**Nobel House Virtual Meeting 08.01.2021 at 11am.**

**Panel:**

* Jo Hills, Director of Assets & Services Raven Housing Trust (Chair) (JH)
* Aaron Bloom, Property Manager Y&Y Management (AB)
* Martin Andrews, Chair 4 Queensway Management (MA)
* David Robb, Home Ownership Manager Raven Housing Trust (DR)
* April Gargiulo (minutes)

**Residents/Owners:** Ben Rowe, Edward Paul Shrimpton, Robert Isaac, John Hooper, Dave & Bethan Langrish, Tony Rooth, Maddy Homewood, Mrs J Shah/Sarika Shah, Mark Luson, Michael Linden, Renee Boyce, Luke Tilleray, Olivia Hogman, Paul Nash, Andrew Walker, Kieran Carratt

**Also attending:** Gareth Owen & Teresa Craig from the Office of Crispin Blunt MP.

**JH:**

**Introduction of panel.**

Y&Y and Raven do not have new information to communicate today but are here to answer what questions we can and to hear residents’ concerns to feed into the process. We will also take away any questions that we cannot answer at this time and provide responses as the work progresses.

We are all in a difficult position, but this meeting allows us to move forward and needs to be positive to make this possible.

The context is changing daily, and we recommend you follow this on Twitter. Many residents may be more knowledgeable than we are, and we ask that everyone keeps sharing information in the owners Facebook group so that we can all stay best informed.

The Building Safety Fund has been extended, and the Daily Mail has started a campaign around this. The Government is also looking into a range of possible alternative funding mechanisms, including mortgages, to help spread costs out.

**MA:**

Introduction of organisations, and an explanation of who everyone is.

Y&Y is the manging agent, appointed by Avon Estates.

4QM represents the homeowners.

Raven Housing Trust represents the shared owners.

All of whom are working together to ensure the maintenance of the building is carried out correctly.

**Questions:**

**Which agency approved the building design and cladding?**

AB - The developer was Hollybrook.

**Several questions were received around NHBC liability, particularly for a lack of general fire stops or cavity barriers identified affecting the Trespa cladding area in the JWA report. These appear to be construction faults that should be covered by NHBC. Can Y&Y confirm if and when they are lodging a claim with NHBC in respect of these items?**

AB - We have lodged a claim with them a few days ago, however we not too sure at this point if the claim will be valid, given it was signed off by building regulations at the time and the materials may have met building standards at that point.

**If the repairs are necessitated because Building Regulations were not followed, especially around fire breaks in cavity walls between properties, there may be recourse against the building firm who did not comply and the building regulations inspector who signed the building off. What is Y&Y doing to pursue this option, rather than charge leaseholders for repairs?**

AB - If this was signed off by building control then there would have been no reason for the developers to have assumed there were any issues. We will always try every avenue; however, it is very unlikely that this will be a fault of the developers. It is also unlikely for Y&Y to take out a lawsuit against the developers for this.

**Isn’t the freeholder responsible for the exterior?**

AB - Yes, the freeholder is responsible for the exterior and communal areas of the building, which is why Y&Y carry out the works. But this is recharged to leaseholders through their service charges as per the terms of their leases.

**Should 4QM seek legal clarification of the cost and liability, and push to secure firm timing from Y&Y/Avon?**

MA – 4QM is not a business, we have no funds available. We can only ask Y&Y to carry out works on residents’ behalf.

**What responsibility sits with RBBC (for planning permission and building control), Avon as the freeholder and seller of the flats, Y&Y who have maintained the property, NHBC, and the government?**

AB – it is the freeholder’s responsibility to ensure the block meets the standards required as per the lease, and therefore to carry out the works required by the report. If there is an issue with the building construction, then NHBC will accept and proceed the claim. Unsure what the governments’ position would be.

**Why has it taken so long for us to still not know what cladding we have, exactly how high the building is, what work is required and the potential costs?**

AB – We were always under the impression that the block and the cladding had been confirmed and that it was deemed to be safe, following tests carried out by the GOV Testing together with Fire Risk Assessments from developers. Legislation changed over time, we got 2 parts of the building tested as per the original requirements and both came back clear. When MHCLG released new legislation, there was confusion with the ESW1 forms and the new requirements. We have since been in touch with numerous cladding experts.

**When do you expect the cladding to be replaced?**

AB – That would depend on the process, and how fast we can get quotations and funding approval. We would like to be able to provide timescales within the next few weeks but cannot confirm that at this stage. We may look at serving the first Section 20 notice shortly, to ensure that it is in place by the time we are able to look at quotations.

**So to confirm, the cladding (apart from the small strip) is still meeting regulations and shouldn’t need replacing?**

AB – correct, the main issues flagged up are on the fire risk assessment. The small strip of cladding does need removing, though.

**The cladding that does need replacing is ACM, for which previous government funding has closed. There has been mention of retrospective applications, will you be looking into this?**

AB – Yes, we have been in contact and made initial steps for retrospective funding. We have applied for both non-ACM and ACM funding.

**What is the name of the company that you are currently using?**

JH – We are still in negotiations at this point and have not signed contracts, so it is not appropriate for us to name them at this stage. They were very busy last year dealing with those that had already obtained funding and were prioritising them.

AB – We hope to issue agreements in the next few days, but we are still in negotiation and finalising.

**Is this contractor a replacement for Warrington? Have we seen the Warrington Report?**

AB – the Warrington testing was inconclusive, and the report was not shared previously due to the lack of reliability in it. We can share it, though. [CLICK HERE](https://seemediauk.sharepoint.com/%3Ab%3A/s/ExternalSharing/EX4U2JUaeFVFn2M3SQqvdssBO2O-YR7lsQ_0N-bkVAz3tQ?e=j1Tc6H)

**Must the Section 20 process be completed before applying for the Building Safety Fund? It would be far preferable to apply for the funding first, and then go through the Section 20 process only if funding is not achieved. Otherwise leaseholders will be making decisions on whether to object to work without knowing how much of the costs they will be liable for. This would cause further delays to the BSF application.**

AB – we already took the decision to apply for the fund in case it was required. The Section 20 is not required for the fund; however, it speeds up the process in case the funding doesn’t go through. Once we have the report back and we are sure of the works required, we will start the Section 20 process.

**Y&Y believe work may commence in May 2021. How can they be confident of this without knowing what is required?**

AB – We don’t. We will only confirm dates once we have the full report back from the firm.

**The BRE report in August 2017 states that the building does have cavity insulation. However, the JQA report from August 2020 states that in location 2 there is insulation that they do not believe “is manufactured from correctly certified fire-stop material” and in location 3 there is “no visible insulation, fire-stops or cavity barriers observed within the cladding zone in this location” Why is there a contradiction between these two reports, and what steps are now being undertaken to obtain the truth?**

AB – This is the very reason we are bringing in a separate firm to carry out a report, to enable us to understand exactly what is needed. We do not want to be carrying out work that isn’t required, in case the other reports were incorrect.

**Please could Y&Y confirm the details of the new consultants leading on this, and given that no Section 20 has been served confirm that their costs are therefore below £250 per property?**

AB – Legal and surveyors fees do not require a Section 20, and therefore there will not be a consultation carried out for this. We are currently negotiating costs with them.

**It is good to hear the latest consultants have been sent their formal proposal with timeline and costs this week. Will this proposal and timeline please be made available for residents to view ASAP, so we have a clearer picture of what is being planned, given the uncertainty?**

AB – Once this is clarified we cannot see a reason why not, but regarding commercial confidentiality requirements we may not be able to release the whole proposal. Agreements should be signed within the next two weeks, hopefully.

**Who will pay for the works?**

AB – if the government funding and potential NHBC claim does not cover the entire cost, then the remainder will be recharged to leaseholders through their service charges.

**What is the potential cost per property?**

AB – At this stage, we aren’t sure. We don’t expect it to be of the scale that people will have seen in the news for some blocks, but residents should be prepared that it could be as high as £30-£40,000 per property.

**There are two government funds, one for ACM cladding and one for non-ACM cladding, which fund have Y&Y registered for, or both?**

AB – We have registered for the non-ACM fund already, however there is the potential for us to retrospectively apply for the ACM fund.

**Last year, to get any funding, the applicant had to provide State Aid Forms for all owners who were subletting commercially, and confirmation of residence for all other owners. Given the issues with contacting is this on Y&Y’s radar to complete shortly, or is this no longer required?**

AB – As far as we are aware, this is still required, and we would still expect each leaseholder to fill in the required documents.

**The Building Safety Fund Application Guidance states that the initial pre-registration phase, applicants must be invited to apply for the full application. Specifically it states “Please do not attempt to apply until you have received this invitation” Y&Y have previously confirmed that they have pre-registered Nobel House for the fund during the pre-registration phase, but could they please confirm specifically that they have now received Nobel House’s invitation to apply for the First Stage Application?**

AB – No we have not, however we have been in contact with them and are awaiting a response.

**Currently, what are the costs associated with the additional fire safety checks that are happening weekly, and the reports that they have been commissioning?**

AB – We have weekly monitoring in place, and currently the costs are around £430 per month.

**Just prior to Christmas the government announced a further fund to pay for additional fire safety equipment or Waking Watches. I believe the latter does not apply to us, but the former might. Have steps been taken to apply for funds from this source for actions that may serve to reduce insurance costs?**

AB - We are awaiting further details regarding the fund and are aware that the government are due to release further information on this shortly.

**How will Raven be able to support shared ownerships if they cannot afford the bills like we have seen in the media, where the costs equal more than their share?**

DR – shared owners are aware that the lease entitles us to recharge any service charge incurred. Our directors and Chief Exec are aware of the situation and are sympathetic with the residents’ situation. The costs are currently speculative, and so is funding, so we have no idea of potential service charges at this point. We will be having conversations with directors about what costs are passed on, and what repayment terms we can offer, but we cannot take any decisions at this point.

**If, in the worst-case scenario, costs are recharged to leaseholders, how will this be charged and how much will come from the sinking fund?**

AB – We will look to take a relatively large sum out of the sinking fund to assist with the costs, and we would hope to be able to provide staggered payment terms, but we cannot confirm yet.

**If we do obtain a grant, can work begin before funding is received or do we have to wait for the funds?**

AB – When we reach this stage, the government will set out clear timetables and payment dates to be agreed with the contractor. Payments are normally staggered once work has started.

**Will Raven pay for the next valuation of my flat given they knew of this potential hurdle when going on the market?**

DR – Our first awareness of any issues around cladding was when 4QM posted on Facebook on 18th August. Prior to that we had no knowledge to pass on, but if anyone feels that we misled them after that date then please contact me directly and we can discuss how to either investigate or proceed through the complaints process.

**While Y&Y consider the Warrington report unacceptable, the findings are still of interest and would inform leaseholders some more, can the report be shared?**

AB – Yes, we will share this with residents that would like it. [CLICK HERE](https://seemediauk.sharepoint.com/%3Ab%3A/s/ExternalSharing/Ecx5U55IqZhMgnIW9b9U_dwBxqZQxhzimNtBpchGI7U4qg?e=duCEB0)

**When will there be a completed and signed off ESW1?**

AB – Once the findings have been concluded, we can potentially obtain an ESW1 form, however it would only give the building a B2 rating which states that it is not compliant, plus it would cost additional money. We would prefer to leave this until the final works have been completed, as this would then generate a compliant ESW1.

**As this continues, what process will there be for regular reporting to keep all parties informed?**

AB – I think the best way forward would be bi-monthly reports collated between Y&Y, Raven and 4QM to be shared on social media, with interim updates of anything particularly useful in between from Raven via 4QM to the Facebook group and Raven’s website.

**Whilst the communication between Raven and 4QM has been great, I am unhappy with the lack of communication from Y&Y.**

JH – Y&Y have been fully engaged with all updates that have been produced by Raven and 4QM.

**What representations have been made to local MP, councillors, or MP’s leading the national campaign on this?**

Both JH and AB have been in contact with local councillors and the MP’s office who have enquired about the issue. The MP’s representative also attended the meeting and asked to be kept up dated as we progress.

**Do you think we need a waking watch?**

AB – Not according to our fire risk assessor, the weekly checks are enough.

**Can Y&Y supply the** **Health & Safety and Fire Safety Policies affecting the building?**

AB – Yes, we can supply the latest documents. [CLICK HERE](https://seemediauk.sharepoint.com/%3Ab%3A/s/ExternalSharing/EX4U2JUaeFVFn2M3SQqvdssBO2O-YR7lsQ_0N-bkVAz3tQ?e=oJpyfE)

**Why have Y&Y involved firms and then dismissed their findings?**

AB – We have been through numerous firms who have pulled out at various stages due to insurance policies not covering their risk, including a large number who have found that the block is just too big for them to deal with. There are too few firms in the country to carry out the work required to every building requiring an ESW1, which results in contractors carrying out work they shouldn’t be. We used the previous contractor on other buildings without issue, however it appears that Nobel House proved too complicated and their standards were not acceptable. We therefore felt it was necessary to obtain a new survey.

**The two firms that have been dismissed, JWA and Warrington Fire, how much has it cost just for them to investigate and provide reports?**

AB – They were not two separate companies, JWA hired Warrington to carry out their testing. I believe their costs were around £3,000 however I am aware that we are withholding payment due to their unacceptable work.

**How much is in the sinking fund, and how much impact will it have on the overall cost of the work?**

AB – Unsure how much is in it now, but it won’t have a massive impact on the total spending cost.

MA – the funds in there still have to cover the lighting and upcoming redecoration project.

**Can the original construction company not provide answers regarding the types of materials used originally (in addition to an independent inspection)?**

AB – Specifications were obtained from developers, however on reports they state items they assume to be there – but stipulate that intrusive surveys should be done for clarification.

**If Y&Y have other buildings in similar situations, where are we in comparison to them? Are there lessons that can be learnt from other blocks?**

AB – Y&Y deal with a range blocks, some of which do need complete re-cladding. They all have different levels of work required, and we take knowledge learnt on one building and share it across departments and teams.

**Comment from attendee: Firstly, whether you are an investor in Nobel House, or live there, I would like to raise the point that this is still a fire risk. If there is a fire, there are three escape routes and I would recommend ensuring all tenants have working smoke alarms in order to avoid Grenfell v2. Secondly, I emailed Y&Y in 2017 shortly after Grenfell and got a different response on the cladding to what we now know today. If we are saying this affects thousands across the country, then we should surely start addressing a collective action in the first instance rather than paying out first. And thirdly, we appreciate those who are not getting paid to deal with this but are still putting in their time.**

**When was the Trespa cladding tested to be safe, and can we see the report?**

AB – Yes you can see the report. It was originally done by the governments testing facility.

**Mr Blunt’s fellow conservative MPs are proposing an amendment to the fire safety bill, which would prevent costs going up. Approximately 20 others have added their names, can we ask Mr Blunt to do so?**

Teresa – Crispin Blunt has written to various constituents; however, he doesn’t believe the amendment is the right place for cladding costs to be covered. He has supported the “All Party Parliamentary Group set up for Leasehold and Commonhold Reform” to try and protect all leaseholders caught in this.

Jo Hills:

We will continue to provide updates going forward when we have them, and we will possibly convene again in the same way once we have more information. Please send in any further questions, and we will continue to respond to them.

Meeting Finished.