Wolverhampton City Council

OPEN EXECUTIVE
DECISION ITEM (AMBER)

Cabinet (Resources) Panel

Date 12 FEBRUARY 2013

Portfolio(s) COUNCILLOR P BILSON/
ECONOMIC REGENERATION AND PROSPERITY

Originating Service Group(s) EDUCATION AND ENTERPRISE

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Title CITYWIDE ROOF REPLACEMENT SCHEME -
WORKS TO PROPERTIES IN PRIVATE OWNERSHIP

RECOMMENDATION

Cabinet (Resources) Panel are recommended to approve;

1. That where works are required to shared chimneys as part of the roof refurbishment works to Council owned properties, and the adjacent property is in private ownership, the owners are approached to agree to the necessary and essential works being undertaken;

2. That where other specific works, such as lining or replacement of finlock guttering, is essential, or where it would be impractical not to carry out this work, adjacent owners are approached and agreement reached for this work to be undertaken;

3. That subject to the agreement in 1 above being forthcoming, that the owners of these properties are not charged for the necessary works to the shared chimneys or guttering;

4. That the owners of these properties undertake all future liabilities for the repair and maintenance of the chimneys after the works have been satisfactorily completed.
1. **PURPOSE**

1.1 The purpose of this report is to seek approval from Cabinet (Resources) Panel to carry out essential works to private properties that are adjacent to Council owned properties within the 2013–2018 Citywide Roofing Refurbishment Programme (managed by Wolverhampton Homes), where it is essential or impractical to do the works to the Council owned properties only.

1.2 Further, this report seeks approval for the necessary and essential works to shared chimneys and guttering, to be carried out by Wolverhampton Homes and our contractors, subject to the agreement being forthcoming, at no cost to the owner.

2. **BACKGROUND**

2.1 The Citywide Roofing Refurbishment programme will run for five years from 2013/14 until 2017/2018 totalling almost £12m, covering approximately 1500 properties - 35 properties in the first year. It is not yet known how many of these properties adjoin a privately owned property and what level of repairs are required until scaffolding is erected and inspections have been carried out.

2.2 The scheme is specifically to replace pitched and flat roof coverings as a high number of council owned properties still have the original roof coverings with only minimal repairs and maintenance having been carried out over the years. The roofing refurbishment programme will also include replacement fascia’s, soffits, rainwater goods, insulation (including upgrade) and guttering together with any associated roof strengthening and chimney repairs/re-building.

2.3 Initial surveys have shown there are number of council owned houses and bungalows within specific areas of the City that have finlock gutters or similar configuration. It will be necessary on these properties to insert a butyl liner (or similar) and in order to create a seamless joints, it would be impractical to do this work to the Council owned properties whilst ignoring the adjoining privately owned property.

2.4 It will also be necessary to carry out repairs/rebuilding to shared chimneys but the exact details of repairs required will only become apparent when scaffolding is erected enabling close examination of the structures. Examples of the type of work and the total costs involved will be:

   Chimney repairs                  £500  
   Replacement lining – finlock gutters £500

   There are no additional costs associated with scaffolding to the privately owned properties.

2.5 The co-operation of the owners of adjoining privately owned properties is often required to facilitate works to roofs and chimneys of council owned properties. The process is also covered by the Party Wall Act with the Council having to serve notice on adjoining owners due to the nature of the works.

2.6 In the majority of cases, and particularly where the deterioration of the chimney in particular is more severe, it is impractical to restrict the work carried out to the council ‘side’ only of a shared chimney stack.
3. **PROPOSALS**

3.1 Where works are required to roofs and chimneys which are shared with an adjoining private property the Council has two choices on how to proceed:

i. a charge could be made for a proportion of the cost of the work after due notification has been given prior to the work on the roof refurbishment programme commencing. This could lead to protracted discussion and perhaps disagreement causing delay or fragmentation of the programme.

ii. the Council could authorise Wolverhampton Homes and its contractors to carry out only necessary but essential works to the roof/chimney at no cost to the owner, subject to the usual indemnities.

3.2 There have been similar programmes in the past where Right to Buy owners have not been charged for work undertaken to shared chimneys during a roof strengthening scheme in Bushbury area of the City.

3.3 Imposing a recharge for the cost of works to privately owned properties may result in additional costs to the programme based on:

i. Delays to the progress of the roof refurbishment programme due to owners not being able/willing to fund the cost of the necessary works;

ii. Owners refusing to have the works carried out at their cost leading to further delays potentially involving legal solutions;

iii. Protracted negotiations regarding the costs prior to the private owner agreeing to the works commencing.

3.4 It is therefore recommended that the Council does not seek to recover the cost of the works from property owners.

4. **FINANCIAL IMPLICATIONS**

4.1 It is estimated that on average the cost of works apportionable to the private owner would be approximately £250 per chimney stack and £250 per property for repairing the guttering. These costs will be met from the Citywide Roofing Refurbishment programme budget, which is part of the HRA capital programme, and which has an approved budget of £12.000M to be spent over the next five years.

4.2 At present it is not possible to estimate the number of chimney stacks and gutters which will require repair and are shared with private owners over the course of the five year program. It has been determined that in the first year of the program of the thirty five properties identified as requiring work there are twenty one properties in private ownership that may require repairs. Therefore, the maximum that will be spent on privately owned houses in the first year of the program is £0.011M. Before the second year of the program starts another report will be submitted that can more accurately state the number of privately owned properties which will require work as part of the program.

[CF/24012013/L]
5. **LEGAL IMPLICATIONS**

5.1 The process of carrying out works to boundaries and party walls is covered by the Party Wall Act, and the Council will serve notice on adjoining owners in all cases where this is required due to the nature of the works.

5.2 The owners of properties where the Council carries out work will be formally required to undertake all future liabilities for the repair and maintenance of the chimneys after the works have been satisfactorily completed.

[JH/30012013/I]

6. **EQUALITY IMPLICATIONS**

6.1 There are no direct equalities implications from this report.

7. **ENVIRONMENTAL IMPLICATIONS**

7.1 There are direct environmental implications from this report.

8. **SCHEDULE OF BACKGROUND PAPERS**

Works to Chimneys in Private Ownership as part of the Roof Strengthening in Bushbury Report – 7/2/12.

Roof Refurbishment Programme – City Wide 2013/14 – 2017/18 Schedule.