

## **BARBICAN RESIDENTIAL COMMITTEE**

**Monday, 17 March 2014**

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

### **Present**

#### **Members:**

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

#### **In Attendance:**

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

#### **Officers:**

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

### **1. APOLOGIES**

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

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

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

3. **MINUTES OF THE PREVIOUS MEETING**

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

4. **CONCRETE INVESTIGATIONS AND REPAIRS**

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

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

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

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

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

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

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

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

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

*1 voted against*

**It was therefore, RESOLVED, that:**

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

**5. BACKGROUND UNDERFLOOR HEATING**

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

**RESOLVED, that:**

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

**6. SERVICE CHARGE RECONCILIATION 2012/13**

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

**RESOLVED, that:**

The service charge reconciliation report be noted.

**7. PROGRESS OF SALES AND LETTINGS**

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

**RESOLVED, that:**

The sales and lettings report be noted.

**8. UPDATE REPORT**

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

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

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

**RESOLVED, that:**

The update report be noted.

**9. SERVICE LEVEL AGREEMENTS QUARTERLY REVIEW**

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

**RESOLVED, that:**

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

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

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

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

**RESOLVED, that:**

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

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

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

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

There were no questions

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

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

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

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

#### 14. **EXCLUSION OF THE PUBLIC**

**RESOLVED, that:**

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

<b>Item No</b>	<b>Paragraph No</b>
<b>15 – 18</b>	<b>3</b>
<b>19</b>	<b>-</b>
<b>20</b>	<b>3, 5</b>

#### 15. **RESIDENTIAL RENT REVIEW**

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

#### 16. **ARREARS REPORT**

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

#### 17. **BARBICAN WRITE OFFS**

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

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

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

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

**RESOLVED, that:**

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

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

There were no questions

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

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

**The meeting ended at 12.55pm**

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Chairman

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