

<b>Committee(s)</b>	<b>Dated:</b>
Barbican Residential Consultation Committee Barbican Residential Committee	5 March 2018 19 March 2018
<b>Subject:</b> Lease Enforcement	<b>Public</b>
<b>Report of:</b> Director of Community & Children's Services	<b>For Decision</b>
<b>Report author:</b> Paul Murtagh Assistant Director Barbican & Property Services	

### Summary

The purpose of this report is to seek approval from the Barbican Residential Committee for the formal procedure for dealing with breaches of lease, specifically the non-carpeted floors and animals for residents on the Barbican Estate.

### Recommendations

The Committee is asked to:

1. Approve the Barbican Estate Office protocol for dealing with breaches of lease as laid out in Appendix A.

### Main Report

#### Background

1. In December 2017, officers presented a report concerning Lease Enforcements to Committee. Various options were considered as to the approach officers should take regarding breaches of lease (specifically the installation of wooden floors/non-carpeted floors and animals).
2. It was resolved at the Barbican Residential Committee that:
  - a. Formal adoption of the current practice for all future cases be adopted as follows:
    - i. 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.
    - ii. Under this option, there will 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 has been the case previously.

3. The two covenants that have caused most concern for Barbican residents, are:
  - i. Non-carpeted floors
  - ii. Animals
4. The protocol as laid out in Appendix A, demonstrates the procedure that Barbican Estate Officers will follow in dealing with these breaches.
5. Whilst created with these two covenants in mind, the protocol is not restricted to dealing with only these two covenants.

### **Conclusions**

6. For the avoidance of doubt, if a new Leaseholder moves in and complains of a breach that has been in place for many years and has not caused a nuisance and/or annoyance to the previous Leaseholder, this will still be subject to the same enforcements.
7. The Barbican Estate will continue to remind Leaseholders of lease compliance via the regular email bulletins.

### **Other Considerations**

#### Resourcing

8. Whilst it is understood that the Barbican Estate Office will not be expected to actively ‘police’ the enforcement of the various covenants in the lease, it is anticipated that there will be an increased volume of work arising from the formal adoption of this protocol for both the Barbican Estate Office and the Comptroller and City Solicitor.
9. The Barbican Estate Office and the Comptroller and City Solicitor will monitor all time spent on lease enforcement for the first year and provide an update to this Committee in March 2019.

### **Appendices**

Appendix ‘A’ – Barbican Estate Office Breach of Lease Protocol

### **Background Papers**

Lease Enforcements, December 2017

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