

# Agenda

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## Council

Date: **Tuesday 22 August 2017**

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Time: **5.00 pm**

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Place: **Council Chamber, Town Hall**

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For any further information please contact:

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Officer**

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# Council

## Membership

<b>Lord Mayor</b>	<b>Councillor Jean Fooks</b>
<b>Deputy Lord Mayor</b>	<b>Councillor Christine Simm</b>
<b>Sheriff</b>	<b>Councillor Mohammed Altaf-Khan</b>

## **Members**

<b>Councillor Mohammed Abbasi</b>	<b>Councillor Mark Lygo</b>
<b>Councillor Farida Anwar</b>	<b>Councillor Sajjad Malik</b>
<b>Councillor Jamila Begum Azad</b>	<b>Councillor Chewe Munkonge</b>
<b>Councillor Ruthi Brandt</b>	<b>Councillor Michele Paule</b>
<b>Councillor Susan Brown</b>	<b>Councillor Jennifer Pegg</b>
<b>Councillor Nigel Chapman</b>	<b>Councillor Susanna Pressel</b>
<b>Councillor Mary Clarkson</b>	<b>Councillor Bob Price</b>
<b>Councillor Colin Cook</b>	<b>Councillor Mike Rowley</b>
<b>Councillor Steven Curran</b>	<b>Councillor Gill Sanders</b>
<b>Councillor James Fry</b>	<b>Councillor Craig Simmons</b>
<b>Councillor Andrew Gant</b>	<b>Councillor Dee Sinclair</b>
<b>Councillor Stephen Goddard</b>	<b>Councillor Linda Smith</b>
<b>Councillor Angie Goff</b>	<b>Councillor John Tanner</b>
<b>Councillor Mick Haines</b>	<b>Councillor Richard Tarver</b>
<b>Councillor Tom Hayes</b>	<b>Councillor Sian Taylor</b>
<b>Councillor David Henwood</b>	<b>Councillor David Thomas</b>
<b>Councillor Alex Hollingsworth</b>	<b>Councillor Marie Tidball</b>
<b>Councillor Rae Humberstone</b>	<b>Councillor Ed Turner</b>
<b>Councillor Dan Iley-Williamson</b>	<b>Councillor Louise Upton</b>
<b>Councillor Pat Kennedy</b>	<b>Councillor Elizabeth Wade</b>
<b>Councillor Mark Ladbrooke</b>	<b>Councillor Ruth Wilkinson</b>
<b>Councillor Tom Landell Mills</b>	<b>Councillor Dick Wolff</b>
<b>Councillor Ben Lloyd-Shogbesan</b>	

The quorum for this meeting is 12 members

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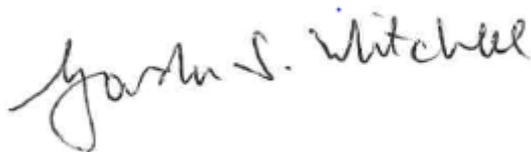
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## SUMMONS

A meeting of the City Council will be held in the Council Chamber, Town Hall, on Tuesday 22 August 2017 at 5.00 pm to transact the business set out below.



Proper Officer

## AGENDA

Pages

### PART 1 - PUBLIC BUSINESS

**1 APOLOGIES FOR ABSENCE**

**2 DECLARATIONS OF INTEREST**

**3 ANNOUNCEMENTS**

Announcements related to the matter for decision and any urgent matters by:

1. The Lord Mayor
2. The Leader of the Council (who may with the permission of the Lord Mayor invite other councillors to make announcements)
3. The Chief Executive, Chief Finance Officer, Monitoring Officer

**4 PUBLIC ADDRESSES AND QUESTIONS THAT RELATE TO MATTERS FOR DECISION AT THIS MEETING**

Public addresses received in accordance with Council Procedure Rules 11.4, 11.11, and 11.13 relating only to matters for decision in Part 1 of this agenda.

Council procedure rules 11.4 and 11.11(d) state that special meetings will only deal with the business they have been called for. They may receive addresses, but these will only be taken if they are about a topic the special meeting is discussing.

**A request to speak accompanied by the full text of the address must be received by the Head of Law and Governance by 5.00 pm on Wednesday 16 August.**

The briefing note will contain the text of addresses submitted by the deadline.

A total of 45 minutes is available for this public speaking item. Responses are included in this time. Up to five minutes is available for each public address.

## CITY EXECUTIVE BOARD RECOMMENDATIONS

### 5 RE-CLADDING OF EVENLODE AND WINDRUSH TOWER BLOCKS

7 - 12

The Head of Housing Services submitted a report to the City Executive Board meeting on 15 August 2017 to request additional budget approval in order to replace the rain screen cladding to Windrush and Evenlode towers. Subsequent to this officers added a further recommendation and the report was republished.

The City Executive Board is recommended to:

1. To make a recommendation to Council for additional budget provision of £1m for the replacement of rain screen cladding to Windrush and Evenlode towers;
2. To make a recommendation to Council to waive (but only to the extent described below) the relevant provisions in para 5.3 of the Constitution which require large applications, Council applications and significant amendments to a grant of planning permission to be determined by an area planning committee and instead delegate to the Head of Planning and Regulatory Services the authority to determine any applications made as a result of changes required by new building regulations and/or government guidance relating to tower block design or build;
3. To delegate to the Chief Executive in consultation with the Council's Section 151 Officer (Head of Financial Services) the decision to accept a firm price as a variation to the current contract.

The decision will be circulated in the minutes of the Board meeting. Any changes to the recommendations below will be circulated in the briefing note on 21 August.

The Board Member for Housing, Councillor Rowley, will move the recommendations below.

**Subject to the decision of the City Executive Board on 15 August, Council is recommended to:**

1. **approve additional budget provision of £1m for the replacement of rain screen cladding to Windrush and Evenlode towers; and**
2. **waive (but only to the extent described below) the relevant provisions in para 5.3 of the Constitution which require large applications, Council applications and significant amendments to a grant of planning permission to be determined by an area planning committee and instead delegate to the Head of Planning and Regulatory Services the authority to determine any applications made as a result of changes required by new building regulations and/or government guidance relating to tower block design or build.**

## **6 MATTERS EXEMPT FROM PUBLICATION AND EXCLUSION OF THE PUBLIC**

If Council wishes to exclude the press and the public from the meeting during consideration of any aspects of the preceding agenda items it will be necessary for Council to pass a resolution in accordance with the provisions of Section 100A(4) of the Local Government Act 1972 specifying the grounds on which their presence could involve the likely disclosure of exempt information as described in specific paragraphs of Part 1 of Schedule 12A of the Act if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

(The Access to Information Procedure Rules – Section 15 of the Council's Constitution – sets out the conditions under which the public can be excluded from meetings of the Council)

### **UPDATES AND ADDITIONAL INFORMATION TO SUPPLEMENT THIS AGENDA ARE PUBLISHED IN THE COUNCIL BRIEFING NOTE.**

Additional information, councillors' questions, public addresses and amendments to motions are published in a supplementary briefing note. The agenda and briefing note should be read together.

The Briefing Note is published as a supplement to the agenda. It is available on the Friday before the meeting and can be accessed along with the agenda on the council's website.

## **DECLARING INTERESTS**

### **General duty**

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed “Declarations of Interest” or as soon as it becomes apparent to you.

### **What is a disclosable pecuniary interest?**

Disclosable pecuniary interests relate to your employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council’s area; licences for land in the Council’s area; corporate tenancies; and securities. These declarations must be recorded in each councillor’s Register of Interests which is publicly available on the Council’s website.

### **Declaring an interest**

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

### **Members’ Code of Conduct and public perception**

Even if you do not have a disclosable pecuniary interest in a matter, the Members’ Code of Conduct says that a member “must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself” and that “you must not place yourself in situations where your honesty and integrity may be questioned”. What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

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<sup>1</sup>Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those of the member’s spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

**Report updated and republished for the City Executive Board on 14 August 2018, after the publication of that agenda, to add recommendation 2 and associated changes to paragraph 8.**

**To:** City Executive Board  
**Date:** 15 August 2017  
**Report of:** Head of Housing Services  
**Title of Report:** Tower block refurbishment – further works to improve fire safety.

<b>Summary and recommendations</b>	
<b>Purpose of report:</b>	To request additional budget approval in order to replace the rain screen cladding to Windrush and Evenlode towers.
<b>Key decision:</b>	Yes
<b>Executive Board Member:</b>	Councillor Rowley Portfolio holder for Housing
<b>Corporate Priority:</b>	Meeting Housing Needs.
<b>Policy Framework:</b>	Housing Strategy.
<b>Recommendations: That the City Executive Board resolves:</b>	
<ol style="list-style-type: none"> <li>1. To make a recommendation to Council for additional budget provision of £1m for the replacement of rain screen cladding to Windrush and Evenlode towers;</li> <li>2. To make a recommendation to Council to waive (but only to the extent described below) the relevant provisions in para 5.3 of the Constitution which require large applications, Council applications and significant amendments to a grant of planning permission to be determined by an area planning committee and instead delegate to the Head of Planning and Regulatory Services the authority to determine any applications made as a result of changes required by new building regulations and/or government guidance relating to tower block design or build;</li> <li>3. To delegate to the Chief Executive in consultation with the Council's Section 151 Officer (Head of Financial Services) the decision to accept a firm price as a variation to the current contract.</li> </ol>	

## **Introduction and background**

1. The City Executive Board in July 2014 and June 2015 agreed to proceed with a contract to refurbish the City Council's five tower blocks. This is a major investment of over £20m with the main features of the works being replacement heating and ventilation systems, improved energy efficiency measures including new windows, insulation and cladding, new roofs, increased fire safety systems including sprinklers and improved communal areas.
2. The contract started in January 2016, with a phased start to each of the towers and a programme completion date of November 2017.
3. Following the tragic fire at Grenfell tower in Kensington and Chelsea on 14<sup>th</sup> June 2017 the City Council has reviewed and indeed continues to review the situation and consider any implications for our refurbishment works to ensure the safety of our residents.
4. This report is confined to the need to replace the rain screen cladding to two of the towers, Windrush and Evenlode and to request additional budget approval to allow the works to proceed.

## **Implications from the Grenfell Tower fire**

5. Whilst it will be some considerable time before the Grenfell inquiry concludes and the detail of what combination of factors contributed to such a catastrophic failure of the fire safety system is known, it is clear that the cladding system was a significant factor and so there has been much focus on this issue initially in order to assess possible risks to other buildings. The City Council carried out an urgent review of the cladding systems (rain screen and insulation) it had either installed or planned to install to our towers. Whilst we do not have the same system as that at Grenfell it has subsequently been confirmed that we do have a similar aluminium composite (ACM) rain screen on certain elevations of both Windrush and Evenlode towers.
6. DCLG commissioned the Building Research Establishment (BRE) to carry out fire testing of ACM rain screen products and all Local Authorities were required to provide samples from the actual building to be included in the tests. We were notified that our particular cladding had failed the test on 24/6/17. The Fire and Rescue Service (FRS) carried out a fire safety audit to the two blocks on 26/6/17 and confirmed that the buildings were safe. A key factor in this, is that we had included other fire safety measures over and above our statutory requirement including sprinklers to individual flats.
7. Following criticism that the testing methodology did not test the whole cladding system and following DCLG's appointment of an expert panel they commissioned a further programme of tests that included the combination of ACM panel and mineral wool insulation that we have on our two towers. We were notified that our cladding system had failed this second test on 2/8/17. FRS have confirmed their previous advice that the blocks remain safe.
8. The City Council is working with, our project managers, Arcadis; our contractor Fortem and the Building Control service to both agree a replacement rain screen and the price. This will also be the subject of a planning application. In order to speed up the approval process a one-off exemption to the scheme of delegation is recommended to allow the Head of Planning and Regulatory Services to determine the application(s). Given the extent of this problem nationally, there is considerable

pressure on both the manufacturing and installation industry which poses a challenge in carrying out the works quickly. Following an instruction to vary the contract it is currently understood that there is a 3 month delivery time frame and Fortem are indicating a 3 month installation with a phased replacement and the insulation remaining in situ. The insulation is rock wool with an A1 non-combustible rating. The replacement rain screen will have the same A1 rating. This would mean an estimated February 2018 completion date.

9. We are not yet in a position to confirm a final price for these works but together with additional fees a budget provision of £1m is requested. It should be noted that there may be further costs associated with delays caused by these works to the overall contract and potential changes to our other blocks following further DCLG testing of other cladding systems.
10. It should be noted that we remain of the view that all of our cladding systems as designed meet with current building regulations. DCLG have announced an independent review of building regulations.

### **Resident Engagement**

11. The City Council has put in place measures to communicate with residents of the towers and a wider group of stakeholders to provide reassurance as to the safety of our blocks, explain the fire safety systems and to keep them informed as to the further steps being taken to improve fire safety. These measures include a series of public meetings and drop ins, regular written communication and the establishment of a resident reference group for the Blackbird Leys towers.

### **Financial implications**

12. Current budget provision of £20.108m exists and prior to the requirement for these additional works the contract had been projected to be completed within budget. The additional costs can be funded from the balance of the High Value Levy provision which had been set aside for this financial year which the Government have deferred and therefore the cost can be contained within the overall HRA business plan without a reduction to other investment programmes. Any future additional costs will be the subject of a further report to CEB.
13. Despite initial indications from the Secretary of State for Communities and Local Government that funding would be made available, a communication on 26/7/17 states 'Our expectation is that, as a building owner responsible for your tenants, you will fund measures designed to make a building fire safe, and will draw on your existing resources to do so' The letter goes on to invite Authorities who have concerns about being able to fund the works to discuss their situation with DCLG. As the full costs become known we will seek recompense from Government but the current indication is that this is unlikely to be forthcoming.

### **Legal Implications**

14. The Council will need to give consideration, no doubt in association with other affected Authorities, to potential avenues of redress that may be available to it, if it can be established that at any stage in the process the Council properly relied on defective or deficient representations.

**Level of risk**

15. See Appendix 1 for the risk register.

**Equalities impact**

16. The report does not propose any changes to policy or strategy that has equalities implications.

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<b>Background Papers:</b>
None

**Appendix 1: Risk Register**

					Date Raised	Owner	Gross		Current		Residual		Comments	Controls				
Title	Risk description	Opp/ threat	Cause	Consequence			I	P	I	P	I	P		Control description	Due date	Status	Progress %	Action Owner
Selection of replacement cladding	Future changes to building regulations requires retrospective changes	T	Government review of building regulations	Further replacement works	7/8/17	S Clarke	3	2	3	2	3	1		Specification to A1 non combustible standard with building control approval	8/17	In progress	95	M Shaw
Additional costs ↘ ↘	Increased costs above cost estimates and in excess of additional budget provision	T	Demand for cladding products and installers	the need to make savings in HRA	7/8/17	S Clarke	3	2	3	2	3	1		Decision to vary contract to be taken quickly and effective contract management	8/17	In progress	95%	M Shaw

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