

## **STATEMENT OF CARLTON MANSIONS HOUSING CO-OPERATIVE**

### **Summary**

Carlton Mansions is a Victorian mansion block in the centre of Brixton. It has the famous “Nuclear Dawn” mural on its side. It contains 16 flats. It has been occupied for 31 years by workers and artists, organised as a co-operative, who have worked with Lambeth over that time to house homeless people and who have played a full and vital part in the life of the community. Following a Fire Risk Assessment in March, Lambeth have been trying in the most fierce and brutal manner to evict the residents. They tried twice to use an injunction to force people out of their homes at short notice. Both times the Judges have refused to hear this attempt at a backdoor possession order. So far, the courts have not allowed them to do this. Lambeth have *refused even to consider* the obvious alternative, making the building safer, which would allow us to stay in our homes for another 18-24 months.

### **The Background and the Co-op**

The Co-op’s occupation of Carlton Mansions is an example of short-life housing in Lambeth. A full history is set out in Matthew Clarke’s statement in the court case (see Notes below). The essential points are these:

- Short-life housing was a way of using council-owned buildings, that would otherwise be empty, to house homeless people.

- It allowed the buildings to be cared for and used while they awaited redevelopment.
- The council has decided to stop providing this kind of housing and have been evicting the occupiers and selling the properties over the last couple of years.
- Carlton Mansions is in a different situation from the other short-life properties because it is part of a redevelopment project, the Somerleyton Road Project. As part of that project major works will be carried out to the building in 18-24 months time, but there has previously been no suggestion that the residents would be evicted before then.
- Documents recently published on the Somerleyton Project website give early 2015 as the date for construction to begin.

The Co-op has cared for and maintained this building for over three decades, prevented criminal or anti-social activity, accepted nominations from Lambeth of homeless people to fill its vacancies, paid its council tax and its tenants have generally been active and committed members of the community. The members of the Co-op work together and support one another. We are members of a real community of a kind which is increasingly rare in London.

We have been fully engaged with the redevelopment process. Lambeth officials said in 2009 that “Carlton Mansions Housing Co-operative were actively involved in the development of the [Brixton] Masterplan.” Mr Neil Vokes, the lead Lambeth officer for the Somerleyton Road Project, has repeatedly acknowledged our contribution. In an

email on 02/05/13 he said “Our working assumption, prior to the Fire Risk Assessment, was that we would work with you to come up with a long term proposal for Carlton Mansions – artist studios/creative industries etc. I would still like that to happen.”

### **The Fire Risk Assessment**

Carlton Mansions is a four storey Victorian mansion block with 16 flats arranged around 3 stairwells. Each stairwell goes up to a flat roof, from which the other stairwells can be accessed. In March this year there was only one fire exit, at the front of the building. There has never been a fire here during the Co-op’s 31 years of occupation.

Lambeth asked to carry out a fire risk assessment on the building, and we provided access accordingly. On 13/03/13 the Assessor provided a report, to Lambeth only, declaring that there was an “intolerable risk” of harm from fire to the occupiers. We were given no chance to discuss the report, instead we suddenly got a letter from the Council telling us to leave.

We were not happy with the report when we eventually managed to look at it (we were not given a copy until 10/04/13). We instructed another firm of experts to carry out the same risk assessment process, without telling them about the first report. This second report (dated 30/04/13 and supplied to Lambeth on 16/05/13) said that the risk was “tolerable”.

Both reports call for steps to be taken to reduce the risk. We accept this. We are asking Lambeth to agree a fire expert who can prepare a costed schedule of works so that they and we can consider the feasibility of carrying them out. The building is due to be gutted

in 18-24 months; any works to be done need not be beautiful, and should be as cheap as possible. The Co-op can carry out many of these itself.

In advance of the expert's report: the recommendations from both assessments fall into six groups.

1. There are various requirements for clearing common parts, putting up signs, and paperwork. These are easy and have mostly been completed.
2. Some at least of the original fire resistant doors to the flats should be replaced with new fire doors, which should also be used for two cupboards.
3. There is concern in the Lambeth report about faults to the plaster in the stairwells which might therefore not be sufficiently fire resistant. We are going to repair the plasterwork where needed. If necessary further fire-resistant plasterboards could be attached cheaply.
4. The electricity installation in the common parts is criticised and will need to be upgraded.
5. The fire extinguishers needed to be upgraded and an alarm system installed. We have bought 20 fire extinguishers which we will fit on the stairwells.
6. There is concern about the single fire exit. There are two other possible exits. One, from the middle of the building, was closed off by Lambeth a few years ago when a wire fence was put up round what is now a car-park. Lambeth can re-open this by putting a one way door in the fence. The other, at the back of the building,

has been re-opened. We also want to put fire exit in the side alley way gate. Though this will need the Council to make sure the front of gate is not blocked due to Council letting the space in front as a car parking space for the shop

7. It is in our view realistic to think that the building can be made reasonably safe to live in for relatively little money.

### **Lambeth's response and the court case**

Lambeth responded to the first fire risk assessment by deciding, at once and without consultation, to evict all the residents. No other option was considered.

We believe that this decision and the subsequent conduct of the case is the doing of certain Lambeth officials, and that the elected representatives and officers of the Council have never had the chance to take any other decision. Our reason for saying this is the report of Mr Simon Matthews to the Cabinet member for Housing, Councillor Robbins, dated 21/03/13 and attached to his witness statement in the court case. In this report he quotes the Fire Risk Assessor (including quoting, without criticism, the comment that "The residents in terms of their social environment and conditions are likely to carry out practises where fires could develop in the home". This is an unnecessary insult that is representative of how this situation has been handled.) He recommends our immediate eviction. Nowhere in the report does he suggest any alternative, and in particular he never suggests that Lambeth might consult on any other course of action or that the building might instead be made safe. The council member had no option but to go along with the report.

Lambeth's subsequent "consultation" with the Co-op was only concerned with evicting us. They offered to put us up in temporary Bed and Breakfast accommodation – at a cost of £286.78 per week for a room, which none of us can afford. Then on 30/04/13, with one day's notice, they applied to Lambeth county court for an injunction to evict us. This is a court order requiring us to leave our homes at once on pain of imprisonment if we disobey. It is a very unusual and drastic procedure to adopt instead of normal possession proceedings.

We have been enormously distressed and under huge strain as a result of these actions, and some of us have had to seek medical help; see Matthew Clarke's email to Councillor Lib Peck dated 02/06/13.

The court has twice refused to make such an injunction, on 30/04/13 and on 22/05/13. It has taken seriously our arguments that Lambeth's actions are disproportionate and a breach of our Article 8 human right to respect for our homes. At the last hearing it made directions with a view to a full court hearing which is due to take place on 04-05/09/13.

Despite the court's rejection of Lambeth's "we must evict at once" argument, Lambeth still refuses to consider any other way forward. They are still pressing for an injunction rather than relying on ordinary possession procedure.

In witness statements served just before the last hearing, Lambeth's officials are claiming nearly £10,000 from each co-op member for damages for our occupation of the building since 2010. This claim has no basis (we have saved Lambeth money, not cost them anything) and has been made simply to frighten us.

In recent correspondence between the solicitor acting for Mr Allen, one of our members, and Lambeth's solicitors, Lambeth is trying to block the appointment of an expert to draw up the schedule of works we need done. They say they do not consider that a costed schedule of works is of any purpose. The only outcome they are prepared to countenance is our eviction.

**The Alternatives - Lambeth's idea:**

What Lambeth is trying to do is to evict us and to secure the building until it is redeveloped. This means:

- We are to be made homeless. Those of us who are entitled to help will have to be found scarce accommodation by Lambeth.
- The building will become an eyesore in the centre of Brixton, a magnet for illegality and arson.
- The cost to Lambeth of securing Bradys, a pub and music venue in Brixton which Lambeth closed down, was £70,000 per year – it will cost at least that for this building.
- Lambeth is spending large amounts of public money in bringing unreasonable court proceedings against us.

**The Alternatives - Our idea:**

What we propose instead is that Lambeth consider working with us to make the building reasonably safe against fire. This means:

- Lambeth will not have the additional burden of housing us.
- We shall continue to take care of the building and contribute to the community and the redevelopment project.
- The cost to Lambeth will be set off by our council tax payments.
- We will be able to stay in our homes for the 18-24 months before the building is redeveloped.

### **Conclusion**

We ask that Lambeth considers our alternative, instead of blocking it in every way they can. We say that nothing less is required of them as a responsible public authority.



## Notes

The witness statements of Matthew Clarke for the Co-operative and of Simon Matthews and Peter Drake for Lambeth have been referred to in open court and are therefore public documents. All the documents referred to and quotes cited are in or attached to these statements. We can supply copies.

So also can Anthony Gold solicitors of 169 Walworth Road London SE17 1RW, reference David Thomas or Eleanor Solomon.

Copies of the correspondence between Anthony Gold and Devonshires referred to are available on request from the solicitors.

An example of a document giving early 2015 as the start date for construction on the Somerleyton Project website was accessed on 11/06/13 at <http://somerleytonsays.files.wordpress.com/2013/03/employment-training-local-business-workshop-1-briefing.pdf> (copy available).