opened in December 2012. It was a new service for the City of London, with five hireable rooms, a library and a range of frontline housing services delivered by one staff team.
2. The rooms are available for private hire, both within and outside of opening hours, subject to the agreement of the conditions of hire.
3. The business model has been successful and, from April 2017 to date, income from the multi-hall totalled £19, 524 – 35% of the total income from room hire at Artizan Street (£56,018).

4. On Monday 29 January, staff discovered that a first-floor hand basin had been stuffed with paper towels and polythene and the taps left to run. We believe this happened on the previous Friday evening, when the centre was being used by one of the City of London's commissioned services. The area below, including the multi-hall, sustained substantial water damage, including to the sprung floor, wall and ceiling decoration and the library's DVD loan collection. The fire alarm was also affected but was very quickly repaired.
5. Staff called the police and an investigation took place. However, with no CCTV evidence, the police reported that they were unable to progress investigations.
6. The incident was also reported to the City of London's loss adjusters. Our insurers agreed to cover all damage to the Artizan Street Library and Community Centre building, the loss of library DVD stock and the loss of income from hire of the Multi Hall.
7. Hirers of the Multi Hall were informed that it would be unavailable. Wherever possible, alternative provision (the Community Hall on the first floor or the Portsoken Health and Community Centre hall) was offered as an alternative. St Botolph's Without Aldgate church also offered space to some of groups that cannot be rehoused within the two City of London buildings.
8. To minimise disruption to the public, it was decided that remedial work should coincide with planned reorganisation of space to move the Housing Office to the ground floor. This change was requested by Middlesex Street Estate residents.

Current Position

9. Building work commenced in early September and is projected to be completed on 19 October 2018. The first-floor hand basin taps have already been replaced with push taps to minimise the risk of any future vandalism.
10. Along with the repairs to the Multi Hall, the following space changes are being made:
 - The Housing Office is moving to the ground floor from the first floor. To accommodate this, the current Interview Room, Treatment Room and small kitchen are being combined to provide one space for the new office.
 - The Treatment Room is being relocated to the first floor.
 - A new office for the Centre Manager is being created within the current first-floor workroom in the space vacated by Housing Office staff.
 - An internal window is to be installed in the workroom to improve natural lighting via borrowed light from the first-floor skylight.
11. The Centre will remain open during most of the building work. A short period of closure will be necessary towards the end of the project. This is currently anticipated to be 28 September 2018 to 2 October 2018. Library customers and hirers have been informed.

12. During the building work, the Housing Office has temporarily relocated to the Portsoken Health and Community Centre.
13. Compensation for loss of the library's DVD stock has been agreed to the value of £1,500.
14. To date, claims for loss of hall hire income for quarters one and two have been submitted to the value of £4,300. Another claim for loss of income in quarter three is due to be submitted.

Corporate & Strategic Implications

15. The current building work will ensure that the Centre can offer the popular Multi Hall space for hire. The reconfiguration of internal space will make the Housing Office staff more accessible to residents.

The work supports Corporate Plan Objective 4: Communities are cohesive and have the facilities they need:

- Support access to suitable community facilities, work spaces and visitor accommodation.

The work is in line with the Community and Children's Services Business Plan:

- Priority Three – Independence, Involvement and Choice:
 - People of all ages can live independently, play a role in their communities and exercise choice over their services.
- Priority Five – Community:
 - People of all ages feel part of, engaged with and able to shape their community.

Implications

16. The total cost for all the building work is in the region of £140,000. Our insurance cover is comprehensive and sufficient to cover the damage sustained, the loss of stock and the loss of income. A successful bid for Community Infrastructure Levy funding has been granted and will cover any excess.

Conclusion

17. Building work is underway to repair flood damage to the building and reconfigure space to allow the movement of the Housing Office to the ground floor of Artizan Street Library and Community Centre. It is due to be completed on 19 October 2018. Loss adjusters have agreed claims for the flood damage, the replacement of library stock and compensation for hall hire income.

Appendices

- None

Background Papers

- Flood at Artizan Street Library and Community Centre Committee report
- Culture, Heritage and Libraries – (For information) 05/03/2018
- Community and Children's Services – (For information) 07/03/2018

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Committee: Community and Children's Services	Dated: 12/10/2018
Subject: Golden Lane Estate – new flats at Great Arthur House and relocation of estate staff	Public
Report of: Andrew Carter, Director of Community and Children's Services	For Information
Report authors: Jacquie Campbell, Assistant Director, Housing and Neighbourhoods Paul Murtagh, Assistant Director, Barbican and Property Services, Community and Children's Services Department	

Summary

This report updates Members on issues raised regarding two applications considered by the Planning and Transportation Committee on 11 September 2018. These relate to a proposal to convert the ground floor of Great Arthur House into flats, and to relocate the displaced estate staff to the administration office in the newly refurbished Golden Lane Community Centre (GLCC).

The report outlines the further consultation that will take place with residents on these issues.

Recommendation

Members are asked to note the report.

Main Report

Background

1. Proposals to convert the ground floor of Great Arthur House into three flats for social rent have been included in the Housing Delivery Programme since 2015. The need for more social housing is well documented and this location provides an opportunity to build ground floor, wheelchair-accessible accommodation. This is particularly important as the City has no other flats of this nature in the Square Mile.
2. In December 2015, Members of the Community and Children's Services' Committee rejected a proposal to consider the reconfiguration and refurbishment of the GLCC in order to accommodate City of London Community Education

Centre (COLCEC), the Estate Office and the community hall, and to share the office and meeting facilities with resident groups. The reason for this was that Members at the time wanted officers to explore the possibility of a larger community facility to serve both the Golden Lane and the Barbican Estates.

3. Following further work by officers and Members, the proposal was subsequently agreed by Members of the Community and Children's Services Committee at its meeting on 8 April 2016.
4. The ground floor of Great Arthur House is currently occupied by the estate office, which needs to be moved to make way for the flats. The City is highly unusual in having maintained local offices on its estates – most social landlords have closed these in favour of area and central offices. So there is no requirement to maintain an estate office. However, the City's estate offices are much-valued by residents, and particularly the social tenants who make most use of them, and the Housing Service is committed to finding ways of retaining them where possible.
5. In 2015, the tenants running the GLCC handed the building back to the City as it was no longer financially viable for them. GLCC is owned by the City's Housing Revenue Account (HRA) and is the responsibility of the Housing Service. It was badly in need of refurbishment, and this was seen as an opportunity to relocate the resident-facing element of the estate office and also to provide adequate staffing presence for the Centre. A sum of £125,000 was allocated from the HRA to create an office in the centre to accommodate the Centre Manager and a small number of estate staff.
6. In 2015, the first plans for the refurbishment of the Centre, including the creation of an estate office in part of the building, were presented to residents.
7. The initial response was that residents were not opposed to the locating of staff in the building. However, there was concern that proposals to site the office on the lower floor would not give the level of accessibility needed. This reflected learning from Artizan Street Library and Community Centre, where locating estate staff in an upper floor office had not been successful. Therefore, architects were asked to relocate the planned office to a disused storage area on the ground floor of GLCC.
8. A Joint Officer/Resident Steering Group was set up to refine plans for the refurbishment project. A number of compromises were reached, and the group was generally felt to be a very successful model for collaborative working. However, one area where agreement could not be reached was the plan to locate estate staff in the building. The residents on the Steering Group were opposed to this and, over time, a number of other residents also supported this opposition.
9. The centre refurbishment project commenced and was completed in May 2018. In the meantime, plans were drawn up for the proposed new flats.
10. Before the centre was handed over by the contractor, Housing officers were made aware of an error in the refurbishment planning application. The application stated that there were no plans to move the estate office into the centre. This was

incorrect, as evidenced by continual consultation with residents and with the Steering Group on this matter over the previous two years. However, having been informed about the error, Housing officers postponed plans for estate staff to move into the centre and, in consultation with Planning colleagues, submitted an application to correct the error.

11. At its meeting on 11 September 2018, the City's Planning and Transportation Committee considered two planning applications from the Department of Community and Children's Services. These were:

- To change the use of the Community Centre to enable estate staff to be located in the office and to use kitchen and toilet facilities
- To convert the ground floor of Great Arthur House into three flats.

12. There were 33 written objections to the first application and 17 written objections to the second application. Objectors spoke at the Committee meeting and Members discussed a number of issues. The two applications were approved, subject to a condition being imposed on the first with respect to access for disabled people. However, Members were concerned about some of the issues raised and the level of objections and asked for these to be addressed in a paper to Community and Children's Services Committee.

Great Arthur House flats

13. During the Planning and Transportation Committee meeting on 11 September, an issue was raised by an objector regarding the ceiling level of part of one proposed flat. This issue had not been previously identified by the architects and officers, or raised by objectors.

14. Having looked into this matter, while it is correct that the ceiling level in one room, currently used as a store for the cleaning cradle, is lower than the rest of the ceilings, this does not prevent the proposed redevelopment from creating new flats at the base of Great Arthur House. We are currently carrying out further surveys to assess the works and amendments that may be necessary to overcome the difference in ceiling height.

Relocation of Estate Staff

15. A number of issues were raised with regard to the proposal to move estate staff into GLCC. Many of these focused on the perceived inadequacy of the office space and reception area. Objectors raised concerns that the presence of estate staff would be incompatible with the use of the centre as a community facility and that there would be a concern with residents coming in with private issues that could be overheard by community centre users.

16. The size of the office space has been confirmed by Health and Safety assessors as being appropriate for the small number of staff intended to be based there. Issues around the flow of people in the reception area can be addressed with

careful management. Most visitors to the Estate Office are bringing routine, non-private matters. Those wishing to discuss a private matter can use the private interview room, or can make an appointment for a home visit. Therefore, officers do not find these concerns insurmountable.

17. However, there were more serious concerns raised about the size of the private interview room. Although this meets regulations and the doors are wide enough to accommodate a wheelchair, there is insufficient space to fully manoeuvre a wheelchair. Therefore, a planning condition is to be imposed. The draft wording of the condition, to be agreed with the Chairman and Deputy Chairman of Planning and Transportation Committee, is as follows:

Notwithstanding the details of the office layout shown on drawing 2325_PL_109_2, the use of the sui generis office area shall not commence until details of an interview room have been submitted to and approved by the Local Planning Authority that meet the requirements of Local Plan policy DM10.8 which shall be constructed prior to first occupation in accordance with the approved drawings and maintained thereafter whilst the use is in operation.

REASON: To ensure that the development will be accessible for people with disabilities in accordance with the following policy of the Local Plan: DM10.8.

Proposed Resident Consultation

18. In light of the opposition to the proposal to move estate staff into GLCC, and concerns raised about the flats, Members of your Committee have asked officers to carry out further consultation with residents.

19. The consultation will explore:

- residents' ideas for the flats
- a proposal to set one flat aside as an extra-care facility for City residents leaving hospital but temporarily unable to return home
- possible alternative locations for the estate staff, costs, the implications for the Community Centre and the likely impact on residents
- how residents' concerns can be addressed if the estate staff do move into the Community Centre.

20. A Ward Member has proposed that the consultation take the form of an open workshop in the Community Centre, facilitated by an external organisation.

21. City tenants are less likely to attend open events, and some have expressed a lack of confidence about participating in activities where leaseholders are significantly represented. Therefore, the plan is to hold a separate, independently facilitated event exclusively for social tenants where they can be encouraged to express their views.

22. These events are planned for late October/early November. After this, a paper will be submitted to your Committee so that Members can consider the feedback.

Corporate & Strategic Implications

23. The plans to build new flats and to relocate the estate office support the Corporate aim to contribute to a flourishing society.

Implications

24. There are financial implications for the Community Centre if the estate staff are not based there, as the £125,000 contributed by the HRA for this purpose would have to be repaid. There are also implications for income, as the HRA would make a contribution to the running costs of the centre if staff are based there. These implications will have to be explored as part of the consultation process.
25. There would also be financial costs involved in finding an alternative location for staff, other than the Barbican Estate Office. However, these would be offset by the £125,000 which would need to be repaid from the Community Centre budget. Any shortfall would likely be recoverable from residents.
26. There are further implications for the running of the Community Centre if estate staff are not based there, as the City's model for doing this relies on the presence of estate staff in the building (see *Golden Lane Community Centre Management* – paper to Housing Management and Almshouses Sub-committee, 12 February 2018). Solutions will also be explored with residents as part of the consultation.

Conclusion

27. In view of the issues raised regarding the planned flats at the base of Great Arthur House and the relocation of the estate staff, further consultation with residents of Golden Lane Estate on these matters is planned.

Appendices

- None

Background Papers

- *Gateway 1 Project Proposal: Phase I, Golden Lane Community Hall and Estate Office base of Great Arthur House.* Paper to Community and Children's Services Committee, 11 December 2015
- *Potential venues for the initial relocation of Adult Skills and Education Services.* Paper to Community and Children's Services Committee, 8 April 2016
- *Golden Lane Community Centre and Estate Office situated at the base of Great Arthur House – Gateway 3/4 (Outline Options Appraisal).* Paper to Community and Children's Services Committee, 17 February 2017
- *Golden Lane Community Centre, Gateway 5 – Authority to Start Work.* Paper to Community and Children's Services Committee, 14 July 2017

- *Management of Golden Lane Community Centre*. Paper to Housing Management and Almshouses Sub-committee, 12 February 2018
- *Minutes of the Planning and Transportation Committee, 11 September 2018*

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Committee:	Date:
Community and Children's Services Committee	12th October 2018
Subject: Decisions taken under Urgency since the last meeting of the Committee	Public
Report of: Town Clerk	For Information
Report author: Julie Mayer, Town Clerk's Department	

Summary

This report advises Members of action taken by the Town Clerk since the last meeting of the Committee, in consultation with the Chairman and Deputy Chairman, in accordance with Standing Order No. 41(A) in respect of : **Short term rental of Middlesex Street Unit**

Recommendation

Members are asked to note the report.

Main report

On 7 March 2018 Members of the Community and Children's Committee gave approval to explore the implementation of a mental health centre within the City of London. Due to expected demand of the centres services, Members requested that two adjoining shop units be used. Subsequently, officers identified 75 and 77 Middlesex Street as appropriate units for the centre. The two units were being held vacant whilst the mental health centre proposal continued through governance and procurement procedures. It was estimated that the two shop units would remain vacant until early 2019.

The proposal was to occupy one of the vacant shop units, from Monday 8th October to Friday 30th November 2018, at the sub-market rent of £1,400 for this 8-week period. During the on-going implementation of the Mental Health Centre, and the subsequent vacancy of 75 and 77 Middlesex Street, it would be in the best interest of the Housing Revenue Account (HRA) to benefit from a short-term letting, proposal even at sub-market levels.

Implications:

The City Surveyor advised that the normal commercial charge would be a pro-rate figure encompassing the rent of circa £30,000 + service charge £1,700 + insurance £470. The rent would therefore be £2,680.83 per calendar month.

Whilst the proposed rent of £1,400 would normally represent a loss to the Housing Revenue Account of £1,280.83, this would not be true within current circumstances. Due to both shop units being held vacant during the on-going implementation of the mental health centre, the current proposal would in fact be a form of income for HRA. Further, the rates liability for the City would also be covered by the tenant. The arrangement could be documented as a simple tenancy, whereby each party could terminate the contract on one week's notice.

Reason for Urgency:

The next meeting of the Community and Children's Services Committee was scheduled for 12 October 2018 and this proposal was for a short-term rental running from Monday 8th October to Friday 30th November. Officers only became aware of this opportunity on 26th September 2018.

Action Taken:

The Town Clerk, in consultation with the Chairman and Deputy Chairman of the Community and Children's Services Committee approved the 8-week rental of either 75 or 77 Middlesex street at £1,400 for the period of Monday 8th October to Friday 30th November 2018, on the agreement that the contractor pay all outgoings resulting from that use including rates.

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Committee(s):	Date(s):
Children and Community Services	Item no.
Education Board	12 October 2018
Policy and Resources	8 November 2018
Planning and Transportation	15 November 2018
	30 October 2018
Subject:	Public
Land Transactions:	
Former Richard Cloudesley School Site	
Report of:	For Decision
Town Clerk	
Report author:	
Deborah Cluett – Assistant City Solicitor	

Summary

This report considers changes to the land transaction arrangements previously authorised by your Committees in order to ensure the land is held appropriately and to remove the risk of the scheme being impeded by injunction due to Right of Light infringements resulting from the scheme. The changes are identified in the report. The criteria for adopting the changed arrangements are evaluated and the report advises that the criteria are met. It is recommended that the resolutions in Recommendations 1,3 & 4 be reaffirmed on the basis of the changed arrangements outlined in the report, that the resolution in Recommendation 2 be agreed in the amended form shown below, and that the new Recommendation 5 be agreed to address the interests of affected rights holders.

Recommendations

1. That **Policy and Resources Committee** authorise the acquisition of the freehold title in the LBI Land for the purpose of a new primary Academy and social housing, with workshops to be located beneath part of the social housing in accordance with the powers set out in this report.
2. That **Planning and Transportation Committee** authorise the appropriation of the City's Land from housing purposes to the planning purposes of facilitating the development of a new school and social housing
3. That **Policy and Resources Committee** and **Education Board** authorise the grant of a leasehold interest of all the LBI Land and City Land on which the school is to be constructed to the City of London Academies Trust

-
4. That, in relation to functions within their respective Terms of Reference, **Policy and Resources Committee, Community and Children's Services Committee and Education Board** authorise the Director of Community and Children's Services to conclude negotiations and final terms of the acquisitions and disposal in accordance with the principles set out in this report, to take any other steps as required in connection with any related documentation and associated transactions as may be necessary to complete the steps at recommendations 1 to 3 and to implement the Development in accordance with the principles in this report, and to instruct the City Solicitor to enter into all necessary legal documents.
 5. That **Community and Children's Services Committee** instructs the Rights of Light advisers acting for the City as developer of the site to proactively approach affected rights holders to offer appropriate compensation for release of their rights of light on the basis in paragraph 14 of Appendix 1 of this report.

Main Report

Background

1. The principle of developing the former Richard Cloudesley School Site, ("RCS") and adjacent areas of the Golden Lane Estate ("GLE") (together, "the Site") for a new school and social housing ("the Scheme") has been agreed by relevant Committees. The Site is made up of the RCS which is in the London Borough of Islington's ("LBI's") freehold ownership ("the LBI Land"), and adjacent garages, adult education centre, and adjoining land that forms part of the GLE which are in the City's ownership ("the City's Land") (and which Community and Children's Services Committee has resolved is no longer required for housing purposes).
2. Planning permission for the Scheme was granted by both local planning authorities in whose area the Site is located (LBI and the City) on 19 July 2018. Workspace was required to be provided by LBI underneath part of the social housing to make the development acceptable in planning terms, by providing an active frontage to Golden Lane.
3. In order to rationalise the land to form the Site, amalgamate it within the City's ownership for the purpose of the Scheme, and enable the Scheme to proceed, the following land transactions are required: (i) Transfer of the LBI Land to the City; (ii) the GLE Land to be appropriated for the purposes of the Scheme; (iii) A lease in the part of the Site to be occupied by the school to be granted by the City to the City of London Academies Trust ("COLAT").
4. In June 2018 the transactions were authorised on the basis that the LBI Land and was to be acquired by the City in its general corporate capacity and the appropriation of the City's Land was to be for education. The transactions have not taken place. Since June 2018 it has been clarified that the proposed uses of the land and terms and conditions of the transfer of the LBI Land and funding make it appropriate for acquisition to be under education and housing powers.
5. In addition, the City's Rights of Light ("RoL") advisers identified that the Scheme will result in some actionable Rights of Light infringements which will mean that

affected rights holders could seek injunctions to prevent or remove any structures causing the infringements, unless the statutory protection from injunction under Section 203 of the Housing and Planning Act 2016 (“S203”) is engaged.

6. However, the arrangements authorised in June do not engage S203 because this would require (i) the LBI land to be acquired by a local authority that could compulsorily acquire it (rather than acquired by the City in its general corporate capacity, as previously proposed); and (ii) the appropriation of adjacent GLE Land to be for planning purposes (rather than for education purposes).

Next Steps/Evaluation of Criteria

7. The proposed transactions can proceed so as to ensure the land is held appropriately and so as to engage the S203 protection from injunction, as follows: (i) that part of the LBI Land to be occupied by the school to be acquired by the City under Section 7 of the City of London (Various Powers) Act 1958 (ii) that part of the LBI Land to be occupied by social housing to be acquired by the City under Section 17 Housing Act 1985; (iii) the City’s Land to be appropriated for planning purposes¹; (iv) the lease of the new school premises to COLAT to be granted under Section 9 of the City of London (Various Powers) Act 1958.
8. The use of the statutory powers outlined in paragraph 6 require the relevant statutory criteria to be met. These are considered under “Legal Implications” below. In deciding whether or not to engage S203 the City must be satisfied that there is a compelling case in the public interest. The tests to be applied in deciding whether there is such a compelling case are explained under “Legal Implications” and evaluated at **Appendix 1**. The conclusion is that it is considered the tests are met and the powers should be engaged.

The Transactions & Terms

The Transfer of the LBI Land to the City

9. It is proposed that the freehold interest in that part of the LBI Land on which the school is to be located (shown edged in bold black on the **Proposed Site Breakdown Plan** annexed) be acquired by the City for the purposes of the new school under Section 7 of the City of London (Various Powers) Act 1958.
10. It is proposed that the freehold interest in all that part of the LBI Land on which the housing is to be located (shown hatched – and in respect of airspace, shown stippled - on the **Proposed Site Breakdown Plan** annexed) be acquired by the City in its capacity as housing authority for housing purposes under Section 17 Housing Act 1985.
11. The key terms on which the LBI Land is to be transferred to the City, and the covenants to which the City will be bound, are broadly as follows:
 - Nil consideration to be paid by the City to LBI for the LBI Land.

¹ Court of Common Council 8/12/2016 delegated to Planning and Transportation Committee authority to determine whether appropriations for planning purposes in order to engage S203 should be authorised

- Amalgamation of the City's Land and the LBI Land is required, to allow for optimum use of the Site
- The City to pay for development of the social housing using S.106 affordable housing contributions and Right to Buy receipts and to be responsible for construction of the social housing (with a contribution being made by LBI)
- The City to be responsible for construction of the school (with an agreed estimated construction cost to be funded by the Education and Skills Funding Agency). LBI to have nomination rights to 50% of the new social housing units

Appropriation

12. The City's Land is part of the GLE and was acquired and is held for housing purposes. (See two areas shown shaded grey on **Existing Site Breakdown Plan** annexed). The majority is within LBI's administrative area, and part is in the City's. Children and Community Services Committee resolved in June 2018 that the City's Land was not required for housing purposes. It is proposed that the City's Land be appropriated to planning purposes. Given the provision of replacement housing land as part of the Scheme the Chamberlain is satisfied no payments are required to account for the appropriation.

Grant of Lease to COLAT

13. It is proposed that following its acquisition of the LBI Land and the appropriation of the City's Land for planning purposes, the City will grant a leasehold interest in all that land on which the school is to be constructed (to exclude the airspace to be occupied by the new social housing) to COLAT under its powers in Section 9 City of London (Various Powers) Act 1958.

14. The key terms on which the City will assign the lease are as follows:

- The lease is for a term of 125 years
- Nominal annual rent
- Tenant's right to break every 25 years with SoS approval
- Premises to be used for education and ancillary uses
- Tenant to insure

Legal Implications

Powers for Land Transactions

15. Appropriation – Section 12 of the City of London (Various Powers) Act 1949 provides that where land is no longer required for the purpose for which it was originally acquired it may be appropriated for any other purpose for which the Corporation is authorised to acquire land, and the accounts of the Corporation shall be adjusted as may be necessary. The power conferred by section 12 of the 1949 Act applies to land within Greater London other than an outer London Borough and therefore applies to land in the City and in Islington. As noted above the Corporation (under section 7 of the City of London (Various Powers) Act 1958) may for the purpose of any of their functions acquire by agreement land whether situate

within or without the City. Under section 226(5) of the Town and Country Planning Act 1990, subject to the consultation requirements in section 226(6), the Secretary of State may authorise a local authority to acquire land outside its area. The appropriation is therefore for a planning purpose as defined by section 246(1) of the Town and Country Planning Act 1990.

16. Acquisition of Land for Education Purposes - Section 531 of the Education Act 1996 clarifies that making land available for the purposes of a school which the local authority has the power to assist² is a local authority function which engages its land acquisition powers³. The City may acquire that part of the LBI Land required for the school under Section 7 of the City of London (Various Powers) Act 1958 ("1958 Act").
17. Acquisition of land for Housing Purposes – Section 17(1) of the Housing Act 1985 empowers the City to acquire land for the erection of houses. The City has power to provide housing, including outside its area, under Section 14 of the Housing Act 1985.
18. Use of housing for Workspace – Section 15 of the Housing Act 1985 authorises the use of land acquired for housing for commercial purposes with the Secretary of State's consent. (Consent has been sought and confirmation is awaited)
19. Grant of Lease to COLAT – Insofar as the land where the school is to be located has been acquired for education purposes under Section 7 of the 1958 Act, it may be leased to COLAT under Section 9 of the 1958 Act on such terms and conditions as the City thinks fit. Insofar as the land where the school is to be located has been appropriated from housing to planning purposes, it may be leased to COLAT under Section 233 of the Town and Country Planning Act 1990 in order to secure the best use of that land. The City may reasonably conclude that the grant of the lease to COLAT secures the best use of the land given the benefits of amalgamation of the Site and the proposed education use. The disposal must be at best consideration unless the Secretary of State's consent is first obtained. (Consent has been sought and confirmation is awaited)
20. It is not considered that the grant of the lease would make CoLAT subject to the influence of the City Corporation in its local authority capacity⁴. Under the current Academies Financial Handbook, CoLAT will need to ensure the requirements for managing related party transactions are followed, including avoiding real and perceived conflicts and promoting integrity and openness in accordance with the seven principles of public life. CoLAT will need to obtain the relevant approvals from the ESFA to take up the lease. CoLAT will also need to ensure that any lease maintains the principles of value for money, regularity and propriety (para 3.6.4) and disclose the lease in its audited accounts (para 3.1.2).

² Section 530 of the Education Act 1996 authorises local authorities to compulsorily purchase land within or outside their area which is required for the purpose of an Academy

³ In this case, under Section 7 of the City of London (Various Powers) Act 1958

⁴ S.69 Local Government and Housing Act 1989. The relevant conditions for a company to be subject to local authority influence are not all met.

Engagement of S203

21. Statutory Conditions - Appendix 1 sets out the statutory conditions which must be fulfilled in order to engage the provisions of S203, allowing easements to be overridden, and confirms that the recommended arrangements fulfil the statutory conditions.
22. Other criteria - Where land acquisition takes place for the purpose of engaging S203, public interest criteria should be evaluated. In this case, the acquisition is required in order to assemble the site and enable the development to proceed. However, it is acknowledged that the basis of the acquisition and the appropriation will result in S203 being engaged and, insofar as relevant, the public interest criteria are set out and evaluated in Appendix 1.

Financial Implications

23. The appropriate accounting adjustments will be required to reflect the fair value of any donated assets within the transactions.

Conclusion and Reasons for Recommendations

24. The recommended basis of the land transactions the subject of this report are proposed to ensure the land is held appropriately and to remove the risk of injunction impeding the scheme. If the risk remains in place the prudence of expending public monies in implementation is in doubt and the scheme in jeopardy. The recommended resolutions are required to enable the Scheme to proceed and the social benefits of the new school and social housing to be realised.

Appendix 1 – S.203 Evaluation

Annexure - Existing Site Breakdown Plan and Proposed Site Breakdown Plan

Background Papers

Land Transaction Report June 2018

Deborah Cluett

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APPENDIX 1

Statutory Conditions

1. The statutory conditions which must be fulfilled in order for S203 to be engaged are set out and considered below:
 - a. *The land has become vested in or acquired by a specified authority or appropriated by a local authority for a planning purpose on or after 13 July 2016 (or the land is “other qualifying land”).* Under the recommended arrangements the City is a specified authority which will acquire the LBI land after 13th July 2016, and the City land will be appropriated for planning purposes.
 - b. *There is a planning permission for the building/use.* Permissions were issued by LBI and the City on 19 July 2018.
 - c. *The specified authority could acquire the land compulsorily for the purpose of the building/use.* S.530 Education Act 1996 empowers the Secretary of State to authorise a local authority to acquire land compulsorily for the purpose of an Academy, S.17(3) Housing Act 1980 empowers a local authority to acquire land compulsorily for housing purposes if authorised by the SoS.
 - d. *The building/use is for purposes related to the purpose for which the land was acquired/appropriated.* The City intends to redevelop the Site in order to provide a school and social housing in accordance with the purposes of acquisition and appropriation set out in the body of the report.

The statutory conditions are considered to be fulfilled.

Relevant Criteria and Evaluation

2. In agreeing for the City to consider acquisitions/appropriations for planning purposes on a case by case basis, Court of Common Council referred to an expectation that adequate attempts to remove injunction risk by negotiation would first be made, and consideration to be given to whether rights holders are prepared to release rights on reasonable terms and within a reasonable time. These matters are considered in paragraphs 13 and 14 below.
3. Before making a decision to acquire the LBI Land and appropriate the City Land as proposed consideration should be given to the issues identified at below and the City must be satisfied that there is a compelling case in the public interest that the powers conferred by S203 be engaged and in particular, that:
 - (i) There is planning consent for the proposed development;
 - (ii) Acquisition or appropriation and consequent engagement of S203 will facilitate the carrying out of development, redevelopment or improvement on or in relation to land, and in particular the proposed development for which planning consent has been obtained, or similar development;
 - (iii) The development, redevelopment or improvement will contribute to the promotion or improvement of the economic, social or environmental wellbeing of the authority's area and those benefits could not be achieved without giving rise to all of some of the

infringements – and it is in the public interest that the land be acquired by the City or appropriated by them for planning purposes, so as to facilitate the development proposed or similar development.

- (iv) There will be infringements of one or more relevant rights or interests as defined in section 205(1) of the HPA2016 or breach of a restriction as to user of land which cannot reasonably be avoided;
- (v) The easements to be interfered with cannot reasonably be released by agreement with affected owners within a reasonable time (and adequate evidence of satisfactory engagement, and where appropriate negotiation, has been provided to the City);
- (vi) The ability to carry out the development, including for financial or viability reasons, is prejudiced due to the risk of injunction, and release of rights by negotiation cannot reasonably be achieved;
- (vii) A decision to acquire or appropriate in order to engage S203 would be broadly consistent with advice given in the DCLG Guidance on Compulsory Purchase (2015) updated in February 2018) (the **DCLG Guidance**) (and any replacement thereof) so far as relevant.
- (viii) The use of the powers is proportionate in that the public benefits to be achieved so as to outweigh the infringement of human rights;

Each of these considerations is dealt with using the same enumeration below.

(i) Planning permission

- 4. Planning permission was granted for the Development on 19 July 2018.

(ii) Facilitation of the Revised Development by use of S203

- 5. The school site is required to accommodate the City of London Primary Academy (COLPAI) from July 2020. The school has been established and currently occupies temporary accommodation at Moreland School until July 2020. A years' extension from July 2019 was obtained on the strict basis that it could not be further extended as the area is required by the host school. There is unlikely to be any other suitable temporary accommodation available after 2020, and ongoing uncertainty about the delivery programme would cause significant disquiet to pupils, parents and staff, prejudicing the successful progress of the school.

(iii) Revised Development in the public interest

- 6. The school will provide high quality primary places for families in the City, as well as in LBI. There is increasing potential demand for school places from families within the City, and, contrary to central and regional government policy, choice is currently limited as the only state funded primary school, Sir John Cass, is not in the vicinity, is a Church of England School, and places are largely taken by families living outside the City. All other schools in the City are in the independent sector.

7. The social housing will provide accommodation for people on both the City's and Islington's housing waiting lists who are in housing need and will result in a quantitative housing gain. Central and regional government policy recognises the urgent need for additional affordable housing. By facilitating the provision of a school and social housing, the acquisition and appropriation of land is likely to contribute to the achievement of the promotion or improvement of the economic, social and environmental well-being of the City's and the London Borough of Islington's area.;
8. The Scheme promotes the following key London Plan policies:
 - 7.1 Policy 3.3 - Ensure the housing need identified in the London Plan is met, particularly through provision consistent with at least an annual average of 32,210 net additional homes across London which would enhance the environment, improve housing choice and affordability and provide better quality accommodation for Londoners.
 - 7.2 Policy 3.11 - Maximise affordable housing provision and seek an average of at least 13,200 more affordable homes per year in London over the term of the London Plan.
9. The Scheme promotes the following key Local Plan policy:

CS22 - maximise opportunities for the City's residential and working communities to access suitable health, social and educational facilities and opportunities, while fostering cohesive communities and healthy lifestyles.

(iv) Infringement of rights by the Revised Development cannot be reasonably avoided

10. During the evolution of the Scheme consideration was given to alternative configurations aimed at minimising interference with neighbours' light. This included co-locating the school and housing together but this would have resulted in worsened impacts to the College of Fashion and would have unacceptably extended the timetable for completion of the school. The proposed residential tower was reduced, removing 6 social housing units, in order to reduce impacts on daylight and sunlight and Rights of Light. In order to achieve any further significant reduction it would have been necessary to remove 8 storeys, substantially reducing the number of social housing units. The developer did not consider this to meet policy aspirations regarding best use of land and increasing social housing.
11. The impacts in planning terms, of the issues of daylight, sunlight and overshadowing were considered by both local planning authorities when they resolved to grant planning permission. Both local planning authorities acknowledged that there was significant harm but concluded that overall, the benefits outweighed the harm and justified the grant of planning permission.

(v) Rights of light cannot reasonably be released by agreement

12. In cases where the acquisition is transacted solely to engage S203, consideration should be given to whether it is necessary, or whether agreements to permit infringement can be reached with owners of affected properties with rights of light on reasonable terms and within reasonable timeframes. In this case, the acquisition is necessary in order to assemble the site on which the development is proposed and ensure it is appropriately held under relevant powers. Nevertheless, an evaluation of whether agreements could be reached is considered below.

13. It was considered premature to approach rights holders about terms for the release of their Rights of Light while numerous pre-requisites for the development to proceed were outstanding. A condition for the LBI Land to be transferred to the City is that the City covenant to construct the school. The City was not in a position to give this covenant until the required ESFA funding for the school's construction was available. In late September an informal indication that the required funding would be provided was received and at the time of writing this report a written funding offer is awaited. On receipt, all key pre-requisites for the project will be in place. Given the resources required to progress Rights of Light negotiations (for both the developer and the rights holders), and the expectations raised once negotiations commence, it was not considered fair or prudent to initiate the negotiations pending confirmation of ESFA funding. As soon as practicable following confirmation, rights holders will be proactively approached to commence negotiations and conclude them as soon as possible. However, given the programme to ensure the school is ready for Summer 2020, it is not considered that there is a realistic prospect that agreements will be reached and binding deeds of release entered into with all affected owners in time to enable the Scheme to proceed to programme. Reliance on the provisions of S203 is therefore necessary in the public interest to enable the scheme to proceed in advance of all agreements being completed.
14. However, assurance that fair offers will be made to rights holders for the release of their rights is provided by Recommendation 5 which instructs the Rights of Light advisers to proactively approach affected rights holders and offer fair and reasonable compensation sums on a normal property rights basis based on a non-profit making local authority scheme. In addition, rights holders will be advised that should they seek their own professional advice, the reasonable fees of their advisers will also be reimbursed. Based on the circumstances set out above and in paragraph 13, a departure from the general approach adopted by Court of Common Council regarding prior negotiations (see paragraph 2 above) is considered justified.
15. Insofar as acquisitions/appropriations for planning purposes are concerned, Court of Common Council, on 8 December 2016, in agreeing cases would be considered on a case by case basis and delegating determination to Planning and Transportation Committee, confirmed that *"Wherever feasible and appropriate the developer will be expected to demonstrate that rights holders have been appropriately advised of the proposed resolution, made aware of any report, and provided with a contact at the City to whom they can direct comments"*. Although this is not a case of an acquisition being transacted solely to engage S203, rights holders have been advised of this report and provided with a contact to whom they can direct comments. Any relevant comments received will be reported to the committee.

(vi) The Scheme is prejudiced due to risk of injunction

16. For the reasons set out at paragraphs 4 to 14 above, delivery of the Scheme in accordance with the agreed programme stands to be prejudiced by the risk of injunction while it remains open to an affected rights holder to prevent infringement.

(vii) Decision to engage S203 would be consistent with DCLG Guidance

17. The advice given in the DCLG Guidance on compulsory purchase should be taken into account in deciding whether to acquire land in order to engage the provisions of S203. At paragraph 12, the DCLG Guidance states that a compulsory purchase order should only be made where there is a compelling case in the public interest. A similar approach should be taken when deciding whether to engage S203. Given that it is in the public interest that the Scheme should proceed (as discussed in paragraphs 4 to 10 above), and the prejudice to the Scheme whilst the prospect of an injunction to restrain interference with rights to light remains, there is a compelling case in the public interest that the acquisition and appropriation proceed in a way which ensures the provisions of S203 are engaged.

18. The DCLG Guidance also says that when making and confirming an order, acquiring authorities should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected. These issues are considered below in part (viii).

(viii) Public benefits associated with engagement of S203 outweigh infringement of human rights

19. Human Rights issues arise in respect of the proposed arrangements. An acquiring authority should be sure that the purposes of the Scheme for which rights are to be overridden sufficiently justify interfering with the human rights of those with interests in the land affected. Furthermore, following the introduction of the Human Rights Act 1998 the City is required to act in accordance with the European Convention on Human Rights (the **ECHR**) in deciding whether or not to implement the arrangements. Article 1 of the First Protocol of the ECHR provides that every natural or legal person is entitled to peaceful enjoyment of their possessions. Acquisition in a way which engages S203 to allow interference with rights of light, involves interference with a person's rights under this Article. As these rights are enjoyed by corporate bodies as well as individuals all of those whose rights will be affected can claim an infringement.
20. However, the right to peaceful enjoyment of possessions in this Article is a qualified rather than absolute right, as the wording of Article 1 of Protocol 1 permits the deprivation of an individual's possessions where it is in the public interest and subject to the conditions provided for by law and by the general principles of international law. In cases such as this, where rights to light are enjoyed by residential properties Article 8 is also engaged (the right to respect for private and family life and a person's home). Article 8(2) allows for interference which is "in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the protection of health and morals, or for the protection of the rights and freedoms of others".
21. There must therefore be a balancing exercise between the public interest and the individual's rights whereby any interference in the individual's rights must be necessary and proportionate. "Proportionate" in this context means that the interference must be no more than is necessary to achieve the identified legitimate aim. A "fair balance" must be struck between the rights of the individual and the rights of the public. It is for members to consider the issues raised in this report and to strike that "fair balance" in coming to its decision.
22. In the present case it is considered that the public interest in facilitating the Scheme outweighs the rights of the individuals to peaceful enjoyment of their possessions and their right for private and family life and home and that the proposed use of S203 powers amounts to a proportionate interference in all the circumstances.
23. Central to the issue of proportionality is the extent of infringements and availability of compensation to those who are deprived of their Rights of Light. The extent of infringements is indicated in the list of affected properties at Appendix 1A.
24. The key public benefits arising from the Revised Development are set out at paragraphs 4 to 10 above. The planning implications of the Scheme have been fully considered and it has been deemed acceptable with planning permission being granted in July 2018.

Appendix 1A

List of Affected Properties

Actionable Injuries Caused by Proposed Development on Land Owned by the London Borough of Islington (LBI) – See drawings ROL_12_004 & 005

Invicta House (Commercial)

The development on the LBI land would cause actionable injuries at basement, ground and first floor level.

Banner House (Residential)

No actionable injury.

Basterfield House (Residential)

The development on the LBI land causes actionable injuries to 17 flats. To 13 of these flats the injury occurs to the bathroom, in 2 the injury occurs to the kitchen and in 2 flats there are injuries in the kitchen and bathroom.

Golden Lane Community Centre

No actionable injuries.

Hatfield House (Commercial)

There are actionable injuries to kitchens to 2 flats.

Cision House (Commercial)

Actionable injuries would occur to 6 office areas.

14 Baltic Street (Commercial)

No actionable injuries.

12 Baltic Street (Residential)

Actionable injury at ground floor level.

10 Baltic Street East (Commercial)

No actionable injuries.

London College of Fashion (including School House)

Actionable injury to one room at ground and first floor level to School House. 6 rooms with actionable injuries to the main building, but none to areas believed to be classrooms.

London House (Commercial)

Actionable injury to basement and to office areas at first, second and third floor level.

Additional actionable injuries introduced by proposed development on City of London land (see drawings numbered ROL7520_13_004 & 005)

Invicta House (Commercial)

Very small additional area of loss to 1 room at ground floor level.

Banner House (Residential)

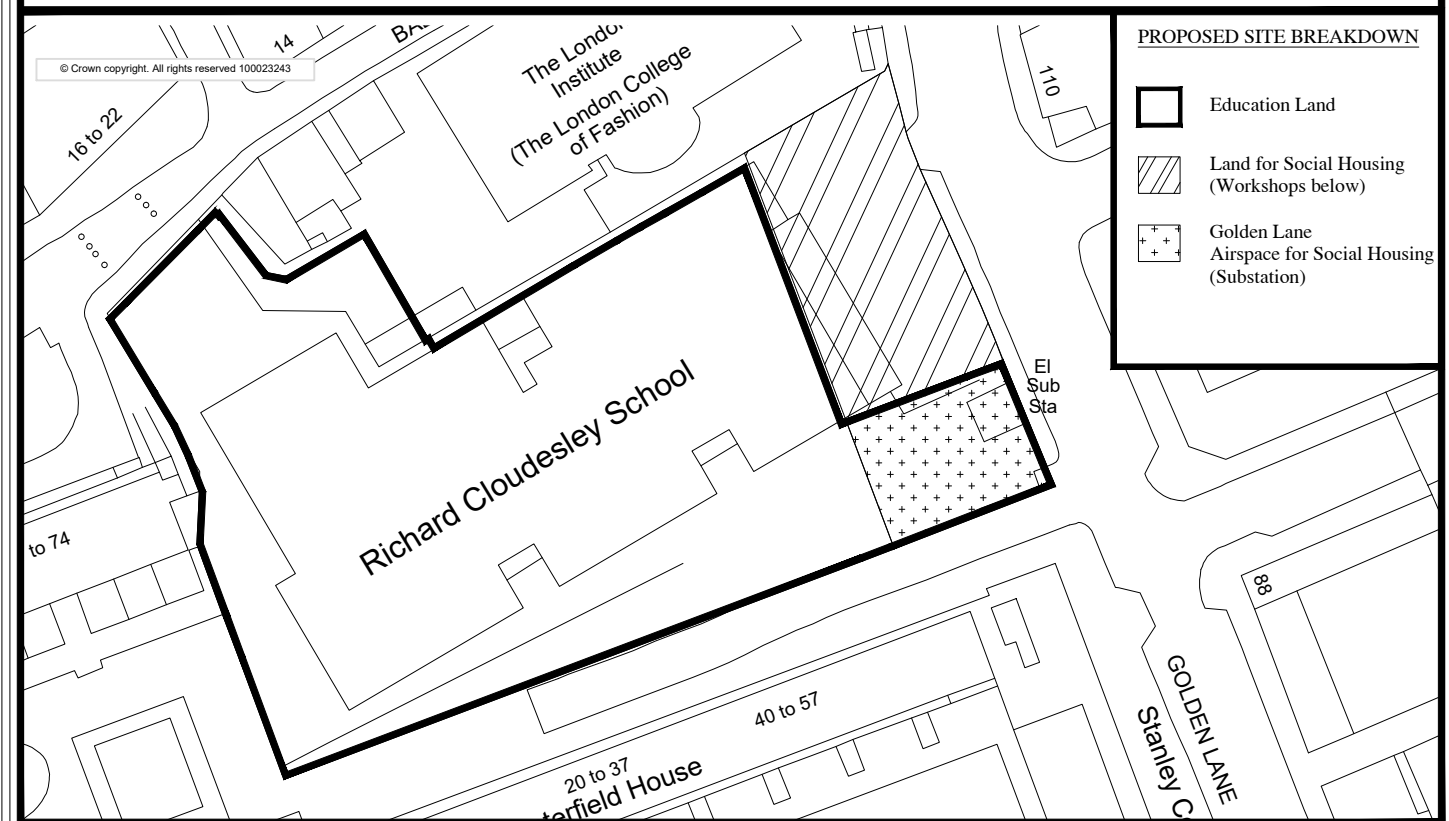
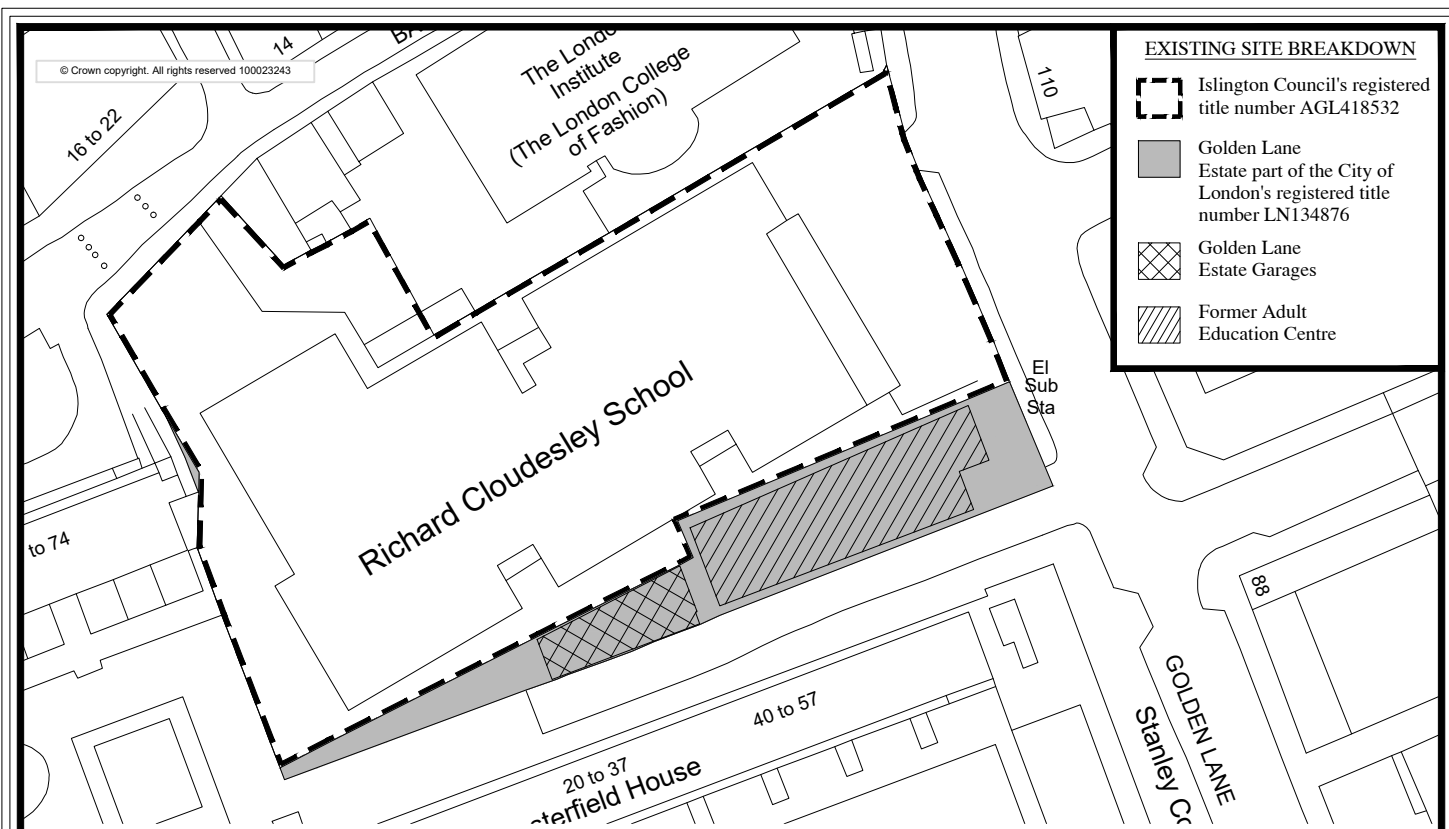
Actionable injury to bedroom of 1 flat.

Basterfield House (Residential)

Additional actionable injury to kitchen of one flat which has an actionably injured bathroom due to the development on LBI land.

There are no additional actionable injuries to the remainder of the properties listed above.

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Address : Former Richard Cloudesley School London EC1		 CITY OF LONDON <i>P.G.Wilkinson BSc MSc MRICS</i> <i>City Surveyor</i> CITY SURVEYOR'S DEPARTMENT Corporate Property Group : Plans & Land Section	Print Scale : 1 : 1 @ A3	
Title : Committee Plan (Land Transactions)			Date : May 2018	
Drawing No : 5-C-40597 -01			Drawn by : KT	
Pro code			Notes :	
UPRN		Rev:		

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