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THE LONDON BOROUGH OF CAMDEN

At a meeting of the **LEASEHOLDERS' FORUM** held on **TUESDAY, 18TH OCTOBER 2016** at 6.45 pm in the Committee Room 1, Town Hall, Judd Street, London WC1H 9JE

MEMBERS OF THE FORUM PRESENT

Peter Wright (Chair)
Aldires Bugia (Vice Chair)
Sarah Astor
Todd Buchanan
Philip Dunne
Paul Ginsberg
Isabella Luger
Mary Lyons

Stuart March
Rosalie Miles
Zulakha Mughal (Cindy)
Shafeeq Siddiqui
Shravan Sood
Chris Tarpey
Wolfram Westendorf

OTHER LEASEHOLDERS PRESENT

Simon Aitken
Vicky Aitken
Mohamed Ben-Madani
J Castro
Ruth Clackson
Henry Coleman
Carol Delaney
Iain Dewar
Daniela Dillon
Patrick Dillon
Michelle Forbes
Rosemary Ibrahim
Thomas Kendall
Patricia Palmer

Diana Pao
David Perris
Tom Reed
Terry Rowland
Rosenda Sanchez
Rick Savage
Norman Speight
Agnes Stewart
Yolande Szuzech
Bharti Vaja
Ranjan Vaja
Ken Vincent
Anthony Wallenda
Andrea Yianoumetti

ALSO PRESENT

Councillors Meric Apak, Danny Beales, Callaghan and Roger Robinson

Martin Carroll, Camden Association of Street Properties

These minutes are in draft form only and therefore not approved or amended until the next meeting of the Leaseholders' Forum. Please note that these minutes include opinions expressed by the attendees at the meeting and should not be regarded as giving advice.

MINUTES

1. CO-OPTION OF NEW MEMBERS

RESOLVED –

THAT Carol Delaney and Terry Rowland, representing Kentish Town, be co-opted onto the Forum for a period of a year, in accordance with paragraph 2.7 of the Constitution.

2. APOLOGIES FOR ABSENCE AND INTRODUCTIONS

There were no apologies for absence.

The Chair notified the Forum that Mr James Goss had tendered his resignation from the Leaseholders' Forum.

3. DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS IN RESPECT OF ITEMS ON THIS AGENDA

There were no declarations of interest.

4. MINUTES

RESOLVED –

THAT the minutes of the meeting held on 13th September 2016 be approved and signed as a correct record.

5. PROGRESS REPORT

The Chair welcomed Mr Martin Carroll of the Camden Association of Street Properties which had been invited to send a representative to meetings of the Forum.

Sarah Astor gave a verbal update on issues with major works. It had previously been agreed to identify the top three complaints that leaseholders had about major works. She identified three questions that should be answered by the Cabinet Member for Housing and the Head of Leaseholder Services:

1. Why should leaseholders be charged more than the market rate for work?
2. Why should leaseholders be expected to accept delays?
3. Why should leaseholders accept inferior quality of work?

It was suggested that due to the importance of the issues, the agenda item on Major Works should be the priority of the meeting.

RESOLVED –

THAT the progress report be noted.

TO NOTE: All

It was agreed to bring *Item 7: Major Works* forward on the agenda.

6. MAJOR WORKS

Councillor Patricia Callaghan, Cabinet Member for Housing, informed the Forum that she would listen to their concerns and come back with answers. She noted that Councillor Meric Apak had recently undertaken a walkabout on the Torriano Estate and had reported back on the unsatisfactory nature of the works there. Members of the Forum informed councillors of their intention to report back to Sir Keir Starmer MP. The Cabinet Member for Housing also offered to discuss the issues with the MP.

ACTION BY: Cabinet Member for Housing

Councillor Apak reported that, as Chair of Housing and Adult Social Care Scrutiny Committee a few years previously, he had led a review of major works and made recommendations to the Leaseholders' Service. While some of the recommendations had been addressed it was suggested that other recommendations had not been implemented resulting in the same concerns still being raised. Councillor Roger Robinson had attended the walkabout on the Torriano Estate and commented on the desirability of reinstating a direct labour force to undertake major works. He suggested that the workforce would then be more accountable and could be trained to be first class.

Discussion took place with regard to the issues and concerns that leaseholders had with regard to major works, including:

- There was a lack of penalty clauses for delays and poor quality works;
- The issues were already well-known and understood but that a fundamental change of how business was done was needed;
- Leaseholders should not be expected to pay for poor quality work;
- Inconsistent information regarding the production of section 20 notices and emergency works;
- Works which had been described as 'emergency' subject to lengthy delays;
- Negative comments made by a contractor when quality issues raised by leaseholders at Torriano Estate;
- A Council officer asking leaseholders to deal directly with the consultant contract administrator on the Torriano scheme;
- Initial consultation on costs were generic rather than based on an assessment of the actual work to be undertaken and so later changed;

Leaseholders' Forum - Tuesday, 18th October, 2016

- There needed to be independent supervision of the work being undertaken;
- Camden Council did not abide by the terms of the lease which stated that it would maintain property, which resulted in higher costs for repairs;
- There was a lack of response from Leaseholder Services to questions;
- There was a slow provision of accurate breakdown of costs;
- When an estimate is provided by contractors, the Council should commit them to not increasing the final cost beyond a certain percentage;
- The Council should include the cost of overseeing contracts on invoices so that it had to justify going over budget; and
- Costs being recharged to leaseholders were not checked for appropriateness.

Gavin Haynes, Head of Property Services, agreed to respond on individual concerns and Pat Callaghan offered to do a walkabout with Councillor Apak to look at works considered to be poor quality at the Torriano Estate.

ACTION BY: Cabinet Member for Housing

Councillor Danny Beales, Chair of Housing Scrutiny Committee, accepted that there had been issues with major works by the partner contractors including the time they took and quality of communications. However, there had recently been a change to the way that procurement of major works was undertaken and the two partnering contracts had now ended. He commented that direct labour could increase costs for leaseholders. The Scrutiny Committee was looking at Leaseholder Services in January 2017 and Leaseholder Forum members were invited to attend. The Chair of the Forum had been asked to feed in to the scrutiny review.

The Head of Property Services clarified that the new Better Homes framework had introduced mini-competitions for work with the contractor offering the best price for a package of works appointed. Each potential contractor would produce itemised bids electronically which would be uploaded onto the IT system to generate Section 20 notices. Guarantees, warranties, and any revisions to pricing etc would also be uploaded. The Head of Leaseholder Services stated that it may be possible for this information to be made available via the Camden Account in future. It was suggested that an update could be provided at the November meeting. The results of a leaseholders' satisfaction survey would also be ready for March 2017.

ACTION BY: Head of Property Services

There was some support from leaseholders for the new approach to procurement though there was concern over whether the contracts would be properly policed and whether contractors could sub-contract. The Head of Property Services confirmed that many contractors did sub-contract. However, a couple of the smaller companies that had been appointed had their own workforce. For those that do sub-contract, having smaller packages would make it easier to monitor any issues related to quality and the council would be able to 'rest' contractors that did not perform. Leaseholders queried the accountability for works already done under the previous contracting arrangements and suggested that there should be compensation.

A representative of the Whittington Estate highlighted the issues that residents had experienced with the installation of a new heating and water system. Concerns were raised regarding the requirement for the works, the installation process and how the controls worked. Leaseholders had been led to believe that payment would not be required until the whole scheme was finished and a full breakdown of costs provided. However, payment was being demanded before the scheme was fully operational, there were ongoing problems with the system, clear cost breakdowns had not been provided and a final cost had not been agreed. She stated that a letter demanding a first payment by the end of the month had threatened the removal of the £15,000 cap and a reduction in the time to make payments from five to three years. The leaseholders on the estate had passed a motion to enter into formal dispute with Camden Council. The Council was asked to state the formal dispute procedure it would like leaseholders to follow.

ACTION BY: Head of Leaseholder Services

The full statement by Whittington Estate is attached as Appendix 1 to the Minutes. It was suggested that the Council was initiating a new policy by demanding first payment before the works had been completed.

The Cabinet Member for Housing requested that she be sent a copy of the letter sent to leaseholders on the Whittington Estate demanding the first payment.

ACTION BY: Head of Leaseholder Services

Mike Edmunds, Head of Leaseholder Services, informed the Forum that the cap could not be removed as it was a statutory requirement. He also commented that three years was the usual time period over which payments were made. It had been agreed to extend this to five years but this was discretionary on the part of the Council. If there were issues with the works undertaken, they could be investigated while the initial payment was on hold.

The Forum discussed the measures that were being introduced for the new procurement arrangements. These would include resident satisfaction measures. It was suggested that more objective measures should be used such as timeliness and finishing on budget.

There was a discussion on potentially lobbying the government to enact regulations to allow leaseholders to contract their own builders. However, it was countered that the government had been moving in the direction of reducing the right of consultation with leaseholders. The Head of Leaseholder Services said that he had met with officials at the Department for Communities and Local Government recently and they were not looking at this.

Leaseholders' Forum - Tuesday, 18th October, 2016

The Chair summarised the collective issues raised:

- Leaseholders had pressed for more openness of data and welcomed the production of clearer breakdown of costs for individual schemes in the future. The available information should include the timeline, signing off arrangements for particular schemes and the ongoing monitoring arrangements. The Head of Property Services suggested that a Residents Panel would be encouraged for each scheme.
- There needed to be better tracking of complaints and sharing of other evidence of schemes going wrong as it seemed that information was not always reaching relevant officers.
- The Forum wanted involvement in the development of measures of success. It was suggested that the Forum Sub-Committee on Major Works meet with the Head of Property Services and the Cabinet Member for Housing to discuss before the end of 2016.

**ACTION BY: Cabinet Member for Housing
Head of Property Services**

RESOLVED –

- 1) THAT the Cabinet Member for Housing, Head of Leaseholder Services and Head of Property Services respond on how they will address the issues highlighted above and the three questions below before the Housing Scrutiny meeting in January 2017:
 - i. Why should leaseholders be charged more than the market rate for work?
 - ii. Why should leaseholders be expected to accept delays?
 - iii. Why should leaseholders accept inferior quality of work?

**ACTION BY: Cabinet Member for Housing
Head of Leaseholder Services Head of
Property Services**

- 2) THAT the Leaseholders' Forum would report to Housing Scrutiny Committee as part of its review of Leaseholder Service in January 2017, taking account of the previous review by a Scrutiny Panel that had looked at these issues.

ACTION BY: Chair, Leaseholders Forum

- 3) THAT it be noted that the Cabinet Member for Housing, Head of Leaseholder Services and Head of Property Services would respond on individual issues raised during the meeting.

ACTION BY: **Cabinet Member for Housing**
 Head of Leaseholder Services
 Head of Property Services

7. UPDATE FROM THE CABINET MEMBER FOR HOUSING

This item was withdrawn due to lack of time.

8. LEASEHOLDERS' FORUM SUB-GROUPS

This item was withdrawn due to lack of time.

9. HEAD OF LEASEHOLDER SERVICE UPDATE

This item was withdrawn due to lack of time.

10. WORK PROGRAMME

This item was withdrawn due to lack of time.

11. DATES OF FUTURE MEETINGS

This item was withdrawn due to lack of time.

The meeting ended at 9.00 pm

CHAIR

Contact Officer: **Cheryl Hardman**
Telephone No: **020 7974 6065**
E-Mail: **cheryl.hardman@camden.gov.uk**

MINUTES END

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MAJOR WORKS.

My name is Rosemary Ibrahim and I am a leaseholder living on the Whittington Estate. Previously I was Vice Chair of Camden Leaseholders' Forum and a Member.

The Whittington Estate has lived through 2 major works projects – the first being a capital works project mainly affecting the external fabric of the various buildings and the second involving the installation of a new heating and hot water system - which is ongoing.

During the first capital works project, leaseholders successfully argued that we shouldn't make any payments until the whole scheme was finished and signed off as, until then, the Council would be unable to obtain a full breakdown of costs and the proposed recharge, no one would know if the works had been carried out to a satisfactory standard, whether all the works were necessary, whether they represented value for money and whether each part of the proposed recharge was indeed rechargeable under the terms of our leases.

The majority of residents – both leaseholders and tenants – opposed the Council's proposal to install a completely new heating and hot water system as we felt it wasn't needed. Residents along with Ward Councillors demanded consultation with Camden. A petition was presented to the then Cabinet Member for Housing – Councillor Fulbrook – who agreed that the pipes and radiators should be jet washed but this was subsequently reneged upon.

Nearly four years later works started on site.

Not only was the installation process itself extremely painful for many residents (the short-fallings, inconveniences, leaks and delays are well documented) but the system itself is full of problems – which continue to date.

The hot water supply is intermittent, as is the heating supply. There are noises loud enough to disturb us emanating from the HIU, radiators and pipe work most of the day and night. The individual thermostats connected to each individual radiator do not control the heat output – this is allegedly controlled by the main sensor, which only works according to the 'localised' temperature. Thus if the bedroom is cold you have to get out of bed and boost the sensor temperature and wait – with all associated noises. Nothing will happen if you lean out of bed and turn the radiator thermostat up.

We constantly have to stop whatever we are doing to go to the sensor and reset the temperature – day and night.

A ridiculous state of affairs for a system which is costing millions of pounds!

How is this classified as an energy saving system when a site engineer turned my sensor up to 29 degrees in order for the heat to circulate all radiators? Who will pay the resultant expense of having to do this?

The system is not fit for purpose in my opinion and is not appropriate for the design of this estate.

Residents are constantly being told by Camden officers and contractors that everything will work properly once all the flats have been connected and are running off the new system.

Accordingly Camden should not be demanding any payment from leaseholders until everyone is satisfied with the completed works.

The precedent which was set during the first capital works project should be applied once more, as a similar situation exists.

We also understood throughout the years of 'consultation' that this would be the case. Indeed two of our Ward Councillors who attended the majority of the meetings – Councillors Gimson and Berry – agree that this is the case and have emailed officers to this effect.

The cap of £15,000 is extortionate for the system installed which is not fit for purpose. The old system was far better as residents had a full heating and hot water supply and were able to control the heat output in each room via the thermostatic control attached to each individual radiator.

We have repeatedly requested details of the guarantee for the works but to date no details have been forthcoming.

Last night a motion was passed by leaseholders which states:

We are in formal dispute with Camden regarding these works

Payment should commence only when the works have been completed as has always been the case with past works programmes

At present the system is neither fully operational nor working efficiently. It is not fit for purpose

Cost breakdowns have been provided which are totally incomprehensible. Camden must be transparent in its dealings with us

It is not acceptable that Camden has not agreed a final cost for these works

Works must be guaranteed

Camden must state the formal dispute procedure they would like us to follow.

I would ask Councillor Callaghan to investigate this situation and request that all accounts be placed on hold until the works are completed and the Council are in a position to comply with the above criteria – as per the terms of our leases.

We would ask for the Leaseholders' Forum to support us.

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