

Mr Awoderu – **185 Grenfell Tower**

Stage Three Review **Monday 16th December 2013**

Present:

Simon Brissenden (SB)	Independent Board Member and Chair of the Stage Three Review
Fay Edwards (FE)	Resident Board Member and Chair of the TMO Board
Anthony Parkes (AP)	Executive Director of Financial Services & ICT
Yvonne Birch (YB)	Executive Director of People & Performance
Janet Seward (JS)	Performance & Improvement Manager and clerk to the Stage Three Review
Roger Keane (RK)	RBKC General Needs Commissioner and observer to the Stage Three Review

Introduction

JS gave a summary of the six items comprising Mr A's complaint as follows:

1. Costs of concierge/security/CCTV
2. EMB staff
3. Heating and hot water
4. Refurbishment of Grenfell Tower
5. Power surges experienced in May 2013
6. **30th April 2010 fire broke out in Grenfell Tower**

There was an initial discussion regarding whether or not we were correct in guillotining Mr A's complaints about the heating and hot water system and the **30th April 2010 fire** (items **3 & 6**). We told SB that these issues had not been brought up before and that according to the KCTMO Complaints Policy, it was not appropriate for these issues to be dealt with through the Complaints Procedure as they fall into the category, 'anything that happened over a year ago, unless the complainant has only recently become aware of the situation'.

SB asked if we had clear evidence that either the complaints had not been raised earlier or that we had officially turned them down. We considered that we were as confident as we could be that this was the case.

AP stated that there was no fire brigade report and that Mr Awoderu had been told that the matter was closed. SB said that he wanted reassurance that if Mr A went to the Ombudsman that we would be able to demonstrate that we had no evidence that Mr A had asked about the April 2010 fire report previously. We concluded that this

was not, in fact, a service request but could be considered as an FOI. We agreed that Mr A could be considered unreasonably persistent. Janice Wray has check with the fire brigade and Mr A has been told at Stage 1 and Stage 2 that we haven't got a report.

1. Costs of concierge/security/CCTV

Our reply to him was based on an apportionment done by RBKC. SB asked if there has been any changes on the estate or changes in standards, for example have the concierge hours been reduced. AP confirmed that there were no differences although costs have increased because of inflation. AP explained that Mr A had incorrectly apportioned the costs as 82% of the total (£43,946/£57,272) when in fact it was 55% (£43,946/£85,356.55). AP also confirmed that we are revisiting the calculation and that any changes would be implemented in 14/15. The apportionment was considered reasonable at the time. AP does not expect any adjustment to be large. AP says that the review will be done in January/February.

Panel's decision: **Complaint not upheld**

- The charges **were** considered reasonable at the time.
- **We** are reviewing the charges.

2. EMB staff

SB asked what are we meant to provide and what exactly we provide. AP obtained a copy of the lease for 185 Grenfell Tower and demonstrated that the lease was not specific regarding duties and just an undertaking to provide a service. The service is described in an SLA with RBKC. There is no contract between the TMO & EMB.

Panel's decision: A **statement of fact**, no **further comment**.

3. Heating and hot water

SB asked when he first complained to the TMO. AP said that MR A had been complaining about the heating and how water 'on and off' over the years. The issue is described at length by Mr A in his email to the Complaints Team of 9th August 2013 forwarding an email of 28th July 2013 to Councillor Rock Feilding-Mellen and of 29th July 2012 to Councillor Coleridge. Mr A considers that we should let Colfley do the work but AP said that that contractor was not big enough to so this work. It was also considered by the panel that the new heating and hot water system would take a substantial amount of the capital programme funding

(£2.5 from £17.5). Peter Maddison is very clear in his letter about why time is needed to plan things out properly.

Panel's decision: Complaint not upheld

- We have acknowledged that the system is not working efficiently and that we will make improvements.
- JS will check with Peter Maddison regarding planning consent so that we can tell him when we can expect planning permission.
- Make formal statement that the matter is closed.
- Confirmed that there is a gas meter but that it does cover the whole estate.

4. Refurbishment of Grenfell Tower

The panel considered that it ought to be put into context. The contract has been retendered. Mr A mentions in his email of 6th August 2013 (forwarded to TMO by Mr A on 8TH August 2013 that, 'The KALC (Kensington Academy Leisure Centre) project has so far gone according to plan and is on schedule to be complete by September 2014.' Mr A met with Councillor Coleridge in July 2012 and with Councillor Feilding-Mellen and Laura Johnson this year. Mr A mentioned the matter in his email to Councillor Feilding-Mellen, Laura Johnson and Councillor Judith Blakeman on 6th August 2013.

Panel's decision: Complaint not upheld

- Would be useful to state when complaint was first raised.
- State what is being done and that unless we hear from him again, the complaint is closed and he will have to raise a fresh complaint.

5. Power surges experienced in May 2013

We have responded to the power surges issue and given £200 as an ex-gratia statement. It is clear to leaseholders and tenants that RBKC ensure the property but not the contents. AP sought advice from RBKC insurance and [REDACTED] over this issue. It was stated that RBKC are the insured party not us. [REDACTED] said that property insurance does not cover this issue. [REDACTED] also confirmed that it was not caused by negligence and that we have done all the statutory things that we have had to do. We made it clear that £200 was not recompense for the damage to equipment but as some recognition of the trouble residents had been caused. We considered that unfortunately, the £200 has probably clouded the issue and may have made some think that we look like the guilty party when we were not, so – our good intentions have been turned against us. We have also said that if there is a genuine need to come back to us.

Panel's decision: Complaint not upheld

6. 30th April 2010 fire broke out in Grenfell Tower

The panel considers that this is an unreasonable complaint. We do not have the fire report and have told him this. Once we have closed the complaint, it is closed. The panel considered that Mr A is being unreasonably persistent.

Panel's decision: Complaint not upheld

Summary

The panel have reviewed the Stage 3 complaint including looking at Mr A's individual lease. They are satisfied that the complaints have been dealt with properly.

The Stage 3 reply will be sent out from Simon Brissendon.