

BARBICAN RESIDENTIAL COMMITTEE
Monday, 11 December 2017

Minutes of the meeting of the Barbican Residential Committee
held at Guildhall at 1.45 pm

Present

Members:

Ann Holmes (Chairman)
Susan Pearson (Deputy Chairman)
Randall Anderson
Chris Boden
Mark Bostock
Deputy David Bradshaw
Mary Durcan
Michael Hudson
Jeremy Mayhew
Deputy Joyce Nash
Graham Packham
William Pimlott
Deputy John Tomlinson

Officers:

Alan Bennetts	-	Comptroller and City Solicitor's
Michael Bradley	-	City Surveyor's
Mark Jarvis	-	Chamberlain's
Anne Mason	-	Community and Children's Services
Paul Murtagh	-	Community and Children's Services
Helen Davinson	-	Community and Children's Services
Mike Saunders	-	Community and Children's Services
Michael Bennett	-	Community and Children's Services
Klara Buzas	-	Community and Children's Services
Julie Mayer	-	Town Clerk's Department

1. APOLOGIES

Apologies were received from Barbara Newman.

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

The following Members declared pecuniary interests in respect of agenda item 5, Lease Enforcement, by virtue of being Long Leaseholders of properties on the Barbican Estate:

- Deputy David Bradshaw
- Deputy John Tomlinson
- Mrs Mary Durcan

- Mr Mark Bostock
- Mr William Pimlott

The above Members would neither speak or vote on this item.

In respect of a question submitted in advance of the meeting, which would be taken in the non-public part of the agenda, at item 25, the Chairman declared an interest by virtue of her position as the Chairman of COLPAI. The Deputy Chairman would therefore take the Chair for this item.

Members asked if, in future, the Town Clerk could remind Members of the need to seek dispensations, as had been the case for the June meeting, when several newly elected Members of the Court of Common Council were attending their first meeting of this Committee. The Town Clerk agreed to do so and reminded Members that the onus was on them to declare interests and seek any necessary dispensations but they should contact the Town Clerk or Comptroller and City Solicitor if they had any queries. Members were also reminded of a training course on the Code of Conduct, which was being organised by the Comptroller and City Solicitor in January.

3. **MINUTES OF THE PREVIOUS MEETING**

RESOLVED, that - the minutes of the meeting held on 5th June 2017 be approved.

Members were reminded that the meeting of the Barbican Residential Committee, scheduled for 11 September 2017, had been inquorate and did not go ahead.

Matters arising

The Town Clerk agreed to recirculate the '*You Said: We Did*' update which had been despatched with papers for the September meeting, particularly in respect of the Archiving Policy.

In response to a query about the standard of cleanliness and water ingress in Cromwell Tower Car Park, officers agreed to circulate the cleaning schedule for the car parks and to check that work was being completed to a satisfactory standard. Members noted that inspections were carried out on a 6-weekly cycle and were the subject of a further report at agenda item 11 in respect of Service Level Agreements (SLAs) and Key Performance Indicators (KPIs).

4. **ANNUAL REVIEW OF THE COMMITTEE'S TERMS OF REFERENCE**

Members received a report of the Town Clerk in respect of the annual Review of the Committee's Terms of Reference.

RESOLVED, that:

1. The Terms of Reference of the Barbican Residential Committee, as set out in the Appendix to the report, be approved for submission to the Court of Common Council.

2. The Committee continues to meet quarterly.

5. **LEASE ENFORCEMENT**

Members considered a report of the Director of Community and Children's Services in respect of Lease Enforcement. Members noted that there had been extensive consultation on this matter and the Minutes from the Meeting of the Barbican Residents Consultation Committee on 27th November 2017 had been circulated to BRC Members.

All Members (who were eligible to speak and vote) were invited to comment as follows:

- The resource implications of strict Lease enforcement (as set out in Option 3), given the length and detail of most Leases.
- It was suggested that it might be timely to consider bringing Barbican Leases more up to date, given that many people worked from home without causing any disturbance.
- Purchasers should rely on their solicitors to review Leases and the onus was therefore on them to advise clients of any clauses which were likely to be invoked.
- Barbican Leaseholders were regularly reminded of Lease compliance via email broadcasts.
- Should the City of London Corporation fail to act in the event of a breach, the City Solicitor agreed to check whether they would be able to do so at a later date.
- New complaints on existing wooden floors would be investigated, even if there had not been any previous breaches.
- Members particularly noted the caveat in Option 2 whereby the affected parties would not need to demonstrate a breach by completing noise monitoring sheets, as had been the case previously.
- Members agreed that annoyance should be included at option 2.2.
- Some residents had made it clear that they chose to live on the Barbican as a result of the restrictive covenants contained in the leases in respect of pets and wooden flooring as it gave them peace of mind.
- The importance of pets as company for some elderly residents and wooden flooring in controlling allergies in others was noted; balanced with the need for these residents to be particularly considerate to their neighbours.

- Local Estate Agents and Solicitors should bring prospective purchasers' attention to those aspect of the Lease which were likely to be enforced.

In concluding, there was a consensus towards Option 2, as set out in the report, as being the most realistic and pragmatic approach.

RESOLVED, that:

1. The issue of lease enforcements for residents on the Barbican Estate, particularly those specific provisions outlined in the report, be noted.
2. Option 2 – Formal Adoption of Current Practice for all Future Cases be adopted, as follows:
 - 2.1 The Corporation will effectively decide to use its discretion in enforcing the various restrictive clauses within the lease, endorsing the current 'soft' approach of only taking enforcement action against residents who have breached a particular covenant in the lease and such a breach is causing a 'nuisance' and/or 'annoyance' to adjacent residents.
 - 2.2 Under this particular option, there will be not be a requirement for the 'affected' party to have to demonstrate, to the City Corporation, that the 'breach' is causing a nuisance. In the case of wooden floors, for example, there would be no requirement for the affected party to complete and submit 'noise monitoring sheets' as had been the case previously.
3. The Committee receive a further report, with officers' proposals for a Protocol for the implementation of Option 2, as set out above.

6. **FIRE SAFETY**

Members received a report of the Director of Community and Children's Services, which provided an update on the City of London Corporation's approach to fire safety on the Barbican Estate and, following the tragic fire at Grenfell Tower in June this year, to inform Members of the subsequent actions taken by the City Corporation.

The Assistant Director advised that he had recently received Counsel's opinion as to the City's ability to recharge Leaseholders for fire safety works. Based on the information provided, the Barrister advised that, in her opinion, the cost of such works cannot be recovered from Long Leaseholders. Officers were therefore carefully analysing this and taking advice from similar local authorities. Members noted that this analysis would not impact on the pace of the fire safety works. Members also noted that the new fire risk assessments commissioned by the City were a more intrusive 'Type 3' assessment which, provides for a survey of the interior of a sample number of dwellings as well as the common areas.

Finally, Members were reminded that the City of London Corporation was taking a holistic approach to fire safety, looking at many potential improvements. It is intended that the Director of Community and Children's Services would bring a full report to the next meeting of the Committee to include the provision of new fire doors, alarms and sprinklers.

RESOLVED, that – the report be noted.

7. REVENUE AND CAPITAL BUDGETS - LATEST APPROVED BUDGET 2017/18 AND ORIGINAL BUDGET 2018/19 - EXCLUDING DWELLINGS SERVICE CHARGE INCOME AND EXPENDITURE

Members considered a report of the Director of Community and Children's Services and the Chamberlain which provided the annual submission of the Revenue and Capital Budgets overseen by the Barbican Residential Committee.

In response to a query about the variation between the original to latest approved budgets, the Chairman of the Finance Committee, who is also a Member of this Committee, advised that he would be raising this at tomorrow's meeting of the Finance Committee. A Member suggested that the information about the variations might be more transparent in future reports. Whilst noting these comments, the Chairman suggested that Members might benefit from a half day training session with the Chamberlain, covering the compilation of the annual budget reports.

RESOLVED, that:

1. The provisional 2018/19 Revenue Budget be approved for submission to the Finance Committee.
2. The draft Capital Budget be approved.
3. The Chamberlain be authorised to revise these budgets to allow for further implications arising from departmental reorganisations, other reviews and corporate projects.

8. SERVICE CHARGE EXPENDITURE AND INCOME ACCOUNT - LATEST APPROVED BUDGET 2017/18 AND ORIGINAL BUDGET 2018/19

Members considered a report of the Chamberlain and Director of Community and Children's Services which set out the latest approved budget, for 2017/18 and original for 2018/19, proposed for inclusion within the service charge in respect of dwellings but not including income pertaining to car parking or stores.

RESOLVED, that:

1. The provisional 2018/19 revenue budget be recommended for submission to the Finance Committee.

2. The Chamberlain be authorised to revise these budgets to allow for further implications arising from departmental reorganisations and other reviews and corporate projects.

9. **GENERAL DATA PROTECTION REGULATIONS 2018**

The City Solicitor was heard in respect of the new General Data Protection Regulations 2018, which would impose a more stringent Data Protection Code in respect of *'implied consent'*. A Member suggested that, in the case of *'opt-out'* membership of the Barbican's House Groups; when a resident moved into a block he/she was automatically deemed to be a member of that House Group but at no point in the process identified by name, address or otherwise. This being the case, the Information Commission would not have jurisdiction as no records were being held.

Members were reminded that the Comptroller and City Solicitor was only able to advise Members of the City of London Corporation and not the House Groups on the Barbican Estate. The Town Clerk reminded Members that the House Groups had been given a year's amnesty in this year's Recognised Tenant Association (RTA) Audit, in order to consider the implications of the new legislation and make any necessary administrative adjustments. All enquiries from House Group Chairmen and Secretaries had been, and would continue to be, directed towards the Information Commissioner's website.

10. **UPDATE REPORT**

Members received the Director of Community and Children's Services update report in respect of other issues on the estate.

In respect of the Planning Application for the stores project, Members noted that this would not go to the Planning Committee until January 9th, 2018 at the earliest and, at this stage, it was more likely to be the 29th January 2018. As the Car Park Charging Working Party would need to meet very soon after this meeting; Members noted that, if the application was considered at the end of January, it would not be presented to the BRC until June. The Chairman reminded Members of the lead in time for preparation of reports and consultation with the RCC; which met 2 weeks before the BRC meeting and received their papers 2 weeks before then, in order to have sufficient time to consult with their House Group Members and prepare any questions in advance.

RESOLVED, that – the report be noted.

11. **SERVICE LEVEL AGREEMENTS QUARTERLY REVIEW**

Members received a report of the Director of Community and Children's Services in respect of the Service Level Agreements Quarterly Review (July – September 2017).

Members noted a concern about ambulance access points on the estate, which had been raised at the RCC meeting on 27th November 2017. Subsequent to the meeting, the Officer advised that he had received an email confirming that

the London Ambulance Service would be in contact in respect of clarifying communications about postcode/ numbered access points across the estate.

The Barbican Association Security Committee would receive an update on security issues including the re-application of the anti-climb paint at the entrance gate area to Speed Gardens.

RESOLVED, that – the report be noted.

12. PROGRESS OF SALES AND LETTINGS

Members received a report of the Director of Community and Children's Services in respect of sales and lettings approved by officers since the last meeting.

RESOLVED, that – the report be noted.

13. DECISIONS TAKEN UNDER URGENCY/DELEGATED AUTHORITY SINCE THE LAST MEETING

Members received a report of the Town Clerk in respect of the following decisions, taken under urgency, since the last meeting of the Committee.

Cultural Hub Public Realm Artistic Projects – Look and Feel 'Quick Wins' – Phase 1

Action taken – the temporary installation of artworks along the façade of Speed House Car Park on Silk Street.

A Member commented on the importance of expediting projects to improve the amenity of Beech Street and stressed that delegated/urgency provision should continue to be exercised when appropriate.

Barbican Estate Residential Stores (issue report)

Action taken:

1. The Policy for the new stores in the car parks, to be let to non-Barbican residents within walking distance should there be insufficient demand from Barbican Estate residents, was approved.
2. The letting policy to come into effect after 6 months following, the completion of the new stores project, by the Barbican Residential Committee, subject to planning permission.
3. The policy be subject to a twelve-month review by the Barbican Residential Committee.
4. The budget for fees be increased by a further £3,250 to reach the next Gateway.

14. **MINUTES OF THE MEETING OF THE BARBICAN RESIDENTS' CONSULTATION COMMITTEE (RCC) - TO FOLLOW**

Members received the draft minutes of the Barbican RCC's meeting of 27 November 2017.

In response to a query about the increase in employee costs, officers agreed to provide Members with a breakdown.

RESOLVED, that – the draft RCC minutes from 27 November 2017 be noted.

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

There were no questions.

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

There were no items.

17. **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 no

Paragraph nos

21, 22 & 25

1,2 &3

18. **NON-PUBLIC MINUTES**

RESOLVED, That – the non-public minutes of the meeting held on 5th June 2017 be approved.

19. **MINUTES OF THE CAR PARK CHARGES WORKING PARTY**

RESOLVED, That:

- The minutes of the Car Park Charges Working Party of 20th July 2017 be received.
- The draft minutes of the Car Park Charges Working Party of 22nd November 2017 be received.

20. **BARBICAN ARREARS**

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

21. **COMMERCIAL ARREARS**

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

22. **BARBICAN WRITE OFFS**

Members considered and approved two reports of the Director of Community and Children's Services.

23. DECISION TAKEN UNDER DELEGATED AUTHORITY/ URGENCY PROCEDURES THE LAST MEETING OF THE COMMITTEE

Members received a report of the Town Clerk.

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

There was one question while the public were excluded.

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

There were no items.

The meeting ended at 3.35pm

Chairman

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