

Committee(s): Resident Consultation Committee (for information) Barbican Resident Committee (for information)	Dated: 25/03/2024 08/04/2024
Subject: Brandon Mews Canopy	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	2, 3, 4, 12
Does this proposal require extra revenue and/or capital spending?	N
Report of: Director of Community & Children's Services	For Information
Report author: Rosalind Ugwu Interim Head of Barbican Residential Estate, Barbican Estate Office	

Summary

The purpose of this report is to provide an update on officer investigations into the future financial responsibility for the replacement and maintenance of the canopy installed at Brandon Mews in 1987. The canopy was installed due to structural defects causing significant leaks into leaseholder homes.

Recommendation(s)

The Committee is asked to:

Note the contents of the report.

Main Report

Background

1. Brandon Mews consists of 26, 1 and 2-bedroom, mews houses bordering the eastern side of the lake and Speed Lawn.
2. The twenty-six houses include five open market leases, sixteen right to buy leases, one market rented, three units' status to be confirmed and one unit was bought back by the City and is designated a Resident Engineer property. The future of this latter unit is currently under review.
3. In 1995 a structural defects clause was introduced into all terrace block leases. The City introduced the clause to ensure that costs for repairs to structural defects of the flats sold after that date could be charged to leaseholders. It should be noted that right to buy applications where subject to extended processing periods and exclude the clause post 1995.

Current Position

4. The Barbican Residential Committee on 09/12/2022 requested an update on the future for the Brandon Mews Canopy as follows:

“Brandon Mews – the Assistant Director had met with the House Group, on 1st November 2023 (this was an error and should have read 2022), and agreed to continue with research, assisted by the residents, on the background to the installation of the GRP roof to the block. Members noted that the next step would be an options appraisal, which would be shared with the House Group within the next 4 to 6 months.”

5. Officers began a discovery phase in December 2022, the following City departments conducted a series of document searches and established the following:
 - a. **London Metropolitan Archives (LMA)** reported on 20/12/2022:
 - i. Following a search into the history of the Brandon Mews Canopy for all records held by LMA, they had been unable to establish the answer to the question you are most interested in i.e. who is financially responsible for the replacement and maintenance of the roof.
 - ii. The decision to build the canopy was taken by the Court of Common Council on 12 March 1987 according to the report submitted to the Court by the Barbican Residential Committee. I attach a copy of both the report dated 2 February 1987 (Appendix 1) and the Common Council minute agreeing to the project on 12 March 1987 (Appendix 2 and 2a). The documents confirm that the City Corporation paid for the work on the roof at that time. Section 4.2 of the report mentions the ongoing maintenance saying that the costs were unlikely to be significant but crucially there is no mention of who is responsible for these costs.
 - iii. The LMA hold minutes of the Barbican Residential Committee up to 2012. A search of the indexes to these minutes 1987-2012 provided no further references to the canopy were found. The more recent records have yet not been transferred to us, so LMA could not conduct further checks. However, they did identify a report submitted to the Barbican Residential Committee on 18th March 2019 (Appendix 3).
 - iv. This report deals with repairs and maintenance to roofs and balconies following water penetration. Under section 8, the report confirms the completion of outstanding surveys to “previously restricted areas including Brandon Mews”. The report goes on to say that: “... the survey of Brandon Mews was done much later and has not yet been included in the updated report.
 - v. The findings from the survey are summarised below:

- The roof terrace areas are enclosed by barrel-vaulted polycarbonate canopies.
 - Drainage is primarily provided via high-level central gutters that run the full length of the polycarbonate canopies. Secondary external perimeter gutters with external hoppers are also provided.
 - Most of the gutters have impeded drainage blocked by debris and organic growth. This has contributed to ongoing moisture ingress problems evident at:
 - the junctions between the top of the parapet wall and stanchions of the enclosing canopy.
 - the soffits of the primary central gutter.
 - It is recommended that the central primary and external gutters should have all debris and organic materials removed, suitably waterproofed, and waterproofed with a liquid coating system.
 - The drains were cleared in late 2021 and a small area of the polycarbonate canopy was cleaned with minimal success.
6. There was no indication in the report of responsibility for funding this work. However following objections from the House group, the then AD Housing and Barbican awarded a partial refund for the work conducted in 2021.
 7. In February 2023 officers located historical paper copies of House Group and resident files which provided no definitive answer on financial responsibility for the replacement or maintenance of the canopy.
 8. The two key documents identified as significant are:
 - a. **Court of Common Council** – 4th June 1987 headed ‘Question of the Charman of the Barbican Residential Committee by Mr Palmer’ with handwritten notes suggesting a draft response. Officers have been unable to locate a copy of either the committee minutes or the final response. (Appendix 4). The final paragraph states: “As to the second part of the question, I can confirm that neither the capital cost of the proposed project nor the future maintenance costs will fall upon existing long lessees.”
 - b. **Brandon Mews Meeting 20th October 1987**, officers and residents were in attendance, and states: “The canopy itself will be paid for by the Corporation. Under the present legislation it is believed that existing lessees will not be required to contribute towards maintenance costs. The cost of any replacement in the future may devolve upon new leaseholders.” (Appendix 5).
 9. Copies of the full and summary discovery documents have been shared with Brandon Mews House Group Chair.
 10. On 11th May 2023, a Brandon Mews House Group meeting was held, which included the Assistant Director Housing the Barbican, Interim Head of the Barbican Residential Estate, three resident members of Brandon Mews House Group. The purpose of the meeting to provide an update on the discovery phase

and agreed next steps. Officers agreed to continue with further searches and commission an options appraisal of the canopy.

11. On 11th May 2023, the Business Systems and Information Manager (BSIM) confirmed that they had located several documents related to the canopy but none that referred to responsibility for the future costs associated with maintenance or replacement of the canopy.
12. Copies of the documents are available on request.
13. Further enquires were then made to the City Solicitor to see if they had any knowledge regarding any agreements made between the City of London and leaseholders at Brandon Mews. On 19th July 2023, the City Solicitor confirmed they had conducted further searches and could not find any information than that provided by the BSIM.
14. The Chair of Brandon Mews House Group contacted the BEO on 13th July 2023 explaining he had been in contact with building control in the District Surveyor's office who required officer permission and a fee to release structural plans of the canopy. Officers made payment and forwarded the plans to the House Chair on 10/8/23.

Conclusion

15. The canopy continues to fulfil its original purpose of preventing leaks into the Brandon Mews properties.
16. Responsibility for the options appraisal will transfer to the Head of Property Service (Barbican) to commission a specialist contractor with experience in listed buildings.
17. Officers are liaising with the Comptroller and City Solicitor's Department on the question of financial responsibility for any future maintenance and/or repair and/or replacement of the canopy. The Comptroller and City Solicitor's Department will be asked to advice on liability in relation to each of the eventual options that arise out of the Options Appraisal.

Appendices

- Appendix 1 – Court of Common Council on 12 March 1987
- Appendix 2 – Court of Common Council minute agreeing to the project on 12 March 1987
- Appendix 3 - Barbican Residential Committee 18th March 2019
- Appendix 4 - Court of Common Council 4th June 1987 – Question of the Chairman of the BRC by Mr Palmer
- Appendix 5 – Brandon Mews Meeting minutes – 20th October 1987

Rosalind Ugwu

Interim Head of Barbican Residential Estate, Barbican Estate Office

E: rosalind.ugwu@cityoflondon.gov.uk