

BARBICAN ESTATE RESIDENTS CONSULTATION COMMITTEE
Monday, 21 May 2018

Minutes of the meeting of the Barbican Estate Residents Consultation Committee
held at Guildhall at 6.30 pm

Present

Members:

Christopher Makin (Chairman)
Jim Davies (Deputy Chairman)
Graham Wallace (Deputy Chairman)
Gordon Griffiths - Bunyan Court
Fiona Lean - Ben Jonson House
Jane Smith - Barbican Association
John Taysum - Bryer Court
John Tomlinson - Cromwell Tower
David Graves - Seddon House
Adam Hock - Andrewes House
Sandy Wilson - Shakespeare Tower
Prof. M Swash - Willoughby House
David Lawrence - Lauderdale Tower
Mark Bostock - Frobisher Crescent
James Undy – Gilbert House
Julia Braybrook – Speed House

Officers:

Paul Murtagh	- Assistant Director, Barbican and Property Services
Mark Jarvis	- Chamberlains – Head of Citizen Services
Michael Bradley	- City Surveyors
Helen Davinson	- Community and Children’s Services
Michael Bennett	- Community and Children’s Services
Anne Mason	- Community and Children’s Services
Mike Saunders	- Community and Children’s Services
Barry Ashton	- Community and Children’s Services

In attendance:

James Ball – Brandon Mews
Mary Durcan – Barbican Residential Committee
Ann Holmes – Barbican Residential Committee
Susan Pearson – Barbican Residential Committee
Ted Reilly – Chairman of Shakespeare Tower House Group (for agenda item 8)

1. APOLOGIES

Apologies were received from Janet Wells - John Trundle House (represented by Barbara Robertson); Averil Baldwin (Thomas More House); Fred Rodgers - Breton House (represented by Randall Anderson); Heather Hawker – Speed House (represented by Julia Braybrook) and David Kirby – represented by Brian Leonard.

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

The Town Clerk explained that this is a standing item on all City of London Corporation agendas. However, as the RCC is not a decision-making body, there is no requirement for Members to declare interests, but this would apply to Members of the Barbican Residential Committee (BRC). Members noted that the Standards Committee on 18 May had considered applications for dispensations, to speak and/or vote, in respect of the meeting of the BRC on 4th June. The decisions taken in respect of these applications would be published on the Standards Committee's website within 7 working days of the meeting. Members also noted that Member/Officer Working Parties; i.e. the Car Park Charges Working, are set up for specific tasks, to make recommendations but not to take decisions.

3. **MINUTES**

The minutes of the Residents' Consultation Committee (RCC) held on 5th March 2018 were approved.

4. **'YOU SAID; WE DID' - OUTSTANDING ACTIONS LIST**

Members received the Committee's '*You Said; We Did*' outstanding actions list.

5. **PROGRESS OF SALES AND LETTINGS**

Members received a report of the Director of Community and Children's Services, setting out the sales and lettings approved by officers, under delegated authority, since the last meeting of the Committee.

RESOLVED, that – the report be noted.

6. **SLA REVIEW**

Members received a report of the Director of Community and Children's Services which provided an update on the review of the estate-wide implementation of Service Level Agreements (SLAs) and Key Performance Indicators (KPIs) for the quarter January – March 2018.

In response to questions, the following points were noted:

- There had been one complaint, from Cromwell Tower, in respect of the Beech Street Tunnel event. Officers advised that this was a security matter and had been dealt with on the day. Officers advised that only Barbican Estate complaints were captured in this report.

- Frobisher Crescent were not satisfied with the ambulance arrangements and several options were being explored with the Estate Office who will liaise with the emergency services.
- There had been some dissatisfaction with the VFM/Community Vision contract in respect of the Freeview signal, as some residents had been asked for credit card details when they reported a fault. The Chairman of the original TV Upgrade Working Party was in attendance and explained that credit card details were taken in the event of the fault being a user issue and not the responsibility of VFM. Officers advised that, since OFCOM had changed the frequencies, there had been some issues with reduced signal strength and uncertainty as to whether whole blocks were affected. Officers agreed to investigate and would provide feedback.
- In respect of the short term let investigation, officers advised that, whenever possible, they checked the relevant web sites but as they did not provide addresses they could be difficult to identify.

RESOLVED, that the report be noted.

7. REPAIRS AND MAINTENANCE TO ROOFS AND BALCONIES

The Assistant Director, Barbican and Property Services, was heard in respect of the repairs and maintenance to roofs and balconies. Members noted that Mountjoy House had been particularly complex, due to its concrete screed which discharged water. The Assistant Director thanked the residents for their patience during the extensive works and advised that the main works were concluding, and scaffolding was being removed. Furthermore, there would be no charge to Mountjoy House Leaseholders. Members noted that Langley's had provided an update report, with more detail on the different kinds of roofs, and this would be circulated to Members.

The Assistant Director also advised that 10 roofs on the Estate were covered by Langley's warranty and a meeting had been arranged to schedule a programme of minor works over the summer; noting that no scaffolding would be required. The Assistant Director agreed to investigate why Brandon Mews had not been included.

8. CAR PARK CHARGING POLICY

Members received a report of the Director of Community and Children's Services, in respect of the charging policy for car parking and stores, which captured the work of the Car Park Charging Working Party, and would be presented to the Barbican Residential Committee, for decision, on 4th June 2018. Members had been given the opportunity to put questions and provide comments ahead of this meeting; these had been circulated to Members and printed copies were available.

Members noted that the City Solicitor was not able to represent the interests of Barbican Residents, as he was employed by the City of London Corporation. However, the City Solicitor would respond to the legal challenges in some of

the questions, before the report was presented to the Barbican Residential Committee, and the responses would also be circulated with the minutes of this meeting.

The Chairman set out the process for taking this item forward; i.e. by taking the questions submitted in advance and then asking the House Groups to present their statements/alternative proposals.

- a. In response to a question about residents in Heron Tower. Members noted that the bays had been purchased and a service charge is payable at the same rate as for Barbican long licence holders
- b. In response to questions submitted by Gilbert House, officers advised that the proposed rental of £40 per sq. ft for the stores is well below that of the majority of the rental comparables provided by Gerald Eve and Farebrother. And in arriving at the proposed rent the Working Party had taken into account the anticipated demand for stores from residents. As regards the relevance of car park charges in West London, officers explained that the Valuers had been shown the Barbican car parks and given background information. The Valuers had then looked across London for comparables but officers had not steered them to any particular area. The proposed rentals were discounted considerably, when compared to West End properties, and this was captured in the Valuers' opinion.
- c. Members noted that Golden Lane had a different arrangement, with some garages and open parking but no security. The Deputy Chairman of the BRC, also a Golden Lane resident, was in attendance and advised that the Golden Lane garages were dark and dingy, and the rental costs are higher than the Barbican Estate, but open-air parking was less. Officers advised that the condition of the Barbican spaces had been represented in the valuation.
- d. In respect of mitigating the impact of the increased charges, Members were reminded of the BRC's decision 2 years ago in that, if increases were significant, they would be phased in over 3 years.
- e. The Estate Officers, Planning Officers and City of London Police had attended the site visits, covering the proposed new storage facilities, and the planning application had included comments from the Police. These comments were taken into account in the subsequent planning conditions to the application and in the Management Plan, should the non-residents letting policy be approved by BRC. Members were reminded that a number of non-residents were currently visiting the site making use of the temporary car parking service; i.e. visiting contractors, friends and relatives and noted that there would be no commercial lettings, just to residents within walking distance.
- f. Officers advised that most new residential developments sold, rather than leased, their car spaces to residents, as had been the case with the

Heron development. It was unusual for developers to rent car spaces in their developments. Members noted that the storage licence includes conditions regarding what items cannot be stored.

- g. Generally, Members accepted that the car parks were in deficit and, therefore, it was reasonable for the City to cover its costs, but there was a perception that this proposal sought to make a profit. There were further concerns about hardship which might be experienced by residents, with cars and on fixed incomes, who might be forced to give up their cars and that a fair and reasonable rental should be charged. The view expressed in the report about declining car park use was challenged, as was the valuation of Barbican properties. Members also suggested that the allocation of cost of the Car Park Attendants/Concierges needed more work and the storage charges had been compared with market leaders, which was unrealistic. Residents stressed that they greatly valued the Concierge service.
- h. In responding to the above questions, the Assistant Director reminded Members that the Car Parks are a City asset, which run at a loss, not connected to Barbican leases, and the City Corporation therefore reserved the right to use these assets to achieve best value. Furthermore, the report had opted for the lower recommended valuations.
- i. Members accepted that this was a City Asset but felt that this report represented a major change in Policy; the scale of which should only be sought in response to an emergency. Members felt that the changes proposed should also be phased in over a longer time than 3 years and the consultation had been inadequate, particularly considering the further work required on car park attendant costs. However, Members accepted that the car parks should not continue to run at a loss and they were willing to engage in a full consultation.
- j. The House Groups which had submitted comments and alternative proposals were then invited to sum up. The Defoe House representative confirmed that they had not submitted comments or a proposal, but their views echoed those submitted.
- k. Officers confirmed that provision for motorcycles would continue.

Lauderdale Tower Paper

The proposals were unreasonable as some areas of the car park were in poor condition. The storage facilities in the Barbican were not secure and therefore the market comparison provided were irrelevant. The legal grounds to the decision were challenged and there was concern that Concierges were not being recharged correctly. The poor condition and underuse of the car park were accepted, and some residents endorsed the baggage store proposals. However, they were concerned that the proposal was effectively a local tax on the residents. Officers advised that storage for non-Barbican residents would be in the car parks and not in the basement area within Lauderdale Tower.

Ben Jonson House comments

There was some misunderstanding of the car park as a City asset and residents felt it could have been prefaced better. They would also like the forthcoming legal advice to include a definition of Best Value; in the context of the local social and economic environment. Residents/Members felt that this report contradicted the BRC's decision from December 2016; i.e. that the City Corporation should achieve a fair (not maximum) return on assets.

The Assistant Director reminded Members that this report presented the outcome of the work of the Working Party and a market valuation did represent a fair return. And that it should be noted that the proposals are at the lower end of the Valuers' opinions. Members suggested that, before a decision was taken by the BRC, the spreadsheets should be reproduced to show a scenario whereby the City's costs were covered, without making a profit, and without an assumption of elasticity of demand.

In closing the debate, the Chairman asked for a show of hands to indicate which House Groups supported this report. Members felt strongly that they needed the City Solicitor's view before they could support it:

For the paper 0
Abstentions - 2
No - 16

The Chairman then asked for a show of hands in support of Lauderdale Tower's alternative proposal; i.e. to fix the shortfall and generate a fair return and address the Estate Concierge charges to the current/relevant cost centres:

For the proposal -13
Abstentions - 4

In concluding, the Committee recommended that, in light of the above comments and above vote, the Working Party should reconsider the alternative proposal presented by Lauderdale Tower and that this approach be recommended to the Barbican Residential Committee.

9. FIRE SAFETY UPDATE

Members received a report of the Director of Community and Children's Services in respect of the Fire Safety Review which would be presented, for decision, to the Barbican Residential Committee on 4 June 2018. Members noted that the report was incomplete, following the in-principle decision of the Community and Children's Services to retro-fit sprinklers, but the Assistant Director felt it was still worthy of presenting to the RCC to provide an update.

Members raised concerns that the Barbican Residential Committee was being asked to decide on the retro-fitting of sprinklers ahead of the results of the fire door testing.

During the discussion on this item, the following points were noted:

- a. Due to high levels of demand, the fire door testing had been delayed. Members noted that Building Control Regulations specified 30 minutes fire protection.
- b. The fire risk assessments were completed at the end of April and the action plans were being finalised. The risk assessments would be published, following their consideration by the Community and Children's Services Committee in July.
- c. Lauderdale Tower had raised some concerns in that retro-fitting of sprinklers would be particularly disruptive and this solution was inconclusive; an opinion shared by the Assistant Director. However, the Community and Children's Services Committee had felt that they could not defend a decision which would not include retro fitting of sprinklers. Members noted that Counsel's opinion would be sought as to who should be charged for the retro- fitting. Cromwell Tower House Group endorsed Lauderdale's opinion and there was a consensus that the RCC would seek full consultation and a ballot of residents before any works commenced.
- d. There was a further suggestion that the construction of the Barbican Estate was unlikely to cause the 'chimney effect' which had occurred with Grenfell Tower, but residents suggested that alterations to the cupboards near front doors, service ducts and lockers should be fully investigated.
- e. In view of the above comments, Members suggested that the report should facilitate a useful and informative discussion and that any recommendations or decisions be deferred until officers are ready to recommend a complete fire safety strategy for the Barbican Estate. The RCC also requested that house groups be given adequate time to respond to the proposed strategy before any decisions were taken.

RESOLVED, that – the report be noted.

10. **UPDATE REPORT**

Members received the update report of the Director of Community and Children's Services. Members noted that Savills had been re-commissioned to carry out an asset condition survey of all common parts of the Estate.

RESOLVED, that – the report be noted.

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

There were no questions.

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

The Chairman of the Shakespeare Tower House Group was heard in respect of the Lease Enforcement Policy. The House Group had concerns about the new Lease Enforcement Policy and, given the likelihood of only half of the flats on the Barbican being carpeted, this left some residents vulnerable to vexatious complainers.

Members were reminded that, following extensive consultation, the RCC had a very full debate, with the majority of House Groups voting for one of the enforcement options and only a minority did not vote. The Assistant Director also reminded Members of an unsuccessful complaint to the Ombudsman, who would not intervene in this matter and ruled that setting a Policy was within the gift of the Barbican Residential Committee. Whilst the views of Shakespeare Tower House Group would be included in the minutes of this meeting, which are presented to the Barbican Residential Committee, the Assistant Director strongly recommended against returning to a position of arbitrary decisions.

The Town Clerk had received a couple of suggestions for the EGM on 25th June 2018 at 6.30pm at Guildhall and further suggestions were welcomed.

13. **DATE OF NEXT MEETING**

EGM – 25 June 2018 at 6.30pm – Guildhall

Next regular meeting – 3 September 2018 at 6.30pm - Guildhall

The meeting ended at 8.30 pm

Chairman

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