

# Extension request

The purpose of this document is to request a extension to the date for Direction 6 of the Directions Order dated 5<sup>th</sup> December 2018.

A six month extension is requested.

IN THE FIRST-TIER TRIBUNAL  
PROPERTY CHAMBER  
(RESIDENTIAL PROPERTY)

Case ref: LON/00BJ/LSC/0286

In the Matter of: The Landlord and Tenant Act 1985; Section 27A

BETWEEN:

THE MAYOR AND BURGESSES OF THE  
LONDON BOROUGH OF WANDSWORTH

Applicant/ Landlord

and

VARIOUS LEASEHOLDERS OF  
100 HIGH-RISE RESIDENTIAL BLOCKS  
IN THE LONDON BOROUGH OF WANDSWORTH

Respondents/ Leaseholders

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STATEMENT OF CASE ON BEHALF OF  
THE LONDON BOROUGH OF WANDSWORTH

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Source: Statement of case on behalf of the London Borough of Wandsworth  
Case ref: LON/00BJ/LSC/0286

# Directions – a reminder

A reminder of the Directions being referred to in relation to the extension request.

## Directions: date changes

NOTE: The following has been completed on a best efforts basis and any reliance on the following information is at the reader's discretion and they should make their own efforts to validate the information provided.

Date of Directions: 5 December 2018	Date of Directions: 5 November 2018
6. The date in Direction 6 of the Directions Order dated 5 November 2018 is varied from 5 February 2019 to <b>5 March 2019</b> .	6. On or before 5th February 2019, the respondents must have considered the statement provided by the council and have lodged (if they consider it appropriate) a detailed application to strike-out the council's application and/or any request to transfer the case to the Upper Tribunal (Lands Chamber) pursuant to rule 25 of the Tribunal Procedure (First-tier Tribunal)(Property Chamber) Rules 2013. Any such application must at the same time be served on the council.

Source: Tribunal directions 5<sup>th</sup> November 2018 and 5<sup>th</sup> December 2018  
Case ref: LON/00BJ/LSC/0286

# Reasons for request

It has been very difficult to meet the requirement set out within paragraph 10 of the Directions of 5<sup>th</sup> November 2018. The reasons are varied though some of them are outlined below;

- 1) Difficulty in bringing together so many leaseholders from a wide geographic area that are both resident and non-resident.
- 2) Accessing away leaseholders is especially difficult.
- 3) Confusing information from the Council with regards to specifics about the water sprinkler situation makes it very difficult to engage with leaseholders due to a lack of informational asymmetry. This places an unnecessary burden on those leaseholders trying to take forward a collective approach. Multiple examples are cited within this document which highlight the confusing information provided.
- 4) The outcome of the Grenfell report has now been factored into the Council's thinking which means that there should be scope to be flexible for Directions timelines.

# Directions – leaseholders working together

The text to the right is Section 10 of the Tribunal Directions of 5<sup>th</sup> November 2018.

- (10) For the avoidance of doubt the Tribunal wishes to make it clear that all respondent leaseholders are entitled to take part in these proceedings whether or not they have already returned a reply form to the Tribunal office. Leaseholders are encouraged to work together in

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groups and to appoint suitable representatives (who need not be lawyers) to make representations on their behalf. Where a group of leaseholders have nominated or appointed a representative, their details and the details of that representative should be sent to the Tribunal for its records. Where a representative has been identified, all subsequent documentation in relation to the case will be sent to them and not to the individual leaseholders.

Source: Tribunal directions 5<sup>th</sup> November 2018 Case ref: LON/00BJ/LSC/0286

# By the numbers

A refresher of the numbers need to be mentioned to contextualise the scale of the problems faced by leaseholders that wish to work with other leaseholders in challenging the Council's imposition of water sprinklers. The numbers provided are outlined below;

<sup>2</sup> Wandsworth Council has 99 blocks of ten storeys or more containing 6,401 residential flats and maisonettes – 4,043 tenanted, 1,315 resident leaseholders and 1,043 away leaseholders

Source: Housing and Regeneration Overview and Scrutiny Committee – 14<sup>th</sup> September 2017 – Paper 17-269

<https://democracy.wandsworth.gov.uk/documents/s52192/Update%20on%20fire%20safety%20arrangements%20in%20Wandsworth%20Councils%20housing%20stock.pdf>

[Accessed 23/2/2019]

It states the number of 'residential flats and maisonettes' though not the number of leaseholders. According to this, the total number of leasehold properties impacted is 2,358 with 'resident leaseholders' making up 56% of the total and 'away leaseholders' making up 44%. NOTE – the number of buildings is now 100 NOT 99.

# Key aggregation difficulties

Key difficulties in aggregating leaseholders are;

- 1) Creating a legal structure which can cater for a majority of leaseholders – the advantage of as many leaseholders aggregating is the Tribunal deals with fewer entities and legal representation amongst leaseholders is financially less burdensome.
- 2) However this has proved challenging as leaseholders have been trying to raise funds, reach out to leaseholders, review the statement of case and supporting evidence and try to understand the complexities of the legal structure to work within is a challenge for many in employment or other time consuming activities.
- 3) Accessing 'away leaseholders' which are a large proportion of the total amount of leasehold properties.
- 4) Far too much time is spent with leaseholders clarifying various concerns which have not been clearly addressed by the Council.

# Accessing 'away leaseholders'

By being an 'away leaseholder' this may pose issues in accessing them for various reasons;

Tenants that rent should, per the terms of the Assured Shorthold Tenancy, be forwarding on relevant information to the leaseholder. This is for the most part wishful think and being a joint away leaseholder many communications are forwarded on. For instance, the Alton Leaseholders Association has been providing information to the 42 blocks in the Roehampton & Putney Heath ward which are impacts by this though very few away leaseholders appear to made aware of this situation.

When renting tenants are spoken with most are unwilling to provide details of the landlord or the estate agent should they think there is an ulterior motive, e.g. reporting them for making too much noise. This is challenge at the best of times for Residents Associations when trying to expand their membership base.

With the addresses of all leaseholders being provided as part of the statement of case this is not a certainty that this 44% will be reachable and will require much more effort to access.

# Accessing 'away leaseholders'

The difficulty in accessing away leaseholders was highlighted in the October 2018 summary within the Source: Ministry of Housing, Communities and Local Government (October 2018) document 'Consultation on recognising residents' associations, and their power to request information about tenants'.



Ministry of Housing,  
Communities &  
Local Government

Consultation on recognising residents' associations, and their power to request information about tenants

Summary of consultation responses and Government response

Source: Ministry of Housing, Communities and Local Government (October 2018) - Consultation on recognising residents' associations, and their power to request information about tenants  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/746926/Recognising\\_residents\\_associations\\_-\\_consultation\\_response.pdf.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/746926/Recognising_residents_associations_-_consultation_response.pdf.pdf)  
[Accessed 24/2/19]

October 2018  
Ministry of Housing, Communities and Local Government



# Accessing 'away leaseholders'

This document highlights that the Secretary of the Tenants' Association could seek the contact details of the away leaseholders.

Source: Ministry of Housing, Communities and Local Government (October 2018) - Consultation on recognising residents' associations, and their power to request information about tenants  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/746926/Recognising\\_residents\\_associations\\_-\\_consultation\\_response.pdf.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/746926/Recognising_residents_associations_-_consultation_response.pdf.pdf)  
[Accessed 24/2/19]

## Government response

24. The Government agrees with the majority of consultees (representing both landlords and leaseholders) that the name, correspondence address, and email address of the qualifying tenant are an appropriate level of detail to be provided to the secretary of the tenants' association.
25. This would ensure that those attempting to establish a Recognised Tenants' Association have adequate contact data to get in touch with potential members without being provided with disproportionate and unnecessary data which could infringe human rights and data protection legislation. It would also be data that the landlord will be in possession of, and therefore, not present any unnecessary administrative burden on them to collect.
26. The Government does not believe that landlords should be required to provide information that the tenants' association is already aware of. The planned regulations will provide that in seeking a request for contact information the secretary will be required to provide a list of qualifying tenants who are already members of the association. The information that the landlord can disclose (and only with the consent of the relevant qualifying tenant) is:
  - the tenant's name;
  - the address of the dwelling for which the tenant pays a service charge;
  - the address (if different) to which demands for those service charges are sent; and
  - the tenant's e-mail address.
27. This is called "known information" in the planned regulations, but obviously the landlord can only disclose information if they actually hold it. That may not always be the case. For example, a landlord may not hold an e-mail address for a tenant because the tenant does not have one or has not provided it to the landlord. There will be no requirement in the regulations for the landlord to seek additional, or updated, contact information from the tenant. Where, for example, a tenant uses an agent to communicate with the landlord, there will be no requirement for the landlord to ask the agent to disclose the personal address of the tenant.
28. When making a request for contact information the secretary of the association will be required to certify that the information is being sought only for the use of ascertaining whether the individual qualifying tenant wishes to become a member of the association.

# Accessing ‘away leaseholders’

This document highlights that the 60% guideline can now be considered to be 50%. Assuming that 50% of the resident leaseholder properties were signed up that would require 1,179 of the resident leaseholder properties to sign up. This is a large ask bearing in mind the number of resident leaseholder properties is 56% of the total leaseholder property population. In other words, for arguments sake, no away leaseholders joined the fray that would mean 90% (1,179 out of 1,315) of resident leaseholder properties would need to sign up!

## Qualifying Threshold

71. The Government is of the view that it is not just difficulty in establishing contact with qualifying tenants that acts as a barrier to forming a Recognised Tenants' Association, but also the current membership requirement of needing a "significant majority" too. The current threshold set out in non-statutory guidance that not less than 60 per cent of qualifying tenants need to be members is unsustainable. Therefore, we intend to reduce the qualifying threshold to replace the non-statutory guidance.
72. The 60 per cent threshold has recently been criticised by the Upper Tribunal (Lands Chamber) in the case of *Rosslyn Mansions Tenants' Association v Winstonworth* (2015)<sup>18</sup>. In that case the Upper Tribunal determined that 60 per cent was a guideline and not a benchmark.
73. In addition, the 60 per cent guideline threshold, which dates back to 1980, is out of line with qualifying thresholds in more recent legislation. For example, the threshold for a Right to Manage company which is 50 per cent of the relevant leaseholders and for collective enfranchisement, which is also 50 per cent.<sup>19</sup> These provisions give leaseholders more extensive rights to acquire ownership or take over management of their blocks, so it could be argued that it is difficult to justify nowadays why the threshold should be higher to form a Recognised Tenants' Association, especially when doing so can be seen as an initial step to acquiring those more extensive rights. We are, therefore, proposing to include a statutory requirement in the planned regulations<sup>20</sup> that an association can only normally be recognised (by a Tribunal) if its membership includes at least 50 per cent of the relevant qualifying tenants, to replace the existing non- statutory guidelines.<sup>21</sup>

Source: Ministry of Housing, Communities and Local Government (October 2018) - Consultation on recognising residents' associations, and their power to request information about tenants  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/746926/Recognising\\_residents\\_associations\\_-\\_consultation\\_response.pdf.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/746926/Recognising_residents_associations_-_consultation_response.pdf.pdf)  
[Accessed 24/2/19]

# Misleading photo?

The article to the right was within the Council's Homelife magazine. Note the picture which was utilised.

Source: Homelife October 2018

[http://www.wandsworth.gov.uk/downloads/file/13697/october\\_2018](http://www.wandsworth.gov.uk/downloads/file/13697/october_2018)

[Accessed 23/2/2019]

## Sprinklers policy endorsed by a cross-party group of MPs

The Housing, Communities and Local Government (HCLG) select committee, which is looking at how to improve the safety of residential tower blocks, concluded that sprinklers should be retro-fitted to existing high-rise residential buildings to provide an extra layer of safety for residents.

This follows the council's announcement last year that it would be retro-fitting sprinklers in 99 high rise blocks across the borough. Since 2007 national building regulations have required all new-build high rise blocks of ten storeys or more to have sprinkler systems and Wandsworth is making sure all of its equivalent tower blocks are brought up to that standard.

The council has proactively referred the matter to the First Tier Property Tribunal to enable leaseholders to raise any concerns they may have and to establish if such works accord with lease provisions.

The HCLG select committee was set up to examine the findings made as part of the Hackitt review into the Grenfell fire where 72 people died on June 14, 2017.

It has also advised that the Government should make funding available to fit sprinklers into council and housing association-owned residential buildings above 18 metres.

The news also comes after a recently installed sprinkler system in Nightingale Square, Balham put out a chip pan fire, with fortunately no injury to the young mother and her one-year-old child that were living there and with minimal fire or water damage to the property.



Close up of concealed sprinkler

The fire in the kitchen activated a sprinkler head which extinguished the fire by the time the London Fire Brigade arrived.

Councillor Caddy said: "This was a timely and poignant example of just how effective sprinklers are. We have seen similar chip fan fires in other properties across the borough cause terrible damage and I am so pleased that in this instance the sprinkler put out the fire before it could take hold."

If you'd like to know more about the council's proposal to fit sprinkler systems to high-rise residential blocks, you can visit our website. Here you will also find a short-video showing what a flat with fire suppression sprinklers looks like.

[www.wandsworth.gov.uk/showflat](http://www.wandsworth.gov.uk/showflat)



# Misleading photo?

The article on the right is a closer view of the picture.

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Source: Homelife October 2018

[http://www.wandsworth.gov.uk/downloads/file/13697/october\\_2018](http://www.wandsworth.gov.uk/downloads/file/13697/october_2018)

[Accessed 23/2/2019]

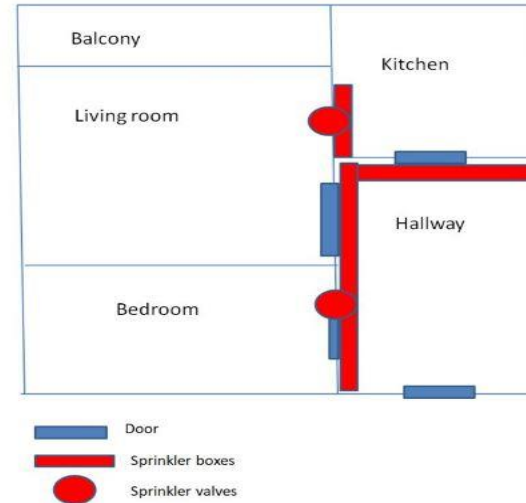
# Misleading photo?

There have been two shows flats. The following photos are taken of Sudbury House and compare how them with the Homelife photo. The different is quite clear.



# Misleading photo?

These photos are taken of the Lyndhurst House one bedroom flat on the Alton Estate. The below photo seems to be closer to the photo used in the Homelife magazine.....though have a look at the photos on the next slide.



PLEASE NOTE: THE DIAGRAM IS NOT TO SCALE AND THIS IS A BEST EFFORTS BASIS. YOU SHOULD REVIEW THE SHOW FLAT YOURSELF FOR YOUR OWN ASSESSMENT.



# Misleading photo?



# Buildings insurance - £ savings?

The Council is referring to the potential cost savings from a building insurance perspective though has yet to quantify them. The two mentions to the right are from the Council's documentation.

The next slide attempts to provide some context.

24. It is anticipated that retro-fitting sprinklers in high rise blocks in the Borough will result in a reduction in Buildings Insurance premium costs to the Council and subsequently to leaseholders. It is not known at this time whether this will have the same effect on Home Contents Insurance costs, or whether this would make it easier for residents in high rise blocks to obtain Home Contents Insurance cover if the property has sprinklers, as the Council has no involvement in arranging Home Contents Insurance for Council tenants and leaseholders.

Source: Housing and Regeneration Overview and Scrutiny Committee – 14<sup>th</sup> September 2017 – Paper 17-269  
<https://democracy.wandsworth.gov.uk/documents/s52192/Update%20on%20fire%20safety%20arrangements%20in%20Wandsworth%20Councils%20housing%20stock.pdf>  
[Accessed 23/2/2019]

103.9 It is clear that insurers regard the retrofitting of sprinkler systems as a positive risk management initiative<sup>39</sup>. The Council anticipates that the installation of sprinkler systems in the Blocks will result in a saving in the cost of buildings insurance cover, which will result in a corresponding reduction in the annual insurance contributions from Leaseholders.

Source: Council's Statement of case



# Buildings insurance - £ savings?

The document on the right is a 2018 service charge statement for a two bedroom flat which is part of the water sprinkler imposition.

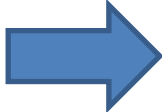
A grand total paid was £13.55.

How much of a saving would this actually become for the Council and leaseholders?

SUMMARY OF COSTS		
Service Charge 2017/2018		
Address:	[REDACTED]	30282
Block:	[REDACTED]	2.320%
Estate:	ALTON	0.040%
NET EXPENDITURE		
ITEMS	ESTATE/BLOCK	YOUR PROPERTY
ESTATE COSTS	£	£
Emergency Response	61124.56	24.45
Garden Maintenance	161123.13	64.45
Cleaning	368075.63	147.23
Lighting	19904.03	7.96
Repairs	104022.29	41.61
	Sub Total	285.70
BLOCK COSTS		
Repairs	5699.52	132.23
Hire of Paladins	634.98	14.73
Lift Running Cost	1333.77	30.94
Lift Repairs	3644.48	84.55
Cleaning	4603.28	106.80
Electricity	2447.17	56.77
Contribution to Fund	4475.99	103.84
	Sub Total	529.86
BUILDING INSURANCE		
Sum insured	£ 188250	13.55
MANAGEMENT EXPENSES		199.83
TOTAL		1028.94

# Contents insurance - ?

Many residents do not have contents insurance due to the cost.



24. It is anticipated that retro-fitting sprinklers in high rise blocks in the Borough will result in a reduction in Buildings Insurance premium costs to the Council and subsequently to leaseholders. It is not known at this time whether this will have the same effect on Home Contents Insurance costs, or whether this would make it easier for residents in high rise blocks to obtain Home Contents Insurance cover if the property has sprinklers, as the Council has no involvement in arranging Home Contents Insurance for Council tenants and leaseholders.

Source: Housing and Regeneration Overview and Scrutiny Committee – 14<sup>th</sup> September 2017 – Paper 17-269  
<https://democracy.wandsworth.gov.uk/documents/s52192/Update%20on%20fire%20safety%20arrangements%20in%20Wandsworth%20Councils%20housing%20stock.pdf>  
[Accessed 23/2/2019]


## Why do I need contents insurance?

The structure of your property including fixtures and fittings is protected by the council's block insurance so in the event that it suffers damage (from a fire, for example) the insurance would cover the cost of repair.

However, it does not cover damage to your personal possessions and belongings and it is important that you carry your own contents insurance.

Serious fires are rare, but we regularly come across situations where water gets into a property from above causing damage to residents' property/ possessions and where no third party is to blame. A burst waste pipe on a washing machine or a blocked stack leading to waste flooding back into the property are just two examples where you may experience damage and loss but will not be able to hold anyone else legally liable.

A contents Insurance policy also gives you cover for alternative accommodation if your property is uninhabitable following the operation of an insured peril, e.g. a fire. It also provides Public Liability cover, e.g. if a visitor to your property trips over loose wiring and suffers serious injury because of your negligence, or if a leak from your property damages the property below, this would also be covered if you had been negligent.



Buried away towards the back of the December 2018 Homelife magazine the following text was provided. Why was this not within the Frequently Asked Question section in the same magazine?

Source: Homelife December 2018  
[http://www.wandsworth.gov.uk/downloads/file/13878/december\\_2018](http://www.wandsworth.gov.uk/downloads/file/13878/december_2018)  
[Accessed 23/2/2019]

# Cost awareness?

The two items on the right are the Council referrals to cost. The top one in a Council Committee paper and the bottom in the Council's Statement of case, which if read, **would be the first time a public facing document has mentioned the cost and note that the variation spread has increased from £3,000-£4,000 to £3,500-£5,000?**

This had not been communicated until this Statement of case. If this Statement of case was not required when would leaseholders learn of the amended cost?

17. As these costs (approximately £3,000 to £4,000) will be imposed upon leaseholders with relatively short notice, it is recommended that, with respect to the cost of the sprinkler systems only, existing repayment arrangements for resident leaseholders be extended from ten months to 48 months. An extension beyond 48 months may draw criticism from other leaseholders facing relatively substantial bills for major works, for example in 2015/16 1,231 leaseholders were billed for major works charges in excess of £3,000.

Source: Housing and Regeneration Overview and Scrutiny Committee – 14<sup>th</sup> September 2017 – Paper 17-269  
<https://democracy.wandsworth.gov.uk/documents/s52192/Update%20on%20fire%20safety%20arrangements%20in%20Wandsworth%20Councils%20housing%20stock.pdf>  
[Accessed 23/2/2019]

## 6. Council's estimate of costs for installation of sprinkler systems

107. The Council's estimate of the cost to each lessee of the retro-fitting of sprinkler systems into the Blocks is between £3,500 and £5,000. The Council has agreed to extend the standard interest free payment period for Resident Leaseholders from 10 months to 48 months for the payment of any service charges relating to the Council's costs of the installation of sprinklers.

Source: Council's Statement of case

# Installation days

A key interest point for many impacted residents is the length of time this will take to install. Note it states 'Sprinklers can be installed quickly with disruptive work limited to one or two days'. Yet correspondence with the Council seems to indicate something something different and could up be to five days?

## WILL THE INSTALLATION WORKS BE DISRUPTIVE?

Sprinklers can be installed quickly with disruptive work limited to one or two days. Any damage to internal decorations caused will be fixed as part of the works. Sprinkler pipes and heads are contained within ducting which is run through the hallway where possible to minimise disturbance to your flat.

Source: Homelife October 2018

[http://www.wandsworth.gov.uk/downloads/file/13697/october\\_2018](http://www.wandsworth.gov.uk/downloads/file/13697/october_2018)

[Accessed 23/2/2019]

# Installation days – 2 or 5 days?

## **Email to the Council - Sat, Nov 24, 2018 at 4:59 PM**

"#4 – In terms of disruption whilst the Homelife article states limited to one or two days we have heard that the Council might require access for up to five days. Is this correct?"

## **Email from Council - Thu, Dec 6, 2018 at 4:55 PM**

"The duration of the work will vary from block to block but for a standard two bedroom home on one level the disruptive work involving the drilling of walls will take two days with access required over five. Residents will need to give access as they would over any other major works and as far as is practicably possible the contractor will try and accommodate residents' wishes with respect to access. These time estimates have been provided by experienced contractors and also drawn from our experience of fitting a system to a large homeless persons hostel".

## **Email to Council - 08 December 2018 15:05**

"It seems that five days access is needed rather than two days?"

## **Email from Council – Wed, Dec 19, 2018 at 2:40 PM**

"The information set out in my previous response is believed to be accurate based on our current understanding of the process and to ensure that the work is completed to a good standard. The contractor will of course seek to minimise the need for repeated access and will demonstrate as much flexibility as possible".

# Mortgager not lending?

The Council referred to a comment at a Council Committee which could have furthered any panic from Councillors with regards to a lender no longer providing mortgages on such buildings without water sprinklers.

The Director of Housing and Regeneration stressed that safety of our residents is of paramount importance to the Council. The Director advised that the assumption that concrete blocks are always safe and that fires only spread in cladded blocks is not correct. The Director referred to the fire in Manchester on 30<sup>th</sup> December 2017 where fire had spread to multiple floors of a 12-storey block (the fire had started on the ninth floor and spread to the eighth, tenth and eleventh floors before it was brought under control); and in Belfast in November 2017 where the blaze damaged flats on the ninth and tenth floors before it was brought under control. The Director also advised of a lender now declining mortgage applications for properties not fitted with sprinklers which may raise further concerns for the Council's leaseholders. Clearly, by retro-fitting sprinklers, the Director advised that the Council would also be seeking to protect leaseholder's interests in their property.

Source: Housing and Regeneration Overview and Scrutiny Committee – 18<sup>th</sup> January 2018 – Paper 18-11  
<https://democracy.wandsworth.gov.uk/documents/s55284/Borough%20Residents%20Forum%20-%20Report%20of%20meeting%20on%2011th%20January%202018.pdf>  
[Accessed 23/2/2019]



# Mortgagor not lending?

A Residents Association challenged this comment at a Council meeting

## MINUTES OF A MEETING OF THE BOROUGH RESIDENTS' FORUM HELD AT THE TOWN HALL, WANDSWORTH, SW18 2PU ON THURSDAY, 7TH JUNE, 2018 AT 7.30 P.M.

### PRESENT

Council Members: Councillor Caddy (Chairman), Councillors Mrs. J. Cooper, Dikerdem and White.

Resident Representatives: Mr M. Gwilliam, Ms H. Chantry, Ms M Price – Vice Chairman (Eastern Area Housing Panel); Ms C. Brown (Central Area Housing Panel); Mr R Bishop (substituting for Mrs. A. Daw), Ms N. Carazo, Mrs. B. Doyle and Miss S. Price (Western Area Housing Panel)

### APOLOGIES

Apologies for absence were received from Mrs A. Daw

The Committee proceeded to consider the business set out on the agenda for their meeting (a copy of which is interleaved, together with a copy of each of the supporting papers).

### 1. MINUTES

**RESOLVED** – That the minutes of the Borough Residents' Forum meeting held on 11<sup>th</sup> January 2018 be confirmed and signed as a correct record.

### Matters arising

The following issues were raised

- Community Fibre had undertaken work without notifying residents which had damaged footpaths. Community Fibre had accepted responsibility and would carry out repairs.
- The sprinklers show flat bore no resemblance to the posted YouTube video.
- Giving residents 2 days notice of proposed fire safety inspections was unreasonable and did not allow enough time to alter work and/or other commitments so that the inspections could take place.
- References to "a mortgage lender declining mortgage applications for properties without sprinklers" was out of context and could be misleading (page 9).
- Clarification was requested on whether the Council stood by the 2016 Fire Risk Assessments

# Mortgagor not lending?

And the Residents Association continued the challenge.

***Post meeting note*** – *The request by the Forum to amend the minutes in relation to the Leeds Building Society had already been made in the minutes of the 7th June 2018 – please see Annex 1 to these minutes.*

Source: Housing and Regeneration Overview and Scrutiny Committee – 18<sup>th</sup> January 2018 – Paper 18-11  
<https://democracy.wandsworth.gov.uk/documents/s55284/Borough%20Residents%20Forum%20-%20Report%20of%20meeting%20on%2011th%20January%202018.pdf>  
[Accessed 23/2/2019]



# Mortgagor not lending?

The lender in question, Leeds Building Society, has 1% of the mortgage market share and should be asked whether the original comment by the Council should have been clarified with quantitative information?

Table MM10							
CML members, value of mortgages outstanding, UK							
Return to index							
		Rank	Balances	Market share	Rank	Balances	Market share
#	Lender	2016	2016	2016	2015	2015	2015
1	Lloyds Banking Group	1	293	22.20%	1	300.9	23.40%
2	Nationwide BS	2	171.4	13.00%	2	160.6	12.50%
3	Santander UK	3	153.6	11.60%	3	152.1	11.80%
4	Royal Bank of Scotland	4	129.4	9.80%	5	117.3	9.10%
5	Barclays	5	127.9	9.70%	4	127.3	9.90%
6	HSBC Bank	6	78.1	5.90%	6	74.7	5.80%
7	Yorkshire BS	7	32.9	2.50%	7	32.4	2.50%
8	Coventry BS	8	32.8	2.50%	8	29.3	2.30%
9	Virgin Money	9	29.6	2.20%	10	25.3	2.00%
10	TSB Bank	10	26.8	2.00%	11	23.8	1.80%
11	Bradford & Bingley plc	11	22.6	1.70%	9	25.8	2.00%
12	Clydesdale Bank plc	12	22.1	1.70%	12	20.8	1.60%
13	Bank of Ireland	13	20.3	1.50%	13	20.4	1.60%
14	Co-operative Bank plc	14	16.8	1.30%	14	16.3	1.30%
15	Skipton BS	15	13.9	1.10%	15	12.7	1.00%
16	Leeds BS	16	13	1.00%	16	11.1	0.90%

Source: Council of mortgage lenders  
<https://www.cml.org.uk/documents/largest-mortgage-lenders-2016/2largest-mortgage-lenders-2016.xlsx>  
 [Accessed January 2018]

# Leaseholder satisfaction survey

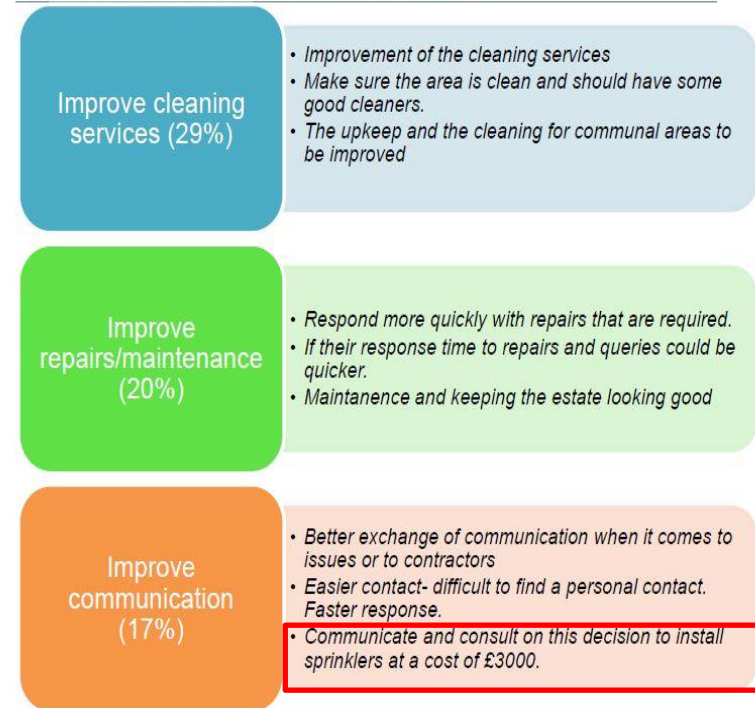
In 2017 improved communications around water sprinklers was requested as part of the Leaseholder satisfaction survey.

Source: Leaseholder satisfaction 2017  
[http://www.wandsworth.gov.uk/downloads/file/13178/leaseholders\\_survey\\_2017](http://www.wandsworth.gov.uk/downloads/file/13178/leaseholders_survey_2017)  
[Accessed January 2018]

## 6 Suggested improvements

To complete the survey all leaseholders were asked to think about the services Wandsworth Council provides, and to suggest up to three things they could do to improve the housing services they provide. Collating all of these responses shows that the main suggestions are to improve cleaning, to improve repairs and maintenance standards and to enhance communications. A small selection of illustrative verbatim comments is shown in the figure below for these key suggestions.

Figure 19: Suggested improvements top 3 (All responses)



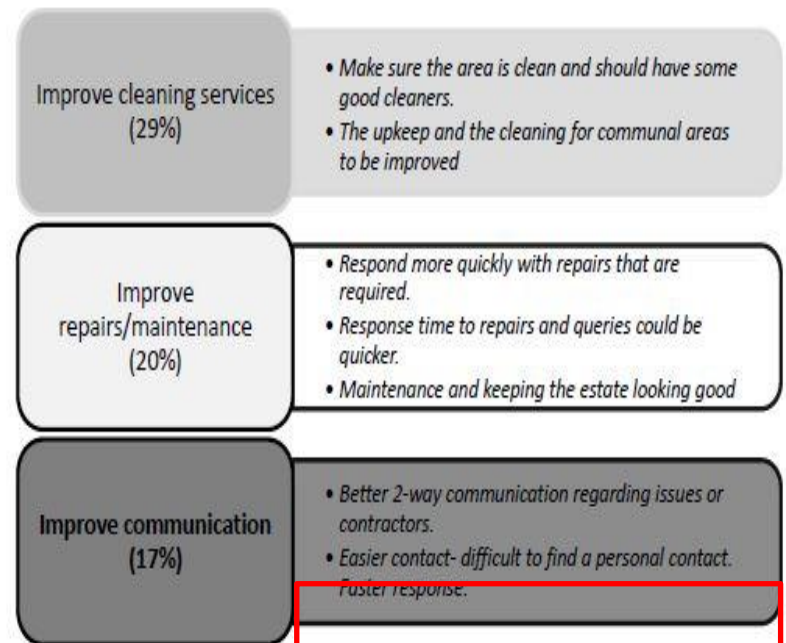
# Leaseholder satisfaction survey

Yet when the survey was presented at the Council's Borough Residents Forum on 4<sup>th</sup> September 2018 the referral to the water sprinklers had been omitted?

## AREAS FOR IMPROVEMENT

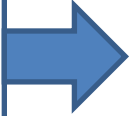
29. To complete the survey all leaseholders were asked to think about the services that Wandsworth Council provides and to suggest up to three things they could do to improve. Collating all of these responses shows that the main suggestions are to improve cleaning, to improve repairs and maintenance standards and to enhance communication. A small selection of illustrative verbatim comments is shown in the figure below for these key suggestions which are intended to be representative.

Figure 5: Suggested improvements top 3 (All responses)



# Ongoing maintenance - cost

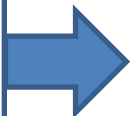
The question was asked at the Borough Residents Forum regarding ongoing maintenance and the claim was that “these costs were not excessive”.



- Whilst it was not clear what the additional maintenance costs of sprinkler systems would be, officers agreed to forward details of the ongoing maintenance costs for sprinklers for systems fitted elsewhere. However, it was understood that these costs were not excessive and in the main would cover tanks and pump maintenance. Officers were confident that any associated fitting costs would be met from reserves without impacting on essential works in the Major Works Programme.

Source: Borough Residents Forum – 4<sup>th</sup> September 2018  
<https://democracy.wandsworth.gov.uk/documents/s61853/Minutes%20040918.pdf>  
[Accessed 23/2/2019]

Hersham Close Residents Association at the same meeting highlighted to the Council the estimated costs as per the London Assembly paper on water sprinklers.



## Maintenance costs

- 2.8 Maintenance costs of AFSS are relatively low and do not generally constitute a significant addition to tenants’ or leaseholders’ service charges. The Chief Fire Officers Association estimates that annual maintenance costs for domestic fire sprinklers are between £75 and £150 per annum per house.<sup>45</sup> Costs in flats may be lower due to the shared nature of the system.

Source: London Assembly: Never again: Sprinklers as the next step towards safer homes  
[https://www.london.gov.uk/sites/default/files/final\\_afss\\_report.pdf](https://www.london.gov.uk/sites/default/files/final_afss_report.pdf)  
[Accessed 23/2/2019]

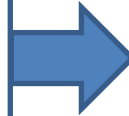
# Ongoing maintenance - cost

Using the example of the 2018 service charge for a two bedroom flat. The charge was £1,028.94.

The minimum estimate of £75 would be a 7.2% increase on the total charge.

The maximum estimate of £150 would be a 14.5% increase on the total charge.

What qualifies as 'excessive'?

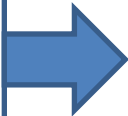


SUMMARY OF COSTS		
Service Charge 2017/2018		
Address:	[REDACTED]	30282
Block:	[REDACTED]	2.320%
Estate:	ALTON	0.040%
NET EXPENDITURE		
ITEMS	ESTATE/BLOCK	YOUR PROPERTY
ESTATE COSTS	£	£
Emergency Response	61124.56	24.45
Garden Maintenance	161123.13	64.45
Cleaning	368075.63	147.23
Lighting	19904.03	7.96
Repairs	104022.29	41.61
Sub Total		285.70
BLOCK COSTS		
Repairs	5699.52	132.23
Hire of Paladins	634.98	14.73
Lift Running Cost	1333.77	30.94
Lift Repairs	3644.48	84.55
Cleaning	4603.28	106.80
Electricity	2447.17	56.77
Contribution to Fund	4475.99	103.84
Sub Total		529.86
BUILDING INSURANCE		
Sum insured	£ 188250	13.55
MANAGEMENT EXPENSES		
		199.83
TOTAL		1028.94



# Ongoing maintenance - costs

At a following Borough Residents “these costs were not excessive” comment was challenged.



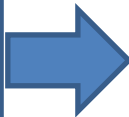
Page 8,  
para 6.

Challenged description of ongoing maintenance costs of sprinklers elsewhere as “not excessive”.

Assistant Director (Housing Management) advised that ongoing maintenance costs at Nightingale Square had been analysed. Description of costs as “not excessive” was accurate.

Source: Borough Residents Forum 10<sup>th</sup> October 2018

The estimated costs were placed within the Homelife October 2018 edition.




## WILL THERE BE ONGOING MAINTENANCE?

Yes, there will be annual maintenance checks of pumps and water tanks to ensure they are working effectively. There will also be annual visual checks of sprinkler heads within individual properties. The Chief Fire Officers Association estimates that annual maintenance costs for domestic sprinkler systems are between £75 - £150 per house, per year and costs in flats may be lower.

Source: Homelife October 2018  
[http://www.wandsworth.gov.uk/downloads/file/13697/october\\_2018](http://www.wandsworth.gov.uk/downloads/file/13697/october_2018)  
[Accessed 23/2/2019]

# Ongoing maintenance – annual checks

In the Homelife October 2018 edition it stated that ‘annual visual checks of sprinkler heads within individual properties’. One Residents Association queried this though one can see that the information for a leaseholder was not offered in the first instance.



## WILL THERE BE ONGOING MAINTENANCE?

Yes, there will be annual maintenance checks of pumps and water tanks to ensure they are working effectively. There will also be annual visual checks of sprinkler heads within individual properties. The Chief Fire Officers Association estimates that annual maintenance costs for domestic sprinkler systems are between £75 – £150 per house, per year and costs in flats may be lower.

Source: Homelife October 2018  
[http://www.wandsworth.gov.uk/downloads/file/13697/october\\_2018](http://www.wandsworth.gov.uk/downloads/file/13697/october_2018)  
[Accessed 23/2/2019]

# Ongoing maintenance – annual checks

**Email to the Council - Sat, Nov 24, 2018 at 4:59 PM**

“With regards to ongoing maintenance, is it proposed that a resident needs to be at home during working hours to allow entry for the annual inspection? This is obviously an inconvenience for many people if that is the case for many might need to have time off work for this. Plus there is the added complication that if a resident does take time off work for this annual inspection and for whatever reason the Council is unable to attend on that particular day that the inspection would need to be rearranged”.

**Email from Council - Thu, Dec 6, 2018 at 4:55 PM**

“The sprinkler heads would require an annual visual check taking no more than a few minutes and we would seek to undertake these during the evening or at weekends where it becomes necessary to accommodate the movements of individual residents”.

**Email to Council - 08 December 2018 15:05**

“the annual gas safety check mentioned applies for tenants, though what about noncouncil tenants?”

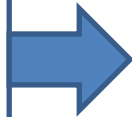
**Email from Council – Wed, Dec 19, 2018 at 2:40 PM**

“The Council has a legal obligation to undertake servicing of gas installations to tenanted homes but this does not extend to leaseholders, who are responsible for those installations and therefore expected to arrange gas services of internal installations themselves. Whether a leasehold dwelling is sublet has no bearing on the position”.



# Consultation – yes or no?

From various discussions with impacted leaseholders and tenants there is an incorrect assumption that residents will be consulted regarding these works. However, one Residents Association has gleamed that this 'consultation' will be as per any major works 'consultation' and will not be an additional 'consultation. These major works consultations are aimed at leaseholders. The next slide will highlight this.



## WILL RESIDENTS BE CONSULTED?

Yes. In addition to the Tribunal application, the council will consult with residents on a block by block basis as the programme of works is rolled out across the borough. Those living in blocks affected will be kept up to date with the progress of works and Residents' Associations will be informed throughout.

Source: Homelife October 2018

[http://www.wandsworth.gov.uk/downloads/file/13697/october\\_2018](http://www.wandsworth.gov.uk/downloads/file/13697/october_2018)

[Accessed 23/2/2019]

# Consultation – yes or no?

**Email to the Council - Sat, Nov 24, 2018 at 4:59 PM**

“When the article states that residents are to be consulted, this is presumably to usual major works consultation under Section 20 and 20ZA Landlord and Tenant Act 1985 as amended and not a consultation in addition to this?”

**Email from Council - Thu, Dec 6, 2018 at 4:55 PM**

“As you suggest, these works will be subject to the statutory two part leasehold consultation process under the Housing Act 1985 (as amended) i.e. Notice of intention and Section 20 consultation”.

# Grenfell report – timescale impact

Given the outcome of the 14<sup>th</sup> September 2018, Housing and Regeneration and Overview Scrutiny Committee meeting, it seems that the urgency of retro-fitting can wait until the findings of the Grenfell report.

In which case more time can be given the leaseholders to bring forward an aggregated challenge which should suit them and the Tribunal?

In response to a question asked by a Member of the Majority Group about the timescales proposed in the amendment, the Director of Housing and Regeneration confirmed that given the following timescales and those associated with reordering the programme, it would allow time for the tribunal to report and for any lessons to be learned from the findings of the Grenfell enquiry before any works to the high rise stock commenced:

- the First Tier Tribunal directions hearing deferred to October 2018
- the First Tier Tribunal hearing is likely to take place in Spring 2019
- decision of the First Tier Tribunal is likely to be announced in Summer 2019
- Grenfell report to be available by the end of 2019.

The Director added, that if the recommendation in the paper is supported it would be sensible to wait for the findings from the Grenfell report given the timings of the various and relevant events take this out as covered by the paragraph above.

The Chairman declared the motion to be carried (in the case of (a) and (c) by 7 votes and 5 abstentions).

RESOLVED – That the Executive be informed that the Committee supports (by 7 votes and 5 abstentions) the recommendations in paragraph 3 of Paper No. 18-279 and in addition the following recommendations as set out below:

(a) (by 7 votes and 5 abstentions) initially focus the Council's sprinkler programme on sheltered schemes and homeless hostels to safeguard our most vulnerable residents first;

(b) allow directions from the First Tier Property Tribunal and recommendations made by the Grenfell Tower Inquiry to shape whether, and how, the programme is progressed across the Council's high-rise stock; and

(c) (by 7 votes and 5 abstentions) continue to seek additional funding from government to pay for fire-safety improvements, particularly retro-fitting sprinklers.

# Conclusion

It can be seen that the Council has been inconsistent in its approach to sharing information and when it does share information it can be seen that sometimes this seems to be confusing and could result in creating hurdles for leaseholders working together due to a misunderstanding of what is and is not being done. The example of 'consultation' means that some leaseholders spoken with believe that there is 'consultation' be had which means that a Tribunal case is unnecessary as the 'consultation' will dismiss this.

If the Tribunal is keen to have as many leaseholders under one umbrella it needs to assist leaseholders by providing more time for leaseholders to bring leaseholders together hence the requirement for the an extension. As well acknowledge the challenges faced accessing the away leaseholders.

Possible assistance the Tribunal might be able to provide;

- 1) Make it easier for the away leaseholders to be reached and/or access resident leaseholders trying to aggregate leaseholders.
- 2) The Council to have a website whereby any and all Frequently Asked Questions can be provided. Refer to Croydon Council's example which addressed many and varied questions - <https://www.croydon.gov.uk/housing/firesafety>
- 3) Council to initiate public meetings so that they can be asked questions by the public which they can then add to the Council's website along with the answers.