

**Gainsborough Studios, N1  
Phase 1, s20 Consultation  
Response to Observations  
9 February 2021**

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## Gainsborough Studios, N1 – 15-54 East Studios

### Phase 1 Section 20 consultation – Response to observations

#### 1 General update

The phase 1, s20 consultation ended 21 January 2021. At the end of the consultation the Group had received responses from three residents in total.

Please note that the 1<sup>st</sup> phase ‘Notice of intended works’ is not designed to provide a detailed scope of works or costs at this stage.

Below we have summarised the questions raised and the current position:

#### 2 Observations on proposed works:

- 2.1 Are there any over and above works that IDM are doing as part of this overall programme of works?

We are not aware of any additional works that IDM plan to complete that are over and above the remedial works. IDM, as our Managing Agent, are working on our behalf to investigate the building’s remedial repair requirements and are coordinating the funding which will support delivery of the necessary works. We can confirm that the GLA is issuing an Agency and Access Agreement, for IDM and Southern Housing Group to enter into and this will act as a signed agreement for IDM to act on Southern Housing Group’s behalf in relation to the remediation works.

- 2.2 A Scope of works was not provided can SHG provide a copy?

A copy of the proposed specification spreadsheet (as produced by contractors Guildmore) is available on the [microsite](#). Section 3.5 of the document sets out proposed works in respect of East Studios.

- 2.3 Please provide a copy of the Fire Engineers report, which is currently not on the micro site.

A copy of the fire report has now been added to the Gainsborough Studios [microsite](#).

- 2.4 Please confirm who concluded that the building does not meet the current building fire safety standards?

Qualified fire engineers from the following companies, Façade Remedial Consultants, Lawrence Webster Forrest and Build Tech Consultancy Ltd, have carried out investigations and have each carried out surveys and reached these determinations.

2.5 Please confirm what standards are not being met. Does this include B4, Approved document B – Fire Safety (external fire spread)?

The mandatory clause identified by the fire engineers is as follows: Building Regulations Approved Document B 1991, B4. (1) which states: *“The external walls of the building shall adequately resist the spread of fire over the walls and from one building to another, having regard to the height, use and position of the building.”* [LWF, Gainsborough Studios, London, Fire Safety Review of External Cladding, July 2020]

2.6 Has the risk of fire spread across the cladding been assessed after the cladding has been replaced and leaving the existing balconies in place?

No. Due to the design and the fixing arrangements for the balconies, the timber decking on the balconies won't achieve the B1 fire safety rating necessary if works are not done to the balconies.

Here is the relevant extract from the FRC report: *“It is our opinion that the Timber used in the construction of the balcony decking coupled with the fact that it is exposed from below, would act as an assistant to fire spread and it would be recommended to replace all of this material within the construction with a suitable substitute which would achieve limited combustibility or better in accordance with the latest MHCLG Guidance.”*

### 3 Other general observations

We can confirm that we have formally instructed IDM to act for Southern Housing Group.

As per the answer to question 2.1 above, we can confirm that the GLA is issuing an Agency and Access Agreement, for IDM and Southern Housing Group to enter into and this will act as a signed agreement for IDM to act on Southern Housing Group's behalf in relation to the remediation works.

3.1 Why is there such a short period of time between notice of intended works and starting works?

Landlords may have to serve consultation notices on leaseholders at the following three stages in the process of awarding a contract:

- the pre-tender stage – notice of intention; and
- the tender stage – notification of landlord's proposals (estimates); and
- in some cases, notice of reasons for awarding the contract

Each consultation window is up to 30 days from the date of service for each stage.

We have applied for the Government's Building Safety Fund (BSF) in relation to the external cladding via Invest Develop Management Property Management (IDM), our External Managing Agent, and a condition of the grant is that work has started on site before the end of March 2021. The range of contractors available to carry out the work in this time frame is limited. This means we are not able to fully meet the

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consultation requirements under the Regulations. However, we are seeking to consult you on the proposal to the extent that we are able.

We believe that residents broadly support the works proposed which is intended to address fire safety concerns and to also provide a valid EWS1 form on completion which would assist residents with both staircasing, re-mortgaging and resale activity.

### 3.2 Is SHG route to remedial works same as that being taken by IDM?

Yes, please see the answer in relation to how the works are being procured.

### 3.3 Please confirm that costs for works to each block will be met by all residents in the block regardless of whether they have a balcony or not?

The cost of any works not covered by existing Government grant will be apportioned across all homes within 15-54 East in accordance with the apportioning methodology set out within the lease agreement. The lease provision provides for costs to be shared in accordance with the Specified Proportion, which is 2.4% regardless of the location of the works within the building.

### 3.4 Will North facing flats 1-14 East Studios contribute towards East block costs?

IDM has apportioned the costs for the work to each of the blocks at Gainsborough Studios.

### 3.5 What about flats still owned by the local authority? Are they contributing towards costs?

To confirm, the affordable homes within Block 15-54 East Studios are owned by the Group which is a registered provider (Housing Association) and not a local authority.

The cost of any works not covered by existing government grant will be apportioned across all homes within 15-54 East in accordance with the apportioning methodology set out within the lease agreement governing major works.

### 3.6 Are Private leaseholders receiving more information that SHG residents?

We are aware that, on occasion, the landlords of the other part of the East block have released information to private tenants concerning fire safety proposals without our prior knowledge, and this has filtered through to our leaseholders and residents. We are actively putting measures in place to ensure that all residents have access to the same information regardless of tenure. All of our communications, along with relevant documents, are available at our dedicated microsite, which our residents can access for the most up to date information. We are in regular contact with the managing agent and will endeavor to ensure communication is better linked going forward.

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Southern Housing Group is updating residents and leaseholders whenever we obtain new information, and we foresee that this strategy will continue as remedial work moves forward. When we have information that is relevant to leaseholders at the development e.g. regarding leaseholder financial commitments, or to all residents, such as that concerning fire and building safety, we will continue to email and/or write to all concerned, as well as ensuring the latest information is available at <https://www.shgroup.org.uk/your-home/repairs/gainsborough-studios>.

3.7 Please confirm the current position on the Government grant application. Is there a short fall, if so what works are not covered?

In respect of the overall remedial works we are working with the government to apply for that fund to cover the cost of this work for our residents. We are still awaiting written confirmation from the GLA about the extent of works that will be covered by the funding. We expect to be able to update residents further once the Agency and Access Agreement for IDM and Southern Housing Group has been signed.

Due to the complex ownership structure of the buildings, IDM have had to register the Gainsborough Studios East buildings with the government's building safety fund on behalf of the Group and the other building owners. We continue to work with IDM as they move to the formal application stages with the aim of securing funding for our leaseholders/shared owners. Whilst our preferred option is to secure funding that means the leaseholders and shared owners do not have to carry the burden of these costs, we do have a legal obligation to make leaseholders and shareholders aware that the funding application may not be successful.

We also do need to be clear that safety is the first priority and as a matter of principle we would never let any questions about how work will be funded stand in the way of getting essential safety work done.

3.8 I am concerned about repayment options.

Southern Housing Group is a not-for-profit charitable housing association and is regulated by the government which sets rules about how we can spend our money.

The funding for the building safety programme for East Studios at Gainsborough Studios development is under consideration and we are obliged by the rules governing our business to pursue all available funding avenues open to us. Our preferred option is, of course, to find a way that means that leaseholders do not have to carry the burden of these costs. In the event that any application for Government funding is not successful, we will work with residents to explore and offer suitable re-payment options based on their individual circumstances.

You will be aware of the government's building safety fund designed to support leaseholders with the costs of building safety work to remove and replace non-ACM building materials. This fund only covers work to the external walls of the building. It does not cover the cost of the internal measures which is why we have made clear to our leaseholders/shared owners that we need to recharge for those works.

3.9 Is the balcony part of the cladding system, in which case why is it not eligible for funding?

The replacement of the balconies has already been assessed in the FRC report. We can confirm that IDM have confirmed the balconies are in the approved funding award via e-mail and we have also had verbal confirmation from the GLA and we are awaiting written confirmation of this.

3.10 Why are leaseholders paying for works if the building wasn't built properly?

We have taken legal advice regarding the possibility of holding the original developers to account over the cost of remediation work, and sadly, have been advised that as the building was completed in 2002, it falls outside of the realms of contract law, and as such, we have no legal recourse to claim against the developer.

Going down a recharge route for leaseholders would be a last resort and we would only consider it if for some reason the government chose not to grant the funding. We are working hard to avoid having to put leaseholders in that position and as soon as we have some definite news on this point, we will share this with you.

3.11 Additional internal communal works.

Any internal works required to the East blocks will be subject to separate s20 process and we will write to residents in due course about these works.