

BARBICAN RESIDENTIAL COMMITTEE (BRC)
Monday, 11 September 2023

Minutes of the meeting held at Guildhall at 1.45 pm

Present

Members:

Mark Wheatley (Chairman) *
Anne Corbett (Deputy Chairman) *
John Foley *
Steve Goodman OBE
Andrew McMurtrie *
Alderwoman Susan Pearson*
Ceri Wilkins*

**indicates Non-resident Members*

Officers:

Judith Finlay	- Executive Director, Community and Children's Services
Paul Murtagh	- Assistant Director, Barbican and Property Services
Julie Mayer	- Town Clerks
Mark Jarvis	- Chamberlains
Alan Bennetts	- Comptroller and City Solicitor's
Helen Davinson	- Community and Children's Services
Anne Mason	- Community and Children's Services
Jason Hayes	- Community and Children's Services
Rosalind Ugwu	- Community and Children's Services

In attendance:

Sandra Jenner – Chair of the Barbican Residents Consultation Committee (RCC)

1. APOLOGIES

It was moved by Andrew McMurtrie, Seconded by John Foley and agreed that Alderwoman Susan Pearson should take the Chair until agenda item 5

Apologies were received from Helen Fentimen, Ruby Sayed, Paul Singh, Frances Leach, Tim McNally and Dawn Frampton.

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

There were no declarations.

3. MINUTES OF THE PREVIOUS MEETING

RESOLVED, that – the public minutes and non-public summary of the meeting held on 20th March 2023 be approved.

4. **ORDER OF THE COURT**

The Committee received the Order of the Court which appointed its Membership and approved its Terms of Reference. The Town Clerk advised that the Committee's membership on the Court Order was correct as of 27th April 2023.

5. **ELECTION OF A CHAIRMAN**

The Town Clerk advised that, in accordance with Standing Order 29, the position of Chair was uncontested and it was RESOLVED, that – being the only Member expressing a willingness to serve, Mark Wheatley, be appointed as Chair of the Barbican Residential Committee (BRC) for the ensuing year.

The Chair thanked Members for re-electing him and then spoke of the sad passing of Mark Bostock, paying tribute to his passion and commitment to the Barbican residents, during 6 years of service to the BRC. Members joined the Chair in sending condolences to his family.

The Chair welcomed new Member Dawn Frampton.

The Chair then invited the Chair (of the RCC) to address the BRC and comment on the meeting of 4th September 2023. The first draft of the Minutes, which had been approved by the Chair, had been tabled for BRC Members. However, the Chair (of the RCC) would have preferred the draft minutes and resolutions to have been circulated ahead of today's meeting.

In summary, Members noted the following points of concern:

1. Generally, the RCC found the reports lacking in background detail and the tone overly positive.
2. The action tracker lacked clarity in respect of chasing outstanding items. The Executive Director, Community and Children's Services, agreed to review its format.
3. Although recognising the initial work, the Barbican Estate Office (BEO) Review Action Plan needs refinement to make it an effective management tool.
4. There are residual problems with electricity billing, and residents had not seen the reconciliation exercise requested a year ago. However, an audit would be undertaken, by external consultants, to reconcile actual energy usage with the correct charges for 2021/22 and 2022/23. Furthermore, two resident representatives are now working with the Energy Group in respect of Terms of Reference for the Audit, selection of consultants and reviewing outputs.
5. The current Repairs and Maintenance Contract is due to expire in April 2024 and, despite this being raised at the February 2023 meeting of the RCC,

there is now insufficient time to undertake a procurement process. Therefore, the current contract will be extended and residents are deeply dissatisfied.

6. The Service Charge Outturn was not provided to the Service Charge Working Party for review and it is unclear as to whether the surcharges resulted from significant overspend against estimates on repairs.
7. There are issues with the quality of the redecoration work. Two house groups have entered the formal complaints procedure, another has made an application to the First-tier Tribunal and others are considering their position. Therefore, the RAG green status with a low risk is misleading.
8. The cost of the 5-Year Asset Maintenance Programme is still reflective of 2021 prices and excludes management fees, so the true cost is likely to be considerably higher. A page and a half of questions and comments from the Asset Maintenance Working Group remain unanswered. The RCC feel that such a costly, technical and risky programme needs a Programme Board, comprising of stakeholders and resident representatives, and passed a resolution to this effect. The Head of Major Projects subsequently advised that responses had since been formulated to the above questions and would be shared with Members of the RCC and BRC.
9. The issues with the windows was first raised in June 2021 and a commitment was made to establish a programme of repairs/replacements to achieve economies of scale. To date this has not been done and there has been no explanation. This matter had now been the subject of at least one formal complaint, which was upheld at both the 1st and 2nd stages and the complainant might take it to the Ombudsman. Many windows have been replaced on a piecemeal basis, which is more expensive and does not provide a long-term warranty. Further, this has only been done after residents had serious problems with water penetration, which is also now evident on balconies. Therefore, the RAG status is, again, misleading. This matter was raised at the Service Charge Working Party and the Assistant Director agreed it should be part of programmatic work.
10. There was no resident involvement in the procurement of the window cleaning contract because the process started too late. There is no explanation as to why some houses' charges have doubled but others are less.

The Chair thanked the RCC Chair for bringing these points to the BRC's attention and stressed the need to work with the Estate Office to ensure a balance between acceptable service charges and effective outputs.

The Chair then advised that the major works resolution would be taken under the relevant agenda item and a resolution passed in respect of underfloor heating would be taken under 'Any other Business', later on this agenda.

In response to a question about a high level response to the works that have been either delayed and/or shelved, the Chair advised that some of these would be explored during the reports on today's agenda. The Chair was also confident that the more general issues, concerning the fabric of the Estate, would be addressed as part of the Transformation Programme, arising from the Barbican Estate Office (BEO) Review.

The Committee agreed that, as Sandra Jenner and Adam Hogg had both given written commitments to uphold confidentiality, they should be permitted to stay for the confidential discussion on the BEO Review, noting they had also been full participants in the Review Steering Group. However, they would leave the room during the non-public section on the more general exempt items.

6. ELECTION OF A DEPUTY CHAIRMAN

The Town Clerk advised that, in accordance with Standing Order 30, the position of Deputy Chair was uncontested and it was RESOLVED, that – being the only Member expressing a willingness to serve, Anne Corbett be appointed as Deputy Chair of the BRC for the ensuing year.

7. ACTION TRACKER

The Committee received the Actions Tracker.

8. BARBICAN ESTATE OFFICE REVIEW

The Committee considered a report of the Executive Director, Community and Children's Services, in respect of the Independent Review of the Barbican Estate Office by Housing Consultancy, Altair, which concluded in May 2023.

The Chair reminded Members of the City Corporation's Target Operating Model (TOM), which started in 2021 and sought to achieve 12% savings. The BRC had considered the operation of the car park, as part of these savings, but had not proposed any car park box closures. However, by October 2021, significant concerns resulted in a public residents' meeting, which raised further issues about the fabric of the Estate more generally. Residents were clearly very passionate about the work of the car park attendants, which goes way beyond their job descriptions, in terms of their commitment to residents' safety and security on the Barbican Estate.

Members noted that these views resulted in the review before them today for endorsement. The process had been led by a group of members, residents, officers and the new Executive Director of Community and Children's Services. Members also noted the Executive Director's forward to the report and that the Transformation Action Plan would be a standing agenda item, with updates to all future BRC/RCC meetings. The Executive Director welcomed the review as it presented an opportunity for a 'reset'. Members also noted that the next 'All City' Residents Meeting would take place on 12th October 2023.

During the discussion, the following points were noted:

- a) The Executive Director advised that a recruitment process for a new Head of the Barbican Estate Office is underway; the Job Evaluation had been approved and head hunters were in place to start the process, with an appointment expected in November this year. The Director had also considered capacity more generally within the team and would be recruiting two additional posts.
- b) Members noted another piece of work, in parallel to this, to ensure that social housing tenants are equally well served, and this would be the subject of a report to the next Community and Children's Services Committee.
- c) The Chair recommended that Item 9 on the Agenda, the Transformation Programme and Action Plan, should be considered alongside this report. The RCC had noted that the plan is still in draft, and suggested refinements to include timelines and milestones for the various workstreams. The Executive Director agreed to this request, which would be ready for the residents' meeting on 12th October and formally presented to the RCC and BRC meetings in November/December.
- d) Members were reminded that the BRC is still due to merge into a new Housing Committee but this is not imminent and the Committee's input is still very relevant at this stage.

Members then noted the following resolution from the RCC and it was RESOLVED, that – the following be noted and agreed.

The RCC strongly supports the proposal and the reasons and justification for the Repairs Function to report to the Head of the Barbican Estate Office. For identical reasons, it considers that Major Works and Cyclical Programmes should come under the same management. The artificial distinction between repairs and major projects leads to poor performance.

Over the next 30 years Barbican residents will be spending around £20+m each year on fabric interventions and this work and expenditure can be most effectively managed by officers reporting to the Head of the Barbican Estate Officer, rather than with split responsibilities which is also out of line with other facilities management operations.

RESOLVED, that:

1. The report and the independent review of the Barbican Estate Office be noted.
2. The key themes identified by Altair during the review of the Barbican Estate Office be noted.
3. The operational matters already underway in response to the Barbican Estate Office Review be noted.

4. The Action Plan be agreed for implementation.

9. **2022-23 ELECTRICITY UPDATE**

The Committee received a report of the Executive Director, Community and Children's Services which provided an update on electricity charges to the service charge account in 2021-22 and 2022-23.

Members noted the audit referred to in the Chair of the RCC's presentation. The officer advised that half hourly meters are in place for the underfloor heating and for 99% of the light and power for the blocks. Unfortunately, they had been sending incorrect readings but residents would not be penalised.

RESOLVED, that – the report be noted.

10. **REPAIRS AND MAINTENANCE PROCUREMENT UPDATE**

The Assistant Director, Barbican and Property services was heard and apologised for the renewal being out of time. In accordance with the City of London Corporation's Governance procedures, approval of the extension of the contract would be via the Operational Property and Project Sub Committee, the Finance Committee and the Court of Common Council. These reports would also be presented to the RCC/BRC for information. Once the extension is in place, Members noted that there would be far more stringent performance management of the contract, and closer working with residents to ensure a high quality service.

In the interim period, the Assistant Director would be engaging with RCC Members and stakeholders to fully understand the issues, and to ensure that the new specification is better suited to the Barbican Estate. There would also be full legal due diligence and a dedicated Senior Quantity Surveyor overseeing the process.

The Chair noted Members concerns in that the Estate should not be in this position again and asked to be sighted on a timeline, with milestones and residents views, by 11th October, before it is circulated to the wider Committees.

11. **2022-23 REVENUE OUTTURN FOR DWELLINGS SERVICE CHARGE ACCOUNT**

The Committee received a report of the Executive Director, Community and Children's Services which provided information on residential service charge expenditure for 2022/23. It also compared the outturn with the 2022/23 estimate and the 2021/22 actual expenditure.

Members noted that the presentation of the Service Charges had been raised at the City Corporation's Finance Committee. The Officer explained that this would be looked at with the Chamberlain and reminded Members of the challenges in respect of the revised energy bills, noting that the estimates had also been affected by last year's pay award to staff. The Chair asked if the next meeting of the Committee could be sighted on the information sent to residents; redacted for data protection. The Executive Director advised that the Service Charge Working Party already receives this information. The Chair suggested an

an informal session with officers in respect of service charges, before the December meeting, by way of a training session for Members.

RESOLVED, that – the report be noted.

12. **2022-23 REVENUE OUTTURN (EXCLUDING THE RESIDENTIAL SERVICE CHARGE ACCOUNT)**

The Committee received a report of the Executive Director, Community and Children's Services and the Chamberlain which compared the revenue outturn for the services overseen by the Barbican Residential Committee (BRC) 2022/23, with the final agreed budget for the year.

RESOLVED, that – the report be noted.

13. **BARBICAN ESTATE REDECORATION PROGRAMME 2020-25**

The Committee received a report of the Executive Director, Community and Children's Services, which provided an update on the current contract for redecoration works, to internal and external areas of the residential blocks of the Barbican Estate, between 2020-25.

Members noted that officers were working to resolve the quality issues; a new Clerk of Works had been appointed, and the works would be signed off by 23rd October. The RCC had asked for a more comprehensive cost report and the Assistant Director advised that this would be circulated with the Draft RCC minutes. In response to a question about Bunyan Court's internal works, the Assistant Director agreed to investigate and feed back to Members.

RESOLVED, that – the report be noted.

14. **BARBICAN ESTATE MAJOR WORKS FIVE-YEAR ASSET MANAGEMENT PROGRAMME**

The Committee received a report of the Executive Director, Community and Children's Services in respect of the projects proposed for years 1-5 of the Barbican Estate Major Works Programme.

The Chair stressed the importance of the Corporation's approach to the Barbican as whole; i.e. - the Climate Action Strategy, historic data, the need for more intrusive and comprehensive surveys, combining projects to achieve economies of scale and working with the Barbican Centre on their long-term strategy. The Assistant Director had noted the challenge to the final costing, which would be clarified after the various surveys and as the projects develop.

Members then noted the following resolution from the RCC and it was RESOLVED, that – the following be noted and agreed.

The RCC is concerned that there are many outstanding comments and questions still to be answered about the Major Works Five-Year Asset Management Programme before work should begin, as set out in the minutes of the RCC meeting of 4th September 2023. The immediate concern is the appropriate governance of such a high cost, complex and inherently risky programme which requires resource with the capability

and capacity to deliver the programme successfully. The RCC is therefore calling for preliminary work to be undertaken, involving resident nominees, to establish a formal Programme Board of stakeholders; terms of reference; authority framework, programme/project management methodology etc, taking expert advice as necessary, before any other work on the programme begins.

RESOLVED, that – the report be noted.

15. BARBICAN WINDOW REPAIRS REPLACEMENT INFORMATION REPORT

The Committee received a report of the Executive Director, Community and Children's Services, which provided an update on the windows surveys and condition reports. Members noted the RCC Chair's comments earlier on the agenda and the Assistant Director's response.

RESOLVED, that – the report be noted.

16. WINDOW CLEANING CONTRACT

The Committee received a report of the Executive Director, Community and Children's Services in respect of the outcome of the process to select a new service provider for the provision of a window cleaning contract across the Barbican Residential Estate. Members noted that the contract would be for an initial six-year period, with an early termination for convenience after three years. The Assistant Director accepted the RCC's comments in respect of the delay and Members noted that there would be a joint panel for the mobilisation of the contract.

RESOLVED, that:

1. The tender submitted by All Clean London, in the sum of £1,503,110 over six years, be accepted and that they provide the window cleaning services for the Barbican Estate on an initial six-year period, with an early termination for convenience after three years.
2. That the Comptroller and City Solicitor be instructed to draw up the contract with All Clean London, subject to the leasehold consultation process and the 10-day mandatory standstill period referred to in this report having expired.
3. The current contract with Parkers be extended for a further month, to allow for an estimated contract start date of 1 August 2023 and an adequate mobilisation period with All Clean London.

17. BARBICAN ARREARS

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

RESOLVED, that – the report be noted.

18. **ANTISOCIAL BEHAVIOUR ON THE BARBICAN ESTATE**

The Chair thanked David Bradshaw for his work on the Barbican Security Committee and with the Police Strategic Planning and Performance Committee, which had considered this matter at their last meeting. The Interim Estate Office Manager advised that the November RCC and BRC meetings would receive more detailed reports.

The Interim Estate Manager had also liaised with 13 City Corporation departments and it transpired that some of the anti-social behaviour issues would be defined as 'nuisance' under current legislation. However, David's work has resulted in more robust communications and an actions tracker for progressing work on byelaws and data collections.

19. **BRANDON MEWS CANOPY**

The Interim Estate Manager advised that document discovery is ongoing and she would be making a final referral, to the City Solicitor, in respect of historic draft questions to the Court of Common Council about the terms of the Lease. The next meetings of the RCC/BRC would receive a full report.

20. **BLAKE TOWER UPDATE**

The Assistant Director advised Members of his ongoing meetings with the Residents' Association, noting that Redrow are still not in a position to hand over the block. Members noted that the City Corporation can impose the Housing Act under its Local Authority obligations and, to this effect, the Environmental Health Team and the London Fire Brigade carried out an inspection under the Health and Safety ratings system. The full report needs to be served in accordance with the legislation and it will be available over the next 2/3 months. However, there were no immediate concerns.

21. **BREACH OF LEASE PROTOCOL**

Member noted that they would receive a full report at the November/December meetings of the RCC/BRC.

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

There were no questions.

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

The Chair agreed to accept the following items of urgent business:

(a) Water Penetration

Members noted the points raised during the RCC Chair's presentation and the work undertaken by the Ben Johnson House Group. The Assistant Director advised that there would be a survey of balconies on all blocks to see whether the works should be brought forward as a programme, rather than piecemeal. The Assistant Director would also be arranging a meeting with the relevant House Groups to discuss the points raised. Members were asked to note that leaks on the Barbican can be difficult to isolate and the works might need a specialist contractor.

(b) Notice of intention to enter into a Qualifying Long Term Agreement.

Members noted that this would be a Corporate contract, replacing the current Hays contract. Consultation is required where the costs for any leaseholder is over £100 in any year. This limit is likely to be reached when there are agency staff employed to cover vacant posts, particularly in the towers. Agency staff are also used to cover holidays and sickness for concierge staff.

However, there are overall budget constraints for staff costs and information on the use of agency staff and overtime is provided to the Service Charge Working party, which is looking to reduce the use of overtime and agency staff in the concierge services by the recruitment of pool staff.

Once the first stage consultation is completed, the City will have due regard to comments received. The second stage post-tender consultation will include a summary of observations, details of costs and invite further observations. At this stage, leaseholders will also have the opportunity to inspect the tender documents. The Governance process is via the Finance Committee but reports would also be presented to the BRC/RCC for information. Whilst accepting that that this is not a BRC Decision, the Chair asked for the Committee to be much better informed on such matters in the future. The Chair also encouraged full engagement from residents.

(c) Resolution from the Underfloor Heating Working Party

RESOLVED, that – the following be noted and agreed.

The RCC strongly supports the Underfloor Heating Working Party in its efforts to establish a trial of individual Controls for our heating system. Plans are well developed for a trial for 14 homes on Wallside (the smallest individually metered group of homes on the estate) including the design of the control and metering system, and a suitable legal framework within which this trial will operate. If the current study indicates that the individual system is feasible, the City's Climate Action team should be approached for financial support. There will be no cost to leaseholders or Wallside freeholders.

24. 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(s) on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of the Schedule 12A of the Local Government Act.

Item nos	Para nos
25-30	1,2 & 3

25. **NON-PUBLIC MINUTES**

RESOLVED, that – the non-public minutes of the meeting held on xx March 2023 be approved.

26. **BARBICAN ESTATE RESIDENTIAL TENANCY RENEWALS**

The Committee considered and approved a report of the Executive Director, Community and Children’s Services in respect of 4 rent renewals and agreed to delegate authority to the Town Clerk, in consultation with the Chair and Deputy Chair of the BRC in respect of a 5th renewal.

27. **BARBICAN RESIDENTIAL ARREARS REPORT (NON PUBLIC)**

The Committee received a report of the Executive Director, Community and Children’s Services.

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

There were no questions

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

One item was considered whilst the public were excluded.

30. **BARBICAN ESTATE OFFICE REVIEW CONFIDENTIAL**

This report was approved under agenda item 8 and the RCC’s Resolution noted.

The meeting ended at 3.40 pm

Chairman

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