

CABINET

**Tuesday 16 March 2021 at 7pm
Minutes**

PRESENT:

Councillors: Bell, J Anand, Camadoo-Rothwell, Dhindsa, Gordon, Johnson, Mahfouz, Rai and Sabiers

ALSO PRESENT:

In accordance with paragraph 2.6(a) of the Constitution, Councillors Malcolm and Stafford addressed the Cabinet with regard to the following items:

Item 07 - Perceval House Redevelopment Decant Options and Affordable Housing
(Councillors Malcolm and Stafford)

Item 09 - COVID-LSP Cycle Schemes Interim Assessment (Councillors Malcolm and Stafford)

Kay Garmeson, member of public, addressed the Cabinet on item 07 - Perceval House Redevelopment Decant Options and Affordable Housing.

ALSO IN ATTENDANCE:

Councillor Mahmood

Councillor Camadoo-Rothwell proposed, and the Cabinet accepted, to hold a minute's silence in memory of Sarah Everard, Alice Gross and all women who had tragically lost their lives to male violence.

1. Apologies for Absence

There were none.

2. Urgent Matters

Resolved:

That Cabinet notes:

Item 12 - Extension and Variation of S75 Framework Partnership Agreement

The proper officer had determined that this report was urgent, pursuant to para. 15(1) of the Council's Access to Information Procedure Rules. This was because it was impractical for the reports to be published on the forward plan at least 28 days in advance of the date that it was to be considered by Cabinet. The chair of Overview and Scrutiny Committee had been informed.

Reason for Urgency

The reason for urgency was due to the expiry of the current partnership agreement on 31 March 2021, and national requirements for a section 75 to be in place for both the COVID discharge arrangements this financial year, and for there to be a partnership agreement in place to comply with national BCF requirements in 2021/22. Contractual and financial risks could be mitigated by a key decision being in place for 2021/22.

3. Declarations of Interest

Councillor Bell declared an interest in Item 9 by virtue of his membership on the Board of TfL. Councillor Bell had recused himself from all decisions at TfL relating to the funding of boroughs street space schemes

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Councillors Gordon, Mahfouz and Rai declared an interest in item 9 by virtue of living in or close to a Low Traffic Neighbourhood (LTN), and did not take part in this debate.

Councillor Johnson declared an interest in item 13 by virtue of being in receipt of community equipment since her recent discharge from hospital.

4. Matters to be Considered in Private

Items 7, 8 and 11 contained confidential appendices but were not taken in private as it was not necessary to discuss the confidential information provided.

5. Minutes

Resolved:

That the minutes of the Cabinet meeting held on 9 February 2021 be agreed and signed as a true and correct record.

6. Appointments to Sub Committees and Outside Bodies

Resolved

There were none.

7. Perceval House Redevelopment – Decant Options and Affordable Housing

Resolved

That Cabinet:

- i) notes the current position with regard to the Perceval House redevelopment scheme as detailed in the report.
- ii) notes and agrees to a complete decant from Perceval House prior to construction of the new scheme for the reasons set out in paragraph 3.0 to 3.15 of the report.
- iii) notes and agrees the Decant Strategy as attached in Appendix A to the report.
- iv) notes and agrees that the Council would need to take a lease for suitable office space within Central Ealing pending completion of new office space consistent with the financial forecast for the Decant Strategy.
- v) delegates authority to the Director of Growth and Sustainability to agree final terms of the lease of a suitable office space with the owner and to authorise the Council to enter into the lease following consultation with the Director of Legal and Democratic Services and the Chief Finance Officer.
- vi) notes and agrees the ongoing work to enable the complete decant from Perceval House as outlined in paragraphs 3.8 and 3.9 in the report and approves the following budget growth:
 - a) additional capital funding requirement of £5.603m of which £5.270m to be funded by the developer and £0.333m (paragraph 8.2, 8.3 in the report and Confidential Appendix 3) to be funded from mainstream borrowing with associated revenue financing cost to be met from the existing Treasury Management service budget.
 - b) notes that of the total additional capital spend of £5.603m (paragraph 8.3 in the report and Confidential Appendix 3), £4.603m is forecasted to be incurred in the latter half of 2021/22. Due to cashflow timings the Council will need to finance the costs from temporary borrowing with this being repaid in following years upon release of the programme benefits. Any associated revenue financing cost will be met from the existing Treasury Management service budget.
 - c) £0.415m one-off revenue growth required in 2021/22 to be funded from a combination of in-year savings with any unfunded spend to be financed from corporate reserves (paragraph 8.2, 8.4 in the report and Confidential Appendix 3 to the report).

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- d) additional revenue budget requirement of £0.616m to be incepted in the MTFS as part of the 2022/23 budget process (paragraph 8.2, 8.4 in the report and Confidential Appendix 3 to the report).
- vii) notes the capital budget approved by Cabinet in March 2018 of £65.242m for the Affordable Housing units will now be recognised in the programme and approves the budget to be increased by £1.627m to £66.869m, funded from mainstream borrowing with the short-term revenue implications to be covered from the existing treasury management revenue budget for a duration of no longer than one year. The scheme will fund the acquisition of the affordable homes units until the forward transfer is completed to Broadway Living Registered Provider (Section 4 and paragraph 8.5 in the report).
- viii) notes the revised purchase price for the Affordable Housing units contained within Confidential Appendix 1 to the report, and that the amount proposed was expected to be recovered from the proposed onward sale to Broadway Living Registered Provider within the existing Broadway Living Registered Provider £400m funding allocation and consistent with the approved Broadway Living Registered Provider business plan.
- ix) notes and agrees that the Council should agree a variation to the existing Development Agreement with the Council's developer partner (Vistry) on the basis outlined in paras 6.0 to 6.2 in the report.
- x) delegates authority to the Executive Director of Place to finalise the terms of a revised Development Agreement with Vistry based upon the terms summarised in paras 6.0 to 6.2 in the report, and to authorise the Council to enter into a revised agreement following consultation with the Director of Legal and Democratic Services and Chief Finance Officer.
- xi) notes and agrees in principle to the disposal of the affordable housing units to Broadway Living Registered Provider and notes that a report will be taken to Housing Delivery Cabinet Committee to approve the disposal to Broadway Living Registered Provider, subject to necessary financial capacity.
- xii) delegates authority to the Executive Director of Place, following consultation with the Chief Finance Officer and Director of Legal and Democratic Services, to take any required consequential action to ensure timely delivery of the project as set out in the report.

Reason for Decision and Options Considered

Cabinet had previously considered reports on the redevelopment of Perceval House to agree the principle of redevelopment and to enter into a Development Agreement (DA) with Vistry (previously Galliford Try).

The most recent report was taken to 20 March 2018 and Cabinet agreed:

- To delegate authority to the Executive Director for Housing and Regeneration following consultation with the Director of Legal and Democratic Services, the Portfolio holder for Regeneration and the Portfolio holder for Finance and Performance to finalise the terms and enter into the DA with Galliford Try (now Vistry) on the basis that the Council will agree to purchase all the affordable homes at the pre-agreed price.
- An addition of a new scheme called Perceval House Affordable Housing Acquisition Fund to the capital programme totalling £65.242m to be funded from mainstream borrowing with the short-term revenue implications to be covered from the existing Treasury management revenue budget for a duration of no longer than one year. The new scheme will fund the acquisition of the affordable homes until the forward transfer is completed.

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- To delegate authority to the Executive Director for Housing and Regeneration following consultation with the Executive Director of Corporate Resources and the Portfolio holder for Regeneration and the Portfolio holder for Finance and Performance to agree the final amount of any Right to Buy receipts to be applied to the scheme as appropriate.
- To reconfirm agreement in principle to the appropriation of the Perceval House site as originally agreed in July 2017.
- To delegate authority to the Executive Director for Housing and Regeneration following consultation with the Director of Legal and Democratic Services to make a final decision to appropriate the Perceval House site for planning purposes when appropriate.

Cabinet on 12th December 2017 and Cabinet agreed:-

- to apply Right to Buy (RTB) receipts of up to £10.000m to facilitate the redevelopment and enter into agreements as required to achieve this.
- an addition to the capital programme of £3.705m for the funding of additional commercial floor space as part of the Perceval House redevelopment scheme, with the cost of borrowing to be covered by rental income from third parties.

The main objectives of the scheme were:

- To provide new more efficient office accommodation for Council's HQ. 100,000 ft² new offices and a Customer Service Centre/Library of 30,000 ft².
- To develop a mixed use scheme with 50% of the housing being affordable
- The Council to have an option to purchase the affordable homes (most likely via Broadway Living) at an agreed price as set out in the Employer's Requirements and the bidders' development assumptions.
- To share in the development risks and to share in the rewards of a successful development in order to increase the return to the Council
- A scheme which will not require the Council to make additional funding available for the cost of its accommodation requirements and potentially generate a surplus beyond this.
- A high quality scheme that enhances the town centre and contributes to further regeneration in the town centre.

The current position of the project was as follows

- Vistry is the development partner.
- The DA was signed February 2019.
- Residential - 477 homes proposed with a total of 1215 habitable rooms of which 601 are private and 614 are affordable housing, a 50.5% affordable housing scheme
- The planning application was deferred at the 17th February 2021 Planning Committee and is due to be considered by the Planning Committee on the 10 March 2021.
- Subject to the outcome of the local Planning Authority the scheme will be referred to the GLA for stage 2 consideration and the Secretary of State.

Officers had been involved in further dialogue with Vistry with regards to:

- The change of demolition strategy from partial separation to full demolition.
- The revised terms of the DA in respect of the purchase of the Affordable Housing units from Vistry and the onward sale of the units to Broadway Living Registered Provider (BLRP).
- The current project's financial viability.

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The results and recommendations were set out in the report.

8. The Green Southall update

This item was deferred to a future date.

9. COVID/LSP cycle schemes – Interim Assessment

Resolved

That Cabinet:

- i) notes this interim assessment of the impact of the experimental cycle schemes implemented at Fishers Lane, Southfield and Church Road, Northolt.
- ii) notes and agrees that these schemes continue in force without modification pending the availability of further data necessary to enable a decision as to where to make the schemes permanent or not.
- iii) notes that a further report would be brought to Cabinet for a final decision as to whether to make the schemes permanent or not when the further data is available

Reason for Decision and Options Considered

Background

In May 2020, The Department for Transport (DfT) announced funding for a new national programme of Emergency Transport Measures to reallocate road space to cyclists and pedestrians in response to the COVID 19 (COVID) pandemic.

In his foreword to the details of the scheme, The Right Honourable Grant Shapps MP, Secretary of State for Transport, states: “The government therefore expects local authorities to make significant changes to their road layouts to give more space to cyclists and pedestrians. Such changes will help embed altered behaviours and demonstrate the positive effects of active travel.” The guidance advised councils to reallocate road space in order to cater for significantly increased numbers of cyclists and pedestrians. The proposals outlined from Government were designed to:

- Encourage people to continue cycling, recognising that with public transport capacity reduced, the roads in the largest cities, may not be able to cope without it.
- Enable social distancing to be in place, more space being made available for pedestrians, particularly in busier areas like town centres.
- Support fitness. Indications were that there was a significant link between COVID19 recovery and fitness. Active travel could help us become more resilient.
- Embed what the DfT had called a once in a generation opportunity to deliver a lasting transformative change in how we made short journeys in our towns and cities.
- Promote active travel, which was affordable, delivered significant health benefits, had been shown to improve wellbeing, mitigated congestion, improved air quality and had no carbon emissions at the point of use.

The statement was supplemented by updated statutory guidance and associated regulation from the Department for Transport on the Traffic Management Act 2004. The guidance advised councils to reallocate road space in order to cater for significantly increased numbers of cyclists and pedestrians. The Guidance was updated in November 2020 to strengthen the advice on consultation and engagement.

In London, the Mayor launched the London Streetspace Programme (LSP) to administer the central Government funding within London. London Boroughs were encouraged to

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support this programme and funding was also secured from the Department for Transport to facilitate this.

Transport for London (TfL) produced Interim Guidance to Boroughs on the London Streetspace Plan, which contained the application process. This was circulated to Boroughs on 15th May 2020. The document identified 3 key criteria on which schemes would be awarded funding:

- Deliverability (The guidance required local authorities to make these changes ‘as swiftly as possible’).
- Location and Borough (assessment of locations where social distancing was an issue, overcrowding was likely and would pose safety concerns, and where transport, economic and social datasets showed a need to intervene).
- Value (the guidance required the use of cheap temporary materials).

The Mayor’s programme therefore sought to secure change in behaviour by making amendments to the network to support more trips being made on foot and by bike, and was informed by data that showed that, before the pandemic, many car trips in London were for short distances. About a third of these could be walked in under 25 minutes, and two thirds could potentially be cycled in less than 20 minutes. The content of the TfL guidance was currently subject to a legal challenge yet remained operational pending any final determination of the Court.

The Right Honourable Grant Shapps MP, Secretary of State for Transport, wrote to all Local Transport Authority leaders on 16 October 2020 setting out his concerns with respect of ‘a significant minority of instances’ where schemes were poorly designed. Mr Shapps asked his officials to engage with local authorities where he had concerns. There were no concerns raised with respect of the schemes within this report.

Ealing Streetspace Programme

To respond to these challenges and opportunities, and in line with new statutory guidance issued by the Government and the Mayor of London, the Ealing Streetspace Programme was agreed by June 2020 Cabinet. This was a programme of active travel and social distancing measures in response to; and to aid both economic and social recovery from the Covid-19 pandemic. Ealing’s Streetspace programme included:

- The introduction of 12 School Streets around schools where motor traffic was restricted at pick-up and drop-off times, during term-time.
- Implementation of 9 Low Traffic Neighbourhoods (LTNs) with modal filters;
- And pertinent to this report, installing 6 ‘pop-up’ Cycle Schemes with physical separation from volume traffic using light segregation features such as flexible plastic wands; or quickly converting traffic lanes into temporary cycle lanes (suspending parking bays where necessary); widening existing cycle lanes to enable cyclists to maintain distancing. Four of the six schemes had been installed with a further two to be installed shortly. Details of the schemes were set out in the table in paragraph 2.3 in the report.

As confirmed in the June 2020 Cabinet report, COVID schemes were progressed on the basis of priorities agreed following consultation with portfolio holders as follows:

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- Encourage active travel measures to enable residents to walk and cycle around the borough to assist social distancing, relieve public transport capacity and reduce the need for car journeys.
- Active travel was affordable, delivered significant health benefits and had been shown to improve well-being, mitigate congestion, improve air quality and could help individuals to become more resilient.
- The DfT and TfL both outlined this as an opportunity to deliver transformative change in how we made short journeys in our towns and cities.
- These schemes supported the Council's recovery programme, climate emergency action plan and air quality priorities.

The delivery of improved infrastructure for walking and cycling was a key goal of the borough's Transport Strategy and supported the Mayor of London's wider ambition for 80% of journeys to be made by walking, cycling and public transport by 2041. Evidence showed that the wider ambition to increase mode share was only going to be achieved by making cycling safer and more attractive.

To support these goals work was already underway in Ealing before June 2020 on several strategic cycle schemes and this work had provided the foundation for the identification and development of the LSP cycle schemes introduced following the June 2020 report.

Identification of COVID/LSP cycle schemes

Following the June 2020 report specific cycle measures were identified based on the following criteria:

- Schemes should be able to be delivered quickly and at low cost to maximise benefits of funding.
- Schemes should meet TfL criteria for safe cycle infrastructure i.e. London Cycle Design Standards (LCDS).
- Focus on improvements to existing strategic cycle corridors e.g. the Uxbridge Road, providing benefits to existing cyclists and encouraging wider use.
- Capitalise on route definition studies already undertaken in collaboration with TfL on routes in Acton and Boston Manor.
- Respond to measures undertaken in neighbouring boroughs to maximise benefits for longer distance cycle trips.
- Respond to additional proposals from councillors and portfolio holders.

The six schemes identified from this analysis were as detailed in the report.

A seventh scheme at Greenford Road (southbound) was on hold-pending resolution of parking issues with the local Angling Club.

A map of the Tranche 1 cycle schemes was shown in Appendix A to the report.

LBE had bid for further funding from TfL to deliver an additional three cycle schemes and three LTNs, which were currently being designed before wider engagement.

Consultation

The unique circumstances around the LSP programme and particularly the need to deliver schemes within short time frames, prompted the Council to take a different approach to consultation and to make Experimental Traffic Orders (ETOs) where necessary to facilitate this.

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The making of ETOs was in line with Government guidelines at that time and, the conditions for the funding which were to install schemes quickly, using temporary materials. This meant that it was not possible (or a legal requirement) to carry out the same level of pre-engagement required for permanent orders. However, the ETO process included a six-month consultation period during which residents and others could provide feedback on the scheme which was considered alongside other data when the scheme was reviewed.

The revised statutory Guidance in November 2020, and particularly the strengthened advice with respect of consultation and engagement, had been taken into account during the experimental phase of these schemes.

The schemes at Fishers Lane, Chiswick and Church Road (east), Northolt were introduced by means of an ETO. These had enabled the new road layouts to be trialled on a temporary basis (up to 18 months). The necessary statutory consultation required prior to the making of the orders and the notifications necessary before the orders came into force were made.

Traffic Regulation Orders (TRO) had also been utilised on other schemes as required and where changes were intended to permanent; although could still be subject to change following post implementation assessments or safety audits. Examples included changes to waiting and loading restrictions, and new or amended pedestrian crossings. A statutory consultation period of 21 days was required prior to implementation.

Residents' enquiries and feedback on all elements of the LSP programme had been captured via a dedicated email address (COVIDtransport@ealing.gov.uk). In addition, responses to ETOs and TROs were directed to the Traffic Notice email address (TrafficNotices@ealing.gov.uk). Specific details of the responses to the schemes at Fishers Lane and Church Road were as detailed in the report.

10. Road and Footway Infrastructure Improvement Programme 2021-22 Resolved

That Cabinet:

- i) notes the 2021-22 allocation of £5.100m mainstream borrowing capital growth approved for Footway and Carriageway improvement at February 2021 Cabinet and authorises this growth budget to be incepted into the 2021-22 Highways capital programme as outlined in Table 1, Table 2 and Section 18 of the report and detailed in Appendices 1 and 2 to the report.
- ii) delegates authority to the Director of Place Delivery to carry out the infrastructure improvement works in accordance with the approved programme for non-principal roads set out in Appendices 1 and 2 to the report, subject to consideration of responses to any statutory consultation required.
- iii) authorises the Director of Place Delivery following consultation with the Portfolio holder for Environment and Climate Action, to amend the programme within available funding should any of the proposed projects not be possible to be implemented.
- iv) delegates authority to the Director of Place Delivery following consultation with Chief Finance Officer (CFO) to enter into any agreements with Transport for London and take any necessary steps to implement the TfL Principal Road Renewal Programme should the Council's bid be successful, and if applicable to increase the Highways capital programme budget, noting the potential allocations outlined in paragraph 3.3 to the report being considered at the time of writing the report.

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Reason for Decision and Options Considered

To allow the Council's 2021-22 Infrastructure Renewal Programme to commence and to ensure the effective management of the Council's capital budget.

11. Highways Term Contract Review and Extension Resolved

That Cabinet:

- (i) approves the extension of the Highway Maintenance Services contract with Murrill Construction Limited from 1 April 2022 for 4 years, with the approximate expenditure of £2.5m per annum to be funded from the existing £3.6m Highways revenue budget and agrees to a variation of the contract terms to remove the provisions permitting other local authorities joining the contract.
- (ii) approves the extension of the Minor Civil Engineering Works contract with Murrill Construction Limited from 1 April 2022 for 4 years, with the approximate expenditure of £4.0m per annum to be funded from the existing Highways capital budget and agrees to a variation of the contract terms to remove the provisions permitting other local authorities joining the contract.

Reason for Decision and Options Considered

Under the Highways Act 1980 the council, as Highway Authority for most of the public roads and footways within the borough, had a statutory responsibility to ensure public highways were maintained to a safe standard. This would cover everything from a standard "pothole" repair to gritting the roads and pavements deemed necessary during freezing conditions and snowfall. In addition to these statutory duties the Council also had a responsibility to endeavour to improve the highway network where possible. This was carried out using capital funding which could be from Ealing Council's own approved budgets or from external partners such as Transport for London (TfL) or through developers' S106 / Community Infrastructure Levy (CIL) funds.

The contracts for the current Highway Maintenance Services and Minor Civil Engineering Works contracts were both awarded to Murrill Construction Limited and approved by Cabinet on 11th July 2017. Both contracts would expire in March 2022 although there was an option to extend each of them (subject to Cabinet approval) for two periods of up to 24 months each, that was a total of up to 48 months each. These contracts were awarded at a time when market rates were low, and these contracts had provided good value for Ealing.

In respect of the Highway Maintenance Services contract awarded in 2017 and the Minor Civil Engineering Works contract also awarded in 2017, Murrill Construction Limited were the lowest bidder.

A detailed commercial strategy was formulated and presented to the Joint Contracts Board in December 2020, as set out in Appendix 2 to the report and they endorsed the recommendation to extend the contracts by 4 years. The strategy included a benchmarking exercise which represents the most effective best Value for Money solution for the Council, its stakeholders, and its residents.

Officers would continue to monitor and assess market conditions within the London area and determine the most appropriate and beneficial delivery method on expiry of the contract extensions.

Contractor Performance

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Murrill Construction Ltd had provided a good standard of service over the last four years. They had successfully exceeded key contract performance indicators (for details of current performance see Appendices 3 and 4 to the report) and had represented value for money in the services they have provided to Ealing.

Of the 30 Key Performance Indicators (KPI) that covered the two contracts, the only performance issues of note in exception to the above were:

- Minor Civils - KPI 7 (Invoices and Applications (accurate, complete and on time)), which failed to meet the expected level for the month of June 2020.
- Highway Maintenance - KPI5 (all works orders not completed by the time for completion are completed within 3 days of that date), which failed to meet the expected level for the month of August 2020.
- Highway Maintenance – KPI7 (Traffic Management Act), which failed to meet the expected level for the month January through to March 2020.

However, since this time all the KPI's have been achieved or exceeded the agreed levels.

12. Extension and variation of S75 Framework Partnership Agreement Resolved

That Cabinet:

- i) authorises the Executive Director for Children, Adults & Public Health to
 - a) extend the Partnership Agreement (and associated service schedules) for two years from 1 April 2021 to 31 March 2023 and
 - b) to vary it to include a new COVID discharge schedule.
- ii) delegates authority to the Executive Director for Children, Adults & Public Health, the following powers only where they were specifically derived from expenditure, pooled funds and commissioning and procurement arrangements within the Partnership Agreement relating to the Commissioning of Health and Wellbeing and Social Care and Education Services for Adults and Children and subject to the limits of the powers delegated to her under the Council's constitution.
 - a. to approve the annual submission of the Better Care Fund (BCF) plan to the Department of Health, following consultation with the Health and Wellbeing Board, the Portfolio Holder for Adults & Public Health and the Clinical Commissioning Group (CCG)
 - b. The authority to vary the contents of the Service Schedules in Part 2 of the Partnership Agreement following consultation with the Director of Legal and Democratic Services and the Chief Finance Officer. This includes the power to vary the extent of the delegation of the exercise of the functions of the CCG to the Council.
 - c. The authority to enter into agreements under S256 NHS Act 2006 with NHS England or the CCG.
 - d. The authority to enter into separate agreements under Section 75 NHS Act 2006 or under Section 10 Children Act 2004 with provider organisations for operational service delivery of integrated arrangements that are relevant to the Framework Partnership Agreement following consultation with the Director of Legal and Democratic Services and the Chief Finance Officer.
- iii) notes that the delegated powers do not extend:
 - a. to adding or deleting Service Schedules to the Partnership Agreement.

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- b. to the delegation of the exercise of Council functions covered within the Partnership Agreement to NHS bodies.
- iv) notes that, as a minimum, the Partnership Agreement extension will be on the existing levels of financial commitment into 2021/22 and will also comply with the national BCF policy guidance as and when published.
- v) notes the restructure of the North West London (NWL) CCGs was expected to result in changes in the partnership arrangements between the NHS, Council, and governance arrangements with key health providers in future years. The nature of the changes were not yet determined but were under review. Changes were expected to be agreed at local and NWL level during 2021/22 and would be tabled for Cabinet approval if required. In 2019 the NHS and the Council established a new Integrated Care Partnership including West London NHS Trust and other key partners, envisaging a different form of partnership relationship for the future.

Reason for Decision and Options Considered

Ealing CCG and Ealing Council worked together under the Partnership Agreement through which they could jointly commission services to improve health and wellbeing and social care for adults and children in the Borough. Cabinet approved the Partnership Agreement in March 2015.

The purpose of the Partnership Agreement was to set out the terms on which the Partners had agreed to collaborate and to establish a framework through which the Partners could secure the future position of health and wellbeing and social care services for adults and children through lead or aligned commissioning arrangements. It was the means through which the Partners may delegate the exercise of their functions to each other, pool funds and align budgets as agreed between the Partners. This included the arrangements for pooling funds required for the Better Care Fund (BCF).

On 17 March 2020, Cabinet agreed to delegate authority to extend the existing Section 75 Partnership Agreement (including service schedules) with the Clinical Commissioning Group to 31 March 2021. At that time North West London Clinical Commissioning Groups were consulting on significant changes to the structure of NHS commissioning in the sector with a view to the establishment of one North West London Clinical Commissioning Group from 2021/22.

During 2020/21 the new structures across NWL have become more defined in shadow form ahead of the planned formal establishment of one NWL CCG in April 2021. These structures reflected both local and more centralised NHS commissioning arrangements across the sub region. This had involved a significant amount of change to functions and personnel.

Earlier in the year, Health and Wellbeing Boards (HWBs) were advised that BCF policy and planning requirements would not be published during the initial response to the COVID-19 pandemic and that they should prioritise continuity of provision, social care capacity and system resilience and spend from ringfenced BCF pots based on local agreement in 2020 to 2021, pending further guidance. Given the ongoing pressures on systems, Departments and NHS England and NHS Improvement had agreed that formal BCF plans would not have to be submitted to NHS England and NHS Improvement for approval in 2020 to 2021. Locally BCF arrangements from 2019/20 had rolled over into 2020/21.

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In addition to the NHS restructure, both the Council and NHS had diverted significant resources to respond to the COVID health crisis. Partnership arrangements had continued to be effective; working to shared and nationally defined BCF, integration and public health priorities. However, the impact of COVID and the NWL wide restructure of the CCGs had resulted in delays to further joint strategic review or refresh of the existing Partnership Agreement.

Agreement was sought to extend the existing Section 75 arrangements for a further two years, to provide time for the development of a new agreement. Having a signed Section 75 agreement was a requirement of the BCF each year, and the COVID Discharge Arrangements for the current financial year. The requirement to extend the Partnership Agreement (and associated service schedules) for 2 years to March 2023, instead of one year, was proposed in case environmental factors impact our ability to fully renegotiate the Partnership Agreement during a time of structural change and uncertainty in relation to the COVID health crisis. This option would enable partners to continue to work in line with the current Partnership Agreement, national requirements for integration, health and wellbeing in the interim. The option to extend to March 2023 would also allow a window of continuity for the existing Partnership Agreement and associated service schedules to be signed by organisational parties reflective of the Integrated Care System (at NWL level) and Integrated Care Partnership (at Borough level) at that point in the future. The Partnership Agreement could be terminated at any time in the 2-year extension period, on 6 months' written notice by either party.

There was a need to vary the current Section 75 agreement to include a new COVID discharge schedule to meet the requirements set out in the Covid-19 Hospital Discharge Service Requirements. This schedule, agreed at NWL level, would reflect the national funding agreements introduced by central government in March 2020 to support rapid discharge from acute settings during the COVID period to 31st March 2021, funded by £1.6bn NHS support package.

The COVID Discharge Schedule would confirm arrangements for commissioning and funding responsibility for care commissioned during defined periods in year, in line with national guidance and local discharge pathways in place during 2020/21.

The COVID Discharge Schedule would also aim to set out the appropriate joint arrangements for managing the resulting statutory assessments and risk share for these packages of care into 2021/22. This was required to provide shared and reasonable approaches to mitigate the on-going financial risks to partner organisations at the point of exit from the current national COVID Discharge funding arrangements.

Joint funding arrangements for these packages were confirmed by national guidance until 31st March 2021. In the event that no further Government guidance was issued to extend COVID discharge arrangements, any joint funding of care commissioned under these arrangements beyond 2020/21 would remain under review with Councils and the NHS, and were informing risk assessment of potential pressures on Adult Social Care budgets in the next financial year.

National guidance for the specific requirements of the 2021/22 Better Care Fund (BCF) had yet to be published. Existing BCF arrangements, as included in the current Section 75 had been rolled over into the current year, with inflationary uplifts and minimum partner contributions transacted as per BCF Policy Guidance for 2020/21.

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It was proposed that as a minimum, the Partnership Agreement extension would be on the existing levels of financial commitment into 2021/22 and would be updated where necessary to comply with the new national BCF policy guidance for 2021/22, when published. Updated BCF plans were routinely tabled for agreement by the Health and Wellbeing Board.

13. Community Equipment Service Call Off Extension

Resolved

That Cabinet:

- i) approves the extension for the Call-Off Contract for Community Equipment Services as part of the London Consortium to 31 March 2023 from 1 April 2022 with no change in conditions other than the 1.7% inflation uplift on activity charges (applied from April 2021). Annual cost to Ealing is estimated at £10,242 which will be budgeted for via the 50:50 split between the CCG and the Local Authority (£5,121 per year added to each contribution).
- ii) delegates authority to Executive Director Children, Adults & Public Health to make the decision by end of November 2021 whether to participate in the Consortium procurement for a new community equipment from April 2023 and further delegates authority to Executive Director Children, Adults & Public Health to make a call off from the framework in accordance with its rules.

Reason for Decision and Options Considered

The London Borough of Ealing was part of the London-wide consortium delivering Community Equipment services via a contract with Medequip, as one of 21 London boroughs.

Ealing joined the consortium from 1 April 2017 following Cabinet authorisation for the London Borough of Ealing to call off from the single supplier framework on behalf of the Council and the Ealing Clinical Commissioning Group for a period of four years plus two years extension option.

In 2019 an Officer's decision was taken to extend the contract from April 2021 to March 2022.

The current framework had delivered a high quality service since 2017 and the member authorities had benefited from having a Consortium team to manage the contract and negotiate with the service provider in relation to any required changes or contract variations.

The London Consortium had taken a majority decision to extend the contract for the final available year to 31 March 2023 and would commence re-procurement to be completed for a new contract to be in place from 1 April 2023.

Ealing Council, and the Ealing Clinical Commissioning Group, must decide:

- by April 2021, whether to remain with the Consortium for the extension period to 31 March 2023
- by November 2021, whether to take part in re-procurement of the framework with the London Consortium

14. Date of Next meeting

Resolved

The minutes should be read in conjunction with the agenda for the meeting. They are subject to approval and signature at the next meeting of this Committee.

That Cabinet notes that the next meeting of Cabinet would be held on 20 April 2021 at 7pm.

Councillor Julian Bell, Chair

Date

The duration of this meeting was 7pm to 8:16pm.

The minutes should be read in conjunction with the agenda for the meeting. They are subject to approval and signature at the next meeting of this Committee.